

EXECUTIVE

Minutes of the meeting held on Monday 13 June 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 Caborn (Chairman of the Audit and Resources Overview and Scrutiny Committee)

Councillor Hammon (Conservative Group Observer)

120. DECLARATIONS OF INTEREST

Minute Number 124 - Supporting People

Councillor Tamlin declared a personal interest in this item because he had approved the strategy as a member of the Probation Board.

121. MINUTES

The minutes of the meeting held on 10 May 2005 were taken as read and signed by the Chair as a correct record.

122. APPROVAL OF ACCOUNTS 2004/05

The Executive considered a report from the Responsible Financial Officer and Finance on the approval of Accounts for 2004/2005.

The accounts had been compiled so they complied with the appropriate accounting standards and the Statement of Recommended Practice on Local Authority Accounting in Great Britain 2004.

Under the Accounts and Audit Regulations 2003, the Council's future Statements of Accounts needed to be approved by the Council within 3 months of the close of the financial year (i.e. 30 June). For the 2004/05 Statements, the deadline was 4 months, but it had been agreed that it would be good practice for the earlier date to be adopted now.

The Statement of Accounts was currently being prepared. This was due to be considered by the Council on 29 June 2005. Regulations prohibited authority for the approval of the Statement of Accounts being delegated to the Executive.

An advertisement would be placed in local newspapers in July informing electors of their rights to inspect the accounts and to question the auditor about those accounts on or after 30 August (the Appointed Day).

EXECUTIVE MINUTES (Continued)

The Audit and Resources Overview and Scrutiny Committee supported the recommendations in the report and thanked all staff involved in bringing this report forward. The Committee also welcomed the £214,000 underspend as it reflected well on the better budget management and control within the Council. However concern was expressed over the significant level of variance in the capital expenditure.

The Executive Overview and Scrutiny Committee supported the recommendations in the report and the Chief Executive was asked to advise the Committee on establishing a joint four member working party with the Audit and Resources O&S Committee to investigate how to avoid significant capital underspend in future.

RESOLVED that

- (1) the Capital Programme 2005/06 be increased to £954,000 for Housing Investment Programme and £2,245,300 for Other Capital schemes, being slippage for items not spent from the 2004/05 Programme, and reduced by £100,900 in respect of work carried out in 2004/05 which was brought forward from 2005/06;
- (2) £711,500 earmarked balances be carried forward to 2005/06;
- (3) the General Fund balance be maintained at £1,000,000; and
- (4) the resulting surplus of i), ii) & iii) above, amounting to £214,778, be appropriated to £30,000 to the Collection Fund Reserve, £6,534 to a new Building Control Reserve and £178,244 to the Planning Reserve.

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

123. RISK MANAGEMENT PROGRESS REPORT

The Executive considered a report from Finance on Risk Management.

In its management paper "Worth the Risk: Improving Risk Management in Local Government", the Audit Commission had set out clearly the responsibilities of members and officers.

Responding to heightened governance requirements, the Council had adopted a Risk Management Policy and a Risk Management Strategy in 2002. These were detailed in Appendices A and B to the report.

Within the Strategy was an action plan which detailed a number of tasks over a three-year period, the completion of which would help to embed risk management further within the organisation. Members were required to review the Strategy and approve the action plan each year.

EXECUTIVE MINUTES (Continued)

The proposed action plan for the current year combined the continuation of existing procedures with a number of new tasks. These tasks were derived from the Risk Management Group's recent comparison of the Authority's arrangements against best practice which was set out in a CIPFA risk management checklist.

Progress in respect of implementing the previous year's action plan was detailed in Appendix C to the report. Any tasks which had not been completed by the year just ended, had been included in the current action plan.

Most efforts during the year had been centred on introducing arrangements which would embed risk management further within the organisation. This had included introducing a system of reviewing risk registers by service areas and linking risk management more closely to the service planning process. A start had been made on developing a business continuity plan and work was still to be done on assessing fully the implications of the Civil Contingencies Act.

Earlier progress which had been made in embedding risk management concerned the establishment of risk registers across the organisation and the introduction of a system of programmed reviews. In addition, managers across the Council had attended a series of workshops designed to make them more risk management-aware and train them in producing the risk registers. The Corporate Risk Register was detailed in Appendix D to the report.

The Audit and Resources Overview and Scrutiny Committee supported the recommendations in the report and thanked the Finance Department for their efforts in this area.

The Executive Overview and Scrutiny Committee supported the recommendations in the report but asked that all items scoring 12 and above on the Corporate Risk Register (Appendix D) be monitored by the Executive.

RESOLVED that

- (1) the report be noted;
- (2) the progress made in implementing a risk management framework, and implementing the previous strategy be noted;
- (3) the strategy for 2005/06 – 2007/08 be approved;
- (4) the risk register for corporate objectives be approved;
and
- (5) all items which scored 12 or above on the Corporate Risk Register be monitored and reported back on a quarterly basis.

(The Portfolio Holder for this item was Councillor Crowther)

EXECUTIVE MINUTES (Continued)

124. SUPPORTING PEOPLE

The Executive considered a report from Housing Strategy on the draft Supporting People 5 year Strategy.

The County Council were the administering authority for the Supporting People Programme, but the ODPM stipulated the partner organisations, together with their roles within the Supporting People governance structure and all members of the partnership must approve both the draft strategy and action plans. This Council was a member of the partnership.

The report presented to the County Council Cabinet on 28th April 2005, had been copied to the five Warwickshire districts, Probation and Health in order that partner organisations may standardise the information available to assist in decision making and ensure all groups had been given full details of the strategy and action plan.

The Executive Overview and Scrutiny Committee supported the recommendations in the report, but the Committee would like to be advised of how the Council would know if the strategy had made a difference and what the reporting process would be.

RESOLVED that

- (1) the draft Supporting People 5 year Strategy together with the Action Plan resulting from the Audit Commission Inspection of the Supporting People Programme be approved; and
- (2) the Chief Executive give Supporting People written confirmation of approval of the Strategy from this Council.

(The Portfolio Holder for this item was Councillor Alan Boad)

125. DRAFT WARWICKSHIRE STRATEGIC PARTNERSHIP PLAN 2005 – 2008

The Executive considered a report from the Chief Executive's Office on the Draft Warwickshire Strategic Partnership Plan for 2005 – 2008.

Work had begun on the development of the new WSPP back in June 2004. The County Leaders Group, which was attended by members of WDC Corporate Management Team, set the strategic direction and key drivers for the Plan. A newly formed county-wide officer working group had been tasked with translating the strategy into actions.

One of the aims of the officer group had been to ensure priorities from the corporate and community plans of the districts/boroughs were taken account of and fed into the process for developing county-wide objectives. Other key partners involved were Police, Primary Care Trust, Learning & Skills Council, Council for Voluntary Services and others.

EXECUTIVE MINUTES (Continued)

Stakeholder consultation events had taken place in July 2004 and January 2005. Multi agency themed working groups were then tasked with developing detailed actions based on the outcomes of these events.

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

RESOLVED that the Plan be approved in principle but the Council will need to be party to detailed discussions to develop these actions to ensure they can be contained within available resources.

(The Portfolio Holder for this item was Councillor Crowther)

126. **MANAGING HOUSING SUPPLY - SUPPLEMENTARY PLANNING DOCUMENT**

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

This Supplementary Planning Document was one of five which had been identified in the Council's approved Local Development Scheme covering the period 2004-2007. Its purpose was to provide further planning guidance to ensure that the supply of housing met requirements which were set out in the Warwickshire Structure Plan and the Regional Spatial Strategy.

Supplementary Planning Documents (SPD's) were intended to expand upon policy or provide further details to policies in Development Plan Documents but did not have development plan status. They had to be informed by extensive community involvement and sustainability appraisal but were not subject to independent examination. This SPD expanded upon the new Policy SC8a (Managing Housing Supply) in the Revised Deposit Version of the Local Plan which had been approved by Executive on 10th May 2005 and by Council on 16th May 2005.

The Executive Overview and Scrutiny Committee supported the recommendations in the report but before a decision was taken, the Committee would like the Executive to be informed of the following:

- The criteria for size, design and property type when a planning application was submitted;
- Whether or not the Policy for Managing Housing supply could be included in the Local Plan when it was available, but in the meantime, could it stand alone?
- How could affordable housing stay affordable in the future?

RESOLVED that the Managing Housing Supply SPD and associated documents be approved, as a basis for public participation.

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

EXECUTIVE MINUTES (Continued)

127. PLANNING DEVELOPMENT GRANT

The Executive considered a report from Planning and Engineering on the Planning Development Grant.

The allocation of funding was part of a national initiative to provide local planning authorities with supporting funding. The scale of the awards was made against a range of criteria related to Development Control performance, Plan making progress and achievement in e-planning.

The grant last year had been targeted at a range of areas as detailed in Appendix 2 to the report. Certain of the commitments had been spread over two years in order to provide continuity of provision. A number of the allocations made for 04/05 had not been fully expended during the year, largely due to revised timetabling of projects. These items were reported elsewhere to the Executive with a request that they be treated as earmarked reserves for expenditure this year. A small amount of funding (£8,000) was proposed to be transferred from the sum allocated to Local Plan production rolled forward from 04/05 (due to reduced costs of production) to the sum to be allocated for 05/06, which gave a total of £201,299 for new allocation this year.

In considering how the PDG funding would be disbursed this year, the approach taken had been to consolidate the approach already established. The monies had been targeted therefore principally at maintaining additional temporary staff in post. It was through securing and maintaining high quality staff that it was possible to deliver the levels of service required. Allocations had therefore been made for further years ahead for posts already supported by PDG. Other allocations had been made to provide for the continuation of progress on e-planning through providing support for new IT Systems and Document Management.

The Executive Overview and Scrutiny Committee supported the recommendations in the report, but asked whether funding would still be available in 2008.

RESOLVED that the allocation of Planning Development Grant, as detailed in Appendix 1 to the report, be approved.

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

128. 2004/2005 FULL YEAR PERFORMANCE RESULTS

The Executive considered a report from Policy and Performance on the 2004/2005 full year 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 Councils' 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.

EXECUTIVE MINUTES (Continued)

2004/05 had been the first full year of performance reports using the in house developed on-line performance management system. The final report for the year included information relating to over 250 indicators and targets.

As in previous quarters, the reports which related 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 & Scrutiny Committee commended the work done by the Housing Officers, but asked the Executive to look at different ways of collecting debt to reduce the level of rent arrears.

The Committee also proposed that Parish Councils should be consulted regarding CM103 (Rural Initiative budget). Concerns were expressed regarding CU10, CU11 and CU15.

RESOLVED that

- (1) performance in relation to each of the six portfolios for the period April 2004 to March 2005 be noted;
- (2) mitigation and corrective actions where results have fallen beyond 10% of target be approved;
- (3) performance against the 2003/07 Corporate Strategy as detailed within appendix 2 be noted;
- (4) the revisions to two of the Corporate Strategy targets be approved; and
- (5) the results and details contained within the report and appendices be included in the publication of Part 2 of the Council's Best Value Performance Plan within statutory guidelines and be submitted to the Audit Commission and ODPM as the Council's annual return of performance.

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

129. **GENERAL REPORTS**

(A) **PUBLIC ART**

The Executive considered a report from Customer Service and Advice on the design of the public art piece as part of the All Saints Square scheme.

Artists had been invited to tender for the commission for the Old Town Well Design subject to a brief. Three artists had then been selected and commissioned by the steering group, to produce makettes and their reasoning for the pieces. The makettes went on public display in All Saints

EXECUTIVE MINUTES (Continued)

Church and were voted on by the public. The public vote coincided with the preference of the steering group. The successful artist had been commissioned to produce the full size piece. Total cost of the scheme was £30,000.

The improvement of the area in front of All Saints Church, in Old Town, and establishing the area into a public square had been a long standing ambition of the Council. The Council had allocated £140,000 from its capital programme to assist in achieving improvements in the Old Town Square.

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

RESOLVED that the design as part of the All Saints Square scheme be approved, subject to the granting of planning permission.

(The Portfolio Holder for this item was Councillor Tamlin)

(B) REVISION TO CAR PARK BUDGET

The Executive considered a report from Leisure and Amenities on the revision to the car park budget.

When the budgets were set in October 2004 the timing and availability of car parking on St Mary's Lands was unclear. As a result no allowance for any additional income or the cost of providing additional enforcement was included in the budget. There was now a much clearer picture of the availability and demand for parking and the Council needed to update the budget to take account of these figures.

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

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

RESOLVED that

- (1) an increase in the car park income budget of £35,000 in 2005/06 be approved; and
- (2) the employment of one additional Car Park Inspector at a cost of £12,036 from July 2005 be approved.

(The Portfolio Holder for this item was Councillor Tamlin)

(C) HIGH HEDGES LEGISLATION

The Executive considered a report from the Head of Planning and Engineering on new legislation for high hedges.

EXECUTIVE MINUTES (Continued)

Part 8 of The Anti Social Behaviour Act 2003 gave Local Authorities power to deal with complaints about high hedges and took effect from 1st June 2005.

The Government had not exercised their powers under the Act to prescribe the maximum fee that authorities could charge for dealing with high hedge complaints. As a result of this decision, local authorities were able to decide whether, and at what level, it was appropriate to charge for this service.

The Executive Overview and Scrutiny Committee supported the recommendations 1.1 and 1.3 but suggested that for a temporary period no charge be made for setting the process in motion so that an assessment of costs could be made.

RECOMMENDED that delegated authority be given to the Head of Planning and Engineering, Group Leader Development Control or Principal Planning Officers within Development Control to respond to enquiries and complaints relating to high hedges

RESOLVED that

- (1) a fee of £350 be set for handling high hedges complaints; and
- (2) a review of the impact of the legislation be undertaken after six months of operation and the results of this review be submitted to the Executive in 2006.

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

(D) AUTHORISATION TO APPLY FOR ANTI-SOCIAL BEHAVIOUR ORDERS

The Executive considered a report from Legal Services on an amendment to the Scheme of delegation with regard to anti-social behaviour orders.

Section 1 of the Crime and Disorder Act 1998 enabled the Council to apply to the Magistrates Court for an anti-social behaviour order against an individual acting in an anti-social manner. The majority of applications were made by the Police, but there might be circumstances where it was appropriate for the Council to be the lead agency and make the application to the Magistrates Court. The Council also had to be consulted by the Police and the County Council if they made an application.

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

EXECUTIVE MINUTES (Continued)

RECOMMENDED that additions be made to the Scheme of Delegation authorising:-

- (1) the Head of Housing, the Head of Leisure or the Community Safety Manager, in consultation with the Head of Legal Services to instigate applications for anti-social behaviour orders under the Crime and Disorder Act 1998; and
- (2) the Head of Legal Services to be the consultee when the Council are consulted by other agencies applying for anti-social behaviour orders.

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

130. **DELEGATED AUTHORITY RE IEG 4 RETURN**

The Executive considered a report from Customer Information and Advice requesting delegated authority to be given to the Director of Customer Information and Advice in consultation with the Member e-Champion to approve the IEG 5 return to Office of Deputy Prime Minister (ODPM).

The Office of the Deputy Prime Minister would take a 'snapshot' on Monday 18 July 2005. It was essential that the report reflected the current status of the Council's e-enablement of services. The final report would be compiled between meetings of the Executive.

The Executive had approved the capital programme relating to this work on 28 July 2004. ODPM had granted this Council £400,000 for 2002/4, £350,000 for 2004/5 and £150,000 for 2005/6 for work relating to e-government. A further grant of £80,000 would be paid on completion of specific work (already included in the IEG Programme) which related to BVPI 157, Change Management and Business Process Re-engineering.

RESOLVED that delegated authority be given to the Director of Customer Information and Advice, in consultation with the Member e-Champion, to approve the IEG 5 return to Office of Deputy Prime Minister (ODPM).

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

(This item was taken as a matter of urgency because a report would have to be submitted to the ODPM before the next meeting of the Executive)

EXECUTIVE MINUTES (Continued)

131. MINUTES OF THE OVERVIEW AND SCRUTINY COMMITTEES

The Executive considered the minutes of the Overview and Scrutiny Committees, and also a report which had been submitted to the Audit and Resources Overview and Scrutiny Committee on the Leisure and Amenities Budget Review Group.

RESOLVED that

- (1) the minutes of the Audit & Resources, Economic and Social Overview and Scrutiny Committees held on 22 March 2005 and the Environment Overview and Scrutiny Committee held on 24 March 2005 be noted; and
- (2) the action taken to improve the income at the gyms and golf course be included as part of the budget monitoring process;
- (3) the possible long-term decline of the markets income be taken into account in longer term financial planning; and
- (4) the Head and Leisure and Amenities and his staff be invited to put forward promotions for services, to be self funded from increased income, with income targets and proposals closely monitored to assess the effectiveness of initiatives undertaken.

132. 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:

Minutes Nos.	Para Nos.	Reason
133 & 134	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 good or services [for so long as disclosure would prejudice the Council in consultation or negotiations]
134	7	Information relating to the financial or business affairs of any particular person (other than the authority) [but not publicly register able information under certain acts]

EXECUTIVE MINUTES (Continued)

135	8	The amount of expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services [for so long as disclosure would be likely to advantage a person contracting, or seeking the contract, with the Council]
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133. **MANAGEMENT OF NEWBOLD COMYN GOLF COURSE**

The Executive considered a report from the Head of Leisure and Amenities on the management of Newbold Comyn golf course.

The previous golf professional's contract had run out in September 2004 but there had been concerns that the course was not being marketed as per the contract requirement. As such, a six month contract extension had been agreed, with the offer of another extension to March 2008, subject to the professional agreeing a robust marketing plan with the portfolio holder and the Head of Leisure. This had been agreed but the professional subsequently handed in his notice, leaving in April 2005.

A short-term contract until the end of July 2005 to run the professional's services had been given to Glendale Golf, and a small working party had been set up to review the best option for the Council.

The majority of the Audit & Resources Overview and Scrutiny Committee supported the recommendations in the report as they felt that this provided a good opportunity for this authority to develop the course. However, the Committee, sought assurance that the contract was signed before Glendale took over the management of the course, that the break clause of three years should be clearly stated within the contract and that the contract is stringently monitored by this Council to ensure that it is complied with.

A member of the Audit and Resources Overview and Scrutiny Committee did not completely agree with this and expressed concern "over the Council putting too many eggs into one basket and how other services provided by this contractor have deteriorated since they first started providing them". Another member of the Committee requested that "the Executive investigate the possibility for any further negotiations on the rental payable to the Council up to at least £65,000. The Councillor also requested clarification of exactly which point the share of the green fees commenced as there appeared to be a significant jump".

The Executive Overview and Scrutiny Committee commented that a decision on the contract for Newbold Comyn be deferred for a working party (one member from each party) to investigate the contract and recommendations be submitted to the Executive in September. The lead officer for this Working Party should be Mary Hawkins, with Councillor Mrs Mellor as one of the members involved.

When the Executive Overview and Scrutiny Committee took a vote on the comments they were making, eight members voted in favour of this motion and three against. Councillors Ashford, Kundi and Shilton voted against this because

EXECUTIVE MINUTES (Continued)

they supported the recommendations in the report. They did not feel there was a need for further investigations as the report already proposed to have a working party reporting to the Executive on a four monthly cycle.

RESOLVED that

- (1) the extension to the grounds maintenance contract to include the golf professional services and to amend the contract by deleting the sum allocated to maintaining the course in return for Glendale retaining the income and paying the Council a minimum of £50,000 per annum be approved; and
- (2) the budget amendments outlined in Appendix A which follow from the adoption of option 1 included in the report be approved.

(Councillor Mrs Mellor addressed the Executive on this item)

(Councillor Gifford voted against the recommendation)

(The Portfolio Holder for this item was Councillor Gill)

134. KENILWORTH TOWN CENTRE

The Executive considered a report from the Strategic Director (Customer Information and Advice) and Deputy Chief Executive on the progress made in relation to the agreement with the developer to enable the Talisman Square development to proceed.

In June 2003, it was agreed by the Executive to seek details from two possible proposals in Kenilworth in order to make a judgement as there had been a choice to be made about which one was best for the town centre.

In April 2004 the Executive had expressed its preference for the former of the two proposals. This expression was then incorporated within the town centre framework proposals and subjected to public consultation.

Since April last year discussions had been carried out with the developer in order to refine the proposal to accord with the provisions made in the Town Centre Framework and in respect of the alternative site for a youth centre. In property terms those discussions were now embodied in a Heads of Terms. These had been agreed at the special Executive meeting on 28th February 2005.

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

RESOLVED that

- (1) the report be noted:

EXECUTIVE MINUTES (Continued)

- (2) a Compulsory Purchase Order be made in respect of the land outlined on Plan 1 under Section 226 of the Town and Country Planning Act 1990 (as amended) and all necessary actions and steps be taken to complete the order and acquire the land;
- (3) the approach of dealing with the access issue over the Abbey End car park as detailed in the report, to be incorporated within the agreement, be supported;
- (4) the transfer of £10,000 from the capital receipt received from the sale of 20 Southbank Road to the Housing Revenue Account to enable the existing tenant to relocate, be approved;
- (5) the 2005/06 Capital Programme be amended, to include the scheme to upgrade the access road, at an estimated cost of £250,000 through the Abbey End car park, £50,000 to be funded by Grevayne Properties via a previous agreement and £200,000 to be funded by the Discovery Properties.

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

135. **STREET CLEANSING UPDATE**

The Strategic Director (Environment) verbally updated the Executive on the current position with regard to Street Cleansing service provided by this Council.

RESOLVED that the report be noted

(The meeting ended at 9.10 pm)