

# WARWICK DISTRICT COUNCIL

Minutes of the meeting held on Wednesday, 18 January 2006, at the Town Hall, Royal Leamington Spa at 6.00 pm.

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

## 750. **ACT OF REMEMBRANCE**

A period of a one minute's silence was observed as a mark of respect for Councillor Graham Windybank, who had recently died.

In addition, the Council remembered Mr John Curtis and Mr Edward Bayliss, son of the former Councillor Mrs Terri Bayliss, who had recently died.

Following the period of silence, a prayer was offered by the Chairman's Chaplain.

## 751. **APOLOGIES**

Apologies for absence were received from Councillors Coker, Doody, Mrs Edwards and Mrs Falp.

## 752. **MINUTES**

The minutes of the meeting of the Council held on 30 November 2005, were taken as read, approved and signed by the Chairman.

## 753. **COMMUNICATIONS AND ANNOUNCEMENTS**

- (A) On behalf of the Council, the Chairman paid tribute to the late Councillor Graham Windybank following his recent death. The Chairman referred to the outstanding service of Councillor Windybank to the Council and the local community that he represented for many years.

Councillors Hammon, Crowther, Boad and Kirton then added their comments in appreciation of Councillor Windybank, on behalf of their respective groups.

- (B) The Chairman wished all members of the Council and officers a happy new year.

## **COUNCIL MINUTES (Continued)**

- (C) The Chairman presented to members of staff in the Planning and Engineering Service an award from the Commission for Architecture and the Built Environment in recognition of the quality of design achieved in Leamington Town Centre. The award stated:-

“The Department consistently demands high quality and this has resulted in the number of contemporary buildings which work well in their historic setting. It is rare to see such thoughtful team work between Conservation Officers, Planners and Developers. This care and passion really pays off – they have control over the streetscape (signage etc), and a positive influence on what happens in the town.”

On behalf of the Council, the Chairman congratulated the members of staff on their prestigious achievement.

- (D) The Chairman presented Mr Tim Woods the Coventry, Solihull and Warwickshire Sports Award for “Volunteer of the Year”. On behalf of the Council the Chairman congratulated Mr Woods on this achievement.

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

- (A) From Councillor M Coker to Councillor B Crowther, Leader of the Council:

“Can the Leader of the Council please inform me, now that the lease of Marlborough House has expired, as to the total amount that has been expended in respect of rent, maintenance, council tax, legal fees, dilapidations and other expenditure on this property since it was vacated by the Council officers and the amount that could have been saved if appropriate notice had been given terminating the tenancy at the earlier date as provided for in the lease.”

Councillor Crowther replied:-

“Members will recall I undertook to give an update report on the overall additional costs incurred on the Marlborough House lease which has recently ended. There is in fact a report to the next Executive Committee on the 13th February detailing the overall financial position which I am informed will show that additional costs for the period 25 December 2002 to 3 January 2006 are £524,000.

The report will give details of the income and expenditure which resulted in these additional costs and will also be available for the Executive Scrutiny Committee to review and make comment upon. In summary, these costs are:

#### **Marlborough House**

Income and Expenditure for the period 1 January 2003 - 3 January 2006

	£	£
<b>INCOME</b>		
Rent	119,137	
Service Charges	30,936	

## **COUNCIL MINUTES (Continued)**

<b>GROSS INCOME</b>		<b>150,073</b>
<b>EXPENDITURE</b>		
Rent	543,418	
Insurances	13,633	
Utilities	20,790	
General Routine Maintenance	22,612	
Cleaning Communal Areas	14,357	
Business Rates (WDC)	48,904	
Marketing Fees	9,860	
<b>GROSS EXPENDITURE</b>		<b>673,574</b>
<b>NET EXPENDITURE</b>		<b>523,501</b>

As regards controlling the risk of such occurrences in the future, Members will recall there were a series of recommendations arising from the previous independent internal investigation. As a result of that exercise there were a number of measures put in place to minimise the risk of anything like that happening again. Systems in Legal, Finance and Property Services are now used to track important dates on files concerning landholdings. There is an element of duplication in the systems in the various departments so that in case of one system failing the matter should be identified by one of the other two administrative systems. Some changes in working practices were also made within the Legal team.

More recently good legal practice has involved the use of a 'Key Date Diary' to ensure that all important dates, including matters in court as well as land transactions are documented in one central location. The diary should be complete this month. In addition the new Head of Legal Services will continue and endeavour to complete the work undertaken by the former Head to obtain Lexcel accreditation. This will ensure that all of the internal administrative systems comply with best practice in legal services."

In the supplementary question, Councillor Hammon on behalf of Councillor Coker, asked the Leader:-

"Could the Leader tell us whether there are any further dilapidation costs and is the lease now at an end completely now that we have spent over half a million pounds on a mistake. Is there now any further dilapidations and is the lease finally at an end and can we now say goodbye to this as an expense to the council tax payer."

In reply, Councillor Crowther said:-

"It is the end of the lease. I am advised that the dilapidations costs will be broadly the same at the end of the lease now as they would have been at the end of the period earlier, so they are not included in these figures. They are not additional costs, but costs that would have been incurred anyway."

## **COUNCIL MINUTES (Continued)**

(B) From Councillor M Coker to Councillor B Crowther, Leader of the Council:

“Can the leader of the Council inform me of the amount expended on the church site in the Cultural Quarter in respect of rent, council tax and repairs over the period of the current tenancy and the length of the tenancy and the arrangements for review of the rent?”

Councillor Crowther replied:-

"The two leases on the Church, which include a substantial basement as well as the main floor, were acquired in 2000 to enable the building to become part of the proposed Cultural Quarter and also to prevent it from being used for an incompatible use. The lease was required since without it the Council would not have been eligible to apply for Arts Lottery Funding. The leases are for 30 years lasting until 2030 and rent reviews are scheduled every 5 years, the next one being scheduled for October 2006 .

The costs incurred since the Council acquired the lease are as follows:

rent (as from 11/05/00) £175,200 (£32,500 per annum)

business rates £1,761 (minimal amount incurred as building has been empty for periods of time)

utilities costs £7,262

building maintenance £33,566

The Church is a listed building and within a Conservation Area so the investment in its maintenance is not only to meet the lease costs but is a general contribution to the amenity of this historic part of Leamington.

The building has been used in part by Arts Companies - Motion House and Heartbreak Productions. They will be tenants in the Cultural Quarter facility presently under development to the rear of the Church. The two companies have contributed between them £11,845 in capital and maintenance works to the Church.

Following the decision by the Arts Council for England not to award funding to the Church element of the Cultural Quarter proposal, other uses have been sought. It was thought that until recently a Spa Company were interested but they withdrew their interest in the Autumn of last year. The property is now being marketed and another possible use is being explored. This will be the subject of a further report to the Executive."

In a supplementary question, Councillor Hammon on behalf of Councillor Coker, asked the Leader:-

“I would like to know whether this is a full repairing lease which we are committed to for thirty years, which will be at a cost of over one million pounds over that time.”

## **COUNCIL MINUTES (Continued)**

In reply, Councillor Crowther said:-

“It is a full repairing lease but obviously, as you will see from the reply and on the reports we have had, it is not our intention to retain the lease and expenditure over that period. The whole point of acquiring the lease was in order to assign it.”

### **755. EXECUTIVE**

It was moved by Councillor Crowther, duly seconded and

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

### **756. REGULATORY COMMITTEE**

It was moved by Councillor Mrs Goode, duly seconded and

**RESOLVED** that the reports of the Regulatory Committee dated 6 December 2005 and 4 January 2006, be approved and adopted.

### **757. AUDIT AND RESOURCES OVERVIEW AND SCRUTINY COMMITTEE**

It was moved by Councillor Caborn, duly seconded and

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

### **758. EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE**

It was moved by Councillor Guest, duly seconded and

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

### **759. CULTURE AND SOCIAL POLICY OVERVIEW AND SCRUTINY COMMITTEE**

It was moved by Councillor Kirton, duly seconded and

**RESOLVED** that the report of the Culture and Social Policy Overview and Scrutiny Committee dated 7 December 2005, be approved and adopted.

### **760. ENVIRONMENT AND ECONOMIC POLICY COMMITTEE**

It was moved by Councillor Mrs Compton, duly seconded and

## **COUNCIL MINUTES (Continued)**

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

### **761. EMPLOYMENT COMMITTEE**

It was moved by Councillor Crowther, duly seconded and

**RESOLVED** that the report of the Employment Committee dated 19 December 2005, be approved and adopted.

### **762. STANDARDS COMMITTEE**

It was moved by Councillor Guest, duly seconded and

**RESOLVED** that the report of the Standards Committee dated 20 December 2005, be approved and adopted.

### **763. PLANNING COMMITTEE**

It was moved by Councillor Evans and duly seconded that the reports of the Planning Committee dated 23 November, and 5 and 14 December 2005, be approved and adopted.

(A) Review of Decision Making Process (729):

The Chairman of the Committee explained that, in accordance with the proposed revised procedure for public speaking, where there was a recommendation to refuse a planning application, it would now be permissible for the applicant to attend the Planning Committee meeting to speak in support of the application.

(B) Adoption of Report:

The original motion was then put to the meeting and declared carried.

### **764. NOTICES OF MOTION**

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

"This Council notes that the Home Secretary is currently attempting to push an ID Cards Bill through Parliament. This Bill will have an effect upon all of the people of Warwick District.

This Council believes:

- (1) That the disadvantages of such a scheme will outweigh any likely benefits to the people of Warwick District.
- (2) That the scheme will do almost nothing to prevent terrorism, crime or fraud.

## **COUNCIL MINUTES (Continued)**

- (3) That the national database that underpins the identity card scheme may facilitate criminal fraud, terrorism and potential state abuses of human rights.
- (4) That the ID card and database proposals are likely to fundamentally alter the relationship between the state and the individual.

According to Government estimates, the cost of such a scheme could reach £5.5 billion, with independent commentators predicting substantially higher costs. The residents of Warwick District will be required to pay an estimated £35 for a stand-alone ID card or £85 for a passport and ID card together.

This Council resolves to:

- (1) instruct the Chief Executive to write to the Home Secretary expressing these views and asking him to reconsider his decision to push forward this legislation; and
- (2) ask our two MPs to support this Council's position on ID cards".

It was moved that the motion be referred to the Executive for consideration.

On this being put to the meeting, it was declared lost.

In accordance with Council Procedure Rule 5(6) it was then moved and seconded that the motion proposed by Councillor Gifford be considered at the meeting.

On this being put to the meeting, it was declared carried.

The motion was then put to the meeting and, on a vote being taken, was declared carried.

- (B) It was moved by Councillor M Coker and duly seconded:-

"That in view of the numerous applications for Mobile Telephone masts being made throughout the District and the concern caused to residents in the area of such applications as a result of the damage to the visual aspect of the locality and the perceived health threat that these masts pose, that this Council recognising the likely continued demand for such sites to be found cooperate with the telephone companies with a view to identifying sites which can be utilised and designed in such a fashion as not to offend the visual aspect of the area in which they are positioned and are far enough away from residential accommodation as not to threaten any danger either perceived or real to health.

That this be on condition that when such sites are identified that these be used on a communal basis so as to stop the proliferation of such sites within the District."

## **COUNCIL MINUTES (Continued)**

**RESOLVED** that the motion be referred to the Environment and Economic Policy Committee and the Planning Committee.

### **765. APPOINTMENTS TO COMMITTEES**

Following the recent death of Councillor Windybank, it was

**RESOLVED** that Councillor Mrs Bunker be appointed as a member of the Licensing, Planning and Regulatory Committees for the remainder of the municipal year.

(Although this matter was not included on the agenda, the Chairman advised that he had agreed that it should be considered at the meeting as a matter of urgency in view of the need to fill the vacancies on the Committees without delay).

### **766. COMMON SEAL**

It was

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

(The meeting ended at 8.10 pm)

CHAIRMAN