

**Coventry City Council**  
**Minutes of the Meeting of Scrutiny Co-ordination Committee held at 10.00 am on**  
**Wednesday, 16 February 2022**

Present:

Members: Councillor N Akhtar (Chair)  
Councillor M Ali (Deputy Chair)  
Councillor L Bigham  
Councillor J Clifford  
Councillor J Innes  
Councillor J Lepoidevin  
Councillor G Ridley  
Councillor R Singh  
Councillor C Thomas (substitute for Councillor Miks)

Other Member: Councillor D Welsh, Cabinet Member for Housing and Communities

Employees: C Booth, Business, Investment and Culture  
D Butler, Planning  
V Castree, Law and Governance  
L Knight, Law and Governance  
D Nuttall, Business, Investment and Culture

Apology: Councillor C Miks

## **Public Business**

### **44. Declarations of Interest**

There were no declarations of interest.

### **45. Minutes**

The minutes of the meeting held on 12<sup>th</sup> January, 2022 were agreed as a true record. There were no matters arising.

### **46. Section 106 Agreements**

The Board considered a briefing note and received a presentation of the Head of Planning, Policy and Environment which gave an overview of Section 106 agreements and the processes that were involved in drawing them up. Councillor Welsh, Cabinet Member for Housing and Communities attended the meeting for the consideration of this item.

The briefing note indicated that a Section 106 agreement was a legally binding document agreed between the Local Planning Authority (LPA) and the applicant (and also landowners if separate to the applicant), related to planning applications in the city. The purpose of the agreement was to agree matters that were required

to mitigate the impact of the planning application and could include transfers of land and/or money. There were strict rules that set out the threshold requests must meet in order for them to be included in a Section 106 agreement. These were laid out in Regulation 122 of the CIL Regulations 2010, and stated that all requests must be;

- a) necessary to make the development acceptable in planning terms
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

The briefing note highlighted the normal process for the development of a Section 106 agreement as follows:

1. Application received, and consultations issued to statutory bodies (such as NHS, Historic England, etc) and internal departments (such as Highways, Housing, etc).
2. Relevant consultees make their responses and, where necessary make Regulation 122-compliant requests (e.g., NHS contributions or on-site Affordable Housing), explaining what the impact of the application is, and why the request is appropriate.
3. The Planning Case officer consolidates requests and, with Legal Services, begins to draft Section 106 Agreement.
4. Section 106 negotiated, agreed, signed and sealed.

It was common for an application that was going before Planning Committee to have details of the agreed elements of the Section 106 in the officer report but with some negotiation outstanding.

The Committee were informed that recent work by the Planning Policy team had focussed on introducing more standardisation in the drafting of these agreements. Recently consulted upon Supplementary Planning Documents (SPDs) – Affordable Housing and Open Spaces in particular - had included template agreements in their appendices to ensure that the Council's position was clear from the outset.

Once an application had been determined and the Section 106 agreement signed it was passed to the Planning Policy team who monitored the agreement and ensured that the contributions within it were claimed appropriately. This involves separating each clause into a monitorable activity, noting the various triggers and then invoicing at the correct times. Further information was provided on this monitoring process which included regular site visits by the monitoring officer to check on progress.

Once received, Section 106 monies must be spent within five years of receipt (unless specifically stated otherwise) and must only be spent on the specific purposes expressed in the Section 106. Upon receipt, money was nominally allocated to the relevant project but retained in a centralised budget code. This could then only be 'drawn down' by the project lead with the release form which confirmed the nature of the spend and that it matched the purposes expressed in the Section 106 clause. The Committee noted that, in the event of a non-compliant spend, or if sums were not spent within the allocated time window, it was possible for developers to reclaim said monies from the Council, including interest.

The briefing note set out the financial details of Section 106 agreements for 2020/21, with the total value of agreements entered into being £3,499,877.75.

Additional information was provided on the further improvements being made to the Section 106 system which included further template agreements arising from future Supplementary Planning Documents and procuring a dedicated Section 106 system which would simplify the recording and monitoring of clauses as well as providing reports.

The presentation provided an understanding of Section 106 agreements; reported on the current focus on Section 106; set out Supplementary Planning Document examples; and informed of the future focus of Section 106s.

Councillor Welsh, Cabinet Member, reported on his recommendation that all Councillors become more involved with Section 106s whereby Members would be notified of potential Section 106 applications in their Ward via the weekly planning list. Members would have the opportunity to comment on 106 applications in their Wards prior to any decisions being taken.

Members questioned the officer and Cabinet Member on a number of issues and responses were provided, matters raised included:

- Support for the recommendation put forward by Councillor Welsh and the benefits that Councillors' local knowledge could bring to the Section 106 process
- The importance of all Councillors having a good understanding of Section 106s, suggesting that the presentation slides be circulated to all members and a briefing session be arranged
- Further details about the requirements for Section 106 requests including an explanation of fair and reasonable
- Additional information about the measures in place to ensure that funding is spent within the allocated timeframe
- Clarification about the NHS contributions and concerns about the lack of GP surgeries in the city, how could Section 106 agreements help this situation (the need for new GP surgeries to be located within large housing developments)  
The Committee were informed that any decisions relating to new GP surgeries was a matter for Coventry and Warwickshire CCG and Councillor Welsh agreed to look at this issue
- The importance of green space for local communities
- What would happen to the Section 106 requirements if a developer went bust part way through a development
- Were there any projects with Section 106 agreements that were delayed due to Covid

**RESOLVED that:**

**(1) The principles of how a Section 106 agreement works and the work undertaken on this matter be noted.**

**(2) The presentation slides be circulated to all Councillors for their information.**

**(3) A briefing session for all Members on Section 106 Agreements be arranged for early in the new municipal year.**

**(4) The Board supports the recommendation of the Cabinet Member for Housing and Communities, Councillor Welsh, that Members be notified of potential Section 106 applications via the weekly planning list with Members having the opportunity to comment on 106 applications in their Wards prior to any decisions being taken.**

**(5) Councillor Welsh, Cabinet Member for Housing and Communities, to liaise with other Cabinet Members and engage with the CCG regarding the position of new GP practices for the City, with particular reference to new planning developments.**

**47. Cultural Capital Investment Programme Update**

The Committee considered a briefing note and received a presentation from the Strategic Lead (European City of Sport, UK City of Culture and Commonwealth Games) on progress with the Cultural Capital Investment Programme. Councillor Welsh, Cabinet Member for Housing and Communities, attended the meeting for the consideration of this item.

The briefing note indicated that in June 2018 the City Council commissioned the Coventry Cultural Capital Prioritisation Strategy. The strategy was developed by the Council in partnership with Coventry City of Culture Trust to provide a framework for capital investment prioritisation in the period leading up to and into UK City of Culture 2021. The strategy was based on a review of current and planned capital schemes across the cultural sector in the City and consultation with the relevant organisations. The strategy identified key cultural assets that would be significant in contributing to the future resilience and sustainability of cultural organisations and the cultural sector in the City.

The strategy recommended key venues and production spaces that were considered relevant for the successful delivery and reputation of the city in hosting the UK City of Culture and in securing sustainable legacies. The strategy assessed the appropriateness and readiness of capital scheme proposals against six strategic priorities that were set out in the briefing note.

The Committee were informed that the initial investment from the Council of £5m, had successfully levered £24.5m of direct external grant funding into the programme, £15.8m partner match funding. Currently, the total level of programme investment was £45.3m, which was still growing with the inclusion of the legacy stage projects. This investment was additional to the £44.83m programme of investment into the City Centre public realm. This increased funding had allowed the programme to be more far-reaching, investing in a broader range of production spaces, performance venues and heritage projects. It had also enabled some projects to develop into phases beyond their initial scope. This had resulted in more cultural organisations being supported and more capital assets receiving investment at such a critical time, as the local cultural and creative sectors had responded to the challenges of the global pandemic.

The Cultural Capital Investment Programme now included 15 projects (excluding legacy stage projects). The programme had been adapted to meet the challenges faced during the pandemic and the changes experienced across the construction industry following Brexit. Timelines had moved for several projects, but all project teams had responded positively to the challenges faced. No projects had fallen away from the programme during this time.

Currently, 12 projects had been completed and were now operational, with the final projects due to be completed across the coming months, up to summer 2022.

The presentation provided details on the twelve completed projects as follows:

- The Box at FarGo Village – multi-purpose arts venue and events space
  - FarGo Village Remodel – imaginative permanent street food offer
  - Daimler Powerhouse – purpose-built Creation Centre
  - Herbert Art Gallery – refurbishment of several galleries and enhanced visitor experience
  - HMV Empire – redevelopment of vacant shop unit to popular arts venue
  - Drapers Hall – restoration of the previously vacant building providing a new headquarters to Coventry Music and a popular music venue
  - Ancient and Exceptional Unique Visitor Stay Places – conversion of the Lychgate Cottages and two Gate Houses offering a unique overnight accommodation experience
  - Visitor Information Provision – providing two striking visitor information points at our primary transport gateways – Coventry Rail Station and Pool Meadow Bus Station
  - Anglican Chapel – London Road Cemetery – the Chapel has been restored as a sustainable venue
  - Coventry Cathedral – the pavilion now provides dedicated educational space and improved visitor experience
  - Belgrade Theatre – refurbishment of the auditorium, creation of ground floor café and first floor bar and conversion of former Jaguar pub into 5G digital space
  - The Tin Music & Arts – improved layout and enhanced visitor experience
- Provided.

The presentation also detailed the three remaining 'live' projects as follows:

- St Marys Guildhall – anticipated completion March 2022

This transformational project would deliver an improved and interactive visitor experience at the Guildhall, including interpretation; incorporation of new digital technology; restoration of the original medieval kitchen; and the improved showcasing and interpretation of the Tapestry. The project had been extended, beyond the original scope, to include additional rooms and spaces within the St. Mary's Guildhall estate. The transformation would create a new visitor experience and facilitate a new education offer in a key heritage venue for the City.

- Reel Store Digital Gallery – anticipated completion May 2022

The Reel Store, an immersive digital art gallery would be the first permanent digital gallery in the UK, based in the basement of the Telegraph Hotel. Works were being

completed to create an exhibition space with an 800m2 fixed projection mapping canvas with 14 laser projectors accompanied by a spatially adaptive sound system.

- Charterhouse Venue – anticipated completion Summer 2022

The Charterhouse, a nationally important heritage site, was being restored to provide a major tourist attraction set in a 70-acre Heritage Park, boosting the visitor economy, city image, investment and job creation. A new restaurant and conference venue at the site would become an exemplar place for business. The project would create a new destination at a unique Scheduled Monument site.

Members questioned the officers and Cabinet Member on a number of issues and responses were provided, matters raised included:

- Much support for the very impressive projects included in the Cultural Capital Investment Programme and for all the works that had been undertaken and were still being carried out
- The sustainability of the projects once the cultural funding ceased
- Further details about the marketing of the projects and the promotion of the city including the potential to advertise at Birmingham airport
- Did the Lychgate Cottages and two Gate Houses have disability access
- When would St Marys Guildhall be open to visitors and the associated cost implications
- Were there any plans for Whitefrairs monastery to form part of the programme
- Would there be opportunities to do virtual tours of the visitor attractions
- What was happening with Coventry University and the Priory
- An assurance that prices for the attractions wouldn't be too expensive for Coventry residents
- Were there any small scale plans to support community halls and schools
- Were there any plans for moving out into communities.

**RESOLVED that:**

**(1) The content of the briefing note and presentation be noted.**

**(2) A letter of thanks be sent to the Council's City of Culture and Commonwealth Games team and the Coventry Historic Trust informing people how very impressed the Committee are with the 15 projects in the Cultural Capital Programme.**

#### **48. Scrutiny Co-ordination Committee Work Programme 2021/2022 and Outstanding Issues**

The Board considered their work programme for the current municipal year including additional items to be added to the programme.

**RESOLVED that:**

**(1) The work programme for 2021/22 be noted.**

- (2) The following be added to the Scrutiny work programmes for 2022/23:**  
**a) The energy crisis and help for local residents**  
**b) The involvement of local people in climate change.**

**49. Any Other Items of Public Business**

There were no additional items of public business.

(Meeting closed at 12.15 pm)