

# EXECUTIVE

Minutes of the meeting held on Wednesday 2 March 2011 at the Town Hall, Royal Leamington Spa at 6.00 pm.

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

**ALSO PRESENT:** Councillor Barrott (Labour Group Observer), Councillor Boad (Liberal Democrat Group Observer), Councillor Gifford (Chair of Overview and Scrutiny Committee) and Councillor Mrs Knight (Chair of Finance and Audit Scrutiny Committee).

## 143. **DECLARATIONS OF INTEREST**

### Minute Number 148 - Child Poverty Strategy

Councillors Caborn, Michael Doody, Kirton and Shilton declared personal interests because they were Warwickshire County Councillors.

### Minute Number 150 – Kenilworth Public Service Centre

Councillors Coker, Mobbs and Shilton declared personal interests because they were Kenilworth Town Councillors.

### Minute Number 153 - Local Economy

Councillors Caborn, Michael Doody, Kirton and Shilton declared personal interests because they were Warwickshire County Councillors.

### Minute Number 158 - Coventry and Warwickshire Local Enterprise Partnership

Councillors Caborn, Michael Doody, Kirton and Shilton declared personal interests because they were Warwickshire County Councillors.

### Minute Number 162 – The Court House, Jury Street, Warwick

Councillor Mrs Grainger declared a personal interest because she was a Warwick Town Councillor.

### Minute Number 163 - Single ICT system for HR & Payroll

Councillors Caborn, Michael Doody, Kirton and Shilton declared personal interests because they were Warwickshire County Councillors.

### Minute Number 168 - Public Health White Papers – Warwick District Council's response

Councillors Caborn, Michael Doody, Kirton and Shilton declared personal interests because they were Warwickshire County Councillors.

## **EXECUTIVE MINUTES (Continued)**

### **144. MINUTES**

The minutes of the meeting held on 9 February 2011 were taken as read and signed by the Chairman as a correct record.

#### **PART 1**

(Items which a decision by Council is required)

### **145. TREASURY MANAGEMENT STRATEGY PLAN FOR 2011/12**

The Executive considered a report from Finance which detailed the strategy for 2011/12 that the Council would follow in carrying out its Treasury Management activities including the Annual Investment Strategy and Minimum Revenue Provision (MRP) Policy Statement.

This was a requirement first included in the 2009/10 report arising as a result of regulations changing MRP provision from a statutory basis of 4% of the Council's General Fund Capital Financing Requirement to one of statutory guidance. Further explanation was provided in appendix C to the report. Both the Annual Investment Strategy and the MRP Policy Statement would be approved by the Council in due course.

The original Treasury Management Code of Practice was adopted by the Council in 2003. This code of practice was revised during 2009 but unfortunately was not issued in time to be formally adopted by the Council when the 2010/11 Treasury Management Strategy report was presented in February 2010. There was now a requirement for it to be formally adopted by the Council.

There was no alternative option available because the approval of an annual Treasury Management Strategy was a requirement of the C.I.P.F.A. Treasury Management in the Public Services Code of Practice.

The Finance and Audit Scrutiny Committee supported the recommendations in the report and the Executive thanked the committee for their comments.

#### **RESOLVED** that:

- (1) the Treasury Management Strategy for 2011/12 as outlined in appendix B to the report, be approved; and
- (2) the changes to the various Treasury Management Practices as detailed in paragraph 1.5 of appendix B to the report, be approved.

#### **RECOMMENDED** that:

- (1) the 2011/12 Annual Investment Strategy in Appendix C to the report, including the change referred to in paragraph 2.2 of the report, in Sovereign Rating from AAA to at least equal that of the United Kingdom at the point at

## **EXECUTIVE MINUTES (Continued)**

which the investment was taken out, be approved;

- (2) the increase in counterparty limits as detailed in paragraphs 6.3 (a) & (b) of the Annual Investment Strategy, be approved;
- (3) the Minimum Revenue Provision Policy Statement contained in paragraphs 3.1 and 3.2 of appendix D to the report, be approved;
- (4) adoption of the revised 2009 CIPFA Treasury Management Code of Practice as outlined in Appendix A, paragraph 2 of the report, be agreed; and
- (5) appendices F (Treasury Management Scheme of Delegation) & G (Treasury Management Role of the S151 Officer) which are included for information only as required by the 2009 Code of Practice, be noted.

(The Portfolio Holder for this item was Councillor Mobbs)  
(Forward Plan reference 269)

### **146. REVISION TO THE COUNCIL'S PETITION SCHEME**

The Executive considered a report from Members' Services which brought forward minor amendments to the Council's petitions scheme.

The Council's petitions scheme was adopted in July 2010 under the Local Democracy, Economic Development and Construction Act 2009 regulations. Following consideration of the Council's scheme in detail and having read neighbouring authorities' schemes, it was felt appropriate that the scheme be amended to include these additional aspects because no guidance had been provided for those petitions which did not meet the number of signatures required for debate at Council or an Overview & Scrutiny Committee for calling an officer to account.

The report highlighted that the coalition government had withdrawn the guidance issued by the previous government on petitions and had outlined its intention to withdraw the petitions scheme requirement under the Localism Bill. Therefore once the Localism Bill was concluded, further consideration would need to be given to the Council's petitions scheme.

One alternative option was that the Executive could decide not to recommend amending the Council's petition scheme, however, the proposed amendment allowed for a greater number of petitions to be considered by the Council which was the intention of the legislation. Alternatively, the Executive could decide to wait for the Government to determine the Localism Bill, however this would leave an area of uncertainty within the Council's petition scheme until the Localism Bill was enacted.

## **EXECUTIVE MINUTES (Continued)**

**RECOMMENDED** that the following additions to the Council's petition scheme be made:

- (a) petitions relating to current consultations and applications due for consideration by the Council will be excluded from this scheme and considered as part of the process for the consultation or application determination; and
- (b) the approach to responding to petitions that fall within the scheme but do not carry sufficient signatures to require consideration at Council or an Overview & Scrutiny Committee, will be determined by the relevant Head of Service in consultation with the relevant Portfolio Holder. Options will include:
  - (i) Responding directly to the petition/petitioner;
  - (ii) Referring to the relevant community forum for consideration;
  - (iii) Referring to the Executive for consideration;
  - (iv) Referring to Council for consideration; or
  - (v) Referring to the relevant Committee for consideration.

When taking this decision the Head of Service will take into consideration any request by the petitioner and, where applicable, any District Councillor sponsoring the petition. This does not alter the rights of a Councillor to ask for any item to be considered on an agenda as set out in the Council procedure rules.

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

### **147. HEALTH & SAFETY ENFORCEMENT POLICY REVIEW**

The Executive considered a report from Environmental Services which put forward the amendments to the Occupational Health & Safety Enforcement Policy following a recent review.

The policy was a requirement by the Health & Safety Executive to govern the criteria by which the Council's Environmental Health Practitioners decide on their most appropriate courses of formal action. It was a means by which the Council demonstrated its openness and transparency in enforcing the legislation in respect of the businesses for which it had responsibility under the Health & Safety at Work etc Act 1974.

The report stated that it was timely for the policy to be reviewed given that a new operating framework for health and safety enforcement had been imposed on local authorities and needed to be in place by April

## **EXECUTIVE MINUTES (Continued)**

2011. In addition, a recent unsuccessful challenge in Court, concerning the way in which the policy had been applied to the case, also prompted a review. Essentially, the criteria for deciding whether or not a prosecution was warranted, had been more clearly spelled out.

An alternative option was that the Policy could be left as it is but with the risk that similar defence challenges could be successful.

The Portfolio Holder for Environmental Services addressed members and requested that the recommendations in the report be approved. He advised that this was a tidying up exercise that would offset potential criticism in the future.

**RECOMMENDED** that the amended policy annexed to the report be agreed.

(The Portfolio Holder for this item was Councillor Coker)

### **148. WARWICKSHIRE CHILD POVERTY STRATEGY**

The Executive considered a report from the Chief Executive's office which outlined the Council's statutory 'duty to co-operate' responsibility, resulting from the Child Poverty Act 2010 and the process for the adoption of a county-wide Child Poverty Strategy.

The Child Poverty Act received Royal Assent in March 2010 and required English local authorities and other 'delivery partners' to work together to tackle child poverty, conduct a local needs assessment, produce a child poverty strategy and take child poverty into account in the production and revision of their Sustainable Community Strategies. A guide to the Act was attached as appendix one to the report, with the main provisions summarised at page 3 of the appendix.

In Warwickshire, the County Council (WCC) had been working with the district and borough councils and other partners to produce a county-wide Child Poverty Strategy. A series of child poverty summits were held across the County during November and December 2010 which led to the development of key themes within the draft strategy which aimed to reduce the number of children living in poverty within Warwickshire by 2020. The draft strategy was attached as an appendix to the report.

There were no alternative options available because the Act placed a statutory responsibility on the Council, however, the Executive could decide not to endorse the draft Child Poverty Strategy but this could be contrary to the Council's 'duty to co-operate'.

The Overview and Scrutiny Committee urged the Executive to hold Warwickshire County Council to account over the importance and priority of addressing housing need, in order to provide a safe and secure environment for young people and enhance their development prospects. They asked the Executive to urge WCC to release some of its land to enable the development of new affordable homes to help tackle the current issues.

## **EXECUTIVE MINUTES (Continued)**

The Overview and Scrutiny Committee were very pleased with Priority Two within the proposed countywide strategy which recognised the value and importance that children centres have within the District.

The Overview and Scrutiny Committee supported the recommendations and agreed with the key principles set out in the strategy but asked the Executive to recognise that there was a need to support small businesses which could then help to provide job opportunities in addition to major infrastructure projects.

The Executive thanked the Committee for their comments.

The Portfolio Holder for Housing addressed the Executive and welcomed the comments from the Overview & Scrutiny Committee. She stated that she saw this as an opportunity to continue to work and build good relationships with partners and hoped that small and large businesses would be involved.

### **RECOMMENDED** that

- (1) the Council's responsibilities under the Child Poverty Act 2010, be noted;
- (2) the draft county-wide Child Poverty Strategy, attached as appendix two to the report, be approved;
- (3) authority be delegated to the Deputy Chief Executive, in consultation with the Leader of the Council, to agree any minor changes to the final version of the Strategy; and
- (4) subject to approval of this strategy, Fit for the Future will be amended accordingly.

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

## **149. 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 two items by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Minute No.	Para Nos.	Reason
	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

## **EXECUTIVE MINUTES (Continued)**

### **150. KENILWORTH PUBLIC SERVICE CENTRE**

The Executive considered a report from the Chief Executive's office which proposed various acquisitions of land and buildings, owned by other public bodies which could be used to relocate Kenilworth Town Council and MP, which would free up their existing premises for potential redevelopment.

This would result in a larger assembled site that could be marketed for redevelopment and would contribute toward the regeneration framework for Kenilworth town centre.

There were a number of alternative options which were detailed in section 4.1 of the report.

The Finance and Audit Scrutiny Committee had concerns about the provision for car parking, but recognised that it was a complex proposal. Members wondered if apartments facing the proposed development site would be a problem in the land acquisition and development process. However, they cautiously supported the recommendations in the report.

The Overview and Scrutiny Committee supported the recommendations and agreed that the proposals put forward were excellent. Members also felt that the opportunity to purchase available premises should be seized whilst still available.

The Executive thanked the committees for their comments and highlighted the transformation that had taken place in Kenilworth over the past five years. Members felt that this was a further opportunity to continue with the successful regeneration of the town and thanked all officers, in particular the Chief Executive, for their hard work and contribution so far.

**RECOMMENDED** that the recommendations be agreed as set out in the report.

(The Portfolio Holders for this item were Councillors Caborn, Michael Doody, Hammon and Mobbs)

(Forward Plan reference G1)

### **151. PROPOSALS TO DELIVER ADDITIONAL AFFORDABLE HOUSING IN WARWICK DISTRICT**

Prior to the following item being discussed, the Chief Executive addressed members and advised that he was declaring an interest and would leave the room whilst discussions took place. This was because his wife had been employed by a number of Housing Associations, including Waterloo Housing Group and he did not want to this to prejudice his position now or in the future.

The Executive considered a report from Housing and Property Services which set out proposals that would enable the Council to deliver significant amounts of new affordable housing over the next ten years.

## **EXECUTIVE MINUTES (Continued)**

Following the Government announcement in 2010 to invest £4.5 billion to deliver up to 150,000 affordable homes across the country over the next four years, the Council was approached by Waterloo Housing Group in relation to a proposal which could significantly increase the level of affordable housing in the District.

The report requested approval of Waterloo Housing as a partner to provide affordable housing, over the next ten years, the approval of negotiations into a joint venture based on the principals as detailed in the report and that authority be delegated to the relevant Portfolio Holders and officers to agree suitable Heads of Terms. In addition, members were asked to note the revised strategic approach being deployed by the Homes and Communities Agency (HCA) and that a further report would be submitted in June 2011.

The Heads of Terms document would be a non-legally binding agreement/letter, setting out key timescales and principles as to how the partner would proceed as set out in paragraph 2.1.2 of the report. It would also detail how Waterloo would submit bids to the Homes and Communities Agency (HCA) to secure additional funding for the proposed development of affordable housing.

The Finance and Audit Scrutiny Committee were delighted with the prospect of new housing and supported the recommendations in the report.

The Overview and Scrutiny Committee strongly supported the recommendations in the report and asked the Executive to positively consider committing further funding, as suggested in the final bullet point of recommendation 2.1.2 of the report, to provide energy saving measures to make the new affordable houses that would be built more cost effective to tenants.

The Overview and Scrutiny Committee also asked that any negotiations on the joint venture partnership should ensure that the best possible outcomes are achieved for future tenants in regard to rent levels and security of tenure.

The Executive thanked the scrutiny committees for their comments and agreed to amend recommendation 2.1.3 to read 'and Chief Financial Officer, in consultation with the Housing and Property and Finance Portfolio Holders'.

Members also wished their congratulations to be passed on to the Portfolio Holder for Housing & Property Services and the Head of Housing and Property Services for recognising, and bringing forward, this opportunity.

### **RECOMMENDED** that

- (1) the selection of Waterloo Housing Group as a partner to work with WDC to deliver affordable housing over the next ten years, be approved;



## **EXECUTIVE MINUTES (Continued)**

- (2) the negotiation of a joint venture between WDC and Waterloo be approved, on the basis of the principles set out in the report;
- (3) authority be delegated to the Head of Housing and Property Services, Chief Financial Officer, in consultation with the Housing and Property and Finance Portfolio Holders', to agree a Heads of Terms document between the Council and Waterloo Housing Group as specified in the report;
- (4) the revised strategic approach being deployed by the Homes and Communities Agency, be noted, to encourage innovative use of resources to maximise the delivery of new affordable housing, that this venture is designed to exploit;
- (5) a further report will be submitted in June 2011 recommending proposals for the formal basis of the joint venture partnership arrangement following conclusion of the negotiations on the basis of the principles set out in 1.2. This report will include a risk log, delivery timescales and partnership checklist.

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

### **PART 2**

(Items which a decision by Council is not required)

#### **152. LOCAL PLAN CONSULTATION**

The Executive considered a report from Development Services which requested approval to authorise public consultation as part of the process of preparing a new Local Plan for the District.

The report was deferred from the Executive meeting of 9 February 2011 to allow the Development Plans Working Party further time to consider the matter. The Working Party met on 15 February 2011 and their views were attached as an appendix to the report.

The Council were required by legislation to prepare a Core Strategy (now to be referred to as the new Local Plan) for the District. In September 2010, the Executive resolved not to proceed with preparing a draft core strategy until such time as it had considered and reviewed all evidence on future growth and tested alternative options through consultation and sustainability appraisal. Therefore, a paper had been prepared in consultation with officers, the Senior Management Team and the

## **EXECUTIVE MINUTES (Continued)**

Development Plans Working Party that would form the basis for the consultation on future growth and this was attached as an appendix to the report.

It was not felt that there were any alternative options because the Council had previously committed to consulting on options for future growth. Not to do so would deny the public an opportunity to comment, and increase the risk of the new Local Plan ultimately being found 'unsound' by an Inspector due to a lack of public involvement in its preparation. This could leave the Council without a planning framework for the future growth of the District and vulnerable to ad hoc proposals for development that were inconsistent with its Plan.

Councillor Hammon addressed the committee and expressed his thanks to all involved in creating the report and welcomed the consultation due to take place which would give the public the opportunity to suggest how they would like the future of the district to be shaped.

Members were pleased that the Regional Spatial Strategy was no longer in use and highlighted that this was an opportunity for residents of the District to look at all aspects of development including leisure, retail and housing.

### **RESOLVED** that

- (1) the undertaking of public consultation for a period of 16 weeks from mid March through to the early July 2011 as part of the process for preparing a new Local Plan for the District, be authorised;
- (2) the content of the draft paper attached as appendix one to the report, forms the basis for the public consultation; and
- (3) a report of public consultation be submitted containing a summary of the responses received in due course, and before considering the next stage of the process.

(The Portfolio Holder for this item was Councillor Hammon)  
(Forward Plan reference 294)

## **153. LOCAL ECONOMY**

The Executive considered a report from the Chief Executive which set out an understanding of the current local economy and its future prospects, considered how the Council may be able to influence the local economy for the better and considered the impact of the local economy on the Council and how influencing this would benefit the Council.

The report suggested that the Council prepare an economic strategy and investment strategy that was consistent with the growth levels as may be provided for, within the Local Plan for the District, following widespread

## **EXECUTIVE MINUTES (Continued)**

public consultation as proposed to be undertaken by item 9 of this agenda (Local Plan Consultation).

An overview of the current local economy was set out in appendix one to the report and its annexes. The report illustrated how the local economy had affected the Council's services, income and costs, detailed how the economy could be influenced and tried to draw together the ways the strategy could have a beneficial impact.

The Council could decide not to prepare an Economic Strategy and Investment Strategy. However, it would inevitably make policy on the local economy and on investment by a series of ad hoc decisions in response to particular circumstances arising. Whilst this was tenable, it was not felt to be the best use of council resources and it ran the risk of the Council making contrary decisions.

The Overview and Scrutiny Committee supported the report and accepted the recommendations within it but highlighted that they would have liked more time to read it because it was so detailed.

The Overview and Scrutiny Committee wanted the Executive to recognise the importance of the close link between the Local Plan and a future Economic Strategy and Investment Strategy and the risk of these not being fully and correctly aligned.

The Overview and Scrutiny Committee recognised that Warwick District was performing well but that the sub-region as a whole was underperforming.

The Executive thanked the committee for their comments and stated that they were appreciated.

Members were pleased with the amount of detail in the report and felt that it was a valuable tool in taking the District forward. In addition, they were mindful that the District was performing well and it was imperative to understand and support the development of the local economy over the next three years.

### **RESOLVED** that

- (1) the contents of the report be noted;
- (2) an Economic Strategy and an Investment Strategy be prepared that are consistent with the growth levels as may be provided for within the Local Plan for the District following widespread public consultation as proposed to be undertaken by item 9, Local Plan Consultation, of this agenda; and
- (3) the Investment Strategy will of necessity have to also address and support proposals within the Local Plan and the other priority policy

## **EXECUTIVE MINUTES (Continued)**

areas of the over arching Sustainable  
Community Strategy for Warwick District.

(The Portfolio Holders for this item were Councillors Michael Doody, Hammon  
and Mobbs)

### **154. WEST MIDLANDS COUNCILS – PENSION FUND DEFICIT**

The Executive considered a report from Finance which considered the options available to the Council following the downsizing of West Midlands Councils (WMC) in April 2011. As part of this there would be a pension fund deficit which had to be made up by the member authorities.

A report was submitted to the Executive in September 2011 which explained how the West Midlands Councils (successor to the West Midlands Leaders Board) had to down size substantially as a result of funding from Central Government being withdrawn. WMC was an admitted body to the West Midlands Pensions Fund (WMPF). Given the significant downsizing of WMC it was unlikely that the smaller body would remain viable as an employer, and so it was proposed that Birmingham City Council would be the host authority to act as employer, with staff due to transfer on 1 April 2011.

The cessation of WMC as an employer required the settlement of all past pension liabilities. The final actuarial determination of the liability had been commissioned by the West Midlands Pension Fund (WMPF), with whom WMC were an Admitted Body. This would be based on the known staffing position as at 31st March 2011. A final figure was due to be identified in May/June 2011. This deficit needed to be shared by all the member authorities, based on their voting shares.

The report outlined two options, A and B, and the financial implications of each. Option A was to elect to remain a party to an assignment of the existing Admission Agreement, which would recover the liability (i.e. relevant share thereof) over a period of 25 years in line with all other scheduled bodies. Option B was to make a single payment in full settlement to the West Midlands Pension Fund based on the share of the final actuarial assessment as at 31st March (to be paid on invoice during 2011/12 following a further and final actuarial review in May / June 2011).

The report stated that the preferred option was Option A because it was believed to provide the best financial outcome for the Council in the long term. The decision was primarily a financial one.

The alternative option would be to go for Option B and although this option would provide greater financial certainty, given the expected costs associated with this option it was not recommended.

Councillor Michael Doody addressed members and proposed the recommendations as printed.

**RESOLVED** that

- (1) the Council remain a party to an assignment of the existing Admission Agreement and settle the Council's share of the WMC pension fund deficit over the next 25 years;
- (2) the Contingency Budget allocation of £54,500 in respect of West Midlands Councils previously agreed be returned to the 2010/11 Contingency;
- (3) £1,800 be allocated from the 2011/12 Contingency Budget to meet the estimated cost of the Council's contribution to the WMC pension fund deficit in 2011/12; and
- (4) the financial projections of the Council be adjusted from 2012/13 to allow for estimated £1,800 annual contributions in respect of the WMC pension fund deficit being settled over future years.

(The Portfolio Holder for this item was Councillor Mobbs)

**155. HEALTH & SAFETY ENFORCEMENT FLEXIBLE WARRANTING SCHEME (FWS)**

The Executive considered a report from Environmental Services which explained the proposals to enable more flexible working between agencies.

The Health and Safety Executive (HSE) wanted Local Authorities (LAs) and the HSE Inspectorate to work jointly and in partnership locally, regionally and nationally where it made sense, in terms of resources and impact, to do so. A barrier to this was the inability of HSE and LA inspectors to take action in each other's area of responsibility, or for LAs to work across each other's administrative boundaries.

Flexible Warrant Schemes (FWS), with LAs and HSE appointing a number of each other's inspectors under S.19 of the Health and Safety at Work etc. Act 1974 (HSWA), had the ability to overcome this barrier. The report also detailed the aims, objectives and scope of the scheme.

The report highlighted that the Council had a responsibility to protect its citizens and visitors from risks arising from work activities and felt that flexible warranting allowed intelligent resourcing of joint projects and deployment of expertise, together with more immediacy of response to matters of evident concern.

There were no alternative options detailed in the report.

## **EXECUTIVE MINUTES (Continued)**

The Portfolio Holder for Environmental Services addressed members, proposed the recommendations in the report and highlighted that this gave officers the opportunity to continue working with other councils and to warrant one another to equal advantage.

### **RESOLVED** that

- (1) the Flexible Warrant Scheme to enable intelligent local delivery of the service promoting and enforcing health and safety legislation, be supported;
- (2) the Chief Executive and those delegated in his absence be authorised to nominate health and safety inspectors of the Health & Safety Executive and the City, Borough and District Councils of Coventry and Warwickshire to act within the District of Warwick;
- (3) the City, Borough and District Councils of Coventry and Warwickshire can authorise nominated health and safety inspectors of Warwick District Council to act within their Districts; and
- (4) the Chief Executive be authorised to sign a Memorandum of Understanding giving effect to the above, for matters of evident concern, and supported by annexes giving details of particular joint projects.

(The Portfolio Holder for this item was Councillor Coker)

### **156. EXCEPTION TO THE CODE OF CONTRACT PRACTICE FOR PROVISION OF JEPHSON GARDENS GLASSHOUSE MAINTENANCE SERVICE**

The Executive considered a report from Cultural Services which requested approval for an exception to the Code of Procurement Practice to allow officers to extend the contract for the provision of Jephson Gardens Glasshouse maintenance services for a further nine months to the end of December 2011.

The plant stock in the glasshouse in the Jephson Gardens required specialist maintenance which could not be delivered through the Glendale Grounds Maintenance contract. Therefore the service was tendered in 2009, and awarded to an individual with appropriate skills in the maintenance of specialist planting and pest control and experience.

The existing contract had been in place since April 2009, was awarded for two years and was due for expiry at the end of March 2011. The current contract was let through an open competitive tender process, for which the Council only received 2 responses.

## **EXECUTIVE MINUTES (Continued)**

The report also highlighted that Cultural Services were in the initial stages of an intervention which would consider alternative methods of delivering a number of its services. Included in this intervention was a review of the "parks service" and until the options had been considered, officers were uncertain on how maintenance of the glasshouse could best be delivered in future. The re-let of the Grounds Maintenance contract could also impact on how the glasshouse was managed in the future and therefore an extension of the current arrangements would allow progress to be made and conclusions reached on both of these aspects.

An alternative option was to re-tender for the delivery of the services as they exist at present but then be faced with negotiations to revise the contract depending on the outcome of the intervention and contract re-let.

The Portfolio Holder for Cultural Services addressed members and highlighted the importance of the existing plant stock requiring specialist maintenance.

**RESOLVED** that the exception from the Code of Procurement Practice be approved to allow the contract for the provision of glasshouse maintenance services to be extended for a further 9 months to the end of December 2011.

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

### **157. CHARGING FOR EVENTS IN PARKS**

The Executive considered a report from Cultural Services regarding the introduction of charges for the use of the Council's parks and open spaces by external organisations holding events.

However, following discussions with the Portfolio Holder, Councillor Mrs Gallagher, Deputy Chief Executive (BH) and the Head of Cultural Services it was agreed to remove the report from the agenda to allow further clarification on a number of issues.

It was agreed that the report would be brought to the Executive meeting in June 2011.

**RESOLVED** that the report be deferred to the Executive meeting in June 2011, to allow for further clarification on a number of issues.

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

### **158. COVENTRY AND WARWICKSHIRE LOCAL ENTERPRISE PARTNERSHIP**

The Executive considered a report from the Chief Executive's office which provided an update on the continuing development of the Coventry and Warwickshire Local Enterprise Partnership.

The report reminded members that following the joint letter from the Secretaries of State for Business, Innovation and Skills (BIS) and

## **EXECUTIVE MINUTES (Continued)**

Communities and Local Government (CLG) in June 2010 announcing the Government's intention to establish Local Enterprise Partnerships, a proposal for a CWLEP was formulated by the Coventry and Warwickshire Chamber of Commerce (Chamber) and the Coventry, Solihull and Warwickshire Partnership (CSWP), following dialogue with the local authorities, universities and business leaders across the sub-region. In October 2010 BIS/CLG announced the CWLEP proposal had been accepted, as set out in appendix one to the report.

A Shadow Board was established under the auspices of CSWP and the Chamber which was subsequently ratified, by an Arrangements Board comprising of business and civic leaders, as the inaugural CWLEP Board, which met for the first time in January 2011. The CWLEP Board membership was set out in appendix two of the report, within a Governance and Terms of Reference document approved by the Board on 17 January 2011.

The report requested that the establishment be noted along with the membership and Terms of Reference. Members were asked to approve the Council's membership of the Partnership and to note a number of other details as specified in the report.

The Finance and Audit Scrutiny Committee appreciated that such a Partnership could be beneficial to Warwick District residents. However, they wanted assurance that the Partnership would provide value for money. There were questions about what it would achieve in Warwick District's interest, whether it was a workable enterprise and concerns that it would not frustrate the aspirations of the District Council. Some concern was raised over the lack of direct representation for Warwick District and how vague the details of the proposal were.

The Finance and Audit Scrutiny Committee therefore recommended that:

- (1) all Members be briefed on the arrangements for the Partnership as the situation develops; and
- (2) a report giving more details of proposed arrangements be produced as soon as practicably possible, including confirmation of how the aspirations of Warwick District would be met by the Partnership.

In response, the Councillor Michael Doody assured members that, following a recent meeting, the Leaders of the authorities involved had agreed to meet prior to the LEP meetings and this would ensure that Warwick District's views were put forward by the relevant representative. He stated that contact would be maintained between all parties and that Executive members would be kept up to date by him. This was also covered by recommendation 2.5 of the report which stated that a report would be presented to a future meeting.

The Overview and Scrutiny Committee supported the recommendations. There were concerns from the Committee that Warwick District Council may not have sufficient influence on the CWLEP Board and urged the Executive to recognise the importance of the Leaders of the District and Borough Councils holding meetings synchronised with the CWLEP Board



## **EXECUTIVE MINUTES (Continued)**

timetable to ensure their representative is able to feed in any comments, views or concerns.

Members of the Overview and Scrutiny Committee were also looking forward to seeing the high level objectives mentioned within the report turn into projects, with Warwick District Council being part of delivering them.

The Executive thanked the Overview & Scrutiny committee for their comments and were mindful that it was important that the Council's opinions were expressed, as one of the main economic drivers in the area.

### **RESOLVED** that

- (1) the establishment, current membership and Terms of Reference of the Coventry and Warwickshire Local Enterprise Partnership (CWLEP) Board, be noted;
- (2) Warwick District Council's membership of the Partnership be approved;
- (3) the approach to be adopted by the Leader of the Council when the current membership of the Board be discussed at the Coventry and Warwickshire Leader's Board (CWLBB);
- (4) the Partnership Checklist, attached at appendix three to the report be noted, and authority be delegated to the Deputy Chief Executive, in consultation with the Leader of the Council, to complete the document as the arrangements for the operation of the CWLEP are further developed and agreed by the relevant Government departments; and
- (5) that a further update report and, if necessary, an amended Partnership Checklist will be presented to a future meeting once the governance and operational arrangements for the CWLEP have been finalised.

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

## **159. DISCRETIONARY TRAVEL SCHEME**

The Executive considered a report from the Overview & Scrutiny Committee which set out the findings following an investigation by the Discretionary Travel Scheme Task & Finish group.

The group had been established to investigate if it was possible to introduce a single community transport scheme for both the elderly and

## **EXECUTIVE MINUTES (Continued)**

residents with mobility problems, where normal public transport was unsuitable to meet their changing travelling needs.

The Task and Finish Group felt that the Flexibus scheme was the most viable option but that two routes should be funded to ensure maximum coverage. After speaking with Warwickshire County Council, the Task and Finish Group established a guide price for the funding of one Flexibus which was £33,000 to £50,000, therefore, the cost for two of these was calculated as shown in 2.1 (1) of the report. In making their decision for this recommendation, the Group considered information received from Warwickshire County Council via email that there were no current plans to cut funds for any existing Flexibus routes in place.

The report then stated that since the Group had started their investigations, the financial situation at the County Council had changed and they were no longer able to rule out the possibility of funding cuts.

The Overview and Scrutiny Committee agreed that this report should be withdrawn from the Executive agenda to allow for further consideration following the new information received regarding Warwickshire County Council's position on funding for the Flexibus scheme.

**RESOLVED** that this item be withdrawn from the agenda.

(The Portfolio Holder for this item was Councillor Caborn)  
(Forward Plan Reference )

### **160. ROYAL PUMP ROOMS MAIN ENTRANCE DOOR REPLACEMENT – EXCEPTION REPORT**

The Executive considered a report from Housing and Property Services requesting an exception to the Code of Procurement Practice in order to enable the delivery of the alteration of the Pump Rooms main entrance doors.

The main entrance doors to the Royal Pump Rooms have provided 12 years service. In the past two years the managers of the pump rooms have received increasing numbers of complaints from disabled visitors who experience difficulty accessing the building because the doorset is not wide enough to accept their mobility scooter. As a result of the above and the increasing maintenance requirement of the ageing equipment it was agreed that the doors should be replaced with a new door configuration and that the work should be done as part of the 2010/11 Corporate Works Programme approved by the Executive in March 2010.

The existing doorset was an aluminium frame BESAM structural glazing system installed within a BESAM structural façade and to ensure that the new doorset could be seamlessly integrated within the retained façade and fulfil the structural functions of the existing doorset, it was important that the new doorset is also a BESAM structural glazed system.

Housing & Property Services and the Procurement Team worked together to establish a procurement strategy that complied in full with the Code of Procurement Practice. The value of the works dictated that five formal

## **EXECUTIVE MINUTES (Continued)**

quotations were required and on the advice of procurement, tender documents were written and the works advertised extensively. A total of 18 parties declared an interest in the project and downloaded the tender documents however, only 3 parties submitted a tender, one of which was not submitted in accordance with the tender instructions and subsequently could not be considered. Unfortunately the procurement exercise failed to engage a supplier capable of meeting the technical specification within the budget estimate and the works were not awarded

The alternative option was to not do the agreed works to replace the existing doors on the grounds that while the current arrangement was problematic for mobility scooter users, it was compliant with the current requirements for minimum effective clear widths of doors prescribed in Building Regulations Approved Document M, and continue to maintain the existing doorset. If this was the preferred option there would be an immediate need to replace two cracked glazing panels at an estimated cost of £4000.00 and make adjustments to the outer security screen and locking mechanism quoted at £1516.00.

However, officers felt that an exception to the procurement process would ensure that the Royal Pump Rooms remained accessible to the general public including those regular visitors who depend on mobility scooters and other mobility aids. It would also enable the delivery of a works project approved as a priority by the Executive in 2010, following a procurement process that resulted in no suitable suppliers being engaged and would ensure that the works executed on site met the technical specification and operational requirements of The Council.

**RESOLVED** that the executive grants an exception to the Code of Procurement Practice in accordance with item 5.2.2 of the same document be granted, and authority be granted to the Head of Housing & Property Services to procure the supply and installation of a new doorset using a single specialist contractor, BESAM.

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

### **161. CORPORATE PROPERTY REPAIRS & IMPROVEMENT PROGRAMME 2011/12**

The Executive considered a report from Housing and Property Services which provided the rationale for the proposed allocation of the works against the budget for the Corporate Repairs and Improvement Programme for 2011/12.

The total Corporate Property Repairs and Improvement budget for 2011/12 was £1,268,700. Housing and Property Services managed the budget and coordinated the proposed programme of works which had been set following consultation with the client service areas who managed the various corporate buildings and assets. To ensure that the Council was spending the budget effectively in the current climate it was considered that members need to be aware of the principles underpinning the budget allocation to ensure the process was transparent.

## **EXECUTIVE MINUTES (Continued)**

Appendix A to the report identified the works proposed for 2011/12 and the list of reserve Projects.

One alternative was to not apply the previously agreed budget setting criteria and/or not to manage the budget centrally but instead let service areas decide priorities and allocation. These approaches were rejected when the review was carried out in 2008 as described in sections 7.1 and 7.2 of the report.

A second alternative was to not proceed with the current proposed programme of works as set out in item A.2 of Appendix A to the report, but instead defer any or all of the prioritised projects to future years and promote projects currently on the reserve list to the programme of works in their place.

The Portfolio Holder for Housing and Property Services addressed members and requested that the recommendations be agreed as printed in the report. She did highlight, however, that section A.2 of appendix A, Corporate Property Repair and Improvement Programme & Reserve List 2011/12, should read 'Abbey Fields Gate House' and not Abbey Fields Barn.

### **RESOLVED** that

- (1) the proposed Corporate Property Repairs and Improvement Programme budget allocation for 2011/12 as set out in Appendix A, be approved;
- (2) the Head of Housing & Property Services, in consultation with the Council's Procurement Manager be authorised to procure the works as per the Code of Procurement Practice; and
- (3) £32,000 be allocated from the 2011/12 Contingency Budget to make up for the net reduction in income whilst the work is undertaken to the changing rooms at Abbey Fields swimming pool.

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

### **162. IMPROVEMENTS TO THE COURT HOUSE, JURY STREET, WARWICK**

The Executive considered a report from Development Services which related to a request for financial and other support received from Warwick Town Council in relation to planned improvements to the Court House building in Jury Street, Warwick.

The Leader of Warwick Town Council (WTC) approached the District Council to request financial assistance towards its ambitious plans to improve the old Court House in Jury Street, Warwick. WTC had been successful in an application to the Heritage Lottery Fund (HLF) for financial

## **EXECUTIVE MINUTES (Continued)**

assistance for the planned works. Although subject to final, formal confirmation, it appeared that £291,000 of HLF funding would be awarded, on the basis of a further £72,000 of match funding being provided by WTC.

However, to successfully complete the scheme WTC estimated that a further £175,000 would need to be spent on works that were ineligible for HLF funding and the report requested that an award of £60,000 be made, as a contribution towards the elements of the planned improvements works that were not eligible for grant funding from the Heritage Lottery Fund, subject to final confirmation of the award of that grant.

An alternative option was that Members could choose not to support the Town Council's proposed works however, they had advised that in such a scenario the Town Council would have insufficient reserves to finance the full package of works.

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

Members felt that the proposed works should be supported as it would not only be beneficial to maintaining a historical building but also add to the regeneration of Warwick Town Centre.

### **RESOLVED** that

- (1) an award of £60,000 to Warwick Town Council be approved, as a contribution towards the elements of the planned improvements works to the Court House in Jury Street that are not eligible for grant funding from the Heritage Lottery Fund, subject to final confirmation of the award of that grant;
- (2) the transfer to Warwick Town Council of the land and buildings currently housing the closed WC block in Castle Street, abutting the Pageant House gardens, at nil consideration, be approved;
- (3) a 15 year lease at nil rental consideration be granted, but full service charge consideration, for use of the former cash office in Pageant House by the Town Council.;
- (4) subject to approval of 2.1 above, the £60,000 grant be funded from the £57,300 unused balance currently remaining in the Warwick Renaissance budget, supplemented by £2,700 from the 2010/11 Tourism Budget, with the latter amount slipped to 2011/12, and the 2011/12 budgets appropriately updated.

## **EXECUTIVE MINUTES (Continued)**

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

### **163. SINGLE ICT SYSTEM FOR HR & PAYROLL**

The Executive considered a report from Human Resources which recommended that the Council move to a single IT system for both Human Resources and Payroll.

The report explained that there were currently two different systems in operation to manage the Council's staffing establishment and associated costs: Snowdrop the HR system that held people data and Oracle HRMS, the Payroll system. The HR and Payroll systems needed maintaining with similar or the same information by two separate teams:- the HR admin team on Snowdrop and the Payroll team on Oracle.

Following the Support Services Review, it highlighted areas of duplication caused by using the two systems and how "work-around" processes had been developed because of the inefficiency of having two systems. Providing an accurate staffing establishment required reconciliation of both systems which meant double the work to produce reports and to reconcile staff posts to salary details.

The recommendation from officers was that the Council move to a single IT system for both HR and Payroll provided by Warwickshire County Council and the budget for the annual licence fee for the current HR system of £7,000 per annum be removed from the Budget from 2011/12.

An alternative option was to retain both systems but it was felt that gross inefficiencies would then remain. The option to outsource the associated HR and Payroll services had not been investigated as the council was currently reviewing all its activities in accordance with system thinking principles.

Councillor Michael Doody advised that the inefficiencies had come to light following a request made by the Employment Committee for employment figures and salaries and that the proposed system would reduce the 'waste' from the process.

#### **RESOLVED** that

- (1) the Council move to a single IT system for both HR and Payroll provided by Warwickshire County Council; and
- (2) the budget for the annual licence fee for the current HR system of £7,000 per annum be removed from the Budget from 2011/12.

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

## **EXECUTIVE MINUTES (Continued)**

### **164. OVERVIEW & SCRUTINY COMMITTEE & FINANCE AND AUDIT SCRUTINY COMMITTEE – SCRUTINY UPDATE**

The Executive considered a report from Members' Services that outlined the current work of the Council's Finance & Audit and Overview & Scrutiny Committees.

This report was produced to create a dialogue between the Executive and the Overview and Scrutiny Committee & Finance and Audit Scrutiny Committee.

This item on the Executive agenda 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 Scrutiny Committees' activities.

**RESOLVED** that the report be noted.

### **165. UPDATE ON TEXTILE RECYCLING**

The Executive considered a report from Neighbourhood Services which outlined proposals to double the tonnage of recycled textiles collected in 2010/11 compared to 2009/10 and to share the extra income earned with a charity, which was considered by Executive in 2010. The report in 2010 requested officers update the Executive on the success of the textile recycling scheme and make proposals for 2011/12.

The report highlighted that during the first nine months of the year, 61.94 tonnes had been collected compared to 42.5 tonne collected during the whole of 2009/10. If this level of recycling was maintained for the rest of 2010/11, the Council would collect 82.5 tonnes which represented a 94% increase in textile recycling on 2009/10.

In addition, it stated that if the current recycling trend for textiles continued, the donation made to Myton Hospice at the end of the financial year would be just under £600. The figure of 82.5 tonne would form the base figure for 2011/12.

The report requested that the current arrangement to share any increase in recycling income from textiles in 2011/12 be continued. The charity to be supported in May 2011 would be by determined in the same way as 2010 namely by the Head of Neighbourhood Services in consultation with the Portfolio Holder of Neighbourhood Services and the Chairman of the Council.

An alternative option was to reduce the resources required to develop the textile recycling scheme and halt the donation to local charities. However, officers felt this should be discounted as further opportunities existed for the textile recycling scheme to be developed further which would benefit local charities with little need for additional input from officers.

The Portfolio Holder for Neighbourhood Services addressed members and requested they agree the recommendations as set out in the report. He also requested that the Executive pass on their congratulations to the

## **EXECUTIVE MINUTES (Continued)**

Recycling Team for their hard work so far in making this scheme successful.

### **RESOLVED** that

- (1) the increase in textile recycling tonnage of 94% and the additional income earned by WDC as a result of that work, be noted; and
- (2) the current arrangement to share any increase in recycling income from textiles in 2011/12 be continued. The charity to be supported in May 2011 should be by determined in the same way as 2010 namely by the Head of Neighbourhood Services in consultation with the Portfolio Holder of Neighbourhood Services and the Chairman of the Council.

(The Portfolio Holder for this item was Councillor Shilton)

### **166. REVIEW OF MEMBERS' ICT NEEDS**

The Executive considered a report from Customer and Information Services which requested adoption of Virtual Desktop Infrastructure (VDI) technology as the connection method for accessing council systems and data.

Issues covered in the report were the cost of the provision, feedback from Councillors who use the technology and the need to ensure the Council's systems and data remained secure.

Every four years, linked to the local elections, ICT (Information and Communication Technology) Services instigated a technology refresh of Councillor ICT equipment. In addition to this the council set up an Agile Working project, in response to the financial challenges the council is facing.

The report highlighted that the current VPN (Virtual Private Network) technology did not provide sufficient flexibility and therefore, Virtual Desktop Infrastructure (VDI) technology was piloted. The pilot consisted of individual officer solutions and also addressed the needs of all the staff within the Council's Human Resources department. Following the success of the pilots, VDI Technology was established as the council's standard remote working technology. Therefore, to retain the existing VPN solution used by Councillors would incur additional costs (currently estimated to be £15k-£20k).

The VDI solution offered to Councillors would enable access to email, the Council Intranet, unrestricted access to the Internet, MS Office and Committee papers. In addition, this solution specifically addresses the biggest single criticism Councillors had with the existing system, the time taken to connect to the Council's network. In addition, the use of VDI provided more options for Councillors as council systems could be accessed via VDI from non-council owned devices.



## **EXECUTIVE MINUTES (Continued)**

An alternative option was to refresh the existing Councillor technology, retaining the existing VPN solution for connection but it was felt that to do so would create a number of issues including incurring a more expensive device cost, acquiring higher support costs, and only the Councillors would have it, incurring further maintenance costs.

Some members enquired as to whether they could retain their current equipment but, when officers advised that it would incur additional costs to the IT department, were satisfied that the new equipment would create a uniform approach. In addition, there were members present who had been involved in the pilot and they assured their colleagues that the new system was not complicated to use and produced a faster connection time.

### **RESOLVED** that

- (1) the Virtual Desktop Infrastructure (VDI) technology be adopted as the connection method for accessing council systems and data; and
- (2) if required, Councillors will be provided with a wireless thin client device, including mouse, screen, keyboard and a scanner/copier/printer.

(The Portfolio Holder for this item was Councillor Caborn)

### **167. FOOD STANDARDS AGENCY – FOOD SAFETY OFFICIAL CONTROLS DELIVERY REVIEW**

The Executive considered a report from Environmental Services following a recent proposal put forward by The Food Standards Agency (FSA) Board to consider whether Food Safety enforcement should be delivered at national level rather than being dealt with by local authorities.

The FSA proposals would effectively centralise food safety enforcement by creating national bodies to carry out the work currently undertaken by local authorities. However, this would impact on local accountability and the ability to respond to local needs and local businesses. In addition, much of the health & wellbeing agenda was delivered by working with local partners and the scope for this would be greatly diminished.

The report stated that there was a consultation process and the Council had an opportunity to make its views known on this issue. Officers requested that the Council adopt a position in support of the local delivery of food safety official controls, in opposition of the FSA's proposal.

An alternative option was to support the loss of local environmental health resource to a national body.

The Portfolio Holder for Environmental Services addressed members and urged them to agree the recommendations as set out in the report. He stated that the Council's Environmental Health department was second to

## **EXECUTIVE MINUTES (Continued)**

none and highlighted the importance of keeping the local knowledge and control of the food premises and outlets in the District. Members felt that the recommendations needed expanding to make it clear that authority was being delegated to the relevant portfolio holder and officers to respond to any future consultation on this issue.

### **RESOLVED** that

- (1) a position in support of the local delivery of food safety official controls be adopted, in opposition of the proposals in the FSA report, to centralise the service; and
- (2) authority be delegated to the Head of Environmental Services, in consultation with the Environment Portfolio Holder, to respond to any future consultation on this issue.

(The Portfolio Holder for this item was Councillor Coker)

### **168. PUBLIC HEALTH WHITE PAPERS – WARWICK DISTRICT COUNCIL'S RESPONSE**

The Executive considered a report from Environmental Services which gave a summary of the impact of the changes proposed by the Coalition government to the Health Service, in particular the delivery of the Public Health agenda, and identified how the Council could be affected.

The report stated that various White Papers had been published containing proposals which transferred some of the responsibility to local government at County/Unitary authority level. The closing date of the consultation period for these was the end of March 2011.

Within the White Papers there was recognition of the role of Districts and Boroughs in delivering the health agenda, but there was little mention of their involvement in transitional planning, or in the final arrangements for the new Health & Wellbeing Boards at County level. Consequently there were concerns that local issues affecting Warwick District may not receive adequate recognition and funding, unless the Council was appropriately represented.

The report stated the current proposals from Warwickshire County Council (WCC) which were that the five Districts and Boroughs in the County should have one representative between them at the transitional 'Shadow Board'. It was suggested that the Council was not adequately involved in transitional arrangements, nor appropriately represented in the proposed new structures.

Officers were therefore requesting that the Council take the position that it should have input into the transitional arrangements setting up the County Health & Wellbeing Board and should have representation on the Board, once fully constituted. It was also proposed that the Head of Environmental Services in consultation, with the Portfolio Holder, be delegated to feed back the comments of the Executive through the White

## **EXECUTIVE MINUTES (Continued)**

Paper Consultation process. It was suggested that these views should also be made known directly to the Warwickshire County Council.

An alternative option was that the Council could choose not to make comment on the new arrangements. However, it was felt that this was a critical period in the development of a new policy area and there was a limited consultation period before the arrangements are finally agreed.

The Overview and Scrutiny Committee recommended that recommendation 2.3 within the report be amended to replace the word 'Executive' with 'Council' to allow feedback and comments from the Health Forum meeting taking place on 7 March 2011.

The Executive thanked the committee for their comments and agreed that the wording should be changed.

### **RESOLVED** that

- (1) the Council takes the position that it should have input into the transitional arrangements setting up the County Health & Wellbeing Board and should have representation on the Board, once fully constituted; and
- (2) the Head of Environmental Services in consultation, with the Portfolio Holder, be delegated to feed back the comments of the Council through the White Paper Consultation process. These views should also be made known directly to the Warwickshire County Council.

(The Portfolio Holder for this item was Councillor Coker)

## **169. 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 two items by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Minute No.	Para Nos.	Reason
	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

## **EXECUTIVE MINUTES (Continued)**

### **170. STAMFORD GARDENS, ROYAL LEAMINGTON SPA**

The Executive considered a report from Development Services concerning the release of a restrictive covenant affecting part of 9 Clarendon Crescent, Leamington Spa.

The report advised members that in July 1978 Warwick District Council disposed of the land shown hatched on the plan attached to the report subject to a restrictive covenant "...Not to erect any building or structure of any kind on the land...". However, the present owner now wanted this restrictive covenant to be removed from the property.

An alternative option was that the restrictive covenant could be allowed to remain on the property and the Council could continue to maintain Stamford Gardens in its present condition. However, this could deny the Council an opportunity to invest in, and improve, Stamford Gardens. To do nothing would also risk a potential legal challenge to the Council's position by the applicant as to the sustainability of the covenant and to the Lands Tribunal determining the amount of the compensation for its removal, if appropriate.

The report recommended that members approve the release of the restrictive covenant as detailed in the report.

**RESOLVED** that the release of a restrictive covenant that affects part of 9 Clarendon Crescent, Leamington Spa be approved, on payment to the Council of the figure specified in the report.

(The Portfolio Holder for this item was Councillors Mrs Grainger)

### **171. FORMER DOCTORS SURGERY, 'TREHARROCK', VALLEY ROAD, LILLINGTON**

The Executive considered a report from Development Services which requested approval for the release of a restrictive covenant affecting the property known as 'Treharrock', a former Doctors Surgery located on Valley Road, Lillington, Royal Leamington Spa.

Members were informed that in 1958 the Mayor Aldermen and Burgesses of the Borough of Royal Leamington Spa disposed of the land shown hatched on the plan attached to the report, subject to a restrictive covenant on it that the land only be used for "...the practice of a registered medical practitioner and not to use the said land or any building thereon for any purpose other than as a dwelling house and surgery for occupation by a registered medical practitioner or practitioners...". The report detailed that the present owner of the property now wished for this restrictive covenant to be removed from the property.

An alternative option was that the covenant could remain on the property, limiting its use to that of a surgery and associated dwelling. However, it was felt that this could hinder the development of the area and risk a potential legal challenge to the Council's position by any potential applicant.

## **EXECUTIVE MINUTES (Continued)**

The Overview and Scrutiny Committee noted that the original covenant was put in place specifically to put a doctor's surgery within the area to develop a healthy community. They therefore felt that the money received from the release of the covenant should be spent in the same way.

Therefore, the Overview and Scrutiny Committee recommended that the full sum that the Council may receive following the release of the restrictive covenant be spent within the Lillington area to improve the health of the community.

In response, the Executive stated that it was not reasonable to restrict the funds received within the Lillington area as it should be used for the betterment of the District as a whole. Paragraph 5.2 of the report stated that the income would be placed in the Housing Revenue Account and would be used for social housing purposes. Therefore, the recommendation was refused.

The Executive thanked the committee for their comments.

**RESOLVED** that the release of a restrictive covenant that affects the property known as 'Treharrook', Valley Road, Lillington, Leamington Spa be approved on payment to the Council of the figure specified in the report.

(The Portfolio Holder for this item was Councillors Mrs Grainger)

### **172. OAKLEY WOOD MANAGEMENT PLAN**

This item was withdrawn from the agenda prior to the meeting.

(The meeting ended at 8.10 pm)