

EXECUTIVE

Minutes of the meeting held on Wednesday 6 January 2011 at the Town Hall, Royal Leamington Spa at 6.00 pm.

PRESENT: Councillor Michael Doody (Chairman), Councillors Caborn, Coker, Mrs Gallagher, Mrs Grainger, Hammon, Mobbs and Shilton.

ALSO PRESENT: Councillor Barrott (Labour Group Observer), Councillor Boad (Liberal Democrat Group Observer), Councillor Gifford (Chair of Overview and Scrutiny Committee) and Councillor Pittarello (on behalf of the Chair of Finance and Audit Scrutiny Committee).

99. **DECLARATIONS OF INTEREST**

Minute Number 116– Rural Initiatives Grant Application

Councillor Mrs Gallagher declared a personal interest because the grant application was for a premises located in her Ward.

100. **MINUTES**

The minutes of the meeting held on 27 November 2010 were taken as read and signed by the Chairman as a correct record.

PART 1

(Items which a decision by Council is required)

101. **GENERAL FUND BASE ESTIMATES REVISED 2010/11 AND ORIGINAL 2011/12**

The Executive considered a report from Finance which set out the latest projections for the General Fund revenue estimates in respect of 2010/11 and 2011/12 based on the current levels of service, and previous decisions. There were further matters that would need to be reviewed in order to finalise the base position as part of the 2011/12 budget setting process and these were set out in paragraph 7.5 of the report.

A supplementary paper was distributed following production of the agenda and was to be read in conjunction with the original report.

The Budget Monitoring report presented to the November 2010 Executive meeting was based upon an updated budget of £18,961,536. The Original Estimate (£18,214,214) having been reduced by some £895,825 (£300,000 Procurement, £500,000 prior year underspendings and £100,000 recycling income) and the addition of the 2009/10 Earmarked Reserves (£1,643,147). At that point, further variances were forecast, including salaries £400,000, £163,000 additional housing benefits subsidy and £130,000 VAT refund. The Revised 2010/11 budgets presented in the report incorporated these plus further budget reductions, bringing the total reduction on the Original Estimates to £1,428,400.

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The Council was required to determine its budget requirements in order to set the Council Tax for 2011/12 and, because it had been determined under the requirements of the Financial Strategy, no alternative option was practical.

The Finance and Audit Scrutiny Committee considered the report and the supplementary report issued on 17 December. Members were unhappy with the budget saving proposal to cease provision of free grey sacks to around 6,500 homes, which could result in residents purchasing sacks of lesser quality and ultimately cost the Council more in cleaning up spilt refuse and suggested this issues be referred back to the Contract Re-let Working Party.

In response, the Portfolio Holder for Neighbourhood Services, Councillor Shilton addressed the committees comments and referred to a hand out detailing the analysis carried out regarding the provision of grey sacks. The hand out detailed savings that would be made by not issuing grey sacks and the potential gains to be made through encouraging more households to recycle.

The Portfolio Holder for Finance, Councillor Mobbs expressed his gratitude to the administration and officers for their hard work in not only putting the report together but also for the positive position this now placed the Council in. He stated that he was confident that the Council could expect a balanced budget for 2011/12 with a 0% rise in Council Tax for the coming year.

Councillor Mrs Grainger stated that she felt the Waste Management department had worked hard and coped very well during the recent weather conditions, and should be thanked for their efforts.

The Leader of the Council, Councillor Michael Doody, supported Councillor Mrs Grainger's comments and advised that he would be releasing a press comment soon, congratulating Sita and all the officers involved in ensuring that the district's waste management collections continued.

The Executive thanked Finance and Audit Scrutiny Committee for their comments.

RECOMMENDED that;

- (1) the Senior Management proposals for budget savings as outlined in Appendix C be approved and paragraph 9.8 of the report be included in the 2010/11 Revised and 2011/12 Base Estimates;
- (2) the revised base budget revenue estimate for the General Fund services in respect of 2010/11 as outlined in Appendix E to the report, be approved; and
- (3) the base budget revenue estimate for the General Fund services in respect of 2011/12 as

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outlined in Appendix E to the report, be approved.

(The Portfolio Holder for this item was Councillor Mobbs)
(Forward Plan reference 254)

102. HOUSING REVENUE ACCOUNT BASE ESTIMATES REVISED 2010/11 AND ORIGINAL 2011/12

The Executive considered a report from Finance which detailed the latest projections for the Housing Revenue Account, (HRA), revenue estimates in respect of 2010/11 and 2011/12 based on the current levels of service, and previous decisions.

There were further matters that would need to be reviewed in order to finalise the base position as part of the 2011/12 rent setting process and these were set out in paragraph 7.4 of the report. The proposed 2010/11 Revised Estimates would present a decrease in HRA balances, compared to the Original Estimate, of £22,500 and the proposed 2011/12 Base Budget would present a surplus of approximately £1.3m, with the Council continuing to provide Housing Services and meet its commitments.

The Council was required to determine its budget requirements in order to set Council Housing Rents for 2011/12 and the purpose of this report was to produce estimates as determined under the requirements of the Financial Strategy. Any alternative strategies would be the subject of separate reports.

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

RECOMMENDED that;

- (1) the revised base budget revenue estimate for Housing Revenue Account services in respect of 2010/11 as outlined in Appendix B to the report, be approved; and
- (2) the base budget revenue estimate for the General Fund services in respect of 2011/12 as outlined in Appendix B to the report, be approved.

(The Portfolio Holder for this item was Councillor Mobbs)
(Forward Plan reference 255)

103. COUNCIL PROCEDURE RULES

The Executive considered a report from Members' Services which set out proposals from Group Leaders and the Chairman of the Council for revisions to the Council procedure rules, following the trial of the revised Council agenda.

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The revised Procedure Rules were compiled and produced following consultation between the Group Leaders, along with the Chairman of the Council. It brought together what they had felt were inconsistencies within the procedure rules and clarified areas of uncertainty and a copy of this was attached as an appendix to the report.

The public interest debate topics had been set, in accordance with Council Procedure Rules by the Group Leaders and Chairman of the Council. It was agreed the topics for the next two Council meetings be included as part of this report so that the information was publicly available. It was decided that these would be 'Alternative vote Proposals' to be discussed on 22 January 2011 and 'HS2' to be discussed on 9 March 2011.

RECOMMENDED that

- (1) the revised Council Procedure Rules, as set out at Appendix 1 to the report be approved; and
- (2) the public interest debate topics, agreed by Group Leaders, be noted as:
 - (i) Alternative vote Proposals – 22 January 2011
 - (ii) HS2 – 9 March 2011

(The Portfolio Holder for this item was Councillor Michael Doody)
(Forward Plan reference 288)

104. WARWICK RESPONSE FEES AND CHARGES

The Executive considered a report from Finance and Housing and Property Services which reviewed the recommendation considered by the Executive in October 2010 with regard to the proposed delay in the charges for Warwick Response and recommended that the increases for Warwick Response charges, originally agreed for 1 April 2011, be implemented from that date.

An alternative option would be that the fee increase could be delayed until April 2012 for Warwick Responses customers still paying the reduced amount. This would give a second year at which there had been some customers paying the lower amount, whilst new customers were paying increased fees. However, this delay would cost the Housing Revenue Account approximately £21,000.

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

RECOMMENDED that the increases for Warwick Response charges originally agreed for 1 April 2011 are confirmed to be implemented from that date.

(The Portfolio Holders for these items were Councillors Mrs Grainger and Mobbs)

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105. AMENDMENTS TO THE CURRENT 2010/11 CAPITAL PROGRAMME FUNDING FOR WATERCOURSE FLOOD ALLEVIATION

The Executive considered a report from Community Protection which proposed that some virement take place within the Community Protection Portfolio for the reprioritising of funding associated with flood alleviation projects in the District and that part of the existing funding contained in the 2010/11 capital programme be returned to the Capital Investment Reserve.

The report explained that the Portfolio Holder for Community Protection had a capital programme allocation of £212,000 for flood alleviation to undertake a scheme on St Johns Brook. However, this particular brook was the responsibility of the Environment Agency as a main river and it was felt this was not the most appropriate use of resources to spend Council funds on this third party asset.

The report suggested that of this £212,000, part be vired to give a value of £100,000 towards a multi agency flood alleviation scheme for Cubbington. This scheme had been designed by the Council for multi agency partners, namely the Environment Agency and Warwickshire County Council, was costed in the region of £600,000 and had a cost benefit of 3:1. It also had the approval of the Environment Agency and the Cubbington Flood Forum, which was made up of village residents, Councillors and supported by officers as well as Jeremy Wright MP.

An alternative option was to not accept the recommendations and leave the Capital funding in place for it to be ongoing Capital slippage.

The Portfolio Holder, Councillor Hammon stated his support for the report and hoped that this would alleviate problems for Cubbington with surface water flooding. He also expressed his gratitude to the report author and other officers involved for working hard to devise an acceptable scheme.

RECOMMENDED that;

- (1) the Capital allocation of £212,000 for the St Johns Brook watercourse improvement be removed from the capital programme and £70,000 of this be reallocated towards a partnership fund for a flood alleviation scheme in Cubbington.

This sum being supplemented by the £30,000 held in the external contributions account for Flood Alleviation to create a total budget of £100,000 towards the Cubbington project, the funding of which would be equally spread over the 2011 to 2013 financial years. If the allocated funding is not spent within the 2011/13 financial years, a further report be brought back to the Executive for consideration about the future continuation of this funding; and

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- (2) the remaining £142,000 from the original allocation for St Johns Brook be offered back to the Capital Investment Reserve.

(The Portfolio Holder for this item was Councillor Hammon)

106. DISCRETIONARY RATE RELIEF REVIEW

The Executive considered a report from Finance which described the current scheme for the awarding of mandatory and Discretionary Rate Relief. The Chairman advised members that this item needed to be a recommendation to Council and was therefore considered with the other Part One items on the agenda.

It proposed that the scheme be amended so that applications be assessed in line with this Council's aims and objectives. The report highlighted that updating was needed to ensure that relief was restricted to organisations that provide a benefit to the local community and introduced a threshold for the awarding of maximum relief unless exceptional circumstances applied.

The existing criteria had been in place since 1990, was endorsed by the Executive in January 2003, and apart from the inclusion of community amateur sports clubs (as provided for under the Local Government Act 2003) from April 2004, remained largely unchanged. During the same period of time, the Council's own aims, objectives and priorities had changed.

It was highlighted that the Executive could leave the existing scheme unchanged, but as outlined in section 3 of the report this would result in an out-dated scheme, not necessarily aligned to the Council's priorities, alongside an on-going budgetary pressure.

A number of alternative options were considered, including limiting relief to a maximum of 80% or Members could recommend a different threshold to the proposed R.V. of 5,000. However, these options could impact on small local organisations.

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

RECOMMENDED that;

- (1) the scheme for the Discretionary Rate Relief for Charitable, kindred "Not for Profit" and Community and Amateur Sports Clubs be amended to restrict the maximum award for premises with Rateable Values (R.V.s) above a threshold of 5,000 to 80%, unless exceptional circumstances dictate that a higher award should be made;

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- (2) the Policy and Guidance as in appendix A to the report be approved;
- (3) it be noted that the savings from the introduction of such will not take effect until 2012-13. These will be included in the budget presented to the Executive in December 2011 for their approval;
- (4) a further separate report be brought back to the Executive, twelve months following the introduction of the new scheme; and
- (5) officers continue to explore other means of pro-actively encouraging organisations who do not currently qualify for Mandatory relief to apply for Charitable or Community and Amateur Sports Club (CASC) status.

(The Portfolio Holder for this item was Councillor Mobbs)

PART 2

(Items upon which the approval of the Council is not required)

107. SCOPING OF HIGH SPEED 2 IMPACTS ON WARWICK DISTRICT

The Executive considered a report from Development Services which scoped the case for the defence of the District against the incursion of the proposed route of High Speed Two (HS2) with reference to the potential impact on the District's environment, local community, economy and employment, particularly the Stoneleigh Park and the Warwick University developments, recreational facilities, future housing needs and provision, and existing rail services from Coventry as well as from Leamington and Warwick.

This report was requested by Council at its meeting on October 20th 2010 and included details of a strategy for the Council's response to this issue, including cooperation with neighbouring Councils along the route.

A revised map of the district, which detailed the preferred routes A and B of the rail line in relation to the District Boundary, was reissued following production of the agenda.

An alternative option would be for the Council to choose to proceed on its own in preparing its response to the forthcoming HS2 consultation next year. However, this was likely to require more financial resources as the Council would need to buy-in more professional expertise and advice on certain technical areas, and if not resourced properly, may potentially weaken the Council's response to the consultation.

The Finance and Audit Scrutiny Committee supported the recommendations in the report, subject to recommendation 2.4 being amended to read:

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"That Executive agrees to allocate £50,000 towards preparing its response to any forthcoming HS2 consultation and that the amount is included in the 2010/11 Estimates, financed from the capital element of the Housing and Planning Delivery Grant. Authorisation for the use of the £50,000 is delegated to the Head of Development Services, in consultation with the Portfolio Holder for Development Services and the District Council Members on the Member Working Group."

The Executive thanked the Committee for its comments and agreed with the amendment to recommendation 2.4 subject to the removal of the latter part of the last sentence.

The Overview and Scrutiny Committee had concerns that the excellent and professional work undertaken by the Alliance of Action Groups would be duplicated and that this would not give best value from public money.

In addition, the Overview and Scrutiny Committee recommended that 'Warwick District Council should be asked to match fund any money put in by Kenilworth Town Council up to the value of £50,000. This was because Kenilworth as the town by far the most affected by High Speed 2 and therefore likely to want fund the help and support needed to protect their residents.'

The Chairman requested that any members of the Executive who were also Kenilworth Town Councillors should leave the room whilst this recommendation from Overview & Scrutiny was discussed, as they could be perceived as having a prejudicial interest. Councillors Coker, Mobbs and Shilton left the room.

Members felt it would be unfair to seek a contribution from one town when it was the whole district that would be affected by the scheme. Although it was recognised that Kenilworth would be largely influenced, members were mindful that the Council represented the District as a whole. Therefore, the Executive agreed to reject the Overview and Scrutiny Committee's recommendation.

Councillors Coker, Mobbs and Shilton rejoined the meeting for the remainder of the item.

The Portfolio Holder for Development Services, Councillor Hammon requested that an additional recommendation be added which showed the Executive's support for the County Council's stance in opposing the scheme. It was agreed that this should be inserted as the first recommendation, resulting in the re-numbering of the existing recommendations.

The Executive thanked the committees for their comments.

RESOLVED that;

- (1) the Executive supports the County Council in opposing the proposal of HS2 and all the reasons they have given;

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- (2) the report and the potential impacts of the proposed HS2 route on Warwick District, be noted;
- (3) the approach of joint working with Warwickshire County Council, Stratford District Council and North Warwickshire Borough Council to critically assess any forthcoming consultation material and technical assessments published by the Government in relation to the impacts of HS2 within the District, be endorsed;
- (4) relevant officers be instructed to liaise with colleagues from the Coventry, Solihull and Warwickshire Partnership, other authorities, including those outside of Warwickshire, representatives of HS2 Limited, and other interested organisations, including HS2 Action Alliance, in formulating a draft response to the consultation;
- (5) £50,000 be allocated towards preparing a response to any forthcoming HS2 consultation and that the amount is included in the 2010/11 Estimates, financed from the capital element of the Housing and Planning Delivery Grant;
- (6) authorisation for the use of the £50,000 be delegated to the Head of Development Services, in consultation with the Portfolio Holder for Development Services;
- (7) authorities along the proposed HS2 route be invited to attend a meeting in January to explore the potential for either a joint response to the proposed consultation and/or the co-ordination of individual responses; and
- (8) a further report be submitted once further details are available on the Government's consultation and the preparation of the Council's response.

(The Portfolio Holder for this item was Councillor Hammon)

108. LOCAL PLAN, ANNUAL MONITORING REPORT AND REVIEW OF LOCAL DEVELOPMENT SCHEME

The Executive considered a report from Development Services which detailed the recent High Court decision in relation to the Government's revocation of regional spatial strategies, and considered its implications for the Council.

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The report also requested approval for the Annual Monitoring Report 2010 (AMR) to be submitted to the Secretary of State in accordance with the Local Development Regulations as well as approval for a revised LDS to be submitted to the Secretary of State in light of progress that the Council had made during 2010, and changes such as the Government's recent announcements in relation to regional spatial strategies.

It was a requirement that the Council prepare and submit an Annual Monitoring Report and that it regularly updated the Local Development Scheme (LDS). An alternative option was that the Council could choose to vary the timetable for the Local Plan or not proceed with its Area Action Plans for Warwick and Leamington town centres. However, officers felt this could potentially leave the District without an up-to-date planning policy framework and could result in ad hoc planning decisions being taken regarding various developments to the detriment of the town centres, local communities and/or the environment.

The Overview and Scrutiny Committee agreed that the Executive needed to consider the implications of the regulations that would come in through the Localism Bill for the development of the Local Plan. They felt it would be a benefit if a presentation was given to Members regarding any new information and regulations once the implications of the Bill become clearer.

The Executive thanked the committee for their comments and the Portfolio Holder, Councillor Hammon supported their suggestion of a presentation at a later date.

RESOLVED that;

- (1) the High Court decision in relation to the Secretary of State's revocation of regional spatial strategies, be noted, and reaffirms its resolution from September 29th 2010 to not proceed with preparing and adopting a draft core strategy until such time as it has considered and reviewed all evidence on future growth and tested alternative options through consultation and sustainability appraisal;
- (2) there is a five year supply of deliverable sites available for housing when assessed against the requirement within the adopted Regional Spatial Strategy;
- (3) the Annual Monitoring Report for submission to the Secretary of State, be approved;
- (4) the draft Local Development Scheme, including the project plans attached as Appendix A to the report, be approved, for submission to the Secretary of State and approves that the Local Development Scheme shall have effect as from the date when the Secretary of State notifies

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the Council that he does not intend to direct the authority to amend the Scheme;

- (5) the Deputy Chief Executive be given authority in consultation with the Portfolio Holder for Development Services to agree any further minor amendments to the Local Development Scheme prior to, or after submitting it to, the Secretary of State; and
- (6) £280,000 be allocated from the Planning Appeals Reserve to meet the costs of preparation of the Local Plan and town centre plans during 2012/13 and 2013/14.

(The Portfolio Holder for this item was Councillor Hammon)

109. PROPOSAL FOR A JOINT INDEPENDENT MEMBERS REMUNERATION PANEL WITH STRATFORD UPON AVON DISTRICT COUNCIL

The Executive considered a report from Finance which outlined the proposals and reasons for a new Independent Remuneration Panel to be established.

The Local Authorities (Members' Allowances) (England) Regulations 2003 required Local Authorities to establish and maintain an independent remuneration panel and although the existing WDC Panel needed to be replaced, this could take time to recruit, train and would be expensive to maintain.

It was proposed that Stratford on Avon District Council and Warwick District Council appoint a single Panel and undertake joint reviews. There would then be an option on whether to undertake interim annual reviews or link remuneration rates to a relevant price index. Officers were mindful that this would require some harmonisation to align the Councils' schemes, although there could be an element of flexibility incorporated in how it applied at SDC and WDC to reflect local differences.

An alternative option would be to keep the existing Panel however this would be against the recommendations of the Regulations or to appoint the Councils own Panel but this would involve a considerable amount of officer time and expense.

The Finance and Audit Scrutiny Committee accepted there was a legal requirement to consider this proposal and supported the recommendations in the report.

The Executive thanked the committee for their comments.

RESOLVED that;

- (1) Stratford upon Avon District Council and Warwick District Council appoint a single Panel

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and undertake joint reviews of members' allowances; and

- (2) in accordance with the Constitution, the Head of Finance formulates the panel and reviews member allowances for reporting back to Executive and Council.

(The Portfolio Holder for this item was Councillor Mobbs)

110. RECOMMENDATIONS OF THE GRANTS REVIEW PANEL ON FUTURE FUNDING OF THE VOLUNTARY AND COMMUNITY SECTOR

The Executive considered a report from the Community Partnership Team which requested consideration of the recommendations of the Members Review Panel on the future of the funding of the voluntary and community sector.

The recommendations involved the review of the following: funding provided via Service Level Agreements, funding provided through community 'bidding pots' and funding provided to support Community Development activity.

One of the key areas within the terms of reference of the review detailed in appendix 2 to the report was that the Grants Review Panel was asked to consider 'opportunities to better deliver the Council's priorities and support the delivery of the Warwick District Sustainable Community Strategy'. Whilst the Panel recognised that the Third Sector had a key role to play in relation to the delivery of the Sustainable Community Strategy, it was agreed that priorities and services to deliver the four Thematic Priorities (Safer Communities, Health and Well Being, Housing, and Economy, Skills and Employment) be financed through the appropriate service areas (within WDC or other public bodies).

The Panel felt that the purpose of the Community Partnership Team Grant Budget should be to support voluntary and community sector activity to enable involvement, engagement, and to build the capacity of the sector.

The Overview and Scrutiny Committee supported the report and felt it was a fairer way of allocating the money. They also commended the working party for producing the report and the Portfolio Holder for all the work they put in.

The Executive thanked the committee for their comments.

The Portfolio Holder for Customer and Information Services, Councillor Caborn stated that he was pleased that this would mean the community would be looked after on an equal and fair basis. In addition, the Warwick Area Committee had expressed their desire to work with the Council which was encouraging.

RESOLVED that;

- (1) designation of the area shown on the plan attached as Appendix A to the report as a

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Conservation Area in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, thus forming an extension to the existing Kenilworth Conservation Area, be approved; and

- (2) all residents, owners and tenants within the area be notified of the designation, along with the County Council and Town Council, Kenilworth Society, English Heritage and any other interested parties, and that the designation was advertised in the London Gazette.

(The Portfolio Holder for this item was Councillor Hammon)

111. SYSTEMS THINKING – UPDATE AND LESSONS LEARNED

The Executive considered a report from Improvement & Performance which reviewed progress on the systems thinking interventions undertaken to date and summarised the benefits achieved, the success stories, barriers encountered, lessons learned and approaches being used to address the barriers and lessons learned.

The benefits and learning points from the systems thinking interventions were detailed in sections 7.2 to 7.5 of the report and it was requested that these be noted.

Section 7.5 of the report summarised the proposed changes in approach and the report recommended that these be agreed as the basis for the next group of systems thinking interventions.

One alternative option would be to not update members on progress. However, as systems thinking was central to Fit for the Future and as members had a key role to play in systems thinking intervention, this was rejected.

Another alternative was to not adapt from the lessons learnt, however, learning was seen to be central to systems thinking and failure to learn and try new approaches would not only fly in the face of our systems thinking approach but would also undermine the opportunities for future intervention to deliver their potential.

The Finance and Audit Scrutiny Committee were keen to see that the programme was not driven by budgetary concerns alone, recognised efforts taken by managers to protect the workforce and supported the recommendations in the report.

Members were mindful that any difficulties experienced already should be shared and that we needed to learn from issues raised by Development Services, who had recently gone through the lean systems process. Councillor Mobbs stated that he was please with such an open and transparent report and that thanks should be passed to the report author. He also advised that there would be a further report in February which,

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although it was aligning with the budget issues, it would also be focussing on the customer and organisational benefits.

The Executive thanked the Finance and Audit Scrutiny Committee for their comments.

RESOLVED that

- (1) the benefits, detailed in the tables in 7.2 of the report, and learning points, detailed in sections 7.3, 7.4 and 7.5 of the report, from the systems thinking interventions that have commenced to date, be noted; and
- (2) the proposed changes in approach summarised in 7.5 of the report be agreed as the basis for the next group of systems thinking interventions.

(The Portfolio Holder for this item was Councillor Michael Doody)

112. PORTFOLIO HOLDER STATEMENTS

The Executive considered a report from Improvement and Performance which had been compiled following a request from the Scrutiny Committees. They requested that the Portfolio Holder Statements be prepared for the current financial year to enable them to fulfil their scrutiny function more effectively.

Service Area Plans had been in place since April 2010. However, the Scrutiny Committees did not find these documents conducive to effective Scrutiny. The Portfolio Holder Statements were therefore prepared and attached in appendices 1 to 9 to the report.

An alternative option would have been to continue with the existing Service Area Plans, however, these were clearly not working from the Scrutiny Committee's point of view. The approach was therefore directly adapted from the 2010/11 Service Area Plans. It would have been possible to develop a different approach to Portfolio Holder Statement. However, this would have made it more difficult to ensure alignment between the Portfolio Holder Statements and the Service Area Plans.

The Overview and Scrutiny Committee welcomed the new statements which were an improvement to the information previously received but were concerned at the lack of consistency in the way information was displayed meaning it was not easy to understand. The Committee noted that the revised arrangements meant that the Shadow Portfolio Holders needed to report back frequently to their groups.

The Executive thanked the Overview and Scrutiny Committee for their comments.

RESOLVED that the Portfolio Holder Statements in appendices 1 to 9 to the report, be approved.

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(The Portfolio Holder for this item was Councillor Michael Doody)

113. SOUTH WEST WARWICK (CHASE MEADOW) COMMUNITY CENTRE DEVELOPMENT

The Executive considered a report from Customer and Information Services and Development Services which updated members on the proposals for a community hall in South West Warwick (Chase Meadow). The report recommended that the Executive support the development of a facility larger than detailed in the current planning approval and in addition, recommended a contribution of £50,000 be made available to support the construction of the community hall.

The report explained that an important part of the South West Warwick (Chase Meadow) housing and employment allocation was that the developers were obliged to make available land to locate an appropriate range of retail, service and community facilities for local residents. A specific element of this provision required the developer to provide the means (land and finance) for the Council to facilitate the construction of a community hall.

A detailed (Reserved Matters) planning application for the development of a local centre, including a community hall and a separate place of worship was submitted by the land owners, Hawkestone in July 2006 and was agreed by Planning Committee in December 2006. In January 2009 a public meeting was held in Chase Meadow and the local community decided to establish a constituted Residents Association that could progress various issues with the developers, local authorities and other service providers (Chase Meadow Residents Association (CMRA)).

CMRA was not comfortable with the intended (initial) design of the community hall as it felt community needs would not be met appropriately. As a consequence in January 2010 CMRA held a public meeting to consult on the then current plans and an alternative option of a larger development.

An alternative option would be to support the development of the community hall as detailed in the extant planning application (W06 1096) however, this was not what the community wanted.

The Finance and Audit Scrutiny Committee wanted to see the Centre properly utilised by the community, was encouraged by responses given to Members' questions by Reverend David Brown, who was in attendance at their meeting, and supported the recommendations in the report. Members discussed potential scenarios should the project fail to secure the funds required for the development to progress. Officers were asked to look into whether the sports facilities could be made available to the Council if possible.

The Overview and Scrutiny Committee had a concern regarding the money coming from the capital investment reserve and felt that this should come from this municipal year's unspent Rural Initiatives money. They therefore recommended that the Executive seek clarification whether the

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£98,000 commuted sum for ongoing maintenance can be used as a contribution towards the capital cost of building the centre before the section 106 is finalised.

The Executive thanked the committee's for their comments and in response to the Overview & Scrutiny Committees' suggestion regarding Rural Initiatives money, the Portfolio Holder, Councillor Caborn stated that this was an urban situation and therefore not applicable for a Rural Initiatives Grant. In addition, having taken advice from senior officers, it was stated that the developer was happy for the £98,000 commuted sum for ongoing maintenance to be used as a contribution towards the capital cost of building the centre before the section 106 was finalised.

Councillor Caborn also expressed his gratitude to both officers and all those involved for their hard work in bringing this report forward.

RESOLVED that

- (1) the development of the larger, more flexible community hall building that will also be able to accommodate occasional church services (detailed in the drawings at Appendix 1 to this report), be supported;
- (2) the transfer of the land identified for development and the related financial package, from Hawkestone to WDC, be agreed (under the terms of the Section 106 arrangements) in early 2011, as recommended by WDC's legal advisors. This will give confidence to the Community (and potential investors) that a substantial element of the overall development package is secured;
- (3) £50,000 be allocated towards the development as a demonstration of its support and that the amount is included in the 2011/12 capital programme, financed from the Capital Investment Reserve;
- (4) the Council retain the freehold title of the land/ property referred to in 2.2 and grant a long term lease (999 years at a peppercorn rent) to an 'umbrella' company comprising of the Chase Meadow Community Centre Limited (CMCCL) and the Anglican church following the successful construction of the community hall, with the details being agreed by the Deputy Chief Executive, in consultation with the Customer and Information Services Portfolio Holder; and
- (5) a report on the progress of the fundraising initiatives/ project be brought back to Executive

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in 12 months time, along with an updated Business Plan, prior to the commitment of any expenditure on the scheme.

(The Portfolio Holder for this item was Councillor Caborn)

The Chairman agreed to take this item first because members of the public were present to hear the decision.

114. DELIVERING SUSTAINABLE DEVELOPMENT – CONSULTATION DOCUMENTS

The Executive considered a report from the Deputy Chief Executive (AJ) which set out the Government's proposals for a New Homes Bonus, which sought to encourage house building and bringing long term empty housing stock back into use. The Government had invited comments on its proposals through a formal consultation process and a proposed response was attached at appendix A to the report.

The report also advised of the publication of a Government White Paper, Local growth; realising every place's potential, wherein it was seeking views on the retention of business rates at a local level and the enabling of Tax Increment Finance (TIF). Appendix B to the report detailed the response to this consultation from Warwick District Council.

In addition, the report also advised of the Government's proposals for changes to planning application fees which would allow the local planning authority to set its own (non-profit-making) planning application fee charges. Appendix C detailed a proposed response to the consultation from Warwick District Council.

The only alternative option would be not to respond to the Consultation documents, however, this option was discounted as the documents contained major proposals which could significantly impact the approach the Council took in the future. The proposals should also be considered in the light of the developing Local Plan.

The Finance and Audit Scrutiny Committee expressed some concern over a lack of government funding for the services to support sustainable development, many of which were outside of the Council's jurisdiction, but supported the recommendations in the report.

The Executive thanked the committee for their comments and highlighted that we have to work within the rules that are set for us.

RESOLVED that

- (1) the principles of the New Homes Bonus scheme as detailed in this report, be noted;
- (2) the Council's response to the New Homes Bonus – Consultation document attached at Appendix A to the report, be agreed, making any amendments it considers appropriate;

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- (3) the Government's ideas for business rates retention at a local level and TIF as detailed in this report, be noted;
- (4) the Council's response to the Government's request for views on changes to business rates and TIF attached at Appendix B to the report, be noted;
- (5) the Government's proposals for planning application fees as detailed in this report, be noted; and
- (6) the Council's response to the Proposals for changes to planning application fees in England – Consultation document attached at Appendix C to the report, be agreed, making any amendments it considers appropriate.

(The Portfolio Holder for this item was Councillor Michael Doody)

115. OVERVIEW AND SCRUTINY COMMITTEE & FINANCE AND AUDIT SCRUTINY COMMITTEE – SCRUTINY UPDATE

The Executive considered a report from Members' Services that outlined the current work of the Council's Finance & Audit and Overview & Scrutiny Committees.

This report was produced to create a dialogue between the Executive and the Overview and Scrutiny Committee & Finance and Audit Scrutiny Committee.

This item on the Executive agenda was previously the Scrutiny Committees' minutes from the previous cycle. However, producing a report was considered a more effective way of keeping the Executive informed of the Scrutiny Committees' activities.

RESOLVED that the report be noted.

116. RURAL INITIATIVES GRANT APPLICATION

The Executive considered a report from Finance which provided details of a Rural Initiative Grant Application by Leamington Rugby Football Club to replace the drainage system underneath the first team pitch playing area and a Rural Initiative Grant Application by Hatton Village Hall for replacement electrics/lighting work and re-decoration.

Leamington Rugby Club had applied for a grant to replace the forty year old drainage system underneath the First Team Pitch area. The work would be carried out in April 2011 after the current season had finished. It was essential that the work be carried out as there was a threat of contamination as the current system was regularly silting up, meaning the sewage and foul water system would cease to function.

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The Hatton Village Hall Management Committee was applying for a grant to upgrade some electrical and lighting within the Hall to bring it up to modern day standards for both efficiency and health and safety reasons. The Management Committee had included quotes for redecoration work (i.e. walls, radiators and window frames) as the Hall had not been redecorated for many years.

An alternative option was to not approve the grant funding or vary the amount awarded.

RESOLVED that

- (1) a Rural Initiatives Grant of £1,914, be approved, which equates to 50% of the cost as detailed in paragraph 7.1 and supported by Appendix 1 to the report; and
- (2) a Rural Initiatives Grant of £8,682, be approved, which equates to 50% of the cost as detailed in paragraph 7.2 and supported by Appendix 2 to the report.

117. PUBLIC AND PRESS

RESOLVED that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following four items by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Minute No.	Para Nos.	Reason
118	1	Information about an individual
118 & 119	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

118. SOUTH WARWICKSHIRE TOURISM - PENSIONS

The Executive considered a report from Finance which provided details of South Warwickshire Tourism Ltd (SWT) who had ceased trading in March 2010. The report detailed that Warwickshire County Council Pensions Fund had approached the Warwick and Stratford on Avon District Councils with regard to the funding of the pensions liabilities previously due to be met by SWT.

In January 1997 Warwick and Stratford on Avon District Councils transferred employees relating to their tourism functions to a newly

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formed organisation called South Warwickshire Tourism Ltd. Of the employees transferring, six from WDC and eight from SoADC were members of the Local Government Pension Scheme. As part of the original transfer both councils provided letters of undertaking to reemploy employees who had transferred from their respective authority to SWT in the event of SWT ceasing to operate. At that time, the District Council were not able to legally act as financial guarantors in the event of SWT failing and going into liquidation.

When South Warwickshire Tourism Ltd ceased trading in March 2010 this left Warwickshire County Council Pension Fund with unfunded liabilities in respect of the former WDC/SDC employees. Consequently, the Pension Fund had approached both district councils to meet this deficit.

The report advised that on the basis that the Council had no legal liability to contribute towards the SWT pensions fund deficit, it was recommended that the Executive confirm this approach.

RESOLVED that

- (1) the Council should not agree to fund the compensatory added years of former South Warwickshire Tourism Ltd employees; and
- (2) the Council should not meet the pension fund deficit relating to any of the former South Warwickshire Tourism Ltd employees.

119. SPENCER YARD UPDATE REPORT

The Executive considered a report from the Chief Executive's Office which summarised the discussions that had taken place with our partners, City Spirit Limited (CSL) and the Loft Theatre Company Limited (LTC) since the demise of the Advantage West Midlands (AWM) funded project and proposed how a new project to regenerate the area might be taken forward.

Following the withdrawal of the AWM funding for the Spencer Yard project there was a funding shortfall on the scheme as originally envisaged. As set out in section 7 of the report, the funding shortfall would increase were the Inter-Party Settlement Agreement to end without agreement between the partners that they would continue to make available elements of the compensation that each received from AWM. That agreement was due to run until 23 December 2010.

Since the signing of an Inter-Party Settlement Agreement, a copy of which was attached at appendix 1 to the report, the partners held extensive discussions to consider options for a new scheme to be brought forward to regenerate the area and all partners remained committed to exploration of all potentially viable options. In addition, an outline agreement had been reached for each partner to fund a feasibility study designed to determine if the funding gap could be closed to allow the scheme to be progressed.

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The report stated that, subject to approval of the proposed feasibility study and assuming that the study demonstrated an acceptable and financially viable scheme was possible, it was likely that no scheme would commence on site for at least 12 months. Officers would therefore investigate options for bringing the URC into use on a temporary basis, at minimum cost, and would bring a further report to a future Executive as soon as possible.

An alternative option was that the Executive could decide to end all interest in exploring options for an alternative regeneration scheme on the site. Such an approach would enable alternative use of the URC, including outright sale, to be progressed but has been discounted as it would effectively end all other redevelopment and regeneration options in the area. Similarly, the Executive could decide not to extend the Inter-Party Settlement Agreement and/or cease to work with either CSL or LTC, however, this had been discounted as ceasing to work with either partner would have the same impact as previously stated.

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

RESOLVED that

- (1) the principle of commissioning a high level feasibility study and outline masterplan for the regeneration of Spencer Yard and its immediate environs be agreed, associated options for potential parking development at Bath Place and/or Station Approach and the potential relocation of the Loft theatre to the Spa Centre site;
- (2) delegated authority be given to the Deputy Chief Executive (BH) and s151 Officer, in consultation with the Leader of the Council and Development Portfolio Holder, to agree the detailed specification and terms for the study on the basis that:
 - i) the study is undertaken by CSL
 - ii) the total cost of the study would be capped, as set out at 3.8
 - iii) the costs are shared equally by WDC, CSL and LTC
 - iv) WDC indemnifies the other partner's costs should all partners agree that the outcome of the study demonstrates that an acceptable and financially viable scheme could be brought forward but WDC decline to progress such a scheme;
- (3) subject to agreement of recommendations 1 and 2 above, the extension of the Inter-Party Settlement Agreement be approved for a

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maximum period of 8 months (i.e. until 23 August 2011) ;

- (4) the current contract with ATI Projects Ltd. be extended for a period ending with the termination or variation of Inter-Party Settlement Agreement;
- (5) an exception to the Code of Contract Practice be approved, to enable the feasibility study to be undertaken by CSL and, if necessary, to enable the extension of the ATI Projects contract;
- (6) a further report be brought to the January 2011 meeting enabling it to consider whether the feasibility study could or should be widened to encompass the potential future use of other WDC owned assets in Leamington and the merits and feasibility of relocating the Council's headquarters accommodation;
- (7) further feasibility work exploring alternative options in relation to the Spa Centre site is deferred pending this further report; and
- (8) subject to approval of recommendations 1 to 3 above, another separate report will be brought to a future meeting setting out proposals for temporary use of the former United Reform Church until any future revised scheme can be implemented.

(The meeting ended at 7.25 pm)