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Coventry City Council

Minutes of the Meeting of Cabinet held at 2.00 pm on Tuesday, 12 February 2019

Present:

Members: Councillor G Duggins (Chair)

Councillor F Abbott

Councillor K Caan

Councillor J Hetherton

Councillor K Maton

Councillor J Mutton

Councillor J O'Boyle

Councillor E Ruane

Councillor P Seaman

Deputy Cabinet Members

Councillor P Akhtar

Councillor R Ali

Councillor B Kaur

Councillor R Lakha

Councillor T Skipper

Councillor D Welsh

Non-Voting
Members:

Opposition

Councillor A Andrews

Councillor K Taylor

Other Members:

Councillor J Clifford

M Mutton

Employees (by Directorate):

People

G Quinton (Deputy Chief Executive (People)),
S Heawood, K Nelson

Place

M Yardley (Deputy Chief Executive (Place)), B Hastie,
C Hickin, P Jennings, C Knight, L Knight, L Nagle,
J Newman, S Wiles

Apologies:

Councillors AS Khan, G Ridley

Public Business

104. Declarations of Interest

There were no disclosable pecuniary interests.

105. Minutes

The minutes of the meeting held on 8th January 2019 were agreed and signed as a true record.

There were no matters arising.

106. Coventry Air Quality Action Plan

The Cabinet considered a report of the Deputy Chief Executive (Place), which set out the proposed Outline Business Case for Coventry in relation to its Air Quality Action Plan for submission to the Joint Air Quality Unit.

In July 2017, the Government published the “United Kingdom Plan for Tackling Roadside Nitrogen Dioxide (NO₂) Concentrations” in response to growing concerns about the impact on the nations’ health. Coventry was named as one of 22 towns and cities within the UK where NO₂ levels were forecast to exceed legal limits by 2020.

The Government established a Joint Air Quality Unit (JAQU) to work with the relevant local authorities to develop Local Air Quality Action Plans (LAQAP) to achieve the legal limits for NO₂ in the shortest possible time. Local authorities are required to submit business cases to access funding set aside to support the delivery of these plans.

Detailed air quality and traffic modelling identified that within Coventry the areas of greatest concern in terms of poor air quality are Holyhead Road (Ring Road to Alvis Retail Park) and Walsgrave Road (Ball Hill).

An initial Strategic Outline Case was submitted to JAQU in March 2018 outlining the range of measures under consideration. The measures in the Strategic Outline Case have been modelled in detail to identify the preferred package of measures that will be included in the LAQAP. The preferred package avoids the need for any form of charging and includes:

- Promoting the use of electric vehicles
- Real time monitoring of air quality linked to dynamic traffic management
- Initiatives to promote changes in travel behaviour and reduce car use in the city
- Highway improvements to ease congestion (focussed on Holyhead Road / Spon End and Walsgrave Road)
- Construction of new cycle routes

The LAQAP, supported by an Outline business case identifying the resources required to implement it, was due to be submitted to JAQU by the end of 2018 but, following considerable work developing the evidence base and assessing options, submission has been delayed into 2019 to ensure that the most robust case for the preferred package of measures can be made. A copy of the Outline Business Case was appended to the report submitted.

The Cabinet noted that there will be public engagement on the preferred package, feedback from which will be used to refine the Outline Business Case and finalise the package to be presented to Government in the Full Business Case submission later in 2019.

The Council was successful in bidding for early funding to improve air quality and in July 2018 the Cabinet approved the addition of grant funded projects to the Council’s capital programme. Implementation of these projects was progressing well and would be completed by the end of 2019.

In July 2018, the Cabinet also approved the submission of a bid to Government for funding from the latest round of the Ultra-Low Emissions Bus Scheme. The joint bid with National Express and Transport for the West Midlands was for the purchase of ten new electric-powered buses to operate within Coventry, and for the supporting charging infrastructure. The outcome of this bid is expected during February 2019.

The report indicated that, as part of the Early Measures Programme, work was to be undertaken at the Ball Hill Junction. A proposed redesign of the junction to reduce delay on the A4600 and improve air quality was the subject of public consultation in Autumn 2018. Following analysis of the feedback, the proposal has been amended and a package of highway improvements identified that are intended to reduce the amount of traffic passing through Ball Hill Junction.

Due to the timescales for this matter, in accordance with Paragraph 19 of the City Council's Constitution, Councillor McNicholas, as nominee of the Chair of the Scrutiny Co-ordination Committee, attended the meeting for the consideration of this matter to agree the need for urgency such that call-in arrangements would not apply. The reason for urgency was the need to submit the Outline Business Case to the JAQU at the earliest opportunity in order to comply with the direction issued to Local Authorities by the Secretary of State.

RESOLVED that the Cabinet:

- 1. Approve the submission to Government of the Outline Business Case for the Coventry City Local Air Quality Action Plan.**
- 2. Delegate Authority to the Deputy Chief Executive (Place), following consultation with the Leader of the Council, Cabinet Member for Jobs and Regeneration, Cabinet Member for Public Health and Sport, Cabinet Member for City Services and the Director of Finance and Corporate Services to:**
 - a. Manage the submission of the Outline Business Case for the Coventry City Local Air Quality Action Plan, as appended to this report, to Government.**
 - b. Undertake the public engagement and consultation on the Coventry City Local Air Quality Action Plan.**
 - c. Develop and submit to the appropriate bodies, bids for grant funding for further measures that would support the objectives of the Local Air Quality Action Plan.**
- 3. Note the progress with the implementation of the NO₂ Plan Early Measures Fund grant awarded for the A4600 Corridor (£2.021m) and approve the amendment of the programme in relation to Ball Hill Junction Improvement Scheme, as outlined in Paragraph 1.9 of the report submitted.**

- 4. Note the submission of the Ultra-Low Emission bus Scheme capital grant bid and if successful for the sums secured to be added to the Council's 5 year Capital Programme.**
- 5. Delegate authority to the Deputy Chief Executive (Place), following consultation with the Director of Finance and Corporate Services to enter into funding agreements as appropriate to secure the Ultra-Low Emissions Bus Scheme capital grant.**
- 6. Delegate authority to the Deputy Chief Executive (Place) for the conduct of procurement processes as are required to achieve the Coventry City Air Quality Action Plan and for the award of such once a compliant procurement exercise has been conducted.**

107. Revised Safeguarding Arrangements and Local Assurance Framework

The Cabinet considered a report of the Chief Executive, which set out the proposed transfer from the current Safeguarding Children Board to a new Safeguarding Children's Partnership and related changes within the wider safeguarding arrangements across children and adult services in respect of the Independent Chair role.

The report indicated that there had been legislative changes within the Children and Social Work Act 2017 and updated guidance in Working Together 2018, which impacted directly on Local Safeguarding Children's Boards as well as outlining a proposal to ensure compliance with the changes locally. There is no corresponding change for adults safeguarding at this time although the Cabinet noted that the Care Act 2014 placed Adult Safeguarding Boards on a statutory footing for the first time, thus giving an equivalent obligation to that which exists for children. The Coventry Safeguarding Adults Board has been in existence since before the Care Act recognising the City's approach to adopting best practice for adult safeguarding arrangements.

The report also presented a revised assurance document which outlined recommendations to satisfy the Council that local arrangements continue to be effective in discharging the duties of the key statutory roles of Director of Children's Services, Director of Adult Services and Director of Public Health.

RESOLVED that the Cabinet:

- 1. Approve the proposal for the creation of the Safeguarding Children's Partnership.**
- 2. Approve the continuation of the separate existing Adult Safeguarding Board arrangements noting that opportunities for learning and consistency between boards is achieved through the single Safeguarding Board Chair.**
- 3. Note the outcome of the Local Assurance review of the roles of the Director of Children's Services and Director of Adult Services and support the recommendation that the changes in appointments are implemented.**

108. 2018/19 Third Quarter Financial Monitoring Report (to December 2018)

The Cabinet considered a report of the Deputy Chief Executive (Place) which provided the forecast outturn position for the revenue and capital expenditure and the Council's treasury management activity as at the end of Quarter 3 (December 2018).

The Cabinet noted that the report would also be considered by the Audit and Procurement Committee at their meeting scheduled for 25th February 2019.

Cabinet approved the Council's revenue budget of £234.8m on the 20th February 2018 and a Directorate Capital Programme of £262.5m. The headline revenue forecast for 2018/19, at Quarter 3, is an under-spend of £1.8m. At the same point in 2017/18 there was a projected overspend of £1.8m. The headline capital position reports £58.6m of expenditure rescheduled into 2019/20 reflecting the reality that some of the Council's major schemes will fall significantly short of their planned progress this year. Notwithstanding the Council is still expected to deliver its largest capital programme in the modern era.

The revenue position continues to reflect overspends in several service areas that have been subject to recent budgetary pressures which continue to demand management attention. This is most pressing and significant in relation to housing and homelessness services, the financial position for which as further worsened. Although a range of plans are being implemented, these circumstances are expected to be in place for some time. This is reflected in the financial proposals within the 2019/20 Re-Budget report which are likely to be updated in the Council's final 2019/20 Budget report.

The change in the overall revenue bottom line is due to several positive unbudgeted movements with including expected Coventry and Solihull Waste Disposal Company dividends and improved investment returns. These are opportune movements at a time when the Council needs to assess its financial resilience in relation to current financial risks and potential future shocks. It is likely that recommendations will be brought within June's financial outturn report regarding the need to reinforce the level of reserves to address this. Ahead of this, the report submitted recommends contributing £1.2m of Business Rates Levy surplus, announced as part of the Government's Provisional Settlement in December, to the Council's Business Rates reserve.

The Council's capital spending is projected to be £173.7m for the year, a net decrease of £48.7m on the programme planned at Quarter 2. In previous quarterly reports Cabinet was alerted to the possibility of significant capital slippage later in the budgetary cycle and this risk is one that has materialised. Significant movements have occurred in a number of schemes, including Whitley South, City Centre South and the Friargate regeneration scheme. However, the Council has now finalised the legal agreement establishing the Friargate Joint Venture Company with Cannon Kirk which should enable progress on the Friargate Scheme.

The report also set out the current position in relation to treasury management activity in 2018/19, including interest rates; long term (capital) borrowing; short term (temporary) borrowing; external investments and the prudential indicators and prudential code.

RESOLVED that the Cabinet:

- 1. Note the forecast revenue at Quarter 3.**
 - 2. Approve contribution of the Business Rates Levy surplus resources expected from Government (c£1.2m) to the Business Rates reserve.**
 - 3. Approve the revised capital estimated outturn position for the year of £173.7m incorporating £10.0m net increase in spending relating to approved/technical changes, £58.6m net rescheduling of expenditure into 2019/20 and a £0.1m net scheme underspend.**
- 109. Consultation Responses: Local Authorities' Relative Needs and Resources and Business Rates Retention Reform**

The Cabinet considered a report of the Deputy Chief Executive (Place), which set out proposed responses to two Government consultations on Local Authorities' Relative Needs and Resources and Business Rates Retention Reform.

The Government issued two consultation documents on the 13th December 2018 entitled "Review of Local Authorities' Relative Needs and Resources" and "Business Rates Retention Reform". The consultations form part of the Government's over-haul of local government finance which is due to take effect in the financial year 2020/21. This would incorporate an overall settlement determined by the 2019 Spending Review, new baseline funding allocations for individual local authorities informed by an up-to-date assessment of their relative needs and resources and the impact of a new 75% Business Rate retention model. Responses are required by 21st February 2019. The proposed Council responses were attached to the report submitted as Appendices 1 and 2.

The significance of the outcome of such a consultation make it important for the Council to add its own response. The majority of the consultation questions focus on detailed technical aspects of the potential funding arrangements. Given the lack of transparency of the current funding model and the length of time that it has been in operation, it is not possible to draw firm conclusions on the likely impact of any changes to the funding arrangements implied by the Council's responses. The expectation should be that such a review results in a system that is evidence based, robust and fair from the Council's proposed responses are aimed at achieving such an outcome.

The responses incorporate the following broad elements:

- Notwithstanding how resources are allocated in any new system, the most important factor is how much funding is available. This will be determined by the Spending Review rather than the outcome of these consultations.

- The system must continue to protect authorities with higher needs and which may end up being losers between the baseline resets.
- The new arrangements should push for a more dynamic system with regular refreshes, up to date data, baseline rests and quicker ‘transitions’ (e.g. not damping that goes on for ever).
- The response makes the point that arguments from some authorities around sparsity and negative Revenue Support Grant (RSG) are not evidence based and should not be allowed to distort the outcomes.
- Councils should gain the benefit or bear the cost of local decision making (so resource needs should be assessed using notional assumptions of Council Tax not actual levels and not adjusting for local decisions on Council Tax Support).
- The response argues against fees and charges being adjusted for within the system on the basis that it is impossible to measure their impact reliably.
- The response argues for partial and phased element of resets and for Councils to keep the majority of Business Rates growth that results from local economic growth.

The Cabinet noted that the report had also been considered by the Finance and Corporate Services Scrutiny Board (1) at its meeting on 6th February 2019 and a briefing note setting out their discussions and recommendation was provided to the Cabinet, who supported their recommendation to ask Government to undertake suitable Equality Impact Assessments on the proposed changes.

RESOLVED that the Cabinet:

1. **Considered and agreed the comments and recommendations from the Finance and Corporate Services Scrutiny Board (1).**
 2. **Recommend to Council that they approve the attached consultation response, including the recommendation from the Finance and Corporate Services Scrutiny Board (1), to be sent to the Ministry of Housing, Communities and Local Government.**
110. **2020/2021 Admissions Policies for Coventry Community and Voluntary Controlled Primary, Infant and Junior Schools**

The Cabinet considered a report of the Deputy Chief Executive (People), which set out proposed changes to the admissions policies for Coventry Community and Voluntary Controlled Primary, Infant and Junior Schools.

The Cabinet noted that consultation is required to take place every seven years on school admission arrangements under the School Standards and Framework Act. In April 2006, the Cabinet agreed that consideration of reports on school admissions arrangements would be delegated to the appropriate Cabinet Member in years where there were no significant changes to the admission arrangements. It has now been seven years since the last consultation and the following significant changes to the admission policies were proposed:-

- Broadening the definition of brothers and sisters to include those children whose parents live together without being married. This would

more accurately reflect and meet the needs of the families living in the City.

- Adding a new priority for children of school staff which it is hoped will help schools to recruit staff. It would only have a marginal impact of perhaps one or two places in any school, but it may help schools to secure the services of staff that will benefit a large number of children over time.
- Changing the waiting list arrangements so that instead of having to apply to remain on the waiting list each term, parents will only have to apply after 31st December to remain on the waiting list for the remainder of the academic year.
- A separate policy created for St Andrew's Infant School which reflects more clearly the specific links with Eastern Green Junior School and enables the wording in the general policy for primary schools to be simplified as it no longer needs to refer to infant and junior schools.

The consultation on these proposed changes was carried out in line with the requirements of the School Admissions Code 2014 and included direct consultation with all admission authorities within Coventry, neighbouring admission authorities, diocesan representatives, parents, trade unions and the wider public. An online survey was available from 23rd November 2018 to 11th January 2019 and use was also made of social media, communication links with all schools and advertising postcards in early years, health and community venues to encourage feedback and participation in the online consultation on the city council website. Details of the consultation results were appended to the report submitted.

RESOLVED that the Cabinet determine the admission arrangements for all community and voluntary controlled primary, infant and junior schools for 2020/21.

111. Creation of a Public Spaces Protection Order for St Michaels and surrounding areas - public consultation

The Cabinet considered a report of the Deputy Chief Executive (Place), which sought approval for a period of consultation in relation to the creation of a Public Space Protection Order (PSPO) for St Michaels Ward and the surrounding area.

In order to ensure that the City Centre is an attractive destination for residents, shoppers and businesses, there is a need to minimise any behaviours that may be detrimental to the quality of life in this locality and potentially deter people from visiting the City Centre and other places covered by the order.

Equally, there is significant Police and local intelligence that there is an existing and ever emerging issue in the City Centre and surrounding areas regarding drug use, drug dealing and exploitation of young people, both criminally and sexually. In addition, an increase in public place violence including gun and knife crime has been seen and it is believed that these issues are related.

The report submitted proposes a PSPO for St Michaels Ward to assist police officers in dealing with various anti-social activities in a prompt and effective manner.

In order to avoid displacement of criminal activity between different areas of the City Centre and surrounding neighbourhoods, the Order covers the geographical areas of St Michaels Ward and a small number of other areas including the Canal Basin and Gosford Green.

The draft PSPO was appended to the report and permission was sought to consult the general public, partners and businesses on its potential introduction.

RESOLVED that the Cabinet:

- 1. Approve the wording of the proposed Public Space Protection Order and the suggested area to be covered by the Order, as set out in Appendices 1 and 2 of the report submitted.**
 - 2. Authorise officers to consult with partners, businesses and the general public on the proposed Public Space Protection Order and the suggested area to be covered by the Order.**
 - 3. Request that a further report be brought back to Cabinet with the findings of the consultation and subsequent recommendations.**
- 112. Acceptance of Sport England Grant Funding towards 50m Swimming Pool at Alan Higgs Centre and future of Coventry Sports and Leisure Centre**

The Cabinet considered a report of the Deputy Chief Executive (Place), which set out proposals for the acceptance of Sport England Funding towards a 50m Swimming Pool at the Alan Higgs Centre and the future of the Coventry Sports and Leisure Centre.

In September 2014, the Council unanimously approved a ten-year partnership Sports Strategy for the City, underpinned by a new indoor Facilities Strategy, Playing Pitch Strategy and Aquatic Strategy.

The strategic review and rationalisation of public leisure facilities had been shaped into an implementation programme and the development of aquatic facilities at the Centre AT7 represented the first phase of this approach using an investment model of recycling revenue funding previously used for grant funding ageing facilities. Investment in Centre AT7 resulted in an immediate and positive impact in participation levels when compared to the Foleshill Sports and Leisure Centre.

In September 2014, Council approved £36.7m to be added to the capital programme for 2014/15 for the development of a City Centre Destination Leisure Facility ("The Wave"). This was the start of the second phase of the programme, with the opening of the facility set for later in 2019. Following this decision, the Council continued to work to explore and test the feasibility of providing a new 50m swimming pool. In August 2016, the Council approved the investment of £10.5m into a 50m swimming pool alongside a range of other sports improvements at the Alan Higgs Centre.

Sport England agreed to support the strategic development of aquatic provision in the City with a total of £3m investment. The first £1.5m was allocated to the development of The Wave. It is now proposed to accept the remaining £1.5m grant from Sport England towards the construction of the 50m swimming pool and enhancement of associated public leisure facilities at the Alan Higgs Centre. This would be added to the capital programme, such that the existing scheme could continue to be delivered on site to proposed standards.

Coventry Sports and Leisure Centre is made up of two parts, with the swimming section dating back to 1966 and the sports hall section to 1975. Levels of participations are declining as more modern and accessible facilities, such as the Centre AT7, are opened.

The opening of the 50m swimming pool at the Alan Higgs Centre along with the ongoing development of associated public leisure facilities in other areas of the City means that formal approval to close and decommission the Coventry Sports and Leisure Centre is now sought.

In January 2018, the Cabinet approved the addition of £2.05m to the capital programme for the development of a six lane indoor bowls rink and the Avenue Outdoor Bowls Club, Gavestone Road.

A petition was heard on 8th October 2018 by the Cabinet Member for Public Health and Sport requesting that the Council keep Badminton court facilities in the city centre. It is proposed that work and consultation with any sports clubs and users that are to be displaced without alternative provision as a result of the phased commissioning and closure of the Coventry Sports and Leisure Centre commence, in order to find alternative facility provision within the city where possible.

It is proposed that there be a phased closure of the Coventry Sports and Leisure Centre and the commissioning of feasibility for the future use of the building. This would see the phased decommissioning and closure in line with decreasing demand, subject to their being no failure of major plant / equipment or force majeure. Feasibility work would be commissioned and undertaken in relation to the future uses and / or the potential disposal of the building, taking account of factors such as the city centre location, key planning and heritage requirements, financial implications and future sustainability.

RESOLVED that the Cabinet:

- 1. Delegate authority to the Deputy Chief Executive (Place) and the Director of Finance and Corporate Services to accept the terms and conditions of the Sport England grant and incorporate the grant within the Capital Programme as necessary.**

- 2. Approve the managed decommissioning and phased closure of the Coventry Sports and Leisure Centre (“the Property”) as set out in the report submitted. This includes working with users to identify, where possible, alternative facilities for them to use.**

- 3. Approve that following the closure of the Property (Coventry Sports and Leisure Centre) to declare the Property surplus to requirement and also consent to the disposal of the Property by the City Council (if deemed appropriate).**
- 4. Delegate authority to the Deputy Chief Executive (Place) following consultation with the Cabinet Member for Jobs and Regeneration to agree the preferred method of disposal and to commence the disposal process. The authority granted under this recommendation shall include the power to undertake the necessary due diligence and to enter into such legal agreements.**
- 5. Delegate authority to the Deputy Chief Executive (Place) following consultation with the Cabinet Member for Jobs and Regeneration to oversee and approve the planned phased closure of Coventry Sports and Leisure Centre.**

113. Outstanding Issues

There were no outstanding issues.

114. Any other items of public business which the Chair decides to take as a matter of urgency because of the special circumstances involved.

There were no other items of public business.

(Meeting closed at 3.25 pm)

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