

# Executive

Excerpt of minutes of the meeting held on Wednesday 13 November 2019 at the Town Hall, Royal Leamington Spa, at 6.00pm.

**Present:** Councillors Cooke, Day, Falp, Grainger, Hales, Matecki, Norris and Rhead.

**Also present:** Councillors: Nicholls (Chairman of the Finance & Audit Scrutiny Committee); Davison (Chair of the Overview & Scrutiny Committee); Boad (Liberal Democrat Group Observer); and Cullinan (Labour Group Observer).

Apologies for absence were received from Councillors Grainger, Norris and Rhead.

## 65. **Declarations of Interest**

### Minute Number 70 – Budget Review to 30 September 2019 and Other Financial Matters

Councillor Falp declared an interest because she was a Whitnash Town Councillor and left the room whilst the item was discussed.

### Minute Number 73 – Relocation of Kenilworth Wardens

Councillor Hales declared an interest because he used to be a director of Kenilworth Wardens until 2016.

### Minute Number 76 – Creative Quarter – Conclusion of Phase I and Next Steps

Councillor Boad declared a pecuniary interest because he was a Leamington Town Councillor and left the room whilst the item was discussed.

## 66. **Minutes**

The minutes of the meeting held on 3 October 2019 were taken as read and signed by the Chairman as a correct record.

## 67. **Public Submission on behalf of Leamington Town Council Regarding Minute Number 76 – Creative Quarter – Conclusion of Phase I and Next Steps**

With the agreement of the Leader, Councillor Bill Gifford addressed the Executive on behalf of Leamington Town Council regarding the Creative Quarter – Conclusion of Phase I and Next Steps report.

### **Part 1**

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

## 68. **Housing Services Redesign – Additional Budget Requirement**

The Executive considered a report from Housing setting out the budgetary implications of the proposed re-design of Housing Services.

A consultation exercise with staff and the recognised Trades Union commenced in late 2018 and was completed in September 2019, allowing the Job Descriptions for proposed new or significantly revised posts to be considered by

the HAY Panel on 5 November. 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.

Government policy was a major driver of the way in which local government worked, and changes in policy or to legislation inevitably impacted on services and the way that services were arranged. The Homeless Reduction Act, Duty to Refer and an Extension to private sector licencing had all been implemented in the last 18 months. In addition, major events such as the tragic incident at Grenfell had required consideration of not just the physical characteristics of their high rise stock, but also how those buildings and the immediate environment were managed. Other external factors such as a growing older population; increases in the number of people sleeping rough in the town; advancements in IT and more flexible working; and, changing customer expectations, all impacted on the way that services needed to be shaped to provide appropriate response. To deliver on these new requirements and deliver on customer obligations, many teams were already operating to temporary structures or were engaged on fixed term contracts. Nevertheless, other key work areas remained under-resourced to deliver the Council's priorities.

It was, therefore, determined that a re-design of the whole housing service was required, based on a business case of devising and implementing a structure that could deliver all the work that was currently being done, build on that work and deliver those issues that current resourcing levels prevented being done.

The current structure of the team was shown at Appendices 1 and 2 to the report. To deliver these desired outcomes, it was proposed to increase both management capacity and build capacity within the teams and, following a consultation process, a proposed new structure was shown at Appendix 3 to the report. This structure and the establishment changes required to implement it would be presented to Employment Committee on 10 December for consideration.

The proposals were for increased management capacity, inbuilt resilience to enable delivery of key work strands, making permanent the temporary arrangements, adding resilience to front line and back office teams. The potential maximum additional cost of the new establishment was £530,215.00 per annum. Details of this requirement were shown in confidential Appendix 4 to the report, Minute Number 86. 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. Four of the posts in the proposed new structure were Fixed Term three-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 3 to the report, implementation would commence from 13 December 2019. It was unlikely that recruitment to new or vacant posts would be completed for some months following that date. Temporary arrangements were in place until 31 March 2020, any shortfall would be funded from the HRA Reserves which would facilitate the phasing in of the new structure within existing 2019/20 budgets.

The staffing budget provision for 2019/20 would be closely monitored as it was calculated that part-year costs could be met from the existing staffing budget.

Any future additional funding requirements from 2020/21 onwards would be addressed through the budget setting process and built into the Base Budget.

The Family Support Worker Service Level Agreement with Warwickshire County Council had been in place since March 2017 and had proved invaluable in providing support to vulnerable families whilst addressing tenancy breaches and concerns in relation to sustaining tenancies.

In terms of alternatives, the Executive could choose not to approve the recommendations. The risk associated with this option was that without approval of the potential additional budget, it would only be possible to introduce a sub-optimal staffing structure that did not adequately deliver the desired outcomes from the re-design.

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

The Overview & Scrutiny Committee noted the report and agreed that their monitoring of service benefit would be via the annual Portfolio Holder report to the Scrutiny Committee.

Councillor Matecki proposed the report as laid out.

**Recommended** to Council that, subject to Employment Committee approval of the proposed new structure and establishment for Housing Services, an additional staffing budget of up to £530,215 per annum, be approved, and the resulting financial impacts being an additional cost of £542,769 to be funded from the Housing Revenue Account and a cost saving of -£12,554 for the General Fund.

**Resolved** that

- (1) the full year costs of the additional budget from 2020/21 onwards will be built into the base budget through the Council's budget setting process, be noted; and
- (2) the current Service Level Agreement in place with Warwickshire County Council's Strengthening Families Team in line with the national Troubled Families Programme be extended until 31 March 2021 to fund 50% of a Shared Family Support Worker Post resulting in a financial contribution of £17,500 per annum.

(The Portfolio Holder for this item was Councillor Matecki)  
Forward Plan Reference 1,073

## 69. **Minor Amendments to the Constitution**

The Executive considered a report from Democratic Services bringing forward minor amendments to the Constitution, seeking additional delegations to officers, as well as clarification on delegations to officers and Council Procedure Rules and an updated structure chart of the Council.

The revision proposed to delegation HS (35) was to remove the need for a report to be made to the Executive for information purposes only. The information would be included within the annual reports by Portfolio Holder to Scrutiny but as this was not a formal reporting mechanism, it was advised against referencing this within the Constitution.

The proposed new delegation to the Head of Housing (HS(NEW)) was to make allowance for Registered Providers (RP) in the event that the RP became insolvent and had a mortgage on a site which was subject to a s106 agreement. When RP became insolvent if the site was subject to a mortgage, the mortgagee might exercise their right to take possession of the site in order to recover the monies provided under the mortgage. The standard section 106 clauses provided that so long as the mortgagee made reasonable attempts to resell the Affordable Housing properties to another RP, and followed the process set out in the mortgagee in possession clauses in the relevant s106 agreement, that in the event that they were unable to do so, that they could dispose of the Affordable Housing as open market dwellings. The purpose behind this was that Registered providers often funded new developments or the acquisition of Affordable Housing by raising finance by lending monies against existing sites. If lenders were unable to exercise their right to enter into possession of the charged site and to sell the Affordable Housing as open market dwellings once they had made reasonable attempts to sell to another Registered Providers, they would not lend monies against such sites. The effect of this was that Registered Providers would be unable to fund future Affordable Housing and this would prejudice the delivery of future Affordable Housing schemes in the District. There were time limits within the s106 agreement for the mortgagee in possession and the Council to meet. Therefore, delegated authority was sought to enable the Council to meet those requirements.

The proposed amendment to DS70(i) sought to ensure clarity for all parties on the reason(s) why a District Councillor was asking for a planning application to be considered by Planning Committee. This amendment would ensure requests were thought through and were understood by officers so that the issues could be properly addressed. The amendment sought to reduce the risk of unreasoned referrals in acknowledgment of the significant additional costs involved with making a decision through the Planning Committee.

The proposed amendment to DS(70)(ii) looked to remove the need for applications to come to Committee where representations were received on an application, from the general public and these were subsequently resolved through amendments to the application.

The proposed amendment to DS70(iii)b) sought to clarify when a planning application would be referred to Planning Committee following comments from a Parish or Town Council. Currently, the delegation implied that even if a material consideration was raised by a Town/Parish Council, it should not go to Planning Committee if a non-material matter was also raised. This was not the intention and it had not been used in this way. However, it was appropriate to clarify its meaning so that the proposed new wording would read: *"where a material matter is raised and the representation is contrary to officers' recommendations, then it should be considered by Planning Committee"*. This involved no reduction in the power of parish or town councils to influence the referral of cases to Planning Committee, but clarified the requirement that the reasons for referrals were material planning considerations.

The addition to DS(48) to include notices under Section 54 of the Planning Listed Buildings and Conservation Areas (LBCA) Act, by their very nature, often needed to be issued urgently and therefore it was proposed that this should be a matter delegated to officers, with appropriate consultation. The current procedure required a report to Planning Committee and this increased the risk that urgent works could not be undertaken when required. The proposed additional delegation under Section 55 of the LBCA went hand-in-glove with Section 54 by allowing service of notice of an intention to recover reasonable expenses associated with works carried out under Section 54. This notice was usually served concurrently with a notice under Section 54, and therefore also needed to be included in the proposed amendments.

The proposed new delegation to the Head of Development Services, in respect of responses to Planning Policy Consultations, was to enable non-strategic responses to consultations to be made without the need for an Executive report and therefore improve responsiveness, particularly where deadlines were short.

The revisions to the rules of debate was intended to provide clarity for Members when considering these options at meetings, to ensure all were aware of the implications.

The revisions to public speaking procedures for Planning Committee were included for clarification for all parties on speaking rights for what was a very emotive subject matter.

The revised structure chart was included as a result of the introduction of the revised Portfolio Holder remit to include Environment and where this fell within the structure.

In terms of alternatives, for the amendments to Council Procedure Rules and revisions to delegation, these were proposed to provide clarity within the Constitution for all interested parties. Therefore, no direct alternative had been considered to them.

In respect of the additional delegations for Housing and Development Services, careful consideration had been given to the best approach to be used. At present, these would be matters where the Executive or Planning Committee would be required to make a decision. This could take a long time to progress for what were either relatively minor or urgent items. After consultation with relevant Councillors, these were considered more expedient and a better use of resources to delegate these matters as suggested.

Councillor Cooke proposed the report as laid out.

**Recommended** to Council that

- (1) the amendments to the Constitution as set out at Appendix 1 to the report, be approved; and
- (2) the revised structure Chart for the Council as set out at Appendix 2 to the report, be approved.

(The Portfolio Holders for this item were Councillors Cooke, Day and Matecki)  
Forward Plan Reference 1,074

## 70. Budget Review to 30<sup>th</sup> September 2019 and other Financial Matters

The Executive considered a report from Finance. Since the Budgets were set in February of this year, various changes had been identified and were now presented to Members, for the second time in this financial year, for their consideration and to inform them of the latest financial position for both 2019/20 and in the medium term.

The report also proposed that Members agree to amend the Section 123 list to enable Community Infrastructure Levy contributions to be made to the Whitnash Civic Centre and Library scheme in 2019/20.

This was the second report updating Members on the 2019/20 Budgets since they were last informed in August of this year based on quarter one.

The Accountancy Team had worked with Budget Managers and the following Variations had been identified, with Budget being amended accordingly. The following table shows those for the General Fund reported for quarter two.

2019-20	Service	Variance £	
<b>Variance reported August 2019 Executive (Q2)</b>		148,500 (A)	
<b>Major Variations</b>			
Newbold Comyn masterplan legal fees	Culture	5,000 (A)	Non-Rec
Relocation Kenilworth Wardens – Legal fees	Chief Exec	5,000 (A)	Non-Rec
Stratford Road Legal Fees	Chief Exec	5,000 (A)	
Kenilworth School Legal Fees	Chief Exec	5,000 (A)	
Trade effluent charges ST Nix Pool Sept 16 to June17	Culture	7,400 (A)	Non-Rec
Development control – Consultants Fees	Development	29,900 (A)	Non-Rec
Kenilworth PSC – Fuel Oil	Development	15,000 (F)	Rec
Land Charges income (£39k adv last month, now £33k adverse)	Development	6,000 (F)	Rec
Events income – commercial orgs.	Development	10,000 (F)	Rec
Christmas Lights contract	Development	7,100 (A)	Rec
Burial Income	Neighbourhood	65,000 (A)	Rec
Cremator Maintenance	Neighbourhood	40,000 (A)	Rec
Cremation Fees	Neighbourhood	25,000 (F)	Rec
LPG	Neighbourhood	10,000 (F)	Rec
Commercial property Energy Performance certificates, Valuations, Extractor fan Report	Strategic Leadership	48,100 (A)	Non-Rec
Earmarked Reserves not needed	Several	218,000 (F)	check
M6			
Earmarked Reserve not fully needed Strat Housing Mark Assess	Housing General Fund	30,000 (F)	One off
Salary Changes	Chief Exec	69,300 (F)	One off

Salary Changes	Culture	4,500 (F)	One off
Salary Changes	Development	31,100 (A)	One off
Salary Changes	HCPU	2,300 (A)	One off
Salary Changes	Finance	40,500 (F)	One off
Salary Changes	Neighbourhood	57,700 (F)	One off
Rent free period–Hamilton Terrace	Chief Exec	21,400 (A)	One off
Building Control Rugby Office Rent	Development	11,500 (F)	Recurring
Advertising Fees delayed due to secondment	Development	15,000 (A)	One off
Planning Fees (net of contribution to Planning Investment Reserve) see para 3.4 and appendix B	Development	250,000 (A)	On-off
Insurances		50,000 (F)	Recurring
Interest on borrowing		100,000 (F)	
Investment receipts		200,000 (F)	
<b>Total Minor Variations</b>		<b>2,000 (F)</b>	
<b>Total Major &amp; Minor Variations</b>		<b>163,700 F</b>	

Work was currently on-going in preparing the Base Budget report. As part of this, more detailed work was carried out of many Budgets. This was notably in respect of:

- Insurances – Insurances had recently been re-procured. This had generated some notable savings. Work was still on-going in determining the precise implications for the General Fund and Housing Revenue Account. The saving reported above was believed to be prudent, with the more accurate figure to be reported in December.
- Interest on Borrowing – The original estimates assumed that the Council would take at new borrowing during the year. £12m had recently been secured at 1.8%. This was below the rate included within the 2019/20 Estimates. More details had been included in the half year report to Finance and Audit Scrutiny Committee.
- Investment Receipts – the favourable variance reflected the Council holding higher balances and the non-treasury loans that the Council had made over the last year.

The Base Budget report to Executive in December would present the 2020/21 Base Budgets, prior to the inclusion of any discretionary service and budget changes. Alongside the 2020/21 Budget, more detailed 2019/20 projections would be included. It was also intended to present an update of the Medium Term Financial Strategy.

HRA Revenue – currently a forecast underspend of £109,200, made up of the variations below:

<b>2019-20</b>	<b>Service</b>	<b>Variance £</b>	
<b>Major Variations</b>		8,500 (F) b/f	
Business Transformation Officer post now GF.		£17,000 (F)	Rec
Sayer Court water metered - budget not provided for.		<b>£15,000 (A)</b>	<b>Rec</b>
Open spaces grounds maintenance grass cutting contract Sayer Court – less than previously reported.		£2,100 (F)	Rec
Earmarked Reserve not needed		5,000 (F)	One off
Sayer Court bio-mass boiler		<b>14,500 (A)</b>	<b>Recurring</b>
Commercial rent – 1 Warwick St		16,500 (F)	Recurring
Salary changes	Lifeline	22,400 (F)	One off
Salary changes	Tenancy Mgmt	5,000 (F)	One off
Salary changes	Housing Income	7,200 (F)	One off
Insurances (see paragraph earlier)		50,000 (F)	Recurring
EMR – Survey procurement costs		5,000 (F)	One off
<b>Total</b>		<b>109,200 (F)</b>	

Contingency Budget – Appendix A to the report gave details of the allocations out of this budget with the budget having been fully allocated in the current year. It was proposed to allocate £125,000 from the current year General Fund surplus to the Contingency Budget. It should be noted that there were other requests to make use of this Budget within other reports on the agenda, along with recommendation 2.7 in the report. The Contingency Budget would also be reviewed as part of December's budget report.

Major Income – Appendix B to the report showed a detailed breakdown over several years of the Council's Major Income Budgets. The first six months' actuals had been profiled to project the potential out-turn for 2019/20, based upon prior year. Where available, the Manager's projections were also included, but these projections might fluctuate with various other factors impacting upon income.

Capital –The following proposed changes to the Capital Budget had been identified:

1. Castle Farm Pitch Drainage - £73,000 slippage to 2020/21 as connected to the Kenilworth Leisure Centre Phase 2 projects.
2. Leisure Centre Refurbishment Phase 1- £1,600 additional Section 106 contributions being used towards final items of scheme expenditure.
3. Leisure Centre Refurbishment Phase 2 - £44,100 increase in capital budget due to funds being transferred from revenue earmarked reserve. The earmarked reserve was initially intended for work to RIBA stage 1 (revenue) but was now required for RIBA 3 onwards (capital).



4. St Peters Pay on Foot Parking Machines - following the installation of new Pay and Display machines in Council car parks, it was now proposed to upgrade the Pay on Foot Machines within St Peter's car park. This would include number plate recognition and payment by bank card facilities. This was estimated to cost £76,000. It was proposed to fund this from:
- £40,000 underspend on the new Pay and Display machines; and
  - £36,000 from the Parking Displacement Budget. The requirement and timing for parking displacement in Leamington related to the proposed redevelopment of Covent Garden Multi Storey was still uncertain. However, the new Station Approach car park was operational from November. The proposed use of grounds at Edmonscote Track for further parking were not now thought feasible. Consequently, it was proposed to utilise £36,000 of the parking displacement budget.

Warwick District Council had previously agreed to support the Whitnash Town Council project through the provision of grant and officer time to build a new Civic Centre and Library in Acre Close Playing Fields (Executive minutes 28/11/18 minute 100 and 28/6/17 minute 21).

The project to build a new community centre sought to fulfil the wish of the Whitnash community (Neighbourhood Plan Referendum November 2015). Incorporating a community sports hall, this project was closely aligned with the District Council's Leisure Development Programme, which sought to upgrade and modernise the District Council's leisure facilities in Warwick, Leamington and Kenilworth. The Civic Centre and Library would see the delivery of modern leisure facilities in Whitnash town. In doing so, all four of the District's town would offer quality leisure facilities to meet the growing needs of the area's local populations.

Following a procurement process, tender prices had been received which had resulted in the most competitive bidder, Deeley Construction Limited, undertaking a value engineering exercise to reduce the construction cost of the scheme. The current estimated total project cost, including pitch works and client contingency was now £2,110,541. There remained uncertainty about the costs for storm drainage. This was the last major risk factor with regards to construction cost. Surveys had been instructed which would help to inform this risk. However, it was advised that an additional allowance of £100k should be included to cover the risk that a costlier drainage solution needed to be implemented.

<b>Source</b>	<b>Previous budget Nov 18</b>	<b>Current position</b>
WDC Grant	£1,000,000	£1,000,000
Sport England	£150,000	£150,000
WCC library	£150,000	£150,000
WTC loan	£250,000	£250,000
External grants	£60,000	£20,000
S106 money previously agreed*	£231,400	£234,768
Assumed S106	£380,607	£0
<b>Total</b>	<b>£2,222,007</b>	<b>£1,801,400</b>

\*W/13/0858 (off site, indoor and our door sports) and W/13/1207 (£231k)

The assumed S106 referred to funding from sites allocated in the Local Plan, East of Whitnash and Golf Lane anticipated for this project as below:

- East of Whitnash - H03 (S106 site specific) - £172,640
- Hazelmere and Little Acre, Golf Lane - H45 (Town Council proportion of Community Infrastructure Levy (CIL)) - £155,317
- Windfalls (WTC proportion of CIL) - £52,650

In 2017, Members were advised of the risk that this S106 funding would not materialise. Unfortunately, this risk had been realised and it was accepted that the funding would not now come forward within an appropriate timeframe as explained below.

Ongoing access issues to the East of Whitnash site had delayed progress with the development, meaning that it would not be possible to agree a S106 agreement within appropriate timescales.

With regards to the Golf Lane site, there was a strong potential for this site to come forward for 100% affordable housing. Affordable housing was CIL exempt, meaning that when this scheme did come forward, it would not create a CIL receipt to the Town Council.

The evolving position with these two sites had meant that it was not possible to anticipate these issues when previous WDC support for this scheme was agreed by the Executive.

Similarity with regard to the windfalls, no windfall money had been received to date. This funding was inherently difficult as it was by definition unexpected. It was therefore considered unwise at this point to include windfall CIL receipts within the income profile for this project.

The impact of these issues had led to a current project budget shortfall as below:

Total income	£1,804,768
Total expenditure	£2,110,541
Shortfall	£305,773

The District Council had previously agreed an in-principle loan for the Town Council to provide cash flow to the Town Council until receipt of the S106/CIL was received. However, the difficulties with the development sites (H03 and H45), now meant that it was likely that no S106/CIL from these sites would be agreed for the Whitnash Project. The District Council was prepared to review the proposed loan arrangement but recognised that the loan period would need to be extended over a considerable period. In line with required accountancy practices, and specifically allowing for Minimum Revenue Provision, the interest rate on the loan would remain at 2% plus base rate however the Town Council would also be required to make an additional annual repayment of the loan principal at 4%.

If the Town Council were to borrow all of the current shortfall of £305,773, this would result in annual payment of approx. £20,640 which WTC had confirmed would be unaffordable to their Council. Not only was there currently no realistic

prospect for significant amounts of S106 contributions or Town Council CIL to come forward, but also the Town Council did not have available alternative income streams to repay the loan principal.

It was therefore considered that the most feasible and timely solution to address the project shortfall was to utilise the District Council's CIL funding. This would enable the project to be adequately funded and limit the Town Council's borrowing to a level that would be affordable to the Town Council and acceptable to the local residents in terms of the increase to the precept.

It was therefore recommended that up to £410,000 of District Council CIL funding should be allocated to this scheme to ensure that the community centre could be delivered. This sum allowed for the current shortfall and an additional allowance to cover the drainage risk.

Members were reminded that in March 2019, the Executive agreed the projects that would be supported by CIL contributions in 2019/20 (the "CIL Regulation 123 list"). In conjunction with infrastructure providers, the Council had identified a number of schemes which, taken together, would fully spend anticipated CIL contributions over the next five years. These schemes were:

- Improvements to Destination parks (St Nicholas, Warwick and Abbey Fields, Kenilworth)
- Bath Street improvement scheme (WCC scheme)
- Emscote Road Multi Modal Corridor Improvements (WCC scheme)
- Warwick Town Centre Improvement works (WCC scheme)
- Kenilworth Leisure (Phase 2): Castle Farm Recreation Centre
- Medical facilities - N Leamington (Cubbington/Lillington) (South Warwickshire CCG)
- Wayfinding in Leamington, Kenilworth and Warwick.

In order for £410,000 to be allocated from CIL, it needed to be diverted from one of these projects. The Council had already entered legal agreements to fund the contributions to WCC and the CCG and so this money needed to be found from other WDC-led projects. It was proposed that the CIL contribution should be taken from the "Improvements to Destination parks" project for which £3 million had been earmarked for 2019/2023. The total allocated to the Destination parks would therefore reduce to £2,590,000.

In March 2019, the Executive also agreed the apportionment of CIL contributions in 2019/20. Not all CIL schemes required contributions in 2019/20, and a total of £958,000 was allocated. The Destination parks project was not one of these, however, sufficient CIL contributions had been received in 2019/20 to allow this additional payment to be made this financial year.

It was therefore recommended that the list of CIL projects contained in Appendix 1 to the Executive report in March 2019 should be amended to include the Whitnash Civic Centre and Library. It was furthermore recommended that £410,000 should be allocated to this project and that this contribution was made available (if required in full) in 2019/20. The apportionment of CIL contributions in 2019/20 was therefore to be revised (amending the table in paragraph 3.13 of the March Executive report) as below:

<b>Infrastructure Project</b>	<b>Proposed 19/20</b>	<b>Percentage</b>
Destination Parks	Nil	-
Bath Street Improvement Scheme	£195,000	14.3
Emscote Road Multi Modal Corridor Improvements	£200,000	14.7
Warwick Town Centre Improvement works	£373,000	27.2
Kenilworth Leisure (Phase 2): Castle Farm Recreation Centre	Nil	-
Medical facilities - N Leamington (Cubbington/Lillington)	£60,000	4.3
Wayfinding in Leamington, Kenilworth and Warwick	£70,000	5.1
Whitnash Civic Centre and Library	£410,000	30
PLUS CIL Administrative charge	£60,000	4.3
<b>Total</b>	<b>£1,368,000</b>	

Other options considered by WTC to address the shortfall, but discounted, included:

- an additional PWLB loan funded by an increase to the Town Council precept;
- request for additional grant from WDC;
- request for additional development contribution from Warwickshire County Council.

The Town Council had previously agreed to limit the increase to the Town Council precept to £5pa for a Band D property. The current PWLB loan currently resulted in a £4.95 increase to Whitnash residents and any further loans or precepts would result in exceeding this limit. The options to take an additional loan and/or increase the precept were therefore discounted.

With regards to an additional grant from WDC funded from the Community Project Reserve, the District Council had already contributed funding up to £1million from this source and was therefore unlikely to consider a further request for funding from WTC for this project.

Likewise, Warwickshire County Council had confirmed that there was no additional funding available for this project over and above the £150k that had previously been agreed.

In relation to Recommendation 2.7 in the report, during the undertaking of urgent works to protect the Listed Masters House building, the contractors acting for the Council had identified that the previously proposed installation of a tarpaulin as the final element of the building's protection would be unsuitable in the particular circumstances that had now come to light. The reasons for this arose from:

- the potential impact on the existing tiles on the building, the condition of which had now become clearer, and the risk of them being dislodged; and
- the recent continually damp conditions, resulting in the need to provide a breathable feature, unlike a tarpaulin, which would provide the optimum opportunity for the building timbers to dry out or at a minimum not become more wet.

Consequently, the Council's advisors were now indicating that the most appropriate solution was a freestanding canopy feature which would not be in contact with the structure itself and provide a breathable solution for the reason summarised above.

Officers were currently seeking tenders for that work which provided the optimum solution at an appropriate cost, however, the estimates so far were in the region of £50 - £60k.

Members should note that the expenditure would be secured by way of a charge on the land. The report covering this matter at the October Executive addressed the risks and risk mitigation associated with the urgent repair process.

In terms of alternatives, it would be possible to adjust budgets for the variances identified now. However, being early in the financial year, officers were considering how these variances could be accommodated ahead of taking this possible course of action.

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

Councillor Hales, the Portfolio Holder for Finance, passed his thanks Members of the Finance & Audit Scrutiny Committee and thanked Councillor Nicholls, the Chairman, for his hard work.

Councillor Hales proposed the report as laid out.

**Recommended** to Council that

- (1) the latest variances for the General Fund budget and the projected outturn for 2019/20 and how these will be included within the Base budget report to be considered by Executive in December 2019 as per paragraph 3.1.1 in the report, be noted;
- (2) the latest variance for the Housing Revenue Account for 2019/20 as per paragraph 3.2 in the report, be noted;
- (3) the transfer of £125,000 from the 2019/20 General Fund forecast surplus to the Contingency Budget as per paragraph 3.3 in the report, be agreed;
- (4) the Major Income projections within Appendix B and how these continue to be closely monitored as per paragraph 3.4 in the report, be noted;
- (5) changes to the Capital Programme, including the slippage to 2020/21, the increases in budgets for 2019/20 from S106 or revenue funding and movement of budgets between schemes as per paragraph 3.5 in the report, be agreed;
- (6) amending the Section 123 List to include Whitnash Civic Centre and Library, with £410,000 allocated in 2019/20, and amending the Capital Programme to

reflect the forecast expenditure and funding as discussed in section 3.6, be agreed; and

- (7) the release of up to £60k from the Contingency Budget for the work described at paragraph 3.7 in the report, be agreed.

(The Portfolio Holder for this item was Councillor Hales)

#### 71. **Council Tax Reduction Scheme 2020/2021**

The Executive considered a report from Finance. In April 2019, a new Council Tax Reduction banded scheme was introduced for claimants in receipt of Universal Credit. It was proposed that this would be rolled out to the remaining caseload from April 2020. At the time of the proposal, it was anticipated that the majority of claimants would have moved over to Universal Credit. However, the migration of existing case load to Universal credit had been stalled by the Department of Work and Pensions and there was no firm commitment as to when and how this process might take place.

The Council agreed to introduced the Council Tax Reduction banded scheme in April 2019 for claimants in receipt of Universal Credit. At that time, the Department for Work and Pensions planned to migrate the existing Housing Benefit working age claims onto Universal Credit during 2019/20. However, the Department for Work and Pensions had halted the migration process, and to date, there was no information available about how and when the existing case load might be migrated. Therefore, only new Benefit claimants and those who had certain changes in their circumstances could claim Universal Credit.

The new banded Council Tax Reduction scheme had been designed to align closer with the Universal Credit scheme, and to be easier for claimants to understand, and to be easier to administer. Prior to April 2019, all working age claims for Council Tax Reduction were assessed based on a means tested Council Tax Benefit scheme which was broadly similar to the Housing Benefit scheme.

The original intention was for all working age Council Tax Reduction claimants to be moved on to the banded scheme from April 2020, in line with them moving onto Universal Credit. Eventually, it was anticipated that these customers would be gradually moved from Housing Benefit to Universal Credit. It would be more sensible to move them to the banded scheme at that point. Further migration to the banded scheme should be reconsidered by the Council in 12 months' time based on the latest information on the rollout of Universal Credit.

If the migration of claimants to Universal Credit was further delayed, or did not happen, it was proposed to be delegated to the Head of Finance in consultation with the Finance portfolio to agree any further deferment of the roll out of the banded scheme.

Council Tax Recution claimants on pensionable age were to continue to receive benefit in line with the former Council Tax Benefit scheme. These claimants were not planned by the DWP to be moved onto Universal Credit.

In terms of alternatives, all working age claimants could be moved to a banded reduction scheme, however, this would require a new scheme writing for non-

Universal Credit customers and would be more complex to administer than the current means tested and banded schemes.

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

Councillor Hales proposed the report as laid out.

**Recommended** to Council that

- (1) the banded Council Tax Reduction scheme continues for Universal Credit customers only; and
- (2) delegated authority be given to the Head of Finance in consultation with the Finance Portfolio Holder to agree any further annual deferment of the roll out of the banded scheme.

(The Portfolio Holder for this item was Councillor Hales)  
Forward Plan Reference 1,020

(Councillor Grainger joined the meeting at the end of this item.)

Revisions to the Warwick District Council Constitution

Additions are set out in *italics* and removals are ~~struck through~~

**Part 3 - Section 4 Scheme of Delegation  
Proposed Amendments**

- HS (35) re-purchase former Council owned dwellings within the agreed criteria and with the assistance of an independent valuation subject to resources being made available ~~report back to the Executive on each purchase made.~~
- HS (NEW) *to approve the release of affordable housing secured under a section 106 agreement for sale as open market dwellings and to discharge the obligation under the S106 agreement restricting the use of the affordable housing where the Registered Provider has become insolvent and defaulted on a mortgage secured against the relevant site and the Registered Providers Mortgagee has exercised their power to enter into possession of the relevant site subject to the Mortgagee having first acted in accordance with the mortgagee in possession provisions in the relevant section 106 agreement.*
- DS (70) Determine all applications submitted to Warwick District Council as required by the Town and Country Planning Act 1990 (as amended), Town and Country Planning (Control of Advertisement) Regulations 1992, and Planning (Listed Buildings and Conservation Areas) Regulations 1990, with the exception of the following:
- (i) Applications where a written request is received from a Member of Warwick District Council within the specified consultation period (i.e. 21 days), that Committee referral is required. *Such requests should clearly state the reasons why a Committee referral is required.*
  - (ii) ~~Applications where 5 or more written objections (or letters of support) or a petition (including one of support) with 5 or more signatures has been received, or more valid representations are received where these recommendation is~~ *are contrary to the representations that have been made officers' recommendation unless the Head of Development Services is satisfied that the plans have been amended to address the concerns raised so that there are no more than four contrary representations.*
  - (iii) Applications where the recommendation of the Head of Development Services i.e. Grant/Refuse is contrary to the representations made by a Parish/Town Council, i.e. Object/Support, except in the following circumstances:
    - a. the Head of Development Services is satisfied that the plans have been amended to address the concerns of the Parish/Town Council;
    - b. where the representations made by the Parish/Town Council *do not raise any* ~~raise~~ issues which are ~~not~~ material to the planning assessment of the particular application; or
    - c. where the concerns of the Parish/Town Council have been previously considered as part of the assessment of an extant permission on the site and there has been no change in circumstances.
- DS (48) Serve and withdraw notices in respect of the following: Town and Country Planning Act 1990 (TCPA) and Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCAA) as amended
- (xii) Section 54 (LBCA): Urgent works to preserve listed buildings*  
*(xiii) Section 55 (LBCA): Recovery of expenses of works under s. 54.*



- DS (New) *In consultation with the relevant portfolio holder, make representations in relation to Planning Policy consultations that may affect Warwick District undertaken by neighbouring or overlapping authorities. This does not include the following:*
- *National Planning Policy and other national planning-related consultations; and*
  - *Where in the judgement of the Head of Development Services or the relevant portfolio holder, the issues arising from the consultation are such that they have important strategic implications for Warwick District.*

#### **Part 4 Rules of Procedure Council Procedure Rules**

### **13. Rules of Debate for meetings**

*To provide clarification within the rules of debate that to adjourn the debate for an item would seek to defer consideration of the item to a future meeting when different information could be available and different members could consider the matter. **To adjourn the meeting** would be to pause the meeting for it reconvene on a future date with the same membership and agenda items as it is a continuation of the original meeting.*

### **34. Public speaking (c) Committees - Planning Committee**

*People wishing to speak will fall into five categories, and these are:  
Parish/Town Council;  
Warwick District Towns Conservation Area Advisory Forum;  
Objector(s) to the application;  
Applicants/Supporters of the application; and  
Warwick District Councillor.*

*That Parish/Town Councils, CAF and WDC Councillors be allowed to speak on planning applications when they have registered to do so. This is unless they are speaking as the applicant, in which case they will have to speak in the applicants/supporters category.*

*Parish/Town Council representatives, Warwick District Towns Conservation Advisory Forum representatives and Warwick District Councillors can only speak either in favour or objecting to the application.*

*To ensure equity, applicants/supporters of the application will only be allowed to address the Committee if somebody has registered to speak in the objectors category for the application, except for cases where the recommendation is to refuse. An objector to the application may only address the Committee if an Applicant/Supporter is registered to speak on the application, except for cases where the recommendation is to grant.*

There is a time limit of three minutes for each category of speaker, excluding District Councillors, on all applications.

If there is more than one speaker in the same category for an item, the three minutes will be shared among them.

This is with the exception of major applications, where up to four speakers will be permitted to address the Committee in both the Objectors and Applicants/Supporters categories for a maximum of three minutes each.

The times allocated for Parish & Town Councils, CAF, Objectors and Applicants/Supporters may be varied at the discretion of the Chairman of the Planning Committee, when they believe there is significant public interest in an application, for example, regional developments such as the former gateway proposal and the passenger terminal at Coventry Airport.

Warwick District Councillors are not permitted to address the Planning Committee for more than five minutes on any application. Unless they are providing contrary views or representing views from different District Wards, no more than one Warwick District Councillor will be permitted to address the Committee on any application.

The time for District Councillors to address the Planning Committee may be increased, at the discretion of the Chairman of the Planning Committee, when they believe there is significant public interest in an application.

## Appendix 2 to Minute Number 69

Chief Executive Chris Elliott	Deputy Chief Executive, Monitoring Officer & Legal Client Manager Andrew Jones				Deputy Chief Executive Bill Hunt		
Andrew Day - Leader	Moria-Ann Grainger Portfolio Holder and Deputy Leader Cultural Services	Richard Hales Portfolio Holder Finance	Judy Falp Portfolio Holder Health & Community Protection	Alan Rhead Portfolio Holder Environment & Business	John Cooke Portfolio Holder Development Services	David Norris Portfolio Holder Neighbourhood Services	Jan Matecki Portfolio Holder Housing Services
<b>Human Resources</b> Corporate HR People Management Learning & Development Corporate Payroll Media Website Tracy Dolphin (reporting direct to Chris Elliott, Chief Executive)	<b>Head of Cultural Services</b> Rose Winship	<b>Head of Finance &amp; Section 151 Officer</b> Mike Snow	<b>Head of Health &amp; Community Protection</b> Marianne Rolfe		<b>Head of Development Services</b> Dave Barber	<b>Head of Neighbourhood Services</b> Robert Hoof	<b>Head of Housing Services</b> Lisa Barker
<b>ICT Services</b> Desktop Services incl Helpdesk/Infrastructure Services/Application Support/Geographical Information Systems (GIS) Digital Mapping Services/Local Land & Property Gazetteer (LLPG)/Street Naming & Numbering Ty Walter (reporting direct to Andrew Jones, Deputy Chief Executive)	<b>Arts</b> Royal Spa Centre & Theatre Town Hall Royal Pump Rooms Art Gallery & Museum Arts Development David Guiding	<b>Accountancy</b> All Council Accountancy Services Andrew Rollins	<b>Community Partnership Team</b> Community Leadership Community Forums & Voluntary Sector Contracts Health and Wellbeing Elizabeth Young		<b>Development Management</b> Enforcement Land Charges Conservation Gary Fisher	<b>Contract Services</b> Refuse & Recycling Collections Parks & Open Space Maintenance Street Cleansing Gary Charlton	<b>Housing Needs</b> Homelessness and Housing Advice Private Sector Housing Disabled Adaptations Rough Sleeper Initiative Elaine Wallace
<b>Democratic Services</b> Elections/Electoral Registration/Committee Registration/Councillors/FOI/Data Protection/Complaints/Civic Support/Corporate Support Team Graham Leach (reporting direct to Andrew Jones, Deputy Chief Executive)	<b>Sports &amp; Leisure</b> Stuart Winslow	<b>Audit &amp; Risk</b> Corporate Insurance Richard Barr	<b>Regulatory</b> Food Safety, Health & Safety and Licensing Lorna Hudson		<b>Building Control Consortium</b> Phil Rook	<b>Bereavement Services</b> Pam Chilvers	<b>Sustaining Tenancies</b> Landlord Services to Council Tenants Collecting Rent Estate Management Ensuring Tenancy Conditions are Complied with Caroline Russell
<b>Asset Management</b> Maintenance & Repair of Corporate Property Assets and Council Houses Steve Partner (reporting direct to Bill Hunt, Deputy Chief Executive)	<b>Programme Manager</b> for future sport service options Pdraig Herithy	<b>Exchequer</b> Council Tax and Business Rates Rate Collection Sundry Debt Collection Corporate Invoice Payment Dave Leach	<b>Safer Communities</b> Domestic Noise Anti-Social Behaviour Dog Warden Pest Control & Animal Licensing CCTV Environmental Protection Pete Cutts		<b>Policy &amp; Projects</b> Local Plan & Planning policy development Major sites implementation Corporate feasibility studies Economic Development Business Support & Events Philip Clarke	<b>Green Spaces</b> Green Space Strategy St Marys Land Wildlife Habitats Dave Anderson	<b>Housing Strategy and Development</b> Housing Strategy New Affordable Housing Developments inc Council House Building Tenants Participation Sally Kelsall
		<b>Benefits &amp; Fraud (Impact of UC)</b> Housing Benefits & Council Tax Reduction Corporate Fraud One Stop Shop - managed with WCC Andrea Wyatt				<b>Business Support &amp; Development</b> Graham Folkes-Skinner	
		<b>Procurement</b> Compliance with Legislation Support & Advice on Procurement Contracts Rebecca Reading				<b>Car Parks</b> Off Street Parking Zoe Court	