

**Coventry City Council**  
**Minutes of the Meeting of Cabinet held at 2.00 pm on Tuesday, 30 August 2022**

Present:	Councillor G Duggins (Chair) Councillor AS Khan (Deputy Chair) Councillor P Hetherton Councillor M Mutton Councillor J O'Boyle Councillor P Seaman Councillor D Welsh
Non-Voting Deputy Cabinet Members:	Councillor P Akhtar Councillor G Lloyd Councillor S Nazir
Non-Voting Opposition Members:	Councillor P Male Councillor R Simpson (substitute for Councillor G Ridley)
Other Members:	Councillor R Auluck Councillor R Singh Councillor R Lakha

Employees (by Service):

Chief Executive	M Reeves (Chief Executive)
Education and Skills	R Sugars, C Whiteley
Finance	P Jennings
Law and Governance	J Newman (Chief Legal Officer, O Aremu, S Bennett)
Public Health and Wellbeing	A Duggal (Director), S Lam
Streetscene and Regulatory Services	D Butler
Transportation and Highways	C Knight (Director), R Palmer
Apologies:	Councillors N Akhtar, L Bigham, R Brown, K Caan, B Gittins, G Hayre, G Ridley, K Sandhu

**Public Business**

15. **Declarations of Interest**

There were no disclosable pecuniary interests.

16. **Minutes**

The Minutes of the meeting held on 12 July, 2022 were agreed and signed as a true record.

There were no matters arising.

17. **One Coventry Plan Annual Performance Report 2021-22**

The Cabinet considered a report of the Chief Executive which indicated that the One Coventry Plan sets out the Council's shared vision and priorities for Coventry. The Annual Performance Report, which was appended to the report, details performance towards priorities between April 2021 and March 2022. The One Coventry Plan is currently being refreshed. The report sets out performance towards the current One Coventry performance metrics, but also includes the emerging metrics to provide a baseline for the new One Coventry Plan. As before, for each of the priorities the report sets out the trends, actions taken and performance metrics to provide an assessment of the progress made against previous years and with other places.

The report highlights Coventry's year in the spotlight at UK City of Culture, which has happened during a period of continued significant national and international challenges, including Covid-19 pandemic related issues and the worst escalation in hostilities in Europe since 1991 with Russia's war on Ukraine, which is one of the reasons behind the rapid rise in the cost of living. The impact of this cost of living crisis on communities is yet to be fully realised, as people right across the City face rapidly rising energy, fuel, food and housing costs. The report highlighted the One Coventry approach, with the Council, partner organisations and community groups right across the City responding to the twin challenges of the Covid -19 pandemic and the cost of living crisis, taking on additional duties. The report also indicated that there will continue to be more indirect impacts as residents and communities who previously have never needed local authority support face difficulties.

The One Coventry Plan 2016-2024 is measured using 75 metrics, of which 32 metrics improved; 8 stayed the same; 18 got worse; can't say for 10 metrics; and progress is not available for the remaining 7 metrics. This means, 69% (40/58) of directional metrics (excluding cannot say or not available) improved or stayed the same. As with last year, several metrics are not available this year because there is limited data on school performance because of exam cancellations last summer.

Many of the Council's key priorities have an equality dimension or address an inequality caused by economic or social circumstances. Consequently, the report also sets out how the Council addresses these equality and health inequalities and also includes emerging metrics against the proposed new One Coventry Plan 2022-2030. Where available, the report detailed the current performance and the direction of travel for those metrics over the past year. This is intended to establish a baseline for comparison in future years.

Scrutiny Co-ordination Committee considered the report at their meeting on 20 July, 2022 (their Minute 9/22 refers) and a Briefing Note was appended to the

report detailing their consideration of this item. Cabinet noted that the One Coventry Plan had been updated to reflect the Committee's recommendations in relation to some of the data contained in the Plan. The Committee had made the following Recommendation:-

- 1) That the spend on agency staff be reviewed and officers be asked to explore the viability of creating an income generating Coventry City Council employment agency

**RESOLVED that Cabinet:-**

- 1) **Approve the Recommendation outlined above in relation to the spend on agency staff and the exploration of the viability of creating an income generating Coventry City Council employment agency.**
- 2) **Approve the One Coventry Plan Annual Performance Report 2021-22.**

18. **2022/23 First Quarter Financial Monitoring Report (to June 2022)**

The Cabinet considered a report of the Chief Operating Officer (Section 151 Officer) which outlined the forecast outturn position for revenue and capital expenditure and the Council's treasury management activity as at the end of June 2022. The headline revenue forecast for 2022/23 is for net expenditure to be £9.5m over budget. At the same point in 2021/22 there was a projected overspend (after the application of COVID-19 emergency funding) of £4.0m.

The report indicated that the Council continues to face budget pressures due to increased volumes and higher costs of placements within Children's Services and costs incurred due to the refuse drivers' industrial dispute within Streetscene and Regulatory Services. A range of other smaller but still significant overspends are also being reported in several other services including Legal and Governance Services and Business, Investment and Culture.

In a worrying emerging development, significant additional costs are also being faced due to inflationary pressures affecting the Council, with an anticipated above budget pay award and costs affecting contracts for energy and social care amongst others. The in-year and ongoing impact of these inflationary pressures is a serious new cause for concern in terms of the Council's ability to manage its budgetary position.

The Council's capital spending is projected to be £165.6m and includes major schemes progressing across the city. The size of the programme and the nature of the projects within it continue to be fundamental to the Council's role within the city. It is too early to have a clear view of the impact of the inflationary pressures referenced above on capital projects. The assumption is that stand-alone projects that are already in-progress will be delivered as planned but that future projects that have not yet started may need to be re-evaluated to determine their deliverability within previously defined financial budgets.

Following a report to Cabinet on 11 January 2022 in relation to a proposed Home for Disabled Children, (Minutes 63 and 68/21 refer), revised plans and a new

external funding solution have been identified. The initial proposal was to refurbish a Council building (Logan Road) to create a residential home for looked after children with disabilities within the city for £1m. Unfortunately, the Council was unsuccessful in securing the match funding grant from the DfE and the detailed refurbishment costs for Logan Road came back significantly over £1.5m, higher than the original quote. It has since been identified that the business case for building a new home to meet this need, instead of the refurbishment, will deliver better outcomes for children, is more cost effective and allows the Council to meet priorities surrounding its Green Futures Agenda. It has also been determined that the cost of this new build (£1.4m) can be met from the wider Disabled Facilities Grant allocation which the Council receives annually from Government. This report sought approval for the revised scheme, additional cost and new funding source, details of which were contained in the report. The proposals are fundamentally consistent with the original report

The Council's services have moved to a business as usual position with activity and impacts arising from the Covid pandemic having reduced significantly. Some pockets of service activity continue to be affected but this is not resulting in a large financial cost. The Council does not expect to receive any Government support linked to Covid within the 2022/23 financial year.

The emerging inflationary risks facing the Council and the wider local government sector have renewed the imperative to maintain financial discipline and prioritise the Council's medium-term financial position. This will become a familiar theme over the remainder of the year and will be a key focus of the Council's activities.

Cabinet noted that the report will be considered by the Audit and Procurement Committee at their meeting on 26 September, 2022.

**RESOLVED that the Cabinet:-**

- 1) Approves the Council's revenue monitoring position.**
- 2) Approves the revised forecast capital outturn position for the year of £165.6m incorporating: £33.9m rescheduling from 2021/22 outturn, £6.7m net increase in spending relating to approved/technical changes and £20.1m of net rescheduling of expenditure into future years.**
- 3) Approves a revised proposal for a new-build residential home for children with disabilities instead of refurbishing Logan Road and to utilise Disabled Facilities Grant to fund the increased £1.4m capital costs as set out in paragraph 2.4 of the report.**

**19. Modernising Sexual Health Services**

The Cabinet considered a report of the Chief Partnership Officer which indicated that the Health and Social Care Act 2012 places a duty on local authorities to provide open access services for contraception and for prevention, testing and treatment of sexually transmitted infections (STIs) for their residents. This is mandatory and entails the key principles of providing services that are free, confidential, open access and not restricted by age. The term 'open access' refers

to services being available to anyone requiring testing for sexually transmitted infections and subsequent treatment (not including HIV treatment), irrespective of their personal characteristics, place of residence, GP registration or immigration status, and without referral.

The Integrated Sexual Health (ISH) Service in Coventry is currently delivered by Coventry and Warwickshire NHS Partnership Trust (CWPT) and is based on a hub and spoke model, with the hub in the City of Coventry Health Centre. The service provides clinic-based interventions and sub-contracts GPs and pharmacies to provide contraceptive (emergency contraception, long-acting reversible contraception and condom distribution) and sexual health services (chlamydia screening) within community settings. The cost of all testing and drug treatments is included within the contract. Currently, online and pharmacy HIV testing services are commissioned outside of the main contract for ISH.

The current contract commenced in 2015 and integrated a number of separate contraception and STI services. The service was jointly procured between Coventry City Council and NHS England (NHSE), who are responsible for commissioning HIV treatment, to enable a more effective patient pathway from HIV testing into treatment. The current contract was due to expire on 31 March 2023 but has been extended to 31 March 2024 in order to allow for the procurement proposed in the report to take place.

Similar services are currently commissioned jointly by Warwickshire County Council (WCC) and NHSE, with the contract delivered by George Eliot NHS Trust and some direct locally enhanced services in primary care.

It is proposed that the service is re-procured by the City Council jointly with Warwickshire County Council and NHSE to deliver both ISH and HIV treatment services within an integrated model, providing efficiency and a smooth patient journey from HIV testing to treatment. The recommended approach is that, following appointment of a provider via a joint procurement process, the Councils will hold a single contract for sexual health service provision and NHSE will hold a second, separate, contract for HIV treatment to ensure contract management remains within specialist teams. Warwickshire County Council will operate as contract holder for sexual health service provision and Coventry City Council will have third party rights. A supporting contract will be drawn up between Coventry City Council and Warwickshire County Council to clarify roles, risk sharing and liabilities and a joint overseeing board will be established involving Directors of Public Health from each local authority.

The report included details of the proposed procurement process to respond to needs assessment and a description of key service priorities, including a focus on community outreach and engagement to support the reduction of sexual health inequalities.

Procurement Board has agreed that each party's financial contribution to the contract be proportionate to the level of patient engagement within current services and that, therefore, the maximum financial contributions for the annual value of the contract will be:

Financial envelope – all scope £7,743.017		
	WCC contribution	CCC contribution
Proportionate	53.7%	46.3%
Value of proportionate	£4,158,000	£3,585,017

In order to support a stable health system, it is intended that the contract for sexual health services is for an initial 5 year term, with the option to extend for a further 5 years.

**RESOLVED that the Cabinet:-**

- 1) **Approves the commencement of a competitive procurement tender exercise for the provision of Sexual Health Services jointly with Warwickshire County Council and NHS England.**
- 2) **Notes that the current contract with Coventry and Warwickshire NHS Partnership Trust has been varied for a further 12-month term until 31 March 2024 in order to facilitate the tendering exercise of the new service.**
- 3) **Approves proposals to recommission the service for a period of five years with the option to extend for up to a further five years, making the total potential contract length 10 years.**
- 4) **Delegates authority to the Director of Public Health and Wellbeing, following consultation with the Chief Legal Officer and the Cabinet Member for Public Health and Sport :**
  - a) **To award a contract for the provision of Sexual Health Services to the successful provider; and**
  - b) **To finalise the terms of, and enter into, the relevant legal agreements as well as any associated documents deemed necessary to enter into the contract.**

20. **City Region Sustainable Transport Settlement**

The Cabinet considered a report of the Director of Transportation and Highways which indicated that the Council's transport capital programme has secured a further £115.9 million, which takes the total investment in Coventry's transport network to just over £250 million for the next 5 years. This enables the Council to further its reputation as an innovative city and to tackle corporate priorities – including tackling the causes of climate change. The report sought approval to enable the funding to be drawn down and the schemes designed and delivered.

As reported to Cabinet on 15 March 2022, (Minute 89/21 refers) the West Midlands Combined Authority (WMCA) submitted a bid to Government's City Region Sustainable Transport Settlement (CRSTS) for a £1.05 billion package of transport schemes for the period 2022-27. The Department for Transport (DfT)

has subsequently confirmed the CRSTS funding award for the WMCA. For Coventry this includes the following:

- Coventry Very Light Rail (CVLR) - £54 million
- Coventry South Sustainable Transport Package - £17 million
- Foleshill Transport Package - £4.5 million
- Regional Park and Ride including Tile Hill Station - £4.5 million

The £80 million CRSTS capital investment will be supplemented by up to £23 million match funding which is a mix of public and private sector investment, taking the total programme value to £103m for the 4 schemes. The majority of match funding is already secure and has been previously approved by Cabinet, and was detailed in the report.

In addition, £30.6 million funding is allocated within the five-year CRSTS programme for Highway Maintenance and the Local Network Improvement Plan.

The WMCA is the accountable body for the CRSTS funding and has put in place a Single Assurance Framework (SAF) process that will need to be followed to draw down the funding. This requires the preparation and submission of business cases that will require WMCA approval.

Due to the scale, and innovative nature, of the project, the CVLR scheme has been designated a retained scheme, which means that the DfT will need to approve the business case in addition to the WMCA.

The Highways Maintenance and Local Network Improvement Plan funding allocation is not subject to the SAF process and is being allocated direct to the Council.

In addition to the CRSTS funding, the Council has recently been successful in securing £5.3 million additional funding for cycling and walking improvements from two additional sources:

- Active Travel Fund 3 – the Binley Cycle Route has received an additional £2.7 million Active Travel funding, taking the total scheme funding to £8.6 million. WMCA has allocated a further £1 million for two Active Travel Neighbourhoods, in the Earlsdon and Naul's Mill areas of the city.
- Paths for Everyone - £1.63 million has been awarded from this fund, administered by Sustrans for the DfT, for improvements to the National Cycle Network routes linking to the University of Warwick campus.

The WMCA has also been awarded revenue funding through CRSTS for scheme development. The Council has already been awarded £0.6 million from this award, and it is anticipated that further revenue funding will be made available during 2022/23. This funding is intended to assist with the cost of developing a pipeline of new schemes that can come forward as and when additional funding becomes available. This also helps to create contingency in the event that any schemes in the CRSTS programme are delayed.

In total, this represents additional investment of almost £116 million in the City's transport network over the 2022-27 period, alongside already committed funding on projects including the Local Air Quality Action Plan and the Active Travel Programme. In order to deliver this ambitious programme, the Council is proposing to use a procurement compliant framework in order to procure professional consultancy services, whilst bespoke procurement frameworks are likely to be required for the CVLR project, given its' innovative nature, alongside a framework for construction under the wider capital programme.

**RESOLVED:-**

- 1) That the Cabinet delegates authority to the Chief Legal Officer and the Director of Transportation and Highways, following consultation with the Cabinet Member for Jobs, Regeneration and Climate Change, to agree the most appropriate procurement route for the works to be delivered for CRSTS Programme and wider Transport Capital Programme related works, subject to approval by Procurement Board.**
  
- 2) That the Cabinet recommends that the City Council:-**
  - i. Approves the submission of Business Cases to the WMCA and, in the case of CVLR, to the DfT, to secure CRSTS funding and delegates authority to the Chief Legal Officer, Chief Operating Officer and the Director of Transportation and Highways, following consultation with the Cabinet Member for Jobs, Regeneration and Climate Change, to accept the CRSTS £80 million funding and add to the Council's Transport Capital Programme.**
  
  - ii. Retrospectively approves the award of £2.7 million Active Travel Fund for Binley Cycle Route, £1 million Active Travel Neighbourhood and £1.63 million Sustrans 'Paths for Everyone' Funding and approve the addition of this funding to the Council's Transport Capital Programme.**
  
  - iii. Delegates authority to the Chief Legal Officer and the Director of Transportation and Highways following consultation with the Cabinet Member for Jobs, Regeneration and Climate Change, to finalise the terms of, and enter into, the relevant legal agreements as well as any associated documents deemed necessary to complete the projects relating the CRSTS Funding up to £80 million, Active Travel Fund £2.7 million for Binley Cycle Route, Active Travel Neighbourhood £1 million and £1.63 million Sustrans 'Paths for Everyone' Funding, including any match funding which is not yet secure up to the amount of £5 million.**
  
  - iv. Delegates authority to the Director of Transportation and Highways following consultation with the Cabinet Member for Jobs, Regeneration and Climate Change, to approve the programme of public consultation and engagement and works to be undertaken for the Council's Transport Capital Programme, including the CRSTS projects.**



- v. **Delegates authority to the Director of Transport and Highways following consultation with Cabinet Member for Jobs, Regeneration and Climate Change and the Cabinet Member for City Services, to approve the programme of works and public consultation and engagement to be undertaken for the Active Travel Neighbourhood schemes.**

## 21. **Schools National Funding Formula Consultation Response**

The Cabinet considered a report of the Director of Education and Skills which indicated that the Department for Education (DfE) is consulting on further reforms to the National Funding Formula (NFF) which determines funding allocations for Local Authorities (LAs) and for all schools.

The Council has previously set out that it does not agree with the move towards a nationally determined funding formula. LAs have knowledge of local factors and understand the context of the local requirements of schools and therefore are best placed to distribute funding in the most effective way for the children in their authorities. However, the DfE has made clear this is the national policy direction and it is therefore in the Council's best interest to continue to engage with these consultations in order to influence the final outcomes for the benefit of the Council and Coventry schools.

The proposals cover a range of specific school funding areas with the main theme of implementing a direct National Funding Formula, where the DfE would calculate and allocate funding directly to schools without local intervention. Some of the proposed changes are planned to take effect from 2023-24 but the DfE anticipate full implementation of the direct NFF will take until 2027-28.

The majority of the consultation proposals are not yet fully developed and as such it is not possible to be specific about their direct impact at this stage. However, the proposals do reveal a likely direction of travel on some key issues, and the potential impact that these could have on both Council and school finances is detailed within the report.

The report sought approval to submit a Local Authority (LA) response to the consultation which outlines Coventry City Council's view on the proposals, as detailed in an Appendix to the report. The response clearly highlights the Council's concerns about changes which could negatively impact on the LA or on schools. Where appropriate the response also outlines areas that need further consideration and makes suggestions to improve proposals.

**RESOLVED that Council be recommended to approve the proposed response to the Schools National Funding Formula consultation, as appended to the report.**

## 22. **Conservation Area Designation - Earlsdon**

The Cabinet considered a report of the Director of Streetscene and Regulatory Services which indicated that, in line with Local Plan commitments, the proposal for a new Conservation Area in Earlsdon has been assessed, with a draft area

appraisal, management plan and associated Article 4 Direction produced and taken to public consultation. All comments received have been reviewed and appropriate changes made. The report sought endorsement of the designation of the proposed Earlsdon Conservation Area in order to preserve and enhance the special character of the area. The report will be considered by Planning Committee for final approval.

Coventry currently has 16 designated Conservation Areas, each individually recognising areas of special architectural, environmental or historic interest in the city. The Planning (Listed Buildings and Conservation Areas) Act 1990 states at section 69 'Designation of Conservation Areas' that, "Every local planning authority shall from time to time determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and shall designate those areas as conservation areas".

Within Conservation Areas, certain additional planning controls apply which seek to assist the Local Planning Authority in protecting the special characteristics of the conservation areas. The Local Authority also have the option of considering the introduction of associated Article 4 Directions, which then remove targeted elements of permitted development rights in order that proposals which may impact upon the special character of the conservation area may be assessed for their appropriateness through the planning system.

Following its adoption in December 2017, the Coventry City Local Plan states at policy HE2 that the areas of Earlsdon and Brownhill Green are proposed for new Conservation Areas. Work has now been undertaken to assess these areas, producing supporting documentation of an area appraisal, management plan and Article 4 Direction (Minute 23/22 below also refers)

Following approval from the Cabinet Member for Housing and Communities, (Minute 37/22 refers), public consultation on the proposals has now taken place. The findings, officers' responses to points raised and revisions to the documentation that has taken place in response were summarised in an Appendix to the report. Alongside considerations of representations received through the public consultation phase, further engagement with internal colleagues has also take place and revisions made accordingly in order to ensure that the documents may be employed to their best effect in forthcoming planning considerations.

**RESOLVED that Cabinet endorses the report and the designation of a new Conservation Area in Earlsdon.**

23. **Conservation Area Designation - Brownhill Green**

The Cabinet considered a report of the Director of Streetscene and Regulatory Services which indicated that, in line with Local Plan commitments, the proposal for a new Conservation Area in Brownhill Green has been assessed, with a draft area appraisal, management plan and associated Article 4 Direction produced and taken to public consultation. All comments received have been reviewed and appropriate changes made. The report sought endorsement of the designation of the proposed Brownhill Green Conservation Area in order to preserve and

enhance the special character of the area. The report will be considered by Planning Committee for final approval.

Coventry currently has 16 designated Conservation Areas, each individually recognising areas of special architectural, environmental or historic interest in the city. The Planning (Listed Buildings and Conservation Areas) Act 1990 states at section 69 'Designation of Conservation Areas' that, "Every local planning authority shall from time to time determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and shall designate those areas as conservation areas".

Within Conservation Areas, certain additional planning controls apply which seek to assist the Local Planning Authority in protecting the special characteristics of the conservation areas. The Local Authority also have the option of considering the introduction of associated Article 4 Directions, which then remove targeted elements of permitted development rights in order that proposals which may impact upon the special character of the conservation area may be assessed for their appropriateness through the planning system.

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Following approval from the Cabinet Member for Housing and Communities, (Minute 36/22 refers), public consultation on the proposals has now taken place. The findings, officers' responses to points raised and revisions to the documentation that has taken place in response were summarised in an Appendix to the report. Alongside considerations of representations received through the public consultation phase, further engagement with internal colleagues has also take place and revisions made accordingly in order to ensure that the documents may be employed to their best effect in forthcoming planning considerations.

**RESOLVED that Cabinet endorses the report and the designation of a new Conservation Area in Brownhill Green.**

24. **Houses of Multiple Occupancy (HMO) Development Plan Document (DPD) Public Consultation**

The Cabinet considered a report of the Director of Streetscene and Regulatory Services which indicated that Houses in Multiple Occupancy (HMOs) can provide entry level accommodation but can also bring significant disruption to settled neighbourhoods. In order to ensure that HMOs can only come forward in ways that integrate with existing neighbourhoods, a Development Plan Document (DPD) has been drafted that identifies the key issues and proposes planning policy responses.

Furthermore, in order to ensure that these policies can be engaged comprehensively, an Article 4 Direction is proposed on the wards most impacted by HMOs currently, and those most likely to be in the future.

The report sought authority to consult for an eight-week period on the draft HMO DPD and associated Article 4 Direction. The proposed consultation will be a "Regulation 18" consultation, where the public are asked to consider the issues identified and provide their views on whether any issues have been overlooked. The Council will then propose policy responses to the identified issues, and again ask members of the public for their views on these policies.

In order to make sure that this change of policy can be applied to all HMOs, a draft Article 4 Direction is also proposed and was attached as a Appendix 4 to the report. It is proposed to consult on this at the same time as the HMO DPD, acknowledging that many consultees will want to comment on both simultaneously.

In drawing the boundaries of the Article 4 Direction area officers have been cognisant of the requirements of the National Planning Policy Framework (NPPF) paragraph 53 for making sure the area is as based on robust evidence and applies to the smallest geographical area possible, whilst also considering the likely impacts on similar dwelling typologies. As such the area is drawn to cover all major clusters of existing HMOs and the areas where there is further HMO growth potential and will be supported by a technical evidence document.

When consulting on a draft Article 4 Direction, the date that the Direction will come into force, if ratified by the Council, is required to be stated. This date has been set one year from the date of consultation to ensure that it is brought into effect as soon as possible but without creating potential compensation liability for the Authority.

It is also a legal requirement, as set out in the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations), to consider whether or not Strategic Environmental Assessment (SEA) of the DPD should be undertaken. The process for determining whether or not an SEA is required is called screening. This is to determine whether a plan will have significant environmental effects. The screening opinion undertaken was attached at Appendix 2 to the report. This concludes that no SEA is needed for the DPD. This screening report must be consulted on so that three statutory bodies (Historic England, Natural England and the Environment Agency) can respond. It makes sense to make the screening report publicly available for comment at the same time as the DPD is being consulted on.

An Equalities Impact Assessment (EqIA) has been undertaken, this was attached at Appendix 3 to the report and will also form part of the public consultation.

Following the eight week consultation, responses will be analysed and taken account of when considering amendments that might be required. A further report will be considered by Cabinet and Council to approve a second round of consultation prior to submission for Independent Examination.

**RESOLVED that Cabinet;**

- 1) Notes the content of the appendices and the timeline indicated in the report**

- 2) **On behalf of the Local Planning Authority, authorises the City Solicitor to make a non immediate Article 4 Direction which will be applied to the areas defined in the Draft Article 4 Direction shown at Appendix 4 of this report to remove permitted development rights for the change of use of dwelling houses (C3 use) to small houses in multiple occupation (C4 use)**
- 3) **Recommends that Council approves the draft documents for an eight week public consultation, to begin at the earliest opportunity**

## 25. **Conservation Covenant - Responsible Body Nomination**

The Cabinet considered a report of the Director of Streetscene and Regulatory Services which indicated that Conservation Covenants are a new way of securing long term environmental benefits on land via a legally binding agreement between the landowner and a Responsible Body. This report seeks approval to nominate the City Council as a Responsible Body in order to have the opportunity to enter into such agreements in the future where appropriate.

The Environment Act 2021 introduced the concept of Conservation Covenants. A Conservation Covenant is a legally binding agreement between a landowner and a Responsible Body that commits the land to specific restrictions over a long time period, potentially in perpetuity, irrespective of successor ownership.

Conservation Covenants are expected to become a useful tool in securing long term biodiversity gain either in tandem with or replacing Section 106 agreements where related to delivering offsite biodiversity improvements as a result of planning applications. It should be noted that the Council will still expect all biodiversity improvements to take place on-site wherever possible.

In September 2022 the Department for Environment, Food and Rural Affairs (DEFRA) are opening applications for organisations to apply to become a Responsible Body. Although Local Authorities are not required to apply, it is the expectation that most LAs will do so. Multiple Responsible Bodies can cover the same geographical area. By nominating ourselves as a Responsible Body the Council does not commit to entering into any individual agreements, but does commit to submitting an annual report on the number of Covenants entered into. There is little information on this at present but the Secretary of State may make regulations in the future providing for how annual returns are to be made.

It was noted that the Council cannot enter into a Covenant with itself on land in its ownership.

By becoming a Responsible Body, the Council will safeguard the ability to use this function in the future. The Government has yet to provide detailed guidance regarding the use of Conservation Covenants, but it is considered prudent to ensure the Council is in a position to take advantage of this function in the future, where it is considered the most appropriate and effective vehicle to deliver the Council's aims.

**RESOLVED that Cabinet approves the nomination of the City Council as a Responsible Body with regards to Conservation Covenants.**

26. **Outstanding Issues**

There were no outstanding issues.

27. **Any Other Items of Urgent Public Business**

There were no other items of urgent public business.

(Meeting closed at 3.15 pm)