

Executive

Minutes of the meeting held on Wednesday 5 November 2014 at the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Mobbs (Chairman); Councillors Caborn, Coker, Cross, Mrs Gallagher, Hammon, Shilton and Vincett.

Also present: Councillor Barrott (Chair of Finance & Audit Scrutiny Committee), Councillor Boad (Liberal Democrat Observer), Councillor Mrs Bromley, (Independent Group Observer), Councillor Mrs Falp (Chair of Overview and Scrutiny Committee) and Councillor Wilkinson (Labour Group Observer).

64. **Declarations of interest**

There were no declarations of interest.

65. **Minutes**

The minutes of the meeting held on 3 September were taken as read and signed by the Chairman as a correct record.

The minutes of the meeting held on 1 October were not available and would be submitted to the next meeting.

Councillor Coker addressed Members on Item 5 of the October Executive meeting relating to Hackney Carriage / Private Hire drivers fares. The Council had received a complaint from a taxi driver querying the decision taken regarding the Sunday fare uplift.

Councillor Coker confirmed that the Sunday fare would not be charged at a higher rate and would be consistent with the other days of the week. In addition, no objection had been received relating to this aspect during the consultation. He confirmed that the new fares had now been imposed and should simplify the system for passengers using taxi's within the District.

Part 1

(Items on which a decision by Council is required)

66. **Warwickshire Local Council's Charter**

The Executive considered a report from the Community Partnership Team which recommended adoption of the Warwickshire Local Councils Charter, developed by Warwickshire and West Midlands Association of Local Councils.

The Charter had been developed in consultation with local councils in Warwickshire and set out how the Associations of Local Councils aimed to

work together for the benefit of local people. The Charter was attached as appendix 1 to the report.

The Charter was a framework to support a mutually beneficial working relationship between the different tiers of local government in Warwickshire. The focus of the Charter was how Principal Councils could develop better partnership working with Local Councils to benefit local people.

The revised Charter outlined how Councils could work together to provide better services by improving communication, consulting each other, giving support and help and measuring how well each was doing.

No alternative options had been considered because the aim of the Charter was to provide a framework to support a mutually beneficial relationship between all tiers of local government in Warwickshire.

The Leader endorsed the report and moved the recommendations as laid out.

It was therefore

Recommended to Council that the Warwickshire Local Councils Charter, attached as appendix 1 to the report, is adopted to govern the relationship between all tiers of local government in Warwickshire.

(The Portfolio Holder for this item was Councillor Mobbs)
(Forward Plan reference 651)

Part 2

(Items on which a decision by Council is not required)

67. Sports and Leisure Options

The Executive considered a report from Cultural Services which detailed the work undertaken since the Options Appraisal, commenced in February 2014, and outlined recommendations for the future delivery of the leisure service.

The report brought together the outcomes from a number of previous work streams and these suggested that there was scope to make changes in the service provided, to modernise and expand, to reduce the annual subsidy the service required and make a positive contribution to the overall financial health of the Council.

The report also highlighted to Members that further work needed to be undertaken, to progress the options to a point where Members would have sufficient detail on which long term decisions could be confidently made.

An alternative option for the service would be to retain the status quo and / or disinvest in the service. However, there could be a number of potential consequences resulting from this and these were detailed in full in section 7.1 of the report. These included insufficient sporting and leisure opportunities being offered, significant maintenance and repair liabilities and ageing leisure centres. In addition, it was considered inappropriate not to begin to plan for the future of the service, on the basis of the potential for the service to decline, costs to increase and demands not to be met if proposals were not developed.

The Finance and Audit Committee was in agreement that it is extremely important that this work is carried out so that members are in possession of all the facts when the final decision on options for this service is made next year. The committee fully supported the recommendations in the report.

The Overview and Scrutiny Committee noted the recommendations in the report and formally requested that the Executive accept them.

The Portfolio Holder for Cultural Services, Councillor Mrs Gallagher thanked the report authors and all officers involved in the compilation of the report. She was pleased that Members had clearly read all the papers prior to scrutiny and felt this was largely down to the effective communication by officers. In addition, Councillor Mrs Gallagher was disappointed that the local press had not reported the Council's press statement accurately, which had caused upset amongst residents. However, she hoped that this report would clarify the position and she proposed the recommendations as laid out.

It was therefore

Resolved that

- (1) the work detailing the levels of customer demand for sports and leisure in the District and the projected maintenance needs of the Council's leisure centres required to continue the current service, be noted;
- (2) the recommendations of the Sports and Leisure options appraisal report (from Strategic Leisure), and how these relate to the Vision and Principles for the service approved by Executive in October 2013, be noted;
- (3) the subsequent work of Strategic Leisure to develop concept design proposals, the soft market testing with potential operators which has been completed, and the modelling of potential investment scenarios to enhance sports provision in Kenilworth, be noted;

- (4) work continues to investigate opportunities to build a new wet and dry community sports facility co-located alongside any new Kenilworth School site and that officers continue discussions with Kenilworth Wardens sports club in respect of the possible transfer of Castle Farm Recreation Centre and associated playing fields, subject to the adoption of the Local Plan, clarification of the legal position, and the development of a community facility access agreement;
- (5) officers develop the Strategic Leisure recommended options in more detail, including:
 - that investment plans for St Nicholas Park and Newbold Comyn are further developed to effectively evaluate feasibility and business case options;
 - the development of a service specification detailing the desired activity mix, quality and operational requirements against which both in-house and commercial partner costs could be evaluated, is agreed;
- (6) up to £300,000 is allocated, together with a contingency of up to £50,000, from the Service Transformation Reserve to enable the commissioning of professional services, surveys, reports and associated details to support the above combination of work streams, the governance arrangements of which will require expenditure to be signed off by Chief Executive, S151 Officer, Portfolio Holders for Finance and Cultural Services and regularly reported via Programme Board, as outlined in section 8.5 of the report;
- (7) the cross- party Member Reference Group that has been working with officers continues with its work and the Council's recognised Trades Unions are invited to join the programmes' governance structure;
- (8) a Risk Register for the programme of works detailed in this report is presented to the Member Reference Group at their next meeting;

(9) officers undertake a Support Services and corporate management review led by the Chief Executive, Deputy Chief Executive (AJ) and Section 151 Officer to ensure that Members have a complete picture of the impact of service change proposals on the broader organisation; and

(10) a report is brought to the Executive during the summer of 2015 to enable Members to consider the outcomes from the respective pieces of work and determine the way forward.

(The Portfolio Holder for this item was Councillor Mrs Gallagher)
(Forward Plan reference 603)

68. **Budget Review to 30th September 2014**

The Executive considered a report from Finance which identified various changes to the 2014/15 budgets and presented these to Members for approval.

The report detailed the latest budget position for the current financial year. Members receive quarterly budget reports and this was the second of these reports in the current financial year. The report explained the Budget changes to the General Fund and the Housing Revenue Account (HRA) and highlighted the most significant amendments which were set out in paragraphs 8.1 and 8.7, of the report.

The current General Fund service expenditure position was a projected £213,900 surplus compared to the original 2014/15 budget and there were changes to the HRA account that needed approval.

Appendix B1 provided details on the Capital Programme Budgets and changes to the programme since it was last reported to Members in August 2014. Appendix B2 provided more details on the HRA Capital Programme and requested a net reduction of £476,300. The General Fund Related HIP also detailed a saving of £107,100 giving a grand total of £583,400.

The report reminded Members that the overall position would continue to be monitored so that there could be more certainty prior to the closure of this year's accounts.

As reported in the Audit Findings report to Finance and Audit Scrutiny Committee in September 2014, the audit of the 2013/14 Statement of Accounts received four separate requests to inspect the Accounts with, subsequently, there being three objections to the Accounts. Not only had there been considerable "internal costs" of officer time in supplying all of the information requested and dealing with queries, there would be charges from Warwickshire County Council Legal Services for their advice and the External Auditors who had to investigate and report back on their

findings. Once these costs had been finalised, the results and external costs arising would be notified to Members.

The report also advised on changes to the arrangements relating to IT expenditure because it was recognised that the Council was heavily dependent on IT Systems and Hardware.

Given the importance of maintaining the Council's IT systems in delivering its services, it was essential that most, if not all, the IT items be replaced. The total forecast cost for IT expenditure over the period 2014/15 to 2018/19 was £1.104m but this was subject to some uncertainty due to the potential impact of the new offices on the requirement for future IT. The report therefore recommended that a separate ICT Equipment Reserve was set up to fund this expenditure by transferring the existing "Ear Marked" Capital Improvement Reserve (CIR) monies amounting to £0.179m, currently within the Capital Programme to fund ICT equipment, with the balance of £0.925m being transferred from the ERR.

It was also recommended that the authority to spend from the new ICT Equipment reserve be delegated to the ICT Services Manager in consultation with the Head of Finance and relevant Portfolio Holders. A schedule of forecast ICT spending future years would accompany the ERR schedule when presented to Members as part of the Budget Setting Process, to help preserve existing Governance Arrangements and Transparency.

An alternative option was to not report to Executive on a regular basis, however, in the current financial climate, it continued to be imperative that budgets were reviewed, monitored and reported upon on a regular basis. Another alternative was to not slip capital to the correct year in which it was intended to be spent but this made the monitoring of projects difficult. It would result in Members not having relevant up to date information from which they could make decisions about capital projects and funding.

The Finance & Audit Scrutiny Committee was content with the report but it did have concerns about the above budget spend on Legal Services and asked that the Executive look closely at this matter.

Members were advised that the Council had a service level agreement with Legal Services and had to estimate how many hours of legal advice would be needed. At present, officers were re-aligning the budgets because departments were reaching the higher level of hours outlined in the agreement. In addition, Managers were mindful of the need to try to keep costs down, where possible.

In response to the comments, the Portfolio Holder for Finance, Councillor Cross, agreed to look into the issue of high legal costs and endorsed the report.

It was therefore

Resolved that

- (1) the budget position for the current year for the General Fund, currently £213,900 surplus, an improvement of £23,400 on August Executive's report, is acknowledged;
- (2) the Budget Changes in paragraphs 8.1 of the report relating to the General Fund, and paragraph 8.7 of the report relating to the Housing Revenue Account, the most significant of which are discussed in this report, be approved;
- (3) the capital slippage of £49,500 discussed in paragraph 8.8 of the report is approved and the latest General Fund Capital Budget for 2014/15 of £4,537,400, is noted. The changes to the Housing Investment Programme (HIP) Capital budgets as per paragraph 8.11 of the report, are approved, and details of both Capital programmes were shown in Appendices B1 and B2 to the report;
- (4) there will be a cost in dealing with the Final Accounts Inspections and Objections;
- (5) a new ICT Replacement Reserve will be created, using £179,000 funding from the Capital Improvement Reserve (CIR) and £925,000 being transferred from the Equipment Renewals Reserve and, at year end, any underspending from within the ICT Revenue Budget will be transferred to this Reserve. Authority to spend from this new Reserve is delegated to the ICT Services Manager in consultation with the Head of Finance and relevant Portfolio Holders; and
- (6) the position for the Service Transformation Reserve detailed in paragraph 9.1 of the report, and how this will be subject to the agreement of other recommendations to this Executive meeting, is noted.

(The Portfolio Holder for this item was Councillor Cross)
(Forward Plan reference 571)

69. **Bishops Tachbrook Community Centre**

The Executive considered a report from the Chief Executive which sought authority to provide funding and underwrite other funding in order to allow the construction of a community centre in Bishop's Tachbrook village.

The report explained that St Chad's Trust with the support Bishop's Tachbrook Parish Council had been developing the concept of a new community centre over a period of time. A site adjacent to the Parish Church had been agreed and a lease issued; planning permission for the new centre had been given; the construction had been tendered and subject to an evaluation report and indeed some works on site had been undertaken. A summary of the scheme was attached at appendix A to the report, as were site location and related plans.

The scheme costs were £89,073 on the professional fees to undertake the detailed design work and tender evaluation, £510,396 for construction of the scheme including further professional fees and £50,000 for furniture, equipment and kitchen fit out.

The scheme needed a further £560, 396, on top of the £89,073 raised and spent, in order to be completed and so far £50,000 had been raised toward it. St Chad's Trust with the support of Bishop's Tachbrook Parish Council had approached the District Council in respect of funding to help it construct this proposed new community centre in the village.

The Council had previously awarded 27% of the overall project costs up to a maximum of £50,000 towards the scheme via its RUCIS grant scheme.

The Trust and the Parish Council estimate that construction could begin in April 2015 and the works completed by November 2015. A commitment by the Council to fund £300,000 and to agree to underwrite a further £150,000, with the addition of the £50,000 already raised, would take the Trust and Parish Council to within £10,000 of what they need overall and that should be achievable if, in the worst case, all of the funding bids come to nought and the underwriting guarantee has to be called upon. The other funding bids were listed in Appendix B to the report.

The report outlined some practical questions that would need answering should Members be minded to support the funding request. These included, where the funding would come from, how payments would be made and whether this would set a precedent.

An alternative option was to not support the funding request in which case it may be some time before the local community could raise enough funds to build the community centre.

The Overview and Scrutiny Committee agreed a consensus on recommendation 2.3, but did not agree a consensus on this particular case.

The Finance and Audit Committee supported the aspirations for a community centre to be built in Bishop's Tachbrook. However, there were significant concerns about the consequences of this request as laid out before the Executive. The amount of funding that that the Council was being asked to approve, albeit with some constraints as outlined within the recommendations, the Committee felt very strongly that the Executive should not approve this request this evening.

- (1) Before any funding was considered for approval a robust and viable business case should be in place and submitted to the District Council;
- (2) That a representative of this council should be appointed to the board for the St Chads Centre to enable input as the key financial supporter of this scheme; and
- (3) A robust and effective process must be in place for assessing how such schemes were assessed and determined before any application was considered.

The Executive did not support the recommendations put forward by the Finance and Audit Scrutiny Committee because Members felt that the concerns regarding the lack of a business case were covered by recommendations 2.2.6 and 2.3 and the risks were also covered in section 6 of the report. In addition, the Chief Executive advised that a business case had been submitted but it was not necessarily in the correct format and needed to be presented better.

Members did think that the words 'robust and viable' could be added to recommendation 2.2.6 to strengthen the request.

In addition, it was not felt that it would be productive to appoint a Member to the board because the St Chad's Trust would be held to account as a registered charity. It could also lead to a conflict of interest for the Member appointed, if the Trust made a further bid at a later date. Members agreed that insisting on a Member representative would not create as much strength as the governance arrangements regarding the type and length of any lease issued to the Board.

With regard to the issue of setting a precedent, Members agreed that there were circumstances specific to this case and each application should be look at on its own merits.

The Executive, therefore, agreed the recommendations in the report, subject to the following amendment:

Recommendation 2.2.6 is amended to read "The funding is approved only when a full robust and viable Business Plan for the centre is received...".

It was therefore

Resolved that

- (1) the request from St Chad's Trust with the support of Bishop's Tachbrook Parish Council, is met, to provide £300,000 of funding and to underwrite a further £150,000 in order to allow the construction of a community centre in the village of Bishop's Tachbrook;
- (2) the funding is made available from the New Homes Bonus Scheme award received in 2015/16 and that no more than the requested will be forthcoming in the event of any cost overrun;
- (3) the funding is only available for 24 months (from the date of this Executive) before being drawn down in whole;
- (4) payments are only to be made on supply of verified invoices of work in proportion to Council/overall funding;
- (5) the Council withdraws the current RUCIS funding commitment to the scheme of 27% of the overall project costs up to a maximum of £50,000, which should be returned to the RUCIS pot;
- (6) the funding is approved when it is agreed by the Parish Council and St Chad's Trust that public acknowledgement of the Council's support for the scheme is given in publicity about the scheme at all stages;
- (7) the funding is approved only when a full robust and viable Business Plan for the centre is received, detailing how the future running costs will be met and how genuine community access is ensured;
- (8) the funding is approved only when all other funding bids have been completed and determined so enabling confirmation of how the capital costs of the project will be met;
- (9) authority for recommendations (6), (7) and (8) above is delegated to the Chief Executive, Head of Health and Community Protection and Head of Finance in consultation with the Portfolio Holders for Finance and Health and Community Protection; and

- (10) officers give consideration to a process for determining funding requests for similar such schemes emanating in the context of the Local or Neighbourhood Plans.

(The Portfolio Holders for this item were Councillors Coker and Cross)

70. **Procurement Action Plan Update**

The Executive considered a report from Finance which provided an update to inform members on the actions that had been taken in response to the Procurement issues raised in a report to the Executive in March 2014.

The report entitled "Housing and Property Services: Contracts Update" included an action plan bringing together the recommendations from investigations on which the report was based. It was agreed that an interim report would be submitted to Executive in November on progress on the actions.

It was explained that the Head of Finance had led on the co-ordination of progressing the actions within the Plan. Whilst some of the issues were specific to Housing and Property Services, many of the actions were corporate ones which needed to be addressed by the Procurement Team or by officers across the Council.

Whilst much progress had been made on most of the actions, detailed further in section 8 of the report, more work was still required to complete the remainder and these were reported in full in appendix 1 to the report.

The main actions related to the Contracts Register, Procurement Training and Awareness, Orders, the Code of Procurement Practice, Agency Staff, the signing of Contracts and Procurement team resources.

Members were asked to note the report and the progress on addressing the actions within the action plan and proposed that a further report be submitted in six months time, detailing further progress.

An alternative option was to not highlight these issues to Members, however, this was not in line with the Council's values of being open and transparent. It was not therefore considered that there were any alternative options than to progress the actions raised in the original report.

There were concerns from the Finance and Audit Scrutiny Committee about how far procurement had been improved within the Council since it was first raised as a concern over 6 years ago. For this reason the Scrutiny Committee asked for the Executive and the Committee to be notified of the agreed actions, regarding procurement, from the SMT away day.

The Scrutiny Committee also asked the Executive to consider the Procurement Team resources and if these were sufficient considering the

demands placed upon the team in terms of the need for improved procurement within the Council. This potential need for greater resources must be defined by February 2015 to enable any bid to be included budget setting process for 2015/16.

The Finance & Audit Committee thanked the officers for attending their meeting and answering their many questions. It was also noted that a Procurement Champions meeting was due to be held shortly which should help promote further discussion.

The Executive accepted the comments made by the Finance and Audit Scrutiny Committee and noted that a six month wait for a further report would take them to May 2015.

It was also noted that the agreed actions arising from the SMT away day would be circulated. Councillor Boad reminded Members that it was important to look at working practices because they needed to be flexible as 'one size does not fit all', resulting in over the top concerns being raised.

The Portfolio Holder for Finance, Councillor Cross, endorsed the report and assured Members that their concerns had been noted and answers would be sought. He agreed to a further report being submitted in March 2015 and reminded Members that processes had moved on in the past six years.

The Executive agreed the recommendations in the report subject to amending recommendation 2.2 to read "...a further update report is brought to Members in March 2015...".

It was therefore

Resolved that

- (1) the report and the progress on addressing the actions within the action plan, attached as appendix 1 to the report, be noted; and
- (2) a further update report is brought to members in March 2015 to consider further progress on the action plan.

(The Portfolio Holder for this item was Councillor Cross)
(Forward Plan reference 639)

71. **Future use of the Warwick Limited Liability Partnership**

The Executive considered a report from the Deputy Chief Executive (BH) which sought agreement that the Warwick Limited Liability Partnership undertake a review of the current use of selected non-operational assets and land holdings owned by the Council and that officers submit a further report to a future Executive when that review was complete.

In December 2012 the Executive approved proposals to create a Limited Liability Partnership (LLP) between Warwick District Council and Public Sector PLC (PSP). The Warwick LLP was established in early 2013 as a vehicle to unlock regeneration and assist the Council's asset management.

The original proposals envisaged a wide ranging remit for the LLP. However, other than an initial high level assessment of potential options for the Pump Rooms and Town Hall and a more recent assessment of potential options relating to the Kenilworth Public Service Centre, none of which were progressed, its activities have exclusively focussed on the Riverside House relocation project.

At Council in June 2014, Members agreed to widen the criteria used to assess potential sites for the relocation of the Council's HQ offices. The outcome of this review would be reported to Executive in December 2014. Whilst, subject to the decisions made in respect of that report, it would remain necessary for the LLP to continue to play a central role in the future delivery of a relocation project, their work on this project was currently in abeyance.

The report explained that the Council was under-utilising the potential of the LLP to assist it to deliver its asset management and regeneration strategies and it therefore proposed that the LLP undertake a review of all the Council's non-operational assets and those land holdings that were not included within the Play Area investment programme and the Green Space Strategy.

An alternative option was to not widen the current activities of the LLP. However, this had been rejected as, having taken the decision to establish the LLP, to under-utilise its expertise and ability to directly fund project work or land assembly for regeneration schemes would constitute a missed opportunity. The funding issues alone, as set out in section 5 of the report, reinforced the need for the Council to utilise all options available to it.

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

The Portfolio Holder for Development Services, Councillor Hammon endorsed the report and stated that the LLP was underused at present. It was therefore

Resolved that the Warwick Limited Liability Partnership undertake a review of the current use of selected non-operational assets and land holdings owned by the Council and officers will submit a further report to a future Executive when that review is complete.

(The Portfolio Holders for this item were Councillors Cross, Hammon and Mobbs)
(Forward Plan reference 643)

72. **Prosperity Agenda**

The Executive considered a report from the Deputy Chief Executive (BH) which informed Members of the range of activities the Council currently undertake to deliver the Prosperity agenda and consider how these activities might be strengthened and developed.

The Council's Sustainable Community Strategy (SCS) contained five priority themes; Health and Well-being, Sustainability, Housing, Safer Communities and Prosperity. Council agreed, when the SCS was refreshed in December 2013, that the Prosperity theme should be at the centre of the strategy and that the other four main themes should ensure that they contribute to this agenda.

The report explained that previous reports on this subject tended to focus on economic growth and the range of activities delivered by the Economic Development & Regeneration (EDR) team that contributed to the Prosperity agenda. However, in reality, the theme was much wider and encompassed everything that contributed to Warwick District having a successful 'economy'.

Officers had reviewed the current available data and concluded that it did not provide a full picture for the three aspects of the local economy. It was therefore proposed that new, specific reports be commissioned to provide a comprehensive picture of how the local economy was performing, where the district was flourishing and areas for improvement.

In parallel with this work, it was recommended that the services of the Planning Advisory Service (PAS), an arm of the Local Government Association (LGA) were engaged and further details were provided in paragraph 3.9 of the report.

The report also proposed that a maximum of £50,000 be allocated from the Service Transformation Fund to pilot an alternative approach and create a temporary dedicated resource to identify and bid for external grant funding for the activities that contribute to the prosperity of the district. The funding would be for a 12 month period to allow for a robust evaluation of the effectiveness of the new role.

The final element of the work needed to strengthen the delivery of the Council's Prosperity agenda, was a comprehensive review of the activities of the EDR team and an analysis of the new data would enable consideration to be given as to whether their current range of activities required any refinement to ensure its outputs deliver the maximum benefit to the Prosperity theme.

An alternative option was that Members could decide not to support some or all of the recommendations. However, they were considered necessary to support the Council's ambitions and ensure successful delivery of the ambitions set out in the Sustainable Community Strategy and the wider Vision for the District.

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

The Portfolio Holder for Development Services, Councillor Hammon, fully supported the recommendations and hoped that these measures would provide a fuller picture of the health of Warwick District. He also supported the funding for additional staff and reminded Members that a report would be forthcoming once the comprehensive review had concluded.

It was therefore

Resolved that

- (1) the current activities undertaken to support and deliver the Prosperity agenda, as set out at appendix one to the report, and the SWOT analysis (Strengths / Weaknesses / Opportunity / Threats), as set out at appendix two to the report, be noted;
- (2) specific data analysis report(s) will be commissioned to provide a fuller picture of the current 'health' of the local economy and inform the future development of the Council's role in delivering the Prosperity agenda;
- (3) funding of up to £6,000 from the Service Transformation Reserve, is approved, to allow the engagement of the Planning Advisory Service to review the Council's current engagement with the Prosperity agenda and provide advice and assistance as to how these activities can be strengthened and the agenda developed; and
- (4) funding of up to £50,000 from the Service Transformation Reserve, is approved, to fund a temporary resource to research the availability of external funding and to write bids to maximise the amount of such funding allocated within this District, and authority is delegated to the Deputy Chief Executive (BH), Head of Development Services and s151 Officer, in consultation with the Development Services Portfolio Holder to determine whether the role is best delivered in house or by external commission.

(The Portfolio Holder for this item was Councillor Hammon)
(Forward Plan reference 645)

73. **Use of Delegated Powers – CSW Broadband**

The Executive considered a retrospective report from the Deputy Chief Executive (BH) which reported on a decision made under the Chief Executive's delegated powers, in consultation with the Group Leaders, to commit match funding to the Coventry, Solihull and Warwickshire Superfast Broadband programme (CSW Broadband) subject to the outcome of the latest funding bid to Government.

The report explained that the CSW Broadband project aimed to improve broadband speeds across the area, providing superfast connections (24Mbps or over rather) to over 91% of the entire area and improved speeds (between 2 and 24Mbps) to the remainder. The CSW Broadband team approached all the district and borough councils within Warwickshire to seek a commitment to make a financial contribution towards the match funding required to support a Phase bid to Government.

The lead authority for the CSW Broadband project was Warwickshire County Council (WCC) who employed and hosted the project team. They had negotiated a £14.57M deal with BT to deliver the project.

All the local authorities within the CSW area (WCC, Coventry City Council, Solihull Metropolitan Borough Council and the 5 Warwickshire district and borough councils) made financial contributions to the total amount of match funding required to establish the project.

A verbal commitment was required by the end of September to allow the Phase 2 bid to be finalised and submitted, requiring the use of the delegated powers provision to meet the timetable, and this was the first available opportunity to retrospectively report to Executive.

It was suggested that the Council should consider provisionally committing £130,000 as a contribution towards match funding to support Phase 2, the same contribution that this Council made to Phase 1 of the programme. The Chief Executive consulted with Group Leaders who agreed that this level of funding commitment should be offered.

There were no alternative options available because this was retrospective report and the Chief Executive had authority to use his delegated powers as per provision CE(4) of the Scheme of Delegation.

The Finance and Audit Scrutiny felt that the Executive should be content on why such a large amount of funding was required for such a low (6,000) number of properties.

The Executive assured Members that they were content with the values and figures provided in the report and proposed the recommendations as written.

It was therefore

Resolved that the use of delegated power CE(4) by the Chief Executive to obtain Group Leader's (or their Deputy's) approval of a £130,000 commitment to a future expansion of the CSW Broadband programme, funded, if necessary, from the Service Transformation Reserve, be noted.

(The Portfolio Holder for this item was Councillor Mobbs)

74. **Code of Conduct Consultation**

The Executive considered a report from Democratic Services which had been brought to the Executive at the request of the Leader to enable Members to make a formal response on the proposed revised arrangements for handling complaints about Councillors and revised Code of Conduct.

The Standards Committee, at its meeting on 9 September 2014, approved the draft code of conduct documents for consultation and these were attached as appendices to the report. Following this approval, the Leader felt it would be appropriate for the Executive to pass its views on the documents, to help raise its profile with other Members and enable the Scrutiny Committees to discuss it if desired.

The report explained the timetable for the introduction of the revised documents and Code of Conduct at section 8.2, followed by a summary of the key changes at section 8.3.

No alternative options had been considered, however, the Executive could choose not to provide comments or include Members in the consultation.

The Overview and Scrutiny Committee noted the report.

Comments made by Councillor Illingworth were distributed at the meeting and the Leader explained that the report had been submitted to encourage debate amongst Members.

A number of suggestions were debated including the removal of privileges, the idea that members should be able to speak freely but should do so in a reasonable and proper manner and what action the hearing panel could take when a Councillor has failed to comply with the code.

It was suggested that section 7 of 'Arrangement for dealing with complaints against Councillors' could be amended to allow full Council to determine a complaint on a less restricted basis. It was proposed that the words 'this should only occur in exceptional circumstances' could be removed to ensure the Councillor's behaviour was determined by all their peers.

However, officers advised that this could weaken the effectiveness of the Standards Committee even further and Council should only become involved when all other avenue's had been tried and had failed.

The Executive were disappointed that the scrutiny committees had not taken the opportunity to submit comments and embrace debate on this matter. However, it was agreed that all Councillors would be contacted and encouraged to submit their comments to Committee Services by close of play on 18 November 2014. These comments would then be taken into account at the Working Party meeting on 19 November, along with all other comments received.

It was therefore

Resolved that all Councillors would be contacted and encouraged to submit their comments to Committee Services by close of play on 18 November 2014. These comments would then be taken into account at the Working Party meeting on 19 November, along with all other comments received.

(The Portfolio Holder for this item was Councillor Mobbs)
(Forward Plan reference 593/a)

75. **Neighbourhood Plan Designations**

The Executive considered a report from Development Services which set out the process for the formal designation of four new neighbourhood plan areas. These neighbourhood plan areas related to the parishes of Budbrooke, Burton Green, Leek Wootton and Guys Cliffe and Stoneleigh and Ashow.

The parish councils covering the parishes detailed above of this report submitted applications for designation of a neighbourhood area, under the provisions of the Neighbourhood Planning (General) Regulations 2012, which followed the enactment of the Localism Act 2011.

The report explained that, following a formal six week period of consultation on each of the proposed designation areas, summaries of the comments received had been presented to Executive in January 2014. At this time, Executive were also made aware of the issues arising from the proposed parish boundary changes which prevented the four neighbourhood plan areas identified in this report from being designated at that time.

The Council's Licensing and Regulatory committee agreed to go ahead with changes to the Parish boundaries affecting these four neighbourhood plan areas and these were in the process of being submitted to the Boundary Commission for final approval on 5 January 2015. Legal advice was sought in respect of how these changes affected neighbourhood plan designation. The advice indicated that if the new parish area was smaller in area than the proposed neighbourhood plan designation application, it was acceptable for the Council to refuse the application and designate the new boundary area without any further consultation.

For parishes where the new boundary incorporates a larger area a new application for the new boundary must be submitted in order for the neighbourhood plan area to reflect this. However the Council recognises that Parishes are keen to drive on the preparation of neighbourhood plans. It is therefore proposed that in the case of the two parishes where the boundary will increase in size, Executive approve the designation of a neighbourhood plan boundary excluding the areas subject to change.

The report outlined the recommendations individually and proposed that the Stoneleigh and Ashow and the Budbrook new parish boundaries should be approved as the revised neighbourhood plan boundaries. However, the neighbourhood plan area designation applications for Leek Wootton and Guy's Cliffe and Burton Green were recommended for refusal and smaller neighbourhood plan boundary areas were proposed. The full reasons were outlined in sections 3.8 to 3.11 of the report.

An alternative option was that the Executive could decide to delay designation of the Leek Wootton and Guy's Cliffe and Burton Green Neighbourhood Plan boundaries until the Parish boundaries came into force in April 2015. However, this may not be deemed reasonable as the Council had a duty to determine applications if they were not withdrawn, and unless there was agreement from the applicants for a deferral. It was therefore recommended that the proper course of action was to determine them at this point, even if this meant a refusal and the designation of a smaller area. Without any formal designation both Parishes would be unable to undertake further stages of the Neighbourhood Plan process.

The Portfolio Holder for the Local Plan, Councillor Caborn, supported the report and hoped that this would assist the parishes with moving forwards.

It was therefore

Resolved that

- (1) the neighbourhood plan designation areas, as submitted in the applications by Stoneleigh and Ashow and Budbrooke are refused, and new neighbourhood plan areas reflecting the agreed parish boundary changes as shown in appendices A and B to the report, be designated;
- (2) the neighbourhood plan designation areas as submitted in the applications by Leek Wootton and Guy's Cliffe and Burton Green are refused, and instead new neighbourhood plan areas as shown in appendices C and D to the report be designated, reflecting the areas not subject to amendment through the Parish boundary changes; and

- (3) the available funding from the Department for Communities and Local Government for the financial year 2014/15 as set out in the Budgetary Framework section of this report, be noted.

(The Portfolio Holder for this item was Councillor Caborn)

76. **Local Plan Consultations**

The Executive considered a report from Development Services which noted the use of the Chief Executive's emergency powers to undertake two consultations in connection with the Local Plan. There were three aspects to the recommendations relating to amendments to the Draft Local Plan, an extension to the consultation period for the Publication Draft Local Plan and an additional consultation regarding the Gypsy and Traveller aspect of the work.

The Publication Draft Local Plan was subject to a period of consultation under Regulation 19 of the 2012 Town and Country Planning Regulations during May and June 2014. The Draft Plan included the allocation of 8 hectares of employment land close to the Europa Way/Gallows Hill junction to the south of Warwick.

As part of that consultation Severn Trent Water (STW) made representations indicating that their land, along with other land at Stratford Road, Warwick could be made available for commercial development. This resulted in the Council entering in to discussions with STW regarding the potential for the inclusion of the District Council's depot within a development area.

As a result of this, the Executive authorised a non- statutory consultation at their meetings in July and August 2014. Appendix 3 to the report showed the extent of the area to be considered for inclusion in the consultation. Since then, detailed site assessment work had been undertaken and indicated that there were no significant impediments to the development of the site. However, it was noted that further was required to provide further detail of the mitigation schemes.

The report also reminded Members that the 2013 Employment Land Review indicated that approximately 16 hectares of new employment land needed to be allocated in the Local Plan. In response to representations to the Publication Draft Local Plan from Severn Trent Water and in light of the site assessment work, it was considered that the land at Stratford Road, Warwick shown on the Plans within Appendix 1 provided a preferable employment site to that at Gallows Hill, Warwick, particularly due to its access to the motorway, its proximity to other available employment sites and its availability for employment.

Appendix 1 to the report set out a proposed amendment to the Publication Draft Local Plan involving the allocation of at least 11.7 hectares of "B use class" employment land at Stratford Road, Warwick. The report

recommended that these proposals be put forward as an amendment to the Draft Local Plan subject to the outcomes of the six week period of consultation.

Thirdly, the Council had authorised a consultation for the Gypsy and Traveller Site Development Plan Document (G&T DPD) in August 2014. The original DPD had included an allocation somewhere within a wider area at Stratford Road, Warwick, however, now that more detailed site assessment work had been undertaken, a more specific proposal could be identified.

This proposal had not previously been subject to consultation and it was recommended that a consultation under Regulation 18 of the Town and Country Planning Regulation 2012 be undertaken, relating to the proposals outlined in appendix 2 to the report.

The use of the Chief Executive's Emergency powers in consultation with Group Leaders in accordance with Paragraph CE(4) of the Council's Scheme of Delegation was deemed appropriate since it was important to expedite these consultations to avoid any further delay to the progress of the Local Plan. Members noted that, the Submission version would not now come before Council until January 2015.

There were no alternative options because the Chief Executive had already exercised his emergency powers and this report was for information only. There were however, a number of alternative options available regarding employment and gypsy and traveller sites and these had been considered in previous reports.

The Overview and Scrutiny Committee noted the recommendations in the report and that the Chief Executive had used his delegated authority to move things forward.

The Portfolio Holder for the Local Plan, Councillor Caborn, supported the report and noted the comments from the Overview and Scrutiny Committee.

It was therefore

Resolved that the use Chief Executive's Emergency Powers, in respect of the following matters, be noted:

- (1) a six week period of consultation commencing on or before 31 October 2014 be undertaken under Regulation 19 of the 2012 Town and Country Planning Regulations regarding amendments to the Draft Local Plan as set out in appendix 1 to the report;
- (2) the 2014 Joint Employment Land Study (as published on Warwick District Council's website

in October 2014) and the updated SHLAA (as published on Warwick District Council's website in June 2014) be included as submission documents of the Local Plan and that, in light of these more recently published pieces of evidence, the Publication Draft Local Plan be subject to a further six week period of consultation; and

- (3) a six week period of consultation be undertaken under regulation 18 of the 2012 Town and Country Planning Regulations, regarding the potential to include the Preferred Option site set out in Appendix 2 to the report, in the Gypsy and Traveller Site Allocations Development Plan Document (G&T DPD).

(The Portfolio Holder for this item was Councillor Caborn)

77. **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 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
78, 79 & 80	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

78. **Fetherston Court Development Scheme**

The recommendations of the report were agreed.

The full minute for this item would be set out in the confidential minutes of the meeting.

(The Portfolio Holder for this item was Councillor Vincett)
(Forward Plan reference 628)

79. **Sports and Leisure Options - Appendices**

The appendices relating to Item 4 – Sports and Leisure Options, Minute Number 67, were noted.

The full minute for this item would be set out in the confidential minutes of the meeting.

(The Portfolio Holder for this item was Councillor Mrs Gallagher)
(Forward Plan reference 603)

80. **Minutes**

The confidential minutes of the meeting held on 3 September 2014 were agreed and signed by the Chairman as a correct record.

(The meeting ended at 7.28 pm)