

# EXECUTIVE

Minutes of the meeting held on Monday 12 September 2005 in the Town Hall, Royal Leamington Spa at 6.00 p.m.

**PRESENT:** Councillor Crowther (Chair), Councillors Mrs Begg, Boad, Gifford, Gill, Mrs McFarland and Tamlin.

**ALSO PRESENT:** Councillor Doody (Chairman of the Executive Overview and Scrutiny Committee);

Councillor Hammon (Conservative Group Observer); and

Councillor Coker.

## 419. DECLARATIONS OF INTEREST

There were no declarations of interest.

## 420. MINUTES

The minutes of the meeting held on 25 July 2005 were taken as read and signed by the Chair as a correct record.

## 421. PETITION

The Executive considered a petition from the residents at Edmondscote Road, Leamington Spa regarding the noise and nuisance in the area.

**RESOLVED** that this issue be passed to the Council's Community Safety Officers to liaise with Warwickshire Police.

## 422. WARWICKSHIRE WASTE STRATEGY

The Executive were given a presentation on the Waste Management Strategy by Warwickshire County Council and also considered a report from the Waste Strategy Officer.

The Executive had approved the first part of the countywide strategy in April 2004 which had set out the ways in which the County, Borough and District Councils, under the collective name of the Warwickshire Waste Partnership, would work together on waste management. It had also detailed the various recycling plans which the Borough and District Councils would follow in order to increase the amount of waste recycled within Warwickshire in the short to medium term.

## **EXECUTIVE MINUTES (Continued)**

This second part of the countywide Waste Management Strategy dealt with the longer term problem of waste disposal and the need to reduce reliance on landfill, to deal responsibly with biodegradable waste and to further increase the amount of waste which was recycled whilst seeking to reduce the overall amount produced within Warwickshire. It was intended that the Strategy would be reviewed at five-yearly intervals.

By supporting the Strategy, the Council would be upholding these aims and giving its commitment to recycling far more (particularly organic) waste and moving away from a waste management infrastructure which relied too heavily on landfill (the local capacity of which could be exhausted within ten years). The Strategy also required Warwickshire's local authorities to work closely together on waste management issues over the coming years.

The Executive Overview and Scrutiny Committee supported the recommendations in the report.

**RESOLVED** that the second part of the countywide Waste Strategy, as detailed in Appendix A to the report, subject to the Government providing additional resources, be adopted and supported.

(The Portfolio Holders for this item was Councillor Mrs Begg)

### **423. APPROACH TO PARTNERSHIPS**

The Executive considered a report from the Strategic Director for Community Resources on the Council's policy for involvement with partnerships.

The Audit Commission used the term 'partnership' to describe a joint working arrangement where the partners:

- were otherwise independent and agreed to co-operate to achieve a common goal;
- created a new organisational structure or process to achieve this goal, separate from their own organisations;
- planned and implemented jointly an agreed programme, often with joint staff or resources;
- shared relevant information; and
- pooled risks and rewards.

Taking these definitions, partnerships were not contract arrangements and neither were they funding arrangements. There were essentially four different types of partnership:

- separate organisation (in only legal context)
- virtual organisation (no formal legal basis)
- co-locating staff from different organisations
- steering group without dedicated resources

## **EXECUTIVE MINUTES (Continued)**

Because partnership working could be both difficult and expensive, it was essential that organisations considered other options as well as a partnership. Depending on the circumstances, a different approach could be either more efficient, more effective, or both. Generally the Council would want to form partnerships for the following reasons:

- aligning the services provided by the partners with the needs of users;
- making better use of resources;
- stimulating more creative approaches to problems; and
- influencing the behaviour of the partners or of third parties in ways that none of the partners acting alone could achieve.

The Executive Overview and Scrutiny Committee supported the recommendations in the report.

### **RESOLVED** that

- (1) the definitions of partnership to which this document applies as set out in paragraph 2 of the Policy be agreed;
- (2) appendix 1 to the report, be amended as necessary to reflect the items in paragraph 3.2 of the report. This be completed at the initiation of a partnership and reviewed every five years; reviews to commence on a rolling basis;
- (3) the Council endeavour for all partnerships of which it is a member, to complete a health check along the lines of that detailed in Appendix 2 to the report, at least every other year; and
- (4) this policy be reviewed every three years.

(The Portfolio Holder for this item was Councillor Crowther)

#### **424. FUTURE FINANCIAL ASSISTANCE POLICY FOR PRIVATE SECTOR HOUSING IMPROVEMENTS**

The Executive considered a report from Environmental Health on the future financial assistance policy for private sector housing improvements.

Grants to aid the improvement and repair and, in certain circumstances, the provision of dwellings had featured in the tools available to local authorities in their struggle to improve and maintain the quality of the housing stock in their areas for over 50 years. Such grants had, until recent times, been proscribed by central government in respect of both the types of works which could be grant-aided, and the amount of money which could be given in each case.

## **EXECUTIVE MINUTES (Continued)**

At various times during the past 50 years, some grants had been mandatory and others discretionary, and there had always been stringent conditions attached to the awarding of grants. Government had sought to constrain local authorities by indicating how much they should be spending on housing renewal and had subsidised borrowing in support of this.

With the advent of more freedom for local authorities in how they spend their capital monies, the government had loosened the reins somewhat and allowed local authorities to spend what they considered necessary and affordable on housing renewal with the marked exception of Disabled Facilities Grants.

The grants which Warwick District Council currently awarded were described in Appendix A to the report. These had been awarded, with minor modifications, for the past eight years, since the Housing Grants, Construction and Regeneration Act 1996 came into effect. They had been confirmed, on a temporary basis, in June 2003 when the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) came into effect.

The Executive, in June 2003, had received a report which outlined the grants system then in place and were advised of the effects of the RRO. The Executive agreed to continue that grants system until such time as a new policy could be formulated having regard to the results of a Private Sector House Condition Survey.

Since that time, additional information had been gathered concerning the manner in which other local authorities were approaching their housing renewal obligations, and the Government had published more information on its expectations concerning the Decent Homes Standard and targets which it expected local authorities to meet in the private sector.

The Executive Overview and Scrutiny Committee supported the recommendation in the report, but suggested that Warwick District Council and Warwickshire County Council officers needed to discuss the areas where a need existed, bearing in mind that situations were as important as areas.

### **RESOLVED** that

- (1) the future award of Assistance for Private Sector Housing Repair and Improvement, be approved;
- (2) the policy for such awards be consulted on, revised as necessary and implemented from April 2006; and
- (3) the consultation document to make clear that the issue of whether or not to target specific priority wards for certain grants is open for discussion and that further investigations be made into the potential of recycling the budget.

(The Portfolio Holder for this item was Councillor Boad)

## **EXECUTIVE MINUTES (Continued)**

### **425. SUPPLEMENTARY PLANNING DOCUMENT: MANAGING HOUSING SUPPLY**

The Executive considered a report from Planning and Engineering on the Managing Housing Supply Supplementary Planning Document.

The Supplementary Planning Document provided further planning guidance to ensure that the supply of housing met requirements set out in strategic plans. The Council had set out its intention to produce such a document in its Local Development Scheme which had been approved by members in December 2004 and brought into effect in February 2005. On 13 June, the Executive approved a draft of this document as a basis for public participation. Since that time public consultation had taken place and the revised version of this document was appended to the report for approval.

The Executive Overview and Scrutiny Committee supported the recommendation in the report.

**RESOLVED** that the Managing Housing Supply Supplementary Planning Document (SPD), for development control purposes, be approved.

(The Portfolio Holder for this item was Councillor Mrs Begg)

### **426. COVENTRY AIRPORT INQUIRY COSTS**

The Executive considered a report from Environment Directorate and Finance on the costs of the inquiry into Coventry Airport.

During late 2004 and early 2000, works were undertaken at Coventry Airport to create an interim passenger facility to allow the commencement of the Thomsonfly operation. These works had been the subject of a number of reports to Planning Committee. In April 2000, the Committee authorised the undertaking of enforcement action and injunction proceedings against the development.

The injunction proceedings were countered by a "strike out" claim by the Airport. This was heard in the High Court in May 2004. This resulted in the Council's injunction failing and an award of costs being made against the Council.

The enforcement notices were appealed against and an inquiry held between 1 February and 19 July. The outcome of the appeal was awaited.

The High Court action involved the Council in expenditure on legal fees and also a significant adverse award of costs. The Enforcement inquiry was the longest such inquiry that the Council had had to face and required considerable input from specialist consultants as well as the coordination and support of a leading Counsel, Mr. Jerry Cahill QC and a junior barrister in order to respond properly to a very robust and extensive case presented by the airport.

## **EXECUTIVE MINUTES (Continued)**

The total costs of dealing with the Injunction proceedings, and the enforcement inquiry in 2004/2005 amounted to £440,125. The Council used agreed budgets and reserves to finance all but £69,000 of that expenditure. This final amount in 2004/2005 was financed from under spending in other areas of the Council's accounts.

A further inquiry was yet to take place commencing on 10 January 2006, into the permanent passenger terminal which had been refused permission on 11 September last year. This would be another substantial inquiry. The scope of the evidence to be submitted to the inquiry would need to be considered further by the Planning Committee in due course, in the light of the position adopted by the Committee at its July meeting on mitigation in respect of the enforcement appeal and following its consideration of the second planning application for a permanent passenger terminal. This had not yet been reported to Planning Committee and it was expected that this would take place in September.

The Executive Overview and Scrutiny Committee supported the recommendations in the report but would like Government to be asked if it was fair that Warwick District Council had to deal with this major issue in view of its strategic affect on air travel and the impact on the environment.

The Audit and Resources Overview and Scrutiny Committee noted the report but asked if the programme officer's costs had been divided equally with TUI.

### **RESOLVED** that

- (1) expenditure incurred on the Coventry Airport planning inquiry be noted and funding of the increased expenditure by applying £178,244 from the Planning Reserve and £72,756 from the 2005/2006 budgeted contingency reserve be approved;
- (2) it be noted that further planning inquiry costs related to Coventry Airport will be incurred and a decision on the funding of that expenditure be taken on receipt of a further report to the Executive, once the level of expenditure required becomes clearer; and
- (3) an appeal be made to Central Government regarding some form of financial help for District Councils when determining major planning schemes, such as Coventry airport.

(The Portfolio Holders for this item was Councillor Crowther)

## 427. **GENERAL REPORT**

### **(A) ANTI FRAUD AND CORRUPTION POLICY & STRATEGY**

The Executive considered a report from Finance on the Anti Fraud and Corruption Policy and Strategy.

## **EXECUTIVE MINUTES (Continued)**

In the mid 1990s The Audit Commission published a series of reports entitled “Protecting the Public Purse” which drew attention to the levels of fraud and corruption in local government and made recommendations concerning measures to deal with the problem.

One of the recommendations was concerned with the creation of an anti fraud culture and specifically the formal adoption of a policy which stated the Council’s stance and sent a clear message to all concerned that fraud and corruption would not be tolerated, procedures would be introduced where necessary to deter and detect any acts of fraud and corruption and firm action would be taken whenever any such acts were discovered.

In September 1995 Warwick District Council had been publicly applauded by its then external auditors as being one of the first authorities in the country to formally approve an Anti Fraud and Corruption Policy.

Although most of the measures were already in place, those that needed introducing were included in an action plan detailed in appendix B to the report.

A report detailing progress in implementing the action plan would be submitted each year together with an updated action plan.

The Executive Overview and Scrutiny Committee supported the recommendations in the report.

**RESOLVED** that the Anti Fraud and Corruption Policy and Strategy be approved.

(The Portfolio Holder for this item was Councillor Crowther)

### **(B) REVISION TO MEMBERS’ ALLOWANCES SCHEME 2005/2006**

The Executive considered a report from Finance on a revision to the Members’ Allowances Scheme 2005/2006.

At its meeting on 15 September 2004 the Executive received the report from the remuneration panel which had set out its recommendation on the appropriate level of allowances to be paid. It had remained silent on the issue of “approved duties” for travel, and the matter had not been pursued further at that time.

The matter had since been clarified with the panel Chairman. He had advised that some authorities do pay for travel expenses for briefing meetings of Chairs and Portfolio Holders, and some do not. It was a matter of choice for each local authority, and not one upon which he would expect to make a recommendation.

Under the Local Authorities (Members Allowances) Regulations 2003 the payment for travel expenses in respect of the briefings envisaged for Chairs and Portfolio Holders could have been recognised as being an approved

## **EXECUTIVE MINUTES (Continued)**

duty under clause (h) of those regulations. This stated, “the carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of functions of the authority or of any of its committees or sub-committees.”

The Council had to approve this as part of its scheme to enable such payments to be made. This report recommended the implementation of the following clause in its scheme to enable such expenses to be claimed if members so wish to claim :-

- (ii) All meetings held as pre agreed briefings as part of the Council's Committee timetable between any Committee, Policy or Scrutiny Chair, or Portfolio Holder and appropriate briefing officer of the Council.

The above clause (ii) would replace the existing clause (ii) of Schedule 2 of the current scheme.

The Executive Overview and Scrutiny Committee supported the recommendations in the report but asked that consideration be given by the Executive for financial recognition being made to members of the Planning Committee due to the number of hours they spent on the work of the Committee which far exceeded any other Committee. This would take account of the number and complexity of the applications now being considered.

**RECOMMENDED** that Schedule 2 of the Scheme of Members' Allowances which designates the meetings for which travel and subsistence allowances are claimable, be amended as follows:

the deletion of the existing clause (ii) and replacement with the following:-

- (ii) All meetings held as pre agreed briefings as part of the Council's Committee timetable between any Committee, Policy or Scrutiny Chair, or Portfolio Holder and appropriate briefing officer of the Council.

(The Portfolio Holder for this item was Councillor Crowther)

### **(C) REQUEST FOR GROWTH BID TO SUPPORT CHRISTMAS LIGHTS AT WHITNASH**

The Executive considered a report from Councillor Mrs Falp on a request for a growth bid to support Christmas lights at Whitnash.

At present the District Council made a contribution of £11,200 to the Christmas Lights at Royal Leamington Spa (total cost £40,100); a contribution of £5,600 to the Christmas lights at Kenilworth (total cost £18,600); and a contribution of £5,600 to the Christmas lights at Warwick (total cost £14,250).



## **EXECUTIVE MINUTES (Continued)**

In the case of Royal Leamington Spa and Kenilworth the balance was made up by the Town Council and the private sector. In the case of Warwick the balance was made up by the Town Council and the King Henry VIII Charity. So if the Council, as a matter of principle, wished to support the lights at Whitnash a figure of around a third of the cost would be appropriate.

The total cost of the scheme at Whitnash Town Council was £8,600. The Whitnash Town Council was paying £3,500 towards this and would like a contribution from the District Council of £2,580. It was proposed to raise the balance of funding locally.

The Executive Overview and Scrutiny Committee supported the recommendations in the report.

The Audit and Resources Overview and Scrutiny had no comment on this item.

**RESOLVED** that £2,580 as a growth bid to support the Christmas lights in Whitnash, be approved.

(The Portfolio Holder for this item was Councillor Tamlin)

### **(D) CORPORATE IMPROVEMENT PLAN MONITORING**

The Executive considered a report from Corporate Management Team on corporate improvement plan monitoring.

The Corporate Improvement Plan was a “living document” overseen by the Corporate Management Team as a means to ensure the Council integrated the actions and initiatives necessary to ensure continuous improvement. As such it was monitored, reviewed and updated by CMT each quarter

The Corporate Improvement Plan had been reported to the Executive in December 2004 when it had been significantly updated to incorporate the improvement action plan developed as part of the Council’s Comprehensive Performance Assessment (CPA) submissions.

The successful and timely implementation of the Corporate Improvement Plan was therefore a key action in ensuring the Council delivered the improvement objectives it committed to as part of the CPA process and in demonstrating a positive direction of travel for future assessments.

The Executive Overview and Scrutiny Committee supported the recommendations in the report.

**RESOLVED** that the progress made on the implementation of the Corporate Improvement Plan and the changes and updates which have been incorporated into the updated version of the plan, be approved.

## **EXECUTIVE MINUTES (Continued)**

(The Portfolio Holders for this item were Councillors Mrs Begg, Boad, Crowther, Gill, Mrs McFarland and Tamlin)

### **(E) FIRST QUARTER PERFORMANCE MONITORING**

The Executive considered a report from Policy and Performance on the 2005/06 first quarter performance results.

The regular and systematic reporting of performance results against targets, trended over time and compared with other authorities was a fundamental element of the Council's integrated performance management framework. The performance management framework in turn was a key tool in ensuring the Council stayed focussed on what mattered to ensure it delivered its services efficiently and effectively.

As in previous quarters, reports relating to each Portfolio had been prepared and arranged to enable the Executive Overview and Scrutiny Committee to hold portfolio holders to account for the performance of services within their portfolio area.

The Executive Overview and Scrutiny Committee supported the recommendations in the report but proposed that the following performance issues should be investigated by the relevant Policy Committees in conjunction with the Portfolio Holder responsible:

- CV10 BV78a and CV11 BV78b (Benefits issues) – Culture & Social Policy Committee.
- DS11 and DS13 (Planning issues) – Environment & Economic Policy Committee.
- HL20(1) and HL62 BV212 (Housing issues) – Culture & Social Policy Committee.

The Committee also recommended that no further action be taken by the Executive until the results of these investigations were known.

#### **RESOLVED** that

- (1) performance in relation to each of the six portfolios for the period April 2005 to July 2005 be noted; and
- (2) the mitigation and corrective actions where results have fallen beyond 10% of target be noted and approved; and
- (3) the following performance issues be investigated by the relevant Policy Committee Chairs in conjunction with the Portfolio Holder responsible:
  - CV10 BV78a and CV11 BV78b (Benefits issues) – Culture & Social Policy Committee.
  - DS11 and DS13 (Planning issues) – Environment & Economic Policy Committee.
  - HL20(1) and HL62 BV212 (Housing issues) –

## EXECUTIVE MINUTES (Continued)

Culture & Social Policy Committee.

(The Portfolio Holders for this item were Councillors Mrs Begg, Boad, Crowther, Gill, Mrs McFarland and Tamlin)

### 428. **MINUTES OF THE OVERVIEW AND SCRUTINY AND POLICY COMMITTEES**

**RESOLVED** that the minutes of the Executive and Audit & Resources Overview and Scrutiny Committees held on 19 July 2005 and the Environment & Economic and Social & Culture Policy Committees held on 20 July 2005 be noted.

### 429. **PUBLIC AND PRESS**

**RESOLVED** that that under Section 100A of the Local Government Act 1972 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 as set out below:

Minute Nos	Para Nos.	Reason
430 & 431	8	The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services.  <b>[for so long as disclosure would be likely to advantage a person contracting, or seeking the contract, with the Council]</b>
431	9	Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.  <b>[for so long as disclosure would prejudice the Council in consultations or negotiations]</b>

### 430. **PARTNERING AGREEMENT WITH THE VALUATION OFFICE**

The Executive considered a report from the Head of Property Services on a partnering agreement with the valuation office.

The Valuation Office was currently working with the Council on a number of schemes and a senior officer attended the monthly Asset Management Steering Group Meetings. This partnering arrangement had worked well, not least because the Valuation Office was regarded as being impartial when it came to Valuations and Rent assessments. Nevertheless, it was felt that it would be prudent to test the market again after 7 years.

The Executive Overview and Scrutiny Committee supported the recommendations in the report.

## **EXECUTIVE MINUTES (Continued)**

**RESOLVED** that the existing 5 year agreement with the Valuation Office (District Valuer) be extended for 2 years up to October 2007, at rates based on the original agreement.

(The Portfolio Holder for this item was Councillor Crowther)

### **431. CAR PARK IMPROVEMENT PROGRAMME**

The Executive considered a report from Leisure and Amenities on the car park improvement programme.

The bridge link was a key area which formed an important entrance point into the town centre. The area had been identified as being in urgent need of upgrading particularly since work to upgrade the Parade was nearing completion.

The Car Park Strategy highlighted improvements to certain car parks which had been planned to take place over the next five years. This included certain works to the existing Covent Garden car park. The sum offered by the developers of Lunn Poly House provided the opportunity of allowing this work to be carried without the need to allocate Warwick District Council resources.

The Executive Overview and Scrutiny Committee supported the recommendations in the report and would like thanks to be given to the officers involved for this innovative approach.

The Audit and Resources Overview and Scrutiny Committee supported the recommendations in the report.

**RESOLVED** that

- (1) tenders be sought to carry out the work to upgrade the bridge link from Covent Garden car park to the Parade;
- (2) subject to planning permission being granted, negotiations continue in order for improvement works to the Covent Garden car park already identified within the improvement plan to be undertaken on the terms set out in the report; and
- (3) amendments be made to the financing of the Capital Programme so as to utilise the funding due to be received in respect of Lunn Poly House in place of the Capital Investment Reserve.

(The Portfolio Holder for this item was Councillor Tamlin)

(The meeting ended at 8.45 pm)