

Stephen Cross
Chairman of the Council

Council meeting: Wednesday, 14 November 2018

Notice is hereby given that an ordinary meeting of Warwick District Council will be held at the Town Hall, Royal Leamington Spa on Wednesday, 14 November 2018 at **6.05pm**.

Emergency Procedure

At the commencement of the meeting, the Chairman will announce the emergency procedure for the Town Hall.

Agenda

1. **Apologies for Absence**
2. **Declarations of Interest**

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct. Declarations should be entered on the form to be circulated with the attendance sheet and declared during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

3. **Minutes**

To confirm the minutes of the meeting of the Council held on 19 September 2018. **(Pages 1 to 7)**

4. **Communications and Announcements**
5. **Petitions**

6. **Notices of Motion**

To consider a notice of motion by Councillor Quinney, to be seconded by Councillor Mrs Gallagher that:

The phase 1 feasibility stage of the new Council Offices project across RSH and CG is nearing completion and some of the probable recommendations are becoming clear. Unexpectedly they may require this Council to approve proposals which include major contraventions of policy on affordable housing, s106 contributions, costly and inadequate displacement parking, risk to Town Centre businesses and considerable impact on the environment and Conservation area. With a further £3m funding shortfall identified in the viability assessment, even the 'broadly cost-neutral' objective may not be met. There is widespread public disquiet.

We therefore submit the following motion: *"That Council recommends to Executive that it defers taking final decisions on the Council Offices Relocation project to proceed to phase 2, And seeks public approval at a District-wide referendum to be held on May 2nd 2019"*.

By doing so on the same date as the local elections the additional costs should be acceptable. Deferring the decision will also give time for other options which may better serve the public interest to be considered, carefully and objectively.

7. **Public Submissions**

8. **Leader's and Portfolio Holders' Statements**

9. **Questions to the Leader of the Council & Portfolio Holders**

10. **Executive Report**

To consider the report of the Executive meetings

- (a) 25 July 2018 **(Page 1 to 27)**
- (b) 30 August 2018 (excluding minute 49, 52, 56 that were considered by Council on 19 September 2019) **(Page 1 to 21)**
- (c) 26 September 2018 **(Page 1 to 19)**
- (d) Excerpt of 31 October 2018 **(Page 1 to 27)**

11. **Statutory Review of the WDC Gambling Policy (Statement of Gambling Principles)**

To consider a report from Health & Community Protection

(Page 1 to 4 and Appendices 1 & 2)

12. **Public & Press**

To consider resolving 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.

Item Nos.	Para Nos.	Reason
13	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

13. **Confidential Executive Report**

To consider the confidential report of the Executive meetings on 26 September 2018
(Page 1 to 5)
(These reports are not for publication)

14. **Common Seal**

To authorise the affixing of the Common Seal of the Council to such deeds and documents as may be required for implementing decisions of the Council arrived at this day.



Chief Executive
Published Tuesday 6 November 2018

For enquiries about this meeting please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.
Telephone: 01926 456114
E-Mail: committee@warwickdc.gov.uk

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The agenda is also available in large print, on request, prior to the meeting by calling 01926 456114.

WARWICK DISTRICT COUNCIL

Minutes of the meeting held on Wednesday 19 September 2018, at the Town Hall, Royal Leamington Spa at 6.00pm.

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

38. **Apologies for Absence**

Apologies for absence were received from Councillors Ashford, Bromley, Butler, Mrs Evetts, H Grainger, Margrave, Murphy, Rhead, Shilton and Mrs Stevens.

39. **Declarations of Interest**

There were no declarations of interest.

40. **Minutes**

The minutes of the meeting of Council held on 8 August 2018 were taken as read and duly signed by the Chairman as a correct record.

41. **Communications & Announcements**

The Chairman provided a brief summary of the events he had attended since the last Council meeting.

The Chairman informed Council that there was no business to consider under either Item 5 Petitions or Item 7 Public Submissions.

42. **Notice of Motion**

Councillor Naimo proposed the Motion that at the public meeting regarding the Office move proposals arranged by the local Business Community in the early summer, many residents expressed the view that there should be another public meeting. They felt that there was insufficient time to cover all the questions they wished to ask, before final decisions were taken, and they would like to be able to ask them of responsible Executive members, as well as Officers.

Therefore, it was proposed that should another public meeting be called about the Office move proposals, this Council would expect appropriate members of the Executive and senior Officers to make themselves available to attend.

The Motion was duly seconded by Councillor Gifford.

Councillors Mobbs, Quinney, Coker, Boad, Mrs Knight, Mrs Grainger, Gill, Wright, Mrs Bunker, Barrott addressed Council on this matter.

During the debate Councillor Quinney requested a recorded vote on this Motion and, on being supported, this was agreed.

On being put to the vote the motion was lost by 22 votes to 12 with one abstention. The votes were cast as follows:

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

Against: Councillors: Mrs Bunker, Cain, Mrs Cain, Coker, Cooke, Cross, Davies, Day, Doody, Edginton, Mrs Grainger, Heath, Mrs Hill, Illingworth, Mobbs, Morris, Noone, Phillips, Mrs Redford, Thompson, Whiting and Wright.

Abstention: Councillor Mrs Falp

43. **Leader's and Portfolio Holders' Statements**

The Portfolio Holder for Culture, Councillor Coker, explained that Newbold Comyn works would be completed in full by 10 October 2018 for handover. The usage so far was continuing to be above the expectations of both the Council and Everyone Active. The Executive would be considering the proposals for continuation on the Kenilworth facilities next week.

Councillor Coker also reminded Council about attending Friday Focus events at the Pump Rooms and that tickets were available for an evening with Jonathan Agnew at the Spa Centre.

The Portfolio Holder for Housing, Councillor Phillips, explained that

- (1) following the successful integration of five Syrian refugee families in Warwick District the Council had approached the Home Office to explore if up to a further five families could be integrated in the District. The Home Office had confirmed that five more families could be offered to the District before the end of the current programme. This was now being investigated by Officers but it could be late 2019 before more families were successfully matched; and
- (2) the rough sleepers hostel had opened on 11 September 2019 and provided space for 22 people with 24 hour a day shelter. The rough sleepers co-ordinator was in place to work with our partners and took the opportunity to thank all officers for getting this scheme ready before Winter.

44. **Questions to the Leader of the Council & Portfolio Holders**

Councillor Mrs Gallagher, asked the Leader why, following the vote on the Notice of Motion [regarding the former Royal Naval Club], was he pursuing a vendetta against me in removing from committees?

In response the Leader, Councillor Mobbs, confirmed with Councillor Mrs Gallagher if she was agreeable to him informing Council of the facts of this matter. Councillor Mrs Gallagher agreed to this.

The Leader then explained that the motion put was unprecedented in that it sought to change a decision already taken that had financial implications for Council and impacted on the Creative Quarter. To that end, the Conservative Group discussed and agreed not to support the Motion by a vote of 24 to three. It was also agreed to impose whip and that, if defied, actions could be taken against the respective Councillor or Councillors. Following the vote at the last

Council meeting, it was agreed to discuss actions at the next group meeting but before this discussion took place Councillor Mrs Gallagher had resigned from the Conservative Group.

Councillor Mrs Gallagher asked the Leader when the public would get to know the truth about who CDP were, that the Council had given control of properties too?

The Leader explained that there would be a presentation to all Councillors on 29 October 2018 from CDP and that it was not true that control of Council assets had been passed to CDP.

Councillor Gifford asked the Portfolio Holder for Housing if the Council had attended any of the best practice workshops on building design and would these design practices be included within the proposed new build Council properties being brought forward?

Councillor Phillips highlighted the statement by Councillor Rhead at the last meeting regarding new builds and he was mindful of this approach for new builds which he asked officers to consider as proposals came forward.

Councillor Boad asked the Leader if he agreed that Scrutiny should be a robust process that challenged the Executive; was he aware of the new statutory instrument to enable greater scrutiny of external partnerships; was there a need for greater scrutiny of financial arrangements in light of the Centre for Public Scrutiny (CfPS) report?

In response, Councillor Mobbs explained that he valued the role of Scrutiny and having Chairs from opposition Groups to enable them to be as robust as possible. The Scrutiny Committees set their own work programmes and would welcome them looking at the report from CfPS as he would as well.

Councillor D'Arcy asked the Leader if he could provide the Council with an update on the proposed hotel on St Mary's Lands now that a flood risk issue had been highlighted.

In response, Councillor Mobbs explained that this would be a planning matter for consideration but he would ask Councillor Butler to provide an update on this.

(This detailed response is set out at Appendix 1 to the minutes)

Councillor Quinney asked the Portfolio Holder for Housing if the Council would be bringing forward further discretionary payments to help people with the cash flow challenges during the transition to Universal Credit?

In response, the Portfolio Holder for Finance, Councillor Whiting, explained that he understood the Council had introduced a fund of this nature and there was no restriction on this fund.

In response to a question of clarification from Councillor Quinney, Councillor Phillips explained that the Financial inclusion group, next week, would discuss the potential for the fund to cover more than just housing benefit.

Councillor Barrott asked the Leader if he could provide an update on the provision of transition sites for Gypsy & Travellers?

In response, Councillor Mobbs said he would ask Councillor Rhead, as Portfolio Holder for Development, to provide an update on this matter.

Councillor Barrott, asked the Leader if there would be an opportunity to debate the potential for unitary status?

In response, the Leader explained that he had attended a Leaders meeting the previous day where this question had been raised. There was no appetite for such a move to a County wide unitary. That said, there could be a discussion and debate regarding a potential North South Unitary in Warwickshire but at this time there was no decision that could be influenced by this because all Council's had to agree to any proposal being taken forward and at the moment not all Council's wanted this.

Councillor Mrs Knight asked the Portfolio Holder for Finance if there could be a briefing for all Councillors on Universal Credit?

Councillor Whiting agreed and would arrange it.

Councillor Heath, asked the Portfolio Holder for Housing with the introduction of the hostel could we ensure that the rough sleepers move in?

Councillor Phillips replied explaining that it was not compulsory but the service and officers were there to help people.

Councillor Heath asked the Portfolio Holder for Housing if anything could be done about those few people who begged on the street but reportedly had their own homes?

Councillor Phillips replied explaining there were discussions on going with the Police.

Councillor Boad asked the Portfolio Holder for Housing if cost benefit analysis had been undertaken to see if it was more cost effective to provide portaloos and skips when there was unlawful Gypsy or Traveller sites than to clear up our land afterwards?

In response, Councillor Phillips explained that this had not been done because it could encourage encampments and the true solution would be to find a permanent site.

Councillor Wright asked the Portfolio Holder for Housing if the Council would be working with health care providers to ensure the homeless people received best possible health care?

In response, Councillor Phillips replied that officers were investigating this using the property in Packington Place.

Councillor Naimo asked the Leader could the Council make a commitment to protecting mature trees across the District to protect them from removal?

Councillor Mobbs explained that he would ask the Portfolio Holder for Development to respond in detail. However, he highlighted the garden suburb principle from the Local Plan and that once the Riverside House development was complete there would be more trees on the site than at present.

Councillor Doody asked the Leader if he agreed that Councillor Mrs Gallagher was a hard working Ward Councillor in her time on the Executive, was an extremely good Portfolio Holder and it was therefore unfortunate she chose to walk the floor?

In response, the Leader agreed and explained that he wished to thank Councillor Mrs Gallagher for her work.

45. **Executive Report**

The excerpt of the report of the Executive meeting held on 30 August 2018 was duly proposed seconded and

Resolved that the excerpt be approved.

46. **Revisions to the Membership of Committees**

It was proposed by Councillor Mobbs:

- (a) to replace Councillor Davies with Councillor Day as a member of the Finance & Audit Scrutiny Committee;
- (b) to replace Councillor Day with Councillor Davies as a substitute for Finance & Audit Scrutiny Committee;
- (c) to replace Councillor Mrs Gallagher on Employment Committee with Councillor Phillips;
- (d) to replace Councillor Mrs Gallagher with Councillor Illingworth on Standards Committee;
- (e) to remove Councillor Mrs Gallagher as a named substitute for both the Finance & Audit and Overview & Scrutiny Committees;
- (f) to replace Councillor Mrs Gallagher with Councillor Mrs Redford as Parish & Town Council Champion;
- (g) to replace Councillor Edgington with Councillor Ashford on Planning Committee;
- (h) to remove Councillor Ashford as a named substitute for Planning Committee; and
- (i) to appoint Councillor Edgington as a Substitute for Overview & Scrutiny Committee.

Councillor Mobbs explained that the proposals relating to the Licensing & Regulatory Committee, set out on the agenda paper were not proposed for consideration by Council.

The proposals were duly seconded by Councillor Coker and

Resolved that

- (1) to replace Councillor Davies with Councillor Day as a member of the Finance & Audit Scrutiny Committee;
- (2) to replace Councillor Day with Councillor Davies as a substitute for Finance & Audit Scrutiny Committee;
- (3) to replace Councillor Mrs Gallagher on Employment Committee with Councillor Phillips;
- (4) to replace Councillor Mrs Gallagher with Councillor Illingworth on Standards Committee;

- (5) to remove Councillor Mrs Gallagher as a named substitute for both the Finance & Audit and Overview & Scrutiny Committees;
- (6) to replace Councillor Mrs Gallagher with Councillor Mrs Redford as Parish & Town Council Champion;
- (7) to replace Councillor Edgington with Councillor Ashford on Planning Committee;
- (8) to remove Councillor Ashford as a named substitute for Planning Committee; and
- (9) to appoint Councillor Edgington as a Substitute for Overview & Scrutiny Committee.

47. **Public & 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 Nos.	Para Nos.	Reason
48	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

49. **Confidential Executive Report**

The confidential report of the Executive meeting held on 30 August 2018 were proposed and duly seconded.

On being put to the vote it was:

Resolved that the report be approved.

50. **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 7.49 pm)

Chairman
14 November 2018

An update on the plans to build a hotel on St Mary's Lands owing to the flood risk issue that has been identified

The current situation is that the Council had agreed in a report to the Executive to undertake a flood risk assessment. Before this could be done, some work needed to be carried out to give a clearer idea of the potential size and shape of a hotel. This has now been completed following discussions with the Working Party and the Council's Conservation Officer.

The next stage is to undertake the flood risk assessment and Plincke on behalf of the Council is seeking tenders for that work to be done.

I hope this answers your question but please let me know if you require any further information

Councillor Noel Butler
Portfolio Holder for Business

Executive

Minutes of the meeting held on Wednesday 25 July 2018 at the Town Hall, Royal Leamington Spa, at 6.00 pm.

Present: Councillor Mobbs (Leader), Councillors Butler, Coker, Grainger, Mobbs, Phillips, Rhead, Thompson and Whiting.

Also present: Councillors; Boad (Liberal Democrat Group Observer), Mrs Falp (Chairman of Overview & Scrutiny Committee); Naimo (Labour Group Observer) and Quinney (Chair of Finance & Audit Scrutiny Committee).

28. **Declarations of Interest**

There were no declarations of interest.

29. **Minutes**

The minutes of the meetings held on 27 June 2018 were not available and would be submitted to a future meeting.

Part 1

(Items on which a decision by Council was required)

None.

Part 2

(Items on which the approval of the Council is not required)

30. **Final Accounts 2017/18**

The Executive considered a report from Finance which provided summary information on the 2017/18 out-turn with the Appendices and Statement of Accounts (draft available on the website) an in depth analysis.

The 2017/18 Accounts had been closed and the draft Statement of Accounts had been available on the Council's website since 31 May 2018. This report provided Members with an update on the progress towards the production of audited accounts and the implications of the out-turn position.

At the time of writing, the Statement of Accounts had yet to be finalised. These would then be audited. It was also intended that the Finance and Audit Scrutiny Committee would formally approve the Audited Statement of Accounts on the 25 September 2018, to enable publication the following day.

The report advised that in November 2016 (Budget Review Report) Members approved that any surplus or deficit on the General Fund balance was to be appropriated to or from the General Fund Balance within the Statement of Accounts. It had been agreed for the Housing Revenue

Account, that the balance be automatically appropriated to/from the HRA Capital Investment Reserve.

The final out-turn positions upon closure of the Accounts were detailed in paragraph 3.2.1 of the report. Under agreed delegation, the General Fund Surplus of £937,646 had been allocated to the General Fund Balance. The HRA balance was automatically transferred to the HRA Capital Investment Reserve and any adjustments to these arrangements would be carried out in 2018/19. Should there be any change to the Variation when the Accounts were audited, Members would be updated accordingly. An analysis by Portfolio Holder was shown at Appendix Bi to the report. Appendices Bii and Biii provided more detailed breakdowns of major service variations with the most significant being discussed below as well.

The Revised Budget for the HRA was a net credit of £5,084,100, the actual outturn was a net credit of £5,862,782. The resulting surplus of £778,682 had been appropriated to the HRA Capital Investment Reserve. This was summarised in Appendix Ci and Appendix Cii provided a detailed analysis of the variations.

In February of this year as part of the Budget Setting Process, Members approved the Revenue Ear Marked Reserves to be carried forward into 2018/19 where it had not been possible to complete projects during 2017/18. These totalled £292,200 for the General Fund and £10,700 for the HRA.

Further requests had been approved under delegated authority by the Head of Finance and were shown in Appendix Ai to the report. It was recommended that the Executive note the position on Revenue slippage. As in previous years, expenditure against these Budgets would be regularly monitored and reported to the Executive as part of the Budget Review Process.

Capital Expenditure showed a favourable variance against the revised budget (£25,136,000) of £9,730,000. This was comprised of the Housing Investment Programme and Other Services. A table detailed at 3.6.1 of the report summarised Budget and Expenditure by Fund. Appendix D showed an analysis of the Capital Programme, with Appendix E providing explanations for the variations.

At the time of writing, officers were in the process of analysing how the changes to the movement in Reserves would impact upon 2018/19 and subsequent years. It would be prudent to allocate the Surplus to those Reserves which were most likely to be depleted in the future. Once the projections had been updated, Members would be asked to approve how the surplus should be re-allocated. It was planned to report to Executive on this further, as part of the Quarter 1 Budget Review due to be reported to Executive in August.

The report was a statement of fact. However, how the outcomes might be treated, could be dealt with in a variety of ways. The alternative options were to allow the General Fund balance to vary from the £1.5m level,

along with how the 2017/18 surplus had been allocated. Any changes to the allocations would be carried out during 2018/19.

The Finance & Audit Scrutiny Committee supported the recommendations but expressed their disappointment that the government deadline of 31 July 2018 for the sign-off of the audited Statement of Accounts would not be met. Members noted that officers were working on a programme to rectify the situation and supported the decision that a report detailing the reasons for the delay would be submitted to them in due course.

In response, the Executive stated that they shared the concerns relating to the failure to meet the deadline. However, whilst pleased about the underspend, they recognised the ongoing need to invest in Council assets and make budgetary provision for this investment.

The Executive therefore,

Resolved that

- (1) the final revenue outturn positions for the General Fund of £937,646 surplus and Housing Revenue Account £778,682 surplus, are noted;
- (2) the final position for Revenue Slippage (Ear Marked Reserves) to 2018/19 of £798,700 General Fund and £10,700 HRA, along with Section 3.2 of the report, with the additional requests having been approved under delegated authority by the Head of Finance in conjunction with the Finance Portfolio Holder, are noted;
- (3) the Capital Programme shows a favourable variation of some £9,739,000; and
- (4) the re-allocation of the surplus referred to in recommendation 2.2 of the report and discussed in paragraph 3.7 will be considered until the Reserves Projections have been updated and reported to the Executive in August.

(The Portfolio Holder for this item was Councillor Whiting)
Forward Plan Reference 918

31. Ultra-Low Emission Bus Scheme Grant Application

The Executive considered a report from Health and Community Protection which asked Members to endorse the Council's funding bid to the Office of Low Emission Vehicles (OLEV) for the Ultra-Low Emission Bus Scheme (ULEBS).

The ULEBS funding was expected to support a range of bids and formed part of OLEV's long-term strategy to increase the uptake of ultra-low emission buses into fleets and tackle poor air quality.

The report advised that £48m of ULEBS funding was available for the purchase of ULEBs and the infrastructure to support them between 2018/19 and 2020/21. OLEV would contribute up to 50% (or up to 75% where the bus could operate in zero emission mode) of the cost difference between the ULEB and the standard conventional diesel equivalent of the same total passenger capacity. However, bids which requested less funding would be favoured.

For infrastructure, OLEV would contribute up to 75% of the capital expenditure incurred as a result of its purchase and installation, and would reward bids asking for less funding. The capital cost could include surveys at the point of procuring the infrastructure, provided that these were capitalised.

The deadline for submission of the expression of interest was the 1 May 2018 and the full bid was 16 July 2018. The submitted expression of interest for the scheme was attached at Appendix B and the submitted bid application, and associated documents, was attached at appendix A to the report. Due to the short timeline of the bid application process, which did not align with the Executive reporting process, the bid was submitted with the support of the Health and Community Protection Portfolio Holder.

The bid identified match-funding of circa £277k, however, it was not necessary to identify where that funding would come from at the time of reporting and a decision on this would only be necessary if the bid was successful. However, options for funding included this Council, Warwickshire County Council, Section 106 contributions, a commercial model or a combination of two or more of these. Due to the number of available options and potential contributors, it was suggested that the decision be delegated to the Head of Finance and the Head of Health and Community Protection, in consultation with the respective Portfolio Holders, to agree the most financially desirable model and release of the appropriate funding.

In order to deliver the project, should the bid be successful, various consents and/or permissions could be required. The report proposed that it be delegated to the Head of Finance and the Head of Health and Community Protection, in consultation with the respective Portfolio Holders, to seek those consents and / or permissions.

The alternative options were that Members could decide that it was inappropriate to support the grant application and determine that it was appropriate to withdraw WDC support for the application. Alternatively, Members could determine that the 25% match funding requirement for infrastructure should not include a contribution from Warwick District Council which may cause partners to reconsider their respective positions.

The Finance & Audit Scrutiny Committee fully supported the recommendations in the report.

Members felt that this was an innovative bid which should be welcomed because it covered Leamington, including an air quality management area.

The Executive, therefore,

Resolved that

- (1) the Council's funding bid to the Ultra-Low Emission Bus Scheme (ULEBS), supported by Warwickshire County Council (WCC), Volvo Group UK and Stagecoach Midlands for a fully electrified bus route in Royal Leamington Spa, is endorsed, noting that this Council will be the accountable body; and
- (2) match funding of circa £277k would be needed if the bid was successful and should this be the case, authority is delegated to the Head of Finance and the Head of Health and Community Protection, in consultation with the respective Portfolio Holders, to agree the level and release of funding and seek, as necessary, consents and/or permissions.

(The Portfolio Holder for this item was Councillor Thompson)
Forward Plan Reference 946

32. Software and Hardware Upgrade for CCTV Service

The Executive considered a report from Health and Community Protection which set out the business case for the digital upgrade of the software and hardware used to deliver the Closed-circuit television (CCTV) service and for the steps required for the relocation of the service to the new Headquarters.

CCTV within the district developed in accordance with the national picture in the 1990's to protect vehicles in car parks in the town centres. In 2001, the scheme expanded to include a CCTV Suite at the Town Hall and cameras in Lillington & Whitnash. The Control room was refurbished in February 2013.

The report outlined the role that the CCTV service provided which included a proactive 24 hour monitoring of 190 cameras, 365 days a year. A number of other services were also provided on behalf of the Council including manning the Emergency Duty phone as a Category 1 responder as part of statutory duties under the Civil Contingencies Act (2004), a base & assistance for the Street / Taxi Marshalls, Street Pastors and Night Noise Team and the monitoring of Regent Court cameras generating £8,000 income, amongst others.

The successes achieved by the CCTV service were detailed at paragraph 3.1.4 of the report. A comprehensive description of the facilities within the CCTV Suite, the facilities available to the Police, compliance details and the quality of CCTV images were discussed in paragraphs 3.1.5 to 3.1.8 of the report.

Section 3.2 of the report explained the upgrade to the Hardware and Software and advised that currently, Warwick District Council had 73 x Pan Tilt Zoom cameras, 33 x Dome cameras and 84 Static cameras. These were analogue cameras linked to a Synectics video management recording system via primary storage nodes.

Shortly after installation of the Synectics Software in 2013, the company advised that they would be moving to a digital platform in the future and the current system would only be supported until 2020. Technology had developed rapidly since 2013 and the system's core technology had aged. From a maintenance perspective, the systems software and hardware were becoming harder to maintain in terms of support and availability of spare parts. ADT had been the Council's supplier since 2001, supported by a BT line contract, and provided a maintenance service based on two inspections per year and supported by the in house daily patrols of every camera.

ADT (through its consultancy arm Tyco) had worked with the CCTV team to assess the Council's needs; evaluated the available market software and hardware; and mapped and tested the ability to move the signal around the District. Their comprehensive report was enclosed in Appendix B to the report and identified the need to address the aging technology risks and ensure that the service was fit for future operation.

The upgrade of the cameras and software would allow the service to move to a WiFi based system rather than a hard-wired system. This almost completely removed the services reliance on BT and would save the Council £51,000 per year.

Section 3.3 of the report detailed the relationship of the upgrade to the Council's new HQ move. It had been suggested that the CCTV service relocated to the new HQ when built and the original estimate was £250,000 for this work.

The core of the system's architecture relied on BT fibre lines and therefore the existing location within the Town Hall was a significant location with regard to the design and operation of the CCTV system. In order to relocate the existing CCTV service to the new Headquarters, the 60 fibre optic cables which terminated in the equipment room of the Town Hall's CCTV suite would need to be rerouted to the new location. This would require the services of both BT and ground work contractors in order to achieve a relocated service. Two estimates for this work had been received with the highest being £1,100 per metre as detailed at Appendix C to the report.

Section 3.4 of the report outlined the business case for mobile cameras and advised that the current and emerging national security picture was prompting service providers to review their services to ensure that they complied with the relevant legislation, codes of practice and assisted to deter/identify at an early stage threats.

The Council had outlined its vision of increasing the number of events held throughout the District and the majority of these were not held on land well served by CCTV cameras. Officers felt it would be beneficial to have the ability to install cameras on a temporary basis in order to assist event organisers and to monitor for issues of a relevant nature. By including deployable mobile cameras within the CCTV service it would be possible to respond to the growth in events and other temporary activities within the District.

It had been proposed that the digital upgrade took place following a phased approach as outlined in appendix B to the report. A table summarising the work phases and associated costs was shown at paragraph 3.5.1 of the report. Appendix B outlined two different Video Management Systems (VMS) which the Council could choose to operate and officers had identified Genetic as the preferred VMS (option 2) which would bring maximum flexibility and address a major risk of over-reliance on a single supplier.

The report advised that there would be project management implications associated with the project and would require the reallocation of workloads. It had been calculated that, subject to Hay and Employment Committee outcomes, the recurring cost would be £16,000. At the end of phase two, annual revenue savings of £78,824 would be achieved. This would be made from savings on BT line rental, £51,309, and the reduction in ADT maintenance contract, £26,975. These were also outlined in appendix C to the report.

From a procurement process view point, officers would be utilising the ESPO 68 framework for Security and Surveillance Equipment & Services via mini competition.

Future commercial opportunities were also explained in the report, including the potential for the CCTV service to operate the security contract for the Council's new HQ along with further work involving council housing initiatives.

Consideration had been given to the different options of upgrading the software and hardware of the CCTV service or not and relocation from the town hall or not. Appendix C to the report compared the costs, risks and benefits of moving to the new headquarters or not.

The Finance & Audit Scrutiny Committee fully supported the recommendations in the report.

The Executive, therefore,

Resolved that

- (1) the service currently provided by the Council's CCTV operation, is noted;
- (2) the business case for upgrading the Council's CCTV software and hardware, is noted;
- (3) the relationship between a CCTV upgrade and relocation of the Council's headquarters, is noted;
- (4) the proposal to upgrade the software and hardware technologies for the CCTV service including the introduction of mobile cameras is agreed, current cost estimates of the upgrade are in the region of £800k to c£1m and a further report will be received when there is more cost certainty to agree the release of the necessary funding;
- (5) the approach to procuring the software and hardware upgrades, is noted;
- (6) the opportunities for further commercial activity that can be explored following the system upgrade, are noted.

(The Portfolio Holder for this item was Councillor Thompson)
Forward Plan Reference 945

33. Air Quality SPD

The Executive considered a report from Development Services which advised that the Warwick District Local Plan 2011 – 2029, adopted in September 2017, required relevant applications to provide an air quality assessment (Policy TR2). These assessments were in turn required to use guidance, currently the Low Emission Strategy Guidance, published in 2014. Working with authorities in the sub-region, this Guidance had been reviewed and revised and the document was prepared and attached at Appendix 1 to the report.

The policies within the NPPF and the Local Plan superseded those quoted throughout the current Low Emission Strategy Guidance. The draft SPD gave clear criteria for applicants to follow and also demonstrated the mitigation required dependant on the air quality issues caused by the development.

The Supplementary Planning Document had been developed in conjunction with other local authorities in the sub-region (with the exception of North Warwickshire) to ensure that a consistent methodology and mitigation process was used across the area.

The Council's 'Statement of Community Involvement' (SCI) adopted in January 2016, outlined in Table 2 of the report, gave guidance on community involvement in stages of Supplementary Planning Document (SPD) production. The SCI stated that once guidance, such as the Air Quality SPD, had been prepared, comments would be invited from all interested parties and the wider community. This document had reached this stage and consultation was required to progress the document.

The alternative options were that the Executive could decide not to pursue the adoption of an Air Quality SPD but this would have a detrimental effect overall on the health and wellbeing of residents by depriving officers of the support required to ensure that developments were designed with appropriate air quality mitigation.

The Overview & Scrutiny Committee welcomed and supported the report and recommended that the report be aligned with the new NPPF prior to the report going out for consultation.

The Executive, therefore, approved the recommendations in the report along with the recommendation from the Overview & Scrutiny Committee that the SPD be aligned with the new draft National Planning Policy Framework (NPPF) prior to it going out to consultation.

Resolved that

- (1) the content of the Draft Air Quality SPD attached as Appendix 1 to the report, is agreed and this be made subject to a public consultation for no less than six weeks;
- (2) following the public consultation, a final version of the SPD will be brought before them to formally approve, following which it will assist in the determination of planning applications; and
- (3) the SPD is aligned with the new NPPF prior to consultation.

(The Portfolio Holder for this item was Councillor Rhead)
Forward Plan Reference 943

34. Canal Conservation Area

The Executive considered a report from Development Services which updated Members on work being undertaken to designate a Canal Conservation Area as outlined on the boundary maps attached to the report and including public consultation on the proposed designation. The Canal Conservation Area would assist heritage-lead regeneration, including the Creative Quarter in Leamington's Old Town, and other waterside development opportunities across the District.

A major conservation project to establish a new Canal Conservation Area began in October 2017. The key output was a new designated conservation area - to be approved by WDC - following public engagement informed by the appraisal of existing policy, social and physical context.

The appraisal document described the character and appearance, and defined the heritage values of this two centuries old heritage asset; by explaining what was significant about the evolution of the District that flowed from the canals; identifying key features in the landscape and built form and considering setting; and identified vulnerabilities and opportunities for enhancement.

The report advised that the Warwick District Council Local Plan had identified that Waterways could be used as tools for place making and place shaping and contribute to the creation of sustainable communities (Warwick District Local Plan NE7).

The Grand Union canal (including the former Warwick and Birmingham canal and Warwick and Napton canal), and Stratford on Avon Canal serve as a major heritage asset that strengthened Warwick District's overall economy and tourism offer and enhanced the quality of life for the 66,000 residents who lived within one kilometre/ ten minutes' walk of a canal.

An appraisal had been undertaken to explore the physical context, to understand, analyse and articulate exactly how the eighteenth century landscape had changed and evolved and would continue to do so; why the waterway corridor was special and what elements within the area contributed to this special quality and which did not; and how to preserve and enhance what was significant.

It was therefore in the public interest for the Council to work with the Canal & River Trust and owners in the surrounding area to:

- sustain the existing heritage assets;
- manage change to enhance the settings;
- promote access and use that would enhance quality of life for the District's residential population; and,
- strengthen the local economy and tourism offer.

Public Consultation would extend over a seven week period and would follow the procedure adopted by the Council's Statement of Community Involvement adopted in January 2016. The reward for meaningful engagement was that community knowledge and values could inform professional judgment, and was the best way to generate broad support for plans and projects that impacted on places people value. A public meeting and formal resolution to adopt appraisal and management proposals would be required.

It would be possible for the Council to ignore this opportunity to work with the Canal & River Trust and others in the stewardship of this asset. However, this would fail to recognise the foresight and belief of Warwick's eighteenth century citizens, in creating this enduring legacy. Not to designate would accept that this was a lost opportunity to build on that

enterprise, and thus to miss out on the regeneration, investment and improved quality of life that recognition of this asset through designation and guidance could bring.

The Executive requested that their thanks be passed to all of the officers involved for their work on the project so far.

The Executive therefore,

Resolved that

- (1) the special interest identified in the summary canal appraisal, attached at Appendix 1 to the report, is noted;
- (2) the work being undertaken to designate a proposed Canal Conservation Area as outlined on the enclosed draft boundary maps attached at Appendix 2 to the report, is noted;
- (3) a seven week public consultation is undertaken on the proposed Canal Conservation Area as set out in Appendix 2 to the report.

(The Portfolio Holder for this item was Councillor Rhead)
Forward Plan Reference 934

35. **Second Warwick Sea Scouts Headquarters**

The Executive considered a report from Development Services which sought agreement for the Council to make a financial contribution totalling £160, 000 towards the overall costs of £770,000 (with £334,318 already raised/ pledged) for a new headquarters (HQ) for the Second Warwick Sea Scouts (2WSS). This would help ensure the sustainability of 2WSS in its current location and improve the provision of activities/ services available in St. Nicholas Park, Warwick.

Members were aware of the work being undertaken by 2WSS to improve their facilities in St. Nicholas Park, Warwick. These were last reported to Executive in July 2017 and had evolved since an earlier report was brought before Executive in 2014.

The report advised that 2WSS had revised their original business plan to reflect more accurate costing. Following the 26 July 2017 Executive Report, 2WSS held detailed discussions with surveyors as part of procuring a contractor to undertake works on the new jetties, improved slipways and new boatyard. This demonstrated that works would cost more than originally anticipated, rising from £50,000 to £125,000. The updated business plan also included an up to date fundraising position which stood at £334,318 (including pledges not yet received amounting to £153,124) and included a grant of £82,000 from the Wren Community Action Fund.

2WSS were able to fund the jetties work from existing resources, raised specifically for that phase. The support from the Council would be used to fund Phase Two of the works.

The Council had previously agreed relocation costs for the skate park adjacent to St. Nicholas Park Leisure Centre, which was on the site of the proposed HQ. This had been agreed with the Green Spaces Team at £40,000 and £50,000 had been allocated from the Service Transformation Fund in the report to Executive 12 February 2014. In order to simplify the delivery of the HQ scheme, the Council's Green Spaces Team agreed to manage the skate park relocation project, retaining £40,000 with the remaining £10,000 allocated directly to 2WSS. This was to be allocated at a time decided by the Chief Executive in conjunction with the Portfolio Holder, in line with the recommendation made in the report.

The work undertaken by 2WSS over the last three years had given them a much better understanding of the costs, challenges and opportunities of the significant project they were undertaking. 2WSS had recently approached the Council with a request for a further grant of £150,000.

Discussions with Charitable Trust providers suggested that major funders would be receptive to the idea of creating a funding consortium whereby individual large funders made pledges conditional on the total required amount being achieved. Council support at the level requested would act as a catalyst for this process.

The sum sought was well outside of the parameters of the Council's RUCIS scheme. In similar situations, the Council had taken the approach of considering the request in the light of the use of its Community Projects Reserve. This reserve was funded by monies received as part of the New Homes Bonus Scheme and was intended as a financial reward to Councils for accepting new housing development that could and should be reinvested in the local community. Therefore, it was proposed that the Council administered the request as if it were a RUCIS scheme grant application but fund it from the Community Project Reserve subject to:

- The other sources of funding being agreed
- The signing off of a finalised business plan
- That the administration of the application met all the usual criteria of the administration of a RUCIS grant application i.e. that draw down of the grant was on a monthly basis in line with invoices received by 2WSS for work and submitted to the Council via a Monthly Valuation Certificate.

The revised business plan which was attached as Appendix 1 to the report, identified three delivery phases as follows:

Phase one – To renovate/ extend jetties and build a new boatyard, scheduled for autumn 2018.

Phase two – To build a new HQ building adjacent to the St. Nicholas Leisure Centre, scheduled for 2019/ 2020. This had been further sub-

divided into Phase 2a (construction of main hall and core facilities) and Phase 2b (storage annex). It was 2WSS' intention to deliver both phases together.

Phase three - Renovation of existing hut into a riverside boathouse.

Discussions were ongoing with regards to the 2WSS storage facilities on Myton Fields. This currently occupied the site of the former sailing club and included property that required secure storage – a rigid inflatable boat (RIB) and petrol for the RIB engine. 2WSS had indicated that they would vacate the site prior to the completion of Phase 1 of the scheme, if an alternative storage solution could be agreed. It was suggested that authority be delegated to agree any such solution.

It was anticipated that Phase 2 would not commence until the financial year 2019/ 20. The Council's funding for this project should be confirmed in February 2019 as part of the Budget Setting report.

The alternative options were that the Council could refuse to provide additional funding or provide less funding. However, this would threaten the viability of the scheme or further reduce its scale and therefore delivery of services/ activities within the park.

The Executive welcomed the report and felt the project was a positive initiative to improve not only this facility but part of the wider community.

The Executive, therefore,

Resolved that

- (1) the continuing progress being made by Second Warwick Sea Scouts (2WSS) in its efforts to replace its current facilities in St Nicholas Park, Warwick and in particular that 2WSS now proposes to deliver the new headquarters (HQ) building in two phases should it be unable to raise funds to build in a single phase, is noted;
- (2) a further £150,000 be contributed from the Community Projects Reserve from 2019/20 towards the cost of constructing the new HQ subject to:
 - a. Receiving written confirmation that all matching funds required have been received.
 - b. Receiving a final and acceptable version of the business plan for the scheme.
 - c. The conditions that normally apply to the administration of RUCIS scheme grants are met.
 - d. Council agreeing to confirm sufficient funding to the Community Projects Reserve in February 2019 as part of the Budget report;

- (3) authority is given to the Executive to sign off the final business plan and to agree to release monies in accordance with the recommendation;
- (4) £10,000 of the £50,000 previously allocated to 2WSS is provided to support the relocation of the skate park with the remaining £40,000 that was previously allocated to now be retained by the Green Spaces Team to manage/ deliver the relocation of the skate park as a separate project;
- (5) discussions as to the timing of 2WSS vacating their site on Myton Fields are ongoing and delegates authority to the Chief Executive and Head of Neighbourhood Services , in consultation with the portfolio holder for Neighbourhood Services to sign off an agreed solution.

(The Portfolio Holders for this item were Councillors Coker and Grainger)
Forward Plan Reference 944

36. Centenary Fields Initiative

The Executive considered a report from Development Services which set out proposals by the Council to dedicate four open spaces in the District under the Centenary Fields initiative to commemorate those who lost their lives in World War I.

Fields in Trust was a national charity that operated throughout the UK to safeguard recreational spaces. Their mission was to ensure that everyone, young or old, able bodied or disabled and wherever they lived, should have access to free, local outdoor space for sport, play and recreation, advocating that these spaces were vital to building happy and healthy communities.

The Centenary Fields programme was launched in 2014 by Fields in Trust President, HRH the Duke of Cambridge. It aimed to protect at least one green space in every local authority area across England, Wales, Scotland and Northern Ireland to commemorate the centenary of World War I. Safeguarding these sites would create a living UK wide legacy in commemoration of the sacrifice made by those who lost their lives in WWI.

Fields in Trust was working in partnership with the Royal British Legion to deliver the programme which would commemorate this significant milestone in history and create a tangible local legacy that would be valued by communities for generations to come.

The main benefits of taking part in the initiative were to:

- contribute to a UK initiative to commemorate those involved with World War I
- raise awareness of both the initiative and the Council's commitment to providing for public access and recreation
- raise the profile of the nominated sites.

The initiative also aimed to safeguard valued public spaces for the future. However, as most of these green spaces were already safeguarded through other means, this was not necessarily an additional benefit.

Each of the green spaces proposed had significant connections with World War I.

Abbey Fields, Kenilworth - There was a war memorial in form of obelisk unveiled in 1922. It commemorated those who died in WWI, WWII and the Korean War. It was located at the top of Abbey Fields near the junction of Abbey End and Abbey Hill.

St. Nicholas Park, Warwick - This had an avenue of trees central to the park. At the base of some of the trees were small stone cairns on which were plaques mounted commemorating various individuals from both world wars. More recently, a new war memorial had been erected dedicated to those involved in World War I.

The Pump Room Gardens - Soldiers from across the country as far afield as Gateshead and Exeter came to Royal Leamington Spa Pump Rooms to receive special treatment for their war wounds during WWI. The Turkish baths and radical radiant treatments were the main attraction. Approximately more than 7,000 treatments were given to injured soldiers at the Pump Rooms over the four years of WWI.

RAF Centenary Park (Tapping Way open space) in Warwick - This site had been discussed with The Fields in Trust and even though there was a less strong link with WWI, there was a link with Royal Air Force Warwick. RAF Warwick was a former Royal Air Force relief landing ground and was opened on a large grass field called Tournament Field in December 1941. Due to the 100th Anniversary of the founding of the RAF the Fields in Trust had said they would consider an application for this site. This was a new open space which was about to be adopted by the Council from the developer Taylor Wimpey. Locally, the open space was known as Tapping Way open space. Council officers had discussed the new name with the Chase Meadow Residents Association which supported the proposed name of RAF Centenary Park.

It was not necessary for the green spaces involved in the programme to change their names. Each of these green spaces already had names that were instantly recognisable within the community through their long usage. The green space would acquire Centenary Fields status, and would receive and display signage associated with this, which would ensure there was no requirement for any actual name change.

If each of the green spaces was accepted as a Centenary Field, the legal process would start and green spaces would be protected via a Deed of Dedication. Fields in Trust would draw up the draft deed and the Council then had the opportunity to make amendments. When all parties were satisfied with the deed, it would be signed and registered with the Land Registry.

Once the green spaces had been dedicated, each would receive a Centenary Fields commemorative plaque. The requested funding would ensure that the plaques were sensitively located within each green space and interpreted specific to each of them.

Alternative sites around the District had been considered for designation, however, they had been discounted on the basis that they did not have a clear link with WWI and did not meet the selection criteria. Therefore, the four sites proposed were considered the most suitable sites for designation.

Members welcomed the report and felt that this was an appropriate way to mark this anniversary.

The Executive, therefore,

Resolved that

- (1) the open space known locally as Tapping Way open space, within the residential area of Chase Meadow, Aylesford ward, Warwick, is formally named as RAF Centenary Park;
- (2) an application is submitted to the Fields in Trust for the dedication of Abbey Fields Kenilworth, St. Nicholas Park Warwick, Pump Room Gardens Royal Leamington Spa and RAF Centenary Park (Tapping Way Open Space) Warwick as Centenary Fields;
- (3) each of these green spaces will be dedicated as Centenary Fields, if the applications are successful;
- (4) authority is delegated to the Head of Neighbourhood Services, in consultation Portfolio Holder for Neighbourhood Services, to agree and sign the terms of a Deed of Dedication to provide Centenary Field status to those green spaces;
- (5) £2,000 of funding will be made available from the Community Project Reserve to support the costs of erecting plaques and any associated interpretation.

(The Portfolio Holder for this item was Councillor Grainger)

37. Leamington Car Park Displacement Strategy

The Executive considered a report from Neighbourhood Services which provided an update on the implementation of the previously agreed Car Park Displacement Strategy for Leamington and set out further proposals to minimise parking disruption during the displacement period, including the potential use of the existing Riverside House car park to provide public car parking capacity on weekdays.

The Council had been in dialogue with the Leamington Chamber of Trade and officers from the Leamington Business Improvement District to ensure a car park displacement strategy would be put in place for the period between the closure of the existing Covent Garden car parks (maximum current capacity 468 spaces) and the opening of the new Covent Garden multi-storey car park (maximum capacity 618 car park spaces, plus 20 motorcycle bays and 30 bicycle spaces). The displacement strategy would cover an estimated 18 month period but, crucially, the timetable for the development works ensured that this would only cover the 2019 Christmas period.

Members noted that the Executive of 7 February 2018 approved funding for capital works to develop new car parking capacity around the periphery of Leamington town centre, the use of the existing Riverside House car park to provide weekend public parking, and proposals to change the parking arrangements at St. Peters multi-storey car park. These proposals underpinned a strategy of maximising short-term car parking provision within the town centre (on and off-street) during the displacement period.

The strategy would provide significant additional car parking capacity to minimise the disruption caused by the closure of the Covent Garden car parks. New provision of 302 spaces, with a further 260 available at weekends would be provided at various locations around Leamington. These were listed in full at section 3.1. of the report along with the detailed plan for each location.

The LLP, as the applicant for the approved planning applications was also seeking increased prioritisation of short stay car parking at St. Peter's MSCP as part of the s106 Agreement.

Work was progressing to deliver dedicated short stay parking at St. Peter's Car Park from the point that the Covent Garden car parks closed. It was proposed to dedicate the lower five floors to short stay car parking, with the remainder for long stay parking and season ticket holders. To achieve this new method of operation, the car park would change from pay on foot to pay and display during the displacement period.

Following the approval of the recommendations within the February 2018 report, Members requested that further work be undertaken to determine

whether some weekday parking could be provided at Riverside House. Therefore, a review was undertaken to look at ways of reducing the demand for staff parking by working in a more agile way and considered opportunities to create additional capacity by formalising the layout of the lower staff car park, and creating clearer parking bays.

The current Ranger Team was comprised of 12.5 FTEs, and provided a number of functions including parking enforcement, staffing St. Peter's Multi-Storey Car Park, sign posting for customers, information gathering, reporting, and liaising with numerous partners and agencies.

The current number of Rangers was only sufficient to enforce on the Council's existing car parks, and carry out a limited range of duties and did not provide the capacity that was likely to be required to ensure the smooth operation of the displacement strategy. Additional visits would be needed at the new Court Street, Archery Road, Princes Drive, and Station Approach car parks as well as more visits to St Peters Multi Storey Car Park, to ensure areas were safe and parking machines were working properly.

The report therefore proposed to employ four additional temporary Rangers for the first twelve months, reducing, on review, to two for the second twelve month period when it was anticipated car park users would be familiar with the new arrangements.

The Business Support team within Neighbourhood Services currently comprised five Full Time Equivalents (FTE's) (3 x Full Time and 2 x Part Time) and a Team Leader. One of the Part Time advisors was on Maternity Leave at the time of reporting. The team was multi-functional and alongside the car parking duties the team liaised with the three main externalised contractors over enquiries, orders, complaints and telephone calls.

The implementation of the displacement strategy would increase the workload of the Business Support team in a number of ways which were outlined in full at section 3.4 of the report.

Additional resources were essential within the team to provide resilience over the car park displacement period, but also the period when the Council moved to its new headquarters.

The temporary additional Ranger and Business Support resources would cost in the region of £225,000 over two years.

The report asked Members to note that a specialist company had been engaged to assist in the delivery of a signage strategy for the displacement period, to ensure smooth traffic flow and clear information on parking options. Further details were provided at section 3.5 of the report. The traffic management company was already in the process of developing an initial signage plan for consultation with local stakeholders and Warwickshire County Council. The signage strategy was estimated to cost in the region of £10,000.

Concerns had been raised by BID Leamington and the Chamber of Trade that any parking disruption would add to the current pressure being faced by businesses in Leamington Town Centre. It was important to counter any perception that visiting or parking in Leamington would be a problem and the report therefore requested agreement to fund a comprehensive communications plan to ensure there was a clear message that "Leamington is open for business" throughout the displacement period.

The specialist parking consultant would be jointly funded by the Council and BID Leamington and could be accommodated within existing budgets. The communication plan would cost in the region of £150,000 over two years.

In addition, Warwickshire County Council had an established Active Travel campaign for Warwickshire and it was proposed that Warwick District Council would link into this campaign with promotions about walking, bus, rail and cycle travel promoted through digital and print media and through online channels.

The report advised that the current temporary Car Park Project Manager Post would come to an end in October 2018. The project work in Leamington would need to be delivered for the next two years and therefore there was a need to establish a permanent project management post to help develop capacity within the Service Area, and allow the post holder to develop their skills and knowledge. This would be at a cost of circa £45,900 per annum and the additional cost would be funded from the Contingency Budget for 2018/19. From 2019/20, this cost would be included with the Medium Term Financial Strategy.

An alternative option was not to implement the changes at St. Peters Multi Storey Car Park or Riverside House, however, these had been discounted as these changes were a condition of the planning approval.

Members could decide not to agree to the additional funding for any, or all of the elements, however, this was likely to have a detrimental impact on the project and local businesses and the Council was committed to putting in place as many initiatives as possible to mitigate disruption.

The Finance & Audit Scrutiny Committee supported the recommendations in the report.

The Overview & Scrutiny Committee noted the report.

The Executive thanked the scrutiny committees for their support and the discussions at their meetings which would help shape the ongoing work to develop the strategy further. The Leader highlighted that Covent Garden Car Park needed to be replaced irrespective of the decision to move the Council HQ.

The Portfolio Holder for Neighbourhood Services, explained that dispersal onto the streets was already occurring because not everyone wanted to pay to park. The Council would be offering alternative car parks further

out of town at a cheaper rate. She advised that officers were talking to the County Council but so far progress had been frustrating.

The Executive, therefore,

Resolved that

- (1) the overall proposals to provide at least an additional 302 spaces will be provided during the week and an additional 562 spaces at weekend, and the progress towards delivery of additional public car parking capacity at Princes Drive, Archery Road, Court Street, Station Approach and Riverside House, as detailed in section 3.1 of the report, are noted;
- (2) the progress towards delivery of revised parking arrangements at St. Peters multi-storey car park, is noted;
- (3) the principle of public car parking being provided on weekdays at Riverside House in the week, is agreed;
- (4) subject to the approval of the proposed revised establishment by Employment Committee, a temporary increase in both front-line and back-office staffing resources will be funded, to ensure additional resources can be deployed to manage the additional car parking provision effectively and ensure swift and effective communication with the public in the lead up to, during, and after the displacement period;
- (5) a specialist company has been engaged to assist in the delivery of a signage strategy for the displacement period, to ensure smooth traffic flows and clear information on parking options;
- (6) in conjunction with BID Leamington, a specialist parking consultant has been engaged, to assist in the identification of any further areas of work that would help to minimise disruption during the displacement period, and their work will be funded jointly by the Council and BID Leamington;
- (7) a comprehensive communications plan will be funded, to ensure there is a clear message that "Leamington is open for business" throughout the displacement period;

- (8) the other work strands that are currently being investigated to encourage modal shift, to more sustainable forms of transport;
- (9) the creation of a permanent post will be funded within Neighbourhood Services to deliver a range of projects to develop both a wider car parking strategy and other initiatives to encourage modal and behavioural shift, throughout and after the displacement period, funded from the Contingency Budget in 2018/19 and included within the Medium Term Financial Strategy thereafter; and
- (10) the resultant one-off additional costs, totalling £385,000, will be funded from the 2017/18 surplus.

(The Portfolio Holder for this item was Councillor Grainger)
Forward Plan Reference 942

38. Rural and Urban Capital Improvement Scheme (RUCIS) Application

The Executive considered a report from Finance which provided details of two Rural/Urban Capital Improvement Scheme grant applications for St Chad's Centre Trust Company and Cubbington Sports & Social Club Limited.

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.

St Chad's Centre Trust Company had requested a grant from the rural cost centre budget for St Chad's Centre Trust Company Ltd of 49% of the total project costs. This was to construct a pathway from the centre to the village green, including re-ordered drainage and a pathway lighting system, and to provide mains power supply from the centre to the village green, up to a maximum of £9,000 including vat. Further details were provided in Appendix 1 to the report.

Cubbington Sports and Social Club Ltd had requested a grant from the rural cost centre budget for Cubbington Sports & Social Club Limited of 50% of the total project costs. This was to resurface the top car park, up to a maximum of £11,430 excluding vat, subject to receipt of the written confirmation from Cubbington Parish Council (or an alternative grant provider) to approve a capital grant of £5,000, written confirmation from Cubbington Free Holders (or an alternative grant provider) to approve a capital grant of £5,000 and proof of ownership of the land. Further details were provided in Appendix 2 to the report.

The report advised that the budget for the Rural/Urban Capital Improvement Scheme applications for 2018/19 was £150,000 (£75,000 for rural projects and £75,000 for urban projects).

There was £49,075 available to be allocated for Rural/Urban Capital Improvement Scheme Grants from the rural cost centre budget in 2018/19. If the applications were approved, £28,645 would remain in the rural cost centre budget.

The Council only had a specific capital budget to provide grants of this nature and therefore there were no alternative sources of funding if the Council was to provide grants for Rural/Urban Capital Improvement Schemes. However, Members could choose not to approve the grant funding, or to vary the amount awarded.

The Executive, therefore,

Resolved that

- (1) a Rural/Urban Capital Improvement Grant from the rural cost centre budget for St Chad's Centre Trust Company Ltd of 49% of the total project costs to construct a pathway from the centre to the village green, including re-ordered drainage and a pathway lighting system, and to provide mains power supply from the centre to the village green, is approved, up to a maximum of £9,000 including vat;
- (2) a Rural/Urban Capital Improvement Grant from the rural cost centre budget for Cubbington Sports & Social Club Limited of 50% of the total project costs to resurface the top car park, is approved, up to a maximum of £11,430 excluding vat, subject to receipt of the following:
 - written confirmation from Cubbington Parish Council (or an alternative grant provider) to approve a capital grant of £5,000;
 - Written confirmation from Cubbington Free Holders (or an alternative grant provider) to approve a capital grant of £5,000;
 - Providing proof of ownership of the land.

(The Portfolio Holder for this item was Councillor Whiting)

39. **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. It had been drafted following a review by the Council's Senior Management Team and the Leader of the Council.

The Significant Business Risk Register (SBRR) recorded all significant risks to the Council's operations, key priorities, and major projects. Individual services also had their own service risk registers.

The SBRR was reviewed quarterly by the Council's Senior Management Team and the Council Leader and then, in keeping with Members' overall responsibilities for managing risk, by the Executive. The latest version of the SBRR was set out as Appendix 1 to the report.

A summary of all the risks and their position on the risk matrix, as currently assessed, was set out as Appendix 2 to the report.

The scoring criteria for the risk register were judgemental and were based on an assessment of the likelihood of something occurring, and the impact that might have. Appendix 3 set out the guidelines that were applied to assessing risk.

In line with the traditional risk matrix approach, greater concern should be focused on those risks plotted towards the top right corner of the matrix whilst the converse was true for those risks plotted towards the bottom left corner of the matrix. If viewed in colour (e.g. on-line), the former set of risks would be within the area shaded red, whilst the latter would be within the area shaded green; the mid-range would be seen as yellow.

Any movements in the risk scores over the last six months were shown on the risk matrices in Appendix 1 and were normally explained in this section of the report. There had been no movement in any of the risk scores in the past two quarters, however, so no narrative to explain these was required. No risks were currently in the red zone.

This report was not concerned with recommending a particular option in preference to others so other suggestions were not applicable.

The Finance & Audit Scrutiny Committee were unable to consider this item.

Councillor Quinney addressed the Executive and expressed his disappointment that the Leader had not been present to discuss this item at Finance & Audit Scrutiny Committee. He felt that this sent the message that the risks were not being paid due respect.

In response, the Executive highlighted that Councillor Whiting was also listed on the report as Portfolio Holder and had been present at the time of discussion. Members did not feel that the absence of the Leader was a sufficient reason for the Committee not to consider the report.

The Executive, therefore,

Resolved that

- (1) the Significant Business Risk Register attached at Appendix 1 to the report is noted; and
- (2) the changing risks and the emerging risks identified in sections 9 and 10 of this report, are noted.

(The Portfolio Holders for this item were Councillor Mobbs and Whiting)

40. Risk Management Annual Report 2017/18

The Executive considered a report from Finance which updated the Risk Management Strategy and advised on the progress being made in implementing and embedding risk management throughout the organisation.

The report advised that Members were responsible for overseeing the organisation's risk management arrangements, and further information was detailed in Section 8 of the report, 'Responsibility for Risk Management'. The recommendations set out in the report helped to fulfil that responsibility.

The overriding objective for risk management was to embed it within the organisation so that it was a seamless, but fundamental, part of the organisation's processes and not viewed as a separate bureaucratic activity with little value. However, as with all objectives of this nature, there was no specific picture of what a fully risk-embedded organisation looked like and the goal of embedding risk management was an ongoing journey rather than one with a definite ending.

To help achieve the objective of embedding risk management, the Council had a Risk Management Strategy and the current strategy was set out at Appendix A to the report.

A Risk Management Action Plan was produced each year which detailed a number of tasks to advance risk management in the Council. Last year's Action Plan and a review of the progress in achieving the actions were attached in Appendix B to the report.

There were numerous activities being carried out on a day-to-day basis that followed risk management principles or that helped to embed risk management in the organisation. Examples of these activities were summarised in Appendix C to the report and were divided into corporate initiatives and service-led initiatives.

Appendix D to the report set out the Council's Risk Management Action Plan for 2018/19. Progress in achieving this would be monitored by line management and reported at the end of the year.

The report was not concerned with recommending a particular option in preference to others so there were no alternative options considered.

The Finance & Audit Scrutiny Committee supported the recommendations in the report.

The Executive, therefore,

Resolved that

- (1) the report and its contents are noted, in particular that which sets out members' responsibility for risk management;
- (2) the Council's Risk Management Strategy, attached at Appendix A to the report is reaffirmed;
- (3) Members are satisfied with the progress being made in establishing risk management in the Council, noting the progress in completing the previous year's Risk Management Strategic Action Plan, attached at Appendix B to the report, and other activities undertaken during the year that provide evidence of a risk management culture attached at Appendix C to the report, are noted; and
- (4) the Council's Risk Management Action Plan for 2018/19 attached at Appendix D to the report, is noted.

(The Portfolio Holder for this item was Councillor Whiting)

41. **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 two items by reason of the likely disclosure of exempt information within the paragraph 3 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

The Minutes for the following items would be detailed in the confidential minutes of the meeting.

42. **Creative Quarter: Growth Deal, Bid Options & Potential Purchases**

The Executive considered a report from the Deputy Chief Executive (BH) which advised Members of a number of opportunities to help drive forward the Council's aspirations to develop the Creative Quarter in the Old Town area of south Leamington.

The Finance & Audit Scrutiny Committee supported the recommendations in the report.

The Overview & Scrutiny Committee's comment and recommendation is detailed in a separate confidential document.

The recommendations in the report were approved, subject to the amendment recommended by the Overview & Scrutiny Committee and 2.3 be amended to read "in the region of".

(NB: recommendation 2.3 and 2.4 were recommendations to Council for it to consider and therefore would not be subject to call-in)

(The Portfolio Holder for this item was Councillor Mobbs)

43. **Ultra-Low Emission Bus Scheme Grant Application - Appendix**

The Executive considered a confidential appendix relating to Agenda Item 4, Ultra-Low Emission Bus Scheme Grant Application.

The appendix was noted.

(The Portfolio Holder for this item was Councillor Mobbs)

44. **Software and Hardware Upgrade for CCTV Service - Appendix**

The Executive considered a confidential appendix relating to Agenda Item 5, Software and Hardware Upgrade for CCTV Service.

The appendix was noted.

(The Portfolio Holder for this item was Councillor Mobbs)

45. **Second Warwick Sea Scouts Headquarters – Appendix**

The Executive considered a confidential appendix relating to Agenda Item 8, Second Warwick Sea Scouts Headquarters report.

The appendix was noted.

(The Portfolio Holder for this item was Councillor Mobbs)

46. **Minutes**

The confidential minutes of the meeting held on 27 June 2018 were not available and would be considered at a future meeting.

(The meeting ended at 7.09pm)

Executive

Minutes of the meeting held on Thursday 30 August 2018 at the Town Hall, Royal Leamington Spa, at 6.00 pm.

Present: Councillor Mobbs (Leader), Councillors Coker, Phillips, Rhead, Thompson and Whiting.

Apologies for absence were received from Councillors Butler and Grainger?

Also present: Councillors: Ashford; Boad (Liberal Democrat Group Observer); Naimo (Labour Group Observer and representing Overview & Scrutiny Committee); Quinney (Chair of Finance & Audit Scrutiny Committee); and Wright.

47. **Declarations of Interest**

Minute 56 – Bid for Local Authority Housing Programme – Confidential Appendix

Councillor Phillips informed the Executive that his wife was a member of one of the sites discussed in the Appendix but having taken advice, at this stage it did not cause a conflict of interest and therefore he could participate in this matter.

48. **Minutes**

The minutes of the meeting held on 25 July 2018 were not available for consideration.

49. **Stock Condition Survey**

The Executive considered a report from Housing that updated the Housing Investment Programme (HIP) as a result of the Stock Condition Survey. This was to enable building components that were considered to be in a less than satisfactory condition to be renewed by March 2020, and set out the financial implications of undertaking the proposed works and improvements.

The report provided details on each component of the survey including both the condition and the age of each element, details of the energy performance of the stock and the proposals for making improvements.

The report was a follow-up to the presentation of the findings of the Stock Condition Survey and the proposals to address them, made to a Joint Scrutiny meeting on 24 July 2018.

A stock condition survey had been undertaken across all the Council's housing stock in 2016/17, supplemented by subsequent specialist surveys (e.g. for lifts). This identified the condition of a range of building components, enabling a targeted, data and intelligence led approach to be

formulated for future improvement work programmes. Whilst the majority of the stock was of a good standard, some of the attributes on properties were not of a satisfactory standard and were in need of renewal.

The process had enabled consideration of the thermal capacity of the stock and for the energy performance of properties to be reviewed.

Each year a Housing Investment Programme (HIP) was set, outlining the budget and funding requirements for these works to be undertaken. The stock condition survey enabled more accurate budget setting to assist with maintaining the stock to a decent standard.

The HIP budgets had been reviewed in light of the proposed works and improvements to deal with the very poor and poor attributes first. Further detail relating to the condition and age of attributes could be found in section 8 of the report. Analysis of the costs of dealing with the very poor and poor attributes had determined that some additional budget allocation was required in order to undertake the works within the desired timeframe.

Alternatively, the Council could decide not to undertake the works. However, this would impact on the value of the property and could, in some instances, for example roofs, lead to more costly works being required over time.

The Council could decide only to renew attributes that were considered to be in a very poor condition; however, this would not achieve the standard of property condition that is desired.

There were reputational risks for the Council in not proceeding with the works to address features that are in a poor or very poor condition. Tenants could lose faith in the Council as a decent landlord and could raise concerns through the press or with the Housing Regulator.

The Finance & Audit Scrutiny Committee supported the recommendations in the report enthusiastically.

The Executive thanked the Scrutiny Committee for their endorsement of the report.

Resolved that

- (1) the principle of continuing to meet the Decent Homes Standard and completing work to remedy those building components identified in the stock condition survey as being in a very poor or poor condition by March 2020, be approved;
- (2) the commitment by the Housing and Property Services Portfolio Holder, at Council in April 2018, to ensure all Council homes are to be

improved such that they achieve an EPC rating of at least D wherever possible. Funding for this can be delivered within the revised HIP and existing HRA revenue budgets, be noted;

- (3) a further report be presented at a later date to the Executive which considers in detail the desired approach to properties that are in satisfactory condition but are over their cyclical date and to examine the possibility of meeting an EPC rating of 'C';
- (4) the budgets for works funded through the Housing Revenue Account (HRA) do not require adjustment as there is sufficient budget availability for this to be incorporated into existing programmes of work.

Recommended that

- (1) the Housing Investment Programme be amended, providing £3,113,700 plus 5% contingency of additional funding during the period up to 31 March 2020, summarised below with further details set out at Appendix 1 to the minutes;

Priority	Current HIP Budget 2018/2020	Proposed Expenditure 2018/2020	Additional Funding Requirement
Roof coverings	£295,400	£1,750,200	£1,454,800
Windows / Doors	£746,800	£1,217,800	£471,000
Kitchens / Bathrooms	£1,616,200	£2,238,500,0	£622,300
Thermal Improvement	£282,600	£848,200	£565,600
Total	£2,941,000	£6,054,700	£3,113,700
Contingency			£155,685
Grand Total			£3,269,385

- (2) the additional funding is financed from the Major Repairs Reserve as shown at Appendix 2 to the minutes, with the use of the further 5% contingency subject to the agreement of the Heads of Housing and Finance, in

consultation with the respective portfolio holders.

The Portfolio Holder for this item was Councillor Phillips
(Forward Plan reference number 952)

50. **Budget Review to 30 June 2018**

The Executive considered a report from Finance that updated them on expenditure against the approved budget for the Council, set out the latest financial position for both 2018/19 and in the medium term to 2022/23 and included a revised medium term financial strategy.

The Accountancy team had worked with Budget Managers and a number of variations had been identified for budgets to be amended accordingly. The report included a table that showed the major variations reported during Quarter One and overall had a favourable variance of £39,800.

Appendix A to the report detailed the allocations made from the 2018/19 Contingency Budget. The unallocated balance at the end of Quarter One was £245,800, although a further £22,000 was allocated as a result of the July Executive meeting leaving £223,800 for the rest of the year. There were reports elsewhere on the agenda seeking further allocations from this budget.

The other contingency budgets had the following unallocated balances:-

Salaries – pay award	£132,300
National Living Wage	£48,000
Apprenticeships	£100,000
Price Inflation	£50,000

Only 1% was built into the 2018/19 detailed service area budgets for the pay award but the national award was subsequently agreed at 2%. It was planned that the £132,300 salary contingency would be fully reallocated to service budgets by October. The £100,000 budget for Apprenticeships was planned to be fully utilised in 2018/19.

There were a number of potential staffing cost pressures that had emerged since the end of Quarter One, the impact of which was being assessed. The potential impact of the Assets Team re-design was considered elsewhere on this agenda and additional costs could materialise for the Accountancy Team within the Finance service area as a result of the engagement of temporary staff to deal with the closure of accounts. If appropriate, adjustments would be made to the budget at a later date and reported to members through a subsequent Budget Monitoring report.

Appendix B to the report showed details of the Council's major income budgets. The first three months' actuals had been profiled to project the potential out-turn for 2018/19, based upon the prior year income levels for the same period. Where appropriate, the budget manager's projections were shown. Members were asked to note that with it being only three

months into the new financial year, these projections were likely to change as the various factors, potentially impacting on income, could fluctuate throughout the year.

The planning income budget was increased by 20%, compared to last financial year, following the increased flexibility announced by the Government earlier in the year. This would be closely monitored during the years and updated accordingly as part of the Budget Review process.

The HRA Revenue budget was currently forecast to be underspent by £49,700.

Earmarked Reserve Requests were approved under delegated authority by the Head of Finance in conjunction with the Finance Portfolio Holder as part of the 2017/18 Closure of Accounts process. These would be monitored and regularly reported during 2018/19. Appendix C to the report detailed the approved Earmarked Reserves and the expenditure against them during Quarter One. To date, this expenditure equated to just over 20% of the total Earmarked Reserve budget. It was expected that the rate of spend would increase over the next few months.

Changes to the Capital Budget had been identified, at Castle Farm Sports Pitch, Kenilworth, St John's Brook, Warwick and ICT Infrastructure.

The proposed change for Castle Farm Sports Pitch, Kenilworth was a slippage of £73,000 to 2019/20. The Playing Pitch upgrade to improve the drainage of the existing Council owned grass pitches would be deferred to fit in with the main Leisure Centre development works under Phase Two of the Leisure Development Programme.

The proposed change for St John's Brook, Warwick was a slippage of £100,000 to 2019/20. Officers were awaiting responses to the proposed flood alleviation scheme from the Environment Agency and it was now considered to be unlikely that the scheme would start during the current financial year.

The proposed change to ICT Infrastructure was a saving of £12,500. This was an assumed slippage from 2017/18 but should not have been made as the equipment concerned remained fit for purpose.

In June 2018 the Medium Term Financial Strategy (MTFS) showed that a further £471,000 of savings/ income was needed for delivery by 2022/23 to enable the Council to balance the Budget. Since then a £39,000 requirement for additional of savings/additional income had been identified and was summarised in the report.

Taking these changes into account, the MTFS forecast a savings/additional income requirement of £510,000. The MTFS was shown at Appendix D to the report.

Whilst the future financial prospects looked reasonable, the Council would face further future challenges and it should be as prudent as possible.

There were a number of asset related budgets that were not fully funded for the whole of the MTFS period and further work was required on how these and the Council's ambitious programme of projects would be funded in the medium to long term, which would be the subject of future reports. In addition, there were a number of issues that could yet emerge post-Brexit that could potentially impact on the Council's finances.

Taking these factors into account, it was possible that new sources of income and/or the adoption of different ways of working would be needed to ensure the current £510k savings target was met.

The Licensing & Regulatory Committee in April recommended an additional one-off sum of £30,000 to be allocated to aid the administration of the proposed boundary changes in the run-up to the May 2019 elections. It was proposed that this was funded from the Contingency budget which currently had an unallocated balance of £223,800.

Neighbourhood Services was planning to upgrade the pay and display machines at all off-street car parks across the District during the current financial year. The upgraded machines provided a number of enhancements compared to the current machines which benefited both the customer and the organisation. These included flexible payment options (chip and pin, contactless card payments, Apple Pay), the latest security features to protect against theft and vandalism and improved environmental credentials.

It was estimated that the cost of purchasing and installing new pay and display equipment would be circa £325k and it was proposed that this was funded from the Car Park Repair and Maintenance reserve. It was proposed that installation of the new machines would be completed by the end of the financial year 2018/19, with installation phased as required in order to minimise disruption to customers during busy shopping periods. Currently there was no other expenditure committed from this reserve.

Monitoring expenditure and income and maintaining financial projections was good financial management and part of good governance. Accordingly, to propose otherwise was not considered.

The Finance & Audit Scrutiny Committee supported the recommendations in the report.

Resolved

- (1) the latest variances for the General Fund budget, the projected outturn on budget and approves the budget changes detailed in section 3.2 of the report, be noted;
- (2) the latest variances for the Housing Revenue Account (HRA), the projected outturn and approves the budget changes detailed in section 3.3 of the report, be noted;

- (3) the expenditure to date on Earmarked Reserves brought forward from 2017/18, detailed in section 3.4 of the report, be noted;
- (4) the following changes to the Capital Programme, be approved
 - a) Castle Farm Sports Pitch, Kenilworth-- £73,000 slippage to 2019/20;
 - b) St John's Brook, Warwick - £100,000 slippage to 2019/20;
 - c) ICT Infrastructure - £12,500 saving;
- (5) the latest savings/ income required as shown within the Medium Term Financial Strategy, detailed in section 3.6 of the report, be noted;
- (6) an additional one-off sum of £30,000, be approved from the Contingency Budget to aid the administration of the proposed changes in the run-up to the May 2019 elections; and
- (7) the use of the Car Park Repairs & Maintenance Reserve to fund the upgrading of the off-street parking equipment as detailed in section 3.8 of the report be approved.

The Portfolio Holder for this item was Councillor Whiting
Forward Plan Reference Number 949

51. **Council Tax Reduction Scheme 2019/20**

The Executive considered a report from Finance that proposed changes to the Local Council Tax Reduction Scheme (LCTRS) from April 2019.

Warwick District Council was required to consult with the major precepting authorities and the public in respect of any changes made to the LCTRS. Since 2013/14, local authorities had been responsible for determining their own scheme; this replaced the former Department for Work and Pensions (DWP) Council Tax Benefit Scheme. Any changes must be approved by Council before implementation.

Universal Credit was being introduced across the country. It replaced a number of means tested benefits which included Housing Benefit and would be administered by the DWP. This provided the Council with the opportunity to review the current LCTRS, most claimants claimed help towards their rent and therefore claims were assessed jointly with Housing Benefit and broadly follow the same rules. Administration subsidy was received from the Government to assist authorities in the cost of administering Housing Benefit and the LCTRS, however, over time this was reducing as Housing Benefit claims reduced. Eventually, all working

age Housing Benefit claimants would be in receipt of Universal Credit instead, and so would only be applying to the Council for LCTR.

The scheme was currently complex to administer, the application process was cumbersome, evidence was required of the income and capital of all members of the household and this was prescribed by the regulations. In order to pay Universal Credit, the DWP would need to obtain this information. In future, the majority of customers who claim LCTR would be in receipt of Universal Credit and the DWP would notify the Council of the income and capital details of customers who had claimed Universal Credit. Therefore, it would be sensible for the Council to use this information to determine entitlement to LCTR, rather than the Council independently seeking the supporting information.

The provision of Universal Credit information to the Council meant that it was possible to continue with the current LCTRS. However, Universal Credit was assessed on a monthly basis using real time information, this meant for many customers, that their income changed on a monthly basis. Under the current scheme, LCTR must be re-assessed resulting in some customers receiving revised council tax bills on a monthly basis which was likely to result in confusion over what they must pay. Under a banded scheme, a customer would receive a percentage discount and this would remain the same whilst the calculated income remained within a certain tolerance. Many of the complexities in administration would be removed which made the scheme both easier to administer and be clearer for the customer when claiming.

Locally, Universal Credit for new customers would begin in October 2018 and for customers who had a relevant change of circumstance. All other customers would gradually be required to claim Universal Credit, but as yet DWP had not issued any guidance about how the migration would be managed. Based on the experience of other local authorities, officers expected over half of our current caseload to transfer during 2019 and, therefore, were proposing that all customers who claimed LCTR and were in receipt of Universal Credit be paid under the new banded scheme from April 2019, with the remaining customers transferring in April 2020. Gradually moving customers to the new scheme would enable the Council to closely monitor the impacts, particularly for those who needed to claim discretionary help.

The specific changes proposed to the scheme were considered in detail within the Appendix 1, the proposed consultation document. Some examples of the difference between the old and new scheme were attached at Appendix 2, however, it was noted that LCTR was assessed based on individual circumstances and due to changes in the scheme, their circumstances may be treated differently depending on when they applied.

Alternatively, the scheme could remain in its current format but it was felt this offered no opportunity to improve the efficiency of the scheme nor the customer experience.

The Finance & Audit Scrutiny Committee supported the recommendations in the report.

The Overview & Scrutiny Committee supported the recommendations in the report but was concerned at the level of complexity of the questionnaire and the effect this might have on the response rate.

The Executive noted the comments of the Committee but were mindful that there was a requirement to provide all the information in order to enable full consideration of the proposals.

Resolved that consultation, with the public and major precepting authorities, in respect of proposed changes to the Local Council Tax Reduction Scheme (LCTRS) from April 2019 detailed in Appendix 1 of the report, be approved.

The Portfolio Holder for this item was Councillor Whiting
Forward Plan Reference Number 948

52. Adoption of Leamington Spa Art Gallery & Museums Collections Management Framework 2018-2023

The Executive considered a report from Cultural Services that sought approval of the updated Collections Management Framework 2018 – 2023 in order for Leamington Spa Art Gallery & Museum (LSAG&M) to apply for the renewal of its membership of the Arts Council of England (ACE) Accreditation Scheme.

The Accreditation Scheme was managed by ACE and set nationally agreed standards and best practice for museums in the UK. There were currently more than 1,700 museums participating in the scheme across the UK, including LSAG&M which was owned and operated by Warwick District Council.

The Accreditation Scheme helped assure governing bodies, users, partners and potential donors that member museums meet national standards for the sector. It indicates that members provided good quality services for visitors and well cared for and accessible collections for the benefit of the public.

It was normally necessary for a museum to have accredited status in order to borrow exhibits from other museums or art galleries, or to create formal partnerships with them. Accredited status was recognised beyond the sector, and was a major asset when seeking funds provided by public bodies such as ACE and the Heritage Lottery Fund, or from charitable bodies such as the Wellcome Trust or the Contemporary Arts Society.

It was therefore vital that to renew Accreditation in order to maintain the quality of its collections, exhibitions and events programmes, continue its work with other museums and galleries, and to raise external funds.

LSAG&M last successfully gained 'accredited' status in 2012. The accreditation was valid for up to three years. Once a museum had been awarded 'accredited' status, it must prove that it continued to meet the requirements of the scheme by completing an Accreditation Return every two to three years, as required. In the meantime ACE launched a review of the scheme and so it was mutually agreed to defer the LSAG&M return. ACE had now provided LSAG&M with a deadline of September 2018 by which it must submit its Accreditation return or risk losing accredited status.

The Accreditation return required a varied range of detailed information and supporting documentation, including the LSAG&M Collections Management Framework. LSAG&M's Collections Management Framework comprises of four complementary policies: Collections Development Policy; Collections Care and Conservation Policy; Collections Access Policy; and Collections Documentation Policy.

Up to date versions of all four policies were set out as Appendices to the report.

The previous Collections Management Framework (2012 -2017) was last considered by Executive in May 2012 when it was adopted. The Framework had been reviewed and there had been no significant changes made to these policies since they were first adopted, other than to update their layout and format. Given their overarching nature, it was unlikely that further substantial changes would be made to these policies. However, ACE stipulated that the Framework's policies must all be formally reviewed at least once every five years.

It was a requirement of the Accreditation process that the latest version of the Collections Management Framework always be formally adopted by the museum's 'governing body' and that evidence of this be provided as part of the submission.

Provided that there were no significant changes to the substance of the Framework's policies it was proposed that the Head of Cultural Services, in consultation with the Portfolio Holder for Culture, should be allowed to authorise its ongoing renewal on behalf of Council for the purposes of Accreditation. Officers believed that it was unnecessary to seek approval from Executive if nothing within the policies has changed since it was last considered. It was suggested that the Head of Cultural Services, was best placed to use their judgement to decide whether changes to the Framework are significant enough to bring them to the attention of Executive for re-approval.

The Collections Management Framework was a key part of the Accreditation return and Leamington Spa Art Gallery & Museum's submission would not be considered by ACE without it being formally adopted by the Council's 'governing body'.

There were no alternatives to Accreditation as this was the only nationally recognised accreditation scheme for museums in the United Kingdom.

Failure to achieve Accreditation would significantly undermine confidence in LSAG&M within the museums sector. It would have a direct impact on LSAG&M's exhibitions and events programme because it would become very difficult to borrow exhibits or partner with other art galleries and museums.

Failure to achieve Accreditation would also impair LSAG&M's ability to raise external funds to supplement the council's own funding of the exhibitions, events and conservation programmes.

Resolved that

- (1) the Collections Management Framework 2018 – 2023, attached as Appendices A- D to the report, be adopted;
- (2) authority be delegated to the Head of Cultural Services, in consultation with the Portfolio Holder for Culture, to authorise future renewals of the Collections Management Framework on behalf of the Council, for the purposes of ACE Accreditation renewal and provided that no significant changes are made to the individual policies.

Recommended that Council updates the scheme of delegation so that it records the delegated authority to the Head of Cultural Services, in consultation with the Portfolio Holder for Culture, to authorise future renewals of the Collections Management Framework on behalf of the Council, for the purposes of ACE Accreditation renewal and provided that no significant changes are made to the individual policies.

(The Portfolio Holder for this item was Councillor Coker)
Forward Plan reference number 947

53. Assets Redesign – Additional Budget Requirement

The Executive considered a report that set out the budgetary implications of the proposed re-design of the Assets Team within the Chief Executive's Office.

A consultation exercise with staff and the recognised Trades Union commenced in May 2018 and was completed in August 2018, allowing the Job Descriptions for proposed new or significantly revised posts to be considered by the HAY Panel on 7 August 2018. The outcome of the HAY Panel decisions enabled the potential cost implications of the new structure to be finalised and these were presented in the report, together with proposals as to how the additional costs could be funded.

The Assets Team was moved into the Chief Executive's Office following the decision to disband the former Housing & Property Services service area. This decision, and the team's new designation as an internal service team, was consistent with the other teams within the Chief Executive's Office - HR and Media, ICT and Democratic Services Members & Elections - which also provided services to a range of internal clients.

Senior Officers and Councillors had, for some time, held the view that the existing structure of the Assets Team was not sufficiently delivering the expectations of service areas and elected members in the context of changing business needs. However, there was firm recognition of the hard work that all staff put in to their current roles, their achievements and the outputs from that work and the difficulties caused by changes and vacancies in the team's management.

In particular, the current structure had not proved flexible enough in resourcing, or delivering the following objectives to the desired, highest efficiency standards:

- The delivery of the Corporate Responsive & Cyclical Maintenance and Planned and Preventative Maintenance (PPM) Programmes with £485,600 (38%) of slippage at the end of 2016/17 and £595,000 (36%) of slippage last financial year.
- The aspirations of the Council to adopt a more commercial approach to the non-operational estate.
- The maintenance and updating stock condition information for the HRA homes and corporate homes.
- The use of technology and up to date data to drive efficiencies within the planning and delivery of the Housing Investment Programme and corporate PPM programme.
- The collation and dissemination of comprehensive information to demonstrate that the Council was compliant with all health and safety responsibilities.
- The specialist technical input required by high profile corporate projects.
- The resilience required to deal with vacancies or long-term sickness.

It was determined that a re-design of the team was required, based on a business case of devising and implementing a structure that could deliver all the work that was undertaken, build on that work, deliver those issues that current resourcing levels prevented being done and provided the resilience and capacity to deal with new issues that emerged.

The current structure of the team was shown at Appendix One to the report. To deliver these desired outcomes it was proposed to increase both management and building surveying capacity within the team and, following a consultation process, a proposed new structure was shown at Appendix Two to the report. This structure and the establishment changes required to implement it was presented to Employment Committee on 12 September for approval.

Although the number of posts in the proposed new structure was unchanged, the change in the balance of posts within the team resulted in

marginally higher establishment costs. The potential maximum additional cost of the new establishment was £37,472 per annum. Details of this requirement were shown in confidential (as it allowed individuals to be identified) Appendix Three to the report. However, this was a notional maximum based on the potential costs payable if every person in post was to be paid at the top point of their salary grade. Three of the posts in the proposed new structure were two year temporary positions so it was possible costs would reduce if these posts were not renewed at the end of this period.

Subject to Employment Committee approval of the new structure shown at Appendix Three, implementation would commence on 13 September. However, it was unlikely that recruitment to new or vacant posts would be completed for some months following that date.

The staffing budget provision for 2018/19 would be closely monitored as it was possible that part-year costs could be met from the existing staffing budget. However, it was recommended that any additional budget requirement was funded through the use of the Contingency Budget.

Any future additional funding requirements from 2019/20 onwards would be addressed through the budget setting process and built into the Base Budget.

To not approve the recommendation could lead to the risk highlighted in the report materialising.

The Finance & Audit Scrutiny Committee supported the recommendations in the report and recognised the positive contribution this was intended to make to reduce slippage in work programmes. The Committee also took the opportunity to highlight to Employment that an Engineer post was to be deleted, that these roles had disappeared across the Council and to question if this could be a false economy.

The Executive noted the comments to Employment Committee, but were mindful that the post had been vacant for over two years.

Resolved that

- (1) subject to Employment Committee approval of the proposed new structure and establishment for the Assets Team, an additional staffing budget of up to £37,472 per annum, with up to £22,483 to be funded from the Housing Revenue Account and £14,989 from the General Fund, be approved;
- (2) the use of the Contingency Budget if additional staffing budget requirement is required for the current financial year, be approved; and

- (3) the full year costs of the additional budget from 2019/20 onwards be built into the base budget through the Council's budget setting process.

The Portfolio Holder for this item was Councillor Phillips

54. **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 1 and 2 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

55. **Assets Redesign – Additional Budget Requirement – Confidential Appendix 3**

Resolved that the confidential appendix be noted.

56. **Bid for Local Authority Housing Programme**

The Executive considered a report from Housing that set out an opportunity to bid to the Ministry of Housing, Communities and Local Government (MHCLG) for additional borrowing headroom for the Housing Revenue Account (HRA).

It provided details of the financial, resource and reputational implications related to bidding and highlighted the potential housing opportunities that the bid could assist to deliver.

If successful, it was estimated that up to c400 homes could potentially be provided on various sites across the district.

Since the reform of the council housing finance system, with the introduction of the self-financing settlement in April 2012, local authorities had the freedom and flexibility to develop new homes within their Housing Revenue Account (HRA). At that time, limits were placed on the amount of borrowing that each local authority could undertake for housing expenditure. The government was inviting local authorities to bid for additional borrowing headroom to finance the building of new council housing or to replace homes sold under the right to buy.

The Government was making available up to £1bn additional borrowing headroom from 2019/20 to 2021/22 to councils that were ready to start building new homes in areas of high affordability pressure. A bidding prospectus had been issued with a closing date of 7 September 2018.

The available borrowing had been apportioned between London boroughs and local authorities in the rest of the country on a 50/50 basis with the

allocation profile for outside London authorities being: 2019/20 - £200m, 2020/21 - £150m, 2021/22 - £150m.

Within this scheme, local authorities could combine the additional borrowing secured through the programme with other funding sources such as retained capital receipts from the sale of council homes sold under the Right to Buy.

The Government was targeting funds to local authorities in areas of high affordability pressure which was defined as where there was a difference of £50+ per week between average social and private rents. Government produced a list of authorities where the affordability criteria applies and had invited those to bid, which included Warwick District.

The evaluation criteria for the programme includes: value for money and deliverability of the bids. There were other schemes which had been identified across the district which could qualify for the additional headroom under the governments bid criteria. These were detailed in confidential appendices one and three. This was confidential as it contained details of sites not currently in the Council's ownership where confidentiality was necessary to ensure any negotiations were not compromised. All but five of the sites comprised of land which was already owned by the HRA (garage sites). Government considered that developments on council owned land had the potential to offer better value for money. Sites were included which were deliverable within the three year timeframe of the programme. This would enable the Council to demonstrate deliverability and for the Council to develop a clear track record.

If the bid was successful, the additional borrowing headroom would support the build costs on 13 HRA owned garage sites, shown on the site plans in non-confidential Appendix Two, producing around 64 new homes of which 100% were proposed to be affordable. These sites provided the greatest level of confidence as they were already within the Council's ownership. Two other sites, not currently in the Council's ownership (listed as numbers Site 1 and Site 2 in the confidential appendix) had been progressed to a good level of certainty of delivery. Together, these were estimated as capable of producing a further 94 affordable homes. A further 3 sites (numbered 16-18 on the appendix) were also being considered but were at an earlier stage of the development process and as a consequence there was a lesser degree of surety for deliverability and costs. Nevertheless, these sites could deliver a further estimated 240 new homes, of which an estimated 180 would be affordable. If all sites were progressed then c400 new homes could be developed with the additional HRA borrowing headroom used to bring forward c340 of them as affordable homes.

Results of the bidding would be announced in the autumn with local authorities able to draw down on additional borrowing from April 2019 onwards.

The largest potential development site (numbered 17 on the confidential appendix) required further work to determine if it was feasible to develop the whole site as affordable housing. It was currently assumed that circa 40% of this site would be developed for market housing. Further discussion would be required with MHCLG to understand if they would permit the purchase of the whole site within the HRA in such circumstances. It was probable that a site with a mix of both affordable and market housing would not be capable of being wholly funded through the additional headroom.

In the event that MHCLG would limit HRA financial support to affordable housing development costs, there was the potential to purchase the market housing element of the site (40%) through the use of General Fund reserves or borrowing, so site 17 was still considered to be a viable option for the proposed bid.

Given the timeline set by the Government, it had not been possible to finalise the proposed bids sufficiently for them to be considered in full by Executive. Although the proposals were in an advanced state, some of the detail was yet to be finalised with some questions posed to MHCLG outstanding at the time of writing. It was possible that some relatively minor amendments could be required up until the date of submission. The proposal for delegated authority to finalise the detail of the bid enabled last minute revisions to proposals to be included.

Following the announcement of successful schemes in the autumn, a further report would be presented to the Executive confirming the overall financing arrangements required to deliver the schemes, and proposing recommendations to Council appropriate amendments to the Housing Investment Programme and Housing Revenue Account Business Plan to fund those requirements.

It was not known if the Government would support any or all of the schemes, or if they will fully fund those supported. The Executive could ask for these schemes to be taken forward even if Government funding was not forthcoming in full or part. There was currently sufficient funding available in the Capital Investment Reserve to support the delivery of these schemes, but its use had an opportunity cost that has yet to be analysed. The confirmed financing arrangements for the scheme would be presented to members once the outcome of the bid is known.

The proposed delegated authority would aid efficiency and timeliness in the delivery of schemes if the Head of Housing Services has the delegated authority to submit outline planning applications to establish the principle of development on individual sites. This applies as much to other sites as to those listed in appendix one and so a general delegation is proposed. Fully costed schemes would then be brought to Executive once both the initial planning outcomes and financial arrangements were clarified.

Delivery of these sites required additional capacity and skills currently not available and therefore it was proposed that external consultancy services were sought to support the process and project management for these

schemes. It should be noted that costs for professional services in relation to these developments are included within the overall scheme development costs.

Homes England provided grant funding for the development of affordable housing. Whilst it was not proposed to seek Homes England funding for the schemes in Appendix 1 to the report, it might be a useful funding source for other future developments that the Executive would wish to deliver.

Grants could be sought to complement local authority investment. The homes that Homes England fund include affordable homes for rent and sale, and homes for rent or sale at market prices and are therefore wider than the Housing Revenue Account Borrowing Programme.

The Council could decide not to apply for additional headroom; however, this would constrain the numbers of new homes that the Council could afford to build.

The Council could decide to submit a bid to MHCLG for the entire cost requirement rather than to apply to Homes England for grant. This option would increase the debt repayment requirement and presents a risk of not being viewed as being value for money at the point of assessment.

The Finance & Audit Scrutiny Committee supported the recommendations in the report.

Resolved that

- (1) a bid is made to MHCLG for additional borrowing headroom to fund the delivery of up to c340 new Local Authority affordable homes in Warwick District and note that the bid would need to be submitted by 7 September 2018, be noted;
- (2) to explore in principle the purchase of the sites, listed in confidential Appendix One with site plans shown in confidential Appendix Three, that are not currently in the Council's ownership;
- (3) authority be delegated to the Head of Housing Services in consultation with the Portfolio Holder for Housing and Property Services to finalise the bid including the detail of the individual sites to be included and their delivery proposals;
- (4) if the bid is successful a report be presented to a future meeting confirming the overall financing arrangements required and

recommend to Council appropriate amendments to the Housing Investment Programme and Housing Revenue Account Business Plan to fund those requirements;

- (5) approve in principle, the use of Capital Improvement Reserve to fund any or all of the agreed affordable housing schemes which are not wholly funded by government borrowing approval;
- (6) authority is delegated to the Head of Housing Services, in consultation with the Portfolio Holder for Housing and Property Services, to develop and submit outline planning applications for housing sites and any other statutory consents necessary. Executive are asked to note that any fully costed schemes would be presented to Executive for approval following outline planning permission being granted;
- (7) the allocation of an annual budget, from the Capital Investment Reserve, of up to £60,000 for consultancy services to provide support for the process and project management for these schemes, be approved;
- (8) this Council registers with Homes England and agrees in principle for bids to be made to them for grant assistance to fund the development of affordable housing where it is deemed prudent to do so.

Recommended that Council updates the scheme of delegation so that it recognises the delegated authority from the Executive to the Head of Housing Services in consultation with the Portfolio Holder for Housing and Property Services, to develop and submit outline planning applications for housing sites and any other statutory consents necessary. Executive are asked to note that any fully costed schemes would be presented to Executive for approval following outline planning permission being granted

The Portfolio Holder for this item was Councillor Phillips
(Forward Plan reference number 954)

57. **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 paragraph 3 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

58. **Bid for Local Authority Housing Programme – Confidential Appendix.**

Resolved that the confidential appendix be noted.

59. **Rural and Urban Capital Improvement Scheme (RUCIS) application**

The Executive considered a report that sought approval of a Rural/Urban Capital Improvement Scheme grant application from Playbox Theatre Limited to upgrade their technical infrastructure.

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

The project contributed to the Council's Fit for the Future Strategy; without Playbox Theatre Limited there would be fewer opportunities for the community to enjoy and participate in arts activities which could potentially result in an increase in anti-social behaviour, an increase in obesity (including in children) and disengage and weaken the community. The project provided new modern video and digital equipment which added significant value to Playbox members' skills base and broadened the range of courses that could be offered, it modernised the quality of experience expected from families and audiences; this increased the opportunities for the community to participate and enjoy arts activities which in turn helped to further reduce anti-social behaviour and obesity including within children. Playbox Theatre Limited was recognised as a Key Client of the Council (Key Clients made up a small portfolio of professional arts organisations which were recognised as important to the sustainability & long term viability of the arts infrastructure in Warwick District).

The Council had a specific capital budget to provide grants of this nature and therefore there were no alternative sources of funding if the Council was to provide funding for Rural/Urban Capital Improvement Schemes.

The Finance & Audit Scrutiny Committee supported the recommendations in the report.

Resolved a Rural/Urban Capital Improvement Grant from the urban cost centre budget for Playbox Theatre Limited of 50% of the total project costs, be approved, to upgrade their technical infrastructure which includes new lighting, sound and AV equipment, as detailed within paragraphs 1.1, 3.2 and 8, up to a maximum of £29,406 excluding vat subject to receipt of the following, written confirmation from Warwick Town Council (or an alternative grant provider) to approve a capital grant of £1,960, as supported by appendix 1 to the report.

The Portfolio Holder for this item was Councillor Whiting

60. 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 two items by reason of the likely disclosure of exempt information within the paragraph 3 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

The full minutes of the following two items will be detailed in the confidential minutes for this meeting.

61. Creative Quarter Growth Deal, Update report

The Executive considered an urgent report from the Deputy Chief Executive (BH) which advised Members of an opportunities grant funding to help drive forward the Council's aspirations to develop the Creative Quarter in the Old Town area of south Leamington.

The report also sought approval for the allocation of funding to support the delivery of an alternative submission to the Coventry & Warwickshire Local Enterprise Partnership's (CWLEP) call for Growth Deal funding bids.

The Finance & Audit Scrutiny Committee supported the recommendations in the report.

In a majority decision, (five for, three against, and one abstention), the Overview & Scrutiny Committee voted to support the recommendations in the report. It also asked the Executive a question which could not be disclosed in the public minutes by virtue of section 100A of the Local Government Act 1972 by reason of the likely disclosure of exempt information within the paragraph 3 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

The Executive noted the comments of the Scrutiny Committee in relation to the proposed significant investment in South Leamington, noting that this was not the final decision and there would be further opportunity for Member input. This would include a briefing for all Councillors on the draft Creative Quarter Plan in due course.

The recommendations in the report were approved, with recommendation 2.3 being recommended to Council for consideration on 19 September 2018.

(The Portfolio Holders for this item were Councillors Butler, Mobbs and Whiting).

The Leader had agreed for this matter to be considered as an urgent item because of the deadline to apply for the relevant grant funding.

62. Europa Way - Update

The Executive considered a report that sought approval to agree delegated authority to conclude the proposals previously agreed in principle for an option agreement on a specific parcel of land.

The recommendation in the report was approved.

The Portfolio Holder for this item was Councillor Phillips
Forward Plan Reference Number 954

63. Confidential Minutes

The confidential minutes of 25 July 2018 were not available for consideration.

(The meeting ended at 6.36pm)

Executive

Minutes of the meeting held on Wednesday 26 September 2018 at the Town Hall, Royal Leamington Spa, at 6.00 pm.

Present: Councillors Mobbs (Leader), Coker, Grainger, Phillips, Rhead, Thompson and Whiting.

Also present: Councillors; Boad (Liberal Democrat Group Observer), Naimo (Chairman of Overview & Scrutiny Committee); Quinney (Chair of Finance & Audit Scrutiny Committee); and Wright (Conservative Observer).

Apologies for absence were received from Councillor Butler.

64. **Declarations of Interest**

There were no declarations of interest made in relation to the items on this agenda.

65. **Minutes**

The minutes of the meetings held on 25 July 2018 and 30 August 2018 were not available and would be submitted to a future meeting.

Part 2

(Items upon which the approval of the Council was not required)

66. **Leisure Development Programme Phase Two – Kenilworth Facilities**

The Executive considered a report from Cultural Services regarding Phase two of the leisure development programme. Phase one of Leisure Development Programme was very nearly completed. The initial public reaction to the new-look Leisure Centres at Newbold Comyn and St Nicholas Park exceeded expectations and financial performance had also exceeded initial expectations.

It was agreed at the start of the Leisure Development Programme in 2015 that Kenilworth facilities would form a Phase 2 of the Leisure Development Programme, once the Local Plan gave more certainty as to the future development of the town. The Local Plan was in place and so it was appropriate to begin Phase 2 of the Leisure Development Programme.

The report sought the approval of the Executive for the various options to be presented to stakeholders and members of the public as part of a RIBA stage 1 consultation.

Once the initial consultation had been completed, a further report would be provided to the Executive in December 2018 in order to report back on the consultation, to detail the financial position on the project and to

identify the proposed design option to be taken forward into the RIBA stage 2 design process.

The public's reaction to the nearly completed facilities at Newbold Comyn and St Nicholas Park Leisure Centres had been very good, and income and attendance levels were exceeding expectations. Sport England (who provided grant funding for both schemes) had decided that both Centres represented examples of best practice. It was agreed in 2015 at the beginning of the Leisure Development Programme that the facilities in Kenilworth would form Phase 2 of the Programme once the Local Plan was adopted, as this would set the context for the work in Kenilworth. The Local Plan had been adopted, and a number of other planning documents were being prepared.

It was time to commence Phase 2 of the Leisure Development Programme. It was important that Kenilworth should have the same sort of aspirational, successful and modern facilities as the Council had provided at Newbold Comyn and St Nicholas Park. The community in Kenilworth would be encouraged by such excellent facilities to adopt an increasingly healthy lifestyle. The Council could renegotiate the concession fee from Everyone Active in light of the improved facilities and therefore would receive an improved concession fee as attendance and income would rise. The newly constructed or refurbished facilities would be up to modern design standards, making them more environmentally friendly and cheaper to run. The facilities would be prepared for use for another 30 years.

Castle Farm Recreation Centre and Abbey Fields Swimming Pool between them provided the majority of the general sports and leisure provision in Kenilworth. The Meadow Community Sports Centre at Kenilworth School was open to the public during non-school hours and provided a valuable resource for sport and leisure in the town. This provision, and its potential move with the school to a new location, would be factored into considerations of sport and leisure in the town and the north of the District. Local Sports Clubs were vitally important to sports provision in the town and they also formed an important part of the strategic planning for sport. The Castle Farm and Abbey Fields facilities were geographically close together and they offered complimentary and non-conflicting activities. It was therefore appropriate to consider the re-design of the two sites as one project, as any design decision made at either site would influence the demand and facility provision at the other.

The Kenilworth Wardens Community Sports Club was intending to sell its current site for development and move to land next to the Castle Farm Recreation Centre. Officers had been working closely with Wardens to consider how the two projects could be delivered in a co-ordinated way with minimum disruption to residents and users of the facilities. The proposed move was being factored into the design process for the Castle Farm site in terms of traffic, parking, site layout, impact on the Green Belt and so on.

Sport England's Facility Planning Model was the accepted modelling tool to enable Local Authorities to predict the likely demand for sports and leisure facilities in any given community. This model allowed for future growth in population. This model had been applied to Kenilworth and the north of the District and it had identified two relevant short-falls in provision for the population expected in the area by the end of the current Local Plan period in 2029. It stated that there would be a need for sports hall space equivalent to two badminton courts and also a need for additional water space which was the equivalent of 1.8 lanes of a 25 metre swimming pool. This could be provided in a number of ways. Both of these elements were included in the new Indoor Sports Strategy that was completed in the summer of 2018 and which would be brought to members together with the updated Playing Pitch Strategy in early 2019.

The project would follow the Royal Institute of British Architects (RIBA) project stages model, in order to manage resources effectively and report back throughout. The model was shown as Appendix E to the report. The professional services and design team had been procured and Mace had been appointed as Project Managers with Darnton B3 as the architects. The proposed programme was shown as Appendix D to the report.

The design processes involved in RIBA stage 1 (Preparation and Brief) had been completed. This process included a matrix analysis of the various options available. This assessed such elements as the design quality, flexibility, customer requirements, operational effectiveness and value for money. This led to the rejection of a refurbishment option at Castle Farm Recreation Centre because the existing building had a number of severe design constraints. These included:

- The floor to ceiling heights were too low for installing studios and gyms, so these would need to be in new wings alongside the old and levels would not be the same.
- The structure of the pillars in the four court sports hall meant that it would not be possible to create one six court hall, as proposed. It would be necessary to retain the current four court sports hall, which would be smaller than current Sport England standards, and then to build a separate two-court sports hall alongside, which would restrict operational flexibility.
- The substantial oak tree to the north east of the current building would restrict the construction of a larger refurbished building on the same footprint, and would need to be incorporated into the design.
- Sticking to exactly the same location could reduce the flexibility to improve vehicle movements around the site.
- The fabric of the existing building was not up to contemporary insulation and environmental standards and this could not be corrected in a refurbishment.
- Anticipated costs of substantial refurbishment were less than 3 per cent lower than the anticipated cost of re-building, but the outcomes were substantially less appropriate.

The RIBA stage 1 design process rejected any large scale expansion at the Abbey Fields Swimming Pool site. This site was extremely sensitive as it was part of the Scheduled Ancient Monument of the Kenilworth Abbey

Fields. Any large scale expansion of the footprint of the existing building would run the considerable risk of damaging archaeological remains. Historic England would be consulted closely on this site, and would have a view as to the appropriateness of any proposed development.

A number of options had emerged from the stage 1 design process and matrix analysis. The resultant drawings were presented as Appendix A of the report. One of the purposes of the proposed public consultation exercise was to establish the public appetite for introducing each of these potential options.

At Castle Farm, there was one main proposal. This was to demolish the current Castle Farm Recreation Centre and replace it with a brand new 'dryside' facility. A dryside facility was a sports centre with sports hall, gym, studios and other facilities but no swimming pool. At Castle Farm this would be likely to constitute a sports hall large enough for six badminton courts (a 'six court hall'), a gym with perhaps 80 'stations' or items of fitness equipment and one or two studios for dance, fitness and other exercise. Other facilities could be added as identified by current demand and through the public consultation. The increase in the size of the sports hall from four to six badminton courts fulfilled the local requirement for additional courts, as identified by the Sport England Facility Planning Model.

The main choice to be made at Castle Farm was whether or not the Scouts organisation should be located on the same site or a different one. As the Recreation Centre would be rebuilt, the current facility for the Scouts would no longer be available. It would be possible to build a new, purpose-built building on the Castle Farm site for the Scouts and associated organisations. This would have the benefit of meaning that the Scouts and the Leisure Centre could function independently. Alternatively, the Scouts could be accommodated on a different site within the town. The Council was committed to ensuring that the Scouts retained a facility within the town.

At Abbey Fields, the proposal was to retain the existing 25 metre indoor swimming pool. However, there were two main options for the remainder of the site. Firstly, it would be possible to replace the current outdoor fun pool and paddling pool with an indoor teaching pool that could be used to teach swimming to children and adults all year round. This would increase the number of people who could learn to swim, and increase revenue. It would also provide formal water space equivalent to 1.8 lanes of a 25 metre pool. This additional amount of formal water space was needed to cope with additional demand created by an increased population, as identified by Sport England's Facility Planning Model.

Alternatively, it would be possible to retain the existing outdoor fun pool and paddling pool at the site. This would therefore continue to provide a venue for recreational swimming outdoors. Unfortunately, outdoor pools did not count towards the Sport England Facilities Planning Model as their use was largely seasonal in nature.

Whether an indoor teaching pool or an outdoor fun pool was selected, there were also opportunities to remodel and refurbish existing parts of the building to optimise the use of the building, to maximise income, to ensure that the building was up to modern standards and that it was ready for another 30 years of use.

It was proposed to consult stakeholders and the public on these potential options and to ask them what facilities they would like to see included. The process to be used for this stakeholder and public consultation was shown as Appendix B to the report. The purpose of this public consultation was to establish the views of stakeholders and the public on the options available. It would be made clear to all consultees that the results of the consultation would be considered carefully by officers and Members, and would be an integral part of the decision as to which options to select. However, it would be made equally clear that the results of the consultation would not be binding on the Council, who could decide not to select the option that received the most support during the consultation, if there were good reasons for selecting a different option.

The stakeholder and public consultation would not include a discussion of the costs of the various options. Work on the likely costs of each option was being conducted at the time, as part of the work of Mace Cost Consultancy, who were a part of the professional services team. Once the public had indicated their views of the options presented, these would be combined with the results of the current costing exercise in order to advise Members on the two options (one for each site) to take forward to the next stage of the design process. Clearly, this decision would need to take into account affordability. The professional services and design team would then draw up one final recommended scheme for each site in order to conclude RIBA stage 1 (Preparation and Brief). RIBA stage 1 drawings illustrated the general layout of the proposed building, but did not present any detail of the building. These proposals would be reported back to the Executive in December 2018 for approval. Once final approval of the RIBA stage 1 drawings had been given, the design team would begin RIBA stage 2 (Concept Design), which considered the designs in much more detail, including construction methods and details of the various spaces within the building.

In terms of alternative options, it would be possible to not undertake any improvements to the facilities at Castle Farm and Abbey Fields. If this decision was to be made, Kenilworth would not have the same sort of aspirational, successful and modern facilities as the Council had provided at Newbold Comyn and St Nicholas Park. The community in Kenilworth would not be encouraged by such excellent facilities to adopt an increasingly healthy lifestyle. Income from the contract with Everyone Active would not be increased because attendance and income would not be enhanced. The opportunity would be lost to bring the buildings up to modern design standards, making them more environmentally friendly and cheaper to run. The buildings would not be prepared for use for another 30 years.

Some design options for the sites were rejected as part of the design process in RIBA stage 1. These were discussed more fully in paragraphs 3.7 and 3.8 of the report.

The Executive welcomed members of the public and Ms Jane Green addressed the Executive on behalf of Friends of Kenilworth Outdoor Pool with regards to the outdoor swimming pool provision in Abbey Fields.

The Overview & Scrutiny Committee supported the recommendations in the report.

It was proposed by Councillor Coker and seconded by Councillor Mobbs to approve the item as set out in the report.

The Executive, therefore,

Resolved that

- (1) the stakeholder and public consultation process be undertaken for the RIBA stage 1 consultation process for Phase 2 of the Leisure Development Programme, as shown in Appendix B of the report, including the design options to be presented as part of this consultation process, as shown in Appendix A of the report; and
- (2) the programme timetable for Phase 2 of the Leisure Development Programme, as shown as Appendix D of this report is noted.

(The Portfolio Holder for this item was Councillor Coker)
Forward Plan reference 938

Part 1

(Items upon which a decision by Council was required)

67. Fees and Charges 2019/20

The Executive considered a report from Finance which detailed the proposals for Fees and Charges in respect of the 2019 calendar year. It also showed the latest Fees and Charges income 2018/19 budgets, initial 2019/20 and the actual out-turn for 2017/18.

The Council was required to update its Fees and Charges in order that the impact of any changes could be fed into the setting of the budget for 2019/20. Discretionary Fees and Charges for the forthcoming calendar year had to be approved by Council.

The report highlighted the fact that, given the financial climate, it was important that the Council carefully monitored its income, eliminated

deficits on service specific provisions where possible and therefore minimised the forecast future General Fund revenue deficit.

Some additional fees had been created in order to generate additional income for the service areas concerned and others in response to new legislation. These were highlighted in Appendix A to the report. Other charges had been deleted due to legislation changes or changes in the way the service was provided. A 2% increase in Fees and Charges income had been allowed for in the Medium Term Financial Strategy (MTFS). The Regulatory Manager had to ensure that licensing fees reflected the current legislation. The fees charged should only reflect the amount of officer time and associated costs needed to administer them.

Bereavement – new cremation fees were proposed to meet potential new or differing customer requirements.

Land Charges and Building Control fees were ring fenced accounts: Income levels for Land Charges were still relatively high and it was recommended that fees should not increase to avoid creating a large surplus on the Land Charges Control Account, which should break even. Building Control was subject to competition from the private sector and had to set charges that were competitive with this market.

Management of the Council's Leisure Centres was by Everyone Active. The contract definition stated that 'The Contractor shall review the (following) core products and prices in September of each year and submit any proposed changes to the Authority for approval (the "Fees and Charges Report")'. Everyone Active were seeking an increase in line with the Retail Prices Index. The current prices were shown in Appendix B to the report. The contract stipulated that they would be increased by up to September 2018's RPI figure in 2019, which was likely to be around 3%.

New parking locations were being opened for the proposed closure of Covent Garden car park. Fees for those new locations were shown in Appendix A to the report. Parking had also introduced a new fee for Bath Place to reduce the number of spaces being taken by commuters, who parked there all day.

The various alternative options affecting individual charges were outlined in the main body of the report, sections 8 to 16.

Fees and Charges for 2019/20 remained static i.e. remained at the same level as for 2018/19, which would increase the savings to be found over the next five years unless additional activity could be generated to offset this.

The Finance & Audit Scrutiny Committee thanked the officers for the detailed response to the questions submitted in advance. Two addendums were circulated in order to answer the questions. The Committee sought clarification on a number of smaller points which the Head of Finance looked at and provided detail for the Executive. The questions and answers were included in the two addendums.

In addition, the Committee asked the Executive to consider if the concessionary prices for people on benefits, both Core Everyone Active prices and in other areas such as Recreational & Sport (Pages A13/14), Environmental Health (Page A35) and Waste collection (Page A55) could be held at the current prices in 2019/20 with standard prices being increased further if necessary to cover the reduced price for concessions. This view was taken based on the freezing of most Benefits nationally in cash terms from 2016 to 2020.

An addendum was circulated at the meeting which proposed the following changes to the Fees & Charges 2019/20:

The commuter tariff (proposed for Bath Place £8) would also apply to Archery Road, from January 2019, and needed to be added to the list of charges for that car park. The Archery Road Peak commuter tariff would operate Monday – Friday. All day tickets purchased between 6am-8am would be £8 with the normal tariffs applied outside of these times.

The charge for Circuses and Fairs for 2019 should read:

<u>CIRCUSES AND FAIRS - up to seven days</u>	£2,000
(Exempt from V.A.T.)	
Each additional day or part thereof	
(subject to negotiation and agreement by Heads of Finance and Development)	£340

The Leader agreed to consider the potential to freeze some fees for those on benefits and bring forward a paper or decision at Council if possible.

The Executive therefore,

Recommended that

- (1) Council approves the Fees and Charges proposals set out in Appendix A, to operate from 2 January 2019 unless stated otherwise. The recommendations in the report were approved subject to the inclusion of:
 - The commuter tariff (proposed for Bath Place £8) will also apply to Archery Road, from January 2019, and needs to be added to the list of charges for that car park. The Archery Road Peak commuter tariff will operate Monday – Friday. All day tickets purchased between 6am-8am will be £8 with the normal tariffs apply outside of these times.
 - The charge for Circuses and Fairs for 2019 should read:

CIRCUSES AND FAIRS - up to seven days
£2,000 (Exempt from V.A.T.)

- Each additional day or part thereof
(subject to negotiation and agreement by
Heads of Finance and Development) £340
- Page A37 licence fee proposed for dog
breeding kennels with over 11 bitches be
£150

- (2) Council approves Everyone Active's request to increase 'Core' fees and charges by September 2018's RPI in the 2019 calendar year.

(The Portfolio Holder for this item was Councillors Whiting)
Forward Plan Reference 926

Part 2

(Items upon which the approval of the Council is not required)

68. Events Strategy

The Executive considered a report from Development Services which provided an update on the action plan arising from the Events Review agreed by Executive in February 2018. Specifically, it addressed the first point in the action plan which was to "*develop an events strategy to clearly establish the Council's approach to directly supporting and funding events*".

Following the completion of the Events Review, the Overview & Scrutiny Committee had asked for an opportunity to review progress on delivering the key elements of the Action Plan. A copy of the Action Plan together with a review was attached as Appendix 1 to the report.

As reflected in Appendix 1, one of the key actions agreed in the Events Review was to "Develop an events strategy to clearly establish the Council's approach to directly supporting and funding events".

It should be noted that as part of the normal operational role in managing and supporting events, the Council was already providing support to all events. As well as officer support and advice, this included the following:

- Use of parks/open spaces/streets;
- Waste provisions;
- Taxi rank relocations;
- Toilet cleaning;
- Street cleansing;
- Extra grass cutting.

The issue raised by the Events Review was that, from time to time, the Council was asked to provide additional financial assistance to (usually major) events. Recent examples included the Women's and Men's Cycling Tours of Britain. Requests for additional funding support for these events would continue to be brought before Members on an individual basis in the normal way. The Review established that it would be desirable if a set of criteria could be agreed to allow officers to assess requests when these were received. The Review was clear that there should be a priority towards supporting events of national or regional significance, and ensuring that any criteria were fair and consistent.

To enable Members to consider a robust and fair set of criteria, it was important to understand the economic impact of events. Some events carried out their own Economic Impact Assessments (EIAs), however this was not always done in a consistent manner and most events did no EIA at all. Therefore, officers would wish to commission independent consultants to undertake a series of EIAs for the major events that were taking place in the District. This would focus on those events that were likely to attract at least 5,000 attendees and would consider matters such as how many people attended the event, their dwell time and their overall approximate spend in the area. Once completed, these EIAs would allow the Council to have a better understanding of the impact of these events on local communities, towns and the wider district.

In order for these to be independent and not to place a (possibly unreasonable) burden on event organisers, it was recommended that these were funded by the Council. It was proposed that £30,000 be made available for this and that these EIAs be carried out over the next 12 months. In terms of which events were subjected to EIAs, this would be decided by the Head of Development Services in consultation with the Business Portfolio Holder and would, as stated above, focus on those events likely to attract at least 5,000 attendees.

It was further recommended that, once these EIAs had been completed, a further report be brought to Executive to propose a list of criteria and a process by which requests for funding bids could be considered. This would be done before the end of 2019 and would enable any budgetary implications for this to be considered as part of the budget setting process for 2020/2021.

It was further recognised that the District may receive a request to host an event similar to the Tour of Britain or Women's Tour, over the next year before the EIAs had been completed. Where this happened, officers would bring reports to Members in the normal way as had been the case in the past.

It should also be noted that some events lay outside the scope of this report. This was because separate budgetary provision already existed for these events. These were the following:

- Smith Street Party: Smith Street offered a unique business opportunity and shopping experience in Warwick. However,

recognising its challenging geographical location meant that it required specific business support with promoting and marketing. In recent years this support had taken the form of funding and organising responsibility for the Smith Street Party. This support would continue, recognising that this could change, if the traders wished to promote the street differently.

- Bands in the Park.
- Christmas lights.

An alternative option would be to financially support all events that took place in the District. This was not recommended as it would not be in accordance with the agreed outcome of the Events Review.

Another alternative would be to not financially support any events. This was not recommended because the Events Review had highlighted that a process to support events is required.

The Overview & Scrutiny Committee supported the recommendations in the report but made the following comments:

- A standardised EIA, the format of which had been defined by the Council, should be completed for all events.
- Event organisers should be encouraged to ensure the use of recyclable materials for all disposable items, e.g. plastics.
- Parish and Town Councils should be sent a copy of the events manual once it was published.
- All events organisers should receive a copy of the events manual.

The Executive agreed that these comments would be sent round to officers, for them to consider as part of this process.

It was proposed by Councillor Mobbs, seconded by Councillor Grainger, that the recommendations in the report were approved.

The Executive, therefore,

Resolved that

- (1) the updates to the Events Review action plan in Appendix 1 to the report, be noted;
- (2) a budget of £30,000 is allocated to provide an initial round of Economic Impact Assessments (EIAs) on major events in the District and that any decision on which specific events are subject to EIAs is delegated to the Head of Development Services in consultation with the Business Portfolio Holder;
- (3) a further report be brought before the end of 2019 once the EIAs have been completed to

agree a set of criteria and a process for considering funding bids for events; and

- (4) if an opportunity to host a major event comes before the Council before these EIAs have been completed, a report may be brought to the Council if a request for funding is made.

(The Portfolio Holders for this item were Councillors Butler)
Forward Plan Reference 916

69. Continual Maintenance of Pay on Foot Equipment

The Executive considered a report from Neighbourhood Services that sought approval for a provisional six month extension to the existing Pay on Foot maintenance contract at Covent Garden and St Peter's Multi Storey Car Parks (MSCP's).

The existing contract for the maintenance of the Pay on Foot equipment in the Covent Garden and St. Peter's multi-storey car parks was due to expire at the end of September 2018.

An extension to the existing maintenance contract had been previously granted by the Procurement team. An initial six months extension was proposed to the existing contract to assure the operational functionality of the Pay on Foot systems in the short-term pending a decision on the proposed redevelopment of Covent Garden MSCP and the potential implications of this decision on the future management of both the Covent Garden MSCP and St Peter's MSCP.

The report summarised the reasons for the recommendation and outlined the budget implications of the decision.

This proposal did not affect the planned upgrade of the Pay and Display machines across the remaining off-street car parks in Warwick District with a phased installation planned to be completed by the end of the financial year.

The existing contract for the maintenance of the Pay on Foot equipment in Covent Garden MSCP and St Peter's MSCP expired at the end of September 2018.

Consideration was being given to proposals to close the Covent Garden MSCP for redevelopment in 2019 with a decision on this proposal anticipated to be made by the end of 2018. A plan to manage the displacement of users from Covent Garden MSCP was being developed subject to this decision.

The current version of the displacement plan proposed that the Pay on Foot equipment at Covent Garden MSCP and St. Peter's MSCP would be taken out of operation upon the closure of Covent Garden MSCP. A Pay

and Display system would replace the equipment in St Peter's car park on a temporary basis.

A short-term extension of the existing maintenance contract for the Pay on Foot equipment was needed to ensure the Pay on Foot equipment remained operationally functional until a decision had been taken with regards to the redevelopment of Covent Garden MSCP.

Existing suppliers, Parkare, had agreed in principle to extend the existing contract.

If a decision was taken not to redevelop the Covent Garden MSCP as per the current proposals, a longer-term extension of the maintenance contract would be required. In this event, a review of the Pay of Foot equipment and maintenance of the equipment would be undertaken in conjunction with Procurement.

As an alternative option, the contract could be allowed to expire and repairs and maintenance could be paid on an ad-hoc basis. As the potential costs of work and response times were unknown in this scenario, this option was discarded.

Another option was that a competitive tender for maintenance of the equipment could be put out to the wider market. However, the officers' experience was that suppliers tended only to maintain their own equipment so the existing supplier was likely to be either the only and/or best priced respondent in this scenario. As such, a competitive tender was considered unnecessary if a short-term exemption could be applied.

The Finance & Audit Scrutiny Committee supported the recommendation in the report.

The Executive, therefore,

Resolved that a six month extension to the existing Pay on Foot maintenance contract at Covent Garden MSCP and St. Peter's MSCP, is approved.

(The Portfolio Holder for this item was Councillor Grainger)
Forward Plan reference 950

70. **Update – Bereavement Services Enhanced Service Provision**

The Executive considered a report from Bereavement Services which set out the proposal to increase the staffing budget of the Bereavement Services Team, which formed part of the Neighbourhood Services Portfolio.

Changes to the staffing structure of Bereavement Services were made in April 2017 to support a six day per week service offering. A significant increase in the number of cremations over the last twelve months (1,997 cremations in 2017/18 compared to an average of 1,836) had prompted a review of the team resources to ensure an excellent standard of service provision could be maintained, and further increases in demand accommodated. The outcomes of that review were approved by Employment Committee on 12 September 2018 and the report proposed the necessary budget to implement the increased staffing resources.

Although a temporary post was agreed by CMT in March 2018 to backfill a long-term sickness absence, the review had confirmed that additional resources were required to provide a stable structure that improved service resilience as any staff absences within the small but specialist crematorium team had a severe impact on the ability to deliver the service.

There was a legal requirement for the Council to ensure that the staff operating its' cremators were suitably qualified. Securing agency staff with the required qualification, to cover absences had proved problematic and costly (c£450.00 + travel per day), hence it was more cost effective to add to the staffing establishment.

The lodge house in Leamington Cemetery had been vacant since the last incumbent left; the caretaker post was subsequently deleted in the 2017 restructure and duties transferred to the ranger service. The Rangers were going to be under increased pressure dealing with car park displacement activities and removing the necessity to carry out caretaking activities in Leamington Cemetery would free up resource in the ranger service.

The rental income on the lodge house had been lost, and there were budget liabilities in relation to the property being empty, for example, council tax, and costs to maintain security, which outstripped the salary saving.

An alternative option was to continue with the existing levels of staffing resource. However, this was incompatible with the existing service offering and had therefore been discounted.

Another option was to reduce the service offering to remove the need for additional members of staff. This had also been discounted because the opportunities for additional income generation would be lost, customers would have less flexibility, waiting times would be increased and the service would be less competitive.

It was proposed by Councillor Grainger, seconded by Councillor Phillips, to approve the recommendations proposed in the report.

The Executive, therefore,

Resolved that

- (1) the Bereavement Services Staffing budget is increased by £36,700 per annum, in order to fund the establishment changes shown below:
 - Change in hours for Bereavement Officer (post no WD00662) from 0.8 FTE to 1FTE
 - Creation of an additional FTE Bereavement Officer post;
- (2) the reinstatement of the cemeteries caretaker position, is agreed. This position is self-financing as the rental income is greater than the salary; and
- (3) the increased staffing budget be funded from £32,500 increased income and £4,200 coming from the Medium Term Financial Strategy.

(The Portfolio Holder for this item was Councillor Grainger)
Forward Plan reference 957

71. Contract for management of shared accommodation provision for former rough sleepers

The Executive considered a report from Housing seeking approval for a procurement exemption for a contract to provide supported housing funded by the Rough Sleepers Initiative.

The report set out proposed arrangements for the provision of specialist housing support for the accommodation project for former rough sleepers, previously agreed by Executive and funded by the grant awarded by the Ministry for Housing, Communities and Local Government (MHCLG), that would allow it to be undertaken with certainty and efficiency.

The proposed approach required an exemption from the Code of Procurement Practice due to the delay in the MHCLG announcement of the 2019/20 element of the funding for this project.

On 31 May 2018, the Executive approved submission of a bid for funding from the MHCLG Rough Sleepers' Initiative to deliver a number of projects, including operating a shared supported housing initiative. For this project, the Council would provide properties to a voluntary sector partner for the provision of shared housing, with support for people transitioning from the streets.

Members would be aware that the bid for 2018/19 was successful and an announcement was being awaited over the bid for funding for 2019/20. The full amount of funding had been received for 2018/19, including £21,583 for the shared accommodation project for part of the year.

Members would also recall that should the bid for 2019/20 not be successful, the Executive had agreed to meet the costs of running the project for a further twelve months. In either event, the cost of the provision of the necessary specialist support, if delivered by Coventry Cyrenians, would take the full cost of the project to more than £50,000.

In order to proceed swiftly and meet the MHCLG objectives for the project, the Head of Finance agreed the selection of Coventry Cyrenians as the specialist providers to run the project for 2018/19 without formal procurement action, in accordance with the provisions of the Code of Procurement Practice. Work was nearing completion to finalise the terms of this appointment and appropriate preparations were being made to ensure the service was up and running imminently.

However, as the cost of running the project for 2019/20 through the same provider was in excess of £50, 000, the Executive agreement for a Code of Procurement exemption for the proposed extension would be required.

It clearly was extremely important that the same provider ran the project for its entirety, not least so that the clients of the project, all of whom would be vulnerable, would have stability and continuity as they made their journey towards accommodation in mainstream housing. It was also important to allow the provider to plan ahead and for the Council to know that a provider was in place without the disruption that would be created by a change, less than half way the project.

The Procurement team had confirmed that the value of the contract meant it was classified as a Light touch (CPV 75200000-8) contract. This meant that European regulations were unlikely to apply if the contract were to run beyond the initial proposed term.

Under the Light Touch Regime, the Public Contract Regulations 2015 had very few explicit requirements and allowed contracting authorities to determine their own appointment procedures as long as the transparency and equal treatment principles and mandatory exclusions apply. The Procurement team had, therefore, agreed that the appointment of Coventry Cyrenians met these requirements.

As an alternative, the option of tendering for the service had been considered but had been rejected because of the disruption that this would cause to the service and the customers of the service.

The Finance & Audit Scrutiny Committee supported the recommendation in the report.

It was proposed by Councillor Phillips and seconded by Councillor Coker that the recommendation in the report was approved.

The Executive, therefore,

Resolved that an exemption from the Code of Procurement Practice, is approved to allow Coventry

Cyrenians, already selected as the Council's partner for the provision of specialist housing support for the accommodation project for rough sleepers, to continue to provide services during 2019/20.

(The Portfolio Holder for this item was Councillor Phillips)
Forward Plan reference 954

72. **Rural and Urban Capital Improvement Scheme (RUCIS)
Application**

The Executive considered a report from Finance regarding applications for Rural and Urban Initiative Grants.

The report provided details of a Rural/Urban Capital Improvement Scheme grant application by Lapworth Parish Council to update / replace playground equipment that had reached the end of its life span and to reposition the entrance gates to create easier access for wheelchairs and pushchairs.

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.

The project contributed to the Council's Fit for the Future Strategy - refurbishing the playground would increase opportunities for children within the community to enjoy and participate in physical activity which could, potentially, reduce anti-social behaviour and obesity. The project would provide new, modern, multi-purpose play equipment that would cater for a wider age-range and repositioning the entrance gates would also enable easier access for wheelchairs and pushchairs.

A well-used playground helped to engage and strengthen the community as it would bring together a wide range of people, such as young people, parents and grandparents. Without this playground, facilities within the village would be very limited. In addition, the bus service for residents without personal transport was rather infrequent. The existing play equipment was visually jaded and nearing the end of its lifespan. In order to avoid health and safety issues, there were increasing annual maintenance requirements incurring costs. For example, the ROSPA report identified the basket swings as being a 'medium' risk due to the proximity of the uprights to the swing of the basket. The project would resolve this issue.

The Council had only a specific capital budget to provide grants of this nature and therefore there were no alternative sources of funding if the Council was to provide funding for Rural/Urban Capital Improvement Schemes.

The Executive could choose not to approve the grant funding, or to vary the amount awarded.

It was proposed by Councillor Whiting, seconded by Councillor Thompson that the recommendation in the report was approved.

The Executive, therefore,

Resolved that a Rural/Urban Capital Improvement Grant from the rural cost centre budget for Lapworth Parish Council of 36% of the total project costs, be approved, to update / replace playground equipment and reposition the entrance gates, as detailed within paragraphs 1.1, 3.2 and 8 of the report, up to a maximum of £21,741 excluding V.A.T., subject to receipt of the following:

- written confirmation from Tesco Bags of Help to approve a capital grant of £4,000 (if a reduced amount is offered, the Parish Council will increase their contribution to the project from their cash reserves to cover the budget shortfall; these funds have been evidenced through their annual accounts and the provision of a recent bank statement);
- Providing proof of ownership of the land, as supported by Appendix 1 to the report.

(The Portfolio Holder for this item was Councillor Whiting)

73. **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 paragraph of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Minutes.	Para Nos.	Reason
74	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The item below was considered in confidential session and the full details of this will be included in the confidential minutes of this meeting.

74. Europa Way – Spine Road

The Executive considered a report from the Chief Executive that sought approval of a the proposal of the Council providing a loan to accelerate the construction of the spine road (public infrastructure) through the Europa Way site by providing funding; and to make the necessary delegations to proceed.

An addendum was circulated at the meeting, that provided responses to questions asked by Councillors ahead of Finance & Audit Scrutiny Committee considering this matter.

The recommendations in the report were approved subject to an amendment to 2.1 to Council so that it confirms the maximum value and minimum interest rate. A minor amendment to 2.2 to explore further options, the full details of which will be available in a confidential summary of decision.

(The Portfolio Holder for this item was Councillor Phillips)

75. Minutes

The confidential minutes of the meetings held on 25 July 2018 and 30 August 2018 were not available and would be submitted to a future meeting.

(The meeting ended at 6.45pm)

Warwick District Council

Code of Procurement Practice (The Code)

This Code sets out how Warwick District Council will procure goods, works and services and also how the Council will dispose of its surplus assets and sell its services to other organisations

This Code should be read in conjunction with the Council's Financial Code of Practice, the Council's Procurement Strategy and the following Council specific policies

- Corporate responsible procurement policy
- Corporate responsible procurement guide
- Equality in Procurement Policy
- Ethical Procurement Statement
- SME Procurement Policy
- SME-Friendly Procurement Policy
- Social Value Policy
- Social Value Procurement Handbook
- Sustainable Procurement Policy
- Contract Management Framework

This Code includes the minimum requirements on Officers and Members when undertaking procurement. Officers and Members can exceed the minimum requirements detailed in this Code but must not go below the minimum requirements as stated.

This Code is not intended to be a detailed set of instructions on how to undertake the process of procurement. More detailed guidance on how to undertake the process of procurement is included on the Intranet.

The Code has the following objectives:

- To deliver Value for Money
- To ensure the highest standards of probity
- To ensure that the Council complies with all legal requirements.
- To protect against any allegation of acting unfairly or unlawfully
- To ensure that risks are managed
- To ensure openness, fairness and transparency.
- To support the Council's corporate aims, objectives and policies

SECTION ONE

1. Scope & Purpose

This Code aims to promote good procurement practice, public accountability, deter corruption and provide protection against allegations of impropriety.

This Code applies to;

- 1.1 All procurement undertaken by, or on behalf of the Council including where the Council is acting on behalf of other bodies. A relevant procurement for the purposes of this Code is any arrangement made by, or on behalf of, the Council for the carrying out of works, the supply of goods or services, the disposal of assets or the selling of Council services to other organisations. This includes contracts let as a 'Concession'
- 1.2 All procurements undertaken by, or on behalf of the Council irrespective of the method of funding e.g. capital, revenue, sponsorship, donations or grants from a third party unless excluded under Section 1, paragraph 2
- 1.3 All Officers of the Council including any temporary employees, agents and/or consultants etc. undertaking procurement on the Council's behalf.
- 1.4 All Members of the Council

2. Exclusions from this Code

The following contracts are excluded from this Code

- 2.1 Contracts of employment which make an individual a direct employee of the Council;
- 2.2 Agreements for the leasing or acquisition of buildings or land
- 2.3 Agreements for the disposal or transfer of land unless the Council exerts significant influence over what the land is used for;
- 2.4 Loans to banks or other financial institutions and investments made in accordance with the Council's Code of Financial Practice.

3. Non Compliance with this Code

- 3.1 Any case of non-compliance with this Code must be reported immediately to the Head of Finance. If the Head of Finance considers the non-compliance to be severe and/or the non-compliance places the Council under significant risk, the Officer concerned will be required to submit a report to the next available meeting of the Executive.
- 3.2 Failure to comply with this Code may result in disciplinary action.

4. Guiding Principles

- 4.1 All contracts must be let through a competitive process which meets the requirements of this Code unless an exemption has been granted or the arrangement is otherwise permitted by this Code

The following are excluded from the requirement for competition

- i. Purchases made via a purchasing consortium (e.g. CCS, ESPO, YPO) catalogue or framework agreement (subject to the competition requirements associated with each individual framework agreement) accessible to the Council, however purchases above the EU Threshold will only be excluded if the purchasing consortium has let their contract in accordance with EU Procedures (where applicable) on behalf of the Council.
- ii. Contracts entered into through joint working with other public bodies, where a competitive process has been followed that complies with

the equivalent Code of Procurement Practice of the lead organisation provided the collaboration has let their contract in accordance with EU Procedures (where applicable) on behalf of the Council.

- iii. Collaborative proposals for joint working or shared services with other public bodies. Where the aggregate contract value of the joint working or shared services arrangement is expected to exceed the relevant EU threshold, the following conditions must be satisfied: -
 - i. The principal activity of the collaborative arrangement is the provision of services back to the participating bodies
 - ii. The collaborating public bodies when acting together exercise the same kind of control over the service as they would over an in- house service and
 - iii. There is no independent or private sector partner involved in the collaborative arrangement
- 4.2 Adequate staff resources should be identified to manage the procurement and any subsequent contracts awarded
 - 4.3 Any contract which exceeds the relevant EU threshold (or replacement threshold set by the UK Government) must comply with any legal requirements in the Public Contract Regulations or any replacement Regulations approved by the UK Government
 - 4.4 Procurement should be undertaken using electronic procurement systems unless otherwise agreed by the Head of Finance. Only approved electronic procurement systems should be used and advice should be sought from the Head of Finance on their use. The use of electronic procurement systems does not negate the requirement to comply with all other elements of this Code.
 - 4.5 Comprehensive and robust records of all stages of the procurement must be maintained which support the decision to award a contract.
 - 4.6 Contracts will be awarded based on the most economically advantageous offer to the Council (MEAT). In appropriate circumstances the lowest price (for purchases) or the highest price (for disposals) alone may be considered the most economically advantageous solution for the Council. Where it is considered that lowest price (for purchases) is in the best interests of the Council, advice should be sought from the Head of Finance prior to quotation/tender documents being issued
 - 4.7 All procurement must be appropriately authorised in accordance with the Council's Scheme of Delegation before a procurement process commences or a contract is awarded
 - 4.8 Sufficient budget must be available to cover the initial procurement (including any associated costs such as professional support) and to cover the expected life of the contract.
 - 4.9 All contracts must include appropriate terms and conditions that are acceptable to the Council.
 - 4.10 All Contracts, irrespective of value, shall clearly specify:
 - What is to be supplied i.e. the specification
 - The price to be paid and when
 - Appropriate information/indicators to enable effective management of contract performance
 - Appropriate provision for contract termination

5. Responsibilities

5.1 **General**

Unless specifically excluded by this Code, anyone undertaking procurement or contracting on behalf of the Council must comply with this Code, the Financial Code of Practice and with all legal requirements. They must also comply with any other Codes of Practice, guidance or instructions relating to procurement or contracting issued by the Head of Finance from time to time.

Corrupt behaviour is a crime and will lead to disciplinary proceedings and possible dismissal so high standards of conduct are obligatory. Anyone undertaking procurement or contracting on behalf of the Council must comply with the Council's Code of Conduct and must not invite or accept any gift or reward in respect of the award or performance of any contract. Gifts and Hospitality should only be accepted in accordance with the Council's Gifts and Hospitality policy and it will be for the individual to show that anything received was not received corruptly.

5.2 **Senior Management Team** must in relation to their Service

- Be responsible for all procurement undertaken
- Ensure all Officers comply with this Code
- Ensure that any Officer delegated to undertake procurement is sufficiently skilled and competent and completes any required learning and development;
- Ensure that all procurement and delegated decision making is within approved budgetary limits and that there are effective systems in place to manage budgets on an on-going basis
- Ensure there are appropriate contract management arrangements in place for all contracts let
- Provide any information requested by the Head of Finance regarding their procurement and contracts.
- Ensure there is a comprehensive documentary record of all Quotation/Tender exercises which will include correspondence/documentation supporting the final award decision.
- Agree contract variations for their Service in consultation with the Procurement Service where required,
- Ensure that in any procurement process involving the transfer of staff into or out of the Council that all applicable statutory obligations regarding TUPE are complied with.
- Where a contract involves the transfer of staff between existing and new providers, for overseeing the TUPE process and supporting outgoing and incoming providers to ensure a smooth transition
- Ensure that all procurement and delegated decision making is within the Council's Scheme of Delegation.
- Consult with the Corporate Management Team as appropriate where any one of the following apply:
 - An innovative approach to procurement is proposed which is significantly different to current practice;
 - A proposed procurement is likely to have a significant impact on the Council's workforce;
 - A proposed contract exceeds the approved budget by £10,000 or more, exceeds the time for completion or is incurring significant risks not initially identified
- Maintain the master 'Contracts Register' on behalf of their Service which includes all live contracts with an aggregate value of £5,000 or above.

- When requested, provide the Head of Finance with details of all proposed contracts with an anticipated aggregate value of £25,000 or above

5.3 **The Head of Finance** shall:

- Maintain the Code of Procurement Practice and all supporting procurement related guidance;
- Provide appropriate professional advice, guidance, training and support to Officers and Members on all procurement related matters.
- Agree Exemptions up to the value of £50,000
- Report all agreed exemptions to the Executive on at least a 6 monthly basis
- Approve Procurement Initiation Documents (PIDs) where these are required by this Code
- Maintain and publish a forward contract plan showing all potential procurement opportunities with a total value of £25,000 or above
- Consider any declarations of interest and determine whether the individual making the declaration can continue to be involved in the procurement process or contract award
- Nominate other officers to exercise all or part of these powers on their behalf

5.4 **Officers** shall

- Comply with the requirements of this Code and observe any guidance or instructions relating to procurement or contracting issued from time to time by the Head of Finance
- Ensure that any procurement supports the Council's wider commissioning, business plan and policy objectives
- Ensure they have all necessary approvals before commencing any procurement process or awarding any contract;
- Ensure that where required, a PID is approved by the Head of Finance prior to any procurement activity commencing;
- Ensure any necessary legal, procurement, finance, HR, ICT, risk management, technical support etc. is identified and engaged in good time;

5.5 **Elected Members** shall

- Declare any potential conflict of interest to the Head of Finance
- Agree Exemptions with a value of £50,000 and above or below this value when referred by the Head of Finance
- Agree requests to supply services to other organisations with a value of £10,000 and above
- Agree the disposal of assets expected to be worth £50,000 and above,
- Consider reports relating to procurement and contracting submitted by the Head of Finance

6. **Exemptions from this Code**

- 6.1 Any requirement of this Code may be waived with the consent of the Head of Finance and where required, the Executive subject to any legal constraints
- 6.2 Obtaining an Exemption

- All requests for an exemption must be submitted on the Exemption Request form and be submitted in accordance with the Exemption process
- The Exemption request must clearly set out the reasons for requesting the exemption and include sufficient justification to support the request including how the proposal complies with any applicable law, demonstrates value for money and supports the Council's objectives
- Where the total contract value is below £50,000, the Head of Finance may agree the exemption with the exemption retrospectively reported to the Executive.
- Where the total contract value is £50,000 or above or where, in the opinion of the Head of Finance, the agreement of an exemption might increase the Council's risk profile to an unacceptable level, the Exemption must be agreed by the Head of Finance and the Executive, prior to any ~~work-contract~~ *being entered into* ~~carried out~~.

6.3 Obtaining an Exemption in an Emergency Situation

- Where an exemption is necessary because of an unforeseeable emergency involving immediate risk to persons, property or serious disruption to Council services the Head of Service or Senior Management Team member may make all necessary and reasonable arrangements to manage the emergency, Full details must be reported to the Head of Finance as soon as practicable following the event.
- Any contract entered into under the emergency provisions should be for the minimum duration required to remove the immediate risk to persons or property or to reduce the disruption to Council services to a manageable level.
- Any contract awarded under the Emergency Exemption provisions must not be let for a term longer than 6 months without the prior approval of the Head of Finance and the Executive.
- Any contract entered into under the emergency provision must be reported to the Executive at the next available opportunity

SECTION TWO

PROCUREMENT PROCESS

The Council has 5 different levels of contract as detailed in the table below. Section 2 sets out in more detail the requirements when dealing with a specific procurement. Further guidance is available via the Intranet.

Contract Type	Estimated Contract Value
1	£1 - £9,999
2	£10,000 - £24,999
3	£25,000 - £49,999
4	£50,000 – EU threshold for Goods and Services (Note – this includes projects covered by the Light Touch Regime and Works even though the thresholds for Light Touch Regime and Works are higher than the threshold for Goods & Services)
5	> EU threshold for Goods and Services

1. Steps Prior to Purchase

- 1.1 Before commencing any procurement, Officers must
- Assess the need for the expenditure
 - Define the objectives of the procurement
 - Calculate the estimated Total Value of the contract
 - Ensure that appropriate approval is in place to commence any procurement process
 - Ensure there is sufficient budget available which covers the whole-life financial commitment being made (including any consultant's or other external charges or fees);
 - Ensure the Council's requirements for IT system security and data security (GDPR) are satisfied where appropriate
 - Ensure any necessary legal, procurement, finance, HR, ICT, risk management, technical support etc. is identified and engaged;
 - Ensure resources with the necessary skills and capacity to manage the contract once it has been let;
- 1.2 For all contracts above the applicable EU threshold for Goods and Services (this includes any projects for 'Works' or projects covered by the 'Light Touch Regime') Officers must in addition to Section 2 point 1.1: -
- Comply with any legal requirements in the Public Contract Regulations or any replacement Regulations approved by the UK Government
 - Comply with the Council's Procurement Gateway Procedure
 - Consider any contract management information and lessons learned from the previous contract where this exists
 - Consult with stakeholders, users and the supply market (in accordance with Section 2 point 5 of this Code) where appropriate
 - When procuring 'Services' consider whether and how through the procurement, improvements to the economic, social and environmental wellbeing of the area might be achieved (Social Value)
 - Carry out an options appraisal to decide the best way to achieve the Council's objectives, including internal or external sourcing, partnering,

collaborative procurement with another public body, recycling, reuse etc.

- Produce a business case and have this approved by a member of the Senior Management Team
- Assess the potential risks and how to manage them
- Submit a fully completed PID for approval by the Head of Finance
- Agree the form of contract to be used and the terms and conditions that are to apply to the proposed contract
- Consider the need for a performance bond and/or parent company guarantee.

1.3 All contracts or purchase orders issued by the Council shall:

- Be evidenced in writing;
- Refer to a contract reference number and/or contain a purchase order number
- Include appropriate Terms and Conditions
- Support the Councils wider priorities and policy objectives
- Include a requirement for the supplier to comply with all relevant statutory requirements

2 Declaration of Interest / Conflict of Interest

2.1 Officers and Members must declare any potential conflict of interest when requested to do so by the Head of Finance. This may take the form of an annual declaration and/or a project by project declaration

2.2 Any Officer or Member who has a direct or indirect interest in any procurement or proposed contract shall declare their interest in writing to the Head of Finance. The Head of Finance will decide whether the reported interest is considered sufficient to exclude the officer or member from being involved in the procurement process or the awarding of any contract.

3 Contract Value

3.1 The procurement procedure will usually be determined by the estimated aggregate value of the contract. The aggregate value of the contract is calculated as follows

- Initial term of the contract plus any extension periods X estimated annual contract value or
- For one off requirements the available agreed budget
- For concession contracts the estimated value of the turnover of the concessionaire generated over the duration of the contract

3.2 Contract values must not be distorted or disaggregated in order to avoid the requirements of this Code or alter the procurement process.

3.3 Where the estimated aggregate value of the contract exceeds the relevant EU threshold, an EU compliant procurement process should be undertaken

4 Use of Existing Council Contracts

4.1 Before commencing a procurement process and/or seeking to let a new contract, Officers must check whether the Council already has a suitable contract in place which could satisfy the requirement. Where a suitable

contract exists, that contract must be used unless agreed otherwise by the Head of Finance

5. Pre-Tender Market Engagement and Consultation

- 5.1 Officers may consult potential suppliers prior to the issue of an Invitation to Quote/Tender about the nature, level and standard of the supply, contract packaging and other relevant matters. Records must be kept of this consultation.
- 5,2 Officers must not, once any consultation period under 5.1 has ended seek or accept technical advice on the preparation of the actual Invitation to Quote/Tender from anyone who may have a commercial interest in bidding for the contract as this may prejudice the equal treatment of all potential bidders and distort competition.

6. Framework Agreements

- 6.1 Contracts based on framework agreements may be awarded by either
 - 6.1.1 Applying the terms laid down in the framework agreement (where such terms are sufficiently precise to cover the particular call-off) without reopening competition; or
 - 6.1.2 Where the terms laid down in the framework agreement require the re-opening of competition or the terms laid down in the framework agreement are not precise enough, by holding a mini competition in accordance with the following procedure:
 - Inviting all organisations within the framework agreement who are capable of delivering the contract to submit written quotations/tenders;
 - Fixing a time limit which is sufficiently long to allow tenders for each specific contract to be submitted, taking into account factors such as the complexity of the subject of the contract

7. Use of Existing Framework Agreements

- 7.1 Before undertaking a procurement process, Officers shall consider whether there is an existing pre-tendered framework agreement available. This may be a framework agreement let by another public body or by a purchasing consortium (e.g. CCS, ESPO, YPO). It may be necessary to examine a number of framework agreements to identify the best value solution for the Council
- 7.2 Existing framework agreements may be used where these have been established by an appropriate contracting authority and the Council can legitimately and legally access them
- 7.3 Where the use of an existing framework agreement is identified as the appropriate procurement route, the Officer will, in conjunction with the Procurement Service, agree the appropriate procedure for accessing the framework agreement
- 7.4 When using an existing framework agreement, Officers must not invite additional suppliers to bid which are not included on the Framework agreement
- 7.5 The use of an existing framework agreement does not remove the requirement to comply with all other elements of this Code

8. Creating Council Framework Agreements

- 8.1 Officers may establish framework agreements for goods, works or services. For any contracts where the aggregate contract value is likely to exceed the relevant EU threshold, the framework agreement must be established in accordance with the requirements of the Public Contracts Regulations. Where Services are considering establishing a framework agreement, they must seek advice from the Procurement Service, before commencing the procurement process
- 8.2 The duration of a framework agreement shall not exceed 4 years except in exceptional circumstances.
- 8.3 Where Services are considering establishing a framework agreement for longer than 4 years in duration, the Officer must seek advice from the Procurement Service and receive written agreement from the Head of Finance before commencing the procurement process

9. Awarding Contracts based on Framework Agreements

- 9.1 Contracts should be awarded to the bidder submitting the best quotation/tender on the basis of the award criteria set out in the framework agreement
- 9.2 Where the contract value exceeds £5,000 Officers should include details on the master 'Contract Register'
- 9.3 Where the contract value is £25,000 or above, a Contract Award Notice should be placed on Contracts Finder
- 9.4 Where the contract value exceeds the relevant EU threshold, Officers should observe a 'standstill period' before finalising the award of the contract
- 9.5 Where the contract value exceeds the relevant EU threshold a Contract Award Notice should be placed in the OJEU (or any replacement UK requirement)

10. Inviting Quotations and Tenders (Contract Types 2 - 5)

- 10.1 All Invitations to Quote/Tender shall, as a minimum:
 - Be conducted electronically using the Council's approved E-Procurement system or another E-Procurement system approved by the Procurement Service unless agreed otherwise by the Head of Finance
 - Be advertised in accordance with the requirements of this Code
 - Be issued to at least 3 potential suppliers unless: -
 - There are not 3 suppliers in the market or
 - Where required by the Public Contract Regulations to invite more than 3 suppliers
 - Include clear instructions on how and where quotations/tenders are to be returned
 - Include the date, time and process for the return
 - Include appropriate terms and conditions
 - Include a clear specification which describes the Council's requirements and expected levels of quality
 - Specify the time limit (if any) for delivery;
 - Describe the criteria and process that will be used to evaluate the bids including any question weightings and sub-criteria that apply
 - Include a robust and proportionate framework for managing the performance of the contract capable of evidencing that the contract is delivering the required business benefits/outcomes.
 - Include any supplementary information required by potential bidders to enable them to submit clear and concise bids,
 - Require the completion and return of a Form of Tender and certificates relating to canvassing and non-collusion.
 - When establishing a framework agreement, a clearly defined process shall be included outlining how call off contracts are to be awarded see Section 2 Point 8 of this Code

11. Advertising Requirements

- 11.1 All procurements with an estimated aggregate value below £25,000 are not required to be publicly advertised
- 11.2 All procurements with an estimated aggregate value of £25,000 or above must be advertised on the Council's E-Tendering portal and on Contracts Finder

- 11.3 All procurements expected to exceed the applicable EU threshold must be published on the Council's E-Tendering portal, Contracts Finder and in the OJEU (or any replacement UK requirement)
- 11.4 Advertisements for contracts exceeding the relevant EU threshold should not appear on the Council's E-Tendering portal or on Contracts Finder until after they have appeared in the OJEU (or any replacement UK requirement).

12. Management of Quotations and Tenders (Contract Types 2 - 5)

- 12.1 Bidders must be given an adequate period of time in which to prepare and submit a quotation/tender consistent with the complexity of the procurement. Where the contract value is expected to exceed the applicable EU threshold, the Public Contract Regulations require specific time periods to be observed depending on the procurement procedure being followed.
- 12.2 Providing clarification on any aspect of the quotation/tender to bidders during the bidding period is permitted. All clarification requests should be in writing and therefore Officers must not accept or respond to verbal clarification requests. The clarification questions asked (anonymised to ensure the integrity of the bidders) together with the Council's response must be made available to all bidders
- 12.3 Officers may extend the deadline for submission of quotations/tenders where it is considered appropriate to do so. Where the deadline for submission of quotations/tenders is extended, all bidders will be notified of the extension and any bidders that have already submitted a quotation/tender shall be given the opportunity to re-submit.
- 12.4 Quotations/Tenders will be submitted by bidders via the Council's approved E-Tendering portal unless alternative arrangements have been agreed by the Head of Finance.
- 12.5 A formal opening ceremony will take place and no quotation/tender submissions will be available to evaluate until after the opening ceremony
- 12.6 Late quotations/tenders will not normally be accepted. Officers must obtain the agreement of the Head of Finance prior to accepting any late quotations/tenders

13. Evaluation of Quotations/Tenders (Contract Types 2 - 5)

- 13.1 Officers are responsible for ensuring that all bids are suitably assessed. The assessment process shall, as a minimum, establish that all potential bidders have sound economic and financial standing and sufficient technical ability and capacity to fulfil the requirements of the Council
- 13.3 Evaluation of bids must be undertaken in accordance with the evaluation methodology and evaluation criteria described in the quotation/tender document.
- 13.3 Evaluators are required to evaluate bids independently and provide comprehensive comments in support of their evaluation.
- 13.4 Where less than 3 quotations/tenders are returned, the evaluation can still proceed. Prior to awarding any contract in these circumstances, Officers should be confident that the bids received secure best value for the Council.
- 13.5 Where only one quotation/tender has been received, the Head of Service in conjunction with the Procurement Service will agree whether it is

- appropriate to award a contract or to abort the procurement and consider alternative options.
- 13.6 If the quotation/tender evaluation reveals any errors which affect the quotation/tender price, the bidder will be provided with the details of the error and given the option of confirming the price as submitted or withdrawing from the procurement process. If an Officer considers an alternative approach to be in the best interests of the Council, Officers must receive prior approval from the Head of Finance
 - 13.7 Where information is missing from a quotation/tender, Officers may clarify the omission with the bidders with the prior agreement of the Procurement Service.
 - 13.8 Seeking clarification of a submitted quotation/tender whether in writing or by way of a meeting is permitted. However, discussions with bidders after submission of a quotation/tender and before the award of a contract with a view to obtaining adjustments in price, delivery or content (i.e. post tender negotiations) must be the exception rather than the rule. In particular, such negotiations must not be conducted during an EU Procedure (other than within the provisions of the EU Competitive with Negotiation (CWN) and Competitive Dialogue (CD) procedures) without the prior agreement of the Head of Finance
 - 13.9 If post tender negotiations appear necessary you should take advice on whether negotiations are permissible. Normally such negotiations should be undertaken with all those bidders who have met the selection criteria in the original procurement process. During negotiations, the Council's requirements set out in the original procurement process should not be substantially altered.
 - 13.10 Apart from the debriefing required or permitted by this Code, the confidentiality of quotations/tenders and the identity of bidders must be preserved at all times and information about one bidder's response must not be given to another during the evaluation process. Notwithstanding this, Officers should be mindful of the Council's duties under the Freedom Of Information Act and in some circumstances some disclosure may be required to comply with those

14. Acceptance of Tenders

- 14.1 The table below sets out the approvals required. They apply equally to contracts that may be awarded through negotiation as they do to those awarded through competition. They also apply to contracts intended to be awarded from collaborative procurement exercises or framework agreements including those let by organisations such as CCS, ESPO, YPO etc.

Contract Type	Approval To Award a Contract
1	Commissioner or above
2	Commissioner or above and Procurement Service
3	Commissioner or above and Procurement Service
4	Commissioner, SMT member and Procurement Services
5	Commissioner, SMT member and Procurement Services

- 14.2 Where external funding has being provided to support the budget for the procurement, e.g. ERDF, Heritage Lottery Fund, Friends Groups etc. acceptance of the award decision may need to be obtained from the external funder prior to a tender being accepted.
- 14.3 Tenders may be accepted provided that the tender sum and any on-going financial commitments can be met from within the available budget or in relation to capital expenditure, the tender sum together with any other scheme costs (e.g. fees, capital, salaries, post-contract services etc.) can be met from within the capital programme provision and that Executive approval for the capital expenditure has previously been granted,
- 14.4 Where a tender cannot be accepted because of budget limitations, a report should be submitted to the Executive outlining the circumstances and the possible options. It will then be a matter for the Executive to decide whether to proceed on a reduced basis, how the shortfall will be funded in line with the Financial Code of Practice, or not to proceed with the scheme.

15. Notifying Suppliers of the Outcome

- 15.1 Suppliers should be notified of the outcome of the procurement process as soon as possible after approval to award the contract has been obtained and should be notified in writing.
- 15.2 For contracts below the applicable EU threshold (Types 1-4), the winning bidder should be advised of the outcome prior to communicating with any unsuccessful bidders. Unsuccessful bidders should be advised of the outcome once the successful bidder has indicated their willingness to deliver the contract
- 15.3 Contracts that are subject to the EU procedure or any UK replacement procedure must be awarded in accordance with the requirements of the Public Contract Regulations: -
- 15.3.1 Intention to award letters should be issued simultaneously to all bidders (successful and unsuccessful) advising them of the intention to award the contract and providing them with a 'standstill period' of at least 15 calendar days (or 10 calendar days if notification letters are sent electronically via the Council's approved E-Tendering portal).
- 15.3.2 The Council's standard Intention to Award letter must be used and must include the following debriefing information: -

- i. The criteria for the award of the contract;
 - ii. The name of the successful bidder(s);
 - iii. The score of the bidder, together with the score of the successful bidder/s;
 - iv. The reason for the decision, including the characteristics and relative advantages of the successful bidder/s; and
 - v. Confirmation of the date before which the Council will not enter into the contract (i.e. the date the standstill period finishes).
- 15.4 Unsuccessful bidders wishing to formally challenge the award decision are initially required to do so during the standstill period and before the contract award is confirmed. If an award decision is questioned in writing or formally challenged by or on behalf of an unsuccessful bidder after the issue of an Intention to Award letter and during the standstill period, the Officer shall not proceed to award the contract but shall immediately inform the Head of Finance and seek the advice of Legal Services on next steps.
- 15.5 Subject to no formal challenges being received during the standstill period, the Officer may confirm the award of the contract to the successful bidder using the Council's Confirmation of Award letter template

16. Publication of Contract Awards

- 16.1 The award of all contracts with a value of £5,000 and above must be published on the Council's website
- 16.2 In addition, the award of all contracts with a value of £25,000 and above must be published on Contracts Finder
- 16.3 In addition the award of all contracts above the relevant EU threshold must be published in the OJEU (or any replacement UK requirement)

17. Contract Signing and Order Authorisation

- 17.1 All contracts should be in written form and the written formalities should be completed before the contract is due to start except in exceptional circumstances and only then with the prior approval of the Head of Finance
- 17.2 The Officer responsible for securing signature of the contract must ensure that the person signing for the other contracting party has authority to bind it.
- 17.3 Contracts must be signed or sealed in accordance with the Council's Scheme of Delegation
- 17.4 Contracts under Signature - The Officer signing the contract on behalf of the Council must ensure that he/she has the relevant authorisation to sign the contract.
- 17.5 Contracts under Seal - Contracts under Seal can only be signed by a member of the Corporate Management Team. A contract must be sealed where:
- The Council wishes to extend the liability period under the contract and enforce its terms for up to 12 years;
 - The price to be paid or received under the contract is a nominal price and does not reflect the value of the goods or services;
- 17.6 Order Authorisation - Orders can only be placed by approved Officers. Senior Management Team members will authorise the Officers allowed to place orders on behalf of the Council, along with each individual's authorisation limits.

18. Document Storage & Document Retention

- 18.1 All signed contracts must to be stored in the Deed Store or within the electronic contract folder
- 18.2 Appropriate documents and records must be retained for all contracts. In particular
 - 18.2.1 Documents or records relating to successful quotations/tenders - The contract and any relevant correspondence and records (e.g. any documents which might have a bearing on the way the contract was let or is interpreted) must be kept for at least 6 years after the contract comes to an end. If the contract is made as a deed/under seal the records must be kept for a minimum of 12 years.
 - 18.2.2 Documents or records relating to unsuccessful quotations/tenders must be kept for at least 24 months from the date the contract starts.

19. Form and Conditions of Contract

- 19.1 The contract terms and conditions used must be the most appropriate for the procurement and can be the Council's pre-agreed standard terms and conditions, industry standard terms and conditions such as JCT, NEC etc. or bespoke terms and conditions written specifically for the particular procurement.
- 19.2 Contracts will clearly state:
 - The Services/Works to be carried out or the goods to be supplied
 - The price to be paid including any discounts
 - The mechanism for managing any changes or variations to the contract during its life
 - The mechanism by which price adjustments (e.g. for any agreed contract changes or contract variations, any additional payments for over performance, any payment deductions for under performance, any general efficiency (cost management) initiatives and the mechanism for any inflationary increases etc.) will be managed;
 - The time by when (or during which) the contract is to be carried out;
 - Appropriate performance management provision to allow for effective contract management
 - Powers for the Council to cancel the contract and recover any resulting losses from the contractor
 - Appropriate provision for information sharing to support the Council in meeting its statutory duties
 - Appropriate contract termination provisions

20. Managing Contracts

- 20.1 A Contract Manager will be appointed to act on behalf of the Council for all type 3, 4 and 5 contracts.
- 20.2 For all type 5 contracts, a member of the Senior Management Team will be appointed to the contract governance structure.
- 20.3 Contract Managers must manage contracts in accordance with the Councils Contract Management Framework

21 Extending Contracts

- 21.1 Type 1 and 2 contracts can be extended by a Commissioner if the original contract included the provision to extend (an 'option period')

- 21.2 Type 3, 4 and 5 contracts can be extended by a member of the Senior Management Team if the original contract included the provision to extend (an 'option period'). Before activating any option period, an Extension Approval Request form must be completed and submitted to Procurement Services in order that an appropriate level of due diligence and a value for money assessment can be undertaken.
- 21.3 Officers wishing to extend a contract where the original contract did not include the provision to extend (an 'option period') must follow the Exemption process
- 21.4 When negotiating a contract extension Officers must make all reasonable efforts to secure improved contract terms for the Council

22 Changes to Contract

- 22.1 Changes (variations) to requirements and/or contracts are likely to occur throughout the life of a contract. Each individual contract should describe the specific process to be adopted to manage any change however all changes are subject to the following
- The value of any changes and/or any resulting changes to the performance management framework etc. required as a consequence of the change should be fully understood by the Council and documented prior to the change being agreed/implemented.
 - Contract variations not provided for within the awarded contract should only be agreed in writing and must be approved by a member of the Senior Management Team following consultation with Procurement and if appropriate, Finance, Legal, HR etc.
 - If a specific change, or cumulative changes significantly increase or decrease the scale or scope of the contract this may constitute 'Material Change'. Changes or variations to contracts that are considered material changes must not be agreed without the prior approval of the Head of Finance
 - Any agreed change or modification will take effect on the date of signature
 - The Council's 'Forward Contract Plan' and the master 'Contract Register' must be updated to reflect any changes/variations agreed

23 Reviewing Contractual Arrangements

- 23.1 Existing contracts must (as a minimum) be reviewed in accordance with the following requirements:

Total Contract Value	Review Date
£1 - £9,999	At least 3 months before a break clause, the end of the initial contract term and the final contract end date.
£10,000- £49,999	At least 6 months before a break clause, the end of the initial contract term and the final contract end date.
£50,000 - EU threshold for Goods & Services	At least 9 months before a break clause, the end of the initial contract term and the final contract end date.
EU threshold for Goods & Services and above	At least 12 months before a break clause, the end of the initial contract term and the final contract end date.

24 Concession Contracts

- 24.1 Concessions are a specific type of contractual arrangement under which the Council will grant the supplier the right to exploit an opportunity and receive some or all of its income from third parties. The operating risk which comes from exploiting the opportunity must pass to the supplier.
- 24.2 Where Services are considering establishing a Concession contract, they should seek advice from the Procurement Service before commencing the procurement process
- 24.3 Where the Council seeks to grant a Concession, the Officer should follow this Code as though it were a procurement, having regard to the various thresholds, need to advertise and other matters to ensure an open, transparent and competitive process
- 24.4 Where the Council seeks to grant a Concession contract, the Officer should consider the potential to secure future income streams or other non-cost benefits to the Council
- 24.5 Where the value of a Concession contract to be awarded is above the threshold set in the Concession Contracts Regulations 2016, Officers must follow the process identified in those Regulations.

25 Appointment of Consultants

- 25.1 Consultants are subject to the same competition requirements as any other type of contract and must be selected and commissions awarded in accordance with this Code.
- 25.2 The engagement of a Consultant shall follow the agreement of a brief that adequately describes the scope of the services to be provided, the deliverables expected, the total cost to be paid and any stage payment arrangements. The engagement shall also be subject to completion of a contract of appointment.
- 25.3 Records of consultancy contracts shall be maintained in accordance with this Code
- 25.4 Consultants shall be required to provide evidence of, and maintain professional indemnity insurance policies to the satisfaction of the Council's Insurance Manager for the periods specified in the respective agreement.

26 The Council as a Supplier of Works, Goods or Services to External Organisations

- 26.1 The Head of Finance must be consulted where contracts to work for organisations other than the Council are proposed in order to: -.
 - a) Confirm the Council can legally enter into the contract;
 - b) Confirm the legality of the charging arrangements; and
 - c) Approve the terms and conditions of the proposed contract.
- 26.2 Officers shall produce a robust business case for the Council acting as a supplier which fully takes into account the costs to the Council of delivering the goods, works or services concerned. The financial viability of such business cases must be approved by the Head of Finance.
- 26.3 Officers shall liaise with the Council's Insurance Manager to ensure any potential liabilities are sufficiently covered by the Council's insurance policies.
- 26.4 Prior to signing any agreement to supply services to another organisation, Officers must get the necessary approval. For contracts with a value less

than £10,000 approval can be obtained from the relevant member of the Senior Management Team. For contracts with a value of £10,000 and above approval must be obtained from the Executive

27 Disposal of Assets

27.1 The following requirements apply to all disposals

- Any asset considered to be available for disposal should be offered for re-use within the Council prior to being disposed of externally.
- Assets should not be sold without competition unless agreed by the Head of Finance
- For assets expected to be worth £50,000 and above, Executive approval should be sought prior to commencing the disposal process
- Officers should use best endeavours to secure at least two written quotations
- Quotations can be obtained in the form of formal bids (the Council's E-Tendering portal can be used for this purpose) or by public auction (e.g. EBay, property/land auction etc.).
- In the event that an online auction (e.g. EBay) is used then the auction must be conducted using a Council account and under **NO** circumstances should personal accounts be used
- If a low value asset cannot be sold then consideration should be given as to its suitability to support local charities, voluntary groups, parish councils etc.
- In considering the proposal to dispose of land or property it is necessary to follow the Code of Financial Practice. Disposal of land and buildings are not normally covered by the Public Contracts Regulations or this Code. However, if the disposal is linked to further outputs or developments then there may be a requirement to comply with the Public Contracts Regulations. In these circumstances, Officers must seek advice from Procurement Services.

DEFINITIONS

Agent	A person or organisation acting on behalf of the Council.
Award Criteria	The criteria by which the successful Quotation or Tender is to be selected
Bidder	Any person or organisation submitting a Quotation or Tender
CCS	The Crown Commercial Service
Code of Conduct	The 'Officers Code of Conduct'
Commissioner	Those officers within the Council responsible for identifying a business need and through the process of procurement securing that need on behalf of the Council
Concession	A specific type of contractual arrangement under which the Council will grant the supplier the right to exploit an opportunity and receive some or all of its income from third parties. The operating risk which comes from exploiting the opportunity <u>must pass to the supplier</u>
Consultant	Someone engaged for a specific length of time to work to a defined project brief with clear outcomes to be delivered, and who brings specialist skills or knowledge <u>to the role</u>
Contract Manager	Those officers carrying out post award monitoring and management of a contract in accordance with the Council's contract management framework.
Contracts Finder	A Government portal for the advertisement of central and local government contract opportunities and contract awards (https://www.contractfinder.service.gov.uk/Search)
Contract Register	The Council's internal record of all contracts awarded with a value of £5,000 or above
Councils E-Tendering Portal	CSW-JETS (https://in-tendorganiser.co.uk/csw-jets/asp/ITLogin.aspx)
ESPO	The Eastern Shires' Purchasing Organisation
Existing Council Contract	A contract entered into directly by the Council that can be utilised by all Services for the supply of the goods, works or services specified within its terms.
Existing Framework Agreement	An existing contract let by another public body or purchasing organisation such as CCS, ESPO, YPO that may be legally utilised by the Council
EU Procedure	The procedure required by the EU or UK replacement where the Total Value exceeds the EU Threshold or any UK replacement threshold
EU Threshold	The contract value at which the EU public procurement directives or UK replacement procedure must be applied
Forward Contract Plan	The Council's internal record of all existing or potential contracts with a value of £25,000 or above
Framework Agreement	An agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the main terms governing call off contracts to be awarded during a given period.
Freedom of Information	The Freedom of Information Act 2000 is an Act of Parliament that creates a public "right of access" to information held by public authorities.
Head of Finance	The Head of Finance or his/her specified nominee
Invitation to Tender	A document issued to bidders inviting competitive bids for works goods or services
JCT	Joint Contracts Tribunal standard building contract designed for large or complex construction projects

Material Change	Substantial changes or variations (individual or cumulative) that result in the agreement being "materially" different in character from the original agreement
MEAT	(Most Economically Advantageous Tender) A method of assessment that allows the contracting party to award the contract based on aspects of the tender submission other than just price.
NEC	The New Engineering Contract (NEC), or NEC Engineering and Construction Contract, is a formalised system created by the Institution of Civil Engineers that guides the drafting of documents on civil engineering and construction projects for the purpose of obtaining tenders, awarding and administering contracts.
OJEU	The Official Journal of the European Union
Officer	A person employed by or acting on behalf of the Council
PID	The Council's internal Procurement Initiation Document
Procurement Service	The centralised procurement service for Warwick District Council
Purchasing Consortium	Two or more independent organisations that join together, either formally or informally for the purpose of combining their individual requirements for <u>purchased goods, services and works</u>
Quotation	A quotation of price and any other relevant matter (without the formal issue of an Invitation to Tender).
Scheme of Delegation	The Council's internal arrangements delegating responsibility and accountability to take decisions and commit expenditure
Selection Criteria	The criteria by which Bidders are chosen to have their Award criteria evaluated or to submit quotations or tenders
SMT	The Council's senior management team
Standstill Period	A legal requirement imposed through the Public Contract Regulations which provides for a short (at least 10 calendar days) pause between the point when the contract award decision is notified to Bidders and the final contract conclusion during which time the decision can be challenged.
TUPE	Transfer of Undertakings (Protection of Employment) Regulations 2006 [SI2006 No.246] Subject to certain conditions, these regulations apply where responsibility for the delivery of works or services for the Council are transferred from one organisation (e.g. private contractor, local authority in-house team) to another (e.g. following a 'contracting-out' or competitive tendering process) and where the individuals involved in carrying out the work are transferred to the new employer. These regulations seek to protect the rights of employees in such transfers enabling them to enjoy the same terms and conditions, with continuity of employment, as existed with their former employer. Broadly, TUPE regulations ensure that the
YPO	The Yorkshire Purchasing Organisation

Executive

Excerpt of the minutes of the meeting held on Wednesday 31 October 2018 at the Town Hall, Royal Leamington Spa, at 6.00 pm.

Present: Councillors Mobbs (Leader), Butler, Coker, Grainger, Phillips, Rhead, Thompson and Whiting.

Also present: Councillors; Boad (Liberal Democrat Group Observer), Naimo (Chairman of Overview & Scrutiny Committee); Quinney (Chair of Finance & Audit Scrutiny Committee); and Wright (Conservative Observer).

75. **Declarations of Interest**

Minute 77 –Kenilworth School Loan and Land Purchase

Councillor Whiting declared an interest because his wife was a governor of the school. He therefore left the room whilst the item was discussed.

76. **Minutes**

The minutes of the meetings held on 4 January, 7 February, 27 June, 25 July, 30 August and 26 September 2018 were taken as read and signed by the Chairman as a correct record.

Part 1

(Items upon which a decision by the Council was required)

77. **Kenilworth School Loan and Land Purchase**

The Executive considered a report from Deputy Chief Executive (AJ) regarding Kenilworth School Loan and Land Purchase. The report asked Members to agree a loan to Kenilworth School and the purchase of land at Rouncil Lane in Kenilworth, thereby helping to facilitate the relocation of Kenilworth School and Sixth Form and providing an opportunity for the Council to develop a house-building programme.

Since the Executive considered a report on this matter at its meeting of 31 May 2018, not all elements of the relocation project had progressed as smoothly as would have been hoped: Whereas parts of the planning application work had progressed and Warwick District Council officers had developed a sound case for the purchase of the School's land at Rouncil Lane and the advancing of a loan to enable the School to continue with its planning application preparation, the landowner at South Crest Farm had not agreed a sale price with the School for their land and so the purchase had not been completed. Consequently, officers had to instruct Counsel to provide Compulsory Purchase Order (CPO) advice in the hope of convincing the landowner to reach an agreement.

Officers and the landowner met at the Council's offices late last month, accompanied by relevant professional advisors, and it was hoped that a negotiated settlement could be reached. Should this not have been successful, officers would have no alternative but to begin formal CPO

proceedings which would involve a report to this Committee to seek agreement to the CPO process. The consequence of this was that the School's aspiration of being on its new site for the September 2021 academic year was at risk. Although Counsel's advice was that the Council had a strong case for a CPO, if the landowner decided to argue the matter, the length of the process was difficult to determine as an Inquiry would need to take place.

Notwithstanding the aforementioned, the School Governors' position was that they wished to push ahead with the relocation project recognising the risk but in the belief that it was not "if" relocation would take place but "when".

Executive had agreed that Officers could enter into negotiations with the School's representatives for the in-principle purchase of the land allocated in the Local Plan for housing at Rouncil Lane (currently the School's Sixth Form site and defined as allocation H12 in the Plan). Officers duly instructed the Council's valuers Bruton Knowles (BK) to provide valuation advice in respect of the site and that advice could be seen at Appendix One in the private and confidential (p&c) report relating to this matter. Based on this advice, an offer had been made to the School and this offer had been accepted. The amount offered was detailed in the confidential report (Executive Item 15) along with a commentary to support the level of offer. Members were asked to agree the Heads of Terms (HoT) for the purchase of this land at Appendix Two to the confidential report. It would be noted that the HoT was constructed in such a way that the option to purchase part or the entire Rouncil Lane site existed. The former option was in case the School was ultimately thwarted in its planned move, for whatever reason.

In tandem with negotiations around purchasing Rouncil Lane, Executive had asked officers to explore whether it would be possible to advance a loan of circa £1m to the School to enable it to proceed with its planning application and assist with funding the upfront capital costs of the scheme. That work had confirmed that a loan of that amount could be secured by taking a charge on part of the land at Rouncil Lane which could be developed even with the School still in situ.

Appendix A to the public report included a site plan of the School's land at Rouncil Lane. It was considered that the hatched green area of the site could be developed even if the school remained in situ. Officers had taken advice from a Highway consultant regarding access (Appendix B to the public report) and the Council's solicitors had advised that there would be no impediment to gaining access as a consequence of land title. Officers had therefore instructed the Council's solicitors to draft a Loan Agreement to which the School had agreed. The key element of the agreement from the Council's perspective was security for the loan. This would be achieved by way of a land charge on the site which would be placed on the part of the land that could be developed even with the School in situ. An option agreement would be entered into for this part of the land contemporaneously with the execution of the loan Agreement. Members were asked to note the draft Loan Agreement, as currently proposed at Appendix Three to the confidential report and agree that the final document was agreed under delegated authority, in consultation with the Leader.

Whether the Council ultimately would end up owning the entire site with the potential for 130 dwellings (Local Plan allocation number) or just part with the potential for 70 dwellings, the Council would be afforded the opportunity to begin a house building programme. Members were aware that a report entitled 'Bid for Local Authority Housing Programme' was agreed at the August Executive which sought approval for increasing the Council's borrowing headroom to bring forward such housing schemes. Whilst the financing of the purchase(s) proposed in this report was not dependent on the bid, a successful outcome would give the Council greater capacity to explore further opportunities.

As an alternative option, the Council could decide to play a less active role in the project, however, the likely consequence of this was that the relocation of the School would be delayed and the Council would miss the opportunity to develop a Council house-building programme. For those reasons, the option was rejected.

The Finance & Audit Scrutiny Committee supported the recommendations in the report and noted the confidential appendix.

Councillor Mobbs proposed the report and stated that the Council were pleased to be able to help Kenilworth School in this move.

The Executive, therefore,

Recommended that

- (1) the latest position as it relates to Kenilworth School and Sixth Form's decision to relocate to land at South Crest Farm, Kenilworth, which has been allocated in the Warwick District Local Plan for educational uses, is noted;
- (2) the latest position in respect of the negotiations and discussions between officers and the School in respect of advancing a loan and purchasing the School land at Rouncil Lane, is noted;
- (3) the Heads of Terms for the purchase of the School land at Rouncil Lane at Appendix Two to the private & confidential report on this matter, having noted both the Council's valuation advice at Appendix One and offer price at paragraph 3.2 of the report, are agreed;
- (4) the release of the necessary funding from the Housing Revenue Account Capital Investment Reserve is agreed;

- (5) the draft Loan Agreement at Appendix Three to the private & confidential report is noted; and
- (6) a final document is agreed by the Deputy Chief Executive (AJ) and Head of Finance in consultation with the Leader and recommends to Council that the precise source of funding of the loan is agreed by the Head of Finance and included within the updated Capital Budget, is agreed.
- (7) A final document is agreed by the Deputy Chief Executive (AJ) and Head of Finance in consultation with the Leader and the precise source of funding of the loan is agreed by the Head of Finance and included within the updated Capital Budget.

(The Portfolio Holders for this item were Councillors Mobbs, Coker, Rhead and Phillips)

Forward Plan Reference 972

78. **Code of Procurement Practice**

The Executive considered a report from Finance regarding proposed amendments to the Code of Procurement Practice.

The Council's Code of Procurement Practice was last formally reviewed and amended in 2016. It was recognised good practice to keep this document under review and make amendments as necessary to meet the changing environment in which the authority, its services and its finances operated.

The revisions to the Code of Procurement Practice had been developed by Warwickshire County Council's Head of Procurement, as the Council's Strategic Procurement Partner. The proposals had been considered at length by the Procurement Board (Senior Management Team), and the Procurement Champions.

The needs of councils were changing and councils needed to be innovative, flexible and agile in order to be able to respond quickly and efficiently in order to maximise opportunities as and when they arise. Councils therefore needed to have in place a procurement framework which supported innovation, agility and flexibility but at the same time provided the appropriate level of control, safeguarding and scrutiny that would be expected in an organisation spending public money. This was the context within which the review had been undertaken and a revised Code proposed.

The current Procurement Code of Practice (the Code) generally included the elements that would be expected to be seen in a document of this type. However, because the Code had been built up over time, some elements had become confused, overly complex and in some places contradictory.

The level of detail contained in the Code also varied significantly between sections. Some sections were light touch focusing on the more strategic procurement principles that the Council was seeking to achieve, whereas other sections went into great detail about the actual processes that officers needed to follow to satisfy both statutory and local procurement requirements. This mixed level of detail coupled with the confused, complex and in some places contradictory elements made it difficult for officers to comply with their obligations. The revised code was therefore seeking to:

- Focus on what needed to happen in relation to procurement rather than how procurement was done. The 'How' would be covered in procurement guidance issued by WDC Procurement via the Intranet. This approach had the benefit of allowing the 'how' to be more flexible and more easily amended to reflect experience, good practice and legislation as it would not be formally part of the Code and therefore not part of the Council's Constitution. The Code did, however, have the teeth to force officers to follow any procurement guidance issued.
- Ensure that the Council's statutory obligations in relation to procurement were satisfied through the Code with local policy and practice requirements communicated to officers through supporting procurement guidance.
- Provide a structure for the document that was more aligned to how the procurement process happened and therefore the Code should be easier for officers to follow and comply with.
- Provide the necessary information in a clear concise way that was detailed enough for officers to know their obligations but short enough as to be manageable. As a consequence of the review, the proposed Code was much shorter than the current version – down from 43 pages to 25 pages.

It was clear from the review undertaken that awareness of the Code was high and Officers were familiar with the general look and feel of the Code. However, the revised Code contained some new/different requirements and therefore, once agreed, the new Code would need to be formally re-launched. In support of this, the Council had already reviewed its procurement training offer to incorporate the changes proposed in the revised Code. The intention was that once the revised Code had been formally adopted by Council, training content could be finalised and training delivery could commence.

There were a number of specific Proposed Changes to note within the proposed Code regarding: Minimum Requirements; Legal Compliance; Scope of the Revised Code; Roles & Responsibilities; Collaboration; The Gateway Process; Local Supply; Constructionline; Social Value (SV); Role of the Executive; E Procurement; and Types of Contract. Where it was proposed in the new Code to remove prior agreement from Members for lower level decisions, these decisions would still be reported retrospectively to members as they were currently. It was considered that this approach coupled with more clarity around roles, responsibilities and accountabilities would enable Members to focus on the more significant procurement issues impacting on the Council.

In terms of alternative options, Members may wish to retain the existing Code of Procurement Practice or propose alternative changes. However, as explained in Section 3, the proposals were intended to present a sound foundation under which to progress good procurement across the Council.

The Finance & Audit Scrutiny Committee supported the recommendations in the report with a number of modifications as agreed with officers. An addendum was circulated prior to the meeting in order to answer questions from the Scrutiny Committee.

The Overview & Scrutiny Committee noted the report and thanked Mr White, Procurement Officer from Warwickshire County Council, for attending their meeting and answering questions

The Portfolio Holder for Finance agreed the amendments as proposed by Councillor Rhead and advised that a revised wording would be issued prior to submission at Council.

The Executive therefore,

Recommended that Council adopts the updated Code of Procurement Practice as detailed in Appendix One to the minute, subject to an amendment to page 13 of the report, to bullet point four to read "*the exemption must be agreed by the Head of Finance and Executive, prior to any **contract being entered into***". These changes will be made prior to submission to Council.

(The Portfolio Holder for this item was Councillor Whiting)
Forward Plan Reference 960



GAMBLING POLICY (STATEMENT OF GAMBLING PRINCIPLES)

(Required by the Gambling Act 2005)

2019 - 2022

1. Introduction

- 1.1 Warwick District Council, as the Licensing Authority ("the Authority"), makes this Statement of Policy ("the Statement") in pursuance of its powers and duties under Section 349 of the Gambling Act 2005 ("the Act") and sets out the Authority's approach in dealing with its responsibilities under the Act.
- 1.2 Warwick District is situated in the south of Warwickshire in the centre of England and its boundaries embrace an area of some 28,253 hectares with a population of 139,488 people. The District covers four towns, Royal Leamington Spa, Warwick, Kenilworth and Whitnash as well as a large rural area with 20 Parish Councils.
- 1.3 The Authority has consulted with the statutory consultees and a widespread cross section of the trade and other organisations, this list can be found in Appendix 1 of this document.
- 1.4 In preparing this Statement, the Authority has had regard to the provisions of the Act, the Guidance issued by the Gambling Commission and Regulations made by the Secretary of State. Due consideration has been given to the responses of all consultees and in determining the weight to be attached to particular representations the Authority has taken into account the following factors:
- Who is making the representation (what is their expertise or interest)
 - The relevance to the licensing objectives
 - how many others expressed the same or similar views

2. Gambling Act 2005

- 2.1 The Act specifies licensing objectives which are central to the regulatory regime, these are:-
- **Preventing gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime;**
 - **Ensuring that gambling is conducted in a fair and open way;**
and
 - **Protecting children and other vulnerable persons from being harmed or exploited by gambling**
- 2.2 In carrying out the licensing function under the Act the Authority will aim to permit the use of premises for gambling as long as it is considered to be:-
- **In accordance with any relevant Codes of Practice issued by the Gambling Commission under section 24 of the Act.**
 - **In accordance with any relevant Guidance issued by the Gambling Commission under Section 25 of the Act.**
 - **In accordance with this Statement of Policy**
and
 - **Reasonably consistent with the licensing objectives**

2.3 The Act provides for 3 categories of licence:

- Operating licences;
- Personal licences; and
- Premises licences

2.4 The Authority will be responsible for issuing premises licences. The Gambling Commission will be responsible for issuing operating and personal licences.

2.5 This Statement will come into force on the 31st January 2019 and will have effect until 30th January 2022 being kept under review and revised or amended as required following consultation.

3. Authorised Activities

3.1 'Gambling' is defined in the Act as either gaming, betting, or taking part in a lottery.

- Gaming means playing a game of chance for a prize:
- Betting means making or accepting a bet on the outcome of a race, competition, or any other event, the likelihood of anything occurring or not occurring; or whether anything is true or not:
- A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

3.2 The main functions of the Licensing Authority are to:

- Licence premises for gambling activities
- Grant permits for gambling and gaming machines in clubs
- Regulate gaming and gaming machines in alcohol licensed premises
- Grant permits for prize gaming
- Consider notices given for the temporary use of premises for gaming
- Receive occasional use notices for betting at tracks and
- Register small societies lotteries

3.3 Spread betting is regulated by the Financial Services Authority. Remote Gambling is dealt with by the Gambling Commission. The National Lottery is regulated by the Gambling Commission.

4. General Statement of Principles

4.1 The Authority recognises the wide variety of premises which will require a licence or a permit. These include casinos, betting shops, bingo halls, pubs, clubs, amusement arcades and racing tracks.

4.2 The Authority will not seek to use the Act to resolve matters more readily dealt with under other legislation. This Statement will avoid duplication with other regulatory regimes wherever possible. In considering applications, and taking enforcement action, under the Gambling Act the Authority will have regard to the provisions of the Human Rights Act.

- 4.3 To ensure the licensing objectives are met the Authority will establish a close working relationship with the Police, the Gambling Commission and other Responsible Authorities.
- 4.4 This Statement will not override the right of any person to make an application under the Act, make representations about an application or apply for a review of a licence. Each application will be considered on its own merits.
- 4.5 In its Guidance to Local Authorities the Gambling Commission suggest that Licensing Authorities should adopt a "Local Area Profile". A Local Area Profile is created by gathering information about a locality and any particular areas of concern within that locality. Where evidence is submitted to the Licensing Authority which identifies any areas of concern it is intended to produce a Local Area Profile separate to this Statement. Once adopted, the Local Area Profile would assist the Authority and Operators in identifying specific local risks within the District.

5. The Licensing Objectives

5.1 Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime

- 5.1.1 The Gambling Commission will play a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling, or being associated with providing such facilities.
- 5.1.2 When applying to this Authority for a premises licence the applicant will have to hold an operating licence from the Commission before a licence can be issued so the Council will not be concerned with the suitability of the applicant. Where concerns about a person's suitability arise the Authority will bring those concerns to the attention of the Commission.
- 5.1.3 The Authority will have to be satisfied that the premises will not adversely affect the licensing objectives and are compliant with the Commissions Guidance, Codes of Practice and this Statement. The applicant will be expected to demonstrate that they have, or intend to implement, sufficient controls to prevent the premises being a source of crime and disorder, associated with crime and disorder or used to support crime. This could include details of any risk assessments that have been carried out, measures relating to the design and layout of the premises to minimise opportunities for crime and disorder and the strategies for managing the premises.
- 5.1.4 Where an area is known to have high levels of crime the Authority will consider carefully whether the location is suitable for gambling premises. The Authority will expect the applicant to have a good understanding of the local area in which they either operate, or intend to operate and demonstrate how they will promote this objective in this location. Where representations are

received, it may be necessary for appropriate conditions to be attached to the licence, for example, Licensed Door Supervisors, CCTV or minimum levels of staffing.

5.1.5 Where a particular premises has a history of crime and disorder or a history of use by those involved in crime as a place of association or a way to dispose of the proceeds of crime the Authority will give careful consideration as to whether it is suitable to be licensed under the Act. The Authority may decide that any licence that is granted should be subject to additional conditions to promote this objective.

5.1.6 Whilst issues of nuisance are not included specifically in the gambling objectives and cannot be addressed via the Gambling Act, the Authority may consider, that extreme instances of public nuisance and persistent public nuisance amount to crime and disorder and may refuse to grant a licence or impose additional conditions in circumstances where serious and persistent public nuisance is associated with the premises.

5.2 Ensuring Gambling is conducted in a fair and open way.

5.2.1 Generally it is for the Gambling Commission to ensure that this licensing objective is complied with as this will be a matter primarily dealt with under either the operating licence or the personal licence. Where the Authority suspects that gambling is not being conducted in a fair and open way this will be brought to the attention of the Commission.

5.2.2 In relation to the licensing of tracks, as defined by section 353 of the Act the Authority's role will be different from other premises in that track operators will not necessarily have an operating licence. In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable. In particular the Authority will consider whether the layout, lighting and fitting out of the premises have been designed so as to ensure that gambling is conducted in a fair and open way and whether sufficient management measures are proposed or in place. The Authority will also consider whether the operators have been compliant with enforcement agencies and whether the Commissions Codes of Practice have been complied with.

5.3 Protecting children and other vulnerable persons from being harmed or exploited by gambling

5.3.1 This objective intends to prevent children and young persons from taking part in, or being in close proximity to, gambling. This also means restricting advertising so that gambling products are not aimed at or are, particularly attractive to children.

5.3.2 The Act and Gambling Commission Guidance do not define the term vulnerable but the Commission states that for regulatory purposes it assumes "vulnerable persons" includes people who gamble more than they want to; people who are gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to

mental health issues, learning disabilities or substance abuse. This is the definition the Authority will use in its consideration of applications. Whilst the Act does not prohibit vulnerable groups in the same manner as children and young persons the Authority will consider whether or not measures have been taken to protect such a group. Any such considerations will be balanced against the Authority's aim to permit the use of premises for gambling and each application will be judged on its own merits.

5.3.3 The Authority will expect operators to put appropriate measures in place to protect children and other vulnerable persons. These could include, but are not confined to:

- Specific training programmes for staff to ensure that they are able to identify children and vulnerable people and take appropriate action to exclude them from the premises or part of the premises
- Effective measures to implement a proof of age scheme for adult only premises.
- Provision for self-barring schemes and access to information or helplines for organisations such as GamCare.
- Appropriate design and layout of the premises to ensure that they do not attract children or vulnerable people including appropriate signage and location of machines
- Effective management of the premises to include refusals logs and sufficient numbers of staff.
- Ensuring that any promotional materials do not encourage the use of the premises by children, or vulnerable people.

5.3.4 The licensing authority will pay particular attention to any codes of practice which the Gambling Commission issues in relation to specific premises such as casinos. It will consider this licensing objective on a case-by-case basis, and where necessary add conditions to promote this objective.

5.3.5 The Authority will carefully consider the location of the premises in relation to this objective.

6. Premises Licences

6.1 Section 150 of the Act permits the issue of premises licences authorising the provision of facilities at the following:-

- casino premises;
- bingo premises
- betting premises, including tracks and premises used by betting intermediaries;
- adult gaming centres;
- family entertainment centres;

6.2 Premises can be 'any place' but the Act prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are for different parts of the building and those parts can be genuinely regarded as being different 'premises'.

- 6.3 A particular requirement might be for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that the separation of the premises is not compromised and that people are not allowed to 'drift' accidentally into a gambling area.
- 6.4 Where the Authority has concerns about the use of premises for gambling these will generally be addressed through licence conditions.
- 6.5 Other than an application for a betting premises licence in respect of a track, the Authority is not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.
- 6.6 When considering applications for premises licences the Authority will not take into consideration either the expected 'demand' for facilities or the likelihood of planning permission being granted.
- 6.7 The Authority will maintain a register of premises licences issued and will ensure that the register is open for public inspection at all reasonable times.

7. Location

- 7.1 This licensing authority is aware that demand issues cannot be considered with regard to the location of premises either at a district wide or more local scale. However, it considers that the location of gambling premises can be a major factor on the promotion of the licensing objectives. The authority will pay particular attention to the suitability of a location for gambling activity in terms of the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 7.2 Any existing Local Area Profile will be considered by the authority. This will assist operators to make their decisions using the information which may highlight sensitive areas which they can take into account of any sensitive locations within close proximity to proposed gambling premises.
- 7.3 Applicants will have to show that they have considered any potential impact of their proposed business on the licensing objectives and provide information on how they plan to reduce or remove any likely adverse impact on them.
- 7.4 The licensing authority will carefully consider proposals for new gambling premises that are in close proximity to hostels or other accommodation or centres catering for vulnerable people, including those with mental disabilities or learning difficulties, and those with problem gambling or with alcohol or drug abuse problems, in the light of the gambling objectives.
- 7.5 It should be noted that areas considered to be sensitive does not preclude any application being made and each application will be decided on its own merits.

8. Primary Activity

- 8.1 The primary activity of each premises licence type is specified on the premises licence when it is issued. The licensing authority will take decisions in accordance with the Commission's Guidance and Codes of Practice on primary gambling activity, and will have regard to the advice which it issues from time to time, and will expect applicants to operate premises in line with the Commission's Guidance and conditions on their operator's licence. The council will monitor the operation of premises and report any potential breach of operating licence conditions to the Commission. Applications for new premises licences, or to vary an existing licence, will be expected to be clear that the premises are intended to be used for the primary gambling activity proposed.
- 8.2 It should be noted that the Act does not permit a premises to be licensed for more than one gambling activity.

9. Responsible Authorities

- 9.1 These are generally public bodies that must be notified of all applications and who are entitled to make representation to the Authority if they are relevant to the licensing objectives.
- 9.2 Section 157 of the Act identifies the bodies that are to be treated as responsible authorities. In relation to the Authority's area, these are:
- The Licensing Authority itself
 - The Gambling Commission
 - The chief officer of police
 - The Fire & Rescue Authority
 - The local planning authority
 - An authority with functions in relation to pollution of the environment or harm to human health
 - A body designated in writing by the licensing authority as competent to advise about the protection of children from harm
 - HM Revenue & Customs; and
 - Any other person prescribed in regulations by the Secretary of State

Section 211 (4) provides that in relation to a vessel, but no other premises, responsible authorities also include navigation authorities within the meaning of section 22 (1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is to be used for licensable activities.

- 9.3 The Authority is required to set out the principles to be applied in exercising its powers to designate, in writing, a body which is competent to advise about the protection of children from harm. The principles applied in designating such a body are:

- the body must be responsible for covering the whole of the Authority's area; and
- the body should be answerable to democratically elected persons rather than any particular vested interest groups etc.

9.4 Details of the body designated for Warwick District Council and all other responsible authorities are available on www.warwickdc.gov.uk and a printed form is available from the Authority.

10. Interested Parties

10.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence based on the principles detailed in section 2 of this policy statement.

An interested party is someone who-:

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons in either of the two groups above

10.2 The principles the licensing authority will apply to determine whether a person is an interested party are:

- Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities.
- Interested parties can be persons who are democratically elected. These include MPs, County and District Councillors, Town Councillors and Parish Councillors. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the ward likely to be affected. Other than these persons, this authority will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

10.3 It should be noted that, unlike the Licensing Act, the Gambling Act does not include as a specific licensing objective the prevention of public nuisance. There is however other relevant legislation which deals with public nuisance.

11. Representations

11.1 The Authority is obliged to consider representations from 'responsible authorities' and 'interested parties' and must determine whether or not representations are admissible. A representation is inadmissible if not made by a responsible authority or an interested party.

- 11.2 The only representations likely to be relevant are those that relate to the licensing objectives, or that raise issues under this statement or the commissions Guidance or Codes of Practice. The Authority must determine the relevance of the representation.
- 11.3 Any concerns that responsible authorities have in relation to their own functions cannot be taken into account if they are not relevant to the application for a premises licence and the licensing objectives.
- 11.4 The Authority may, in certain circumstances, consider a representation to be either frivolous or vexatious. This will generally be a matter of fact given the circumstances of each individual case but before coming to a decision the Authority may consider the following:
- who is making the representation and whether there is a history of making representations that are not relevant;
 - whether it raises a 'relevant' issue or not; or
 - whether it raises issues specifically to do with the premises which are the subject of the application.

12. Conditions of Licence

- 12.1 Conditions imposed by the Authority may be general in nature by applying to all licences, or those of a particular type, or they may be specific to a particular licence.
- 12.2 The Authority will not generally impose conditions that limit the use of premises for gambling unless it is deemed to be necessary as a result of the requirement to act in accordance with the Gambling Commission's Guidance, any codes of practice issued by the Commission, this Statement of Principles or in a way that is reasonably consistent with the licensing objectives.
- 12.3 Any conditions imposed by the Authority will be proportionate to the circumstances they are intended to address. In particular, the Authority will ensure that any conditions are:
- relevant to the need to make the premises suitable as a gambling facility;
 - directly related to the premises and the type of licence applied for;
 - fairly and reasonably related to the scale and type of premises; and
 - reasonable in all other respects
 - decided on a case by case basis
- 12.4 The Authority will not consider imposing conditions:
- which make it impossible to comply with an operating licence condition imposed by the Gambling Commission;
 - relating to gaming machines categories, numbers or method of operation;
 - which specify that membership of a club or other body is required; and
 - in relation to stakes, fees, winnings or prizes.

13. Casinos

- 13.1 There are currently no casinos operating in the District.
- 13.2 Section 166(1) of the Act states that a Licensing Authority may resolve not to issue casino premises licences. There is no resolution to prohibit casinos in the District at present. The Council reserves the right to review this situation and may, at some point in the future, resolve not to permit casinos. Should the Council choose to make such a resolution, this will be made in accordance with s166 of the Act and a resolution of full Council following considered debate.

14. Betting Machines in Betting Premises

- 14.1 The Authority is aware of its power to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching licence condition to a betting premises licence.
- 14.2 In the event that the Authority considers whether to impose such a condition on any particular licence it may, among other things, take into account the size of the premises, the number of counter positions available for person to person transactions, and the ability of staff to monitor the use of the machines.

15. Bingo

- 15.1 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licence, for that or those excluded areas.
- 15.2 Section 172(7) of the Act provides that the holder of bingo premises licences may make available for use a number of category B gaming machines for use on the premises.
- 15.3 This authority also notes the Commission's Guidance in the unusual circumstances in which the splitting of pre-existing premises into two adjacent premises might be permitted. It is not permissible for all of the gaming machines to which each of the licenses brings an entitlement to be grouped together within one of the licensed premises.
- 15.4 The playing of bingo specifically in alcohol-licensed premises, clubs and miners welfare institutes is permissible under the exempt gaming allowances. Where the level of bingo played in these premises, under the exempt gaming allowances, reaches a certain threshold, it will no longer be authorised by these allowances, and a bingo operating licence will be required by the Commission.

- 15.5 The holder of a bingo operating licence will be able to provide any type of bingo game including cash and prize bingo.
- 15.6 Commercial bingo halls will require a bingo premises licence from the Council.
- 15.7 Under the auspices of their gaming machine permit, adult gaming centres may offer any type of prize gaming and unlicensed family entertainment centres may offer equal chance prize gaming without the need for a prize gaming permit.
- 15.8 Children and young people are allowed into bingo premises, however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed, local authorities will ensure that:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - only adults are admitted to the area where the machines are located;
 - access to the area where the machines are located is supervised;
 - the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
 - at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

16. Tracks

- 16.1 Only one premises licence can be issued for any particular premises at any time unless the premises is a 'track'. A track is a site where races or other sporting events take place.
- 16.2 Track operators are not required to hold an 'operator's licence' granted by the Gambling Commission. Therefore, premises licences for tracks, issued by the Council are likely to contain requirements for premises licence holders about their responsibilities in relation to the proper conduct of betting. Indeed, track operators will have an important role to play, for example in ensuring that betting areas are properly administered and supervised.
- 16.3 Although there will, primarily, be a betting premises licence for the track there may be a number of subsidiary licences authorising other gambling activities to take place. Unlike betting offices, a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.
- 16.4 When considering whether to exercise its power to restrict the number of betting machines at a track the Council will consider the circumstances of each individual application and, among other things will consider the potential space for the number of machines requested, the ability of track staff to supervise the machines, especially if they are scattered around the

site, and the ability of the track operator to prevent children and young persons and vulnerable people accessing the machines.

17. Temporary Use Notices

- 17.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.
- 17.2 The licensing authority can only accept a Temporary Use Notice from a person or company holding a relevant operating licence.
- 17.3 Regulations prescribed by the Secretary of State provide that Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming where the gaming is intended to produce a single winner, for example games such as backgammon, cribbage, bingo and poker.
- 17.4 There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance notes that the meaning of 'premises' in part 8 of the Act, is mentioned in Part 7 of the Gambling Commission Guidance. As with 'premises', the definition of 'a set of premises' will be a question of fact in the particular circumstances of each notice that is given. In the Act 'premises' is defined as including 'any place'. In considering whether a place falls within the definition of 'a set of premises', licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises.
- 17.5 The licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission Guidance.

18. Occasional Use Notices

- 18.1 The licensing authority has very little discretion as regards to these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The licensing authority will need to consider the definition of a 'track' and whether the applicant is permitted to avail them from the notice.

19. Gaming Machines

- 19.1 A machine is not a gaming machine if the winning of a prize is determined purely by the player's skill. However, any element of 'chance' imparted by the action of the machine would cause it to be a gaming machine. A machine that is capable of being used as a gaming machine whether or not it is currently operating as one would also be classified as a gaming machine.
- 19.2 The Authority is aware of its power to restrict the number of gaming machines in certain circumstances. In the event that the Authority considers

whether to impose such a restriction on any particular permit it may, among other things, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.

- 19.3 The Authority will be unable to issue premises licences to authorise gaming machines in certain types of premises. These generally will be premises to which children and vulnerable people will have unrestricted access and would include take-away premises, taxi offices, supermarkets etc.

20. Unlicensed Family Entertainment Centre Gaming Permits

- 20.1 Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 20.2 The Gambling Act 2005 states that a Licensing Authority may “prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25. The Gambling Commission’s Guidance also states that in their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits and licensing authorities will want to give weight to child protection issues.
- 20.3 Guidance also states that an application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application, licensing authorities may wish to consider asking applicants to demonstrate:
- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
 - That staff are trained to have a full understanding of the maximum stakes and prizes.
- 20.4 It should be noted that a licensing authority cannot attach conditions to this type of permit.
- 20.5 With regard to renewals of these permits, a licensing authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

21. (Alcohol) Licensed Premises Gaming Machine Permits

21.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the ;
- licensing objectives
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises

21.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issues by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "*such matters as they think relevant*".

This licensing authority considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

21.3 It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an Adult Entertainment Centre premises licence.

21.4 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

21.5 It should also be noted that the holder of a permit must comply with Gaming Machines in Alcohol Licensed Premises Code of Practice issued by the Gambling Commission about the location and operation of the machine.

22. Prize Gaming Permits

22.1 The Gambling Act 2005 states that a Licensing Authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant”.

22.2 This licensing authority has adopted a Statement of Principles that is available from the licensing department or at www@warwickdc.gov.uk. Potential applicants/other interested persons are advised to read the Statement of Principles before applying to the Licensing Authority for a licence or permit.

22.3 In making its decision on an application for this permit the licensing authority does not need to, but may have regard to, the licensing objectives but must have regard to any Gambling Commission Guidance.

22.4 It should be noted that there are condition in the Gambling Act 2005 by which the permit holder must comply, but the licensing authority cannot attach conditions. The conditions in the Act are;

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if nonmonetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

23. Club Gaming and Club Machine Permits

23.1 Members clubs and Miners’ welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machines Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in regulations. A Club Gaming Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

23.2 Members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the

gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

23.3 This Licensing Authority is aware that: "Licensing authorities may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for members or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicants' premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Commission or the police."

23.4 It should be noted that there is a "fast track procedure available for premises which hold a Club Premises Certificate under the Licensing act 2003. As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced" and "The grounds on which an application under the process may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

23.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

24. Lotteries

24.1 In carrying out its functions in relation to Lotteries, the Authority will have regard to the Act, any guidance issued by the Commission from time to time and any Regulations issued by the Secretary of State.

24.2 The Act makes it illegal to promote lotteries unless they are licensed or within an exempt category. One such exemption relates to registered small society lotteries and the Council is responsible for registering small society

lotteries, which are promoted by non-commercial organisations that are established for:

- charitable purposes
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity
- for any other non-commercial purpose other than that of private gain

25. Exchange of Information

25.1 The principle that the licensing authority will apply in respect of the exchange of information between it and the Gambling Commission and those bodies listed in Schedule 6 of the Act is that it will act in accordance with the provisions of the Gambling Act 2005 which includes the provision that the General Data Protection Regulations will not be contravened. The licensing authority will also have regard to any guidance issued by the Gambling Commission to Local Authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

26. Enforcement Protocols

26.1 The Council will liaise with the Gambling Commission and other enforcing authorities on enforcement issues. These protocols will include agreements relating to joint inspections and joint strategies. This will provide a more efficient deployment of the Council's officers and other officers that are commonly engaged in enforcing gambling law and inspection of licensed premises. For example, these protocols should also provide for the targeting of resources towards high-risk premises and activities that require greater attention. A lighter touch will apply in respect of low risk premises, which are well run.

26.2 In general, action will only be taken in accordance with the principles of the Regulatory Compliance Code, Licensing Authority Enforcement Policy and the relevant provisions as they come into force of the Regulatory Enforcement and Sanctions Act 2008. To this end the key principles of consistency, transparency and proportionality will be maintained.

26.3 As per the Gambling Commission Guidance to Licensing Authorities, the Council will endeavour to avoid duplication with other regulatory regimes as far as possible.

26.4 The Council has adopted and implemented a risk based inspection programme based on:

- relevant codes of practice
- guidance issued by the Gambling Commission
- the licensing objectives
- the principles set out in this statement of gambling policy

26.5 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions, which it authorises. The Gambling commission will be the enforcement body for the Operator and Personal Licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.

27. The Licensing Process

27.1 The powers of the Council as a licensing authority under the Act may be carried out by the Licensing and Regulatory Committee and then put before Full Council. Applications under the Act will be dealt with in accordance with the Council's scheme of delegation.

27.2 Application forms will be in the format prescribed by regulations. The form will need to contain information that describes the gambling activities to be provided, the operational procedures, hours, nature of the location, needs of the local community, etc. Most importantly, the applicant will have to detail the steps that will be taken to promote the three licensing objectives. Applicants must carry out a risk assessment before they apply for a licence.

27.3 The Council will expect the local risk assessment to consider as a minimum:

- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;
- the demographics of the area in relation to vulnerable groups;
- whether the premises is in an area subject to high levels of crime and/or disorder.

Local risk assessments should show how vulnerable people, including people with gambling dependencies are protected and should be kept on the premises at all times.

27.3 Applicants are encouraged to fully consult the Police and other responsible authorities well in advance of submitting their applications. Application forms will be available on our website www.warwickdc.gov.uk this includes contact names for each of the responsible authorities that will be receiving applications. Most applications will require additional documentation and a fee to be included with the form. Incomplete applications will not be considered and will be returned to the applicant.

27.4 The Act requires licensing authorities to maintain a register of premises licences issued. The register must be available at any reasonable time to the public, who can request to view entries. The register is available online or in print at Riverside House, Milverton Hill, Royal Leamington Spa, CV32 5HZ

Effective 31st January 2019 Valid until 30th January 2022

CONSULTEES

Association of British Bookmakers
Beer & Pub Association
Bingo Association
British Amusement Catering Association
National Casino Forum
British Horse Racing Board
Casino operators Association
Chamber of Commerce
Club & Institute Union
GamCare
Greyhound Racing Board
Licensed Victuallers Association
Responsibility in Gambling Trust
Royal Society of Psychiatrists
The Gambling Trade carrying on gambling business in Warwick District
Town and Parish Councillors


Responsible Authorities;

Chief Officer of Police (Warwickshire)
Fire and Rescue Authority (Warwickshire)
Enforcement Agency for Health and Safety
Environmental Health
The Gambling Commission
The Licensing Authority
The Planning Authority
Safeguarding Children Board
Public Health
HM Revenue and Customs

Appendix 2

Public Consultation comments received

Consultee	Remark	Comment
Responsible Authority	Suggested inclusion of a detailed statement of what would be included in a local risk assessment and a requirement for the local risk assessment to be held on the premises.	Accepted
Responsible Authority	Paragraph 7.4 – question raised about whether the list of ‘vulnerable’ categories should be the same as 5.3.5.	Not accepted. Sections 5 and 7 are concerned with different elements of an application. Each list is appropriate for its own purpose.
Kenilworth Town Council	Town Council have discussed the document and support the proposal.	
Leamington Spa Town Council	The Council had no observations to make on the Policy.	

		Council Meeting 14th November 2018	Agenda Item No. 11
Title	Statutory Review of the WDC Gambling Policy (Statement of Gambling Principles)		
For further information about this report please contact	Kathleen Rose, Licensing Team Leader Tel: 01926 456703 Email: kathleen.rose@warwickdc.gov.uk		
Wards of the District directly affected	All wards		
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No		
Date and meeting when issue was last considered and relevant minute number	N/A		
Background Papers	None		

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	Yes (not yet known)
Equality Impact Assessment Undertaken	Yes

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	04.10.2018	Andrew Jones
Head of Service	05.10.2018	Marianne Rolfe
CMT		
Section 151 Officer	01.11.2018	Mike Snow
Monitoring Officer	04.10.2018	Andy Jones
Finance	01.11.2018	Mike Snow
Portfolio Holder(s)	08.10.2018	Clr Andrew Thompson
Consultation & Community Engagement		
<p>The consultation was wide ranging and included the Responsible Authorities, holders of existing licences, representatives of the trade and businesses (local, regional and national), Councillors, Town and Parish Councils, local bodies representing vulnerable persons and members of the public.</p> <p>There was also a social media campaign drawing members of the public's attention to the consultation and inviting opinions on the draft policy.</p>		
Final Decision?	Yes	
Suggested next steps (if not final decision please set out below)		

1. **Summary**

1.1 To present the reviewed Gambling Policy (Statement of Gambling Principles), which is applicable to all Licenced Premises.

2. **Recommendation**

2.1 That Council agrees the reviewed Gambling Policy (Statement of Gambling Principles) at **Appendix 1** to this report.

3. **Reasons for the Recommendation**

3.1 The Licensing Authority is required by the Gambling Act 2005 to review its Statement of Principles every three years.

3.3 The changes to the policy are minimal and are designed to reflect the Authority’s current approach to the Gambling Regime in terms of the unique character of the district and the application of generic legislation.

3.4 The new Policy has been consulted upon and is attached at **Appendix 1**.

4. **Policy Framework**

4.1 **Fit for the Future (FFF)**

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council’s FFF Strategy.

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/productivity of local economy Increased employment and income levels
Impacts of Proposal		
None	The gambling policy recognises that residents within, and visitors to the District, need a safe environment to live, work and visit; and that safe and well run gambling premises are important to the wellbeing of any	None

	person within the District.	
Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
Impacts of Proposal		
None	None	None

4.2 Supporting Strategies

Each strand of the FFF Strategy has several supporting strategies. The Gambling Policy/Statement of Principles, provide guidance, consistency, best practices, transparency, proportionality and promotes safety and wellbeing to the community. This contributes to the Council's strategy of making Warwick District a great place to live, work and visit.

The policy outlines the way in which this Authority will assist in preventing gambling from being a source of crime. It highlights the procedures for enforcement protocols and best practices, and promotes working in partnership with the Gambling Commission, Responsible Authorities and Operators, and ensures that the licencing objectives are met.

4.3 Impact Assessments

An Equality Impact Assessment has been carried out. It is consistent with the Council's duty under the Equality Act 2010.

5. Budgetary Framework

- 5.1 The recommendations do not impact on the budgetary framework or the budget set for the Council. Costs for the administration of this function are covered within the budget of the Council.

6. Risks

- 6.1 It is a legal requirement to review the Gambling Policy every three years, not to carry out the review could lead to legal challenge.

8. Background

- 8.1 Warwick District Council's current Gambling Policy (Statement of Gambling Principles) was adopted in January 2016 for a period of 3 years.

- 8.2 It is a legal requirement to review the Gambling Policy (Statement of Gambling Principles) every three years.
- 8.3 The review of the current Gambling Policy (Statement of Gambling Principles) has been undertaken with due regard to current Gambling Commission guidance, the Gambling Act 2005 and in consultation with neighbouring Licensing Authorities to ensure consistency across Warwickshire.
- 8.4 A public consultation on the proposed Gambling Policy (Statement of Gambling Principles) was launched on 2nd July 2018.
- 8.5 A summary of the responses received is attached as **Appendix 2**.