

# EXECUTIVE

Minutes of the meeting held on Wednesday 16 April 2014 at the Town Hall, Royal Leamington Spa at 6.00 pm.

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

**Also present** Councillor Barrott (Chair of Finance & Audit Scrutiny Committee), Councillor Mrs Blacklock (Chair of Overview and Scrutiny Committee) and Councillor Weber (Labour Group Observer).

An apology for absence was received from Councillor Boad, Independent Group Observer.

## 179. **Declarations of interest**

There were no declarations of interest made.

## 180. **Minutes**

The minutes of the meetings held on 3 March, 12 March, 26 March 2014 were agreed and signed by the Chairman as a correct record.

### **Part 1**

(Items on which a decision by Council is required)

There were no Part 1 items.

### **Part 2**

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

## 181. **Local Air Quality Management**

The Executive considered a report from Health and Community Protection which sought approval for an amendment to the Council's Air Quality Action Plan to include new air quality planning guidance and also to approve an extension to the Leamington Air Quality Management Area.

The report advised that in March 2012, Planning Policy Statement 23 (planning and pollution control) was replaced by the National Planning Policy Framework (NPPF). This reflected Government's intention to make the planning system less complex by simplifying the number of policy pages. One of the 12 core planning principles in the NPPF, therefore, just stated that a contribution should be made to conserving the natural environment and reducing pollution.

The report outlined the Government's recently published revised and updated planning practice along with the relevant paragraphs of the NPPF relating to Air Quality Management Areas.

Officers had produced proposed guidance and this was attached as Annex 1 to the report and was similar in content to documents produced in other parts of

the country including Yorkshire and the West Midlands. The report requested approval that the Council's Air Quality Action Plan 2008 be amended to include the proposed guidance.

Members were also reminded that the current Leamington Air Quality Management Area (AQMA) centred on High Street, Clemens Street and Bath Street due to public exposure to levels of nitrogen dioxide from vehicle exhausts which could exceed national objectives. All local authorities were required to carry out an annual review of progress being made in delivering their air quality action plans and included the implications arising from new developments.

The progress report concluded that the AQMA should be extended to include the Station House development, once occupied.

It was not necessary to adopt planning guidance and air quality impacts could be addressed through planning conditions requiring a pre-commencement assessment. However, the proposed recommendations were aimed at shifting the emphasis from air quality modelling to implementing physical mitigation measures and therefore, no alternative options had been proposed.

The Overview and Scrutiny Committee felt it was an interesting report and supported the recommendations in the report. The Committee believed this report was exactly the type of topic that would be discussed by the Health Scrutiny Sub-Committee.

The Portfolio Holder, Councillor Coker, endorsed the report, and following discussion the previous evening, advised Members that the relevant page of the Low Emission Strategy Guidance, relating to policy TR2 would be updated to bring it in line with the Local Plan.

Having read the report, the Executive decided to agree the recommendations with the amendment proposed by Councillor Coker.

**Resolved** that

- (1) the Council's Air Quality Action Plan 2008 be amended to include the guidance attached at Annex 1 of this report; and
- (2) the area covered by the Leamington Air Quality Management Area be extended to include Station House as shown at Annex 2 of this report and page 19 of the Low Emission Strategy Guidance for Developers, which related to transport policy TR2, be updated to comply with the version contained in the Local Plan.

(The Portfolio Holder for this item was Councillor Coker)  
(Forward Plan reference number 562)

## 182. **Henley Road and Bourton Drive Garage Sites**

The Executive considered a report from Housing and Property Services which the disposal of the two garage sites, shown on the plan attached as appendix two to this report, at Henley Road and at Bourton Drive to Waterloo Housing Group on 99 year leases with payment at full market value in equal instalments from years 3 to 11 in accordance with the W2 Joint Venture agreement. In addition, Members were asked to authorise the termination of the remaining garage tenancies on the two sites and that authority be delegated to the Sustaining Tenancies Manager in consultation with the Portfolio Holder and the Section 151 Officer to conclude any miscellaneous lease matters in connection with the garage tenancies.

In June 2011 Executive approval was given for Warwick District Council (WDC) to enter into a Joint Venture (known as "W2") with Waterloo Housing Group (WHG) with the objective of increasing the amount of affordable housing in the district.

Following the commencement of the Joint Venture a review of land holdings was undertaken. In particular, all of the housing-related garage sites owned by the council were assessed in terms of occupancy rates, current usage, recent repair costs and rights of access. Their suitability for housing development was also considered in terms of site capacity, access and other planning issues.

As a result of this work, two garage sites, one at Henley Road and one at Bourton Drive, were identified as potentially suitable and put forward for more detailed investigations. Under the terms of the Joint Venture agreement, the disposal of land was on a 99 year lease with payments deferred until the third year and then made in equal instalments from years three to 11.

Further details on the details of the proposed scheme were outlined in paragraph 3.7 of the report and Members were advised that if they were minded to agree to the disposal, it would be necessary to terminate the remaining garage tenancies.

One alternative option was to "do nothing" and retain the garages, however, this option was not considered viable for the reasons set out in paragraph 6.3 of the report.

There was an option to seek disposal of the sites on the open market to a private developer. However, this could still only yield market value for the site but would miss the option to deliver affordable housing and the latter was a priority for the council.

The council could have sought to develop the land itself for council housing. However, by the time the Council became self-financing the site was already being investigated through the W2 Joint Venture. Furthermore the landlord service was not yet in a position to start developing new housing.

Having read the report, the Executive decided to agree the recommendations as written.

**Resolved** that

- (1) the disposal of the two garage sites, shown on the plan attached as appendix two to this report, at Henley Road and at Bourton Drive be approved, to Waterloo Housing Group on 99 year leases with payment at full market value in equal instalments from years 3 to 11 in accordance with the W2 Joint Venture agreement;
- (2) the termination of the remaining garage tenancies on the two sites, is authorised; and
- (3) authority is delegated to the Sustaining Tenancies Manager in consultation with the Portfolio Holder and the Section 151 Officer to conclude any miscellaneous lease matters in connection with the garage tenancies.

(The Portfolio Holder for this item was Councillor Vincett)  
(Forward Plan reference number 602)

### 183. **Renewal of Allpay Contract**

The Executive considered a report from Corporate and Community Services which sought approval to renew the cash collection contract with Allpay.net Ltd (Allpay).

The report advised that in May 2004 the Council took the strategic decision to close its cashier service and enter into a contractual relationship with a private sector partner for the collection of statutory and discretionary payments. The contract was subsequently awarded to Allpay for a period of three years.

Following an open tender process in April 2010, Allpay were successful in winning the contract again. Officers had since been working together to identify other companies in the market place for an over the counter payments solution but at the time of writing, there were no suitable alternatives.

The Council's Code of Procurement Practice permits senior managers to dispense with the usual procurement procedure and not seek tenders "where there is some...genuine and valid reason why competitive tenders should not be sought."

The Council's Code of Procurement Practice permitted senior managers to dispense with the usual procurement procedure and not seek tenders "where there is some...genuine and valid reason why competitive tenders should not be sought." The report explained that officers had explored alternative options to the Allpay payment network and currently there was no other cash collection supplier who provided the range of choice for the customer.

This contract was last tendered for in May 2010 and at that time there were potential competitors to Allpay, e.g. Co-operative Bank Plc, however, those companies no longer offered this over the counter payment solution.

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

The Portfolio Holder for Corporate and Community Services, Councillor Mrs Grainger, endorsed the report and the Executive decided to agree the recommendations as written.

**Resolved that**

- (1) an exemption to the Council's Code of Procurement Practice be approved, to renew the cash collection contract with Allpay for a period of three years without seeking tenders; and
- (2) the practice of issuing plastic cards for payments is discontinued.

(The Portfolio Holder for this item was Councillor Mrs Grainger)  
(Forward Plan reference number 599)

**184. Procurement of Rural Housing Enabler**

The Executive considered a report from Housing and Property Services which sought agreement to re-commission Warwickshire Rural Community Council (WRCC) to provide the Rural Housing Enabler service for 12 months from 1<sup>st</sup> May 2014 without a procurement exercise.

The report advised that the council had, for a number of years, used external consultants to provide a Rural Housing Enabler (RHE) service for the district. This was currently being delivered by the Warwickshire Rural Community Council on a 12 month contract that had run from 1 May 2013 to 30 April 2014.

Although the project was procured on a twelve-monthly basis, it was in practice an ongoing project. This was a time-consuming process: to first persuade a local community to support an affordable housing project and then to maintain that support all the way through to completion was clearly a long-term proposition where continuity of supplier was extremely important.

The WRCC was a locally-based organisation, operating from Warwick Enterprise Park near Wellesbourne, working solely in Warwickshire and Solihull and had relationships with the local parish councils as it had, over time, approached most if not all of them with a view to carrying out a needs survey and in many cases had actually worked with them on a survey. It also worked on other projects in and with the local rural communities.

An alternative option was to cease to have a RHE service at all in the District. However, this would result in rural housing schemes becoming even more difficult to progress and housing strategy and planning policy would not be able to be based upon identified needs.

The second option was to provide the service in house. However, this would mean that identifying rural housing needs would have to be done by internal staff who may not have the knowledge and expertise to do so and no internal resources were available.

Finally, three quotations could be sought for the service. This could identify other potential providers. However, the procurement criteria would need to take account of quality as well as cost and the WRCC would have a significant inbuilt advantage for the reasons set out in section 3 above which would almost certainly outweigh any cost savings that could be achieved on an £8,080 contract.

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

The Portfolio Holder for Housing and Property Services, Councillor Vincett, endorsed the report and the Executive decided to agree the recommendations as written.

**Resolved** that an exception to the Code of Procurement Practice to enable Warwickshire Rural Community Council to be commissioned to provide the Rural Housing Enabler service for a further 12 months, is approved.

(The Portfolio Holder for this item was Councillor Vincett)  
(Forward Plan reference number 606)

#### 185. **Significant Business Risk Register**

The Executive considered a report from Finance which set out the latest version of the Council's Significant Business Risk Register for review by the Executive.

The Significant Business Risk Register (SBRR) recorded all significant risks to the Council's operations, key priorities, and major projects. Individual services also had their own service risk registers. The risk register was reviewed quarterly by the Council's Senior Management Team and then, in keeping with members' overall responsibilities for managing risk, by the Executive.

The report requested that the SBRR attached at Appendix 1 to the report be reviewed and to consider if any further actions should be taken to manage the risks facing the organisation.

There were no alternative options proposed because the report was for information and review.

The Finance & Audit Scrutiny Committee highlighted the risk of the local plan being unsound or delayed, and suggested that the potential for the local plan to be rejected by the Council was also a risk. Concern was expressed that movement against some risks within the register appeared to have worsened, with no apparent actions being attached to those risks. The Portfolio Holder assured the Committee that actions were considered on a regular basis, but agreed to ensure that actions were detailed more explicitly in future reports and to include more narrative about the movement of risks. The Committee noted the Portfolio Holder's commitment to raising the profile of the register and ensuring that it was properly discussed by CMT, and supported the recommendations in the report.

The Portfolio Holder for Finance was thanked for attending the Finance and Audit Scrutiny Committee and answering the many questions that were given to him.

Councillor Mobbs assured Members that the Executive would take on board the comments made and that the risk register would be discussed at CMT and Executive meetings.

Having read the report, the Executive decided to agree the recommendations as written.

**Resolved** that the Significant Business Risk Register attached as appendix 1 to the report be accepted with no further action necessary.

(The Portfolio Holder for this item was Councillor Mobbs)  
(Forward Plan reference number 609)

186. **Local List of Historic Parks and Gardens – Confirmation of Boundaries – Part 1**

The Executive considered a report from Development Services which required confirmation for boundaries - Locally Listed Historic Parks and Gardens, which were defined in Appendix A to the report.

Warwick District Local Plan contained a policy which supported the establishment of a Local List of Historic Parks and Gardens, together with their protection. Local Plan Policy DAP 11 contained a list of local parks and gardens and also made provision for additions to be made to this list. At the time the original list was established, boundaries were not provided to the parks and gardens.

Since the establishment of the list, two additional gardens had been added and at the time of their approval, boundaries were established. In order to fully administer the policy within the Local Plan, the provision of boundaries to define the extent of the historic park or garden was needed.

Public consultation had been undertaken and as a result, changes had been suggested to certain boundaries which would require additional research and public consultation, these are set out in appendix B to the report. The results of the public consultation for parks and gardens in appendices A and B were contained in appendix C to the report.

Officers proposed that a further report be brought back to the Executive following further research and public consultation on those parks and gardens in Appendix C.

The alternative option would be to continue without boundaries to the parks and gardens. This would not be in accordance with the long term recommendations of the Local Plan and the appropriate Local Plan Policy. A further alternative would be to wait until re-consultation had taken place on parks and gardens in Appendix C, however, without the establishment of boundaries as soon as possible, the Council was vulnerable in cases where the

boundaries of Locally Listed Parks and Gardens were at question either as part of the planning process or as part of a planning appeal process.

Having read the report, the Executive decided to agree the recommendations as written.

**Resolved** that

- (1) the boundaries for the Locally Listed Parks and Gardens as named under Local Plan Policy DAP 11 (the Local Register) and as defined in Appendix A to the report, and the publication of the boundaries contained in Appendix A as appropriate, are approved;
- (2) a second report be brought back following the results of re-consultation for those parks and gardens on Appendix B to the report; and
- (3) authority be delegated to the Conservation Officer in consultation with the Head of Development Services and the Portfolio Holder for Development Services to define boundaries where clarification is required( for those boundaries defined in Appendix A to the report) and to add to the historical information relating to each park and garden, as appropriate.

(The Portfolio Holder for this item was Councillor Hammon)  
(Forward Plan reference number 597)

**187. 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 item 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
187 & 188	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

**188. Fetherstone Court Development Scheme Update**

The recommendations of the report were agreed with some amendments.



The full minute for this item will be set out in the confidential minutes of the meeting.

(The Portfolio Holder for this item was Councillor Vincett)  
(Forward Plan reference number 589)

189. **Racing Club Warwick & West Midlands Reserve Force & Cadets Association**

The recommendations of the report were agreed with some amendments.

The full minute for this item will be set out in the confidential minutes of the meeting.

(The Portfolio Holder for this item was Councillor Coker)  
(Forward Plan reference number 601)

190. **Minutes**

The confidential minutes of the meetings held on 12 February and 26 March 2014 were agreed and signed by the Chairman as a correct record.

(The meeting ended at 7.15 pm)