WARWICK DISTRICT COUNCIL

Minutes of the meeting held on Wednesday 25 January 2017, at the Town Hall, Royal Leamington Spa at 6.05pm.

PRESENT: Councillor Mrs Knight (Chair); Councillors Ashford, Barrott, Boad, Bromley, Mrs Bunker, Butler, Cain, Mrs Cain, Coker, Cooke, Cross, D'Arcy, Davies, Davison, Day, Doody, Edgington, Gallagher, Gill, Mrs Grainger, Harrington, Heath, Mrs Hill, Howe, Illingworth, Margrave, Mobbs, Morris, Murphy, Naimo, Noone, Parkins, Phillips, Quinney, Mrs Redford, Rhead, Shilton, Mrs Stevens, Thompson, Weed and Whiting.

56. **Apologies for Absence**

Apologies for absence were received from Councillors Mrs Evetts, Mrs Falp, Gifford and Miss Grainger.

57. **Declarations of Interest**

Minute 61 – Notice of Motion
Councillor Mrs Bunker declared that she was a nominated governor to South Warwickshire NHS Foundation Trust.

Councillor Mrs Redford declared she was a Council appointed representative on the Warwickshire County Council South Warwickshire NHS Foundation Trust Quality Accounts Task & Finish Group.

58. **Statement from Councillor Boad**

With the permission of the Chair, Councillor Boad made the following statement:

"On 24th November I formerly asked the Monitoring Officer to investigate the circumstances surrounding the apparent release of confidential information by the Labour Group concerning the Leisure Centre Proposals.

His investigation has revealed that the Leamington Spa Courier published on 29th July a Labour Press Release under the heading of 'Rising cost for leisure centres plan is a 'concern' for Labour group'. This included a figure of £15 million for the project.

There was then a 2 month delay by the Labour Party in producing their 'Labour Voice' leaflet which they sent to the printers on 27th September containing a similar story using the figures previously published in July.

The revised costs, which were described as 'work in progress', were revealed to Group Leaders on 22nd September, followed up by a meeting of the members of the working party. Given the nature of the 'work in progress', members were requested to keep the information confidential.

Given the 2 month delay by the Labour Party in publishing their story in 'Labour Voice' clearly created some confusion, particularly as it had already been overtaken by more recent events.

The coincidence of the timing with the confidential briefing in late September muddied the water and made it appear that confidential information had been used.

Following the completion of the Monitoring Officers investigation which has made it clear that that there had been no breach of confidential information, I am happy to withdraw any remarks made by me, specifically about a potential breach of confidentiality by the Labour Group, at the Council meeting on 16th November.

I thank the Monitoring Officer for his quick and thorough investigation."

In response Councillor Barrott thanked Councillor Boad for his statement.

59. **Minutes**

The minutes of the meeting of the Council held on 16 November 2016 were taken as read and duly signed by the Chair as a correct record.

60. **Communications & Announcements**

The Chair informed the Council that the Chair's Attendant was now recovering at home following surgery and she had passed on the best wishes of the Council to him.

The Chair welcomed Councillor Noone to the Council following her election to represent the Myton & Heathcote Ward on 1 December 2016.

The Chair summarised some of the experiences she had had and some of the events she had attended in her role. She highlighted to Council the positive work of the Parish Council's across the District and reminded Councillors of the need to work together for the community.

The Chair informed the Council that she would be attending, and encouraged all Councillors to attend, the Action21 'Eco Fun Day'. This would be an organised riverside walk, on 7 May 2017, from St Nicholas Park to the Pump Room Gardens and would form part of an eco-focussed family fun day.

The Chair informed Council that the local churches and chamber of trade were organising an event to look at homelessness with a view to helping financial and social inclusion. This was due to take place on 27 April 2017 at the Town Hall and would include a Civic reception for participants.

The Chair encouraged Councillors to her fund raising quiz on 17 February 2017 and her Civic Dinner on 10 March 2017 where Ian Dove QC would be the guest speaker.

The Chair informed Council that there were no Public Submissions or Petitions for consideration by Council.

61. **Notices of Motion**

It was duly proposed by Councillor Mrs Grainger, and duly seconded:

1. That the Council believes that the approach used to develop the Coventry & Warwickshire Sustainability and Transformation Plan (STP) has been opaque and veiled in secrecy. Given how critical this Plan is to the future provision of Health and Social Care Services and the future of our local hospitals in Warwickshire, the Council urgently requests that more time is allowed for full and proper public consultation and seeks assurances that all plans for the future of the NHS are developed openly and with full involvement of the users of the service.

2. That, consequently, the Council:

   (i) Agrees that it will not consider signing up to the Coventry and Warwickshire Sustainability and Transformation Plan published on 6th December until:

      a) There has been full public engagement
      b) It has been co-produced along with the Health and Wellbeing Boards of both Warwickshire CC and Coventry CC
      c) It is rewritten in language which is accessible to the public

   (ii) Expects that the STP in its next stage moves to present a clear set of proposals and plans for any changes and that an independent chair is appointed to ensure the necessary challenge.

   (iii) Expects that the original intent of the STP around the integration of the health and social care systems is progressed in a way which recognises the crucial role played by social care.

   (iv) Expects that the STP workstreams will recognise local and easy access to services by the whole population of Warwickshire and Coventry as a fundamental principle.

3. That the Health Scrutiny Sub Committee consider and report on the progress of the STP.

Councillors Coker, Parkin, Doody, Boad, Illingworth, Cain, Ashford, Mrs Bunker, Heath and Butler addressed the Council on this matter.

On being put to the vote the motion was carried.

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

The Leader, Councillor Mobbs, passed on his good wishes to the Chair's Attendant and welcomed Councillor Noone to the Council.

The Portfolio Holder for Neighbourhood Services, Councillor Shilton, informed Council that Jephson Gardens had been listed as one of the top 15 public parks in the country.

The Portfolio Holder for Culture, Councillor Coker, informed Council that a Sports England survey had identified that sub regionally the District had the most residents participating in sport at least once a week and overall had the third largest amount of residents participating in sport three times a week. In addition, he highlighted the significant number of small grants awarded by

cultural to sports clubs and organisations to help them encourage and enable more sports participation.

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

Councillor Boad asked the Portfolio Holder for Neighbourhood Services if they could explain the Council's Policy on prosecuting fly tipping?

In response, the Portfolio Holder for Neighbourhood Services, Councillor Shilton, explained that the Council did not prosecute fly tippers because the team did not have sufficient resources to do so. This was the subject of discussion between CMT and the Executive. He explained the reason for this decision was because it was hard to get sufficient evidence to enable a successful prosecution. However, the important point was to ensure that any fly tipping was cleared quickly. In response to a question of clarification from Councillor Boad, Councillor Shilton confirmed that even when clear evidence was provided, his team would not always take action.

Councillor Boad asked the Portfolio Holder for Housing & Property Services, that as a Council we encourage residents to take pride in Council properties so why in a block of flats where no communal cleaning was provided had Council Officers told a resident to stop cleaning in the communal hall and that if someone was hurt they would be liable?

In response, the Portfolio Holder for Housing & Property Services, recognised that officers needed to be cautious but asked Councillor Boad to pass him the details of this matter so he could investigate it.

Councillor Quinney, asked the Portfolio Holder for Neighbourhood Services, if he could confirm there had been no prosecutions for fly tipping in the last three years; was this the result of an agreed Executive Policy or just custom and practice; if where evidence was provided were residents informed that prosecutions would not be made; should this position be made public; and what action would he be taking review this approach and budgets if necessary?

In response, Councillor Shilton explained that this would be reviewed and a report would be brought back to the Executive for consideration. He highlighted that this was not just a matter for Neighbourhood Services but also Housing & Property Services and Health & Community Protection. He confirmed that within the District in 2014/15 there were 890 cases of fly tipping, 1092 cases in 2015/16 and 800 cases to date in 2016/17. He expanded that in this time there had been no prosecutions which was as a result of evidencing being hard to substantiate and that it cost less to clear up than to bring a case to Court.

Councillor Barrott, asked the Leader that as Warwickshire County Council were due to move out of their Barrack Street Offices could Warwick District Council move into it; and could he guarantee that any housing development brought forward by this Council would at least meet the 40% affordable housing requirement?

In response, the Leader, Councillor Mobbs, stated that the answers were no to both questions. This was because Barrack Street was not fit for the purpose of what this Council required. With regard to affordable Housing this Council was committed to this Policy and across all developments the Council was close to

achieving this. However, there was a need to recognise the need for schemes to be both viable and deliverable.

Councillor Barrott asked the Portfolio Holder for Development Services if he was aware of publicity by a developer regarding an additional housing scheme, outside the land allocated in the forward plan, within the Barford/Sherbourne area, along with the concern from local residents and Councillors; and asked how would this Council respond if this Council was required to provide more housing by the Planning Inspector?

In response, the Portfolio Holder, Councillor Cross, stated that the Council was waiting for the Inspectors Report.

Councillor Barrott asked the Portfolio Holder for Development Services if he shared the concerns of residents about the number of applications for conversions of residential properties to HMOs and could he provide assurance that Planning Policy H6 was being correctly interpreted and implemented with correct weight?

In response, Councillor Cross explained he was aware of the concerns and there was a continuous review to make sure decisions were correct.

Councillor Morris asked the Portfolio Holder for Housing & Property Services if this Council should thank the Chief Executive and his officers for their exceptional work over the Christmas period in responding to a number of illegal encampments over the District by Gypsy and Travellers?

In response the Portfolio Holder, Councillor Phillips, explained that he was aware of the excellent work of officers over Christmas to resolve these challenges and there would be a report to the Executive on this matter in March 2017. However, he could confirm that work was taking place across the County to see what action could be taken within the current legal constrains.

Councillor Gill asked the Portfolio Holder for Health & Community Protection if she was aware of the increase in crime and asked if this related to the reduction in the number of observations and arrests from the work of our CCTV team?

In response, the Portfolio Holder, Councillor Mrs Grainger, explained that there had been changes in reporting and this had created difficulties in comparing data. However, work had been commissioned to investigate this but examples included improved reporting of hate crime which should be welcomed. In addition, it was most likely that more crime was being committed away from the Council's CCTV cameras.

64. **Report of the Executive**

(a) The report of the Executive meeting on 30 November 2016 were proposed duly seconded and

Resolved that the report of the Executive meeting on 30 November 2016, be approved.

(b) The report of the Executive meeting held on 5 January 2017 were proposed duly seconded and

Resolved that the report of the Executive meeting on 5 January 2017, be approved.

65. **Membership of Committees**

Resolved that

(a) the following amendments be made to the membership of Committees:
   (i) Councillor Miss Noone be appointed to Finance & Audit Scrutiny Committee
   (ii) Councillor Mrs Evetts to be replaced on Employment Committee by Councillor Miss Noone
   (iii) Councillor Evetts be appointed to Licensing & Regulatory Committee
   (iv) Councillor Miss Noone be appointed to HARP

(b) the following amendments be made to the substitute list for Committees
   (i) Councillor Mrs Evetts be appointed as a substitute for Employment Committee;
   (ii) Councillor Miss Noone be appointed as a substitute for Planning Committee and Overview & Scrutiny Committee

66. **Proposals to deal with HS2 submissions**

The Council considered a report from Development Services that set out the key challenges associated with the number and type of planning submissions that would be made under the High Speed Rail (London - West Midlands) Bill if, and when, it became an Act and sought agreement of Council to a mechanism for dealing with those submissions, which involved revisions to the Council's constitution.

The High Speed Rail Act would grant planning permission for the construction of a high speed railway between London and Birmingham. That permission would be subject to conditions requiring the nominated undertaker (the party/parties who would construct the railway) to obtain the consent or approval of the Council as Local Planning Authority for some of the details of the design of that part of the railway which passed through the District and associated ancillary works.

At their meeting of 2 June 2016, Executive decided that the Council should operate as a "Qualifying Authority" within the terms of the High Speed Rail Act, which provided the District Council with the maximum available, albeit limited control over the details of the design of the railway.

As a Qualifying Authority, the grounds on which Building Works (e.g. Bridges, Viaducts etc.) could be permitted, subject to conditions, or refused were:-

i. That the design or external appearance of the works ought to be modified:

   a) To preserve the local environment or local amenity,

b) To prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area,
c) To preserve a site of archaeological or historic interest or nature, conservation value, in respect of which the relevant aspect of the scheme is reasonably capable of being so modified

ii. That the development ought to, and could reasonably, be carried out elsewhere on land within the Act limits.

iii. Approvals for other matters not comprising building works, including for example fencing, artificial lighting etc. have their own specific grounds for refusal.

To obtain Qualifying Authority status, the District Council had committed to work within the terms of a "Planning Memorandum", which required the Council to deal with submissions in an expeditious manner, i.e. within eight weeks, and to be sufficiently resourced to be able to do so. Those submissions were likely to be for relatively minor matters but could be substantial in number.

In view of the potential for significant numbers of such submissions to be submitted to the Council as Local Planning Authority at any one time, there was a significant risk that under current arrangements, submissions could not be dealt with within the required timescale. This, in turn could result in the District Council losing its Qualifying Authority status and consequently losing the additional level of control that such status brought.

In particular, given the level of public interest in the HS2 project, especially from Town and Parish Councils, under current delegation arrangements there was a clear risk of a significantly increased number of submissions attracting a level of interest and objection requiring consideration by Planning Committee, potentially to the extent that the approach required to be deployed as a Qualifying Authority would become unsustainable.

For that reason, and in order to ensure that HS2 submissions were fully considered in an expeditious manner, it was proposed that a new approach be taken on the consideration of the circumstances in which they should be referred to Planning Committee.

It was proposed that given their likely detailed nature and the absence of the consideration of the principle of the development, all such submissions would be determined by Officers under delegated powers unless the Head of Development Services, in consultation with the Chairman of Planning Committee, were of the view that the particular details or circumstances of the submission in question were such that it should be considered by Planning Committee.

It was acknowledged that this was a different approach to that used for determining whether planning applications were considered by Planning Committee, which focused on the level of objection received including from Town and Parish Councils and/or Ward Councillors. However, for the reasons explained above, it was considered to be the most effective means of considering these new types of submissions in an expeditious manner which also allowed for the involvement of the Planning Committee where it was deemed appropriate.

Officers had been liaising with HS2 Ltd for some considerable time in respect of a number of matters both individually and as a member of a wider consortium, including in respect of the preparation of an emerging Service Level Agreement, one of the key elements of which was to ensure that the Council would be fully reimbursed for the additional work generated by the submissions received in relation to HS2.

It was anticipated that this agreement would be finalised within the next few weeks and it was proposed that authority be delegated to the Chief Executive, in consultation with the Leader of the Council, to enter into, and sign, the Service Level Agreement.

The recommendations were proposed by Councillor Coker, subject to a minor wording clarification, duly seconded and

Resolved that

(1) the report be noted

(2) the Head of Development Services is authorised to determine submissions made in accordance with the High Speed Rail Act, except for any submission where, in consultation with the Chairman of Planning Committee (or in the absence the Chairman the Vice-Chairman), they consider that it should be determined by Planning Committee;

(3) the Planning Committee be authorised to determine submissions made under the High Speed Rail Act which are referred to the Committee by the Head of Development Services;

(4) the Head of Development Services and Planning Committee consider representations made by Town and Parish Councils on submissions made in accordance with the High Speed Rail Act; and

(5) sufficient financial support is allocated in the Budget to enable the Council to address all HS2 related matters appropriately and authorises the Chief Executive, in consultation with the Leader of the Council, to enter into a Service Level Agreement with HS2 on behalf of the Council that will provide for it to be reimbursed for time spent dealing with the submissions made under the Act and related matters.

67. **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 relevant paragraphs of Schedule 12A of the Local Government Act 1972, following the Local

Government (Access to Information) (Variation) Order 2006.

68. **Confidential Executive Report**

The confidential report of the Executive meeting held on 5 January 2017 was proposed, duly seconded and:

Resolved that the confidential Executive report of 5 January 2017, be approved.

69. **Common Seal**

It was

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

(The meeting ended at 7.25 pm)

CHAIR
22 February 2017