

# EXECUTIVE

Minutes of the meeting held on Wednesday 11 September 2013 at the Town Hall, Royal Leamington Spa at 6.00 pm.

**PRESENT:** Councillor Doody (Chairman), Councillors Caborn, Mrs Grainger, Hammon, Mobbs and Shilton.

**ALSO PRESENT:** Councillor Barrott (Chair of Finance & Audit Scrutiny Committee), Councillor Mrs Blacklock (Chair of Overview and Scrutiny Committee), Councillor Boad (Liberal Democrat Group Observer) and Councillor MacKay (Independent Group Observer).

Apologies for absence were received from Councillors Coker, Cross and Vincett.

## 51. **DECLARATIONS OF INTEREST**

### Minute Number 56 - Item 7 – Bowls England

Councillor Caborn declared an interest because he was a member of the Royal Leamington Spa Bowls Club.

## 52. **MINUTES**

The minutes of the meeting held on 10 July 2013 were agreed with a minor amendment to page 2 and signed by the Chairman as a correct record.

The minutes of the meeting held on 12 August were agreed as laid out and signed by the Chairman as a correct record.

### **PART 1**

(Items on which a decision by Council is required)

## 53. **WARWICK DISTRICT COUNCIL'S RESPONSE TO STRATFORD-ON-AVON DISTRICT COUNCIL'S CORE STRATEGY CONSULTATION PROCESS**

The Executive received a report from Development Services which updated members on the content of the new proposals for Stratford's Core Strategy and identified and examined possible implications on Warwick District Council's Local Plan development strategy.

In addition, the report asked Members to agree and formally submit Warwick District Council's consultation response to the Stratford Core Strategy process.

Stratford-on-Avon District Council (SDC) was consulting on specific new proposals in its emerging Core Strategy which included the regeneration of the 'Canal Quarter' along with new employment sites in Stratford-on-Avon, and a new settlement at Gaydon / Lighthorne Heath. These new proposals originated from the need to increase their District's housing requirement for the period 2008 to 2028 from 8,000 homes to 9,500 homes.

Key components of Stratford's Development Strategy included expansion of housing including the main town, rural centres and large brownfield sites; and additional and re-located employment land.

The report also outlined SDC's existing proposals and new proposals and the justification for each of them.

All of these projects would have implications for Warwick District Council, not only on transport links, services and environmental factors but would also have potential impacts on the Council's emerging revised development strategy.

The report recommended that the Council submit no objections to SDC's new proposals consultation provided that the main implications were fully considered and catered for. Officers also felt that the District Council should reserve its right to make objections at the next stage of the process and that officers should monitor the progress and report back to Executive in due course.

An alternative option would be not to submit a consultation response; however it would almost certainly not be in the best interests of Warwick District and its population / emerging development strategy. Working corroboratively with Stratford towards a mutually acceptable outcome was felt to be the best way to progress both development plans.

The Overview and Scrutiny Committee supported the recommendations in the report. It recognised the importance of the discussions and had concerns about the potential traffic impact in Warwick District; therefore it welcomed discussions with Warwickshire County Council and hoped that these would focus particularly on infrastructure.

The Deputy Leader, Councillor Caborn, endorsed the report and stated that the report laid out the Council's marker with the understanding that because discussions would be on-going, Members could choose to propose different recommendations later. He assured Members that discussions would continue about the Lighthorne development which could have a big impact on traffic issues for Warwick District. Councillor Caborn advised that this was by no means a formal objection but would reserve the Council's right to comment in the future.

Having read the report the Executive decided to agree the recommendations as written.

**RECOMMENDED** that

- (1) Warwick District Council submits no objections to the Stratford District Council New Proposals Consultation provided that the issues itemised in paragraph 7.8 of this report are fully considered and catered for to our mutual satisfaction in accordance to the duty to co-operate provisions within the NPPF;
- (2) Warwick District Council reserves its right to make objections to the Submission Draft of Stratford's Local Plan (the next stage in the process) in the

event the matters itemised in paragraph 7.8 of the report are not progressed successfully; and

- (3) officers monitor the progress of the Stratford Core Strategy process and report back to Executive in due course should there be any significant ramifications for The Warwick District Local Plan.

(The Portfolio Holders for this item was Councillor Hammon)

## **PART 2**

(Items on which a decision by Council is not required)

### **54. CALL-IN OF EXECUTIVE DECISION – POTENTIAL RECREATION OF KENILWORTH MERE**

The Executive received a report from Civic and Committee Services which outlined the options available to Members following the Call-In of the Executive Decision regarding the Potential Recreation of Kenilworth Mere.

On 18 June 2013, the Overview and Scrutiny Committee and the Finance and Audit Scrutiny Committee considered Item 6 of the Executive agenda, Potential recreation of the Mere at Kenilworth Castle, which was due to be considered by the Executive the following day.

On 19 June 2013, the Executive met and made its decision. The original report was detailed in appendix 2 to the report and an extract of the minutes of the meeting, showing the decision made, was attached at appendix 4 to the report.

At the Council meeting on 21 August 2013, it was agreed to refer the item back to the Executive for further consideration and this report advised Members on the options available to them. The report outlined two potential actions that the Executive could choose. The first being to confirm the decision made by the Executive on 19 June 2013 so that it could be implemented without further delay, and the second being to make an alternative decision which would be subject to a further call in.

There were no alternative options available because a call-in required that a set procedure was followed.

Prior to the Scrutiny meetings taking place, the Leader released a statement to Group Leaders advising that the Executive were proposing that no further action be taken on the project at the present time, in relation to the commissioning of a survey. The Executive stated that they would continue to investigate the various matters raised by members in relation to Kenilworth Mere and confirmed its commitment to strengthen the local economy, specifically with regard to the tourism sector.

Further details included the request that officers, in conjunction with relevant parties, explore how the Districts tourism offering could be better enhanced, to include all relevant sites and operations within the District.

The Overview and Scrutiny Committee thanked, and gave full credit to the Executive, for listening and was looking forward to seeing the ideas that

residents could support for tourism development for the whole District. The Committee looked forward to taking part in tourism strategy.

Having read the report the Executive proposed the resolution as per their statement.

**RESOLVED** that

- (1) no further action would be taken at the present time in relation to the commissioning of a feasibility study although it will continue to investigate the various matters raised by Members;
- (2) the Executive's commitment to a policy of underpinning and strengthening the local economy with specific reference to the tourism sector is confirmed; and
- (3) officers, in conjunction with relevant parties including Shakespeare's England, explore how our tourism offering can be advanced and enhanced so that this aspect of our local economy is buoyant and successful in both the medium and long term. This investigation will include all relevant sites and operations within the District.

(The Portfolio Holders for this item was Councillor Doody)  
(Forward Plan reference 435)

**55. CALL-IN OF EXECUTIVE DECISION – ST MARY'S LANDS BUSINESS STRATEGY**

The Executive received a report from Civic and Committee Services which outlined the options available to Members following the Call-In of the Executive Decision regarding St Mary's Lands Business Strategy.

On 18 June 2013, the Overview and Scrutiny Committee and the Finance and Audit Scrutiny Committee considered Item 9 of the Executive agenda, St Mary's Lands Business Strategy, which was due to be considered by the Executive the following day.

On 19 June 2013, the Executive met and made its decision. The original report was detailed in appendix 2 to the report and an extract of the minutes of the meeting, showing the decision made, was attached at appendix 4 to the report.

On 24 June 2013, Councillors called-in the St Mary's Lands report and the reasons for this were set out in appendix 1 to the report. The reports were considered by Overview & Scrutiny Committee on 10 July 2013 and they determined that no further action should be taken with regard to "Item 9 – St Mary's Lands Business Strategy."

Subsequent to the Overview & Scrutiny Committee, under Council procedure rule 23(h) three District Councillors (Councillors Dhillon, Mrs Bromley and

Higgins) called the item in for consideration by Council. The reasons for this were set out in paragraph 7.6 of the report.

At the Council meeting on 21 August 2013, it was agreed to refer the item back to the Executive for further consideration and this report advised Members on the options available to them. These were either to confirm the decision made by the Executive on 19 June 2013 so that it could be implemented without further delay or to make an alternative decision which would be subject to a further call in.

There were no alternative options available because a call-in required that a set procedure was followed.

Prior to the Scrutiny meetings taking place, the Leader released a statement to Group Leaders reiterating that the Portfolio Holder confirmed his commitment to carrying out the undertakings previously given to the Scrutiny Committee and the Executive in relation to the process to be adopted in relation to the proposals for St Mary's Lands.

In addition, the statement confirmed the appointments to a Working Party, which along with local stakeholders would further develop the business strategy. However no further decision would be made by the Executive pending the Working Party's report and public consultation on the findings.

The Overview and Scrutiny Committee broadly welcome the report but was very concerned that members of the Steering Group should be chosen very carefully so that they are widely representative. The Committee suggested that the Steering Group itself should canvass opinions, especially of local residents. The Committee was pleased that the Executive had already committed to a consultation at the next stage.

Having read the report the Executive proposed the resolution as per their statement and advised that Councillors Barrott, Mrs Blacklock and Hammon would be the District Council's representative's on the Working Party.

**RESOLVED** that

- (1) the decision made by the Executive on 19 June 2013 is confirmed, so it can be implemented without further delay;
- (2) in light of the discussion which took place at the Council meeting and for the removal of any doubt, the Portfolio Holder for Development Services agreed to confirm the undertakings given to the Scrutiny Committee representatives and the Executive as to the process to be adopted in relation to the proposals for St Mary's Lads which came before the Executive on 19 June 2013; and
- (3) that a Working Party consisting of 2 local Town Councillors appointed by the Town Council and three District Councillors, (Barrott, Mrs Blacklock and Hammon) together with local stakeholders including Warwick Racecourse Company, will develop a St Mary's Lands business strategy based on GVA Leisure's options appraisal report and the Executive decision in respect of this, and that no further decisions will be made by Executive pending the report from the Working Party and a public consultation on its findings.

(The Portfolio Holders for this item was Councillor Hammon)

**56. BOWLS ENGLAND PROJECT**

The Executive received a report from Cultural Services which updated members on the Bowls England project and requested additional resources to complete the extended improvements to the bowls facilities in Victoria Park.

The report advised that the August 2013 meeting the Executive endorsed a document which contained a series of proposals from this Council to Bowls England. On 24 November 2012 the Company meeting of Bowls England agreed to move the company headquarters and the Men's National Championships to Royal Leamington Spa on the basis that the proposals made by the Council would be delivered.

The proposals detailed the outline improvements which would be made to the greens and the ancillary facilities at Victoria Park in order to host both the Men's and Women's Championships annually. A report was agreed in December 2012 which included estimates for the proposed works.

More detailed discussion had taken place with Bowls England and the Royal Leamington Spa Bowls Club, resulting in a clearer picture of the scale of works required and the associated costs.

There were a number of recommendations detailed in the report including approval of the additional costs up to a maximum of £249,800, some of which

would be funded from the Corporate Repairs and Improvements budget and some from the Capital Investment Reserve.

One alternative option was to install temporary changing provision elsewhere in the park during the main event, however this was not recommended because the facilities were needed for the full season. There were a number of groups that used the premises throughout the year and the current provision was considered insufficient for normal use, without adding the additional demand from the National Championships.

Another alternative option was not to replace the glazed roof above the café area, and to continue to patch repair the existing glazed area. This had been discounted because it would contradict the Council's responsibilities as a landlord to maintain the fabric of the building in a reasonable condition.

A further option was to appoint a Construction Design & Management co-ordinator from within the Housing and Property Services Department, however, this was not considered viable given the current workload of the team.

The irrigation element of the project could be delayed indefinitely until the current system failed. This would save the estimated £150,000 plus some smaller sums associated with the installation of the water tank, main connection and also reduce the scale of the electrical upgrade until such a time as a new irrigation system was installed. However, for reasons set out elsewhere within the report it was proposed to delay the irrigation works by one season. The condition of the greens was fundamental to the success of the competitions held in Victoria Park and the ability to carry out controlled and effective irrigation of the greens was essential if the Council were to deliver high quality greens each season.

The Finance & Audit Scrutiny Committee recognised the benefits of the project, noted why the proposed costs differed from the original estimate and supported the recommendations in the report. Nevertheless, the Committee was staggered that the current estimate was ten times higher than the original and made a recommendation to the Executive to ensure that a standard framework was used in the future. Members hoped that in order that projects are managed realistically and to give Members confidence in the estimated costs associated with those projects.

The Finance & Audit Scrutiny Committee also noted that timescales for the Bowls England Project were very short and therefore wanted assurances that the programme would not slip and, if at all possible, that it would come in under budget. Members were particularly concerned that costs should not increase further.

The Scrutiny Committees comments were discussed at length and the Executive noted their support. Members were in agreement that the project could not slip and were hopeful that it would come in under budget.

Having read the report the Executive decided to agree the recommendations in the report and added additional recommendations to strengthen future monitoring of the project.

**RESOLVED** that

- (1) the progress that has been made on the projects associated with the relocation of the Men's National Championships and Bowls England's HQ to Leamington, is noted;
- (2) the additional improvements and costs as detailed in Section 3 of this report, are approved, up to a maximum of £249,800 for inclusion within the Council's Capital Programme for 2013/14;
- (3) the additional works are financed by £14,000 from the responsive and cyclical element of the Corporate Repairs and Improvements Budget and £235,800 from the Capital Investment Reserve;
- (4) £235,800 is appropriated from the Service Transformation Reserve for transfer to the Capital Investment Reserve;
- (5) the Capital Programme is amended to reflect the amendments to the 2013/14 budget and the slippage of £150,000 for proposed irrigation and associated works from 2013/14 to 2014/15;
- (6) within the figures discussed in paragraph 3.13 of the report, the public utilities contingency is specifically ring-fenced for this purpose;
- (6) in consultation with Group Leaders, Deputy Chief Executives and the Head of Service, the Chief Executive's delegated powers were used to sign an agreement with the building contractors in advance of the Executive meeting on the 11<sup>th</sup> of September;
- (7) the Executive wish to see cost savings on what has been outlined in this paper and requires a further updated report early in November which will summarise an updated programme and detailed costs;
- (8) both Councillors Cross and Rhead attend project board meetings which take place approximately every 2 months; and
- (9) in the future, all projects will be drawn up within an adopted standard framework, to be agreed, in order that projects are managed realistically and to give Members confidence in the estimated costs associated with those projects.

(The Portfolio Holders for this item was Councillor Cross)  
(Forward Plan reference 505)



## 57. **NEW HOMES BONUS – GOVERNMENT CONSULTATION**

The Executive received a report from Finance which advised that as part of the 2013 Spending Round the Chancellor announced a £400 million top-slice of New Homes Bonus (NHB) funding to provide some of the money for the Local Growth Fund. They followed this up in July by issuing a technical consultation as to how this funding would be transferred to the Local Enterprise Partnership (LEP). The consultation closed on 19 September and this report proposed a response.

New Homes Bonus had been an important source of funding for local authorities for the previous three years. The financial plans for this Council, as with all other Councils, currently assume NHB funding was to continue. Any changes to the allocation of this funding will impact upon the Council's plans. It was therefore important that the Council used this opportunity to respond to the recent Consultation paper, which could be found in full at the NHB consultation website.

The questions asked in the consultation paper and the Council's proposed responses were detailed in paragraph 7.2 of the report.

An alternative option was that the Executive could choose not to respond to the consultation or could suggest changes to the responses.

The Finance & Audit Scrutiny Committee supported the recommendations in the report, with the following recommendation: the final sentence under Question 1 be amended to read "If funding is to be passed to LEPs, it should be ring-fenced to the lowest tier authority that the funding originated from".

Having read the report the Executive decided to agree the recommendations as written. The Executive did not accept the recommendation from Finance and Audit because they did not feel that it was in the spirit of consultation. In addition, Members did not wish to jeopardise any potential benefits to the District, from the LEP, by making such a restrictive decision.

However Members agreed that the Coventry & Warwickshire LEP would be advised that greater democratic accountability was required than presently existed in respect of how the top sliced NHB money was used.

### **RESOLVED** that

- (1) the response to the New Homes Bonus consultation, as set out in Section 7 of the report, be agreed; and
- (2) the Coventry & Warwickshire LEP be advised that greater democratic accountability is required than presently exists in respect of how the top sliced New Homes Bonus money is used.

(The Portfolio Holders for this item was Councillor Mobbs)

## 58. **DISCRETIONARY PARTLY UNOCCUPIED RELIEF – REVISED GUIDANCE NOTES**

The Executive received a report from Finance which provided details of proposed revised guidelines for consideration of requests for discretionary rate relief where non-domestic properties were partly unoccupied for short periods. The key changes from the original guidelines which made up the revised guidelines were highlighted in paragraph 7.5 of the report.

The report advised that Guidelines to assist with the decision making and transparency of the process had been initially drafted and approved by Executive in 2001 and now required updating.

The revised guidelines would deter businesses from submitting applications where the reason that part of the property was unoccupied was wholly, or mainly, for the purposes of applying for rate relief rather than as a business necessity and was therefore against the spirit of the Act.

The report also advised that from April 2013, as a result of the implementation of the business rates retention scheme, there would be a cost to Warwick District Council in awarding relief.

An alternative option was to leave the existing guidelines in place, however, this could encourage applications which was against the spirit of the Act and could potentially leave the Council open to challenge if we refused such applications.

A further alternative was to cease awarding sec 44a partly unoccupied relief. This would constitute a blanket policy and Councils were required to exercise their discretionary power by considering the merits of each individual case and not by reference to an inflexible policy rule.

The Finance & Audit Scrutiny Committee supported the recommendations in the report.

Having read the report the Executive decided to agree the recommendations as written.

**RESOLVED** that the proposed revised guidelines, as set out in appendix A to the report, for considering applications for Discretionary Rate Relief where non-domestic properties are partly unoccupied for short periods, be agreed.

(The Portfolio Holders for this item was Councillor Mobbs)

59. **USE OF EMERGENCY POWERS FOR THE SECOND APPEAL AGAINST THE JUDICIAL REVIEW ON HS2**

The Executive received a report from the Chief Executive which notified members of a recent use of the Chief Executive's power under paragraph CE(4) of the Scheme of Delegation (the power to deal with urgent items between meetings).

The recent powers had been used to join the District Council as a party to an appeal to the Supreme Court concerning judicial review of the HS2 proposals and to offer a capped contribution of £20,000 towards the costs.

The report also asked that the Executive endorse the allocation of any unused balance of the allocations from the Planning Reserve made in April 2013 for costs in the High Court and the Court of Appeal to meet costs in the Supreme Court.

In 2010 the Council agreed to work with the '51M' group which was a consortium of local authorities opposed to the HS2 Proposals. 51M co-ordinated specific actions to oppose HS2 in principle, most notably a judicial review of the decision to promote a Hybrid Bill in Parliament to authorise the implementation of HS2, as well as actions relating to the practical detail of the HS2 proposals such as responses to the Environmental Statement. Support for 51M had included an initial contribution of £100,000 towards its costs.

The report advised that the Courts could not order the Government to abandon HS2. However, judicial review offered a number of potential benefits and these were detailed in paragraph 3.2 of the report.

In April, Executive had agreed that the District Council should join an appeal. The local authorities and HS2AA appealed to the Court of Appeal, which again rejected the claims in late July. However, there was strong dissenting judgment from one of the three Judges and, recognising that two of the grounds were both important and arguable, the Court granted leave to appeal to the Supreme Court to the local authorities and to HS2AA (a local residents group).

The Government planned to submit a Hybrid Bill to Parliament at the end of 2013. Therefore, the Supreme Court decided to expedite the hearing of the appeals and set aside 15 and 16 October. As a consequence, the local authorities were asked to decide whether they would join an appeal by Friday 9 August and it became necessary for the Chief Executive to make an urgent decision.

The Chief Executives reasoning for the decision was laid out in paragraph 3.7 of the report.

It would have been possible to decide that the uncertainty and cost of an appeal to both central and local Government was not justified. However, this would have departed from the broad direction of the policy and strategy set by elected Members and, having regard to the considerations set out in paragraphs 3.2 and 5.1 of this report, the Chief Executive considered that an appeal represented a proper use of public money and time.

It would also have been possible to leave it to the other parties involved to bear all the burden of an appeal. However, the District Council had committed itself to joint working through 51M and this had enabled its member authorities be more effective and cost-effective and to maintain a unified and thoroughly well-resourced and informed examination of all aspects of the plans for implementing HS2.

Having read the report the Executive decided to agree the recommendations as written.

**RESOLVED** that

- (1) the Chief Executive's use of his delegated powers to join the District Council as a party to an appeal to the Supreme Court concerning judicial review of the HS2 proposals, be noted and a capped contribution of £20,000 is offered towards the costs; and
- (2) the allocation of any unused balance of the allocations from the Planning Reserve made in April 2013 for costs in the High Court and the Court of Appeal to meet costs in the Supreme Court, be approved.

(The Portfolio Holders for this item was Councillor Doody)

#### 60. **RECRUITMENT OF MAJOR SITE MONITORING OFFICER**

The Executive received a report from Development Services which requested the appointment of a Major sites Monitoring Officer who would provide support to the Policy and Development Management service. The post-holder would take forward Strategic development sites, ensuring that the planning and negotiating of infrastructure improvements and implementation of Section 106/CIL requirements took place in a timely and effective way.

There had been a recent influx of planning applications submitted ahead of the local plan process and the Council needed to have adequate resource in place. The proposed post holder would co-ordinate all the infrastructure provision as a consequence of the applications and mechanisms to draw down the funding at the correct time as the development commenced. The request was initially for a three year period, which would then be assessed and reported back to Executive for a decision on whether there was a need to continue with the post thereafter.

The post would need to be funded 'up front' because the contributions would not be provided until triggers were hit within the S106 agreements. Clearly the developer was not required to pay any contributions until their development commenced. It was therefore requested that the post was initially funded through the Planning Reserves, which currently had an unallocated balance of £263,000) and this would then be recovered at a later date.

The report advised that the cost of the post for 3 years including on-costs was not likely to exceed £137,247 if evaluated on Grade C, however, it was anticipated that it was more likely to be Grade D (£123,717).

An alternative option was to continue with the current level of resource, however, the influx of recent applications made it essential that this work was dealt with in a strategic and consistent way.

The Finance & Audit Scrutiny Committee supported the recommendations in the report.

The Overview and Scrutiny Committee understand the need for this post and was concerned that the person appointed should look at infrastructure issues.

The Portfolio Holder for Development Services endorsed the report and explained that the Planning Department was hard pushed with workloads and struggling with low staff numbers.

Having read the report the Executive decided to agree the recommendations as written.

**RESOLVED** that

- (1) the financial cost of the appointment of a Major sites Monitoring Officer is authorised for a period of up to 3 years, subject to Employment Committee agreeing that the post is put on the establishment; and
- (2) the Major Monitoring Officer post is financed from the Planning Reserve and any "monitoring fees" received from developers are appropriated to the Planning Reserve.

(The Portfolio Holders for this item was Councillor Hammon)

**61. RURAL / URBAN CAPITAL IMPROVEMENT APPLICATION**

The Executive considered a report from Finance which provided details of two Rural/Urban Capital Improvement applications which had been submitted by the Shree Krishna Community Centre and Central Ajax FC.

The Council operated a scheme to award Capital Improvement Grants to organisations in rural and urban areas. The grant recommended was in accordance with the Council's agreed scheme and would provide funding to help the projects progress.

The Shree Krishna Community Centre had submitted an application for the Council to be a Third Party Funder for their £12,392 grant application to Waste Recycling Environmental Ltd (WREN). The application was for 11% of the total project costs up to a maximum of £1,364.

The project included refurbishing toilet facilities, replacing carpeting and fitting external shutters on the main doors to provide further security. The Shree Krishna Community Centre were not contributing any of their own funds to the project because they had very limited funds due to a low membership fee and offering free activities and classes. The full project costs, with the exception of the Third Party Payment, were being sought from WREN.

Central Ajax FC's application requested an increase to the RUCIS grant awarded to them in January 2013, for the repair and resurfacing of the access driveway. The existing driveway had a number of deep pot holes which were a hazard and in high levels of rainfall leave the driveway un-passable. The project would alleviate the current safety issues and reduce the risk of accidents and help to ensure that the organisation remained well used without creating other issues or hazards that additional on-street parking may bring.

The project had not commenced due to a funding shortfall created by an unsuccessful grant application to the King Henry VIII Trust. The request

resulted in a percentage increase from 35% to 49% of the total project costs, which would increase the maximum amount from up to £15,000 to up to £20,873.

The Council only had a specific capital budget to provide grants of this nature and therefore there were no alternative sources of funding if the Council was to provide funding for Rural/Urban Capital Improvement Schemes. However, Members could choose not to approve the grant funding, or to vary the amount awarded.

Having read the report, the Executive agreed the recommendations as written.

**RESOLVED** that

- (1) a Rural/Urban Capital Improvement Grant to Shree Krishna Community Centre, is approved. The grant consists of 11% of the total project costs, as set out in appendix one to the report, up to a maximum of £1,364 subject to receipt of written confirmation from WREN, approving a capital grant of £12,392 once the third party payment has been made; and
- (2) an increase to the Rural/Urban Capital Improvement Grant, awarded to Central Ajax FC in January 2013, is approved. This results in the total project costs increasing from 35% to 49%, as set out in appendix 2 to the report and increases the amount from £15,000 up to a maximum of £20,873 subject to receipt of written confirmation of planning permission to carry out the work.

(The Portfolio Holder for this item was Councillor Mobbs)

**62. LOCAL LIST OF HISTORIC PARKS AND GARDENS**

The Executive received a report from Development Services which sought approval to publicly consult proposed boundaries for Locally Listed Historic Parks and gardens as defined in the Local Plan.

The Warwick District Local Plan contained a policy which supported the establishment of a local list of historic parks and gardens, together with their protection. Local Plan Policy DAP 11 contained a list of local parks and gardens and also made provision for additions to be made to this list. At the time the original list was established, boundaries were not provided to the parks and gardens.

Since the establishment of the list, two additional gardens had been added and at the time of their approval, boundaries were established. In order to fully administer the policy within the Local Plan, the provision of boundaries to help to define the extent of the historic park or garden were needed. Research had been carried out and boundaries defined for each of the gardens within the local plan list and these were detailed at Appendix 1 to the report.

The report proposed to publicly consult on proposed boundaries to each park and garden. Consultees would include Warwickshire Gardens Trust, other interested amenity bodies, and learned groups in respect of historic parks and gardens, together with English Heritage. The owners of each park and garden would also be consulted. The results of the consultation would then be reported back to the Executive to endorse the boundaries which would then be included within the new Local Plan.

An alternative option would be to continue without boundaries to the parks and gardens. This would not be in accordance with the long term recommendations of the Local Plan and the appropriate Local Plan policy. Without the establishment of boundaries, it would leave the Council vulnerable in cases where the boundaries of locally listed parks and gardens were in question either as part of the planning process or as part of a planning appeal process.

Having read the report the Executive decided to agree the recommendations as written.

**RESOLVED** that

- (1) the Council approve the consultation process for the publishing of boundaries for the locally listed parks and gardens as defined under Local Plan Policy DAP 11; and
- (2) a second report be brought back with the results of the public consultation with a view to establishing the boundaries to the Locally Listed Parks and Gardens within Warwick District.

(The Portfolio Holders for this item was Councillor Hammon)  
(Forward Plan reference 530)

**63. ARTICLE 4 DIRECTION FOR NEW MILVERTON**

The Executive received a report from Development Services which advised that following the establishment of an Article 4 Direction in New Milverton, Leamington Spa, approval had been given by the Executive for the establishment of a further Article 4 Direction in the remaining parts of Leamington Spa Conservation Area.

In order to ensure all properties were covered, it was proposed to consult again in the New Milverton area at the same time as the consultation for the remaining part of Leamington Conservation Area was carried out.

Appendix 1 to the report showed the area in New Milverton upon which the Article 4 Direction was to be re-served.

An alternative option was not to 're-consult' on the Article 4 Direction in the New Milverton area. This would leave open properties where the direction had not been served in the past to a reversion of permitted development rights which would in effect result in certain properties within streets of identical housing not being covered by an Article 4 Direction. For example, a house

reverting from three flats to a single dwelling would not require planning permission and would regain its Permitted Development Right in so doing.

Having read the report the Executive decided to agree the recommendations as written.

**RESOLVED** that

- (1) the service of a Direction under Article 4 (2) of the Town and Country Planning (general development order) 1995 to the whole of the Leamington Spa Conservation Area, be approved. The purpose being to remove Permitted Development Rights in relation to the specific purpose of controlling development which affects windows, doors, boundaries/surface treatments and roofs to the front elevations and elevations visible from the public highway ; and
- (2) a second report be brought back to the Executive following public consultation recommending or otherwise the confirmation of the Direction.

(The Portfolio Holders for this item was Councillor Hammon)  
(Forward Plan reference 531)



64. **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 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 No.	Para Nos.	Reason
65	1	Information relating to an individual
65	2	Information which is likely to reveal the identity of an individual
65	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

65. **MINUTES**

The confidential minutes of the meetings held on 19 June and 10 July 2013 were agreed as laid out.

(The meeting ended at 7.25 pm)