

# EXECUTIVE

Minutes of the meeting held on Monday 11 February 2008 at the Town Hall, Royal Leamington Spa at 6.00 pm.

**PRESENT:** Councillor Coker (Chairman); Councillors Mrs Bunker, Michael Doody, Kinson, Kirton, Pratt and White.

**ALSO PRESENT:** Councillor Boad (Chair of Executive Overview and Scrutiny Committee);  
Councillor Caborn (Chairman of the Council);  
Councillor Crowther (Labour Group Observer);  
Councillor Ms De-Lara-Bond (Liberal Democrat Group Observer); and  
Councillor Mrs Knight (Chair of Audit and Resources Overview and Scrutiny Committee).

An apology for absence was received from Councillor Hammon.

## 868. **DECLARATIONS OF INTEREST**

Minute Number 882 – Service Level Agreement for Warwickshire County Council to Provide Certain Civil Contingency Services to Warwick District Council

Councillors Caborn, Doody and Kirton declared a personal and prejudicial interest and left the room while this item was considered because they were Warwickshire County Councillors.

Minute Number 887 – Allotment Land

Councillor Kirton declared a personal interest because he was a trustee of the charity Labouring Poor of Whitnash Allotment Charity.

Councillor Kinson declared a personal and prejudicial interest and left the room while the item was considered because he was a tenant of an allotment on this site.

## 869. **MINUTES**

The minutes of the meeting held on 10 December 2007 were taken as read and signed by the Chair as a correct record.

## 870. **ELECTION OF CHAIRMAN AND VICE-CHAIRMAN OF THE COUNCIL 2008/09**

**RECOMMENDED** that

- (1) Councillor Mrs Falp be appointed Chairman of the Council for 2008/2009; and

## **EXECUTIVE MINUTES (Continued)**

- (2) Councillor Pratt be appointed Vice-Chairman of the Council for 2008/2009.

### **871. BUDGET 2008/2009 AND COUNCIL TAX – REVENUE AND CAPITAL**

The Executive considered a report from Finance on all matters pertinent to agreeing revenue and capital budgets for 2008/2009, as well as a revised financial strategy in the light of the Comprehensive Spending Review 2008 and subsequent local government grant settlement.

The Council was required to set a budget and council tax each year taking into account the many factors detailed in the report, in particular:-

- The revenue and capital budget being considered together.
- The Council's requirement to determine an affordable borrowing limit in accordance with The Local Government Act 2004, Section 3, and to agree prudential indicators in accordance with the CIPFA Code for Capital Finance in Local Authorities.
- The Chief Financial Officer's requirement to report on the robustness of the estimates made and the adequacy of the proposed financial reserves.

The Financial Strategy and Capital Strategy were revised in light of the proposed revenue and capital budgets, and the issues that these budgets addressed.

The Audit and Resources Overview and Scrutiny Committee supported the recommendations in the report. The Committee requested that rigorous monitoring of paragraph 9.2(f) (on page 18 of the report) was undertaken to ensure that these savings were realised. The Committee also wished to highlight the projected figures stated in paragraph 9.3 (on page 19 of the report). Considerable concern was expressed with regard to the use of so much of the 2008/09 contingency fund before the year had started. The Committee also felt that the assumptions for car parking were not solid enough.

The Executive Overview and Scrutiny Committee noted the recommendations in the report. However, they made the following comments:

- On the table on page 25 of the report, the Committee recognised that funding had been taken from capital receipts from council house sales and were interested to know when this policy change decision was taken and by whom? The October report requesting the purchase of Oakley Wood referred to a net cost of £100,000. Was it the Executive's intention to return £240,000 to the capital receipts from council house sales reserves if and when any return was made on the investment?
- Within appendix 8 part 1, as shown on page 58 of the report, it stated that there would be no expenditure for the Replacement of Dog Bins and for the Refurbishment of Public Conveniences. Why was this?
- Also, the table on page 23 of the report, para 12.2.2 stated that the corporate target for Rural Initiatives Grants was to target resources to areas of greatest need which the Committee would like to see evidence of.

## **EXECUTIVE MINUTES (Continued)**

The Chairman reported to the Executive that the money taken from the capital receipts to fund the purchase of Oakley Wood, would be repaid as soon as possible. He also reported that this was a challenging time for Warwick District Council and there was a need to find savings, whilst continuing to maintain the high standards of WDC services.

### **RECOMMENDED** that

- (1) the 2007/08 Revised General Fund Revenue Estimated net expenditure of £17,251,991 as summarised in Appendix 1 to the report, after taking into account the allocations in paragraph 6.5 of the report, be approved;
- (2) the changes to the 2008/09 General Fund revenue base budget in paragraph 7.2 of the report, together with the Portfolio Holder proposals for new growth and savings in paragraph 8.1 of the report, be approved with net expenditure of £17,523,700, as summarised in Appendix 1 to the report;
- (3) the Council Tax for Warwick District Council for 2008/09 before the addition of parish/town council, Warwickshire County Council and Warwickshire Police Authority precepts be approved at £138.03, an increase of 4.5% (£5-94) on 2007/08;
- (4) the Council Tax charges for Warwick District Council for 2008/09 before the addition of parish/town council, Warwickshire County Council and Warwickshire Police Authority precepts, for each band be approved, as follows:-

A	£92.02
B	£107.36
C	£122.69
D	£138.03
E	£168.70
F	£199.38
G	£230.05
H	£276.06
- (5) the General Fund Capital Programme and the Housing Investment Programme as set out in Appendix 8 to the report, and Paragraph 12 of the report be approved, together with their financing

## **EXECUTIVE MINUTES (Continued)**

as shown in paragraphs 12.4 and 12.5 of the report, for 2008/2009, and this be reviewed for 2009/2010 onwards, with a view to using any new general fund receipts in place of housing receipts used for the general fund programme for 2008/09, and this is reviewed for 2009/2010 onwards with a view to using any new general fund receipts in place of housing receipts used for the general fund programme;

- (6) if there is any mismatch between these subsidiary strategies and action plans, officers bring forward to the Executive, proposals for managing within the agreed budgets as detailed in paragraph 5.1 of the report;
- (7) the release of monies from the Equipment Renewal Reserve be supported by a report to CMT, and made subject to CMT agreeing the need for the allocation in consultation with the relevant service Portfolio Holder and the Corporate and Strategic Leadership Portfolio Holder;
- (8) the work in 2009/10 on the Core Strategy be met from the Planning reserve, which will still leave £70,000 for any unforeseen challenge to a planning decision;
- (9) £450,000 be allocated to the contingency budget in 2008/09, but £200,000 not be used for any other purpose than concessionary fares until all costs are certain;
- (10) a review of the current taxi scheme takes place to review the total package on offer in order to see what can be provided for the original sum on non-statutory concessionary travel, when the current arrangement comes to an end;
- (11) when the position regarding external funding and the staffing of the CDRP is known, a report be submitted to the Executive to agree the priorities and detailed budget issues in Community Safety to make best use of the additional Council support;
- (12) the progress towards the milestones for achieving the building on excellence savings during 2008/09, be included in the budget monitoring reports to members;

## **EXECUTIVE MINUTES (Continued)**

- (13) a group, including all political parties be formed to advise and monitor priorities for reducing the Council's budget;
- (14) the implications for future year's taxes as set out in Paragraph 9 of the report, and Appendix 3 to the report, be noted;
- (15) Audit and Resources Overview and Scrutiny Committee be asked to pay particular Scrutiny attention to the reserves and balances set out in Appendix 5 to the report;
- (16) the Prudential indicators as set out in Appendix 6 to the report, and highlighted in Paragraph 13.1 of the report be approved;
- (17) the revised financial strategy as set out in Appendix 10 to the report be approved, and further updated in light of a review of all resource strategies;
- (18) the fees for woodland burials be increased to £1,600;
- (19) should the Executive receive viable self –funded business cases, amendments be made to the budget; and
- (20) the longer term prospects for the housing programme be subject to review during 2008/09.

(The Portfolio Holders for this item were Councillors Mrs Bunker, Coker, Doody, Hammon, Kinson, Pratt and White)  
(Forward Plan ref 52)

### **872. CORPORATE STRATEGY 2007-2011**

The Executive considered a report from the Chief Executive to seek final approval for the 2007-2011 Corporate Strategy

At its meeting on 10 December 2007, the Executive agreed the draft Corporate Strategy including the Vision, Mission, Values, Objectives and specific targets as a basis for consultation with Strategic Partners.

Since then the Council's strategic partners had been provided with a copy of the draft strategy and have been asked to comment. To maximise the time available for them to consider the strategy and respond, a deadline of Monday 4 February 2008.

Since the report on 10 December 2007, three targets had been confirmed.

## **EXECUTIVE MINUTES (Continued)**

These were:

CS3 Priority 3 : To ensure culture caters for the whole community

CS4 Priority 4 : To reduce the Council's direct impact on climate change

CS6 Priority 3 : To promote equality of access to our services for all members of the community.

One other target remained to be set and this was CS4 Priority 3 : To promote high standards of environmental health.

As this indicator was taken from the new national set of Indicators, it was necessary to wait for the full definitions and collection methodology to be released by the Department Of Communities And Local Government before the baseline could be established and a meaningful target developed and agreed. Once the definition had been confirmed and the baseline data collection has been undertaken, it was proposed these targets be agreed through a process of consultation between the Director, the Portfolio Holder and the Chair of the relevant Policy Committee.

The Corporate Strategy was probably the most important document for the Council since it should articulate the aims and priorities of the administration and so direct the way the Council allocated its resources of all kinds. In the most basic terms it should set out what the Council aimed to achieve, why and at a strategic level, how. The Corporate Strategy formed the cornerstone of the Council's performance management framework as the objectives, priorities, targets and key actions would be the measures by which ultimately the Council ought to be judged. Consequently, it would inform the Service Area Plans, Team Operational Plans and individual appraisals.

The Audit and Resources Overview and Scrutiny Committee supported the proposals of the Corporate and Strategic Leadership Portfolio Holder as set out on page 97 of the agenda.

The Executive Overview and Scrutiny Committee noted the recommendation in the report, although the Committee were surprised at the level of targets for schools as set out on page 100 CS4 Priority 2, following the new waste management and recycling scheme in place.

### **RECOMMENDED** that

- (1) the draft Corporate Strategy 2007 to 2011, be approved, and a further report be submitted in March 2008, setting out the tools and process for the delivery of the Strategy ; and
- (2) the feedback received from the Consultation with Strategic Partners be noted.

(The Portfolio Holders for this item were Councillors Mrs Bunker, Coker, Doody, Hammon, Kinson, Pratt and White)  
(Forward Plan ref 25 & 32)

## **EXECUTIVE MINUTES (Continued)**

### **873. TREASURY MANAGEMENT STRATEGY PLAN FOR 2008/09**

The Executive considered a report from Finance on the Treasury Management Strategy Plan for 2008/09 and the 2008/2009 Annual Investment Strategy.

The Council was required to have an approved Treasury Management Strategy, including an Annual Investment Strategy, within which its Treasury Management operations could be carried out. The Council would be investing approximately £8 million in new capital in 2008/09 and would have average investments of £29.4 million. This level of investments arose from our reserves and provisions, the General Fund balance, and accumulated capital receipts.

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

The Executive Overview and Scrutiny Committee noted the recommendation in the report.

#### **RESOLVED** that

- (1) the Treasury Management Strategy for 2008/09 as be approved;
- (2) the Treasury Management Practices 1 and 11 which allows the Council's External Investment Agents to invest 100% of the funds that they manage in negotiable securities carrying rates of interest for periods of over one year be approved; and
- (3) Treasury Management Practice 5 which deletes the requirement for the agreement of the Responsible Financial Officer before entering into any long term investment not exceeding £2.5m, be approved.

#### **RECOMMENDED** that 2008/09 Annual Investment Strategy be approved.

(The Portfolio Holder for this item was Councillor Coker)  
(Forward Plan ref 51)

### **874. HOUSING RENTS AND HOUSING REVENUE ACCOUNT 2008/09**

The Executive considered a report from Housing on the proposed increases in dwelling and garage rents, the Supporting People charges payable on designated dwellings and the proposed Housing Revenue Account (HRA) budget for 2008/09.

The Council was required to set a budget for the HRA each year, requiring agreement on the level of rents and other charges that were levied. The Executive was therefore required to make recommendations to Council that took into account the base budget revenue estimates for the HRA, the 2008/09 final subsidy determination and the current Government guidance on rent restructuring.

## **EXECUTIVE MINUTES (Continued)**

The proposed dwelling rent increase was in accordance with Government guidance and the Council's Financial Strategy.

The proposed garage rent increase was not governed by Government guidance on rent restructuring. An increase below the rate of inflation was proposed as over a third of current garage lettings were to housing tenants who would be experiencing a rent increase for their home that was significantly above the rate of inflation. The proposal minimised the potential for these tenants to fall into rent arrears without compromising the financial stability and viability of the HRA.

The proposed Supporting People charge increase was equivalent to the inflationary increase, awarded by Warwickshire County Council for all Supporting People contracts, effective from April 2007. The County Council's decision on this increase was received too late for it to be reflected in the 2007/08 charge levied to tenants.

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

The Executive Overview and Scrutiny Committee noted the recommendations in the report.

### **RECOMMENDED** that

- (1) an average increase of 7.6% on housing dwelling rents for 2008/09, be approved;
- (2) an increase of 2.5% on garage rents be approved;
- (3) an increase of 1.5% on Supporting People charges be approved; and
- (4) the 2008/09 Housing Revenue Account (HRA) budget, updated with the Final Subsidy Determination information, as set out at Appendix 3 to the report, be approved.

(The Portfolio Holder for this item was Councillor Doody)  
(Forward Plan ref 53)

## **875. ST NICHOLAS PARK AND WARWICK HERITAGE LOTTERY BID**

The Executive considered a report from Culture requesting approval to submit a Stage One Heritage Lottery Bid for St Nicholas Park in Warwick.

The Council had initially set out to obtain external funding to improve a range of facilities in Warwick that came together as a Warwick Parks and Gardens Project. However with advice from the Heritage Lottery Fund it had become



## **EXECUTIVE MINUTES (Continued)**

apparent that a single bid to the Parks for People fund was the route most likely to achieve success.

Over the last year considerable consultation had taken place with interested parties and the general public to gain feedback on the proposals for the bid. Significant changes had been made to the proposals as a result of the feedback received to date. The final proposals had been made available to all registered groups in the form of a CD and final comments had been received by the middle of January.

In the summer of 2007, a specific site was set up on the District Council website to include all of the information that had been collected during the project and to keep the public informed of the progress towards the bid. Three newsletters had also been produced and distributed to the registered groups.

The project had been divided into five parts to reflect the differing needs and wants of the park users:

- The Heritage Gateway - which included St John's House approach and Garden and the brook link between St Johns and St Nicholas Park
- The Formal Park – which included improvements to paths; buildings; the car park; the formal gardens and the boat house
- Events and Activities Zone – which included improved play adventure play; better toilet provision and maintenance of the open parkland character
- The Riverside Walk – which included introducing meadow grassland for improved biodiversity; footpath improvements and interpretation information
- The Community Park – which included ornamental planting; community play area and picnic area and disabled access car parking for Kingfisher pools

The timetable for the bid process was:

- |                  |                       |
|------------------|-----------------------|
| • February 2008  | Executive approval    |
| • March 2008     | HLF Bid submitted     |
| • September 2008 | Results of Bid known  |
| • September 2009 | Stage 2 bid submitted |
| • March 2010     | Stage 2 awarded       |
| • September 2011 | Work commences        |
| • March 2013     | Work completed        |

Ten written responses representing both individuals, community organisations, the Town Council and the County Council had been received. These had provided some very detailed and some general requests for alterations to the plan as well as support for the proposals. Each one would be considered as part of the stage one bid and be responded to in the detailed planning stage two of the bid process.

The proposals for the stage one bid were available on CD (if requested) and on the Council's website.

## **EXECUTIVE MINUTES (Continued)**

The Executive had previously agreed to the development of a stage one HLF bid and to the postponement of the submission of that bid to allow for consultation with interested parties.

The level of consultation on the proposals for inclusion in the bid had been extensive as had the degree of community involvement in commenting on the proposals.

The Audit and Resources Overview and Scrutiny Committee supported the recommendations in the report as long as the work already undertaken counted as the Warwick District Council contribution.

The Executive Overview and Scrutiny Committee noted the recommendation in the report but suggested the Executive receives a full cost report before they make a decision.

### **RESOLVED** that

- (1) the submission of a stage one bid to the Heritage Lottery Fund for improvements and enhancements to St Nicholas Park Warwick under the Parks for People scheme be approved; and
- (2) a further report be submitted on the success of the stage one bid and the project plan and proposed financing to achieve a stage two submission if successful.

(The Portfolio Holder for this item was Councillor White)  
(Forward Plan ref 22)

## **876. DOG WARDEN SERVICE**

The Executive considered a report on the removal of Police involvement with strays dogs.

The Clean Neighbourhood and Environment Act 2005, section 68, which removed the responsibility of the Police to deal with stray dogs, leaving sole responsibility under the Environmental Protection Act 1990 with Local Authorities, comes into effect on 6 April 2008.

The consequences for local authorities were, at this time, difficult to assess but there was likely to be an increase in the number of strays dealt with by this Council which would impact on the Dog Warden Service in the following way: -

- Increase in dogs taken to kennels – plus potential for the existing kennel capacity being exceeded.
- Increased kennelling costs
- Increase in number of dogs being returned to owner
- Increase in number of dogs being re-homed after the statutory 7 days\* (strays must be held for a minimum 7 days after being picked up before being re-homed)

## **EXECUTIVE MINUTES (Continued)**

- Potential need for outside “office hours” provision.
- Potential need for additional Dog Warden(s) – the increase in strays may increase the need for additional staff even if “out of hours” service was not required.

Guidance issued by the Department for Environment, Food and Rural Affairs in October 2007 advised that Local authorities were not expected to provide an “out of hours collection service” but “where practical” to provide a place to which a stray dog could be taken and accepted onto local authority care. The guidance went on to advise that the “place” need not be local authority managed kennels – i.e. may be commercial or charity operated kennels.

The Executive Overview and Scrutiny Committee noted the recommendation in the report.

**RESOLVED** that the continuation of the existing dog warden service in the light of legislative amendments which affect responsibilities for dealing with stray dogs, be approved.

(The Portfolio Holder for this item was Councillor Kinson)  
(Forward Plan ref 55)

### **877. CODE OF FINANCIAL PRACTICE**

The Executive considered a report from Finance on a review of the Code of Financial Practice.

The Council's code of Financial Practice was last formally reviewed and amended in October 2004. It was recognised good practice to keep this document under review and make amendments as necessary to meet the changing environment in which the authority and its finances operate.

Since the Code was last reviewed, a new integrated Financial Management System had been brought into operation across the Council. This had required some changing practices which should be reflected within the Code.

Some of the notable updates proposed to the Code include:-

- Paragraph 3.7 Budget Managers to sign off budgets at the start of each year.
- Paragraph 4.2 Confirming the arrangements for authorising orders and payments.
- Paragraph 5.4 Confirming arrangements for writing off all balances.
- Paragraph 6.1 Update reflecting new responsibilities for the management of land and property.
- Paragraph 8.4 To reflect latest legislation and arrangements for Data Protection and the Freedom of Information.
- Paragraph 14.3 New arrangements for supplementary estimates in extreme cases of urgency.

## **EXECUTIVE MINUTES (Continued)**

The Council's entire Constitution was due to be revised shortly. The Code of Financial Practice may be subject to further amendments as part of this, ensuring that it was consistent with the rest of the documentation.

With regard to paragraph 8.1 (page 162) bullet point three the Audit and Resources Overview and Scrutiny Committee requested who was responsible for undertaking accident and risk assessments for Councillors?

The Audit and Resources Committee also requested that the Code of Financial Practice includes a cross reference to the procurement strategy and code of contract practice.

The Executive Overview and Scrutiny Committee noted the recommendation in the report and suggested that the Audit & Resources Overview & Scrutiny Committee receives reports on virement as mentioned on page 168 (F).

**RECOMMENDED** that the updated Code of Financial Practice and the Constitution, as detailed in the appendix to the report, be approved.

(The Portfolio Holder for this item was Councillor Coker)  
(Forward Plan ref 59)

### **878. IMPROVEMENT WORK TO HOUSING REVENUE ACCOUNT PROPERTIES**

The Executive considered a report from Housing and Property Services on a request for approval for tenders to be sought for various works to Housing Revenue Account dwellings, where the estimated value of the proposed scheme would exceed £50,000, in accordance with the Council's Code of Contract Practice. All the individual schemes fell within the proposed Housing Investment Programme for 2008/2009.

Problems with the roof at the Chandos Court sheltered scheme had been experienced over recent years with the fixings of individual slates failing in high winds and adverse weather conditions. This had created a health and safety issue with the possibility of falling slates harming residents or members of the public. In response 'snow guards' had been fitted to the building to catch falling slates but this had not addressed the actual problem. As more slates fail, the potential exists for the roof to begin to leak and cause damage to the flats within the sheltered housing scheme. Due to both the location and height of the building, repairs were becoming increasingly expensive and difficult to address and with continuing numbers of slates slipping it was considered that the most cost effective solution was to re-roof the building.

Following the completion of the improvement works to the flats in Monks Way over the previous and current financial year the final block requiring improvement in this area was 50-56 Crompton Street. The repairs were essential to maintain the fabric of the building and combined with the external improvements would contribute to the achievement of the Decent Homes Standard.

## **EXECUTIVE MINUTES (Continued)**

Housing and Property Services had commissioned a programme of fire risk assessments to ensure compliance with current fire safety regulations. These had now been undertaken on all multi-storey blocks and medium rise blocks and flats and would be extended to low rise blocks during the coming financial year. The completed inspections had identified various works required to the blocks, essential to protect residents and ensure rapid egress of the occupants in the event of a fire. Capital works provision within the 2007/08 Housing Investment Programme was being utilised to undertake the required work to the multi-storey blocks at Christine Ledger Square and Radcliffe Gardens and this recommendation provided for the work from all remaining completed inspections to be progressed.

An on-going programme of upgrading communal TV aerial systems to HRA properties had been operating for several years to ensure all systems would be capable of receiving digital transmissions in anticipation of the switch-off of analogue signals in 2011. For this programme to continue a further tender was required.

A programme of thermal cladding to improve the insulation and minimise the condensation problems experienced in certain dwellings was already underway for block 1-7, Kennedy Square. This recommendation provided for the programme to be extended to the remaining blocks at Kennedy Square. It was envisaged that this programme would commence in 2008/09 but continue into 2009/10.

The Audit and Resources Overview and Scrutiny Committee wished to highlight to the Executive that the table at 4.2 of the report did not add up because the works at Kennedy Square were over two years ago.

The Executive Overview and Scrutiny Committee noted the recommendation in the report.

**RESOLVED** that the seeking of tenders for the following work to Housing Revenue Account homes in accordance with the Council's Code of Contract Practice, be approved:

- Replacement of the roof at the Chandos Court sheltered housing scheme, Leamington.
- Structural improvements and external cladding at Crompton Street, Warwick.
- Fire Safety works at multi-storey blocks at Eden Court, Aston Court, Southorn Court, Westbrook House and Stamford Gardens and low rise flats at Winston Crescent, Stamford Gardens, Malvern Court, Dell House and Lansdowne Crescent.
- Digital TV Aerial Systems at various properties.

## **EXECUTIVE MINUTES (Continued)**

- External cladding of blocks of flats at Kennedy Square, Leamington Spa.

(The Portfolio Holder for this item was Councillor Doody)  
(Forward Plan ref 67)

### **879. RENT FREE WEEKS - UPDATE**

The Executive considered a report from Housing on the recent developments regarding the approved change to a 48 week rent charging regime for Council dwellings and garages from April 2008, recommend that the proposed implementation was no longer undertaken.

At its meeting of 23 July 2007 the Executive approved the adoption of a 48 week rent charging year for Council tenants commencing from April 2008. Officers subsequently commenced the planning of the changes required to the rent accounting system and associated systems and the agreed programme of tenant consultation.

The initial phase of the consultation involved a letter explaining the proposals and inviting comment being sent to over 7,500 tenants. Only 178 responses were received, a response rate of under 2.5%. Of these respondents 58 were in favour of the proposal (32.5%), 65 were against the proposal (36.5%), 23 neutral (13%) and 32 had further questions (18%). The overwhelming focus of these questions concerned the impact that the introduction of 4 non-chargeable weeks would have on the weekly rent charged in the remaining 48 weeks. It was reasonable to assume that having raised their concern as a question the majority of these respondents would not favour the implementation of the proposal so that the percentage of those not in favour of the planned changes should be regarded as being over 50%.

As the overall number of responses was so low it was decided that the consultation process should continue to the next stage which would involve a further letter to all 7,500+ tenants together with a sheet of Frequently Asked Questions. The main focus of this question and answer sheet would be to clearly explain the impact of the change in payment weeks on the weekly rent payable. The consultation timetable had been designed so sufficient time would be available for a further report to be brought to Executive were this second phase of consultation to demonstrate significant disquiet amongst tenants as to the proposals.

However, before this second consultation was sent the Council received notification of the draft subsidy determination for 2008/09 and the proposed changes to the national rent restructuring guidance. The impact of the proposed changes would leave tenants facing a rent increase significantly above inflation. The introduction of 4 non-chargeable weeks at the same time would be to increase the rent payable in the remaining 48 rent charging weeks by an average £10.33 per week, equivalent to a 16.57% rent increase.

The Executive Overview and Scrutiny Committee noted the recommendations in the report.

## **EXECUTIVE MINUTES (Continued)**

**RESOLVED** that the planned implementation of a 48 week rent charging year for council tenants from April 2008 onwards, be discontinued.

(The Portfolio Holder for this item was Councillor Doody)  
(Forward Plan ref 68)

### **880. PROPOSALS FOR A LEAMINGTON BID**

The Executive considered a report from Leisure and Amenities on the current position regarding progress towards a BID, the impact a Yes vote would have on Warwick District Council, the continued need to deliver Town Centre Management and the services which the Council would provide to support the BID.

BID Leamington would generate a working budget of around £250,000 a year. The BID Company, who would be responsible for managing that budget, was planning that that money would be spent on specific projects identified in the “business plan” which were all in support of Leamington town centre.

This money was far greater than the £15,000 of private sector money which was currently raised in support of Town Centre Management projects. As a result the vitality and viability of Leamington town centre should improve which would be of benefit to the local authority, the local community and local residents.

To fund the BID Warwick District Council would need to issue invoices on behalf of BID Leamington which would incur a cost to the Authority which needed to be funded by the BID. Appendix 2 to the report set out how this would operate.

In order to become “operational” as quickly as possible the BID needed to have funds in place as soon as possible. The agreement to advance the £100,000 was to allow this to take place which as a result would allow the company to operate from start delivering services from July / August 2008.

The Audit and Resources Overview and Scrutiny Committee wished to emphasise to the Executive the importance of ensuring that this was a success, however they also asked that Executive are informed of what contingency plans have been established in case the BID does not work?

The Executive Overview and Scrutiny Committee noted the recommendation in the report, however, if the BID goes through, the Old Town will be excluded. We would need to ensure that the support to Old Town is continued. The money put into town centres should also include areas outside of the BID; this would need to be clarified.

**RESOLVED** that

- (1) a Business Improvement District (BID) in Leamington, be supported, based on the Businesses Plan provided in Appendix 1 to the

## **EXECUTIVE MINUTES (Continued)**

report, and as a result be liable to pay to the BID the levy, as detailed in paragraph 4.4 of the report;

- (2) the Council continue to fund the Leamington Town Centre Management (TCM) in 2008/2009 at the same level as present, and that continued level of funding being on the basis that the BID Company, if successful, will work alongside the TCM where ever and when ever possible to support the town centre or if unsuccessful, the TCM would then continue in its current form and with the current budget;
- (3) the BID Company be charged £9,400 a year, for five years, to cover the cost of collecting the BID levy; and
- (4) based on a "yes" vote, approval be given to advance the BID Company £100,000 on 1 May 2008 to allow the BID to start work establishing the BID. This money be recouped from levy money received in payment of the invoices issued by WDC on behalf of the BID on 1 July 2008.

(The Portfolio Holder for this item was Councillor Hammon)  
(Forward Plan ref 80)

### **881. ADJUSTMENT TO OFF-STREET CAR PARK BUDGET**

The Executive considered a report from Neighbourhood Services on a request for additional funding to employ additional staff to deal with the high administrative workload as a result of taking on on-street enforcement of parking.

A review of the service had been carried out by officers. This had identified that there were insufficient administration staff to deal with the workload currently being generated and the workload was expected to increase further when full establishment numbers of Parking Attendants became operational in the next couple of months.

It was estimated that an additional two administration staff, bringing the number of staff to seven needed to be employed to deal with workload including the level of appeals and resident parking permit applications received. Staff would be employed at spinal point 17 (£19,967.55 cost to employ).

As a result of the review, officers had also identified a shortage of supervision cover across the on-street service from 8am to 8pm seven days a week. To rectify this situation we needed to employ an additional supervisor to provide full cover across the hours of operation. This would bring the number to four. Staff would be employed on spinal point 23 (£24,063.45 cost to employ).



## **EXECUTIVE MINUTES (Continued)**

The Audit and Resources Overview and Scrutiny Committee were of the opinion that they could not recommend the report for approval and felt that the Executive was not in a position to make an informed decision as there were insufficient detailed facts and figures.

It was suggested that information needed included was:

- information on trends in penalty notice issue (if available)
- details of numbers of appeals against parking notices and their outcomes
- the impact of on-street enforcement on off-street parking
- the implications of being £84,000 behind the original budgeted figure for off-street income generated from Pay and Display / Pay on Foot, Season Ticket and Penalty Charges between April and December 2007

The Executive Overview and Scrutiny Committee noted the recommendations in the report but suggested that the decision be postponed until the review of non-residential roads has been implemented, as this may mean that additional staff may not be required.

### **RESOLVED** that

- (1) an increase in the off-street parking services salary budget by £12,799 in 2008/09 to allow for the recruitment, together with Warwickshire County Council, of three additional staff be approved. This expenditure be off-set by an increase in Penalty Charge Income of £14,000;
- (2) the continuing need for a similar compliment of staff be monitored; and
- (3) a full report be submitted to the Audit and Resources Overview and Scrutiny Committee, and then a further report be submitted to the Executive.

(The Portfolio Holder for this item was Councillor Kinson)  
(Councillor Kirton abstained from voting on this item)

## **882. SERVICE LEVEL AGREEMENT FOR WARWICKSHIRE COUNTY COUNCIL TO PROVIDE CERTAIN CIVIL CONTINGENCY SERVICES TO WARWICK DISTRICT COUNCIL**

The Executive considered a report from Engineering on the Service Level Agreement (SLA) for Warwickshire County Council to provide certain Civil Contingency Services to Warwick District Council.

The existing three year Memorandum of Understanding with the County Council EPU was due to expire in April 2008.

Warwickshire County Council operated an Emergency Planning Unit which had over many years co-ordinated emergency planning across the County.

## **EXECUTIVE MINUTES (Continued)**

The Civil Contingencies Act defined the District Council as a Category 1 responder, with the same level of responsibility as the blue light services. The objective of the SLA was to provide a co-ordinated approach to the way the Civil Contingencies agenda was dealt with, whilst also preventing unnecessary overlaps and maximising the resources available across the County to deliver the requirements of the Act.

The Executive Overview and Scrutiny Committee noted the recommendations in the report.

### **RESOLVED** that

- (1) the continued joint working arrangements with the County Council Emergency Planning Unit for the delivery of certain Civil Contingency Services in accordance with a new three year Service Level Agreement, be approved; and
- (2) the County Council Emergency Planning Unit be paid a fee of £14,000 per annum for the next three years, to cover the delivery of those services required by the District Council and as contained in the Service Level Agreement.

(The Portfolio Holder for this item was Councillor Coker)

## **883. GENERAL REPORT**

### **(A) AGREEMENT FOR THE CONTINUED MANAGEMENT OF ROYAL PRIORS CAR PARK**

The Executive considered a report from Neighbourhood Services on an Agreement for continued management of Royal Priors car park.

Car Park Services had managed the Royal Priors car park for the last 3 years in accordance with the agreement accepted by the Executive in February 2005.

The owners of Royal Priors had asked that the agreement be extended for a further year on the terms and conditions currently in place.

The agreement was based on the Council receiving 9% of the pay and display income in Royal Priors. Based on current performance the Council could expect to receive in the region of £45,000 in 2008 against £42,000 in 2007.

The overall costs of managing the car park had not altered this year. As a result there would continue to be an increase in the net income generated by providing this service.

The Executive Overview and Scrutiny Committee noted the recommendation in the report.

## **EXECUTIVE MINUTES (Continued)**

**RESOLVED** that the continuation of the management of the car park at Royal Priors for one further year, with the same conditions as have been in place for the last three years, be approved.

(The Portfolio Holder for this item was Councillor Kinson)

### **(B) CIVIL ENFORCEMENT PCN**

The Executive considered a report from Neighbourhood Services on the existing decriminalised parking which would become Civil Parking Enforcement when new regulations under Part 6 of the Traffic Management Act come into operation on 31 March 2008. The report recommended the adoption of Band 2 Penalty Charges under The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007.

The County Council Cabinet had considered the charges to be applied for Penalty Charge Notices (PCN) at their meeting on 31 January 2008 and had adopted the Band 2 charges.

The new Traffic Management Act (TMA) required PCN charges to be the same across the County, as a result the charges charged in Warwick District needed to be the same as those applied in Stratford District and Rugby Borough. All the Districts / Boroughs were therefore recommending the lead taken by the County Council and seeking to introduce Band 2 charges.

The Executive Overview and Scrutiny Committee noted the recommendation in the report.

**RESOLVED** that the adoption of Band 2 Penalty Charges under The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 with effect from 31 March 2008, be approved.

(The Portfolio Holder for this item was Councillor Kinson)  
(Forward Plan ref 83)

### **(C) DESIGNATION OF CAR PARKS IN WARWICK**

The Executive considered a report from Neighbourhood Services which highlighted the changes in the designation of certain car parks in Warwick District to increase the usage.

The review of off and on-street parking undertaken as part of the review of Decriminalised Parking Enforcement had shown a marked reduction in usage of the limited stay car parks in these locations.

## **EXECUTIVE MINUTES (Continued)**

By changing the designation of the Butts and Castle Lane car parks back to short stay from limited stay (maximum stay 2 hours) it was anticipated that usage of the car parks would increase and as a result this would help to support the vitality of Warwick town centre by offering some availability of parking for over 2 hours within the core of the town.

The number of season tickets in use in Warwick had increased significantly over the last 12 months. The charges for season tickets at the car park at St Mary's Lands area 2 were planned to be the same as in other more conveniently located long-stay car parks. By making the charges lower at this car park it was anticipated that some season ticket holders would re-locate to this car park freeing up season tickets at the other car parks.

A number of residents had purchased season tickets for Rosefield Street car park to try and provide them with parking in the area where demand was high and there was no resident parking zone. With no regulations in place on the car park on a Sunday this car park was heavily parked resulting in season ticket holders being unable to make use of their season ticket.

The Executive Overview and Scrutiny Committee noted the recommendation in the report.

### **RESOLVED** that

- (1) the re-designation of the Butts and Castle Lane car parks in Warwick from limited stay (maximum stay two hours) to short stay car parks from April 1<sup>st</sup> 2008, be approved;.
- (2) from 1 April 2008, a season ticket be offered at St Mary's Lands Area 2 at half the price of other Warwick season tickets; and
- (3) from 1 April 2008 Sunday charging be introduced at Rosefield Street to provide managed parking for residents in the area who have purchased season tickets.

(The Portfolio Holder for this item was Councillor Kinson)

## **(D) RURAL INITIATIVES GRANT APPLICATION**

The Executive considered a report from Finance on an application for a Rural Initiatives Grant from Budbrooke Village Hall, Old School Lane, Hampton on the Hill, in the light of the criteria and budgetary implications.

The Village Hall was a well used facility and certain fixtures and fittings particularly the curtains and chairs were becoming tired. In addition, there was a need for a disabled access ramp and updated lighting. The

## **EXECUTIVE MINUTES (Continued)**

current Committee had only taken over in the fairly recent past and the accounts for 2006 showed that the Village Hall had cash and reserves amounting to £26,805. This was being used to fund day to day maintenance and the new Committee would be formulating more long term plans for the upkeep and improvements to the building which would be funded from these reserves.

The project was estimated to cost £7,342 of which £3,171 would come from the reserves already mentioned. £500 had been granted by the Parish Council leaving £3,671 which was being requested from this Council which equated to 50% of the project cost including VAT.

The Executive Overview and Scrutiny Committee noted the recommendation in the report but suggested that more information would be useful on the status of where the grants were at and if they had been spent, in particular Budbrooke Village Hall.

**RESOLVED** that the request for a grant for £3671, under the Council's Rural Initiatives Scheme as detailed in paragraph 6 of the report, and Appendix 1 to the report, be approved.

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

### **(E) CCTV AND DOOR ENTRY SYSTEMS TO COUNCIL DWELLINGS**

The Executive considered a report from Housing and Property Services requesting authority to waive the Council's Code of Contract Practice for the procurement of work to upgrade the CCTV/concierge system at The Crest and to extend the service to Christine Ledger Square through an integrated CCTV and door entry system. It was recommended that procurement was sought through an EU compliant framework agreement rather than the normal process of securing formal competitive tenders to achieve cost savings and ensure the work could be completed in the current financial year.

The CCTV system covering the 3 multi-storey blocks at The Crest and the low rise flats in Winston Crescent required major investment due to the age of the existing system. Problems with both its hardware and software had been experienced over the last 12 months and the interface between the system and the Council's CCTV control room in the Town Hall was currently non-operational. This had left the system operating as a stand-alone system. The proposed upgrade work would restore this link and provide a digital recording system to enhance the quality of the images captured.

During the last year significant anti-social behaviour had been experienced at the multi-storey block in Christine Ledger Square. This block had CCTV provision but unlike the system at the Crest this had never been linked to the CCTV control room but operated as a stand-alone system with images recorded and stored on-site by VCR. It was

## **EXECUTIVE MINUTES (Continued)**

proposed to replace the existing system with a new digital system and link this into the CCTV control room.

It was also proposed to replace the door entry system and associated hardware and wiring to the multi-storey block and link the new system to the control room. This link would enable sound transmission and for the door to be operated from the control room.

The Executive Overview and Scrutiny Committee noted the recommendation in the report.

**RESOLVED** that the Council's Code of Contract Practice for the procurement of the work at the Crest and Christine Ledger Square be waived, on the grounds that cost and time savings can be achieved through procurement via an EU compliant framework agreement.

(The Portfolio Holder for this item was Councillor Doody)

### **(F) PORTFOLIO PERFORMANCE TARGETS**

The Executive considered a report from Policy and Performance on the proposed Performance Targets for each portfolio extracted from the 2008/09 service area plans to be considered in association with approving the budget.

Service Area Plans had been developed by each service area to reflect the portfolio holder's priorities and the other demands being placed on each service. The Plans included improvement targets for each service to ensure continuous improvement in priority areas was achieved. These targets would form the basis for performance management during the year 2008/09 and, where possible, would be reported on a quarterly basis.

The service area plan process was strongly linked to the budget process. Members should therefore be aware that achievement of the targets included in the appendices was dependent on the approval of certain elements of the proposed budget also on this agenda - it might therefore be necessary to adjust a small number of targets following the approval of the budget.

The statutory requirement to produce a Best Value Performance Plan has been removed and therefore the development of detailed Portfolio Holder Statements for inclusion in this document has gone. Alternative options for the communication of Portfolio Priorities had been discussed and the use of the Focus Magazine to promote Portfolio Priorities for the year ahead had been supported.

The Audit and Resources Overview and Scrutiny Committee were satisfied with the targets set out under the Corporate and Strategic Leadership Portfolio.

## **EXECUTIVE MINUTES (Continued)**

The Executive Overview and Scrutiny Committee noted the recommendation in the report and suggested that the information set out on Appendix G on page 266 and 267 in relation to rent collection performance should be available for public viewing. Concerns were also raised with HA29 on page 250 in relation to sickness. The Committee did not believe the figures to be accurate.

### **RESOLVED** that

- (1) the 2008/09 service targets (extracted from the draft service area plans) be approved;
- (2) the performance indicators and targets be reported to future meetings of the Executive in portfolio order as a means to monitor and manage the performance of the Council's activities which relate to each portfolio's areas of responsibility;
- (3) Portfolio Holders develop brief "Portfolio Holder Statements", be published via a spring copy of the District Focus Magazine, detailing their highest priorities for delivery over the next 12 months;
- (4) the inclusion of the New National Indicator set which has been developed by central government and replaces previous Best Value indicators, be noted; and
- (5) any amendments to the indicators or targets necessary following the approval of the budget or via the rationalisation of old targets be agreed between service managers and portfolio holders and summarised at a future meeting of the Executive.

(The Portfolio Holders for this item were Councillors Mrs Bunker, Coker, Doody, Hammon, Kinson, Pratt and White)

### **(G) WEST MIDLANDS BIODIVERSITY PLEDGE**

The Executive considered a report from Culture on the Council's commitment to the West Midlands Biodiversity Pledge.

The duty came into effect on 1 October 2006. Guidance had been issued by the Department for Environment, Food and Rural Affairs (DEFRA) on how local authorities should implement this duty.

This guidance had set out the key role that Local Authorities had in conserving biodiversity, through their role in:

- Developing and influencing local policies and strategies
- Planning and development control
- Owning and managing their estates

## **EXECUTIVE MINUTES (Continued)**

- Procurement
- Education, awareness raising and advisory functions.

The guidance further indicated DEFRA's intention to review progress in implementing the duty in 2009. Indicators that may be used in this review included looking at whether an authority had:

- Examined opportunities to integrate biodiversity considerations into all relevant service areas and functions, and taken steps to implement the opportunities identified.
- Managed its own sites in a way that was sensitive to biodiversity.
- Made efforts to raise awareness of all staff and managers with regard to biodiversity issues.
- Demonstrated a commitment and contribution to Biodiversity Action Plans (BAPs), where appropriate.
- Demonstrated progress against key biodiversity indicators and targets, for BAP listed priority habitats and species and LBAP listed species and habitats, where appropriate.

The duty was wide ranging. In its broadest sense it meant that every officer and member must consider the impact of their actions on biodiversity. The concept of the Duty was to ensure that authorities embed consideration of biodiversity in their plans and strategies and ensure that it was considered in every decision.

The Executive Overview and Scrutiny Committee noted the recommendation in the report.

### **RESOLVED** that

- (1) it be noted that the Natural Environment and Rural Communities Act places a duty on all public authorities to have regard to the conservation of biodiversity in the exercise of their functions; and
- (2) the Council's commitment to the West Midlands Biodiversity Pledge, be endorsed.

(The Portfolio Holders for this item were Councillors Kinson and White)

## **(H) HEATING, LIGHTING AND WATER CHARGES 2008/09 - COUNCIL TENANTS**

The Executive considered a report from Housing and Property Services on the revised service charges for council tenants relating to heating, lighting and water and miscellaneous charges for the financial year 2008/09.

Weekly service charges were levied for the costs of electricity, gas and water supply usage in the communal areas of sheltered and very sheltered housing schemes and for their direct supply to individual properties through communal heating schemes.

The costs of maintaining communal laundry facilities were also



## **EXECUTIVE MINUTES (Continued)**

recharged as a service charge at those sites benefiting from these facilities under the heading of miscellaneous charges.

These charges required annual review as a result of variations in the costs associated with these services, with tenants being notified of the change(s) at the same time as the annual rent increase.

These variations were solely as a consequence of the Council recovering the actual costs of service provision and it was therefore recommended that authority to agree the annual revision was delegated to the Head of Housing and Property Services.

The Executive Overview and Scrutiny Committee noted the recommendation in the report.

**RESOLVED** that the revised service charges for Council tenants relating to heating, lighting, water and miscellaneous charges for the financial year 2008/09 be approved; and

**RECOMMENDED** that authority be delegated to the Head of Housing and Property Services to agree the annual variations to service charges, from 2009/10 onwards.

(The Portfolio Holder for this item was Councillor Doody)  
(Forward Plan ref 69)

### **(I) GUIDANCE ON EFFECTIVE COMMUNITY SAFETY PARTNERSHIPS**

The Executive considered a report from Community Safety on the prescriptive criteria by which the Home Office would assess the Crime & Disorder Reduction Partnership, contribution of individual responsible authorities and how it should work in two tier authority areas.

The guidelines formed part of a new statutory duty with over 40 mandatory hallmarks. Crime & Disorder Reduction Partnerships (CDRP's) would be assessed against these Hallmarks by the Government Office for West Midlands.

The Strategic Assessment replaced the former Audit of Crime, Disorder & Drugs Misuse. The draft document went to the Strategic Member Board (South Warwickshire Crime & Disorder Reduction Partnership – Designate) on 15 January 2008.

The Executive Overview and Scrutiny Committee noted the recommendation in the report.

## **EXECUTIVE MINUTES (Continued)**

### **RESOLVED** that

- (1) new guidelines and the duties placed on this Council as one of the responsible authorities be noted; and
- (2) a report on the Strategic Assessment be received at the March Executive meeting.

(The Portfolio Holders for this item were Councillors Mrs Bunker and Kinson)

(Forward Plan ref 66)

### **(J) DELIVERING CHILDREN'S PLAY PROGRAMME REVENUE PROJECTS WITHIN THE DISTRICT**

The Executive considered a report from Leisure and Amenities requesting authority to waive the Council's Code of Contract Practice for the procurement of services to deliver a portfolio of play sessions and play activities around the district over a three year period. If approved, procurement would be sought through a partnership agreement rather than the normal process of securing written quotations and/or a formal competitive tender

The Big Lottery Fund had agreed to offer a grant of £218,712 to Warwick District Council to deliver a portfolio of play projects. The grant, over three years, would fully fund a £72,355 capital project, a £62,250 revenue project, £62,125 revenue project and £21,982 portfolio management costs.

The revenue projects would include wild play sessions to encourage children to use natural resources around them in a supervised outdoor environment, and creative play sessions providing play opportunities by using recycled materials and working with local artists. It was the intention to deliver these revenue projects with partnering organisations that have the resources, skills and experience in this type of service.

Expressions of interest had been sort through various organisations to gauge what number and type of organisations were suitable to deliver these play projects, and at the same time those that could fulfil the Big Lottery Fund stringent terms and conditions.

Following lengthy discussions it was felt that The Creates Recycling Centre (in partnership between Warwickshire County Council and Trees are Green Ltd managed by Artists in Warwickshire Education) and the British Trust for Conservation Volunteers were the preferred partnering organisations that meet both local children play needs, and the requirements of the Big Lottery.

The Executive Overview and Scrutiny Committee noted the recommendation in the report.

## **EXECUTIVE MINUTES (Continued)**

**RESOLVED** that approval be given to waive the Council's Code of Contract Practice for the procurement of the services, on the grounds that a partnership agreement with Creates Recycling Centre and British Trust for Conservation Volunteers is the preferred option.

(The Portfolio Holder for this item was Councillor White)

### **884. MINUTES OF THE OVERVIEW & SCRUTINY AND POLICY COMMITTEES**

**RESOLVED** that the minutes of the meetings of the Audit & Resources and Executive Overview and Scrutiny Committees held on 4 December 2007, the Environment & Economic and Culture & Social Policy Committees held on 5 December 2007, be noted.

### **885. FUNDING FOR SAFER NEIGHBOURHOODS AREAS**

The Executive considered a report from Community Safety on the designation of funding from capital to revenue in order to facilitate local solutions to locally identified problems.

Community Safety was a generic term for the statutory responsibilities placed on this authority within the Crime and Disorder Act (1998). The duty was to work in partnership with the Police, County Council, Police Authority, Fire & Rescue Service and Primary Care Trust. The duty was joint and equal.

Safer Neighbourhoods was intended to address the broader aims of citizen focus. The right people, at the right places at the right time in order to create neighbourhoods that were safe and feel safe.

It was intended to encourage public choice of policing priorities, participation and ownership of solutions. The main features were:

- Dedicated and accountable resources with geographic ownership based on district council wards
- Intelligence led targeting of issues that matter most to the public

Safer Neighbourhoods had been introduced in Warwick District in November 2006. There were eight Safer Neighbourhood Areas each with its own Police Team working under six Sergeants.

The Audit & Resources Overview and Scrutiny Committee supported the recommendation in the report.

The Executive Overview and Scrutiny Committee noted the recommendation in the report.

## **EXECUTIVE MINUTES (Continued)**

### **RESOLVED** that

- (1) the reduction of the 2007/08 and 2008/09 Warwick District Council Capital Funding Safer Neighbourhoods Areas by £60,000 in each year and designation to Revenue Funding for one-off projects with accompanying changes to the financing from the Capital Investment Programme, be approved; and
- (2) a carryover into 2008/09 with the exact amount to be agreed, subject to review when details of the Final Accounts are presented in June 2008, be approved.

(The Portfolio Holders for this item were Councillors Mrs Bunker and Kinson)

## **886. 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.

Item Nos.	Para. Nos.	Reason
23	1	Information relating to an individual
23	2	Information which is likely to reveal the identity of an individual
19, 20, 21, 22, 23, 24, 25 & 26	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

## **887. ALLOTMENT LAND**

The Executive considered a report from Legal Services and Leisure and Amenities on the transfer of allotment land to Warwick, Whitansh and Kenilworth Town Councils and Lapworth Parish Council.

The duty to provide allotments in the parish areas of the District fell on the Parish and Town Councils ("the allotment authorities") by virtue of the Smallholdings and Allotments Act 1908.

## **EXECUTIVE MINUTES (Continued)**

The Council had however continued to hold sites which were used for allotment purposes and to lease the various sites to Kenilworth Town Council, Warwick Town Council, Vicarage Road Allotment Association Limited (site at Packwood) and Whitnash Workingmen's Allotment Association.

The Audit and Resources Overview and Scrutiny Committee felt that this should have been split into two reports, one the transfer of allotments to Warwick Town Council and another on approaching other Town/Parish Councils to seek their interest in a potential transfer of allotments to them.

The Audit and Resources Overview and Scrutiny Committee were also unhappy with recommendation 1.1.2 and felt that the clause should also either cover all future owners of this land or that the Town Council can only transfer this land back to WDC.

The Executive Overview and Scrutiny Committee noted the recommendation in the report; however, they were not satisfied with the report and thought it was very poor. The consultation of Ward Councillors mentioned in the report information, were not actually consulted on this matter.

**RESOLVED** that the transfer of allotment land to Warwick, Whitnash and Kenilworth Town Councils and Lapworth Parish Council be agreed in principle, subject to further negotiation on the terms of the transfer and final approval by the Executive.

(The Portfolio Holder for this item were Councillors Coker, Doody and White)

### **888. ABBEY END PAY AND DISPLAY CAR PARK, STATION ROAD, KENILWORTH**

The Executive considered a report from Property Services on the joint marketing of part of Abbey End Pay and Display Car Park, Station Road, Kenilworth leading to the possible disposal of the asset.

Abbey End Pay and Display Car Park, was owned by Warwick District Council and accommodated 221 car parking spaces.

The Former Budgens Supermarket Site, which had access rights over the Abbey End Pay and Display Car Park to get to and from the rear of the Site was located next door to the Abbey End Car Park, and had been acquired by Sainsbury's in 2001.

Following repeated requests over a long period of time to bring forward the site for development as part of Kenilworth town centre's regeneration, Sainsbury's now wished to dispose of their site and had indicated that they were willing to jointly market their site, with a section of this Council's Abbey End Pay and Display Car Park.

The Audit and Resources Overview and Scrutiny Committee expressed concern by this item as they felt that the reduction in car parking spaces in Kenilworth town centre would be detrimental, due to the already limited number

## **EXECUTIVE MINUTES (Continued)**

of parking places within the Town Centre. Therefore the development should aim to increase parking capacity not decrease it.

The Executive Overview and Scrutiny Committee noted the recommendation in the report and suggested that the word 'Ideally' be deleted from 5.3.4 of the report on page 297.

**RESOLVED** that the joint marketing of the Former Budgens Supermarket site, Station Road, Kenilworth, with a section of this Councils Abbey End Pay and Display Car Park be approved, subject to the conditions

- (1) Sainsbury's must present their proposed marketing plan to Warwick District Council before any joint marketing agreement is entered into;
- (2) Warwick District Council not be liable for any of the marketing costs if the sale falls through;
- (3) the sale price of the Warwick District Council land must reflect the increased value of combining our land with their site and reflect the anticipated increased value of the car park spaces when the new Waitrose store is operating; and
- (4) any development of the joint site should not reduce the parking provision in this area and any proposal would require a full cost benefit of parking to be considered by the AMG before any agreement was made.

(The Portfolio Holder for this item was Councillor Kinson)

### **889. LAND ADJACENT TO BLACK HORSE PUBLIC HOUSE, LEAMINGTON SPA**

The Executive considered a report from Property Services on the disposal of Council owned land adjacent to Black Horse Public House, Princes Street, Leamington Spa.

The land had been acquired by Warwick District Council in 1975 as part of the Comyn Street Housing Scheme for the redevelopment of Princes Street/Comyn Street/Hampton Grove for Council Houses. The land, however, had not been used for Housing purposes and was left as open space for car parking.

In 1982, Warwick District Council granted a 99 year Lease over the land to the owners of the Black Horse Public House. The Lease was due to expire on 31 October 2081 and currently had 73 years remaining.

The Tenant had now approached the Council requesting to purchase the land with the intention of investing in the land in order to create a more attractive Rear Yard/Smoking Yard/Service Yard/Car Parking area, etc.

## **EXECUTIVE MINUTES (Continued)**

The Audit and Resources Overview and Scrutiny Committee questioned if there should be a claw back for the future sale or development of the land.

The Executive Overview and Scrutiny Committee noted the recommendation in the report and suggested a covenant be put upon the land to prevent it being used for housing or any other use not associated with the public house.

**RESOLVED** that the disposal of land adjacent to Black Horse Public House, Princes Street, Leamington Spa to owners of the Black Horse Public House, be approved.

(The Portfolio Holder for this item was Councillor Doody)

### **890. PLANNING BRIEF FOR THE STATION AREA**

The Executive considered a report from Planning updating members on the process of selecting a planning consultancy to undertake the preparation of this planning brief and sought confirmation of the consultant that had been chosen.

In July 2007, it was agreed that the Council should approach Advantage West Midlands (AWM) for funding support to carry out further planning work on the wider area around Leamington railway station. The area of land in question included not only the station itself and land to the north but also further land to the west including all of that in the ownership of Ford that was formerly occupied by their foundry operation. This approach was made following the closure of the foundry in the summer of last year.

The Executive Overview and Scrutiny Committee strongly supported the recommendation in the report.

**RESOLVED** that the decision of the Chief Executive and Development Portfolio Holder to appoint GVA Grimley to prepare a planning brief for the station area, be confirmed.

(The Portfolio Holder for this item was Councillor Hammon)  
(Forward Plan ref 86)

### **891. BUILDING ON EXCELLENCE REDUNDANCIES**

The Executive considered a report from the Chief Executive and the Acting Director for Customer Information and Advice, on the funding for redundancies arising out of the Building on Excellence changes which had been approved by the Employment Committee.

Building on Excellence had been approved as an organisational change strategy by the Executive at its meeting on 18 September 2007. As a result a number of posts had been deleted from the Council's establishment and a number of new positions created. Under the Council's redeployment procedure those people whose posts disappeared had the opportunity to be considered for any posts which had become available.

## **EXECUTIVE MINUTES (Continued)**

The outcomes of the redeployment process had been reported to the Employment Committee on 15 January 2008, and the early retirements of both the Sports Leisure and Parks Manager and the Economic Development Manager were approved subject to funding being agreed by the Executive.

The Audit and Resources Overview and Scrutiny Committee supported the recommendations in the report, although some members of the Committee were concerned at the amount of experience recently lost from within the Leisure department.

The Executive Overview and Scrutiny Committee noted the recommendation in the report.

### **RESOLVED** that

- (1) the funding of the early retirement on the grounds of redundancy for the Sports Leisure and Parks Manager with effect from 30 September 2008, be approved; and
- (2) the funding of the early retirement on the grounds of redundancy for the Economic Development Officer with effect from 31 May 2008, be approved.

(The Portfolio Holder for this item was Councillor Coker)  
(Forward Plan ref 28)

## **892. LEGAL SERVICES**

The Executive considered a report from Legal Services on the one off budgetary pressures in 2007/08 and opportunities for contributory savings.

As the year end approached, a range of additional expenses for Legal Services have had an impact on the budget. The overall proposals were summarised in the report and gave some opportunities for savings which could make a worthwhile contribution towards reducing costs.

The Audit and Resources Overview and Scrutiny Committee supported the recommendations 1.1, 1.2 and 1.3, in the report, but proposed an additional recommendation that when these issues were resolved there would be robust Key Performance Indicators established for legal services. It was also strongly felt that Legal Services needed less surprises and more budget planning.

The Executive Overview and Scrutiny Committee noted the recommendation in the report.

### **RESOLVED** that

- (1) an increase in the Legal Services budget in 2007/08 by £60,200 financed from the contingency reserve be approved;



## **EXECUTIVE MINUTES (Continued)**

- (2) an increase the Legal Services budget in 2008/09 by £90,500 financed from contingency reserve be approved;
- (3) Legal Services and Human Resources take the necessary steps to realise the appropriate savings from the Council directly employing the Legal Services agency staff as detailed in this report; and
- (4) robust key performance indicators be established.

(The Portfolio Holder for this item was Councillor Coker)

### **893. LAND CHARGES FEES**

The Executive considered a report from Legal Services on the current and forecast fees for operation of the Land Charges Service.

The change in the Land Charges system in 2007 resulted in a requirement to operate Land Charges on a 'not for profit' basis. The accounts were required to be operated on a rolling basis. The finance report outlining the calculation of the fee was attached as Appendix 2 to the report. The fee took into account the work outlined in the report. As the service was unable to generate a surplus from April 2007, the fee was reduced to £100 which was the correct fee in accordance with the emerging guidance at the time of calculation.

The Audit and Resources Overview and Scrutiny Committee supported the recommendations in the report, however they suggested that due to the competitive nature of the land charges market that Council should consider delegating the setting of land charges fees to CMT to allow the Council to be more proactive in the market place in accordance with our competitors.

The Audit and Resources Overview and Scrutiny Committee also recommended that monthly reports be considered by the corporate management team on this matter and that ¼ update reports are submitted to Audit & Resources Overview & Scrutiny Committee.

The Executive Overview and Scrutiny Committee noted the recommendation in the report.

### **RESOLVED that**

- (1) the report be noted;
- (2) the standard search fee and other charges as detailed in Appendix 1 to the report, be approved;
- (3) the level of charges continue to be monitored on a quarterly basis; and

## **EXECUTIVE MINUTES (Continued)**

- (4) a report be submitted in October 2008 as part of the annual fees and charges report.

(The Portfolio Holder for this item was Councillor Coker)

### **894. SPENCER YARD PHASE II PROJECT**

The Executive considered a report from the Chief Executive's Office on a number of options relating to the future of the Spencer Yard Phase 2 project and Council property interests.

The report detailed the options which were available to the Executive and the progress the scheme had made since the last meeting of the Executive in December 2007.

The Audit and Resources Overview and Scrutiny Committee felt that they had insufficient time to consider the report as it had only been received by them the day before the meeting. It was agreed that if any of the Audit and Resources Overview and Scrutiny Committee wished to pass comments to the Executive they could be emailed to the Committee and the Chair would pass them on.

Some Councillors of the Audit and Resources Overview and Scrutiny Committee felt that before any decision was taken the Council should get a definitive answer from HM Customs and Revenues on the VAT issue. They also asked that option A be split in to two options of if VAT works in our favour and if VAT does not work in our favour.

The Executive Overview and Scrutiny Committee noted the recommendation in the report and made the following comments:

- (a) concern was expressed that the project, and the apparent risks, remain complex;
- (b) the current progress was noted;
- (c) that the acquisition of the church on an arrangement with AWM to the best advantage of the authority should be pursued with the intention of reducing the exposure to rental payments;
- (d) that the VAT situation should be explored and resolved as a matter of urgency; and
- (e) that a further report should be presented when the risks and benefits of the potential arrangement with AWM, City Spirit and the Loft are clearer so that the potential approval of the project can be considered.

The Environment and Economic Policy Committee expressed enthusiasm for the regeneration of the area but at the same time were aware of the risks in the project and would like to see these addressed first. Particular concern was expressed with regard to the VAT issue and the need for this to be resolved before the project proceeds.

## **EXECUTIVE MINUTES (Continued)**

The Executive felt they were unable to take a final decision on this matter without further information and therefore it was agreed to adjourn the meeting until 6.00pm on 26 February 2008 and to allow officers to progress with option A until that meeting.

### **RESOLVED** that

- (1) the meeting be adjourned until Tuesday 26 February 2008 at 6.00pm; and
- (2) officers be authorised to progress with option A until the resumption of the adjourned meeting.

(The Portfolio Holders for this item were Councillors Hammon and Coker)

(The meeting adjourned at 10.00pm)

## **EXECUTIVE MINUTES (Continued)**

### **RESUMPTION OF ADJOURNED EXECUTIVE MEETING**

Minutes of the adjourned Executive meeting held on Tuesday 26 February 2008 at the Town Hall, Royal Leamington Spa at 6.00 pm.

**PRESENT:** Councillor Coker (Chairman); Councillors Mrs Bunker, Michael Doody, Hammon, Kinson, Pratt and White.

**ALSO PRESENT:** Councillor Boad (Chair of Executive Overview and Scrutiny Committee);  
Councillor Caborn (Chairman of the Council); and  
Councillor Ms De-Lara-Bond (Liberal Democrat Group Observer).

An apology for absence was received from Councillor Kirton.

#### **894a. SPENCER YARD PHASE II PROJECT**

The Executive reviewed the report on the agenda along with the comments made by the Audit & Resources Overview & Scrutiny Committee, Executive Overview & Scrutiny Committee and Environment and Economic Policy Committee.

In addition the Executive considered a paper from the Strategic Director Environment and further information from the Chief Executive and Economic Development Officer.

The Strategic Finance Manager was present and provided further advice with regard to the financing of the scheme.

#### **RESOLVED that**

- (1) the revised application to Advantage West Midlands (AWM) for the Spencer Yard scheme as summarised in Appendix 1 A to the report, be submitted with the Council's support;
- (2) the remaining £37,500 be vired from the current year's contingency budget to cover the costs of the bid to AWM going forward. Should there be an amount unspent at the end of the current financial year, it be transferred into a ring fenced reserve to cover costs accruing in 2008-09. A further £112,500 be vired from the 2008-09 contingency budget. In total £150,000 be used from contingency over the 2 financial years;
- (3) the agreements between the District Council, Loft Theatre Company and City Spirit Developments involving improvements to the former Spencer Street Church, disposal to The Loft Theatre Company, sale of the Old Dole Office to the

## **EXECUTIVE MINUTES (Continued)**

preferred developer City Spirit Developments be structured so as to:

- (a) minimise the risk to the Council in relation to VAT (to be as provided for, or less than is provided for, within the project budget) and liability to Stamp Duty;
  - (b) minimise the risk of a cost overrun of works falling to the Council to cover;
  - (c) secure an effective way of delivering business space for start up businesses;
  - (d) minimise the risk of not meeting the projected AWM outcomes and outputs;
  - (e) maximise any other benefits that would aid the regeneration of the area and the local community; and
  - (f) ensure the eventual scheme would be acceptable from a planning perspective.
- (4) should the VAT issue not be resolved to the satisfaction of the S151 Officer then the bid shall be withdrawn or offer of a bid rejected;
- (5) if necessary, officers (Chief Executive, S151 and Monitoring Officer) approach AWM and partners with a view to purchasing or paying deposit for the purchase of church in advance of final determination of the scheme. Should the bid fail or be delayed in its determination, this cost (outright purchase or deposit) be funded by way of Prudential Borrowing or other means of financing as determined as part of the Councils Capital Funding.
- (6) a further report be submitted to the Executive following AWM's decision on the bid or that it is concluded that the VAT issue cannot be resolved satisfactorily;
- (7) details of the project management arrangements and staffing be submitted to the Executive; and
- (8) the Executive be given progress reports on the scheme at it future meetings.

(The meeting ended at 7.04pm)