

Councillor Randhir Auluck  
Chair Finance and Corporate Scrutiny Board  
Council House  
Earl Street  
Coventry  
CV1 5RR

Date: 17 March 2023

Please ask for: Ann Probert

Our Ref: 75274/CCC

Your Ref:

T: 0113 2211 342

e: ann.probert@armstrongwatson.co.uk

Dear Councillor Auluck

### **Coventry City of Culture Trust – in Administration ("the Company / CCCT")**

Thank you for your email to Ann and I, and your invitation to attend a public meeting of the Council's Finance and Corporate Services Scrutiny Board ("**FCSS Board**") on 29 March 2023.

As Joint Administrators, we are aware of the degree of public interest in the matter of CCCT, and the concerns of councillors and constituents, as well as other public bodies such as the Department for Digital, Media, Culture and Sport ("**DMCS**") and the Charity Commission ("**Commission**"). We are keen to engage and work with the Council, public bodies, and all other key stakeholders, within the scope of our own duties of investigation in support of their own enquiries.

As Joint Administrators we are subject to our own statutory obligations which include:

- gathering, protecting and preserving the assets and records of CCCT;
- maximising realisations in the interests of creditors generally;
- compliance with our statutory duties and functions in the performance of the statutory objective and purposes of administration.

These broad obligations include a duty to investigate the affairs of CCCT and the conduct of its directors, however our investigations are confidential and information obtained under our investigations may be subject to legal privilege. With regret, in order to preserve the integrity of our investigations and comply with our statutory duties of confidentiality, we are therefore unable to engage with the FCSS Board in a public setting, in the manner envisaged by your invitation which we therefore must decline.

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We are also still at a relatively early stage of the administration, where we are still developing our proposed strategy for the achievement of the purposes of the administration of CCCT, including as to the scope and extent (as well as the use of available resources) of our investigations. We will be presenting our proposals to creditors in the next few weeks, though we would benefit from earlier private and confidential discussions with the Council in advance of issuance.

There is likely to be a considerable degree of overlap in the areas of our investigations with the Appendix kindly provided with your email, though it should be noted that the purpose and extent of our investigations may differ from that of the FCSS Board and the Council generally. Additionally, we are limited by the extent of resources available to us, given that CCCT is insolvent, and also the wishes of creditors which our proposals will seek to understand.

We are currently seeking legal advice as to how we may better engage with the Council and other public bodies whilst preserving the confidentiality of our investigations, and would propose to have an early discussion with you as soon as possible with the benefit of such advice.

As regards your request for us to invite members and former members of the directors of CCCT or other individuals connected with CCCT, as this is not within the functions of the Joint Administrators, we are unable to do so. We would note that the FCSS Board is entirely free to invite such individuals to the meeting directly, and we confirm we have no objections to the FCSS Board doing so as regards those persons specifically named in your email.

We will, however, inform such individuals as you have mentioned for whom we have contact details of your request, and that they should obtain their own independent advice as to whether they should attend and the extent to which they are at liberty to provide the FCSS Board with confidential information of CCCT.

If you wish to discuss any of the above, please do call either myself or Ann at your earliest convenience.

Yours sincerely  
For and on behalf of  
Coventry City of Culture Trust



Michael C Kienlen  
Joint Administrator

The Joint Administrators act as agents of the Company and without personal liability.  
The affairs, business and property of the Company are being managed by the Joint administrators,  
Mike Kienlen and Daryl Warwick.

Daryl Warwick is authorised to act as an insolvency practitioner in the UK by the ICAEW. IP number 9500. Mike Kienlen is authorised to act as an insolvency practitioner in the UK by the IPA. IP number 9367.

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