

EXECUTIVE

Minutes of the meeting held on Wednesday 3 December 2008 at the Town Hall, Royal Leamington Spa at 6.00 pm.

PRESENT: Councillor Michael Doody (Chairman); Councillors Caborn, Mrs Grainger, Kinson, Kirton, Shilton and White.

ALSO PRESENT: Councillor Crowther (Labour Group Observer); Councillor De-Lara-Bond (Liberal Democrat Group Observer); Councillor Gifford (Chair of Overview and Scrutiny Committee); and Councillor Dean (Chair of Audit and Resources Scrutiny Committee).

Apologies for absence were received from Councillors Mrs Bunker and Hammon.

Councillor Dean substituted for Councillor Mrs Knight as Chair of Audit and Resources Scrutiny Committee.

629. **DECLARATIONS OF INTEREST**

Minute Number 642 – Consultation Draft Supplementary Planning Document on Open Space

Councillor Kirton declared a personal interest in this item because he was a trustee of an allotment charity.

630. **MINUTES**

The minutes of 29 September and 15 October 2008 having been circulated were taken as read and signed by the Chairman as a correct record, subject to an amendment to the attendance at the 15 October 2008 meeting to include Councillor Mrs Grainger.

631. **IMPACT OF THE CHANGE IN VAT RATE ON SOME CHARGES CHARGED BY WARWICK DISTRICT COUNCIL**

The Executive considered an additional item from Neighbourhood Services as a matter of urgency on the change in VAT that came into effect on 1 December 2008 which had an impact on a number of the charges that the Council make.

Some changes to charges had already been made by the Chief Executive under delegated power G17. However, there were other areas where the change to charges brought about by the change in VAT rate had an impact which officers believed needed further consideration by members and the Executive before any further changes to charges were made under delegated powers.

EXECUTIVE MINUTES (Continued)

Even with agreement to change a charge, that the Council would need to issue a parking order to alter parking charges. The order would then need to be published and would take a minimum of 28 days before the change to charges could come into effect.

RESOLVED that

- (1) the changes to charges which had been approved under the delegated powers G17 by the Chief Executive, be noted;
- (2) for 2008/2009, no change be made to the hourly charges in off-street Pay and Display car parks other than changes to season ticket prices;
- (3) for 2008/2009 no changes to pay and play charges in Leisure Centres be made with the exception of those already agreed by Executive to change from 1 January 2009;
- (4) the charges already agreed to come into effect on 1 April 2009 by the Council for off-street pay and display parking charges, not be altered;
- (5) the changes to charges already agreed for car park season tickets from 1 April 2009 be adjusted to reflect the reduced rate of VAT;
- (6) the orders for season tickets be made to allow changes in charges to take place when ever and to what ever level VAT might change in the future without the need to issue new orders; and
- (7) charges for show tickets at the Royal Spa Centre remain unchanged and as advertised in the recently published Spring 2009 programme.

The Chairman had agreed to take this item as a matter of urgency because the new rate of VAT had come into effect on 1 December 2008.

(The Portfolio Holder for this item was Councillor Kinson and White)

632. DEVELOPMENT OF OPTIONS FOR THE WEST MIDLANDS RSS (NATHANIEL LICHFIELD AND PARTNERS)

The Executive considered a report from the Head of Planning which set out the nature of the Nathaniel Lichfield and Partners (NLP) Study that was undertaken at the request of Government Office to consider the possible distribution of higher housing and suggests a Council response. The Council had responded to the submitted Regional Spatial Strategy (RSS) Draft at its meeting on 23 July 2008.

EXECUTIVE MINUTES (Continued)

At its meeting on 23 July 2008, the Executive agreed its formal response to the Submitted Draft of the Phase 2 revisions to the RSS. This had been forwarded to the Regional Assembly.

The public consultation period for the RSS was extended to 8 December in order to allow interested parties to make any additional comments on a study undertaken by NLP. The study was commissioned by Government Office in order to assess how additional housing figures for the region identified by the National Housing and Planning Advice Unit (NHPAU) could be distributed within the region.

The NLP study was published in early October. It did not change the submitted draft and therefore the position established by the Council in July still stands. It will, however, be part of the evidence to be submitted to the Examination in Public (EIP) to be held into the Submitted Draft commencing in April next year. It was therefore appropriate for the Council to take a view on the study at this stage during the course of the public consultation process.

Appendix A to the report outlined the background to the study and assessed its content. The conclusion was that the study would be excessively led by market preferences, paid no regard to a proper planning framework, ignored the sub regional policy approach developed to deliver growth in a managed way, undermined the underlying approach to regenerating the Major Urban Areas of the Region and had insufficient regard to infrastructure issues.

The Overview and Scrutiny Committee supported the recommendations in the report, which was noted by the Executive.

RESOLVED that the Executive strongly opposes the approach, methodology and conclusions of the NLP study which undermined the strategy of the RSS. In particular it considered:

- (1) it was excessively led by market preferences, did not provide an appropriate basis for the future distribution of the sub-region and Warwick District in particular and failed to recognise the clear planning framework in place for the distribution of housing in accordance with the principles of RSS provided by the sub-regional strategy supported by this Council;
- (2) it had failed to provide any evidence that there was sufficient "suitable" land within Warwick District to accommodate the additional housing numbers and other necessary supporting land uses such as employment;
- (3) it had failed to adequately assess the impact of the additional housing numbers on existing or planned infrastructure within Warwick District;

EXECUTIVE MINUTES (Continued)

- (4) it failed to meet the requirements of PPS3, paragraph 33 and should, therefore, be given little weight in informing the distribution of housing provision within the West Midlands RSS;
- (5) the adoption of the CSW Strategy within RSS be welcomed, but would request that it be embodied in substantive RSS policy; and
- (6) oppose the creation of new settlements as a means of providing for future growth provision.

(The Portfolio Holder for this item was Councillor Hammon)
(Forward Plan Ref 64)

633. WARWICK DISTRICT ARTS STRATEGY 2009-2013

The Executive considered a report from Cultural Services which set out the Warwick District Council Arts Strategy 2009 – 2013. It also provided an overview of the current range of arts activity in the district, set against the national, regional and local contexts and summarised the outcome of the programme of public consultations carried out between July and September 2008. These would be used to inform an Action Plan to be implemented 2009 – 2013 to include proposals related to the Cultural Olympiad 2008 - 2012.

The Warwick District Council Arts Strategy 2009 – 2013 will provide a framework, based on extensive public consultations, for the work of the Arts Development Service for the next four years.

The strategy was particularly important because it covered the period of the Cultural Olympiad, which envisaged a series of nationwide events to celebrate the cultural life of Britain in the period from 2008 to the Olympics in 2012.

The Strategy included an ambitious Action Plan. The achievement of the action plan was partly dependent upon the number of hours available to the Arts Development Officer post and the ability to create suitable partnerships. The Action Plan would be incorporated into the annual Heritage & Arts Team Operational Plan, which would allow the opportunity for annual reviews of progress.

The Warwick District Arts Strategy for 2009-2013 was attached at appendix one to the report. It was noted that photos of the recent cultural events within Warwick District would be included before publication. It was also noted that large print version would be made available on demand.

Councillor White and Members of the Executive gave thanks to the Officers and teams involved for their hard work on this item.

EXECUTIVE MINUTES (Continued)

RESOLVED that

- (1) the adoption of the Arts Strategy and the budget outlined in paragraph 5.3 of the report, be approved;
- (2) the Cultural Portfolio Holder be given delegated authority to approve any changes to the final document before publication in 2009;
- (3) the new Strategy to be launched at an event to be held in the Assembly Rooms of the Royal Pump Rooms in March/April 2009; and
- (4) the Strategy to be published and made available electronically through the council's websites and as a document.

(The Portfolio Holder for this item was Councillor White)
(Forward Plan Ref 109)

634. APPROVAL OF GENERAL FUND BASE ESTIMATES REVISED 2008/09 AND ORIGINAL 2009/10

The Executive considered a report from Finance which set out the latest projections for the General Fund revenue estimates in respect of 2008/09 and 2009/10 based on the current levels of service, and previous decisions.

The proposed 2008/09 Revised estimates presented a surplus over the Original Estimate of £164,000 of which £288,000 was in respect of higher investment interest received. The proposed 2009/10 Base Budget presented a substantial overall increase in the Council's expenditure in continuing to provide its services and meet its commitments of approximately £0.9m. There was also a considerable loss of income, as well as above inflation increases in items such as concessionary fares. There had been changes in the accounting conventions that changed the presentation of a number of items, and so affected year on year comparisons, although there was no net effect on the bottom line.

Appendices A to E to the report gave further information on the factors affecting the General Fund base estimates.

A supplementary report was circulated at the meeting detailing the revised medium term financial projections in relation to this item.

The Audit & Resources Scrutiny Committee supported the recommendations in the report, particularly the removal of the Council Support Services cost centre. The comments of the Audit & Resources Scrutiny Committee were noted by the Executive.

EXECUTIVE MINUTES (Continued)

RECOMMENDED to that:

- (1) the revised base budget revenue estimate for the General Fund services in respect of 2008/09 as outlined in Appendix B to the report, be approved;
- (2) the base budget revenue estimate for the General Fund services in respect of 2009/10 as outlined in Appendix B to the report, be approved; and
- (3) the supplementary report circulated at the meeting detailing the revised medium term financial projections, be noted.

(The Portfolio Holder for this item was Councillor Doody)
(Forward Plan Ref 119)

635. APPROVAL OF HOUSING REVENUE ACCOUNT BASE ESTIMATES REVISED AND ORIGINAL 2009/10

The Executive considered a report from Finance which set out the latest projections for the Housing Revenue Account revenue estimates in respect of 2008/09 and 2009/10.

The Council was required to determine its budget requirements in order to set Council Housing Rents for 2009/10.

At its meeting on 23 July 2008, the Executive considered a framework for a financial strategy and the Budget 2009/10 Prospects and Process.

The report presented the proposed Base Budget for 2009/10. The figures reflected the costs of maintaining the current level of service, and any unavoidable changes in expenditure. The report also considered the current year's budget, and included details of a proposed revision to the 2008/09 Budget.

RECOMMENDED to that

- (1) the revised base budget revenue estimate for Housing Revenue Account services in respect of 2008/09 as outlined in Appendix B to the report, be approved; and
- (2) the base budget revenue estimate for Housing Revenue Account services in respect of 2009/10 as outlined in Appendix B to the report, also be approved.

(The Portfolio Holder for this item was Councillor Mrs Grainger)
(Forward Plan ref 120)

EXECUTIVE MINUTES (Continued)

636. POTENTIAL RECREATION OF THE MERE AT KENILWORTH CASTLE

The Executive considered a report from Economic Development and Regeneration which sought approval for the progress of a scheme involving the recreation of the Mere at Kenilworth Castle. The methodology that would be followed through project management, proposed feasibility stages of the project and the proposed reporting stages.

The project could potentially have a significant positive impact on the economic development and regeneration of the district and had wider implications for the sub-region. The objectives to progress the project would be designed to deliver additional visitor numbers, and relate to specific economic development and regeneration outcomes. It was anticipated that the project to recreate the Mere at Kenilworth Castle would bring significantly increase tourist visitors to the area which would have a positive impact on the local economy and the vitality and viability of Kenilworth town centre.

The delivery of the project would depend on the findings of two large feasibility studies which AWM had indicated informally that they may be prepared to provide funding. In the event that Advantage West Midlands (AWM) were unable to provide the funding the project would not progress. The project would also be dependant upon the cooperation of a number of land owners.

It was proposed that the project should be progressed within the framework of a members working group which would consider the findings of the project team and feed recommendations to the Project Board on the Council's behalf.

RESOLVED that

- (1) the recreation of the Mere at Kenilworth Castle scheme be approved;
- (2) officers seek funding for the feasibility studies from Advantage West Midlands (AWM), other appropriate sources of funding and formally approach the relevant land owners and agencies to gain their support and involvement;
- (3) a report be brought back to the Executive when the results of the feasibility work (both stage one and stage two); and
- (4) the establishment of a member steering group to oversee the delivery of the scheme, within the project management and the Kenilworth town centre management partnership structure, be approved.

(The Portfolio Holder for this item was Councillor Hammon)
(Forward Plan Ref 148)

EXECUTIVE MINUTES (Continued)

637. PROPOSED STRATEGY FOR THE DEVELOPMENT OF WARWICK TOWN CENTRE

The Executive considered a report from Economic Development and Regeneration which set out the opportunity for Warwick District Council to take a leadership role in establishing a partnership approach to the economic development and regeneration of Warwick town centre.

A number of strategic sites within the town centre were in public ownership; the development of those and other sites coupled with environmental improvements in the public realm would significantly increase the vitality and viability of the town centre. Failure to work in partnership to create a strategic framework could mean that the opportunity for the enhancement of the town centre could be diluted or lost.

Through the adoption of a comprehensive programme of projects, Warwick District Council would take a proactive leadership role in the economic development and regeneration of Warwick town centre.

Through a strategic partnership, the Council could ensure that the appropriate stakeholders be represented and that land assembly issues be managed proactively and effectively.

Through the development of a strategic framework the District Council could also ensure that sustainable and appropriate town centre development is identified for the appropriate sites, that there was a clear plan for environmental improvements in the public realm and that key attractions (e.g. Warwick Castle, the racecourse, etc.) be linked, accessible to pedestrians and integrated.

The Kenilworth Member working group, which brought forward the development of Kenilworth town centre, was an effective mechanism for bringing forward town centre development. It was considered that a similar Member group would be beneficial to the delivery of the programme of projects proposed for the town centre of Warwick.

Since the publication of the agenda, the first bullet point within the recommendations within the report had been revised to include that Warwick Town Council, Warwickshire County Council and other partners be presented with the proposals to seek their support to progress the initiative.

The Overview and Scrutiny Committee supported the recommendations in the report and recommended that the consultation model used for the development in Kenilworth be applied to this scheme. The Executive noted the comments of the Overview and Scrutiny Committee which were integrated with the revised recommendation.

RESOLVED that

- (1) a strategic partnership with key stakeholders who have an interest in the redevelopment of Warwick town centre be established and present the proposals, set out in the report, to Warwick Town

EXECUTIVE MINUTES (Continued)

Council, Warwickshire County Council, other partners and seek their support to progress the initiative; and

- (2) a Member working group be established, similar to the Kenilworth Member working group which over saw development in Kenilworth town centre; and
- (3) a strategic framework and comprehensive programme of projects to bring forward development opportunities to enhance the vitality and viability of Warwick town centre, be developed.

(The Portfolio Holder for this item was Councillor Hammon)
(Forward Plan Ref 149)

638. FUTURE SUB-REGIONAL STRATEGY DEVELOPMENT

The Executive considered a report from the Corporate Management Team which highlighted the increasing importance of sub-regional working to ensure effective strategy development and delivery for the emerging planning, economic development, skills, transport and housing agendas.

The report sought to endorse the current work seeking a re-alignment of existing housing market area boundaries and Advantage West Midlands (AWM) operational area boundaries to mirror the sub-regional boundary and approve a draft Action Plan to develop sub-regional strategic development.

The 8 local authorities in the CSW sub-region (Coventry City Council, Solihull Borough Council, Warwickshire County Council and the 5 Warwickshire district/borough councils) had been developing closer working relationships over a number of years on a range of related strategic issues. The sub-regional approach was a good fit with emerging regional policy development, driven by the central government Review of Sub-National Economic Development and Regeneration (SNR).

A joint sub-regional spatial strategy had been agreed and had now been incorporated within the draft West Midland Regional Spatial Strategy (RSS). The sub-regional approach was designed to manage the predicted levels of housing growth across the whole sub-region which served to even out the high levels of growth that could otherwise be anticipated in the south and east of the sub-region including Warwick district. Continuing with the sub-regional approach, it was considered to be the most effective means of protecting the district from a level of housing growth potentially significantly higher than that proposed in the draft RSS.

An Action Plan which set out how sub-regional joint working could strengthen further and developed had been created by the CSW Chief Executive Group and was attached at Appendix Two to the report.

EXECUTIVE MINUTES (Continued)

The CSW Executive Group, chaired this year by Warwick District Council's Chief Executive, had written to the Government Office of the West Midlands (GOWM) and the Regional Director of English Partnerships to explore the possibility of the creation of a proposed new housing market area coterminous with the CSW sub-region boundary, to overcome the current mismatch of sub-regional boundaries. A copy of one of the letters was attached at Appendix One to the report. However, until any future re-alignment of boundaries, Warwick District Council would continue to actively participate in the housing market area of which it was currently a member.

The Regional Forum of Leader's (RFL) had recently merged with the West Midlands Local Government Association to create an organisation to provide a single and strong voice for local government. The new RFL had agreed to set up a smaller group of its members to work with colleagues from AWM. That body would be known as the Joint Strategic Investment Board (JSIB), and would be responsible for the development and delivery of a Single Integrated Regional Strategy (SIRS).

It was therefore crucial that the CSW sub-region was able to effectively influence the development of the SIRS in a way that reflects the needs of all 8 authorities within the CSW sub-region.

RESOLVED that

- (1) the current moves to explore the potential to create a new housing market area, coterminous with the boundary of the Coventry, Solihull and Warwickshire (CSW) sub-region and for re-alignment of AWM operational area structures on the same basis, be endorsed and the letters sent to English Partnerships, the Government Office for the West Midlands and AWM to that effect, as set out at Appendix One to the report, be noted;
- (2) the success of the Coventry, Solihull and Warwickshire Partnership (CSWP), in securing £100,000 of funding from AWM to conduct research into mechanisms for forward funding infrastructure provision in the sub-region, be noted;
- (3) that the CSWP agreed to commit £50,000 of its own funding towards research on the transport infrastructure needed to inform the development of Core Strategies by the 8 local authorities within the sub-region, be noted;
- (4) the use of existing sub-regional structures to develop the strategy for implementing the housing growth proposed within the Regional Spatial Strategy (RSS), be endorsed;

EXECUTIVE MINUTES (Continued)

- (5) the draft Action Plan, attached at Appendix Two to the report, be approved and responsibility be delegated to the Corporate Management Team to agree a final version with the Coventry, Solihull and Warwickshire Association of Chief Executives group for presentation to the Public Service Board;
- (6) the merger of the Regional Forum of Leader's (RFL) and the West Midlands Local Government Association to create a new RFL with a membership that included the Leaders of all councils in the region including our own, be noted; and
- (7) the establishment of a Joint Strategy and Investment Board, which would include members of the RFL, as set out at Appendix Three to the report, be noted. The Board would develop and deliver a Single Integrated Regional Strategy.

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

639. LOCAL DEVELOPMENT SCHEME REVIEW

The Executive considered a report from Planning which stated that the Council was required to prepare, and regularly review, a Local Development Scheme (LDS).

The report set out the project plan which outlined what planning policy documents the Council intended to prepare. The Council also approved its current LDS in December 2007 and was brought into effect in January 2008 following its submission to the Secretary of State.

The report sought approval for a number of changes to the timescales within the Council's current Local Development Scheme in light of changes to the development plan regulations, and progress that the Council had made during 2008 in its programme of plan preparation.

There were two factors that had resulted in the requirement to amend the timetable for the Core Strategy. Firstly, progress towards the preferred options consultation which was programmed to take place in January 2009 had been delayed.

Alongside the increasing burden of annual monitoring returns to the region and the introduction of additional work areas, such as the Station Area brief, progress on the evidence base required to support the Core Strategy had been delayed.

EXECUTIVE MINUTES (Continued)

The main implications of the changes on the Core Strategy timetable were:

- the requirement to undertake a 'preferred options' consultation has been removed, although community engagement in the production of the Core Strategy must be undertaken in accordance with the Council's Statement of Community Involvement;
- there was a new requirement to publish the Core Strategy and consult on this document for a period of at least six weeks, prior to formally submitting the document to the Secretary of State; and,
- the timetable following submission of the Core Strategy to the Examination (Hearing as it is now referred to) and eventual adoption has been speeded up and should be completed within eight months

The changes needed to be reflected within a revised LDS. However, notwithstanding the Government's removal of the preferred options consultation stage, it was considered both necessary and important that further consultation be undertaken by the Council on options prior to publishing the Core Strategy. Stakeholders and the public were expecting further consultation and the process would help to ensure a more robust Strategy is produced by the Council. The nature of the consultation may, however, be amended to be less formal than previous exercises and be more tailored to what was required at this stage. Officers would give further consideration to this and report in due course, with the intention that this consultation is undertaken during the early part of 2009. The revised timetable was set out at appendix one to the report.

RESOLVED that

- (1) the changes to the current Local Development Scheme attached at Appendix One to the report for submission to the Secretary of State, be approved;
- (2) the Local Development Scheme has effect from the date the Secretary of State notifies the Council that he does not intend to direct the authority to amend the Scheme, be approved; and
- (3) authority be given to the Head of Planning in consultation with the Development Portfolio Holder to agree any further minor amendments to the presentation of the Local Development Scheme prior to, or after submitting it to, the Secretary of State.

(The Portfolio Holder for this item was Councillor Hammon)

640. ANNUAL MONITORING REPORT

The Executive considered a report from Planning which explained that local authorities were required to submit an Annual Monitoring Report (AMR) to the Secretary of State by the end of December each year. The AMR is part of the Local Development Framework and its purpose was to monitor the Council's progress on the preparation of planning documents as well as to monitor the

EXECUTIVE MINUTES (Continued)

implementation of planning policies. Another important role of the AMR was to track progress in relation to a set of national, regional and local targets and indicators. Appendix one to the report set out the key findings.

RESOLVED that the Annual Monitoring Report, as set out at appendix one to the report, be approved for submission to the Secretary of State.

(The Portfolio Holder for this item was Councillor Hammon)

641. **SUPPLEMENTARY PLANNING DOCUMENT ON SUSTAINABLE BUILDINGS**

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

The Council had set out its commitment to prepare a Supplementary Planning Document (SPD) on Sustainable Buildings in the Local Development Scheme where it was scheduled for adoption in December 2008. The SPD expands upon policies DP11 (Drainage), DP12 (Energy Efficiency) and DP13 (Renewable Energy Developments) of the Warwick District Local Plan 1996 – 2011 by setting out the Council's approach to ensuring the use of renewable energy, energy efficiency and water conservation measures in new development.

The Draft Sustainable Buildings SPD and Background Documents were approved by the Executive on the 16 July 2008 for public consultation. A six week period of public consultation was carried out between the 29 August 2008 and 10 October 2008.

A total of 24 respondents made comments over the six week period. The revised version of the SPD which included the changes made as a result of the consultation exercise was attached at Appendix One to the report. A summary of the representations, together with a response and, where appropriate, proposed changes were set out in Appendix Two to the report. In addition a number of other changes to the structure and wording were made to the SPD to reflect internal consultation, updated and additional policy guidance and to address any typographical errors.

The Council was required to produce a number of background documents to support the SPD which were identical to those provided with the draft version and were available on the Council website.

In accordance with the Local Development regulations a full Sustainability Appraisal was prepared with the Draft SPD and was revisited following the consultation exercise and the non technical summary along with the other background documents. It was also attached at Appendix Three to the report and the full Sustainability Appraisal was also available on Council website.

EXECUTIVE MINUTES (Continued)

RESOLVED that

- (1) the Sustainable Buildings Supplementary Planning Document attached at Appendix One to the report be adopted by the Council for use in decision making for development control purposes; and
- (2) update the planning validation checklist be updated for applicants to include the requirement to submit a Sustainable Buildings Statement with planning applications.

(The Portfolio Holder for this item was Councillor Hammon)
(Forward Plan Ref 117)

642. CONSULTATION DRAFT SUPPLEMENTARY PLANNING DOCUMENT ON OPEN SPACE

The Executive considered a report from Planning which sought approval to place the Draft Supplementary Planning Document (SPD) on Open Space on public consultation.

The draft SPD (attached at Appendix One to the report) set out the Council's approach to enhancing and providing open space across the District from new developments in accordance with policy SC13 in the Warwick District Local Plan (1996-2011).

The Council had committed itself to preparing a Supplementary Planning Document (SPD) on Open Space in the current Local Development Scheme (LDS) and within the supporting text to policy SC13 of the Local Plan.

The Draft SPD had been prepared to give further guidance to developers on the requirements for open space contributions from new residential and commercial developments. It established a framework to improve the delivery and creation of new open spaces or, where appropriate as an alternative, seek financial contributions to make qualitative improvements to existing open space within the District.

Supplementary Planning Documents could be used to expand upon existing policy or policies within Development Plan Documents. They must therefore conform and be consistent with the existing policy. The SPD expanded upon policy SC13 (Open Space and Recreation Improvements) of the Warwick District Local Plan (1996 to 2011).

Policies SC5 (Protecting Open Spaces) and SC13 (Open Space and Recreation Improvements) provided a strong basis to protect existing open spaces and to require developer contributions towards meeting the requirements for open space as a result of new development. However, further guidance was needed on the implementation of the policies, particularly policy SC13 in terms of the level and nature of developer contributions. Issues addressed by the SPD included:

- providing appropriate protection for existing open space;

EXECUTIVE MINUTES (Continued)

- setting appropriate standards for new open space provision within or associated with new developments having regard to the findings of the Parks and Open Spaces Audit 2008;
- setting minimum standard thresholds for the calculation of new open space provision on site;
- providing guidance for dealing with circumstances when on-site provision was not appropriate; and
- providing guidance on management and maintenance issues.

The Overview and Scrutiny Committee supported the recommendations in the report, and requested that the Head of Planning investigated the possibility of including allotment provision within the draft SPD, and how the practical issues in relation to this could be addressed. The Committee also wanted assurances that existing allotments would be secured and protected. The Overview and Scrutiny Committee also recommended that the Play Policy was considered in greater detail within the Policy. The Executive noted the comments and asked the Head of Planning was asked to look at more allotment provision when undertaking the consultation and report on in due course.

RESOLVED that

- (1) the Draft Open Space Supplementary Planning Document (SPD) attached at Appendix A to the report be approved as a basis for public consultation; and
- (2) the Head of Planning investigate more allotment provision and report back the Executive in due course.

(The Portfolio Holders for this item were Councillors Hammon and White)
(Forward Plan ref 116)

643. HOUSING AND PLANNING DELIVERY GRANT AWARD

The Executive considered a report from the Head of Planning which set out the award of Housing and Planning Delivery Grant (HPDG/PDG) from Government for this year and the manner in which it was proposed to be allocated.

The allocation of the grant as proposed would enable the continuation of planning staff posts originally created as a result of earlier PDG funding. The posts were subsequently incorporated into the establishment and provided for in future years from normal revenue budgets in case of cessation of the PDG system. Now that a further award had been made, it was possible to undertake HPDG funding of those posts again, thus creating a total saving of £153,000 from revenue budgets in 08/09 and 09/10.

At the same time, it would be necessary to look to continued efficiency of operation and the allocation be proposed subject to examination of the prospect of the potential for savings being made in the delivery of the Development Control Service. A further report on this would be submitted in due course.

EXECUTIVE MINUTES (Continued)

RESOLVED that

- (1) the award of £271,683 HPDG for 08/09, be noted;
- (2) the use of HPDG primarily to free up savings on established planning posts, be approved;
- (3) the allocation as set out in appendix A to the report, be approved, subject to a review of continuing Development Control staffing and admin support costs, and
- (4) the Executive receive a further report in the event that savings could be delivered.

(The Portfolio Holder for this item was Councillor Hammon)
(Forward Plan Ref 151)

644. COUNCIL MEETING AGENDA FORMAT

The Executive considered a report from Members' Services which outlined proposals to change the format of Council agendas in an attempt improve the relevance of meetings.

The format of agendas for Council meetings had remained unchanged for many years although some procedural changes affecting Council meetings were made when the new Executive/Overview and Scrutiny arrangements were introduced. The report

The Council meetings tended to be dominated by the approval process of a raft of minutes of committee meetings. In the vast majority of cases, the decisions were delegated and so the Council was not able to change most decisions nor does it often prompt debates about any other than the most contentious of items. Invariably this meant that issues generated from outside committee reports such as, petitions or presentations, were rarely debated nor did they inspire community interest in the Council as a body; this was demonstrated by the frequent absence of any member of the public attending.

However, the situation exists at a time when councils were being called upon to be more responsive to a wide variety of issues on behalf of the communities they represent and to act as community leaders. In an effort to help make the Council meetings more relevant a number of changes were proposed so that, by reducing the amount of items being included but which were not discussed, it should provide additional time for discussing items such as Notices of Motions, petitions, and any items which had been referred to the meeting under the call-in procedure as well as the opportunity for questions to Portfolio Holders. This would accord with a general and national approach of making councils more responsive to the issues faced by local communities rather than being dominated by the process of approving minutes of meetings already held and concluded. It was also reported that there would be minor benefit of reducing printing costs.

EXECUTIVE MINUTES (Continued)

The Overview and Scrutiny Committee supported the recommendations in the report which was noted by the Executive.

RECOMMENDED that the amendments to the Council Procedure Rules, as contained in the Constitution, regarding the business considered at Council meetings, be approved for a trial period of 3 months to include the February and April 2009 Council meetings.

(The Portfolio Holder for this item was Councillor Doody)

645. FEES FOR SEX SHOP LICENCES

The Executive considered a report from Members' Services which provided background information regarding the proposed fee for sex shop licences. At the meeting of the Executive on 15 October 2008, consideration was given to the fees and charges to be introduced in April 2009. Approval of the proposed fee for applications for sex shop licences was deferred pending a further report regarding the reasons for recommending the introduction of a fee of £2000.

The requirement under statute was that licence fees should be sufficient to cover the costs of the Council in administering the licensing function.

It was considered that the current fee of £795 needed to be increased to cover the costs of enforcement, any covert operations and possible prosecution. The processing of sex shop applications was time consuming and it was anticipated that any applications would almost certainly result in representations being received. It would result in a hearing being arranged before the Council's Regulatory Committee, resulting in more additional administration and officer time.

Non-compliance with the terms of licences issued may result in a prosecution which would also be costly. However, after taking this into consideration, the Council was only permitted to set a reasonable fee.

Legislation did not define what reasonable meant but there must be provision for eventualities such as the costs of processing applications, compliance and enforcement activities and, if necessary, the preparation of a case for prosecution and the actual prosecution.

Although the proposed fee of £2000 was less than charged by neighbouring authorities, it was believed that the proposal was both reasonable and fair. At the same time it was not of such a high level that it would deter applications, which was something that should be avoided in the interest of natural justice.

Authorities, whilst being mindful of fees set by neighbouring authorities, must still be seen to set reasonable fees. There were many instances where neighbouring authorities charged different fees for their licensing services. It would be necessary for each authority to justify the level of their fees if challenged.

EXECUTIVE MINUTES (Continued)

Central government could set a uniform fee for licence applications but had chosen not to do so. The reason for this was that latitude was given to each authority to assess the correct fee taking into account its own individual circumstances, including costs. If the fee charged by this Council were challenged, there would be a need to justify the level of the fee. It was possible to justify the proposed £2000 fee but, potentially, there could be difficulties in doing so for a higher fee.

The Council had not as yet issued any sex shop licence and so there was little background information to assess accurately the costs involved or to substantiate a larger increase in the fee. The proposed fee of £2000 was considered though to be a reasonable estimate but the position would be closely monitored so that the fee could be reviewed after twelve months and proposals brought forward if it was felt that it was insufficient.

The Overview and Scrutiny Committee did not support the recommendations in the report and recommended that the fee was set at £3500 for 2009/10 and that officers inspected sex shops on a quarterly basis and this fee would cover the costs of those inspections.

The Executive noted the comments of the Overview and Scrutiny Committee and agreed to defer the item so that the Assistant Chief Executive (Members' Services) could reconsider the proposed inspection regime, and the impact that this would have on the fee.

RESOLVED that the item be deferred so that officers could reconsider the proposed inspection regime as put forward by the Overview and Scrutiny Committee, and the impact that it would have on the fee for a sex shop licence.

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

646. EMPLOYMENT SAVINGS

The Executive considered a report from Organisational Development and Performance Improvement detailed the outcome which the HR department and the Portfolio Holder for Human Resources investigated into the potential savings to be made on recruitment advertising and the employment of temporary staff within the Council.

A review of temporary staffing arrangements was undertaken by the Procurement Officer and the arrangements for recruitment advertising were reviewed by the HR service. The outcome of the investigation into the issues of recruitment advertising handled by the Printroom and the engagement of a third party vendor neutral supplier (Comensura) to handle temporary agency staff. The combined savings from these two initiatives were expected to approach £100,000 in a full year.

EXECUTIVE MINUTES (Continued)

The move to use the Printroom for recruitment advertising commenced in April 2008 and therefore a full year out turn would be known by March 2009; further savings initiatives were to be introduced in the remaining months to the end of the year. The temporary agency staffing project would commence in January 2009 and it was anticipated to produce £40,000 savings from the use of a third party vendor neutral supplier. It was also anticipated that the greater management control of the use of temporary agency staff would lead to further savings of up to £100,000 per annum.

The Audit & Resources Scrutiny Committee commended the report and supported the recommendations in the report which was noted by the Executive.

RESOLVED that

- (1) the work undertaken by the HR department and the Portfolio Holder for Human Resources, be endorsed;
- (2) the reduction of the Recruitment Advertising budget by £10,000 from 2009/10, be approved; and
- (3) the use of Comensura in the management of temporary agency staff, be approved.

(The Portfolio Holder for this item was Councillor Shilton)

647. ONE STOP SHOP LILLINGTON

The Executive considered a report from the Head of Revenues and Customer Services which recommended the appointment of Paragon Interiors Limited to undertake refurbishment works at Lillington Library and so maintain the feel which had been developed at the Kenilworth and Whitnash One Stop Shops (OSS).

The Executive of 15 September 2004 resolved that the OSS initiative should begin with a pilot at three locations. Kenilworth and Whitnash OSS's had been successfully completed. Therefore the final site at Lillington Library would complete the pilot phase.

The District and County Council agreed that it should be the District who would enter into any contracts on behalf of the partners. Despite the programme being described as a pilot, the concept had proven so popular that OSS's had developed throughout the county, and at Shire Hall, Warwick a brand new facility had been created.

Lillington OSS would be an exceptional community facility with District Council, County Council, Health, Credit Union, CAB and voluntary partners creating a real community hub. Positioned next door to the Children's Centre, Lillington residents would be able to access a myriad of services from a single location.

EXECUTIVE MINUTES (Continued)

To enable a OSS to be developed refurbishment work was required and it was recommended that Paragon Interiors Limited be asked to undertake the work.

The council's Code of Contract Practice permits Senior Managers to dispense with usual contract procedure and not seek tenders, "where there was some...genuine and valid reason why competitive tenders should not be sought." (2.7(c) refers).

Lillington OSS would be part of the Warwickshire Direct programme and therefore to maintain the look and feel of the brand it was recommended that Paragon be allowed to continue their work without going through the usual tender exercise. Officers believed Paragon was providing value for money and understood the business needs and requirements of the District and County Councils. Paragon had confirmed that its quote was based on the rate it used for the other projects.

RESOLVED that the appointment of Paragon Interiors Limited to undertake refurbishment works at Lillington Library as part of the Joint One Stop Shop (OSS) programme without undertaking a tender exercise as allowed by 2.7(c) of the council's Code of Contract Practice, be approved.

(The Portfolio Holder for this item was Councillor Caborn)

648. 2008/2009 SECOND QUARTER PERFORMANCE RESULTS

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

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

As in previous quarters, a report relating to each Portfolio had been prepared and arranged to enable the Overview and Scrutiny Committee to hold portfolio holders to account for the performance of services within their portfolio area. The information in section 8 of the report contained full exception, mitigation and correction actions.

When examining performance results for any given area the following points should be considered with relation to the results achieved and used to evaluate the appropriateness of any corrective action proposed: result against target; and result compared to previous results - trend over time.

EXECUTIVE MINUTES (Continued)

RESOLVED that

- (1) the performance in relation to each of the seven portfolios for the period July 2008 to September 2008, be noted as detailed within the summary information within the report; and
- (2) mitigation and corrective actions where results had fallen beyond 10% off target, be noted and approved as detailed within the report.

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

649. RISK REGISTER

The Executive considered a report from the Strategic Director for Living, Lifestyles and Resources which set out the latest update of the Corporate Risk Register for those items that scored 12 or more.

The Executive had an overall responsibility for managing the activities of the Council, and a key element of this was the management of risk.

The June 2005 Executive considered a report on Risk Management and asked for all items which scored 12 or above on the Corporate Risk Register, to be monitored and reported to the Executive on a quarterly basis. The Audit and Resources Overview and Scrutiny Committee suggested some refinements to the register which now included a timescale for the further actions required to bring the risk back to an acceptable level. As this was the first summary report under the new Corporate Strategy, for this time only it had not been possible to identify changes to the last summary report.

The corporate risk register considered all risks to the Councils operations, key priorities, and major projects. Individual services also had their own risk register which helped inform the process.

The register was last reviewed by Corporate Management Team (CMT) on 11 November 2008. The register was reviewed in full on a quarterly basis. The full register was reported to the July 2008 Executive, with the Risk Management Progress report.

CMT specifically considered significant partnership risks at every review of the corporate risk register and considered that there were currently two major partnerships where there was significant financial and business links to the Council. They were the Crime and Disorder partnership and South Warwickshire Tourism. As a matter of good practice these organisations had now been asked for their own risk registers, so that these were also reviewed on a more formal basis by the Council. It was understood that both these organisations were actively developing a risk register.

The Audit & Resources Scrutiny Committee supported the recommendations in the report which was noted by the Executive.

EXECUTIVE MINUTES (Continued)

RESOLVED that the Corporate Risk Register for those items scoring 12 and above which were attached at Appendix 1 to the report be noted.

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

650. SOUTH WEST WARWICK (CHASE MEADOW) AND WARWICK GATES COMMUNITY HALLS

The Executive considered a report from the Strategic Director for Living, Lifestyles and Resources which updated members on the prospects for a community hall in South West Warwick (Chase Meadow) .

The report proposed that there should be negotiation with a view to reducing the ongoing support to the Warwick Gates facility that received about £24,000 per year, and that funding released was transferred to the new South West Warwick facility. The report also recommended that there was a written agreement with the Church running the Warwick Gates facility to guarantee community benefits.

The Council was bound by previous planning agreements to facilitate the development of a community facility at South West Warwick, and in the current climate of budget reductions had no additional resources. There was also the need to consider equity between supported community centres.

The Strategic Director for Living, Lifestyles and Resources welcomed offers from Councillors Caborn, Malcolm Doody and Mrs Mellor to assist in the negotiations with the Warwick Gates Community Hall.

RESOLVED that

- (1) Officers along with Councillors Caborn, Malcolm Doody and Mrs Mellor, enter into negotiations with the Warwick Gates Community Centre with a view to reducing their current annual support as discussed in paragraph 7.15 of the report, in order to provide support to the new centre at South West Warwick;
- (2) the negotiation with Warwick Gates should also conclude in a written agreement setting out the community access to the community facility; and
- (3) a further report be presented to the Executive on the outcome of the negotiations.

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

EXECUTIVE MINUTES (Continued)

651. FREEDOM OF INFORMATION ACT – NEW PUBLICATION SCHEME

The Executive considered a report from Legal Services which explained that all existing publication schemes under the Freedom of Information Act expire on 31 December 2008, and authorities were required to adopt a new scheme by 1 January 2009.

The Office of the Information Commissioner had published a model scheme, which councils were encouraged to adopt. Any scheme other than the model scheme required approval by the Information Commissioner.

In addition to a publication scheme, each authority was required to produce a “Guide to information which can be readily accessed”. This was expected to be in line with a definition document prepared by the commissioner’s office setting out the categories of information which were expected to be available.

To assist public bodies in the production of new publication schemes, the Information Commissioner had produced model schemes. A body which adopts the model scheme did not require to have the scheme approved by the Commissioner. However, any variation from the model would result in the need for the scheme to be approved. A proposed publication scheme for Warwick District Council, based on the model, was set out at Appendix A to the report

RESOLVED that

- (1) the Freedom of Information Publication Scheme set out at Appendix A to the report, be adopted with effect from 1 January 2009;
- (2) the existing publication scheme be treated as the Guide to information which can be readily accessed until a new guide, which accords with the “Definition Document for the Model Publication Scheme for Principal Local Authorities”, has been produced; and
- (3) the Assistant Chief Executive (Members’ Services) be given delegated authority, in consultation with the Portfolio Holder for Legal & Documentation, to produce a revised “Guide to information which can be readily accessed” no later than 31 March 2009.

(The Portfolio Holder for this item was Councillor Kirton)

652. HORSE FAIR, KENILWORTH

The Executive considered a report from the Chief Executive which set out a proposed policy for dealing with an application to hold a Horse Fair on Thickthorn, Kenilworth under the Warwick Market Charter.

EXECUTIVE MINUTES (Continued)

This followed the impact on the local community of a combined Horse Fair and Traveller Christian event in July and a subsequent Horse Fair in September 2008. The policy sought to set out the parameters for agreeing to grant an application in the light of previous events this year.

In July 2008, a Horse Fair was held on land adjacent to Thickthorn traffic island, on the outskirts of Kenilworth. There had been 8 events held previously but on this occasion it was followed immediately by a Traveller Christian event arranged at the last minute which lasted for a week. The consequence of this dual and longer event was that there were a large number of people from the Traveller community in and around Kenilworth for a significant period of time. During this time there was an illegal occupation of Abbey Fields and a number of other incidents were reported. A number of people and local Councillors felt exposed and that neither the Police nor the Local Authorities had adequately prepared nor responded appropriately.

Meetings were arranged involving Councillors from the Town, District and County Councils, Council Officers, the Police and staff from other agencies to assess what had happened, what could be learned and to prepare in advance of another Horse Fair planned for late September 2008. As part of those preparations it was agreed that as the site fell within the area of the Warwick Market Charter, that it offered the possibility of exercising some control. This was established by translating the Latin version of the Charter. Subsequently, the landowner was invited to make an application to hold a Horse Fair under certain conditions. Approval was granted under the delegated authority of the Head of Legal Services.

The event in late September passed very largely without incident. However, the Police had significantly increased its staffing presence to both reassure the local community and to offset the possibility of any incidents. This resulted in a cost to the Police Authority in the same way as other events represent a cost to the council taxpayer. Following that event, another meeting of Councillors, officers and the Police was held to learn further lessons in October. The consensus of that meeting was that the following policy should be adopted:

That an application to hold a Horse Fair at Thickthorn, Kenilworth should only be approved if:

1. No vehicles or caravans are parked within 20 metres of Thickthorn Close/Jordan Close and other houses to the North West;
2. Parking is provided on site and if required the evening before the Fair is held;
3. The site within which the Fair is to be held is defined on a map beforehand;
4. The date for the Fair is agreed beforehand but in any case shall not be 14 days before or after any other event on the site. The Council will agree at a maximum of only one event at a time and shall review this policy after each event in order to make sure of its continued relevance;
5. The landowner agrees to make the financial contributions equivalent to that which the statutory bodies incur in managing the event both on and off site;
6. There should be adequate sanitary facilities provided on site. The landowner should also make prior paid arrangement with the Council to dispose of any waste or litter on site or should provide documentary

EXECUTIVE MINUTES (Continued)

evidence that an alternative contractor is in place to carry out the same work;

7. The spacing standards of caravans and vehicles necessary to allow the Fire and Rescue Service appropriate access;
8. The landowner has public liability insurance in place for the event; and
9. A Health and Safety Assessment is undertaken and appropriate mitigating measures are put in place as agreed with the Environmental Health officers.

Any application should be submitted at least two months before the date of the planned event. Details requested above including of the health and safety assessment; siting of noisy equipment; standards for toilets; insurance provision must be submitted and agreed at least one month before the event, otherwise the event should not take place. There should be no publicity for any event prior to its approval by this Council.

The landowner should be informed if the policy was agreed so that if another event was planned he would have adequate time to discuss matters with the relevant authorities and to prepare an application for consideration.

Councillor Doody congratulated Councillor Coker and officers and also the Chief Executive for their hard work on this item.

RESOLVED that

- (1) the policy for considering granting an application under the Warwick Market Charter for a Horse Fair at Thickthorn, Kenilworth as set out at Paragraph 3.4 of the report, be agreed;
- (2) the landowner (of the land at Thickthorn) be informed of the policy and be invited to make an application under the Warwick Market Charter should another Horse Fair planned to be held on that site; and
- (3) the expenditure agreed by the Chief Executive under emergency powers totalling £3,375 funded from the contingency budget, be noted.

(The Portfolio Holders for this item were Councillors Mrs Bunker, Mrs Grainger, Hammon and Kinson)

653. OVERVIEW & SCRUTINY COMMITTEE AND AUDIT & RESOURCES SCRUTINY COMMITTEE – SCRUTINY WORK CURRENTLY BEING UNDERTAKEN

The Executive considered a report from Members' Services which informed the Executive on the scrutiny work being undertaken by the Overview and Scrutiny Committee and Audit and Resources Scrutiny Committee.

EXECUTIVE MINUTES (Continued)

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

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

The report detailed the work the Overview and Scrutiny Committee and the Audit and Resources Scrutiny Committee had completed on 14 October 2008 and the progress of their task and finish groups.

The Executive wished to express that they take on board the views of the scrutiny committees and consider them in great detail.

RESOLVED that the report be noted.

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

654. GENERAL REPORT

(A) RURAL INITIATIVES GRANTS

The Executive considered a report from Finance which gave details of an application for a Rural Initiative Grant. The Executive was asked to consider the level of funding it wished to grant in light of the merits of the scheme and the implications on the budget remaining for the financial year.

Whitnash Town Council had applied for a Rural Initiatives grant towards the replacement of the multi play equipment installed in Acre Close playing fields. The current play equipment dated from the 1970's and was both outdated and expensive to maintain. The equipment was heavily used by Whitnash and visiting children alike.

The cost of replacement was £9,408 exclusive of VAT and the Town Council was initially contributing £4,000 towards the cost and requesting a grant for the remainder which equated to £5,408 or 57.48% of the total cost. It was normal practice to limit grants to no more than 50% of the total costs unless exceptional circumstances exist when the grant could be raised to 75%. The Town Council's available cash and reserves at 31/3/08 stood at £93,380 and given that the gap in funding was only £704 it did not seem appropriate to consider that such exceptional circumstances exist and the Town Clerk had indicated that this shortfall would be met from the Council's funds.

Therefore, it was recommended that the Executive considered awarding a grant of 50% of the total cost excluding VAT subject to a maximum of £4,704.

EXECUTIVE MINUTES (Continued)

RESOLVED that the request for a grant under the Council's Rural Initiatives Scheme for Whitnash Town Council, be approved, subject to a grant of 50% of the total cost and subject to a maximum of £4,704.

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

(B) POLICING GREEN PAPER – ‘FROM THE NEIGHBORHOOD TO THE NATIONAL: POLICING OUR COMMUNITIES TOGETHER’

The Executive considered a report from Community Safety which outlined the key areas of the Policing Green Paper which was published on the 17 July 2008.

The Paper was available electronically via the Home Office website. The key issues for local authorities were detailed in section 7.5 of the report. A response to the consultation on the Green Paper was submitted to the Home Office on 10 October 2008 via the South Warwickshire Crime and Disorder reduction Partnership (CDRP), a copy of which was attached at appendix 1 to the report.

Members should be aware of the proposals for the future of policing contained within the Green Paper in preparation for future legislation which may impact upon the Council's involvement in tackling crime and disorder.

RESOLVED that the comments of South Warwickshire CDRP, be supported.

(The Portfolio Holder for this item was Councillor Mrs Bunker)
(Forward Plan Ref 133)

(C) PROTECTING CONSERVATION AREAS – ARTICLE 4 DIRECTION FOR NEW MILVERTON, LEAMINGTON SPA

The Executive considered a report from Planning which sought to provide additional protection to the conservation area in Royal Leamington Spa by removing permitted development rights from unlisted single dwellings in the New Milverton area.

Most single dwellings had permitted development rights to remove and replace windows, roof coverings and boundary treatments without the need for planning permission. Those rights could significantly alter the character of the conservation area.

The Town and Country Planning Act made provisions for removal of these rights by the making and service of an Article 4 (2) Direction thus requiring planning permission for the carrying out of these works. It should be noted that the Direction could only be applied to the front elevation of the single dwelling facing a highway, public open space or a waterway; it could not therefore be applied to the rear of dwellings.

EXECUTIVE MINUTES (Continued)

The report sought approval to formally make the Article 4 Direction and to serve notice on all properties affected by the proposed Direction to remove their permitted development rights in the New Milverton area of the conservation area. Householders would then have an opportunity to comment, prior to the matter being brought back to Executive to confirm or otherwise the Direction.

RESOLVED that

- (1) the Council formally make a Direction under Article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995 to remove permitted development rights for development specified in Article 4 (5) in respect of all unlisted single dwellings in New Milverton and serve notices under Article 4 (2) upon all owners and occupiers of affected properties, and publish notice in the local press;
- (2) an explanatory letter be sent with each Notice, inviting house holders to comment on the removal of the permitted development rights on their property; and
- (3) a report be brought back to Executive with the findings of the consultation and recommendations for the confirmation or otherwise of the Article 4 Direction.

(The Portfolio Holder for this item was Councillor Hammon)

(D) SUSTAINABLE COMMUNITIES ACT

The Executive considered a report from Organisational Development and Performance Improvement which set out proposals for the methodology to respond to the Sustainable Communities Act 2008.

The Sustainable Communities Act 2007 aimed to promote the sustainability of local communities. It began from the principle that local people knew best what needed to be done to promote the sustainability of their area, but that sometimes they needed central government to act to enable them to do so.

Its central purpose was to provide a channel for local people to ask central government to take action. Local Authorities were key bodies in the process. All proposals must be made by local authorities but had to be based on the views of local communities as proposed by local panel(s). Proposals must take account of the views of under-represented groups and should be made to the LGA who would prioritise the proposals and pass qualifying proposals onto the Secretary of State for consideration.

EXECUTIVE MINUTES (Continued)

The Secretary of State had issued the first invitation to local authorities to make proposals. The deadline for submitting proposals was 31 July 2009.

The proposed response to the Sustainable Communities Act would further enhance the Council's work to develop better customer insight and has the potential to feed in to the Sustainable Community Strategy Action Plan and supporting the work of the Local Strategic Partnership.

The Overview and Scrutiny Committee supported the recommendations in the report but would like Town and Parish Councils to be consulted, which the Executive noted.

RESOLVED that:

- (1) the Citizens' Panel be adopted as "the Panel" under the terms of the Sustainable Communities Act;
- (2) a series of focus groups drawn from the Citizens' Panel take place in February/March 2009 to discuss activities to "promote the sustainability of local communities";
- (3) based on the outcomes of the focus groups, a set of potential proposals be drawn up and the Citizens' Panel be consulted on these before July 2009;
- (4) the highest priority proposals be put forward to the LGA before 31 July 2009; and
- (5) the proposals for a Community Engagement Strategy take full account of the provisions of the Act and its regulations, including the requirement to consult effectively with under-represented groups and that as a result of this Strategy the process described above be reviewed.

(The Portfolio Holder for this item was Councillor Caborn)

(E) CHILDREN'S BOARD REPRESENTATION

The Executive considered a report from the Strategic Director for Living, Lifestyles and Resources which recommended that the Strategic Director (or successor post) with lead responsibility for Children agrees the Councils representation on the Children's Trust Board, (which is a statutory County-wide body charged with responsibility for the co-ordination of children's services across various agencies) in consultation with the Portfolio holder for Community.

EXECUTIVE MINUTES (Continued)

The Children's Trust Board had recently changed its constitution to allow members to represent their Councils on the Board, whereas previously it was reserved for officers. An officer advisor could accompany any member attending.

Councillor Shilton raised concern that the members on the Children's Board should undergo a CRB check. The Strategic Director for Living, Lifestyles and Resources would contact the Director of Children's Services at Warwickshire County Council to clarify if members put on the board should be CRB checked as this was not current practice.

RESOLVED that the Strategic Director (or successor post) with lead responsibility for Children agrees the Councils representation on the Children's Trust Board, in consultation with the Portfolio Holder for Community.

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

655. PUBLIC AND PRESS

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

Minute No.	Para. Nos.	Reason
656, 657 & 658	1	Information relating to an individual
658	2	Information which is likely to reveal the identity of an individual
657, 658 & 659	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

656. CLOSURE OF THE PROGRAMME OFFICE OF WARWICKSHIRE DIRECT PARTNERSHIP

The Executive considered a report from Revenues and Customer Services which detailed a recommendation from the Warwickshire Direct Partnership Programme Board that with effect from 31 March 2009, the Programme Office of Warwickshire Direct Partnership (WDP) be closed with two redundant posts.

EXECUTIVE MINUTES (Continued)

In November 2007, the Chancellor announced what had been recognised as a very poor three-year financial settlement for local government. The revenue support grant allocation was particularly difficult for shire districts and boroughs. As a result of the settlement and Central Government's desire to see council tax increases limited to below 5%, Service Area Managers had been tasked with putting forward significant financial savings to bridge the financial gap.

Given the background, WDP Steering Group (SG) examined whether the work currently undertaken by WDP Programme Office could be stopped. Having undertaken a thorough examination of the work of the Office and the aspirations for the Partnership, the SG considered that the work could be delivered in a different way and that the Office should be closed.

RESOLVED that subject to the agreement of the Employment Committee meeting on 15 December 2008, the Programme Office of WDP should close with effect from 31 March 2009 and that the two posts mentioned within the report be made redundant.

(The Portfolio Holder for this item was Councillor Caborn)

657. FUTURE OF NEWBOLD COMYN GOLF COURSE

The Executive considered a report from Cultural Services which outlined the current position with regard to the management of Newbold Comyn Golf Course, and the decisions which would need to be made within the next 15 months to secure the future management of the course.

The current golf professional's contract was due to expire in March 2010. The contract with Glendale, who maintain the course was due to expire in March 2013, with the opportunity to terminate the golf course maintenance element before this date if necessary. Members agreed in March 2008 to extend the current Golf Professionals contract to March 2010, but on the basis that there would be no further extension beyond that date.

The Golf Working Party had been considered options for the future of the course including visits to other local authority courses and discussions with officers from those Authorities. Information acquired from the discussions had been used in considering the options that the Council face and suggested a project board of officers be established to work with the Golf Working Party.

The time was fast approaching when decisions needed to be made on how the Council intended to approach the re-letting of the contract for management of the course. Indications were that 12-15 months was a realistic timescale to complete the process and comply with procurement timescales for a project of this scale.

EXECUTIVE MINUTES (Continued)

Feedback from colleagues at other authorities had highlighted the importance of using a robust project management approach to achieve the best outcome from the process. The report outlined how that could be achieved in Warwick District Council.

The Overview and Scrutiny Committee supported the recommendations in the report, which was noted by the Executive.

The Audit & Resources Scrutiny Committee supported the recommendations in the report, stressing the need to look at the Golf Course carefully as a procurement project, which was also noted by the Executive.

RESOLVED that

- (1) the proposed expenditure of £78,000 be financed as follows and as explained in detail in Paragraph 5.5 of the report:-
 - £25,000 in the current year from the 2008/09 contingency
 - £53,000 in 2009/10 from General Fund balances; and
- (2) approval be given for officers to select the most appropriate procurement process to achieve the best outcomes for the Authority whilst complying with European procurement requirements.

(The Portfolio Holder for this item was Councillor White)

658. LEGAL SERVICES

The Executive considered a report from the Strategic Director for Living, Lifestyles and Resources which advised them that the work on the full registration of the Councils Land assets had not been completed. Further resources were required to finish the project and set up one corporate asset register for the Council. It was estimated that a further nine months work would be required in order to complete the work.

The Council needed to get its records in order to protect its assets, and members needed to be confident that progress was being monitored.

The Audit & Resources Scrutiny Committee supported the recommendations in the report, which was noted by the Executive.

The Executive asked that a timescale be created. The Interim Head of Legal Services was aware of this and reported that this would be done early in 2009.

RESOLVED that

- (1) a sum of £17,000 be agreed from the 2008/09 contingency budget, and £30,500 in 2009/10 be financed from General Fund balances;

EXECUTIVE MINUTES (Continued)

- (2) the Head of Legal Services be asked to set up a monthly progress monitoring system to ensure early warning is given of any potential further delay; and
- (3) a further report be submitted to the February meeting of the Executive to consider the new regime for land charges fees and the extent to which any of the costs were properly chargeable to that function.

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

659. SPENCER YARD

The Executive considered a report from the Chief Executive and the Interim Strategic Director (Housing and Development) updating Members on the current situation of the Spencer Yard scheme since the previous report in October.

AWM had previously agreed to increase the level of grant funding for the scheme and to protect this additional investment had proposed a revision to the original schedule of land transfers.

Since the last meeting advice had been sought from KPMG to update their previous guidance on the potential Value Added Tax (VAT) and Stamp Duty Liability Tax (SDLT) liabilities arising from the revised land transfer proposals. This indicated there would be significant adverse VAT and SDLT liabilities for all parties so KPMG had also evaluated 2 alternative, officer proposed, options for restructuring the land transfers.

AWM had verbally indicated their 'in principle' acceptance of Option One and the Risk Register had been updated to take account of the new risk arising from this option.

The Audit & Resources Scrutiny Committee supported the recommendations in the report, noting the further costs as presented, which was noted by the Executive.

The revised recommendations which were circulated at the meeting were agreed as set out below.

RESOLVED that

- (1) the revision to the current land transfer proposals that would provide for the Council having an option to purchase the site of the former Loft Theatre from City Spirit Developments (CSD) were the latter not to meet the terms of their Development Agreement with the Council and commence the development of the Riverside Business Centre by a specified date, as set out in section 3.1.11. of the report, be approved, and the written consent for the proposed

EXECUTIVE MINUTES (Continued)

revision now received from Advantage West Midlands (AWM), be noted;

- (2) the additional revenue budget funding of up to £20,440 to cover the potential Stamp Duty Liability Tax that would be incurred by WDC as a result of being granted the option to purchase the Loft site under the revised land transfer arrangements, should it not be possible to secure additional funding from AWM to cover this potential additional cost, be approved;
- (3) the exchange of contracts for the purchase of the former United Reform Church (URC) with a deferred sale date of 31 March 2009, be approved;
- (4) additional revenue budget provision of £36,000 for 2008/09 to cover the cost of Stamp Duty Liability Tax that will be incurred on the URC purchase, be approved;
- (5) the appointment of Warwickshire County Council had been appointed as this Council's external legal supplier, be noted;
- (6) the Council's legal team, those representing the Loft Theatre Company Trustees (LTC) and CSD have received a joint briefing on the scheme and are now engaged in the detailed negotiations required to finalise the various legal agreements that are necessary for the scheme to progress, be noted;
- (7) the forward funding of architect and planning fees associated with the URC refurbishment be approved and that these sums would remain at risk until the AWM funding agreement is signed, be noted;
- (8) the bringing forward from 2009/10 to 2008/09 funding, provision previously approved, to cover the forward funding of specified architect and planning fees incurred by CSD in relation to the Riverside Business Centre, on a similar at risk basis, be approved;
- (9) the future tendering of the works contract for the refurbishment of the URC be approved and that despite previous advice to the contrary, the procurement of this work is not exempt from EU procurement legislation, be noted.

EXECUTIVE MINUTES (Continued)

- (10) the remaining procurement issues surrounding the project have been the subject of examination and review by officers, including the procurement specialist on our external legal team and the Procurement Manager, be noted;
- (11) although the value of the contracts previously awarded for professional services to procure architects and a development manager for the URC refurbishment are below the EU procurement threshold they had not been subject to a full competitive tender approach, be noted. The retrospective award of these contracts without a tender exercise being undertaken as provided by clause 2.7(c) of the Council's Code of Contract Practice, subject to written confirmation from AWM of their acceptance of these arrangements, be approved;
- (12) the delegated authority be approved at the October meeting be amended to provide for any issue, arising in relation to the progression of the scheme between Executive meetings, and requiring immediate action to be delegated to the Chief Executive, s151 Officer, Interim Head of Legal Services to exercise such actions as required, provided that they fall within the current budgetary and policy framework and provided that the Leader, Customer and Business Improvement Portfolio Holder and Development Portfolio Holder agree to such action and that the Procurement Manager is added to the list of officers set out above if any such delegated action requires a decision on a procurement issue, but only in regard to any such decisions, be approved;
- (13) further work is being undertaken on future project management arrangements for the operational, on-site, phases of the project and that proposals will be presented to the February meeting of the Executive, be noted.

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

(The meeting ended at 9.20pm)