

EXECUTIVE

Minutes of the meeting held on Wednesday 30 March 2011 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 and Shilton.

ALSO PRESENT: Councillor Barrott (Labour Group Observer), Councillor Pittarello (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 Kirton.

173. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

174. **MINUTES**

The minutes of the meeting held on 2 March 2011 were taken as read and signed by the Chairman as a correct record.

PART 1

(Items which a decision by Council is required)

175. **AMENDMENTS TO THE SCHEME OF DELEGATION**

The Executive considered a report from Members' Services which brought forward some minor, but necessary, amendments to Part 3, Section 4 of the scheme of delegation.

There were a number of amendments requested in the report which provided clarity and would assist officers in undertaking their duties more effectively.

The report stated that all of the amendments were considered necessary to enable the Council to work more effectively and were based on advice from the Council's Legal Service, therefore no alternatives were considered.

The Executive were satisfied that these amendments were necessary and agreed that the recommendations be agreed as printed.

RECOMMENDED the following amendments to the Council's Constitution, Part 3, Section 4 (Scheme of Delegation):

- (1) Addition to Head of Community Protection
Exercise all powers of local authorities under sections 19 to 28 of the Criminal Justice and Police Act 2001 including:

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- Serving and cancelling closure notices;
- Making applications for closure orders;
- Issuing certificates of termination of closure orders;
- Defending applications for the discharge of closure orders;
- Recommending appealing against the refusal to make closure orders;
- Enforcing closure orders;
- Recommending prosecuting for obstruction of authorised officers or for offences in connection with closure orders;
- and authorising officers to exercise all or any of these powers;

- (2) Amendments to the introductory paragraphs of scheme of delegation so they read as follows:

The Chief Executive, their Deputies and Chief Officers (as detailed in Article 12 of the Constitution) shall have authority, subject to the requirements of the provisions of this Constitution and within approved budgets to:

- (i) Take any necessary steps for the day to day management and routine administration of the functions or services for which they are responsible; and
- (ii) Exercise the powers delegated to them and to authorise such officers as they think appropriate to exercise on their behalf the powers delegated to them.

All members of staff have authority to act on behalf of the Council in accordance with duties set out in their job description and will carry a document as evidence of their authority duly signed by the Chief Executive. Officers will be authorised by the Chief Executive to enter premises lawfully at all reasonable hours for the purposes of carrying out such duties in line with appropriate legislation as set out on their identification badges;

- (3) Amendment to the wording of delegation G(14) so that it reads as follows

Authority, following consultation with the ~~Leader~~ the relevant Portfolio Holder and Solicitor acting on behalf of the Council, to initiate proceedings in the ~~Magistrates Courts~~ subject to the results of prosecutions being reported to members *via email*;

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- (4) Additional delegation to the Monitoring Officer
The Monitoring Officer is authorised to issue grants agreed by the Community Forums so long as they do not breach any legislative requirements, agreed policy or exceed the budget for the specific community forum; and
- (5) that delegation ES15 be removed to be replaced by revised wordings to ES(38) and ES(39) as set out below:

ES(38)

Appoint, authorise and terminate appointments of–

Medical Officers of the Primary Care Trust and the Health Protection Agency to act as 'proper officers' and/or 'Medical Officers of Health' for and on behalf of the authority, as identified and updated from time to time by those bodies in matters arising under:

S47 National Assistance Act 1948 (not Health Protection Agency) - Certificate that in the interests of any person suffering from grave chronic disease or, being aged, infirm or physically incapacitated, are living in insanitary conditions, and

- are unable to devote to themselves, and are not receiving from other persons, proper care and attention.
- or for preventing injury to the health of, or serious nuisance to, other persons
- it is necessary to remove any such person as aforesaid from the premises in which he is residing.

S48(1) Public Health (Control of Disease) Act 1984 – Certificate to enable a JP to order removal of a dead body and burial

The Health Protection (Notification) Regulations 2010 Rs2/3/6–

- to receive notifications of diseases etc in patients and dead persons from Registered Medical Practitioner
- to notify the HPA etc..

S8 Health Protection (Local Authority Powers) Regulations 2010 - Requests for co-operation for health protection purposes

Reg 5 Public Health (Aircraft) Regulations 1979 including all subsequent reference to Medical Officers.

EXECUTIVE MINUTES (Continued)

ES (39)

Appoint, authorise and terminate appointments of-

Divisional Environmental Health Officers to act as 'proper officers' for and on behalf of the authority in matters arising under:

Ss83/84/85 Public Health Act 1936 – filthy and verminous premises etc.

S47 National Assistance Act 1948 - Certificate that in the interests of any person suffering from grave chronic disease or, being aged, infirm or physically incapacitated, are living in insanitary conditions, and

- are unable to devote to themselves, and are not receiving from other persons, proper care and attention.
- or for preventing injury to the health of, or serious nuisance to, other persons
- it is necessary to remove any such person as aforesaid from the premises in which he is residing.

Ss59/61/S62 Public Health (Control of Disease) Act 1984

- Authentication of documents
- Powers of Entry - to ascertain contraventions and take persons and equipment with him

S37 Public Health Act 1961 - Disinfestation or destruction of verminous articles

The Health Protection (Local Authority Powers) Regulations 2010 - Service of Notices to

- Keep a child away from school
- Provide details of children attending school etc

The Health Protection (Part 2A Orders) Regulations 2010 - Make applications for Part 2A Orders.

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

176. APPOINTMENTS TO OUTSIDE BODIES

The Executive considered a report from Members' Services which recommended the criteria for appointments to Outside Bodies to be made by this Council.

Following a request from the Overview & Scrutiny Committee, the Member Development Group reviewed the appointments made by the Council to outside bodies. The review was undertaken by contacting each outside

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body to which the Council appoints, to establish specific information about the governance arrangements of the body along with the attendance of the Council's representative.

Each of the outside bodies were contacted on the 15 December 2010 and asked to provide information requested before 4 January 2011, a follow up letter was then sent on 28 January 2011 to all outside bodies that had not responded asking for the information to be provided before 9 February 2011.

Following the outcome of the review a criteria for appointments was produced to assess the importance of each appointment by the Council. The information received would be made available to the Councillor appointed to the body following the election.

It was not felt that there were any alternative options because the recommendations provided the most robust approach for appointing members to outside bodies and monitoring the work of the bodies.

The Overview and Scrutiny Committee agreed that it was fundamental for members attending the meetings of the bodies to report back any updates on a regular basis. Therefore the Committee put forward a recommendation to the Executive requesting that it should be a fundamental principle that Members who are selected to be representatives on a body should report back to Council and that an appropriate mechanism is established.

The Executive agreed entirely with this as they felt it important that this information be reported back to members.

In response, the Deputy Monitoring Officer distributed a revised recommendation 2.4, to read "The Executive recommends to Council that all Councillors on outside bodies be required to produce an annual statement on the work undertaken by the body which will be made available to all Councillors electronically and can be requested to be presented to a Scrutiny Committee for consideration if *any* member has concerns *about the report*."

In addition, an amended appendix was circulated which clarified a number of details including the number of representatives in Category 1 bodies and the correct titles of some groups.

The Overview and Scrutiny Committee felt that the Warwick Town Centre Management Group, Kenilworth Town Centre Partnership Group, Warwick Town Centre Partnership and Royal Leamington Spa Town Centre Partnership did not belong under 'Category 4 A body or partnership which relates to the management of an asset of the Council' and should be moved to 'Category 2 An established Council partnership with agreements in place'.

Some members of the Overview and Scrutiny Committee agreed that it was important to have member involvement in bodies which helped children and young families because they were an important part of the community.

EXECUTIVE MINUTES (Continued)

The Executive thanked the committee for their comments and agreed that the Children Centre organisations would be looked into.

RECOMMENDED that

- (1) the following criteria for appointing a Councillor to an outside body be agreed:
 1. A body or partnership to which the Council provides significant financial contribution;
 2. An established Council partnership with agreements in place;
 3. A body or partnership to which the Council is obliged to appoint a Member;
 4. A body or partnership which relates to the management of an asset of the Council; or
 5. Appointments made at the discretion of the Council.
- (2) appointments be made to those bodies listed at Appendix 1 of the report meet one of criteria 1 to 4 above;
- (3) the appointment to those bodies (detailed in Appendix 2) which meet criteria 5 of recommendation 2.1 be agreed;
- (4) all Councillors on outside bodies be required to produce an annual statement on the work undertaken by the body, which will be made available to all Councillors electronically and can be requested to be presented to a Scrutiny Committee for consideration if any member has concerns about the report;
- (5) the appointments to Outside Bodies be made by the Monitoring Officer in consultation with the Group Leaders and the Monitoring officer will also consult Group Leaders on the number of representatives on each body;
- (6) appointments to additional Outside Bodies or replacement members to agreed Outside Bodies during the municipal year be appointed by the Monitoring Officer in Consultation with the Group Leaders;
- (7) the Outside Bodies detailed at Appendix 3 of the report no longer require appointments based on the responses received to the consultation work undertake;

EXECUTIVE MINUTES (Continued)

- (8) for bodies where the Council provides them a grant and the Council has appointed to that body, a copy of the Financial Statement supporting the grant application must be given to both the Community Partnership Team and the Member(s) appointed to the body by the Council.

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

PART 2

(Items which a decision by Council is not required)

177. THE LOCALISM BILL

The Executive considered a report from the Deputy Chief Executive (AJ) which provided members with an overview of the Localism Bill. The Bill was making its way through Parliament and was likely to evolve as it headed towards Royal Assent, however, officers felt it necessary to inform members of the Bill's main proposals and potential implications.

The significance of the proposals required members to have a good understanding of the changes and in turn, they may want officers to lobby decision-makers where there were particular areas of concern.

On 13 December 2010, the Government published the Localism Bill. The under-pinning philosophy of the Bill was that central government should reduce its influence over local matters and allow communities and councils to take on more responsibilities. Its four most important proposals included introducing a "general power of competence" for English councils, reforming the planning process, encouraging private and third sector organisations to deliver public services and changing the approach to housing policy. Officers felt that this would certainly result in a different landscape over the coming years.

In addition to the legislation, the Government also published a Guide to the Localism Bill attached as an appendix to the report, which placed the Bill in the strategic context of moving "from Big Government to Big Society". It served as a reference point for other government bodies to understand the policy agenda and suggested how they might contribute to the new paradigm and explained the Government's aims.

The Local Government Association (LGA) provided its response to the Bill and this was attached as an appendix to the report. Officers stated that members may wish to echo some of the LGA concerns or raise other issues for officers to take forward.

An alternative option would have been not to produce the report, however, it was felt that members should be as informed as possible with regard to such an important piece of legislation.

The Finance and Audit Scrutiny Committee requested that in due course officers present a report on the localism bill, specifically highlighting financial implications, and supported the recommendations in the report.

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The Overview and Scrutiny Committee noted recommendations 2.1 and 2.3 within the report. However, they had concerns regarding the changes the referendum would have on the planning process, which would allow local residents to make appeals, possibly going against the decisions already made through the planning system. There were strong concerns that this would then incur costs onto the Council. Therefore, the Committee put forward a recommendation that they lobby to withdraw planning from the referendum provisions.

In response, the Executive agreed with the Committee's comments and felt that further time was needed to investigate the changes the Bill could bring to planning, the referendum, rents, right to buy receipts and loans that may require negotiating. In essence, members agreed that support should be given to the LGA's response.

The Overview and Scrutiny Committee agreed that, in relation to the provisions within the Bill for Councils to locally determine their governance arrangements, the existing Executive and the Scrutiny Committee structure should not be changed but a hybrid arrangement explored with the addition of a new Committee to look at housing issues alone, which would include members who had an interest in housing issues and tenant representatives. This would enable the tenants to have a forum where they are able to discuss issues with members. Therefore, the Committee put forward a recommendation requesting that; (1) a commitment should be made to establish a Committee for Housing and (2) the current Executive and Scrutiny Committee structure should remain unchanged.

In response, the Executive stated that they felt this recommendation could not be agreed at this time because following the election in May 2011, there could be a new administration who may not wish to proceed with these recommendations. Councillor Michael Doody stated that he agreed with the concept of a Housing committee because it was a large and very important area of work but felt that to proceed with this idea at this stage would be premature.

RESOLVED that

- (1) Section 7 of this report which describes the main elements of the Localism Bill, be noted;
- (2) broad support be given to the Local Government Association's response to the Bill and officers be asked to lobby the Government in respect of referendums, right to buy receipts, and the replacement of the Housing Revenue Account subsidy system; and
- (3) the Local Government Association's (LGA) most recent response to the Bill, attached as an appendix to the report, be noted.

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

178. AREA BASED GRANT FOR CLIMATE CHANGE

The Executive considered a report from Development Service which explained the Area Based Grant for Climate Change and sought approval for the allocation of the balance of the grant money available for the coming financial year, 2011/2012.

The Area Based Grant (ABG) was a non-ring fenced general grant from Communities & Local Government (CLG) which provided support for local authorities in delivering national, regional or local priorities as they see fit.

In 2008/09, 2009/10 and 2010/11, the District Council was awarded £22,500 each financial year to reflect the new burdens on local planning authorities arising from the expectations in the Supplement to Planning Policy Statement (PPS) 1 on climate change. In March 2010, the Executive approved the allocation of the balance of the grant remaining towards securing evidence to support the Council's emerging Local Development Framework and climate change policies. There was therefore approximately £42,000 remaining and it was proposed that this be allocated to two areas; the Assessment of Possible Renewable and Low Carbon Energy Projects and Expert Advice on Major Developments.

An alternative option would be to allocate the money to other service areas of the Council. This would, however, not be for the purpose for which it was provided or assist the Council in meeting its requirements in relation to planning for climate change.

Having read the report, members were happy to put forward the recommendations as printed.

RESOLVED that

- (1) the allocation of the balance of the Area Based Grant for Climate Change towards securing evidence to support the Council's emerging Local Plan and climate change policies be approved, including the assessment of possible renewable and low carbon energy projects, and securing expert advice on climate change proposals as part of the Council's assessment of major developments;
- (2) the balance of the 2010/11 budget of £3,300 to 2011/12 be slipped by way of earmarked reserve and acknowledges that there is a sum of £29,000 unallocated; and
- (3) authority be delegated to the Deputy Chief Executive in consultation with the Head of Development Services and Portfolio Holder for Development to spend the Grant within the available budget.

EXECUTIVE MINUTES (Continued)

(The Portfolio Holder for this item was Councillor Hammon)

179. HISTORIC BUILDINGS GRANTS ALLOCATIONS

The Executive considered a report from Development Services which advised members of the contribution made to the historic environment by the historic building grants for 2010/2011, and requested approval for the funding allocation for the coming financial year (2011/12) as recommended by the Grants Working Party.

The District Council had supported Historic Buildings Grants to help property owners maintain and/or restore historic assets which were a very important part of the environment of Warwick District and the report highlighted how crucial this help was in times of financial constraint.

Grants were offered in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and made available for all listed and unlisted buildings in the conservation area that make a significant contribution to said area. Grants were offered at 25% of the cost of the works to a maximum of £3,000 per property.

The Grants Working Party comprised of Elected Members in accordance with the Conservation Officers and the group met each year to not only review the allocation of grants in the previous twelve months but to discuss and recommend the allocations for the forthcoming year. The proposed allocations for 2011/12 were set out in Appendix A to the report.

The report detailed the officers' assessment criteria and the total added value for each historic buildings grants scheme in 2010/11.

The Finance and Audit Scrutiny Committee was reassured by a presentation clarifying detail in relation to the allocations and supported the recommendations in the report.

The Executive thanked the Committee for their comments.

Having read the report, members were happy to put forward the recommendations as printed but felt it important to add some wording to recognise the unallocated funds from this year.

RESOLVED that the proposed allocation for the Historic Buildings Grants for 2011/12 as set out in Appendix A of the report, be approved, and acknowledge that there is a sum of £27,000 unallocated.

(The Portfolio Holder for this item was Councillor Hammon)
(Forward Plan reference 296)

EXECUTIVE MINUTES (Continued)

180. WARWICKSHIRE COMPACT WITH THE THIRD SECTOR / CIVIL SOCIETY

The Executive considered a report from the Community Partnership Team which sought endorsement of the revised Warwickshire Compact which was due for implementation on 1 April 2011.

The Warwickshire Compact provided a set of commitments guiding relations between Warwickshire's public agencies and voluntary organisations. All partners agreed that the Compact agreed in 2005 was overly-complicated and needed refreshing in line with national guidance. It was therefore, re-drafted following local consultation, and in line with the new national Compact published in December. The refreshed Compact provided a simplified and realistic framework through which relations could be managed within the context of rapid changes to funding relationships.

The report suggested that the updated Warwickshire Compact be approved and was attached as appendix one of the report, for implementation from 1st April 2011. The report also suggested that any revisions to the Compact be approved by the Deputy Chief Executive (AJ) in consultation with the relevant Portfolio Holder.

Having read the report, members were happy to agree the recommendations as printed.

RESOLVED that

- (1) the new Warwickshire Compact be endorsed for implementation from 1 April 2011;
- (2) the Deputy Chief Executive (AJ), in consultation with the relevant Portfolio Holder, be permitted to make revisions to the Compact following comments from other organisations; and
- (3) subject to approval of this framework, the delivery of Fit For the Future will take account of the updated Compact.

(The Portfolio Holder for this item was Councillor Hammon)

181. RECOMMENDATIONS OF THE GRANTS REVIEW PANEL ON INTERIM FUNDING OF THE VOLUNTARY AND COMMUNITY SECTOR

The Executive considered a report from Customer and Information Services which recommended interim arrangements, put forward by the Grants Review Panel, for the funding of the voluntary and community sector prior to the introduction of new commissioning arrangements in April 2012.

The report also included timescales for the presentation to the Executive of detailed arrangements for commissioning and development of an

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integrated grant scheme and outcomes of the review of community development activity.

The report detailed the amended recommendations regarding the current funding agreements up to 31 March 2012 and highlighted the work that the Panel would continue to work on. In addition, members were asked to note the conference session being arranged, aimed to engage the voluntary and community sector organisations about the new commissioning arrangements.

Two alternative options considered by the Panel were detailed in the report but were not thought to be viable because the new commissioning arrangements had not been determined.

Councillor Michael Doody expressed his gratitude to the Head of Finance and his staff for allowing the Council to be in the position of avoiding making cuts to voluntary organisations compared to many authorities nationwide. He also felt that this process would allow residents to receive the service they wanted.

RESOLVED that

- (1) the current funding agreements with the voluntary and sector continue without amendments up until 31 March 2012, be agreed;
- (2) the Members Grants Panel continue to work on (i) commissioning arrangements for the allocation of funding to the voluntary and community sector from 1 April 2012 and (ii) outcomes of the review on Community Development Activity and that a further report will be brought to the 10 August 2011 Executive meeting.
- (3) 2011/12 be used as a transitional year to allow for developing and piloting an integrated grant scheme to be fully operational from April 2012, be agreed; and
- (4) the conference session being arranged to engage the voluntary and community sector organisations about the new commissioning arrangements, be noted.

(The Portfolio Holder for this item was Councillor Caborn)

EXECUTIVE MINUTES (Continued)

182. RURAL INITIATIVES GRANT APPLICATION

The Executive considered a report from Finance which sought approval of a Rural Initiative Grant Application by Hatton Park residents Association for a replacement boiler in the Hatton Park Village Hall.

The Hatton Park Residents Association submitted an application in order to replace the domestic type boiler which was installed into the Village Hall when first built. The boiler did not have sufficient power to run the amount of radiators in the Hall both efficiently and economically therefore it needs to be removed and replaced with a more effective commercial type boiler. The Hatton Park Residents Association had not had any funds from the Rural Initiatives Grant Scheme previously and although the Residents Association had £42,190 funds/reserve, the majority of this amount was invested in a tax free charity bond.

Members could choose not to approve the grant funding, or to vary the amount awarded as discussed in paragraph 7 of the report.

The Finance and Audit Scrutiny Committee recognised that the application had met the Council's vetting requirements in order to be presented to Executive for approval, but did not feel that there was sufficient detail available for Members to determine an appropriate percentage of the total cost to be met. The Committee also felt that there was a need for the Grants Working Party to review the assessment criteria and to take into account means testing and prudent financial management when considering future applications.

The Executive thanked the committee for their comments and assured members that although the group had substantial funds, this was in an inaccessible bond originally agreed by the developer and detailed in the Section 106 agreement attached to the development. Councillor Michael Doody advised that the group could use the interest gained on the bond for financing the running of the hall but that paragraph 7.3 of the report was misleading as the group did not have 'available' funds totalling that amount.

RESOLVED that an additional Rural Initiatives Grant of £1,137 which equates to 50% of the cost as detailed in paragraph 7.1, and supported by appendix 1, of the report, be approved.

(The Portfolio Holder for this item was Councillor Mobbs)

(The meeting ended at 7.00 pm)