

WARWICK DISTRICT COUNCIL

Minutes of the meeting held on Wednesday 23 January 2019, at the Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT: Councillor Cross (Chairman); Councillors Ashford, Boad, Bromley, Mrs Bunker, Cain, Mrs Cain, Coker, Cooke, D'Arcy, Davies, Davison, Day, Doody, Edgington, Mrs Evetts, Mrs Falp, Gallagher, Gifford, Gill, H Grainger, Mrs Grainger, Mrs Hill, Illingworth, Mrs Knight, Margrave, Mobbs, Murphy, Naimo, Noone, Parkins, Phillips, Quinney, Mrs Redford, Rhead, Mrs Stevens, Thompson, Weed, Whiting and Wright.

63. **Apologies for Absence**

Apologies for absence were received from Councillors Barrott, Butler, Howe and Shilton.

64. **Declarations of Interest**

The Chairman of the Council reminded the Council about the difference between predetermination and predisposition ahead of consideration of the Urgent Notice of Motion regarding Kenilworth Outdoor swimming pool.

65. **Minutes**

The minutes of the meeting of Council held on 14 November 2018 were taken as read and duly signed by the Chairman as a correct record.

66. **Communications & Announcements**

The Chairman of the Council provided a summary of the events he had attended since the last Council meeting, including the Annual Community Plough Service at St Marks Church, Royal Leamington Spa.

The Chairman reminded Councillors that there were tickets available for his concert on Saturday 26 January 2019.

The Chairman informed Council that there would be no business under item 7 Public Submissions but had agreed to the requests for public speakers to address Council as part of the Petition and Urgent Notice of Motion, prior to Council debating these items.

67. **Director of Public Health for Warwickshire Health Annual report**

The Council received a presentation from Dr Linnane, Director of Public Health at Warwickshire Health on his annual report.

The Council took the opportunity to thank Dr Linnane for his work in this role and wished him well for his retirement.

68. **Petitions**

The Council received a petition of 1142 signatures, that called on Warwick District Council; and the Canal and Rivers Trust to protect and preserve mature

trees lining the Grand Union Canal towpath in Royal Leamington Spa between the railway bridge and the Purpose Built Student Accommodation (PBSA) building on Althorpe Street, thus maintaining the physical and mental health benefits, and ecological benefits to the public as part of Leamington's green corridors. We point out that permitting the felling of these trees would be counter to:

1. Warwick District Council's *Tree and Woodland Strategy*, para 2.2.3, policy 6 and para 3, especially 3.1.3;
2. Canal and River Trust's declared commitment to care for the environment and to towpath users, articulated in the *Governance Handbook* of June 2018, Charitable Objects, especially 2.1.3 and 2.3; and 2.6.1. Also in *Waterways and Wellbeing*, September 2017, especially pages 113-118;
3. Warwick District Council's emerging Canal Conservation Area (currently under consultation), whereby these trees would have TPO status.

Mrs Barker addressed the Council on this matter.

Councillors Naimo, Morris, Mobbs and Rhead spoke on this matter.

The Chairman accepted the petition on behalf of the Council.

69. **Urgent Notice of Motion**

It was proposed by Councillor Boad and duly seconded by Councillors Gifford, Gallagher, Parkins, Weed, Naimo, Quinney, Barrott, Parkins, D'Arcy, Gill, Bromley and Mrs Knight, that:

"Council believes that the option to provide an outdoor swimming facility in the District is a once in 50 year opportunity and is worthy of a full evaluation.

Council therefore calls upon the Executive to pause and respond to public opinion, as expressed in the Council's recent public consultation exercise held in Kenilworth, and undertake a full and transparent evaluation of the potential for an outdoor swimming pool facility at Abbey Fields. The evaluation to include an assessment of any tourism and economic benefits to Kenilworth and the wider District, the likely capital and revenue costs and potential sources of capital funding compared to the current proposals.

The resulting report to be used by the Executive to determine the appropriate way forward."

Mrs Huntley from Warwick, addressed the Council on this motion.

Councillors: Gifford, Quinney, Mrs Knight, Davison, Gallagher, Whiting, Mrs Cain, Mrs Stevens, Rhead, Parkins, Doody, Coker, Naimo and Boad addressed Council on this matter.

On being put to the vote the Motion was lost.

Before the Motion was put to the vote it was proposed and duly seconded that the vote should be recorded.

The voting was as follows:

For: Councillors Boad, Bromley, D'Arcy, Gallagher, Gifford, Gill, Mrs Knight, Naimo, Parkins, Quinney and Weed.

Against: Ashford, Mrs Bunker, Cain, Mrs Cain, Coker, Cooke, Cross, Davies, Day, Doody, Edgington, Mrs Evetts, H Grainger, Grainger, Mrs Hill, Illingworth, Mobbs, Murphy, Noone, Phillips, Redford, Rhead, Stevens, Thompson, Whiting and Wright.

Abstention: Davison, Mrs Falp, Heath and Margrave.

The Motion was therefore lost.

(The Chairman had permitted this item to be taken as an urgent item because he recognised the Executive had taken a decision on this matter which was due to be implemented from 5.00pm the next day and therefore, if Council was minded to agree with the Motion, it needed to be passed to the Executive urgently)

70. Leader's and Portfolio Holders' Statements

The Leader, Councillor Mobbs, explained to Council that, he and his fellow Executive members had listened carefully to the concerns and issues raised by town centre businesses, residents, Councillors and our partners such as BID Leamington and the Leamington Chamber of Trade. He informed Council that they would postpone the final decision on the Covent Garden redevelopment, the car park closure and HQ relocation until, at the earliest, July 2019.

This revised timeline had been agreed with our private sector partners in our LLP joint venture (Public Sector Plc) and was a consequence of the current uncertainty in the economy. He welcomed the approach from many, but in particular from Councillors Thompson, Stevens and Grainger that town centre businesses should be allowed to prioritise their immediate needs during these uncertain months without the distraction of having to adapt to new parking arrangements and this deferral would allow that.

It would enable the Council to embrace the recommendations from the independent review commissioned with a local marketing company and work with our partners to adopt a new communications strategy about town centre parking. This would provide greater awareness for the public and businesses of the alternative car parking options that would be in place before the Covent Garden car parks closed and the reassurance that the public and business' needed around the effectiveness of the displacement plan in maintaining footfall in the town centre.

This was a strong and financially prudent Council and he and his Executive were committed to continuing to provide value for money for the local tax payer. Progressing the Council's HQ relocation plans and redevelopment of Covent Garden site was a major contribution to this priority. The Council's financial strength enabled it to withstand the delay in achieving the projected savings, but he reassured members and the public that it would not proceed until the Council and the LLP partners were certain that the time was right to do so.

The Portfolio Holder for Development Services, Councillor Rhead explained that following the success of the events last year to identify sites for Gypsy and Travellers within the District the recent unauthorised encampments had seen behaviour that only hardened prejudices against them. It was noted that a recent case in Kent to move the travelling communities on was lost because there was no provision of a site for them and similarly this Council did not have a site Warwick District.

The Portfolio Holder for Housing explained that the Council Housing Register waiting list had halved in the last three years and stood at just over 1850 at the end of December. Within this, Band 1 had two applicants, down from a peak of 47, and Band 2 had 179 applicants, down from a peak of 376 applicants. This had resulted from several factors including the changes in allocation policy, allowing an increased number of transfers, and the substantial building program of affordable and social homes within the District.

The substantial building program had been driven by the Council's target of 40% affordable and social homes on sites of 11 or more units. This compared against Coventry's target of 20% to 25%. Overall 38% of major sites were being built as affordable homes from 2013-2018.

The purchase of the Europa Way site, was completed in December 2018, which would see a further 200 affordable and social homes built. The Chairman had opened the first phase of the new Sayer Close development at Station Approach in late November. The new flats at Theatre Street in Warwick were nearing completion for early summer, so there was a lot more affordable and social housing to come, which should see the waiting list reduce further.

Turning to the initiatives on homelessness and rough sleeping, Members were reminded of the opening of William Wallsgrove House in the Autumn of 2018. This was operational and was seeing an increasing number of formerly homeless people using the house, with a capacity of over 20 people per night. Those who had visited the hostel were impressed at the facility and encouraged other Members to visit to see the work of the enthusiastic and professional team, together with the residents.

A direct consequence of this had been a reduction from 21 last year to 12 rough sleepers this year in the annual count. This was excellent news, but it did show that there was more work to be done to get further reductions in 2019. The work that William Wallsgrove House and the Coventry Cyrenians were doing to help these vulnerable people would continue to be invaluable. For example:

- Support planning was taking place with all residents staying more than three nights allocated a named support worker and at least weekly support sessions.
- A number of residents had already benefitted from a move on. Five residents had moved into supported accommodation with a further four on the waiting list for the Cyrenians, two had been helped into private sector tenancies, and three reconnected with family or friends. One resident was being helped to take up a rehabilitation placement. After contact with Emmaus, a homeless charity based in Coventry, another resident would be moving to their accommodation with a work placement.

Equally, support was provided for the work of the two longer standing night shelters who continued to support the vulnerable on nights when SWEP was in operation, and indeed the Council were progressing well with planning for the new home for LWS in Packington Place during Spring 2019.

Members were aware of the newly refurbished Radcliffe Gardens and the huge changes that had been made following the tragic events at Grenfell Tower in London. When people walked into Radcliffe Gardens they did not realise that it was a Council owned block, with bright and modern corridors and new, 60 minute safety doors. There was a lot more work hidden behind the scenes to

secure the safety of the tenants and Members were encouraged to arrange with Housing Services to visit and walk around Radcliffe Gardens for themselves.

The Portfolio Holder for Neighbourhood Services, Councillor Grainger, explained that:

- (1) despite the delay in the decision of the HQ, works proposed on the car park displacement, for when Covent Garden closed, continued along with a communication strategy. A plan of action was also in place if Covent Garden Car Park had to be closed at short notice;
- (2) the consultations were complete on some play areas and discussions would be held with Ward Councillors shortly;
- (3) there would be a working party to look at the major contract re-let with representatives from each Group on the Council along with herself as Portfolio Holder;
- (4) the Warwickshire wide residential waste collection results for the last year Warwick District had the second highest percentage of recyclable material collected and more importantly the lowest level of residual waste collected in the Country.

The Portfolio Holder for Health & Community Protection, Councillor Thompson, reminded Councillors about the year of wellbeing and encouraged them to read the report that had been considered by Health Scrutiny Sub-Committee on 16 January 2019.

The Portfolio Holder for Culture, Councillor Coker, informed Council that the Royal Spa Centre had performed significantly better than the national performance levels for theatres of a similar size. Occupancy of seats had increased by 5.7% at the Spa Centre compared with 0.3% nationally, income had increased by 12.3% (with an average of 81p ticket price increase) compared with 8.4%(and £2) nationally. In addition to this, 61% of seats were sold at the Spa Centre at an average price of £16.31 compared to 50% and £21.31 nationally.

(Councillor Howe left during this item)

71. Questions to the Leader of the Council & Portfolio Holders

Councillor Ashford, asked the Portfolio Holder for Development if he could provide an update on the review of the Section 106 and CIL money?

In response, Councillor Rhead explained that a Working Party had been established and had reviewed progress, but it was important for all Councillors to monitor this because it was complicated and key projects were reliant on this funding.

Councillor H Grainger, asked the Portfolio Holder for Housing if he could provide an update on the works to Council owned high rise flats?

In response, Councillor Phillips explained that works were underway and the aesthetic improvements were key to getting residents support for this work, which could be disruptive to them. If there were specific concerns, he encouraged Councillors to contact him.

Councillor Boad asked the Portfolio Holder for Development that if we had a list of sites for use for Gypsy and Travellers why the Council did not seek to compulsory purchase the land?

In response, Councillor Rhead explained that there were no suitable sites and there was a need to identify sites as quickly as possible.

Councillor Boad asked the Portfolio Holder for Housing that he had received complaints about excessive delays in registering people on HomeChoice and what timeframe was in place to clear the backlog?

In response, Councillor Phillips asked for the details to be passed to him so that he could investigate.

(NB the response for this is set out at Appendix 1 to the minutes)

Councillor Boad asked the Portfolio Holder for Culture if he could provide the actual numbers in relation to the Royal Spa Centre rather than the percentages that were quoted in his statement earlier in the meeting?

In response, Councillor Coker agreed to send these to all Councillors.

Councillor Mrs Knight, asked the Portfolio Holder for Neighbourhood Services what was the current condition of Covent Garden Car Park?

In response, Councillor Mrs Grainger explained that it was in a bad way and was regularly reviewed, along with Linen Street Car Park in Warwick. A new in depth survey was due to be undertaken shortly and once completed this would be shared with all Councillors.

Councillor Mrs Knight, asked the Portfolio Holder for Neighbourhood Services what would happen if we had to close Covent Garden Car Park?

In response, the Leader explained that the car park was inspected regularly and work continued on the displacement strategy including the additional parking at Riverside House, which was also open at weekends.

Councillor Bromley asked the Portfolio Holder for Neighbourhood Services, that following the recent Gypsy & Traveller encampment next to Racing Club Warwick what more could be done to reassure the community to protect areas and move travellers on sooner?

In response, Councillor Grainger explained that this latest incursion had occurred the day before the new barriers to prevent this were installed. In addition, the Council was now part of a network to share information on groups of travellers being moved on which enabled some areas to be closed down more securely to protect them. However, if there were incidents of anti-social behaviour, residents should inform the Police because this helped them with evidence to move people on.

Councillor Heath asked the Portfolio Holder for Housing Services about what action was being taken to remove homeless people from our streets during the day?

In response, Councillor Phillips explained that the Council hostel was open all day but people were entitled to go out into town. Additional schemes were also being

investigated and the Council was acting under its duty within the Homelessness Act.

Councillor Parkins asked the Leader if he could confirm that he would be attending the Overview & Scrutiny Committee to present the Chief Executive's Office Service Review report in February after he did not attend in January?

In response, Councillor Mobbs confirmed he would attend.

Councillor Quinney asked the Portfolio Holder for Housing Services if he could confirm the rate of affordable housing since 2013 of 38% was the rate of approval on major sites?

In response, Councillor Phillips explained that for commitments of sites of 11 dwellings or more:

Total since 2013	7,768	Total live sites	6,194
Total AH	2,952	Total AH	2,383
Percentage	38.0%	Percentage	38.5%
Total undelivered	5,126	Total delivered	2,642
Total AH	2,008	Total AH	944
Percentage	39.2%	Percentage	35.7%

In response, Councillor Quinney asked the Portfolio Holder to confirm if that was across approvals?

Councillor Phillips explained that the figures provided were both delivered and to be delivered.

Councillor Quinney asked the Portfolio Holder for Housing Services if the percentage included any adjustments to the initial approval, in that you approve 36% then there was a viability and the figure gets reduced, do the numbers you have given include any post approval adjustments?

In response, Councillor Phillips explained that his spreadsheet indicated this had been taken into consideration but he would need to investigate and report back.

Councillor Quinney asked the Portfolio Holder for Housing Services if he could provide numbers of properties within these that were being rented for social housing at social rents within that number?

In response, Councillor Phillips said that he would come back to Councillor Quinney in two to three minutes as he needed to look this up. (NB he was unable to do this because the following questions were submitted and the Chairman then ended the item)

Councillor Quinney asked the Portfolio Holder for Housing Services to confirm the rate of completion for the first seven years of plan rate of completion had been 28% of which was 11-12% at housing at social rent, and the expectation of plan was for 24% of houses at social rent?

In response, Councillor Phillips explained that he did not recognise these figures and there was a need to be careful when extracting percentages from within percentages.

Councillor Quinney asked the Portfolio Holder for Housing Services if he could confirm this as they were provided to him in a spreadsheet by officers, with others present outside of the meeting.

At this point the Chairman called an end to the item.

72. **Executive Report**

The Leader proposed the reports of the Executive meetings of 31 October 2018 (excluding minutes 77 & 78 that had been considered by Council on 14 November 2018), the 28 November 2018, which were duly seconded and

Resolved that the report of the Executive meetings of 31 October 2018 (excluding minutes 77 & 78 that had been considered by Council on 14 November 2018), the 28 November 2018 be approved

The Leader proposed the excerpt report of the Executive meeting of 9 January 2019, which was duly seconded.

It was proposed by Councillor Naimo that in light of the late hour and that the Labour Group had three amendments they wished to propose, the Council defer consideration of Minute 121, Local Council Tax Reduction Scheme 2019/2020, to Council in February 2019 which was duly seconded by Councillor Quinney.

In response, Councillor Whiting explained that he was minded to accept a proposal that recommendation 1(b) be amended, subject to there not being a need for further public consultation and no large unforeseen costs or problems, to read "Limiting the number of dependent children used in the calculation of reduction to two plus all children born before April 2017". This would be to bring the policy in line with the amended policy on Universal Credit recently announced by the Minister for Work and Pensions which was announced after the decision of the Executive. If there were significant unforeseen costs, problems or there was a need to consult this be notified to Members as a matter of urgency. The Chairman therefore asked Councillors Naimo and Quinney if they would accept the proposal from Councillor Whiting, which they did.

Councillor Naimo and Quinney accepted this proposal and stated that they would not bring forward any further amendments on this matter. On being put to the vote, this was agreed as the substantive motion.

The substantive motion was then put to the vote and

Resolved that the excerpt of the Executive report of 9 January 2019, subject to Minute 121 recommendation 1(b) being amended so long as there is a need for further public consultation and no large unforeseen costs or problems, to read "Limiting the number of dependent children used in the calculation of reduction to two plus all children born before April 2017", be approved.

73. **Employee Code of Conduct**

The Council considered a report from Democratic Services that presented a revised Employee Code of Conduct for approval.

It was proposed by Councillor Mrs Bunker, duly seconded and

Resolved that

- (1) the revised Employee Code of Conduct as set out at Appendix 2 to the report be approved subject to the inclusion of a privacy statement in line with the requirements of the General Data Protection Regulation and Data Protection Act; and
- (2) authority is delegated to the Monitoring Officer to amend the Employee Code of Conduct forms to include an appropriate privacy statement in line with the requirements of the General Data Protection Regulation and Data Protection Act.

(The Chief Executive noted that Councillors wished for further discussion on some aspects of the Code and agreed to these being discussed with the relevant Councillors and reported back as required)

(Councillor Gallagher left the meeting during this item)

75. **Council Procedure Rules**

The Chairman proposed, as laid out on the agenda, the amendments to the Council Procedure Rules. This was duly seconded and

Resolved that Council

- (1) approves the amendment to Council procedure rules to note that meetings of Employment Committee from this point forward, any meetings of this Committee and its sub-committees, held in the Council Chamber at the Town Hall, Royal Leamington Spa, are both audio and visually recorded including where the press and public have been excluded; and
- (2) revises Council procedure rule 6(2) with regard to Council Notices of Motion so that instead of stating "[...] delivered by 10.00am on the sixth clear working day before the next meeting of the Council, the Executive or committee[...]" it is revised to "[..] delivered by 10.00am on the seventh clear working day before the next meeting of the Council [...]", thus accurately reflecting the approach of Council in that the Motion must be received the day before the Agenda for the meeting is due to be published.

76. **Public & Press**

The Chairman proposed, as laid out on the agenda, duly seconded and

Resolved that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following item 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 Nos.	Para Nos.	Reason
77	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

77. **Confidential Executive Report**

The confidential reports of the Executive meetings on 28 November 2018; and an excerpt of 9 January 2019 were proposed, duly seconded and

Resolved that the reports be approved.

78. **Common Seal**

It was

Resolved that the Common Seal of Warwick District Council be affixed to such documents as may be required for implementing decisions of the Council arrived at this day.

(The meeting ended at 9.07 pm)

Chairman
20 February 2019

Detailed response to Councillor Boad, regarding delays to registration of applicants to HomeChoice

"The process of registration is not simply an administrative task but requires an element of officer investigation to verify claims and to assess the priority of the application in accordance with our Allocations Policy to put applicants into the correct band. The level of investigation varies from case to case and therefore some complex cases can take a little longer. Our published target time for registration is 28 days and only a minority exceed this date. This is common across housing organisations. There were some delays with registration late last year and earlier this month which were due to a temporary lower staffing level for a variety of reasons in the run up to and over the Christmas period when performance dropped below target (to 6 weeks at the very longest) for a short period of time.

Looking back at average performance in 2018/19, registration time in working days is: Q1 19.4, Q2 14.5, Q3 19.5. Allowing for weekends would give Q1 25.4, Q2 18.5, Q3 25.5.

Since then, we have had one new starter with another starting on Monday next. Temporary arrangements are in place to support the work and there is one vacancy.

There is no current backlog with the oldest application being from 7 January and so there is no general trend, although there may have been specific case(s) over the Christmas period.

Please let me have any further questions.

Peter Phillips

Portfolio Holder for Housing & Property Services