

Executive

Minutes of the meeting held on Wednesday 1 October 2014 at the Town Hall, Royal Leamington Spa at 6.00 pm.

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

Also present: Councillor Barrott (Chair of Finance & Audit Scrutiny Committee), Councillor Boad (Liberal Democrat Observer), Councillor Mrs Bromley, (Independent Group Observer), Councillor Mrs Falp (Chair of Overview and Scrutiny Committee), Councillors Mrs Grainger, Councillor Weber (Labour Group Observer); and Councillor Williams.

52. **Declarations of interest**

There were no declarations of interest.

Part 1

(Items on which a decision by Council is required)

53. **Scrap Metal Dealers Act 2013**

The Executive considered a report from Health and Community Protection which sought to introduce a policy for licencing scrap metal dealers under the Scrap Metal Dealers Act 2013 (the Act) which came into force in October 2013.

When the legislation was implemented, government guidance was not available until the last minute and Local Authorities were not permitted to set fees prior to the guidance being available. The Chief Executive's emergency powers were therefore used to set licence fees. This report formalised the decisions taken.

The report explained that the Act required scrap metal dealers to be assessed for suitability before licences were granted or renewed. It provided local authorities the power to impose conditions on licences, revoke licences and tighten up how trading was conducted. It also allowed Local Authorities and the Police to close down unauthorised sites. Even though legislation did not require a Local Authority to have a policy in place, having a policy would provide clarity and consistency for applicants and Warwick District Council when assessing applications and renewals.

The Home Office guidance for Determining Suitability to hold a scrap metal dealer's licence was set out at Appendix 2 to the report.

Following the use of the Chief Executive's emergency powers in October 2013 for the Head of Health and Community Protection to set fees, confirmation was sought for those fees, as set out at Appendix 3 to the

report, to be confirmed. The Local Government Association guidance was taken into account when calculating fees. The 2014-15 Original Budget base was based upon anticipated uptake of licences was now proving to be unrealistic.

Although the legislation did not insist on photographic identification on scrap metal licences, the Local Government Association guide to Scrap Metal Dealers Act 2013 suggested the use of photographic identification. It would assist with identifying that the dealers were the correct people who held the licence and was in line with Police recommendations.

An alternative option was to not have a Scrap Metal Dealers Act policy. This option was not considered sensible as it would result in a lack of clarity around how the Council intended to enforce the legislation which would result in confusion and wasted effort for both Council staff and legitimate scrap metal businesses. This would also leave open opportunities for rogue scrap metal traders to continue to operate because Council staff would not be clear on how to enforce the legislation and members of the public would not be clear about what standards were expected by the Council in terms of metal dealing businesses.

The policy would also help legitimate metal businesses ensure they were running their operations safely and effectively, to plan their operations and to reduce illegitimate competition from rogue businesses.

Not to have photographic ID on licences was not considered sensible because it would allow the possibility of persons not considered fit and proper to operate as scrap metal dealers. For example without the need for photographic identification, those with repeat offences for stealing metal could easily pose as legitimate collector dealers under the banner of legitimate business.

When compliance/enforcement visits were made by either Police or Council staff, there would be someone who could be identified as being responsible. This would deter offences and help ensure that when offences were found, the offenders could be brought to justice more easily. This was in line with the Councils obligation to consider crime and disorder prevention/reduction in the exercise of our functions.

The Finance & Audit Scrutiny Committee supported the recommendations in the report and was pleased that collectors would now be licensed. However, residents had highlighted concerns to Members about the noise omitted by the collector's vehicle sirens when collecting scrap metal and proposed that an amendment to the Policy, banning the use of sirens exclusively, be considered by the Executive.

In addition, it was felt that the Scrap Metal dealers could be encouraged when applying for, or renewing, a licence to contact potential customers by more traditional methods ie. leaflet drops and advertising.

Councillor Coker endorsed the report, and agreed with the comments of the Finance & Audit Scrutiny Committee and for this reason proposed that

at an appropriate place in the Policy it set out that "The use of amplified horns is not permitted under section 62 of the con troll of pollution act 1974 makes it offence to use a loudspeaker in the street."

It was therefore

Recommended to Council that

- (1) the policy, as set out in Appendix 1 to the report, for Determining Suitability of an Applicant for a Scrap Metal Dealers Licence under the Act, subject to the inclusion of wording explaining that "The use of amplified horns is not permitted under section 62 of the con troll of pollution act 1974 makes it offence to use a loudspeaker in the street", be approved;
- (2) the licence fees set following use of CE3 the Chief Executive's emergency powers, as set out in Appendix 3 to the report, be approved;
- (3) the income budget from scrap metal dealer licences is reduced from £5,000 to £2,000, financed from the General Fund Balance to reflect the level of activity, retrospectively; and
- (4) the requirement for photographic identity when applications are made for Scrap Metal Dealers, be approved.

(The Portfolio Holder for this item was Councillors Coker)

54. **Fees & Charges 2015/16**

The Executive considered a report from Finance that detailed the proposals for Fees and Charges in respect of the 2015 calendar year. It also showed the latest Fees and Charges income budgets for 2014-15 and the actual out-turn for 2013-14.

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 2015-16. Discretionary Fees and Charges for the forthcoming calendar year had to be approved by Members.

In the current financial climate, it was important that the Council maximised income and therefore minimised the forecast future deficit.

The Contract Services Manager had consulted local Chambers' of Trade and reviewed the current parking charges. Some minor changes had been introduced to ensure consistency amongst District Council car parks. The

linear charging system introduced in 2013 had been accepted by the public and was generating increased income. Therefore, it was proposed not to increase them in 2015 but to continue to regularly review their effectiveness.

It was proposed not to alter fees for Building Control at this time. However, a future report would be presented to consider the fees to be charged under the new Building Control Shared Service arrangement that was due to formally commence on 1 April 2015.

The contract for the operation of the Markets was due to be renewed, accordingly it was prudent not to alter fees at the moment. Once the successful tenderer was known, a future report would be presented to Executive.

There had been significant work carried out by the Regulatory Manager on licensing fees due to a change in legislation, which meant that the fees being charged should only reflect the amount of officer time needed to generate them. This had meant that some charges had changed quite substantially. The Regulatory Manager now had to ensure that transparent evidence was available to justify that charge to prevent any legal challenge.

The removal of the Corporate & Community Service area, agreed by Employment Committee on 17 September 2014, had meant some services had been moved to other service areas. Bereavement Services now reported to Neighbourhood Services whilst Street Naming and Numbering reported to the Deputy Chief Executive. Other services had moved too but these areas did not have any Fees & Charges and, therefore, were not mentioned in the report.

Some additional fees had been created to generate additional income for the service areas concerned and others in response to new legislation. These were highlighted in Appendix A, to the report. Other charges had been deleted due to legislation changes or changes in the way the service was provided.

An addendum was circulated that provided amendments to the circulated Fees and Charges report within Appendix A10, A54, A60, A61 and A66.

The various options affecting individual charges were outlined in the main body of the report, sections 8 to 16.

If the Fees and Charges for 2015-16 remained static i.e. at the same level as for 2014-15, this would substantially increase the savings to be found over the next five years unless additional activity could be generated to offset this.

The Finance & Audit Scrutiny Committee supported the recommendations in the report and thanked the officers for attending and assisting with their robust questioning.

One of the main concerns was the overall trend to increase prices in Cultural Services. Members felt that there was some unfairness in the increase of the Health and Fitness Casual Use fees for the over 60's / Disabled / Unemployed categories but accepted that benchmarking exercises had been undertaken and the Council still charged significantly lower fees than the private sector.

Members also felt strongly that recommendation 2.3 needed challenging. The recommendation was to ensure charging consistency but Members highlighted the lower charges for Kenilworth car parks compared to Leamington and Warwick.

Recommended that

- (1) the Fees and Charges identified in Appendix 'A' to the report be operated from 2nd January 2015 unless stated;
- (2) the detailed exercises undertaken by Service Areas when determining the Council's income levels and fees for next year, be noted;
- (3) the Parking Fees, apart from some minor changes to ensure charging consistency amongst car parks, are proposed not to increase in 2015;
- (4) the fees for Building Control and Markets be frozen until the position regarding the future running of these areas becomes clearer, when further reports will be presented to Executive;
- (5) the significant changes to some licensing fees due to changes in legislation, be noted; and
- (6) the change of portfolios for Bereavement Services and Street Naming and Numbering following the Employment Committee decision to disband the Service Area of Corporate and Community Services, be noted.

(The Portfolio Holder for this item was Councillor Cross)

Part 2

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

55. Request to Increase the Hackney Carriage Fares

The Executive received a report from Health & Community Protection regarding two petitions (November 2013 and September 2014) received that sought an increase to the current Hackney Carriage Fares and an annual review of the fares.

Following the request of the Executive in March 2014, Officers had obtained additional information regarding the expenses of the Hackney Carriage Drivers in order to allow the Executive to fully review the requests made.

The results of the survey undertaken to establish the reasonableness of the fare increased requested by the Hackney Carriage Drivers were set out in Appendix 1 to the report. The analysis of these results was shown in Appendix 2, to the report. This attempted to provide an interpretation of the results gained in the survey in relation to the daily impact on the Hackney Carriage Drivers.

The 2013 petition requested an increase in the number of tariffs, the amount charged and the distance over which it was charged.

Currently, Tariff 1 was an existing tariff for use by all saloon style vehicles, which carried four or less passengers, and larger vehicles when carrying less than five passengers at other times than in section 3.5 of the report. The drivers requested that this tariff be increased and the use of a third tariff be introduced as described in paragraph 3.6 of the report.

Tariff 2 was currently for use by all saloon style vehicles on evenings (between the hours of 23:00 and 05:00), Sunday, Bank Holidays and at all times the vehicle carried more than 5 passengers.

The petition proposed that this tariff would be used when a larger vehicle carried five or more passengers outside of the evening charge and not on Sundays or Bank Holidays. The petition proposed that the evening hours were also altered to between 22:00 and 06:00.

Whilst there was no identifiable reason for the change in times when the tariffs were applied, it would bring the hours in line with our neighbouring authority, Coventry City Council. However, Coventry Fares were lower than those of Warwick District.

The petition proposed the introduction of a Tariff 3 for use by all vehicles at Christmas and New Year and when a larger vehicle carried five or more passengers during the evening hours or on Bank Holidays and Sundays. This was a new tariff which WDC did not currently operate.

Both Stratford-upon-Avon District Council and Coventry City Council already operated a three tariff system. However, both authorities had a day, evening and holiday tariff. Stratford-upon-Avon taxis also charged an additional 50% of the fare when a vehicle carried 5 or more passengers. Appendix 3, to the report showed a comparison of the current and proposed fares with Stratford-upon-Avon and Coventry City.

It was proposed by the driver's petition that the proposed tariffs allowed all vehicles a day, evening and festive season charge and a charge for larger vehicles which could carry five or more passengers.

Should the reviewed fares be accepted, the Council would move to 117th in the table with a two mile fare of £6.00. This would place the Council within a band of 22 authorities. A two mile fare in Stratford would be up to 7% higher and Coventry City would be 4.7% higher. This position and percentage was subject to change following any fare reviews within the 364 authorities. Appendix 4 showed an extract from the Private Hire and Taxi Monthly.

Officers recommend that the use of Tariff 3 for vehicles with 4 or less passengers over the Christmas Eve, Christmas Bank Holidays, New Year's Eve and day was not accepted. This would be confusing for the customers and difficult for officers to enforce. It also put those drivers taking larger groups fares at a financial disadvantage to the drivers taking smaller group fares. Officers recommended that the Evening and Bank Holiday Tariffs begin at 18:00 on Christmas Eve and New Year's Eve as an alternative.

It was recognised that too high prices over the Christmas and New Year period would possibly discourage the use of the taxi services.

A new fare card would be created and would replace those currently displayed in every WDC Hackney Carriage Vehicle. These would demonstrate the new fares as agreed by the Council and following the public consultation.

If the recommendations were agreed a public notice must be published for 14 days. During the 14 day consultation period any person could make a representation about the fare increase. It was proposed that the public notice would be published on the 6 October 2014.

Any representations received as part of the consultation would be presented to the Executive. At which point they would determine whether to modify the proposed table of fares. If no objections had been received during the consultation period the new fare tariff would commence on 27 October 2014.

The petition requested that the fares were reviewed annually. This would allow the Executive to assess the current fares and current economic position of the trade. If the Executive were to agree to this request, it would be advisable to link any review of Fare Increases to the Consumer Price Index, Retail prices index and inflation with reference to cost of fuel, insurance, license fees, servicing and maintenance costs.

It was reasonable to ensure that the fares were reviewed more frequently than every six years. However, it was not a requirement upon the authority to review them annually. Coventry City Council had agreed a three yearly review and Stratford upon Avon Council reviewed their fares upon petition. Therefore, it was recommended that they were reviewed from time to time.

Due to the delay in the consideration of a fare increase a further petition had been received which requested a further increase to the Hackney

Carriage Fares. This was received on the 5 September 2014 and was attached in appendix 5, to the report.

This petition requested the three tariffs as per the 2013 petition. However, they also requested that the tariffs were applied in a different way and that the distances used were altered. The use of tariffs and distances were described in appendix 3, to the report. Example journeys and comparisons with other neighbouring authorities were described in Appendix 3, to the report.

The 2014 petition requested a 100% increase on a tariff 2 and 3 fare if the driver was carrying 5 passengers. This meant that the ultimate fare charge in these cases would be expensive and potentially impact on the use of the taxi services. The cost could make the use of taxis prohibitive to groups of people.

The Overview and Scrutiny Committee supported the recommendations in the report but would wish to see improvements in standards going hand in hand with an increase in fares.

The Portfolio Holder for Health & Community protection, Councillor Coker, endorsed the report and agreed with the comments of the Overview & Scrutiny Committee. He highlighted that officers were working proactively with drivers to improve service standards and taking appropriate action when required. That said, the conduct and standards of drivers were matters for the Licensing and Regulatory Committee to respond to and ensure were robust.

Having read the report and considered the comments from the scrutiny committees, the Executive

Resolved that

- (1) the 2013 requested increase of Hackney Carriage Fares with officer amendment as set out in the report be approved for consultation;
- (2) the implementation date for the new fare with reference to the advertisement of the proposed change and taking into consideration, be approved;
- (3) if representations are received following advertisement, a further report be submitted to Executive to review the representations received;
- (4) reports should be submitted to Executive reviewing Hackney Carriage Fares from time to time; and

- (5) the September 2014 request for a Christmas / Bank Holiday etc. increase, as received from the Hackney Carriage Drivers; be refused.

(The Portfolio Holder for this item was Councillor Coker)

56. St Mary's Lands Business Strategy

The Executive received a report, from the Deputy Chief Executive & Monitoring Officer, that updated Members on the latest position in respect of the work of the St Mary's Lands Stakeholder Group and recommended the next steps for the business strategy.

At its meeting of 11 September 2013, Executive considered the "Called-in" item entitled St Mary's Lands Business Strategy and confirmed the Executive decision of 19 June 2013 that (among other things):

"a business strategy for the development of St Mary's Lands is produced and that the strategy takes a holistic view of the land to ensure that the interests of all stakeholders are taken into account"; and

"the development of a business strategy is overseen by a Steering Group (NB The Steering Group subsequently came to be known as the St Mary's Lands Stakeholder Group) chaired by the Portfolio Holder for Development Services, consisting of key stakeholders and that the aforementioned Portfolio Holder, Deputy Chief Executive (AJ) and Warwick Racecourse Company (WRC) representatives agree the key stakeholders".

To address the concern from Members that there must be an opportunity for the general public to have their say, Councillor Hammon had assured the Executive that before any decisions were taken, there would be full public consultation on the business strategy proposals and that the proposals would come back to Executive for its consideration.

The Stakeholder Group had its first meeting on 22 October 2013 with representatives from Warwick District Council, Warwick Corps of Drums, Racing Club Warwick, Warwick Racecourse and Warwick Town Council.

There were three St Mary's Lands operators who were not on the Stakeholder Group - Hill Close Gardens Limited who had a 30 year lease that commenced on 9th December 2004; the Caravan and Camping Club, who had a lease with Warwick Racecourse with 12 years to run and the Boxing Club, who had an annual lease with Warwick Racecourse. However, officers advised the Group that their respective interests needed to be taken into account during the development of the business strategy. The GVA report reflected consultations with the two clubs as to their aspirations and in relation to Hill Close Gardens; Deputy Chief Executive (AJ) had discussed its plans with their Chairman Mr Gray.

The Stakeholder Group's role and remit could broadly be described as follows: To ensure that it had a thorough understanding of the various land interests, legal matters and relationships on St Mary's Lands so that the business strategy took account of all material considerations; to oversee the work of GVA leisure who were tasked with developing the

business strategy following a commission by Warwick Racecourse and match-funding from Warwick District Council; to agree the business strategy and associated spatial masterplan for public consultation.

The report explained that the work of the Stakeholder Group had not always followed a smooth path. Firstly, concerns were raised by the Town Council representatives that the stakeholders had interests in the options being considered and that the membership of the Group was not wide enough, even though what had been envisaged by the Executive was that the stakeholders would oversee the preparation of proposals for the purpose of wider consultation with any decisions being made only by the relevant Council committees. Secondly, the Group was working against a backcloth of the Cadets/Racing Club Warwick/Warwick District Council dispute which, whilst largely irrelevant to most aspects of the Group's work was raised during its work, although the Racing Club Warwick representatives themselves did work very constructively as part of the Group.

Despite these difficulties, at its fourth and final meeting on 29 May 2014 the Stakeholder Group agreed by majority that the business strategy and spatial masterplan should be released for public consultation. The consultation documents were appended as Appendix C to the report and it was hoped that the period of consultation would run from mid-July to mid-September. However, a material and significant decision was taken by the Jockey Club in July which caused officers to recommend that the consultation should not take place.

A major element of the proposed consultation was that Warwick Racecourse would bring forward proposals for the creation of a hotel at the racecourse entrance. It was envisaged that the development would not only help address Warwick Racecourse's need to increase its income but through the District Council's sale or long-lease of the land necessary for the development, a large capital receipt could be realised which would then be reinvested in the other activities operating on St Mary's Lands.

Previous reports to Executive had painted a picture of a racing industry that was undergoing seismic changes due to the changes in Bookmaking, and consequently the Levy received from Government, and the various other leisure opportunities available to the paying customer. In fact, over the period 2005 to 2011, the Levy contribution to Warwick Racecourse had reduced by nearly £0.5m to £413k, over 50% reduction. This had a knock-on effect on the level of prize money that could be offered and consequently the quality and number of racehorses entered for races. The manifestation of these challenges had been seen recently with the closures of Folkestone and Hereford racecourses and the proposed ending of flat turf racing and laying of an all-weather circuit at Newcastle and Catterick respectively. This was the landscape that had seen many British racecourses diversify into areas such as conferences, concerts and events because they could no longer survive as viable businesses on just their allocated 20-25 race days per year.

It was also worth pointing out that the Planning Committee's stated reasons for refusing planning application in May 2012 did not question the economic argument being put forward by Warwick Racecourse or the principle of a hotel.

It was within this industry context, the failure to achieve planning permission for the hotel and the substantial investment that would be required to address concerns about the condition of the flat racetrack, that The Jockey Club announced that after 307 years, Warwick would no longer host flat racing but solely jump racing. The Jockey Club's press release, in which the Managing Director of Warwick racecourse, Huw Williams, stated that the hotel idea has now been "dropped" because an alternative business strategy was to be pursued, was appended to the report.

The decision not to progress the hotel proposal not only meant that a part of the consultation was no longer relevant but that a potential funding stream to bring about some of the other proposals was no longer available. It was for this reason that officers were recommending that the consultation should not proceed and that an alternative way forward be agreed.

As the Stakeholder Group got to grips with its work, there were many issues raised that left members of the Group unclear or at times uncertain about what the correct position was. Whilst the Deputy Chief Executive (AJ) was able to properly address all the issues, it was appropriate, now that the Group had finished its work, to publically address the matters raised so that Members and the general public were clear about the reality.

It had been argued that St Mary's Lands was Common Land entitling the public to have unfettered access over many parts of the amenity (pursuant to the 'right to roam' introduced by the Countryside and Rights of Way Act 2000 "the CROW Act"). It was true that historically St Mary's Lands had functioned as a common. However, because St Mary's Lands was governed by a private Act of Parliament (the Warwick District Council Act 1984) it was excluded from the operation of the CROW Act. Warwick District Council was the owner of St Mary's Lands, and pursuant to its powers under the 1984 Act had granted a number of land interests to certain parties. There was public access to St Mary's Lands via public footpaths which crisscross the area.

In 2007, Plincke Landscape Ltd produced a *Management Plan for St Mary's Lands (Racecourse and environs, incorporating areas of Saltisford Common and Pigwells)* on behalf of Warwick District Council. The Management Aims of the plan were detailed at page 7 of the Executive Summary. It had been argued that this Management Plan should be the reference point for taking St Mary's Lands forward and that consequently there was no need for a business strategy.

The business strategy being developed for St Mary's Land's was to be a long term plan of action designed to ensure that the various interests

,including commercial, of the site's operators could be achieved and that their individual objectives were not incompatible. The Management Plan did not have this as an aim primarily being a series of "tasks to be carried out (allocating) time scales and responsibilities." The Management Plan did not address how investment could be made in the Golf Centre; how the Racecourse could ensure it was a viable business; or the Warwick Corps of Drums building did not fall down.

There was the possibility that should a hotel be constructed at the entrance to the racecourse then changing the land interest by means of a sale or long lease could realise a significant capital receipt.

The report to the Executive in 2013 described three approaches that could be taken to the granting of land interest for the site of the hotel. It had been argued by certain local residents that it was not possible for the Council to grant interests in land that were inconsistent with the Warwick District Council Act 1984, and that what was being proposed in connection with the hotel was just that.

Mindful that this was an area of serious contention, officers took advice from the District Council's solicitors who then commissioned advice from Counsel. A summary of the solicitors' advice was provided at Appendix D to the report. It was clear that it was within the District Council's power to permit the construction of a hotel and to sell or lease parts of the St Mary's Lands in connection with such proposals. This advice was provided to the Stakeholder Group on a number of occasions as despite its provenance, the issue was raised time and again with reluctance by some to accept its correctness.

Members were reminded that a high profile photo-shoot by The Courier and involving a Mr Hamilton took place at St Mary's Lands in early August following the voluntary release of documents under a Freedom of Information Act request. That article referred to an approach from the Jockey Club about a "potential partnership agreement" which, it was said had, only been made public as a result of Mr Hamilton's information request. Members were also reminded that the Chief Executive of Warwick District Council responded to that article the following week and The Courier published the response.

The Chief Executive made clear that officers had been wholly transparent about the "partnership approach" from The Jockey Club, having been reported to the Executive on 12 December 2012. To suggest that the public had been "kept in the dark" was inaccurate with the Executive report specifically stating:

"Consequently officers consider that at this point it is premature to enter into a partnership arrangement but it would be sensible to examine the options for St Mary's Lands." The Executive's agreement to examine the options was what led to Warwick District Council supporting, through officer time and financially, the Warwick Racecourse's commission of GVA.

It was also pertinent to emphasise the point the Chief Executive made in relation to the Racecourse's place on St Mary's Lands. It was an integral

part of its character and has been since 1707 (one of the oldest racecourses in the United Kingdom). As previous reports had highlighted, the racing industry was undergoing significant upheaval. No racecourse could be guaranteed a future and it was entirely legitimate that the District Council, as custodian of St Mary's Lands upon which the racecourse sat, worked with the Jockey Club to protect its future. The fact that the Racecourse was leased to a Company owned by The Jockey Club did not mean that it was guaranteed existence in perpetuity. As Mr Fisher, Managing Director of The Jockey Club, emphasised to Executive when he met with them, each course was expected to "wash its own face" (i.e. justify itself in commercial terms). If this was not the case, it would not be ending flat racing after 300 years and moving to jump racing only. If The Jockey Club was prepared to fund loss making enterprises without question, it would not have made that decision.

Like all of the public amenities and open space in the District Council's ownership, it endeavoured to maintain its facilities to the highest possible standards. The estimated expenditure each year was £10,000, along with a myriad of officer duties.

Members were made aware of the significant reductions in Government grant over the last four years, a situation that was unlikely to improve going forward. Recognising this position, the Council, through its refresh of the Sustainable Community Strategy had put "first among equals" the theme of Prosperity to try and put the Council on a more commercial footing. There were proposals that the GVA report highlighted which could provide the Council with the opportunity to further defray the significant investment it made in St Mary's Lands and these opportunities were explored further on in the report.

St Mary's Lands was constantly changing, whether this was through careful landscape and environmental management (the site had been awarded Local Wildlife Site status) or more significant changes such as the construction of the 1707 Restaurant. Indeed the Plincke report of 2007 highlighted the following major changes that had taken place on the site: Flood alleviation works; Improvement to sports facilities; Provision of car parking; New stables and jockeys block; Restoration of Hill Close Gardens and development of a visitor facility; Environmental improvement schemes; and the sale of part of St Mary's Lands to facilitate the construction of 80 homes on the old stable site and Bread & Meat Close of which 30% were affordable housing.

This record of change demonstrated that it was possible for the site to evolve in a positive direction and whilst there would always be day-to-day grumbles with aspects of the site or its management, the track record of successful changes showed what could be achieved. In fact many on the Stakeholder Group were clear in stating that the site was a real credit to the District and its residents.

It was important to emphasise that the remit of the Stakeholder Group was to bring forward a business strategy for the whole of St Mary's Lands which did not go against the interests of any of the operators. Although

The Jockey Club had decided not to pursue the hotel option, the other proposals in the "consultation document" still had potential merit and would assist with the development of a masterplan for St Mary's Lands as envisaged in planning policy CT7 of the draft Local Plan.

Proposals for an early, comprehensive, public consultation were primarily intended to address widespread public concerns regarding the Jockey Club's previous ambitions. Recent events on the hotel front had, however, moved the goal posts somewhat. It was now felt by officers that a full public consultation would be premature until such time as the range of options had been properly reviewed in light of events. In respect of the proposals for the Golf Centre, Caravan park and Environmental improvements, it was recommended that officers work with the respective stakeholders to bring forward detailed business cases for consideration. It could be that the business ideas required public consultation should there be planning implications.

The Executive meeting of 16 April 2014 decided that if Racing Club Warwick was not prepared to agree to the Cadets constructing and occupying a new building on the land under their (Racing Club Warwick's) lease then all negotiations with Racing Club Warwick were to end and instead negotiations begin with Warwick Corps of Drums to enable the Cadets to build a new facility on the land currently under the Corps of Drums' lease. As Racing Club Warwick was not prepared to agree to Executive's request, attention had turned to the alternative option.

It was therefore encouraging to report that the negotiations had gone well and also that planning approval was granted on 16 September 2014. However, the positioning of the proposed Cadets building required a portion of land to the rear of the Corps of Drums' site which was in the ownership of Warwick District Council. The plan, attached as Appendix E to the report, showed the land in question. To enable the building to be constructed it was therefore proposed that Executive agreed to the building being part-situated on the Council's land and for the new lease arrangements to reflect this.

Given the successful planning application and subject to Deputy Chief Executive (AJ) determining new lease arrangements with Warwick Corps of Drums and the Cadets (with appropriate professional support from Warwickshire County Council Legal Services), it was hoped that the Cadets' new building would be up-and-running by spring 2015.

As a key stakeholder, Warwick Corps of Drums had developed its own proposals for public consultation, which were listed in the report.

As part of the work to support the negotiations between Warwick District Council, Warwick Corps of Drums and the Cadets, officers undertook building survey work on behalf of the Corps of Drums to enable them to determine how much investment would be required to undertake the changes described in the proposals. A rough estimate of costs was £155,000.

The Corps of Drums was a registered charity and so would have access to a number of grant schemes that could deliver the improvements to its building. As Chairman of the Stakeholder Group, Councillor Hammon asked that officers work closely with the organisation, supporting them in establishing building improvement costs, writing funding bids and general process facilitation. To provide the Corps of Drums with a start to lever in further funding, it was recommended that Executive approve the release of £50,000 (a third of the anticipated necessary investment) from the Capital Investment Reserve to be administered by Deputy Chief Executive (AJ) in consultation with the Portfolio Holder for Development Services.

Under the terms of its 1992 lease, Racing Club Warwick had the right to renew for a further 21 years. This right had been exercised and a new lease was completed in June 2014. The only issue that remained outstanding was the amount of rent to be paid. This matter was currently being discussed by the representatives of Racing Club Warwick and Warwick District Council.

Racing Club Warwick had developed its own proposals for consultation, which were detailed in the report.

The representatives of the Football Club worked very constructively on the Stakeholder Group and it was hoped that now a solution appeared to have been found for the Cadets, that relations between the Football Club and Warwick District Council could move forward in a positive manner. It was therefore recommended that to help Racing Club Warwick achieve its ambitions, the Council's officers provide the necessary support to assist with any funding bids.

The option to continue with a full public consultation was considered, however, one of the main proposals from the GVA report and undoubtedly the most controversial was no longer relevant so it was felt that there were alternative ways to take the other proposals forward.

The option to abandon the work altogether was discounted as the stakeholders had put a lot of time and effort into formulating and discussing the proposals; Warwick District Council had invested a significant sum in match-funding Warwick Racecourse's contribution; and the Stakeholder Group work had developed proposals that required further investigation which would contribute to the development of a masterplan for St Mary's Lands.

Mr Hamilton addressed Committee on behalf of Friends of St Mary's Lands explaining their desire that the area be fully protected from any further development which would impact upon the open nature of the land, or reduce the amount of land available for free public recreation.

The Finance & Audit Scrutiny Committee supported the recommendations in the report and were satisfied with the assurances given by the Deputy Chief Executive at the meeting. Members had significant concerns about the high costs and man hours that had been spent reacting to enquiries about St Mary's Lands.

The Overview and Scrutiny Committee supported the recommendations in the report but suggested that no additional car parking should be considered as part of the plans for the development of the Golf Centre.

The Executive welcomed the views of the two scrutiny Committees and shared the concerns regarding the cost of responding to enquiries about St Mary's Lands. They also recognised the concern regarding increased car parking for the Golf Course on this special piece of land which any Town would welcome and cherish. The recommendations were proposed subject to recommendation 2.4 being amended to include "as we continue to work closely with stakeholders and develop detailed businesses cases we take comments like those of the scrutiny committee, on board".

Resolved that

- (1) the changed position of The Jockey Club in respect of the proposed hotel development at Warwick Racecourse, whereby it has "dropped" those hotel plans following its decision to end flat racing at Warwick racecourse , is noted;
- (2) in light of (1) the final GVA report, the associated spatial masterplan at Appendix B and the draft consultation document from the work of the St Mary's Lands Stakeholder Group at Appendix C to the report, the previously agreed public consultation on the masterplan proposals should not take place as envisaged;
- (3) the position in respect of, the legal ownership of St Mary's Lands, other land interests and the rights of third parties, the Management Plan for St Mary's Lands, the implications of the Warwick District Council Act 1984 on St Mary's Lands development, the rejection of a proposed partnership agreement between Warwick District Council and The Jockey Club, Warwick District Council's estimated annual investment in maintaining and managing St Mary's Lands, and changes that have been made to St Mary's Lands over the previous 10 years, be noted;
- (4) officers continue to work closely with stakeholders and develop detailed businesses cases, for those matters listed below, we comments, like those of the scrutiny committee, on board;
 - The development of Warwick Golf Centre;
 - The development and expansion of the caravan park in the centre of the Racecourse;

- Environmental improvements to various parts of St Mary's Lands,
 - thereby enabling work on the development of a masterplan in accordance with policy CT7 of the draft Local Plan to continue;
- (5) the latest position in respect of the West Midlands Reserve Force & Cadets Association's (hereafter referred to as the Cadets) relocation from Racing Club Warwick football ground is noted, the area of land (approximated by the hatched area at Appendix E) abutting the land under the Corps of Drums' lease may be used for the standing of part of the Cadets' building and shall also be included in the Cadets' lease and authority is delegated to the Deputy Chief Executive (AJ) to negotiate the precise terms of the surrender of the existing Warwick Corps of Drums Lease and of the new leases to be granted to the Cadets and the Warwick Corps of Drums;
- (6) £50,000 is made available, from the Capital Investment Reserve to be administered by Deputy Chief Executive (AJ) in consultation with the Portfolio Holder for Development Services, as a pump-primer to help facilitate much needed investment in the Warwick Corps of Drums building; and
- (7) officers work with Racing Club Warwick should they wish to bring forward proposals to access funding from the Football Foundation and/ or other charitable bodies.

(The Portfolio Holder for this item was Councillor Hammon)

57. Multi-storey Car Park Structural Surveys

The Executive received a report from Neighbourhood Services which provided details of structural surveys on the three multi-storey car parks operated by the Council and the proposed next steps for addressing these.

The structural surveys of the car parks at Linen Street in Warwick, St. Peters and Covent Garden in Royal Leamington Spa, had identified a number of defects that needed to be addressed.

The Housing and Property Services Team had experience in preparing tender specifications and overseeing building repairs, however, because of

the highly technical nature of these structures, specialist advice was required.

An Executive report in August 2013 allocated money to the Car Park Improvement Budget to carry out work to reduce the height of kerbs in Linen Street Car Park, and improve the internal decoration. Due to the structure of the car park, and the other structural issues that had been identified, it would not be possible to carry out this work. Therefore, this money could be used to fund the specialist consultant.

Estimated costs for repairs had been established as part of the structural surveys recently carried out; however, these needed to be market tested in order to provide accurate costs for the work required, and to comply with the Code of Procurement Practice.

The provision of more accurate costs would help to inform the future decisions relating to the Districts car parking strategy, financial implications and potential development opportunities.

An alternative option was to not secure specialist advice to assist in the contract specification or assist in the delivery of the works, however, this had been discounted as the Council did not have the specialist knowledge required in-house.

A further alternative was to not take any action as a result of the structural surveys, however, that was likely to result in higher costs in the long term, or significant health and safety implications resulting from structural failures.

Finally, Members could choose to review the future of multi-storey car parks and how they fitted in with the broader strategic aims of the Council, however, this had been discounted at this stage until more accurate costs for repair had been established.

The Finance and Audit Scrutiny Committee supported the recommendations in the report but felt that recommendation 2.1 needed to include reference to the correct Procurement procedures. The Finance and Audit Scrutiny Committee therefore proposed that recommendation 2.1 be amended to read: "...is used to secure the services of a specialist consultant, in accordance with the Code of Procurement Practice, to assist in developing...."

An additional recommendation 2.4 was also proposed by the Committee to read: "Officers be asked to investigate the possibility of whether the cost of the works could be recovered by the Council's insurance policies, before the estimated life expectancy of the structures expires."

The Executive recognised the concerns of the Scrutiny Committee but highlighted that paragraph 3.3 of the report referred directly to the Code of Procurement Practice. However, they accepted that recommendation 2.1 of the report should be amended to read this and agreed to include the additional recommendation.

Resolved that

- (1) £40,000 from the Car Park Improvement Budget be used to secure the services of a specialist consultant, to assist in developing a specification for the required works and evaluation of tenders, in line with paragraph 3.3 of the report;
- (2) following the appointment of a specialist consultant, a tender exercise is undertaken to determine the actual cost of repairs to the multi-storey car parks, which will help to inform future strategic decisions; and
- (3) officers investigate the possibility of whether the cost of the works could be recovered by the Council's insurance policies, before the estimated life expectancy of the structures expires.

(The Portfolio Holder for this item was Councillor Shilton)

58. Significant Business Risk Register

The Executive received a report from Finance that set out the latest version of the Council's Significant Business Risk Register for review by the Executive. It had been drafted following discussions between the Leader of the Executive, Chief Executive, Monitoring Officer, Section 151 Officer and the Audit & Risk Manager.

The report enabled members to fulfil their role in overseeing the organisation's risk management framework, which was set out in section 7 of the report.

An updated version of the Risk Register was circulated after the agenda had been printed to show updated changes to the register.

The Finance and Audit Scrutiny Committee proposed that this report be deferred to the November Executive meeting because Councillor Mobbs was unexpectedly called away from the meeting and, therefore, could not answer any questions that Members had.

The Leader of the Executive explained while he was regretful he was unable to attend the Scrutiny Committee for this item, there was no reason why they could not have considered the report and made comments about it in his absence. He also agreed to attend the January meeting of the Scrutiny Committee when they were next due to consider this matter.

Resolved that the Significant Business Risk Register, attached at Appendix 1 to the report, be noted.

(The Portfolio Holder for this item was Councillor Mobbs)

59. **Corporate Peer Challenge**

The Executive received a report from the Chief Executive that informed them of the outcome of the Corporate Peer Review follow up visit held in July 2014 and proposed a series of actions in response the recommendations emanating from that follow up visit.

The Fit for the Future (FFF) programme that the Council currently had underway was underpinned by an approach of continuous improvement. As part of that approach, the Council had asked the LGA to undertake a Corporate Peer Review in July 2012 to help challenge the Council in how it was responding to the issues of the day and in particular to test the robustness of the Fit for the Future programme. The report and its results were reported to the Executive at its meeting on 10 October 2012.

The Executive decided in February 2014 that to help it assess progress since 2012, the same team from the LGA be invited to do a follow up visit. The follow up meeting was held on 3 July 2014. There was no report but the team made a presentation to selected officers and members and that presentation was attached at Appendix A to the report.

The presentation recommended to the Council that it:

- Create clear and visible leadership of the economic prosperity brief;
- Continue to support and develop the Planning Committee;
- Explore whether the Council was striking the right balance between target times and making the right decision for major applications;
- Improve engagement with the business community;
- Consider how Group Leaders need to apply appropriate group discipline with regard to behaviours, standards and uptake of training;
- Review and revamp member induction and training in time for the next election.

The responses to these proposed actions were detailed within the report.

The Council had previously envisaged a Full Corporate Peer Review taking place in July 2015. However, on reflection of the experience of how long it may take for recommendations to be implemented and the effect identified, it was suggested that rescheduling such a Full Review to July 2016 was more appropriate. This would give more time for the impact of the proposed actions in response to the recommendations to be assessed.

The Overview and Scrutiny Committee noted the report.

Resolved that

- (1) the actions proposed in the report are approved and a report on progress, as part of the next report updating the Fit for the Future programme, be received; and
- (2) arrangements be made with the Local Government Association (LGA) to undertake a full Corporate Peer Review in 2016 rather than as previously agreed in 2015.

(The Portfolio Holder for this item was Councillor Mobbs)

60. Planning Peer Review Update

The Executive received a report from Development Services that informed Members of the progress made on the recommendations of the external Planning Peer Review that took place in January 2013 and progress on the review of Planning Committee which followed the peer review.

As part of the improvement work which commenced in the Planning Service in 2012, a request was made to the LGA to undertake a Planning Peer Review which took place in January 2013. At the time it was felt that a number of changes had been made to the service, and it would be helpful to have that independent view on progress made and provide assistance on how the Council could continue to improve, aspiring to provide the best planning service.

There were a number of recommendations from the peer review. Progress had been made against all of these but, as a number of recommendations related to training and development of officers and members and the development of stronger working relationships in order to establish trust, the desired outcomes would take time to come to fruition. The LGA generally considered that significant progress would only be made on these type of actions over a three year period.

Following the Planning Peer Review, there was a review of the Planning Committee and the recommendations of the review were agreed at a meeting of the Executive on 17 April 2013.

Given the recommendations of the Planning Peer Review, and the Councils responsibility to provide a good planning service for all its customers, there were no alternative options proposed.

The Overview and Scrutiny Committee noted the report.

The Executive welcomed the report but were of the opinion that because Planning was such a key function of the Council the next update report should be brought to them earlier than 12 months. Therefore, it was proposed and agreed that the next report be submitted to them in June 2015.

Resolved that

- (1) the progress made against the actions arising from the external Peer Review and internal review of the operation of Planning Committee as set out in section 8 of the report, be noted; and
- (2) further work on these issues should be pursued by officers and Planning Committee Members and a further report be presented to Executive in June 2015.

(The Portfolio Holder for this item was Councillor Hammon)

61. **Skills Initiative Funding**

The Executive received a report from Development Services, that made recommendations on the use of the £50,000 employment initiatives support fund approved by Executive in February 2014.

Further to the allocation of funds to support the development of the local economy, a series of proposals had been developed to address identified needs within the Warwick District economy and labour market.

These proposals aimed to address both prosperity and growth as well as attempting to identify and address barriers to entering the job market.

The core objectives and intended outcomes of the proposed programme were:

- To use Small and Medium Enterprises (SMEs) as the engine for growth for both business and employment within Warwick District;
- To raise the standard of skills in business to ensure the sustainability and robustness of the business sector in the District (a weakness identified in the Coventry and Warwickshire Local Enterprise Partnership's (CWLEP) Strategic Economic Plan);
- To identify gaps & barriers to jobs and training with our own tenants with the aim of assisting Warwick District Council (WDC) tenants to get a job paying the living wage;
- That proof of concept pilots be included which would inform bids for funding from April 2015 (eg: European Structural & Investment Funds);
- That any work should be additional and complimentary to work already being provided by other organisations within the sub-region (eg: DWP, work programme providers, business support, C&W Clearing House, jobs clubs etc).

The range of support available had increased throughout the sub-region with City Deal, Rural Growth Fund (RGF) and the Coventry and Warwickshire Local Enterprise Partnership (CWLEP). However, there were a number of identified gaps in provision within the area. The proposals attempted to bridge these gaps, test new ideas and introduce a greater level of cross authority working, such as that identified through the internal WDC Welfare Reform Working Group.

The outline proposals for the utilisation of the £50,000 involved a spread of investment across a number of areas and these were outlined in Appendix 1 to the report. It was intended that Development Services would lead on the delivery of this programme and work closely with Housing and Property Services, the Community Partnership Team and Finance.

Recommendation 2.3 set out the means of addressing the procurement issues, however, the programme included a number of elements that required the setting up of mechanisms for administering grant funding and the delegation would allow this to happen without needing to seek further authority. The business grants assessment would include the proof of need, output monitoring, and the need for expenditure to be spent with approved providers. This would exclude firms already eligible for support through other avenues.

The Executive had previously agreed in August 2013 to set aside the Code of Procurement Practice on the basis that the CWCC business support contract rates were far superior to the other quotes received – which were 537% and 414% more expensive.

Under the Code of Practice Procurement rules, the Council was unable to extend the contract with CWCC, as it would result in a cumulative spend on business support, with CWCC, in excess of £20,000.

Although the previous exemption was only until March 2014, the CWCC contract was considered to be excellent value compared to the other two quotes received, and CWCC were willing to hold the quote and prices from 2012.

There was currently no urban area business start-up support available within Warwick District that officers were aware of.

Proposal 6 aimed to re-engage with all the start-up businesses funded through the initial programmes for start-up business support. This work could only be commissioned through the CWCC which delivered the support. However, an exemption was still required. The aim was to identify which businesses could be assisted to deliver further growth and to provide further information on start-up survivals.

As there was limited time within the remainder of the financial year, there could be a need for some reallocation of funding to address any projected underspend or to further capitalise on successful elements of the project by releasing more funding from one area of the project to another. This would allow the expenditure within the year.

It had been considered to allocate the whole £50,000 funding to the three existing jobs clubs (JCs). This had been discounted as the funding was for the 14/15 financial year and the JCs were in receipt of existing funding. This test of add on services allowed an assessment of how the Council could increase the effectiveness of the JCs. Officers would also continue

to seek private sector contributions to the Jobs Clubs to bolster existing support.

Both the Overview & Scrutiny Committee and the Finance & Audit Scrutiny Committee supported the recommendations in the report.

Resolved that

- (1) the programme of activities set out at Appendix One to the report, be approved;
- (2) authority be delegated to the Economic Development Manager and Head of Development Services, in consultation with the Development Services and Finance Portfolio Holders to finalise the necessary procurement and delivery arrangements for the full programme, ensuring appropriate monitoring arrangements are in place;
- (3) an exemption to the Code of Procurement Practice to allow procurement of the delivery of the business support elements of the programme (proposals 3 & 6) from the Coventry and Warwickshire Chamber of Commerce (CWCC) at the agreed 2012 prices; is approved; and
- (4) authority be delegated to the Head of Development Services, in consultation with the Finance and Development Services Portfolio Holders to reallocate funding from one project area to another in the event of high demand or underperformance of a project area.

(The Portfolio Holder for this item was Councillor Hammon)

62. Use of Chief Executive's Delegated Authority

The Executive received a report from the Chief Executive that informed them of the use of the Chief Executive's Delegated Authority (CE4) to confirm the revised parish boundary for the Parish of Barford and establish the Neighbourhood Plan Area for Barford.

Under the Officer Scheme of Delegation, the Chief Executive had delegated authority (reference CE(4)) to Deal with urgent items that may occur between meetings, in consultation with the relevant Deputy Chief Executives, Heads of Service, if available, and Group Leaders (or in their absence Deputy Group Leaders) subject to the matter being reported to the Executive at its next meeting.

The Council was currently undertaking a Community Governance Review of the Parish/Town Council boundaries. This followed on as a requirement after the review of the District Council boundaries by the Local Government Boundary Commission for England (LGBCE).

One of the recommendations from the Community Governance Review was to realign the parish boundary for Barford into a smaller more defined area, within improved, clearly defined boundaries. This was supported by Barford Parish Council and by the neighbouring Parish Councils who would gain extra land. No properties were affected by this proposal.

At the same time this review was being undertaken, Barford Parish Council were also trying to progress their Neighbourhood Plan, and had made a valid application for the area of the Parish Boundary. This was unable to be progressed until any revisions to the parish boundary were confirmed by the Council's Licensing & Regulatory Committee.

It was intended that all the changes to the parish boundaries would be determined by a meeting of the Licensing & Regulatory Committee in September 2014. However, in the specific case of Barford this would impact adversely on the ability to draw funding from Central Government for Neighbourhood Planning.

For this reason it was agreed that the Chief Executive would take the decision to confirm the revised parish boundary for the Parish of Barford and establish the Neighbourhood Plan Area for Barford, as defined in the plan at Appendix 1 to the report.

The Chief Executive consulted via email with Group Leaders on 6 August 2014 and also copied in the relevant Ward Councillors and Parish/Town Councils to make them aware of the proposal. Support was received from three of the Group Leaders and no response was received from the fourth. In addition, support for the proposal was received from the Ward Councillors for Budbrooke and the Chairman of the Licensing & Regulatory Committee.

The revised boundary for the Parish Council was smaller than that requested for the Neighbourhood Plan. Therefore, in effect the decision of the Chief Executive was to refuse the Neighbourhood Plan application but agree a revised Neighbourhood Plan boundary based on the, now smaller, Parish Council boundary. This removed the need for a new application from the Parish Council and a further consultation period of six weeks which would otherwise have led to the likelihood of losing the central government funding for the Neighbourhood Plan.

Appendix 1 to the report showed the revisions to the Parish boundary and Appendix 2 to the report showed the now confirmed Parish boundary and Neighbourhood Plan Area.

Resolved that the decision by the Chief Executive in consultation with Group Leaders under (CE4) of the Constitution to confirm the revised parish boundary

for the Parish of Barford and establish the Neighbourhood Plan Area for Barford, as defined in the plan at Appendix 2 to the report, is noted.

(The Portfolio Holder for this item was Councillor Mobbs)

63. Asbestos Contract

The Executive received a report from Housing & Property Services, that sought an exemption from the Code of Procurement Practice in order to extend the arrangements for Asbestos Management Services provided by PTL Occupational Hygiene Consultants until 1 June 2015 during which time the on-going asbestos procurement exercise would be completed and new contracts awarded and mobilised.

The Council had a statutory duty to manage asbestos in the buildings it owned under the Control of Asbestos Regulations 2012 (CAR) and the Health and Safety at Work (etc) Act 1974 amongst other legislation. In order to discharge its duties in respect of the HRA stock and other corporate buildings, the Council needed to maintain an asbestos register and undertake asbestos surveys and re-inspections, both periodically and as repair and maintenance works dictated.

An exemption from the code of Contract Practice was approved by the Executive in February 2014. The initial delays resulting from management changes within Housing and Property Services had been compounded by difficulties in recruiting an asbestos officer.

An asbestos officer had now been appointed and a revised procurement timetable was being drawn up in consultation with the Procurement team. Officers considered it to be in the Council's best interests to maintain the existing temporary arrangements with PTL in order to ensure it effectively executed its statutory duties.

PTL were the Council's previous asbestos management contractors until this contract expired in 2013. Their familiarity with the Councils stock, processes, contractors and asbestos register was crucial to maintaining a compliant service, while the procurement of the new contracts was completed and the handover/mobilisation of these contracts was underway.

A request for an exemption from the Code of Procurement Practice was, therefore, sought to continue the current temporary arrangement with PTL until 1 June 2015.

The option of undertaking a procurement exercise for the proposed work using a Framework Agreement had been considered, but was not recommended due to the time it would take to procure temporary arrangements through a framework, previous experience of poor services relating to asbestos through available frameworks and the time it would take to handover and train new contractors impacting on the continuity of service and the time officers had to conclude the on-going procurement of longer term arrangements.

In either scenario, if the Council were subject to a Health and Safety Executive (HSE) inspection and found not to have adequate Asbestos Management arrangements in place, it could be found to be in contravention of Health & Safety legislation which carried risks of fines and/or persecutory action. Under The Health and Safety (Fees) Regulations 2012, those who broke health and safety laws were liable for recovery of HSE's related costs, including inspection, investigation and taking enforcement action.

The Finance & Audit Scrutiny Committee supported the recommendations in the report but had significant concerns that this was the second time an exemption to the Code of Procurement Practice had been requested.

Members appreciated the circumstances behind the request but advised that the Finance and Audit Scrutiny Committee would be unable to support any exemptions to this contract in the future.

The Executive noted the concerns of the Scrutiny Committee.

Resolved that

- (1) an exemption to the Code of Procurement Practice to extend the arrangements with PTL Occupational Hygiene Consultants (PTL) for the provision of Asbestos management services to 1 June 2015, be approved; and
- (2) an OJEU compliant procurement exercise has commenced to appoint Asbestos management and removal contractors which should enable the interim arrangements to cease on the 1 June 2015, to coincide with the commencement of the aforementioned contracts on 1 April 2015.

(The Portfolio Holder for this item was Councillor Vincett)

(The meeting ended at 7.45pm)