

EXECUTIVE

Minutes of the meeting held on Wednesday 15 February 2012 at the Town Hall, Royal Leamington Spa at 6.00 pm.

PRESENT: Councillor Michael Doody (Chairman), Councillors Caborn, Coker, Mrs Gallagher, Mrs Grainger, Hammon, Mobbs, Shilton and Vincett.

ALSO PRESENT: Councillor Boad (Liberal Democrat Group Observer), Councillor Gifford (Chair of Overview and Scrutiny Committee), Councillor Mrs Knight Chair of Finance and Audit Scrutiny Committee), Mr Christopher Purser (Chair of Standards Committee) and Councillor Williams.

121. **DECLARATIONS OF INTEREST**

Minute Number 127 – Members’ Allowances Scheme

Councillor Caborn declared a pecuniary interest and left the room whilst the item was discussed.

PART 1

(Items which a decision by Council is required)

122. **ELECTION OF CHAIRMAN AND VICE-CHAIRMAN OF THE COUNCIL 2012/13**

RECOMMENDED that;

- (1) Councillor Kinson be Chairman of the Council for the municipal year 2012/2013; and
- (2) Councillor Davies be Vice-Chairman of the Council for the municipal year 2012/13.

123. **BUDGET 2012/13 AND COUNCIL TAX – REVENUE & CAPITAL**

The Executive considered a report from Finance which updated members on the overall financial position of the Council.

It included the latest position in respect of the 2011/12 General Fund Budget and the future implications of the proposed changes. For 2012/13 onwards, the report considered both the General Fund Revenue budget and the Capital Programme.

The report supported the recommendations to Council in respect of setting next year’s budgets and the Council’s level of Council Tax for 2012/13. It updated members on the latest projections and assumptions in the Medium Term Financial Strategy, identifying the on-going savings required by 2016/17. Finally, the report updated members on the Council’s Reserves and General Fund and feedback on the public consultation, undertaken by Simalto, was also included.

EXECUTIVE MINUTES (Continued)

The Council was required to set a budget and council tax each year taking into account the Budgetary and Policy Frameworks, the Base Budget, Fees and Charges, the Collection Fund, the government Finance Grant Settlement and the New Homes Bonus.

This was a complex report which brought together the information which had been set out in a number of background reports over previous months. The structure of the report was detailed in section 7 and explained what each section covered and the details of each appendix.

No specific alternatives to the recommendations were made but the information given enabled Members to propose variations to the proposals. Members were mindful that they had a duty to consider all possible options. The proposals in the report reflected the Portfolio Holder priorities contained within the Fit For the Future programme which was approved by Members in October 2010.

Councillor Mrs Knight, Chair of Finance and Audit Scrutiny Committee, addressed members and explained the comments made by members of her committee.

The Finance & Audit Scrutiny Committee recognised that there was little the Council could do about a number of the issues it faced other than maintain an awareness of them. Concern was expressed that the current list of equipment renewals was greater than the reserve itself. Members agreed to maintain a watching brief on the reserves and balances set out in Section 11 of the report, as per recommendation 2.20 and supported the remainder of the recommendations, with the exception of recommendation 2.17, which the Committee felt it could not support without a business case being made.

While there was general support for a Local Pay Agreement, the Finance & Audit Scrutiny Committee did not want to see this method become the norm year on year. Members felt the proposal was rather crude, but recognised its worth as a means of incentivising the Council to achieve necessary savings. However, the Committee did not want to see staff pay rises become performance related.

The Deputy Chief Executive (AJ) agreed to confirm whether or not there was a deadline relating to the housing association element of the Housing Investment Programme, as Members did not want to see the Council lose funding for potential projects.

Officers also agreed to clarify proposals for delivering outputs in relation to the Community Enterprise Officer contract, because the Finance & Audit Scrutiny Committee was keen to ensure that the Council continued to receive best value.

The Finance & Audit Scrutiny Committee stressed that future costs for HS2 campaigning should go through clear processing of a financial case.

Councillor Gifford, Chairman of the Overview and Scrutiny Committee, thanked Mike Snow for attending their meeting and answering the questions they put to him. They also requested that he be thanked for his hard work in compiling this Budget report.

EXECUTIVE MINUTES (Continued)

The Portfolio Holder for Finance, Councillor Mobbs, addressed members and stressed that this budget, although repetitious, would help to build on the successes of previous years.

He signposted members to a number of points in the report including the New Homes Bonus, the additional travel token funding and the importance of supporting the Community Forums during the Diamond Jubilee Celebrations and the London Olympics. He highlighted that the funds being offered to forums was not just to assist with the cost of celebrations but to help to increase trade and support local businesses. He confirmed that officers were investigating the possibility of a blanket public liability insurance policy for community groups, following the request made at January's Executive.

Councillor Mobbs thanked the scrutiny committees for their support and apologised for the lack of wording contained in recommendation 2.17, which dealt with the funding for an additional Temporary Project Co-ordinator. He assured members that more detailed information would be made available to them shortly.

Councillor Mobbs reminded members that there were still challenging years ahead with £334,000 of savings needed. He explained the fall in the level of Revenue Support Grant provided and congratulated officers for reducing 'overhead' costs over the past twelve months.

The Leader of the Council, Councillor Doody, addressed members and endorsed the report. He made reference to the achievements that not only the Section 151 officer, Mike Snow, had made but also of Councillor Mobbs, as Portfolio Holder for Finance. The close working relationship they maintained underpinned their successes in the current financial climate.

In response to the comments regarding HS2, Councillor Doody advised that there were still funds available from the original amount put aside and felt that this could last until next year. However, he advised that a further financial commitment may need to be made towards the end of the 2012/13 financial year.

Councillor Doody referred to the work undertaken by Simalto, in investigating what the residents of Warwick District wanted from their Council. Their views had been taken into account when compiling the budget and further requests were being implemented to include the cessation of the Council magazine and the control of noise nuisance and anti-social behaviour being achieved within the current staffing levels.

He also advised members that the Council would be taking on two apprentices in the near future, with a further two each year for the following two years. It had been proposed that they would train in the Revenues and Benefits department and on Flood Alleviation work for the District. Other issues highlighted by Simalto were the refurbishment of Leisure Centres, which was underway, public convenience contracts and pest control, all of which had been programmed in to be looked at in due course.

EXECUTIVE MINUTES (Continued)

Having read the report, and considered the comments by the scrutiny committees, members were satisfied that the resolutions in the report be recommended to Council.

RECOMMENDED that

- (1) the 2011/12 Revised General Fund Revenue Estimate of net expenditure, including the proposed adjustments in section 8.3, be agreed at £16,226,400, and a projected £5,100 surplus, as summarised in appendix 1 to the report;
- (2) the treatment of any balance upon closure of the 2011/12 Accounts will be considered by the Executive in June 2012;
- (3) the changes to the 2012/13 General Fund revenue base budget (as previously agreed by Council on 25 January 2012) with net expenditure of £16,103,000, be agreed;
- (4) the Council Tax of a Band D property for Warwick District Council for 2012/13 before the addition of parish/town council, Warwickshire County Council and Warwickshire Police Authority precepts be agreed at £146.86, representing a zero increase on 2011/12;
- (5) the Council Tax charges for Warwick District Council for 2012/13 before the addition of parish/town council, Warwickshire County Council and Warwickshire Police Authority precepts, for each band be agreed as follows:-

Band	2012/13
A	£97.91
B	£114.22
C	£130.54
D	£146.86
E	£179.50
F	£212.13
G	£244.77
H	£293.72

- (6) around £500,000 new ongoing savings / increased income have been realised in preparing the 2012/13 General Fund revenue base budget. Further savings/ increased income of £334,000 are required from Fit For the Future interventions during 2012/13;

EXECUTIVE MINUTES (Continued)

- (7) if there is any mismatch between the proposed General Fund budgets and subsidiary strategies and action plans, officers bring forward proposals for managing within the agreed budgets;
- (8) the appropriation of £200,000 from the 2011/12 estimated Revised Budget surplus to the Play Equipment Reserve, be approved;
- (9) the transfer of £200,000 from the Spencer Yard/URC 2011/12 revenue budgets to the Capital Investment Reserve, to be ring-fenced to further future development on this site, be approved. The residual un-spent revenue budget being slipped to 2012/13 by way of an Ear Marked Reserve upon closure of the 2011/12 accounts;
- (10) the £28,000 deficit on the Collection Fund Balance (this Council's share) be met from the General Fund Balance in 2012/13;
- (11) should there be a small change to the final grant settlement for 2012/13 when the announcement is made, it will be accommodated within the Contingency Budget in 2012/13;
- (12) the New Homes Bonus due for 2012/13 of £818,000 be appropriated to the Services Transformation Reserve;
- (13) the Chief Executive enter into discussions with the unions to agree a local pay agreement based on the principles outlined in paragraph 9.8 of the report, and report back to a future Executive meeting;
- (14) the discretionary travel scheme be enhanced to make residents of Shrewley Parish eligible for £50 travel tokens (upon payment of a £5 administration charge) and residents of Burton Green Parish eligible for £50 travel tokens (upon payment of a £5.00 administration charge);
- (15) the cost of the inaugural Burton Green Parish Council election in 2012/13 of approximately £3,000 be paid from within the 2012/13 Elections Budget;

EXECUTIVE MINUTES (Continued)

- (16) £14,000 be provided from the Contingency Budget in 2012/13 to allow the seven Community Forums to support local celebrations of the Diamond Jubilee, with each able to claim up to £2,000;
- (17) £60,000 be included in the 2012/13 Budget for an additional Temporary Project Co-ordinator, funded from the Services Transformation Reserve;
- (18) the significant future forecast deficit, currently estimated to rise to over £2.5m by 2016/17 on net expenditure of £18m, be noted. Further on-going savings/ increased income of this amount must be secured in order for the authority to be able to set future balanced budgets. A report on the Fit For the Future Programme will be presented to the April 2012 Executive;
- (19) the latest schedule in respect of the Equipment Renewal Reserve, be noted, and this Reserve, estimated to be £1,470,000 as at the 1 April 2012, will be exhausted by 2015/16 should all the requests be fully funded as indicated;
- (20) Finance and Audit Scrutiny Committee be asked to pay particular attention to the reserves and balances set out in appendix 5 of the report;
- (21) the arrangements for Financial and Budget Management, be noted and the Executive continue to receive quarterly reports;
- (22) the General Fund Capital Programme and the Housing Investment Programme together with their financing, be agreed;
- (23) should viable future self-funded business cases be agreed in the future, appropriate amendments will be made to the Capital Budget;
- (24) a report investigating future use of capital receipts within the Housing Investment Programme be brought to Members, in due course;
- (25) the continuation of the Housing Investment Programme, be approved, and authority be granted to the Head of Housing and Property Services to incur expenditure, using existing

EXECUTIVE MINUTES (Continued)

compliant contracts in accordance with the Code of Financial Practice;

(26) the Prudential indicators as set out in Appendix 10 of the report, including the revised indicators relating to 2011/12, be agreed; and

(27) the revised financial strategy be agreed and updated on an ongoing basis in the light of a review of all resource strategies, with quarterly reports on the financial projections brought to Executive, and the Fit For the Future programme be reviewed in light of this.

(The Portfolio Holder for this item was Councillor Mobbs)

124. TREASURY MANAGEMENT STRATEGY PLAN FOR 2012/2013

The Executive considered a report from Finance which detailed the strategy for 2012/13 that the Council would follow in carrying out its Treasury Management activities, including the Annual Investment Strategy and Minimum Revenue Provision (MRP) Policy Statement.

This report also updated the appropriate 2011/12 Prudential Indicators to allow for the take on of approximately £140m debt, as a result of the introduction of the HRA (Housing Revenue Account) Self Financing regime from 1 April 2012. This debt would be taken on 28 March 2012 hence the need to amend the current 2011/12 Prudential Indicators.

The Council was required to have an approved Treasury Management Strategy, including an Annual Investment Strategy and Minimum Revenue Provision Policy within which its Treasury Management operations could be carried out.

Following a systems intervention on Treasury Management, it was decided that quarterly reporting was above the minimum requirements of the CIPFA (Chartered Institute of Public Finance and Accountancy) and one of the recommendations of this report was to reduce this to bi-annual reporting, depending on the view of the Finance & Audit Scrutiny Committee.

There were no alternative options because the approval of an annual Treasury Management Strategy was a requirement of the CIPFA; Treasury Management in the Public Services Code of Practice, the latest version of which had been adopted by the Council in 2011/12.

The Chairman of Finance & Audit Scrutiny Committee, Councillor Mrs Knight, endorsed the move from quarterly performance reporting to bi-annual reporting, as per recommendation 2.1(b) and agreed to monitor this through regular liaison with officers. The Committee supported the recommendations in the report and were impressed by the continuing high performance of the Treasury Management team.

EXECUTIVE MINUTES (Continued)

The Portfolio Holder for Finance, Councillor Mobbs, endorsed the report and congratulated the officers on such a solid piece of work.

Having read the report, the Executive decided to agree the recommendations as set out.

RESOLVED that

- (1) the Treasury Management Strategy for 2012/13 as outlined in Appendix B to the report, be approved;
- (2) the changes to the various Treasury Management Practices as detailed in paragraph 1.5 of Appendix A including the potential move from quarterly performance reporting to Finance & Audit Scrutiny Committee to bi-annual, be approved;

RECOMMENDED that

- (1) the 2012/13 Annual Investment Strategy in Appendix B to the report, includes the following changes:-
 - a) the change, referred to in paragraph 2.2, in long term credit rating for those banks who are partly or wholly owned by the UK Government from A+ to A and the replacement of individual ratings with a viability rating of at least BBB;
 - b) the opening of a Custodian Account with King & Shaxson as referred to in paragraph 6.2(a); and
 - c) the adding to our Counterparty List of explicitly guaranteed subsidiary banks of parent banks who meet our minimum credit rating criteria as per paragraph 6.2(b) of the report;
- 2) as per paragraph 6.2(c), the Council continues to invest in unrated Building Societies but that a floor of £500m in asset value is applied. Building Societies with asset values of less than £500m will not be utilised.
 - a) the Minimum Revenue Provision Policy Statement contained in paragraphs 4.1 to 4.4 of Appendix C; and
 - b) the Prudential Indicators as outlined in paragraphs 5.4 & 5.5 of Appendix A.

EXECUTIVE MINUTES (Continued)

(The Portfolio Holder for this item was Councillor Mobbs)

125. HOUSING REVENUE ACCOUNT BUDGET 2012/13 AND HOUSING RENTS

The Executive considered a report from Finance and Housing and Property Services which updated members on the latest projections for the Housing Revenue Account revenue budgets in respect of 2011/12 and 2012/13.

The report supported the recommendations to Council in respect of setting the 2012/13 budgets and the proposed increase to council tenant rents, garage rents and supporting people charges for 2012/13. It was proposed that the council tenant rents be increased by an average of 8.39%, garage rents by 5.6% and that the Supporting People Charges would remain the same as in 2011/12.

The proposed dwelling rent increase follows Government guidance which requires councils to increase their rents in accordance with a prescribed formula so as to meet the requirements of rent restructuring and rent convergence. Garage rent increases are not governed by the guidance for rent restructuring. However, part of the formula used by the Government to calculate dwelling rent increases uses the Retail Price Index, (RPI), for September 2011. It is this rate of inflation, 5.6%, which has been used to increase garage rents for 2012/13.

An alternative option was for members to refuse or amend the increase to dwelling rents against the Government's rent restructuring model. However, officers did not feel it was advisable especially with the proposed introduction of Self Financing of the HRA from 1 April 2012.

An alternative option with regard to the garage rents would be to apply a different percentage change, with each option realising a different amount of income to the HRA. Each 1% change in garage rents resulted in an increase or decrease of potential income of around £4,580, per annum.

The Finance & Audit Scrutiny Committee supported the recommendations in the report, recognising that the increase was based on a formula set by central government. Nevertheless, members noted one strong objection to increasing housing dwelling rents by 8.39%.

The Overview and Scrutiny Committee was concerned at the substantial increase this year and made a formal recommendation requesting details on other scenarios to mitigate the impact of the rent increases, such as smoothing the impact over a few years, and background information, especially in light of the fact that inflation was predicted to fall, should be provided. Councillor Vincett, who was present at the meeting, agreed to provide the data for transparency purposes.

The Portfolio Holder for Housing and Property Services, Councillor Vincett, addressed members and agreed that the increase was substantial and understood the request for mitigation or concessions. He confirmed that

EXECUTIVE MINUTES (Continued)

the decision had taken future inflation forecasts into account and reminded officers that there had been no Council Tax increase this year.

Councillor Vincett felt that this was the best decision to take because any concessions made this year or next would result in residents having to 'take a hit' for two to three years and this solution would result in meeting government targets within less time. He therefore requested that the Executive refuse the recommendation from the Overview and Scrutiny Committee.

The Portfolio Holder for Finance, Councillor Mobbs, addressed members and reminded them that the charges had been put together with the tenants' representative and would ensure financial viability. It would also increase capacity to build more homes in the future.

Councillor Boad felt strongly that the increase was too large and would push some families into poverty. He requested that officers look at smoothing the increase over a longer period and was unhappy to see the reference to average rents in the private sector in the report. He did not feel that this had any relevance on council tenant rents.

In response, Councillor Mobbs stated that he appreciated Councillor Boad's comments and reminded that there was a wide range of housing options available to residents including Housing Association and private renting.

Councillor Doody supported the report and reminded members that the Council's rents were very compatible with other authorities, even with the proposed percentage increase.

Having read the report, the Executive decided to agree the recommendations as set out.

RECOMMENDED that

- (1) housing dwelling rents for 2012/13 be increased by an average of 8.39%;
- (2) garage rents for 2012/13 be increased by 5.6%;
- (3) Supporting People charges for Housing tenants remain the same as those charged in 2011/12 – no increase;
- (4) the 2012/13 Housing Revenue Account (HRA) budget, as set out in appendix 5 to the report, be agreed. It was noted that these figures are subject to change since the Final Determination figures are not expected until the end of January;
- (5) changes to the 2011/12 revised estimates considered in January, as set out in appendix 5 to the report, be agreed.

EXECUTIVE MINUTES (Continued)

(The Portfolio Holders for this item were Councillors Mobbs and Vincett)

126. APPROVAL OF HEATING, LIGHTING AND WATER CHARGES 2012/13 – COUNCIL TENANTS

The Executive considered a report from Finance and Housing and Property Services which detailed the revised recharges for Council tenants relating to heating, lighting, water and miscellaneous charges for the year commencing 1 April 2012. The recharges were set out in paragraphs 1 to 7 of the report.

Recharges were levied to recover the costs of electricity, gas and water supply usage to individual properties within two of the sheltered and five of the very sheltered housing schemes, and was provided as part of communal heating and water supplies. The costs of maintaining communal laundry facilities were also recharged at those sites benefiting from these facilities under the heading of miscellaneous charges. The charges were reviewed annually based on average consumption over the past three years and updated to reflect current costs. Tenants were notified of the change at the same time as the annual rent increase.

The report highlighted that the recharges ensured that the direct costs of services provided were only charged to those tenants benefiting from the service. Officers felt there was little alternative to having these recharges and reviewing them annually in order to recoup a reasonable amount towards the cost of providing these services.

Recovering less than the cost of the services being provided meant the burden would fall on Council tenants, including those who would never receive benefit from the service provided and who had to pay for their own utility costs as well as being subject to the same level of rent increase. This was because the costs would have to be met from rent pooling, i.e. covering the costs from rent income received from all tenants.

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

Having read the report, the Executive decided to agree the recommendations as set out.

RECOMMENDED that the revised recharges for Council tenants relating to heating, lighting, water and miscellaneous charges for the year commencing 1 April, 2012, be agreed.

(The Portfolio Holders for this item were Councillor Mobbs and Vincett)

EXECUTIVE MINUTES (Continued)

127. MEMBERS' ALLOWANCES SCHEME

The Executive considered a report from Civic and Committee Services which detailed the recommendations of the Council's Independent Remuneration Panel's review of the Council's Members' Allowance Scheme.

The Council was required to have its allowances scheme reviewed at least every four years and the existing scheme, attached as an appendix to the report was last fully reviewed in 2007 and, therefore, needed a full review.

The Review had to be carried out by an Independent Remuneration Panel (IRP) and members needed to pay due consideration to the Panel's recommendations when amending its allowances scheme. The proposed scheme from the IRP was attached as an appendix to the report.

An alternative option was to recommend either acceptance of the proposals on a whole or in part, provide alternative options or recommend that the entire proposal be rejected. However, Members were reminded that in all of these instances substantial reasons would need to be given for deviating from the recommendations of the Panel and any alternatives would also need to have due regard to the views expressed by the Panel.

The Finance & Audit Scrutiny Committee noted the findings and recommendations of the Independent Remuneration Panel. However, while some members felt that the recommendations were acceptable, others questioned a number of the findings, including those relating to special responsibility allowances, provision of refreshments before and at committee meetings, broadband costs and mobile phone and smart phones for Councillors. There was no consensus view on these issues, other than their being contentious. A number of members expressed a desire not to see the proposed scheme implemented, as it appeared morally unacceptable for members to receive a greater increase than staff in the present climate and would send out the wrong message to both staff and the public, regardless of whether or not members accepted the increase. Members wished to see further justification from the Panel for the proposed increases.

The Overview and Scrutiny Committee recommended that there should not be any changes to the current allowance scheme with the exception of the following:

The Deputy Leader should receive the recommended Special Responsibility Allowance; and the Vice Chairman on the Planning Committee should receive the recommended Special Responsibility Allowance.

Members of the Executive were disappointed at the IRP's report and felt insulted that it had implied they were only interested in receiving more money. The majority of members highlighted that many of them did not claim expenses and they worked solely for the benefit of the community.

Some members were concerned that without a reasonable remuneration, local councils would not be able to attract councillors of the right calibre

EXECUTIVE MINUTES (Continued)

and wanted to make the role available to anyone, from any walk of life to achieve a Council that was more reflective of the local community.

Comparisons were raised with other neighbouring authorities and the Leader, Councillor Doody, advised that Warwick District Councillors were one of the lowest paid compared to other authorities.

The report recommended that the basic allowance paid should be reduced but that IT expenses should be included in it, resulting in a minor amendment to the amount. Councillors were concerned that broadband, mobile phone and IT equipment costs had not been investigated fully and asked the Chief Executive to look into the issue further.

In addition, the report recommended removing the facility of committee teas prior to meetings but Councillor Mrs Gallagher highlighted that the cost of providing teas per councillor was far lower compared to the subsistence costs that could then be claimed for.

It was agreed that members of Planning Committee often had a heavy workload to contend with and it was not thought unreasonable for the Vice Chairman to receive a special responsibility allowance. Due to the level of commitment needed to be a member of Planning Committee, Councillors agreed that the planning remit should be investigated as a whole to ensure that some individuals weren't being excluded.

Councillor Coker addressed members and proposed that members note the IRP's report but agree that the current allowance for members be frozen with the exceptions specified in the Overview and Scrutiny recommendation. In addition, he requested that the allowance for broadband be referred back to the Chief Executive for further investigation and regarding the responsibilities undertaken by all members of the planning committee, he proposed that a full review of the planning committee remit should be undertaken by officers, including any special responsibility allowances awarded.

Therefore, in response to the comments and recommendations put forward by the Scrutiny Committees, the Executive agreed with part of the recommendation proposed by Overview and Scrutiny, made further recommendations themselves and empathised with the sentiments from Finance and Audit.

Having read the report, and having heard representations from members present, the Executive decided that there would be no change to the existing scheme other than the Special Responsibility Allowance to be awarded to the Deputy Leader.

RECOMMENDED that

- (1) the report from the Independent Review Panel be accepted, but should not be implemented, except for the changes described below, for the time being;
 - (i) the Special Responsibility Allowance be

EXECUTIVE MINUTES (Continued)

awarded to the Deputy Leader immediately and this should be backdated to when Councillor Caborn took on responsibility for the Sustainable Community Strategy, Local Plan and Key Partnerships. In addition, this portfolio of work will be a specific Portfolio within the Council's Constitution;

- (ii) the Vice Chairman of Planning Committee be awarded a Special Responsibility Allowance at £1,115 subject to a full review of the Planning Committee remit being undertaken by the Chief Executive to assess the responsibilities undertaken by all members of the Committee;
- (2) there should be no reduction in Members' Allowances even if the new scheme is implemented at a future date;
- (3) the use of ICT devices and broadband by Councillors and any financial implications be investigated by the Chief Executive with a report being brought to Executive for consideration; and
- (4) the provision of Committee Teas should continue as at present.

(The Portfolio Holder for this item was Councillor Mobbs)

128. THE NEW STANDARDS REGIME

The Executive considered a report from the Deputy Chief Executive, Andrew Jones, which described changes and recommended actions for the Council to implement the new Standards regime, due to come into effect on 1 July 2012.

The Localism Act repealed Section 55 of the Local Government Act 2000, which provided for the current statutory Standards Committee, resulting in there being no requirement for a Standards Committee. However, there would still be a need to deal with "standards" issues and so it was recommended that the Council create its own, without the unique features which were conferred by the previous legislation.

The Act required the Council to adopt "arrangements" for dealing with complaints against Members and such complaints could only be dealt with in accordance with such "arrangements". The "arrangements" had to set out in some detail the process for dealing with complaints of misconduct and the actions which may be taken against a Member who was found to have failed to comply with any of the provisions of the new Code of Conduct. It was felt by officers that these matters were best dealt with

EXECUTIVE MINUTES (Continued)

by establishing a Committee which was recognised in the Council's Constitution.

The report recommended that Group Leaders form a Working Group to determine the Terms of Reference, make up and procedures of the Standards Committee. It also suggested that the group determine the future role for Parish and Town Councillors, note the requirement to appoint an Independent Person and determine their remuneration.

A Code of Conduct would also need to be prepared and refer to Councillor Withdrawal from Meetings in respect of registrable interests.

An alternative option was that members could decide not to establish a Working Group to consider these matters but it was considered that the issues were of such significance that they needed to be considered, debated and determined by the political leadership of the Council.

The Standards Committee were consulted and made the following comments, which Christopher Purser summarised to the committee:

- Generally the Committee were of the opinion that the new regime was very disappointing and provided bad value for the tax payer. It removed the transparency and independence of the current arrangements which could have been amended to enable greater flexibility from what was very prescriptive and because of this had cost the tax payer considerable amounts of money
- It is imperative that the Council establishes a Committee to handle complaints about the conduct of Councillors
- It is disappointing that the new regime will require the appointment of a new Independent Person who cannot be one of the current independent members and therefore the Council will lose a lot of experience and knowledge
- The Council should appoint at least two independent people to enable holiday/sickness cover
- The Parish & Town Council's should be consulted on any proposal from the Council prior to implementation
- Any arrangements introduced for Parish / Town Council's should form a joint Committee so that they can vote on any proposals. If they do not have their opportunity to vote it will cause frustration and disillusionment with the process by not having a say in determining matters
- The current Independent members be invited to share their knowledge and experience of the current process with the new Committee and Independent person
- The Working Party pay due regard to the work of the LGA and NALC on drafting a model of conduct and procedures
- As part of this process appropriate training events for all Council's be arranged and scheduled ahead of introduction of the arrangements.

The Overview and Scrutiny Committee strongly emphasised the need for a working group to be formed to examine the requirements and the processes for the New Standards Regime. The members of the working group should know how Standards work.

EXECUTIVE MINUTES (Continued)

The Overview and Scrutiny Committee recommended that the working group should consider comments and recommendations made by the Standards Committee when it discusses the New Standards Regime. The Committee also recommended that the working group should not be constrained by political party proportionality balance of any Standards Committee; the Overview and Scrutiny Committee did not feel that there needed to be a strict party balance within the Standards Committee, but this could be something the working group would examine.

The Overview and Scrutiny Committee was very concerned about how the issue of the independent member is handled. The Committee felt strongly that the independent members had been very useful and there was a real risk of skill and knowledge being lost. The Committee also felt strongly that the inclusion of Parish and Town Councillors on any Committee was vital. The Committee emphasised the urgency in the delivery timescales as the new regime starts in July.

Members agreed that independent members were an integral part of the process and helped to ensure a public perception of fairness. Councillor Gifford felt it was disappointing that the working group could not have an independent member but accepted that this ruling came from the Act.

Many members were concerned that in losing the independent members from the Committee it would result in a great deal of knowledge and experience also being lost. However, the Executive were confident that independent members would still be involved in a supporting role to ensure that impartiality was not compromised.

Having read the report, and heard the representations from the Scrutiny Committee and the Chair of Standards Committee, the Executive decided to agree the recommendations as set out.

RECOMMENDED that

- (1) the Council should adopt its own "Standards Committee" following the abolition of the statutory requirement to have a Standards Committee;
- (2) Group Leaders (or their respective nominees) and the Council's Deputy Leader should form a Working Group to determine the Terms of Reference, number of Members and procedures of the Standards Committee;
- (3) the Working Group should determine the future role in respect of the Standards Committee for Parish/Town Councillors;
- (4) a Code of Conduct be adopted and the Monitoring Officer prepares a Code for the Working Group's consideration;

EXECUTIVE MINUTES (Continued)

- (5) an Independent Person(s) be appointed and the Working Group, in consultation with the Monitoring Officer, should determine the level of remuneration for said Person(s) and the Monitoring Officer takes the necessary steps to make the appointment(s);
- (6) the Working Group should bring forward recommendations for approval regarding Councillor Withdrawal from Meetings in respect of registrable interests;
- (7) the Working Group bring forward recommendations for approval regarding Dispensations which would allow attendance at meetings where otherwise attendance would be barred; and
- (8) the transitional arrangements put in place as the new Standards Regime comes into being, be noted.

(The Portfolio Holder for this item was Councillor Doody)

PART 2

(Items which a decision by Council is not required)

129. 2012/13 CORPORATE REPAIRS AND IMPROVEMENTS PROGRAMME

The Executive considered a report from Housing and Property Services which provided the rationale for the proposed allocation of the works against the budget for the Corporate Repairs and Improvement Programme for 2012/13.

Housing and Property Services managed the Corporate Property Repairs and Improvement Programme budget and coordinated the proposed programme of works, which had been set following consultation with the Corporate Property Investment Board and client service areas who managed the various corporate buildings and assets. To ensure that the Council was spending the budget effectively in the current climate it was considered that members needed to be aware of the principles underpinning the budget allocation to ensure the process was transparent.

The proposed works were identified at Appendix A to the report and included the unallocated funds the budget and any deferred projects.

An alternative option was to not apply the previously agreed budget setting criteria and/or not to manage the budget centrally but instead let service areas decide priorities and allocation. However, these options had been rejected when the review was carried out in 2008.

A second alternative was to not proceed with the current proposed programme of works as set out in Table A3 of Appendix A to the report, but instead defer any or all of the prioritised projects to future years.

EXECUTIVE MINUTES (Continued)

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

Having read the report, the Executive decided to agree the recommendations as set out.

RESOLVED that

- (1) the proposed allocation of the Corporate Property Repairs and Improvement Programme budget for 2012/13, as set out in Appendix A to the report, be approved;
- (2) the Head of Housing & Property Services, in consultation with the Council's Procurement Manager, be authorised to procure the works as per the Code of Procurement Practice;
- (3) the £29,600 DDA budget (Disability Discrimination Act) be merged into the Corporate Repairs and Improvement Planned Project Budget; and
- (4) the Head of Housing & Property Services will present a half year update Report on the agreed projects for the unallocated budget.

(the Portfolio Holder for this item was Councillor Vincett)

130. PLAY AREA REVIEW

The Executive considered a report from the Greenspace Development Manager which outlined proposals put forward by the Council's Play Working Party, for removals and enhancement of play areas and the cost implications for the next ten years. The report also updated Members on the Play Equipment Renewal Reserve and the opportunities for transferring play areas to other agencies and community groups.

Many of the existing play areas had been installed during 2002/03 as part of the £1.1 million Play Area Improvement Programme, and many would reach the end of their useable life in the next ten years. The estimated cost to replace the existing provision, on a like for like basis, was £1.82m.

The report highlighted that this figure could be reduced if the Council were to revise their approach to play provision and there was a budgetary provision of £280k for capital replacement of play areas for the District.

A proposal for the reduction and enhancement of the Council's play areas was attached as appendix to the report and members were asked to agree to the principle of decommissioning or transferring various play areas, based on the information contained in section 7.4 of the report.

EXECUTIVE MINUTES (Continued)

An alternative option was to continue with the current approach and pattern of play provision. However, it was not felt that this approach would be cost effective and all 49 play areas would continue to be of low play value. This approach had been estimated to cost £1.82m.

Much of the play equipment installed as part of the 2002-2003 £1.1 million playground initiative would be approaching the end of its life and could require removal on health and safety grounds. This would result in shortfalls in provision and many children and young people would not be able to access a sufficient range of play opportunities within their own local neighbourhood.

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

Having read the report, the Executive decided to agree the recommendations as set out.

RESOLVED that

- (1) the Play Working Party's Play Area Standard for the future provision of the Council's play areas, be approved;
 - Access - There is a play area within 480m of every home in Warwick District;
 - Quality - That play areas are designed to be as safe and inclusive as possible to access and use, and to be of high play value;
 - Area - That an area of at least 0.3 hectares per 1000 population is provided for play areas on new residential developments;
- (2) the Play Working Party proposals for the reduction and enhancement of the Councils plays areas, be approved, as per the Play Area Development Plan attached as an appendix to the report;
- (3) the following play areas be decommissioned or transferred, subject to a sustainable future being determined for each unoccupied area following removal of play equipment, and for this to be done in consultation with the Portfolio Holder;
 - Saxon Meadows Leamington Milverton Ward – decommission;
 - Patterns Road Warwick North Ward and – decommission;
 - Red Lane Kenilworth Abbey Ward – decommission or transfer;

EXECUTIVE MINUTES (Continued)

- (4) the Play Working Party review the provision of young people's outdoor facilities, including skate, BMX, Multi Use Game Areas, bringing a further report to Executive by October 2012.

(The Portfolio Holder for this item was Councillor Shilton)

131. RURAL / URBAN CAPITAL IMPROVEMENT APPLICATION

The Executive considered a report from Finance which provided details of a Rural/Urban Capital Improvement Application by Hatton Village Hall for the redecoration of rooms following major electrical replacement work.

The Council operated schemes to award Capital Improvement Grants to organisations in urban and rural areas. The grants recommended were in accordance with the Council's agreed scheme and would provide funding to help the schemes progress.

Hatton Village Hall submitted an application to redecorate the main rooms at the Hall following extensive electrical replacement work last year for which Warwick District Council awarded a grant of £8,682 in December 2010. The Village Hall had £95,877 in reserves, as detailed in appendix 1 to the report.

The report recommended that the Executive approve the award of a Rural/Urban Capital Improvement Grant to Hatton Village Hall of 50% of the total cost of the project inclusive of VAT subject to a maximum payment of £2,832.

The Council only had a specific capital budget to provide grants of this nature and therefore there were no alternatives if the Council was to provide funding for Rural/Urban Capital Improvement Schemes. However, members could choose not to approve the grant funding, or to vary the amount awarded as discussed in paragraph 7 of the report.

Having read the report, the Executive decided to agree the recommendations as set out.

RESOLVED that a Rural/Urban Capital Improvement Grant of £2,832 be approved to Hatton Village Hall for the redecoration of the main rooms following electrical work last year, which equates to 50% of the cost.

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

132. PROTECTION OF HISTORIC PARKS AND GARDENS – WANTAGE, KENILWORTH

The Executive considered a report from Development Services which requested approval to carry out a public consultation for the inclusion of the gardens at Wantage, No. 1 Castle Hill, Kenilworth into the Local Register of Historic Parks and Gardens in Warwick District.

EXECUTIVE MINUTES (Continued)

Wantage was a Grade II Listed property and therefore eligible for grant aid. It was possible that features/walls within the gardens could also become eligible for grant aid if the garden were to be included within the Register.

As part of investigatory work carried out in the assessment of recent Planning and Listed Building Applications affecting Wantage and its grounds, the historical significance of the gardens alongside the Grade II Listed House had become apparent. An accompanying paper, together with a plan, setting out the background and features of the garden was included with the report and it was proposed that this, or a similar paper, would be used as part of the consultation process.

Following the consultation process, a report would be brought back to Executive recommending or otherwise that the garden be included within the Local Register.

The report explained that if Planning Applications or Listed Building Applications affecting the garden were to be received, the Local Planning Authority would be required to consult with Warwickshire Gardens Trust.

An alternative option was to not recommend the garden for inclusion in the Local Register, however, this would reduce the level of significance of the garden in any Planning or Listed Building decision to be made on the garden.

Having read the report, the Executive decided to agree the recommendations as set out.

RESOLVED that

- (1) approval be granted for a period of public consultation for the inclusion of the gardens at The Wantage, No. 1 Castle Hill, Kenilworth in the Local Register of Historic Parks and Gardens; and
- (2) a report be brought back to the Executive following public consultation.

(The meeting ended at 8.10 pm)