

WARWICK DISTRICT COUNCIL

Minutes of the meeting held on Wednesday 16 November 2016, at the Town Hall, Royal Leamington Spa at 6.05pm.

PRESENT: Councillor Mrs Knight (Chair); Councillors, Ashford, Barrott, Boad, Butler, Coker, Cooke, Cross, Davies, Davison, Day, Doody, Edgington, Gifford, Miss Grainger, Mrs Grainger, Heath, Mrs Hill, Howe, Illingworth, Margrave, Mobbs, Morris, Murphy, Naimo, Parkins, Phillips, Quinney, Mrs Redford, Rhead, Shilton, Weed and Whiting.

43. **Apologies for Absence**

Apologies for absence were received from Councillors Bromley, Butler, Cain, Mrs Cain, Mrs Evetts, Gallagher, Gill, Harrington, Mrs Stevens and Thompson.

44. **Declarations of Interest**

Minute 50(b) Executive Report - 2 November 2016

Councillors Mrs Falp, Heath, Margrave, Redford and Rhead declared an interest in Minute 57, recommendation (1), in respect of Concurrent Services Grant because they were Town or Parish Councillors for Council's that were in receipt of this Grant. All five Councillors left the room when this resolution was debated and voted upon.

45. **Minutes**

The minutes of the meeting of the Council held on 21 September 2016 were taken as read and subject to the following two amendments clarification were duly signed by the Chair as a correct record.

- (1) That under communications and announcements the Chair did not attend the funeral of John Houghton; and
- (2) That under communications and announcements it should be recorded that the Council had sent its best wishes to Councillors Doody, Heath and Mann.

46. **Communications & Announcements**

The Chair led a minutes silence in respect of Councillor Raj Mann who has passed away in October 2016. This was followed by tributes to Councillor Mann from Councillor Mobbs (Leader of Conservative Group), Councillor Barrott (Leader of the Labour Group), Councillor Mrs Falp (Leader of Whitnash residents Association (Independent Group), Councillor Murphy (Ward Councillor for Myton & Heathcote) and Councillor Mrs Knight the Chair of the Council.

The Chair notified the Council that the by-election to fill the vacancy on the Council would take place on 1 December 2016.

The Chair welcomed the visitors from Kenya who were observing the meeting.

The Chair welcomed Councillor Heath to the meeting and notified Council that as a result of this Item 13 Councillor Tony Heath had been withdrawn from the agenda.

The Chair informed the Council that there was no business to be considered under Item 5 Petitions or Item 7 Public Submissions.

47. **Notices of Motion**

- (a) Councillor Quinney proposed his Motion, as laid out below, be considered and debated by Council, which was duly seconded.

Councillors are aware that over 60 of the 120 beds available in the area to providing transitional housing for the young and vulnerable homeless are in the process of closing. More closures may follow. This net loss of capacity will make it more difficult and slower to place those individuals and effectively take capacity out of our own housing stock.

Officers are considering whether properties used for this purpose and already owned by the Council such as William Walsgrave House could be kept open indefinitely - but that would still leave a significant and probably growing gap.

Councillors are also aware of the rise in homelessness claims in the locality in general, a larger proportion of which are now priority 1 where we have a statutory duty to house. As a result the number of those housed in temporary 'B&B' accommodation is rising sharply and is forecast to cost the Council £50k more than budgetted in the current financial year.

Both issues inevitably have a knock-on effect on how quickly we can meet the needs of lower priority residents, within the 3000+ Homechoice waiting list.

If the Council were to lease or acquire properties to meet both needs, such a project should at least cover lease/running costs through the rental income generated and may help reduce overspend on B&B.

Therefore it is proposed that Warwick District Council approves:

- (1) Officers ensure current transitional housing in existing WDC properties is maintained until further notice;
- (2) Officers urgently and proactively seek to build on that approach by leasing or acquiring sufficient suitable additional properties to offer as short-term accommodation. By doing so they should seek at least to fill the capacity gaps emerging in transitional housing; and
- (3) Officers also investigate the opportunities to lease or acquire property suitable for temporary accommodation for priority 1 homeless with a view to capping and reversing the budget overspend.

On being put to the vote the proposal to debate the Motion at Council was lost and therefore under Council Procedure Rule 6 the matter was automatically deferred to the Executive for consideration at their meeting on 30 November 2016.

(b) Councillor Quinney proposed and it was duly seconded that:

At present Council policy is to offer overnight accommodation to rough sleepers, when the temperature is predicted to fall below zero degrees C for three successive nights.

Therefore it is proposed that Warwick District Council adjusts its policy in support of rough sleepers with immediate effect this winter, reducing the number of nights predicted with below zero temperatures from three to one.

In addition to the proposer, Councillors; Phillips, Parkins, Whiting, Naimo, Illingworth and D'Arcy spoke on this item

On being put to the vote the Motion was lost.

(c) Councillor Mobbs proposed and it was duly seconded that:

Whilst this Council fully endorses the detailed response from its Licensing and Regulatory Committee to the consultation by the Boundary Commission on the proposed new Parliamentary constituency boundaries within the District it would emphasise that:

- (1) It strongly prefers that the towns of Warwick and Leamington should remain paired in the same constituency as they have been since 1885; and
- (2) As a minimum amendment it considers it essential that the whole of the County Town of Warwick should be in the same constituency.

In addition to the proposer Councillors Boad, Phillips, Mrs Falp, Gifford, Rhead, Grainger and Cooke spoke on this item.

The Motion was approved.

48. **Leader's and Portfolio Holders' Statements**

The Leader, Councillor Mobbs, welcomed the visitors from Kenya who were observing the meetings.

The Leader, Councillor Mobbs, thanked Councillor Quinney for his email regarding the housing technical standards and the analysis Councillor Quinney had undertaken of new build properties compared against the standards. In response the Leader explained that the statistics provided to him by Councillor Quinney were from a small sample of buildings and that at this time the standards are guidance which the Government does not intend to impose. Therefore after discussion the current administration did not intend to take this proposal forward.

The Portfolio Holder for Neighbourhood Services, Councillor Shilton, informed the Council that a new skate park had been opened in Victoria Park. He thanked all parties involved in this project in ensuring that it was a success

49. **Questions to the Leader of the Council & Portfolio Holders**

Councillor D'Arcy, asked the Portfolio Holder for Neighbourhood Services for an update on Linen Street Carpark.

In response the Portfolio Holder for Neighbourhood Services, Councillor Shilton, explained that investigatory work was ongoing but a solution would be brought to Councillors soon. He also informed Council that the Council now had a project officer in post to take forward the car park projects.

Councillor Barrott asked the Portfolio Holder for Health & Community Protection, if it was possible for the air quality monitoring stations in Rugby Road and Hamilton Terrace could be relocated, in consultation with DEFRA, to areas with known air quality issues rather than their current location where there was not an issue?

In response the Portfolio Holder for Health & Community Protection, Councillor Mrs Grainger, agreed to investigate this matter and would report back to Health Overview & Scrutiny Sub-Committee.

Councillor Mrs Falp asked the Portfolio Holder for Housing and Property Services if the Council had a plan for the future use of garage sites owned by the Council; and what was our policy on boarding up and not repairing them?

In response the Portfolio Holder for Housing & Property Services, Councillor Phillips, explained that the former Head of Housing & Property Services was investigating the potential of problem garage sites. This had now been placed on hold because of the change in management but would be progressed in due course. However it was not the intention of the Council to knock down every garage it owned and build houses on the site, this would depend on the suitability of the site.

50. **Report of the Executive**

- (a) The report of the Executive meeting on 28 September 2016 were proposed duly seconded and

Resolved that the report of the Executive meeting on 28 September 2016, be approved.

- (b) The report of the Executive meeting held on 2 November 2016 were proposed duly seconded and

Councillor Margrave addressed the Council on minute 57 recommendation (1) prior to leaving the meeting. Councillors Doody, Day, Phillips and Whiting addressed the Council on this item

Resolved that the report of the Executive meeting on 2 November 2016, be approved.

51. **Licensing & Regulatory Committee report**

The report of the Licensing & Regulatory Committee meeting held on 31 October 2016 was proposed subject to clarity in recommendation 2(b) over the

area of the two Wards and in recommendation 3 which replaced which would include with "on the". This was duly seconded.

In addition to the proposer (Councillor Illingworth) and seconder (Councillor Miss Grainger), Councillors Mrs Falp and Boad spoke on this item.

Resolved that the recommendations of the Licensing & Regulatory Committee on 31 October 2016 be approved, subject to the following amendments

- (2) the proposal to be put to the LGBCE is for the WDC Ward Boundaries and names to follow those of the Warwickshire County Council (WCC) Divisional Boundaries within the District, with each ward having three WDC Councillors, except for:
 - (a) the Budbrooke & Bishop's Tachbrook Division which should be split into two District Wards, each represented by two District Councillors – one to be named Budbrooke and the other Bishop's Tachbrook; and
 - (b) the Lapworth and Kenilworth West Division which should be split into two wards; one ward will be formed by the parishes of Beausale, Hasely, Honiley & Wroxall, Baddesley Clinton, Rowington, Bushwood and Lapworth, and represented by a Councillor, the other will be formed of the rest of the area of this County Division and be represented by two Councillors;
- (3) subject to approval of (1) and (2) by Council, the Chief Executive is asked to notify WCC and all Parish & Town Councils within Warwick District of this Council's intention to approach the LGBCE, outlining the proposed principles of the review and seeking views on any specific issues relating to the proposed boundary revisions and/or revised electoral arrangements, for:
 - (i) A proposal to move the area of New Cubbington Parish Ward into Royal Leamington Spa;
 - (ii) A proposal that the area of Whitnash East Town Ward is moved into Royal Leamington Spa;

52. **Leisure Centre Investment Proposals – Phase I**

The Council considered a report from Cultural Services that brought forward recommendations for Phase I of the Leisure Centre Investment Proposals.

The report was the culmination of two years of work by the Council to identify opportunities to improve the quality and range of leisure facilities in the district and design a programme of works that provided residents with greatly improved facilities, suitable for the 21st century, now and into the future. Phase I of this work focused on the leisure centres in Leamington and Warwick. It had previously been agreed that Phase II, for Kenilworth, would follow.

The report detailed the proposed improvements to Newbold Comyn and St Nicholas Park leisure centres, the rationale for the proposed designs, the cost of the works, and the funding model for the delivery. A construction contractor, Speller Metcalfe, had been appointed in summer 2016 under a Pre-Construction Service Agreement and subject to approval of this report would be awarded the contract for the construction works that would commence in December 2016 for St Nicholas Park Leisure Centre and January 2017 for Newbold Comyn Leisure Centre

The process to date had seen the designs for both leisure centres evolve from the initial versions that were established at RIBA Stage 0 in 2015, through various iterations at RIBA Stages 2 and 3, to the final Stage 4 designs. The designs that were appended to the report reflected the overall objectives of the project which were designed to ensure that the District would have, under Phase I, two modern, up to date and fit for purpose leisure centres that provided a wide range of sporting opportunities for all sectors of the community. The designs met the requirements agreed with Sport England and incorporated revisions made necessary as a result of extensive ground and utility surveys. The design team had invested a great deal of work in considering the feedback from existing users of the facilities (members of the public, clubs and schools), and wherever possible reflecting this feedback in the final designs.

The plans set out at Appendix 1 to the report retained the "village change" layout that was a feature of the Stage 2 designs. This had been the most contentious element of the design for a group of existing users. The pros and cons of this design had been explained in depth in previous reports, and in the detailed responses had been provided to Councillors and members of the public who had raised concerns. Officers remained convinced that this design was the most appropriate use of the space available for most user groups. The key to the layout was "flexibility" for swimmers using the facilities, and the layout was supported by Sport England and the Amateur Swimming Association.

There had been a small number of people who had been opposed to the removal of the "small pool" at St Nicholas Park Leisure Centre, which was considered by some to be the loss of a "children's" pool. However the work required to upgrade the main pool circulation, added to the constraints of the site, meant that there was no alternative but to remove this small pool and not replace it.

The improvements to facilities at both sites were summarised in the report along with the additional improvements that were only to be made at Newbold Comyn Leisure Centre, with full details set out in Appendices 1a to 1g of the report.

Planning Permission had been granted by the Council but was subject to a number of Planning Conditions. Some of these Conditions had to be discharged before the commencement of the works, and some had to be discharged before the occupation of the new areas. The Design Team were working with the relevant Council officers to discharge these conditions before the appropriate deadline, to ensure that this process did not delay the commencement on site nor the occupation of the new areas. Conditions relating to the provision of detailed drawings of the proposals, design details and methods of work for specific areas were proceeding well and officers did not anticipate any problems in this regard. Some work needed to be completed on Conditions relating to the

Severn Trent works and their impact on landscaping and environmental improvements, but this work should be completed within the relevant time-period subject to satisfactory conclusion of dialogue with relevant parties.

Car parking provision had been considered at length for both sites. The greatest challenge in this respect had been at St Nicholas Park, where it was envisaged that the improved facilities at the leisure centre would increase demand and add to the current pressures on car park capacity; ergo numerous initiatives were being investigated to help resolve this issue. In the short term, a revised car park layout had enabled 16 additional spaces to be created by the removal of the designated coach drop off point, which was not essential to the car park. In the medium term, it was considered that there was the potential to split the car park encouraging all day/long stay parkers to use Myton Fields in the summer months, and provide short stay car parking nearer to the leisure centre. This would require changes to the operating procedures, new signage, clear demarcation of the charging regimes and an appropriate enforcement policy. The short stay car parking would not be solely for users of the leisure centre but also for park users who were visiting for a short time. In the longer term there were options being investigated that would make better use of Myton Fields car park (capacity of 500 cars) which were being considered as part of the other parking issues in Warwick, and across the District.

When the reports on the Leisure Development Programme were considered by Executive on 27 July 2016 and by the Council on 10 August 2016, the costs of the refurbishment and extension of St Nicholas Park and Newbold Comyn Leisure Centre were understood to be in the region of £14.5 million.

Speller Metcalfe were employed based on a Pre-Construction Service Agreement (PCSA) to join the design team and to assess the cost and build-ability of the proposed scheme. The first raw and unchecked figures that were produced through this process and received in early September gave the total cost of the scheme as over £16.5 million.

It was realised by the Design Team and the Council that it would not be possible for the necessary comprehensive analysis of these figures to be undertaken within the available timescale to report to the Council in October. However a series of actions were undertaken to interrogate the returned prices, realign the specification against the budget parameters and look at wider value management to provide best value. These were scheduled to be completed in time for this Council meeting.

The report summarised four key actions which accounted for savings of £1,899,710 within the build project

The Project Board considered whether the programme of works could be shortened, thus reducing "prelims and overheads" paid to the contractor whilst they were on site. The works programme had also had to be changed due to the impact of the delay to works on the Severn Trent water main at Newbold Comyn. The revised programme set out at paragraph 3.6.3 of the report mitigated the impact of the Severn Trent delay and generates £129,000 of savings.

These revisions had combined with a revise approach to the "client budget" to produce the figures presented in this report, which represented a reduction of

over £2 million from the raw figure of over £16.5 million resulting in a revised project cost of £14,533,800. All work had been completed and all decisions taken in a manner which ensured that the quality and best value produced by the two buildings was not compromised, and the customer experience not adversely affected. Sport England signed off all the amendments and confirmed that they believed the scheme represented a sound project and good value for money.

The Council had been working with Sport England since late 2014 to develop a scheme that would meet their requirements and would secure Sport England funding for the scheme. It was confirmed on 19 September 2016 that Sport England had approved a grant of £2,000,000 subject to contract. Acceptance of this grant required the Council to have signed the Lottery Funding Agreement which included a series of conditions one of which was a "charge on the land". The Agreement had been provisionally checked and approved by Warwickshire Legal Services who are confident it did not place any unacceptable risk on the Council and were therefore liaising with Sport England to progress to signing of the contract.

Recommendation 2.3, of the report, referred to the allocation of £726,000 as a client budget. It should be noted that the contract with Speller Metcalfe was a fixed price contract and as such the costs of the works would not change unless the Council decided to allow changes to the specification or the design. Approval of any changes within the Speller Metcalfe contract or other project works, would only be considered for specific items that would benefit the project or specific items that would benefit the new operator and the Council.

Speller Metcalfe were appointed at the end of RIBA Stage 3 as preferred contractor for the works under a two-stage procurement process. This involved them being awarded a Pre-Construction Services Agreement (PCSA) so that they could join the Design Team and become fully acquainted with the existing buildings and make significant contributions to the preparations of the final designs from the point of view of build-ability and value for money. Subject to the approval of this report the company would be awarded the contract for the construction work (for £12,800,000) as detailed in Recommendation 2.4, of the report. Under the terms of the New Engineering Contract (NEC) contract that would be awarded to Speller Metcalfe, the company would assume all the risk of the contract. It was detailed that the risks had been reduced as much as possible already by the use of this two stage procurement process.

Mace Ltd had been working in partnership with the Council since the start of the project, and it was proposed that they would continue in the role of project managers for the duration of the construction phase, through to RIBA Stage 6.

Mace and Speller Metcalfe would join officers from Cultural Services and Housing and Property Services on the project Steering Group that would oversee the project, the governance arrangements for which were detailed at Appendix 7 to the report.

The contract with Speller Metcalfe included the requirement for the payment of liquidated damages to the Council in the event of the programme exceeding the contracted term. These were £4,400 for Newbold Comyn Leisure Centre and £2,200 per day for St Nicholas Park Leisure Centre.

The total project budget of £14,533,776 was made up of the works contracted to Speller Metcalfe (value of £12,791,000) and other project costs. The stage 4 cost plan was set out at Appendix 2 to the report.

During RIBA Stages 5 & 6, there could be some minor changes required to the specification and design as a result of further surveys or unexpected circumstances. These changes would be managed by the project Steering Group and controlled by a robust change register. It was recommended that the Head of Cultural Services and Head of Finance should be delegated the authority to approve these changes subject to the total costs being contained within the total project budget (including client budget).

Subject to approval of the recommendations in the report, Speller Metcalfe would commence works at St Nicholas Park in December 2016 and in January 2017 at Newbold Comyn.

The Executive had approved, in July 2016, a package of enabling and preparatory works which were underway at both sites, and where appropriate, orders had been placed with utility companies to undertake the necessary utility diversions.

These works detailed at Appendix 7 to the report, were scheduled to be completed at both sites by November 2017. The programme of works had had to be revised in recent weeks due largely to the delay in the diversion of the water main at Newbold Comyn. Despite much excavation and surveying, Severn Trent experienced great difficulty in locating their water main which crossed the site of the new sports hall and changing rooms. Until this had been located, no order could be placed and no enabling works could commence. The water main was located on 20 October 2016 with a final cost of £240,029 required for the diversion works.

The delays caused by Severn Trent's search for their water main led officers to reconsider the programme of works. Based on the original programme criteria, and the lead time required by Severn Trent, had the original programme sequence be retained, the start of the construction works would have been pushed back until February 2017, with completion of the project delayed until April 2018. It was considered that this was not acceptable due to the length of the works (64 weeks), the impact on customers, and the financial impact on the Council and the operator of the facilities. Therefore a revised programme had been developed which allowed both sites to be completed by November 2017. The compromise has been that a complete closure of Newbold Comyn Leisure Centre would be required for 22 weeks from January 2017, reopening in May 2017 with the pool, new gym and studios available, but with limited changing facilities. The new wet-side changing village and sports hall would then be completed by November 2017. St Nicholas Park pool would close from December 2016 and reopen in October/November 2017; the sports hall and gym would be unaffected apart for 4 weeks of closure in summer 2017. It should be noted that the revised programme meant that both St Nicholas Park and Newbold Comyn pools would be closed for 22 weeks in the first half of 2017. The revised programme, reducing the total build phase by approx. 14 weeks, would result in a project cost saving of £129,000.

It was acknowledged that there would be some loss of income to the Council for the closures, and some lesser associated reduction in expenditure. However there would be a financial benefit at the end of the works as a result of the

refurbished and extended centres being operational sooner, thus allowing the operator to generate the higher levels of income from the new facilities. This would then be reflected in the concession payment paid to the Council by the operator.

Subject to approval of this report, a detailed communications plan had been developed to ensure the customers and stakeholders were aware of the plans and how the works would impact on them. Officers were in discussion with other pool operators to find water space for as many swimmers, clubs and schools as possible to minimise the inconvenience, but on balance considered that this option was preferable to the extended timetable of the original programme explained above.

In parallel with the construction project, officers were progressing the procurement of an external partner to manage the Council's leisure centres. The procurement process commenced in June 2016 with 16 companies registering in the In-Tend system. 11 companies submitted a Pre-Qualification Questionnaire application, and 7 companies were invited to progress to the Invitation to Tender stage. The deadline for tender submissions was 2 November 2016 and 4 tenders were received. A preferred contractor would be known in early 2017. The proposed contract would commence from 2 June 2017 at all sites. Due to the revised construction timetable, the operator would assume management for both sites whilst construction was still underway which would impact on the financial returns in the first year of the contract.

Councillors, Coker, Mobbs, Doody, Miss Grainger, Davison, Barrott, Rhead, D'Arcy, Whiting, Quinney, Boad and Day spoke on this item.

The recommendations were proposed by Councillor Coker, duly seconded and

Resolved that

- (1) the designs for the extension and improvement of Newbold Comyn and St Nicholas Park leisure centres as shown in Appendix 1, to the report be approved;
- (2) a budget of up to £14,533,800 (excluding Client Budget as referred to in (3)), to deliver the works to Newbold Comyn and St Nicholas Park leisure centres funded by a combination of internal borrowing, prudential borrowing, s106 contributions and subject to contract, Sport England grant, as set out in section 5 of the report, be approved;
- (3) an allocation of £726,000 (5% of total project cost) as client budget to be used as described in paragraph 3.3.1 of the report, be approved;
- (4) the award of a contract for the delivery of the works referred to in (1), up to a cost of £12,800,000, to Speller Metcalfe, be noted;
- (5) the Head of Cultural Services and Head of Finance, in consultation with the Portfolio Holders for Culture

and Finance, are given delegated authority to approve:

- Minor variations to the delivery works contract with Speller Metcalfe, subject to the cost not exceeding the allocated budget of £12,800,000
- Variations to the previously approved enabling or preparatory work specifications, subject to overall project cost not exceeding the total aggregated budget of £14,533,800;
- Variations to the project works in excess of the total aggregated budget of £14,533,800 funded by the client budget, in accordance with the provisions of paragraph 3.3.1 of the report

(6) the programme of works will commence at St Nicholas Park leisure centre in December 2016 and run for approx. 44 weeks and at Newbold Comyn leisure centre in January 2017 and run for approx. 50 weeks, be noted, along with the programme will require the pools at both leisure centres being closed for a 22 week period, beginning in January 2017; and

(7) officers be thanked for the significant work they have undertaken over the last two years that has provided the opportunity for the district to enjoy modern leisure facilities in the future.

(During this item Councillor Barrott raised a point of order following a statement that the Labour Group had circulated a budget figure to the public, which at that time had only been given in confidence, explaining that at the time of publication the figure was in the public domain. In response Councillor Boad stated he had the leaflet which included the figure and had been issued the evening after the figure had been provided in confidence to Group Leaders)

53. **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 item by reason of the likely disclosure of exempt information within the relevant paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

54. **Confidential Executive Report**

The confidential reports of the Executive meetings on 28 September 2016 were proposed, duly seconded and:

Resolved that the confidential Executive report of 28 September 2016, be approved.

55. **Common Seal**

It was

Resolved that the Common Seal of Warwick District Council be affixed to such documents as may be required for implementing decisions of the Council arrived at this day.

(The meeting ended at 8.40 pm)

CHAIR
25 January 2017