

Coventry City Council
Minutes of the Meeting of Cabinet held at 2.00 pm on Tuesday, 1 December 2020
(This meeting was held remotely)

Present:

Cabinet Members: Councillor G Duggins (Chair)

Councillor Brown
Councillor K Caan
Councillor P Hetherton
Councillor K Maton
Councillor M Mutton
Councillor J O'Boyle
Councillor P Seaman
Councillor D Welsh

Non-Voting Deputy
Cabinet Members:

Councillor P Akhtar
Councillor B Gittins
Councillor G Lloyd

Non-Voting Opposition
Members:

Councillor R Bailey (Substitute for Councillor G Ridley)
Councillor T Sawdon (Substitute for Councillor A Andrews)

Other Non-Voting
Members:

Councillor L Bigham
Councillor J Clifford
Councillor R Lakha
Councillor C Miks
Councillor K Sandhu
Councillor R Singh
Councillor C Thomas

Employees (by Service):

Chief Executive M Reeves

Deputy Chief Executive G Quinton

Finance B Hastie - Director of Finance, P Jennings

Law and Governance J Newman - Director of Law and Governance, S Bennett,
G Holmes

Streetscene and
Regulatory Services D Butler

Property Services and
Development R Moon – Director of Property Services and Development,
A Hunt, L Lewis

Transportation and Highways	C Knight - Director of Transportation and Highways, N Cowper, J Seddon
Public Health and Wellbeing	S Chun Lam
Apologies	Councillor N Akhtar Councillor A Andrews Councillor A S Khan Councillor G Ridley

Public Business

42. **Declarations of Interest**

There were no disclosable interests.

43. **Minutes**

The Minutes of the meeting held on 13 October were agreed and signed as a true record.

There were no matters arising.

44. **Exclusion of Press and Public**

RESOLVED that the Cabinet agrees to exclude the press and public under Sections 100(A)(4) of the Local Government Act 1972 relating to the private report in Minute 54 below headed ‘Surrender of Lease on Premises in Upper Precinct, Coventry’ on the grounds that the report involves the likely disclosure of information as defined in Paragraph 3 of Schedule 12A of the Act, as it contains information relating to the financial affairs of a particular person (including the authority holding that information) and in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

45. **2020/21 Second Quarter Financial Monitoring Report (to September 2020)**

The Cabinet considered a report of the Director of Finance that detailed the forecast outturn position for revenue and capital expenditure and the Council’s treasury management activity as at the end of September 2020. The headline revenue forecast for 2020/21 is for net expenditure to be £36.3m (£28.2m at Quarter 1) over budget before the application of COVID-19 emergency funding for local government. After the use of this grant, the net over-spend is £3.5m (£6.7m at Quarter 1). At the same point in 2019/20 there was a projected balanced budget position.

The position includes a very significant increase in forecast costs within Children’s Services. The overall forecast overspend in this area has risen by £5.3m over the quarter and now stands at £8.6m. An estimated £5.8m of this cost reflects higher looked after children numbers that have emerged following, and largely as a result

of, conditions caused by the Covid pandemic. This level of activity represents a clear medium-term financial risk to the Council, and it is imperative that all appropriate interventions are identified to enable a sustainable financial position to be reached.

In other services and excluding the effects of Covid there are overspends in excess of £1m in each of Streetscene and Regulatory Services and Highways and Transportation.

The Council's capital spending is projected to be £249.0m and includes major scheme expenditure which ranges from investment in to the A46 Link Road, Coventry Station Masterplan, Whitley South infrastructure, Public Realm, Secondary Schools expansion and the National Battery Plant. The impact of Covid has been relatively modest in terms of delays to progressing capital schemes and the Council is on track to exceed the high levels of programme spend achieved in 2019/20.

Audit and Procurement Committee considered the report at their meeting on 30 November, 2020 and had sought clarification on a number of issues in the report, which were reported to Cabinet and which had been provided to the Committee.

RESOLVED that Cabinet:-

- 1) Approves the Council's revenue monitoring position incorporating the application of Covid emergency funding.**
- 2) Endorses the approach to utilise Government grant allocations to support the Council's response to Covid as set out in section 5 of the report.**
- 3) Approves the revised forecast estimated outturn position for the year of £249.0m incorporating: £4.4m net increase in spending relating to approved/technical changes, £27.3m net rescheduling of expenditure from 2021/22 and £0.1m overspend.**

46. Revision to Domestic Vehicle Footway Crossing Policy 2020

The Cabinet considered a report of the Director of Transportation and Highways which indicated that the Domestic Vehicle Footway Crossing Policy sets out the criteria and process for residents to apply for and build a legal vehicle crossing over the pavement to their property.

The Policy was last revised in 2016 to encourage more residents to apply for lawful crossings. However, despite this, some residents continue to drive over pavements not intended to carry vehicles, resulting in damage to pavements, putting pedestrians at risk through damaged pavements and costing the Council many thousands of pounds each year.

To reduce the number of unauthorised crossings and associated damage to pavements, the following principal policy changes proposed are:

- Reduce the depth of private frontage required to meet the policy from 4.5m to 4.0m.
- Make applicants responsible for ensuring a vehicle does not overhang the Highway by applying conditions.
- Strengthen enforcement of overhanging vehicles.

The revised Policy was appended to the report.

The Communities and Neighbourhoods Scrutiny Board (4) had considered the report at their meeting held on 5 November, 2020 and had made the following Recommendations to Cabinet:-

- 1) That the new Domestic Vehicle Footway Crossing Policy be promoted through a communications campaign including an article in Citivision
- 2) That consideration be given to increasing enforcement activity regarding illegal footway crossings and enforcement of the new Policy
- 3) That consideration be given to the impact of the proposed Policy on On-street Parking Controls including residents parking schemes when determining applications for dropped kerbs

RESOLVED that Cabinet :-

- 1) **Adopt the revised Domestic Vehicle Footway Crossing Policy 2020 as set out in Appendix A to the report.**
- 2) **Approve the Recommendations of the Communities and Neighbourhoods Scrutiny Board (4) as detailed above.**

47. **Local Air Quality Action Plan - Full Business Case**

The Cabinet considered a report of the Director of Transportation and Highways which indicated that on 12th February 2020, the Parliamentary Secretary of State for the Environment issued the Environment Act 1995 (Coventry City Council) Air Quality Direction 2020. This Direction applies to Coventry City Council and directs the Council to:

- Implement the local plan for NO₂ (Nitrogen Dioxide) compliance for the city;
- Prepare and submit a full business case for the local plan scheme, summarising responses made to the public consultation, outlining any subsequent changes made to the local plan scheme, and confirming that the local plan scheme facilitates the achievement of local transport policies within the city

The Cabinet subsequently approved the Local Plan, and the necessary measures required to deliver it successfully, at its meeting on 20th July 2020.

The report sought Cabinet approval for the submission of the full Business Case for the Local Plan scheme, a copy of which was appended to the report, to Government in accordance with the Direction. It also sought delegated authority to allow for variations to be made to the Local Plan scheme should this be necessary to address any specific issues raised by Government in response to the full business case.

The report detailed significant progress to date on the detailed delivery programme of the package and indicated that good progress had been made. The report also indicated that there are significant risks to the programme for delivery, and there may be a need to request approval from Government for changes to the package as the design and consultation progresses on individual schemes. The submission of the Full Business Case does, however, represent a significant milestone in the delivery of the Local Air Quality Action Plan.

RESOLVED that Cabinet:-

- 1) Approves the full business case for the Coventry Local Air Quality Action Plan as shown in Appendix One of this report for submission to Government.**
- 2) Authorises the Director of Transportation and Highways, in consultation with the Cabinet Member for Jobs and Regeneration, the Cabinet Member for City Services, the Cabinet Member for Public Health and Sport and the Director of Law and Governance, to identify and implement any changes required to the Coventry Local Air Quality Action Plan that are deemed necessary to ensure the successful achievement of compliance with the Environment Act 1995 (Coventry City Council) Air Quality Direction 2020.**
- 3) In the event that further grant funding is secured from Government through the Air Quality Implementation Fund in excess of the £24.5 million pounds received to date approves such additional grant funding up to a maximum of £2.5 million pounds and delegates authority to Director of Transportation and Highways and the Director of Finance authority to allocate such grant funding received from the Air Quality Implementation Fund to the individual measures comprising the scheme and to thereafter manage such allocation in a manner as is deemed necessary to ensure delivery and compliance.**

48. Public Sector Decarbonisation Scheme - Coventry City Council Public Building Energy Efficiency Retrofit

The Cabinet considered a report of the Director of Property Services and Development which sought approval for acceptance of PSDS grant funding of c£6m to support the delivery of energy efficiency retrofit measures on public buildings owned and operated by Coventry City Council.

The Department for Business, Energy and Industrial Strategy (BEIS) has launched the Public Sector Decarbonisation Scheme (PSDS). The Grant Scheme will allocate £1bn of grant funding to encourage green investment aligning with the Government's Net Zero and clean growth goals. The Grant Scheme is available for up to 100% of costs for capital energy efficiency and heat decarbonisation projects within public sector non-domestic buildings. The funding is available until 11th January 2021 with delivery of projects required by no later than 30th September 2021.

An initial pipeline of eligible projects, with a combined estimated pre-tender value of up to £6m, has been identified that could be delivered under this grant scheme. CCC has submitted this pipeline of projects to the PSDS for consideration in principle. If accepted, CCC would then move onto the next stage of obtaining firm costs for the projects. These would need to be submitted by the end of November with the final grant award expected in early December.

Within the project pipeline there are two major procurements proposed, one for Low Carbon Heating solutions and one for Battery Storage solutions. Both of these contracts would potentially be greater than £1m in value. The remaining projects can be delivered using existing internal services or term contractors.

The report provided details of the projects proposed.

RESOLVED that Cabinet:-

- 1) Approves the proposal for the implementation of the Energy Efficiency Building Retrofit Works with a value of £6m as set out in the report ("the Project")**
- 2) Approves the proposal to spend the grant award on the delivery of the Project as set out in the report.**
- 3) Approves the conclusion of any necessary procurement exercises and following completion, to award such contracts to the preferred supplier.**
- 4) Requests that officers continue to pursue further funding opportunities that may be offered to support further decarbonisation of Coventry's public buildings following consultation with the Cabinet Member for Jobs and Regeneration.**

That Cabinet recommends that Council:

- 5) Approves the proposal for the Council to act as Accountable Body and, if the Council's grant bid is successful, the acceptance of the PSDS grant funding offer from Salix Finance Ltd to support delivery of the Project.**
- 6) Delegates authority to the Director of Finance and the Director of Project Services and Development following consultation with Director of Law and Governance to finalise the terms and conditions of the PSDS grant and any other legal agreements**

required to facilitate delivery of the Project, and incorporate the awarded grant within the approved Capital Programme as necessary.

49. **Review of the Local Plan**

The Cabinet considered a report of the Director of Streetscene and Regulatory Services which indicated that Policy DS1 of the Local Plan commits the Council to review certain triggers before March 2021 which, if met, would lead to a review of the current Local Plan. The report reviewed these triggers and recommended that there is no requirement to commence a Plan Review in March 2021.

The report indicated that The Local Plan was adopted in December 2017 and included, within policy DS1, the following provision;

“3. The Council will undertake a comprehensive review of national policy, the regional context, updates to the evidence base and monitoring data before 31st March 2021 to assess whether a full or partial review of the Plan is required. In the event that a review is required, work on that review will commence immediately.”

The full text of the policy and its explanatory notes was included in Appendix 1 to the report.

With the conclusion of the most recent housing and employment monitoring, it is considered an appropriate juncture to review the triggers set out in DS1 to determine whether a review of the Plan is appropriate.

The report indicated that with regard to National Policy, since the adoption of the Local Plan in 2017 the National Planning Policy Framework (NPPF) has undergone revision, the most recent version of which is dated February 2019. By itself this is insufficient to trigger a review, and analysis was undertaken regarding the extent of the changes to the NPPF and the subsequent impact on the adopted Plan. Whilst the NPPF revisions provide updated provisions and guidance, there are no material changes that result in the current Plan being rendered unsound; it is therefore not considered appropriate to commence a review on this basis.

Since Plan adoption the government has introduced a Standard Methodology which Councils are obliged to use when calculating housing requirements, replacing the method that was used in the Local Plan. This Methodology takes the official government population projections produced by the Office of National Statistics (ONS) and applies a multiplier to them based on average affordability in the City. Any plan review would need to use this Methodology as a basis for calculating housing need, and then add any additional modifiers driven through previous under-delivery, supporting economic growth or other drivers for additional growth. As the Methodology uses the same ONS population projection principles as the Local Plan there are no significant changes to the growth pattern of the city and sub-region as a result.

The most recent ONS population projections (currently the 2018 projections, released in Summer 2020) would need to be input into the Standard Methodology when conducting a review. These projections show a slight increase in growth

over the plan period when compared to the 2012 projections used at plan-making stage. This additional growth is not considered significant enough to trigger a review but will need to be accommodated in any future review, as has been the case in neighbouring authorities where emerging Local Plans have been asked to demonstrate their ability to accommodate the most recent population projections.

A recent government consultation proposed a revision to the Standard Methodology which proposed a significant increase in housing requirement. As there is no established timeline for the review of the consultation responses, or any subsequent changes to the planning system, it is not considered appropriate to delay a decision on Coventry's Plan Review. In addition, there has also been recent public consultation on the future nature of the planning system (Planning for the Future White Paper). Whilst the proposals in the White Paper would constitute a radical change rendering a review, or wholesale new Plan, required there has only been an opening consultation conducted, with several years of further consultation and legislation required before the White Paper is enacted. It is therefore not considered appropriate to commence a Review based on this.

With regard to the Regional context, the explanatory text to Policy DS1 makes clear that the Regional triggers refer to the progress of neighbouring authorities in delivery of the City's unmet employment and housing need. The agreement to the delivery of the City's unmet need is shared with neighbouring Warwickshire authorities as part of the Memorandum of Understanding. Significant under delivery may contribute to the need for a Plan Review. A review of neighbouring authority Housing Delivery Test (HDT) results has taken place to assess their delivery against Local Plan targets, which include meeting Coventry's unmet need. A HDT result of 100% means that an authority is fully meeting the housing requirement set out in their Local Plan, measured over the last three years.

The most recent data available is for the year 2018/19, as the global pandemic has hindered monitoring. As a result, government is likely to publish the most recent results during the Spring of 2021 and therefore after the point a decision is required regarding Plan Review. In addition, officers in the neighbouring authorities indicate that there are no significant changes in the monitoring results currently being processed by government and that the Council can be confident overall delivery will remain on track.

Employment land delivery for neighbouring authorities has also been assessed. The delivery of employment land is not centralised in the same way that housing delivery data is. However, a review of neighbouring authorities employment land delivery was detailed in the report. The report indicated that the nature of employment land delivery is more erratic than housing delivery, with large allocations often being completed in single developments. It is therefore appropriate to look at the total quantum delivered in the subregion against the total target to assess whether there is a significance issue with employment land delivery. A table in the report detailed the total requirement and delivery over the plan periods of the Warwickshire authorities which indicated that sufficient employment land has been delivered across the subregion and that the Regional trigger is not met.

The Council has recently completed work on the most recent monitoring year (2019/20) for the City, the detailed results of which will shortly be published as part of the Authority Monitoring Report. As this data is produced in-house, the most recent dataset is able to be used. The key indicators relevant to the Plan Review triggers are housing and employment land delivery and the delivery over the plan period so far, compared to cumulative requirement were detailed in the report which demonstrates that both housing and employment land delivery is above the targets set out in the Plan. As such the triggers have not been engaged and there is no requirement to commence a Plan Review.

There have been no material changes in the evidence base underpinning the Local Plan and therefore the second part of this trigger has not been met, and there is no requirement to commence a Plan Review in March 2021.

As a result of the above analysis it is concluded that the triggers set out in Policy DS1 have not been engaged and that there is no basis to commence a Plan Review in March 2021.

The Cabinet Member for Housing and Communities had considered two petitions which requested an urgent review of the Local Plan at his meeting on 27 November, 2020. The Cabinet Member reported on issues raised at that meeting and referred the following additional Recommendation for Cabinet:-

That Cabinet recommend that Council commit to commence a Local Plan Review prior to the end of 2022 in the event that the Government's Standard Methodology for Assessing Local Housing Need indicates a housing need lower than that currently provided for within the adopted Coventry City Local Plan (i.e. 1230 dwellings per year).

The Cabinet noted that the Cabinet Member had also requested a meeting with the Secretary of State for Housing at the earliest opportunity to discuss this matter.

RESOLVED that Cabinet recommends that Council:-

- 1) Notes the assessment of the Plan Review triggers**
- 2) Approves that there is no requirement to commence a Plan Review in March 2021 as a result of the triggers set out in Policy DS1 of the Local Plan**
- 3) Commits to commence a Local Plan Review prior to the end of 2022 in the event that the Government's Standard Methodology for Assessing Local Housing Need indicates a housing need lower than that currently provided for within the adopted Coventry City Local Plan (i.e. 1230 dwellings per year).**

50. One Coventry Plan Annual Performance Report 2019-20

The Cabinet considered a report of the Chief Executive which indicated that One Coventry describes the Council's objectives, key strategies, and approaches. The One Coventry Plan is for the period 2014 to 2024; and it was last refreshed in 2016. It builds on the Council's long-standing principles (being globally connected,

locally committed, and working together to deliver priorities with fewer resources) and sets out new ways of working to help the Council face the challenges of increasing demand and reduction in funding.

The Annual Performance report sets out the progress made towards the One Coventry Plan. For each objective, this report sets out the trends, actions taken, and performance metrics, to provide an objective assessment of the progress made against previous years and other places.

The Council uses agreed indicators to show progress made towards its priorities. This is supported by a wider basket of measures such as equality and perception measures that help explain the trends and story behind the headlines. Indicators are selected from key strategies and aligned to directorate priorities and equality and health inequalities objectives.

The Council's priorities are delivered through strategies aligned to the One Coventry Plan; as set out in the performance management framework. As part of the performance management process, leadership teams within each directorate and the corporate leadership team have been involved in ensuring that the organisation's key strategies are aligned to the One Coventry Plan.

The One Coventry Plan is currently measured using 75 indicators. Of these, 39 indicators improved; 11 stayed the same and 13 indicators got worse. For the remaining 12 indicators, we can't say for 10 indicators and progress is not available for 2 indicators. This means, at the end of March 2020, 79% (50/63) of directional indicators improved or stayed the same. This compares to 78% (52/67) in 2018/19 and 71% (42/59) in 2017/18.

Covering the period April 2019 to March 2020, this year's annual report reflects the comparative calm and coveted stability pre-pandemic and cannot begin to reflect the significant changes that have happened. However, it would be amiss not to mention the significant impact of COVID-19 – on the city's economic performance, tourism, adult social care, city centre regeneration, poverty reduction, access to culture and sport, reducing health inequalities – indeed every aspect of the work of the Council and the life of Coventry's residents, communities, businesses and organisations. Our intention is for this report to serve as a baseline against which the ramifications of the global pandemic for Coventry will be compared.

Many of the Council's key priorities have an equality dimension or address an inequality caused by economic or social circumstances. Consequently, this report also sets out how the Council addresses these equality and health inequalities.

Appendices to the report contained the One Coventry Annual Performance Report 2019/20 and the Performance Management Framework 2020/21.

The report had been considered by the Scrutiny Co-ordination Committee at their meeting on 4 November, 2020 and a further appendix to the report detailed their consideration.

RESOLVED that Cabinet:-

- 1) Notes the consideration of the report by the Scrutiny Co-ordination Committee.**
- 2) Approves the Performance Report.**

51. Surrender of Lease on Premises in Upper Precinct

The Cabinet considered a report of the Director of Property Services and Development which sought approval to accept the surrender of an existing 75 year lease for the Ernest Jones premises in the Upper Precinct, Coventry. The surrender of the lease will allow the Council to implement Phase Two of the Public Realm Scheme in the Upper Precinct through the demolition of the current premises and the completion of the scheme.

A corresponding private report was also submitted to the meeting setting out the commercially confidential matters of the proposals. (Minute 54 below refers.)

The Council will be paying a surrender premium to the proprietors of the Ernest Jones premises, writing off a sum of rental arrears (as highlighted in the private version of this report) and will be forgoing rental income of £137,000 per for the rest of the lease term. The report sought approval for the funding to enable the surrender to occur, approval to write off the relevant rental arrears and the adjustment to the Council's income target resulting from the surrender.

By agreeing the surrender of the lease, the Council will be able to move seamlessly from the first phase of the Retail Quarter scheme to Phase Two, minimising disruption and reducing the overall delivery programme. The City Centre will benefit from improved accessibility and flow for residents and visitors in the spaces between Broadgate and the Upper Precinct. The removal of the Ernest Jones building will enhance sight lines and enable greater footfall and visual appeal for businesses either side of Upper Precinct and Broadgate. The installation of the new water features and fountains in Upper Precinct will further enhance these views, reinforcing the world class city centre placemaking approach.

RESOLVED that, subject to the consideration of the private report on this matter, Cabinet:-

- 1) Agrees to accept the surrender of the Lease and the entry into of all associated legal agreements between the Council and Signet (Ernest Jones Limited) for the premises (as shown edged red on the plan in Appendix 1).**
- 2) Delegates authority to the Strategic Lead - Property and Development, following consultation with the Finance Manager, the Director of Law and Governance and the Cabinet Member for Jobs and Regeneration, to undertake the necessary due diligence and approve the final terms of the surrender.**

3) Recommends that Council:-

- i) Approves expenditure, of the sum as highlighted in the private version of this report, from reserve balances to fund the premium required to be paid for the surrender of the lease.**
- ii) Notes the loss of rental income incurred in the delivery of this proposal that will form part of the forthcoming budget setting report.**

52. Outstanding Issues

There were no outstanding issues.

53. Any Other Items of Urgent Public Business

There were no other items of urgent public business.

54. Surrender of Lease on Premises in Upper Precinct

Further to Minute 52 above, the Cabinet considered a private report of the Director of Property Services and Development, setting out the commercially confidential matters relating to the surrender of an existing 75-year lease for the Ernest Jones premises in the Upper Precinct, Coventry.

RESOLVED that the Cabinet:-

- 1) Agrees to accept the surrender of the Lease and the entry into of all associated legal agreements between the Council and Signet (Ernest Jones Limited) for the premises (as shown edged red on the plan in Appendix 1 to the report).**
- 2) Delegate authority to the Strategic Lead - Property and Development, following consultation with the Finance Manager, the Director of Law and Governance and the Cabinet Member for Jobs and Regeneration, to undertake the necessary due diligence and approve the final terms of the surrender.**
- 3) Recommends that Council:-**
 - i) Approves expenditure of the sum as highlighted in the report, from reserve balances to fund the premium required to be paid for the surrender of the lease.**
 - ii) Notes the loss of rental income incurred in the delivery of this proposal that will form part of the forthcoming budget setting report.**

55. **Any Other Items of Urgent Private Business**

There were no other items of urgent private business.

(Meeting closed at 2.35 pm)