

WARWICK DISTRICT COUNCIL

Minutes of the meeting held on Wednesday 1 March 2000 at the Town Hall, Royal Leamington Spa at 6.00 pm.

PRESENT: Councillor Mrs Compton (Chairman); Councillors Attwood, Mrs Begg, Boad, Mrs Boad, Butler, Byrd, Caborn, Mrs Clayton, Cleaver, Cockburn, Coker, Copping, Crowther, Darmody, Davis, Doody, Dove, Dray, Mrs Edwards, Mrs Evans, Evans, Ms Flanagan, Gifford, Gill, Golby, Mrs Goode, Guest, Hammon, Harris, Mrs Hodgetts, Kent, Kirton, Kohler, Mrs Leddy, MacKay, Mrs Pavier, Shilton, Short, Tamlin, Thomas, Wooller.

649. **PRAYER**

A prayer was offered by the Chairman's Chaplain.

650. **APOLOGIES**

Apologies for absence were received from Councillors Aujla, Jackson and Talbot.

651. **MINUTES**

The minutes of the meeting of the Council held on 5 January 2000, were taken as read, approved and signed by the Chairman.

652. **COMMUNICATIONS AND ANNOUNCEMENTS**

- (A) The Chairman welcomed to the meeting a number of senior Local Government representatives from Namibia who are participating in a study visit during March 2000.
- (B) The Chairman referred to the presentation which had taken place earlier that evening to mark the retirement of Stuart Powell. On behalf of the Council, she expressed her thanks and appreciation to Mr Powell for his valued and distinguished services to the Council since its inception, and wished him a long and happy retirement.
- (C) The Chairman reminded the Council that her Civic Evening would be held on Friday, 24 March 2000 which would be a celebration of the refurbishment of the Royal Pump Rooms.
- (D) The Chairman reported that she would be hosting a concert featuring Divertimento on 1 April 2000 the proceeds from which could be donated towards her charities. Tickets were currently on sale and she encouraged as many Members as possible to attend.

COUNCIL MINUTES (Continued)

653. QUESTIONS PURSUANT TO STANDING ORDER 7(2)

(A) From Councillor C S Cleaver to the Chair of the Resources Sub-Committee:-

"From Councillor C S Cleaver to the Chair of the Resources Sub-Committee:-

Question

"Can I be given an up to date report on the developments relating to the Post Office and adjoining property in Weston-under-Wetherley?"

Councillor Mrs J E M Evans, Chair of the Resources Sub-Committee, replied:-

Answer

"The issue of the shop is complex, having three related elements. There are housing matters, property management matters and those to do with the viability of a business at that location. This is a confidential item which will be the subject of a report to the next Resources Sub-Committee".

In a supplementary question, Councillor Cleaver asked the Chair:-

"I am aware that it is a confidential item but I would like to be afforded the courtesy of attending the Resources Sub-Committee meeting when this report goes to it as one of the Ward Councillors."

In reply, Councillor Mrs Evans said:-

"Can I thank Councillor Cleaver for raising this question again. He will be very welcome to speak at the next meeting. We have had a survey done on the possible viability of the shop in any form, and Councillor Hammon has had a copy of this. It will form part of the report."

(B) From Councillor C S Cleaver to the Chair of the Plans Sub-Committee:-

Question

"Following the decision of the Plans Sub-Committee not to take any action against the Orange Company over the installation of a mast in Cubbington, could I be told if there is any action being taken against the person/persons concerned in failing to deliver the relevant decision within the time required?"

Councillor R E Tamlin, Chair of the Plans Sub-Committee, replied:-

COUNCIL MINUTES (Continued)

Answer

“The issue of the refusal notice took place on the last day of the 42 day period for consideration of such applications correctly calculated from the date of its original receipt.

It subsequently transpired that in extending the period from the original 28 days to 42 days, Government Regulations had also been amended to affect the way in which the relevant date was calculated. For many years, the relevant 28 day calculation was required to be made” commencing with the day following the receipt of the application”. When the 42 day regulations were brought in, the regulations were changed to state that the 42 day period should be calculated “commencing with the date of receipt of the application”. No reference to this wording change was made in the accompanying Circular.

The net result is that although the internal timescale for the issue of the decision had been correctly calculated and adhered to, the effective removal of a day through the minor wording change in the regulations had not been identified.

The Head of Planning has investigated this matter in detail. Whilst it would not be proper to discuss the detail of internal management actions in respect of such an incident, Councillor Cleaver can be assured that the matter has been rigorously investigated and properly dealt with.”

In a supplementary question, Councillor Cleaver asked the Chair:-

"I am not reassured by what is being said in the answer unless I know what investigations did take place."

In reply, Councillor Tamlin said:-

"I felt that the answer does set out clearly the background to this particular item and the action which has been taken since then. I am aware that Councillor Cleaver did receive a letter which was sent the day after the meeting of the Sub-Committee, from the Head of Legal Services, which did set out some further details in relation to this matter. I think the two together do provide Councillor Cleaver with a full answer."

(C) From Councillor Mrs E M Goode to the Chair of the Plans Sub-Committee:-

COUNCIL MINUTES (Continued)

Question

"In view of the resolution passed by the Health and Control Committee on 12 January 2000 "that this Committee notes that the current scientific research raises sufficient doubts concerning the possible effects of microwave radiation on human health and therefore the Committee believes that the "precautionary principle" should be able to be used on planning applications for telecommunication masts. A further report is to be brought to this Committee when/should more substantive evidence or Government guidance become available."

What action is the Planning Department taking to advise Members of the Plans Sub-Committee of this resolution?"

Councillor R E Tamlin, Chair of the Plans Sub-Committee replied:-

Answer

"When applications for the erection of telecommunications masts are reported to the Plans Sub-Committee, Members are advised of the relevant Government Advice that needs to be taken into account when considering a response to such an application.

Should Council endorse the minute a report on the resolution of the Health and Control Committee will be made to the Executive Committee/Development Committee during the cycle of Committees commencing after the start of the new Council year in May.

In the meantime, should any telecom mast applications come before the Plans Sub-Committee, then the associated report will make reference both to Government Advice and the Environmental Health and Control resolution. The resolution cannot bind the Plans Sub-Committee in arriving at a conclusion on a particular proposal. The Plans Sub-Committee will, however, be aware of the views of the Health and Control Committee at the time of considering the particular circumstances of each individual case. The Sub-Committee will also be aware of the relevant planning guidance issued to local authorities by government on such matters and will be advised of the relative weight to be given to each of the relevant material considerations."

In a supplementary question, Councillor Mrs Goode asked the Chair:-

"Can we be sure that the precautionary principle and its implications will be explained in full to the Plans Sub-Committee?"

In reply, Councillor Tamlin said:-

"The answer is extremely clear that all matters that come before the Sub-Committee will of course be judged on their merits. Officers will, when putting their reports to Committee, put all the information we require to be able

COUNCIL MINUTES (Continued)

to arrive at the judgements we need to. Clearly, within that, we will be given the most up to date, relevant Government advice, and be made aware of the decision taken by the Health and Control Committee. What is of particular relevance is that we are, as is normal, given advice on what weight we attach to sometimes conflicting items of opinion and, as is always the case, it is a matter for the Members of the Sub-Committee to weigh up that advice and arrive at their own individual conclusions, and vote accordingly."

654. STRATEGY COMMITTEE

It was moved by Councillor Dove, and duly seconded that

- (1) the report of the Strategy Committee dated 16 February 2000 be approved and adopted subject to, in Appendix "I" of Minute 635, the addition as a one-off item of a Youth Sports Development post in the sum of £21,000, and to reduce the play areas provision from £100,000 to £79,000; and
- (2) in conjunction with consideration of the recommendation set out in Minute 634 (Council Tax Calculation of Warwick District Council Element 2000/2001), the recommendations set out in the report of the Responsible Financial Officer regarding the setting of Council Tax 2000/01, as referred to in Agenda Item Number 7, be approved and adopted.

First It was moved by Councillor Coker and duly seconded that in Amendment Minute 632 (New Democratic Structures for Warwick District Council), recommendation (1) be deleted and the following inserted:-

"(1) the implementation of these new structures be deferred for two cycles with a view to further consideration of those democratic structures."

On a vote being taken, the amendment was declared lost.

- (B) Second Amendment It was moved by Councillor Shilton and duly seconded that in Minutes 635 the funding of the Youth Sports Development post be taken from reserves and not the provision for play areas.

COUNCIL MINUTES (Continued)

Following debate on the amendment, the mover, with the agreement of the seconder, agreed to withdraw his amendment.

(C) Adoption of Report

The original Motion was then put to the meeting and declared carried. It was also

RESOLVED that

- (1) it be noted that for the year 2000/01 the Warwickshire County Council and the Warwickshire Police Authority have stated the following amounts in precepts issued to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each of the categories of dwellings shown below:-

Band	Warwickshire County Council £	Warwickshire Police Authority £
A	451.7892	51.7121
B	527.0874	60.3307
C	602.3856	68.9494
D	677.6838	77.5681
E	828.2802	94.8055
F	978.8766	112.0428
G	1,129.4730	129.2802
H	1,355.3676	155.1362; and

- (2) having calculated the aggregate in each case of the amounts at paragraph 4.1 above and the amounts required under 36(1) of the Local Government Finance Act 1992, the Council in accordance with Section 30(2) of the Act hereby sets the amounts shown in Appendix "A" as the amounts of Council Tax for the year 2000/01 for each of the categories of dwellings shown.

655. **DEVELOPMENT COMMITTEE**

It was moved by Councillor Crowther, and duly seconded and

RESOLVED that the report of the Development Committee dated 10 January 2000, be approved and adopted.

656. **LEISURE COMMITTEE**

It was moved by Councillor Ms Flanagan, duly seconded and

COUNCIL MINUTES (Continued)

RESOLVED that the report of the Leisure Committee dated 11 January 2000, be approved and adopted.

657. **HEALTH AND CONTROL COMMITTEE**

It was moved by Councillor Attwood, duly seconded and

RESOLVED that the report of the Health and Control Committee dated 12 January 2000, be approved and adopted.

658. **HOUSING COMMITTEE**

It was moved by Councillor Byrd, duly seconded and

RESOLVED that the report of the Housing Committee dated 25 January 2000, be approved and adopted.

659. **CONTRACT SERVICES BOARD**

It was moved by Councillor Attwood, duly seconded and

RESOLVED that the report of the Contract Services Board dated 31 January 2000, be approved and adopted.

660. **SELECTION COMMITTEE**

It was moved by Councillor Dove, duly seconded and

RESOLVED that the report of the Selection Committee dated 7 February 2000, be approved and adopted.

661. **PLANS SUB-COMMITTEE**

It was moved by Councillor Tamlin, duly seconded and

RESOLVED that the reports of the Plans Sub-Committee dated 20 December 1999, 17 January and 8 February 2000, be approved and adopted.

662. **NOTICES OF MOTION**

(A) It was moved by Councillor Mrs M A Begg, and duly seconded:-
"In view of the dissatisfaction expressed by several local organisations this Council resolves to provide better opportunities for local groups to publicise their events at the Pump Rooms."

RESOLVED that the Motion stand referred to the Leisure Committee.

COUNCIL MINUTES (Continued)

(B) It was moved by Councillor J S Hammon, and duly seconded:-

"The costs and consequences of the Town Centres Parking Study have reflected badly on this Council. Steps must be taken to make sure these do not recur.

Therefore;

- (1) the Legal Services Department should take immediate steps to recover from W S Atkins payment for the Town Centres Parking Study and resultant costs to this Council;
- (2) in view of the Audit Services Manager's investigation report into possible irregularities in the commissioning and oversight of the Town Centres Parking Study, new guidelines for all departments in the Council should be adopted regarding appointment and oversight of consultants".

RESOLVED that Part (1) of the Motion be referred to the Development Committee, with Part (2) being referred to the Strategy Committee.

663. **SECTION 92, LOCAL GOVERNMENT ACT 1972 - DECLARATIONS OF INTEREST**

In addition to Members who had already disclosed their interest in the appropriate Committee and Sub-Committee Minutes the following declared their interest in respect of the Minutes set out in columns (1) and (2) below and, when the Minutes were discussed by the Council, took no part in the discussion and did not vote.

(Those shown with * indicate Members who left the meeting whilst the matter was under discussion.)

COUNCIL MINUTES (Continued)

<u>Minute</u>	<u>Subject</u>	<u>Person declaring interest</u>
555	Response to Consultation on Councillor Tamlin the revised south west Warwick(non-pecuniary, non-substantial) framework brief, proposed modifications and outstanding issues.	

664. **COMMON SEAL**

It was

RESOLVED that the Common Seal of Warwick District Council be affixed to such deeds and documents as may be required for implementing decisions of the Council arrived at this day.

(The meeting ended at 9.45 p.m)

CHAIRMAN

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