

Executive

Minutes of the meeting held on Thursday 2 June 2016 at the Town Hall, Royal Leamington Spa, at 6.00 pm.

Present: Councillor Mobbs (Chairman); Councillors Butler, Coker, Cross, Grainger, Phillips, Shilton and Whiting.

Also present: Councillor Barrott - Labour Group Observer, Councillor Mrs Falp - Whitnash Residents Association (Independent) Observer, Councillor Naimo - Acting Chair of Overview & Scrutiny Committee and Councillor Quinney - Chair of Finance & Audit Scrutiny Committee.

Before the start of the meeting Councillor Mobbs offered his thanks to Councillor Howe for his work as Executive Observer. He thanked Councillor Mrs Gallagher for her tremendous work in Culture and her replacement on the Executive was not a reflection on her abilities, but recognition of the changing nature of the Council. He concluded by thanking Councillor Barrott for his work as Chair of Finance & Audit Scrutiny Committee in ensuring that the Executive was challenged appropriately, and welcomed; Councillor Butler as Portfolio Holder for Business, to the Executive; Councillor Quinney, as the new Chair of Finance & Audit Scrutiny Committee; and Councillor Naimo as acting Chair of Overview & Scrutiny Committee.

1. **Declarations of Interest**

Item 8 – Tourism Update

Councillor Naimo declared a personal interest because she had worked for Leamington BID during the time of the order.

Councillors Cross and Grainger declared a Personal and Pecuniary interest in this item because of the funding provision to Warwick Town Council. They left the room when the Executive considered the financing aspect for Warwick.

2. **Minutes**

The minutes of the 9 March and 6 April 2016, were taken as read and signed by the Chairman as a correct record.

Part 1

(Items on which a decision by Council is required)

3. **Final Accounts 2015/16**

The Executive considered a report from Finance that provided the Council's final account position for the year ended 31 March 2016.

The recommendations allowed the accounts for the financial year 2015/16 to be closed on time and had been used as the basis for drafting the Statement of Accounts. The resultant decisions would be fed into the Financial Strategy. The Accounts and Audit Regulations 2015 required that the Head

of Finance, as the responsible financial officer must, no later than 30 June immediately following the end of a year, sign and date the Statement of Accounts.

Appendix 'C', to the report, identified £5,054,700 in respect of Housing Investment Programme schemes not completed in 2015/16 and £998,600 for Other Services Capital schemes. Approval for the slippage of these budgets to 2016/17 was requested together with the bringing forward of £309,600 from future years' Other Services Capital Programmes in respect of West Midlands Reserve and Cadet Force new building (£300,000) and Victoria Park Skate Park (£9,600). The relevant Capital Programmes needed to be varied accordingly to accommodate these changes together with the associated financing.

The report sought approval for slippage into the General Fund for 2016/17 totalling £322,600. These requests related to revenue expenditure that had been unavoidably delayed, and for which finance was still required. By adopting this approach of carrying forward slippage, the Council sought to avoid an end of year spending spree which normally did not result in good value for money. Furthermore, without the associated funding these projects would not be achieved in 2016/17. Appendix 'F', to the report, listed the items in more detail. Expenditure against these Reserves would be closely monitored during 2016/17 with progress being reported, monthly, to the Senior Management Team and quarterly Executive. In addition, there was £528,700 of Housing Revenue Account slippage requested as detailed in section 13 of the report.

The report was a statement of fact, however, how the outcomes were treated could be dealt with in a variety of ways, mainly the alternatives were not to allow any, or only some of the earmarked reserve requests and to allow the General Fund balance to vary from the £1.5m level, along with how the 2015/16 surplus was allocated.

The Finance & Audit Scrutiny Committee supported the recommendations and were pleased to see that £900k was being allocated to the Covent Garden Multi Storey Car Park reserve.

However, Members felt that the Executive needed to be mindful that the Housing Revenue Account was likely to come under pressure when the provisions within the Housing and Planning Act were fully known.

In addition, concerns were raised that some of the budget setting had been over prudent and officers needed to be careful when making judgements using historical data.

Councillor Barrott raised concern about the slippage in delivering the fire safety systems and fire prevention work.

Councillor Phillips agreed with the concerns raised about the implications of the Housing and Planning Act and he would be monitoring the progress of the guidance as it was brought forward. He also agreed with the slippage regarding the Housing Revenue Account and anticipated a report would be brought to the Executive at the end of June 2016.

Councillor Whiting thanked the Head of Finance and his team for their work in what they had achieved in delivering an underspend for the last 12 months. He emphasised the importance of not just having a balanced General Fund but also in making sufficient provision to fund capital expenditure as well. He recognised the need to improve on forecasting because while reviewing trends over time had a benefit, due regard had to be taken of specific events during the year. He specifically highlighted to the Executive that the budget out turn for this this year enabled £900,000 to be allocated to Covent Garden Car Park.

Recommended to Council that:

- (1) in respect of the Capital Programme that it:
 - notes the Capital Programme was underspent by £6.866m, of which £6.053m is due to slippage to 2016/17;
 - approves that future years Capital Programmes be amended by £5,743,600 comprising the following elements:
 - § +£5,054,600 for Housing Investment Programme slippage;
 - § +£998,600 for Other Services Capital Programme slippage;
 - § -£309,600 in respect of resources brought forward from the Other Services Capital Programme from future years to 2015/16 to cover expenditure on West Midlands Reserve and Cadet Force new building and Victoria Park Skate Park;

- (2) in respect of the General Fund that it:
 - notes the General Fund revenue account shows a surplus of £1,731,700 which is after allowing for a further £322,600 of planned expenditure to be carried forward to 2016/17;
 - approves the requests to carry £322,600 earmarked balances forward in respect of General Fund revenue slippage to 2016/17, set out at Appendix 1 to these minutes;
 - approves the establishment of a new Covent Garden Multi-Storey Car Park Reserve with authority to spend from this reserve delegated to the Head of Finance in line with the actual lost income and debt charges incurred;
 - approves that the resulting change of the above decisions, amounting to £1,731,700 be appropriated:
 - § £900,000 to new Covent Garden Multi-Storey Car Park Reserve;

- § £200,000 to the Capital Investment Reserve;
- § £200,000 to Car Park Reserve;
- § £200,000 to the Service Transformation Reserve; and.
- § Balance of £231,700 to the 2016/17 Contingency Budget.

- Note the unfunded liabilities and the uncertainty over local authorities' future funding, and how the 2015/16 outturn is strengthening the Council's financial position.

(3) That in respect of the Housing Revenue Account it:

- notes the Housing Revenue Account balance is as budgeted; the HRA Capital Investment reserve available for major developments has increased to £20.725m, £5.48m more than projected;
- approves the requests to increase 2016/17 HRA budgets by £258,700 in respect of planned HRA maintenance and stock condition survey not completed in 2015/16, as detailed at Appendix 1 to the minutes; and

(4) in respect of the Collection Fund it notes that the Council Tax collection rate was 98.5% and 98.6% for Business Rates.

(The Portfolio Holder for this item was Councillor Whiting)
Forward Plan reference number 762

4. **Policies for Hackney Carriage / Private Hire Drivers & Operators**

The Executive considered a report from Health & Community Protection that presented the revised Policies for Drivers, Vehicle owners and operators of Hackney Carriages and Private Hire vehicles.

The policies and standards associated with the licensing of hackney carriages and private hire activities had been reviewed in line with the request made by the Executive in October 2014.

The draft policy had been consulted upon and the comments received reviewed against the proposed policy. The resulting policy was the attached appendix 1, for recommendation to Council.

The changes to the policy were wide ranging and were designed to ensure the safety of the general public by ensuring that the applicants and renewing drivers were fit and proper.

The proposed policy was a consolidation of all of the existing policies which had been amended, updated and reviewed. Many of the standards laid down in the revised policy were the same or similar to the current policy.

The proposed changes that had been made to specific policies and conditions applicable to licences with the intention to increase the standards to which licence holders were held and/or to align with neighbouring authorities standards.

Alternatively, the current policy could continue to be used. However, the Executive asked officers to review the policies to address the concerns that were being raised about standards by councillors, the general public and licence holders.

The comments received during the consultation period had been reviewed and each of the comments were given due consideration. Some of the comments had been incorporated into the policy. However, other suggestions had not been included because they were not considered suitable for the promotion of public safety, effective operation of the licensing regime, were contrary to legislation or for their inability to be enforced. Executive were entitled to consider the inclusion of these suggestions and these proposals were set out at Appendix 4, to the report.

The revised policy had been proposed to make the measures taken against inappropriate licence holder conduct transparent and consistent and provided a framework by which poor conduct could be measured.

The Licensing and Regulatory Committee had considered the proposed policy at their meeting on the 31 May 2016. Their comments were circulated in an addendum at the meeting for consideration by the Executive.

Councillor Grainger thanked her team for their work in revising the documents into a single robust policy. She emphasised the importance of getting this completed in good time to ensure that it was in force for the new licences due to commence in July 2016. In addition, confirmation was provided that a summary of all the comments made and responses to these would be made available to the Taxi Driver Forum.

Councillor Grainger proposed the policy as laid out subject to the inclusion of the proposed changes by the Licensing & Regulatory Committee and with the addition of another recommendation to provide delegated authority to the Head of Health & Community Protection to enable minor amendments to the Policy.

Recommended that Council

- (1) adopts the proposed policy, set out at Appendix 2 to these minutes, which will be used for the assessment of all new and renewing Hackney Carriage and Private Hire drivers, operators and vehicles; and

- (2) amends the scheme of delegation for officers to enable the Head of Service for Health & Community Protection be authorised, in consultation with the Portfolio Holder and Legal Advisor to the Council, to make any minor grammatical or minor wording amendments to the final policy, so long as it they do not alter the meaning/spirit of the policy.

(The Portfolio Holder for this item was Councillor Grainger)
Forward Plan Reference Number 788

5. **Sex Establishment Policy**

The Executive considered a report, from Health & Community Protection, which sought recommendation of the Sexual Establishments Policy, which was applicable to all Sex Establishments within the Warwick District Boundary, to Council for approval.

The Sex Establishment Policy had been reviewed in accordance with the request of the Executive in March 2015. The policy had been subject to a public consultation and the revised policy was now brought to Executive for recommendation to Council.

The proposed policy included changes within both the policy document and the conditions which would be attached to any licence granted. The existing policy was set out at Appendix 1 to the report and the proposed policy was set out at Appendix 2 to the report. A summary of the main proposed alterations to the Policy were included in Appendix 3 to the report.

Before the proposed policy could be adopted, the responses from the public consultation must be considered and these were set out at Appendix 4 to the report.

The Licensing and Regulatory Committee had considered the proposed policy at their meeting on the 31 May 2016. Their comments were circulated in an addendum at the meeting for consideration by the Executive.

Councillor Grainger thanked her team for their work on this, proposed the policy as laid out subject to the inclusion of the proposed to changes by the Licensing & Regulatory Committee and with the addition of another recommendation to provide delegated authority to the Head of Health & Community Protection to enable minor amendments to the Policy.

Recommended that Council

- (1) approves the proposed Licensing of Sex Establishments Statement of Licensing Policy to Council, as set out at Appendix 3 to the minutes; and
- (2) amends the scheme of delegation for officers to enable the Head of Service for Health &

Community Protection be authorised, in consultation with the Portfolio Holder and Legal Advisor to the Council, to make any minor grammatical or minor wording amendments to the final policy, so long as it they do not alter the meaning/spirit of the policy.

(The Portfolio Holder for this item was Councillor Grainger)
Forward Plan reference number 787

Part 2

(Items on which a decision by Council is not required)

6. Fit for the Future Change Programme

The Executive considered a report from the Deputy Chief Executive & Monitoring Officer, which brought together a number of areas of work that linked the ambition to ensure that plans and finance were in place to contribute to the Council's vision of making Warwick District a great place to live, work and visit.

The report covered a number of areas; Approval of the Council's Service Area Plans for 2016/17; an update on the Council's Fit For the Future (FFF) Change Programme which had been developed to address the significant reduction in funding from central government; progress against the Sustainable Community Strategy's priorities; the opportunity provided by central government for more certainty around funding for the next three years; an invitation to the Local Government Association to oversee a Corporate Peer Challenge of the Council's performance and planning, thereby considering whether the Council was in a position to deliver its aspirations; and the reporting of performance against Service Area Plans for 2015/16.

Following the District and General Elections of 2015, the Council's Senior Management Team (SMT) worked with the Executive to determine the priorities for the new Council administration. The Executive was broadly happy with the strategic approach, as described in the extant Sustainable Community Strategy (SCS) and the FFF Change programme, but introduced some additions and changes to both the Strategy and the Programme at its meeting of 3 September 2015.

In local government nothing stands still, and following central government policy announcements post General Election 2015 and the Chancellor's Autumn Statement 2015, it became clear that the Council would need to go through a process of further change in terms of structure and service delivery. To help inform consideration of where that further change was needed, SMT undertook a PEST and SWOT analysis which led to a Corporate Action Plan. This was detailed in Appendix A to the report.

This work had been informally endorsed by the Executive who requested that these actions formed part of the Council's work programme over the next three years. Following their own deliberations, the Executive requested that officers ensured that the following themes underpinned the work of the Council:

- Ensuring Financial Security – revenue generation; HQ relocation and wider asset realisation; implementing the digital strategy; making existing services cost effective; exploring shared services and commercial options; and always ensuring best value;
- Reviewing Internal Structures – the right structure for the Council; recruitment and retention; succession planning; procurement and contract management;
- Delivering the Local Plan;
- Communicating with our residents and marketing our services; and
- Supporting and helping local communities.

The Service Area Plans (SAP) for 2016/2017 had been developed based on the Corporate Action Plan and the underpinning themes.

The Council had seven Service Areas: Chief Executive's Office; Cultural Services; Development Services; Finance; Health & Community Protection; Housing & Property Services; and Neighbourhood Services. Following consultation with the respective Portfolio Holders, each Service Area produced an annual SAP.

The individual SAPs sought to describe a Service Area's scope of services and projects, and how delivery would be managed through the respective Service Area's resources. In aggregate the SAP's were the programme of work for the Council for the financial year in question.

The Medium Term Financial Strategy's (MTFS) latest position was detailed within the report, but it was predicted that there would be a recurring deficit of £696,000k (subject to decisions around Council Tax levels and car parking charges) by the financial year 2020/21. In order to deal with the significant changes anticipated for local government, the Council agreed a FFF Change Programme in 2010 covering three interrelated strands of Service, People and Money.

The aim of the *Money* element of the programme was, and remains, to produce initiatives that would either save money or increase income without impacting upon the quality or breadth of services provided by the Council. This strand had delivered significant savings/ increased income since 2010, but as the amount of grant from central government continued to reduce there was an ongoing requirement to produce further initiatives. Following consultation with respective Portfolio Holders it was recommended that the initiatives included in Table 1 of the report were included in the FFF Change Programme. Where the level of savings/ increased income could not be determined, it was recommended that this information was provided in the future *Budget Review* report from the S151 Officer. However, where amounts of savings were included, these were early estimates where detailed reviews and/ or business cases would be required.

Should all of the initiatives in Table 1 deliver their anticipated savings/ increased income this would eliminate the forecast deficit. The savings from Table 1, as described at paragraph 5, did not allow for future funding of corporate assets, investment in Linen Street car park, replenishment of reserves or delivering services/ projects not yet devised. It was therefore imperative that the Council continued to find ways of making savings/

increasing income so it had the capacity to deal with currently unquantified liabilities and the unknown.

The latest change programme was agreed in the 3 September 2015 Executive report titled *Sustainable Community Strategy & Fit For the Future Updates and Service Area Plans 2015/16*. The programme had been progressing well and the latest position was shown at Table 2 of the report.

The 2016/17 figures within Table 2 were incorporated within the Budget agreed in February for that year. The other figures for the subsequent years had been included within the Council's Medium Term Financial Strategy (MTFS).

The Leisure Options and HQ Relocation initiatives contributed £885k to the change programme. Consequently, should either or both of these not be successful, there would be a significant impact on the MTFS. Both projects had very strong governance arrangements in place, and should major risks start to emerge these would be reported to Executive as soon as possible.

The Executive agreed additional SCS priorities in September 2015. These were included in Table 3 of the report, along with a progress update.

Following the announcement of the 2015 Autumn Statement, the Secretary of State for Communities and Local Government announced that Councils would be able to enter into a multi-year financial settlement with central government, enabling Councils to have certainty about their central government funding for the four years to 2019/20. On 10 March 2016, the Council received a letter from the Secretary of State providing further details about how the settlement would work.

To be eligible for the offer, the Council would need to produce an Efficiency Plan covering four years. Based on the limited guidance that has been provided, it would appear that a plan based on the Council's FFF change programme would suffice.

There were obvious advantages to accepting the offer in terms of certainty about funding, although should the Country's macro financial position improve significantly over the period, it was possible that the Council would not receive as much funding as it could have had it declined the offer. However, given the size of the national budget deficit, it was highly unlikely that the Country's finances would improve by such an extent in a relatively short period of time.

The Secretary of State had left the option open to revisit the settlement stating, "allocations could be subject to additional reductions dependant on the fiscal climate and the need to make further savings to reduce the deficit." However, on balance, it was officers' recommendation that the offer should be accepted; thereby providing a degree of certainty to the Council's financial planning.

In 2012, the Council invited a Corporate Peer Challenge with a follow-up visit in 2013. The Peer Challenge enabled experienced and knowledgeable Councillors and officers to visit other Local Authorities in order to review how

a Council was operating, what its plans were and whether or not they were reasonable. This Council found the previous reviews to be very beneficial in enabling sense-checking of the work that was being done and the plans that were in place, and therefore a further Peer Challenge had been arranged for mid July 2016.

The peer team would explore the core components (the underpinning features of good performance) that all corporate peer challenges covered. This would help to provide reassurance and an indication about the organisation's ability and capacity to deliver on its plans, proposals and ambitions, but would also allow the peer team to comment on track record and achievements which should demonstrate a journey of improvement.

The Peer Team had been specifically asked to consider how well the Council had delivered, with partners, against three themes in the SCS; Prosperity, Housing and Health and Wellbeing. It was considered that these themes had the greatest impact on the quality of life of the Council's residents.

Following Executive's approval of the Service Area Plans, each year, Service Heads used these as a tool to manage performance. They were employed as a catalyst for the discussion between individual Portfolio Holders and Service Heads. The SAP provided the Overview & Scrutiny Committee the opportunity to question the Portfolio Holders on how their performance against their respective Plans on a rolling basis. Half way through the financial year, an update on the performance of all Portfolios was provided to Overview & Scrutiny Committee. An annual performance report was appended to the report for each of the Service Areas.

No alternative options to the recommendations in this report had been considered, although it was a decision for the Executive as to whether they accepted the financial settlement on offer, or if a Corporate Peer Challenge should take place.

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

The Overview & Scrutiny Committee noted the recommendations and wished to highlight to the Executive the need to monitor any recruitment and retention issues throughout the year, to ensure that the Service Areas Plans could be delivered effectively.

Councillor Mobbs thanked the Scrutiny Committees for their comments and agreed that recruitment and retention was an area which needed to be considered carefully, including any potential impact from the terms and conditions review, which was why he had asked the People Strategy Steering Group to look into this matter. He reminded Portfolio Holders that it was a matter they should be considering carefully as well.

Resolved that

- (1) the outcome of work undertaken by the Council's Senior Management Team, in consultation with the Executive, to review the Political, Economic,

Social and Technological (PEST) environment in which the Council operates, and the subsequent Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis, which led to a Corporate Action Plan to address the issues raised, be noted and the actions which form this part of the work will be delivered through the Service Area Plans;

- (2) the Service Area Plans, set out at appendices B-H of the report, be approved as the Council's programme of work for the financial year 2016/17;
- (3) the additions to the Fit For the Future (FFF) Change Programme as set out at Table 1 of the report and the position of, and variations to, the current Change Programme at Table 2 of the report, be approved, and noted that the Change Programme is a substantial contributor to the savings requirement of the Council as identified in Section 5 of this report;
- (4) the progress against the additional priorities for the Council's Sustainable Community Strategy (SCS) at Table 3 of the report as identified by the new administration and reported to Executive in September 2015, be noted;
- (5) the offer of a multi-year financial settlement, from the Secretary of State for Communities and Local Government, be accepted, and the risks inherent in accepting this offer, be noted;
- (6) in July 2016, a Corporate Peer Challenge will be undertaken to help provide a corporate overview and an external check and reassurance that what the Council is doing, and is planning to do looks relevant, realistic and robust; and
- (7) the respective Service Areas Annual Performance Reports at Appendices J to P of the report, be noted.

(The Portfolio Holders for this item were Councillors Coker and Mobbs)
Forward Plan Reference Number 793

7. **Proposed Relocation of Kenilworth Wardens (Community Sports Club) to Castle Farm**

The Executive considered a report from the Deputy Chief Executive & Monitoring Officer that sought approval for the relocation of Kenilworth Wardens from its current base at Thickthorn to Castle Farm, subject to the

final legal documents between the parties being brought to the Executive for approval.

Following extensive consultation with Kenilworth Town Councillors, Kenilworth District Councillors and the general public, Warwick District Council agreed that the release of land from the Green Belt for housing to the East of Kenilworth, known as Thickthorn, should be included in the Warwick District Local Plan (Publication Draft).

Policy DS11 (Allocated Housing Sites) of the Draft Local Plan included Greenfield Site H06 (Thickthorn), part of which was the home of Kenilworth Wardens, a Community Sports Club that had been in operation for over 50 years. In recommending the allocation of this site, officers had been able to reassure Councillors that negotiation for the relocation of the club to Council owned land at Castle Farm was feasible and deliverable. This was an initiative which the Executive and Group Leaders had supported.

The Executive agreed the Local Plan in February 2016, including a Proposed Modifications report which included Policy DS NEW4. This stated: "Land at Castle Farm... [is] allocated for the provision of outdoor sport. Appropriate facilities associated with the provision of outdoor sport will be permitted provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land with it."

The consequence of the revised Local Plan provision was that, should the Local Plan be adopted by this Council, there was a clear policy position to support the Club's relocation. It was therefore recommended that as landowner, the Executive provided its formal endorsement to the relocation of the Club to the Council-owned land at Castle Farm, subject to necessary planning permissions and legal agreements being completed. The land shown as hatched on the attached plan was not under the ownership of this Council, but was required to enable the relocation to work and consequently the negotiation between the Club and the landowner.

In the knowledge that there was informal Executive support for the relocation of the Club to Castle Farm, officers had been discussing the terms of the relocation with a Club representative. The principles of an agreement set out at Appendix B to this report could be summarised as:

- the Club would relocate its community sports club operation from land at Thickthorn to Council-owned land at Castle Farm and adjoining land in third-party ownership;
- the Club would be entitled to exclusive use of Castle Farm Recreation Centre main hall for a mutually agreed number of hours of each week;
- the Club would take on the day-to-day management of the land shown as (field 1) at Appendix A to the report, for 2 x full size pitches; 2 x $\frac{3}{4}$ pitches; 2 x 9x9 junior pitches; and three mini pitches, but it would be retained for public use as open space and sports playing fields;
- the Club would be granted a long lease of the land outlined in red at Appendix A to the report (field 2) for a period of 125 years, for a peppercorn rent upon payment by the Club of a premium to be agreed by the parties, the amount being informed by a professional valuation of the land;

- the Council would use the premium received for the improvement of sports facilities at Castle Farm Recreation Centre through Phase II of the Leisure Development Programme; and
- subject to planning approval, the Club would undertake various enhancements to the sports playing fields 1 & 2 using the capital receipt generated from the disposal of the land they currently hold on a long lease.

The outcome of the agreements would be that community access to Castle Farm facilities would by-and-large be as it was now, save for 10 to 15 hours per week when the Club would need exclusive use of the Hall for nets practice. However, given the times that the Club was likely to want to use the facilities, it was highly unlikely that there would be a material detriment to public access, although officers would ensure that the relevant Portfolio Holder was satisfied with the proposed arrangements before sign-off. It was therefore recommended that legal and lease agreements were drawn-up to reflect these principles for subsequent sign-off by Executive, with officers ensuring that the Council and residents' interests were protected should the Club experience any viability issues in the future.

As part of the Leisure Development Programme report considered by Executive in November 2015, they were advised at paragraph 3.1.7 that: "The conclusion of these discussions (*Kenilworth Councillors with officers*) is that it would be premature to recommend an investment programme for the Kenilworth facilities until the Local Plan has been adopted and the funding issues around the relevant site developments clarified and the potential impact of facility development in neighbouring areas is confirmed. Future plans for the Kenilworth facilities should, therefore, be viewed as a second phase to a programme of investment and development."

In relation to Kenilworth facilities, officers would be examining the feasibility of expanding the Castle Farm Recreation Centre gym and adding studio space by extending the footprint of the building, as well as constructing a projectile hall to include cricket nets. The building of a projectile hall would mean that the main hall would be unaffected by the Club's requirements.

Should the feasibility study, for the projectile hall, conclude that there was a business case for the idea then there could be an impact on the principles for use of the main hall would not be a Club requirement. To ensure this was considered in full, the feasibility work would be concluded before the Executive were asked to agree the legal agreements.

No alternative options were considered as it was officers' view that the proposal offered the best way of enabling land for housing development whilst protecting and enhancing sports facilities in the area.

Resolved that

- (1) the Deputy Chief Executive (AJ) and the Head of Cultural Services, in consultation with the Portfolio Holder for Culture, work with representatives of Kenilworth Wardens (Community Sports Club) to agree terms for the relocation of the Club from its

current site at Thickthorn to Council-owned land at Castle Farm, as set out at Appendix A to the report;

- (2) the terms of the relocation shall be broadly in accordance with the principles as detailed at Appendix B to this report, and that draft contract and lease agreements are prepared by the Council's legal advisors, Warwickshire County Council, for formal approval by the Executive in due course; and
- (3) the proposals for phase II of the Leisure Development Programme - Kenilworth, will be used to inform the arrangements to be agreed with Kenilworth Wardens.

(The Portfolio Holders for this item were Councillors Coker and Cross)
Forward Plan reference Number 795

8. **Tourism Update**

The Executive considered a report from Development Services that updated them on the effectiveness of the Council's expenditure on tourism. The report provided specific proposals on how the current expenditure profile should be modified and the implications for existing grant agreements.

In April 2013, Executive approved the creation of a Destination Management Organisation (DMO) as the most effective vehicle of promotion of the tourist offer on regional, national and international stages.

A review of the progress of the DMO (Shakespeare's England), was set out in paragraph 8.2 of the report. In order to continue to shape and steer the organisation, and to maximise the benefits from it, funding of the organisation at the previous level should continue. However, accompanying this commitment should be clear delivery indicators that ensured this authority's contribution was leading to demonstrable value, and that these should be reported back to Overview & Scrutiny Committee every 6 months.

The Key Performance Indicators that the DMO performance would be assessed against were likely to include:

- Estimated Advertising Value (EAV) or press releases and promotions
- Number of familiarisation visits hosted within Warwick District
- Number of business members (as a percentage of the overall membership) from within Warwick District

Negotiation and agreement of these indicators was delegated to officers, in conjunction with Portfolio Holders, to ensure that they were measurable and deliverable.

A comprehensive review of the future options of Leamington Visitor Information Centre (VIC) needed to take place in order to ensure that the Council continued to provide a cost-effective solution to visitor needs. A brief

outline of the VIC provision was included at paragraph 8.4 of the report, but a more detailed review with future options would be presented to the Executive in due course, with a view to providing options for the shape of future provision of Visitor Information.

The review would explore the possibilities of sharing space and/or functions with other services currently provided by the authority, along with different staffing models, and working with other stakeholders and partners.

The Executive had agreed, in November 2012, to develop the “hub and spoke” model for service delivery of customer information in the District, which resulted in the granting of £40,000 per annum for the provision of the management of both Warwick and Leamington VICs. A review of the effectiveness of the grants was included in paragraph 8.3 of the report.

The provision of the VIC service continued, although the agreement had recently lapsed. Given that the service was being provided as specified, it was considered appropriate for the terms of the previous grant to be extended until such a time that a new agreement was reached, or until the end of the 2016/17 financial year, at which point the grant agreement would cease.

In March 2016, Leamington and Kenilworth underwent independent Visitor Audits commissioned by the Council, in conjunction with partners such as the County Council and BID Leamington. The Council was working with Warwickshire County Council to progress an Audit for Warwick, which would report in summer 2016. The outcomes of the reports received so far featured a number of deliverable actions to improve the visitor journey, from correct pedestrian signage to more intelligible mapping. The release of £12,000 from the Tourism reserve would allow this Council to contribute to the resolution of some of these actions. It should be noted that WCC had already contributed, as had Leamington BID and Leamington Town Council, whilst other stakeholders would also be approached.

An option available to the Council would be to discontinue all funding to tourism activities, thereby saving the Council £205,400 per year. This had been discounted because tourism was a key employment sector within the district, employing over 4,300 people, and withdrawal would have significant economic impacts. Furthermore, withdrawal would undermine the on-going work on the Economic Development Strategy, the Business Support provision and other areas of work.

Another option would be for the Council to continue to fund the DMO but at a lower level. This had the potential to save money for the Council to deploy into other areas of tourism. This option had been discounted as it would reduce the ability of the Council to shape and steer the performance of the DMO, thereby reducing the beneficial impact on related businesses. Furthermore, a sudden drop in funding from a major contributor could impede the continuation of the high level of delivery currently being produced by the DMO.

The Council could choose to cease all funding to the DMO, and invest the savings elsewhere in tourism. This would give the Council the opportunity to

buy into specific promotions and activities. However, this would be at a significantly lower value than working with the public and private partners that make up Shakespeare's England, and would significantly damage the authority's credibility within the industry.

Another option would be for the Council to continue funding the Visitor Information Centre in Leamington but at a lower level. This was discounted as it would impact on opening hours, which are already tightly restricted by available staffing.

The Council could choose to shut the Leamington VIC without exploring alternative delivery models. This would offer up savings to the Council, or money to be used elsewhere within Tourism. Closure would be detrimental to the visitor experience, and reputationally damaging both within the community and within the tourism industry. It would also prevent the exploration of the opportunity for sharing some of the service with partners, thereby reducing costs whilst improving the customer experience.

The Council could choose to cease the grant agreement with Warwick Town Council with immediate effect. This option was discounted as the service agreed through the "hub and spoke" model was currently being provided. To cease the agreement without exploring the opportunity for more effective or defined uses of the grant would not provide the Council with best value, as many of the operational tasks would need to be picked up elsewhere, and the Warwick Visitor Centre provided an excellent visitor experience.

The Council could choose to reduce the level of budget into a "publicity and promotions" code in order to deliver a saving. This option was discounted as it would result in less activity on a local level, such as the Events or Accommodation Guides, and also hamper the ability to support major events such as the Bowls National Championships.

The Council could choose not to release funding from the Tourism reserve. This option was discounted as the funding would be used, along with partners' funding, to deliver some key benefits to the visitor journey.

The Finance & Audit Scrutiny Committee supported the recommendations in the report. Members felt that it was imperative to encourage close working relationships between event organisers and Neighbourhood Services, to ensure that clean-up operations during and after events were carried out effectively.

The Overview & Scrutiny Committee supported the recommendations as they addressed the previous weakness of a lack of monitoring information and measurable objectives, and it particularly welcomed the six monthly reports to the Committee on the progress of the DMO's work.

Councillor Shilton agreed that there was a need for improved liaison between Neighbourhood Services and the events team to improve clear up operations following events, and this was a matter he was leading on.

Councillor Butler explained that discussions were ongoing about the opening hours of the VIC, and surrounding defining the Key Performance Indicators

to ensure they were robust and valuable, but that data collection did not have a significant impact on resources.

Councillor Butler proposed, and it was duly seconded that

Resolved that

- (1) the renewal of this Council's funding contribution to the Destination Management Organisation (DMO), Shakespeare's England, at the current level of £75k per annum from 1 September 2016 to 31 August 2019, be approved, subject to the following:
 - a break clause, exercisable after 12 months, that would reduce future funding to £65k for Sept 2017 to Aug 2018 and £50k for Sept 2018 to Aug 2019 if the DMO fails to deliver against the agreed performance indicators;
 - an annual review option, exercisable on the anniversary of the renewal, that allows the Council to vary its contribution if the total level of public sector funding the DMO receives has altered significantly, thereby reducing the relevance of this Authority's contribution;
 - the progress of the DMO against the agreed objectives is reported on a six-monthly basis to the Overview & Scrutiny Committee;
- (2) authority be delegated to the Head of Development Services, Head of Finance and Strategic Economic Development Officer, in consultation with the Portfolio Holders for Development, Business and Finance, to agree the KPIs for the DMO funding agreement and subsequently to determine whether the break clause or review clause should be activated;
- (3) a comprehensive review of the Visitor Information Centre (VIC) services across the district, including an examination of means of improving the visitor experience and future funding options, be approved, with the report to be brought to a future meeting on or before 2 November 2016; and
- (4) up to £12,000 be released from the Tourism Reserve to fund 'on the ground' activities in Warwick, Leamington and Kenilworth, based on

the results of recent (and impending) independent Visitor Audits of the tourism offer in those towns.

Councillors Cross and Grainger left the room while recommendation 2.4 of the report was considered. Councillor Butler explained that he was working on the introduction of a schedule across the Council that would detail when annual grants were due to be paid or renewed. It was therefore proposed, duly seconded and

Resolved that the extension of the previous funding arrangement with Warwick Town Council be approved until 31 March 2017, and authority delegated to the Strategic Economic Development Officer, in consultation with the Business Portfolio Holder, to negotiate the terms of the agreement for providing VIC services.

(The Portfolio Holders for this item were Councillors Butler and Cross)
Forward Plan reference number 797

9. **HS2**

The Executive considered a report from Development Services that sought approval to sign the HS2 Planning Memorandum, which would mean that the Council became a Qualifying Authority for the purposes of the HS2 Hybrid Bill.

The HS2 Hybrid Bill would grant planning permission for the construction of a high speed railway between London and Birmingham. However, this permission would be subject to a number of conditions requiring the nominated undertaker (the party/parties who would construct the railway) to obtain the consent or approval of the Local Planning Authorities along the route regarding some matters of detail, including the detailed design and materials of buildings, and structures such as bridges and tunnel portals.

The Bill provided each Local Planning Authority with a choice between having a wide or narrow range of controls over the approval of such details. Local Planning Authorities opting for a wider range of controls were referred to as "Qualifying Authorities".

Qualifying Authorities would be responsible for issuing consents and approvals in relation to the detailed design and appearance of structures and other elements of the scheme, but that responsibility did not extend to the principle of their construction which was permitted by the Bill itself.

If the Council decided to become a Qualifying Authority, it would hold responsibility for the details of the majority of these Matters, with the exception of borrow pits and waste disposal sites which would be dealt with by the County Council.

If the Council decided to be a non-qualifying authority, it would effectively lose what little control it could have over the majority of features and structures within the District.

There were two main grounds on which the details of structures and features forming part of the railway could be refused or permitted, subject to conditions, which were set out in the report.

It should be noted that it would only be appropriate to raise an objection to the design or details of a particular structure or feature if the impact of that design would be very significant within the surrounding area, and beyond that which might reasonably be expected as part of the railway scheme.

Councils wishing to become Qualifying Authorities were required to sign the "Planning Memorandum". This was a document that set out the rules of conduct and administrative arrangements for both the Local Planning Authorities and the nominated undertaker, leading up to and during the construction of the railway.

It required the Council to commit to dealing with applications for consent in an expeditious manner, i.e. within eight weeks, and to being sufficiently resourced to be able to do so. The applications expected to be submitted were likely to be for relatively minor matters, but substantial in number.

In view of the level of interest that was likely to be generated by the proposals that came forward (and therefore the potential for the majority of them under current arrangements needing to be dealt with by Planning Committee), the possibility that numerous such applications would be submitted either at the same time or in short succession, and the need to ensure that they were dealt with particularly expeditiously, there was a significant risk that under current arrangements, the anticipated volume of work would have a significant impact upon the capacity of Planning Committee to consider these additional items within the required determination period.

In order to address this issue, it was anticipated that determination of the majority of these applications would need to be delegated to the Head of Development Services, who in conjunction with a small review group of Councillors, could identify those particular submissions which for exceptional reasons ought to be considered by Planning Committee.

Should this approach be agreed, it would require a change to the Constitution, and this particular issue would therefore be the subject of a report to Council.

The District Council, along with other Councils along the route, had been involved in negotiating the form and content of the Planning Memorandum with HS2, and a final version had now been produced.

It was proposed that the Council would be reimbursed for the cost of dealing with the additional workload resulting from these applications and approvals, either by way of the payment of application fees, or the funding of temporary posts within the Council. Discussions in relation to the drafting of an appropriate Service Level Agreement with regards to this were on-going.

In summary, becoming a Qualifying Authority involved a commitment by the Council to deal with applications appropriately and within specified timescales, in return for greater control over a wider range of matters than would otherwise be the case.

Prior to any submissions being made to the Council, the works to construct the railway should have the equivalent of outline planning permission, such that the Council would only be able to consider aspects of the reserved matters (i.e. the details of design and materials, etc.).

It should be noted that the extent of the Council's control would need to be clearly communicated in an appropriate way to the public, so that there was a clear understanding of the expectations in being a Qualifying Authority, and the level of influence that could be exercised over the matters identified in the report.

The risks associated with the Council deciding not to be a Qualifying Authority, and therefore not amending the Constitution to enable decisions to be undertaken expeditiously, were identified in section 6 of the report.

Alternative options had been considered in respect of the proposed revisions to the Constitution. However, the proposals as set out in this report were considered to be the most effective and appropriate.

The Executive expressed concern over the potential impact this could have on the Planning Committee, considering the restrictions and limited powers for determining and influencing applications. They therefore welcomed the further work officers were undertaking to mitigate this impact.

Resolved that the signing of the HS2 Planning Memorandum be authorised.

(The Portfolio Holders for this item were Councillors Butler and Cross)
Forward Plan reference number 782

10. **Local Plan Budget**

The Executive considered a report from Development Services that sought approval to draw down additional money from the Planning Appeal's Reserve to support the Local Plan Examination.

On 28 January 2015, the Executive had approved a sum of £120,000 to cover the costs of the Local Plan and CIL Examination processes, including the costs of the Inspector and the Programme Officer. This sum was added to an existing balance of £30,000 to provide a total budget of £150,000.

To date, the Inspector's costs had amounted to £33,762 and the Programme Officer's costs had amounted to £5,250. This left just under £111,000 in the budget to cover the costs of the Local Plan and CIL Examinations.

The Council had received information from the Local Plan Inspector regarding the potential timings and timescales for the Local Plan Examination. Subject to them receiving the modifications and representations from the Council at

the end of May, it was anticipated that preparatory work and written statements could take place during June, July and August, with the Examination hearings commencing towards the end of September. It had been indicated that the hearings would potentially involve 9 weeks of sitting over a 12 week period. Whilst it was not possible to estimate with any accuracy what the final costs of the Inspector, the timescales indicated by the Inspector were longer than originally estimated when assessing potential costs. The complexity and comprehensive nature of the Local Plan meant that it was likely that the Inspector's preparatory work and the work in pulling together the recommendations and final report could take significantly longer than envisaged. Furthermore, the same was likely to apply in estimating the Programme Officer's time.

It was clear that it would be important to draw on the expertise of consultants who had prepared evidence to support the Local Plan. Examples of this could include:

- GL Hearn with regard to housing need;
- Enfusion with regard to the Sustainability Appraisal; and
- Warwickshire County Council with regard to Strategic Transport.

Taking all this in to account, it was now estimated that the Local Plan Examination costs could be: Inspector's costs: £150,000 (including the £33,762 already committed); Programme Officer costs: £35,000 (including the £5,250 already committed); Consultant costs: £30,000; which would total £215,000.

The costs of the CIL Examination were expected to remain in the region of £30,000. Therefore, the total cost of the CIL and Local Plan Examinations was expected to be £245,000. £150,000 had already been set aside towards the Examinations, and the report requested that a further £95,000 was set aside from the Planning Appeals Reserve to cover the anticipated additional costs.

The following neighbourhood plans were currently being progressed:

- Barford: examination complete. The next stage is the referendum.
- Bishops Tachbrook: currently being examined.
- Bubbenhall and Baginton: initial draft prepared.
- Budbrooke: consultation draft prepared. The next stage is formal consultation.
- Kenilworth: area designated. Work on initial proposals was now progressing.
- Leamington: have applied for designation.
- Leek Wootton: preparing consultation draft.
- Stoneleigh and Ashow: exploring the possibility of re-designation as a separate neighbourhood plan area.

The Local Plan Examination was likely to be time-consuming for the planning policy team until the end of the hearings, currently anticipated to be December 2016. It was important that the planning policy officers continued to make the Local Plan their main priority during the preparation for and participation in the Local Plan hearings. During this period of time it would not be possible for them to provide more than the statutory support for neighbourhood plans. This could impact on the preparation of

neighbourhood plans during this period; particularly on the non-statutory input planning policy officers had offered in relation to advising on conformity with the Local Plan and national policy, and with providing advice on the evidence base and the wording/justification for specific policies.

During this period, the Head of Development Services would explore other opportunities to support neighbourhood plans, particularly where doing so dovetailed with the Council's own priorities. It was proposed that the Head of Development Services should write to all parish and town councils in Warwick District to set out the extent of the support that would be available during this period.

To achieve adoption of the Local Plan, there were no alternatives to meeting the costs of the Inspector and the Programme Officer, as the Council was bound by a statutory process.

It would be possible to undertake the Examination process without input from experts. However, much of the work undertaken in preparing the evidence base was highly technical and required specific expertise to explain and justify the conclusions. Without the input of these experts, there was therefore a significant risk that the Plan (or parts of it) could be found to be unsound.

It would be possible to continue to provide support to neighbourhood plans in line with the service provided over the last 12 months. This option had been considered, but without additional resources, was likely to have an impact on the progress of the Local Plan.

A further option was to utilise the Neighbourhood Plan Funding Grants received from central government to support the Council's involvement in Neighbourhood Plans, and to increase the staff time available.. During 2015/16, this would be £65,000. However, there were two significant issues to consider in relation to these grants:

- a) the level of funding could not be predicted with any certainty as it was entirely dependent on the number of Neighbourhood Plan areas designated during the year and the number that progressed to referendum.
- b) the funding was provided to cover the costs of the statutory work the Council had to undertake in support of Neighbourhood Plans. Including, the management of referenda, work to designate neighbourhood plan areas or appointing examiners and checking compliance with the regulations (basic conditions).

Therefore, while this option could help to provide some additional support, it would require a commitment to provide funding without a guarantee that the commensurate level of funding would be available from the grants.

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

Resolved that

- (1) an additional sum of £95,000 be set aside from the Planning Appeals Reserve to support the Local Plan Examination;
- (2) until such time that involvement of planning officers in the Local Plan examination reduces, the approach to supporting Neighbourhood Plans be amended to limit input from planning officers to meeting the legal requirements.

(The Portfolio Holder for this item was Councillor Cross)

11. **Repair of Listed Boundary Walls**

The Executive considered a report from Development Services that sought approval to fund repairs required by an urgent Section 54 Repair Notice, served under the Planning (Listed Building and Conservation Areas) Act 1990, on the owner of listed walls at Barford House, Wellesbourne Road, Barford.

Following a tender exercise the cost of repair work was known to be £133,675. Approximately £70,000 of this cost would be met from the entire budget allocated to the Historic Building Grant scheme in 2016/17, plus underspend from the previous year.

This report sought agreement to fund the balance of costs from the Council's Capital Investment Reserve. A notice would be served on the property owner and subsequently a charge would be placed on his property to reimburse the Council its costs.

On 31 March 2015 Planning Committee authorised the Head of Development Services to serve a Section 54 Repair Notice on the owner of the land requiring the urgent repair of the listed boundary walls, within the curtilage of the Grade II* listed Barford House. The repair works were urgently necessary for the proper preservation of this listed heritage asset.

The Section 54 Repair Notice required the owner to take action within seven days, after which the Council could undertake the work and serve notice on the owner to pay the Council's costs.

Due to the owner's inaction, the Section 54 Repair Notice was finally served on them on 16 February 2016, and the Council were now able to undertake the works itself.

The owner had not appointed contractors to undertake the work, but had now asked a contractor to provide a quote. If the landowner entered into a suitable contract for the works to be completed, and if works were seriously underway within the next month, then the Council would not need to undertake the works itself and the funds would not be required.

The repair of this wall was considered to be a high priority, not only because of its significance as a protected heritage asset but because of public safety;

it was a seriously dilapidated wall that members of the public had immediate access to, and where they frequently gathered beside a bus stop.

The process for recovery of the Council's costs incurred in carrying out the work would be as set out in Section 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This involved the Council serving a notice on the landowner that required them to reimburse the Council for the cost of the works. The owner could then appeal this notice to the Secretary of State on any of the following grounds;

- (a) that some or all of the works were unnecessary for the preservation of the building; or
- (b) in the case of works for affording temporary support or shelter, that the temporary arrangements have continued for an unreasonable length of time; or
- (c) that the amount specified in the notice is unreasonable; or
- (d) that the recovery of that amount would cause hardship.

Grounds (a), (c) and (d) were likely to present the most risk to the Council. The risk of a successful challenge on ground (a) was mitigated by the fact that the works specified in the repair schedule were the minimum necessary to safeguard the structure, in accordance with the professional views of the Council's Officers, and an expert consultant engineer. The risk of challenge on Ground (c) was mitigated by the fact that the Council followed due process and entered into a competitive tender exercise to ensure best value. Ground (d) was a risk that was beyond the control of the Council and could potentially result in it not recouping the expenditure, but this was unlikely given the fact that planning permission had been granted for eight dwellings on the owner's neighbouring land.

The Council would be able to apply for a charge to be placed on any property owned by the landowner if the debt remained unpaid; this would follow after the notice was served, and after any appeal was determined in the Council's favour.

The option of doing nothing was not considered to be appropriate as it would be contrary to the expressed wishes of the Planning Committee, and it would result in serious harm to heritage assets. It should, however, be noted that whilst the Planning Committee had exercised its discretion to serve the notice, this did not bind the Executive to incur expenditure to carry out the works.

The preferred option was for the landowner to undertake the works, but they had continued to procrastinate. One option would be to provide a time extension, but over one year had already passed since the Planning committee authorised the S54 Repair Notice and contractors were still not on site. The timescale for completing works this calendar year was closing.

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

The Executive noted that the wall in question was in separate ownership to Barford House. They also considered that when these works were complete,

a further survey of the entire wall should be undertaken to ensure that all risks had been mitigated, on the grounds of health and safety.

Resolved that

- (1) if the landowner does not enter into a suitable contract to start repair works and begin work on site within one month, then an amount up to £64,000 (on top of the figure of £70,000 identified in paragraph 1.2) is drawn down from the Capital Investment Reserve to meet the cost of repairing the listed boundary wall at the park of Barford House, as identified Appendix 1 to the report;
- (2) the process outlined for ensuring the Council is reimbursed its costs, be noted;
- (3) the Head of Development Services be authorised to negotiate with contractors to reduce the price of the works by omitting the return section of wall, along Insons Yard, which serves private dwellings but which was not a public thoroughfare; and
- (4) when these works were complete a further survey of the entire wall is undertaken to ensure, on the grounds of health and safety, all risks had been mitigated.

(The Portfolio Holder for this item was Councillor Cross)

12. Sale of Land at Sabin Drive

The Executive considered a report from Development Services that proposed the disposal of land at Sabin Drive, Weston under Wetherley.

The Sabin Drive Residential Estate was granted Planning Consent, W/95/1361, in 1995 and was subject to a Section 106 Agreement of the 1990 Town & Country Planning Act that required designated areas to be open land and designated as 'Public Open Space'.

These areas of Public Open Space were shaded on Plan 1 as appended to the report.

In June 2013, the owners of 1 Sabin Drive approached this Council with a request to purchase the area of Public Open Space that adjoined their house, edged in thick black on Plan 1 as appended to the report, exclusively for private garden use.

The owners of 1 Sabin Drive wanted to include the land within their demise to provide privacy to their dwelling and resolve problems that had occurred on a number of occasions. These involved the private manhole covers which served 1 Sabin Drive, but were located in the Public Open Space, that had

been damaged by the Grounds Maintenance Vehicles that tended the Public Open Space.

The Council informed the owners of 1 Sabin Drive that this was something they would be prepared to consider, subject to Planning consent for change of use of the land from Public Open Space to Private Garden Land, and subject to approval from the local Parish Council, Weston under Wetherley.

Approval was granted by Weston under Wetherley Parish Council on 4 December 2013 and the owners sought Planning Consent for the change of use from the District Council, as the Local Planning Authority. The Planning Committee of April 2015 approved the change of use, under Planning Consent W/15/0161, which was subject to a number of Planning Conditions.

Following on from this, terms and conditions for the sale of the land in question were agreed between the Council and the owners of 1 Sabin Drive, following approval from the original developer of the estate, Bloor Homes Ltd, to the relinquishment of the restrictive covenant that permitted the site only to be used as Public Open Space.

The terms and conditions of the sale of the land in question, were Private & Confidential because they contained information relating to the financial or business affairs of any particular person (including the authority holding that information), but were listed in the Private & Confidential Appendix 2 of this Report.

These terms & conditions were approved by the relevant Head of Service, Local Councillors and Portfolio Holder, under Delegated Authority but, prior to the completion of the legal documents, it became apparent that the sale of such Public Open Spaces (that had come into the ownership of WDC under a Section 106 Agreement) required (pursuant to section 123 of the 1972 Local Government Act) Council Committee consent and a Local Councils Scheme of Delegation was not sufficient approval on such matters.

Subsection 2A of Section 123 of the 1972 Local Government Act stated that a Council must not dispose of land consisting of, or forming part of, an open space acquired by a Council under a Section 106 Agreement (or such other superseding Act of Parliament or Regulation) unless the Local Council had publicised notice of its intention to dispose of such land in the Local Press for two weeks running, and considered any objections to the disposal.

The proposed disposal in question was thereafter duly advertised in the local 'Courier' newspaper on Friday 18 March 2016 and Friday 25 March 2016, informing all who had an objection to the proposal to make their objection to the Council, in writing, by no later than 15 April 2016.

An objection was received, and was set out at Appendix 1 to the report. The items raised in this objection had been considered. The Council would not wish to lease the land to 1 Sabin Drive, as this would result in future periodical management & administrative fees and would not provide the Council with the sufficient consideration which it would need to provide Bloor Homes in order for them to remove the restrictive covenant.

Additionally, Planning Consent for the change of use confirmed that the Council, as a Local Planning Authority, did not believe that the loss of the small piece of Public Open Space would be detrimental to the area, or to the entrance into Sabin Drive, taking into account the large surrounding areas of Public Open Space that would be retained on both sides of the entrance into Sabin Drive & on the estate. Furthermore, disposal of the land in question would provide WDC with a Capital Receipt; would reduce WDC's future Grounds Maintenance costs; and would ensure no further damages to the private manhole covers for 1 Sabin Drive that were located within the Public Open Space that WDC propose to dispose of.

The Planning Consent that granted the change of use of the land in question from Public Open Space to private garden land & the erection of post and rail fence incidental to the enjoyment of 1 Sabin Drive, placed Planning Conditions on the proposal which would, amongst other things, ensure that the boundary fencing should be constructed exclusively of a 1m high post & rail paddock fencing, as shown on Plans 2 & 3 attached, with future intention to plant sympathetic shrubs and flowers along the fencing/close to the fencing on the owners side of the fence.

Alternatively the Council retained the land and continues to maintain it, at its expense, and refused all similar future requests hereafter.

At the discretion of the Leader, Ms B Roberts addressed the Executive to outline her reasons for applying to purchase the piece of the land from the Council.

Resolved that the disposal of land adjoining 1 Sabin Drive, Weston under Wetherley, edged in thick black as outlined on Plan 1 appended to the report, be approved subject to appropriate terms & conditions as considered at Minute 14.

(The Portfolio Holder for this item was Councillor Shilton)
Forward Plan reference number 786

13. **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 three 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
14	1	Information relating to an Individual

14	2	Information which is likely to reveal the identity of an individual
13	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

14. **Sale of Land at Sabin Drive – Appendix 2**

The Executive considered the private and confidential proposed terms and conditions, Appendix 2, of the sale of the piece of public open space adjoining 1 Sabin Drive, as defined in Plan 1 appended to the public report on this matter.

Resolved that the terms and conditions listed in Appendix 2 be approved, for the disposal of land adjoining 1 Sabin Drive, Weston – under – Wetherley, edged in thick black as outlined on Plan 1 appended to the report associated with Minute 12.

(The Portfolio Holder for this item was Councillor Shilton)
Forward Plan reference number 786

15. **Minutes**

The confidential minutes of the 9 March and 6 April 2016, were taken as read and signed by the Chairman as a correct record.

(The meeting ended at 7.05pm)