

Minute 4 was considered by Council on 16 June. Minute numbers 5, 8 and 9 were considered by Council on 29 June 2009. Minutes 3, 6, 7 and 10 are to be considered by Council on 8 July 2009.

## EXECUTIVE

Minutes of the meeting held on 10 June 2009 at the Town Hall, Royal Leamington Spa at 6.00 pm.

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

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

### 1. DECLARATIONS OF INTEREST

#### Minute number 4 – Item 4 – Core Strategy Preferred Options

Councillors Caborn, Michael Doody, Kirton and Shilton declared a personal interest in the item because they were Warwickshire County Councillors.

#### Minute number 19 – Item 18 – Memorandum of Understanding (MoU) for Waste Collection/Disposal

Councillors Caborn, Michael Doody, Kirton and Shilton declared a personal interest in the item because they were Warwickshire County Councillors.

#### Minute number 20 – Item 19 – Memorandum of Understanding (MoU) between Warwickshire Abandoned Vehicle Partnership (WAVP) and the Driver and Vehicle Licensing Agency (DVLA)

Councillor Caborn declared a personal interest because he was a trustee of the Thomas Oken's and Nicholas Eyffler's Charity for Warwick District Council.

#### Minute number 27 – Item 27 – Shopmobility Service

Councillor Crowther declared a personal and prejudicial interest because he was a trustee for Warwick District Mobility Ltd and left the room while the item was considered.

### 2. MINUTES

The minutes of the meeting held on 18 March 2009 having been circulated were taken as read and signed by the Chairman as a correct record.

**PART 1**

(Items which a decision by Council is required)

**3. THE NEW SUSTAINABLE COMMUNITY STRATEGY FOR WARWICK DISTRICT AND RESTRUCTURE OF THE WARWICK PARTNERSHIP**

The Executive considered a report from the Community Partnership Team which sought the Council's endorsement of the new Sustainable Community Strategy (SCS) for Warwick District. The development of which had been driven and overseen by the Warwick Partnership Executive Group (WPEG), the multi agency decision making core group of the Warwick Partnership, the local strategic partnership (LSP) for the District. The document was now in the process of being circulated to key partners for approval and sign up by 15 July 2009.

The SCS set out the long term vision and priorities for the area, derived from extensive consultation with partners and stakeholders across all sectors. The shared priorities focus on issues and challenges that individual agencies could not address in isolation because of their cross cutting nature and therefore necessitate a joint approach. It was a document that sought to add value through collaborative working.

The SCS had been developed in conjunction with the Core Strategy and joint consultation exercises had taken place over the last 18 months to ensure, where appropriate, land use priorities were aligned with the needs and wants of the community, integrating social and economic regeneration with physical planning policy.

The Warwick Partnership had, at the same time, undergone a full review across every aspect of operation, the outcome of which was a refreshed and re-vitalised LSP which was fit for purpose in delivering the SCS effectively and efficiently.

**RECOMMENDED** that:

- (1) the new Sustainable Community Strategy attached in Appendix 1 to the report, be endorsed;
- (2) WPEG's next priority would be the development of the first set of 3 year delivery plans that support the 4 main priority themes within the SCS, drafts of which would be brought to the Executive for approval in early autumn, be noted;
- (3) the changes made to the Warwick Partnership as a result of the recent review attached in Appendix 2 to the report, be noted; and
- (4) WPEG intends to develop proposals for the utilisation of Area Based Grant funding to support the delivery of the SCS Narrowing the Gaps agenda within the district, as outlined in the Appendix to the report, be noted.

(Portfolio Holder for this item was Councillor Caborn)

**4. CORE STRATEGY PREFERRED OPTIONS**

The Executive considered a report from Planning which sought the Executive's approval to undertake public consultation on the "Preferred Options" for the Council's Core Strategy.

The Council were required by legislation to prepare a Core Strategy for the District and as part of the process of preparation it was necessary to provide opportunities for the public to participate at key stages. The Council had already undertaken two stages of consultation on the issues which the Core Strategy must address and the Options for Growth.

Members resolved at the meeting of the Executive in December 2008 to undertake a further stage in the process, referred to as the Preferred Options during Spring 2009. At the meeting of the March Executive, Members resolved that this matter be considered at the April meeting of Council. The decision was subsequently deferred by the Leader of the Council in order to allow potential emerging urban regeneration opportunities within Royal Leamington Spa to be considered by the Development Plans Working Party which had now been undertaken. The predominant view of the Working Party was to support the recommendations in the report.

The Council's Statement of Community Involvement (SCI) required Council approval for the Preferred Options before consultation could take place and the Executive were therefore asked to recommend to Council, which was to be held on 16 June 2009, that the consultation be undertaken.

The Preferred Options stage was concerned with setting out the proposed policy direction for the Core Strategy, building on the Issues and Options for Growth papers, which included identifying the proposed policy response to the key issues and the alternative approaches considered and dismissed. The purpose of consulting on the Preferred Options was to provide the public with an opportunity to comment on the various options and alternatives proposed at this key stage. Notwithstanding the fact there was no longer a statutory requirement to undertake this stage of consultation, due to changes made to the legislation by the Government last year, it was recommended the consultation be undertaken.

The Preferred Options paper had been prepared by the Planning Policy Team in consultation with the Development Plans Working Party. It had been informed by the two previous stages of the Core Strategy and the responses received to the consultation exercises. In accordance with the Council's SCI, a summary of views from the previous consultation were attached at Appendix Two to the report and a separate Report of Public Consultation was available on the Council's website. The paper was also aligned with the Council's draft Sustainable Community Strategy which was a separate item on the agenda for this meeting.

Following the public consultation, all comments received would be analysed by the Planning Policy Team and would be reported back to Members in order to inform the draft Core Strategy in due course, which was proposed to be reported back to Members in January 2010.

## **EXECUTIVE MINUTES (Continued)**

Councillor Kirton abstained from voting on this item and asked for this to be recorded in the minutes.

### **RECOMMENDED** that

- (1) the Executive recommends to Council that Warwick District Council should undertake public consultation on the “Preferred Options” for the Core Strategy, be approved;
- (2) the draft “Preferred Options” paper attached as Appendix One to the report, forms the basis for the public consultation; and
- (3) the Executive and Full Council receive a draft Core Strategy in due course, taking into account the responses from the public consultation where appropriate.

(The Portfolio Holder for this item was Councillor Hammon  
(Forward Plan reference 141)

## **5. FINAL ACCOUNTS 2008/2009**

The Executive considered a report from Finance which provided details of the Council’s final account position for the year ending 31 March 2009. The highlights from the accounts were:

- The General Fund revenue account shows a surplus of £1.3m over the Estimates after allowing for a further £1.3m of planned expenditure to be carried forward to 2009/10. Of this surplus £0.3m relates to additional interest received and £0.4m to additional Local Authority Business Growth Incentive (LABGI) grant;
- General Fund Capital Programme underspent by £2m. Of this, £690,000 relates to the Brunswick Hub, Althorpe Enterprise & Innovation Centre and Court Street Creative Arches projects which have suffered various delays meaning that completion of these projects will now occur in 2009/10; and
- The Council Tax collection rate was 98.8% and 98.5% for Business Rates, both of which were excellent.

The recommendations would allow the accounts for the financial year 2008/09 to be closed on time and had been used as the basis for drafting the Statement of Accounts. The resultant decisions would be fed into the Financial Strategy.

The Finance & Audit Scrutiny Committee welcomed the report, supporting its content and praised the format the information was submitted in.

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

**RECOMMENDED** that

- (1) the Capital Programme 2009/10 be increased by £1,150,500 for Housing Investment Programme and £1,814,500 for Other Services Capital schemes, being slippage for items not spent from the 2008/09 Programme, and reduced by £12,200 for Other Services in respect of work carried out in 2008/09 which was brought forward from 2009/10 (paragraph 7.4 to the report);
- (2) the requests to carry £1,315,800 earmarked balances forward to 2009/10 as set out in paragraph 8.11 and Appendix F to the report, be approved; and
- (3) the resulting surplus of the above decisions, amounting to £1,278,345 be appropriated:

£20,000 for the Chandos Street Development;  
£34,300 for the Court Street Creative Arches project;  
£46,300 to the Capital Investment Reserve;  
£100,000 to the 2009/10 Contingency budget;  
£100,000 to the Equipment Renewal Reserve;  
£100,000 to the General Fund Early Retirement Reserve; and  
£877,745 to the General Fund Balance for further consideration as part of the 2010/11 budget setting.

(The Portfolio Holders for this item were Councillors Michael Doody and Mobbs)  
(Forward Plan Ref 194)

**6. LEGAL CHALLENGE TO WARWICK DISTRICT LOCAL PLAN**

The Executive considered a report from planning which sought approval to the amendments that were required to be made to the Warwick District Local Plan following the outcome of the legal challenge. The challenge was made in respect of the designation of land north of Kenilworth within the Green Belt and was successful in the High Court in December 2008. The report also noted the Chief Executive's subsequent use of his emergency powers in consultation with Group Leaders to make an offer of settlement of costs to the claimants which had now been accepted.

A legal challenge was made to the Council's adoption of the Warwick District Local Plan by Mr and Mrs Hague, the owners of a piece of land immediately to the north of Kenilworth bounded by Highland Road and Woodland Road. The land was known locally as the Crackley Triangle. It was farmland which previously had not been designated within the Green Belt until the Council's adoption of the Local Plan in September 2007, in accordance with the Local Plan Inspectors Report. Mr and Mrs Hague objected to this designation and their challenge was heard in the High Court on Monday 15 December 2008.

## **EXECUTIVE MINUTES (Continued)**

Following the submission of evidence by both parties, the Judge accepted Mr and Mrs Hague's case and quashed the decision to include the land within the Green Belt. The Judge took the view that the Local Plan Inspector's decision to include the land within the Green Belt was without proper basis. The judge granted an opportunity for the Council to appeal his decision. Notwithstanding the disappointment with the decision, it was not considered appropriate to pursue this matter through the Courts and appeal the decision. The land had limited access and therefore the failure to designate the land as Green Belt was not considered likely to result in any greater opportunity for potential development. The land had never previously been protected as Green Belt (until the adoption of the Local Plan in 2007) and therefore the legal challenge had merely resulted in the land being reverted to its previous status.

In light of this decision and receipt of the Court Order in April 2009, the Council had been ordered to amend the Local Plan by removing the Green Belt designation from the land on the Proposals Map and by deleting reference to the land from the text of the document in paragraph 9.10. The amendments were set out within Appendix A to the report.

The High Court also ordered the Council to pay the costs of Mr and Mrs Hague in challenging the Council's decision. This was normal practice where costs followed the event i.e. the successful party in court proceedings could normally expect to have his reasonable and proper costs paid by the losing party.

### **RECOMMENDED** that

- (1) Warwick District Council adopt the amendments to the Warwick District Local Plan 1996 – 2011, in accordance with the High Court Decision dated 15 December 2008, set out in Appendix A to the report; and
- (2) the use by the Chief Executive of his emergency powers under G17 of the Constitution, in consultation with Group Leaders to make an offer of settlement of costs to the claimants which had now been accepted, be noted.

(The Portfolio Holder for this item was Councillor Hammon)  
(Forward Plan Ref 173)

## **7. COUNCIL MEETING AGENDA FORMAT**

The Executive considered a report from Members' Services on the format of agendas for Council meetings which was amended in March 2009 in an attempt improve the relevance of meetings.

The revised format of Council meetings was introduced subject to a review after three months, to include the Council meetings in March and April 2009.

Section 4 of the Council Procedure Rules contained in Part 4 of the Constitution sets out how meetings of the Council will be conducted. The Order of Business in Section 4 described this as:

## **EXECUTIVE MINUTES (Continued)**

1. Apologies for Absence
2. Minutes of the last Council meeting
3. Communications and Announcements
4. Public Submissions
5. Memorials and Petitions
6. Questions Pursuant to Council Procedure Rule 7(2)
7. Questions to Portfolio Holders
8. Report of the Executive and any recommendations from committees
9. Notices of Motion
10. Common Seal

Questions to Portfolio Holders provided an additional opportunity for any Councillor to raise a question for response by a Portfolio Holder on issues within their area of responsibility. Any question under agenda item 7 must be submitted to the Chief Executive by 9 am on the day before the Council meeting. The question would then be printed and circulated at the meeting. A verbal response would be given by the Portfolio Holder.

With regard to agenda item 8, only the minutes of the Executive meeting are included with the agenda and are divided into Part 1: recommendations, and Part 2: resolved items. The minutes of all the other committee meetings would not be included on the agenda except when there was a recommendation from a committee which needed to be referred to the Council meeting for a decision.

The size of the agenda was now considerably smaller than under the previous arrangements and so much less paper was used in producing the agendas for Council meetings.

The only detailed proposed amendment to the revised format had been made by the Leader. The proposed amendment was that with regard to agenda item 8 (Report of the Executive and any recommendations from committees) only the recommendations (Part 1) would be submitted for debate. The resolved items (Part 2) would not be discussed. However, questions on the resolutions could be asked under agenda item 7 and must be submitted to the Chief Executive by 9 am on the day before the Council meeting. The questions would be printed and circulated at the meeting and a verbal response would be given by the Portfolio Holder. A verbal, supplementary question by the questioner could then be asked to clarify the answer given by the Portfolio Holder. Questions under agenda item 7 would be restricted to the resolved items of the Executive.

It is also proposed that these revised arrangements should be introduced for a further trial period of three months covering the Council meetings on 19 August and 14 October 2009. During that time the views of all the group leaders would be requested so that a final format could then be introduced.

The Overview and Scrutiny Committee had strong concerns about the amendments to the Council Procedure Rules with regard to the Council meeting agenda, as it was felt that the amended agenda did not give the opportunity to non-Executive members from all parties to debate the resolved Executive decisions. This stifling of

## **EXECUTIVE MINUTES (Continued)**

the debate may result in more decisions being 'called-in' so that those non-Executive members are given an opportunity to voice their comments and concerns.

However, the Committee were pleased at the suggestion of supplementary questions to the Portfolio Holders.

The Committee would also like to see the inclusion of a standing item on the Council Agenda of 'Youth Forum' as recommended by the Engaging Young People Task and Finish Group (page 569 of the Executive agenda). The Committee felt strongly that young people should be engaged as fully as possible with the democratic process.

The Committee also suggested that a meeting of the four Group Leaders be arranged so that this issue can be moved forward taking into account the views of all the parties.

The Executive noted the comments of the Overview and Scrutiny Committee, however, Members were against this becoming a standing item on the Council agenda because it would set a precedent for other groups to approach the Council for the same action.

**RECOMMENDED** that the amendments to the Council Procedure Rules, as contained in the Constitution, regarding the revised format of the business considered at Council meetings, be approved.

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

### **8. PREPARATION FOR POSSIBLE SWINE FLU PANDEMIC – REVIEW OF EMERGENCY POWERS**

The Executive considered a report from Legal Services which detailed that the Council was making preparations to be able to continue to provide essential services in the event of a swine flu pandemic. Details of these preparations were set out in the background section of the report.

One of the issues considered was the ability of the Council to be able to continue to take decisions if a significant number of members or senior officers were unavailable. In particular, the current delegated power for the Chief Executive to take urgent action did not provide for any other officer to be able to exercise the power in his absence, and many of the delegated powers to officers to carry out normal day-to-day functions of the authority were to a particular post holder, with no provision for another officer to exercise those powers in the absence of the post holder.

It was therefore recommended that the Council add an additional provision to the Scheme of Delegation in Part 3 of the constitution to cover this situation.



## **EXECUTIVE MINUTES (Continued)**

### **RECOMMENDED** that

- (1) the Group Leader's Deputies be as follows:  
Conservative – Councillor Caborn  
Labour – Councillor Barrott  
Liberal Democrats – Councillor Gifford; and  
Independents – Councillor MacKay
- (2) the Deputy Group Leader's Deputies be as follows  
Conservative – Councillor Hammon  
Labour – Councillor Weed  
Liberal Democrats – Councillor Mrs Tyrrell (Group Secretary); and  
Independents – Councillor Mrs Falp; and
- (3) the following wording be added in part 3 of the constitution:

	<b><u>FUNCTION</u></b>	<b><u>DELEGATED TO</u></b>
G(27)	Authority to deal with matters following the invoking of the Emergency and/or Business Continuity Plans in the absence of any member or officer specified in relation to any delegated power	The specified officer's or member's deputy (or where there is no named deputy, the next most senior officer or member in the department or group) shall have the like power subject to making a written report of the exercise of the power to the original specified officer or member. In circumstances where both the specified officer /member and the deputy (or next most senior officer / member) are absent the power may be exercised by the next most senior available officer / member in the department / group (provided that in no circumstances shall this power be exercised by an officer below the level of grade C subject to a report as above and to the officer exercising the power certifying in writing that he is of the opinion (and giving reasons for that opinion) that the

## **EXECUTIVE MINUTES (Continued)**

		matter is of such urgency that the exercise of the power cannot await the anticipated return of the named officer / member or his deputy."
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(The Portfolio Holder for this item was Councillor Michael Doody)

### **9. SCHEME OF DELEGATION**

The Executive considered a report from Housing and Property Services which concerned the Scheme of Delegation contained within the Council's Constitution. The report included a recommendation that the Executive note decisions made under existing delegated powers and also a change be made to the Scheme of Delegation to reflect the interim management arrangements within Planning Services, pending the recruitment of a new Head of Service.

The current Head of Planning was due to retire on 26 June. A replacement could not be immediately recruited because it was recommended in a report elsewhere on the agenda that a new Development Services unit be created, merging the existing Planning and Economic Development & Regeneration service areas. If approved a new Head of Service would need to be recruited within a wider remit and role than the existing post. Interim management arrangements were therefore being put in place until the proposed service area would become operational.

The recommended changes to the Scheme of Delegation covered these interim arrangements only and another report recommending further revisions to the scheme would be brought to a subsequent Executive meeting covering all aspects of the proposed new structure. The permissions affected by the recommendation were set out at Appendix One to the report.

The Council's Scheme of Delegation was currently defective because authority to serve notices relating to breaches of Conditions of Tenancy did not form part of the Scheme of Delegation included in the Council's Constitution. The Scheme of Delegation requires amendment to include permission for officers of the Housing and Property Services Department to serve notices in relation to enforcement action.

The defect in the Scheme of Delegation came to light during recent Court proceedings taken by the Council against a tenant because of anti-social behaviour committed by members of the tenant's household. Although the Council succeeded in that case, others may fail because of the defect. In order for officers to take effective action against those tenants who were deemed to be in breach of the Conditions of Tenancy, officers required the necessary authorisation to serve notices in respect of this enforcement action. Such authorisation should, therefore, be granted to officers by the Executive and included in the Scheme of Delegation.

Under paragraph G(17) of the Scheme of Delegation the Chief Executive, in consultation with the relevant Strategic Directors, Head of Business Unit, Service Managers and Group Leaders (or in their absence Deputy Group Leaders) had the authority to deal with urgent items between meetings. The Chief Executive had

## **EXECUTIVE MINUTES (Continued)**

considered the requirement for urgent action and approved the service of a Notice in respect of breaches of Conditions of Tenancy in three cases. The cases were listed in Appendix 1 to the report.

The Constitution provided for such urgent decisions to be made by the Chief Executive, after appropriate consultation with the Group Leaders, under section G(17) of the Scheme of Delegation “subject to the matter being reported to the Executive at its next meeting”. The report therefore set out the context and basis of these decisions.

### **RECOMMENDED** that:

- (1) the Scheme of Delegation be amended to include permission for the Head of Housing and Property Services, Housing Manager, Tenancy Enforcement Officers, Senior Housing Officer and Housing Officers, in consultation with the Portfolio Holder for Housing, to serve;
  - Notice of Seeking Possession and Notice of Demotion under section 83 of the Housing Act 1985 in respect of Secure Tenancies.
  - Notice of Possession Proceedings and Notice of Extension under section 125 of the Housing Act 1996 in respect of Introductory Tenancies.
  - Closure Notice under section 1 of the Anti-Social Behaviour Act 2003.
  - Family Intervention Tenancy Notice under the provisions of the Housing and Regeneration Act 2008.In relation to enforcement action where tenants are in breach of the Council's Conditions of Tenancy;
- (2) the Executive note the decision made under G(17) of the existing Scheme of Delegation to authorise the service of a Notice of Seeking Possession in those cases listed in Appendix 1 to the report; and
- (3) the Scheme of Delegation be changed to reflect the interim management arrangements within Planning Services, pending the recruitment of a new Head of Development Services; and
- (4) all references to the Head of Planning and/or Head of Planning and Engineering within the existing Scheme of Delegation be deleted and replaced with Group Leader (Development Control), in consultation with the Deputy Chief Executive.

(The Portfolio Holders for this item were Councillors Mrs Grainger and Hammon)  
(Forward Plan Ref 195)

## **EXECUTIVE MINUTES (Continued)**

### **10. MEMBERS ALLOWANCES 2009/10**

The Executive considered a report from Finance on changes to the Members Allowances scheme 2009/10.

The Local Authorities (Members' Allowances) (England) Regulations 2003 require Local Authorities to establish and maintain an independent remuneration panel which would broadly have the function of providing the Warwick District Council with advice on its scheme and the amounts to be paid. Local authorities must have regard to this advice before they amend a scheme.

In February 2009 the Council made decisions concerning Members Allowances without having regard to the advice of the panel and hence these could be subject to a legal challenge.

The Overview and Scrutiny Committee supported the recommendations in the report, and also suggested that the Inland Revenue rates on mileage should be applied to all Councillors, whatever the type and engine size of the vehicle. This would mean a rate of 40p per mile. This could be implemented straight away as Trade Unions would not need to be involved, as it would only involve members.

It was noted that the discretionary terms and conditions were to be reviewed for all Councillors and staff and that the comments of the Overview and Scrutiny Committee would be noted.

#### **RECOMMENDED** that

- (1) having further regard to the recommendations of the March 2008 Independent Remuneration Panel regarding Members' Allowances, concerning members basic and special responsibility allowances approves that they are frozen at the 2008/09 level and that the indexation increase will not be applied, and that the 2009/10 indexation increase will not be applied to future year's allowances; and
- (2) after having due regard to the Independent Remuneration Panel's recommendations, the Council approve that the Panel will not sit in 2009/10, but will sit during 2010/11 to make recommendations applicable from 1 April 2011. Ahead of then, the Panel and its terms of reference should be reviewed.

(The Portfolio Holders for this item were Councillor Mobbs and Michael Doody)

# **EXECUTIVE**

**10 JUNE 2009**

## **PART 2**

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

### **11. COMPREHENSIVE AREA ASSESSMENT**

The Executive considered a report from the Acting Deputy Chief Executive which explained the Comprehensive Area Assessment (CAA) Framework and its impact on Warwick District Council (WDC) as an organisation. Although the CAA was not an inspection regime in the way of Comprehensive Performance Assessment (CPA), it was imperative that the Council engaged with the process to ensure that the Audit Commission's assessment of the authority was fair and accurate.

The Local Government and Public Involvement in Health Act 2007 replaced CPA with CAA with effect from 1 April 2009. Unlike CPA, CAA focuses on a locality, a locality being that area covered by a Local Area Agreement (LAA) – in WDC's case, Warwickshire.

The work would be undertaken by the Audit Commission who would provide an assessment of the whole LAA area (the Area Assessment) and of each Organisation within the area (the Organisation Assessment). The Organisation Assessment of WDC will comprise two elements: Its score in the Use of Resources and how well it Manages Performance.

In contrast to CPA the assessment of WDC would not involve requests for numerous documents and supporting evidence. Neither would it involve the Audit Commission spending many days on site interviewing officers and attending meetings. The assessment would largely be based on information and evidence the Council already provided to Central Government and Government bodies i.e. National Indicator results, Use of Resources score, HMI Constabulary and Tenant Services Authority reports, as well as an analysis of how the Council contributes to improving community outcomes through its Corporate and Sustainable Community Strategies (including through the LAA) by working with partners.

This year's Organisation Assessment would largely reflect the authority's performance during 2008/2009. In supporting the Audit Commission's work, officers will seek to give context to the performance explaining choices the authority has made and describing the strategic approach the Council is taking.

The Council had commenced a programme of projects to review service delivery from a customer perspective: This programme is based on Lean Systems Thinking. The concept of this approach was to eliminate unnecessary and wasteful processes from service delivery and ensure that the service was considered from the customer's perspective. Officers consider that this approach to the review of service delivery was entirely in the spirit of CAA as it concentrated on the outcomes for the customer.

## **EXECUTIVE MINUTES (Continued)**

### **RESOLVED** that

- (1) the requirements of CAA and how the Council would be scored under the new Framework, be noted;
- (2) the approach being taken by the authority to engage with the Audit Commission and thereby ensure that the Commission's assessment of the Council is fair and accurate, be endorsed; and
- (3) the work officers are undertaking as part of the Lean Systems projects aligns itself with CAA as it puts the customer at the heart of service delivery design, be noted.

(Portfolio holder for this item was Councillor Michael Doody)

## **12. 2008/2009 QUARTER 4 PERFORMANCE RESULTS**

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

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

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

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

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

Overall the Council had achieved about 75% of its intended targets for 2008/09 but there was no doubt that its performance had been affected by the economic downturn over which it could do little to combat directly. The Corporate Strategy was being reviewed and that review would take into account the extent to which some targets were no longer viable given the prevailing economic climate. Other cross Council issues such as the impact of staffing shortages will also be assessed in the review.

**RESOLVED** that:

- (1) the performance in relation to each of the seven portfolios for the period April 2008 to March 2009 as detailed within the summary information in this report, be noted;
- (2) mitigation and corrective actions where results had fallen beyond 10% of target as detailed in the report be noted and approved, and that any comments or recommendations from the Overview and Scrutiny Committee be noted and considered; and
- (3) the targets for 2009/2010 be reviewed as part of the review of the Corporate Strategy to ensure integration with the Sustainable Community Strategy and a report to go to Executive in July 2009.

(Portfolio holder for this item was Councillor Caborn)

**13. MEMBER INVOLVEMENT IN BIP PROJECTS**

The Executive considered a report from Policy and Performance which outlined the recommendations and options for Member involvement in the first batch of projects.

The BIP (Budget and Improvement Programme) had been devised to respond to the continued budget challenge over the next 3 years and included a range of projects to support customer focussed improvement work and to make significant savings. Member engagement and involvement would be crucial to the success of these projects.

Included in the vision statement for the BIP Programme of work is: "Our councillors and staff will be empowered and motivated to influence and improve the services we provide through excellent political and managerial leadership, supporting it and making it happen."

The involvement and engagement of Members in BIP Programme regarding the projects was important and since inception of the Programme the issue had been planned carefully. Failure to engage and involve Members as projects progress may result in Member involvement taking place too late in projects or without opportunity for sufficient discussion and challenge. Some of the projects have the potential to affect many District Residents and therefore it was imperative that Members were kept informed and involved. Appendix 1 to the report detailed the first batch of projects.

The report recommended two approaches to member involvement in specific projects:

- a) Members set up working groups to run alongside a small number (for example 2-3) of the more significant projects. The recommendation for a small number of projects is to take account of the resource implications involved for both Members and Officers. Such working groups would work with or alongside

## **EXECUTIVE MINUTES (Continued)**

Officers to run and implement projects. These groups would need to run at the same pace of the project to ensure project deliverables happen within the timescales required. As the programme rolls out, further details of projects will feed through this process and Members will have the opportunity to get involved in future projects too.

And for the smaller projects:

- b) One Member is nominated to act as a 'watching brief' over a chosen project. This Member would carry out a monitoring role and be kept regularly informed regarding the detail and progress of the project. They would also have the opportunity to attend Project Board Meetings if necessary.

The Finance & Audit Scrutiny Committee welcomed the report and endorsed the approach of group leaders appointing the members of the working parties as appropriate. The Committee agreed to undertake the project assurance role for BIP Board and requested a report to their meeting in July that outlined the remit of each project, along with the aims, objectives and target completion dates.

The Overview and Scrutiny Committee felt that there should be member involvement in the projects with regard to the Culture Trust, Systems Thinking and the Future of the Town Hall. From the Liberal Democrat Group, Councillors Gifford and De-Lara-Bond were nominated to the Culture Trust project and Councillor Mrs Blacklock was nominated to the Future of the Town Hall project. The Labour Group would finalise their nominations in due course.

### **RESOLVED** that

- (1) the Executive agree to Member working groups being set up for a small number of the more significant BIP projects and that Executive Members identify which projects from the first batch of projects (shown in Appendix 1 to the report) should have a working group set up, taking in to account the views of the Scrutiny Committees;
- (2) where there was no working group set up, the scrutiny committees may nominate a Member to act as a 'watching brief' in a monitoring role for the projects; and
- (3) delegated authority be given to the Executive by the Council to agree the use of resources for the Spend to Save reserve.

(Portfolio holder for this item was Councillor Caborn)

## **14. BUILDING ON EXCELLENCE – 21 MONTHS ON**

The Executive considered a report from the Chief Executive which updated Members on the progress of the Building on Excellence document, 21 months after it was approved by the Executive as the organisational improvement strategy.



## **EXECUTIVE MINUTES (Continued)**

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

The Finance & Audit Scrutiny Committee welcomed the content of the report but wished to highlight that there was a need for consistency in the report as it emphasised the need for a one Council approach by all Councillors and Officers but examples were given in the report e.g. the revision of corporate values where Councillors had not been consulted. The Committee also felt that the report was rather muddled in places.

**RESOLVED** that the progress made on Building on Excellence over the past 21 months as detailed within the report, be noted.

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

### **15. BETTERMENT OF THE DISTRICT**

The Executive considered a report from Councillor Mobbs which provided feedback on the conclusions of the Betterment of the District Working Party. The Working Party proposed that £35,000 should be made available on an equal basis to the seven community forums as a one off sum, enabling local members to determine and respond to local priorities.

It was agreed at the Executive in July 2008 that a Member Working Party be established, constituted only of members elected in 2007 and who were not on the Executive. The intention was to enable new Councillors to have the opportunity to develop ideas for the Betterment of the Whole District and to have them implemented. Whilst it was intended as an all party group, the Liberal Democrats decided not to participate.

Councillor Mobbs was elected Chairman of the Working Party. Two meetings were held, the last on the 19 March 2009. At the last meeting, it was agreed that the proposal put forward by Councillor Edwards to increase funding for the community forums should be supported. The idea met the concept of bettering the whole district yet it would enable ideas and proposals at a very local level to be supported. It was suggested that each forum should receive £5,000 each and that a new member for each area should be responsible for attending the forums and aiding the decision making on the possible spend. It was proposed that these sums should be in addition to the £40,000 already committed in the budget on an on-going basis to support the work of the forums which was dependent on match funding from by the County Council.

Proposals were also put forward by Councillor Dhillon on Green Job Creation. This idea sought to help stimulate the local economy by developing the "green" economic opportunities. This was a much bigger concept and it was felt that it needed to be explored in more depth with officers and members.

## **EXECUTIVE MINUTES (Continued)**

The Finance & Audit Scrutiny Committee supported the recommendations in the report and particularly wished to emphasise the importance of recommendation 2.2 with regard to encouraging green business opportunities within the District.

### **RESOLVED** that

- (1) £35,000 be allocated from the one-off contingency budget for 2009/10 to be spread evenly amongst the seven community forums to enable Councillors an additional ability to respond to local priorities; and
- (2) a Member Working Party be established to explore the opportunities for developing a local green economy strategy. This was to be time bound and a report be submitted to the Executive by the end of the year.

(Portfolio Holders for this item were Councillor Michael Doody and Mobbs)

## **16. REVIEW OF CONCURRENT SERVICES SCHEME**

The Executive considered a report from Finance on the review of the concurrent services scheme.

In February 2009, the Executive considered applying a minimum threshold to the Concurrent Service Allocations to Parish Councils undertaking such services.

All Town and Parish Councils had been consulted including those not currently participating in the scheme. The report contained details of their responses, consideration of such and recommends the current scheme remain in place.

The existing scheme for reimbursing Parish Councils for concurrent expenditure was instigated in 2005. Concerns had been raised that reimbursement was not sufficient to cover actual expenditure, as the figures had been updated annually by inflation, rather than undertaking a full assessment of current expenditure and services being provided by the Parishes.

All Town and Parish Councils had been consulted. There was a response rate of 65.2%, of which 50% were in favour of continuation of the existing methodology of reimbursement. The initial review had not provided enough information to make a clear informed decision at this stage in time.

When the Executive considered the payment to a minimum threshold of £1,000 in February, it was anticipated that the review would be completed for the June Executive meeting. Unfortunately, this had not proven the case. In light of this and the possibility that the 4 Parishes currently falling below the threshold may be incurring costs well in excess of this, it would now seem inappropriate to hold the monies already set aside in the budget back until October.

The existing criteria for the awarding of Rural Initiative Grants and Concurrent Service funding contain some anomalies. As soon as the review had been fully completed, both sets of guidance would be updated so they were consistent with each other.

## **EXECUTIVE MINUTES (Continued)**

The Finance & Audit Scrutiny Committee were content with the report.

### **RESOLVED** that

- (1) the responses from the Town and Parish Councils, be noted;
- (2) the continuation of the existing scheme approved in 2007 until the full review of the scheme has been completed, be approved;
- (3) the Council undertake further research and assess the current levels of actual expenditure incurred by these Councils, and the actual services being undertaken. A further report be submitted to the Executive in October 2009 for consideration, be approved;
- (4) the guidance for applications for Rural Initiatives Grants and the mechanism for Concurrent Service Reimbursement be updated after completion of the review and then re-circulated to the Town and Parish Councils; and
- (5) the 4 Parish Councils currently receiving less than £1,000 in 2009-10 for concurrent services receive a further payment for this year only to bring them up to this threshold. (i.e. these Councils will receive the following further amounts - Norton Lindsey £890.00, Rowington £150.00, Stoneleigh and Ashow £850.00, and Weston under Wetherley £10.00), be approved.

(The Portfolio Holders for this item were Councillors Caborn and Michael Doody)  
(Forward Plan ref 170)

## **17. CUSTOMER SERVICES CENTRE AND RIVERSIDE HOUSE ONE STOP SHOP**

The Executive considered a report from the Acting Deputy Chief Executive which requested member approval for the relocation of the Customer Service Centre to Shire Hall, Warwick. Customers would use the phone number 01926 410410 thereby providing access to a joined-up District and County Council enquiry service.

The report also requested approval of the Business Case as set out within the appendix of the report, for the development of a One Stop Shop at Riverside House. The One Stop Shop would include a range of facilities: The Registrar's Service; a County Council enquiry service; Police Community Support Officers; Citizen's Advice Bureau; and the possibility of a Post Office.

On 10 December 2007 the Executive agreed to the relocation of the Customer Service Centre to Shire Hall subject to the development of an Exit Strategy and confirmation that there would be no additional costs associated with the move. The Council subsequently agreed a Memorandum of Understanding with the County

## **EXECUTIVE MINUTES (Continued)**

Council that provided the District Council with an exit strategy with 12 months notice should the partnership fail. However, as the proposal for the Council to move to a 0845 phone number caused considerable disquiet, officers were asked to consider alternative phone number options before moving.

Options had now been considered and there was a high degree of confidence that the District Council would be able to change to the County Council's phone number (01926 410410) thereby providing the customer with one phone number for all County and District enquiries. This change required a revenue cost increase to the Council of £6,200. However, this could be met by revenue savings detailed within the report.

On 4 February 2009 the Executive agreed that a business case for a One Stop Shop at Riverside House be developed. The business case at the Appendix to the report detailed significantly enhanced customer service arrangements with a range of partners.

The creation of a One Stop Shop at Riverside House would see the conclusion of the District and County Councils' ambitious programme of creating five One Stop Shops throughout Warwick District reflecting the needs of local communities. The Leamington One Stop Shop would see the two councils working with the Registrars Service, Police, Citizens Advice Bureau and possibly the Post Office creating a community hub.

The Finance & Audit Scrutiny Committee were content with the report.

### **RESOLVED** that

- (1) the relocation of the Customer Service Centre to Shire Hall, Warwick be approved;
- (2) the development of a One Stop Shop at Riverside House be approved;
- (3) the letting of office space at Riverside House to Citizens Advice Bureau subject to the Head of Economic Development and the Section 151 Officer agreeing the service charge to be made, be approved;
- (4) discussions to continue with Warwickshire Race Equality Partnership with regard to their possible relocation to the Town Hall or Riverside House;
- (5) the provision of rent-free space in the Riverside House reception area for Police Community Support Officers to operate drop-in surgeries, be approved;
- (6) officers to continue to work with Post Offices Limited to establish an outreach Post Office at Riverside House;  
and

## **EXECUTIVE MINUTES (Continued)**

- (7) the work with the County Council and bus operator to enable a bus service to operate along Milverton Hill, be noted.

(The Portfolio Holder for this item was Councillor Caborn)  
(Forward Plan Ref 192)

### **18. ST NICHOLAS PARK IMPROVEMENT PROJECT**

The Executive considered a report from Cultural Services which outlined the progress being made on the production of an Improvement Plan funded by the £210k from the Capital Programme for St Nicholas Park and Myton Fields, Warwick, following the unsuccessful Heritage Lottery (HLF) application made in March 2008.

A series of meetings had taken place between officers of Cultural services and representatives of stakeholder groups including The Warwick Society, Warwick Town Council, Friends of St Nicholas Park and the Warwick Chamber of Trade. These meetings considered the results of previous consultations relating to the park and the HLF submission and identified 7 key priorities for a scaled down improvement programme funded by the £210k included in the Capital programme (2009/10 and 2010/11) plus any external funding that can be secured, and where appropriate supported by revenue maintenance budgets.

A consultation exercise with residents and park users during April 2009 had now produced the top three priorities which were pathways including the section or Riverside Walk through the park; improvements to toilet facilities in the park; improved security in the park with particular reference to lighting and CCTV. Details of the consultation and the results were included in Appendix A to the report.

The HLF application was supported by a Conservation Plan which outlined ambitious plans to “develop and regenerate” the park and secure its future for residents and visitors alike. Without the HLF funding to support the Plan, the reality was that the ability to implement the plan had been significantly reduced. However, it was a view of officers and stakeholders that the long term aspirations of the plan should be continued with a medium term action plan produced which reflected funding available at the time. The existing Management Plan for the park would also be revised to clarify the objectives and the methods used to manage, maintain and develop the park on a day to day level.

During the discussions with stakeholders a specific request was received to reinstate the original “mini golf” at the west end of the park. This facility had been out of action since the opening of the Adventure Golf in 2007 and required some renovation and refurbishment before it could be used. A further report would be brought to the July Executive to seek Members approval for a way forward for the facility.

The Finance & Audit Scrutiny Committee were content with the report.

**RESOLVED** that

## **EXECUTIVE MINUTES (Continued)**

- (1) officers undertake a “Green Flag Self Assessment” of the management of the park which will in time inform the revision of the Management Plan 2005 - 2010 for St Nicholas Park. The revised Management Plan will become a “live” document clarifying the approach being taken to implement the future improvements in the park but will also reflect the emerging Green Space Strategy, and the new working relationship between Cultural Services and Neighbourhood Services, be approved;
- (2) the following projects be accepted and approved as the priorities for the Improvement Plan pending revised quotes being received within the £210k Capital Programme budget and subject to the revenue costs for the projects being met within existing resources as agreed by the Deputy Chief Executive and Section 151 Officer:
  - Improved pathways including Riverside Walk
  - Improved toilet provision and increased capacity
  - Improved security through lighting and CCTV; and
- (3) the work would continue to identify external funding that could supplement the Capital funding and allow additional improvements to be made in the future, be agreed.

(The Portfolio Holder for this item was Councillor Mrs Gallagher)  
(Forward Plan reference 191)

### **19. MEMORANDUM OR UNDERSTANDING (MoU) FOR WASTE COLLECTION/DISPOSAL**

The Executive considered a report from Neighbourhood Services which set out the purpose of the Memorandum of Understanding (MoU) for waste collection and disposal, and a brief summary of waste infrastructure projects that were included within its scope.

The MoU is an agreement between Warwickshire County Council, North Warwickshire Borough Council, Nuneaton and Bedworth Borough Council, Rugby Borough Council, Stratford-on-Avon District Council and Warwick District Council which at this stage was not a legally binding document.

The Warwickshire Waste Partnership agreement sets out how these authorities work together to meet their respective waste collection and waste disposal responsibilities, in an effective and coordinated way.

The MoU formalises the partnership established through the development of the Warwickshire Waste Partnership, and sets out the guiding principles in support of Project Transform and the Waste to Resources project. (W2R)

Warwickshire County Council (WCC) had been asked a number of questions regarding the relationship between the MOU and Project Transform and the

## **EXECUTIVE MINUTES (Continued)**

response from the County Council to those questions were set out in Appendix 1 to the report.

The Overview and Scrutiny Committee had serious concerns about the MOU and felt that a presentation or seminar to all members would be useful. The Committee also felt that whatever the decision, members needed more information on the disposal of residual waste.

**RESOLVED** that the MOU for waste management between Warwick District Council and Warwickshire County Council set out in Appendix 2 to the report, be approved.

(The Portfolio Holder for this item was Councillor Shilton)  
(Forward Plan Ref 199)

### 20. **MEMORANDUM OF UNDERSTANDING BETWEEN WARWICKSHIRE ABANDONED VEHICLE PARTNERSHIP (WAVP) AND THE DRIVER AND VEHICLE LICENSING AGENCY (DVLA)**

The Executive considered a report from Neighbourhood Services which detailed the Memorandum of Understanding as set out within Appendix 1 to the report, for the Warwickshire Abandoned Vehicle Partnership, led by Warwickshire Fire and Rescue Service. Also the Memorandum of Understanding between the Warwickshire Abandoned Vehicle Partnership and the Driver and Vehicle Licensing Agency (DVLA) which was attached at Appendix 2 to the report, both of which were planned to operate across the County.

The two MOU's combine the various existing abandoned vehicle schemes that operate throughout Warwickshire into one harmonised process which:-

- gives greater clarity to the process;
- benefits from the improved communication given to the County wide partnership;
- The MOU was not legally binding and would reciprocate the length of the contract which was 2 years

The signing of the MOU with other Warwickshire Abandoned Vehicle Partnership was required to provide legislative powers available for the removal of abandoned vehicles. If approved then the Council would be able to sign the other MOU dealing with untaxed vehicles.

The signing up for the DVLA devolved powers which would provide Warwick District Council with an enforcement tool that would run alongside the WAVP to include the removal of untaxed vehicles.

The powers could be used to reduce the number of abandoned and untaxed vehicles within the District, which in turn would help to reduce the number of deliberate vehicle fires, thereby improving community safety, reducing the impact of abandoned vehicles on the environment and helping Warwick District Council achieve national performance.

## **EXECUTIVE MINUTES (Continued)**

The new process was based on the use of powers devolved from the DVLA to remove untaxed vehicles under the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997.

### **RESOLVED** that

- (1) the Memorandum of Understanding (MOU) as set out within Appendix 1 to the report, between the Warwickshire Local Authorities termed the “Warwickshire Abandoned Vehicle Partnership” or WAVP which allows for the speedy removal of abandoned vehicles from the District, be approved; and
- (2) the Memorandum of Understanding as detailed within Appendix 2 to the report, between the Warwickshire Abandoned Vehicle Partnership (WAVP) and the DVLA and as a consequence authorises Warwick District Council to use the devolved powers under the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997 to deal with the removal of untaxed vehicles from the District, be approved.

(The Portfolio Holder for this item was Councillor Shilton)  
(Forward Plan Ref 200)

## **21. ENGAGING YOUNG PEOPLE TASK AND FINISH GROUP**

The Executive considered a report from Members’ Services on the ‘Engaging younger people in our decision making processes’ which was attached at Appendix A to the report. The report informed the Executive of the scrutiny review carried out by the Engaging Younger People Task and Finish Group, at the request of the Overview and Scrutiny Committee in July 2008.

Following the Executive’s receipt of a petition in April 2008 calling on the Council to conduct a review on how it engages with young people on its day to day proceedings, a Task and Finish Group of non-Executive Members was appointed in July 2008 to scrutinise “engaging younger people in our decision making processes”. The scoping document was attached at appendix 1 to the Task and Finish Group’s report.

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

The Executive were against this becoming a standing item on the Council agenda because it would set a precedent for other groups to approach the Council for the same action.

### **RESOLVED** that



## **EXECUTIVE MINUTES (Continued)**

- (1) the Executive thank the Task and Finish Group for its recommendations and request that a further report be submitted once the 'Hear by Right' work is completed so that any recommendations are aligned; and
- (2) the Policy and Projects Officer to submit a further report to the Overview and Scrutiny Committee in September 2009 detailing the progress made with the recommendations.

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

### **22. NEWBOLD COMYN GOLF PROJECT UPDATE**

The Executive considered a report from Cultural Services which outlined the progress to date in the Budget and Improvement Programme (BIP) project to relet the contract for the management and maintenance of Newbold Comyn Golf Course.

The current golf management contract (David Playdon Ltd) was due to expire on 31 March 2010; the grounds maintenance contract to maintain the course (Glendale Grounds Maintenance) expires in 2013, however the contract included a clause which allowed the authority to terminate the golf course element of the contract before 2013 should it be appropriate. Discussions have taken place between WDC and Glendale on this issue with confirmation that the notice period for this variation to the contract was 2 weeks.

The project aimed to identify an operator who would manage and maintain Newbold Comyn Golf Course on behalf of Warwick District Council, investing in the course and associated facilities. The successful contractor would be required to implement a business plan which would provide a continuing financial return to the Council whilst maintaining the inclusive ethos of the course through opportunities for "pay and play golf".

The project to re-let the contract was part of the corporate BIP and as such progress was being monitored by the BIP Board. In order to meet the objective of awarding a new contract from 1 April 2010, a timetable had been produced that mapped out the stages of the competitive dialogue process, the procurement process that has been selected for use with this project as set out within Appendix A to the report. The first milestone in the timetable was the hosting of an Open Day for prospective operators held on 22 April 2009. Nine companies with experience of golf course management attended the Open Day which included a tour of the course and facilities, a presentation by officers and a question and answer session.

The next milestone was the issue of the Official Journal of the European Union (OJEU) notice, Pre Qualification Questionnaire (PQQ) and Descriptive Document to interested companies. Deadline for return of the PQQ would be 22 June 2009.

### **RESOLVED that**

- (1) the progress made to date on this project and agree that officers report back to the Executive in August 2009 with details of the response to the PQQ and the list of

## **EXECUTIVE MINUTES (Continued)**

companies selected to submit outline solutions, be noted; and

- (2) the Golf Working Party continue to receive monthly updates from the Golf Project Board throughout the process.

(The Portfolio Holder for this item was Councillor Mrs Gallagher)  
(Forward Plan ref 185)

### **23. MAJOR WORKS TO HOUSING REVENUE ACCOUNT AND GENERAL FUND PROPERTIES FRAMEWORK AGREEMENTS**

The Executive considered a report from Housing and Property Services which sought approval to commence the procurement of a range of framework agreements for Constructions Projects under £50,000 on both Housing Revenue Account (HRA) and the General Fund Account in line with the Code of Contract Practice.

The Council in the past operated select lists of Consultants & Contractors for types of works as listed in 2.1 of the report. This method of selecting Consultants & Contractors contravenes the Public Contracts Regulations 2006 in that there was not an advertised, open and transparent process for the selection of companies wishing to be included in the lists.

In line with the Councils new Code of Contract practice the areas of work detailed within the recommendations required to be set up to comply with the Public Contracts Regulations 2006. This was to ensure that the opportunities were advertised openly for all interested suppliers to have a fair chance for inclusion on the framework and hence have a better chance of getting ad-hoc work in the future.

By setting up Framework agreement this would enable the Head of Housing & Property Services to procure works quickly and efficiently to carry out the proposed planned and programme works on their Corporate and HRA properties. It was proposed that Advertisements be placed in the Official Journal of the European Union (OJEU) for Contractors and Consultants that were interested in tendering for the above framework agreements. The basis of the framework would be that, subject to satisfactory performance against key contract performance indicators, the contracts would have an option of an annual extension up to a maximum of four years. After short listing to a maximum of six Contractors/ Consultant in each framework area mini tenders would be sought for each area of work.

Cost savings and efficiencies would be achieved by:

- Ensuring that an element of competition remains for each piece of ad-hoc work required through the use of the frameworks. Works will be awarded on a 'most economically advantageous tender' (MEAT) basis.
- Internal costs will be reduced by the ease of obtaining quotations within a small framework of approved contractors.
- The avoidance of costly negotiations on contract terms - as contract terms are set out and agreed at the award of the framework.

## **EXECUTIVE MINUTES (Continued)**

- The Council will have a number of good quality approved suppliers for each sector and so in times of need or emergency will have larger skill base to draw upon to fulfil the requirements.

### **RESOLVED** that

- (1) the procurement of the separate framework agreements for following areas of work, be approved:
  - Disabled adaptations.
  - Consultants (Architects, Quantity Surveyors, Structural Engineers, Mechanical & Electrical Engineers and Asbestos)
  - One off extension & alterations.
  - General repairs to Corporate Properties.
  - Asbestos removal.
  - External & Internal decorating.
  - Masonry repairs.
  - Re roofing.
  - Unblocking of drains.
  - Underpinning.
  - Graffiti Removal.
  - Electrical installations & Repairs.
  - Heating & Ventilation Engineers.
  - Black smith & Iron works.
  - Scaffolding & Access equipment.
  - Access equipment checking.
  - Rubbish removal; and
- (2) the Head of Housing & Property Services, in consultation with the Council's Procurement Manager and the Portfolio Holder for Housing, be authorised to subsequently tender contracts within each framework agreement and accept the best tender for the works as per the Code of Contract Practice.

(The Portfolio Holder for this item was Councillor Mrs Grainger)  
(Forward Plan Ref 198)

## **24. ADOPTION OF THE WARWICKSHIRE ACCESSIBLE HOUSING AND INCLUSIVE DESIGN STRATEGY 2008-12**

The Executive considered a report from Housing and Property Services which sought authority for the adoption of the Warwickshire County Council Accessible Housing and Inclusive Design Strategy 2008-2012 and participation in partnership working to achieve its objectives.

The ageing society poses one of our greatest housing challenges. A number of demographic and social trends were influencing the demand for appropriate adaptations, housing, support, and health and care services over the coming decades:

## **EXECUTIVE MINUTES (Continued)**

- The number of people in all age bands over 60 years is increasing
- The number of older people who have a physical and /or mental frailty is increasing
- Most older people want to stay in their own homes longer
- The expectations and aspirations of people are higher than before
- Lack of appropriate options e.g. residential care, Extra-Care sheltered housing is delaying transfers from hospitals to more appropriate settings
- New homes being designed should take into account the needs of disabled and older people
- More independent options
- Less waiting time for adaptations and equipment
- More flexibility and choice in housing care and support options and clearer information and advice on what is available.

The Council need to plan housing and the place we live in to reflect the changes that occur over a lifetime, so that people are not excluded by design as they grow older and frailer.

The Government wants every locality to have a single community based support system, which focuses on all aspects of what people need to maximise their health and wellbeing and to participate in family and community life. The right of the individual disabled person to determine the kinds of services and support they need will be at the heart of this reformed system.

Partners and key stakeholders across the County all have a part to play in the delivery of services to the ageing population but are unable to meet this need on their own at a local level and have joined together, in partnership, to formulate the Strategy. All the partners and stakeholders are required to take corporate ownership of the strategy to ensure that the adaptation service both locally and across the County is fit for purpose and is delivered sensitively within a timeframe that is made explicit to our residents.

The Countywide Strategic Advisory Group for Adaptations had overseen the development of this strategy for Adaptations. A Project Board had been set up to implement the strategy, and the Strategic Advisory group would monitor and evaluate the progress of the implementation of the strategy by the Project Board.

The level of resources available to meet the demand was likely to always be below that required. Good joint working relationships would be essential to maximise and make best use of available resources.

### **RESOLVED** that

- (1) the adoption of the Warwickshire County Council Accessible Housing and Inclusive Design Strategy 2008-2012, as set out within appendix one to the report, be approved; and
- (2) the participation in partnership working to achieve the Strategy's objectives, be approved, which are:-
  - To enable older and disabled people to remain and live independently in suitable accommodation.

## **EXECUTIVE MINUTES (Continued)**

- To maximise the provision of more inclusively designed housing and the utilisation of adapted housing.
- To streamline systems in order to deliver adaptations with minimal delay.
- To promote, encourage and ensure fair access regardless of race, gender, age, disability, sexual orientation, religion or belief.
- To provide a service which is outcome focused, evidence based and is value for money

(The Portfolio Holder for this item was Councillor Mrs Grainger)  
(Forward Plan ref 197)

### **25. CORPORATE PROPERTY REPAIRS AND IMPROVEMENTS PROGRAMME 2009/10**

The Executive considered a report from Housing and Property Services which provided the rationale for the proposed allocation of the works against the budget for the Corporate Repairs and Improvement Programme for 2009/10.

The total Corporate Property Repairs and Improvement budget for 2009/10 was £1,229,400. Housing and Property Services manage the budget and coordinate the proposed programme of works which had been set following consultation with the client service areas who manage the various corporate buildings and assets. The proposals for 09/10 had followed the agreed principles to categorise each scheme and prioritise the budget allocation, as approved by CMT in April 2008.

To ensure that the Council was spending the budget effectively in the current climate it was considered that members needed to be aware of the principles underpinning the budget allocation to ensure the process was transparent.

#### **RESOLVED that**

- (1) the proposed Corporate Property Repairs and Improvement Programme budget allocation for 2009/10 as set out in Appendix A to the report, be approved; and
- (2) the Head of Housing & Property Services, in consultation with the Council's Procurement Manager and the Portfolio Holder for Housing, be authorised to procure the works as per the Code of Contract Practice.

(The Portfolio Holder for this item was Councillor Mrs Grainger)  
(Forward Plan Ref 183)

### **26. SPD ON OPEN SPACE – FINAL VERSION**

The Executive considered a report from Planning which requested that the Council adopts the Open Space Supplementary Planning Document for use in decision making for development control purposes.

## **EXECUTIVE MINUTES (Continued)**

The Council had committed itself to preparing a Supplementary Planning Document (SPD) on Open Space in the current Local Development Scheme and within the supporting text to policy SC13 of the Local Plan. This had been prepared to give further guidance to developers on the requirements for open space contributions from new residential and commercial developments.

A Draft Open Space SPD and Background Documents were approved by the Council's Executive on the 3 December 2008 for public consultation. A seven week period of public consultation was carried out between the 19 December 2008 and 6 February 2009. The Draft SPD, background documents and representations forms were made available at nine deposit points across the district which included Riverside House, libraries and one stop shops. The documents were also placed on the Council's website. Letters were sent out to a list of statutory consultees, interested groups and those who had responded to the SA Scoping Report. A notice advertising the consultation period was published in the local newspaper.

The majority of respondents were supportive of the SPD and its objectives, and the majority of responses were minor comments seeking references to other documents and aspirations, and clarifying wording and approach.

The Council was required to produce a number of background documents to support the SPD which were identical to those provided with the draft version. These were available on the Council website. In accordance with the Local Development regulations a full Sustainability Appraisal was also prepared with the Draft SPD. This was revisited following the consultation exercise and the non technical summary was attached as Appendix Three to the report. The full Sustainability Appraisal could be viewed on the Council website at:  
[www.warwickdc.gov.uk/openspace](http://www.warwickdc.gov.uk/openspace)

**RESOLVED** that the Open Space Supplementary Planning Document attached as Appendix Two to the report be adopted by the Council for use in decision making for development control purposes.

(The Portfolio Holder for this item was Councillor Hammon)  
(Forward Plan Ref 140)

## **27. SHOPMOBILITY SERVICE**

The Executive considered a report from the Acting Deputy Chief Executive which requested member approval of a two-year Grant Agreement between Warwick District Council and Warwick District Mobility Limited so helping to secure the short term future of the Shopmobility Service in Royal Priors. The Council had £15,000 in its base budget in respect of the Shopmobility Service but the Trustees of the service had requested greater certainty about the funding and entering into a Grant Agreement would help achieve this.

The Warwick District Mobility Limited Shopmobility Service (hereafter referred to as Shopmobility) had been in operation for a number of years having been established following a successful application for lottery funds.

## **EXECUTIVE MINUTES (Continued)**

At the meeting of the Executive in February 2007, agreement was given to allocate £15,000 to Shopmobility on an ongoing basis but that a review of the operation be undertaken to determine its long term viability.

A review was undertaken by councillors at Town, District and County level but not until late 2008. The County Council decided not to support the scheme financially.

To try and put the Service on a more sustainable footing, Shopmobility had entered into a service contract with Leamington Shopmobility (Trading) Ltd (hereafter referred to as the Company) to run the Service. Although it was hoped that this new contractual agreement would bring a more private sector approach to the operation, the reality was that without District Council funding and a £7,000 per annum contribution from Leamington Town Council, the Service would close.

Research of similar services across the country suggested that Shopmobility services rely on council funding to continue operating.

### **RESOLVED** that

- (1) the two-year Grant Agreement to run from 1 April 2009-31 March 2011 as set out within Appendix A to the report, between Warwick District Council and Warwick District Mobility Limited, be approved; and
- (2) the work being undertaken to review the Grant Agreement process to ensure that the Council is receiving value for money and that funding is targeted at the Council's priorities, be noted.

(The Portfolio Holder for this item was Councillor Caborn)

## **28. CAPITA SOFTWARE SERVICES INTERNET AND TOUCHTONE PAYMENT CONTRACT**

The Executive considered a report from Revenues and Customer Services on the appointment of Capita Software Services.

It will be 5 years in July since Capita Software Services were appointed to provide an internet and touchtone payment (e-payments) solution for the Council. Although the Council's licence period with Capita was 'in perpetuity', officers thought it prudent to re-visit the market to see if a competitor to Capita might provide better value for money. The report sought approval to continue with the current arrangements with a further review in four years. As this was a financial service contract and below the current threshold levels it was not subject to EU procurement regulations.

If the authority was to change supplier, significant capital outlay for set up costs in the region of £30,000 - £40,000 would be required. Additional costs would include changes to integrated software packages, staff training and a District wide publicity campaign together with the impact on staff resources.

## **EXECUTIVE MINUTES (Continued)**

In 2004 the Council signed a contract with Capita including licences which last 'in perpetuity'. Any new contract with a payment provider will only be for licences lasting for a maximum of 5 years. Therefore WDC could incur capital set up costs every 5 years. WDC are only one of a handful of authorities who obtained licences 'in perpetuity' from Capita.

Since launching the Capita e-payment system, VISA and MasterCard have introduced a global security standard known as Payment Card Industry Data Security Standard (PCI DSS). Any supplier collecting payments on behalf of the Council would be obliged to meet this standard. Capita do meet the standard and have provided the appropriate certificates as evidence.

Capita e-payment solutions were used by neighbouring councils, Stratford District and Rugby Borough. Should the project to move to shared customer service centre's materialise, a shared payments solution would be required. Capita offer a shared payments solution, Paye.net, which is being looked at by Warwickshire Direct Partnership.

The Finance & Audit Scrutiny Committee were content with the report.

### **RESOLVED** that

- (1) the continuation of the electronic payment system with Capita with a further review in four years, be approved; and
- (2) the exemption of the code of contract practice for the continuation of this contract on the basis of 5.2.2 (the proposed contract is an extension to an existing contract) and 5.2.4 (there are exceptional circumstances in which it would not be in the council's best interests to follow the tender procedure) of the code, be agreed.

(The Portfolio Holder for this item was Councillor Caborn)  
(Forward Plan ref 193)

## **29. PURCHASE OF E-PROCUREMENT SYSTEM**

The Executive considered a report from Finance which reported that the Procurement Manager had identified suitable software and wished to proceed with the procurement of the software, although Executive approval was required for the scheme to proceed. The Capital Programme contained £39,700 for the purchase of E-Procurement Software.

The Procurement Manager had sought to acquire software to manage the tendering of works, supplies and services. The software would assist managers with the relevant tendering stages so as to comply with EU requirements and the Council's Code of Contract Practice. The software would also provide a full audit trail, secure information exchange and would significantly reduce the level of risk from legal challenge.



## **EXECUTIVE MINUTES (Continued)**

After examining a number of alternatives, the Procurement Manager had identified a system supplied by BIP solutions; the software was called DELTA ETS (Electronic Trading System)

The BIP solution, offered a simple to use system which would best suit WDC's needs. BIP solutions had also been identified by central government as a leading supplier in procurement systems. The software would cost £8,500 for the first year, and £7,000 per year for years 2 and 3. A discounted rate of £18,000 had been offered for a contract period of three years. However, for the reasons set out in 5.4 of the report it was felt prudent to initially commit to 1 year only.

Once the software had been acquired, it would be a requirement that it would be used for all procurement across the Council. Training and support would of course be provided as appropriate for users.

The software had the additional advantage of providing a Warwick District Council (WDC) buyer profile on a website portal. This Portal would also enable WDC to provide suppliers with relevant information on the way that WDC trades and the procurement opportunities that were available. The Portal would be able to be accessed directly from the internet and via Council's main website.

### **RESOLVED** that

- (1) the scheme proceed and the Council acquire the E-Procurement software purchased from BIP Solutions, be approved; and
- (2) the contract period be set on an annual basis owing to the current investigations into a shared procurement service with other Councils.

(The Portfolio Holder for this item was Councillor Mobbs)

## **30. ENFORCEMENT OF THE BRAYS CAR PARK AT KENILWORTH CASTLE**

The Executive considered a report from Neighbourhood Services because the Council had been approached by English Heritage requesting that the Council manage the enforcement of off-street orders at the Brays car park at Kenilworth Castle. The report set out the reasons for taking on this workload and the licence agreement under which the agreement would operate.

English Heritage was introducing pay and display parking at the Brays car park at Kenilworth Castle and consequently require parking enforcement. They had approached the Council to take on the enforcement of the pay and display parking area on their behalf.

For the Council to enforce the Brays car park the area had to be included within the off-street parking orders. As the off-street parking orders follow a legal process Executive approval and a licence agreement was required. The licence agreement was set out in Appendix 1 to the report.

## **EXECUTIVE MINUTES (Continued)**

By undertaking the management of the Brays car park on behalf of English Heritage the Council would be in a better position to negotiate with English Heritage and Kenilworth Town Council some form of management arrangements for the car park in Abbey Fields where some level of enforcement was required.

### **RESOLVED** that

- (1) the licence agreement as set out at Appendix 1 to the report, be approved and the Council take on the enforcement of the off-street regulations operating at the Brays car park at Kenilworth Castle; and
- (2) officers open negotiations with Kenilworth Town Council and English Heritage regarding the possible enforcement of Abbey Fields car park, be agreed.

(The Portfolio Holder for this item was Councillor Shilton)

## **31. COURT STREET CREATIVE ARCHES**

The Executive considered a report from Economic Development and Regeneration which set out the current position in relation to the Court Street Creative Arches project following decisions made by the Chief Executive, under the Scheme of Delegation (section G(17)). That decision approved the forecast over commitment by this Council of £13,536, to meet the potential overspend on the Court Street Creative Arches capital project.

The Constitution provided for urgent decisions to be made by the Chief Executive, after appropriate consultation with the Group Leaders, under section G(17) of the Scheme of Delegation, subject to the matter being reported to the Executive at its next meeting. The report therefore set out the context and basis of the decisions made under delegated powers and sought approval for revised funding arrangements for the project.

Work on the scheme commenced in August 2008 and was due for completion by 30 June 2009. The latest estimate on the scheme suggests that there was a projected out turn cost of £929,784 which represented a cost increase to the project of 2.9% (over the cost approved by the Council's Executive in December 2007 of £903,754).

Due to the unusual nature of the scheme it was decided to do the scheme in two phases. Phase 1 - a pilot arch which involved connecting together two separate arches in order to prove the construction methods and techniques and confirm the costs of the work. Phase 2 - to complete all remaining arches.

Based on experience with the pilot scheme, costs were reviewed in November 2008 following a detailed review of construction costs by the Council's Quantity Surveyor (QS). At that time it was considered to be necessary to use the whole of the £30,000 project contingency to partially mitigate the project cost increases. The projected overspend was monitored because it was expected that this would be mitigated by forecast savings achieved as the project progressed.

## **EXECUTIVE MINUTES (Continued)**

A further review of costs was carried out in March 2009. This review highlighted some cost savings on the pedestrian walkway as part of the scheme and the professional fees of the (QS). Unfortunately these savings have been cancelled out by the need improve the specification of the arches to include a basic electrical fit-out and additional toilet infrastructure. These additional components to the original project specification are a direct response to potential tenant enquiries.

Customer feedback suggested that, without a slightly enhanced internal specification, the Creative Arches would be significantly less attractive to end users from the creative industry sector. This would risk the ongoing commercial attractiveness of the arches and make the delivery of agreed outputs more challenging to achieve. It should be noted that the Council must deliver the outputs agreed with Advantage West Midlands (AWM) as part of the funding agreement for the project, not to do so could result in financial penalties to the Council.

It would be cost effective to increase the specification of the arches at this point in the project, whilst works were ongoing and labour resources were on site. Apart from the risk of marketing units that fall below customer expectations (as highlighted in 3.5 above), there would be additional cost to the Council. It was considered that the cost of fitting out the units retrospectively would be a significant additional cost, could reduce the commercial rental income realised and delay occupancy.

The utility companies had insisted that new supplies for electricity and water be installed. This had increased the project costs by some £26,000. The scheme was not yet complete and, as set out above, had been delayed by the works to connect utilities. The risk that this could result in extra costs through project delays to the main contract remains. Therefore it was recommended that the £10,000 be set aside as a contingency at this point.

The Finance & Audit Scrutiny Committee were content with the report.

### **RESOLVED** that

- (1) the decision made by the Chief Executive, under the Scheme of Delegation (section G(17)), to approve the forecast over commitment by this Council of £13,500, be noted;
- (2) the following expenditure totalling £46,800 relating to the Court Street Creative Arches, be approved:
  - i) The budget for the scheme is increased by £26,000, this being £13,500 in respect of the Council's additional commitment to the scheme and £12,500 contribution from AWM.
  - ii) An additional £10,000 to be put into a specific contingency budget for 2009-10. This would only be utilised to fund the Council's share of any further overspend and that Delegated Authority is given to the Deputy Chief Executive in conjunction

## **EXECUTIVE MINUTES (Continued)**

with the Head of Finance to approve virement from this budget into the scheme (para 5.4)

- iii) An additional £10,800 be added to this project's budget in respect of the earlier feasibility work (para 5.3), financed by way of the 2008-09 General Fund surplus. This is to fund the £10,769 costs incurred during 2005-06; and

- (3) the additional expenditure on Court Street Creative Arches totalling £46,800 be financed £34,300 from the surplus on the General Fund for 2008/09 and £12,500 from additional AWM contribution, be agreed.

(The Portfolio Holder for this item was Councillor Hammon)

### **32. COUNTERING THE ECONOMIC DOWNTURN**

The Executive considered a report from Economic Development and Regeneration which updated them on the actions that had been taken since the 4 February meeting to establish ongoing measures to counter the impact of the recession in the District. It also set out a brief overview of the planning being undertaken for the medium and longer term to ensure that the District was prepared and in a strong position to benefit from economic development opportunities following an upturn.

The recession was continuing to have a negative impact on both business and residents within the District. It was unclear how long the recession would last, at what stage we were at and what form the economic recovery may take. The Council was focussed on helping business and residents in the District counter the economic downturn during this period of uncertainty. Some of the measures being taken were highlighted within Table 1 set out within the report. At the same time the Council was working hard to ensure that it was prepared for economic development and regeneration opportunities and inward investment when the economic upturn occurs.

**RESOLVED** that the actions that had been taken by the Council (following the resolution of the Executive 4 February, 2009), the ongoing initiatives to counter the impact of the economic downturn and the importance of planning positively for future economic development opportunities as set out in Table 1 attached to the report, be noted and approved.

(The Portfolio Holder for this item was Councillor Hammon)

### **33. OVERVIEW & SCRUTINY COMMITTEE AND AUDIT & RESOURCES SCRUTINY COMMITTEE – SCRUTINY WORK CURRENTLY BEING UNDERTAKEN**

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

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

## **EXECUTIVE MINUTES (Continued)**

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

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

**RESOLVED** that the report be noted.

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

### **34. GENERAL REPORT**

#### **(A) RURAL INITIATIVES GRANT**

The Executive considered a report from Finance that provided details of an application for a Rural Initiatives Grant from Hatton Parish Council towards the provision of a picnic table and benches.

The scheme had evolved from discussions with the Warwick Rural West Community Forum which had granted £961 towards the project.

Hatton Parish Council was applying for a grant towards the provision of 2 picnic benches and a picnic table to be sited in Barcheston Drive, Hatton Park. There had been complaints from residents of Crimscote Square of unruly behaviour amongst youths congregating there and following intervention by the Police, it had been agreed by the residents and youths alike that the solution would be to create a formal meeting place for the youths in Barcheston Drive. This had the added advantage of also providing facilities for parents to wait whilst their children were delivered by school buses and also provides picnic facilities for families as the site was adjacent to the green on which children play games. Appendix 1 to the report provided further details of the application including how it would meet the Council's Corporate Priorities.

**RESOLVED** that the request for a grant of £711 under the Council's Rural Initiatives Scheme and the recommendation detailed in paragraph 7 of the report and supported by Appendix 1 to the report, be approved.

(The Portfolio Holder for this item was Councillor Caborn)

#### **(B) CANCELLATION AND RECOVERY OF RENOVATION GRANT – 7A CLEMENS STREET, LEAMINGTON SPA**

The Executive considered a report from Housing Strategy on a landlord's renovation grant which was awarded to bring 7a Clemens Street,

## **EXECUTIVE MINUTES (Continued)**

Leamington Spa into a habitable condition in 2004. Despite numerous reminders, the owner has failed to complete the work to the Council's satisfaction in well over 4 years.

Work was started in 2005, and progressed well resulting in almost 90% of the grant being paid. However, certain works, notably to obtain Building Regulations approval and completion were not obtained. As time moved on, it became apparent that the applicant was not interested in completing the work to the Council's satisfaction and claiming the remaining 10% of the grant, since the flat was being let out and a steady source of income was being derived.

The Council sought to cancel and recover the renovation grant because the owner had continually failed, despite many reminders, to complete the works over a period of almost four and a half years.

**RESOLVED** that renovation grant number W045M/O/0099 be cancelled, and the grant paid to date be recovered in full together with compound interest, in accordance with the standard grant conditions attached to the grant approval notice, be approved.

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

### **(C) ANTI FRAUD AND CORRUPTION STRATEGY REVIEW**

The Executive considered a report from Audit on the Anti Fraud and Corruption Strategy which was approved by Executive in September 2005 with the intention that it be reviewed annually and that an action plan was formulated to help deliver its objectives. The report detailed progress against the 2008/2009 action plan and presented the 2009/2010 action plan.

The strategy had been reviewed to ensure that it remained current and appropriate and no changes were considered necessary. A revised action plan for 2009/2010 needed to be approved. The action plan was based on the continuous improvement of the Council's anti fraud and corruption measures. The plan was necessarily brief given the Audit Commission's view, last reported in 2005, that the Council's arrangements for combating fraud and corruption are generally sound.

The Finance & Audit Scrutiny Committee were content with the report.

**RESOLVED** that

- (1) the report and its contents, in particular the progress being made in implementing the action plan for 2008/2009 as set out within Appendix A to the report, be noted; and
- (2) the updated action plan for 2009/2010 as set out within Appendix B to the report, be approved.

## **EXECUTIVE MINUTES (Continued)**

(The Portfolio Holders for this item were Councillors Michael Doody and Mobbs)

### **(D) HOUSING REVENUE ACCOUNT BUDGET 2009/10 AND HOUSING RENTS**

The Executive considered a report from Housing and Property Services and Finance which asked the Executive to note the decisions made by the Chief Executive which revoked the decision made by the Council on the 23 February 2009 (using his delegated authority to deal with urgent items that occurred between meetings, Constitution G(17)) in consultation with the relevant Strategic Directors, Heads of Business Units and Group Leaders) and to enable the Council to meet the changes in the Government's Housing Subsidy Determination Guidance for rent increases in 2009/10.

**RESOLVED** that the Executive note the decisions made by the Chief Executive under delegated authority:

- That the Housing dwelling rents for 2009/10 would not be increased by 6.44% on the 6<sup>th</sup> April 2009 as approved at Executive on the 4 February 2009 and Council on the 23 February 2009 and would initially remain as those set in 2008/09;
- That the Housing dwelling rents would be increased by an average of 3.1% from Monday 18 May 2009 following the receipt of new Government Subsidy Determinations and Guidance for 2009/10;
- That the Council would confirm by the 24 April 2009 that we intend to take up the offer to reduce the average rent increase for 2009/10 and be compensated through the Housing Subsidy System;
- To confirm that there will be no increase to garage rents as approved at Executive on the 4 February 2009 and Council on the 23 February 2009; and
- To confirm that Supporting People charges to be increased by 2% as approved at Executive on the 4 February 2009 and Council on the 23 February 2009.

(The Portfolio Holder for this item was Councillor Hammon)  
(Forward Plan ref 196)

### **(E) MAKING THE BEST USE OF NEW AND EXISTING HOUSING STOCK IN THE DISTRICT**

The Executive considered a report from Housing and Property Services and Housing Strategy which provided a breakdown of the work that the

## **EXECUTIVE MINUTES (Continued)**

Council had undertaken and would be considering to make the best use of new and existing stock.

The report had been broken down into three main headings; Using the District's housing stock as effectively as possible which includes analysing the effects of the HomeChoice review, Responding to the current Housing Market, and Future Provision.

The report had been submitted to the Executive in response to the Petition submitted by Cllr Scarrott, on Wednesday 3 September 2008 Minute 385, and because of the challenges of the current economic climate and the effect it could have on the already scarce housing resource in the District.

**RESOLVED** that the actions that were being taken to make the best use of new and existing stock in the District be noted.

(The Portfolio Holder for this item was Councillor Mrs Grainger)  
(Forward Plan ref 144)

### **(F) FOOD AND OCCUPATIONAL SAFETY AND HEALTH SERVICE DELIVERY PLAN**

The Executive considered a report from Environmental Health because as part of the Council's Service Planning process. There were requirements from the Food Standards Agency and the Health & Safety Executive that a service plan be approved by the Council, detailing how each authority will deliver its services in relation to Food Safety and Health & Safety. In addition to this each team was required to prepare a work plan.

The service plan demonstrated the resources, organisation and processes which the service puts in place in order to deliver the required services. There was increasing pressure on local authorities, from government agencies, to demonstrate the competency of the service as a whole in respect of food safety and health & safety issues.

**RESOLVED** that the proposed service plan be approved.

(The Portfolio Holder for this item was Councillor Mrs Bunker)  
(Forward Plan ref 152)

### **(G) LOCAL AIR QUALITY MANAGEMENT**

The Executive considered a report from Environmental Health in relation to Local Air Quality Management.

Adoption of the Air Quality Action Plan - Minute 1061 approved the Executive report of 25 March 2008 in relation to finalisation of an Air Quality Action Plan. This Action Plan was now submitted for approval.

Completion / Submission of the latest Updating and Screening Assessment (USA) document to DEFRA - WDC commissioned AQ Consultants to



## **EXECUTIVE MINUTES (Continued)**

produce the latest USA document as set out within the Air Quality framework / legislation. The document was submitted to meet the scheduled deadline for DEFRA assessment by the end of April 2009. The Executive Summary of the latest USA was set out in Appendix 2 to the report.

Revocation of the Barford Air Quality Management Area (AQMA) - Within the latest Upgrading and Screening Assessment document, in relation to the Barford AQMA, there had been 2 years of low nitrogen dioxide concentrations within Barford following the Barford bypass construction completion. It was therefore proposed that the AQMA could now be revoked.

The Council was required to formally adopt the Air Quality Action Plan and to approve revocation of the Barford AQMA.

The Executive were asked to note the ongoing process of review and assessment of air quality which the Environmental Health department carried out, of which the USA report was a part.

### **RESOLVED** that

- (1) the Air Quality Action Plan document be fully adopted;
- (2) the latest Updating and Screening Assessment document completion and submission to DEFRA, be noted; and
- (3) the proposed revocation of the Barford AQMA be approved.

(The Portfolio Holder for this item was Councillor Mrs Bunker)  
(Forward Plan ref 139)

## **(H) SCRUTINY OF FLOODING: CLARIFICATION AND DEVELOPMENT OF NEW PROTOCOLS IN LIAISON WITH SEVERN TRENT AND BRITISH WATERWAYS**

The Executive considered a report from Planning which arose from work undertaken by a joint WDC and WCC Scrutiny Committee set up to review the services to householders (including vulnerable people), businesses and the impact to transportation routes following the severe weather of June/July 2007 which led to the flooding of homes and businesses in Warwick District

The working party formulated their recommendations following a series of meetings with partner agencies including Severn Trent and British Waterways. These recommendations were reported to the Executive and the relevant Executive minute states (in part). "That the planning department liaise with Severn Trent and British Waterways to clarify and develop new protocols and report back in six months time".

## **EXECUTIVE MINUTES (Continued)**

Current arrangements for involvement of partner agencies in the scrutiny of planning applications which may have flood risk implications are well developed and for the most part, set out in statutory regulations.

British Waterways is a statutory consultee in relation to planning applications and they are formally notified of all applications within 150 metres of the canal. Similarly, the Environment Agency are also a statutory consultee and formal protocols are in place for consultation on planning applications with the agency. (The Agency recently launched their revised advice and guidance to local authorities at a seminar held at WDC and provided a useful recent training session for Planning Committee members on Flooding issues as part of Committee training ).

In relation to Severn Trent, although not a statutory consultee, the current arrangement is that the weekly list of planning applications is forwarded to them and comments are received on cases where they have an interest. Where drainage conditions are imposed as a result of a Severn Trent request, it is practice to consult them on those details.

**RESOLVED** that the existing arrangements that are in place for the involvement of statutory and other relevant authorities in scrutinising planning applications that have implications for flood risk, be noted.

(The Portfolio Holder for this item was Councillor Kirton)  
(Forward Plan ref 159)

### **35. PUBLIC AND PRESS**

**RESOLVED** that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following three items by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Minute Nos.	Para Nos.	Reason
38, 42	1	Information relating to an individual
38, 42	2	Information which is likely to reveal the identity of an individual
36, 37, 39, 40, 41, 43 & 44	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

### **36. DIGITAL RECORDING OF CCTV IMAGES IN THE CCTV CONTROL ROOM**

The Executive considered a report from Neighbourhood Services and Community Protection which set out the actions to be taken and the capital and revenue costs

## **EXECUTIVE MINUTES (Continued)**

required to provide digital recording of a further 68 CCTV cameras from four of the six remaining remote sites back to the existing CCTV control room.

The analogue recording equipment currently in use in the six remote sites was now obsolete and a replacement system linked to the digital recording system from the fully functional camera systems needs to be provided.

The CCTV system provided an important service which supports community protection and safety across the area covered by the cameras and the recording of images from all these cameras is vital to the continued provision of this service.

### **RESOLVED** that

- (1) the provision of digital recording of CCTV images from four remote sites to the existing CCTV control room by purchasing equipment from ADT and Global 802 at a cost of £68,609, be approved; and
- (2) the Executive agree the funding for the equipment from the capital budgets for car park enhancement and digitalisation of CCTV as set out in 5.2 and 5.3 of the report.

(The Portfolio Holder for this item was Councillor Kirton)  
(Forward Plan ref 175)

## **37. CLEANING SERVICE FOR HRA PROPERTIES**

The Executive considered a report from Housing and Property Services which considered the arrangements for cleaning the communal areas of Council flats.

The Council employed contractors to clean the internal communal areas of various blocks of flats. These included hallways, lifts, stairways, entrance foyers and refuse container storage areas. Not all Council flats, however, were included in the cleaning contract.

Local Authorities were encouraged by Communities and Local Government to make service charges for specific services so that Local Authorities have comparability with housing associations and to encourage fairness and equity in the charges paid by different groups of tenants.

Revised guidance on implementing tenant service charges was issued by CLG in December 2008. The publication of this guidance coincided with a review of the Cleaning Service provided to the District's Council flats. A proposal to extend the Cleaning Service to flats where no cleaning service was provided cannot be considered without first deciding whether a service charge should be introduced for tenants in flats. The impact of imposing a service charge on tenants in flats required further investigation and a rent modelling exercise should be undertaken to determine the impact on tenants of flats, houses and other Council accommodation.

**RESOLVED** that it be agreed for officers to investigate the impact of introducing a service charge for the Cleaning

## **EXECUTIVE MINUTES (Continued)**

Service provided at Council flats and to report the findings to the Executive at its meeting in October 2009.

(The Portfolio Holder for this item was Councillor Mrs Grainger)  
(Forward Plan ref 121)

### **38. ORGANISATIONAL RESTRUCTURE – BUILDING ON EXCELLENCE 2**

The Executive considered a report from the Chief Executive which proposed a review of the structure and design of the organisation has been put forward as a result of reviewing Building on Excellence part 1 and is designed to facilitate a more co-ordinated relationship between service areas and portfolio holders as well as allowing the Chief Executive and the two Deputy Chief Executives to concentrate on the strategic management of the Council.

A number of changes were made following the responses to the first consultation period; no further changes were proposed following the second consultation period.

The unions and affected individuals had been consulted and involved throughout the process, which had also been monitored by the Members Trades Union Joint Panel.

In conjunction with the proposals to restructure the service areas there had also been a consultation with the directorate support staff who were affected by the new proposals. A new senior management support team was proposed to support the new arrangements. The evaluation results of the management posts would be reported to the Executive.

The changes to the structure had been widely consulted and adapted as a result of that consultation. The new structure achieved the aim of reducing the number of Heads of Service and aligning them more closely with the portfolios.

The senior management support team would be able to provide the necessary administration services to the Deputy Chief Executives and Heads of Service as well as the project work associated with the Budget and Improvement Programme and other strategic projects.

#### **RESOLVED that**

- (1) the proposed changes to Service Areas as set out in section 7.1 and 7.2 to the report and their alignment with the portfolios, be noted; and
- (2) the Executive consider the financial impact of the changes, if any, following receipt of the results of the job evaluations of the Heads of Service and other posts.

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

## **EXECUTIVE MINUTES (Continued)**

### **39. HORSEFAIR, THICKTHORN**

The Executive considered a report from the Chief Executive on the use of land at Thickthorn, Kenilworth. A report to the March meeting of the Executive advised members of the updated legal advice which had been received, to the effect that it was more expedient to seek to control the Horsefairs through the extant Article 4 Directions than by using powers under the Warwick Market Charter. The Executive resolved that the landowner be advised of the Article 4 Directions and the implications.

A further Horsefair was held on 26 April, with a number of issues for the Police and Council Officers. A subsequent feedback meeting of stakeholders agreed that most of the issues arising could be dealt with through an event management agreement for the site. Such an agreement could be made with the land owner through a section 106 agreement under the Town and Country Planning Act 1990. It was envisaged that it would cover issues such as traffic management, car parking and charging; the number of stalls permitted and any goods which should not be sold; ensuring an area adjacent Thickthorn Close / Jordan Close be roped off and kept clear of people and vehicles; ensuring noisy activities (e.g. those with generators) are positioned at the side of the site adjacent to the A46; provision of toilet facilities etc.

A number of officers then met with the landowner, to discuss the issues with him and was also made aware of the forthcoming gas main works so that he could investigate the implications for the events planned for July and September.

Agreements under s. 106 of the Town and Country Planning Act were delegated to the Planning Committee, and could not be executive functions. The report was therefore simply to appraise members of the current position and to advise that a report would be submitted to the Planning Committee on 7 July seeking authority to enter into such an agreement.

**RESOLVED** that the current position be noted.

(The Portfolio Holder for this item was Councillors Mrs Bunker, Hammon and Kirton)

### **40. RACING CLUB, WARWICK**

The Executive considered a report from the Deputy Chief Executive on the current financial situation of Racing Club Warwick.

The Club was in an extremely precarious financial position and the report advised the Executive of the steps officers had been taking to protect the interests of the Council whilst at the same time mapping a way forward to retain valued community activities. The report sought approval of the approach being taken and requests Council funding to help put the activities carried out on the council land on a long-term sustainable footing.

The Finance & Audit Scrutiny Committee were content with the report but had some governance concerns about this matter that the Chair reported further details to the Executive verbally at their meeting.

**RESOLVED** that

- (1) the process proposed by officers to grant a lease of the land (hereafter referred to as the Hampton Road Ground) formerly held by Racing Club Warwick, be agreed;
- (2) in bidding for the lease, interested parties must demonstrate how they will develop community sports activities which will be of benefit to the local community, be agreed;
- (3) the interested parties referred to in 2.2 must be prepared to work in partnership with the Council in respect of the development of community sports activities for the local community, be agreed;
- (4) the Executive agree to commit up to £20,000 from the General Contingency Budget to enable officers to support the development of community sports activities which will be of benefit to the local community;
- (5) the Chief Executive's decision to commit £3000 from the General Contingency Budget to ensure that the football team could complete its fixtures for 2008/09, be noted;
- (6) the Executive note and recognise the input of Warwick Town Council in providing financial assistance and support to Racing Club Warwick; and
- (7) should Racing Club Warwick fail to engage with the process referred to at (1), the Executive delegates to the Deputy Chief Executives and the Chief Executive, in consultation with the Portfolio Holder for Culture, to agree steps to protect the interests of the Council.

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

**41. WOODLAND BURIAL SITE, OAKLEY WOOD**

The Executive considered a report from Legal and Environmental Health on the continuation of woodland burials without obtaining a release of the covenant runs a risk, however small, that the person with the benefit of the covenant will seek to enforce the covenant. This would prevent further burials, and may have implications for burials which had already taken place.

Woodland Burials were offered at Oakley Woods, in land adjacent to the Crematorium. This was approved following a report to the Executive in June 2006. It had now become apparent that the land in which the burials were taking place was subject to a covenant that the land would not be used "for any purpose other than agriculture or forestry". The report recommended a way to regularise the position.

## **EXECUTIVE MINUTES (Continued)**

### **RESOLVED** that

- (1) the negotiations be held with the person having the benefit of the covenant to secure the release of the land from the covenant to the extent required to enable woodland burials to continue, be approved; and
- (2) no further burials take place until the council has secured the release of the covenant, be approved.

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

#### **42. RIGHT TO BUY APPLICATION – 19 CROMPTON STREET, WARWICK**

The Executive considered a report from Legal Services which outlined the current situation of 19 Crompton Street, Warwick.

[REDACTED]

[REDACTED]

The matter was submitted to the Executive to determine how the matter should be progressed.

**RESOLVED** that the Executive decided to do nothing, and leave the matter for the occupier to pursue.

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

#### **43. SPENCER YARD**

The Executive considered a report from the Deputy Chief Executive setting out the latest position in regard to the Spencer Yard project and updated members on progress since the previous report.

Since the March Executive the various legal agreements necessary for the project to proceed had all been formally signed. The successful conclusion of this stage of the project involved considerable effort on the part of our external legal team at Warwickshire County Council (WCC) and by the Interim Project Manager from ATI Projects Ltd, each of whom has been formally thanked by the Chief Executive and Leader of the Council.

## **EXECUTIVE MINUTES (Continued)**

Current work had included the finalisation of the project management arrangements, progressing of the Riverside Business Centre planning application and procurement of the professional team for the URC conversion work, all of which were considered in more detail within the report.

The Finance & Audit Scrutiny Committee were content with the report.

### **RESOLVED** that

- (1) the overall progress of the project since the finalisation of the legal agreements, be noted;
- (2) the former United Reform Church (URC) has now been purchased by the Council removing the financial liabilities imposed by the previous lease conditions, be noted;
- (3) the current status of the planning application relating to the Riverside Business Centre and that a further revision may yet be required to the existing planning consent for the URC conversion, be noted;
- (4) the current position regarding the removal and re-interment of the human remains buried within the URC and the former burial ground within Spencer Yard, be noted;
- (5) the project management arrangements and considers any comments received from the Finance and Audit Scrutiny Committee who have received a separate report on these arrangements, be noted;
- (6) the progress in procuring the professional team who will oversee the formulation of a project specification acceptable to all partners that will form the basis for the subsequent procurement of the works contractor for the URC conversion, be noted;
- (7) the Executive approve limited 'at risk' expenditure for specialist survey work and consultancy advice that it was desirable to undertake prior to the Funding Agreement becoming unconditional; and
- (8) the proposed arrangements for the initial publicity launch for the project, be noted.

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



## **EXECUTIVE MINUTES (Continued)**

### **44. MONITORING OFFICER CONTINGENCY BUDGET**

The Executive considered a report from the Chief Executive on the Monitoring Officer Contingency Budget which proposed an arrangement to enable any required resources to be made available.

In accordance with the Standards Committee (England) Regulations 2008 complaints made about the conduct of councillors must now be considered by local authorities rather than the Standards Board for England. Local authorities responsible for conducting investigations were required to make sufficient resources available to their Monitoring Officers to enable complaints to be considered and, if required, investigated.

When the new regulations came into force, an allocation of £3600 was included in the Revenue Support Grant to help finance any local investigations. However, a situation had recently arisen involving an alleged breach of the Members' Code of Conduct and, possibly a breach of the Council's IT security arrangements.

It was likely that, upon referral to the Standards Committee, the situation would require investigation. If so, due to the potential seriousness of the matter, an external investigation would be required but, at present only very limited funds were available.

**RESOLVED** that

- (1) finances of up to £15,000 per annum be made available to the Monitoring Officer in connection with the local determination of complaints against district and town/parish councillors; and
- (2) the additional funding required of £11,400 be made available from the Contingency Budget.

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

(The meeting ended at 8:50pm)