

# EXECUTIVE

Minutes of the meeting held on Wednesday 12 December 2012 at the Town Hall, Royal Leamington Spa at 6.00 pm.

**PRESENT:** Councillor Doody (Chairman/Leader); Councillors Caborn, Coker, Cross, Mrs Grainger, Hammon, Mobbs, Shilton and Vincett.

**ALSO PRESENT:** Councillor Barrott (Labour Group Observer), Councillor Boad (Liberal Democrat Group Observer), Councillor Gifford (Chair of Overview and Scrutiny Committee), Councillor Mrs Knight (Chair of Finance and Audit Scrutiny Committee) and Councillor MacKay (Independent Group Observer).

## 98. **DECLARATIONS OF INTEREST**

### Minute Number 109 – Item 13 – Leamington BID

Councillor Gifford declared an interest because he was a director of BID Leamington Spa and left the room whilst the item was discussed.

### Minute Number 111 – Item 14B – Health Scrutiny

Councillor Caborn declared an interest because he had led Health Scrutiny work in his capacity as a Warwickshire County Councillor.

## 99. **MINUTES**

The minutes of the meeting held on 14 November 2012 were taken as read and signed by the Chairman as a correct record.

### **PART 1**

(Items on which a decision by Council is required)

## 100. **GENERAL FUND BASE BUDGETS LATEST 2012/13 AND ORIGINAL 2012/14**

The Executive considered a report from Finance which set out the latest projections for the General Fund revenue budgets in respect of 2012/13 and 2013/14 based on the current levels of service, and previous decisions. There were further matters that would need to be reviewed in order to finalise the base position as part of the 2013/14 budget setting process and these were detailed in paragraph 7.5 of the report.

The report advised that the 2012/13 latest budgets showed a forecast surplus of £627,000 and the proposed 2013/14 Base Budget presented a forecast surplus of £550,000 in the Council's expenditure in continuing to provide its services and meet its commitments.

The purpose of this report was to produce budgets as determined under the requirements of the Financial Strategy so there were no alternative options. Any alternative strategies would be the subject of separate reports.

The Finance & Audit Scrutiny Committee supported the recommendations in the report, including the additional recommendations detailed in the supplementary budget paper which was issued following publication of the agenda, subject to the recommendation which related to Parish Councils being amended to read "Parish and Town Councils on a non-recurrent basis".

The Portfolio Holder for Finance, Councillor Mobbs, endorsed the report and agreed with the comments made by the Finance and Audit Scrutiny Committee. Councillor Mobbs expressed his gratitude to all staff and officers for their contributions to this work which would allow a 0% Council Tax increase for the 2013/14 financial year.

In addition, he reminded Members that there had been no cuts to services and there were no planned cuts for the future. He felt that the healthy budgets were a result of good management of accounts by all staff and congratulated them on their efforts.

Having read the report, the recommendations were agreed as set out in the original report and supplementary papers, with the addition of the words "and Towns" to the new recommendation 7, as proposed by the Finance & Audit Scrutiny Committee.

**RECOMMENDED** that

- (1) the latest financial forecasts for the Medium Term and the total on-going savings of £1.7 million to be achieved by 2017/18, be noted;
- (2) the latest base budget for the General Fund services in respect of 2012/13, as set out in Appendix C to the report, be approved;
- (3) the base budget for the General Fund services in respect of 2013/14 as outlined in Appendix C to the report, be approved;
- (4) the addition of the Spa Centre Digital Projector on the Equipment Renewals Reserve schedule, be approved;
- (5) Members note the Policy for Cemeteries, as detailed in Appendix E to the report, that charges a premium for non-resident sale of burial rights and interments and maintain that premium for 2013/14, be noted along with the reasons for the premium; and
- (6) equal charges for resident and non-resident Cremations be approved, as agreed by October 2012 Executive.

- (7) the Council passes the full amount of the Grant received in respect of its local Preceptors to the Town and Parish Councils, it is noted that at this point in time the actual amount is only a provisional figure (£107,000) and the final amount being announced alongside the Revenue Support Grant later this month;
- (8) the Council's agreed Council Tax Support scheme for 2013-14 is largely unchanged from that previously in place, the indicative residual burden of some £3,800 falling on the Parishes and Towns also be paid to them on a non-recurrent basis from the additional monies received for 2013-14 only;
- (9) authority be delegated to the S151 Officer in conjunction with the Finance Portfolio Holder to approve the final settlements to Parish and Town councils in respect of the reduced tax base; and
- (10) authority be delegated to the S151 Officer in conjunction with the Finance Portfolio Holder to approve the form NNDR1.

(The Portfolio Holder for this item was Councillor Mobbs)  
(Forward Plan reference 393)

101. **HOUSING REVENUE ACCOUNT BASE BUDGETS LATEST 2012/13 AND ORIGINAL 2013/14**

The Executive considered a report from Finance which set out the latest projections for the Housing Revenue Account (HRA) revenue budgets in respect of 2012/13 and 2013/14 based on the current levels of service, unavoidable growth and previous decisions. There were further matters that would need to be reviewed in order to finalise the base position as part of the 2013/14 budget setting process and these were detailed in paragraph 7.4 of the report.

The report advised that the proposed 2012/13 Latest Budget presented a working balance of £1.3m on the HRA, as per the approved Housing Business Plan and £3.7m would be contributed to the HRA Capital Investment Reserve.

In addition, the proposed 2013/14 Base Budget presented a working balance of £1.4m on the HRA and £4.8m would be contributed to the HRA Capital Investment Reserve. The budgeted costs and income were within the parameters projected in the 'Housing Business Plan 2012-2062' reported in March 2012.

The purpose of this report was to produce budgets as determined under the requirements of the Financial Strategy so there were no alternative options available and any alternative strategies would be the subject of separate reports.

The Finance & Audit Scrutiny Committee supported the recommendations in the report, but expressed concern that five adaptations for the Disabled would not be completed within this financial year and that this should not have a negative effect on the lives of the people concerned. Members were assured that the adaptations would be completed within the first half of 2013/14 and that the Committee would be informed as soon as this had been done. Members requested that a presentation on adaptations for the Disabled be added to the Committee's work programme.

The Finance & Audit Scrutiny Committee noted the reason for the increase in bad debts provision but was very keen to see debts recouped and therefore asked to be kept informed as the new benefit programme unfolded the following year.

The Portfolio Holder for Housing and Property Services, Councillor Vincett thanked the Finance and Audit Scrutiny Committee for their comments and was happy to feed the information back to them regarding repairs. He advised that further information regarding adaptations for the Disabled would be available in February 2013.

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

**RECOMMENDED** that

- (1) the latest revenue budget for Housing Revenue Account services in respect of 2012/13, as outlined in Appendix C to the report, be approved;
- (2) the base revenue budget for Housing Revenue Account services in respect of 2013/14, as outlined in Appendix C to the report, be approved.
- (3) that £200,000 of the 2012/13 Capital budget for adaptations for the Disabled and associated funding be re-profiled to 2013/14; and
- (4) that £30,000 of the 2012/13 Capital budget for Window and Door replacements be used to fund revenue Fire Prevention works.

(The Portfolio Holder for this item was Councillor Vincett)  
(Forward Plan reference 394)

**PART 2**

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

**102. PROPOSED REGENERATION LLP – PART A**

The Executive considered a report from the Deputy Chief Executive (BH) and the Senior Projects Co-ordinator which sought approval to create a Limited Liability Partnership ('LLP') between Warwick District Council and Public Sector PLC, to be used as a vehicle to unlock regeneration and assist the Council's asset management.

The report was presented in two parts. Part A incorporated all of the information considered appropriate to place in the public domain in order to inform the decision of Members in relation to the recommendations.

Part B of the report included those elements which it was considered necessary to deal with on a confidential basis in order to maintain commercial confidentiality. This information was considered to be the minimum necessary to meet such requirements and contained no recommendations. In considering the recommendations, it was felt necessary for Members to have regard to information contained in both the public domain (Part A) and the private and confidential (Part B) elements of the report in order to arrive at their conclusions.

There were a number of alternative options available to the Council with regard to managing its assets. These included managing in-house and securing funds appropriately, procuring a developer to undertake development of specific sites and schemes, or using a specially established partnership whereby the Council transferred a set of assets into the partnership in return for the developer committing to developing the assets and share the proceeds.

However, officers advised that the proposal being put forward would mean no commitment at the outset to transfer Council assets. In addition, any projects that the LLP recommended be taken forward, would have to demonstrate additional value, over and above any exclusively Council led scheme.

The Finance & Audit Scrutiny Committee noted that it would be proposed to the Executive that paragraph 2.4 be amended to read "That Executive delegates authority to the Chief Executive and Monitoring Officer, in consultation with Legal Services and the Leader, to agree the Council representation on the LLP Board".

Members asked a number of questions in relation to procurement practice and costs and explored what would happen if a project were not approved. The Finance & Audit Scrutiny Committee supported the recommendations as proposed to be amended. The Committee also made reference to the Part B report and the full minute would be detailed in the confidential minutes for this meeting.

The Overview & Scrutiny Committee supported the recommendations in the report and Councillor Gifford advised that his Members had been reassured by the thorough briefing that had been given by Duncan Elliott prior to their meetings.

The Portfolio Holder for Finance, Councillor Mobbs, felt that this would be a unique and exciting opportunity and signposted Members to recommendation 2.5 which showed the checks and balances which would need to be followed in the event of a project being progressed.

Having read the report the recommendations were agreed as set out in the report with a change to recommendation 2.4, as proposed by the Finance & Audit Scrutiny Committee.

**RESOLVED** that

- (1) the contents of the report and the proposed purpose, benefits and risks of establishing a limited liability partnership for the management and development of Council's property portfolio, be noted;
- (2) the creation of a Limited Liability Partnership (LLP) between the Council and Public Sector Plc Facilitating Limited ('PSP') be approved;
- (3) authority be delegated to the Deputy Chief Executive (BH) and s151 Officer, in consultation with the Leader and Portfolio Holders for Finance and Development, to agree the final terms of the necessary agreements to establish the LLP, adopt a name and undertake the registration of the LLP with Companies House;
- (4) authority be delegated to the Chief Executive and Monitoring Officer, in consultation with Legal Services and the Leader, to agree the Council's representation on the LLP Board; and
- (5) the first phase of initial project proposals and evaluation work, as set out in Appendix 1 to the report, be approved and passed to the LLP. The Council will retain the ability to decide whether to refer any projects to the new LLP vehicle either, via a specific Executive report; or via the annual Strategic Asset Management Plan reports (programmed for March).

(The Portfolio Holder for this item were Councillors Doody, Caborn and Mobbs)  
(Forward Plan reference 471)

103. **VOLUNTEERING POLICY**

The Executive considered a report from the Chairman of Overview and Scrutiny Committee, Councillor Gifford, which brought forward the draft Volunteering Policy from the Volunteering Task & Finish Group, as approved by the Overview & Scrutiny Committee in November 2012.

The Task & Finish Group felt that there was a clear and definable difference between the Council encouraging and working with volunteers to enhance the Council's services and its employees carrying out voluntary roles outside of their work with the Council. In addition, a draft policy on this had been designed sometime ago and there would need to be detailed discussions with Staff, Unions, HR and the Corporate Management Team to bring this forward.

There were no alternative options available because the Task & Finish Group had been set a defined scope by the Overview & Scrutiny Committee to investigate and report on. It had not included in the policy aspects for enabling Council employees to undertake volunteering away from their normal role because, in its opinion, there was a need for a separate policy.

Councillor Gifford presented the report and felt that the Task & Finish Group, having taken other Local Authorities' policies into account, had done a good job on producing this policy.

The Leader, Councillor Doody, agreed with Councillor Gifford and advised that a number of meetings had taken place with the Chairman of the group to ensure that all parties agreed on a practical way forward. He advised that senior officers were due to meet with voluntary groups shortly to discuss collaboration on future projects.

Councillor Shilton felt that it was important to encourage groups to get involved with Council projects and fully supported the policy.

Concerns were raised regarding the number of forms which had to be completed by volunteers which some members felt were excessive.

In response, the Chief Executive advised that this was an unfortunate sign of the times but the Council needed to be sure who it was not only working with but who was representing them in the public eye. The new policy and application forms would allow sensible checks to be made and help to protect the Council and volunteers.

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

**RESOLVED** that

- (1) the Volunteering Policy, as set out at Appendix B to the report, be approved;
- (2) the Volunteering Policy will be reviewed in 12 months, by three members of the Overview & Scrutiny Committee in liaison with WCAVA, to assess the impact it has made; and

- (3) the creation of a Task & Finish Group by the Overview & Scrutiny to produce a policy for Council staff volunteering and how they could be supported by the Council, be noted.

104. **PETITIONS REGARDING CCTV IN ST NICHOLAS PARK, WARWICK**

The Executive considered a report from the Portfolio Holder for Community Protection, Councillor Coker regarding the receipt of two petitions requesting that additional CCTV cameras be placed in and near St Nicholas Park, Warwick.

The petitions originated from residents in the area of Pickard Street who had concerns about the level of anti-social behaviour, and crime and disorder in the area. The first petition requested additional cameras in Myton Fields within St Nicholas Park, and had been signed by 19 respondents. The second petition asked for existing cameras to be upgraded on the Community Centre in Pickard Street and had been signed by 42 respondents.

An alternative option was to provide one or more additional CCTV cameras in St Nicholas Park over and above the improvements already suggested in paragraph 2.2 of the report, and those orders already issued for the two new cameras, recording equipment and fibre link to the main CCTV control room.

The report highlighted that residents saw CCTV as the solution, but additional cameras were unlikely to be effective in addressing the behaviours experienced in the area. In addition, this could lead to further frustration because anti-social behaviour would necessarily be a lower priority than other crimes and disorder where individual's personal safety was threatened.

The Portfolio Holder for Community Protection, Councillor Coker introduced the report and assured Members that officers had worked closely with, not only himself, but also Councillors Shilton and Vincett due to the cross boundary of service areas involved.

Councillor Coker endorsed the recommendation for no new cameras at this time but stated that all existing cameras would be upgraded to enable them to rotate in all directions.

He advised that a survey would be undertaken to establish the best positions for the cameras and explained that the issue would be revisited in nine months time to investigate what images the cameras had revealed.

Councillor Shilton reminded Members that delays to these works had occurred because of the extensive works being undertaken by Severn Trent Water within St Nicholas Park.

Members hoped that the interim measures would help to alleviate the residents concerns and were pleased that there was a safeguard in place to revisit the project within 12 months.



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

**RESOLVED** that

- (1) no additional CCTV cameras be installed in St Nicholas Park or Myton fields at this time over those already planned for installation in the near future, but officers will work with residents and Police to continue to monitor the situation;
- (2) an upgrade to the lenses of four fixed CCTV cameras on the Leisure Centre and the lenses of the two fixed CCTV cameras on the Community Centre from an allocation of £11,000 being taken from the St Nicholas Park Project fund, be approved; and
- (3) a review of the effectiveness of the new lighting and CCTV in combating incidents in the park be undertaken in 9 months time to determine if there is justification for further cameras or lighting. If no further cameras or lighting is justified by community safety partners, then Neighbourhood Services should consult with Ward Councillors, the Friends of the Park and its users to allocate the remaining funding of £24,838 to those other desirable projects previously identified by the working party.

(The Portfolio Holder for this item was Councillor Coker)

**105. JOINT WORKING WITH BOWLS ENGLAND**

The Executive considered a report from Cultural Services and the Chief Executive advising of the Members of Bowls England decision to bring the Men's National Bowls Championships to Victoria Park from 2014 and to relocate the Bowls England headquarters to the town during 2013.

At their August meeting the Executive endorsed a document which contained a series of proposals from this Council to Bowls England. These proposals were considered by the Bowls England Working Party alongside proposals from Worthing Borough Council. Both Councils had been in discussion with the Bowls England Working Party during the summer with the intention of securing the venue for the Men's National Championships from 2014. The Working Party presented their recommendations to the Board of Bowls England on 26 September 2012, selecting Leamington as the preferred venue for both the Men's and Women's Championships and the new location for the headquarters of Bowls England.

At the Company meeting of Bowls England on 24 November 2012, the Board presented its recommendation of the move to Leamington Spa which was supported.

Given that the Council had already taken the decision previously to seek to attract the Men's Championships to the District and that the proposal being put forward had been endorsed at that time, there were no real alternatives of any merit to this course of action.

The Finance & Audit Scrutiny Committee was delighted at Bowls England's decision to bring the Men's National Bowls Championships to Leamington Spa from 2014 and that the Bowls England headquarters would be relocated to Riverside House with the aim of being in place by Easter 2013. The Committee supported the recommendations in the report.

The Portfolio Holder for Cultural Services, Councillor Cross reiterated his comments made at a recent Council meeting and was hopeful that this would help to develop the DMO and local business would find this an attractive prospect.

Councillor Coker felt this was super news and although some costs were formidable, he reminded Members that the advantages were equally compelling. He expressed his congratulations to all individuals involved for their hard work because the project had taken an extreme amount of effort to come to fruition.

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

**RESOLVED** that

- (1) the decision taken at the Bowls England Company meeting on 24<sup>th</sup> November 2012 to move the Men's Nationals Championships and Bowls England headquarters to Leamington Spa, be welcomed;
- (2) funds be approved to allow the improvements to the greens and ancillary facilities detailed in Section 3 of the report amounting to a maximum of £200,000. This will be included in the Council's Capital Programme for 2013-14 with the precise funding agreed as part of the February Budget Report and the scheme will be added to the list of corporate projects in the Fit for the Future programme;
- (3) the additional running costs of £26,000 per annum from 2014/15 onwards be approved and are included in the Council's Medium Term Financial Strategy;
- (4) Bowls England officers will start their phased office move from Worthing to Level 2 of Riverside House in 2013;
- (6) the steps being taken to resolve the siting issues for caravans visiting in connection with the Championships as explained in paragraph 3.9, be supported; and

- (7) authority be delegated to the Chief Executive and the Head of Cultural Services, to seek any permissions or consents necessary to undertake the works relating to this project.

(The Portfolio Holder for this item was Councillor Cross)  
(Forward Plan reference 456)

106. **WARWICKSHIRE TENANCY STRATEGY**

The Executive considered a report from Housing and Property Services presenting the tenancy strategy which was a statutory requirement for Local Authorities under the Localism Act 2011.

The report advised that the Localism Act 2011 introduced a number of provisions in relation to social and affordable housing. In particular, the introduction of a new type of tenancy, the fixed term tenancy, which could be used as an alternative to secure, lifetime tenancies.

The Act placed a duty on all Local Authorities to have a Tenancy Strategy in place by January 2013, which set out high level objectives for Registered Providers within Warwickshire to have regard to when they produced their own tenancy policies outlining their approach to awarding new tenancies.

The proposed Tenancy Strategy had been produced by all the Local Housing Authorities in Warwickshire with the exception of Stratford-upon-Avon District Council (SDC), to ensure a consistent approach to awarding tenancy types across the County. This would not affect existing tenants, unless they choose to move to another Registered Provider home and would be monitored on a quarterly basis following engagement with Registered Providers.

An alternative option was to refuse to approve the strategy, however, this would mean that the Council would be in breach of its statutory duty under the Localism Act and could be open to legal challenge.

The Overview & Scrutiny Committee accepted the strategy but highlighted that the Council would still have the ability to decide the length of tenancies for our own housing stock. Members asked the Executive to be mindful that the Council would need to bring a policy forward for our tenants at a later date.

The Portfolio Holder for Housing and Property Services, Councillor Vincett supported the report and stressed that this was a strategy document. He reminded Members that it was a statutory requirement to have a policy and the Council would give due regard to the strategy when they compiled their policy at a future date. He assured Members that they would have the opportunity to scrutinise this, through the usual processes, when it came before Council.

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

**RESOLVED** that the Warwickshire Tenancy Strategy, attached as an appendix to the report, be approved.

(The Portfolio Holder for this item was Councillor Vincett)  
(Forward Plan reference 455)

#### 107. **WARWICK RACECOURSE**

The Executive considered a report from the Deputy Chief Executive (AJ) seeking views on the approach by Warwick Racecourse Company (WRC) to Warwick District Council to explore in partnership options for the development of St Mary's Lands.

The report reminded Members that a planning application by WRC for a hotel on land leased from Warwick District Council (WDC) to WRC had been refused by the Planning Committee on 1<sup>st</sup> May 2012.

In the days following the decision, WRC made it clear to Council officers that the refusal was a significant setback to its business as the hotel was integral to the Company's plan to tackle its financial challenges. The concern was so great that the Group Director of Jockey Club Racecourses Limited (JCR), of which Warwick Racecourse was a wholly owned subsidiary, asked to meet with the Council's Executive to personally describe the Course's position.

JCR had real concerns that the Council did not value the contribution that the Racecourse made to the District and felt that it was prepared to see the Racecourse fail. The meeting with the Executive took place on 9 July 2012 and the JCR's Group Director gave a stark message that if Warwick Racecourse did not increase its income in the next two years or so, there could be no guarantee that JCR would be able to continue its support for Warwick Racecourse and that consequently it could not guarantee the Racecourse would be operating in five years' time. The Director advised that over £7m had been invested in Racecourse facilities since 1990 but there came a point when further investment could not be justified.

Having reflected on the decision of the Planning Committee and WRC's own view that it was not successfully getting its message across to elements of the local community, WRC decided that it needed to redouble its efforts to engage with WDC so that both parties were clear about the consequences of a failed racecourse, what could be achieved from the racecourse's activities and more broadly how the parties could collaborate to maximise the social, economic and environmental benefits of St Mary's Lands.

WRC therefore approached WDC officers with a proposal that WDC & WRC work in partnership and examine options for a St Mary's Lands Business Strategy.

Preliminary discussions had taken place with consultants who would be interested in the investigation work and the fee would be in the region of £10-12,000. The service would be procured by WRC and WDC had been asked to match fund WRC's investment. Based on recently commissioned consultancy by WDC, the Council's

Procurement Manager believed this fee was very competitive and offered good value for money.

An alternative option was not to support WRC's proposal but this could leave Warwick with a failed racecourse. The land would then revert to the Council with the constraints of listed buildings and a Conservation Area location.

The Portfolio Holder for Development Services, Councillor Hammon supported the report and reminded Members that the Racing industry was under pressure. He endorsed the points raised regarding the club's benefit not only to Warwick town but to the wider District as well.

Members were mindful that many courses were closing and did not want Warwick to follow suit. In addition, it was felt that the contribution was important to give WRC a proper business footing and continue to be established

Having read the report the Executive agreed the recommendations and amended the wording accordingly.

**RESOLVED** that

- (1) the financial viability appraisal of Warwick Racecourse undertaken by the Chartered Surveyors, Wilks Head & Eve (WH&E), be noted;
- (2) work on an options appraisal for a St Mary's Lands Business Strategy commissioned by Warwick Racecourse Company (WRC), be supported; and
- (3) up to £6,000 be contributed from the Contingency Budget to match fund WRC's investment in the commission.

(The Portfolio Holder for this item was Councillor Hammon)

108. **GREEN SPACE STRATEGY**

The Executive considered a report from Neighbourhood Services which detailed a final version of the Warwick District Green Space Strategy which had been produced following consultation on the draft version. The report requested approval and adoption of the strategy, which included a framework for prioritising investment in Green Space.

The report also detailed an action plan with estimated costing and identified the need to establish a Green Space Working Group to oversee the strategy implementation.

An alternative option was the Council could decide not to adopt a Green Space Strategy, to ignore the Parks and Open Spaces Audit and to continue with present arrangements. This however was not recommended by Planning Policy Guidance and ignored best practice. Other options could be considered on how to prioritise

any improvements within the action plan, deliver geographically, whereby Area 1 is improved, followed by Area 2, etc. however, without a detailed action plan it would be difficult to implement many of the principles and recommendations set out in the strategy.

The Green Space Strategy and its accompanying action plan could be delivered without a working group, but the experience of a similar group called the Play Working Party, which jointly involved members and officers, had proved successful. Without disposal of green space it would be more difficult to significantly invest in green space and raise the quality. The Council could rely purely on other external grants and developer contributions, but these alone would not address the funding requirements for delivering the Strategy.

The Finance & Audit Scrutiny Committee supported the recommendations in the report. Members were keen to see recommendations in 2.4 and 2.5 to identify specific sites and urged that the strategy be progressed as soon as possible.

The Portfolio Holder for Neighbourhood Services, Councillor Shilton endorsed the report and was confident that the proposals put forward in recommendations 2.4 and 2.5 of the report would assist in pushing the project forwards.

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

**RESOLVED** that

- (1) the Warwick District Green Space Strategy as set out in Appendix 1 to the report, be approved, and its alignment with the emerging new Local Plan, be noted;
- (2) the framework for prioritising investment in green space be approved, as set out in the strategy, and in section 3.3 of this report;
- (3) the Green Space Action Plan 2013-2016 be approved, as set out in Appendix 2 to the report, which includes sixteen prioritised sites and is subject to current and future funding being available;
- (4) a Green Space Working Group be set up to oversee the implementation of the Green Space Strategy and the Green Space Action Plan; and
- (5) officers review all funding options to improve the quality of green space, including the option to identify potential sites for disposal, or part disposal, and to bring these findings to a future Executive.

(The Portfolio Holder for this item was Councillor Shilton)  
(Forward Plan reference 432)

109. **BID LEAMINGTON**

The Executive considered a report from Development Services which updated Members on the process for the renewal ballot of BID Leamington's term and requested that authority be delegated to deal with elements of the process. A Business Improvement District (BID) is a business-led and controlled partnership in a given area such as Leamington Town Centre, which delivers an agreed set of services and projects. These are agreed, and formally voted for, by all businesses in the Business Improvement District and are in addition to what the public agencies provide.

BID Leamington Ltd was established for a 5 year term in 2008 with Warwick District Council acting as the billing authority. This term would conclude in June 2013 and the Board of BID Leamington decided it wished to proceed with a renewal ballot and notified the Secretary of State and WDC accordingly.

The Board of BID Leamington Ltd, having made a decision to proceed to a re-vote (to continue its existence), were developing a new business plan that would be presented to the business community and other occupiers in 2013. The proposal was that this would be for another five year term (running 2013 – 2018) and appendix one to the report showed the timeline for the re-vote for the BID.

The BID Legislation (2004) stated that the proposal document and business plan must be submitted to the local authority for approval. However, the timescales for the BID revote meant that neither the final renewal proposal nor the business plan could be presented to Executive for approval within our report writing deadlines. Therefore, in order to expedite the process it was suggested that the Chief Executive in consultation with Group Leaders be delegated to deal with these elements.

An alternative option was to not approve the business plan or approve the revote but this was not considered because of the significant impact on the business community.

The Portfolio Holder for Development Services, Councillor Hammon supported the recommendations and advised that this was a procedural function, advising how the process was going to work.

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

**RESOLVED** that

- (1) BID Leamington Ltd has served notice of their intention to proceed to a revote to both the Secretary of State and WDC (as billing authority);
- (2) the proposed process and timelines for the renewal ballot, be noted;

- (3) authority be delegated to the Chief Executive in consultation with Group Leaders to approve the proposal document and business plan in accordance with the requirements of the legislation;
- (4) authority be delegated to the Head of Development Services and Head of Neighbourhood Services in consultation with portfolio holders (of Development & Neighbourhood Services) to negotiate and complete baseline agreements with BID Leamington;
- (5) the Council's voting rights for the District premises in the renewal ballot be delegated to the Deputy Chief Executive in consultation with Group Leaders;
- (6) the Chief Executive will, as Returning Officer, engage the services of the Electoral Reform Services (ERS) to carry out the renewal ballot on behalf of the Council in accordance with the BID Regulations (2004); and
- (7) the Council currently acts as the collection authority for the BID levy and that, in the event of a yes vote, BID Leamington wishes this arrangement to continue.

(The Portfolio Holder for this item was Councillor Hammon)  
(Forward Plan reference 462)

110. **POOR CLARES CONVENT, BADDESLEY CLINTON**

The Executive considered a report from Development Services which sought approval to consult on a new Consultation Area to include Poor Clares Convent and St. Francis RC Church, Baddesley Clinton.

The area which included the Poor Clares Convent and St. Francis RC Church was considered to be of a character worthy of preservation under the terms of Conservation Area designation.

The Poor Clares Convent was a mid to late 19<sup>th</sup> Century complex of buildings together with St. Francis RC Church which had an historical link with the Catholic family that occupied Baddesley Clinton Hall. The Convent was founded in the late 19<sup>th</sup> Century and had been occupied by the Poor Clares until recently. The Poor Clares order had only one Sister resident at the Convent and had decided to sell the property.

The consequence of this was that the buildings were at risk and could be demolished. The buildings had been put forward for statutory listing, however, after consideration, English Heritage decided they were not of listable quality but recognised they formed an interesting group of 19<sup>th</sup> Century buildings together with St. Francis RC Church.



Conservation Area designation would ensure a level of protection to the buildings and also ensure appropriate consideration was given to development affecting the site.

An alternative option was to not consider the area for designation and therefore not publicly consult. The result of this would be the possible loss of the complex of buildings which made up the Poor Clares Convent.

The Portfolio Holder for Development Services, Councillor Hammon endorsed the report and proposed the recommendations as written.

Councillor Caborn addressed Members and advised that this site was located in his Ward. He felt that this was an important cluster of buildings which represented the 'old Baddesley' and fully supported the proposals.

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

**RESOLVED** that

- (1) public consultation be approved for the inclusion of Poor Clares Convent and St. Francis RC Church, Baddesley Clinton within a Conservation Area; and
- (2) a further report be brought back with the results of the public consultation and a recommendation for inclusion as a Conservation Area or not.

(The Portfolio Holder for this item was Councillor Hammon)  
(Forward Plan reference 464)

**111. HEALTH SCRUTINY**

The Executive considered a report from Environmental Services which recommended a Health Scrutiny Partnership protocol and committee arrangements for scrutiny of health service delivery.

The report advised that changes to the health service would come into effect on 1 April 2013. The Public Health function had been transferred to Local Government at County Council and Unitary Authority level and The Warwickshire Health & Wellbeing Board would have formal duties across a range of health service work, including the Public Health function.

The County Council Adult Social Care and Health Overview and Scrutiny Committee would have a role in scrutinising the work of the Health & Wellbeing Board and health service delivery in the County.

There was an expectation that Districts & Boroughs would also have a part to play in health scrutiny and there had been a pilot project to investigate how this could be most effectively achieved. As a result of this pilot a protocol had been drawn up

to ensure clarity of roles and responsibilities. The report requested approval of this protocol.

The Council could choose not to alter current arrangements. However, an opportunity would be missed to put in place proper arrangements to deal with changes taking place in the health service. Failure to effectively respond would leave the Council vulnerable to challenge in the way in which we engaged with the new health agenda.

The limited resources of the Committee Services Team to support this function meant that any new areas of work would impact upon the availability of the team to deliver the current services. This meant it would not be possible to support an additional Scrutiny Committee and it was felt that a significant amount of the work would be brought through the Overview & Scrutiny Committee in considering Executive reports and through County Council Scrutiny work.

The Overview & Scrutiny Committee supported the recommendations in the report and was mindful that this would be a large undertaking for the Council.

Following a query from Members, clarification was given that this committee would be a sub-committee of the Overview and Scrutiny Committee but it was agreed that Members with particular expertise in this field could be invited along to participate if necessary.

The Portfolio Holder for Environmental Services, Councillor Coker, accepted that this was a new field of work for the District Council and felt it was important to liaise with the Scrutiny teams at Warwickshire County Council. He also expressed his gratitude to Councillor Caborn for his help in setting this up and reminded Members that many health groups, including GP's were keen to work at a local level.

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

**RESOLVED** that

- (2) the Protocol, as set out in the appendix to the report, is adopted;
- (3) the Overview and Scrutiny Committee form a sub-committee, the Health Scrutiny Sub-Committee, to operate in accordance with the protocol as above, in addition to any other work it is considered appropriate for it to deal with; and
- (4) the Health Forum be discontinued.

(The Portfolio Holder for this item was Councillor Coker)  
(Forward Plan reference 461)

**112. RURAL/URBAN CAPITAL IMPROVEMENT INITIATIVE SCHEME**

The Executive considered a report from Finance which provided details of a Rural/Urban Capital Improvement Application by Bubbenhall Parish Council to resurface tennis courts and refurbish the BMX track to create a multi-play area and skate park.

The report advised that Bubbenhall Parish Council had £11,189 in reserves of which £500 would be provided to help fund this project, as detailed in appendix 1 of the report. Their last successful application from the Rural Initiative Scheme had been in December 2008 for £3,419.

The report requested approval of the award of a Rural/Urban Capital Improvement Grant to Bubbenhall Parish Council of 27% of the total cost of the project exclusive of VAT subject to a maximum payment of £14,200.

An alternative option was not to approve the grant funding, or to vary the amount awarded as discussed in paragraph 7 of the report.

The Portfolio Holder for Finance, Councillor Mobbs fully supported the application especially as the improvements focused on engaging younger members of the community to improve their health and wellbeing.

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

**RESOLVED** that a Rural/Urban Capital Improvement Grant of £14,200 to Bubbenhall Parish Council for the refurbishment of the BMX track and tennis courts to provide an area for 12-19 year olds which equates to 27% of the cost, be approved.

(The Portfolio Holder for this item was Councillor Mobbs)

**113. LAND OFF QUEENSWAY, ROYAL LEAMINGTON SPA**

The Executive considered a report from Development Services that noted the use of the Chief Executive's emergency powers to relinquish restrictive covenants from, and Council's rights of way over, land off Queensway, Leamington Spa.

The current owners of the land at Queensway (Deeley Property) asked this Council to release the restrictive covenants in WDC's favour to enable them to carry out their proposed developments with Aldi, Travis Perkins & Orbit Housing Association. The release of the covenants was conducted in two tranches in February and late March 2012.

In finalising the transfers and reviewing the sale documentation with the County Council Legal Service, it was concluded that Executive should be notified of the two releases as the cumulative total received would be above the threshold contained within the Code of Procurement Practice.

An alternative option was that the Council could decide not to release the restrictive covenant and Council rights of way over the land. However, this would continue to limit its use to that of a light/general industry and similar uses, which might hinder the future development of the area and not, therefore, be of benefit to the area as a whole. It would also prejudice the development of the Aldi, and the new Travis Perkins trade park which would then open up opportunities in the station area for redevelopment.

Additionally, the landowner could apply to the Lands Tribunal under the terms of the Law of Property Act 1969, with the possibility that the District Council could realise a lesser amount to release the covenant.

The Portfolio Holder for Development Services, Councillor Hammon endorsed the report and fully accepted the reasons for the emergency powers being used on this occasion.

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

**RESOLVED** that the Chief Executive in conjunction with Group Leaders has used his powers of Section 4 (4) CE (4) of the Council's Constitution to:

- (1) approve the release of restrictive covenants; and
- (2) release rights of access for land off Queensway Leamington Spa (shown hatched & cross-hatched on the attached plan) in return for £24,000, plus £2,000 to cover this Council's legal fees.

(The Portfolio Holder for this item was Councillor Hammon)

#### 114. **THE OLD ART GALLERY**

The Executive considered a report from Development Services which noted the use of Chief Executive's emergency powers to deal with a community asset listing request for the Old Art Gallery and with the outstanding sale of the Old Art Gallery.

The sale of the Old Art Gallery to TAG Properties had been agreed in December 2011 and then the basis for the sale had been amended, via the use of the Chief Executive's Emergency powers under Section 4 (4) CE (4) of the Council's Constitution (and as subsequently reported to the Executive) in June 2012.

Owing to a delay, for a variety of reasons, the sale was not concluded and during that time a valid request was made for the property to be listed as a community asset by the Leamington Studio Artists and this had to be determined by the end of November 2012. The prospective owners (TAG Properties) had secured planning permission for the redevelopment of the adjacent property (the former library) and were seeking a completion of the sale at the earliest opportunity in order to commence works on site.

It had been the intention in accordance with the provisions of the Localism Act that a policy would be put in place that would then be used to determine requests for listing properties as community assets. The policy, although agreed by the Executive on 14 November, however could not be adopted as formal policy now by the Council until early December which was after the 8 week period for listing expires.

Officers were faced with the need to determine a listing request and to conclude the sale, both in the same short period of time. Legal Services advised that the listing issue needed to be resolved first and then the sale to reduce any risk of subsequent challenge and damage to organisational reputation.

Due to the shortness of timescales the only viable option was the use of the emergency powers granted under the Council's Constitution to the Chief Executive in consultation with group leaders under Section 4 94) CE (4) and in respect of the listing issue to use the policy agreed.

An alternative option was to list the property and not proceed with the sale. However, this would have impacted on Warwickshire College's ability to sell the old Library and would have a significant impact on its investment programme for the Leamington site. It would also leave the property empty or under used for a significant period of time without there being a clear outcome in sight.

The Portfolio Holder for Development Services, Councillor Hammon endorsed the report and fully accepted the reasons for the emergency powers being used on this occasion.

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

**RESOLVED** that the Chief Executive in conjunction with Group Leaders used the powers of Section 4 (4) CE (4) of the Council's constitution to:

- (1) make a decision on the listing request for the Old Art Gallery by the Leamington Studio Artists and in this case to refuse the request; and
- (2) conclude the sale of the Old Art Gallery to TAG Properties.

(The Portfolio Holder for this item was Councillor Hammon)

#### 115. **REPLACEMENT SAUNA, NEWBOLD COMYN LEISURE CENTRE**

The Executive considered a report from Cultural Services which detailed the use of the Chief Executive's emergency powers to approve the allocation of £8,500 from the Equipment Renewal Fund to replace the sauna at Newbold Comyn Leisure Centre.

The Equipment Renewal Fund included an allocation of £8,000 to replace the sauna at Newbold Comyn Leisure Centre in 2012/13. This replacement was scheduled to

take place during the closure of the pool hall at this site from 5 November 2012 to 7 January 2013 to avoid further disruption to customers and increased costs.

Three quotes were sought for the replacement during October 2012; the final decision being taken to award the contract to Sven Saunas who were able to supply and install during the closedown at a price of £8,500.

Under normal circumstances a report would have been taken to the Council's Senior Management Team to approve the draw down of the funds from the Equipment Renewal fund. However, the timing of the project and tender process made this impractical if the order was to be placed in time for the installation to take place within the project schedule.

The installation of a new sauna had been timed to coincide with the replacement of the flume at this site as the new steelwork to support the flume had to be installed within the sauna area, making it impossible to do so without removing the sauna cabin. Having removed the cabin, it would have been impossible to reinstall due to the poor state of repair. Therefore, the only alternative to replacing the cabin would have been to remove the old cabin and not replace it. This was not considered desirable from either a financial or customer perspective.

The Portfolio Holder for Cultural Services, Councillor Cross, supported the report and was confident that this work, alongside the replacement flume and associated refurbishments, would ensure that Newbold Comyn Leisure Centre continued to provide an enjoyable and safe leisure facility for the District's residents.

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

**RESOLVED** that the Chief Executive, in conjunction with Group Leaders, has used his powers of Section 4 (4) CE (4) of the Council's constitution to allocate £8,500 from the Equipment Renewal Fund to replace the sauna at Newbold Comyn Leisure Centre.

(The Portfolio Holder for this item was Councillor Cross)

116. **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 No.	Para Nos.	Reason
117 - 121	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The full minutes of Minutes 117 to 121 would be contained within a confidential minute which would be considered for publication following the implementation of the relevant decisions. However, a summary of the decisions was as follows:

**PART 1**

(Items on which a decision by Council is required)

**117. FETHERSTON COURT DEVELOPMENT OPTIONS**

The recommendation as set out in the report was agreed.

(The Portfolio Holder for this item was Councillor Vincett)  
(Forward Plan Reference 433)

**PART 2**

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

**118. TREE MAINTENANCE SERVICE**

The recommendation as set out in the report was agreed.

(The Portfolio Holder for this item was Councillor Shilton)  
(Forward Plan Reference 463)

**119. FINANCE REVIEW**

The recommendation as set out in the report was agreed.

(The Portfolio Holder for this item was Councillor Mobbs)

**120. PROPOSED REGENERATION LLP – PART B**

The recommendation as set out in the report was agreed.

(The Portfolio Holder for this item were Councillors Doody, Caborn and Mobbs)  
(Forward Plan reference 471)

121. **MINUTES**

The confidential minutes of the meeting held on 14 November 2012 were agreed and signed by the Chairman as a correct record.

(The meeting ended at 8.15 pm)