
SUMMARY OF CABINET / CABINET MEMBER DECISIONS

WEEK COMMENCING 26 August 2019

**CALL IN FOR THESE DECISION ENDS
9.00 A.M. ON FRIDAY 6 September 2019**

30 August 2019

Public Business

- Denotes items that have been referred to Audit and Procurement Committee.
- # Denotes items that are to be referred to Council. Accordingly Call-in does not apply.
- ◆ Denotes a matter where the associated report has already been considered by the Scrutiny Co-ordination Committee or a Scrutiny Board. Where this body has endorsed the recommendations or made recommendations that have been accepted by the Cabinet/Cabinet Member Call-in does not apply.
- * Denotes other items that have been referred to, or considered by, the Scrutiny Co-ordination Committee or a specific Scrutiny Board.
- Split recommendations. Please see note at foot of item for details of the recommendations that are not subject to call-in.

Note: The Limitations on Call-in are set out at the end of this sheet.

Cabinet – 27 August 2019

Report 5 2019 /2020 First Quarter Financial Monitoring Report (to June 2019)

Councillor J Mutton

Recommendations:

The Cabinet is requested to:

- 1) Consider the recommendations from Audit and Procurement Committee.
- 2) Approve the Council's revenue monitoring position.
- 3) Approve the revised capital estimated outturn position for the year of £218.9m incorporating: £3.9m net increase in spending relating to approved/technical changes, £6.9m net rescheduling of expenditure into 2020/21 and a £0.1m net scheme overspend.
- 4) Approve £0.1m overspend on Salt Lane Car park to be funded from **reserves or capital receipts**.

The above recommendations were approved with an amendment as indicated in bold.

Report 6

UK City of Culture 2021 Capital Programme – Approval to receive and be accountable body for additional capital funding for the Cultural Capital Investment Fund

Councillor G Duggins

Recommendations:

Cabinet is asked to recommend that Council:

- 1) Authorise that the Council accept the £8.51m grant allocation acting as Accountable Body on behalf Arts Council England to support Capital funding works in 2019/20 and 2020/21 in preparation for Coventry hosting the UK City of Culture 2021.
- 2) Delegate authority to the Deputy Chief Executive (Place) and the Director of Finance and Corporate Services to accept the terms and conditions of the grant, to enter into the necessary legal agreements to secure the grant and add to the Capital Programme as necessary
- 3) Authorise that the Deputy Chief Executive (Place) and the Director of Finance and Corporate Services be given delegated authority to approve all elements of capital expenditure associated with Recommendation 1 above.
- 4) Authorise the £2.4m Growth Deal to be added to the Capital Programme as necessary

The above recommendations were approved

◆ Report 7

One Coventry Plan Annual Performance Report 2018-2019

Councillor G Duggins

Recommendations:

Cabinet is requested to:

- 1) Consider any recommendations from Scrutiny Co-ordination Committee.
- 2) Approve the performance report.
- 3) Consider the Council's performance this year and identify areas that they wish to address in further detail.

Report 8 **The above recommendations were approved**
Adoption of Air Quality, Hot Food Takeaways and Sustainable Urban Extension (SUE) Residential Design Guide Supplementary Planning Documents (SPDs)

Councillor T Khan

Recommendation:

The Cabinet is requested to:

- 1) Approve the content of the Air Quality SPD, Hot Food Takeaways SPD and the Sustainable Urban Extension Residential Design Guide SPD and agree their adoption with effect from the 6 September 2019.

The above recommendation was approved

Report 9 **Hackney Carriage and Private Hire Vehicle Emissions**

Councillor P Hetherington

Recommendations:

Cabinet is requested to consider the results of the consultation and:

- 1) Approve the implementation of emission-based vehicle licensing requirements for private hire and hackney carriage vehicles licensed by the Council.
- 2) Approve the timescales for a phased introduction in emission standards.
- 3) Delegate authority to the Director of Streetscene and Regulatory Services to identify and authorise suitable alternative proposals for achieving emission levels in existing vehicles.

The above recommendations were approved

Report 10 Coventry Street Lighting PFI Debt Re-Financing

Councillor J Mutton

Recommendations:

The Cabinet is requested to:

- (1) Approve in principle the proposals for re-financing the City Council's Street Lighting Private Finance Initiative debt in line with the financial proposals set out in the private version of the report.
- (2) Delegate authority to the Director of Finance and Corporate Services, following consultation with the Cabinet Member for Strategic Finance and Resources, to:
 - a. Agree the final proposal for re-financing on the basis that a financial benefit is provided to the Council over the term of the PFI contract and subject to the Director of Finance and Corporate Services seeking such legal and financial advice as he deems necessary.
 - b. Negotiate, agree and enter into any and all documents; issue any notices or certificates; and/or take any decisions; that the Director of Finance and Corporate Services deems necessary to document and implement the agreed proposal for re-financing.

The above recommendations were approved

■ Report 11 Proposed Development of a Regional Materials Recycling Facility with Partnering Authorities

Councillor P Hetheron

Recommendations:

Subject to the consideration of the private report on this matter, the Cabinet is requested to:

1. Authorise the entering into the Joint Working Agreement (2) between the Council and the Partner Councils in order to facilitate the delivery of the Materials Recycling Facility.
2. Delegate authority to the Deputy Chief Executive (Place) following consultation with the Cabinet Member for City Services

to finalise the terms and make such variations as is deemed necessary to the terms of the Joint Working Agreement (2) with the Partner Councils.

3. Approve the Council entering into a lease to AssetCo and to grant delegated authority to the Deputy Chief Executive (Place) in consultation with the City Solicitor to negotiate and finalise the terms of the lease in order to facilitate the building and the operation of the Materials Recycling Facility Building.
4. (Following the completion of the Business Case and Joint Working Agreement (2) by all the Partner Councils) approve the commencement of a competitive procurement process on behalf of the Partner Councils as Lead Authority).
5. Delegate authority to the Deputy Chief Executive (Place) following consultation with the Cabinet Member for City services and the Director of Finance and Corporate Services to award the contract once the tender process is complete.
6. Approve the use of its powers under Section 12 of Local Government Act 2003 and Section 1 of the Localism Act 2011 to establish AssetCo between the Council and the Partner Councils and to acquire shares in the AssetCo, funded from corporate capital resources
7. Delegate authority to Approve the Council representation on the AssetCo board be agreed by the Deputy Chief Executive (Place) and Director of Finance and Corporate Services, following consultation with the Cabinet Member for City services, once the format of the board is established as part of the final terms of the agreement.
8. Delegate to the Deputy Chief Executive (Place) the submission a planning application for the development of the Materials Recycling Facility to the Local Planning Authority, subject to the conclusion of the necessary surveys.
9. Delegate authority to the Deputy Chief Executive (Place) to begin public engagement associated with the proposed submission of the planning application and to undertake all necessary work to prepare the site ready for the clearance and full site investigation.

Cabinet is asked to recommend to Council:

1. Approve a loan facility to AssetCo on commercial market terms to facilitate the construction and operation of the Materials Recycling Facility.

2. Approve expenditure under Joint Working Arrangement (2) in respect of the Council's share of development costs up to the point of financial close, to be funded from earmarked reserves.
3. Delegate authority to the Deputy Chief Executive Place and the Director of Finance and Corporate Services in consultation with the City Solicitor, and the Cabinet Member for City Services to finalise and agree the detailed terms of the transaction with AssetCo. The authority under this delegation shall also include:
 - the power to enter into the relevant legal agreements and associated documents necessary to complete the transaction with AssetCo;
 - (in relation to the management of the loan facility) the power to negotiate and agree variations to the terms of the loan facility;
 - the power for the Council to provide such services as is deemed necessary (e.g. HR and/or Payroll) to AssetCo;
 - The power to enter into the Service Level Agreement with AssetCo committing the Councils waste tonnage for 20 years.
4. Approve the addition to the Councils approved capital programme for the purposes of delivering the Materials Recycling Facility.

The above recommendations were approved

Note: The recommendations to Council set out in 1 to 4 above are not subject to call in.

■ **Report 12 Grant of lease on land in Friargate Business District**

Councillor J O'Boyle

Recommendations:

Cabinet is requested to:

- 1) Approve capital expenditure (subject to the satisfaction of the conditions precedent (contractual protection) contained within the option agreement dated 15th January 2019 between the Council and Friargate JV Project Limited, as outlined in para 1.2), to fund the acquisition of the site shown edged red in appendix 1 by way of the entering into of a 250 year lease the sum of which is identified in the private element of this report.
- 2) Delegate authority to the City Solicitor, following consultation with the Finance Manager (Corporate Finance) and the Cabinet

Member for Jobs and Regeneration, to finalise the terms of the leasehold acquisition between the Council and Friargate JV Project Limited to ensure that this transaction will be entered into in the most efficient manner.

- 3) Authorise the grant of a new lease for the unexpired term of the headlease to be acquired under recommendation 1 above (less seven days) to a special purpose vehicle to be formed by Wylam Investments Limited for the site shown edged in red in appendix 1 for the development of a hotel in accordance with the terms of this report.
- 4) Approve the draft Heads of Terms for the grant of the underlease as set out in the private element of this report.
- 5) Delegate authority to the City Solicitor, following consultation with the Finance Manager (Corporate Finance) and the Cabinet Member for Jobs and Regeneration, to undertake the necessary due diligence, make any subsequent variation to the Heads of Terms and to complete the necessary legal documentation required to enter into the new lease arrangements.
- 6) Approve capital expenditure of up to £1m from existing resources within the Public Realm programme associated with City of Culture readiness, to be used for the purposes of delivering a public realm scheme in and around the hotel site.
- 7) Delegate authority to the City Solicitor, following consultation with the Finance Manager (Corporate Finance) and the Cabinet Member for Jobs and Regeneration, to agree the final public realm cost, specification and necessary legal documentation required for delivery.
- 8) Approve capital expenditure of up to £0.685m from existing resources within the capital programme to be used for the purposes of providing the necessary utilities and servicing infrastructure in the surrounding area to the site as well as up to the boundary of the site in order to enable the delivery of the hotel.
- 9) Delegate authority to the City Solicitor, following consultation with the Finance Manager (Corporate Finance) and the Cabinet Member for Jobs and Regeneration, to agree the final services and utilities cost, specification and necessary legal documentation required for delivery.
- 10) Approve (following practical completion of the infrastructure) the proposed grant of a lease for up to 50 car parking spaces at the rail station multi-story car park, the details of which are set out in the private report.

- 11) Delegate authority to the City Solicitor, following consultation with the Finance Manager (Corporate Finance) and the Cabinet Member for Jobs and Regeneration, to undertake the necessary due diligence and to complete the necessary legal documentation required to enter into the new car park lease arrangements.

Cabinet is requested to recommend that Council:

- 1) Approve the necessary adjustment to the Capital programme to reflect the capital expenditure incurred in the acquisition of the leasehold interests within the Friargate Business District.

Note: The recommendation to Council set out in 1 above is not subject to call in.

Limitations on Call-in

A call-in will normally be regarded as appropriate UNLESS:-

1. It falls within paragraph 18 of the Scrutiny rules (Part 3E of the Constitution) – ie. it relates to:-
 - (i) a matter which is to be determined by the Council.
 - (ii) a decision of the Cabinet/Cabinet Member taken as a matter of urgency and the Chair of the Scrutiny Co-ordination Committee (or his/her nominee) had been invited to attend the meeting where the urgent decision had been taken or the Scrutiny Co-ordination Committee has previously agreed the need for urgency.
 - (iii) a decision made by an employee exercising delegated authority.
 - (iv) decisions of the Licensing and Regulatory Committee.
 - (v) decisions of the Planning Committee.
 - (vi) decisions of the Appeals and Appointments Panels.
 - (vii) decisions of the Audit and Procurement Committee.
 - (viii) a matter where the associated report has already been considered by the Scrutiny Co-ordination Committee or a Scrutiny Board who have endorsed the recommendations or made recommendations that have been accepted by the Cabinet/Cabinet Member.
2. The call-in form is not completed correctly.
3. The call-in form is received after the specified time.
4. The reason for the call-in is unclear or does not relate directly to the decision specified on the call-in form.

5. The reason for the call-in is a question, the answer to which can be found in the report relating to the decision which is being called in.