

Executive

Minutes of the meeting held on Wednesday 29 November 2017 at the Town Hall, Royal Leamington Spa, at 6.00 pm.

Present: Councillor Mobbs (Leader); Councillors Butler, Coker, Grainger, Phillips, Rhead, Thompson and Whiting.

Also present: Councillors; Barrott (Chair of Finance & Audit Scrutiny Committee); Mrs Falp (Chair of Overview & Scrutiny Committee and Whitnash Residents' Association (Independent) Group Observer); and Councillor Quinney (Labour Group Observer).

84. **Declarations of Interest**

There were no declarations of interest.

85. **Minutes**

The minutes of the meeting held on 1 November 2017 were not available and would be submitted to the next meeting.

Part 1

(Items on which a decision by Council on 24 January 2018 was required)

86. **General Fund Base Budgets 2018/19**

The Executive considered a report from Finance which set out the latest projections for the General Fund revenue budgets in respect of 2017/18 and 2018/19 based on the current levels of service, and previous decisions. There were further matters that would need to be reviewed in order to finalise the base position as part of the 2018/19 budget setting process as set out in paragraph 8.3 of the report.

The report advised that the 2017/18 latest budgets showed a forecast surplus of £811,500 before any appropriations. The proposed 2018/19 Base Budget forecasted a surplus of £38,500.

The Medium Term Financial Strategy had been updated to take these budget adjustments into account, plus any other issues affecting the Strategy in future years. The latest projections were also included in the report.

The Council was required to determine its budget requirements in order to set the Council Tax for 2018/19.

The proposed 2018/19 Base Budget showed a surplus of £38,500 in the Council's net expenditure in continuing to provide its services and meet its commitments. Details of the Base Budget were contained in Section 11 of the report. Any changes to the overall position, as a result of further

consideration of the 2017/18 projected budget outturn, would be considered within the February Budget report.

The latest estimate for the 2017/18 Budget showed a surplus over the original Base Budget of £811,500, as detailed in section 12. Further detailed monitoring of the 2017/18 budget would be undertaken prior to the February Budget setting report being presented to Members. This was a substantial improvement on the position reported for Quarter 1 in August of £31,200. The reasons for this shift were detailed in paragraph 12.6 of the report.

Two addendums were circulated prior to the meeting. The first proposed an additional recommendation 2.11 relating to funding for a temporary period to fund a Community Infrastructure Levy (CIL) Officer post. The proposal was that £8,000 be made available from the Planning Reserve to fund a post for a period of up to three months. In addition, a proposal would be brought forward at a later date to provide ongoing funding for CIL administration from either the 5% CIL receipts from the increase in planning fees. An addendum included the reasons for the additional recommendation and outlined two options for identifying a permanent funding source for the post.

The second addendum proposed a further recommendation 2.10 to the Executive relating to financial assistance for Racing Club Warwick to assist with emergency repairs of its premises. In June 2017 a decision was taken to assist with repairs to the roof over the community room on the clubs premises via grant aid. However, it had become clear that the scale of repairs was greater than first envisaged following water damage resulting in the room becoming unusable. As this facility was deemed a community asset and was owned by the Council, it was proposed that up to £11,000 funding be provided from the Contingency Budget to cover the estimated cost of the works.

Full reasons for the recommendations were provided in the addendum along with appendix G which gave an explanation of the problems that the contractor had found whilst undertaking the repair work.

The purpose of this report was to produce budgets as determined under the requirements of the Financial Strategy, in line with current Council policies. Any alternative strategies would be the subject of separate reports.

The Finance & Audit Scrutiny Committee supported the recommendations in the report including the additional recommendations relating to a CIL officer post, as detailed in the addendum. In relation to the additional recommendation 2.10 relating to Racing Club Warwick, Members felt that every effort should be made to recover the cost of this work. Therefore, it was proposed that the Executive should ensure that the terms of the agreement should endeavour to recover the cost of the works.

The Chair of Finance and Audit outlined the Committee's comments and advised that the scrutiny committee would be asking individual service

areas to provide details on their base budgets along with the Contracts Registers and Risk Registers which were already presented on a regular basis. This was because Members often felt that further detail was useful during scrutiny which could not always be provided by the report authors and which could be obtained from the individual service area managers instead.

The Finance Portfolio Holder endorsed the report and thanked the officers for their work in achieving a decent surplus. He assured Members that along with the Head of Finance and the Portfolio Holder for Business, he would find a way for Racing Club Warwick to repay the money over a period of time.

Having considered the report and the additional information in the addendum, the Executive agreed with the recommendations in the report and the additional recommendations 2.11 i) and ii) as detailed in the addendum.

Recommendations 2.10 i) & ii) detailed in the addendum were agreed as written but recommendation 2.10 iii) was amended following the comments made by the Finance & Audit Scrutiny Committee.

The Executive therefore

Recommended to Council

- (1) (a) the base budget for the General Fund services in respect of 2018/19 as outlined in Appendix 'C';

(b) the updated budget for the General Fund services in respect of 2017/18 as outlined in Appendix 'C';
- (2) the appropriation of the projected 2017/18 Surplus is agreed as follows:-
 - Service Transformation Reserve £150,000
 - Capital Investment Reserve £150,000
 - Investment Volatility Reserve £100,000
 - Early Retirement Reserve £50,000
 - Car Park Displacement Reserve £100,000
 - Contingency Budget 2018/19 £200,000
 - Contingency Budget 2017/18 £61,500
- (3) the future savings required as shown within the Medium Term Financial Strategy, are noted;

- (4) the other liabilities for which the Council needs to secure funding if it is to continue to maintain service provision are noted, as discussed in paragraph 3.3.15 of the report;
- (5) the progress on the Fit For the Future projects is noted, as detailed in Section 3.4 of the report;
- (6) that the Capital Programme is increased in 2017/18 by £15,000 to renew and significantly upgrade the lighting in the car park at Newbold Comyn, funded initially from the Leisure Options Reserve, pending the receipt of the S106 payment;
- (7) the Executive approves an exemption to the Code of Procurement Practice for the continued provision of the Corporate Fraud Investigation Service from Oxford City Council, with an on-going service level agreement with annual reviews to be agreed by the Head of Finance in consultation with the Finance Portfolio Holder;
- (8) the Council Tax Reduction Scheme for 2018/19 should be unchanged from the current Scheme and continue to be based upon the council tax liability being a minimum of 15% for those of working age;
- (9) the Executive agree £30,000 towards the cost of the 2018 Women's Cycle Tour, funded from the 2018/19 Service Transformation Reserve;
- (10) the Executive agree that:
 - i) £11,000 from the Contingency Budget of 2017/18 to fund additional emergency repairs at Racing Club Warwick;
 - ii) Such monies to be administered using processes deployed for the RUCIS grant scheme;

- iii) that agreement for the terms of the funding is delegated to the Chief Executive and Head of Finance in consultation with the Business and Finance Portfolio Holders respectively and the terms of any agreement should endeavour to recover the cost of the works."

(11) the Executive agree that:

- i) £8,000 be made available from the Planning Reserve to fund a CIL Officer post for a period of up to three months and that the Planning Reserve is replenished from CIL receipts as and when payments from CIL allow; and
- ii) that, subject to Employment Committee agreeing to the establishment of a CIL officer post, proposals be brought forward to provide ongoing funding for CIL administration from either the 5% CIL receipts or the increase in Planning Fees.

(The Portfolio Holder for this item was Councillor Whiting)
Forward Plan ref 877

85. Housing Revenue Account (HRA) Budgets Latest 2017/18 and Base 2018/19

The Executive considered a report from Finance which presented the Housing Revenue Account (HRA) 2017/18 latest and 2018/19 base budgets. The figures were based predominately on the assumptions agreed in the HRA Business Plan Review (Executive 5 April 2017), including those relating to rents. A rent setting report would be presented to the Executive in February 2018 with a view to recommending the 2018/19 HRA Rents to Council.

Appendix 'A' to the report summarised the adjustments from 2017/18 base budgets to the 2017/18 latest budgets and 2018/19 base budgets.

The report considered the current year's budget, and included details of proposed updates to the 2017/18 Budget. The report also recommended the base budget requirements that would be used in the setting of the HRA budgets for 2018/19. These figures reflected the costs of delivering an agreed level of service, and any unavoidable changes in expenditure (for example, where the Council was contractually or statutorily committed to incur additional expenditure).

Any recent changes that needed to be resolved that had not been included in the budgets at this stage, would be fed into the February report. In February, the Council would be in a position to agree the 2018/19 Budget and HRA rents for the year.

In agreeing the latest 2017/18 budgetary position, managers had reviewed their current and forecast financial requirements. Some changes had already been reported to Members as part of the Quarterly Budget Review Report in August, with further amendments being identified during the budget setting process to determine next year's base position.

The purpose of this report was to produce budgets as determined under the requirements of the Financial Strategy. Any alternative strategies would be the subject of separate reports, therefore there were no alternative options detailed.

The Finance & Audit Scrutiny Committee supported the recommendations in the report.

The Portfolio Holder for Housing outlined the report and explained that the Council looked to be in a good position for 2018/19 even allowing for a 1% rent reduction. He assured Members that he met with the Principal Accountant on a regular basis. It was therefore proposed and duly seconded that the Executive

Recommended to Council that the latest revenue budget for Housing Revenue Account Services in respect of 2017/18 as outlined in Appendix 'A', is approved.

(The Portfolio Holder for this item was Councillor Phillips)
Forward Plan ref 878

86. **Civil Penalties Policy – Private Sector Housing**

The Executive considered a report from Private Sector Housing which brought forward a policy to enable officers to use new powers contained in the Housing and Planning Act 2016 to apply civil penalties as an alternative to a prosecution in the Magistrates Court for various offences in private sector housing.

The number of people housed in private rented accommodation now exceeded the number of people housed in socially rented properties both nationally and locally. The government was in the process of giving more powers to local authorities to tackle rogue landlords through the Housing & Planning Act 2016 (HPA).

The Housing & Planning Act 2016 gave local authorities the power to apply civil penalties for a range of offences in connection with private sector housing that had previously required action to be taken in the Magistrates' Court.

Although the powers were set out in legislation, for officers to use them the Council must formally adopt a policy to do so, within which it had the discretion to set a schedule of penalties for the various offences.

The schedules in appendices one and two to the report had been worked up by Warwick District Council's Private Sector Housing Team in partnership with colleagues in the West Midlands, including Warwickshire, with the intention of having a consistent framework across the region for the introduction of these civil penalties in terms of both the level of the penalties and the process for applying them.

So that the policy could be applied quickly and efficiently once adopted, the report also proposed that the Head of Housing Services should be granted the authority to decide on the use of penalties in individual cases.

An alternative option was that Members could propose a different charging structure, however, this would undermine the work to establish a clear and consistent approach across the Warwickshire and the West Midlands region. This could also create the risk of increased legal challenges, increased cost and require additional officer resources to implement.

Another alternative was to not adopt a civil penalties policy. This would limit the Council's options in its role as a regulator of private sector housing and could also affect community confidence in the Council's ability and ambition to deal with poor management and to raise housing standards.

The Overview & Scrutiny Committee fully supported the recommendations in the report.

Following discussions with the Portfolio Holder at the scrutiny meeting, the Committee supported an amendment to recommendation 2.1d that would be proposed at Executive:

"Delegated authority be given to the Head of Housing Services *in consultation with the Housing Portfolio Holder* to make decisions about imposing civil penalties in individual cases".

Recommended to Council that

- (1) a policy of using civil penalties as set out in this report be adopted;
- (2) the process for imposing a civil penalty set out in appendix two be approved;
- (3) the schedule of civil penalties listed in appendix one be approved; and
- (4) authority is delegated to the Head of Housing Services, in consultation with the Housing Portfolio Holder, to make

decisions about imposing civil penalties in individual cases.

(The Portfolio Holder for this item was Councillor Phillips)
Forward Plan ref 908

Part 2

(Items on which a decision by Council was not required)

87. Corporate Apprenticeship Fund

The Executive considered a report from Human Resources which requested funding to support a Corporate Apprenticeship Programme. A Corporate Apprenticeship Programme would operate in addition to the Council's agreed staffing establishment and budget.

The report requested approval of a budget of up to £100,000 for 2018/19 and £150,000 per annum thereafter for a Corporate Apprenticeship Programme, with this being incorporated within the Medium Term Financial Strategy and considered as part of the Base Budget Report, subject to the agreement of the scheme by Employment Committee. This would ensure the sustainability of a dedicated programme enabling the Council to offer up to eight apprenticeship opportunities at any one time.

Like all Local Authorities Warwick District Council (WDC) had a low proportion of young people working for the organisation, with our Workforce Profile indicating that on 1 November 2017, 474 members of staff 4.22% were aged between 18-24.

The proportion of older workers, the 55-64 age group was 21.52% and the over 65's 4.64%. This had implications for the resourcing of future service delivery, indicating the need for a more targeted approach to succession planning. One specific approach to address this age imbalance was to offer apprenticeships.

The report outlined the benefits which could be gained not only by the apprentice but also by the authority and hoped that the scheme would help to address some of the difficulties encountered in recruiting to some service areas.

The proposed salary costs of an apprentice ranged between £7,814-£14,470 plus on costs subject to age, level of apprenticeship and whether 12 months had been completed. Apprentices aged 19 and over, who had completed the first year of apprenticeship must be paid the National Living Wage for their age. This was currently between £5.60 to a maximum of £7.50 per hour.

The Council already had to pay approximately £50,000 to the Government Apprenticeship levy in 2017/18. The Council was effectively able to get this funding back to pay for training costs, but not to fund employment costs.

An alternative option was not to introduce a funded Corporate Apprenticeship Programme, however, this had been discounted as it would not meet the Council's objectives to recruit, train and retain staff. It would also prevent access to the Apprenticeship Levy which the Council had to pay, regardless of the number of apprentices employed.

The Finance & Audit Scrutiny Committee supported the recommendation in the report.

The Leader endorsed the report and referred to the recruitment branding session that had been delivered to all Councillors at the beginning of the week which had been very well received.

Resolved that a budget of up to £100,000 for 2018/19 and £150,000 per annum thereafter, is approved for a Corporate Apprenticeship Programme, with this being incorporated within the Medium Term Financial Strategy and considered as part of the Base Budget Report, subject to the agreement of the scheme by Employment Committee.

(The Portfolio Holder for this item was Councillor Mobbs)
Forward Plan ref 903

88. Hours of Flying for Model Planes on St Mary's Lands, Warwick

The Executive considered a report from the Chief Executive which sought to consider a request for changes to the present restrictions on the hours of operating model flying craft on St Mary's Lands, Warwick back to the hours of operation previously allowed which would allow more flying time. These being to allow flying from 10 am to 9pm/Dusk (whichever was sooner) on Monday to Fridays and from 11am to 9pm/Dusk (whichever was the sooner) on Weekends and Bank Holidays, for silent planes only.

Currently the operating hours were Monday to Friday from 10am to 7pm and on Weekends and Bank Holidays from 11am to 4pm.

It was also proposed that an assessment of potential ecological, noise and health and safety impacts be undertaken and, if that assessment showed no significant issues, then a formal public consultation would also be undertaken. The results of that work would be brought back in a report to the Executive for a final decision.

St Mary's Lands was a large public open space on the western side of Warwick lying between the edge of town and the country side leading to the A46. It was an area that fell wholly within the town's Conservation Area; housed a Grade II Listed Building with also the listed Hill Close Gardens immediately adjoining; and, was partly a Local Nature Reserve as detailed on Plans 1 and 2 to the report.

St Mary's Lands was also home to a variety of uses and activities many of which were historic in nature; e.g. racecourse; golf course; football; local community use (Corps of Drums); walking, running, dog walking, etc. In addition, the area had for 90 years been used as an area in which people could use to fly model aircraft.

There were a number of appendices to the report which illustrated the hours requested, comments from residents and responses and the signage to be positioned around the site.

An alternative option was that the Council could decide not to agree to any change but there did appear to be some evidence that a change in technology could mean that longer hours would be acceptable. However, that would not be known for certain until all the assessments were undertaken, and the public consultation results known.

The Portfolio Holder, Councillor Butler, proposed the recommendations in the report and felt that the report covered all of the necessary aspects including safety issues. It was duly seconded and

Resolved that

- (1) ecological, noise, and health and safety impact assessments be undertaken on the proposal to restore the operating hours of the model aircraft as set out in recommendation 2.2 of this report;
- (2) once the information derived from recommendation 2.1 of the report is received, and provided it generates no significant issues, then a public consultation be undertaken on the request to restore the hours of operation for silent flying model aircraft as follows: 10 am to 9pm/Dusk (whichever is sooner) on Monday to Fridays and from 11am to 9pm/Dusk (whichever is sooner) on Weekends and Bank Holidays; and
- (3) the results of the public consultation and the assessments referred to in the recommendations be reported back to the Executive for a final decision.

(The Portfolio Holder for this item was Councillor Butler)

89. Public and Press

Resolved that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for

the following items by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Minute No.	Para Nos.	Reason
90	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

90. **Minutes**

The confidential minutes of the meeting held on 1 November 2017 were not available and would be submitted to the next meeting.

(The meeting ended at 6.22 pm)