

EXECUTIVE

Minutes of the meeting held on Wednesday 14 December 2011 at the Town Hall, Royal Leamington Spa at 6.00 pm.

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

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

Apologies for absence were received from Councillor Mrs Gallagher.

94. **DECLARATIONS OF INTEREST**

Minute Number 97 – Local Government Pension Scheme Consultation

Councillors Caborn, Doody and Mobbs declared personal interests because they were members of the pension scheme.

Councillor Coker declared a personal interest because he was a representative on the Warwickshire County Council's Pension Fund Consultative Panel.

Councillor Boad declared a personal interest because his wife was a member of the pension scheme.

Minute Number 99 – Response to Warwickshire Waste Core Strategy

Councillors Caborn, Doody and Shilton declared a personal interest because they were Warwickshire County Councillors.

Minute Number 100 – Retail Development in Leamington Town Centre – Part One & Minute Number 104 – Part Two

Councillors Boad and Gifford declared personal and prejudicial interests because they had been members of the Executive when the original decision regarding the redevelopment of Leamington town centre was taken.

They left the room whilst the item was discussed.

Minute Number 103 – Allocation of budget to deliver Voluntary Sector Services in Warwick District 2012-2015

Councillor Boad declared a personal and prejudicial interest because he was a Trustee of the Chain in Lillington and left the room whilst the item was discussed.

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Minute Number 106 – Sale of Art Gallery

Councillor Barrott declared a personal and prejudicial interest because he was an employee of Mid-Warwickshire College and a Trustee Director of the Citizen's Advice Bureau. He left the room whilst the item was discussed.

Councillor Gifford declared a personal and prejudicial interest because one of the companies detailed in the report was a client of his wife. He left the room whilst the item was discussed.

Councillor Mrs Knight declared a personal interest because she had an association with Bath Place Community Venture.

95. **MINUTES**

The minutes of the meeting held on 16 November 2011 were taken as read and signed by the Chairman as a correct record.

PART 1

(Items which a decision by Council is required)

There were no part one items.

PART 2

(Items which a decision by Council is not required)

96. **TECHNICAL REFORM OF COUNCIL TAX**

The Executive considered a report from Finance which detailed the consultation on technical reforms of Council Tax, recently launched by the government. In its desire to keep levels of Council Tax down, the Government were proposing to give billing authorities greater discretion over the reliefs from Council Tax available, in respect of second homes and other empty properties in order to maximise revenue. In addition, the Government also addressed some technical issues which had arisen in recent years, to explore modernising the system in certain minor respects, and to seek views on whether some other aspects of the system should be changed.

Some of the proposals within the document would require primary legislation and consequently the Government planned to bring it forward in a local government finance bill in the parliamentary session. The proposals, if adopted, would come into effect for 2013-14 and subsequent years. The consultation period ended on 29 December 2011.

The Executive recognised that they could choose not to endorse the recommendations but this would be detrimental because the proposals presented an opportunity to raise additional revenue on empty properties.

The Finance & Audit Scrutiny Committee supported retaining the status quo, which was to ask residents to pay Council Tax over the course of 10 months (with 2 months when no instalments were due to be paid, but with

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an option to pay over 12 months if preferred), which consultation had shown residents were happy with.

The Overview and Scrutiny Committee welcomed the flexibility that this provided to Local Government. Councillor Gifford addressed members and highlighted the positivity of bringing empty homes back into use.

The Portfolio Holder for Finance, Councillor Mobbs, agreed with the comments made by Finance and Audit Scrutiny Committee and concurred that residents of the District seemed to prefer their Council Tax bill to be paid over ten months.

Having read the report, and having heard the representations from the Scrutiny Committees and the officers present, the Executive decided to agree the recommendations as set out in the report.

RESOLVED that the Council Tax Reforms consultation paper be noted and the proposed response to the consultation be agreed.

(The Portfolio Holder for this item was Councillor Mobbs)

97. LOCAL GOVERNMENT PENSION SCHEME CONSULTATION

The Executive considered a report from Finance which updated members on proposals to change the Local Government Pension Scheme (LGPS) and invited comments to be included on the response to the consultation.

The consultation paper on proposed reforms to the Local Government Pension scheme was published on 12 October 2011 and included proposals intended to be implemented from 1 April 2012. The closing date for responses was 6 January 2012 and a copy of the consultation paper was attached as an appendix to the report.

The main proposals were extensive, detailed in paragraphs 7.2 and onwards in the report, and the draft response to the consultation paper was attached as an appendix to the report.

The Local Government Pension Scheme (LGPS) was a defined benefit, final salary scheme and provided inflation-linked pension benefits based on an employee's final salary at retirement. The scheme had approximately 3.7 million members.

A major Scheme reform saw the introduction from 1 April 2008 of a new-look LGPS including revised benefit terms. The Scheme's accrual rate was improved from 1/80ths to 1/60ths with the normal retirement age of 65 years being retained and new ill health provisions and other benefit adjustments within a fixed, agreed cost-envelope. Alongside the improved accrual rate, the "lump sum" payment on retirement ceased.

Under the current arrangements the Council was estimated to make pension fund contributions in 2012/13 of £1,950,000 (General Fund and Housing Revenue Account). In addition, contributions from employees of £734,000 were expected. Within the Council's Medium Term Financial

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Strategy, pension costs for the General Fund were estimated to increase by £235,000 over the period 2013/14 to 2016/17. This reflected the employers' contribution rate being increased from 15.4% over a phased period to 18.2%, the anticipated long term contribution rate.

Under the proposals the employees contributions would increase, with there being reduced contributions from the Council in future years. The increased employee superannuation contributions proposed would share the cost of future pensions more evenly between employees and employers (local authorities) overall. With the pension fund still not being fully funded, the actuaries were expected to advise local authorities to retain their current funding contribution levels.

An alternative option was that members could choose not to respond to the consultation, or to make alternative proposals, however, the Local Government Group, representing employers, submitted their proposals to make the savings requested by the Government.

These consisted of an increase to the normal pension age to 66, and a member choice of an increased contribution rate or change in the scheme's accrual rate. Full details of these proposals were included within the consultation paper and related costings, both attached as appendices to the report.

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

The Portfolio Holder for Finance, Councillor Mobbs, endorsed the report and proposed the recommendations as printed.

Having read the report, and having heard the representations from the Scrutiny Committees and the officers present, the Executive decided to agree the recommendations as set out in the report.

RESOLVED that

- (1) the current position on the Local Government Pension Scheme, be noted; and
- (2) the Pension Scheme consultation paper and the proposed response to the consultation, be agreed.

(The Portfolio Holder for this item was Councillor Mobbs)

98. PEER CHALLENGE

The Executive considered a report from the Improvement and Performance team advising that the Local Government Group (LGG) was offering all Councils a free Peer Challenge exercise over the next three years. The report detailed the proposed scope and timing of this exercise.

The Peer Challenge was being offered to every local authority as part of their "Taking the Lead" offering which sought to replace the former

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Comprehensive Area Assessment (CAA) regime with a sector lead approach to self-regulation and improvement. The offering was significantly different from the assessment based approaches of CAA and Comprehensive Performance Assessment (CPA) and was also free of charge.

Following discussions between the Council's Corporate Management Team and the LGG a number of proposals were detailed as to how and when the Council could take advantage of the offer. The proposals were detailed in section 3.3 of the report and included information on the scope, timing and the peer team.

The peer challenge would consider five core elements which formed part of all corporate peer challenges, including financial planning; political and managerial leadership and organisational capacity.

This was scheduled to take place over a three day period in July 2012 and the make-up of the team would be suggested by the LGG who would undertake the challenge for our approval or veto. It was proposed that the team include a current or former District Council chief executive and a current or former District Council leader.

The Council could choose not to undertake a Peer Challenge but because the offering was free and the potential for learning from external challenge significant, this option was rejected. In addition, members could choose to focus the challenge on a different scope or to undertake the challenge at any time within the next three years. However other options had been rejected on the basis that the local plan and strategy development would be emerging in draft form in the months preceding July, but not finalised. Officers, therefore, felt this was the ideal time to take stock of the Council's approach whilst there was still significant flexibility in the way forward.

A joint meeting of the Finance & Audit Scrutiny Committee and Overview & Scrutiny Committee received a presentation on this item, asked questions in relation to the process, timeframe and benefits, but did not pass comment.

Councillor Caborn addressed members, endorsing the report and highlighted that this would be a valuable exercise in moving the Council forward.

Members who had attended the presentation with the joint scrutiny committees, stated that it had been very useful and looked forward to the opportunity to challenge themselves and officers.

Councillor Mobbs highlighted the valuable experience gained by all those involved in the peer team and expressed a desire to have more member involvement, if possible.

Having read the report the Executive decided to agree the recommendations.

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RESOLVED that the Local Government Group be invited to undertake a Peer Challenge in July 2012 focusing on our Fit for the Future programme in light of progress to date and the implications of the emerging local plan and strategy review.

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

99. RESPONSE TO WARWICKSHIRE WASTE CORE STRATEGY

The Executive considered a report from Policy Projects and Conservation advising of the Warwickshire Waste Core Strategy – Preferred Option and Policies and requested approval of the Council’s formal response.

At the Executive meeting in June 2011, members considered and amended a response to the previous stage of the Waste Core Strategy – Emerging Spatial Options consultation. This latest consultation represented the next stage and took into account responses received at that previous stage to inform the preferred option and policies.

The Warwickshire Waste Core Strategy (WCS) was a Development Plan Document prepared by the County Council which would set out the Spatial Strategy, Vision, Objectives and Policies for managing waste in the County for a 15 year plan period up to 2027/2028. It also provided the framework for implementation and monitoring and for waste development management. Warwickshire County Council would use the WCS to guide their determination of planning applications for waste facilities. The report highlighted the importance that the Executive note and inform the continuing preparation of this document because it would shape the District’s future environment and potentially support the achievement of a number of the SCS objectives.

The Portfolio Holder for Development Services, Councillor Hammon addressed members, endorsing the report and requested they support the recommendations.

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

RESOLVED that the Warwickshire Waste Core Strategy – Preferred Option and Policies be noted and the comments set out in paragraphs 3.3, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, 3.11 and 3.12 be approved as the Council’s formal response.

(The Portfolio Holder for this item was Councillor Hammon)

100. RETAIL DEVELOPMENT IN LEAMINGTON TOWN CENTRE – PART ONE

The Executive considered a report from the Deputy Chief Executive (BH) which considered how retail led development could be brought forward in Leamington town centre in accordance with current and future Local Plan policies and priorities.

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To ensure members came to a fully informed and fair decision, they were provided with further information detailed in the confidential section of the agenda, at item 12. This financial information was exempt from the public domain because it fell under paragraph 3 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006. This was specific to information relating to the financial of business affairs of the Council and the Developers.

The Chief Executive, Chris Elliott, clarified that members were only using this information to reach an informed decision on agenda item 3 and no proposal was made or taken on item 12.

One alternative option was that Members could decide not to pursue retail led development within Leamington town centre. This was discounted because to do so could potentially expose the District to an immediate and continuing risk of out of town development with a potentially significant impact on the vitality and viability of the Districts primary retail centre.

Other alternatives were to appeal the planning refusal or not to seek to revise the development agreement with Wilson Bowden. These were both discounted for the reasons set out in section 5 of the Part B report.

In addition, members could decide not to approve funding for a planning coordinator post. This was also discounted given the prominence of the two corporate projects that it was intended would be supported and the need to demonstrate our intent to our development partner our.

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

The Overview and Scrutiny Committee recommended to the Executive that if there was a viable and suitable scheme, the Executive should consider public engagement to enable mature debate on the retail benefits or otherwise for retail development. A few members had concerns about public engagement, stating that this might be viewed as the Council spending money to convince the population to come around to its point of view.

The Overview and Scrutiny Committee agreed the nine recommendations in the report. However, on recommendation 2.8, two members did not agree with spending £60,000 for this purpose.

In response to the recommendation from the Overview and Scrutiny Committee, the Executive stated that if they believed there was a viable scheme, the Council would work with Wilson Bowden on an improved communication strategy which should address the Committee's concerns.

The Executive therefore, decided to refuse the proposed recommendation from the Overview and Scrutiny Committee.

The Portfolio Holder for Development Services, Councillor Hammon endorsed the report and highlighted how timely this was following on from

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the recently published Mary Portas report. He stated the importance of continuing with this scheme which had been worked on for a number of years, to ensure the area defended itself against out of town shopping developments.

Having read the report, and having heard the representations from the Scrutiny Committees and the officers present, the Executive decided to agree the recommendations as set out in the report.

RESOLVED that

- (1) the rationale for bringing forward retail led development in Leamington Town Centre remains intact despite the implications of the refusal of planning permission for the proposed Clarendon Arcade development on the Chandos Street site;
- (2) this Council's commitment to bringing forward retail led development of Leamington town centre on the Chandos Street site, be reaffirmed;
- (3) the Development Agreement with Wilson Bowden commits the Council to undertake the preparatory work necessary for a compulsory purchase order to be made to assist its development partner to bring forward a viable retail led development scheme ("the CPO"), with the costs of such work indemnified by Wilson Bowden;
- (4) authority be delegated to the Deputy Chief Executive (BH), in consultation with the Leader, Deputy Leader, Development Portfolio Holder and s151 Officer to undertake negotiations with Wilson Bowden to establish the nature and implications of any revisions that may prove necessary to the existing Development Agreement to facilitate a suitable and appropriate revised retail led development scheme being brought forward on a realistic timescale;
- (5) subject to approval of 2.4 Executive approves the potential use of up to £40,000 from the Contingency Budget to fund specialist retail or legal advice, with authority to utilise the funding delegated to the Deputy Chief Executive (BH) and s151 Officer, in consultation with the Leader, Deputy Leader and Development Portfolio Holder should the progress of the proposed negotiations demonstrate a need;

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- (6) subject to approval of recommendation 2.4 and the outcome of the proposed negotiations, a further report be submitted to enable it to consider approval of any necessary revisions to the Development Agreement;
- (7) authority be delegated to the Deputy Chief Executive (BH), in consultation with the Leader, Deputy Leader and Development Portfolio Holder, to agree with its development partner, Wilson Bowden, that the planning decision will not be appealed and to formally advise that a new Planning Unconditional Date, as specified by the Development Agreement, will be agreed;
- (8) the use of the Service Transformation Reserve, up to a maximum amount of £60,000, be approved to allow the engagement of a suitably qualified temporary member of staff to work on the co-ordination of a revised Clarendon Arcade project, including the preparatory work for the CPO and on the co-ordination of other major corporate projects such as the Coventry & Warwickshire Gateway project; and
- (9) dependant on the progress of discussions with Wilson Bowden, a further report would be brought forward to enable Executive to determine whether it considers 'in principle' support for a suitably revised scheme was appropriate, prior to the submission of a fresh planning application.

(The Portfolio Holder for this item was Councillor Hammon)

101. RURAL / URBAN CAPITAL IMPROVEMENT INITIATIVE SCHEME

The Executive considered a report from Finance which provided details of a Rural/Urban Capital Improvement Applications by Norton Lindsey Parish Council for the refurbishment / replacement of notice boards plus one from Whitnash Town Council for the replacement and installation of new play equipment at Acre Close.

Norton Lindsey Parish Council submitted an application to refurbish and replace notice boards because the existing ones were too small to display all the notices or in such a state of disrepair they needed replacing. The Parish Council had £58,650 in reserves and their last successful application from the Rural Initiative Scheme was in March 2008 for £500.

The report recommended that the Executive approve the award of a Rural/Urban Capital Improvement Grant to Norton Lindsey Parish Council of 50% of the total cost of the project exclusive of VAT subject to a maximum payment of £800.

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Whitnash Town Council submitted an application to replace and install new play equipment including a toddler area at Acre Close playing fields and would include the removal of old play equipment which had been in situ for over 15years.

It was detailed that the play area would be for all ages and because it was well used, would help towards the Council's initiative of reducing obesity within children.

Whitnash Town Council were also applying to the Waste Recycling Environmental Limited (WREN) for a grant from the Landfill Communities Fund of £27,813 and in order to access this fund, Warwick District Council would act as a third party agent and therefore must contribute 11% of the WREN award i.e. £3,059 . If the application was successful, the District Council would pay this amount to WREN and reduce the amount of grant payable to Whitnash Town Council. The total maximum support requested from the District Council would still be £26,500.

Whitnash Town Council had £105,168 in reserves and from this the ongoing maintenance for the new equipment would have to be budgeted for. The Town Council's last successful application from the Rural Initiative Scheme was in December 2008 for £4,704.

It was recommended that the Executive approve the award of a Rural/Capital Improvement Grant to Whitnash Town Council of 44% of the total cost of the project exclusive of VAT subject to a maximum payment of £26,500.

The Council only had a specific capital budget to provide grants 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.

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

Members were satisfied with the details supplied in the report and appendices and stated that it was encouraging to see that Parish and Town Council's were producing positive improvement schemes.

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

RESOLVED that

- (1) a Rural/Urban Capital Improvement Grant of £800 be approved to Norton Lindsey Parish Council for the refurbishment/replacement of notice boards; and
- (2) a Rural/Urban Capital Improvement Grant of £26,500 be approved to Whitnash Town Council

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for the replacement and installation of new play equipment.

(The Portfolio Holder for this item was Councillor Mobbs)

102. PUBLIC AND PRESS

RESOLVED that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following items by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Minute No.	Para Nos.	Reason
103 to 107	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The full minutes of Minutes 103 to 108 were contained within a confidential minute which would be made available to the public following the implementation of the relevant decisions. However, a summary of the decisions was as follows:

103. ALLOCATION OF BUDGET TO DELIVER VOLUNTARY SECTOR SERVICES IN WARWICK DISTRICT 2012-2015

The recommendations as set out in the report were agreed with an additional recommendation to be added following comments received from the Overview and Scrutiny Committee.

104. RETAIL DEVELOPMENT IN LEAMINGTON TOWN CENTRE – PART TWO

This was an information only report to assist members to come to a fully informed and fair decision and was taken in conjunction with the report entitled Retail Development in Leamington Town Centre – Part One, Minute Number 100.

This financial information was exempt from the public domain because it fell under paragraph 3 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006. This was specific to information relating to the financial of business affairs of the Council and the Developers.

The Chief Executive, Chris Elliott, clarified that members were only using this information to reach an informed decision on agenda item 3 and no proposal was made or taken.

105. APPROVAL OF COMPENSATION PAYMENT

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It was agreed to withdraw this item to allow officers sufficient time to investigate an issue raised at the Finance & Audit Scrutiny Committee.

106. SALE OF ART GALLERY

The recommendations as set out in the report were agreed.

107. GYPSY AND TRAVELLER SITES UPDATE

The recommendations as set out in the report were agreed with some amendments.

108. MINUTES

The confidential minutes of 16 November 2011 were taken as read and signed by the Chairman as a correct record.

(The meeting ended at 7.35 pm)