

# EXECUTIVE

Minutes of the meeting held on Wednesday 15 October 2008 at the Town Hall, Royal Leamington Spa at 6.00 pm.

**PRESENT:** Councillor Michael Doody (Chairman); Councillors Mrs Bunker, Caborn, Hammon, Kinson, Kirton, Shilton and White.

**ALSO PRESENT:** Councillor Crowther (Labour Group Observer); Councillor De-Lara-Bond (Liberal Democrat Group Observer); Councillor Gifford (Chair of Overview and Scrutiny Committee); and Councillor Mrs Knight (Chair of Audit and Resources Scrutiny Committee).

## 517. PUBLIC AND PRESS

**RESOLVED** that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within the paragraph 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
518	1	Information relating to an individual

## 518. STAFFING ISSUE

The Leader reported on the decisions made by the Employment Committee, which had been held immediately prior to the meeting of the Executive, regarding a staffing issue.

The Executive also received a detailed report from the Leader and the Head of Law and Governance, Warwickshire County Council, on the background and reasons as to why the decisions had been made. Various other actions which would be required before the decisions could be implemented were also explained.

The Head of Law and Governance advised the Executive that, in her opinion, the decisions made by the Employment Committee were justifiable in the interests of efficiency of service.

**RESOLVED** that

- (1) the decisions of the Employment Committee and financial implications, be supported; and

## **EXECUTIVE MINUTES (Continued)**

- (2) sincere thanks be expressed to Councillor Coker and the Head of Law and Governance, Warwickshire County Council for the actions that they had taken in this matter since its outset.

(Although this matter was not included on the agenda for the meeting, the Leader of the Executive, as Chairman of the meeting, agreed that it should be discussed as a matter of urgency in view of the need to make a decision on it at the earliest opportunity).

The public and press were invited back into the meeting to continue with the Executive agenda items.

### **519. DECLARATIONS OF INTEREST**

#### Minute Number 521 – Notice of Motion

Councillors Caborn, Michael Doody, Kirton and Shilton declared personal interests because they were Warwickshire County Councillors.

#### Minutes Number 523 – Local List of Historic Parks and Gardens: Proposed Inclusion of Greys Mallory, Bishops Tachbrook

Councillors Mrs Bunker declared a personal interest because she was a Kenilworth Town Councillor.

Councillor Mrs Grainger declared a personal interest because she was a Warwick Town Councillor.

### **520. MINUTES**

The minutes of 3 September 2008 having been circulated were taken as read and signed by the Chairman as a correct record.

### **521. NOTICE OF MOTION**

At the Council meeting held on 8 October 2008, the following notice of motion from Councillor Mrs Higgins was referred to the Executive for information:

“Lock Lane, Warwick lies between Millers Road and the Grand Union Canal. It was an unadopted road with no footway. It was on the Warwickshire County Council’s Safer Routes to Schools for parents to escort primary school children to Woodloes Primary School. It has many HGVs going to the Thai warehouse, MOTs, and builders merchants yards and SITA have a recycling depot down there.

The Council, as owners of the land, urged Warwickshire County Council to build a footway along Lock Lane for the safety of the children and their parents.”

## **EXECUTIVE MINUTES (Continued)**

It was noted at Council, that the work suggested above had been received and completed and the outstanding works with regard to speed humps and the pedestrian crossing, would also be carried out in due course.

**RESOLVED** that the notice of motion be noted.

(The Portfolio Holder for this item was Councillor Kinson)

### **522. CALL-IN**

In accordance with Council Procedure Rule 19, two Executive decisions had been 'called-in' following a meeting of the Executive on 23 July 2008. The decisions were with regard to Improvement of the District and Proposed Changes to Council Phone Numbers.

The decisions were 'called-in' by Councillors Boad, Gifford, Mrs Blacklock, Copping and De-Lara-Bond for the following reasons:

#### **Improvement of the District**

Reason: the Council faces significant financial pressures in the coming years and that the expenditure of £60,000 from the contingency budget this year is totally inappropriate given the budget risks for this year alone and also given that there will be no contingency budget for 2009/2010 when the budget pressures are predicted to be getting worse. We believe that in the current financial circumstances it would be more appropriate for the sum of £60,000 (just short of 1% Council Tax) to remain in a contingency budget to protect against enforced cuts not resulting in savings in the required timescale.

#### **Proposed Change to Council Phone Numbers**

Reason: moving the Council onto a 'premium' 0845 telephone number for customer contact will disadvantage many people by causing them to be charged at premium rates when contacting their Council. Many people operate inclusive calling plans for free telephone calls and many of our less wealthy residents operate pay as you go mobile phones as a cheaper option than the standing charges for a fixed line telephone, both of these options charge premium rates when calling 0845 numbers. It is therefore inappropriate that the Council should be considering moving to a premium 0845 number when options of a free to the customer number would be more appropriate.

Both decisions were considered by the Overview and Scrutiny Committee held on 2 September 2008. Improvement of the District was then referred to Council and the Proposed Change to Council Phone Numbers was referred straight back to the Executive.

The decisions on the Improvement of the District item was discussed by Council on 8 October 2008 and subsequently referred back to the Executive to re-consider their decision because an Executive decision cannot be changed by Council.

## **EXECUTIVE MINUTES (Continued)**

There was further information to be received from Warwickshire County Council with regard to the Proposed Change to Council Phone Numbers and therefore this item would be re-considered at the Executive on 3 December 2008 when the information would be available.

For information, the comments of the Overview and Scrutiny Committee and the Audit and Resources Scrutiny Committee held on 22 July 2008 were as follows:

### **Improvement of the District:**

The Overview and Scrutiny Committee were concerned about £60,000 being used from the contingency budget for this project, and the money should be kept in the contingency budget in case it was needed to fund existing projects.

There would be no Liberal Democrat representatives on the group, and although the Labour party were not happy about the money being spent in this way, they would have representatives on the group so they could have an input into how this public money would be spent on the whole district.

The majority of the Audit & Resources Scrutiny Committee felt there was no point in debating the issue at this stage as Members could not scrutinise something when they had no indication of what the Working Group was going to suggest. There was also a minority view that a sum of £60,000 should not be spent in such a manner when the Council was moving into a much tighter financial regime.

### **Proposed Changes to Council Phone Numbers:**

The Overview and Scrutiny Committee were unhappy about the change as it would cost significantly more for some people to ring the Council and would be detrimental to the public. Further investigations were needed as the options presented were not satisfactory and a more cost effective alternative was needed to keep the cost of calling the Council to a minimum. Could the Council have another 01926 number?

**RESOLVED** that the decision with regard to 'Improvement of the District' item be confirmed as agreed at the 23 July meeting of the Executive, as set out below:

- (1) a Working Group consisting of Councillors Barrott, Britland, Ms Dean, Dhillon, Malcolm Doody, Edwards, Mrs Gallagher, Heath, Mrs Higgins, Illingworth, Mobbs, Pittarello, Rhead, Mrs Scarrott, Mrs Tyrrell, and Weed, be appointed;
- (2) the above working party meet and submit a report to the Executive on how it considers the £60,000 could be used to improve the District as a whole; and

## **EXECUTIVE MINUTES (Continued)**

- (3) a one-off sum of £60,000 for Improvement of the District to be ring fenced within the 2008/09 Contingency Budget for use by the Executive, if the proposals from the working party are approved.

### **523. LOCAL LIST OF HISTORIC PARKS AND GARDENS: PROPOSED INCLUSION OF GREYS MALLORY, BISHOPS TACHBROOK**

The Executive considered a report from Planning which sought to make an addition to the Local List of Historic Parks and Gardens as contained in the current Local Plan. The property under consideration was Greys Mallory, Banbury Road, Bishops Tachbrook.

Greys Mallory House was a grade II listed building and the house and grounds had been the subject of numerous recent planning applications and several recent appeals determined by public inquiries.

During the course of investigating the background of the property, for past Appeal Statements and Statements for the forthcoming 3 day series of Appeals commencing on 21 October 2008, it had become evident that the grounds were of importance and part of the setting of the grade II listed building. It therefore warranted inclusion in the District Council Local List of Historic Parks and Gardens. The Local List of Historic Parks and Gardens formed part of Local Plan Policy DAP11, adopted in 2007. The Policy included items of significance which were included on the National Register of Historic Parks and Gardens as compiled by English Heritage.

Appendix A to the report set out the historic background and reasons for including Greys Mallory in the Local List of Historic Parks and Gardens.

A process of consultation had been carried out to enable the owner and other interested parties to make representations. Appendix B to the report contained three responses received from the Warwickshire Gardens Trust, English Heritage Landscape Architect and RPS Planning and Development Ltd on behalf of the owner of Greys Mallory.

The response from the Warwickshire Gardens Trust and the English Heritage Landscape Architect were in support of the proposal and the letter on behalf of the owner who was opposing the proposal. The letter of opposition, whilst addressing recent appeal decisions on the site, did not challenge the content of the research (as set out in Appendix A to the report), on which the basis of the proposal was made.

Mr T Partridge attended the meeting to speak publicly about his concerns with including Greys Mallory on the Local List of Historic Parks and Gardens. In particular, he noted that Bishops Tachbrook Parish Council had not been consulted upon this matter. The Council's Principal Architect Planner, Alan Mayes, assured Members of the Executive that this was not the case and they had in fact been consulted, however no response had been received.

**RESOLVED** that the grounds to the property known as Greys Mallory, Banbury Road, Bishops Tachbrook be

## **EXECUTIVE MINUTES (Continued)**

added to the Local List of Historic Parks and Gardens contained in the Local Plan 1996-2011 (as outlined in the plan set out in Appendix B to the report), subject to the Bishops Tachbrook Parish Council confirming they received the letter of notification from Planning and had no objection.

Following the meeting, it had been confirmed that Bishops Tachbrook Parish Council had received the notification letter from the Planning department and raised no objections. Therefore the recommendations within the report are agreed.

(The Portfolio Holder for this item was Councillor Hammon)

### **524. MANAGING HOUSING SUPPLY**

The Executive considered a report from Planning which summarised the effect of implementing the Managing Housing Supply Supplementary Planning Document (SPD) policy since it had been approved by the Executive in September 2005. The report updated the housing supply situation, within the context of both new government guidance and the Regional Spatial Strategy (RSS) Revision, and recommended that it would now be appropriate to cease to apply the policy. This would enable the Council to work towards meeting the emerging housing requirement in the RSS Revision and meet the Government's requirement for a five year supply of housing land.

On 12 September 2005, the Executive approved the Managing Housing Supply SPD for development control purposes, following a period of public consultation. The purpose of the SPD was to restrict the number of permissions granted for housing development on urban windfall sites in order to contain the supply of housing.

The decision followed concerns at government and regional level that the levels of housing growth in the District were well above those set out in the West Midlands Regional Spatial Strategy. Further, unless this growth was restrained, there would be danger that the emerging Warwick District Local Plan would be considered to be "out of conformity" with the Regional Spatial Strategy.

The adopted Warwick District Local Plan included a policy on managing the supply of housing. Policy SC10 stated that in the case of a significant oversupply of housing in relation to the regional requirement, the Council would regulate the further supply of windfall sites through a SPD. A significant oversupply was defined as being in the region of 20% over and above the regional requirement.

The approved SPD policy allowed for planning permission to be granted for new housing in circumstances where the development supported certain aims of the Council, such as mixed developments in town centres and the provision of affordable housing.

## **EXECUTIVE MINUTES (Continued)**

The review of the Regional Spatial Strategy commenced in November 2005 and in December 2007 the preferred option was submitted to Communities and Local Government, which included a housing requirement for Warwick District of 10,800 dwellings between 2006 and 2026 which equated to 540 dwellings a year. The Examination in Public into the RSS Revision was expected to take place next spring with adoption following in early 2010.

The majority of the Overview and Scrutiny Committee supported the recommendations in the report.

**RESOLVED** that this item be deferred and resubmitted to either the 3 December 2008 or 4 February 2009 meeting of the Executive to allow consideration of related Regional Spatial Strategy issues.

(The Portfolio Holder for this item was Councillor Hammon)  
(Forward Plan ref 127)

### **525. CORPORATE STRATEGY REVIEW**

The Executive considered a report from Organisational Development and Performance Improvement which asked the Executive to endorse the proposed revisions to the Corporate Strategy which aimed to bring the Corporate Strategy more closely in line with the Local Area Agreement 2008 and the new Sustainable Community Strategy.

The Council, in partnership with other organisations, represented on the Public Service Board had signed up to the 2008 Local Area Agreement. This had been approved by the Executive at its meeting in June 2008. The Local Area Agreement included 34 County Wide Targets that the partnership was aiming to meet to improve the quality of life for people in Warwickshire. As the 2008-2011 Corporate Strategy was approved prior to the adoption of the new Local Area Agreement (LAA), there was a need to review the agreement to the Strategy to bring it in line with the 2008 LAA.

In addition, the Warwick District Sustainable Community Strategy had also been agreed by partners within the District – including the District Council. Whilst the objectives set out in the community strategy had a close relationship with the Corporate Strategy, there had been a need to make some revisions to the Corporate Strategy to make the two strategies more closely aligned.

The details of the overlaps and differences between the LAA and Corporate Strategy, the Sustainable Community Strategy and Corporate Strategy were presented to Executive in June 2008. Since then, a consultation meeting had taken place involving the Corporate Management Team and the Executive to agree precisely which changes should be recommended. The changes had been brought in to the revised draft of the Corporate Strategy shown within Appendix 1 to the report.

The key changes to the Corporate Strategy were:

- the first two values had been combined to read Honesty and Openness and a new value (Value for Money) has been added;

## **EXECUTIVE MINUTES (Continued)**

- the Communities portfolio objective had been amended to read “Promote safe, healthy, vibrant and sustainable local communities”
- a fifth priority had been added to the Communities Portfolio reading “To promote healthy lifestyles within our communities;
- a fifth target had been added to the Communities Portfolio reading “Promote healthy eating by supporting 3 local food outlets each year to achieve the Heartbeat Healthy Food Award;
- the third target in the Development Portfolio has been changed to “By 2011 30% of all applications received to be improved through either pre application or post application officer negotiation to reflect design guidance”; and
- the high level actions within each portfolio had been updated to replace completed or redundant actions with actions that were consistent with the LAA, Sustainable Communities Strategy and the emerging key corporate projects

The Overview and Scrutiny Committee requested that the Executive defer the report and it be submitted to the Executive in December detailing all the Portfolio Holder priorities, targets and high level actions, because there was currently no in depth reference to the Human Resources Portfolio or any details of Legal/Documentation Portfolio.

The Audit and Resources Scrutiny Committee did not support the suggestion on page 24 of the agenda that it be responsible for monitoring the implementation of the Strategy, but felt this function to be more relevant to the Overview and Scrutiny Committee.

The Executive noted the comments of both the Overview and Scrutiny and Audit and Resources Scrutiny Committees, however, they did not feel deferring the item was the better option but suggested they receive a further report at its next meeting detailing the responsibilities of the outstanding portfolios.

### **RECOMMENDED** that

- (1) the revised Corporate Strategy as set out at Appendix 1 to the report, be approved, and
- (2) a further report be submitted to the Executive on the responsibilities of the portfolio holders for Human Resources and Legal and Documentation.

(The Portfolio Holders for this item were Councillors Mrs Bunker, Caborn, Michael Doody, Mrs Grainger, Hammon, Kirton, Kinson, Shilton and White)

## **526. BUILDING ON EXCELLENCE – ONE YEAR ON**

The Executive considered a report from Organisational Development and Performance Improvement which updated Members on the progress of the Building on Excellence document, 12 months after it was approved by Executive as the Organisational Improvement Strategy. It also proposed a number of minor amendments that were made to bring the strategy in line with current circumstances.



## **EXECUTIVE MINUTES (Continued)**

In line with good practice, the authority reviews its core strategies, and the delivery of the core strategies, to monitor progress and make timely revisions if necessary.

In the original Building on Excellence document, agreed in November 2007, a number of drivers were mentioned to describe the external environment in which the Council was working. Since the document's publication a year ago, there had been changes to the drivers and new circumstances were impacting on the original plans.

Many of the drivers above were still relevant, however the focus of some had shifted and additional drivers had arisen. Summaries of the key changes to our drivers and new drivers were detailed within the report along with the next steps for the project.

The Audit & Resources Scrutiny Committee recommended that the Executive call for a report on the savings achieved and an update on the budget expectations for Building on Excellence for the December meeting.

The Executive agreed with the Audit and Resources Scrutiny Committee to receive a report at its meeting in December on the savings achieved and updated budget expectations.

### **RESOLVED** that

- (1) the progress made on Building on Excellence over the past 12 months, be noted;
- (2) the minor amendments to the Building on Excellence Strategy as set out within Appendix B to the report, be agreed;
- (3) the progress on the 10 point action plan, a result of the feedback from Midlands Excellence, be incorporated into the monitoring reports undertaken for Building on Excellence; and
- (4) a report be submitted to the Executive in December detailing the savings achieved and the updated budget expectations for Building on Excellence.

(The Portfolio Holders for this item were Councillors Mrs Bunker, Caborn, Michael Doody, Mrs Grainger, Hammon, Kirton, Kinson, Shilton and White)

## **527. NEIGHBOURHOOD WORKING**

The Executive considered a report from the Community Partnership Team on neighbourhood working arrangements which had been previously considered at the meeting of the Executive in December 2007. It was agreed that the District Council should formally consult its partners on the proposals to

## **EXECUTIVE MINUTES (Continued)**

implement neighbourhood working within Warwick District, in partnership with Warwickshire County Council and Warwickshire Police. A consultation document was distributed to the Council's partners in February 2008, and feedback had been received and considered. This report gave an update on progress to date, and to seek the Executive's formal endorsement of the implementation of neighbourhood working arrangements within Warwick District.

One issue that had arisen was regarding the allocation of the funds that the District Council had held for community safety issues to be allocated by the Safer Neighbourhoods Panels. On a number of occasions the Panels wanted to allocate funds to address issues that they had regarded as important locally but which did not fall within a true definition of community safety. Given the prospect of a wider role for the Panels as community Forum's it was suggested that a review of the basis for allocating any funds be undertaken by the spring of next year.

### **RESOLVED** that

- (1) the implementation of neighbourhood working arrangements within Warwick District as detailed within the report, subject to a review of the arrangements after 12 months of full implementation, be approved;
- (2) Warwickshire County Council be requested to reconsider its decision made at the County Council meeting on 13 May 2008 that only District or County Councillors could chair Community Forums, to enable Town or Parish Councillors in Warwick District to Chair the Forums if appropriate;
- (3) the Warwick Partnership Executive Group (WPEG) be the appropriate overarching body responsible for overseeing and supporting the development of locality working in the District with the District Council's representatives on the WPEG ensuring that the necessary information on neighbourhood working be communicated to the District Council, be approved; and
- (4) a review of the basis for awarding any monies via the Community Forums be undertaken in conjunction with the County Council and other partners and it be reported back to the Executive before April 2009.

Councillor Mrs Grainger voted against the decision and Councillor Mrs Bunker abstained.

(The Portfolio Holder for this item was Councillor Mrs Bunker)

## **EXECUTIVE MINUTES (Continued)**

### **528. EDRMS PROJECT**

The Executive considered a report from the Head of Organisational Development and Performance Improvement on the Electronic Document Records Management System (EDRMS) project review which had taken place both by officers and members and with external input to determine the way forward for document management within the Council. The proposal was to de-scope the original project into a smaller programme consisting of three projects to be delivered by March 2009, which would provide the Council with a robust approach for the future which could then be applied to individual service areas as their business needs dictate.

The EDRMS project commenced with a clear vision to improve service delivery within the Council. Hampered by an immature market place, Warwick District Council sought to develop a corporate EDRMS solution using a technology partner. Although the approach was described as 'visionary' and was commended for its 'good choice of technology' by an independent consultant, progress on the project was slower than anticipated. Faced with increasing costs and extended delivery times, the project Board decided to undertake a review of the project.

The report attempted to distil the outcomes of the review and describe the way forward for the introduction of document management within the council.

The Audit & Resources Scrutiny Committee supported the recommendations in the report, with the substitution of "Audit & Resources Scrutiny Committee" in place of Councillor Vincett's name, and the addition of a recommendation that "in light of concerns about costs incurred in relation to the original project, to inform the Executive that the Committee have asked for clarification on how monies had been spent, how the project was signed off and approved during its early stages, what contracts were signed and using what tender processes, and whether there had been any breach of contract which could result in money being recouped."

The Executive agreed with the Audit and Resources Scrutiny Committee but suggested the resolution included both Councillor Vincett's name and the Audit and Resources Scrutiny Committee to commend the hard work that Councillor Vincett had carried out on the project.

#### **RESOLVED** that

- (1) the Executive supported the new approach to Document Management Solutions(DMS);
- (2) a two phase programme be adopted as set out in the report with phase one to be completed by March 2009;
- (3) the balance of the budget remaining at the end of Phase 1 be returned to the Council's general capital resources;

## **EXECUTIVE MINUTES (Continued)**

- (4) decisions regarding the funding of DMS Phase 2 projects be considered by the Executive and Council as part of the process for setting any future capital programmes;
- (5) the Councils revenue budget for Document Management Solutions be reduced by £70,600 from 2009/10 onwards;
- (6) service area's DMS business cases to be considered in phase 2 to be submitted to the ICT Steering Group; and
- (7) Councillor Vincett and/or members of the Audit and Resources Scrutiny Committee be approved to monitor progress against phase one of the programme and report back to Audit and Resources Scrutiny Committee, as required.

(The Portfolio Holders for this item were Councillors Caborn and Doody)

### **529. DIRECTOR VACANCIES**

The Executive considered a report from the Chief Executive with regard to the two current vacancies at Director Level. In line with recruitment practice, the vacancies provided the opportunity to review the positions before advertising for replacements. A report had been considered by the Employment Committee that recommended removing the three Strategic Director posts from the establishment and replacing them with two Deputy Chief Executive posts. In the current budget climate a saving in the region of £70,000 could be achieved by making such a change at the senior management level. If the Employment Committee agreed to the Establishment change then the salary range for the Deputy Chief Executive posts should be agreed by the Group Leaders in conjunction with the Chief Executive.

The financial situation faced by the Council required the consideration of savings whenever they may arise; the most significant employment savings could be made at the higher management levels within the organisation.

The introduction of Deputy Chief Executive posts provided the opportunity to strengthen the strategic decision making capacity within the Council and for the Corporate Management Team to concentrate on achieving corporate objectives. It increased the level of responsibility from Strategic Director to Deputy Chief Executive and thereby created a responsibility to manage across the Council rather than at a directorate level.

### **RESOLVED that**

- (1) the salary for the Deputy Chief Executive posts be agreed by the Group Leaders in consultation with the Chief Executive following a benchmarking exercise; and

## **EXECUTIVE MINUTES (Continued)**

- (2) the salary scales and terms and conditions of JNC officers be reviewed and any changes reported to the Employment Committee and Executive in March 2009.

(The Portfolio Holders for this item were Councillors Caborn and Doody)

### **530. FINANCIAL MONITORING TO 31 AUGUST 2008**

The Executive considered a report from Finance which summarised the Council's financial position as at the end of August 2008. It was the second report on the 2008/09 Budget to be submitted to the Executive since the budget was set in February 2008.

Variations to the Council's revenue and capital budgets had been identified within its agreed financial management monitoring progress. The report provided information to enable decisions to be taken by the Executive on how to address its budget variations.

The current monitoring system required quarterly reports to be submitted to the Executive. The arrangement complemented the monthly monitoring reports prepared for the Corporate Management Team, and provided a structure to control the Council's budgets.

The report covered the activities on Revenue and Capital for both General Fund and Housing Revenue Account. It included the effects of the use of the Council's reserves and any known changes to income received for interest on balances.

The Audit & Resources Scrutiny Committee recognised the likelihood that the next budget would have to be set in a difficult financial climate, with lower income, less government help and a continuing rise in the cost of delivering necessary services. The Committee expressed a desire to assist the Executive in future budget planning.

The Executive noted the Audit and Resources Scrutiny Committee's desire to assist in future budget planning.

#### **RESOLVED that**

- (1) the contents of the August financial monitoring report for 2008/09, which indicated a possible underspend of £165,500 by 31/3/09, be noted; and
- (2) the changes proposed in the capital programme, and associated funding, as outlined in Section 10 of the report reducing the 2008/09 Capital Programme by £281,600 to £13,785,500 for the reasons detailed in para 10.3.4. of the report, be approved.

## **EXECUTIVE MINUTES (Continued)**

(The Portfolio Holders for this item were Councillors Mrs Bunker, Caborn, Doody, Mrs Grainger, Hammon, Kirton, Kinson, Shilton and White)

### **531. FEES AND CHARGES FOR 2009/10**

The Executive considered a report from Finance which detailed the proposals for fees and charges in respect of 2009/10. Where possible, charges had been increased with regard to the requirements of the Financial Strategy, however, due to the current economic climate it has not been possible to meet the target by a shortfall of £125,000.

The Council was required to update its fees and charges in order that the impact of any changes could be fed into the revenue estimates exercise.

In accordance with the Council's Financial Strategy, in July 2008, the Executive agreed that in setting fees and charges the higher of the following should be used -4% or an increase of up to 10% where charges were below appropriate comparators. The Car Parks Strategy aimed to increase income by 10% per annum over a five year period.

The report was concerned with determining the levels of fees and charges under the responsibility of business units in light of the Financial Strategy guideline outlined above.

In implementing the Financial Strategy guidelines it was appropriate to consider certain other factors when deciding what the Council's fees and charges should be:

- (a) The impact of the fees and charges levels on the implementation of the Council's overall Corporate Strategy, including the Community Plan, and the requirements of business unit's individual service plans;
- (b) The level of prices the market can bear including comparisons with neighbouring and other local authorities; and
- (c) The level of prices to be sufficient to recover the cost of the service.

Overall, it had not been possible to set fees that would achieve the required target due to some of the larger income generating services suffering from adverse economic conditions.

The Overview and Scrutiny Committee supported the recommendations in the report, but drew the Executive's attention to the charge for sex shops and questioned whether it accurately represented the true costs to the Council? This Committee suggested that £3500 might be closer to the true figure.

The Audit & Resources Scrutiny Committee supported the recommendations in the report but requested a review of charges relating to the licensing of sex shops before the fee was finally set, as these seemed unusually low in comparison with other Councils and Members wanted assurances that the Council was managing the licensing of sex shops in a prudent but appropriate manner.

## **EXECUTIVE MINUTES (Continued)**

The Executive agreed with the above comments and a further report on the breakdown of the proposed fees for licensing sex shops be requested to allow the charge to be reviewed prior to implementation of the revised fees and charges in April 2009.

### **RECOMMENDED** that

- (1) the fees and charges identified in Appendix A to the report to operate during 2009/10, be approved;
- (2) crematorium charges be amended as per the decision of the Executive meeting held on 29 September 2008;
- (3) building control fees be implemented from 1 December 2008;
- (4) the new Health and Fitness Membership scheme be implemented from 1 January 2009;
- (5) Local Land Charge fees be submitted to the Executive when a new regime had been finalized; and
- (6) a further report be submitted to the Executive on the breakdown of the proposed fees for licensing sex shops be requested to allow the charge to be reviewed prior to implementation of the revised fees and charges in April 2009.

(The Portfolio Holders for this item were Councillors Doody, Mrs Grainger, Hammon, Kirton, Kinson and White)  
(Forward Plan ref 115)

## **532. MAJOR WORKS TO HOUSING REVENUE ACCOUNT PROPERTIES**

The Executive considered a report from Housing and Property Services which sought approval to commence the procurement of a range of improvement contracts for Housing Revenue Account (HRA) dwellings, where the estimated value of the proposed schemes would exceed £50,000.

The existing contracts for window replacement, kitchen & bathroom renewal and the provision of adaptations expired at the end of the financial year in March 2009. Due to the value of the contracts and the nature of the works, the tenders would have to comply with the European Procurement Directive that required the publication of a notice in the Official Journal of the European Union (OJEU) allowing suitable companies to express their interest in undertaking the advertised works.

The contract for thermal insulation was classified as construction work rather than a supply contract and the projected value of these works falls outside the

## **EXECUTIVE MINUTES (Continued)**

OJEU tendering process. Tenders would be sought for the contract in line with standard Council procedures.

The window replacements, thermal improvement, internal decoration and kitchen & bathroom projects were also required to be carried out, in order to bring the Council's assets up to the Decent Home Standard, for thermal comfort, layout and age of the kitchen & bathrooms and keep the properties in a reasonable state of repair.

The Council strived to ensure that disabled tenants received an equitable service and would adapt HRA properties to enable tenants to maintain their independence in their own homes.

### **RESOLVED** that

- (1) the tendering of the following separate contracts, be approved:
  - replacement Window contract to various dwellings throughout the district;
  - kitchen & Bathroom replacement to various dwellings throughout the district
  - disabled adaptations to various dwellings;
  - internal decoration to communal areas various sites;
  - insulation of the solid brick dwellings Hyde Road, Kenilworth;
- (2) the tenders to be sought for contracts for window replacement, kitchen & bathroom renewals, internal decoration and disabled adaptation works:
  - (i) be advertised using the Official Journal of the European Union (OJEU) process for annual contracts, be subject to satisfactory performance against key contract performance indicators and the contracts; and have an option of an annual extension up to a maximum of five years;
- (3) tenders be sought for the contract for the thermal insulation of the properties in Hyde Road, Kenilworth, in line with the Council's Code of Contract Practice; and
- (4) the Head of Housing & Property Services, in consultation with the Council's Procurement Manager be authorised to tender for the contracts and accept the best tender for the work.

(The Portfolio Holder for this item was Councillor Mrs Grainger)  
(Forward Plan ref 122)



## **EXECUTIVE MINUTES (Continued)**

### **533. DECLARATION OF AIR QUALITY MANAGEMENT AREAS IN KENILWORTH**

The Executive considered a report from Environmental Health as part of the overall review and assessment of air quality in Warwick District. Extensive monitoring and computer modelling of air pollutants in Kenilworth had been carried out which had concluded that there were exceedances of air quality standards in two parts of Kenilworth, due to nitrogen dioxide, derived from vehicles.

A consultation exercise had been carried out in relation to the proposal to declare two Air Quality Management Areas (AQMAs) in Kenilworth. The deadline was 1 September 2008 and the results were provided within the report.

It was a requirement, under the Environment Act 1995 Part IV, to declare AQMAs in circumstances where there were likely to be exceedances of air quality standards.

An informative document pack, including a comments sheet, had been delivered to all properties within the proposed AQMA's declaration areas (Warwick Road and New Street).

All identified statutory consultees and other relevant consultees received packs via postal services, email, or hand delivery. There was also a designated helpline setup for comments, queries, etc. All information received from the consultation process had now been reviewed and compiled into the report put before the Executive.

#### **RESOLVED** that

- (1) the completion of the consultation process be noted; and
- (2) the following areas be declared Air Quality Management Areas, namely: -  
Air Quality Management Area 4 – Part of Warwick Road, Kenilworth; and  
Air Quality Management Area 5 – New Street, Kenilworth, from the junction Bridge Street/Fieldgate Lane up to and including No 17 New Street).

(The Portfolio Holder for this item was Councillor Kinson)  
(Forward Plan ref 126)

### **534. REVISED FEE STRUCTURE FOR HMO LICENSING**

The Executive considered a report from Housing Strategy on licence fees for certain Houses in Multiple Occupation (HMO). The fees were set in April 2006 when HMO licensing was introduced by the Housing Act 2004 (HA 2004).

## **EXECUTIVE MINUTES (Continued)**

Licensing fees were intended to fully cover the cost of the licensing process, and it was necessary to make adjustments and additions to certain cost components to ensure that the service continued to cover its costs and keeps pace with inflation. No inflationary increases had been made since HMO Licensing commenced. HMO licences were issued on a five yearly basis, with the vast majority falling due for renewal in 2012.

Section 63 HA 2004 allowed Local Authorities to charge a fixed fee for a HMO Licence application. When fixing fees, Local Authorities could take into account all costs incurred in carrying out their functions under HMO Licensing legislation.

The Executive considered a report from Housing Strategy on HMO licensing in March 2006. A recent review of the fee structure set by the Council at that time had identified certain areas where the Council had under-estimated the time allocation in some components of the licensing process and some areas where components had not been fully accounted for, such as inspection and enforcement work.

It was felt that to be truly cost neutral, and to ensure long term retention of the existing staff dedicated to HMO licensing, fees must be increased. Fees were not increased in 2007 to account for inflation. To stand up to scrutiny, fees must be seen to be transparent and justifiable and this was what the revised fee structure intended to demonstrate. It was proposed to increase the fees by £40 for a licence renewal and by £175 for a new application. Fees also needed to be reviewed annually to take into consideration salary and overhead increases which, following review would be applied to new applications and renewals.

### **RECOMMENDED** that

- (1) with immediate effect, the revised fee structure for HMO Licensing under Part 2 of the Housing Act 2004, as set out in Appendix 1 to the report, be approved; and
- (2) the HMO licensing fees be included within the Council's annual review of fees and charges.

(The Portfolio Holder for this item was Councillor Mrs Grainger)

## **535. THE DEVELOPMENT OF THE THIRD SECTOR STRATEGY**

The Executive considered a report from the Community Partnership Team which provided an overview of the developments in the local Third Sector and introduced the draft Third Sector Strategy.

In 2006, Warwickshire County Council developed and adopted a five year Voluntary and Community Sector Strategy, which Warwick District Council signed up to. While much had been achieved through this strategy, local and national developments provided opportunities to build on such work to develop a single strategy through which Warwickshire's public sector could work together in support of a thriving and diverse voluntary and community sector.

## **EXECUTIVE MINUTES (Continued)**

In response to the developments, it proposed that the Council develop a joint 'Third Sector Strategy' with public sector partners through the Stronger Communities Partnership, which reported to the Public Service Board.

One key area of work within the Third Sector Strategy would be around the simplifying funding arrangements. More specifically, the county, district and borough councils in Warwickshire and partners were moving towards jointly commissioning key voluntary services which had previously been supported through 'core funding' arrangements.

The Government's ChangeUp Strategy aimed to ensure that high quality, consistent and sustainable support services were available for voluntary and community groups across the county by 2014. In Warwickshire, support services for the voluntary and community groups had tended to be generously funded by the local public sector (in comparison with other local authority areas), and the total value of that was over £750,000 per annum. There was a recognition within both the voluntary and public sectors that do not currently achieve 'best value' for the investment, because:

- support services for voluntary organisations are fragmented through a variety of organisations, many of which also provide other types of services (e.g. direct services for individuals and/or support services for other types of organisation); and
- support services are supported through a variety of funding streams.

In response to this, Coventry and Warwickshire's voluntary and community sector support services had formed the Coventry and Warwickshire Infrastructure Consortium (CWIC), with the aim of ensuring better co-ordinated and more sustainable support to voluntary and community groups.

### **RESOLVED** that

- (1) the Draft Third Sector Strategy as detailed within Appendix 1 to the report, be noted; and
- (2) the Council's involvement in developing a joined-up public sector approach to supporting the voluntary and community sector, and development of volunteering, be approved.

(The Portfolio Holder for this item was Councillor Mrs Bunker)

## **536. WARWICKSHIRE PROTOCOL FOR REPORTING AND RECORDING RACIAL INCIDENTS**

The Executive considered a report from the Community Partnership Team which gave an overview on the Warwickshire Protocol for the reporting and recording of racial incidents.

Warwickshire Race Equality Partnership (WREP), as part of their role to work in partnership with all Public Agencies to promote racial equality and to work towards the elimination of racial discrimination, had lead responsibility for

## **EXECUTIVE MINUTES (Continued)**

developing the Protocol. The aim of the Protocol was to develop a consistent multi-agency approach for the reporting and recording of racist incidents across Warwickshire.

The protocol set out within appendix 1 to the report had been signed up to by all public agencies in Warwickshire, except Warwick District Council, and it was hoped that the fully signed up protocol would be launched at WREP's AGM in November. However, the successful implementation of the protocol relied heavily on the ability of frontline staff to understand and use the protocol. Therefore, service areas were provided with an opportunity to raise concerns/comment on the protocol.

The general feedback from Benefits and Customer Services and Cultural Services were supportive with implementing the Protocol, as long staff briefings were delivered as part of the implementation plan. However both Housing & Property Services and Housing Strategy had a number of concerns with the protocol. These were set out in appendix 2 to the report.

### **RESOLVED** that

- (1) the Warwickshire Protocol for Reporting and Recording Racial Incidents as set out within Appendix 1 to the report, be noted; and
- (2) the Protocol be endorsed, subject to confirmation from WREP that all the issues raised by Warwick District Council during the consultation had been satisfactorily addressed.

(The Portfolio Holder for this item was Councillor Mrs Bunker)

### **537. OVERVIEW & SCRUTINY COMMITTEE AND AUDIT & RESOURCES SCRUTINY COMMITTEE – SCRUTINY WORK CURRENTLY BEING UNDERAKEN**

The Executive considered a report from Members' Services which informed the Executive on the scrutiny work being undertaken by the Overview and Scrutiny Committee and Audit and Resources Scrutiny Committee.

The report was produced to create a dialogue between the Executive and the Overview and Scrutiny Committee and the Audit and Resources Scrutiny Committee.

The item on the Executive was previously the Scrutiny Committees' minutes from the previous cycle. However, producing a report was considered a more effective way of keeping the Executive informed of the Overview and Scrutiny Committees' and Audit and Resources Scrutiny Committee's activities.

The report detailed the work the Overview and Scrutiny Committee and the Audit and Resources Scrutiny Committee had completed on 2 September 2008 and the progress of their task and finish groups.

## **EXECUTIVE MINUTES (Continued)**

**RESOLVED** that the report be noted.

(The Portfolio Holders for this item were Councillors Mrs Bunker, Caborn, Doody, Mrs Grainger, Hammon, Kinson, Kirton, Shilton and White)

### **538. EXTERNAL ANNUAL AUDITOR GOVERNANCE REPORT**

The Executive considered a report from Finance on the External Annual Governance report. Under the International Standard on Auditing 260, the Council's external Auditors, the Audit Commission, were required to report on their findings from the 2007/08 audit. It identified the key issues that members should consider before the auditors issued their opinion, conclusion and certificate.

At present the audit was not complete. The necessary fieldwork had been completed; however work was still on going to resolve issues arising out of the reconciliation of the legal records to the asset register held within Finance. Until that work was complete, the opinion on the accounts could not be concluded. It was that work on the fixed assets which was causing the delay in the auditors issuing their opinion.

Appendix A to the report was the draft report from the external auditors. It was hoped that all the necessary work would be completed shortly which would enable the audit opinion to be issued shortly, and for a final Annual Governance report to be issued to the Executive in December.

Appendix 2 to the report detailed several adjustments to the accounts that were agreed by the Council in June 2008 that were deemed to be material were recommended to agree to be changed. The number and size of the adjustments were greater than those required in previous years. Appendix B to the report detailed the adjustments, explaining how they arose and what they meant. In making the adjustments, the Council's overall net expenditure on revenue or capital was unchanged.

A full review was being undertaken with regards to the issues that had arisen relating to the 2007/08 accounts so as to ensure a smoother closedown and audit in the future. The Letter of Representation would be issued by the Council's Chief Finance Officer immediately prior to the auditors issuing their opinion on the account, which would be reported to the Executive in December.

The Audit & Resources Scrutiny Committee suggested the following resolutions:

- (1) to approve the draft report;
- (2) the Executive be asked to agree the adjustments to the 2007/08 Statement of Accounts as detailed in Appendix 2 of the draft Annual Governance Report;
- (3) the Executive be asked to recognise the extensive and excellent work undertaken by Legal Services staff to identify all the scattered assets of the Council and reconcile them with deeds;

## **EXECUTIVE MINUTES (Continued)**

- (4) senior management be requested to undertake a review of staffing levels in Finance given the resources issues experienced in the audit and the scale of future work to address the financial position;
- (5) the Committee notes that the External Auditor hopes to issue a final report to both the Audit & Resources Scrutiny Committee and the Executive in December; and
- (6) the Committee recommends to the Executive that officers should bring forward proposals for a single asset register within the Council.

The Executive noted the comments made by the Audit and Resources Scrutiny Committee.

### **RESOLVED** that

- (1) the draft Annual Governance report, be noted; and
- (2) the adjustments to the 2007/08 Statement of Accounts as detailed in Appendix 2 of the draft Annual governance Report, be approved.

(The Portfolio Holder for this item was Councillor Michael Doody)

This item was prepared and printed after the agenda had been published, therefore the Chairman agreed to take it as an additional item to the agenda.

## **539. GENERAL REPORT**

### **(A) RURAL INITIATIVES GRANT APPLICATION**

The Executive considered a report from Finance which gave details of an application for a Rural Initiative Grant. The Executive was asked to consider the level of funding it wished to grant in light of the merits of the scheme and the implications on the budget remaining for the financial year.

Leek Wootton Parish Council was applying for a £500 Rural Initiatives Grant towards the cost of erecting a fence around a wooded area at the bottom of the Village Hall garden which was currently waste ground in order to provide a forest garden which could be used by users of the Village Hall and residents, young and old, alike. All users of the Village Hall, including guides, brownies and beavers supported the proposal and it also had the full support of the Village Hall and the Trustees of the Leek Wootton Memorial Recreation ground.

The Pre School group and the Village Hall Committee were contributing £200 each along with £100 from the Parish Council itself, which would leave £500 and it was therefore recommended that the Executive considered awarding a grant of 50% of the total cost of the project exclusive of VAT subject to a maximum of £500. At 31 March 2008, the

## **EXECUTIVE MINUTES (Continued)**

Parish Council had available cash and reserves amounting to £3,470 which was a reduction of £658 from the balance at 31 March 2007.

**RESOLVED** that the request for a grant under the Council's Rural Initiatives Scheme for Leek Wootton Parish Council, be approved, subject to a maximum of £500 or 50% of the total cost of the project.

(The Portfolio Holder for this item was Councillor Mrs Bunker)

### **(B) CENTRAL WARWICKSHIRE VILLAGES LEADER PROJECT**

The Executive considered a report from the Community Partnership Team which outlined the progress made in securing £1.5m from the European Union funding stream L.E.A.D.E.R. for a project aimed at increasing cohesion in villages in Warwick District and Rugby Borough

LEADER began in 1991 and was an EU programme to support grassroots-led rural development. Multi-sector partnerships bid for it for a particular area and create a Local Action Group (LAG) to manage and deliver a Local Development Strategy (LDS) which they devise. LAGs usually support a number of small projects which collectively address the themes identified in their LDS.

Warwickshire County Council (WCC) coordinated a partnership bid for a North Warwickshire LEADER+ project in 2001 – which had been unsuccessful. A new £10.2m LEADER programme was launched as part of the 2007-13 Rural Development Programme England, managed in the West Midlands by AWM.

AWM looked to County Councils as Local Strategic Partnership leads in rural parts of the region to promote the programme. The County's Regeneration Strategy & Europe team, with support from the County Council's Area Teams within Performance & Development Directorate and District and Borough Councils, accordingly promoted the opportunity amongst potential community and public sector partners.

**RESOLVED** that

- (1) the progress in obtaining funds for Central Warwickshire Villages LEADER Project and formally offer their support to the bid, be noted;
- (2) Councillor Michael Doody be the nominated representative on the Local Action Group which steers the project; and
- (3) the Executive receive a periodic update report on the progress of the Project, as necessary.

(The Portfolio Holder for this item was Councillor White)

## **EXECUTIVE MINUTES (Continued)**

### **(C) 'NARROWING THE GAP' – SPENDING PLAN FOR WARWICK DISTRICT 2008-2009**

The Executive considered a report from the Community Partnership Team on the spending plan for Warwick District for 2008-2009.

The Public Service Board (PSB) at its meeting on 13 March 2008, agreed that £100,000 be allocated to the Warwick Partnership Executive Group (WPEG), the core group for the Warwick LSP for 2008/09 in respect of the Narrowing the Gap bid, subject to approval, by the PSB of a spending plan.

The Community Partnership Team was tasked by WPEG with producing the spending plan in consultation with key partners including the voluntary and community sector. Bids were invited which met 3 priority areas

- Maximisation of income and skills development opportunities;
- Health inequalities; and
- Affordable housing

WPEG approved the draft Spending Plan on 25 July 2008 and it was subsequently passed by the Public Service Board on 22 September 2008.

WPEG believe that the projects within the Spending Plan would provide the knowledge, skills, and desire to create sustainable communities within Warwick District's deprived communities.

**RESOLVED** that the Narrowing the Gap Spending Plan and Summary as set out within Appendices 1 & 2 of the report, be noted.

(The Portfolio Holder for this item was Councillor Mrs Bunker)

### **(D) DOG WARDEN SERVICE – RESPONSIBILITY FOR STRAYS - UPDATE**

The Executive considered a report from Environmental Health which reviewed the first 5 months of the consequences of the local authority having sole responsibility for dealing with stray dogs, since the removal of police involvement on 6 April 2008.

The minimum period that a potential service provider would expect for such a contract would be 3 to 5 years. It would be premature to commit the Council to such a contract when the requirements were, as yet, unclear and hence inappropriate to go out to tender.

Guidance from Defra indicated that local authorities were not expected to provide a "collection service" outside office hours but, if possible, should provide a place where the public could take strays outside office hours.



## **EXECUTIVE MINUTES (Continued)**

The report to Executive in February 2008 concluded that Warwick District Council did not have suitable premises which could receive strays and no private or public facility could be found for this purpose. It was therefore agreed to only operate an "in office hours service", as had operated prior to 6 April 2008 and to review the situation during the year.

Comparison of figures indicated little change in requests for service from the public and strays collected, etc, between the first 5 months of 2008 and against last year.

### **RESOLVED** that

- (1) the report be noted; and
- (2) a twelve month contract be negotiated with the existing service provider starting from 1 April 2009 to enable additional monitoring of the consequences of the change in responsibilities.

(The Portfolio Holder for this item was Councillor Kinson)  
(Forward Plan ref 124)

## **(E) CEMETERIES REGULATIONS**

The Executive considered a report from Cultural Services on the regulations for cemeteries in Warwick District. The regulations were approved by the Executive on 4 June 2008, but an amendment had been identified, and approval was required by the Executive for the correction to be made.

It had been noted by officers that paragraph 42 of the regulations was not amended. It currently stated:

'The placing on graves of artificial wreaths, glass shades, items of pottery, glass jars and tins, wooden crosses etc was strictly forbidden and any item so placed in contravention of this regulation would be removed by the Council'.

However, wooden crosses were permitted in the cemeteries because they were necessary for marking the graves prior to a permanent memorial being erected.

### **RESOLVED** that the regulations be approved, with the following amendment to paragraph 42:

'The placing on graves of unauthorised memorials such as artificial wreaths, glass shades, items of pottery, glass jars and tins etc is strictly forbidden and any item so placed in contravention of this regulation will be removed by the Council. Wooden crosses are permitted

## **EXECUTIVE MINUTES (Continued)**

as a temporary marker for a maximum of 12 months.  
After this time, they will be removed by the Council’.

(The Portfolio Holder for this item was Councillor White)  
(Forward Plan ref 132)

### **540. 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 paragraph 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
541	1	Information relating to an individual
541	2	Information which is likely to reveal the identity of an individual
542 & 543	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

### **541. HOUSING AND PROPERTY SERVICES PROPOSED RESTRUCTURE**

The Executive considered a report from the Head of Housing and Property Services which presented details of a revised establishment and structure for the Housing and Property Services service area, previously approved by the Employment Committee, and to request formal approval of the revised structure which had a minor financial impact on both the General Fund and Housing Revenue Account (HRA).

Housing and Property Services was one of several new service areas created across the Council under the Building on Excellence 2007-2012 proposals unveiled last year. The new service area was formed by the merger of the previously separate Property Services and Housing Services units. The merger was itself part of a wider corporate restructure designed to ensure that the Council had the capacity and capability to adapt, improve and respond to the many changes, already occurring or planned for the future, that it faced within its external operating environment.

Since the service area was created in January 2008, a new management team had been formed, made up of the head of the service and the existing service team managers from both old units. However, beneath the management tier staffing structures had remained largely unaltered with little or no changes at

## **EXECUTIVE MINUTES (Continued)**

service team level. It was widely assumed that a restructure would be required once the merger had been completed to integrate the previously separate teams into one cohesive unit and to address the many and specific challenges faced by the landlord service without compromising the corporate property repair, improvement and management services delivered to other asset owning service areas.

The revised structure was shown within appendix one to the report and the proposals were set out in full within appendix two to the report.

### **RESOLVED** that

- (1) the revised structure as set out at appendix one to the report and the accompanying proposals as set out at Appendix Two to the report, be noted;
- (2) the revised establishment for the service area that provides for the following, be approved:
  - Creation of a new post of Property Manager;
  - Creation of a new post of Senior Income Recovery Officer;
  - Deletion of the existing post of Tenant Development Assistant;
  - Deletion of the existing post of Policy and Performance Officer, on retirement of the existing postholder; and
  - Deletion of the existing post of Senior Clerk of Works, on retirement of the existing postholder and the subsequent replacement of the post with a new post of Clerk of Works at that future date; and
- (3) the budgetary implications of the revised establishment and structure as set out in appendix four to the report, be approved.

(The Portfolio Holder for this item was Councillor Mrs Grainger)

#### **542. 4-6 CLEMENS STREET, LEAMINGTON SPA**

The Executive considered a report from the Chief Executive which set out the proposal that rather than return the original grant aid to Advantage West Midlands (AWM), that instead the capital receipt be retained locally via the sale of 4/6 Clemens Street by its owners RegenesiTwo and that the interest be used to fund a grant scheme for the local community groups and to support new local enterprises.

The Audit & Resources Scrutiny Committee supported the recommendations in the report only on condition that procedures were developed for the giving/criteria of grants to protect the Council's accountable body responsibility as laid out in paragraph 3.3 of the report and on the understanding that the Executive was clear on how grants would be administered.

## **EXECUTIVE MINUTES (Continued)**

The Executive agreed and noted the above comments of the Audit and Resources Scrutiny Committee.

### **RESOLVED** that

- (1) the proposal for RegenesiTwo to develop a scheme to fund local community and enterprise grants in the Brunswick and Sydenham areas of Leamington be supported using the interest gained from investing the capital receipt from the sale of 4/6 Clemens Street; and
- (2) a further report on the criteria for grant allocation be presented to the Executive, clarifying whether the council should charge any administrative fee for acting as administrative body.

(The Portfolio Holder for this item was Councillor Hammon)

### **543. SPENCER YARD**

The Executive considered a report from the Chief Executive and the Interim Strategic Director (Housing and Development) updating Members on the current situation of the Spencer Yard Phase 2 scheme.

Following a full appraisal, the funding application for the Spencer Yard Phase 2 scheme was approved by Advantage West Midlands (AWM) and a conditional grant offer made by their Investment Decision Group on 3 July 2008. Following receipt of a formal funding offer letter which set out a number of conditions to the grant officers had been in discussion with AWM to formulate the Council's response.

The Overview and Scrutiny Committee supported the recommendations in the report.

The Audit & Resources Scrutiny Committee stressed the need for a culture of project management and procurement policy implementation throughout the work of the Council and felt this project was an example of where good project management was crucial. The Committee therefore requested that the Executive note that the Committee had asked for a full report on the project management to be used on Spencer Yard. In relation to recommendation 2.4, the Committee felt that it was not enough for the Executive to note procurement issues, which should be integral to all purchasing throughout the project. A vote was taken by the Audit & Resources Scrutiny Committee as to whether to support 10% or 15% contingency, with 5 Members voting in favour of 10%, 2 voting for 15% and 4 Members abstaining.

The Executive were minded to agree the recommendation within the report, subject to an amendment to 2.1 (4) and 2.1 (9) to substitute the title of Customer and Business Improvement Portfolio Holder for the title of Deputy

## **EXECUTIVE MINUTES (Continued)**

Leader. With regard to recommendation 2.1 (1) it was agreed not to increase the contingency beyond the current 10% provision.

### **RESOLVED** that

- (1) the conditional funding offer from AWM for the Spencer Yard Phase 2 Scheme, as revised by written confirmation dated 7 July 2008 be accepted, with the following conditions:
  - a. the contingency funding for the work to remain at 10%.
  - b. additional revenue budget provision be made in 2009/10 and future years for Option 3a as shown in Appendix 11 to the report (or for option 3b if the overall contingency is to be increased to 15%) for the cost of prudential borrowing to cover:
    - £200,000 capital contribution to the overall funding shortfall
    - delay in receiving the £700,000 capital receipt for the Riverside development sites
    - £65,000 to cover additional legal and VAT consultancy costs
    - £145,000 to forward fund planning and legal costs associated with the Riverside development; and
    - the cost of establishing the WDC contingency fund referred to above;
  - c. the Council agree the next steps in the implementation process be agreed, by:
    - commissioning an external supplier to undertake the legal work associated with this scheme on behalf of the Council at an estimated cost of £50,000; and
    - underwriting the legal costs of the Loft Theatre Company (the Loft) at an estimated cost of £30,000;
  - d. authority be delegated to the Chief Executive, Monitoring Officer and S151 Officer to appoint an external legal supplier provided that the Leader, Customer and Business Improvement Portfolio Holder and Development Portfolio Holder agree to the appointment;
  - e. in return for making additional capital contributions to the scheme, officer's negotiations with partners are now based on achieving the points set out in paragraph 3.3.10.6 of the report and that a Community

## **EXECUTIVE MINUTES (Continued)**

- Access Agreement with the Loft Theatre Company, be successfully concluded;
  - f. verification of the VAT status and Stamp Duty eligibility of the proposal as now revised be sought;
  - g. the Council, in conjunction with its partners in the scheme, makes public the AWM grant award, the broad details of the scheme and the next steps in the implementation process;
  - h. progress reports continue to be presented to each meeting of the Executive and, in particular, the outcome of the negotiations with partners is reported to the Executive for approval prior to the conclusion of any legal agreements; and
  - i. should any issue arise in relation to progressing the scheme that requires immediate action between Executive meetings, that authority is delegated to the Chief Executive, S151 Officer and Monitoring Officer to exercise such actions as are required, provided that these fall within the current budgetary and policy framework and provided that the Leader, Customer and Business Improvement Portfolio Holder and Development Portfolio Holder agree to such action;
- (2) authority be delegated to the Chief Executive, S151 Officer and Monitoring Officer to conclude the agreement for the purchase of the former United Reform Church in Spencer Street at the previously agreed purchase price of £900,000 no later than March 2009, if required;
- (3) the provision of additional capital budget to allow the purchase of the freehold of the former URC in Spencer Street to be undertaken in the event of the AWM proposal not being able to be progressed for any reason, be approved on the basis of this being the next best financial option for the Council, as set out at 3.3.10 and Appendix 11, be approved; and
- (4) the procurement issues listed in appendix 2 to the report be noted and that they be taken into consideration on any future similar regeneration projects and/or capital schemes.

(The Portfolio Holders for this item were Councillors Doody and Hammon)

(The meeting ended at 8.55pm)