

# EXECUTIVE

Minutes of the meeting held on Monday 20 December 2004 in the Town Hall, Royal Leamington Spa at 6.00p.m.

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

**ALSO PRESENT:** Councillor Caborn (Chairman of the Audit and Resources Overview and Scrutiny Committee);

Councillor Mrs Compton (Chairman of the Environment Overview and Scrutiny Committee);

Councillor Mrs Falp (Chair of the Social Overview and Scrutiny Committee)

Councillor Hammon (Conservative Group observer), and

Councillor Coker also attended.

An apology for absence was received from Councillor Boad.

## 591. **DECLARATIONS OF INTEREST**

### Minute Number 601 - Locations for Pilot Phase of One Stop Shops

Councillor Mrs Falp declared a personal prejudicial interest because she was employed by the Library service. She did not leave the room as the matter was not discussed.

### Minute Number 604 - Declaration of Air Quality Management Areas

Councillor Tamlin declared a personal interest in this item as his property was adjacent to the area being discussed.

### Minute Number 605 - To Adopt the 2004 Audit and Crime Disorder and Drugs Misuse

Councillor Tamlin declared a personal interest as a member of the Probation Board.

### Minute Number 610 - Warwick Town Centre Action Plan

Councillor Mrs McFarland declared a personal interest as a member of the Warwick Town Council.

## **EXECUTIVE (Continued)**

### Minute Number 612 - Grants to Voluntary Organisations

Councillor Mrs McFarland declared a personal prejudicial interest as a Trustee of GAP but did not leave the room as the matter was not discussed.

Councillor Mrs Begg declared a personal prejudicial interest as a member of BABPA but did not leave the room as the matter was not discussed.

### Minute Number 613 - Rural Initiative Scheme Applications

Councillor Tamlin declared a personal prejudicial interest in Appendix A3 of the report as he was involved in the development of the plan, and the wider scheme but did not leave the room as the matter was not discussed.

Councillor Mrs Falp declared a personal interest as a member of Whitnash Town Council.

### Minute Number 618 - Disposal of Assets

Councillor Tamlin declared a personal prejudicial interest as a member of Probation Board and left the room when the sale of the footpath adjacent to Gem House was discussed.

### Minute 619 - Selection of Tender for the Sustainability Appraisal for Warwick District Local Plan

Councillor Mrs McFarland declared a personal interest as her husband worked for one of the tenderers detailed in the report.

### Minute Number 621 - Progress on Implementation of the St Mary's Lands Scheme Warwick

Councillor Mrs Begg declared a personal prejudicial interest as a Trustee of Hill Close Gardens and left the room while the matter was being discussed did not leave the room as the matter was not discussed.

## **592. MINUTES**

The minutes of the meeting held on 25 October 2004 were taken as read and signed by the Chair as a correct record.

## **593. APPROVAL OF GENERAL FUND BASE ESTIMATES 2004/2005 REVISED AND 2005/2006 ESTIMATES**

The Executive considered a report from the Corporate Management Team on the production of estimates as determined under the requirements of the Council's Financial Strategy.

## **EXECUTIVE (Continued)**

A further report from the Strategic Director (Community Resources), and the Chief Financial Officer containing further information on the overall financial position and consultation had been circulated to members after the publication of the agenda. The report updated members on the progress on the budget and service planning process, the latest forecast of the Council's revenue position and its national context, the latest forecast on the Council's capital position, the latest forecast on the Council's reserves and provisions, the performance information which members might wish to take into account when considering the budget, the proposals Portfolio Holders were putting forward for consultation for balancing the 2004/6 budget and plans for capital investment, the decision making process and key assumptions, unknowns and risks.

The Council was required to set a budget each year and the process allowed all members to contribute to the debate on the Council's service and budget priorities. The final Executive proposals to Council on the budget were scheduled to be made to the Executive on 7 February 2005. The Council would meet to set the budget on 23 February 2005.

At its meeting on 14 June 2004, the Executive had considered a framework for a financial strategy and budget and service planning process covering the years 2005/2006 to 2008/2009 and an action plan had been adopted.

The Council operated a target budget mechanism to control the movement of budgets from the current (base) year to the budget for the ensuing year. Full details of the mechanism were set out in the report. The target budget for 2005/2006 which was set out in detail in Appendix A to the report, amounted to £20,710,000.

The total net expenditure for 2005/2006 was £20,706,2000 and was inside the target budget by £3,800. The estimates had been prepared on an outturn basis.

The report also reviewed the 2004/2005 budget in order to establish revised budgets for the year. An appendix to the report provided an analysis of net expenditure by service in Portfolio groupings. The revised estimates totalled £21,536,400 which was an increase of £2,045,900 compared with the

originally approved estimates. The main reasons for this increase were identified in the appendix to the report and summarised in the report. Details of the capital financing and reserves were also set out in the report.

The Audit & Resources Overview & Scrutiny Committee supported the recommendations in the report as a basis for budget discussion and settings. Financial management systems now in place should in future prevent large numbers of budget variations

The Economic Overview & Scrutiny Committee supported the recommendations 1.1 (a) and 1.2 (b) in the report. The Committee also supported Cllr Ms Flanagan's request that under the Cultural Portfolio Number 8 at 13.7 of the supplementary information Reductions in Revenue Expenditure, be taken out.

## **EXECUTIVE (Continued)**

The Environment Overview & Scrutiny Committee supported the recommendations of the report, including recommendation 2 at paragraph 13.7 of the supplementary information, which was contrary to Minute 314 of this Committee on the 8 September 2004.

The Social Overview & Scrutiny Committee supported the recommendations in the report. However they expressed concern at the recommendation for a reduction in the budget for small grants to voluntary organisations as the work of the Scrutiny Working Party had not yet been completed. This Working Party was expected to bring forward proposals to promote applications from voluntary groups so the money may be needed.

### **RECOMMENDED** that

- (1) the revised base budget revenue estimate for the general fund services in respect of 2004/2005 as outlined in Appendix B to the original report be adopted;
- (2) the base budget revenue estimate for the general fund services in respect of 2005/2006 as outlined in Appendix B to the original report be adopted;
- (3) the comments from the Scrutiny Committees on the options for consultation be noted;
- (4) the basis of the reserves and provisions and their usage, as set out in Appendix D to the supplementary report be adopted;
- (5) the consultation responses be circulated to members in advance of the final report on the Council's budget to the next Executive;
- (6) the potential saving for the sports development posts referred to in the supplementary report be withdrawn; and
- (7) a response be made in connection with the Council's Local Government finance settlement with regard to the support for the level of planning costs, and the effect on the Council's settlement caused by the floors allowed for to support other Councils.

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

## **595. ANNUAL AUDIT AND INSPECTION LETTER**

A report from the Director of Community Resources and the Chief Financial Officer was submitted on the annual audit and inspection letter.

## **EXECUTIVE (Continued)**

The letter was for all members of the Council and it was considered good practice for the Executive to show leadership in setting out how the recommendations in the letter would be addressed.

This was the first year that the Council had had a combined annual audit and inspection letter as opposed to an annual audit letter. The letter, a copy of which was circulated with the report, reported on the general management arrangements within the Council as well as finance.

An action plan was set out in an appendix to the report where the proposed actions to address the recommendations were set out clearly stating responsibility, action and timescales.

Also set out as an appendix to the report were details of progress on last year's action plan.

The External Auditor had attended the meeting of the Audit and Resources Overview and Scrutiny Committee.

The Economic Overview & Scrutiny Committee supported the recommendations and endorsed the actions set out in Appendices 4 and 5 of the letter.

The Audit & Resources, Environment and Social Overview & Scrutiny Committees supported the recommendations in the report.

### **RESOLVED** that

- (1) the annual audit and inspection letter as set out in the report be noted and the actions set out in the appendices to the report be endorsed;
- (2) the next update of the corporate improvement plan take on board the action plan set out in the report.

(The Portfolio Holder for this item was Councillor Crowther)

## **597. PERFORMANCE MANAGEMENT – HALF YEAR RESULTS 2004/2005**

A report from Policy and Performance was submitted on the half yearly results for the period April to September 2004.

The regular and systematic reporting of performance results against target, 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 focus on what matters to ensure it delivered its services efficiently and effectively.

## **EXECUTIVE (Continued)**

As in previous quarters each Overview and Scrutiny Committee had received a separate report detailing Portfolio results relating to their areas of responsibility. The reports and appendices had been arranged to enable Overview and Scrutiny Committees to hold Portfolio Holders to account for the performance of services within their Portfolio areas.

Full details of the results were set out as an appendix to the report.

Both the Audit and Resources and the Economic Overview and Scrutiny Committees supported the recommendations in the report.

The Environment Overview & Scrutiny Committee supported the recommendations in the report and requested an investigation is carried out into the “DS53 BV204 % of appeals allowed against the authority’s decision to refuse planning applications”, with a report preceded by a planning seminar to see if there are any common themes which could help to reduce the amount of appeals allowed. The Committee were also in agreement with the Portfolio Holder that there might be a need to change the target for “EM 17 BV86 Cost of waste collection per household” as this target did not allow for the cost of recycling collections.

The Social Overview & Scrutiny Committee supported the recommendations in the report and hoped that with the changes in staffing in the near future a reduction in rent arrears will be seen. The Committee was also pleased with the overall results in both Portfolio Areas.

### **RESOLVED** that

- (1) performance in relation to the six Portfolios for the period April to September 2004, be noted as detailed within the appendices attached to the report;
- (2) progress and performance in relation to the corporate strategy key indicators be noted as detailed in one of the appendices to the report;
- (3) mitigation and corrective action where results have fallen beyond 10% of target be noted and approved as detailed in the report; and
- (4) the revised indicators for Regensis be approved to bring reporting in line with the requirements of Advantage West Midlands as detailed in the report.

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

## **EXECUTIVE (Continued)**

### **598. FEEDBACK FROM 2004 CONSULTATION AND CONSULTATION PROGRAMME FOR 2005**

A report from Policy and Performance was submitted on feedback from consultations undertaken during 2004 and a proposed consultation programme for 2005.

Full details of the corporate consultation which had taken place during 2004 were set out in the report and were summarised in an appendix to the report.

Full details of the proposed corporate consultation programme for 2005 was also set out in the report.

The Audit and Resources; Environment, and Social Overview & Scrutiny Committees supported the recommendations in the report.

The Economic Overview and Scrutiny Committee noted the summary of results as detailed in the table set out in 2.1.2 of the report and supported the recommendation as detailed in 1.2 of the report.

**RESOLVED** that the summary of results from the 2004 consultation as detailed in the report be noted and the proposed corporate consultation programme for 2005 as detailed in the report be approved.

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

### **603. ADDITIONS TO THE COUNCIL'S SCHEME OF DELEGATION TO OFFICERS**

A report from Environmental Health was submitted seeking approval to additions to the Scheme of Delegation to Officers.

It had come to light that functions allowing the Head of Environmental Health and Divisional Environmental Health Officers to apply for Warrants of Entry under Part 3 of the Environmental Protection Act and the Public Health Act 1936 had been missed out in the latest version of the Scheme of Delegation to Officers.

The additions required were circulated with the report.

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

**RECOMMENDED** that the Scheme of Delegation to Officers, which forms part of the Council's Constitution, be amended by the addition of the delegations set out in Appendix A to the report.

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

## **EXECUTIVE (Continued)**

### **604. DECLARATION OF AIR QUALITY MANAGEMENT AREAS**

A report from Environmental Health was submitted seeking authority to make orders to declare Air Quality Management Areas and to bid for additional resources.

Part 4 of the Environment Act 1995 required local authorities to conduct reviews and assessment of air quality in their districts. The latest assessment had been conducted according to the required timetable and as stated in the Unit's Service Plan for 2004/2005. A budget of £15,000 had been set aside for this purpose.

The review and assessment process had concluded that air quality in three areas of the district was likely to exceed air quality objectives for nitrogen dioxide. The process related to predicting pollution levels in 2005. As a consequence the legislation made it mandatory for the Council to declare orders for air quality management areas.

The first round of review and assessment, as required by the Environment Act 1995 had been completed in 2000 and had concluded that no air quality management areas were necessary. Since that time the guidance on assessment and the standards to be achieved had altered. The first stage of the second round air quality review, the upgrading and screening assessment, had been completed in June 2003. It had identified areas for more detailed study. The second stage, detailed assessment report, had now defined certain areas of the district as likely to exceed air quality objectives. These findings had been confirmed by Defra. Consequently, under Section 83(1) of the Environment Act 1995 the Council had to make official orders to designate them as air quality management areas. Air quality management areas were proposed for areas set out on plans attached to the report. These included High Street/Bridge Street, Barford, High Street/Jury Street, Warwick and High Street/Clemens Street/Bath Street, Leamington Spa.

Once the Orders had been declared the Council had 12 months to further assess air quality and future air quality in the areas and to produce a report on the findings. Leading on from this an action plan had to be prepared in pursuit of achievement of air quality standards and to give a timescale within which various measures included in the action plan would be undertaken.

Within this 12 months period continued monitoring would be necessary so as to inform the preparation of the action plan. Details of the monitoring to be required were set out in the report.

The cost of undertaking this monitoring for the year 2005/06 was estimated as £10,000. A further £5,000 was estimated to enable the preparation of the final report which was likely to require the involvement of consultants to undertake further computer modelling of pollution levels.

The preparation of action plans needed to be undertaken in full consultation with stakeholders and the public. The measures devised to reduce pollution levels might include alteration of traffic flows, traffic management schemes and pollution reduction schemes agreed with local businesses etc.



## **EXECUTIVE (Continued)**

The Environment Overview and Scrutiny Committee supported the recommendations in the report and requested a report back to them in December 2005.

### **RESOLVED** that

- (1) orders to declare Air Quality Management Areas as set out in the report be made; and
- (2) a bid for resources of £15,000 be supported for 2005/2006 and on an ongoing basis in future years.

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

## **605. 2004 AUDIT OF CRIME DISORDER AND DRUGS MISUSE**

A report from Community Safety and Sustainability was submitted seeking the adoption of the 2004 Audit of Crime, Disorder and Drugs Misuse.

To adopt the production of an Audit of Crime, Disorder and Drugs Misuse was a statutory duty under the Crime and Disorder Act 1988. The duty was on the District Council together with Warwickshire Police, Warwickshire County Council, Warwickshire Police Authority, Warwickshire Fire and Rescue Service and South Warwickshire Primary Care Trust.

A copy of the audit had been supplied to each member of the Council. The audit had been produced on a South Warwickshire basis as it had been in 2001. This had reduced costs, maintained the close working relationship with the Stratford-on-Avon Crime and Disorder Reduction Partnership and was co-terminus with southern area policing boundaries. It was unique in the West Midlands and had been very well received by the Government Office, West Midlands.

The audit had been collated through a partnership over a 12 month period.

In addition to setting out the levels in trends in crime, disorder and drugs misuse, summaries were also given of work undertaken and progress against targets. The audit was used to consult with the general public and the concerns expressed would be used to identify priorities in the 2005-08 Crime Disorder and Drugs Misuse Strategy.

The 2001 audit had been identified as the best in the West Midlands by the Government Office West Midlands. However, some improvements had been suggested and these had all been implemented. The audit identified three emerging priorities, i.e. alcohol fuelled violent crime, anti-social behaviour, and fear of crime. The concerns expressed in the recent Citizen Panel survey had reinforced this view.

The Environment Overview and Scrutiny Committee supported the recommendations in the report. The Committee also expressed their gratitude towards the Community Safety Manager for all his efforts in this project along with Spencer Payne of Warwickshire County Council for his excellent work.

## **EXECUTIVE (Continued)**

**RESOLVED** that the 2004 Audit of Crime, Disorder and Drugs Misuse be adopted.

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

### 606. **LOCAL DEVELOPMENT SCHEME**

A report from Planning and Engineering was submitted on the preparation of a Local Development Scheme. The new Planning and Compulsory Purchase Act required all local planning authorities to prepare such a scheme within six months of the commencement of the Act (i.e. by March 2005). The Executive had received a report on the new Act at its June meeting which had outlined the key features as they related to the Council's plan-making function. At that meeting members had agreed a decision making structure for how the various constituent elements of the Act would be determined. It had been agreed that the Executive should be authorised to approve the Local Development Scheme (LDS) that was the subject of the report.

The LDS was a project plan that outlined what policy documents the Council intended to prepare.

A proposed Warwick District Local Development Scheme was circulated with the report. The projects contained within the Scheme would place burdens upon the Planning Service that would have financial consequences.

The Government Office had already been consulted on the content of the draft LDS and had stated that it was satisfactory. There was a possibility, however, that in the process of submitting the LDS to the Secretary of State that some further minor changes would be required. In the light of this it was considered prudent to allow for authority to be given to the Head of Planning and Engineering together with the Environment Portfolio Holder to agree any minor presentational changes to the document that might need to be made.

Under regulations the Council had to give the Secretary of State four weeks to decide if he wished to call in the LDS. If approval was given at this meeting the call in period would end on the 7 January and therefore the earliest the LDS could come into effect was the 4 February 2005.

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

**RESOLVED** that

- (1) the Local Development Scheme as circulated with the report be approved for submission to the Secretary of State with an operative date of the 4 February 2005; and

## **EXECUTIVE (Continued)**

- (2) the Head of Planning and Engineering in consultation with the Environment Portfolio Holder be authorised to agree any further minor amendments to the presentation of the Scheme prior to or after submitting it to the Secretary of State.

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

### **607. RETAIL DEVELOPMENT IN LEAMINGTON**

A report from the Corporate Management Team was submitted on retail development in Leamington Spa.

In May 2002 the Council had received a report it had commissioned from DTZ Pinda consulting on retailing strengths and future retail requirements within the District. In respect of Leamington Town Centre, the study, as updated in June 2004 had concluded that:-

- The centre was losing status due to major new investment in other national and regional centres, such as Solihull, Banbury, Redditch and Oxford;
- The development of key site 'E', whilst very welcome, did not have the overall "critical mass" to improve the overall status and attraction of Leamington significantly as a shopping destination and would not attract a major new department store to the town; and
- Leamington did not have the potential to support a larger and more comprehensive scheme. Additional comparison goods of floor space
- capacity of 37,700 square metre gross was over and above the completed site 'E' scheme was forecast to exist by 2016.

The report contained details of other considerations which had to be taken into account.

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

The Environment Overview & Scrutiny Committee supported the recommendations in the report but requested that the project is dealt with expeditiously.

#### **RESOLVED** that

- (1) positive steps be taken to explore opportunities for further retail development in Leamington Town Centre in order to safeguard its future as an important and attractive shopping centre within the sub region;

## **EXECUTIVE (Continued)**

- (2) work be progressed on establishing a programme of work to achieve such development, focusing on the potential of Chandos Street as a first priority potential site and such programme, including arrangements for full public consultation, be reported to a future meeting of the Executive;
- (3) such work to take into account the future need for car parking in maintaining the retail attractiveness of the town centre overall; and
- (4) a Working Party of Members be appointed to consider progress, including a means of securing full consultation with all appropriate parties.

(The Portfolio Holders for this item were Councillor Mrs Begg and Councillor Tamlin)

### **608. OLD TOWN SQUARE, LEAMINGTON SPA**

A report from Planning and Engineering was submitted on the proposed improvements to Old Town Square, Leamington Spa.

Proposals had been included in the public consultation for the accident reduction scheme for the Parade for improvements to the area in front of All Saints Church known as Old Town Square. In 2003 a sum of £151,000 had been approved for inclusion in the Council's capital programme towards a scheme in this area. The use of this funding relied upon additional funding being received as there was insufficient funding in the Accident Reduction Scheme

Part of the land was owned by All Saints Church and they had taken a lead role in formulating and taking forward proposals for the area. It was proposed that funding should be sought from Entrust by the Church as part of a wider fundraising initiative and this, together with the support from the County Council and the Church and the Council's contribution of up to £151,000 would in principle meet the cost of the scheme for this area which was currently estimated at £196,860. A drawing showing the proposals which had been prepared by Warwickshire County Council Landscape and Environment Section were circulated with the report. The proposals would need to seek both planning permission and a faculty from the Church of England and would therefore be brought into the public domain at that stage.

In order to progress their applications for Entrust funding it would be necessary for the Church to demonstrate that the Council were still prepared to provide the £151,000 as match funding towards the proposal as submitted.

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

## **EXECUTIVE (Continued)**

**RESOLVED** that the Council's contribution of £151,000 towards the proposed improvements to Old Town Square, Leamington Spa be extended for a further year subject to appropriate match funding being obtained by All Saints Church.

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

### **609. CAR PARKING STRATEGY REPORT**

A report from Leisure and Amenities was submitted on the adoption of a proposed car parking strategy.

A Car Parking Member Working Party made up of Councillors Mrs Compton, Gifford, Mrs Hodgetts and Tamlin had, over the past six months, been considering the development of a car park strategy for the District. A copy of the Strategy had been circulated with the report. The document set out nine key strategies and over 20 local strategy actions across the three main town centres. The main purpose of the Strategy was to define the Council's strategy for the future provision and operation of off-street car parking across the district. The Strategy did not attempt to try to deal with all the on-street parking issues which would result in the move to decriminalisation of on-street parking including on-street charging which, it was anticipated would come into force in October 2006. However, where appropriate the Strategy did make reference to the likely impact of decriminalisation on the demand for off-street parking.

The financial significance of the car park service to the Council in providing income to assist achieving the corporate objectives could not be overstated. The financial projections for the parking service for the period 2009/10 along with various assumptions were set out as an appendix to the report. The projection assumed Bedford Street car park was sold and Covent Garden was expanded. It also allowed for £1m to be invested in maintaining/enhancing car parks. No allowance had been included at this stage for the possible redevelopment of Chandos Street. The projection showed that the parking service should be able to continue to make a contribution to the general rate fund of around £900,000 per annum and also be able to finance the maintenance/enhancements. However, to enable this to be done further annual increases in charges above inflation would be required.

The Audit & Resources Overview and Scrutiny Committee supported the recommendations in the report but suggested investigating putting additional layers on the West Rock Car Park in Warwick and that car parking should be seen as a wider strategy. With regard to the options, this Committee supported the Chandos Street retail and parking option and the use of receipts from Bedford Street to improve car parking at Covent Garden.

The Economic Overview and Scrutiny Committee supported the recommendations in the report with the suggestion from Cllr Evans that the Working Party be formed and begin to investigate as quickly as possible.

## **EXECUTIVE (Continued)**

The Environment Overview & Scrutiny Committee supported the recommendations in the report and asked that the Executive request the lead officers to explore the following options further:

- 1) To review the inspectors scope to include other areas other than car parking enforcement, such as litter, fly posting and dog fouling; and
- 2) To consider further the implications this may have on the local transport plan and how this links into the local transport plan.

### **RESOLVED** that

- (1) the financial implications referred to above be noted;
- (2) the Council develop parking policies and solutions which meet the individual needs of each town centre and which fit within the overall corporate strategic objective of making the town centre's "more accessible and active for business".;
- (3) off-street car parking spaces be of the correct type in terms of limited, short and long stay provision and operate for both the hours and at a cost to the customer which promotes the vitality and viability of each town centre which would see the extension of the operating hours at certain car parks;
- (4) all year round off-street car parking provided by the Council be built and maintained to meet the "Secure Car Parking" guidelines and include the provision of Pay on Foot system in all car parks with over 150 spaces where this can practically be introduced;
- (5) a financial plan for the car park service be produced and updated, such plan to set out the level of anticipated support for the general fund and the level of funding required for the expansion and maintenance of the car parks to "secure standard" and how fees and charges will be used to help finance the development of the service;
- (6) the Council form a partnership agreement with Warwickshire County Council for the introduction of Special Parking Areas which allows Warwick District Council to manage both on and off-street parking under one scheme;
- (7) the off-street car park offer be prioritised towards the support of the short stay and visitor parking in preference to long stay and business parking which should be supported by edge of town long stay parking and alternative measures including the provision of Park and Ride, rapid bus service and car sharing;

## **EXECUTIVE (Continued)**

- (8) the directional signage to off-street car parking locations be updated via the provision of Variable Message Signs (VMS) and other directional signs, such provision be achieved in partnership with the County Council (as the Highway Authority) and in consultation with planners. (Plans are already being developed to achieve this in Leamington and under consideration for Warwick;);
- (9) where specific improvements to car parks are introduced they be reflected in the charges to those customers using those facilities and take into account the cost of parking in local competing centres;
- (10) the current policy of expanding the range of off-street season tickets offered to make full use of the current underused spaces in the long-stay and multi-storey car parks be developed further; and
- (11) the individual towns strategies as set out in the Off-Street Car Parking Strategy be endorsed.

(The Portfolio Holder for this item was Councillor Tamlin)

### **615. MINUTES OF THE OVERVIEW AND SCRUTINY COMMITTEES**

**RESOLVED** that the minutes of the Economic and Social Overview and Scrutiny Committees held on 14 December 2004 and the Environment and Audit and Resources Overview and Scrutiny Committees held on 15 December 2004 be noted

### **616. PRESS AND PUBLIC**

**RESOLVED** 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:-

<u>Minute No.</u>	<u>Paragraph No.</u>	<u>Reason</u>
	7	Information relating to the financial or business affairs of any particular person (other than the authority) (but not publicly registerable information under certain Acts.)

## **EXECUTIVE (Continued)**

9 Any terms proposed or to be proposed by or to the authority in the course and negotiations for a contract for the acquisition or disposal of property or the supply of goods or services (for so long as disclosure would prejudice the Council in consultations or negotiations).

12 Any instructions to Counsel and any opinion of Counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with –

- (a) any legal proceedings by or against the authority, or
- (b) the termination of any matter affecting the authority (whether, in either case proceedings have been commenced or are in contemplation.

### **619. SELECTION OF TENDER FOR SUSTAINABILITY APPRAISAL FOR WARWICK DISTRICT LOCAL PLAN**

A report from Planning and Engineering was submitted seeking approval to accept a tender other than the lowest for the sustainability appraisal for the Warwick District Local Plan.

The Council was seeking to appoint consultants to assist with the preparation of the sustainability appraisal for the Warwick District Local Plan. The preferred tender was not the lowest received and therefore in accordance with the Council's Code of Contract Practice approval was sought before accepting the tender. Full details of the tenders received and the reasons for recommending that the lowest tender was not accepted were set out in the report.



## **EXECUTIVE (Continued)**

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

**RECOMMENDED** that the tender by ENTEC to carry out the sustainability appraisal for the Warwick District Local Plan be accepted for the reasons set out in the report.

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

### **620. DOG WARDEN SERVICE**

A report from Environmental Health was submitted on the Dog Warden Service.

In July 2004, the Executive authorised officers to negotiate an extension of the current contract for the Dog Warden Service and to investigate alternative options for resolving the issue.

The current service provider had agreed to the requested extension but the request had coincided with one of the two wardens leaving the service of the company. The company had been unwilling to employ and train a second warden under circumstances where they could see a possibility that the employee would only be taken on for six months. The officers had agreed therefore to accept a contract for one warden until the 31 March 2005. The service provider had offered to reflect this arrangement by reducing the contract price to take this into account. Currently, the only officer who could be available to issue fixed penalty fines for dog fouling in addition to the Dog Warden was the Park Ranger working through the Leisure and Amenities contract with Glendale. The Head of Leisure Services had indicated a willingness to establish an additional shared enforcement post to act on dog fouling and litter offences both from within the current Dog Warden budget estimated at approximately £15,000 plus a contribution from Leisure Services.

The three companies who had tendered in July had been asked to re-tender to provide a reduced service of one Dog Warden for 40 hours per week for a three year period. Details of the tenders returned were set out in the report. The difference in tender price between the lowest tender and the present contractor was £878. Members were asked to decide whether they wished to accept the lowest tender or stay with the current service.

The Environment Overview and Scrutiny Committee supported the recommendations in the report

**RESOLVED** that

- (1) the Council continue to utilise the services of a contracted Dog Warden service to deal with dangerous or stray dogs and dog fouling issues;

## **EXECUTIVE (Continued)**

- (2) the Dog Warden service be reorganised within the available budget to provide a main Dog Warden and that consideration be given to using the balance of funds for establishing a post shared with Leisure Services that provides for enforcement of litter and dog fouling offences;
- (3) a further report be submitted to the Executive from Environmental Health and Leisure Services indicating the scope for joint working on enforcement activities; and
- (4) the tender from Animal Wardens Ltd be accepted and the requirements to accept the lowest tender be waived.

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

### **621. PROGRESS ON THE IMPLEMENTATION OF THE ST MARY'S LANDS SCHEME, WARWICK**

A report from the St Mary's Lands Working Party was submitted. The St Mary's Lands Scheme which had taken a number of years to bring together had commenced early this summer. The scheme was managed by a Member Working Party but supported by an officer group. As the scheme was now six months into implementation it was appropriate to monitor its progress at both a practical achievement and cost level.

A number of elements of the scheme had effectively been completed and the remainder were still on schedule. There was a slight delay on the stables building as a result of the weather but the estimated completion date was still April 2005.

In relation to costs the scheme had seen significant changes at various stages of approval. There had been cost movements on several specific areas that were contributing to the present overall assessment of a projected overspend of approximately £365,000 and a risk of up to £50,000 additional expenditure in respects of the stables works.

#### **RESOLVED** that

- (1) the progress on the scheme be noted;
- (2) that the budget for the scheme cost be increased by £250,000 including a small contingency budget, the increase in funding to be met by £50,000 from the Escrow Account and £200,000 from the Capital Investment Reserve; and

## **EXECUTIVE (Continued)**

- (3) the budget for the scheme be increased by a further £110,000 to be met from the Capital Investment Reserve to meet the costs of partially tarmac the member enclosure car park in accordance with the additional costs verbally reported by the Strategic Director of Customer Information and Advice.

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

### **622. COVENTRY AIRPORT**

A report from Legal Services was submitted on a further payment to West Midlands International Airport Ltd.

At the time of the successful "strike out" application by West Midlands International Airport Ltd in relation to the Council's application for an injunction to close down the interim passenger facility, Mrs Justice Gloster had ordered that the Council pay the company a contribution of £100,000 towards their cost of the case. Their costs had been estimated at £400,000 and the officers had instructed Sharpe Pritchard to act for the Council in the legal challenge to that sum. No agreement had been reached between the parties and the bill was to go to a full taxation hearing in the High Court in March 2005. The company had now demanded a further £100,000 by way of a

further part payment and if the Council did not pay they had requested a date in December for a further Court hearing to consider their request.

Details of advice received from the Council's Counsel was set out in the report.

As a decision whether to follow any of the advice from Counsel was needed before this meeting of the Executive the Deputy Chief Executive had agreed under the Scheme of Delegation to Officers to deal with this as an urgent item between meetings. He had taken the decision, in consultation with the Environment and Community Resources Directors, the Heads of Planning and Engineering and Legal Services and the Group Leaders, to proceed with option 3 of the advice from Counsel (payment of a lesser sum of £75,000).

**RESOLVED** that the decision of the Deputy Chief Executive in consultation with the Community Resources and Environment Directors, the Head of Planning and Engineering and Group Leaders be noted.

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

(The meeting ended at 9.30 p.m.)