

WARWICK DISTRICT COUNCIL

Minutes of the meeting held on Wednesday, 12 October 2005, at the Town Hall, Royal Leamington Spa at 6.00 pm.

PRESENT: Councillor Shilton (Chairman); Councillors Ashford, Mrs Begg, Mrs Blacklock, Boad, Mrs Bunker, Caborn, Chander, Cockburn, Coker, Mrs Compton, Copping, Crowther, Davies, Davis, Ms De-Lara-Bond, Doody, Mrs Edwards, Evans, Mrs Falp, Gifford, Gill, Mrs Goode, Guest, Hammon, Harris, Hatfield, Holland, Ms Hirsch, Mrs Hodgetts, Kinson, Kirton, Mrs Knight, Kundi, MacKay, Mrs McFarland, Mrs Mellor, Pratt, Sandhar, Mrs Sawdon, Short, Smith, Tamlin, Windybank.

489. PRAYER

Prayers were offered by the Reverend Craig Grewcock, Curate of St. Nicholas Parish Church, Kenilworth.

490. APOLOGIES

Apologies for absence were received from Councillors Butler and Ms Flanagan.

491. MINUTES

The minutes of the meeting of the Council held on 24 August 2005, were taken as read, approved and signed by the Chairman.

492. COMMUNICATIONS AND ANNOUNCEMENTS

- (A) The Chairman reported that he had issued a press release to express the deep sympathy of the Council and the citizens of the District regarding the severe earthquake which had recently occurred in Asia.
- (B) The Chairman reported that he had received a letter from the Leamington Guild of Guides thanking him for the reception which he had held for them on 6 October 2005, in recognition of their valuable work in the town.
- (C) The Chairman presented the Warwickshire Area Commander's Commendation to a member of staff within the Council's CCTV team for actions which he had taken in reporting a serious crime which had occurred in Warwick. As a result, those responsible had been arrested and sentenced to terms in prison. On behalf of the Council, he congratulated the member of staff for his actions.
- (D) The Chairman referred to the Carol Concert on 10 December 2005, and the performance to be given by the Warwickshire County Youth Jazz Orchestra on the 11 December 2005, which would be held in the Town Hall in aid of his Charities. He encouraged as many members of the Council as possible to attend.

493. **MEMORIALS AND PETITIONS**

(A) The following petition, sponsored by Councillor B Gill, was presented:-

“We the undersigned hereby petition the Chair and all members of Warwick District Council that, we be provided with green wheelie bins on the grounds that the allocation of these bins is at present arbitrary, inequitable and discriminatory against the elderly and those with disability”.

RESOLVED that the petition be referred to the Executive.

494. **QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 7(2)**

(A) From Councillor Mrs A Mellor to Councillor B Gill, Cultural Services Portfolio Holder:-

“What action is the Council taking in respect of the dumping of contaminated waste, including glass, on St Nicholas Park?”

Councillor Gill replied:-

“Councillor Mrs Mellor’s point was to have been covered in a report to the next Culture and Social Policy Committee but if I could quote from the forthcoming report, it may help.

2.5 The work commenced in June of this year and was undertaken by Laser Construction, a company who have a lot of experience in major projects of this nature, and Grassform. Ideally, the work would have been carried out during winter time when the park was not as busy, but as stated earlier work that involves moving large quantities of earth is far better suited to be carried out in the dry summer months. Every effort was made to try and keep the parks facilities in operation, and the work itself fenced off for health and safety reasons. Trucks were brought in off the Banbury Road to try and keep the inconvenience to the minimum, and signs posted on the fencing to explain what work was being carried out.

2.6 Considering the size of the job, and its proximity in a well used public park, the job went very smoothly and was almost completed towards the end of August. Huge quantities of contaminated soil had been removed, and some very high top-grade soil brought in to replace it. Unfortunately, right at the end of this exercise, a couple of loads of topsoil which contained broken china were inadvertently brought in, but the contractor agreed immediately to remove all of this soil and replace it with further topsoil. Although this delayed the project slightly, it was still possible to complete the levelling of the topsoil and stone picking prior to seeding commencing in mid-September. The weather conditions at the time were ideal for seed and it is hoped that by the time this report is being discussed, the grass will have grown to such an extent that it is beginning to establish itself.

COUNCIL MINUTES (Continued)

So we can be absolutely clear on this point, the following information may also be of assistance.

The topsoil brought in to St. Nicholas Park has been of the highest quality. The “contaminated” loads were very few in number and were NOT glass but china which were dug up from near the perimeter of the site where it is presumed it had been buried by the farmer who previously owned the fields.

The “contamination” was so low in content that it would not have been noticed when it was either loaded or dropped off from the lorries. Indeed, it was so low that in normal circumstances, it would have just been hand-picked and proven perfectly acceptable. However, in view of the attention this job has attracted from certain factions, and the fact that none of the cost associated with its removal would be accrued by Warwick District Council, it was agreed to totally remove it from the site.

I hope these comments are helpful.”

In a supplementary question, Councillor Mrs Mellor asked the Cultural Services Portfolio Holder:-

“Will the Council give an assurance that a full report will be given to us as to how this occurred and what precautions are being taken to ensure that there is no recurrence and that all such offensive material has been removed?”

In reply, Councillor Gill said:-

“The Officer in charge and I spent two hours at the park with an Environmental Health Officer. We saw the contaminated soil which mostly contained broken china, which was all removed and has been replaced. This was a big project and so things can happen which are beyond control. Also, I received another e-mail with pictures, showing about 11 pieces of glass. This afternoon we visited the perimeter and I picked up six pieces of glass from the perimeter but, which were not on the field. I do not say that there is no glass but, certainly the glass has been on the perimeter with pieces near the fence. When the fence is removed this will all be cleared. I welcome everyone to visit the site to ask the Contractors questions. I give an assurance that the Council will not take over the park unless the Officers are satisfied with the project, otherwise the Contractor will have to repeat the work.”

(B) From Councillor M Coker to Councillor Mrs M Begg, The Environmental Services Portfolio Holder:-

“A major cause for concern voiced at many of the licence applications heard by the Licensing Committee during the last month has been as to the nuisance caused by the escape of noise from licensed premises and the effect it has on nearby households. The Licensing Committee, appreciating the concern of objectors, has met this as by imposing conditions and restrictions on the escape of noise from most premises and I would expect that the public and, in particular, those who objected will expect to see those conditions enforced.

COUNCIL MINUTES (Continued)

Is the Portfolio Holder satisfied that the Council will be able to meet this expected need and, if not, what additional facilities will be made available to ensure that such nuisance is avoided?"

Councillor Mrs Begg replied:-

"An additional post of Assistant Enforcement Officer has recently been filled in Members' Services and this will allow more time to be spent on enforcement. There will be regular meetings between the Licensing Enforcement Officer, Environmental Health and the Police, and the Enforcement Officer will always be available to co-ordinate enforcement and assist where possible.

The Council has an enforcement protocol with Warwickshire Police which makes it clear what enforcement is carried out by which Authority.

In general terms, the enforcement will be carried out by the Authority responsible for the licensing objective which the condition is imposed to promote, (e.g. crime and disorder will be the Police, public nuisance will be the Authority responsible for environmental health).

The question of noise will, therefore, primarily be enforced by the Environmental Protection Team within the Environmental Health service, although the Licensing Enforcement Officer and the Police will be available to assist. There is already provision for officers in Environmental Health to work outside normal office hours to investigate noise pollution complaints. This service has been used on many occasions to assist in the enforcement of public entertainment licence conditions, and will now be used to enforce conditions under the new Licensing Enforcement Officer and the Police will offer additional response to complaints which involve noise. Should this level of service prove insufficient then the matter will need to be reviewed."

In a supplementary question, Councillor Coker asked the Portfolio Holder:-

"The situation is that we do not really have the resources to have what I expect to be the response from the objectors who have come to the meetings and will be looking for the enforcement. I would ask that the Portfolio Holder look at this because I fear that the Government will in the future, when it starts to go wrong, will ask why we have not done anything about it. Having created the situation that needs looking at, they will expect us to find the necessary personnel to do it. I think that should be looked at now and I would ask the Portfolio Holder to consider bringing a report as to what the appropriate personnel numbers are to do a proper enforcement of the chalice that we have now been handed."

In reply, Councillor Mrs Begg said:-

"I do understand Councillor Coker's concern and I, like him, have grave doubts about the Government's decision. However, dealing with matters such as later closing times is not something entirely new to us as we do have clubs already that are open until the early hours of the morning. We do have a system in place and that has been improved by this additional post which is mentioned in the answer – the post of Assistant Enforcement Officer. This will free up our

COUNCIL MINUTES (Continued)

main Enforcement Officer to do more inspections of premises. In case of reports of disturbance he will call on the licensees and warn them of the consequences for continuing to allow disturbance. So my only feeling is that we have strengthened our position and, I think to be honest that it would be wrong now to decide what staff are required. This is a new situation having so many premises open into the early hours and we will have to wait and see what the consequences are. I am quite sure that for this Council the enjoyment of peace and quiet by the residents of the town centre is very important and it would be a high priority if we did need to employ further staff. Certainly, we should have to make those arrangements come what may, but my opinion at present is that it would be most unwise to guess exactly what provision is required. We will have to wait to see what transpires and at present I think that between the Police, our enforcement team and our pollution team we will be able to keep on top of the situation. If that proves not to be the case then we shall have to review it as a matter of urgency and I can assure Councillor Coker that is what we shall do.”

(C) From Councillor M Doody to Councillor A Boad, Housing Services Portfolio Holder:-

“Can the Portfolio Holder for Housing (Councillor Alan Boad) provide Members with details of the amount of rent arrears and number of tenants in arrears for the current year and the previous year, together with the number of arrears-related evictions in these two years? This will give the Council an indication of whether the new system of rent collection is operating successfully.”

Councillor A Boad, Housing Services Portfolio Holder, replied:-

“A full report on rent arrears was presented to the Culture and Social Policy Committee on 7 September who, as detailed elsewhere on the agenda, endorsed the Action Plan to improve performance in this crucial area of activity.

However, performance is improving as shown by the tables below.

The number of households in arrears is falling whilst the average cash value of individual tenant's arrears is rising. When the arrears are analysed and expressed as a % of the gross debit, the nationally recognised benchmarking value for housing providers and former BVPI, the arrears can be seen to be falling.

This demonstrates that the approach of providing tenants with an enhanced range of options for paying their rent, without the need for costly and ineffective rent collectors, is working well. This allows for robust action to be targeted on those who do not pay by the specialist rent arrears team.

Legal action is taken when necessary, but emphasis is placed on obtaining realistic and sustainable repayment agreements designed to keep tenants in their homes whenever possible. This approach has seen the number of evictions declining and replaced by more Suspended Possession Orders or cases adjourned at court.”

COUNCIL MINUTES (Continued)

Rent Arrears

	Current tenant arrears (£)	Arrears as a percentage of the gross debit (%)	Number of households in arrears
End of Quarter 4 2003/04	550,689	2.81	2,330
End of Quarter 4 2004/05	600,096	3.49	2,043
End of Quarter 2 2005/06	592,696	3.27	1,998

Court Actions and Evictions

	Total of Court Actions	Evictions
Quarters 1 & 2 2004/05	147	14
Quarters 3 & 4 2004/05	197	9
Quarters 1 & 2 2005/06	149	5

In a supplementary question, Councillor Doody asked the Housing Services Portfolio Holder:-

“I am grateful for the Portfolio Holder to give this information. It would from the figures given look as if we are moving gently in the right direction, but I do notice that these quarters are not consecutive quarters and therefore it would be helpful to have consecutive quarters to get some idea. I also did ask for the amount of rent arrears and I do see that they are as a percentage of the gross debt. It therefore begs the question as to what the gross debt is. If the Portfolio Holder could give us that it would be very useful.”

In reply, Councillor Boad said:-

“I am glad that you have seen some movement there albeit slow. I fear that progress will be slow. I give an example of a case that went to Court only this week whereby an attachment was placed on the rent and agreement made, the result being that it would take 15 years to clear the debt. On the current rent arrears at the end of quarter two the figures I have are £592,696. That has reduced from the end of quarter 4/5 of £600,00.96. The figure in September was £577,354 and the gross debit was £18,135,491.”

COUNCIL MINUTES (Continued)

(D) From Councillor M Doody to the Chairman of the Regulatory Committee:-

“Can the Chairman of the Licensing Committee (Councillor Eithne Goode) provide Members with a list showing the sale of alcohol hours agreed for all premises, following the applications for conversion and variations to their licences? In order to ensure that this information is presented in realistic terms, it would be helpful for Members to be provided with a simple chart showing the name of the premise, the weekday hours and the weekend hours agreed. It is understood that there are differences in what could be called weekdays and weekends in respect of Bank Holidays, but a simple three column chart would give Members the opportunity to compare one against another.”

Councillor Mrs E Goode replied:-

“With the resources available in the Licensing section it is not possible, at present, to provide the information in the form requested by Councillor Doody.

There have been 520 applications received for conversion, variation and new licences. To extract the necessary information from all these files would be very time consuming. At present all the resources in the Licensing Section are being devoted to dealing with new applications and issuing licences.

If members feel that the information requested by Councillor Doody would be useful then it could be provided when time permits.

However, if such information is to be used for comparison purposes, it should be borne in mind that each application has been considered on its own individual merits and comparisons are not necessarily helpful. Circumstances can be very different between premises even though they appear similar. Most applications have been approved subject to conditions and if these are not known unfair comparisons could be made.

I will ask the Licensing Committee when they meet on 25 October whether they feel the information in the form requested by Councillor Doody would be useful and, if they do, I am sure the Licensing Manager will arrange for it to be produced as soon as practicable.

In the meantime, copies of the minutes of the Licensing Panel Hearings are available on the Committee Management System and members of the Licensing Team are more than willing to give details of any application which has been approved. The information will in any event be available in a similar form when the ‘public licensing register’ is published later this year.”

In the supplementary question, Councillor Doody asked Councillor Mrs Goode:-

“The answer says that it would really take such a lot of time to give the figures. My colleague Councillor Windybank will be able to provide the information within one hour, which actually puts a question mark on when you ask a question for an hours work that it cannot be done.”

COUNCIL MINUTES (Continued)

In reply, Councillor Mrs Goode said:-

“I hope that Councillor Windybank will be able to include all the separate conditions which have been attached to all of these licenses because they are considerable.

495. EXECUTIVE

It was moved by Councillor Crowther, duly seconded and

RESOLVED that the report of the Executive dated 12 September 2005, be approved and adopted.

496. AUDIT AND RESOURCES OVERVIEW AND SCRUTINY COMMITTEE

It was moved by Councillor Caborn, duly seconded and

RESOLVED that the report of the Audit and Resources Overview and Scrutiny Committee dated 6 September 2005, be approved and adopted.

497. EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE

It was moved by Councillor Doody, duly seconded and

RESOLVED that the report of the Executive Overview and Scrutiny Committee dated 6 September 2005, be approved and adopted.

498. CULTURE AND SOCIAL POLICY COMMITTEE

It was moved by Councillor Harris, duly seconded and

RESOLVED that the report of the Culture and Social Policy Committee dated 7 September 2005, be approved and adopted.

499. ENVIRONMENT AND ECONOMIC POLICY COMMITTEE

It was moved by Councillor Mrs Compton, duly seconded and

RESOLVED that the report of the Environment and Economic Policy Committee dated 7 September 2005, be approved and adopted.

500. EMPLOYMENT COMMITTEE

It was moved by Councillor Crowther, duly seconded and

RESOLVED that the report of the Employment Committee dated 20 September 2005, be approved and adopted.

COUNCIL MINUTES (Continued)

501. STANDARDS COMMITTEE

It was moved by Councillor Guest, duly seconded and

RESOLVED that the report of the Standards Committee dated 28 September 2005, be approved and adopted.

502. PLANNING COMMITTEE

It was moved by Councillor Evans, and duly seconded that the reports of the Planning Committee dated 23 August and 21 and 22 September 2005, be approved and adopted.

With regards to Minute 345 (St. Mary's Land, Hampton Street, Warwick) of the report of the Planning Committee dated 23 August 2005, Councillor Kinson addressed the Council to explain the reasons why he had not declared prejudicial interest in respect of the planning application even though he was a trustee of the Hill Close Gardens Trust. Councillor Kinson explained the reasons for his decision and apologised to the Council if it was considered that he had breached the Code of Conduct.

RESOLVED that the reports of the Planning Committee dated 23 August and 21 and 22 September 2005, be approved and adopted subject to the inclusion of Councillor Hammon as having addressed the Committee as a Ward Councillor in respect of Minute 478 (Coventry Airport, land adjacent to south apron, Siskin Parkway West, Middlemarch Business Park, Coventry).

503. NOTICES OF MOTION

(A) It was moved by Councillor R Copping and duly seconded:-

"This Council notes Key Action H2 of its "Community Plan 2020" and calls for all Council owned public conveniences to become smoke free as soon as possible and definitely prior to the busiest Christmas shopping period this year".

RESOLVED that the motion be referred to the Executive.

(B) It was moved by Councillors A Boad, B Crowther, J Hammon and B Kirton and duly seconded:-

"That the Council expresses sincere thanks to all the officers and members who have been involved in administration and hearing of applications under the new Licensing Act and recognises the great care that has been taken, the considerable extra work that has been involved, and the exemplary willingness of all concerned to respond to the demand on their time, often at short notice.

RESOLVED that the motion be approved unanimously and adopted.

COUNCIL MINUTES (Continued)

504. COMMON SEAL

It was

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

(The meeting ended at 7.20 pm)

CHAIRMAN

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