

Executive

Excerpt of the minutes of the meeting held on Wednesday 13 January 2016 at the Town Hall, Royal Leamington Spa following the conclusion of Council, at 7.15 pm.

Present: Councillor Mobbs (Chairman); Councillors Coker, Cross, Mrs Gallagher, Phillips and Shilton.

Also present: Councillor Barrott (Chair Finance & Audit Scrutiny Committee), Councillor Boad (Chair of Overview & Scrutiny Committee & Liberal Democrat Group Observer), Councillor Knight (Labour Group Observer), Councillor Heath (Whitnash Residents Association Group); Councillors; Naimo, Quinney, Davison, Margrave, Parkins, Gill and Ms Weed.

Apologies for absence were received from Councillors Mrs Grainger and Whiting.

78. **Declarations of interest**

There were no declarations of interest made relevant to the items considered in this excerpt.

Part 1

(Items on which a decision by Council is required)

80. **Constitution and Policy revisions**

The Executive considered a report from Democratic Services, that brought forward changes following the review of the Constitution and sought confirmation of the Council's Partnership Policy.

The Council's Constitution was identified as an area for review in the Annual Governance Statement of 2013. A substantial review had been undertaken with various changes brought forward on an ongoing basis. This report recommended further changes as well as some additional delegations to officers to enable them to work more effectively.

The changes to Article 2 of the Constitution were to reflect practice within the Council. The Code of Conduct for Planning Committee, as an example, had not formed part of the Constitution for five years and therefore reference to it should be removed, that said the Code was still in place and would be reviewed and updated in this calendar year along with all other annexes to the Constitution. The Role of the Councillor leaflet would still be available but how to get a copy was covered by Article 16 of the Constitution.

The changes to Article 6 of the Constitution were proposed to ensure that it reflected the responsibilities the Council had in terms of Health Scrutiny and the arrangements this Council had in place.

The amendment to Article 9, to remove the requirement for an Independent Person to be part of the Standards Committee or to be present, was in line with requirements of Localism Act 2011.

The changes within Article 11 were to recognise the Joint Committee across the Coventry & Warwickshire Area to drive the economic development and prosperity agendas. This was set out in Minute 84 of the Executive of 13 November 2013. The terms of reference for the Joint Committee, if approved, would then be appended to the Constitution.

The changes to Article 16 were to reflect the practice of this Council since the Constitution was introduced. The removal of a requirement to provide a paper copy enabled Councillors to have an electronic copy if they so wished or simply provided a link to the relevant pages on the Council's website.

The changes to the officer scheme of delegation CE (4) and HS (2) and the addition of HS (97) were to enhance service delivery. The additions of HS (94), HS (95) and HS (96) were included to ensure that officers had appropriate authority to enforce legislative requirements rather than having to seek approval from Executive each time. FS (5) was not technically a new delegation because it was approved in December 2004 by Council, but had not been formally recorded in the scheme of delegation, although the practice had occurred ever since. The inclusion of FS (17) was to enable a more dynamic and flexible approach to setting these requirements removing the need for Council to approve them each time. They would also be discussed by the procurement champions as part of their regular meetings. The inclusion of FS (18) was a matter approved by Council on 23 January 2013.

The amendments to the Council Procedure Rules were included to provide clarity about when a member of the Public can address the Council.

The amendments to the Executive procedure rules were brought forward so that they reflected practice that had been in place for the last four years. Changes to Access to Information Procedure Rules were brought forward to recognise the changes to legislation in 2013 regarding publication of the Forward Plan.

The removal of the Standard Terms and Conditions for the Purchase of Goods and Services was to enable a more dynamic and flexible approach to setting these requirements, removing the need for Council to approve them each time. They would also be discussed by the procurement champions as part of their regular meetings.

The amended Policy & Budgetary Framework was brought forward to confirm the arrangements already established by the adopted Code of Financial Practice and provide clarification on process.

With regard to recommendation 2.2, the Council had taken advice from Counsel on its Committee structure with regard to the Licensing & Regulatory Committee as required under the Licensing Act 2003. This advice had been shared with the Chairman of the Committee and this recommendation was brought forward to remove any ambiguity from the Constitution.

Following the conclusion of this work, subject to the approval by Council, a single .pdf file of the Constitution would be published on line and made available to Councillors.

In accordance with good practice, the Council's Partnership Policy had been reviewed to determine whether it was still fit for purpose. It was originally approved in 2010 following an extensive review. Officers were of the view that no changes to the Policy were required and so it was recommended that the current Policy was approved once again

The report brought forward the final changes to the Constitution to bring it up to date. Therefore, no alternative options had been considered and Members.

Recommended that

- (1) Council approves the amendments to the Constitution as set out at Appendix 1 to the minutes;
- (2) for the avoidance of doubt, Council confirms that it has established a Licensing Committee under section 6 of the Licensing Act 2003; that it has delegated to that committee responsibilities under section 7 of the Licensing Act 2003 and section 154 of the Gambling Act 2005; and that this Committee is known in the Constitution as the Licensing and Regulatory Committee;
- (3) Council confirms the Partnership Policy as set out at Appendix 2, to the minutes.

(The Portfolio Holders for this item were Councillors Phillips, Mobbs and Whiting)
(Forward Plan Reference Number 740)

81. **Housing Revenue Account (HRA) Budgets latest 2015/16 and Base 2016/17**

The Executive considered a report from Finance, that presented the Housing Revenue Account (HRA) 2015/16 latest and 2016/17 base budgets. The figures assumed a 1% rent reduction in 2016/17, although it did not commit to any rent change; because a rent setting report would be presented to the Executive in February 2016 who would then recommend 2016/17 Housing Rents to Council.

Appendix 'A' to the report summarised the adjustments from 2015/16 base budgets to the 2015/16 latest budgets and 2016/17 base budgets. Appendix 'B' to the report provided additional details of the budget changes for Supervision and Management, which formed a major item included in Appendix 'A' to the report. Appendix 'C' to the report presented the detailed HRA revenue budgets and key budget changes.

The report recommended the base budget requirements that would be used in the setting of Council Housing Rents for 2016/17 in February 2016. These figures reflected the costs of maintaining the current level of service and any unavoidable changes in expenditure (for example, where the Council was contractually or statutorily committed to incur additional expenditure). The report also considered the current year's budget, and included details of proposed updates to the 2015/16 Budget.

Any recent changes that needed to be resolved that had not been included in the budgets at this stage, would be fed into the February report. In February the Council would be in a position to agree the 2016/17 Budget and Council Housing Rents for the year.

In agreeing the latest 2015/16 budgetary position, Managers had considered the outcome of their monthly budget reviews. Many changes had already been reported to Members as part of the Quarterly Budget Review Reports in July and November of this year. Further amendments had been identified during the rigorous review to determine next year's base position.

The purpose of this report was to produce budgets as determined under the requirements of the Financial Strategy. Any alternative strategies would be the subject of separate reports.

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

Recommended that Council approves;

- (1) the base revenue budget for Housing Revenue Account Services in respect of 2016/17 as outlined in Appendix '3', to the minutes; and
- (2) the latest revenue budget for Housing Revenue Account Services in respect of 2015/16 as outlined in Appendix '3', to the minutes.

(The Portfolio Holder for this item was Councillor Phillips)
(Forward Plan Reference number 700)

82. Fees and Charges – Lifeline Services (non HRA Customers)

The Executive considered a report from Housing & Property Services, that set out changes being made to improve the viability of the Council's Lifeline Services and detailed the proposals for the introduction of new Fees and Charges for non HRA customers in respect of the Council's Lifeline Service, from 1 April 2016.

During 2015 the Lifeline Services Business Manager had carried out a full review of Lifeline Services. As a result, improvements had been made to the way the service was operated which had improved efficiency and started to reduce costs. Examples included more efficient use of vehicles and better use of staff resources so there was less reliance on overtime

and bank staff. The review also revealed a number of other changes that could be made to improve the viability of Lifeline Services.

Currently, private clients of the Council's Lifeline Service were expected to make a one-off donation to one of two charities, the Mid and South Warwickshire Lifeline Trust or the Leamington Lifeline Appeal, who then provided the clients with a monitoring unit. This donation was in excess of the retail price of the monitoring unit, and consequently did not offer the best value for money for the client. This process involved the need for considerable administrative support to be provided by the Lifeline Service collecting the donations and then distributing them to the relevant recipients. These charities were set-up over twenty years ago to make the equipment more affordable for people, when the cost of purchasing such equipment was relatively expensive. This was no longer the case because equipment costs had followed the trend for information based technology and fallen in price. To allow the Council's clients to benefit from this change in the market, and to help Lifeline Service be more competitive in winning new business, consultation had taken place with the relevant charities and their agreement had been secured to bring this arrangement to an end.

The Council was required to update its Fees and Charges so that the impact of any changes could inform the setting of its budgets. Discretionary Fees and Charges for the forthcoming calendar year had to be approved by Members. Other than the proposed revisions to monitoring charges, the main Fees and Charge proposals for Lifeline Services were not included in the Annual Fees and Charges 2016/17 Report to Executive on 30 September 2015 due to the prolonged absence from work of the officer who had responsibility for this area of work.

The proposed discretionary fees and charges for Lifeline services were set out in Appendices One and Two of the report.

To allow the Council to maintain and develop services it needed to make sure its charges were affordable to its primary client groups, competitive with alternative suppliers and contribute towards the financial viability of its services. The implementation of the proposed Fees and Charges that applied to Lifeline Services had been calculated with these criteria in mind.

Clients requested many services, detailed at Appendix A to the report, the team currently carried out for no charge. In line with other service providers it was proposed that a service charge be applied to cover the officer time and travelling costs incurred in delivering these services. These charges would only apply to private non HRA customers and not Council tenants living in designated or sheltered schemes.

These charges would only apply to new customers. Current customers would receive the services at the charges as described in the agreement that the Council had with them. The Council had IT software that would allow it to differentiate between the new and existing customers to make sure that each was charged correctly.

Alternatively, the Council could continue to work with the charities, not charge for the Lifeline services that it currently delivered and not move

into new areas of work. However, this would mean that it would not be able to generate any additional income to off-set the loss of the Supporting Grant funding that would jeopardise the future of Lifeline Services.

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

Recommended that Council

- (1) approves the ending of the current relationships between the Council and the Mid and South Warwickshire Lifeline Trust and Leamington Lifeline Appeal charities;
- (2) approves the Fees and Charges set out in Appendices 4 and 5 to the minutes, effective from 1 April 2016;
- (3) approves the revisions to the monitoring charges, as set out in the Fees and Charges 2016-17 report to Executive on 30 September 2015, effective from 1 April 2016. This recommendation was included in the Fees and Charges 2016-17 but the figures used for the calculation at this time were upon further examination found to be erroneous;

	2015 (current)	2016 (proposed)
Monitoring	£1.51 week (19.63 quarter)	£1.80 week (£23.40)
Rental + monitoring	£3.03 week (39.39 quarter)	£3.60 week (£46.80)

- (4) notes that from 2016 onwards, proposals for revised fees and charges for Lifeline Services will be included in the Council's annual Fees and Charges Report;
- (5) notes that the proposals for revised fees and charges from 2017 onwards will be informed by the outcome of the Council's review of services for older people and the lifeline services (detailed in the Housing Related Support report elsewhere on this agenda).

(The Portfolio Holder for this item was Councillor Phillips)
(Forward Plan reference number 746)

83. **Car Park Fees and Charges 2016/17**

The Executive considered a report from Neighbourhood Services regarding car parking charges in the Council's off street car parks. In September 2015 the Executive agreed to increase car park pay and display tariffs for the financial year 2016/17. It was estimated that these changes would generate an additional income of £200,000 and contribute to fit for the future and essential repairs to multi-storey car parks. However, at full Council in November the approval of car park fees and charges was delayed until January 2016 to allow consultation with local stakeholders to be concluded.

As car park charges had been not increased in the last two years and with a clear need to invest in the multi-storey car parks, it was still necessary to raise additional revenue from the car parks whilst appreciating the parking needs associated with each town.

Consultation had been completed and officers had been unable to gain support for the lower band removal. Serious concern had been raised by all groups during this consultation with the message that *"the loss of choice to customers will detrimentally affect businesses within the three towns"*.

Officers had looked at the options for raising fees and charges in car parks. The full details of the revised option was included in section 8.4 of the report. The main amendment to the proposal was to introduce a minimum stay of 30 minutes in most car parks. This was to mitigate the concerns from local groups but had a lower estimated income return and resulted in a £170k increase of estimated income for 2016/17 rather than £200k.

The Council was required to update its Fees and Charges in order that the impact of any changes could be fed into the setting of the budget for 2016/17. Discretionary Fees and Charges for the forthcoming calendar year had to be approved by Council.

Local Groups had generally supported the increase to all day parking charges and the revision to lower band tariff charges was a direct result of the consultation process.

The provision of off-street car parking was an important service that Warwick District Council provided as it supported residents, town centre businesses and tourism.

Due to the need to invest substantial funds in maintaining and improving the car park stock and continued financial restraint by Central Government upon Local Authorities, there was a requirement for Warwick District to increase the income derived from its assets. Car park charges had been not increased over the last two years and these proposed charges take into account the need to raise additional revenue whilst taking into account the parking needs associated with each town.

There were three proposed elements to generate the £170,000 to contribute to the required multi story car park repairs. Firstly there would be an increase to the pay and display budget of £35k which would be

derived from natural growth in car park usage. The second was to remove the lower band charges of up to 30 minutes in most car parks. This would mean removing the 20p to 12 minutes charge so the minimum stay would be 30 minutes in Warwick and Leamington Spa. Combining this with introducing the Linear charge of 10p for 12 minutes into Kenilworth, with a 30p - 36 minutes minimum stay. These estimated increase to the pay and display budget from the proposal would be circa £50,000. An increase to the all-day parking charge in all of the Long Stay car parks across the District by £0.50 would see an increase to the pay and display budget of circa £85,000. The Linear charge meant progressing from one charge to another in a series of incremental time steps. Where there was a minimum stay of 30 minutes no pay and display tickets could be purchased for amounts below this tariff vend. Where the linear charge is 10p for 6 minutes the minimum vend for 30 minutes would be 50p subsequent additional coins would add to the expiry time of 6 minutes for every 10p inserted.

The summary of new charges in section 8, of the report, provided an indication of the tariff structure.

Alternatively in line with the original proposals submitted to September's Executive, to remove the lower band charges from the Long Stay car parks, would mean that the minimum stay in these car parks would be 1 hour in Kenilworth and 2 hours in Warwick and Leamington Spa. The estimated increase to the pay and display budget from the proposal was circa £80,000. This option had been discounted due to the serious concern raised by all groups during this consultation with the message that "the loss of choice to customers will detrimentally affect businesses within the three towns".

The Finance & Audit Scrutiny Committee supported the recommendations although this was carried on a split vote. Some Members had strong concerns that the difference in charges between Kenilworth and the other towns was unfair to not only users of the car parks but the businesses in Leamington and Warwick as well. Members felt that this resulted in Leamington subsidising Kenilworth. Conversely, some Members agreed that due to the level of research and statistics used to underpin the recommendations, the officers' advice should be followed and the report supported. As a future measure, it was suggested that a Task & Finish Group could be set up to investigate car parking across the District and take on board the concerns being raised.

Councillor Boad informed the Executive that he was willing to raise the matter as a potential area to investigate with Overview & Scrutiny Committee.

The Executive welcomed the idea of a Group of members looking at this issue, sooner rather than later, to enable an informed discussion to take place well in advance of setting the charges next year.

Recommended that Council

- (1) approves the revised increase to car park fees and charges as detailed in Appendix 6 to the minutes, for implementation from 1 April 2016; and
- (2) approves the Head of Neighbourhood Services to implement the car park fees and charges (as detailed in Appendix 6 to the minutes), in accordance with the Off-Street Parking Order Process.

(The Portfolio Holder for this item was Councillor Shilton)
(Forward Plan reference number 751)

84. Whitnash Neighbourhood Plan

The Executive considered a report, from Development Services, that set out the final step to be taken with regard to the Whitnash Neighbourhood Plan.

The plan had successfully undertaken all the relevant stages to become a policy document which would be used together with national and local planning policy documents when decisions were taken on planning applications, for the designated Neighbourhood Plan area of Whitnash. The last stage was for Council to 'make' (adopt) the plan. This would be the first neighbourhood plan to be 'made' in Warwick District.

The Localism Act, 2011, introduced new rights and powers to allow local communities to shape new development by coming together to prepare neighbourhood plans. It also stated that all local planning authorities (LPAs) had a duty to support and advise neighbourhood groups which were seeking to take forward a neighbourhood plan.

The Whitnash designated area was agreed by Executive at its meeting on 9 January 2013. Since that date, the designated body had worked with the assistance of Kirkwells Planning Consultants to produce firstly a consultation draft of the neighbourhood plan and then a draft submission plan. Public consultations had accompanied each of these stages and informed the subsequent draft plan.

Planning officers carried out Sustainability Appraisal and Strategic Environmental Assessment Scoping for the Plan and had assisted with the administration of the Plan, including the examination by an independent examiner whose report was attached in Appendix A, to the report. The Council had recently held the referendum as required by The Neighbourhood Planning (Referendums) Regulations, 2012.

The referendum was the last stage of public consultation in which those entitled to vote within the designated area were able to choose whether or not to support the neighbourhood plan as a document against which local planning applications would be judged, together with national policy and the Local Plan.

The Whitnash Neighbourhood Development Planning referendum asked electors to vote 'yes' or 'no' in response to the following question: "Do you want Warwick District Council to use the Neighbourhood Plan for Whitnash to help it decide planning applications in the neighbourhood area?"

The results of the referendum were as follows:

Referendum Results	
Number cast in favour of a Yes	926
Number cast in favour of a No	68
Spoilt	6
Electorate	6737
Ballot papers issued	1000
Turn out	15%

Therefore, more than half of those voting, voted in favour of the Neighbourhood Plan and as a result of this vote, the Council was now required to 'make' the Plan.

The Council had a statutory duty to make the Neighbourhood Plan where it had been approved in a referendum, save where it was considered that doing so would breach, or otherwise be incompatible with, any EU or human rights obligations. There was no suggestion that this was the case in respect of the Whitnash Neighbourhood Plan and so it was considered that the Council had no alternative but to make the Plan.

Recommended that the Council 'makes' the Whitnash Neighbourhood Plan, as modified to accord with the Examiner's amendments, under section 38A(4) of the Planning and Compulsory Purchase Act 2004 and acknowledges its role in the future decision making process with regards to planning applications affecting the designated area

(The Portfolio Holder for this item was Councillor Cross)
(Forward Plan reference number 480)

(The meeting ended at 8.33pm)