

	Overview and Scrutiny Committee – 9 July 2013	Agenda Item No. 12
Title	Comments from the Executive	
For further information about this report please contact	Lesley Dury, Committee Services Officer, 01926 456114 or committee@warwickdc.gov.uk	
Service Area	Civic & Committee Services	
Wards of the District directly affected	N/A	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No	
Date and meeting when issue was last considered and relevant minute number	18 June 2013	
Background Papers	Executive Minutes – 19 June 2013	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No

Officer/Councillor Approval		
With regard to officer approval all reports <i>must</i> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
	Date	Name
Relevant Director		
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance		
Portfolio Holders		

Consultation Undertaken	
N/A	
Final Decision?	Yes
Suggested next steps (if not final decision please set out below)	

1. **SUMMARY**

- 1.1 This report informs the Committee of the response the Executive gave to their comments regarding the reports submitted to the Executive in June.

2. **RECOMMENDATIONS**

- 2.1 The responses made by the Executive are noted.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 This report is produced to create a dialogue between the Executive and the Overview and Scrutiny Committee. It ensures that the Overview and Scrutiny Committee are formally made aware of the Executive's responses.
- 3.2 Where the Overview & Scrutiny Committee have made a recommendation as opposed to a comment the Executive are required to respond to the recommendation(s) made, including whether or not they accept the recommendation(s).

4. **ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 This report is not produced and presented to the Committee.

5. **BUDGETARY FRAMEWORK**

- 5.1 All work for the Committee has to be carried out within existing resources.

6. **POLICY FRAMEWORK**

- 6.1 The work carried out by the Committee helps the Council to improve in line with its priority to manage services openly efficiently and effectively.

7. **BACKGROUND**

- 7.1 As part of the new scrutiny process, the Committee is no longer considering the whole of the Executive agenda.
- 7.2 On the day of publication of the Executive agenda all Councillors are sent an e-mail asking them to contact Committee Services, by 09.00am on the day of the Overview and Scrutiny Committee meeting to advise which Executive items they would like the Committee to consider.
- 7.3 As a result the Committee considered the items detailed in appendix 1. The response the Executive gave on each item is also shown.
- 7.4 In reviewing these responses Committee can identify any issues for which they would like a progress report. A future report, for example on how the decision has been implemented, would then be submitted to the Committee at an agreed date which would then be incorporated within the work programme.

**Response from the meeting of the Executive on Overview and Scrutiny
Committee Comments –
19 June 2013**

Item no.		Title	Requested by
5		Rural/Urban Capital Improvement Scheme – Amendment to Criteria	Lib Dem Group and Labour Group
Reason considered	<p>Labour Members had observations to make about the scheme.</p> <p>Liberal Democrat Members felt that the policy did not recognise the difference between Rural and Urban areas where the population in an urban ward can be larger than a complete parish and continues to require the support of a town council for any projects in their towns. This continues to place constraints on community groups within these urban areas and can work against local communities within the towns.</p>		
Scrutiny Comment	<p>The Overview and Scrutiny Committee recommended that:</p> <p>(1) Applications should be considered quarterly, not as and when they arrive; and</p> <p>(2) Delete the whole section on Town and Parish Council and say it is preferable to have the support of your Town or Parish Council or a District Ward Councillor.</p>		
Executive Response	<p>In response, the Portfolio Holder did not accept quarterly basis – too slow a process, too many valid, worthwhile & urgent applications which could be disadvantaged as a result.</p>		

Item no.		Title	Requested by
6		Potential recreation of the Mere at Kenilworth Castle	Lib Dem Group and Labour Group
Reason considered	<p>Labour Members had comments about the project and expenditure.</p> <p>Liberal Democrat Members felt that this is the wrong project and was sending the wrong message in times of austerity. It does not have the overwhelming support of the residents of Kenilworth once the consequences of the development are known. It is unlikely to have a major impact on the tourism economy or regeneration relative to its potential costs.</p>		
Scrutiny Comment	<p>The Overview and Scrutiny Committee recommended that the money is not allocated for a feasibility study. This was unanimously supported by all Members present. In times of austerity, this gives completely the wrong message to the public and the Service Transformation Reserve is not the right fund to use.</p>		
Executive Response	<p>In response, the Portfolio Holder expressed his disappointment at the lack of support from the scrutiny committees. He reminded them that this had been a project that had been talked about for some time and felt that the Council had a duty to look to the future vision of the District. He also highlighted that at this stage, the funding would only be for the feasibility study which would decide if the project was feasible or not.</p> <p>Members debated the implications of investing in the future, encouraging tourism and potentially providing employment opportunities for the health and wellbeing of the community against the public perception that this was a frivolous waste of money.</p> <p>The Portfolio Holder for Development Services hoped that the project</p>		

	<p>would encourage English Heritage and Kenilworth Castle to find ways to share business and the benefits that the project could bring.</p> <p>With regard to the Overview and Scrutiny Committee's comment that the Service Transformation Reserve was not the right fund to use, the Portfolio Holder for Finance advised that both he and the Section 151 Officer were happy with this arrangement.</p> <p>The Executive did not accept the recommendations from either scrutiny committee because they felt it was vital to invest in the long term vision for Warwick District, to encourage tourism and to look to the future for both residents and visitors to the town.</p>
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Item no.	7	Title	Communication Strategy	Requested by	Labour Group
Reason considered	Members had questions about the strategy, including the role of elected members;				
Scrutiny Comment	The Overview and Scrutiny Committee commented that the report was generally accepted, but the role of councillors as described on page 6 was not accurate. Councillors would welcome training and advice on Social Media. Members welcomed the single point of contact that some departments are operating.				
Executive Response	The Portfolio Holder disagreed that the role of councillors was incorrect and thought it depended on how you read it.				

Item no.	9	Title	St Mary's Lands Business Strategy	Requested by	Labour Group and Councillor Dhillon
Reason considered	Members wished to discuss proposals for this area, which is important to Warwick Town and the District;				
Scrutiny Comment	<p>The Overview and Scrutiny Committee recommended that:</p> <ul style="list-style-type: none"> (1) There should be full and widespread consultation with the people of Warwick and Warwick Town Council (2) Recommendation 2.6 should be removed because there is a potential conflict of interest and there is no need for this position (3) The scheme must come back to the Council/Executive before any agreement with the Racecourse is concluded (4) Procurement guidelines must be followed closely and the possibility for open bidding for the leases must be ensured (5) The independence of the Planning Committee must be safeguarded and made clear to the public <p>Several Members of the Overview and Scrutiny Committee had strong reservations about the location of the hotel.</p>				
Executive Response	In response, the Portfolio Holder for Development Services, stated that Warwick Town Councillors had not been as involved as much as he would have liked them to be. He reminded Members that nothing had been set in stone and the correct controls would be in place to improve the area and benefit the residents of Warwick. He assured Members that full consultation would be undertaken as a matter of course and felt that it				

	<p>was more sensible to have a business strategy and masterplan to consult on so to defer a decision on the report at this stage would be impractical.</p> <p>In response to the Overview and Scrutiny comments, the Executive reiterated that full consultation would be included as part of due process, as would the scheme being reported back to Members before any agreement with the Racecourse was concluded. In addition, procurement guidelines were stringently followed on all projects, as per the Code of Procurement Practice.</p> <p>The Chief Executive addressed members regarding recommendation (5) from the Overview and Scrutiny Committee and reminded them that all planning applications were dealt with in accordance with planning policy. He stated that the Planning Committee could not run 'independently' from the rest of the Council because Council policies had to be given due regard when dealing with applications. He therefore, suggested that the recommendation be reworded to refer to the integrity of the Planning Committee rather than the independence.</p>
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Item no.		Title	Requested by
	14	Planning Policy for HMOs and Student Accommodation in Warwick District	Lib Dem Group and Labour Group
Reason considered		<p>Labour Members welcomed progress on this and had some comments about the draft policy.</p> <p>Liberal Democrat Members wanted to review the policy given its significance, in particular to Leamington. Requirements for amenity space within the HMO need to be strengthened. Amenity space.</p> <p>Councillor Gifford wanted this called in to O&S because the policy was inadequate. We need to strengthen the requirements for space requirements and HIMO management.</p>	
Scrutiny Comment		<p>The Overview and Scrutiny Committee accepted the report and policy as far as it went. It was regretted that Leamington Spa Town Council had not been consulted. A clearer definition of a "thoroughfare" (page 8) is required, and Members questioned whether the bus stop mentioned on page 9 was either a university bus stop or a normal one. The Committee has major concerns about the standards of the living conditions for many residents in HMOs.</p>	
Response		<p>Planning Officers responded to the comments as follows:</p> <p>In response to Leamington Spa Town Council not being formally consulted with; once this draft policy has been approved for consultation, Leamington Spa Town Council as with all Town and Parish Councils will be notified of the consultation, and will be able to make any comments or observations during the consultation process. Officers will be willing to attend any council meetings to explain the policy or to answer any questions.</p> <p>In response to defining a "thoroughfare", it is difficult to be too specific with defining a thoroughfare; however, they would normally be Classified A & B roads.</p> <p>The Bus stops mentioned on Page 9 refers to all bus stops, they are not confined solely to University bus stops.</p>	

	The living conditions in HMOs are in the remit of Housing Strategy who are consulted on all HMO applications.
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