

EXECUTIVE

Minutes of the meeting held on Wednesday 11 December 2013 at the Town Hall, Royal Leamington Spa at 6.00 pm.

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

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

Apologies for absence were received from Councillors Caborn, Hammon and MacKay (Independent Group Observer).

96. **DECLARATIONS OF INTEREST**

Minute Number 104 – Agenda Item 9 – Council Tax Uninhabitable Discount

Councillors Gifford and Shilton declared pecuniary interests because they were Warwickshire County Councillors, and left the room whilst the item was discussed.

Minute Number 113 – Agenda Item 16 – Kenilworth Public Service Centre Feasibility Study & Business Case

Councillor Mrs Blacklock declared an interest because she had been a member of the stakeholder group involved in the consultation.

Minute Number 102 – Agenda Item 10 – CCTV & Lighting in St Nicholas Park

Councillor Mrs Bromley declared an interest because she was also a member of the Friends of St Nicholas Park.

97. **MINUTES**

The minutes of the meeting held on 13 November 2013 were agreed and signed by the Chairman as a correct record.

PART 1

(Items on which a decision by Council is required)

98. **A REFRESHED SUSTAINABLE COMMUNITY STRATEGY / FIT FOR THE FUTURE PROGRAMME**

The Executive considered a report from the Deputy Chief Executive (AJ) which asked Members to agree changes to the Sustainable Community Strategy for Warwick District with consequential changes to this Council's Fit For the Future change programme.

In 2009 the Council endorsed the Sustainable Community Strategy (SCS) for Warwick District. Entitled "A Shared Vision", the strategy was produced by the Warwick Partnership (the now defunct Local Strategic Partnership) which was made up of public, private and community/voluntary sector organisations. The strategy was the long term vision for Warwick District that provided the framework for all partners to achieve jointly agreed aims.

Following consultation with Portfolio Holders and key stakeholders, the Council's Senior Management Team considered that Warwick District's SCS was by-and large fit for purpose, with the Council's resources focused on a programme of work which was referenced against the priorities of the SCS.

The report asked Members to note the significant changes to the national and local policy and economic environment over the last four years and the subsequent impact on the Council's SCS. In addition, the Executive's commitment to the Prosperity Agenda was required, along with agreement of the Strategic Aims, Priorities and Actions. These were detailed at Appendix B to the report.

The recommendations asked that Members note the progress of the change programme, attached at Appendix C to the report, and agree a number of new projects highlighted at 13.19.2, of the report.

There was a six-monthly Service Area Plan, Corporate Project/Study and Locality Plan progress attached as Appendices D-L, of the report, which required noting.

The report also advised that following consultation with its members, Unison had decided to withdraw from the FFF Achievement Award scheme and, as a consequence, the scheme was no longer in operation.

No alternative options had been considered because it was essential that the Council responded to the changed economic and policy context.

The Overview & Scrutiny Committee noted the report but highlighted the need to progress air quality actions plans.

Having read the report and the comments from Overview and Scrutiny Committee, the Executive decided to agree the recommendations as written.

RECOMMENDED that

- (1) the significant changes to the national and local policy and economic environment over the last four years and the impact on this District's Sustainable Community Strategy (SCS), are noted;
- (2) Council affirms its commitment to the Prosperity Agenda and notes at Appendix A to the report, the initiatives being undertaken by the Council to promote that Agenda;

- (3) the Strategic Aims, Priorities and Actions as detailed at Appendix B for the five priority themes of a refreshed SCS, are agreed;
- (4) the progress of the Fit For the Future (FFF) change programme at Appendix C, is noted and the new projects highlighted at 13.19.2 become part of that programme to assist with the Council's need to reduce cost/increase income;
- (5) the six-monthly Service Area Plan, Corporate Project/Study and Locality Plan progress at Appendices D-L to the report, are noted;
- (6) that following consultation with its members, Unison has decided to withdraw from the FFF Achievement Award scheme and consequently the scheme is no longer in operation. The financial impact for the Council be reported to Executive at its August meeting.

(The Portfolio Holders for this item were Councillors Caborn and Mobbs)
(Forward Plan reference number 547)

99. **GENERAL FUND BASE BUDGETS LATEST 2013/14 AND ORIGINAL 2014-15**

The Executive considered a report from Finance which set out the latest projections for the General Fund revenue budgets in respect of 2013/14 and 2014/15 based on the current levels of service, and previous decisions. There were further matters that needed to be reviewed in order to finalise the base position as part of the 2014/15 budget setting process, and these were set out in paragraph 7.5 of the report.

The report highlighted that the 2013/14 latest budgets showed a forecast surplus of £671,300 before any appropriations. In addition, the proposed 2014/15 Base Budget presented a forecast surplus of £852,500 in the Council's expenditure in continuing to provide its services and meet its commitments.

The Council was required to determine its budget requirements in order to set the Council Tax for 2014/15.

In setting its Base Budget and Council Tax for the following financial year, members needed to be aware of the medium term financial implications which took into account changes to the budgets for both 2013/14 and 2014/15. Section 8 of the report informed Members of the latest assumptions incorporated into this forecast.

The report asked Members to note the latest financial forecasts for the Medium Term and the total on-going savings of £1.2 million to be achieved by 2018/19. The latest base budget for the General Fund in respect of 2013/14 and 2014/15 were also recommended to Council.

Approval was also required on details regarding the impact of the Council Tax Reduction Scheme along with £300,000 of the 2013/14 projected surplus being appropriated to the Planning Reserve.

There were no alternative options because the purpose of the report was to produce budgets as determined under the requirements of the Financial Strategy. However, any alternative strategies would be the subject of separate reports.

The Finance & Audit Scrutiny Committee noted a number of discrepancies in figures within the report which officers agreed to clarify in time for the Executive meeting, but was pleased that there was a surplus in the budget this year and a projected surplus for the coming year and supported the recommendations in the report.

Members were keen to see the Planning reserve topped up from the current surplus.

In response to the discrepancies highlighted by the Finance & Audit Scrutiny Committee, officers circulated amended documents prior to the meeting.

Having read the report and the comments from Finance and Audit Scrutiny Committee, the Executive decided to agree the recommendations as written.

RESOLVED that the latest financial forecasts for the Medium Term as outlined in Section 8 and the total on-going savings of £1.2 million to be achieved by 2018/19, be noted.

RECOMMENDED that

- (a) the latest base budget for the General Fund services in respect of 2013/14 as outlined in Appendix 'C', be agreed;
- (b) the base budget for the General Fund services in respect of 2014/15 as outlined in Appendix 'C', be agreed;
- (c) the Grant to cover the Impact of the Council Tax Reduction Scheme on the Tax Base for 2014/15 be awarded at £102,471 to reflect the actual costs of the scheme to the Parishes;
- (d) future determination of the Council Tax Reduction Scheme grant be delegated to the Head of Finance; and
- (e) £300,000 of the 2013/14 projected surplus be appropriated to the Planning Reserve.

(The Portfolio Holder for this item was Councillor Mobbs)
(Forward Plan reference number 494)

100. **HOUSING REVENUE ACCOUNT BASE BUDGETS LATEST 2013/14 AND ORIGINAL 2014/15**

The Executive considered a report from Finance which presented the Housing Revenue Account 2013/14 latest and 2014/15 base budgets. These would determine the base budget requirements that would be used in the setting of Council Housing Rents for 2014/15 in February of next year.

The report did not commit to any rent increase and advised that a Rent Setting Report would be presented to the Executive in February 2014 which would recommend Housing Rents 2014/15 to Council.

The figures in the report reflected the costs of maintaining the current level of service, and any unavoidable changes in expenditure, for example, where the Council was contractually or statutorily committed to incur additional expenditure. The report also considered the current year's budget, and included details of proposed updates to the 2013/14 Budget.

Included in the report was appendix A which summarised the adjustments from 2013/14 base budgets to 2013/14 latest budgets and 2014/15 base budgets; appendix B provided additional details of the budget changes for Supervision and Management, which formed a major item included in Appendix A; and appendix C provided the detailed HRA revenue budgets along with details of the key budget changes.

The report recommended that the latest revenue budget for Housing Revenue Account services in respect of 2013/14 and 2014/15 be approved by Council. In addition, the report proposed the transfer of Asbestos Works and Paths and Surfacing from the capital Housing Investment Programme (HIP) to revenue repairs and Asbestos programme management consultancy/advice, with associated changes to repairs supervision and financing.

The purpose of this report was to produce budgets as determined under the requirements of the Financial Strategy and any alternative strategies would be the subject of separate reports.

The Finance & Audit Scrutiny Committee noted that at the time of submission of the Rent Setting report in February 2014 there would be an opportunity to address contentious issues such as rent increases. It also noted the potential for a knock-on effect on the HRA Business Plan. The Committee supported the recommendations in the report.

The Portfolio Holder for Housing and Property Services, endorsed the report and moved the recommendations.

Having read the report and the comments from Finance and Audit Scrutiny Committee, the Executive decided to agree the recommendations as written.

RECOMMENDED that

- (1) the latest revenue budget for Housing Revenue Account services in respect of 2013/14, be agreed, as outlined in Appendix C to the report;

- (2) the base revenue budget for Housing Revenue Account services in respect of 2014/15, be agreed, as outlined in Appendix C to the report;
- (3) the Asbestos Works and Paths and Surfacing be transferred from the capital Housing Investment Programme (HIP) to revenue repairs and Asbestos programme management consultancy/advice, with associated changes to repairs supervision and financing.

(The Portfolio Holder for this item was Councillor Vincett)
(Forward Plan reference number 500)

PART 2

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

101. ASSETS REVIEW

The Executive considered a report from the Deputy Chief Executive (BH) and the Head of Finance updating members on the outcomes of the asset review undertaken by the Strategic Asset Group. The report provided details of the financial liabilities associated with the Council's current asset portfolio together with options as to how those liabilities might be met.

The report outlined the total costs of maintaining the Council's current asset portfolio, in its current condition and without any improvements over a 5 and 30 year period.

The report also proposed that officers be permitted to market test the commercial potential for alternative usages of the Royal Pump Rooms, the Town Hall and the Jephson Garden restaurant. The market testing would cost up to a maximum of £30,000 and this would be funded from the Contingency Budget.

The Strategic Asset Group (SAG) completed a major exercise that determined the financial liabilities associated with the Council's current asset portfolio and had categorised the Council's assets into 3 main groups; operational assets; non-operational assets and open spaces.

Although there were a number of budgets (and unallocated reserves) associated with the Council's assets, the full extent of the Council's financial liabilities had not previously been mapped in this way. The major exercise allowed for these liabilities to be assessed and included within the Medium Term Financial Strategy (MTFS).

Appendix 1, to the report, showed that the total known financial liabilities arising from the current asset portfolio over the 5 year period 2013/14 to 2017/18 (i.e. April 2013 to March 2018) was £7.109m.

Appendix 2, to the report, demonstrated that a significant amount of costs were attributable to a small number of properties. The repair costs associated with the top ten highest cost operational assets over the first 5 years amounted to £3.939m, 55% of the £7.109m total costs over this period. Likewise, the repair costs associated with the top ten highest cost operational assets over the full 30

year list amounted to £16.206m, 51% of the £31.934m total costs over this period.

Appendix 3, to the report, set out the financial position in relation to the Play Area and Green Space Strategies and proposed that an updated report be submitted to the Executive in February 2014.

With regard to some of the high cost operational properties, officers felt it would be prudent for the Council to explore options to defray or minimise its future liabilities, provided that this did not comprise service delivery.

The financial liabilities associated with the Council's current asset portfolio meant that to 'do nothing' was not a viable option. It was felt that a potentially financially viable option was to fund all liabilities over the next 5 years, the level of unfunded costs over the full 30 year period would require the Council to borrow significantly, when it also needed to achieve significant financial savings.

However, the Council remained in a strong financial position and did not need to consider urgent or wholesale disposals. A range of alternative options existed as to how the Council could address the issues presented by its assets and these would be explored further in a subsequent report in February 2014.

The Finance & Audit Scrutiny Committee accepted that £30,000 was the maximum cost of market testing for the three properties in question, expressed a desire to see free public access to the Pump Rooms in future in one form or another, noted that a report due in February 2014 would estimate the cost to the budget and supported the recommendations in the report.

The Overview & Scrutiny Committee felt that the Royal Pump Rooms is part of the heritage of Royal Leamington Spa and has a museum showing the history and culture of the Town. As a Council we have a responsibility to heritage. Therefore because of this and the significant amount of public money that has been spent on the building the Overview & Scrutiny Committee made a recommendation to the Executive as detailed below.

The Overview & Scrutiny Committee also emphasised the importance of factoring in relocation costs and continued service provisions to the same current standards to the overall costs of the projects.

Priory Park and Abbey Fields in Kenilworth were not listed as assets and the Committee felt that the Executive should ensure these ruins were included.

The Overview and Scrutiny Committee recommended that recommendation 2.2 should be amended to include "maintaining full and free access to the building".

Councillor Coker reminded Members of the history of the Pump Rooms and a working party that had existed to rejuvenate the building in the early '1990's. He also highlighted that, at present, the building ran at a loss to the ratepayer annually.

Members agreed that the buildings in question should be dealt with sensitively and applauded the opportunity for the Council to review its assets regularly.

The Leader of the Council, Councillor Mobbs, advised that maintaining the continuity of services was key and reminded members that they were committed to providing best value to residents.

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

The Executive did not agree the recommendation put forward by the Overview & Scrutiny Committee because Members felt that officers should be given a free hand to investigate all options. The Executive accepted that special care and attention was needed for these facilities and did not want officers to be restricted at the exploratory stage.

RESOLVED that

- (1) the total costs of maintaining the Council's current asset portfolio, in its current condition and without any improvements, over a 5 and 30 year period, as set out in appendix one to the report, are noted;
- (2) the commercial potential for alternative usage(s) of the Royal Pump Rooms is market tested;
- (3) the commercial options in relation to alternative usage(s) of the Town Hall and the Jephson Garden restaurant, are explored;
- (4) expenditure of up to a maximum of £30,000 from the 2013/14 Contingency Budget to cover the costs of the market testing, is agreed;
- (5) refinement of the costs identified in the appendices should be undertaken together with assessments of the potential to realise capital receipts from the disposal of non-operational assets and/or land owned by the Council, to enable further discussion to be held with the Member Reference Group prior to a further report being brought back to Executive in February 2014;
- (6) the financial position in regard to the Play Area and Green Space Strategies is noted, as set out in appendix three to the report, and the proposed February report will include an update on these issues; and
- (7) the overall funding strategy for the assets will be considered as part of the Budget Setting report in February 2014.

(The Portfolio Holder for this item was Councillors Coker, Cross, Hammon, Mobbs and Shilton)
(Forward Plan reference number 549)

102. **CCTV & LIGHTING IN ST NICHOLAS PARK**

The Executive considered a report, from the Safer Communities Manager, which highlighted various problems that existed and needed addressing, with lighting and CCTV in St Nicholas Park, Warwick.

The report advised that the view of community safety partners was that these issues would not necessarily be improved by additional CCTV cameras and lighting in St Nicholas Park, other than those detailed in recommendation 2.1 of the report.

In June 2009, funding of £210,000 was agreed for three projects at St Nicholas Park following an unsuccessful Heritage Lottery Bid in March 2008. A number of projects were successfully delivered and a further project was identified to improve safety through improved lighting and CCTV.

In the summer of 2012, a higher number of incidents in the park had been reported to Police. This resulted in the Police making the area a priority with the Safer Neighbourhood Team and PCSO's carrying out regular patrols.

Communications had continued with residents, Council officers and the Police, however, there was no agreement as to the solutions being put in place and the future needs of the area.

The report included a summary of Community Safety Partners response to points made at a meeting with Friends of St Nicholas park along with crime and anti-social behaviour figures for the park.

The recommendations included adding a fixed recording camera system at the Cafe, no other CCTV cameras to be installed in St Nicholas Park or repositioning of any existing cameras. It was proposed that certain trees be trimmed to improve camera coverage but that no other lighting be installed.

In addition, further consideration would be given to the protection of houses in Myton Fields, officers would liaise with Police regarding the 'boy racer' problems and Neighbourhood Services would continue to consult with all interested parties to allocate the remaining funding.

An alternative option was that the remaining funds be used for additional cameras and lighting, however, this would be against the advice of officers and the Safer Community Partners.

Councillor Mrs Bromley addressed Members in her capacity as Ward Councillor. She outlined the problems being faced by local residents and users of the park. There had been instances of anti-social behaviour and joy riding and the group were hoping for existing funds to be ring fenced for additional CCTV cameras. Councillor Mrs Bromley had circulated letters of support from Coten End Primary School, Myton School and Warwick School along with photographic evidence of boy racers and the location of existing cameras.

A member of the Finance & Audit Scrutiny Committee raised concerns that money should still be ring fenced in the budget for the provision of cameras and argued that there was a need for additional cameras in the park to protect members of the public. Members and officers responded that investigations

had established that it was not possible to install further cameras due to there being no line of sight to a base station and it was considered that the current cameras were in the best position it was possible to achieve. The Committee noted the Member's concerns and the responses given to those concerns, recognised that monies remained in the budget to address safety concerns and supported the recommendations in the report.

The Overview & Scrutiny Committee received a presentation from local residents and, following this, the Committee felt that it needed to make a recommendation to the Executive, as follows:

- (1) that recommendation 2.5 is amended to read that, as a matter of urgency, officers work with Warwickshire Police to ensure that boy racers are eradicated from the park by taking appropriate action;
- (2) that recommendation 2.6 is amended to read "act urgently to work with Ward Councillors, Friends of the park and its users to allocate the remaining funding to those other desirable projects previously identified by the working party whilst looking at resolving the public nuisance issues from boy racers"; and
- (3) that the Executive write to the Police Commissioner about the issues with boy racers and encourage police liaison to help tackle the problem early in the summer months when the problem is most acute.

The Overview & Scrutiny Committee also wished to see a further report back in six months about what has happened and been implemented.

Having read the report and the representations from Overview and Scrutiny and Councillor Mrs Bromley, the Executive decided to agree the recommendations, incorporating the Committee's suggestions, with a minor amendment.

RESOLVED that

- (1) a fixed recording camera system be fitted at the Café, subject to agreement that the proprietor covers the cost of annual maintenance and insurance;
- (2) no other CCTV cameras will be installed in St Nicholas Park or any existing cameras will be repositioned but the tree adjacent to the cafe is trimmed to improve the coverage of this camera of the area;
- (3) no additional lighting will be installed in St Nicholas Park;
- (4) further consideration will be given to the protection of the houses in Myton Fields from nuisance, under the further consultation required by the original decision, regarding the expenditure of any remaining funds;
- (5) as a matter of urgency, officers work with Warwickshire Police to ensure that boy racers are

eradicated from the park by taking appropriate action;

- (6) Neighbourhood Services act urgently to work with Ward Councillors, Friends of St Nicholas Park and its users to allocate the remaining funding to those other desirable projects previously identified by the working party whilst looking at resolving the public nuisance issues from boy racers; and
- (7) Councillor Coker will write to the Police Commissioner independently about the issues with boy racers and encourage police liaison to help tackle the problem early in the summer months when the problem is most acute.

(The Portfolio Holder for this item was Councillor Coker)
(Forward Plan reference number 561)

103. **THE NEW HRA BUSINESS PLAN 2013-2062**

The Executive considered a report from Housing and Property Services following an update to the Housing Business Plan, to reflect the most recent changes in performance and business assumptions. The report set out the significant changes in assumptions and demonstrated how the Business Plan could service its debt, build more homes and remain viable.

In March 2012 the Executive approved the Housing Business Plan 2012 to 2062. In April 2012 the Housing Revenue Account subsidy system was replaced with the Self Financing System and this required the Council to take on a loan of £136.2m to pay the Governments settlement figure.

Performance of the Housing Business Plan had been reviewed on a regular basis through reports to the Interim Housing and Property Board on a quarterly basis and to the Finance and Audit Scrutiny Committee on a six monthly basis.

The revised Business Plan was attached at Appendix 1, to the report, and projected a healthy and improved position for the Housing Revenue Account. The associated risk register was attached at Appendix 2, to the report, and had been updated to reflect recent changes.

Appendix 3, to the report, detailed the key assumptions underpinning the new Business Plan and demonstrated how and why they had been amended in line with current policy, strategy and thinking.

The report also requested approval of the revised Business Plan along with the new proposed approach for new build properties to be let at social rent rather than affordable rents, as per paragraph 3.11 of the report.

An alternative option was to do nothing, however, this would result in the plan not reflecting the most up to date policies, strategies and developments. The second alternative option detailed in section 6 of the report was to agree an alternative Business Plan. Provided these options were financially viable and deliverable, the Business Plan would be updated as a result.

The Finance & Audit Scrutiny Committee noted that, due to a shift towards social rent policy by the government, it was projected that the Council should be able to build 4000 rather than 6000 properties during the term of the Plan. However, Members were encouraged that this was still considerably higher than the original estimate, that the Plan was constantly under review and supported the recommendations in the report.

The Portfolio Holder for Housing and Property Services, endorsed the report and moved the recommendations.

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

RESOLVED that

- (1) the revised Housing Business Plan 2013 to 2062, is approved;
- (2) new proposed approach for new build properties to be let at social rent rather than affordable rents as recommended in the base Housing Business Plan, is approved; and
- (3) performance of the HRA Business Plan will be continuously monitored and managed and any divergence from the agreed programme will be reported to Executive at least annually and as part of the mid-year estimates.

(The Portfolio Holder for this item was Councillor Vincett)
(Forward Plan reference number 559)

104. **COUNCIL TAX UNINHABITABLE DISCOUNT**

The Executive considered a report from Finance which explored the option of introducing a local discount for owners of uninhabitable properties to replace the statutory exemption which was abolished by the Government with effect from 1 April 2013.

In doing so, it was anticipated that the level of long term (in excess of 6 months) empty properties would be reduced thereby increasing the Council's New Homes Bonus award. It was not proposed to alter the discount for empty properties which currently attracted a discount of 100% for 1 month only.

It had been anticipated that the introduction of a nil discount for uninhabitable properties for 2013/14 would provide an incentive for owners to bring back properties into use in line with the Council's empty property strategy. However, there had been some unintended consequences evidenced within the Council Tax section.

Letters and feedback had been received from owners expressing dissatisfaction that they were being financially penalised by having to pay full council tax whilst they brought properties into use.

In addition, some owners who were disinclined or unable to bring a property back into use had approached the Valuation Office Agency (VOA) to have properties removed from banding in order to avoid paying council tax.

As a result, the Council Tax team were actively working with Housing Strategy to identify owners of empty and uninhabitable properties and advise them of the options and assistance available to them in bringing their property back into use.

The report recommended that a 100% council tax reduction be introduced for uninhabitable properties up to the statutory period of 12 months.

Officers felt there was the potential of a greater financial gain from New Homes Bonus as a result of the categorisation of these properties as uninhabitable, rather than long term empty. Long term empty properties had a direct impact on the level of New Homes Bonus awarded – the fewer the Council had, the greater the award. However, the introduction of the discount would reduce the level of council tax collected.

The Executive could decide to leave the position unchanged, meaning there would be no discount for uninhabitable properties. However, this could be viewed as a missed opportunity in terms of greater revenue being received. Additionally, the Council could appear to be financially penalising owners who were making efforts to bring a property back into use.

A second alternative would be to introduce a discount at a different rate. However, any discount less than 100% would result in owners starting to pay some Council Tax after 1 month of a property becoming empty.

The Finance & Audit Scrutiny Committee had been addressed by a member of the public, a pensioner who had bought a derelict property but who had, as yet, been unable to pay for the work required to move the project forward due to financial burdens such as the Council Tax. He could not see how the current system would encourage people to work on derelict properties and therefore supported the recommendations in the report. The Committee also supported the recommendations in the report.

Having read the report and the comments from Finance and Audit Scrutiny Committee, the Executive decided to agree the recommendations as written.

RESOLVED that the introduction of a 100% council tax local discount for uninhabitable properties up to the statutory maximum period of 12 months, is agreed.

(The Portfolio Holder for this item was Councillor Mobbs)

105. **REVIEW OF SECURITY OF OPEN SPACES WITHIN WARWICK DISTRICT TO PREVENT ILLEGAL ENCAMPMENTS**

The Executive considered a report from Neighbourhood Services following a request from Councillors that officers look at measures to increase security at a number of the Councils open spaces across the District as a consequence of comments they had received from members of the public about illegal

encampments which took place on these sites earlier in the year. The report set out the current position and options open to the Council.

The report advised that increasing security measures on some open spaces, was likely to displace the problem to other sites in the District, and as a result would not resolve the problem of illegal encampments for the Council.

In addition, securing every open space from illegal encampment was impractical, and contrary to the reason they were provided, which is to be attractive and accessible to the public. The direct financial cost to the Council of dealing with issues resulting from illegal encampments was relatively small, and covered by resources already funded within the Council's Street Cleansing Contract.

However, the impact illegal encampments had on local residents was more difficult to resolve, but making some sites more secure could increase the issue at the other sites where encampments had taken place. Officers also felt that to try and secure all the sites where encampments had taken place, would only increase the threat to other potentially vulnerable sites which had not, as yet, been subject to illegal encampment.

The report therefore recommended that the current arrangements for securing sites were maintained which was to work within a joint policy between Warwickshire County Council, all District Councils and Warwickshire Police for dealing with unauthorised encampments within Warwickshire. Council officers would also work with its contractors to continue to assist in minimising the impact of illegal encampments.

The alternative options were to implement increased security measures at sites currently subject to illegal encampments, but this had been discounted because evidence pointed to the fact that this merely moved the problem to other sites in the District.

Members could choose to secure all open spaces in the District. This had also been discounted due to the significant costs to carry out the work, and the impact on the aesthetics and accessibility of open spaces.

The Overview & Scrutiny Committee noted the report.

Members thanked officers for their work and agreed that the current processes gave the Council protection to its Open Spaces. Therefore, having read the report, the Executive decided to agree the recommendations as written.

RESOLVED that current arrangements for securing sites are maintained, and the Council together with its contractors continue to assist in minimising the impact of illegal encampments that take place on our open spaces.

(The Portfolio Holder for this item was Councillor Shilton)
(Forward Plan reference number 529)

106. **HS2 LIAISON OFFICER**

The Executive considered a report from Development Services which sought approval for a dedicated part time post (18.5 hours) in Planning Services to deal with HS2 issues. There was a need for the Authority to have the right level of resource to be able to engage in all the workshops, meetings, consultation exercises and planning issues that had and would continue to arise from the progression of this project.

The Council adopted a policy position of objecting to the HS2 project. However, it was necessary to ensure that the Council were best represented from commencement to implementation of the bill to achieve the best outcome for the citizens of the District if the project goes ahead.

It was understood that the first reading of the HS2 bill was to take place in December 2013. Therefore, early in the new year, officers felt that there was a need for additional resource to deal with some of the matters arising from the bill.

To date, officers had attended a number of seminars and events and had worked with the campaigning groups opposing HS2. The Council's legal officer at Warwickshire County Council was working on HS2 on our behalf together with other affected authorities. Until recently the work for HS2 had been within the Sustainability Officers post, however, there was no longer capacity for this.

The report recommended the appointment of a part time (18.5 hours) HS2 officer for an initial period of two years. The post would be reviewed after that period with a further report if there was a need to continue with the post. It should be noted that if the Government decided at any time to cease the progression of the project, the post could be terminated.

Although there was some funding through a Memorandum of Understanding that set out compensation to authorities for specific work on HS2, this tended to exclude work where the authority would usually deal with such matters through current legislation, for example planning applications.

It was therefore recommended that the planning reserve be used to finance this post. Following a £300k top up from the projected 2013/14 budget surplus and after allowing for the £199k Tree Preservation Orders compensation payments approved by the 13 November Executive, the reserve would have an unallocated balance of £99k, reducing to £78.5k if this report was approved.

An alternative option was that Members could choose not to appoint a stand alone post to deal with HS2 matters and absorb the work within current roles. However, there was very little capacity to do this and this would not give the importance to the matter that officers feel was necessary.

Members agreed that this was a much needed post to assist the District's residents who were in the most affected areas. Therefore, having read the report, the Executive decided to agree the recommendations as written.

RESOLVED that

- (1) the appointment of a part time (18.5 hours) HS2 officer for an initial period of two years, is authorised. (The post will be reviewed after that

period with a further report if there is a need to continue with the post. It should be noted that if the Government decides at any time to cease the progression of the project, the post may be terminated); and

- (2) the HS2 Officer post is financed from the Planning Reserve, which is likely to be approx. £20.5K per annum, subject to Hay Panel review.

(The Portfolio Holder for this item was Councillor Hammon)

107. **ENDORSEMENT OF PARISH PLANS FOR BEAUSALE, HASELEY, HONILEY & WROXALL AND WESTON UNDER WETHERLEY**

The Executive considered a report from the Community Partnership Team informing Members of the actions included in two completed Parish Plans - Beausale, Haseley, Honiley & Wroxall and Weston under Wetherley.

The Parish Appraisal/ Planning Process was a well-established way of articulating the needs and aspirations of rural communities. In September 2012 the Executive adopted a 'Joint Protocol for WCC/WDC involvement in and responding to Parish Plans, Parish Appraisals and Village Design Statements'. A copy of this was attached at appendix 2 to the report.

The Joint Protocol required that 'following presentation at the relevant community forum, all Parish Appraisals/ Plans/VDS should be reported to the District Council Executive and the County Council's *executive body/person* for endorsement, full or part thereof'. In compliance with the Protocol, the report therefore recommended that the Council's Executive endorses the Parish Plans for Beausale, Haseley, Honiley & Wroxall and Weston under Wetherley.

A number of issues had been identified by the Beausale, Haseley, Honiley & Wroxall and Weston under Wetherley parishes during the production of their parish plans and these were detailed section 3.2 of the report.

No alternative option was considered as the Protocol was developed to ensure Parish Councils feel included and connected to other key structures and decision making processes.

Having read the report, the Executive agreed the recommendations as written.

RESOLVED that

- (1) endorses the Parish Plans for Beausale, Haseley, Honiley & Wroxall and Weston under Wetherley, are endorsed; and
- (2) the actions detailed in each of the Parish Plans summarised in appendix 1 to the report are noted.

(The Portfolio Holder for this item was Councillor Caborn)
(Forward Plan reference number 560)

108. **RURAL / URBAN CAPITAL IMPROVEMENT APPLICATION**

The Executive considered a report from Finance which provided details of a Rural/Urban Capital Improvement application which had been submitted by Whitnash Town Council to create a "measured mile" track around Acre Close playing field / park.

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 would provide funding to help the project progress.

The report advised that this project contributed to the Council's Sustainable Community Strategy as the creation of the "measured mile" would provide an increased opportunity for the community to enjoy and participate in a sporting / health & wellbeing activity. This could also potentially help to reduce obesity, particularly in children, and help to reduce anti-social behaviour.

The Measured Mile provided additional opportunity for the park to be used and enjoyed by a wide range of residents of all ages from across the community; which would help to engage and strengthen the community.

Whitnash Town Council had stated that they would provide £2,000 (3% of the total project costs) towards the project from their own cash reserves. The Town Council would also put in £500 per annum in their precept to cover any running costs; in addition, they had a vandalism amount in their precept each year. This application was for 32% of the total project cost up to a maximum of £24,500.

Officers advised that there was £36,313 available to be allocated for Rural/Urban Capital Improvement Scheme Grants from the Urban Cost Centre budget for 2013/14. If the application from Whitnash Town Council for 32% of the total project cost up to a maximum of £24,500 was approved, £11,813 would remain in the Urban Cost Centre budget.

Whitnash Town Council had previously had successful RUCIS applications in 2004, 2005, 2008 and 2011. This application met the criteria whereby, after a successful grant award, an organisation must wait for a minimum of 2 years before re-applying for a new grant.

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 funding for Rural/Urban Capital Improvement Schemes. However, Members could choose not to approve the grant funding, or to vary the amount awarded.

Having read the report, the Executive agreed the recommendations as written.

RESOLVED that a Rural/Urban Capital Improvement Grant from the urban cost centre for Whitnash Town Council of 32% of the total project cost to create a "measured mile" track around Acre Close playing field / park, up to a maximum of £24,500, is approved, subject to receipt of the following:

Written confirmation of Sport England approval, or if the application is declined, another capital grant provider, to fund £49,897 of the project cost to ensure that the RUCIS grant remains as 32% of the total project cost

(The Portfolio Holder for this item was Councillor Mobbs)

109. **NEW ENFORCEMENT POLICY**

The Executive considered a report from Development Services which proposed the introduction of the new Planning Enforcement Policy, attached as appendix one to the report.

The report recommended that this policy was adopted with effect from 1 January 2014.

The report reminded Members that the recent peer challenge review had recommended the Council publish an enforcement policy. In addition, the National Planning Policy Framework (NPPF), paragraph 207, recommended that Local Planning Authorities should consider publishing a local enforcement plan to manage enforcement proactively.

The proposed policy provided an overview of the enforcement investigation processes, identified priorities and service level targets which would provide clarity and the expected service levels for individuals coming into contact with the service.

In view of recent changes which provided officers with delegated powers to serve enforcement notices, the Planning Committee would be provided with an overview of the team's performance on a quarterly basis. The report also recommended that, in order to ensure the policy was up to date, officers review the policy annually.

No alternative options had been considered having regard to the recommendations of paragraph 207 of the NPPF and the peer challenge review.

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

RESOLVED that

- (1) the policy, as set out at Appendix 1 to the report, is agreed and its adoption with effect from 1 January 2014, is authorised;
- (2) it is intended that an enforcement update report will be taken to Planning Committee on a quarterly basis to include a summary of the targets achieved, as set out at Appendix 2 to the report, within the policy; and
- (3) the Enforcement Procedure will be reviewed on annual basis by Officers.

(The Portfolio Holder for this item was Councillor Hammon)
(Forward Plan reference number 556)

110. PUBLIC AND PRESS

RESOLVED that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Minute No.	Para Nos.	Reason
112, 113 & 114	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

111. HOUSING & PROPERTY SERVICES REPORT UPDATE

This report was withdrawn prior to the meeting.

112. URGENT ITEM – GRANT OF AN OPTION AGREEMENT FOR COUNCIL OWNED LAND

The recommendations of the report were agreed with an amendment to recommendation to 2.1, as per the addendum circulated at the meeting.

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

(The Portfolio Holders for this item were Councillors Hammon & Mobbs)

113. KENILWORTH PUBLIC SERVICE CENTRE FEASIBILITY STUDY & BUSINESS CASE

The recommendations of the report were agreed as written.

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

(The Portfolio Holder for this item was Councillor Coker)
(Forward Plan reference number 436)

114. MINUTES

The confidential minutes of the meetings held on 13 November 2013 were agreed and signed by the Chairman as a correct record.

(The meeting ended at 7.40 pm)