

Minutes 901, 902, 903 and 904 were considered by Council on 22 April 2009.

EXECUTIVE

Minutes of the meeting held on 18 March 2009 at the Town Hall, Royal Leamington Spa at 6.00 pm.

PRESENT: Councillor Michael Doody (Chairman); Councillors Mrs Bunker, Caborn, Mrs Grainger, Hammon, Kinson, Kirton, Shilton and White.

ALSO PRESENT: Councillor Crowther (Labour Group Observer); Councillor Ms De-Lara-Bond (Liberal Democrat Group Observer); Councillor Gifford (Chair of Overview and Scrutiny Committee); and Councillor Mrs Knight (Chair of Audit and Resources Scrutiny Committee).

898. DECLARATIONS OF INTEREST

Minute number 913 – Item 14 – Hill Close Gardens

Councillor Kinson declared a personal interest because he was a trustee of Hill Close Gardens.

Minute number 914 – Item 15 – Sustainable Planting in Warwick District

Councillor White declared a personal interest because he had carried out PR work for one of the companies (the Rhead Group) who sponsor and advertise on the roundabouts in the District.

Minute number 927 – Item 30 – Proposed Settlement of Claim by Warwickshire County Council for Outstanding Land Charges Fees

Councillors Caborn, Michael Doody, Kirton and Shilton declared personal and prejudicial interests because they were Warwickshire County Councillors. They left the room while the item was discussed.

899. MINUTES

The minutes of the meeting held on 4 February 2009 having been circulated were taken as read and signed by the Chairman as a correct record.

PART 1

(Items which a decision by Council is required)

900. BUDGET AND IMPROVEMENT PROGRAMME (BIP)

The Executive considered a report from the Chief Executive which responded to the continued budget challenge over the next 3 years. The Budget and Improvement Programme (BIP) Board had devised and agreed a programme of projects to support customer focussed improvement work and to make significant savings. The report recommended the approach Warwick District Council should take to ensure those improvements and savings were made.

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The recommendations had been put forward for the following reasons:

- A) A programme approach: This approach was crucial to ensure that the projects in the programme actually delivered a minimum of £1.6 million worth of savings and improvements in priority areas. There was extensive evidence from within both public and private sectors, that Programme Management enabled better co-ordination, improved communication and a stronger focus on delivering outcomes.
- B) The vision and blueprint set out to show how our customers, budget, staff and leadership were all essential elements of the programme of work and how the successful delivery of the programme could lead to a better future.
- C) The projects: these would deliver both savings and improvements. They had been identified by Corporate Management Team (CMT) as a priority and also through consultation with Service Area Managers. The direction of travel report, which was also reported to the Executive at this meeting, also highlighted priority areas for improvement, for example rent arrears. The list of projects was not finite and staff were asked to contribute ideas and suggestions too. Small incentives/rewards for suggestions that are implemented were also considered.
- D) Member involvement: the effective involvement of members as both decision makers and as effective source of challenge was likely to be essential to the success of the programme.
- E) Scrutiny support: The role of the Scrutiny Task and Finish Groups had the potential to support this Programme enabling it to be more effective in delivering the agreed outcomes. This could only be really effective if the Task and Finish Groups were given the support and resource to effectively challenge existing service practices and to explore alternatives.
- F) Authority to spend 'spend to save' reserve: The BIP Board had the necessary level of seniority and experience to make decisions regarding minor costs, for example, to carry out small feasibility/scoping work and would ensure Executive Members were involved in decisions where the cost was significant. This proposal would ensure that small amounts of expenditure which were in line with the agreed policy framework of the Programme did not need to be reported to the Executive thereby achieving results more quickly.

This was the first time the Council had embarked upon a programme of work this size. Following the attainment of a grant of £17,000 in 2008 from the West Midlands Regional Improvement and Efficiency Partnership (RIEP), consultants, Mouchel were appointed to advise and support the Council in setting up effective programme management processes and structures. The Council had also learnt from previous experience in developing and defining this Programme - particularly the Implementing E-Government (IEG) Programme which adopted a similar approach albeit with a narrower focus. The BIP represented an ambitious, but realistic programme of work, which given the right resources and an organised, focussed, well thought out approach could deliver real benefits for the Council.

It was anticipated that lean systems thinking methods would underpin a number of the improvement activities within the programme. The funding and time resource for the core elements work (as detailed in Appendix 1 to the report) could be found from within existing resources. However, there may be potential for further financial assistance of £25,000 from the RIEP to expand this area of work if we were able to

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share our 'systems thinking' approaches with neighbouring authorities. Discussions and research to explore the potential for this were currently taking place.

Culture Trust Feasibility Study

The Executive also considered a supplementary paper to the report on one of the early projects in the Budget and Improvement Programme which involved undertaking a feasibility study in to the benefits and impacts of setting up a Culture Trust for Warwick District. This supplementary report sought agreement to carry forward £35,000 in to 2009/10 as an ear marked reserve to support this feasibility study and to commence a tendering process to appoint consultants to undertake this work.

The Culture Trust feasibility study was a high priority project within the Budget and Improvement Programme. However at present we did not have sufficient information to be able to evaluate the costs and benefits of setting up a trust. Practice from elsewhere suggested that Trusts could bring benefits and reduced costs, although their success was highly dependent on their aims and the way in which they were set up. Exploring this and putting forward recommendations on the way forward was the purpose of this feasibility study.

£35,000 was set aside in the 2008/09 budget to undertake this work. However, the focus during the year had been on defining and setting up the Budget and Improvement Programme as a whole to provide a clear context for the feasibility study. For this reason the work had not been carried out in 2008/09, although it remained a high priority. It was proposed to carry this funding forward in to 2009/10 as an ear marked reserve to be used in 2009/10.

The Audit and Resources Scrutiny Committee did not believe a business case had been made for a programme manager and could not support that element of the report (specifically, recommendation 2.1), suggesting that the role should already be catered for by the line management of this organisation. In addition, the Committee felt the relationship between the Procurement Manager and the programme needed to be clarified. As such, the Committee felt that a decision on the proposed additional costs of £105,800 should be deferred pending a case being made for the programme management post. Furthermore, the Committee requested that the Executive explain the reasoning behind its decision if it chose to disregard the Committee's suggestion.

An additional paper was circulated at the meeting which provided Members with additional information regarding the appointment of a Programme Manager, including the draft job description and organisation chart of where the post would sit. The Executive hoped that this would cover the concerns raised by the Audit and Resources Scrutiny Committee who would also be sent a copy of this additional paper. They also noted that while procurement was very significant, it was not the responsibility for the line management, but a Council wide responsibility.

The Overview and Scrutiny Committee supported the recommendations in the report and were pleased to see funding was now available for additional scrutiny support from officers. The Committee hoped to set up a Task and Finish Group with regard to options for a Culture Trust and were keen to work with the Executive

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on the BIP Programme. The Committee would also look at further items on the BIP programme when considering the need for future Task and Finish Groups.

The Executive thanked the Audit and Resources and Overview and Scrutiny Committees for their comments. They also suggested that it would be useful for Councillor Gifford, as Chair of the Overview and Scrutiny Committee, to speak with the Assistant Chief Executive (Members' Services) in relation to the funding for the additional scrutiny support from officers.

RECOMMENDED that:

- (1) a programme approach to managing the improvement and saving projects is taken, including the appointment of a Programme Manager and associated programme costs at a total additional cost of £70,200 over 2 years (as detailed in section 13 of the report) funded from the Spend to Save provision;
- (2) the additional resource to support extended and more effective scrutiny work in line with the Programme be agreed at a total additional cost of £35,600 over 2 years (as detailed in section 13 of the report) funded from the Spend to Save provision;
- (3) the draft programme definition including the vision (as set out within section 9 of the report), the blue print (as in section 10), the outcomes and the benefits (as in section 11), be approved;
- (4) the projects detailed in appendix 1 be agreed as the initial set of projects to enable achievement of the vision, blueprint and outcomes;
- (5) the proposals for involving members in the Programme (as detailed in section 12.1 below), be approved; and
- (6) delegated responsibility be given to the BIP Board for authorisation of expenditure from the 'spend to save' reserve for BIP related project work up to a maximum cost of £5,000 for any individual item of expenditure, be approved;
- (7) the £35,000 which was set aside for a Culture Trust feasibility study within the ODPI Budget for 2008/09 be carried forward to 2009/10 as an ear marked reserve; and
- (8) tenders be sought to carry out a feasibility study in to the costs, benefits and impacts of a Culture Trust for Warwick District.

(Portfolio Holder for this item was Councillor Caborn)

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(Forward Plan reference 130)

901. HOUSING INVESTMENT PROGRAMME

The Executive considered a report from Housing Strategy which provided a revised General Fund Housing Investment Programme to be delivered within the existing resources available. In setting this programme due regard had been given to our statutory and non-statutory duties as requested in 12.3.4 of the Budget 2009/10 and Council Tax Revenue Report to Executive on 4th February 2009.

The elimination of the £1,148,000 deficit, which would have accrued over the 5 year programme, had mainly been achieved by a substantial reduction of £1,075,000 in the General Fund Housing Investment Programme as set out in Appendix 1 to the report.

The major cause of the deficit arising had been the decline in sales of Council Houses resulting in a substantial reduction in capital receipts as illustrated in the table within the report.

The budget for mandatory disabled facilities grants, the Council's only statutory duty, had been maintained in line with the current match funding arrangements in anticipation of continued government grant.

The reduction in the programme had been achieved by cutting funding to the Housing Association Development Programme by £375,000. This would reduce our opportunity to buy into any new build schemes which may become available in future years.

The other £700,000 of reductions had been achieved by a substantial shrinkage in most of the Environmental Health Improvement Schemes. Although reduced, this ensured there was still some assistance available for the elderly, vulnerable private tenants, and owner occupiers, to enable them to remain in their own homes and maintain their property to a Decent Homes Standard.

Provision had been preserved for top up energy efficiency grants, which play a vital part in helping to reduce fuel poverty.

The revised programme now more closely reflected the level of grants currently being administered through the Environmental Health Improvement Schemes. The revised programme may result in some staff resource being redirected to areas that were a Corporate Priority but due to limited resources and conflicting service demands had not progressed as quickly as anticipated, for example, bringing empty properties back into use to assist in meeting housing need; promoting energy efficiency grants to combat fuel poverty; the introduction of a Landlords Accreditation Scheme to improve private rented sector standards and the continuation of the Student Accreditation Scheme. A more detailed breakdown of the revised Programme was provided in Section 5 of the report.

Members were only recommended to confirm the Housing Investment Programme up to 2009/10. Further consideration of options was required of future years so as to ensure a sustainable programme reflecting the Council's priorities given the

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limited resources available. In addition, the situation is likely to change in future years, not least in respect to the economic climate.

The Audit and Resources Scrutiny Committee supported the recommendations in the report.

The Executive thanked the Audit and Resources Scrutiny Committee for their support.

RECOMMENDED that

- (1) the revised General Fund element of the Housing Investment Programme expenditure and funding for 2008/09 and 2009/10 be approved;
- (2) the revised General Fund element of the Housing Investment Programme for 2010/11 to 2012/13 be noted without commitment; and
- (3) a further report considering future options for the period 2010/11 to 2012/13 be submitted for Members, with the situation also reported on as part of the budget monitoring process.

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

902. CALL-IN PROCEDURE

The Executive considered a report from Members' Services which detailed the amendments to the Council's Constitution with regard to the Council's Call-In Procedure.

There were two Executive decisions 'called-in' during 2008 and although the procedure was stated in the Constitution, it was apparent that it needed to be clearer for officers, Councillors and members of the public to understand.

The current call-in procedure was set out within Procedure Rule 19 of the Council Procedure Rules in the Council's Constitution. This was shown at Appendix 1 to the report.

Following the Executive on 23 July 2008, two decisions were called-in to the Overview and Scrutiny Committee for consideration. Council Procedure Rule 19 set out how the call-in procedure operated, but it was felt by officers that the current level of detail in the Constitution was not prescriptive enough to ensure that it was clear how a called-in decision should be dealt with.

The process for dealing with called-in items had not changed and the report was merely recommending that the full process followed by officers was shown in a detailed written format which made it easier to understand and follow from beginning to end. The suggested amendments were shown in Appendix 2 to the report. The need for clear rules of debate of a called-in item at Council was also highlighted as there was not currently a procedure for this. A suggested procedure

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was shown at Appendix 3 to the report and a high level call-in procedure was shown in Appendix 4.

RECOMMENDED that the amendments as detailed in appendices 2 & 3 to the report, be approved.

(The Portfolio Holders for this item were Councillors Caborn and Michael Doody)
(Forward Plan Ref 176)

903. **WEBSITE DEVELOPMENT**

The Executive considered a report from the Website Service Manager which requested funding to develop and improve the website with the aim of improving ease of use for customers, increasing usage and impacting on the number of phone calls the council receives.

It was recognised that the Council should increase usage of the website as it was the cheapest access channel. Research showed that a typical enquiry costs the council £16.20 face to face, £1.55 by phone and 12p on the web. We want to encourage people with internet access (over 65% of the population) to access the information and services that can be delivered online, via our website. Currently around 15-20% of our local population use the website to access our services so there is scope for increasing that figure (some district councils have 25 -30% of their local population using their website).

There was already evidence that improving the website leads to a reduction in the number of phone calls we receive. Council tax phone calls had decreased steadily over the past 2 years since an online council tax service was added to the website. Overall the number of calls to the council has decreased, as web usage increased.

In the event that the council moved its website to another technology platform (e.g. Sharepoint) in the future, this piece of work to improve the ease of use of the website would still be necessary. Any changes made now could be migrated to Sharepoint so an investment now would reduce the amount needed for any future project.

This proposed piece of work tied in with the Business Improvement Projects and the associated systems thinking philosophy. It was entirely about seeing services from the customer perspective in order to improve access to them.

Members of the Audit and Resources Scrutiny Committee gained reassurances in relation to the budget for website development, ongoing maintenance costs, ongoing support and alternative arrangements should the company being used to develop the website cease to operate. The Committee recognised the need for increased functionality through the website and supported the recommendations in the report.

The Executive thanked the Audit and Resources Scrutiny Committee for their support.

RECOMMENDED that

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- (1) the funding as outlined in the attached business case be approved so that work can start on reorganising the entire website (Microsoft Content Management System (CMS)) based on the customer perspective at a cost of up to £65,000, as outlined in sections 2.1 and 6.1 of the report, be approved;
- (2) work on the website of up to £65,000 be funded from the Spend to Save budgetary provision; and
- (3) staffing levels in the Customer Service Centre be reviewed after the improvements to the website had been undertaken.

(The Portfolio Holder for this item was Councillor Caborn)

EXECUTIVE

18 MARCH 2009

PART 2

(Items upon which the approval of the Council is not required)

904. ANNUAL AUDIT AND INSPECTION LETTER

The Executive considered a report from Finance and Policy which commented on the Council's Annual Audit and Inspection Letter which was attached as the Appendix to the report.

The letter was the Council's External Auditor assessment of the Council, drawing on audit, inspection and performance assessment work and was prepared by the Council's Relationship Manager with the assistance of the District Auditor. The report highlighted former Best Value Indicators where performance had either declined or was in the lower quartile. Based on this information, the report put forward proposed improvement actions for those areas which aligned with priorities for the Council. The Council's External Auditors would attend the Audit and Resources Scrutiny Committee for this item. Members of the Executive were invited to attend if they wished to discuss any particular matter with the Council's External Auditors.

The Annual Audit and Inspection Letter was a letter to all members of the Council which needed to be given due consideration by appropriate committees. In January 2009, the Audit Commission published the audited comparative data for all Councils relating the performance against the Best Value Performance Indicators (BVPIs) for 2007/08.

The Audit and Resources Scrutiny Committee supported the recommendations in the report.

The Overview and Scrutiny Committee supported the recommendations in the report and would be keenly looking at the Performance Indicators's over the next 12 months.

The Executive were grateful to the Scrutiny Committees for their support, and also looked forward to looking at the Performance Indicators over the next 12 months.

RESOLVED that

- (1) the Annual Audit and Inspection Letter, be noted;
- (2) the indicators highlighted in table 5 within the report be addressed as priorities for improvement;
- (3) the proposal detailed in table 5, for each of the priorities for improvement be adopted and managed either through the relevant Service Delivery Plan or through the Budget and Improvement Programme; and

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- (4) the actions necessary to avoid any future qualification of the accounts be monitored through the Annual Governance Statement action plan.

(Portfolio holder for this item was Councillor Michael Doody)

905. FINANCIAL STRATEGY AND BUDGET PROSPECTS

The Executive considered a report from Finance that set out the forecasts for the Council budget for future years, and considered which items were most likely to change, also setting out a best, likely and a worst case position. The key elements to pay attention to in future forecasts were also suggested.

The changing financial situation made it important to pay closer attention to the financial forecasts, and plan early for any changing circumstances that arise.

The budget forecasts were last presented to the Executive in February as part of the budget setting report. Following the amendments made by the Executive at that meeting, and the subsequent further amendments made by the Council at its Council Tax setting meeting on 23 February, the forward financial forecasts had been updated to consider a best, likely and worst case. The likely case was attached at Appendix A to the report.

Members of the Audit and Resources Scrutiny Committee suggested that in future Officers should consider including some indicator of confidence level to reassure the Executive of the forecasts before them. Officers also agreed to make clear in future that the key assumptions table referred to savings which had to be found, not savings that had been made. The Audit and Resources Scrutiny Committee supported the recommendations in the report.

The Executive thanked the Audit and Resources for their support and noted their comments.

RESOLVED that:

- (1) regular internal updates be submitted internally to the Executive and quarterly updates on the financial forecasts be received by the Executive in order to monitor the very volatile external financial climate and its impact on future year's budgets, concentrating on the items set out in Paras 7.3 and 7.4 of the report; and
- (2) consideration be given in the next report to the phasing of the contribution from general fund balances.

(Portfolio holder for this item was Councillor Michael Doody)

906. THE EFFICIENCY AGENDA 2008-09 TO 2010-11

The Executive considered a report from Finance which outlined the Efficiency Agenda for the 3 year period 2008/09 to 2010/2011 (CSR07 period) and detailed the first "Forward Look" submission made in October 2008. It also updated

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Members on the new requirement to include Efficiency data on the Council Tax Bill and Leaflet.

The Council was required to report bi-annual figures during the 3 year period of CSR07 A “Forward Look” projection in October of each year, and the “Actual” position in July of the following financial year. During the previous 3 year period (2005-06 to 2007-08, CSR04) these figures were reported to the Corporate Management Team prior to their submission. In light of future savings to be found by this Council, it would be appropriate to keep Members informed of this Council’s Progress.

There were new requirements to publish the data when the annual Council Tax Bills were issued. Members should be aware of what was being sent to their constituents.

Achieving of Efficiencies would support 2 elements within the 2008/11 Corporate Strategy:

Leadership – To provide clear Community Leadership and Effective management of Resources; and

Customers – To improve the Efficiency of Service Delivery to the Councils Customers.

Since 2005, Councils had been required to report on Efficiencies achieved or forecast to be, during the 3 year Comprehensive Spending Period 2005-06 to 2007-08 (CSR04). Efficiencies could be cash releasing or could be non-cashable. Efficiencies had to be on-going to qualify for inclusion. Council’s were set individual targets based on the 2004-05 baseline of 2.5% per year, of which 50% had to be cashable.

In October 2007, the Government announced its plans for the Comprehensive Spending Review Period 2008/09 to 2010/11 (CSR07), which laid out its spending plans for local government for the next 3 years. At the same time, the Department published “delivering value for Money in Local Government: Meeting the challenge of CSR07”. This details its efficiency targets for Local Authorities for the 3 year period (2008/09 to 2010/11). The target was 3% cashable efficiencies, calculated as 3% of the 2007/08 baseline and was multiplicative. Although this target would not be mandatory, Councils were still required to report bi-annually on the total net value of ongoing cash releasing gains made since the start of 2008/09.

The Audit and Resources Scrutiny Committee supported the recommendations in the report.

The Executive thanked the Audit and Resources for their support and noted their comments.

RESOLVED that

- (1) the requirements for the monitoring and reporting of Efficiencies during the period of CSR07, be noted;
- (2) the October 2008 submitted the first during this period, be noted;

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- (3) the new requirements for relaying Efficiency data to the Council Tax Payer, be noted; and
- (4) the Executive receive bi-annual reports (September and March) on the actual Efficiencies achieved during the previous financial year and those forecast for the current year, respectively.

(Portfolio holder for this item was Councillor Michael Doody)

907. BUILDING ON EXCELLENCE – 18 MONTHS ON

The Executive considered a report from the Chief Executive which updated Members on the progress of the Building on Excellence document, 18 months after it was approved by the Executive as the organisational improvement strategy.

The Council had set out a vision to be World Class by 2012. The proposals that would help the organisation as a whole achieve that vision were set out within the Building on Excellence Programme. It was entirely appropriate therefore that progress on its implementation was regularly reported and made timely revisions if necessary.

The Vision and Blueprint were explained in more detail within the Budget and Improvement Programme (BIP) report which was reported at the same meeting, the link was obvious and relevant to the Building on Excellence organisational development strategy. The action plan that stood alongside it addressed those points where time and additional information required additional issues to be included.

The key risks and milestones identified in the February Executive report had given rise to consideration to the need to ensure enough staff resource to ensure fulfilment of the proposals and the financial savings. The changes to Riverside House this past year had been dependent upon amongst other things the provision of a staff resource to spend time on the minute of delivery and engagement of staff and partners. The proposals for further freeing up of accommodation and the transfer of the Town Hall to a Trust threw up similar issues in terms of demands on staff time. In the context of a reduced size of CMT and number of Heads of Service it was important that an appropriate staff resource was financially supported to secure the savings. Part of the present consultation on further staff changes would enable the staff support to be given to enable these projects to be supported. What was clear though was that they should form part of the BIP Programme so that they can be properly managed as part of an overall programme.

The Audit and Resources Scrutiny Committee considered key milestones and risks as detailed in paragraphs 13 and 14 of the appendix to the report, supported the recommendations in the report, but requested for future meetings a more detailed risk register in relation to Building On Excellence, and financial comparisons against the original targets in each update report.

The Overview and Scrutiny Committee supported the recommendations in the report and would like to see any changes in Portfolio Holder responsibilities

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implemented as soon as a revised service area structure was approved. This would ensure the portfolio holders are immediately accountable for their service area responsibilities. The Committee also wished to see revised Portfolio Holder statements issued as soon as any changes to the portfolio structure are agreed.

The Executive thanked the Scrutiny Committees for their support and the Chief Executive noted the comments from Audit and Resources requesting a more detailed risk register in relation to Building on Excellence, and financial comparisons against the original targets in each update report.

RESOLVED that:

- (1) the progress made on Building on Excellence over the past 18 months, be noted;
- (2) the Vision and Blueprint of the Budget and Improvement Programme, be adopted;
- (3) a new 10 point action plan (as set out in 7.2.2 of the report) to deliver improvements to ensure we focus on the vision and blueprint, be approved; and
- (4) the Agile Working/Riverside House Phase 2 and the Town Hall projects be included within the BIP Programme.

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

908. PORTFOLIO HOLDER STATEMENTS AND SERVICE DELIVERY PLAN SUMMARIES

The Executive considered a report from Organisational Development and Performance Improvement which presented the draft 2008/09 Portfolio Holder Statements for 2009/10. These statements set out the achievements from 2008/09 along with key areas of focus for 2009/10.

Portfolio Holder Statements provided a useful bridge between the long term aims of the Corporate Strategy and the need for focussed activity over the coming 12 months. Each Objective of the Corporate Strategy falls within the remit of a different Portfolio Holder. The Portfolio Holder Statements therefore provide an important tool in enabling managers and portfolio holders to focus their dialogue during the delivery of corporate and service priorities. They form the basis for quarterly portfolio holder performance briefings. The Statements were also the vehicle through which Warwick District Council tell the public about their priorities for the year. They would therefore be publicised via the Council's website.

Appendices A to I set out the Portfolio Holder Statements for all 9 Portfolio's.

The Overview and Scrutiny Committee supported the recommendations in the report. However members wished to convey their considerable unhappiness about the current performance on the handling of applications for Disabled Facilities

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Grants. These problems needed addressing as a matter of urgency and the Committee requested a report be submitted to it in June 2009.

Councillor Mrs Grainger responded to the concerns of the Overview and Scrutiny Committee in relation to the handling of applications for Disabled Facilities Grants and assured them that this was being looked at as a high priority as well as other issues.

Councillor Kinson noted that Climate Change, Action 21 and Recycling were missing from his Portfolios and asked for these to be put in in the right place. Also Councillor Mrs Bunker noted that the Purple Flag Accreditation was missing from her Portfolio and asked for this to be added in under the priorities for the Portfolio.

RESOLVED that

- (1) the 2008/09 Portfolio Holder Statements detailed within appendices a – i attached to the report, be approved with the appropriate amendments as suggested by Councillors Mrs Bunker and Kinson above;
- (2) the statements be used by portfolio holders to support focussed performance monitoring and management during 2008/09;
- (3) the Portfolio Holder Statements be publicised via the Council website as a public commitment to our plans for 2009/10.

(Portfolio Holder for this item was Councillor Caborn)
(Forward Plan reference 157)

909. 2008/09 THIRD QUARTER PERFORMANCE RESULTS

The Executive considered a report from Organisational Development and Performance Improvement which presented the third quarter performance results for 2008/09 along with the mitigations and corrective actions for those indicators that were off target.

The regular and systematic reporting of performance results against target, trended over time and compared with other authorities was a fundamental element of the Council's integrated performance management framework. The performance management framework in turn remained a key tool for ensuring the Council stayed focussed on what matters to ensure it delivered its services efficiently and effectively.

As in previous quarters, a report relating to each Portfolio had been prepared and arranged to enable the Executive Overview and Scrutiny Committee to hold portfolio holders to account for the performance of services within their portfolio area. The information in section 7 of the report contained full exception, mitigation and correction actions.

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When examining performance results for any given area the following points were to be considered with relation to the results achieved and used to evaluate the appropriateness of any corrective action proposed:

- Result against target
- Result compared to previous results - trend over time.

The report was consistent with the Corporate Strategy and core corporate reporting arrangements aligned to portfolios and overview and scrutiny committees.

RESOLVED that

- (1) performance in relation to each of the seven portfolios for the period April 2008 to December 2008 is noted as detailed within the summary information in this report;
- (2) mitigation and corrective actions where results had fallen beyond 10% off target be noted and approved as detailed within report; and
- (3) Members to receive a further report in June 2009 relating to RCS11 - Internal target for speed of answering phone calls - % within 30 seconds to monitor improvement actions in this area.

(The Portfolio Holder for this item was Councillor Caborn)

910. RISK REGISTER

The Executive considered a report from the Deputy Chief Executive (S151) and which set out the latest update of the Corporate Risk Register for those items that score 12 or more.

At the meeting in June 2005, the Executive considered a report on Risk Management and asked for all items which scored 12 or above on the Corporate Risk Register to be monitored and reported to the Executive on a quarterly basis. The Audit and Resources Scrutiny Committee suggested some refinements to the register and it now included a timescale for the further actions required to bring the risk back to an acceptable level. The Audit and Resources Scrutiny Committee always consider the risk register at their meetings and pass comments to the Executive as they feel appropriate.

The key issues arising from this quarter's update were:-

- CMT considers that the risk of a challenge to planning decisions has reduced following the training (1(C))
- The risk to creating thriving town centres and tourism has increased and so is included on the register (2)
- The changes to the plans for the Leamington One-Stop Shop proposals had reduced the risk of this being achieved (3)
- The risk regarding the Building on Excellence savings whilst still high, had slightly reduced (5)

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The planning (1(C)) and one-stop shop (3) will not be reported at this level again unless it is considered their risk has increased.

The corporate risk register considered all risks to the Councils operations, key priorities, and major projects. Individual services also had their own risk register which helps inform the process.

The register was last reviewed by CMT on 4 February 2009. The register was reviewed in full on a quarterly basis. The full register was reported to the July 2008 Executive, with the Risk Management Progress report.

CMT specifically considers significant partnership risks at every review of the corporate risk register. CMT considered that there were currently two major partnerships where there was significant financial and business link to the Council, and they were the Crime and Disorder Partnership and South Warwickshire Tourism. As a matter of good practice these organisations had now been asked for their own risk registers, for the first time these were reviewed by CMT at its 4 February meeting.

The scoring criteria for the risk register were judgemental and were based on the likelihood of something occurring, and the impact that might have. The information within the report was used as a basis for forming these judgements.

In response to questions, Members of the Audit and Resources Scrutiny Committee were informed that an officer vacancy had caused a delay in information coming forward on the Asset Management Plan, but that an officer had now been appointed and a report would be presented to the next meeting.

The Audit and Resources Scrutiny Committee felt that in future the totality of planning decisions should be considered in relation to the risk register, as opposed to just those decisions taken by the Planning Committee, and supported the recommendations in the report.

The Executive thanked the Audit and Resources Scrutiny Committee for the comments and support.

RESOLVED that the Corporate Risk Register for those items scoring 12 and above which was detailed within Appendix 1 to the report, be noted.

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

911. WARWICKSHIRE LOCAL AREA AGREEMENT

The Executive considered a report from the Chief Executive which sought the Council's endorsement of the refreshed Local Area Agreement for Warwickshire for 2009/10 to 2010/11 and to inform the Council of the Medium Term Financial Strategy adopted by the Warwickshire Public Service Board.

A Local Area Agreement (LAA) was essentially an agreement between Central Government and a local partnership of agencies (Countywide in Shire areas) on

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national and local priorities and targets. The concept was based upon the notion that a widely agreed set of priorities and outcomes should lead to more effective and efficient partnership working and so greater benefits to the local community.

The 3 year was agreed in 2008 but had to be refreshed annually to take account of experience, new issues and update on delivery. The refreshed LAA for Warwickshire was attached at Appendix 1 to the report and was approved by the Public Service Board on 3 March and now endorsement of all partners of which this Council is one.

Alongside the revised LAA, the Public Service Board also adopted a Medium Term Financial Strategy, attached at Appendix 2 to the report. This would be subject to a further report to the Public Service Board and the Executive as it was developed.

RESOLVED that

- (1) the refreshed Local Area Agreement, attached at Appendix 1 to the report, be endorsed; and
- (2) the Medium Term Financial Strategy adopted by the Warwickshire Public Service Board, attached at Appendix 2 to the report, be noted.

(The Portfolio Holder for this item was Councillor Michael Doody)
(Forward Plan reference 165)

912. APPROVAL PROCESS FOR CORE STRATEGY PREFERRED OPTIONS

The Executive considered a report from Planning which sought approval for the process of the Council considering the Core Strategy Preferred Options Paper and Sustainable Community Strategy.

The Council was required by legislation to prepare a Core Strategy for the District and as part of the process of preparation it was necessary to provide opportunities for the public to participate in the process at key stages. The Council had already undertaken two stages of consultation on the 'Issues' which the Core Strategy must address and the 'Options for Growth'. The next stage was referred to as the 'Preferred Options' and Members resolved at the December Executive to undertake this stage of consultation during Spring 2009.

The Council's constitution and Statement of Community Involvement require full Council approval for the 'Preferred Options' Paper before consultation could take place. In order to enable the Council to fully debate this item together in a more open and transparent manner at a single meeting which the public may attend, it was proposed to take this item directly to the full Council Meeting on 22 April 2009. This would remove the need for separate Overview & Scrutiny Committee and then Executive meetings to debate the item before full Council. This would also provide further time for discussion between officers and the Development Plans Working Party. It was also proposed that, given the close relationship between the Council's Core Strategy and the Warwick District Sustainable Community Strategy these items could be considered together to ensure the correct linkages were in place.

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RESOLVED that the Core Strategy Preferred Options Paper and Sustainable Community Strategy be taken directly for consideration at Full Council on 22 April 2009.

(The Portfolio Holder for this item was Councillor Hammon)

913. HILL CLOSE GARDENS

The Executive considered a report from the Head of Economic Development and Regeneration to agree a mechanism to review the grant fund and consider the level of financial support that Warwick District Council may provide in future to the Trustees of the Gardens. It was recommended that the Executive give the trustees of Hill Close Gardens notice that the proposed review of the grant would take effect the Council's financial year 10/11.

The financial capacity of the Council had been negatively impacted by a number of factors including the economic downturn. It was, therefore, prudent that the Council reviewed the funding that it made available to external organisations through the Economic Development and Regeneration budget. This review was part of the wider Budget and Improvement Programme (BIP) that the Council was progressing. It should be noted that it was not proposed that any additional funding would be made available to the organisation.

Warwick District Council, the owner of the Hill Close Gardens site, had been a key supporter in the regeneration of the Gardens into a unique and popular visitor attraction in Warwick town centre. The Trustees of Hill Close Gardens had been in receipt of financial support from a number of organisations whilst the site was under physical redevelopment; these had included the Big Lottery Fund, Advantage West Midlands and others including the Council.

It was appropriate at this time to review the funding and support that Warwick District Council gave to Hill Close Gardens. The Gardens had progressed from being a regeneration project to a visitor attraction and with this the level and type of support that it required had also changed. The Trustees recognised that and had already started the transition, developing a business plan which would reflect the operational role of the Gardens as a visitor attraction. It was appropriate that the Council supported the trustees through this transitional phase. However, it was also important that Warwick District Council reviewed the role that they play as the Gardens take on more of an operational visitor attraction. It was also necessary for the review to consider the ability for the Gardens to progress the strategic objectives of the Council through this investment.

Through discussions with the Trustees of the Gardens it had become clear that the grant funding arrangement was not attractive to either party (the Council or Trustees). It was clear that the funding was closer to that of a contract for the delivery of services and both parties had indicated a willingness to consider committing to a more formal agreement. This would, in effect, give both parties more certainty and introduce a more effective management mechanism. If it was further developed through a robust action plan it would lead to greater transparency and understanding of the Trusts ongoing requirements.

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Warwick District Council had entered into a voluntary compact in relation to grant funding for voluntary organisations which meant that any reduction in grant would be delayed by a year. It was proposed, therefore, that the Council alert the Trustees that a review of the funding would take place and that any reduction or removal would take place at the start of the financial year of 2010/11.

The Trustees of Hill Close Gardens were continuing to secure other sources of income, such as the recently secured £8,720.00 from the Awards for All grant (part of the Big Lottery Fund). This had been secured for operational projects, such as training volunteers, fresh educational opportunities and to allow the Trustees to be more adventurous in investment in Victorian games and costumes.

RESOLVED that

- (1) the Executive formally reviews the annual grant that the Council gives to support Hill Close Gardens as a community resource, in consultation with the trustees;
- (2) a report be submitted to the Executive detailing the result of the review process as recommended in 2.1 of the report; and
- (3) the trustees be formally notified that a review of the grant funding will be entered into and, depending on the outcome of that review, funding may be reduced or withdrawn with effect from April 2010 (the start of the Council's financial year 10/11).

(The Portfolio Holder for this item was Councillor Hammon)
(Forward Plan Ref 167)

914. SUSTAINABLE PLANTING WITHIN WARWICK DISTRICT

The Executive considered a report from Neighbourhood and Cultural Services which set out the reasoning behind the continued move to more sustainable planting across the District and the proposals supported by the town councils involved as a result of consultation over the last three months.

One of the Councils environmental policies was to provide high standards of environmental services across the District delivering a sustainable and quality environment. As a result the Council had been moving towards more sustainable forms of planting and a review of the level of floral planting which takes place across the District had been carried out.

The changes impact in both Leamington and Warwick and were supported by Leamington and Warwick Town Councils. No changes to floral planting were planned elsewhere across the District as the majority of floral planting takes place in Leamington and Warwick.

Over the last few years a number of areas where floral planting took place had been replaced with more sustainable planting. The island on the main entrance to the Shires Retail Park, one of the islands adjacent to Warwickshire College and the

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island at Sandy Lane had all been planted with more sustainable planting over the last three years.

The concept of more sustainable planting was recognised in the Heart of England judging criteria so the introduction of these measures would actually strengthen the various Town's entries in Britain in Bloom.

The Executive were against sustainable planting being used on the roundabouts in the District because it was deemed unsightly and could cause visibility problems for drivers. It was proposed and duly seconded that the item be referred back to the Head of Neighbourhood Services and the Town Centre Managers in consultation with the Portfolio Holders for Culture and Environment to discuss ways of finding the funding to continue with the planting scheme currently in place. A report should be submitted back to the Executive in due course with their recommendations.

RESOLVED that the item be referred back to the Head of Neighbourhood Services and the Town Centre Managers in consultation with the Portfolio Holders for Culture and Environment to discuss ways of finding the funding to continue with the planting scheme currently in place. A report be submitted back to the Executive in due course with their recommendations.

(The Portfolio Holders for this item were Councillors Kinson and White)
(Forward Plan reference 155)

915. RESTRUCTURE OF STAFFING IN CULTURE AND NEIGHBOURHOOD SERVICES

The Executive considered a report from the Heads of Culture and Neighbourhood Services which highlighted changes to the staffing structures in Culture and Neighbourhood Services as a result of Building on Excellence. It also set out the outcomes of the review by the HAY Panel of the revised job descriptions for the members of staff now operating in these service areas.

As part of Building on Excellence, a revised staffing structure was introduced within the newly formed Culture and Neighbourhood Services.

Some adjustments to that structure and to the job descriptions of staff working in those teams were necessary. In most cases following those adjustments the grades had remained at the grade on the establishment list. In some cases the grades had been increased as a result of additional responsibility for the post holder.

Currently there was a half post shown on the establishment list within Cultural Services that had not been filled. It was recommended that by deleting this post from the establishment, there would be money available to part fund the additional cost associated with the changes identified in Appendix 3 to the report.

The following changes to the establishment were required as a result of the HAY Panel review. Two staff on grade F move to grade E1, one member of staff on grade E1 be moved to grade E2 and the introduction of a team leader in both teams could lead to the two further E2 appointments from E1.

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One element of the revised structure was the creation of a team leader to undertake day to day management responsibility. The plan to appoint a team leader for the Community Recreation Team would go ahead.

Given the reduction in the number of staff in the Green Team from four to three and the linking of those staff with the 16 staff within the Waste Team, it was decided to appoint a Green Team leader on an initial six month appointment. This would allow a review of the joint waste/grounds maintenance operations to be undertaken where there was currently a Senior Contract Manager post vacant. Any revisions to the structure which were identified would then be made later in the year once the most effective way of operating these two contracts more closely had been established.

The Employment Committee deferred this item at their meeting on 10 March 2009 and requested that further information be submitted on the following:

- Why are these changes happening?
- When will they take effect?
- What differences are there between the jobs, e.g. any extra responsibilities?; and
- What would the budgetary figures be over the next 4 years?

This further information was circulated before the Executive and so the decision of the Executive would be subject to the Employment Committee approval at their special meeting arranged for Tuesday 24 March 2009.

RESOLVED that the recommendations below be agreed subject to the approval of the special Employment Committee to be held on 24 March 2009:

- (1) the recommendations of the HAY Panel set out in Appendix 3 to the report, regarding the grading of these posts, be implemented, subject to the approval of the Employment Committee;
- (2) the changes in grades for all the staff concerned in Culture and Neighbourhood Services be funded subject to the approval of the Employment Committee. This would be part funded by the removal of the Parks Strategy Officer (0.5fte) within the existing establishment; and
- (3) a further review of the structure in Neighbourhood Services be reviewed following the bringing together of the staff who operate within the Waste and Green Teams, subject to the approval of the Employment Committee.

At the Employment Committee held on 24 March 2009, the recommendations put before them were agreed.

(The Portfolio Holder for this item was Councillor Kinson)

EXECUTIVE MINUTES (Continued)

916. SCRUTINY OF CCTV

The Executive considered a report from Members' Services on the Scrutiny of CCTV.

The information booklet 'CCTV – Is the service delivering an effective and value for money service?', which was circulated separately, informed the Committee of the scrutiny review carried out by the CCTV Task and Finish Group, at the request of the Overview and Scrutiny Committee in July 2008.

A Task and Finish Group of non-executive members was appointed in July 2008 to scrutinise 'CCTV – Is the service delivering an effective and value for money service?' The scoping document was attached at appendix 1 to the Task and Finish Groups' report.

The Overview and Scrutiny Committee did not have any delegated powers to implement the recommendations of the Task and Finish Group. The recommendations must be approved by the Executive, before they could be implemented (except where the Overview and Scrutiny Committee make a recommendation for submission to another Committee).

Councillor Illingworth attended and outlined the work of the CCTV Task and Finish Group. The Executive wished to thank and congratulate all members and officers involved for producing an extremely informative document. They also agreed that the words 'subject to finance' be included in recommendation 2.1.

RESOLVED that

- (1) the recommendations within the report from the Task and Finish Group be approved for implementation, subject to finance, as stated in appendix 3 to their report; and
- (2) a further report be submitted to the Overview and Scrutiny Committee in October 2009 detailing the progress made with the recommendations.

(The Portfolio Holder for this item was Councillor Kinson)
(Forward Plan Ref 176)

917. FUTURE MAINTENANCE OF BUS SHELTERS WITHIN WARWICK DISTRICT

The Executive considered a report from Engineering Services which identified the history and responsibility for the maintenance of bus shelters within the District and consideration on how the delivery of this non-statutory service could be provided.

There are four organisations who currently maintain the bus shelters within the District, namely;

- those maintained by 'Clear Channel' (formally Adshell) under the agreement made between the Council and Adshell dated 19th April 1995.

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- twenty four shelters which fall outside the Adshell contract and which the District Council currently maintain.
- County Council provided and maintained shelters on their quality bus corridors, via their agreements with third party suppliers.
- Certain Parish Councils in the District also maintain shelters in their own administrative area.

Officers considered that termination of the Highways Agency in 2003 effectively nullified the 'Clear Channel' agreement, as it was signed by the District Council, as the Highway Authority. Clearly when the Council was no longer the agent highway authority, it was believed that this agreement would revert back to the County Highway Authority. However, the County Council's legal officers did not consider this to be the situation. Negotiations for the assignment of the 'Clear Channel' agreement to the County Council started in 2003, although, the County Council was unable to agree to the terms of the assignment because the agreement contained an exclusivity clause in favour of 'Clear Channel'. This clause prevented the County Council from awarding further bus shelter contracts throughout the District, to anyone other than 'Clear Channel'. This was unacceptable to the County Council because the clause was anti-competitive and therefore probably also unlawful.

The District Council was therefore faced with the inability to control how this current agreement was delivered, both now and in the future, as it had no legal powers to permit or control the bus shelter structures in the highway. Advice from Legal Services in March 2006 and April 2008 indicated that the Council had no recorded consent from the County Council to have the 'Clear Channel' bus shelters in the public highway. The Council could therefore potentially face enforcement action from the County Highway Authority, requiring the bus shelters to be removed from the highway.

If the Council were to terminate the agreement prior to the agreement period, it was considered 'Clear Channel' would have recourse to potential losses. The 15 year agreement elapses in April 2010, providing that the Council gave 12 months notice to 'Clear Channel' that we had no intention of extending the agreement. Through not giving notice, the agreement would otherwise continue for an additional 5 years with the Council being in a powerless situation to control 'Clear Channel's' desires.

Serving notice to terminate the agreement on 'Clear Channel' would allow for the Council to withdraw from this complex situation and allow the County Council to conduct whatever negotiations it considered appropriate, for the existing and future provision of 'Clear Channel' shelters. For clarification, the Council received no monies for the advertising on the 'Clear Channel' shelters, but was also not put to any maintenance costs because 'Clear Channel' undertook this activity directly.

One possible option for consideration was whether Parish and Town Council's, should perhaps deliver the maintenance of bus shelters in their own administrative areas. It was therefore suggested that Officers consult with the Parish and Town Councils over their views on whether they would wish to take over any of the 24 District-owned bus shelters. This concept was not new and from research it was apparent that in many County Council areas, the Parish and Town Councils were responsible for the maintenance of bus shelters.

EXECUTIVE MINUTES (Continued)

If they did not want to take them over, the Council would continue to maintain them, as at present with limited funds, until they ultimately became a health and safety risk whereby each one would be considered for removal.

The County Council were requested to take over the maintenance of the District Council's shelters shortly after the termination of the Highway Agency agreement in 2003. Some years later, the County Council through their legal officials, accepted that they may take over "a number of shelters in due course". They had to date effectively taken over 9 shelters since 2003. These were subsequently removed and then replaced with new shelters, via third party arrangements, in order to deliver the County Council's quality bus corridors throughout the District.

The Overview and Scrutiny Committee highlighted that, as this was a County Council function, Warwickshire County Council be pursued to investigate whether funds from the decriminalisation process or any bus shelter advertising receipts received by the County could be used to provide an enhanced service. The Committee believed that Town Councils would not be able to undertake this function and if people were to be encouraged to use the buses and not use their cars, then bus shelters were essential.

The Executive noted the comments of the Overview and Scrutiny Committee. The Head of Engineering Services assured the Executive that the County Council would not be funding any part of the maintenance of the bus shelters. Recommendation 2.3 as set out within the report would only take place if the Town Councils were in agreement.

RESOLVED that

- (1) 'Clear Channel' (formally Adshell) be given 12 months written notice that the Council would not be extending the original 1995 agreement for the bus shelters they provide and maintain in exchange for free advertising in the Public Highway. The locations of these shelters were contained within Appendix 1 to the report;
- (2) the relevant Town and Parish Councils are consulted on whether they were prepared to take over the current condition and maintenance responsibilities for the twenty four bus shelters owned by the Council. The locations of the Council's shelters were contained in Appendix 2 to the report; and
- (3) the subsequent transfer of any bus shelters together with their associated maintenance responsibilities, to those Parish and Town Councils who are in agreement to deliver this service, be approved.

(The Portfolio Holder for this item was Councillor Kinson)
(Forward Plan Ref 129)

EXECUTIVE MINUTES (Continued)

918. LEGAL SERVICES - UPDATE

The Executive considered a report from the Interim Head of Legal Services which updated Members on progress being achieved on a number of projects in Legal Services.

The Council was committed to achieving Lexcel Accreditation as a recognised standard for the provision of Legal Services. A mock inspection was carried out in December 2007, which highlighted a number of matters which required attention if the Council were to be granted accreditation after a full inspection. Progress had been made since then on these matters, and it was considered that the matters highlighted in the previous mock inspection had been addressed. However, as there had been some changes in the standard since December 2007, it was considered prudent to have a further mock inspection, and this was being arranged for April 2009. Subject to the outcome of that mock inspection, it was hoped to move to a full inspection in the summer.

The project of voluntary registration of all the Council's land holdings was proceeding according to target. With full co-operation from the Land Registry, a timetable had been agreed to complete the process by September 2009. This was being monitored on a monthly basis by the Interim Head of Legal Services, and remained on target.

A report on re-structuring of the establishment of the Legal Section was considered by the Employment Committee on 10 March, and would also come before the Executive at this meeting.

The Audit and Resources Scrutiny Committee congratulated the Interim Head of Legal Services for the achievements made during his time in post, and supported the recommendations in the report.

The Executive agreed with the congratulations passed to the Interim Head of Legal Services and thanked the Audit and Resources Scrutiny Committee for their support.

RESOLVED that the progress towards Lexcel Accreditation and with the Land Registration project be noted, and a further report be submitted in six months.

(The Portfolio Holder for this item was Councillor Kirton)
(Forward Plan Ref 172)

919. LAND CHARGES – FEES FOR PERSONAL SEARCHES AND UPDATE

The Executive considered a report from the Interim Head of Legal Services which advised Members of the Regulations and Guidance issued by the Government regarding revisions to the scheme for personal search companies and others to carry out personal searches and the fees to be charged for them. It also updated members on the present position with Land Charge Searches in the current housing market, and progress on the digitisation project.

On 16 December 2008, the Government made The Local Authorities (England) (Charges for Property Searches) Regulations 2008. These change the framework

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for personal searches of the land charges register and additional enquiries (CON29) by requiring local authorities to make all information required to answer the standard searches and additional enquiries available to personal searches and search companies. They also provide for authorities to set charges for providing the information and access to it on a cost recovery basis. From 6 April 2009, search companies would not be allowed to use indemnity insurance in lieu of information they had not been able to obtain, as all information should be available.

Although the regulations came into force on 23 December, a copy was not received until that day, and the guidance to accompany them was not received until 22 January. In particular, that guidance gave advice on how costs should be calculated for providing access to property information for those carrying out personal searches. The statutory fee for a personal search of the Land Charges Register is set by the Ministry of Justice. The current fee was £11, although there was talk of this being raised in the foreseeable future.

Under the new regime, authorities were required to calculate a fee for each question on the CON29 form where the information was not currently freely available. An exercise was undertaken during February to calculate the amount of officer time spent compiling and maintaining the various "data sets". At the time of preparing this report, calculations were currently being carried out using that information, the cost of employing the officers, various fixed charges and an estimate of the number of searches to arrive at a cost for providing access to each question. These were the figures which would be shown in the appendix to the report, and it was recommended that members approve these figures.

The Council was required to break even on the recovery of the cost of providing access to the information required by personal searchers on a year by year basis. This meant that the exercise would have to be repeated annually, with any surplus or shortfall on one year being carried forward to the calculation of charges for the following year.

Appendix 1 to the report was circulated at the meeting.

The Audit and Resources Scrutiny Committee supported the recommendations in the report.

The Executive thanked the Audit and Resources Scrutiny Committee for their support.

RESOLVED that

- (1) the proposed level of fees for personal searches set out in appendix 1 to the report, be approved for implementation from 1 April 2009; and
- (2) the present position on Land Charges searches and the progress with the digitisation project, be noted.

(The Portfolio Holder for this item was Councillor Kirton)
(Forward Plan Ref 171)

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920. PROPOSED CHANGES TO THE COUNCIL'S DISCRETIONARY ASSISTED TRAVEL SCHEME

This item was withdrawn from the agenda because the Executive wanted to take further time to consider the proposed scheme. A report would be submitted back to the Executive in June 2009 and any decisions taken would be backdated.

921. OVERVIEW & SCRUTINY COMMITTEE AND AUDIT & RESOURCES SCRUTINY COMMITTEE – SCRUTINY WORK CURRENTLY BEING UNDERTAKEN

The Executive considered report from the Audit and Resources Scrutiny Committee the Overview and Scrutiny Committee informing them about the scrutiny work being undertaken by the Committees.

The report was produced to create a dialogue between the Executive and the Overview and Scrutiny Committee & Audit and Resources Scrutiny Committee.

This item on the Executive agenda was previously the Scrutiny Committees' minutes from the previous cycle. However, producing a report was considered a more effective way of keeping the Executive informed of the Overview and Scrutiny Committees' and Audit and Resources Scrutiny Committees' activities.

The Executive could receive the Overview and Scrutiny Committees' and Audit & Resources Scrutiny Committees' minutes for information, as there was a legal obligation for this flow of information. However this report provided brief and meaningful information on the scrutiny work and further details were available if required.

Councillor Gifford (Chair of the Overview and Scrutiny Committee) asked Councillor Michael Doody (Chair of the Executive) that a record of the Executive's consideration of the Scrutiny Committee's comments be detailed within the minutes of the Executive meetings. This was agreed by all.

RESOLVED that the report be noted.

(The Portfolio Holders for this item were Councillors Mrs Bunker, Caborn, Doody, Mrs Grainger, Hammon, Kinson, Kirton, Shilton and White)

922. GENERAL REPORT

(A) RURAL INITIATIVES GRANT

The Executive considered a report from Finance that provided details of new applications for a Rural Initiatives Grant from Offchurch Sports Club, Lowsonford Village Hall, Canalside Community Food Project, and Bubbenhall Spring and Village Green Restoration Project.

The Executive were asked to consider the level of funding they wished to grant in light of the merits of the schemes and the implications on the budget remaining for the financial year.

Offchurch Sports Club

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An application had been received from Offchurch Sports Club which was summarised and further details on how the application met the Council's Objectives was attached at Appendix 1a to the report. The current sports pavilion built in 1975 had reached the end of its working life and required replacement in order to provide in the words of the Sports Clubs vision statement "a welcoming up-to-date sports facility that encourages active participation of adults and children in sport with a focus on cricket, tennis and netball. These facilities would be accessible and affordable by all and would strengthen the cohesiveness of the local community and reduce rural isolation". The club had identified that there was a large local community of around 35,000 people which had little or no access to local sports facilities and it aimed to fill the gap by replacing the current pavilion and thus attracting the community to use its already established facilities. The pavilion would also be used for meetings, parties and would provide a useful overspill facility for the village hall. The current membership of the club active in sports was around 122 and membership subscriptions were kept relatively low in order to make participation in sport very affordable and to provide access to coaching and training for all. Once the new pavilion had been built, the club expected to double its members actively participating in sport.

The club had made use of its Committee member's professional expertise to produce a comprehensive specification and design of the new building and had obtained 4 tenders, the lowest and most suitable of which was from a local company called Superior Log Buildings and was estimated to cost £251,000. The Committee had produced a funding strategy which entailed the use of £20,000 of its own resources, £1,000 from the Parish Council, £100,000 from Sport England, £95,000 from Landfill Tax Credits leaving a balance of £35,000 which formed the basis of their Rural Initiatives grant application. It was recommended that the Executive considered awarding a grant of 14% of the total cost of the project including VAT up to a maximum of £35,000.

Lowsonford Village Hall

Over the past few years, Lowsonford Village Hall which was built pre WW2 had undergone extensive refurbishment, which was still ongoing, in order to modernise its facilities and now presented an attractive facility which had seen its usage grow following the refurbishment. The latest stage of the refurbishment was to replace the glazing units, 50% of which had failed and pose a serious insulation issue. The village hall committee had received previous Rural Initiatives grants amounting to £6,181 towards the refurbishments and was now applying for a grant equal to 50% of the replacement cost of £1,684. At 31 December 2008, the Village Hall had cash and reserves in hand of £9,722. Further details of the application including how it met the Council's Objectives were attached at Appendix 1b to the report. The Parish Council had given financial support to the earlier phases of the refurbishment and it had given its support for these works but following a donation of £200 to the general coffers of the Village Hall, the Village Hall Committee did not feel it appropriate to approach the Parish Council for further financial help. There was a possibility of the Village Hall

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receiving a £200 grant from the Jane Ryland Trust towards this project and it was recommended that the Executive considered awarding a grant of 50% of the total cost of the project including VAT up to a maximum of £842. However, should the £200 grant materialise then the Council's contribution be reduced to 38.15% of the total cost including VAT up to a maximum of £642.

Canalside Community Food Project

The Canalside Community Food Project was an established community supported agriculture scheme which, as well as providing vegetable supplies to the local populace, engages members in food growing and understanding the farming environment. The project had nearly 100 members and was still expanding and in response to significant demand was gearing itself up to host school visits. However, the current facilities were inadequate for the growing number of members and the potential increased visitors arising from school visits. There was only one small compost toilet and no hot water or mains electricity on site. The project now wanted to construct a small sustainable eco-building fitted with the necessary equipment for two composting toilets, a solar thermal hot water system, waste water disposal and solar powered lighting.

At 30 September 2008, the project had cash in hand of £3,919 having made a loss of £664 in the year to 30 September 2008, comparable figures for 30 September 2007 were cash in hand of £4,919 and a loss of £6,207. Further details of the application including how it met the Council's Objectives were attached at Appendix 1c to the report. An approach was to be made to Radford Semele Parish Council for financial assistance towards this project as the project had mistakenly thought that financial support from Parish Councils was only applicable in cases where Parish Council buildings themselves were involved. Pending confirmation of any financial support from Radford Semele Parish Council, it was recommended that the Executive considered awarding a grant of 50% of the total cost of the project including VAT up to a maximum of £3,000. The grant to be reduced by any contribution forthcoming from the Parish Council.

Bubbenhall Spring and Village Green Restoration Project

The Bubbenhall Spring and Village Green Restoration Project Committee had been actively restoring various features of Bubbenhall including the village spring, pond, green and bus shelter. In October 2007, the Council awarded the Committee a Rural Initiatives grant of £3,000 towards the overall cost of £36,300 which included a contribution of £3,300 from Bubbenhall Parish Council and the restoration was now being carried out with a completion date of June 2009. However, the original intention was to provide electricity to power the spring water pump by virtue of solar panels. These had now been assessed to be inadequate for the purpose so the proposal was to replace the panels with a mains electricity supply costing £1,557. This expenditure would have been met from the contribution of £20,000 that Smiths Concrete had agreed to make towards the project costs. However, the economic climate had forced them to reduce their contribution to £17,000 thus leaving a gap in the projects finances. The Committee had therefore approached this Council to see if it would be

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prepared to increase its original grant of £3,000 to £4,557 in order to provide the finance for installation of mains electricity which would also have other benefits such as the ability to erect a Christmas tree and lighting to the village green area. The original £3,000 represented 8.26% of the original cost of the project and this percentage would increase to 12.04% if the additional £1,557 was awarded. This was well within the normal maximum grant of 50% so it was recommended that the Executive considered awarding an additional grant of £1,557 to the Bubbenhall Spring and Village Green Restoration Project.

RESOLVED that

- (1) a grant be awarded to the Offchurch Sports Club of 14% of the total cost of the project including VAT up to a maximum of £35,000;
- (2) a grant be awarded to Lowsonford Village Hall of 50% of the total cost of the project including VAT up to a maximum of £842. However, should the £200 grant materialise then the Council's contribution would be reduced to 38.15% of the total cost including VAT up to a maximum of £642;
- (3) a grant be awarded to Canalside Community Food Project of 50% of the total cost of the project including VAT up to a maximum of £3,000. The grant to be reduced by any contribution forthcoming from the Parish Council;
- (4) an additional grant of £1,557 be awarded Bubbenhall Spring and Village Green Restoration Project; and
- (5) the Executive notes the potential overspend of the 2008/09 budget by £1,836 and understands that the overspend would be met by an allocation from the 2009/10 Rural Initiatives budget of £150,400 as set out within Appendix 1 to the report.

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

(B) LOCAL AUTHORITY LEADERS' BOARD

The Executive considered a report from the Chief Executive which advised the Executive of the proposed regional arrangements in the West Midlands involving the cessation of the West Midlands Regional Assembly and the creation of a Local Authority Leaders' Board (LALB), a Joint Strategy and Investment Board (JSIB) and of the need to agree a deputy to act as a substitute for the Leader of the Council on the LALB.

The proposed new regional governance arrangements arise in response to the Government's proposals from the Sub National Review of Economic Development. The proposals end the role of regional assemblies and their

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function in respect of Regional Spatial Strategies (RSS) are transferred. To ensure democratic representation and involvement the Government proposes that there ought to be Boards of the Local Authority Leaders which would have joint responsibility for signing off a proposed Single Integrated Strategy, incorporating the RSS and other required strategies.

In the West Midlands the local authorities, with Advantage West Midlands, had already arrived at this approach as the one appropriate to follow. It was now intended that the West Midlands Regional Assembly would cease as from July 2009. A Local Authority Leaders' Board had already been established. A Joint Strategy and Investment Board comprising six of the Local Authority Leaders and Board Members of AWM has been established to take Executive responsibility for the overall strategy and investment programme.

The Leader of each Unitary, County and District Council was eligible to attend the LALB and one District Leader now sits on the JSIB. It had recently been agreed that deputies could attend but they must be named. In the case of this Council it was proposed that the substitute be Councillor Les Caborn who was Deputy Leader of the Conservative Group.

Work was being undertaken to examine the officer support for these arrangements and especially given that these new arrangements had implications for the staff of the West Midlands Local Government Association. Scrutiny arrangements were also being examined. In both cases a further report would come to the Executive.

Similar work was being considered at the Coventry, Solihull and Warwickshire sub region.

RESOLVED that

- (1) the proposed new regional governance arrangements, be noted; and
- (2) Councillor Les Caborn be nominated to act as deputy for the Leader of the Council for meetings of the Local Authority Leaders' Board.

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

(C) AREA BASED GRANT FOR CLIMATE CHANGE

The Executive considered a report from Planning which explained the Area Based Grant for Climate Change and sought approval for the allocation of the grant money available towards the work of Planning Services.

On 13 November 2008, the Council was informed by Communities & Local Government (CLG) of its Area Based Grant for 2008/09 (mid-year increase). Area Based Grant (ABG) was a non-ring fenced general grant, to provide support for local authorities in delivering national, regional or local priorities as they saw fit. The District Council was awarded £22,500 for

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this 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. It was understood a similar award would be made in financial years, 2009/10 and 2010/11.

The size of the award reflected CLG's estimation of local authorities costs in implementing the requirements of the supplement to PPS1, in particular, gaining an evidence-based understanding of the feasibility and potential for decentralised and renewable or low-carbon technologies to inform planning policy, and additional time spent assessing planning applications for climate change impacts. It was these two areas of planning work which the grant was proposed to be put towards.

The Planning Policy Team were in the process of preparing the District Council's Core Strategy and the latest stage in that process would be reported to a Special Executive on the 30 March. It was a requirement that planning policies within a Core Strategy be supported by evidence, and therefore should the Council choose to include policies within its Core Strategy to require renewable or low-carbon technologies as part of future developments within the District, it would need to demonstrate through evidence that they were feasible and viable. For that reason, it is proposed that part of the grant for this financial year be used towards gathering such evidence to inform the draft Core Strategy. Given the highly specialised nature of the work, it will be necessary to use consultants to undertake such work. However, your officers have been liaising with their counterparts within the other Warwickshire authorities and a brief for a joint study is currently being prepared which should help reduce costs to below £20,000.

In relation to the second area of work, Members would recall its approval of the Sustainable Buildings SPD at the December Executive. The report identified the need for further training and support to raise awareness of the requirements of the SPD and the options in terms of technologies, in order to ensure they are secured through the development control process. This training was needed for development and building control officers, Members of the Planning Committee, as well as local agents and architects. It was therefore proposed that the remaining part of the grant for this financial year be used for such training to be undertaken during the coming months. This would be undertaken within the available budget.

Notwithstanding further training, it was acknowledged that there may well be instances in the future where major planning applications would be submitted to the Council which contain particular proposals for renewable or low-carbon technologies. These would require examining to ensure they comply with the SPD. Whilst the Council would draw on its own expertise and knowledge in these areas, the specialist nature of some of the technologies will mean that expert support may be required in those particular cases. In such cases, it would be proposed that the grant for the next financial year 2009/10 be allocated for use to support development control in assessing major planning applications where technical advice was required. This would be reviewed and reported back to Executive at the end of 2009/2010.

RESOLVED that

- (1) the allocation of the Area Based Grant for Climate Change towards securing evidence to support the emerging Core Strategy and towards training and support for Planning Officers and Planning Committee Members in implementing the policies of the Local Plan and the Sustainable Buildings SPD, be approved; and
- (2) delegated authority be given to the Deputy Chief Executive (Housing & Development) in consultation with the Head of Planning and Head of Finance to spend the money within the available budget, be approved.

(The Portfolio Holder for this item was Councillor Hammon)

(D) HISTORIC BUILDINGS GRANTS ALLOCATIONS

The Executive considered a report from Planning which reported the findings of the Grants Working Party and which sought approval for the funding allocations for the coming financial year (2009/10) as recommended by the Grants Working Party.

Warwick District Council had for many years supported Historic Buildings Grant Aid to help building owners to maintain and/or restore buildings which were a very important part of the attractive environment of Warwick District.

Each year a Grants Working Party comprising four Members (Councillor Mrs A Blacklock, Councillor Mrs J Falp, Councillor M Britland and Councillor J Hatfield) together with the Conservation Officers met to review the progress of grants over the past year and to discuss and recommend the allocation of grants for the coming year. The Grants Working Party met in January 2009 and agreed the allocations as set out in Appendix A to the report, based on the consideration of grant popularity over the past year and the needs for the forthcoming year as described within the report.

RESOLVED that the proposed allocations for Historic Buildings Grants as set out in Appendix A to the report and recommended by the Grants Working Party, be approved.

(The Portfolio Holder for this item was Councillor Hammon)

(E) LOCAL LIST OF HISTORIC BUILDINGS IN RURAL AREAS

The Executive considered a report from Planning which sought approval to consult on establishing a Local List of Historic Buildings for the rural areas of Warwick District. The use of Local List of Historic Buildings was a designation used by many other Planning Authorities in order to provide a level of recognition for buildings of local historic interest, which had no level of protection in terms of being statutory listed.

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Extensive reviews of the rural areas of Warwick District had been carried out over the past seven years by the Conservation staff. This included a review of all the existing conservation areas and resulted in the designation of extensions and new Conservation Areas within the villages.

As a result of this work, a series of buildings and small groups of buildings were identified which were of interest historically and locally, but which had no level of protection in terms of statutory listing and would not, by the nature of their being individual buildings or very small groups of buildings, be worthy of Conservation Area designation.

In order to give these buildings a level of recognition, it was proposed that a local list be formed and would be available to members of the public, Planning Officers and Planning Committee Members. When planning applications were received for these buildings, appropriate consideration could then be given to maintaining the character and salient features of each property. A similar list already existed for historic parks and gardens of local interest.

The use of a Local List of Historic Buildings was a designation used by many other Planning Authorities. Unlike statutorily listed buildings, the buildings would have no legal protection from demolition and alteration. However, once a list had been established this would form a basis for consideration of further measures, which would add to the protection of the properties. This could include the removal of certain Permitted Development Rights by an Article 4 Direction to protect such elements as windows, roof coverings, and other aspects of the building. Also the possibility of extending the Historic Buildings Grants Scheme to cover these properties could be considered at a future date.

In order to establish a list of historic buildings, it was proposed that Parish Councils and Amenity Societies, together with English Heritage and Warwickshire County Council, should be consulted for their views. It was also proposed that the owners of each property, proposed for inclusion in this list, should be consulted in line with the format now used by English Heritage in terms of a statutory designation.

The results of the consultation process would then be brought back to the Executive with a recommendation relating to the designation of a Local List of Historic Buildings in Rural Areas. It would be proposed that the designation be left open for the list to be added to as appropriate.

There had been some representations previously that Local Lists should exist in urban areas. However, to date this had not been felt necessary given that the majority of unlisted buildings in the urban area are within Conservation Areas and therefore have an appropriate level of protection.

RESOLVED that

- (1) the undertaking of public consultation into the establishment of a Local List of Historic Buildings for the rural areas in Warwick District, be approved; and

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- (2) a further report be submitted to the Executive following the public consultation to establish a Local List of Historic Buildings for the rural areas.

(The Portfolio Holder for this item was Councillor Hammon)

923. 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 Nos.	Para Nos.	Reason
27, 29	1	Information relating to an individual
27, 28, 30, 31, 32, 33	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

924. THE CORPORATE EMERGENCY PLAN

The Executive considered a report from the Head of Engineering Services which was the result of a period of review and consideration of the current Major Emergency Plan (MEP) for Warwick District Council. In reviewing the current MEP, care had been taken to ensure that the recommendations took account of the legal responsibilities of the Council, as a category one responder under the Civil Contingencies Act 2004, best practice advice, central government guidance and efforts to ensure that plans in Warwickshire provided an integrated emergency management response. The report also presented a new document, born out of the review process, the Emergency Planning Policy (EPP), which sought to provide a framework document for emergency planning work at Warwick District Council.

The District Council's current Major Emergency Plan was now three years old and with the changes to Service Areas and personnel during this period, it was considered essential to update the plan and include further best practise advice.

The Civil Contingencies Act 2004 (the Act) framed the civil protection arrangements in the UK and placed legal duties upon defined response organisations. Warwick District Council was listed as a Category One responder and as such had a duty to implement emergency plans. The Cabinet Office document, "Preparing for Emergencies" suggested that emergency plans were reviewed at least annually. This was also supported by other best practice advice.

The Corporate and Strategic Leadership Portfolio cited this work as a desired task for this year. Currently the Council did not have an overarching Council policy document for its emergency planning work. This was a recommended action from

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the recent Internal Audit Report into emergency planning. A Warwick District Council Emergency Planning Policy (EPP) had now been produced and if approved, this would be publically available via the website, allowing all staff and stakeholders in the Warwick District area to see that plans were in place and that the Council was committed to delivering a more resilient community. Once published and available online, the policy would form part of the delivery of another strand of the Act, “making information about civil protection available to the public.”

An Emergency Plan and the Emergency Planning Policy should, by nature, be a living document, with changes to contact details and minor processes being subject to change on a regular basis, making constant submission to the Executive unreasonable. It was therefore considered appropriate for CMT to be given delegated powers to approve minor amendments, with substantive changes of policy or procedure being brought back for consideration by the Executive.

RESOLVED that

- (1) the revised MEP version 2.0 February 2009, be accepted as the Major Emergency Plan (MEP) for Warwick District Council (as set out at Appendix 1 to the report) and for it to be signed off by the Chief Executive;
- (2) the Emergency Planning Policy, March 2009, (see Appendix 2) be accepted as Warwick District Council’s Emergency Planning Policy (EPP); and
- (3) Corporate Management Team be given delegated authority to authorise relevant updates and reviews to the new MEP and EPP, as required for routine maintenance.

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

925. ALLOTMENT LAND

The Executive considered a report from Economic Development and Regeneration which set out the recommended terms for the transfer of allotment sites to Kenilworth Town Council, Lapworth Parish Council, Warwick Town Council, and Whitnash Town Council. Members were asked to agree to these transfers.

The Executive of 30 June 2008 confirmed acceptance to the transfer of the Allotment Lands to the Town and Parish Councils subject to confirmation from the Town and Parish Councils of their acceptance to the Terms listed in Paragraph 7.8 of the report. The Town and Parish Councils had confirmed their acceptance to the Terms.

Although detailed plans had not been drafted, Warwick District Council wished to retain its ownership of the Dobson Lane Allotment site that was currently leased to Agenda 21 for strategic reasons, i.e. future cemetery extension. The site must not be mistaken for the Dobson Lane Allotment Site that this Council leased to the

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Whitnash Working Mens Allotment Association and which was proposed to be transferred to Whitnash Town Council.

RESOLVED that

- (1) Warwick District Council transfers the Allotment Lands within its ownership that it currently leases to Kenilworth Town Council, Vicarage Road Allotment Association Limited (site at Packwood), Warwick Town Council and Whitnash Working Men's Allotment Association, to the relevant Town/Parish Councils, namely Kenilworth Town Council, Lapworth Parish Council, Warwick Town Council and Whitnash Town Council respectively, subject to the terms set out in Paragraph 7.8 of the report that had been accepted by the Town and Parish Councils;
- (2) the Allotment Land at Dobson Lane, Whitnash, that this Council currently leases to Agenda 21, be retained by this Council for potential future Cemetery extension use of which Whitnash Town Council were aware; and
- (3) the Council write off all back rents that may be due on condition that the relevant Councils invest this sum in the Allotment Lands.

(The Portfolio Holders for this item were Councillors Michael Doody, Mrs Grainger and White)

926. REVIEW OF ESTABLISHMENT OF LEGAL SERVICES

The Executive considered a report from Legal Services which proposed a re-structuring of the establishment of Legal Services to make it fit for the current demands on it, and to remove the over-reliance on agency staff. It recommended the creation of four new posts (Principal Solicitor, part-time Solicitor, part-time Admin Officer and Admin Assistant / Paralegal) and the deletion of three existing posts (one Solicitor post, one Legal Officer post, and the part-time Admin Assistant).

The Audit and Resources Scrutiny Committee supported the recommendations in the report.

The Executive noted the comments of the Audit and Resources Scrutiny Committee and thanked them for their support.

RESOLVED that the budget shortfall of £13,620 be met out of the Contingency Budget in 2009/10 and be included within the base budget in future years, subject to the approval of the Employment Committee at their meeting on 24 March 2009.

(The Portfolio Holder for this item was Councillor Kirton)

EXECUTIVE MINUTES (Continued)

927. PROPOSED SETTLEMENT OF CLAIM BY WARWICKSHIRE COUNTY COUNCIL FOR OUTSTANDING LAND CHARGES FEES

Councillor Hammon was appointed as Chair for this item only because Councillor Michael Doody along with Councillors Caborn, Kirton and Shilton declared prejudicial interests in this item and left the room while it was discussed.

The Executive considered a report from Legal Services which detailed the Council's dispute with Warwickshire County Council over the fees to be paid to them in respect of the information they provided to answer a number of questions on the CON29 forms which were submitted with the formal Land Charges Registry Search.

It was agreed by the parties that the dispute should be put to informal arbitration by the recently retired Head of Legal Services at Solihull M.B.C. His report was attached within the appendix to the report, and found that Warwick District Council owed the County Council a sum of money. However, the County had previously offered to settle the matter on payment a lower fee, and they had confirmed that this offer remained open provided payment was made before the end of the current financial year.

The Audit and Resources Scrutiny Committee supported the recommendations in the report.

The Executive noted the comments of the Audit and Resources Scrutiny Committee and thanked them for their support.

RESOLVED that

- (1) the payment as set out within the report, be made to Warwickshire County Council in full and final settlement of their claim; and
- (2) the payment should be funded out of the provision made in the 2007/08 accounts and the overall underspend anticipated for the General Fund for 2008/09, to be reviewed as part of closing the accounts for that year.

(The Portfolio Holder for this item was Councillor Kirton)

928. KENILWORTH PUBLIC SERVICE CENTRE

The Executive considered a report from the Chief Executive which provided an update on the work to date in respect of the Kenilworth Public Service Centre Scheme and proposed that formal negotiations be opened regarding relocation of the Town Council to the Police Station building.

RESOLVED that

- (1) the updated position be noted, including that related to the post office, and a report on the full business case be

EXECUTIVE MINUTES (Continued)

reported to the next Executive following feedback and discussion with partners; and

- (2) a relocation of the Town Council's operations to the Police Station building in Smalley Place be negotiated with Kenilworth Town Council and Warwickshire Police Authority and be reported back to the Executive as part of the overall business case.

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

929. SPENCER YARD UPDATE REPORT

The Executive considered a report from the Deputy Chief Executive setting out the latest position in regard to the Spencer Yard project and updated members on progress since the previous report to the Executive in February 2009. A verbal update was provided to the meeting by the Deputy Chief Executive on progress since the report was published.

Recommendation 2.1 was amended following the funding agreement which Members' were updated on at the meeting. It was proposed and seconded that the Chief Executive and the Leader of the Council, in liaison with the Section 151 Officer designate be given delegated powers to sign the legal agreements.

Recommendation 2.2 was amended as Warwick District Council had purchased and now owned the United Reform Church.

Recommendation 2.3 was unchanged but the verbal update confirmed that planning consent had now been obtained for the conversion works to the URC.

Recommendation 2.4 was amended as a revised spending profile had been agreed with AWM that did not require the commitment of any further 'at risk' funding prior to planning consent being granted for the Riverside Business Centre, at which point the Funding Agreement would become unconditional. Executive was asked to note that this would delay the procurement of the team of professional service providers. Subject to 2.1 taking place, the recommendations as set out within 2.7 of the report could be brought forward to as early as week commencing 23 March 2009.

Recommendations 2.3, 2.5, 2.6, 2.7 and 2.8 were agreed as printed.

The Audit and Resources Scrutiny Committee had been due to consider this item but, as all the Planning Committee members withdrew from the room due to potential prejudicial interests, only three members of the Committee remained (Councillors Ms Dean, Doody and Mrs Knight) and the Committee was not quorate.

RESOLVED that

- (1) the current progress with regard to finalisation of the legal agreements necessary for the project to proceed be noted and that delegated authority be given to the Chief Executive and the Leader of the Council, in liaison

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with the Section 151 Officer designate to sign the finalised legal agreement;

- (2) Warwick District Council had purchased and now owned the former United Reform Church (URC) be noted;
- (3) the current status of the planning applications relating to the URC and Riverside Business Centre, be noted;
- (4) no further 'at risk funding' was required to be committed to the project in advance of planning consent being granted for the Riverside development and that this would delay the procurement of the professional team, be noted;
- (5) the current position regarding the 2008/09 Spencer Yard budget and approves the roll forward to 2009/10 of any budget underspend, be noted;
- (6) the current position regarding the removal and re-interment of the human remains buried within the URC and other pre-works, be noted;
- (7) the arrangements for the initial publicity launch for the project be brought forward to as early as week commencing 23 March 2009, subject to (1) above, be noted; and
- (8) the proposed future project management arrangements and waiver the requirement for tendering of the Project/Quality Assurance Monitor and Project Librarian positions, as provided within the Council's Code of Contract Practice, be approved.

(The Portfolio Holders for this item were Councillors Michael Doody and Hammon)
(Forward Plan reference 147)

930. HORSEFAIR, THICKTHORN

The Executive considered a report from the Chief Executive on the use of land at Thickthorn, Kenilworth.

At the meeting of the Executive in December 2008, a decision was taken to use powers under the Warwick Market Charter to control (by considering the grant of applications subject to conditions) the use of land at Thickthorn, Kenilworth for the periodic holding of Horse Fairs. Further legal advice had now been received which indicated that it may be more beneficial for the Council to use the powers available by virtue of the Article 4 directions rather than relying solely on the market charter powers.

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RESOLVED that the previous decision of the Executive relating to the policy for considering granting an application under the Warwick Market Charter for a Horse Fair at Kenilworth be amended as follows:

- (1) the landowner of the land at Thickthorn, be informed of the extant Article 4 directions on the land and advised of the need to apply for planning permission for any market;
- (2) officers be instructed to investigate and report back on whether any other land in the vicinity should be made subject to a similar direction; and
- (3) the Planning Committee be advised of the legal advice now received with a view to considering whether, if either, no planning application be submitted, permission be refused for such an application, or markets being held otherwise than in accordance with conditions attached to any permission, it be expedient to take enforcement action.

(The meeting ended at 9.30pm)