

# EXECUTIVE

Minutes of the meeting held on Wednesday 13 July 2011 at the Town Hall, Royal Leamington Spa at 6.00 pm.

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

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

Apologies for absence were received from Councillor Shilton.

## 22. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

## 23. **MINUTES**

The minutes of the meeting held on 8 June 2011 were taken as read and signed by the Chairman as a correct record.

### **PART 1**

(Items which a decision by Council is required)

## 24. **OPEN WATER SAFETY**

The Executive considered a report from Cultural Services and Environmental Services which outlined a structured approach to assessing and managing the risk arising from areas of open waters within the Council's land.

The Council had a general duty to take reasonable steps to ensure the safety of visitors to its land and a range of risk management procedures were in place to facilitate the discharge of this duty.

The document "Managing the risk around water bodies" had been produced to provide clear guidance to officers carrying out risk assessments around open water, thereby helping to ensure consistency in the approach taken across multiple sites. The document was being brought before members because the issue had been highlighted by a fatality on a stretch of the River Avon in late 2010. As a result of the inquest into this unfortunate death the Coroner wrote to the Council requesting clarification of the Council's approach.

An alternative option would be to not endorse the document but failure to adequately manage visitor safety could expose the Council to significant legal, reputational and financial risk.

The Overview & Scrutiny Committee were reassured of the partnership between the Council ROSPA using a sensible measured approach with the

## **EXECUTIVE MINUTES (Continued)**

emphasis at assessing the high risks sites first and only installing Personal Rescue Equipment in a couple of appropriate sites.

The Executive thanked the Committee for their comments.

**RECOMMENDED** that the approach, as described in the attached document "Managing the risk around water bodies", be endorsed.

(The Portfolio Holder for this item were Councillors Coker and Mrs Gallagher)  
(Forward Plan Reference 333)

### **PART 2**

(Items which a decision by Council is not required)

#### **25. ARTICLE 4 DIRECTION IN RESPECT OF SMALL HMO'S IN LEAMINGTON SPA**

The Executive considered a report from Development Services which recommended the authorisation of an Article 4 Direction, in respect of small houses in multiple occupation in Leamington Spa.

The Executive had authorised the making of a non-immediate Article 4 Direction which was consequently made on 25 March 2011 and advertised in line with the statutory procedures. The authorisation of this order would result in it coming into force on 1 April 2012.

An alternative option would be to not confirm the Direction. This could result in a worsening of the existing situation in central and south Leamington Spa and potentially the creation of new areas of concentration of shared houses.

An addendum was circulated prior to the meeting advising of a representation received from the Residential Landlords Association (RLA) after the close of the formal consultation period but prior to the Executive meeting.

The Overview & Scrutiny Committee noted the information circulated in the addendum to the report and distributed at the meeting.

The Committee were assured that the Planning Policy Team would be considering both small and large HMOs to ensure that Council was in a position to respond to the long terms issues that HMO can cause. It was made clear that further policy changes may be required to ensure there was the correct housing balance in local communities. It was noted that any policies needed to be for both small and large HMOs.

The Executive thanked the Committee for their comments.

**RESOLVED** that the Article 4 Direction in respect of small HMO's in Leamington Spa be confirmed and that it comes into force on 1 April 2012.

(The Portfolio Holder for this item was Councillor Hammon)

## **EXECUTIVE MINUTES (Continued)**

(Forward Plan Reference 331)

### **26. ARTICLE 4 DIRECTION IN NEW MILVERTON, LEAMINGTON SPA**

The Executive considered a report from Development Services which sought to provide additional protection to the Conservation Area in Leamington Spa by removing Permitted Development Rights from unlisted single dwellings in the New Milverton area.

Most single dwellings had Permitted Development Rights to remove and replace windows, roof coverings and boundary treatments without the need for Planning Permission, which could significantly alter the character of the Conservation Area. The Planning Act made provision, following consultation, for the removal of these rights by the service of an Article 4 (2) Direction thus requiring Planning Permission for the carrying out of these works.

The Executive of the 3 December 2008 resolved to approve public consultations. This was not carried out, as a consequence of waiting clarifications from the Government Office of the correct wording for the Notice. A further report taken to Executive in March 2010 also resolved to approve public consultation but clarification on wording of the notice had delayed this process, together with changes in Government Legislation. A final version of the Notice was agreed with Legal Services and therefore a further recommendation from the Executive was required for carrying out public consultation.

The report requested approval to remove Permitted Development Rights in relation to the specific purpose of controlling developments which effect the windows, doors, boundary/surface treatments and roofs to the front elevations and elevations viewable from a public highway on all unlisted single dwellings in New Milverton as per Appendix A to the report. This would require a Notice under Article 4 (2) to be served upon all owners and occupiers of the effected properties with an explanatory letter inviting comments and a copy of the direction was attached as Appendix B to the report. Copies of the notices would also be published in the local press as described in Appendix C to the report. An example of the making of the Direction was attached as Appendix D to the report and a further report would be submitted to the Executive with the findings of the consultation.

An alternative option was to not serve the Notice. This would mean that no controls were possible upon unlisted buildings in this area of the Conservation Area and therefore gradual erosion of the character of the Conservation Area would continue and could not be controlled.

The Portfolio Holder for Development Services, Councillor Hammon addressed members and requested that the report be agreed as per the officers' recommendations.

### **RESOLVED that**

- (1) the making of a Direction under Article 4 (2) of the Town and Country Planning (General Development) Orders 1995, any Orders

## **EXECUTIVE MINUTES (Continued)**

resolving and re-enacting that Order with or without modification to remove Permitted Development Rights in relation to specific purpose of controlling developments which effect the windows, doors, boundary/surface treatments and roofs to the front elevations and elevations viewable from a public highway on all unlisted single dwellings in New Milverton, be authorised, as per appendix A to the report of the Schedule of All Streets effected) and serve Notices under Article 4 (2) upon all owners and occupiers of such properties with an explanatory letter inviting comments and a copy of the direction notice, as per appendix B to the report, and publish Notices in the local press, as per Appendix C to the report;

- (2) the making of Direction, as per appendix D to the report, under seal and service of Notice be made from September 2011 (to avoid Notices being served during the holiday months of July and August); and
- (3) a report be submitted to the Executive on the findings of the consultation and recommendations for the confirmation or otherwise of the Article 4 Direction (which must be confirmed or otherwise within 6 months from the period of the service of the Notice).

(The Portfolio Holder for this item was Councillor Hammon)

### **27. HABITAT BIODIVERSITY AUDIT PARTNERSHIP**

The Executive considered a report from Development Services requesting that membership of the Habitat Biodiversity Audit Partnership be maintained and that the Council's financial contribution to this be continued without proceeding through a tender process.

In 1995, the Council became a member of the Coventry, Solihull & Warwickshire Habitat Biodiversity Audit (HBA) Partnership. The HBA Partnership consists of the County, City, District and Borough Councils, Warwickshire Wildlife Trust, Natural England and the Environment Agency. A partnership checklist was attached as an appendix to the report.

The HBA was managed by Warwickshire Wildlife Trust and the HBA Team was housed and resourced by the County Council. The purpose of the HBA was to provide a continuous and consistent environmental audit of land across the sub-region for its biodiversity potential. As a member of the Partnership, the Council inform which areas and sites are to be surveyed each year.

## **EXECUTIVE MINUTES (Continued)**

The environmental audit data available enabled the Council to fulfil its legal duty under Section 40 of the Natural Environment and Rural Communities Act (October 2006), to have regard to conserving biodiversity when exercising its functions, such as when determining planning applications or preparing Development Plan Documents. It also provided a central resource for each of the authorities (a key piece of evidence to inform the New Local Plan), wildlife organisations, schools, and individuals, as well as providing volunteering opportunities in the local community.

The annual cost of the HBA Partnership was approximately £86,000, shared between the eight funding Councils and the annual cost to the Council equated to £10,751 for 2011.

The report recommended that the Code of Procurement Practice was not adhered to as the pooling of resources (both money and knowledge/skills) through the HBA partnership enabled the Council to access information at far less cost than if it were to procure such services from environmental consultants individually. The equivalent cost of delivery of the HBA audit data through external consultants was estimated to be in the region of £150,000 based on day rates of £300-£350 per day. Working in partnership with the other environmental bodies also had the added advantage of providing a robust mechanism for the evaluation and designation of Local Wildlife Sites which was a service that could not be provided by consultants.

An alternative option would be to not continue with involvement in the HBA Partnership and to go through a tendering process. However, this would require greater staff time and resources in procuring this advice, increase the cost of securing the advice to the Council, and impact on the ability of the Council to designate Local Wildlife Sites, to the detriment of the environment of the District.

The Finance & Audit Scrutiny Committee supported the recommendations in the report and agreed that, whenever there was a bypassing of the tendering process, the Committee would always like to see the business case.

The Executive thanked the Committee for their comments. The Portfolio Holder for Development Services, Councillor Hammon, addressed members and advised that the business case was as stated in the report which resulted in a saving for the Council and that it was important for the Council to continue as a member of the partnership.

### **RESOLVED** that

- (1) the Council's membership of the Habitat Biodiversity Audit Partnership be maintained and the contract with the Partnership be continued without proceeding through a tender process as an exception to the Code of Procurement Practice; and

## **EXECUTIVE MINUTES (Continued)**

- (2) the contract with the Habitat Biodiversity Audit Partnership be reviewed annually by the Head of Development Services, in consultation with the Portfolio Holder for Development Services, with any substantive changes arising to the contract being reported to Executive for approval.

(The Portfolio Holder for this item was Councillor Hammon)  
(Forward Plan Reference 330)

### **28. SIGNIFICANT BUSINESS RISK REGISTER**

The Executive considered a report from Finance which updated Members on the latest version of the Significant Business Risk Register which contained the significant strategic and corporate risks that the Council faced.

The Council had recently redesigned its Risk Register to align it with current thinking on organisational risk register and a version of this was attached as an appendix to the report. The new Significant Business Risk Register considered all risks to the Council's operations, key priorities and major projects. Individual service areas still maintained their own risk registers.

The Finance & Audit Scrutiny Committee were concerned that some risk ratings seemed not to be high enough, the point of risk registers being to move the risk down and manage risk away. Members recognised that, in accordance with the recommendation in the report, the Executive was responsible for risk management. It was the Finance & Audit Scrutiny Committee's responsibility to hold the Executive to account, and the Committee felt it was essential that all risks in the register should be monitored on a regular basis by Portfolio Holders, in order to manage risks effectively.

The Committee felt that portfolio holders should take ownership of the risk register as part of their brief. This way they might ensure that, for example, such issues as succession planning, establishment of the Local Plan and effective management of all service risk registers, were handled appropriately. The Committee felt that the Executive should be involved in identifying, compiling and prioritising the risk register.

It was also suggested that CMT should give further consideration to establishing an approach of tighter accountability by the Executive in respect of all areas for which they were responsible, not just risk.

The Executive thanked the Scrutiny Committee for their comments and assured them that they knew what their responsibilities were. However, to ensure that it remained a prominent issue with members, it was proposed by the Portfolio Holder for Finance, Councillor Mobbs, that a second recommendation be added to give weight to the issues raised by the Finance and Audit Scrutiny Committee and hopefully alleviate any concerns.

**RESOLVED** that

- (1) the Significant Business Risk Register attached at appendix 1 to the report, be noted;
- (2) the importance of this register be recognised and that risks continue to be identified and reviewed on a regular basis primarily through individual Portfolio Holders and Heads of Service.

(The Portfolio Holder for this item was Councillor Mobbs)  
(Forward Plan reference 340)

**29. FINANCIAL STRATEGY AND BUDGET PROSPECTS**

The Executive considered a report from Finance which updated members on the Council's financial projections and the outlook facing them, along with proposing the approach to managing the 2012/13 budget and service plan process.

The report highlighted the importance for members to be aware of the Council's financial projections and the level of savings that needed to be achieved over future years and the latest projections were summarised in paragraph 7.2 of the report. Savings had already been secured through Fit For The Future and the report requested that the relevant budgets be reduced as detailed in paragraph 7.3.2 of the report.

A number of other requests were detailed in the report including the utilisation of the inflation provision, the incorporation of the general level of inflation into the 2011/12 budgets, the level of discretionary charges to be applied and the reconstitution of a member group to review these.

Alternatively, members could agree other increases to fees and charges, or ask for more specific increases.

The Finance & Audit Scrutiny Committee supported the recommendations in the report. For the fees and charges group, Councillors Mrs Knight, Pittarello and Williams put themselves forward.

The Executive thank the Scrutiny Committee for their nominations and requested that Councillor Pratt be added to the list of members for the fees and charges group.

**RESOLVED** that

- (1) the latest financial projections, savings that need to be secured in the next five years and the many initiatives on-going to secure service improvements, efficiencies and savings, be noted;

## **EXECUTIVE MINUTES (Continued)**

- (2) the budgets be reduced as detailed in paragraph 7.3.2 of the report;
- (3) a zero general expenditure inflation increase be approved for 2012/13 budgets and the usage of the inflation provision in 2011/12 and in 2012/13 ;
- (4) fees and charges be increased by at least 2% from January 2012, unless another date is more appropriate. Service Managers should seek to raise greater increases if possible, or present alternative charging regimes that should generate additional income, with detailed proposals to be considered at the October Executive meeting;
- (5) the member group to review proposed fees and charges be reconstituted to consider proposals for the 2012 increase, with membership of Councillors Mrs Knight, Pittarello, Pratt and Williams;
- (6) the New Homes Bonus of £292,000 received 2011/12 be appropriated to the Services Transformation Reserve, the use of which will be considered further as part of setting the 2012/13 Budget and Council Tax; and
- (7) proposals are brought forward for the 2012/13 budget with a zero Council Tax increase and for a 2.5% increases in future years.

(The Portfolio Holder for this item was Councillor Mobbs)  
(Forward Plan Reference 327)

### **30. MATCH FUNDING FOR HEALTH INITIATIVES**

The Executive considered a report from Environmental Services which requested approval to match fund monies being made available by the Warwickshire NHS – PCT, for use on local health initiatives within the District, from the contingency budget.

The report explained that delivery of the Public Health agenda was changing and there was a new relationship with the Warwickshire NHS/transitional Health & Wellbeing Board to adapt to. Discussions with the PCT led to the offer of £10,000 to help deliver health & wellbeing programmes within the District, however, this was dependent on the Council match funding the amount.

This development signalled quite a success, as it was the first time the Council had been offered funding for health & wellbeing in this way. It also underpinned the new approach being taken to ensure that health and



## **EXECUTIVE MINUTES (Continued)**

wellbeing outcomes, within our Sustainable Community Strategy, were effectively delivered through partnership working.

Making funding available for health & wellbeing was consistent with the Fit for the Future approach. The Council would be directly addressing the health needs of the local community based on evidence from health profiling of the district and an understanding of local demographics.

An alternative option would be to not agree the match funding, however, the opportunity of the £10,000 contribution from the PCT would be lost, as this would be diverted to other areas.

The Overview & Scrutiny Committee welcomed the money and the initiatives that were being planned by the Council as outlined by Councillor Copping at the meeting, but would have appreciated these details being circulated to all members.

The Overview & Scrutiny Committee had some concerns about ensuring the money delivered benefits to the District and therefore requested that the recommendation of the report be amended to add the following words at the end:

"subject to the agreed programme of work, in particular looking at drug and alcohol abuse, with measurable outcomes."

The Executive sympathised with the Scrutiny Committee's comments but did not think now was the time to alter this, as the programme had been set and had already gone out to tender. Councillor Doody advised that it was not possible to change the focus or priorities at this stage because the Council had been guided by the PCT and would be supplementing works rather than leading on projects.

Members were reminded that the list of work was contained in the action plan and copies of this could be circulated to them if necessary.

Councillor Mobbs advised that an amendment needed to be made to paragraph 5.1 of the report to state that 'the current contingency budget stands at £246,100' not at £220,000 as previously stated.

**RESOLVED** that funding of £10,000 be taken from the contingency budget, subject to the agreed Action Plan.

(The Portfolio Holder for this item was Councillor Coker)

### **31. RURAL / URBAN CAPITAL IMPROVEMENT APPLICATION**

The Executive considered a report from Finance which provided details of a Rural/Urban Capital Improvement Application by Budbrooke Parish Council for the redevelopment of a young person's space in Hampton Magna.

Budbrooke Parish Council submitted an application to the Council requesting financial assistance to redevelop a play space and incorporate

## **EXECUTIVE MINUTES (Continued)**

a natural play area, replace existing play equipment and set up a woodland area with bird boxes, educational labels for plants, willow structures and wigwams. The Parish Council had £59,941 in reserves but were using £20,000 to fund this project and had a project in the pipeline for improvements to the Community Centre.

The report recommended that the Executive approve the award of a Rural/Urban Capital improvement Grant to Budbrooke Parish Council of 36% of the total cost of the project inclusive of VAT subject to a maximum payment of £30,000 to help the scheme progress.

An alternative option would be to not approve the grant funding, or to vary the amount awarded as discussed in paragraph 7 of the report.

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

**RESOLVED** that a Rural/Urban Capital Improvement Grant of £30,000 which equates to 36% of the cost as detailed in paragraph 7.1 supported by appendix 1 of the report, be approved.

(The Portfolio Holder for this item was Councillor Mobbs)

### **32. CORPORATE PROPERTY REPAIRS & IMPROVEMENTS PROGRAMME 2011/12 JULY UPDATE**

The Executive considered a report from Housing and Property Services which provided an update on the Corporate Property Repairs and Improvements Programme Report of 2 March 2011 and sought approval to use part of the previously unallocated budget to finance newly identified projects.

The Executive approved the 2011/12 Corporate Property Repairs and Improvement budget of £1,298,600 at its meeting of 6 January 2011. At that stage, the process of approving the earmarked reserves identified at year end had not been completed. The subsequent approval of earmarked reserves totalling £277,000 made the total Corporate Property Repairs and Improvement budget for 2011/12 £1,575,000. A further report recommending how some of the unallocated budget be allocated was approved by the Executive in June 2011 and it was agreed that a further report would be brought to the Executive in July 2011 to propose further recommendations for the remaining unallocated money.

The Corporate Property Investment Board (CPIB) re-assessed and prioritised the reserve list of projects following the June 2011 update report and recommended that £90,000 of the remaining unallocated budget be used to fund the following five projects.

Replace central heating boilers at the Town Hall, Leamington Spa; Masonry and stone work repairs, Phase 2 at the Town Hall, Leamington Spa; remove section of canopy in Market Place, Warwick; Extend the car park and improve grounds security at Harbury Lane, and stonework

## **EXECUTIVE MINUTES (Continued)**

repairs to dry stone dwarf walls and installation of DDA compliant handrails at The Dell, Leamington Spa.

The Budget estimates for these projects were detailed in paragraph 3.2 of the report.

One alternative would be to not apply the previously agreed budget setting criteria and/or not to manage the budget centrally but instead let service areas decide priorities and allocation. These approaches were rejected when the review was carried out in 2008.

A second alternative would be not to proceed with the current proposed programme of works as set out in item A.2 of Appendix A of the report and defer any or all of the prioritised projects to future years and promote projects currently on the reserve list to the programme of works in their place.

Officers felt that the recommendations in the report were more in line with the Fit for The Future programme and were consistent with the need to ensure assets remained fit for purpose and met all health and safety and other legislative requirements.

The Portfolio Holder for Housing & Property Services, Councillor Vincett, endorsed the officers report and requested that the recommendations be agreed as printed.

### **RESOLVED** that

- (1) the five new projects detailed in paragraph 3.2 of the report, costing a total of £90,000 funded by the unallocated element of the 2011/12 Corporate Property Repairs and Improvements Budget, be approved;
- (2) the updated Corporate Property Repairs & Improvements Programme budget allocation and reserve list for 2011/12 as set out in Appendix A of the report, be noted;
- (3) the Head of Housing & Property Services, in consultation with the Council's Procurement Manager be authorised to procure the corporate works in line with the Code of Procurement Practice; and
- (4) a report be brought to the Executive in October 2011 with recommendations relating to the remaining balance of the unallocated budget.

(The Portfolio Holder for this item was Councillor Vincett)

## **33. HOUSING INVESTMENT PROGRAMME 2011/12 JULY UPDATE**

## **EXECUTIVE MINUTES (Continued)**

The Executive considered a report from Housing and Property Services which provided an update on the Housing Investment Programme as set out in Appendix A of the report and sought approval to continue with the procurement and delivery of the programme.

The Housing Investment Programme was agreed by the Executive in February 2011.

Paragraph 10.4 of the Council's Code of Financial Practice stated that the Head of Housing and Property Services did not have authority to incur expenditure. Therefore it was felt necessary to request that authority be given to him to incur the necessary expenditure.

An alternative option was to not continue with the Housing Investment programme, however, officers felt that in doing this the Council would fail to meet its legal obligations as a landlord and could result in a proportion of the housing stock failing to meet Decent Home standards.

The Portfolio Holder for Housing & Property Services, Councillor Vincett, endorsed the officers' report and requested that the recommendations be agreed as printed.

### **RESOLVED** that

- (1) the continuation of the Housing Planned Maintenance and Improvement Programme be approved and authority be granted to the Head of Housing and Property Services to incur expenditure using existing compliant contracts in accordance with the Code of Financial Practice; and
- (2) the Head of Housing and Property Services, in consultation with the Procurement Manager be authorised to procure new contracts as necessary in accordance with the Code of Procurement Practice.

(The Portfolio Holder for this item was Councillor Vincett)

## **34. 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 two 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.

## **EXECUTIVE MINUTES (Continued)**

Minute No.	Para Nos.	Reason
36	1	Information relating to an individual
35	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

### **35. CATERING CONTRACT**

The Executive considered a report from Cultural Services which requested that a contract be awarded to provide catering services in the Royal Pump Rooms, Restaurant in the Park, Aviary Cafe, and Newbold Comyn Leisure Centre. The recommendation followed a comprehensive "open tender" procurement exercise to select the most economically advantageous solution for the Council in terms of a combination of service delivery and financial return.

During the tender process, the bidders were informed of the Council's needs and were asked to submit a proposal which achieved (or exceeded) the Council's needs.

A detailed evaluation process was completed for the project by members of the Project Team, evaluating submissions from each bidder against a standard evaluation template.

The Project Team included officers from Cultural Services, Finance, Environmental Services and Development Services, the Portfolio Holder for Culture, a Warwickshire County Council solicitor, and an independent catering consultant. The nine tenders were evaluated against technical ability (40%), finance (35%), references (10%), sustainability (7.5%) and policies and procedures (7.5%) in the first stage; and the four shortlisted tenders evaluated against site visit (50%) and interview (50%) in the second stage.

If the contract was not offered to the company detailed in the recommendations, there were alternative solutions based on the outcome of the tender process. There was a second choice company that bid to operate the Royal Pump Rooms and Restaurant in the Park, however, whilst officers were confident that the quality offered by this alternative would be good, the wider economic benefits for the District were not considered to be as great. The second company did not submit a compliant bid for the Aviary or Newbold Comyn Leisure Centre, and alternative arrangements would have needed to be found for these venues, resulting in 2 or 3 separate companies operating the 4 venues included in this process. This would have required an increase in contract management resources from Warwick District Council, and could have resulted in a disjointed and non-complementary range of services for customers.

A bid was also received to operate the Aviary from a company currently running a small outlet in Leamington Spa. The business case proposed by

## **EXECUTIVE MINUTES (Continued)**

this company was considered to be robust and well thought through but officers were concerned about the lack of catering expertise and the amount of support that would be required from Council officers to support the company in the early stages of the contract.

Finally, the report highlighted that if the contract could not be let to an external company, the service could be brought in-house, through the establishment of an in house catering team. However, the ongoing costs and the financial risks associated with this option were considered to be unsustainable and there was currently no in house catering expertise that could drive such a venture forward.

The Finance & Audit Scrutiny Committee hoped that other managers would take time to implement a careful procurement process as was demonstrated in this case.

Questions were raised by the Finance and Audit Scrutiny Committee, about how much income was sacrificed in order to save officer time versus the same figures put forward by other bidders. Members were assured that the balance between the two was favourable in the bid recommended in the report. Members were disappointed that the report had not included details of such savings and benefits of this contract in comparison to the alternatives which had been considered, and what those alternatives were, which would have reassured them in the first place. Nevertheless, given all considerations, the Finance & Audit Scrutiny Committee supported the recommendations in the report.

In response to the Finance & Audit Committee's questions, the Head of Cultural Services distributed information to all members providing further information on the procurement process, financial submissions and the wider economic benefits attributed to the chosen company.

The Executive thanked the committee for their comments and were happy to agree the recommendations as printed.

### **RESOLVED** that

- (1) the contract and associated licence be approved to the successful company detailed in the report, at a nominal licence fee, to provide catering services in the Royal Pump Rooms, Restaurant in the Park, Aviary Cafe, and Newbold Comyn Leisure Centre from 1 January 2012;
- (2) agreement of the final forms of contract, including payment phasing and investment proposals, be delegated to the Deputy Chief Executive (AJ), Head of Cultural Services and S151 Officer in consultation with the Portfolio Holder for Cultural Services and Portfolio Holder for Finance;

## **EXECUTIVE MINUTES (Continued)**

- (3) £82,000 allocated for catering equipment be removed from the Equipment Renewal Reserve and authority be delegated to the Deputy Chief Executive (AJ), Head of Cultural Services and Head of Finance, in consultation with the Portfolio Holder for Culture and Portfolio Holder for Finance, to approve that equipment required at Newbold Comyn Café be funded from the Spend to Save Reserve to a maximum of £30,000, should it be required; and
- (4) in the event of the existing contract holder wishing to terminate their current contracts before the end of December 2011, the Head of Cultural Services, in consultation with the Portfolio Holder for Cultural Services and Head of Development Services be delegated authority to agree an early surrender of the lease and to negotiate an earlier start date for the incoming company.

(The Portfolio Holder for this item was Councillor Mrs Gallagher)  
(Forward Plan Reference 311)

### **36. APPROVAL OF FUNDING REQUEST**

The Executive considered a report from Corporate and Community Services following receipt of a request for funding from a key voluntary sector organisation.

The report highlighted that no budget provision had been made for the request so officers were seeking funding from the Council's reserves.

The report explained that the organisation in question, played an active role in supporting the vision of the Council, making Warwick District a great place to live, work and visit. A key part of their role was supporting voluntary and community sector groups to attract funding and become sustainable.

Warwick Area Committee (WAC) had supported the organisation with funding for a staff member and this post was currently filled. Unfortunately, the WAC were no longer able to contribute to funding and the organisation were unable to fund this post without additional support.

A review of grants to the voluntary and community sector was underway at the Council and all current recipients of grants from the Community Partnership Team had been given notice that funding would end on March 31<sup>st</sup> 2012. The Council would be commissioning work from the voluntary and community sector from April 2012 to March 2015 and the organisation in question was one of the groups required to tender for work. Officers felt that the support of this organisation to the voluntary and community sector during the change from grant funding to commissioning would be very valuable.

## **EXECUTIVE MINUTES (Continued)**

An alternative option was to fund the request from the Community Partnership Team (CPT) budget. The CPT was working with the Grant Review Panel to move away from grant funding to a more strategic way of commissioning services from the voluntary and community sector and this option was not consistent with the principles of commissioning. In addition, the CPT had no budget available for ad hoc funding requests.

The Finance & Audit Scrutiny Committee recognised that the request came from an organisation which had a noble purpose, but was concerned that approving the request might amount to a conflict of interest in that the organisation assisted voluntary organisations who might also want to tender for contracts with the Council. The Committee felt that approving the request might set a precedent, and was also concerned that the District Council was being asked to pick up requests that the County Council had turned down.

The Executive thanked the committee for their comments and requested that members agree the recommendations as printed with a minor amendment to the figure of the unspent Contingency budget in paragraph 5 of the report.

### **RESOLVED** that

- (1) the funding request from WCAVA (Warwickshire Community and Voluntary Action) in Warwick District, as per the figure in the report, be approved;
- (2) the sum detailed in the report from the Contingency Budget to fund the request, be approved.

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

(The meeting ended at 7.30 pm)