

# **EXECUTIVE**

Minutes of the meeting held on Wednesday 8 January 2014 at the Town Hall, Royal Leamington Spa at 6.00 pm.

**PRESENT:** Councillor Mobbs (Chairman); Councillors Caborn, Coker, Cross, Mrs Grainger, Hammon, Shilton and Vincett.

**ALSO PRESENT:** Councillor Barrott (Chair of Finance & Audit Scrutiny Committee), Councillor Mrs Blacklock (Chair of Overview and Scrutiny Committee), Councillor Mrs Bromley (addressing Members as Ward Councillor) and Councillor Wilkinson (Labour Group Observer).

Apologies for absence were received from Councillor Boad, Liberal Democrat Group Observer.

## **115. DECLARATIONS OF INTEREST**

### Minute Number 121 – Agenda Item 7A – Rural/Urban Capital Improvement Application

Councillor Coker declared an interest during the course of the meeting because he knew the applicant from Leamington Football Club and he took no part in the discussions.

## **116. POLICE AND CRIME PANEL**

The Leader of the Council, Councillor Mobbs, made a statement to the Executive advising them that:

“In June 2012 the Council agreed to participate in the Warwickshire Police and Crime Panel. This Council ideally sought two seats on the Panel one for the Leader and one for the Portfolio Holder for Community Safety. The final discussions on this were delegated to officers in consultation with senior Councillors, subject to the outcome being reported back to the Executive.

No record can be found informing the Executive that the Council only achieved a place on the Panel and this role was taken by the Leader of the Council.

In my role as Leader of the Council, I have now appointed Councillor Coker, Portfolio Holder for Health and Community Protection, to the Police and Crime Panel for Warwickshire. Group Leaders are aware of this and I have been provided assurance that no conflict of interest arises from this and that other Authorities have also appointed their relevant Portfolio Holder to the Police and Crime Panel.

I would ask that this is recorded in the minutes and I will write to all Councillors to make them aware of this appointment.”

It was therefore, noted that Councillor Coker would be appointed to the Police and Crime Panel.

**117. MINUTES**

The minutes of the meeting held on 11 December 2013 were agreed and signed by the Chairman as a correct record.

**PART 1**

(Items on which a decision by Council is required)

None.

**PART 2**

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

**118. COVENTRY AND WARWICKSHIRE CITY DEAL – UPDATE REPORT**

The Executive considered a report from the Deputy Chief Executive (BH) which updated members on the final wording of the Coventry & Warwickshire City Deal. This had been agreed by Government on 12 December 2013 and a revision to the potential level of the local authority funding contribution to the Clearing House, including the potential amount of the previously agreed contribution from this Council.

Members were reminded that the Government 'sign off' of the CW City Deal proposals had not been secured when this subject was last considered by Executive in November 2013. However, the lengthy and complicated negotiations were brought to completion by early December allowing the Deputy Prime Minister to announce that the CW City Deal had been signed and agreed on 12 December 2013.

The CW City Deal agreement document, and accompanying Implementation Plans, was set out in full at appendix one to the report and had already been signed by the Deputy Prime Minister.

The report also advised that, as part of the CW City Deal, the Council would receive a capital funding allocation of £559,000 from the Department of Communities and Local Government to finance highway infrastructure improvements at the former Honiley airfield site at Fen End. These improvements would allow the development of a research and development campus for the automotive/autosports sector adjacent to a fully equipped test track facility.

Details of the Deputy Chief Executive (BH) being named as the Senior Responsible Officer for the Fen End Implementation Plan and for the joint work between central and local government, were included in paragraphs 3.4 and 3.5 of the report.

Paragraph 3.7 outlined the factors that had impacted on the finances of the project, following recent revisions of the financial contribution required from the local authority sector. The Council's share of these costs was estimated at £24,000 which would be funded from the 2014/15 New Homes Bonus allocation.

No alternative options had been considered because the Council had already confirmed that it would meet any future funding contribution from New Homes Bonus income.

The Finance & Audit Scrutiny Committee was keen to see that consideration was given to what would happen if funding did not materialise, noted that the Council's only commitment at this stage from the New Homes Bonus was for 2014/15 and supported the recommendations in the report.

No alternative option had been considered as the Council has already confirmed that it would meet any future funding contribution from NHB income.

Councillor Caborn supported the recommendations and welcomed the news regarding funding.

In addition, the Leader, Councillor Mobbs endorsed the report, highlighted the funding detailed in recommendation 2.2 and signposted Members to paragraph 3.2 of the report which advised of the CW City Deal agreement document.

Having read the report and having heard the representations from the Scrutiny Committees, the Executive decided to agree the recommendations as written.

**RESOLVED** that

- (1) the final Coventry & Warwickshire (CW) City Deal, and agreed Implementation Plans, be noted, as set out at appendix one to the report;
- (2) this Council will receive a capital funding allocation of £559,000 to finance highway improvements at the Fen End employment site;
- (3) the revisions to the potential local authority funding contributions to the City Deal Clearing House are noted, as set out at appendix two to the report;
- (4) the potential revised funding contribution payable by this Council, is estimated to £24,000 for the first year and should be paid from the Council's New Homes Bonus (NHB) for 2014/15.

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

**119. NEIGHBOURHOOD PLAN DESIGNATIONS**

The Executive considered a report from Development Services which summarised the key issues relating to the formal designation of six new neighbourhood plans.

The report outlined the neighbourhood plan areas relating to the parishes of Barford, Budbrooke, Burton Green, Lapworth, Leek Wootton and Guys Cliffe and Stoneleigh and Ashow.

The report recommended approval of the neighbourhood plan area as submitted by Lapworth Parish Council because the location was unaffected by Community Governance Review considerations.

The report recommended refusal to designate the submitted neighbourhood plan areas for Barford and Budbrooke on the basis of current parish boundaries. Instead, it supported the establishment of new neighbourhood plan area boundaries for these areas on the basis of Community Governance Review recommendations to formulate coterminous electoral boundaries.

The report also recommended awaiting the outcome of the final round of consultation on community governance reforms (due to complete in March 2014) prior to determining the final designated neighbourhood plan areas for Burton Green, Leek Wootton and Guy's Cliffe and Stoneleigh and Ashow.

An alternative option was to only approve area designations in locations unaffected by the Community Governance Review. This would enable only one neighbourhood plan designation to be determined for Lapworth Parish.

Another alternative was for all the submitted area designations to be approved as originally proposed. This option could require some of the qualifying bodies (parish councils) to re-consult on new neighbourhood plan areas, particularly where a parish no longer had authority to develop a neighbourhood plan covering areas excluded from a newly established parish. This could cause confusion and delay to neighbourhood plans already well progressed. There could also be substantial opposition to re-consulting on neighbourhood plan boundaries by qualifying bodies (parish councils) and they would need to lead on any new application process.

There were a number of appendices attached to the report including the proposed area designations for Barford Parish and Budbrooke Parish, potential changes to the parish boundary for Leek Wootton and a map from the University of Warwick's representation.

An addendum was circulated by Councillor Caborn, prior to the Scrutiny meetings and Executive which proposed amendments to the recommendations. These amendments proposed waiting for the outcome of the next round of consultation on the Community Governance Review before agreeing any area designations for Leek Wootton and Guy's Cliffe, the Stoneleigh / Ashow, the Barford, Budbrooke and also the Burton Green. Final parish boundaries were planned to be prepared in March 2014 by the Regulatory Committee Working Group.

Councillor Caborn endorsed the report and the amended recommendations and stated that all parties were keen to work together and hoped that the amendments would provide clarity for all parties.

Having read the report the Executive decided to agree the recommendations as per the addendum.

**RESOLVED** that

- (1) the Executive takes regard of the representations submitted and designates the Neighbourhood Plan Areas as submitted by:

- Lapworth Parish Council

This will enable the Parish Council to begin the process of formally preparing its neighbourhood plan;

- (2) the Executive awaits the outcome of the next and final round of consultation on the Community Governance Review as directed by Regulatory Committee before agreeing any area designations for Leek Wootton and Guy's Cliffe neighbourhood plan area, the Stoneleigh / Ashow neighbourhood plan area, the Barford neighbourhood plan area, Budbrooke neighbourhood plan area and also the Burton Green neighbourhood plan area. Final parish boundary proposals are to be prepared in March 2014 by the Regulatory Committee Working Group;
- (3) the funding available from the Department for Communities and Local Government for the financial year 2013/14, is noted, as set out in the Budgetary Framework section of this report; and
- (4) the Executive Committee schedule decision-making on the final areas to be designated for Leek Wootton and Guy's Cliffe neighbourhood plan area, the Stoneleigh / Ashow neighbourhood plan area, the Barford Neighbourhood Plan area, Budbrooke neighbourhood plan area and also the Burton Green neighbourhood plan area for either March or April 2014 Executive meetings.

(The Portfolio Holder for this item was Councillor Caborn)  
(Forward Plan reference number 544, 543)

**120. SUPPORT FOR AN INDOOR BOWLS FACILITY**

The Executive considered a report from the Chief Executive which sought approval, in principle, to offer the Avon Valley Indoor Bowls Club (AVIBC) a long lease (term 99 years) on land at Harbury Lane and to support their desire to raise funds for a new indoor bowls facility/changing rooms relocating from the Jaguar Land Rover site at Gaydon.

The Council had been approached by AVIBC, currently based at the Jaguar Land Rover site at Gaydon, for assistance to relocate its facility into the District. The need had arisen because the Club had been given advance notice by its present landlord that it would not be able to remain on the present site when the lease ended in 2020. The AVIBC's business case was set out at appendix 1 to the report.

AVIBC had not yet sought funds to assist in developing the new facility but was seeking to identify a site which it could lease on a long term basis at a peppercorn rent in order to develop a viable funding approach.

A number of Council owned recreational sites had been assessed and both AVIBC and officers concluded that the Harbury Lane site, detailed on map 1to

the report, offered both opportunity to AVIBC and to the Council directly and indirectly.

Officers felt that the proposal would add to the range of sporting facilities in the District and make a contribution to both the local economy and to the health and well-being of the community especially the more elderly.

The proposal would also provide a significant 7 day a week, though not 24 hours a day, on-site presence which would help deter illegal site encampments and, if combined with AVIBC taking on the running costs and responsibilities for the changing rooms, would offer a financial relief to the Council and so the wider community.

Other than some officer time having been expended so far, there had been no actual cost to the Council in dealing with this proposal. The raising of funds for the facility and the construction of the facility would be the responsibility of AVIBC rather than with the Council and there would be a cost in terms of legal fees relating to the lease and officer time.

The Council could decide not to offer support for a long lease to be granted to AVIBC, however, this could represent a missed opportunity, as detailed in paragraph 3.3 of the report.

The approach of offering support in principle to the granting of a long lease at a peppercorn rent at this stage offered the least cost and least risk approach to the Council in securing additional investment in local sporting facilities.

The Finance & Audit Scrutiny Committee expressed some unease over offering a lease at a peppercorn rent but nevertheless supported the recommendations in the report, noting that the value for money element would be assessed in accordance with paragraph 5.3.

The Overview & Scrutiny Committee were delighted with the report which received strong support from Members and recommended that the Executive approve the proposals. Councillor Mrs Blacklock stated that the Committee were very excited by the proposal and thanked the Chief Executive for attending their meeting and answering questions from members.

Councillor Caborn supported the report and felt that the move would consolidate the District's representation as a Bowls centre for England.

The Portfolio Holder for Cultural Services, Councillor Cross, congratulated the team involved and endorsed the recommendations as written. He felt this was an exciting opportunity and hoped that new members would become involved at the Club's training sessions in February and March.

In response, the Executive fully supported the recommendation from Overview & Scrutiny and having read the report, they decided to agree the recommendations as written.

**RESOLVED** that

- (1) the offer of a long term lease (99 years) on part of the Harbury Lane sports fields to AVIBC at a

peppercorn rent, be agreed in principle and otherwise on terms to be agreed between the parties subject to:

- a) AVIBC taking on the running costs and ongoing responsibilities for the existing changing rooms on site;
  - b) The proposal not contravening the restrictive covenant relating to this area of land; and
  - c) The proposal being acceptable planning wise; and
- (2) a further report be brought to the Executive once funding has been raised concerning matters of detail relating to the lease, the location of the proposed facility and the partnership agreement.

(The Portfolio Holder for this item was Councillor Cross)

#### **121. RURAL/URBAN CAPITAL IMPROVEMENT APPLICATION**

The Executive considered a report from Finance which detailed two Rural / Urban Capital Improvement applications for Leek Wootton and Guys Cliffe Parish Council and Leamington Football Club.

The Council operated a scheme to award Capital Improvement Grants to organisations in rural and urban areas. The grants recommended were in accordance with the Council's agreed scheme and would provide funding to help the projects progress.

Leek Wootton and Guys Cliffe Parish Council submitted an application for Warwick District Council to be a Third Party Funder for their £40,000 grant application to BIFFA. The RUCIS application was for 11% of the total project costs up to a maximum of £4,400.

The project was to replace outdated play equipment in the village playground and to provide a modern and interesting play facility for the whole community.

Leek Wootton and Guys Cliffe Parish Council stated they would provide £1,049 (2% of the total project costs) towards the project from their own cash reserves. Leek Wootton and Guys Cliffe Parish Council had previously had successful RUCIS applications in October 2005 and October 2008.

The second application was from Leamington Football Club, which submitted an application to install crush barriers, turnstiles, medical unit, catering unit, replacement toilets and new disabled toilets to meet mandatory Step 2 League Ground Grading Requirements and Health & Safety requirements. The RUCIS application was for 48% of the total project costs up to a maximum of £30,000.

Leamington Football Club had made an application to the FA Football Foundation for 50% of the total project costs and a copy of the application had been provided.

Leamington Football Club had also made an application to Leamington Town Council for 2% of the total project costs, however, Leamington Football Club actually fell within the remit of Whitnash Town Council. Officers had been verbally advised by Leamington Football Club that Leamington Town Council had previously supported / contributed to the club and were open to considering an approach for a contribution to this project. Whitnash Town Council had therefore not been approached on this occasion. Leamington Football Club had not previously applied for a RUCIS grant.

There was £59,000 available to be allocated for Rural/Urban Capital Improvement Scheme Grants from the Rural Cost Centre budget in 2013/14. If the application from Leek Wootton and Guys Cliffe Parish Council for 11% of the total project costs up to a maximum of £4,400 was approved, £54,600 would remain in the Rural cost centre budget.

There was £13,195 available to be allocated for Rural/Urban Capital Improvement Scheme Grants from the Urban Cost Centre budget for 2013/14. If the application from Leamington Football Club for 48% of the total project cost up to a maximum of £30,000 was approved, there would be a zero balance left in the Urban Cost Centre budget and £16,805 would need to be deducted from the Slippage cost centre budget, leaving a remaining balance of £17,049.

The alternative options were to not approve the grant funding, or to vary the amount awarded.

Having read the report the Executive decided to agree the recommendations as written.

**RESOLVED** that

- (1) a Rural/Urban Capital Improvement Grant from the Rural cost centre budget, be approved for Leek Wootton and Guys Cliffe Parish Council of 11% third party funding payment to release a £40,000 BIFFA capital grant award, up to a maximum of £4,400 subject to receipt of the following:

Written confirmation from BIFFA (or an alternative grant provider that requires a third party payment) to approve a capital grant of £40,000 once the third party payment has been made

- (2) a Rural/Urban Capital Improvement Grant split between the Urban cost centre budget and the Slippage cost centre budget, be approved for Leamington Football Club of 48% of the total project costs to install crush barriers, turnstiles, medical unit, catering unit, replacement toilets and new disabled toilets, up to a maximum of £30,000 subject to receipt of the following:

- a) written confirmation of planning permission to carry out the work;



- b) written confirmation of FA Football Foundation approval (or if the application is declined, another capital grant provider) to fund £31,000 of the project cost to ensure that the RUCIS grant remains as 48% of the total project cost;
- c) written confirmation of Leamington Town Council approval (or if the application is declined, another capital grant provider) to fund £1,300 of the project cost to ensure that the RUCIS grant remains as 48% of the total project cost;
- d) written confirmation that the Shareholders, within the January 2014 AGM, have agreed that any surplus funds / "profits" at the end of each financial year are re-invested in the club and that share dividends will not be paid; therefore evidencing that the club is a "not-for-profit organisation"; and
- e) written confirmation that an addendum has been included in the club's Articles of Association that also states that any surplus funds / "profits" at the end of each financial year are re-invested in the club and that share dividends will not be paid; therefore evidencing that the club is a "not-for-profit organisation"

(The Portfolio Holder for this item was Councillor Mobbs)

## **122. SIGNIFICANT BUSINESS RISK REGISTER**

The Executive considered a report from Finance which set out the latest version of the Council's Significant Business Risk Register for review by the Executive.

The Significant Business Risk Register (SBRR) recorded all significant risks to the Council's operations, key priorities, and major projects and individual services had their own service risk registers. The SBRR was reviewed quarterly by the Council's Senior Management Team and then, in keeping with Members' overall responsibilities for managing risk, by the Executive.

Several improvements to the SBRR had been made in recent months and changes from one review period to the next were now identified to provide a record of movements.

The report requested that the Significant Business Risk Register attached at appendix 1 to the report be reviewed and consider if any further actions needed to be taken to manage the risks facing the organisation.

The Finance & Audit Scrutiny Committee asked a number of questions of the Council Leader and was reassured that he was not content to see risks remain in the red. Members noted that discussions were taking place with Warwickshire County Council to address infrastructure planning, which the

Leader agreed should be highlighted in the register. The Committee suggested that the covering report needed to highlight new triggers and include more information regarding mitigations put in place to reverse negative trends. The Committee also felt that annual credit checks should remain in place as a matter of course because problems with a major contractor would be a business risk as opposed to a service risk.

The Finance & Audit Scrutiny Committee was reassured by the Leader's intention to work closely with senior managers to strengthen the Executive process and to manage the risk register, thanked the Leader for responding to Members' questions and supported the recommendations in the report.

The Leader, Councillor Mobbs, assured Members that there would be a quarterly review of the register and agreed to the narrative regarding movement and other changes discussed at Finance and Audit Scrutiny Committee. He reminded Members of the Executive's responsibility for managing the register effectively and thanked the Scrutiny Committee for its comments.

Having read the report and having heard the representations from the Scrutiny Committee, the Executive decided to agree the recommendations as written.

**RESOLVED** that the Significant Business Risk Register attached at Appendix 1, is noted and no further actions should be taken to manage the risks facing the organisation.

(The Portfolio Holder for this item was Councillor Mobbs)  
(Forward Plan reference number 535)

**123. 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 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 No.	Para Nos.	Reason
124, 125 & 126	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

**124. POTENTIAL COMPULSORY PURCHASE OF LAND IN ROYAL LEAMINGTON SPA**

The recommendations of the report were agreed.

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

(The Portfolio Holders for this item were Councillors Hammon & Mobbs)  
(Forward Plan reference number 563)

125. **FETHERSTON COURT DEVELOPMENT SCHEME LAND ACQUISITION UPDATE**

The recommendations of the report were agreed.

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

(The Portfolio Holder for this item was Councillor Vincett)  
(Forward Plan reference number 572)

126. **MINUTES**

The confidential minutes of the meetings held on 11 December 2013 were agreed and signed by the Chairman as a correct record.

(The meeting ended at 6.28 pm)