

# Executive

Minutes of the meeting held on Wednesday 30 November 2016 at the Town Hall, Royal Leamington Spa, at 6.00 pm.

**Present:** Councillor Mobbs (Chairman); Councillors Butler, Coker, Cross, Grainger, Phillips, Shilton and Whiting.

**Also present:** Councillors; Barrott – Labour Group Observer, Boad – Chair of Overview & Scrutiny Committee & Liberal Democrat Observer, Observer, and Quinney – Chair of Finance & Audit Scrutiny Committee.

Apologies for absence were received from Councillor Mrs Falp – Whitnash Residents Association (Independent).

## 58. **Declarations of Interest**

Minute number 66 Development Brief for King's High, Warwick

Councillor Grainger declared an interest in this item because she was a Governor of the School and left the room for the deliberation of this item.

Minute Number 69 - 11a Future use of Council land adjacent to 39 High Street, Kenilworth and Minute Number 77 Confidential Appendix to Minute 69

Councillor Whiting declared a Pecuniary Interest in these items because he was the owner of property and left the room whilst the matters were debated.

## 59. **Minutes**

The minutes of the Executive meetings held on 28 September and 2 November 2016 were taken as read and signed by the Chairman as a correct record.

### **Part 1**

(Items on which a decision by Council is required)

## 60. **General Fund Base Budgets latest 2016/17 and original 2017/18**

The Executive considered a report from Finance that set out the latest projections for the General Fund revenue budgets in respect of 2016/17 and 2017/18 based on the current levels of service, and previous decisions. There were further matters that would be reviewed in order to finalise the base position as part of the 2017/18 budget setting process that were set out in paragraph 8.5 of the report.

The Council was required to determine its budget requirements in order to set the Council Tax for 2017/18.

As part of the Service Planning Process and through Budget Reviews, the Senior Management Team had identified significant savings that could be incorporated within the 2017/18 base budget. These savings were detailed in detailed in section 9 and 10 of the report.

The latest budget estimate for the 2016/17 Budget showed a surplus over the original Base Budget of £169,300, as detailed in section 12 of the report. Further detailed monitoring of the 2016/17 budget would be undertaken prior to the February Budget setting report being presented to Council. That report would make recommendations, as appropriate, as to how any surplus would be appropriated or, potentially, any deficit funded.

The proposed 2017/18 Base Budget presented a budget surplus of £97,200 in the Council's expenditure in continuing to provide its services and meet its commitments. Any changes to the overall position, including any necessary as a result of further consideration of the 2016/17 budget outturn, would be considered within the February Budget report.

The Finance & Audit Scrutiny Committee noted the variation in figures for charging for replacement bins and asked when the review of this charging process would be brought to Councillors.

While the Committee noted the 1% budget allocation for salary increases, it queried whether consideration should be given to the impact of predicted inflation on costs and the recruitment and retention policy in some areas. However, the Committee would seek a firm date for when the staff benefits review would come forward to Members so any costs of this could be built into budgets as appropriate.

The Executive confirmed that the review on charging for replacement bins would be brought early in the New Year.

They also highlighted that recruitment and retention was not a problem that could be solved by money alone as money did not improve morale. There was work ongoing in this area which was being considered by the People Strategy Steering group and a report would be brought to Members in due course.

The Executive also reminded Councillors that it was for budget managers to think creatively when managing their budgets and only when they could not achieve what they needed, to come and seek further money.

**Resolved** that the 2016/17 budget be subject to a detailed review over the coming months and that an updated position be reported to Council in February 2017, together with any recommendations on appropriating any surplus or funding any deficit and consideration of any implications for the 2017/18 budget.

**Recommended** that

- (1) the base budget for the General Fund services in respect of 2017/18 as outlined in Appendix B to the report, be approved;
- (2) the updated budget for the General Fund services in respect of 2016/17 as outlined in Appendix B to the report, be approved.

(The Portfolio Holder for this item was Councillor Whiting)

**61. Housing Revenue Account (HRA) budgets latest 2016/17 and original 2017/18**

The Executive considered a report from Finance that set out the latest projections for Housing Revenue Account (HRA) 2016/17 Budget and the Base Budget proposals for 2017/18.

The budget proposals for 2017/18 assumed that Council housing rents would be reduced by 1% in accordance with the Government's revised HRA rent policy, implemented in July 2015. It did not commit to any other rent changes as a HRA Rent Setting report would be presented to Council in February 2017.

The report recommended the base budget requirements that would be used in the process of setting Council Housing Rents for 2017/18. These figures reflected the costs of maintaining the current level of service plus any unavoidable changes in expenditure, for example, where the Council was contractually or statutorily committed to incur additional expenditure.

The report considered the current year's budget, and included details of proposed updates to the 2016/17 Budget. Any future changes that emerged over the coming months would be fed into the February report, ensuring that the implications for the 2017/18 base budget were considered and the Council was in a position to agree the 2017/18 Budget and the Council Housing Rents for the year.

The Finance & Audit Scrutiny Committee was pleased to learn that Pay to Say as detailed at Paragraph 8.3.5 of the report had been withdrawn by the Government.

The Scrutiny Committee was concerned at the increase in Supervision & Management (paragraph 10.4 of the report) of a further £150k for the reasons stated, on top of a budgeted rise in the current year of £255k or 10% and therefore requested clarification about these figures.

The Scrutiny Committee was informed, as part of the Internal Audit Quarter 2 progress report, that the £637,600 in original and current budget for asbestos works was likely to be exceeded, and felt that this should be drawn to the attention of the Executive.

The Executive welcomed the Scrutiny Committee's comments with regard to supervision and arrangement and detailed papers were provided at the Executive about this.

The Executive explained that with regard to Asbestos, a prudent approach was being taken but it was demand led based upon what was discovered in Council properties.

**Resolved** that the latest revenue budget position for Housing Revenue Account Services in respect of the 2016/17 budget, as set out at Appendix A to the report, be noted.

**Recommended** to Council that the 2017/18 base revenue budget for Housing Revenue Account Services, as set out Appendix A to the report, be approved.

(The Portfolio Holder for this item was Councillor Whiting)  
Forward Plan reference 780

## 62. **Housing Revenue Account Rent Arrears Policy**

The Executive considered a report from Housing and Property Services that proposed a revised Housing Revenue Account Rent Arrears Policy for them to recommend to Council for approval.

The Council's current Rent Arrears Policy relating to Council Housing Tenants was introduced in 2003. The Rent Arrears Policy had been reviewed to help the Council mitigate the risks of greater arrears that could arise from changes to the benefit and welfare system and to take account of the delivery of financial inclusion services to tenants, the pre-action protocol for possession claims for social landlords, as set out by the Ministry of Justice, the provision of a rent arrears policy and procedure for those purchasing Shared Ownership Properties, and amendments to the way the Council collected former tenant arrears.

The revised Housing Revenue Account Rent Arrears Policy, attached as Appendix 1 to the report, set out the Council's proposed approach to the prevention and collection of rent arrears from Council tenants. The Policy recognised that tenants could experience financial hardship for a variety of reasons and that by offering advice and support at every stage of the process the Council could help individuals to reduce the risk of legal action being taken to recover monies due, which could result in re-possession of their home.

The revised policy specifically addressed four key themes, Social Security, Pre-Action Protocols, shared ownership and former tenant arrears.

The Council recognised that changes to welfare benefits, including the introduction of Universal Credit, could cause financial difficulty to

tenants and their families while they were adjusting to the changes that were being introduced. The revised policy set out clear guidance for the support and help that would be offered to tenants.

Pre-action Protocol: The revised policy would ensure that the Council was following the Ministry of Justice's Pre-action protocol for Possession Claims by social landlords as set out in Appendix 2, to the report. The aims of the pre-action protocol were:

- To encourage more pre-court contact and exchange of information between landlords and tenants
- To enable parties to avoid litigation by settling the matter if possible without the need to commence possession proceedings
- To enable court time to be used more effectively if proceedings were necessary

In addition, Courts were expected to take into account whether the protocol had been followed when considering what orders to make. If the protocol had not been followed, the Courts could refuse to grant orders to support the timely recovery of rent arrears or, in extremis, possession of property owned by the Council.

The Council provided properties for sale on a shared ownership basis, where the Council sells a share of a home to a purchaser and then charges rent on the remaining share. The current Policy had no provision for managing the collection of rent arrears in the case of such properties and this was rectified within the revised policy.

The national collection rates for former tenant debts varied between 5% and 18%. The Council last year collected 15% of such debts, and set aside £215,000 for bad debt provision. Information provided by the Midlands Best Practice Group, showed that housing providers that fare better than the national average for the recovery of former tenants' arrears were those that had structures in place to negotiate concessions to tenants for repayment of such debts. The revised policy provided for such an arrangement to be offered by this Council, which was set out within the report.

Alternatively, the Council could decide not to amend the rent arrears policy but this would mean that the Council would not have a policy to make sure that it was able to adhere to the pre-action court protocol. Neither would it be able to make a commitment to deliver financial inclusion services to its tenants and so help reduce financial risks to both the Council and individual households. It would mean that there would be no provision of a rent arrears policy and procedure for those purchasing Shared Ownership Properties, and no amendments to the way the Council could collect former tenant arrears, resulting in reduced income to the HRA.

The Finance & Audit Scrutiny Committee found the report very encouraging and welcomed its work. It noted the comment within the budget that there was provision of £437,000 for bad debts both this year and next and while this was to make allowance for the introduction

of universal credit, the Committee hoped this Policy would have a far more positive effect and looked forward to seeing this within future budget update reports.

The Executive agreed with the comments of the Scrutiny Committee.

**Recommended** that the Council approves the revised Housing Revenue Account Rent Arrears Policy, attached at Appendix One, to the report.

(The Portfolio Holder for this item was Councillor Phillips)  
Forward Plan reference 748

### 63. **Appointment of External Auditor**

The Executive considered a report from Finance that sought approval for the arrangements to appoint an External Auditor.

Following the demise of the Audit Commission, new arrangements were needed for the appointment of external auditors. The Local Audit and Accountability Act 2014 required authorities to either opt in to the appointing person regime or to establish an auditor panel and conduct their own procurement exercise.

It was likely that a sector wide procurement conducted by Public Sector Audit Appointments (PSAA) would produce better outcomes for the Council than any procurement undertaken alone or with a limited number of partners. In addition, the use of the PSAA would be less resource intensive than establishing an auditor panel and procuring alone.

Regulation 19 of the Local Audit (Appointing Person) Regulations 2015 required that a decision to opt in must be made by Council (authority meeting as a whole). To comply with this regulation, Executive was asked to make the recommendation to Council.

Alternatively, the Council could decide to establish an auditor panel and conduct its own procurement. This was not recommended as it would be a far more resource intensive process and, without the bulk buying power of the sector led procurement, would be likely to result in a more costly service.

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

**Recommended** to Council that it opts in to the appointing person arrangements made by Public Sector Audit Appointments (PSAA) for the appointment of external auditors.

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

The Executive considered a report from Neighbourhood Services and Democratic Services that proposed minor amendments to the Council's Constitution to provide clarifications and appropriate delegations to ensure that work was undertaken at an appropriate level.

Warwick District Council received a number of payments from developers via Section 106 Agreements to help deliver capital improvements to public open spaces. It also received commuted sums, which would also form part of a Section 106 agreement to provide, for a limited period, maintenance of new public open space provision.

In some areas (normally rural), Warwick District Council did not own or manage any of these public open spaces. Ownership and responsibility instead was with the appropriate Parish or Town Council.

As the Planning Authority, Warwick District Council was a legal party to the Section 106 Agreements and was bound by the conditions therein. The District Council also collected the contributions from the developer. However, at times it was often necessary for Section 106 funds to be transferred from the District Council to the relevant Parish or Town Council so that they could provide the relevant infrastructure and/or maintenance.

S106 Agreements included clauses holding the District Council responsible for the appropriate use of financial contributions and provided a way for developers to recover payments with interest if they were not used for the purpose specified within a given timeframe (usually 5-7 years). However, as the Parish or Town Councils were not parties to the S106 Agreements they were not bound by these terms.

This meant that, in situations where the District Council wished to transfer funds to the Town or Parish Council, there was presently no mechanism under which the District Council could control how the money was spent, or require its repayment in the event that it had not been used in accordance with the terms of the S106 Agreement. Ergo, should a developer wish to reclaim their commuted sums due to inappropriate use, the District Council would remain solely liable for reimbursement of the funds to the Developer, because there was no agreement with the Parish/Town Council on the use of the money or a mechanism under which it could recover the funds from the Parish or Town Council.

This had not been an issue in the past as transfers had been rare, and individual agreements were made on a case by case basis as the situation arose. With the significant increase in development within the District, this was no longer an appropriate approach.

A new model legal agreement had been drawn up to ensure that the District Council's position was protected when funding was passed on to Town and Parish Councils. The Agreement covered how the money was to be spent and provided for repayment by the relevant Town or Parish Council in the event that the money was not spent appropriately, or at

all, together with the addition of interest. However, there was currently no appropriate delegated authority to enter into such Agreements.

Delegated authority was therefore sought to enable the Head of Development Services to enter in Legal Agreements with Parish and Town Councils that would govern the terms of any transfer of Section 106 funding to them, in circumstances where they were providing the relevant infrastructure or maintenance covered by the Section 106 Agreement.

At present, the Chief Executive had approved delegation to provide severance payments to members of staff in specific circumstances. This amendment was to provide clarification that it could be any one of those three circumstances, as had been normal practice, and not a combination of all three.

The proposed amendment for Road Closure Orders was brought forward to enable the Head of Development Services to authorise said orders. This was as a result of the team responsible for running events now being located within this service area.

Alternatively, it would be possible to leave the current arrangements in place for the administration for Section 106 monies in place. However, this was not considered appropriate because of the inherent risk to the Council. Equally, the Council could decide that Executive approval was required for each transfer, but this would be extremely time consuming and would prevent Parishes from accessing their funds in a timely manner.

**Recommended** that the amendments to the scheme of delegation as set out at Appendix 1 to the minutes, be approved.

## **Part 2**

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

### 65. **Delivery Stage for the Masterplan proposals for St. Mary's Lands, Warwick**

The Executive considered a report from the Chief Executive which sought approval for the delivery stage of the Masterplan Proposals for St. Mary's Lands, Warwick.

Approval was given in April 2016 to consult with the general public on the wide range of proposals that had been developed by the St. Mary's Lands Working Party. It was agreed that an update on the outcomes of the consultation would be brought back to Members for their further consideration before agreeing to the next steps.

A set of proposals had been consulted upon and a summary of the outcomes from the consultation were appended to the report along with recommendations for developing the project in more detail.



In order to develop the project the Council had asked its consultant, Plincke Landscape Ltd to prepare a Delivery Plan that identified how the individual elements of the Master Plan could be developed and delivered. The Delivery Plan included an assessment of the timescales and funding required, including the potential to use any Council funding as a lever to attract additional funding from external sources. The report sought authority to agree the implementation of projects of immediate priority and for the remainder to be more fully considered in February 2017 as part of the process of setting the capital programme for 2017/18 and then for 2018/19 and possibly beyond.

The Delivery Plan recognised the complex relationship between the multiple stakeholders with an interest in the success of St. Mary's Lands. The Working Party had continued to work together constructively to ensure that many of the master plan ideas were now viable projects, including a number of 'quick wins'. These now required agreement from the Council to financially support a range of community, environmental and economic improvements set out within the Delivery Plan.

The Master Plan sought to clarify the role of St. Mary's Lands as a publicly accessible open space and one that supported a range of businesses that made an indirect contribution to the local economy and a direct contribution to the Council. Even within Warwick, a significant number of respondents to the consultation perceive St. Mary's Lands to be 'the racecourse' and not a free to use public open space. The purpose of St. Mary's Lands was little promoted and understood whilst a lack of access to play facilities and toilets, marginalised it further to a local and niche group of users. The importance of the historical, cultural, and environmental significance site was little understood, resulting in a low public profile. There was considerable potential, through the adoption of these proposals to present St. Mary's Lands as an asset for the whole town and as a destination within Warwick's wider offer to visitors from further afield. By lifting the site's profile, an upward spiral of investment could be encouraged that would assist in sustaining the open space into the future.

Following consultation on this draft report, the Delivery Plan had been prioritised in terms of community support and a greater emphasis on the revenue implications had been added. Elements that related to the wider car parking strategy had been retained within the context of this report. It was suggested by some, that parking was excluded and dealt with via the town centre parking strategy. However, by keeping the proposals for parking within the overall scheme, the inter-relationship between potential income generation and revenue costs could be more accurately assessed.

In April 2016, the Executive agreed that:

- (i) That the Working Party should be thanked for their constructive approach to developing the Regeneration Master Plan for St. Mary's Lands;
- (ii) Agreed to support a consultation exercise to gauge the level of public support for the Working Party's initial Master Plan proposals;

- (iii) To receive a report on the outcomes of the consultation and any recommendations before the master plan is finalised.
- (iv) Agreed to fund the next steps in the master plan development to maintain the project momentum including,
  1. The next steps costing up to £5,000 from the existing budget be agreed;
  2. That an exemption is agreed to the Code of Procurement Practice (Section 6.3) to appoint Plincke to provide an ongoing project management role for the best part of a year ahead at a cost of not more than £25,000.
  3. That tenders be sought for design consultancy work of up to £50,000.That the additional funding of £75,000 in total is agreed from the 2016/17 Contingency Budget.

In essence, the proposal was to extend the project management services of consultants (Plincke) to assist the Council with continuing the more facilitative and inclusive development of the work needed. This would bring the initial Regeneration Master Plan to a point where the public response could be assessed and after taking into consideration the results, plan a phased approach to implementing the Master Plan's recommendations.

When the Council appointed Plincke in October 2015, they set out a proposal based on 3 stages: (i) to review; (ii) to understand the issues; and, (iii) to build a consensus. The third stage had focused on broader project aims rather than the individual concerns of the Working Party members. This had enabled the Working Party to build consensus around the master plan proposals and a 10-year strategy for guiding the site based on four key themes: Protect St. Mary's Lands for People and Nature; Improve Access and Enjoyment for All; Support the Local Economy; and Invest for the Future.

The public consultation process had been an important aspect in widening this consensus by understanding what level of public support existed. In this respect, the third stage had sought to establish the 'legitimacy' of the Working Party's proposals. The report on the outcome of the public consultation was attached at Appendix 1 to the report.

The consultants anticipated a fourth stage once the outcomes of the first three stages were completed. It was estimated that these three stages would cost up to £20,000 and if a fourth stage was required, further consideration and agreement would be needed as to how this was funded and procured. It was envisaged that the Working Party would re-commence and oversee the work of the consultants. This report and its recommendations now focused on that fourth stage and concerned the delivery of the master plan.

The Working Party had met twice since the end of the public consultation process, firstly to agree what actions were needed as a result of the consultation responses and secondly to consider the proposed delivery plan. In between these two formal Working Party

meetings, numerous other meetings and discussions had taken place to develop the individual projects within the delivery plan. Working Party members had been consulted on the contents of this report.

It was important to note that a variety of things had already been happening to implement proposals stemming part from earlier decisions made by this Council and some of the participating organisations. These included:

- £150,000 of works on Racing Club Warwick's (RCW) ground as part of a Football Foundation/WDC bid submitted and awarded to replace changing rooms, stands, etc.;
- £85,000 of works on RCW by this Council to clear and make secure the ground;
- Two other bids made by RCW to other funding bodies to improve the clubhouse and to create a MUGA;
- Planning application submitted for a nursery in part of RCW's premises in line with its agreed business plan;
- £50,000 of works started on the Corps of Drums premises as stage 1 of improvements. Stage 2 and 3 would bring in other funding to further improve the premises;
- The Jockey Club agreed to fund over £200,000 to improve the entrance to the racecourse.
- The Golf Centre developed a business plan to justify an investment into the premises to enhance its attractiveness and viability.

The Delivery Plan and proposed timescales, set out at Appendix 2 to the report, was the beginning of the fourth stage of work to ensure that the Regeneration Master Plan proposals were developed to a point where external grant funding could be sought, tenders obtained and the works delivered. The Executive was asked to fund those projects at Recommendation 2.5 and at 2.6 of the report from an existing budget awarded and to consider those at Recommendations 2.8 and 2.9 as part of its budget setting process for 2017/18 and for 2018/19 to financially support the proposals so that other grants and project partner's contributions could be secured. The rationale behind these elements of the masterplan were set out in the report but covered: Review of the Management and Maintenance Plan; Cycle route; Saltisford Brook Car Parking; enhancements to the main entrance; improving the frontage of Hill Close Gardens; improvement of the footpath link between Hampton Road and Chase Meadows; publicly accessible toilets; new play area for the Forbes Estate, public access toilets at Racing Club Warwick, surfacing the remaining long stay car parking spaces; improvements to play field drainage; and a study into the necessity for a hotel.

The Working Party's proposals were now at a point for the Executive to consider endorsing the recommendations of the Delivery Plan in order that a finalised version of the masterplan can move towards the implementation stage.

Given that commitment from all participating bodies to make things work and to resolve previous differences and the momentum it has

created; it was important that this opportunity of momentum was not lost. This was especially so in the light of strong public support. Consequently, the Delivery Plan contained a number of early wins that could be started this financial year and that progress on the more substantive elements of the scheme were funded in the coming financial years. The early win projects could largely be accommodated within the existing budget. The other, larger elements of the project delivery required an agreement to funding. It was envisaged that any design consultancy work and subsequent implementation would be tendered.

The alternative options that could be considered included:

1. do nothing: low initial costs but fails to invest to reduce repairs and revenue through poor quality and inefficient operations. Would have a high level of reputational damage given the awareness of the project. Fails to achieve the Council's strategic aim
2. do the minimum: invest only as items become critical. The reputational damage to the Council would be high as the perception of neglect and failure to address the key issues identified by the Working Party and the consultation process would be on-going for many years
3. invest in the wholesale improvement. Undertaking the master plan proposals over a short period of time may achieve a high quality end product much more quickly but would require significant investment from this Council. There may also be some loss of community support if too much happens too soon. The likelihood of securing external funding support is reduced as the more rapid programme would reduce the ability to develop and apply for a wide range of grants.
4. invest in a structured way over the 10-year period with an initial capital injection to assist with early wins that are well supported by the public, such as access to toilets and additional benches and bins, whilst a funding strategy is planned and implemented to maximise the Council's contribution as 'match funding'.

The Delivery Plan recommended that option 4 was adopted. Whilst this would see a slower rate of delivering the project, it brought with it a greater chance of securing other funding streams and of partnership working with key stakeholders and the wider community. In this respect option 4 was seen as a balance between managing risk, maintaining a sense of momentum and maximising the Council's finances.

The Executive took the opportunity to thank all the officers who had enabled this work to come forward and that it had come forward through partnership of all the interested parties.

**Resolved** that

- (1) the work of the St Mary's Lands Working Party to date, be noted and the constituent members of the St Mary's Lands Working Party be thanked for their continued work;

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- (2) the results and recommendations of the public consultation process set out in Appendix 1 to the report be noted;
- (3) the progress already being made in implementing proposals from previously agreed funding decisions, be noted;
- (4) the Delivery Plan prepared by the Working Group as the mechanism to implement the Master Plan, as set out at Appendix 2 to the report, be noted;
- (5) the following items within the Delivery Plan, be funded from the previously agreed budget of £50,000 for the financial year 2016/17:
  - A review of the management and maintenance plan (MMP) at an estimated cost of £10,000 which will allow recommendations for improving landscape character and increasing biodiversity to be brought back to a future Executive;
  - An ecological survey to support the review of the MMP at an estimated cost of £3,000 will be funded by volunteer time;
  - Match funding of £5,000 to support Hill Close Gardens to improve the setting of the gardens, including new paving at the main entrance and vegetation management;
  - The seeking of quotations to allow the Council to commission an assessment of hotel provision/bed space capacity in Warwick and the immediate surroundings and an economic impact assessment of a hotel in the proposed location, as per the brief set out at Appendix 3, to inform the future consideration of a hotel development at St. Mary's Lands, at an estimated cost of £12,500;
  - A contribution of £10,000 towards pedestrian access improvements, including improvements at Hampton Road/Gog Brook as part of a package whose overall costs would be in the order of £25,000 with the balance being funded through small grant schemes or community payback labour;

- (6) the Chief Executive, is delegated authority, in consultation with the Business Portfolio Holder, to determine how the remainder of the existing budget, estimated to be £12,500 if the above proposals are approved, is used, either as a contingency for the proposals above or to support other projects forming part of the masterplan, so long as any exercise of this delegated authority would be reported to a subsequent Executive;
- (7) the progress made on agreeing a permissive cycle link from Hampton Street to Saltisford Brook to complete this section of the Sustran's National Cycle Route number 41, be noted along with that Warwickshire County Council, in association with Sustran's, are considering the funding of signage, lighting and markings of the new route.
- (8) the following provisions within the Delivery Plan be considered as part of the 2017/18 budget setting process and, where appropriate, recommendations will be included within the February 2017 report on the proposed 2017/18 General Fund Budget:
  1. A potential match funding contribution (possibly as in kind) towards the cycleway improvements referred to in 2.7 above. The estimated costs of this project are £80,000 during 2017/18 and the allocation of funding is subject to receipt of a satisfactory safety audit by Sustran's technical engineers;
  2. A potential allocation of £18,000 to modify the existing toilets and provide a new disabled toilet and baby change facility within the Golf Centre building in return for a management agreement to provide public access to the toilets;
  3. A potential allocation of £110,000 to create an additional net 20 parking spaces at the Saltisford Brook car park, subject to consultation with residents of Bread and Meat Close, a satisfactory road safety audit of the proposals and further consideration of the emerging car parking strategy for Warwick;

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4. A potential allocation of £60,000 for complementing landscape and public realm improvements, subject to the Jockey Club bringing forward proposals, at a cost in excess of £200,000, to replace its existing turnstile building at the entrance to St. Mary's Lands and undertaking their own programme of planting and building works;
5. A potential allocation of £8,000 to Racing Club Warwick to support modifications of toilet facilities at the club to provide public facilities for users of the proposed play area;

(9) the following provisions within the Delivery Plan be considered as part of the 2018/19 General Fund budget setting process:

1. A potential allocation of £60,000 towards the total estimated costs of £95,000 to develop a new children's play area on surplus Council land adjacent to Racing Club Warwick, opposite the Forbes Estate;
2. The potential allocation of £280,000 for surfacing works to create a long stay car park at Hampton Street, subject to further consideration of the car parking strategy. The surfacing works could develop following completion of the proposed cycle track improvements and further investigations into park and cycle and park and ride options to the town centre. The cost and timing of these works is not included within the schedule below in (11);
3. The potential for an allocation of funding to be made for drainage improvement works for the St. Mary's Lands playing fields to support increased access to active sport and recreation, currently limited by the frequent waterlogging of the pitches. These works may attract external funding and these options will be explored in the first instance so it is not possible to estimate the cost of any such allocation at this stage.

(10) excluding the potential resurfacing works to provide long stay car parking, if all the potential allocations for 2017/18 (paragraph 2.8) and 2018/19 (9) were made, in addition to the budget expenditure set out in (5), the total estimated cost to the Council would be £319,000, towards a total expenditure of £741,500, a circa 42% share of the costs;

(11) the proposed funding, to be scheduled across the financial years, as below, be noted with the funding for 2016-17 derived from the existing £50,000 allocation and subsequent years as part of the Council's process for setting its capital programme;

	2016 -17	2017 - 18	2018 -19	TOTALS
Total Cost Estimated	£90,500	£546,000	£95,000	£741,500
WDC Contribution by year	£50,000	£196,000	£60,000	£319,000
WDC Contribution by project	£10,000 (1) £5,000 (3) £12,500 (4) £10,000 (6) £12,500 (2.6)	£18,000 (9) £110,000 (10) £60,000 (11) £8,000 (12)	£60,000 (13)	
<b>WDC Total</b>	<b>£50,000</b>	<b>£196,000</b>	<b>£60,000</b>	<b>£319,000</b>
<b>Existing budget</b>	<b>£50,000</b>			<b>£50,000</b>
<b>To be approved</b>		<b>£196,000</b>	<b>£60,000</b>	<b>£269,000</b>

(12) the Chief Executive, is delegated authority, in consultation with the Business Portfolio Holder, to seek any statutory and other consents and alterations to existing leases, necessary in order to implement the recommendations of this report.

(The Portfolio Holder for this item was Councillor Butler)  
Forward Plan reference 821

#### 66. **Development Brief for King's High Warwick**

The Executive considered a report from Development Services that sought endorsement for a Development Brief for sites totalling 1.1 hectares in Warwick town centre due to be vacated by King's High School (operated by Warwick Independent Schools Foundation); because the sites were visually prominent and included frontages onto parts of Smith Street, Chapel Street, The Butts, and Priory Road.



The Development Brief would set parameters for future development and provided a degree of certainty for any future applicants/developers on the quantum of development, land-uses, and the quality of design that would be expected as part of any redevelopment proposals.

Warwick Independent Schools Foundation (WISF) planned to move the King's High School for Girls (which had over 600 pupils) from its current location in Warwick town centre to the Foundation's main campus at Myton Road, approximately 1.2km away.

The endorsement of WDC Executive, (and that of Council's Planning Committee), was sought for a Development Brief produced for the King's High Sites, setting out parameters for development, so that the document would be given some weight as a material consideration for the determination of future planning applications.

The Development Brief had been developed following engagement with Council Planning Officers, its Conservation Officer, Historic England, and other key stakeholders including Warwickshire County Council's Archaeology and Highways Departments. Further engagement had occurred with Conservation Area Forum (CAF) and Warwick Town Council.

The King's High Development Brief was consistent with the objectives of both the current and emerging Warwick District Council Local Plan, and would compliment other projects and proposals for the enhancement of Warwick town centre, including those of the County Council, in collaboration with this Council, for the enhancement of the highways and public spaces within Warwick town centre.

The agreed objectives of the Development Brief were to:

- Provide a sustainable mix of land uses which might include provision for residential, employment, leisure, commercial and cultural space;
- Support this Council in meeting its housing requirements by making provision for additional residential development;
- Support the town centre in continuing to be an attractive and safe place to both live and work;
- Protect, support and contribute to the existing strong tourism sector;
- Protect and enhance the character of Warwick town centre conservation area;
- Continue to uphold and protect the amenity of nearby occupiers and other uses of the land.

The Development Brief stated that the District Council would be seeking a comprehensive approach to the redevelopment of the individual sites, and recognised that the urban grain of the Warwick Conservation Area suggested a finer, textured approach was required to ensure that new development was woven into the historic built environment.

Proposals in the Development Brief were not prescriptive in terms of the detailed design of new development (as required by the NPPF), but did seek high quality design, appropriate scale and massing, layout that included perimeter blocks with clearly defined frontages, and a palate of materials that respected the historic context of Warwick.

It was considered that the design approach set out in the Brief would provide a framework within which the re-use and redevelopment of the sites in question could be appropriately managed to protect and enhance the character of the town centre, Conservations Area and Listed Buildings.

The Development Brief included three masterplan options based upon different land uses. In all options, new buildings would be for residential use and one option included a new, large care home building.

The first option included all retained buildings, and all new buildings, being for residential use.

A second option proposed small business uses within the retained Old Borough School, on Chapel Row, and a hotel use in Landor House which was Grade II\* listed.

A third option was the same as the first option (all residential), but included provision of a care home (adjacent to the existing sixth form building). This option would result in the highest quantum of new development and required a new building with a large footprint occupying the width of an urban block with frontages on both The Butts and Chapel Street.

At this stage, there were considered to be no grounds on which to rule out, in principle, any of the proposed options each of which could be considered in further detail as the proposals progressed.

Officers had not yet seen these capacity studies, or the assumptions made in reaching the density numbers (e.g. dwelling and room sizes) stated within the brief and, as such, it was recommended the text be amended to omit reference to specific numbers.

The Development Brief assessed the architectural merit of all of the existing buildings that would be vacated and established which should be retained, or retained but could be altered and which could be redeveloped because they had a negative impact upon the Conservation Area. This work had been undertaken by Robothams Architects following meetings with the Council and Historic England.

The Development Brief identified all heritage assets and clarified how their setting would be protected, (including the Grade II\* listed Landor House, and the setting of two Schedule Ancient Monuments: Eastgate and the former College of Vicars Choral and St. Mary's College) an approach which was considered to provide an appropriate framework within which those key heritage assets would be secured.

The existing building heights in this part of the Conservation Area were generally two and three storey. The Development Brief did not explicitly propose new building heights although section drawings were included that showed no increase in building heights. For the avoidance of doubt, it was recommended that the text be amended to state that existing building heights would generally not be exceeded.

Existing vehicular access points into the site were proposed to be reused and would be adapted to accommodate new development; the final junction designs would need to be agreed with the Highway Authority through the planning process.

Replacing a town centre school site with over 600 pupils, with another land use was considered to be a positive benefit for the town centre in terms of future vehicle movements. An overall reduction in vehicle movements was considered to be highly likely.

On-site car parking provision was shown on the proposed masterplan options, but applying car parking standards appropriately to historic town centre sites was likely to be a key issue which would also be subject to detailed discussion through the planning process.

An alternative option would be for no Development Brief to be produced, or for WISF to produce a Development Brief unilaterally without seeking the support of the Council. That approach would not be in the spirit of the National Planning Policy Framework; the emerging Local Plan or the collaborative manner in which the Council wished to work. Neither would it assist in bringing forward the re-use and redevelopment of these key sites in an appropriate manner.

The desire of WISF to proceed in a collaborative manner with the support of the District Council as demonstrated by the production of the Development Brief was considered to be the most appropriate and effective way of doing so.

The Overview and Scrutiny Committee stressed that the Council should aim for 40% affordable housing. It would also like Sustainable Transport Options mentioned in the report.

The Executive were mindful of the concerns raised by the Overview & Scrutiny Committee and agreed that these points needed to be clarified in the new version. They considered this would be appropriate for the Head of Development Services to resolve, in consultation with the Portfolio Holder for Development. Therefore, while agreeing the recommendation in the report it was proposed to include specific reference to the concerns raised by the Overview & Scrutiny Committee as matters to be resolved before the final brief was approved. The recommendation in the report was approved subject to Executive outlining what they would expect the final wording of the document, to be agreed under delegated authority.

**Resolved** the Development Brief be endorsed and the Head of Development Services be authorised,

in consultation with the Development Portfolio Holder, to finalise the development brief with the inclusion of the following;

- (a) explicit reference that 40% affordable housing would be expected, in line with Council Policy; and
- (b) reference to sustainable transport options for the development.

**67. Rural/Urban Capital Improvement Scheme (RUCIS) Application**

The Executive considered a report from Finance that sought approval of a Rural/Urban Capital Improvement Scheme grant application by Leamington Cricket Club to level the outfield on the junior / 3rd team pitch as this was not up to the required standard. The existing uneven outfield was creating health and safety issues for the junior teams and the Warwickshire blind and visually impaired team.

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.

This project contributed to the Council's Sustainable Community Strategy as without the cricket club there would be fewer opportunities for the community to enjoy and participate in sporting activity which could potentially result in an increase in anti-social behaviour, an increase in obesity, particularly in children, and could disengage and weaken the community. The project would ensure that disabled access to this sporting activity was able to continue and in a safe manner.

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

**Resolved** that a Rural/Urban Capital Improvement Grant from the urban cost centre budget for Leamington Cricket Club of 80% of the total project costs to level the outfield on the junior / 3rd team pitch, up to a maximum of £7,977 including vat as supported by Appendix 1 to the report, be awarded subject to receipt of written confirmation from Leamington Town Council to approve a capital grant of £1,500 (if the application is declined or a reduced amount is offered the budget shortfall will be covered by the Club's cash reserves which have been evidenced through recent bank statements).

(The Portfolio Holder for this item was Councillor Whiting)  
Forward Plan reference 778

**68. Notice of Motion**

The Executive considered the following Notice of Motion from Councillor Quinney that had been referred to the Executive by Council on 16 November 2016.

*"Councillors are aware that over 60 of the 120 beds available in the area to providing transitional housing for the young and vulnerable homeless are in the process of closing. More closures may follow.*

*This net loss of capacity will make it more difficult and slower to place those individuals and effectively take capacity out of our own housing stock.*

*Officers are considering whether properties used for this purpose and already owned by the Council such as William Wallsgrove House could be kept open indefinitely - but that would still leave a significant and probably growing gap.*

*Councillors are also aware of the rise in homelessness claims in the locality in general, a larger proportion of which are now priority 1 where we have a statutory duty to house. As a result the number of those housed in temporary 'B&B' accommodation is rising sharply and is forecast to cost the Council £50k more than budgeted in the current financial year.*

*Both issues inevitably have a knock-on effect on how quickly we can meet the needs of lower priority residents, within the 3000+ Homechoice waiting list.*

*If the Council were to lease or acquire properties to meet both needs, such a project should at least cover lease/running costs through the rental income generated and may help reduce overspend on B&B.*

*Therefore it is proposed that Warwick District Council approves:*

- (1) Officers ensure current transitional housing in existing WDC properties is maintained until further notice;*
- (2) Officers urgently and proactively seek to build on that approach by leasing or acquiring sufficient suitable additional properties to offer as short-term accommodation. By doing so they should seek at least to fill the capacity gaps emerging in transitional housing; and*
- (3) Officers also investigate the opportunities to lease or acquire property suitable for temporary accommodation for priority 1 homeless with a view to capping and reversing the budget overspend"*

The Overview & Scrutiny Committee noted the Notice of Motion.

The Executive highlighted that the closures referred to within the Motion were being made by Warwickshire County Council and not Warwick District Council; and that it was not the role of this Council to pick up the shortfall from other authorities. That said, work was being investigated in this area and information would come forward as part of the Housing

Advisory Group in early 2017 and this Council had already put a further £100,000 into work on homelessness.

**Resolved** that

- (1) the Notice of Motion be noted; and
- (2) officers are asked to continue to bring forward reports, as appropriate, as part of their work on the Housing Advisory Group.

69. **Future Use of Council land Adjacent to 39 High Street, Kenilworth**

The Executive considered a report regarding the use of Warwick District Council (WDC) owned land adjoining 39 High Street, Kenilworth.

The owners of 39 High Street, Kenilworth had applied for planning permission in November 2015 for 'demolition of an existing dwelling in a Conservation Area and erection of [a] replacement dwelling and extension to the rear to form [a] single dwelling to Passivhaus standards'. Planning permission was granted by Planning Committee on 22 June 2016, subject to the conditions in the officer's report which was attached at Appendix One to the report.

In order to discharge the planning conditions and undertake the work, the owners of the property had approached the Council to discuss three interlinked issues:

- A suitable agreement in respect of the southern wall of The Pound that would allow it to be stabilised or reconstructed with deeper foundations, necessary to allow discharge of condition 6 of the planning permission;
- A proposal to relocate a public access path from High Street to Abbey Fields, which currently crossed land within the demise of 39 High Street, onto land owned by WDC; and
- A proposal to site a compound for the contractor's undertaking the work on WDC owned land.

Following lengthy negotiations with the owners of 39 High Street and their representatives, discussions with the relevant service areas within WDC and appropriate legal and valuation advice, a proposed agreement had been reached on each of these issues. The joint owner of the property was Councillor Whiting, Finance Portfolio Holder. As was normal in such commercial negotiations there had been no member involvement up to this point and Councillor Whiting, who had a Disclosable Pecuniary Interest in respect of the issues contained within this report, would play no part in the decision making process regarding the recommendations.

The Pound, shown in cross-hatching on the plan attached as Appendix Two to the report, dated back to the 16<sup>th</sup> Century, when it was created to hold stray sheep, pigs & cattle until they were claimed by the owners. WDC had granted a licence to the previous owners of 39 High

Street for the area to be used as garden land for the property. This licence, which had been in place for c35 years, was terminated when the property was sold in 2014. Since that date, The Pound had been maintained by WDC as a landscaped public space, with an information board explaining The Pound's history and public seating.

The first element of the proposed agreement related to the southern wall of The Pound. It was recommended that WDC enter into a formal agreement with the owners of 39 High Street that allowed them to remove the wall (having labelled the stones), construct new foundations and rebuild the wall with 50% new stones and 50% of the saved stones so that the rebuilt wall matched its current appearance. This work would be undertaken entirely at the owner's expense to a specification agreed by WDC, in consultation with Historic England. The wall was not listed but was sited within a Conservation Area and the proposed works, necessary to discharge a condition of the extant planning permission would require a separate planning and conservation area consent, which would need to be obtained by the owners at their expense.

The proposed works had a significant advantage to WDC as the new foundations would guarantee the future stability of the wall. Although a recent visual inspection of the wall identified only minor repair needs to the existing coping stones, this was not a full structural survey and was it possible that further, more extensive, works might be required to this WDC owned asset at some point in the future. WDC would retain full maintenance responsibility for the wall prior to the works commencing and on completion of the works, hence the need for agreement of a detailed specification. An indication of the likely extent of the works to be undertaken was, however, set out in confidential Appendix Four detailed at item 14 of the agenda (Minute 72).

The second element of the proposed agreement related to a public access path running from 39 High Street to Abbey Fields. The current path, shown in hatching on the plan at Appendix Two to the report, crossed land that was part & parcel of the property. The area the path crossed was formerly used as a vehicle driveway but appeared not to have been used for this purpose for a number of years. The current muddy path crossed a poorly maintained area to the side of the building to be demolished before exiting the property at the bottom of its garden, via a metal 'kissing gate', onto a WDC owned grassed track that led into Abbey Fields.

The current owners of 39 High Street wished to close off this public access path across their land and restore the land it crossed to a vehicular drive serving the reconstructed property. They had proposed that the path be relocated onto the WDC owned land adjacent to theirs, on the western side of the boundary wall to their property. This would mean that the public path ran for its entirety, from its start on High Street, along the grassed access track that led into Abbey Fields. This grassed area was owned and maintained by WDC as a potential vehicular access track into Abbey Fields, although it had not been used for this purpose for many years as more suitable vehicular access points were available at a number of other locations.

The proposal would see the path shown as the hatched area on Appendix Two to the report removed and replaced by public access over the WDC owned grass track, as shown by the stippled area in Appendix Three to the report. The stippled area ran to the existing kissing gate which would be removed by the owners of 39 High Street allowing their boundary wall to be extended to block up this gap, again, entirely at their expense. It was understood that the owners would subsequently take appropriate legal measures to address any title issues affecting the proposal, with any professional costs arising from this also being borne at their expense.

The proposal had the advantage of creating an improved public pedestrian access into Abbey Fields. Were the path to remain in its existing location, the public would be sharing the access with a vehicular drive when walking to the existing kissing gate. If the path was moved they would be walking over the grass track that the kissing gate currently exited onto for the whole length of the path. To facilitate the relocation it was proposed that the existing, padlocked, wooden 'five-bar' gate at the north end of the grass track be replaced with a dual-purpose gate that allowed both pedestrian and vehicular access (in the event of an emergency) but which was secure and prevented unauthorised vehicular access to Abbey Fields. Other than the cost of the gate, there would be no additional costs to the Council in relation to moving the access path or in relation to its future maintenance, as the proposed new route was over a grass area that was already maintained by the Council.

The relocation of the access path would uplift the value of the property at 39 High Street. The value of this uplift had been calculated on the Council's behalf by the District Valuer and, in accordance with standard practice, it was proposed that the owners of 39 High Street would pay WDC a sum equivalent to the value of half of this uplift in return for the relocation of the path onto its land. The details of this proposed financial agreement were set out in confidential Appendix Five item 14 on the agenda (Minute 72).

The final element of the proposals related to the siting of a contractor's compound, on WDC land. The existing property at 39 High Street adjoined the public pavement along High Street and for the property to be demolished and rebuilt the contractor's compound could not be accommodated within the property's boundaries. One option would be to site the compound on the public highway but, given the adverse impact on pedestrian and traffic flows along High Street this would have, it had been accepted by both parties that the optimum site for the compound would be on the WDC owned grass track referred to above, which was directly adjacent to 39 High Street.

It was proposed that a licence be granted for the owners of 39 High Street to use this land as a temporary site for a secure contractor's compound for a period of 18 months, extendable on a rolling monthly basis if necessary. The financial terms for the granting of this licence were set out in confidential Appendix Five, Item 14 on the agenda (Minute 72). If the 18 month licence period needed to be extended, the



financial terms would also be extended, on a pro-rate basis, as explained in the appendix.

During the period of the works, neither the existing public access path crossing the land within the demise of 39 High Street nor the proposed new access route along the WDC owned grass track would be available for public use. The former route would be within the construction site and the proposed new route would be blocked by the compound area. However, alternative public access points leading from High Street into Abbey Fields were available c100 metres down the street to the east or c150m up the road to the west which would be unaffected by any access restrictions during the construction period. As previously explained, alternative vehicular access points would also remain available throughout the construction period.

It was recommended that the finalisation of an appropriate specification for the works to the wall of The Pound and legal agreements relating to the public access path and site compound be completed under delegated authority, by the officers as set out in Recommendation 2.3 of the report, in consultation with the Portfolio Holder for Housing and Property Services.

A range of alternative options had been considered in respect of the three elements of the proposals but had been rejected on the basis that the recommendations provided the best commercial return for the Council while allowing the planning permission to be discharged, public access to Abbey Fields from High Street to be improved and a significant contribution to be made to assist with the future maintenance of a WDC owned asset.

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

The Executive asked for it to be recorded that although this matter related to Councillor Whiting's property, all discussions had taken place with officers and each time this report had been considered either at briefings, group meetings, scrutiny or Executive Councillor Whiting had left the room and played no part in those discussions. In addition to this, no member of the Executive had discussed this matter with Councillor Whiting while the negotiations were ongoing.

**Resolved** that:

- (1) the following be approved
  - The granting of permission to the owners of 39 High Street to undertake works to the southern wall of The Pound, owned by WDC, to allow suitable foundations to be created for an extension to their property, subject to the wall being rebuilt at the owner's expense to a standard and specification approved by the Council, in consultation

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with Historic England, and to the owners obtaining planning permission and conservation area consent;

- The incorporation of a public 'access path' from High Street to Abbey Fields onto WDC land, as shown at Appendix Two to the report;
- The granting of a licence to the owners of 39 High Street to allow them to site a contractor's compound on WDC owned land to allow the proposed works to be undertaken to their property;

- (2) the financial proposals relating to (1), as set out in Appendix Five, Item 14 (Minute 72) be approved;
- (3) the Deputy Chief Executive (BH) and the Asset Manager be given delegated authority, in consultation with the Portfolio Holder for Housing & Property Services, to agree appropriate legal agreements and the detail of the specification for the works to the wall of The Pound; and
- (4) the balance of the contributions received is allocated to the Capital Investment Reserve.

70. **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 items 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.	Para Nos.	Reason
71	1	Information relating to an Individual
71	2	Information which is likely to reveal the identity of an individual
71 & 72	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

71. **Minutes**

The confidential minutes of the meeting held on 28 September 2016 were taken as read and signed by the Chairman as a correct record.

72. **Confidential Appendix to Minute 69**

**Resolved** that the confidential appendix be noted.

(The meeting ended at 6.47pm)

### **Part 3**

## **Section 4 Scheme of Delegation**

(Additional/new wording included in *italics*, deleted text ~~struck through~~)

DS (81) *To enter into Agreements providing for the transfer of funds (for capital works or commuted sums for a limited period of maintenance) received as a result of planning obligations under Section 106 of the Town and Country Planning Act 1990 to a Parish or Town Council, where it is deemed appropriate for the Parish or Town Council to provide the infrastructure which is the subject of the planning obligation.*

CE (16) Approve severance payment which *either*:-  
(i) are, in their opinion, in the Council's interests; or  
(ii) result in savings which recoup all initial costs of severance, subsequent staff regradings and any other consequential cost increases, within a period of 12 months of the severance; or  
(iii) result in a post being deleted from the establishment though not necessarily the same post as the one from which the person was severed.

*(NB the value of the payment must be agreed in line with the requirements of the Chief Executives delegated authority to determine urgent items between meetings CE(4))*

A (7) Authority to carry out the necessary procedure and make orders under Town Police Clauses Act 1847 for the temporary closure of roads.

*Head of Development Services,  
Head of Neighbourhood Services and Head of Health and Community Protection, following consultation with a solicitor acting on behalf of the Council.*