

Overview and Scrutiny Committee

Minutes of the meeting held on Tuesday 8 January 2019 at the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Mrs Falp (Chairman); Councillors Ashford, Boad, Bromley, Mrs Cain, Davison, H Grainger, Naimo, Parkins, Mrs Redford and Weed.

Also Present: Councillors Coker, Grainger and Mobbs.

64. **Apologies and Substitutes**

Councillor Weed substituted for Councillor D'Arcy and Councillor Ashford substituted for Councillor Shilton.

65. **Declarations of Interest**

Minute 68 – Pump Room Gardens Restoration Project

At the start of debate on this item, Councillor Mrs Cain declared an interest because she knew one of the speakers and because she was also the Chairman of the Conservation Area Forum.

66. **Minutes**

- (a) The minutes of the meeting held on 27 November 2018 were taken as read and signed by the Chairman as a correct record.
- (b) The minutes of the Health Scrutiny Sub-Committee held on 20 November 2018 were noted.

67. **Executive Agenda (Non-confidential items and reports) – Wednesday 9 January 2019**

The Committee considered the following non-confidential item which would be discussed at the meeting of the Executive on Wednesday 9 January 2019.

Item 7 – Leisure Development Programme – Phase 2, Kenilworth

Three members of the “Restore Kenilworth Lido” group addressed the Committee:

- Mr Peacock who spoke to the results from the consultation, what he concluded from these and where he felt evidence did not support the conclusions drawn in the report;
- Ms Colgan who asked the Council to defer the decision in order to look at other successful lidos to assess the benefits to the local community and the wider District. Ms Colgan then gave examples of the types of benefits that could be derived; and
- Ms Green who drew attention to considerations that should also be taken into account in support of a lido other than placing the emphasis on financial and budgetary matters.

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The Committee supported recommendations 2.1 and 2.3 in the report and noted recommendation 2.2.

In respect of recommendation 2.4 in the report, the Committee recommended to the Executive that it deferred its decision to allow further work on a full evaluation of a lido option as a facility to benefit the whole District.

68. Pump Room Gardens Restoration Project

The Committee considered a briefing paper from Neighbourhood Services which gave an update on the Pump Room Gardens Restoration Project.

The restoration of the Pump Room Gardens was a £1.4m Heritage Lottery Fund (HLF) project funded through nearly £1m from HLF and further contributions from the Council and the Friends of the Pump Room Gardens (FoPRG). The capital works were being carried out by two contractors: idverde, for the main landscaping and works (contract value £755k) and Lost Art Limited, for the bandstand restoration (contract value £254k).

The project had had a number of quality issues, mostly dating from the early stages of the project. These had been raised at the highest level with idverde and they had committed to rectifying these issues at no additional cost to the project. The appointment of a Clerk of Works by the Council to oversee the works had helped to bring the programme back on track.

Mr Pitts and Mr Bradbury, representing Friends of the Pump Room Gardens addressed the Committee. They drew attention to the historical features of the bandstand, with its undercroft and on what basis the funding for the restoration had been acquired. They went into detail where it was felt that the project had failed to restore the bandstand features to its original specifications and how the Council had not properly communicated with the FoPRG. Concerns were raised about the failure to do enough discovery works ahead of the tender to find out what works were required and the fact that the access to the undercroft was bricked up without any notification to the FoPRG.

The Green Space Manager explained the issues relating to damp, storage and access inside the undercroft and admitted that the earlier failure to liaise with FoPRG was regrettable. He had concerns about the public accessing this space because of the dampness and because it was so cramped. He believed that the undercroft had not been used for storage since the 1970's.

In response to questions from Members, the Green Space Manager and the Green Space Projects Team Leader explained that:

- There was a hatch in the middle of the decking area to access the undercroft which could be reinstated but there would still be issues because of the need to prevent flooding, and the works required for this would mean you would not be able to see the doorway.
- They were unaware that undercrofts had been used to help water drain away (as suggested by Councillor Mrs Cain).

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- The electrics would now go in a unit outside by the bandstand because the undercroft was too damp, with suitable facilities to supply power for events. These units would be safe from the elements.
- Lessons had been learnt and the FoPRG and contractors would be included in discussions.
- Condensation had been a problem in the undercroft and this had plainly been an issue for decades.

The Chairman adjourned the meeting at 7.35pm for a comfort break. The meeting resumed at 7.43pm.

69. Update on Catering & Concessions Contract – Royal Pump Rooms and Jephson Gardens

The Committee considered a report from Cultural Services which gave an update on the progress with the proposals to improve the catering and events offer at the Royal Pump Rooms and the Glasshouse in Jephson Gardens. The report also gave an update on the progress with the plans to invest in the Royal Pump Rooms to improve the catering areas and the public toilets that served both the café, the library and the art gallery and museum.

The Council entered into a collaboration agreement with Complex Development Projects Limited (CDP) in November 2017 to deliver the masterplan for a Creative Quarter in Royal Leamington Spa. That agreement included provision for CDP to deliver, or provide through a sub-contractor, catering and events services at assets owned by the Council provided that those proposals were within the scope of the Creative Quarter project and were directly linked to the masterplan that CDP were contracted to bring forward for Council approval. However, a contract variation was required in order to allow CDP to bring forward any catering proposals in advance of the masterplan being formally adopted.

On 31 May 2018, Executive approved a recommendation by officers to vary the Creative Quarter Collaboration Agreement with CDP in order for CDP to deliver catering and events services at the Royal Pump Rooms and restaurant in the Park (within the Glasshouse) before a masterplan was in place. The variation agreement was drafted by Warwickshire Legal Services and, at the time of writing the report, was due to be completed in the week commencing 17 December 2018.

Executive had approved the catering offer proposed by CDP and their preferred sub-contractor Holt Solutions Limited, trading as Just Inspire Hospitality & Event Management (Just Inspire). The details of the proposal had now been incorporated into a new contract and service specification. The specification was included as Appendix A to the report.

In response to questions from Members, the Arts Manager, with two representatives from Just Inspire, Messrs Holland and Hoult, explained that:

- The venues were scheduled to open at the start of March.
- The venues would hold various events dependent on what type was in demand.

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- It would be difficult for these events to be free to attend because of overhead costs, and each event pricing structure would be costed on a case by case strategy.
- Just Inspire was not enjoying an advantage over competitor event organisers through "State Aid". Legal opinion had been sought on this matter and the contract with Just Inspire was a recognised form of Local Authority contract.
- Just Inspire would determine the pricing structure and they would be in direct competition with the local market, on which analysis was being prepared. Just Inspire was also looking to supply produce for events from local suppliers.
- The venues would not be operated on the basis of members of the public simply able to pop in for a coffee because of the events being run there.
- Just Inspire was a very experienced organisation with events running. It held the contract at the Bobby Moore Centre at Wembley Stadium; a 1700 seater à la carte venue.
- When events were not being run, guest chefs would be brought in to encourage members of the public to book tables following suitable promotion of this.

70. Shared Environmental Enforcement with Rugby Borough Council

The Committee requested a verbal update on the shared Environmental Enforcement service with Rugby Borough Council. A briefing note prepared by staff from Neighbourhood Services was provided with the meeting agenda to allow Members to prepare ahead of the meeting.

For a number of years, Warwick District Council had concentrated on the removal of fly tipped items rather than enforcement. During 2017 and 2018, work was undertaken to look at environmental enforcement options and the Council agreed to enter into a shared service with Rugby Borough Council. From November 2017, Neighbourhood Services began collecting evidence from fly tips for enforcement action. There was an initial delay to the shared service due to the necessary legal agreements not being completed until the end of March 2018, and then the internal restructure at Rugby Borough Council delaying its ability to start until July 2018.

In response to questions from Members, the Contract Services Manager and the Head of Neighbourhood Services explained that:

- The process was finally in place to proceed with accumulated waste, cases. Four fines had been issued. Rugby BC had shared their experience with us to do this.
- The Council was in a position to start issuing Section 34 notices with fines to businesses who were failing to comply with warnings and ten or eleven cases were in progress at that time.
- Following the slow start with Rugby BC, the contract had been extended by a further year, giving time to learn the additional enforcement routes.
- It was hoped that in six months' time, parts of the enforcement process could become integrated into Council officers' jobs, or sourced from elsewhere if it proved too time consuming.
- The options to pursue fly tippers and catch them were limited in rural areas because cameras would be impractical to install and witnesses

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would be few. North Warwickshire Borough Council had installed cameras in lay-bys, but there had been instances where these had been stolen.

- Experience had shown that once offenders were sent an initial letter, they did not reoffend, hence why only 24 cases out of 500 identified individuals had been referred to Rugby Borough Council for further action. Equally, the offenders may have subsequently ensured that evidence that could identify them was removed from fly tips. A lot of the cases referred to Rugby BC were accumulated waste cases.
- With HMO cases, officers would visit the premises and talk to the residents, explaining how waste should be handled. Rugby BC were keen to invite people in to talk about accumulated waste cases, and these conversations would be recorded. This often proved enough to deter future offences.
- Key areas where waste was proving to be an issue at HMOs were being fed back to the Private Sector Housing team for them to take up with individual landlords.

Resolved that a further update on shared enforcement with Rugby Borough Council be presented to the Committee in October 2019.

71. Work Programme, Forward Plan & Comments from Executive

The Committee considered its work programme for 2018/2019 and the Forward Plan and the responses the Executive gave to the comments the Overview and Scrutiny Committee made regarding the reports submitted to the Executive in late November 2018.

The Chairman gave an update on the latest position from the Task & Finish Group – Role of the Council’s Chairman. She had been informed by the Democratic Services Manager & Deputy Monitoring Officer that the Councillors on the Task & Finish Group had finished collating the evidence gathered and had each produced their own individual recommendations which the Democratic Services Manager was using to draft into a final report for the Overview & Scrutiny Committee to consider after the Group had agreed the draft report and discussed it with the current Council’s Chairman and Vice Chairman, the Chief Executive and Deputy Chief Executives. The aim was to submit the report for consideration by Overview & Scrutiny Committee in March with a view to it being presented to the Executive in April.

Resolved that:

- (1) in the event that the Newbold Comyn – shortlisting of future option report scheduled to be reported at the meeting of the Executive in March is delayed, the officers and Councillor Coker should be invited to Overview & Scrutiny Committee in March 2019 to provide a verbal update. If it is not delayed, the report will be called in for scrutiny; and
- (2) the report be noted.

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72. Chief Executive's Officer – Service Review

Councillor Mobbs was unavailable when this item was called to be discussed.

Resolved that the report be deferred to the Overview & Scrutiny Committee meeting in February 2019.

73. Executive Agenda (Non-confidential items and reports) – Wednesday 9 January 2019

The Committee considered the following non-confidential item which would be discussed at the meeting of the Executive on Wednesday 9 January 2019.

Item 10 – Supplementary Planning Documents – request to consult

The Committee noted the report.

(The meeting ended at 9.11pm)

CHAIRMAN
5 February 2019