

Coventry City Council
Minutes of the Meeting of Cabinet held at 2.00 pm on Tuesday, 11 January 2022

Present:

Members: Councillor G Duggins (Chair)
Councillor A S Khan (Deputy Chair)
Councillor R Brown
Councillor K Caan
Councillor P Hetherton
Councillor M Mutton
Councillor J O'Boyle
Councillor K Sandhu
Councillor P Seaman
Councillor D Welsh

Non-Voting Deputy
Cabinet Member:

Councillor P Akhtar
Councillor G Lloyd

Non-Voting Opposition
Members:

Councillor P Male

Other Non-Voting
Members:

Councillor N Akhtar
Councillor Clifford
Councillor R Lakha
Councillor C Thomas

Employees (by Service):

Adult Services	J Crawshaw
Children's Services	P Smith
Education and Skills	K Nelson (Director of Education and Skills and Chief Partnership Officer), R Sugars
Finance	B Hastie (Director of Finance), P Jennings
Law and Governance	J Newman (Director of Law and Governance), O Aremu, M Salmon
Property Services and Development	R Moon (Director of Property Services and Development), J Grant, A Hunt
Public Health and Wellbeing	R Chapman

Apologies: Councillor L Bigham
Councillor B Gittins
Councillor C Miks
Councillor G Ridley
Councillor R Singh

Public Business

56. **Declarations of Interest**

There were no disclosable pecuniary interests.

57. **Minutes**

The minutes of the meeting held on 14th December 2021 were agreed and signed as a true record.

58. **Exclusion of Press and Public**

RESOLVED that the press and public be excluded under Sections 100(A)(4) of the Local Government Act 1972 for the consideration of the following private reports on the grounds that the reports involve the likely disclosure of information defined in Paragraphs of Schedule 12A of the Act as indicated, and that in all circumstances of the cases, the public interest in maintaining the exemption outweighs the public interest in disclosing the information:

**Paragraph(s)
of Section 12A
of the Act**

Minute No.

Report title

3

68

**Homes for Disabled Children –
Acceptance of Capital Grant, Further
Capital Borrowing and Future Homes for
Children with a Disability**

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Disposal of Land at Allard Way

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**City Centre South Land Acquisition and
Compulsory Purchase Order**

59. **The 2022/23 Council Tax Base Report**

The Cabinet considered a report of the Director of Finance that sought to establish the 2022/23 Council Tax base for tax setting purposes.

The Council Tax base was the measure of the taxable capacity of an area, for the purpose of calculating an authority's Council Tax. It represented the estimated number of Band D equivalent chargeable dwellings for the year. It also took into account the authority's estimated Council Tax collection rate.

The report did not set the actual level of Council Tax in Coventry; that would be set by Council at their meeting on the 22nd February 2022.

Appendices to the report provided: the Tax Base Calculation for 2022/23 Tax Setting (Coventry); the Tax Base Calculation for 2022/23 Tax Setting (Allesley); the Tax Base Calculation for 2022/23 Tax Setting (Finham); the Tax Base Calculation for 2022/23 Tax Setting (Keresley); and Grant payments to parish councils.

RESOLVED that the Cabinet:

- 1) **Approves that the Council Tax collection rate for 2022/23 be set at 97.9%.**
- 2) **Agrees that, in accordance with the Local Authorities (Calculation of Tax Base) Regulations 2012, the amounts calculated by the City Council for 2022/23 shall be:**

a net tax base of 84,264.3 for the whole of the City Council area made up as follows:

Allesley Parish	356.9
Finham Parish	1,524.6
Keresley Parish	237.0
All Other Coventry City Council Wards	82,145.8
TOTAL	84,264.3

- 3) **Agrees that the following grant payments should be made to parish councils to reflect the impact in 2022/23 of Council Tax reductions on their tax bases.**

Allesley Parish	£2,135
Finham Parish	£3,060
Keresley Parish	£1,313
TOTAL	£6,508

60. Approval of Rough Sleeper Drug and Alcohol Treatment Grant

The Cabinet considered a report of the Chief Partnership Officer in respect of the City Council's successful bid for a grant of up to £640,361 to support rough sleepers and those at risk of rough sleeping to engage with and access drug and alcohol treatment.

The Council's constitution required formal approval from the Cabinet prior to agreeing to receive external grants in excess of £500,000. Where time did not allow this to happen, approval could be sought by the relevant Director in consultation with the relevant Cabinet Member and Scrutiny Chair, with a requirement to then report retrospectively to the Cabinet. As time was not available to report in advance of signature for this grant, approval was gained by

the Director of Public Health and Wellbeing, in consultation with Councillor Caan (Cabinet Member for Public Health and Sport), Councillor Welsh (Cabinet Member for Housing and Homelessness) and Councillor Clifford (Chair of Health and Social Care Scrutiny Board), with agreement for a retrospective report to the Cabinet.

Coventry was identified by the Ministry for Housing Communities and Local Government (now Department for Levelling Up, Housing and Communities) and Public Health England (now the Office for Health Improvement and Disparities) as a priority area for additional funding to support drug and alcohol treatment services for rough sleeping and homeless populations in June 2021.

As such, the City Council was invited to submit proposals for the Rough Sleeper Drug and Alcohol Treatment Grant scheme to provide additional services for people currently, or at risk of, rough sleeping.

The grant would:

- Support people experiencing, or at risk of, rough sleeping to access and engage in drug and alcohol treatment.
- Ensure that the engagement that people had with drug and alcohol treatment services whilst rough sleeping or in emergency or temporary accommodation was maintained as they moved into longer term accommodation.
- Build resilience and capacity in local drug and alcohol treatment systems to continue to meet the needs of this population in future years.

RESOLVED that the Cabinet retrospectively approves the receipt of the Rough Sleeper Drug and Alcohol Treatment Grant of up to £640,361 to support rough sleepers and those at risk of rough sleeping to engage with and access drug and alcohol treatment.

61. **Outcomes of the Fair Funding Consultation 2022-23**

The Cabinet considered a report of the Director of Education and Skills that set out the results of the consultation on proposed changes to the Fair Funding Scheme of Delegation ("the Scheme") and sought approval for recommended changes to the Scheme and the Fair Funding Formula. Appendices to the report provided details of the: Fair Funding Consultation 2022-23: Summary of Responses; De-delegation levels approved for 2021-22; and Fair Funding Consultation 2022-23.

Under Section 48 of the School Standards and Framework Act 1998, Local Authorities (LAs) were required to have schemes of delegation which set out the financial controls and arrangements that would operate between schools and the LA. Any proposed revisions to these schemes and/or the Fair Funding Formula must be the subject of consultation and required approval by the Schools Forum.

The DFE introduced its National Funding Formula (NFF) for LAs in 2018-19, whereby allocations for LAs were determined under the NFF approach, but LAs retained control over how they chose to distribute that funding amongst their schools. In Coventry the decision since 2018-19 had been to mirror the NFF allocation for schools as far as possible. This had provided all schools with annual increases at least in line with the maximum per pupil funding increase set out in the NFF.

The Department for Education (DFE) published the "Schools Revenue Funding 2022 to 2023: Operational Guide" which sets out the school revenue funding arrangements for 2022-23. There had not been any significant changes required to the operation of the local school funding formula for 2022-23; with the main changes being changes to data points as certain data was not collected as usual due to the pandemic.

The consultation document was circulated on the 22nd October 2021 to Head Teachers including Academy Head Teachers/Principals, Chairs of Governing Bodies, relevant Councillors, Trade Unions, Diocesan authorities, the Coventry Governors Association, members of the Schools Forum and Early Years Free Entitlement providers in the private, voluntary and Independent (PVI) sectors. The consultation period ended after 4 weeks on the 19th November 2021.

Stakeholder groups were briefed throughout the consultation period. These included Primary Finance representative head teachers and the Schools Forum. The consultation document also sought to act as an information document to school stakeholders regarding anticipated local budget pressures.

The results of the consultation were set out in Appendix 1 - Fair Funding Consultation 2022-23: Summary of Responses, to the report and summarised under each proposal within section 2 of the report.

RESOLVED that the Cabinet:

- 1) Approves the recommended changes to the Fair Funding Formula and Fair Funding Scheme of Delegation, which are summarised in Section 3 of the report.**
- 2) Delegates authority to the Director of Education and Skills, following consultation with the Cabinet Member for Education and Skills, to make any necessary amendments to the final detail of these recommended changes, in order to comply with the School Finance (England) Regulations 2021 once full detail of the schools funding settlement has been published by the Department for Education for 2022/23. Any changes will be made following discussion with the Schools Forum as appropriate.**

62. External Auditor Appointment from April 2023

The Cabinet considered a report of the Director of Finance, which would also be considered by the Council at their meeting on 18th January 2022, that set out the options for appointing the external auditor to the Council for the five years commencing 2023/24 as the current nationally regulated arrangements only covered audits up to and including 2022/23. The appointment of the Council's auditors was a matter reserved for full Council.

The Council's current auditors were Grant Thornton UK LLP working under a 5-year contract let by Public Sector Audit Appointments (PSAA) – a body set up principally to manage this process. The planned audit fees for 2020/21 were £211k.

The PSAA was inviting the Council to opt into the national arrangements for the next 5-year period along with all other authorities, so that the PSAA could enter into a number of contracts with appropriately qualified audit firms and appoint a suitable firm to be the Council's auditor.

The report compared the options for appointing the external auditor to the Council and sought approval for its recommended approach.

RESOLVED that the Cabinet recommends that Council approves Option 2, as described in the report, which is to accept Public Sector Audit Appointments' invitation to 'opt in' to the sector led option for the appointment of external auditors for the five financial years commencing 1 April 2023.

63. **Homes for Disabled Children - Acceptance of a Capital Grant, Further Capital Borrowing and Future Homes for Children with a Disability**

The Cabinet considered a report of the Director of Children's Services that sought approval to accept a capital grant and further capital borrowing for the commissioning and provision of an additional home for children with a disability, and to scope out the potential for a second new build property that could be used for the purpose of a children's home.

A corresponding private report was also submitted to the meeting setting out the commercially confidential matters of the proposals. (Minute 68 below refers.)

A sufficiency needs analysis was a requirement of section 22G of the Children Act 1989 and statutory guidance was issued in 2010. A recent analysis in Coventry had identified the need for additional provision for children with disabilities.

Currently any child with a disability had to live outside of the Coventry because there was no appropriate home within the city boundary. Private provision had not been of good quality and currently the market was not providing suitable local homes for this group of children. This had been acknowledged nationally by the Department for Education (DfE) which had recently announced an initiative to match any capital funding required to enable local authorities to open and run its own provision. The Council had made an application and the service was currently waiting for a decision.

Several options had been considered to meet the identified provision gap in the city. These were accessing the private market, extension of the current block contract, commissioning further provision from the market and providing the provision internally.

The current proposal was to refurbish a vacant Coventry City Council building attached to the current short breaks provision for children with disabilities and to undertake a business case to understand the feasibility of commissioning additional new build provision. This would enable children to live locally and supported improved outcomes for children with a disability. The total capital outlay needed to undertake the work for the additional home was estimated at £1,012,770 following surveys and site visits.

In October 2021, a bid was made to the DfE under its Children's Home Capital Fund programme for the capital project to be 50% match funded. If the Council's bid was successful, the DfE would contribute up to £506,385 towards the capital work. The Council would need to fund the remaining 50% of the capital project from prudential borrowing. If the bid for DfE capital match funding was unsuccessful the Council would seek to fund the entire £1m refurbishment from prudential borrowing.

RESOLVED that the Cabinet:

- 1) Approves the acceptance of a Department for Education grant if awarded and the proposal to spend the grant award for the commissioning and provision of an additional children's home.**
- 2) Approves capital expenditure of £0.5m to be met from prudential borrowing and in the absence of the Department for Education grant award, agrees that the full £1m be met from prudential borrowing.**
- 3) Delegates authority to the Director of Finance, following consultation with the Director of Law and Governance, City Solicitor and Monitoring Officer, to negotiate final terms and approve entry into the grant funding agreement to secure the Department for Education funding with the City Council acting as the Accountable Body for the funding and any other agreements as required for further borrowing and future homes.**
- 4) Tasks officers to scope out the potential for a second new build property that can be used for the purpose of a children's home.**

64. Disposal of Land at Allard Way

The Cabinet considered a report of the Director of Property Services and Development that sought approval for the disposal of land at Allard Way and the associated delegations to enable any subsequent variation in terms, negotiation, agreement, and completion all the necessary documentation for the freehold transfers of the site and any necessary or ancillary steps or decisions to bring into effect the recommendations set out in the report. An Appendix to the report provided a location plan of the site.

A corresponding private report was also submitted to the meeting setting out the commercially confidential matters of the proposals. (Minute 69 below refers.)

The Council owns the freehold of land located at Allard Way/London Road comprising approximately 11 acres and is shown red on the plan annexed to this report ("the Site"). The Site including the adjoining Whitley Pumping Station site owned by Homes England was allocated as a future housing site in the adopted Local Plan policy H2:9

The Coventry Local Plan was adopted by the Council on the 5th December 2017 and came into effect the following day.

To ensure that a comprehensive approach was taken to the allocations in the Local Plan as advised by the Planning Department, the Council and Homes England worked in collaboration in the promotion of their individual sites. This resulted with both planning applications being recommend for approval and determined by Planning Committee on the 2nd September 2021.

The Council secured an Outline Planning Approval by Planning Committee for up to 125 residential dwellings on the 2nd September 2021. Planning reference OUT/2020/2665

Following approval, the Site was marketed for residential development by tender with 18 tenders submitted. The highest bid received on an unconditional basis with completion by the end of the Councils financial year end i.e., 31st March 2022 and “Preferred Developer” status was confirmed with the highest bidder.

The offer for the Site has been approved by independent Chartered Surveyors LSH and by the Council’s Valuation Panel as representing “Best Consideration” and therefore satisfying the Council’s statutory responsibilities under Section 123 of the Local Government Act 1972.

The capital receipt will contribute towards corporate resources.

RESOLVED that Cabinet:

- 1) **Approves the disposal of the Site at Allard Way.**
- 2) **Delegates authority to the Director of Property Services and Development, following consultation with the Cabinet Member for Jobs, Regeneration and Climate Change and the Director of Law and Governance, for any subsequent variation in terms.**
- 3) **Delegates authority to the Director of Property Services and Development, following consultation with the Director of Law and Governance Services and the Cabinet Member for Jobs, Regeneration and Climate Change, to:**
 - **negotiate, agree and complete all the necessary documentation for the freehold transfers of the Site and**
 - **take such necessary or ancillary steps or decisions to bring into effect the recommendations set out in this report.**

65. City Centre South Land Acquisition and Compulsory Purchase Order

The Cabinet considered a report of the Director of Property Services and Development relating to proposed land acquisition and Compulsory Purchase Order for the delivery of the City Centre South Scheme.

A corresponding private report was also submitted to the meeting setting out the commercially confidential matters of the proposals. (Minute 70 below refers.)

The City Centre South scheme (the Scheme) would deliver transformational improvements to Coventry city centre through new homes, jobs, commercial and leisure opportunities and high-quality public spaces. In January 2017, the Council (their minutes 102/16 and 110/16 referred) and the Cabinet (minutes 104/16 and 107/16 referred) took the key decisions to appoint SPG as the preferred development partner, to accept £98.8m of grant funding from the West Midlands Combined Authority (WMCA) and to approve, in principle, the use of compulsory purchase powers to deliver the Scheme.

The report, therefore, sought formal approval to make the necessary Compulsory Purchase Order (CPO) further to these previous decisions. It should be noted that the Council's preference was to acquire the land and rights necessary for the delivery of the Scheme by negotiation rather than CPO and negotiations with landowners would therefore continue in parallel with the CPO process.

Accordingly, the design of the Scheme also aimed to minimise the extent of third-party land required. The Council was the freeholder of the vast majority of the site, however, there was still a significant amount of the land required for the Scheme that was subject to leases or other interests granted to third parties. The Council required ownership and control of these property interests in order for the City Centre South scheme to be delivered.

Appendices to the report provided: the Draft CPO map showing land and rights proposed to be acquired; a plan showing proposed parameters of the Scheme; the Equalities Impact Assessment; the Draft Statement of Reasons; the draft Schedule of Interests; the Delivery Approach Report; the Draft CPO; the draft Highways Order Land; the land within the Council's freehold ownership proposed for appropriation for planning purposes excluding open space land; the open space land within the redevelopment site proposed for inclusion within the Order Land in respect of which a certificate under section 19 Acquisition of Land Act 1981 was to be sought; the open space land within the redevelopment site in respect of which public notice of intention to appropriate for planning purposes and/or dispose was proposed to be given; the open space proposed to be provided within the Scheme; and the Site Assembly Strategy - Information for Businesses.

RESOLVED that the Cabinet:

- 1) Resolves to make a Compulsory Purchase Order (CPO) pursuant to powers under Section 226(1)(a) Town and Country Planning Act 1990 and Section 13 Local Government (Miscellaneous Provisions) Act 1976), in accordance with the procedures in the Acquisition of Land Act 1981, for the acquisition of interests in the land coloured pink and for the creation and acquisition of new rights over the land coloured blue on the draft CPO map attached at Appendix 1 to the report (the proposed Order Land) in order to facilitate the delivery of the City Centre South Scheme (the Scheme).**
- 2) Resolves to appropriate for planning purposes the land owned by the Council within the proposed redevelopment site shown on the plan at Appendix 9 pursuant to section 122 Local Government Act 1972 in order to facilitate the Scheme.**

- 3) Authorises the Director of Property Services and Development, following consultation with the Director of Law and Governance, the Chief Operating Officer and the Cabinet Member for Jobs, Regeneration and Climate Change,:**
- a) To continue to negotiate terms to seek to acquire all the necessary interests and rights in the Order Land by agreement alongside progressing the CPO;**
 - b) To take all necessary steps to secure the making, confirmation and implementation of the CPO including in relation to making continued satisfactory progress in regards the funding of the Scheme, the publication and service of all notices and the promotion of the Council's case at any public inquiry, including but not limited to the steps in c) to m) below;**
 - c) To make any necessary amendments to the draft CPO Map (within the boundaries of the pink and the blue land on Appendix 1) and/or draft schedules to the CPO so as to include and describe all interests in the land and new rights required to facilitate the carrying out of the Scheme;**
 - d) To finalise and seal the CPO Map and the Order and finalise the draft Statement of Reasons, certificates and other supporting documents, to publicise the making of the CPO and to submit the CPO (with supporting documents) to the Secretary of State for confirmation and thereafter to produce (and where appropriate publish and/or serve) all other documents required in connection with the CPO;**
 - e) To acquire interests and new rights in the Order Land either by agreement or compulsorily (including pursuant to any blight notices as appropriate) including conduct of negotiations, making provision for the payment of compensation and, where appropriate, provision for temporary and/or permanent relocation of affected parties and/or for cases of exceptional hardship;**
 - f) To negotiate, agree terms and enter into other agreements with interested parties including agreements for the withdrawal of blight notices and/or the withdrawal of objections to the CPO and/or undertakings not to enforce the CPO on specified terms, including where appropriate seeking the exclusion of land or rights from the CPO, making provision for the payment of compensation and/or for relocation;**
 - g) To authorise entry onto land to undertake surveys under s172 Housing and Planning Act 2016 and/or other relevant powers;**
 - h) In the event that the CPO is confirmed by the Secretary of State (or the Council is authorised by the Secretary of State to confirm the CPO), to advertise and give notice of confirmation and thereafter to take all steps to implement the CPO and to secure possession of**

the Order Land including execution of General Vesting Declarations and/or service of Notices to Treat and Notices of Entry in respect of interests and rights in the Order Land and, where necessary, the appointment of High Court Enforcement Officers;

- i) To settle claims for compensation under s204 Housing and Planning Act 2016 in respect of rights, interests or restrictions which are overridden and/or to reach agreement for the release of any such rights etc. by affected third parties;**
 - j) To take all steps in relation to any legal proceedings relating to the CPO including defending or settling claims referred to the Lands Tribunal (Lands Chamber of the Upper Tribunal) and/or applications made to the courts and any appeals;**
 - k) To retain and/or appoint external professional advisers and consultants to assist in facilitating the promotion, confirmation and implementation of the CPO, the settlement of compensation and any other claims or disputes;**
 - l) To place statutory advertisements as required by section 122(2A) Local Government Act 1972 and section 233(4) Town and Country Planning Act 1990 of the Council's intention to appropriate for planning purposes and thereafter to dispose of the open space land in the Council's freehold ownership shown on the plan at Appendix 11 to the report; and**
 - m) To consider any objections received in response to the statutory advertisements referred to in paragraph l) above and to decide whether any such land should be appropriated for planning purposes and disposed of to facilitate the Scheme; and**
 - n) At the appropriate time, subject to m) above, to complete disposal of land within the redevelopment site to the developer, pursuant to power under section 233 Town and Country Planning Act 1990, in accordance with the terms of the development agreement.**
- 4) Delegates authority to the Director of Transportation and Highways to:**
- a) Make an application under s.247 of the Town and Country Planning Act 1990 to stop up areas of highway necessary to implement the proposals; and**
 - b) If required to facilitate the delivery of the Scheme, to take all necessary steps to commence the process of closure of Barracks Way and Market Way Car Parks and their removal from the Off-Street Parking Places Order 2005**
- 5) Resolves, where necessary in the absence of agreement, to exercise powers under ss 271 and 272 Town and Country Planning Act 1990 in relation to the extinguishment of rights of statutory undertakers and electronic communications code network operators.**

- 6) **Resolves, where necessary, to request the Secretary of State to exercise powers under s251 Town and Country Planning Act 1990 (in accordance with regulation 15 of the Town and Country Planning Regulations 1992) to authorise the extinguishment of any public rights of way over land to be acquired or appropriated for the purposes of the Scheme.**
- 7) **Delegates authority to the Director of Property Services and Development, following consultation with the Director of Law and Governance, the Chief Operating Officer and the Cabinet Member for Jobs, Regeneration and Climate Change, to take all necessary, incidental or ancillary steps for the carrying into effect any of the recommendations set out in the report.**

66. **Outstanding Issues**

There were no outstanding issues.

67. **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.

68. **Homes for Disabled Children - Acceptance of a Capital Grant, Further Capital Borrowing and Future Homes for Children with a Disability**

Further to Minute 63 above, the Cabinet considered a private report of the Director of Children's Services, setting out the commercially confidential matters relating to the acceptance of a capital grant and further capital borrowing for the commissioning and provision of an additional home for children with a disability, and to scope out the potential for a second new build property that could be used for the purpose of a children's home.

RESOLVED that the Cabinet:

- 1) **Approves the acceptance of a Department for Education grant if awarded and the proposal to spend the grant award for the commissioning and provision of an additional children's home.**
- 2) **Approves capital expenditure of £0.5m to be met from prudential borrowing and in the absence of the Department for Education grant award, the full £1m be met from prudential borrowing.**
- 3) **Delegates authority to Director of Finance and Corporate Resources and the Director of Law and Governance, City Solicitor and Monitoring Officer, to negotiate final terms and approve entry into the grant funding agreement to secure the Department for Education funding with the City Council acting as the Accountable Body for the funding and any other agreements as required for further borrowing and future homes.**

- 4) **Tasks officers to scope out the potential for a second new build property that can be used for the purpose of a children's home.**

69. **Disposal of Land at Allard Way**

Further to Minute 64 above, the Cabinet considered a private report of the Director of Property Services and Development, setting out the commercially confidential matters relating to the disposal of land at Allard Way and the associated delegations to enable any subsequent variation in terms, negotiation, agreement, and completion all the necessary documentation for the freehold transfers of the site and any necessary or ancillary steps or decisions to bring into effect the recommendations set out in the report.

RESOLVED that the Cabinet:

- 1) **Approves the disposal of the Site to the company set out in the report for the sum now indicated.**
- 2) **Delegates authority to the Director of Property Services and Development, following consultation with the Cabinet Member for Jobs, Regeneration and Climate Change and the Director of Law and Governance, for any subsequent variation in terms.**
- 3) **Delegates authority to the Director of Property Services and Development, following consultation with the Director of Law and Governance Services and the Cabinet Member for Jobs, Regeneration and Climate Change, to:**
 - **negotiate, agree and complete all the necessary documentation for the freehold transfers of the Site and**
 - **take such necessary or ancillary steps or decisions to bring into effect the recommendations set out in the report.**

70. **City Centre South Land Acquisition and Compulsory Purchase Order**

Further to Minute 65 above, the Cabinet considered a private report of the Director of Property Services and Development, setting out the commercially confidential matters relating to the proposed land acquisition and Compulsory Purchase Order for the delivery of the City Centre South Scheme.

RESOLVED that the Cabinet:

- 1) **Resolves to make a Compulsory Purchase Order (CPO) pursuant to powers under Section 226(1)(a) Town and Country Planning Act 1990 and Section 13 Local Government (Miscellaneous Provisions) Act 1976), in accordance with the procedures in the Acquisition of Land Act 1981, for the acquisition of interests in the land coloured pink and for the creation and acquisition of new rights over the land coloured blue on the draft CPO map attached at Appendix 1 to the report (the proposed Order Land) in order to facilitate the delivery of the City Centre South Scheme (the Scheme).**

- 2) Resolves to appropriate for planning purposes the land owned by the Council within the proposed redevelopment site shown on the plan at Appendix 9 to the report pursuant to section 122 Local Government Act 1972 in order to facilitate the Scheme.**
- 3) Authorises the Director of Property Services and Development, following consultation with the Director of Law and Governance, the Chief Operating Officer and the Cabinet Member for Jobs, Regeneration and Climate Change,:**
 - a) To continue to negotiate terms to seek to acquire all the necessary interests and rights in the Order Land by agreement alongside progressing the CPO;**
 - b) To take all necessary steps to secure the making, confirmation and implementation of the CPO including in relation to making continued satisfactory progress in regards the funding of the Scheme, the publication and service of all notices and the promotion of the Council's case at any public inquiry, including but not limited to the steps in c) to m) below;**
 - c) To make any necessary amendments to the draft CPO Map (within the boundaries of the pink and the blue land on Appendix 1 to the report) and/or draft schedules to the CPO so as to include and describe all interests in the land and new rights required to facilitate the carrying out of the Scheme;**
 - d) To finalise and seal the CPO Map and the Order and finalise the draft Statement of Reasons, certificates and other supporting documents, to publicise the making of the CPO and to submit the CPO (with supporting documents) to the Secretary of State for confirmation and thereafter to produce (and where appropriate publish and/or serve) all other documents required in connection with the CPO;**
 - e) To acquire interests and new rights in the Order Land either by agreement or compulsorily (including pursuant to any blight notices as appropriate) including conduct of negotiations, making provision for the payment of compensation and, where appropriate, provision for temporary and/or permanent relocation of affected parties and/or for cases of exceptional hardship;**
 - f) To negotiate, agree terms and enter into other agreements with interested parties including agreements for the withdrawal of blight notices and/or the withdrawal of objections to the CPO and/or undertakings not to enforce the CPO on specified terms, including where appropriate seeking the exclusion of land or rights from the CPO, making provision for the payment of compensation and/or for relocation;**

- g) To authorise entry onto land to undertake surveys under s172 Housing and Planning Act 2016 and/or other relevant powers;
 - h) In the event that the CPO is confirmed by the Secretary of State (or the Council is authorised by the Secretary of State to confirm the CPO), to advertise and give notice of confirmation and thereafter to take all steps to implement the CPO and to secure possession of the Order Land including execution of General Vesting Declarations and/or service of Notices to Treat and Notices of Entry in respect of interests and rights in the Order Land and, where necessary, the appointment of High Court Enforcement Officers;
 - i) To settle claims for compensation under s204 Housing and Planning Act 2016 in respect of rights, interests or restrictions which are overridden and/or to reach agreement for the release of any such rights etc. by affected third parties;
 - j) To take all steps in relation to any legal proceedings relating to the CPO including defending or settling claims referred to the Lands Tribunal (Lands Chamber of the Upper Tribunal) and/or applications made to the courts and any appeals;
 - k) To retain and/or appoint external professional advisers and consultants to assist in facilitating the promotion, confirmation and implementation of the CPO, the settlement of compensation and any other claims or disputes;
 - l) To place statutory advertisements as required by section 122(2A) Local Government Act 1972 and section 233(4) Town and Country Planning Act 1990 of the Council's intention to appropriate for planning purposes and thereafter to dispose of the open space land in the Council's freehold ownership shown on the plan at Appendix 11 of the report;
 - m) To consider any objections received in response to the statutory advertisements referred to in paragraph l) above and to decide whether any such land should be appropriated for planning purposes and disposed of to facilitate the Scheme; and
 - n) at the appropriate time, subject to m) above, to complete disposal of land within the redevelopment site to the developer, pursuant to power under section 233 Town and Country Planning Act 1990, in accordance with the terms of the development agreement.
- 4) Delegates authority to the Director of Transportation and Highways to:
- a) Make an application under s.247 of the Town and Country Planning Act 1990 to stop up areas of highway necessary to implement the proposals; and

- b) **If required to facilitate the delivery of the Scheme, to take all necessary steps to commence the process of closure of Barracks Way and Market Way Car Parks and their removal from the Off-Street Parking Places Order 2005.**
 - 5) **Resolves, where necessary in the absence of agreement, to exercise powers under ss 271 and 272 Town and Country Planning Act 1990 in relation to the extinguishment of rights of statutory undertakers and electronic communications code network operators.**
 - 6) **Resolves, where necessary, to request the Secretary of State to exercise powers under s251 Town and Country Planning Act 1990 (in accordance with regulation 15 of the Town and Country Planning Regulations 1992) to authorise the extinguishment of any public rights of way over land to be acquired or appropriated for the purposes of the Scheme.**
 - 7) **Delegates authority to the Director of Property Services and Development, following consultation with the Director of Law and Governance, the Chief Operating Officer and the Cabinet Member for Jobs, Regeneration and Climate Change, to take all necessary, incidental or ancillary steps for the carrying into effect any of the recommendations set out in this report.**
71. **Any other items of private business which the Chair decides to take as a matter of urgency because of the special circumstances involved.**

There were no other items of private business.

(Meeting closed at 3.00pm)