

Executive

Minutes of the meeting held on Wednesday 1 November 2017 at the Town Hall, Royal Leamington Spa, at 6.00 pm.

Present: Councillor Mobbs (Leader); Councillors Coker, Grainger, Phillips, Thompson and Whiting.

Also present: Councillors; Barrott (Chair of Finance & Audit Scrutiny Committee); Boad (Liberal Democrat Group Observer); Mrs Falp (Chair of Overview & Scrutiny Committee and Whitnash Residents' Association (Independent) Group Observer); and Councillor Quinney (Labour Group Observer).

Apologies for absence were received from Councillors Butler and Rhead.

64. **Declarations of Interest**

Minute 74 – Europa Way - Update

Councillor Mrs Falp declared a prejudicial interest because a relative was a shareholder of Leamington Football Club. She left the room whilst the item was discussed.

65. **Minutes**

The minutes of the meetings held on 20 and 27 September 2017 were taken as read and signed by the Leader as a correct record.

Part 1

(Items on which a decision by Council on 15 November 2017 was required)

66. **Revisions to the Constitution**

The Executive considered a report from Democratic Services which brought forward proposals to amend the Officer Scheme of Delegation, following revisions to the staffing structure and also sought to provide clarity regarding appointments to Sub-Committees.

Following the restructure of Housing & Property Services, the Deputy Chief Executive (BH) reviewed the Scheme of Delegation to officers and brought forward amendments to reflect the revised structure. These amendments moved delegations from the Head of Housing to the Chief Executive.

The report proposed to amend the wording of former delegation HS(98) to proposed delegation DCE(4). This meant that delegation HS(16) could be removed because it was a near duplicate. In addition, a minor change to the wording of HS(101) now DCE(6) was proposed to bring the wording in line with other similar delegations where consultation was required.

There were proposals to revise the wording of HS(2), (9), (86) (94), (95) and (96). This was because the wording within each of these delegations was out of keeping with the rest of the officer scheme of delegation in that it named the Head of Service rather than taking the lead from the heading.

It was proposed to amend delegation HS(11) so that it referred to the revised resettlement policy, previously approved by the Executive. HS(15) was to be revised to remove the reference to consulting with a solicitor for the Council and reflected current working practice. The proposal to amend HS(35) was included to remove any ambiguity from within the delegation.

DCE(10) was a new delegation to allow for consideration because the Council had a small number of shop premises which fell into this category.

It was proposed to move DS(19) and DS(21) to DS(24) from Development Services to the Deputy Chief Executive to reflect this work moving into the new Assets team.

It was proposed to move DS(20) to a general delegation available to the Chief Executive, two Deputy Chief Executives and all Heads of Service thus allowing them to individually take action for any incursion or trespass on Council land.

Following recent questions from Members, the Monitoring Officer considered it appropriate to provide clarity within the Constitution regarding membership of Sub-Committees and remove any ambiguity.

At present, the Council only operated Sub-Committees to the; Employment Committee, Standards Committee, Licensing & Regulatory Committee and Overview & Scrutiny Committee. These were all classed as the parent Committee to the Sub-Committee.

To be appointed to a Sub-Committee, the Councillor must be a Member of the parent committee. Therefore, equally to be a substitute on a Sub-Committee the Councillor must be a Member (not a substitute nominated by Council) of the parent Committee.

In all cases, the appointment to a Sub-Committee had to be made by the parent Committee. This was unless a delegation arrangement had been put in place as was the case for additional Licensing & Regulatory Committees and Standards Committee Hearing Panels.

The exemptions to this process were that co-optees could be appointed to Sub-Committees by their respective parent committee, but unless these were Sub-Committees of a Scrutiny committee, the individual(s) appointed were non-voting.

An alternative option was to leave the Constitution as at present. However, it was felt that for the sake of clarity and transparency the Constitution should be amended.

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

Recommended to Council that

- (1) the scheme of delegation is amended as set out at Appendix 1 to the minutes to reflect the changes as a result of the restructure of Housing & Property Services; and
- (2) Council procedure rules are amended, to include a reference confirming the requirements that to be appointed to a Sub-Committee (as either a member or a substitute) the Councillor must be a member of the parent Committee, with exception to this the appointment of Co-opted members who in all cases (less Scrutiny Sub-Committees), would have no voting rights.

(The Portfolio Holders for this item were Councillors Mobbs and Phillips)

Part 2

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

67. Severe Weather Emergency Protocol

The Executive considered a report from Housing Services which provided background information on the Severe Weather Emergency Protocol (SWEP) and asked Members to consider amending the protocol, following a motion approved at Council on 20 September 2017.

The Council operated a Severe Weather Emergency Protocol (SWEP) providing overnight accommodation for those sleeping rough (on evenings when the local night shelters were closed) when the temperature was predicted to fall to zero or below for three successive nights. The motion approved was that Executive should consider changing the protocol so that accommodation would be offered for every night when the local night shelters were closed once the temperature was predicted to drop to zero or below.

This report provided background information to enable Executive to come to a decision on this matter.

Councils were encouraged by central government to have a SWEP in place and the trigger point of three consecutive nights with temperatures at zero or below was set out in national guidelines as being a minimum requirement. Any council had the discretion to set a more generous threshold if it so chose.

The Council had the SWEP protocol in place which provided emergency accommodation for street homeless people in severe weather conditions. This was triggered when the temperature was forecast to be below 0°C for three successive nights. The accommodation provided was in local bed & breakfast establishments and hotels or by the night shelters on evenings when they were open.

Under the current three-night trigger arrangements SWEP was initiated on three occasions in 2016/17, on two occasions in 2015/16 and on six occasions in 2014/15. The number of people presenting had ranged from three to 13, with the average being six or seven people.

There were a number of risks outlined in the report and these included financial, service and community impacts.

Financially, reducing the SWEP trigger from three nights to one was very likely to cost additional money, however, there were exceptions to this as detailed in section 6 of the report. The additional cost would vary dependant on the number of rough sleepers taking up the offer of accommodation, how many short spells of cold weather occurred and whether they occurred on nights when the night shelters were unavailable. All of these factors made the financial impact difficult to predict but a worst case scenario had been estimated at £13,500. In addition to these costs, the ability for the individual to claim Housing Benefit also had to be taken into account.

The impact on service provision was identified in section 6.2 of the report and explained that administratively, SWEP was a cumbersome operational process. There would be an increase in workload which in turn would have an impact on the day to day running of the team.

The variances between the Council's neighbouring authorities' SWEP were outlined in the Community Impact section and highlighted that by triggering SWEP more frequently, this could encourage more rough sleepers into the District.

An alternative option was to introduce a trigger based on a different temperature. For example Liverpool City Council's protocol triggered on any given night when the temperature was forecast to drop below two degrees. This was a clear trigger which took into account the lack of accommodation in Liverpool for rough sleepers and recent deaths of rough sleepers on the streets due to cold.

A further alternative was to use other factors to determine the trigger point. For example a definition could be used that took into account matters like windchill, rain or snow and flooding, however, this would introduce a degree of subjectivity into the decision to initiate the protocol.

The Overview and Scrutiny Committee welcomed that this report had come forward so soon after the motion to Council and that there would be a further report to Executive in January 2018.

The Committee welcomed that, as a result of the debate, officers had agreed to undertake discussions/consultation with our partners both statutory and non-statutory to ensure a co-ordinated approach within the District ahead of the report in January 2018.

The Committee also accepted the offer of having a presentation to its meeting on 3 January 2018 on the detail of the paper to the Executive the following evening.

The Portfolio Holder for Housing offered his apologies for his absence from the scrutiny meeting the previous evening but he had been provided feedback on the comments made from colleagues and officers. He advised that one of the next steps would be the Government's introduction of a homelessness review, the Housing Advisory Group would be meeting in November and hoped to involve tenants in the review as well. It was proposed, duly seconded and

Recommended that:

- (1) the Council should offer overnight accommodation to rough sleepers for every night that the temperature is predicted to drop to zero°C or below for the winter of 2017/18; and
- (2) a further report be brought to Executive setting out the range of current initiatives for homelessness prevention and relief, and setting out proposals for developing this work further in the context of implementation of the Homelessness Reduction Act from 1st April 2018.

(The Portfolio Holder for this item was Councillor Phillips)
(Forward Plan reference 902)

68. Business Case for Extension of the Avon Navigation Scheme from Stratford (Alveston) to Warwick

The Executive considered a report from the Chief Executive which considered a request for the Council to make a financial contribution toward a high-level assessment of the environmental and the socio-economic impacts of a scheme to extend the Avon Navigation Scheme from Stratford (Alveston) to Warwick.

At its meeting on 28 June 2017 the Executive agreed to the request from the Avon Navigation Trust for support to look further at the principle of the proposal for the extension of existing navigation on the River Avon from Alveston, north of Stratford to the Grand Union Canal at Warwick.

As advised in June 2017, the next piece of work that the Avon Navigation Trust (ANT) proposed was to undertake a feasibility assessment including

funding options. The Executive was further advised that it may well be that the Council may be asked to contribute to the cost of undertaking research but that a separate report and decision would be required.

It was now proposed that a high-level assessment of the environmental and the socio-economic impacts be undertaken to demonstrate if there was a realistic business case. This was estimated to cost, including a contingency, £45,000. It was proposed that the cost be split three equal ways between ANT, Stratford District Council (SDC) and this Council. This would mean that this Council would have to pay £15,000. This could be funded from the Community Project Reserve. SDC had offered to undertake the procurement exercise.

If the recommendation above was agreed, then the report would be presented to all three organisations and a view would need to be reached about whether there was a business case to proceed further. If the case was positive, there would need to be a proper public consultation exercise planned and carried out.

The proposal was a long term one and could affect the area both environmentally and in socio-economic terms for good, or for ill. Members needed to be fully aware of all opportunities and risks – and the study proposed should clearly identify them.

An alternative option was that the Executive could decide not to offer such support. It would be difficult for the scheme to progress without this Council's support but without knowing if there was a business case or not the Council may risk losing significant economic benefits to the District. Therefore, this course of action was not advocated.

Resolved that the Council agrees to contribute £15,000 from the Community Projects Reserve toward a high-level assessment of environmental and the socio-economic impacts of the proposal to extend the Avon Navigation Scheme from Stratford (Alveston) to Warwick.

(The Portfolio Holder for this item was Councillor Butler)

69. **Arrangements for Civic Transport and Support**

The Executive considered a report from Democratic Services which outlined the options for changing the existing Civic transport arrangements for the Warwick District Council Chairman.

The current Chairman's car, a Mercedes E220, 4 door, 3 litre, diesel engine, was no longer a cost effective option to maintain. The running costs were high which was reflected in the road fund tax banding and combined with the MOT, servicing costs, AA Roadside Assistance and petrol had cost the Council £2,533 in the last financial year.

Investigations had shown that the car could fetch up to £5,900 if sold through a franchised dealer.

The leasing of an electric or hybrid vehicle would cost a maximum amount of £3,900 per annum and the car could be replaced every three years dependant on the type of lease taken out. Dependant on the type of lease taken out, this could include the provision of an annual service, and could include replacement tyres and breakdown cover, offering a saving of up to £350 per year (MOT = £150 & AA cover = £200/year).

At present, the Chairman's car was stored in a District Council owned garage in Warwick. Due to the desirable location of the garage, there were a number of options available if the lease was relinquished. It could provide either; an ongoing income if rented out; or could be sold off privately providing a much needed parking provision for residents or businesses in Warwick.

Early indications from local agents had shown that there was a market for selling garages of a similar type and location ranging from approximately £20,000 dependent on condition.

The second section of the report was to note the change in hours and role of the Chairman's Chauffeur post, to be monitored and revisited after 12 months. The revisions to the post of Chairman's Chauffeur would realise savings of up to £5,900 per annum. Monitoring the hours of the Chairman's attendant post had revealed that in reality, the average working week for the post holder was lower than the 30 hours a week that was contracted for.

There were a number of alternative options detailed at section 7 of the report and these included continuing with the current car, selling the car and buying a new one, lift sharing with other parish or town councils and continuing with the storage facility in Warwick. However, these had all been discounted due to the costs involved and the opportunity to realise savings.

The Finance & Audit Scrutiny Committee supported the recommendations but had reservations about various aspects of the proposal. It was suggested that a local car company could be used to source a new vehicle.

The Overview and Scrutiny Committee advised that it had been agreed at its meeting that a Task & Finish group would be set up to look at the Role of the Chairman, with a scoping document coming forward at the next meeting.

It was agreed that the supplier of the vehicle should not be restricted to the three detailed in the report and the Executive welcomed the idea of seeking a partnership with a local car manufacturer. Officers assured Members that they would work with HR to ensure that the hours of the post were sufficient. It was therefore,

Resolved that:

- (1) the sale of the current car used to transport the WDC Chairman is approved, providing a one off lump sum estimated at £5,900, which will be allocated to the Equipment Renewal Reserve;
- (2) leasing an electric or hybrid vehicle, for use as the Chairman's car is agreed at a maximum cost of £3,900 per annum, to be funded as outlined in section 5 of the report; the decision on the choice of car would be made by the Deputy Chief Executive & Monitoring Officer in consultation with the Chairman and Vice-Chairman of the Council along with the Leader of the Council;
- (3) Council amends the budgets to enable the cost of leasing a vehicle to be realised through salary savings and should be brought forward as part of the budget setting process;
- (4) the work undertaken to source a garage in Leamington to store the vehicle is noted and the current garage is released to enable it to realise its true commercial value; and
- (5) the change in hours and role of the Chairman's Chauffeur post is noted, to be monitored and revisited after 12 months and that following this, any permanent changes will be reported to Employment Committee for its consideration.

(The Portfolio Holder for this item was Councillor Mobbs)

70. Tach Brook Country Park

The Executive considered a report from the Chief Executive which provided an update on the background and progress of the Tach Brook Country Park and sought approval to procure the services of a design team for the Country Park.

The newly adopted Warwick District Local Plan proposed a new Country Park of approximately 62 hectares. Tach Brook Country Park would be established as part of the planned urban extension to the south of Whitnash, Leamington Spa and Warwick on land south of Harbury Lane located between Lower Heathcote Farm and Grove Farm. The Council had

also entered into several S106 Planning Agreements that placed obligations on developers and the Council regarding the delivery of the Country Park.

The report requested that the Executive approve the procurement of a Design Team to develop the concept and design of the Tach Brook Country Park and to engage with key stakeholders as part of the design process.

In addition, agreement was sought to fund the work from S106 receipts but if these were not received in time, the work would be forward funded by drawing upon the Local Plan Delivery Reserve in 2018/19 for up to £66,000.

An alternative option was considered at Executive on 3 December 2014. In this option the Council would not take on the transfer of the Country Park Land. In this scenario the developer would propose a scheme for a Country Park themselves with the land remaining in private ownership. This would mean that the Council had less control over the design and use of this element of the park and cohesion between the different ownerships could prove more problematic. The land would also be managed by a private management company and experience indicated that they did not always manage green spaces to the standards to which the Council aspired. Executive supported the principle of the Council retaining control and ownership of the Country Park.

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

The Portfolio Holder thanked the scrutiny committee for its input and advised that the comments would be fed into the work by officers. In addition, she felt that the two Town Councils should be more involved than they had been to date. It was proposed, duly seconded and

Resolved that:

- (1) progress on the Tach Brook Country Park, is noted;
- (2) the approach set out in this report to develop and deliver the Tach Brook Country Park in line with Policy DS13 of the newly adopted Local Plan, is endorsed;
- (3) the procurement of a Design Team to develop the concept and design of the Tach Brook Country Park is approved and the Council will engage with key stakeholders as part of the design process; and

- (4) the work will be funded from S106 receipts but if they are not received in time, the work will be forward funded by drawing upon the Local Plan Delivery Reserve in 2018/19 for up to £66,000.

(The Portfolio Holder for this item was Councillors Grainger and Rhead)
Forward Plan reference 896

71. **Delivery of the St Mary's Lands Masterplan, Warwick**

The Executive considered a report from the Chief Executive which updated Members on the delivery progress of the agreed Masterplan and advised of changes to the Working Party. Delegated authority was sought to agree any further changes along with approval for a small revision to an existing lease.

At its meeting on 28 June 2017 the Executive agreed to recommend to Council that the Masterplan for St Mary's Lands should be adopted as policy. This was then confirmed by Council at its meeting on 9 August 2017.

The adoption of the Masterplan had been deferred pending further work on the justification of inclusion of a hotel (which was resolved at Council in August 2017). Prior to that a delivery plan of all the other elements had been agreed and the Executive had agreed funding for works in 2016/17 and for 2017/18. Appendix 1 set out the progress being made on all the elements. The Working Party was meeting on 25th October 2017 and any issues/conclusions arising from that meeting would be reported to the Executive.

The Executive previously agreed to incorporate an area of land for the creation of MUGA within the lease of Racing Club Warwick. Inadvertently a piece of land was omitted from the plan showing the lease extension and as the revised lease had not yet been signed or sealed it was proposed that this omission was now rectified by agreeing to include the missing area of land as shown on Plan 1 to the report.

The development of the Masterplan had been guided by the St Mary's Lands Working Party. The intent was to continue with the Working Party but for it to focus on implementation of the Masterplan's proposals. The representatives of the Working Party were listed in section 3.6 of the report. It was further proposed that the Working Party be chaired in rotation, according to who hosted the meetings.

An alternative option was that the Council did not note progress which would seem perverse. Similarly, not to agree for the 2018/19 elements of the Masterplan not to be proceeded would be a reputational risk for the Council given the efforts that had been made to engage local groups.

The membership of the Working Party could be left as it was as the Working Party had up to now been successful. However, as it was now

moving to implementation stage there was a need to bring on other group representatives and balance that with maintaining a reasonable number to keep it effective.

Councillor Grainger advised that she had attended a meeting recently and had met a number of the new individuals involved. She was pleased that the Council was involved in an important asset for the District.

In the absence of the Portfolio Holder, Councillor Coker presented the report and stated that such an important area of Warwick deserved to be looked after. He noted the progress to date and proposed the recommendations in the report. It was duly seconded and

Resolved that:

- (1) progress on the delivery plan of the Masterplan as set out in Appendix 1 to the report, is noted and the provisions for 2018/19 are brought forward for consideration as part of the 2018/19 budget;
- (2) a minor modification to the lease of Racing Club Warwick is agreed to incorporate a limited number of car parking spaces as indicated on Plan 1 to the report; and
- (3) changes to the organisations on the St Mary's Lands Working Party are noted and to avoid any future uncertainty over decision making on those organisations membership, authority is delegated to the Chief Executive in consultation with the Business portfolio holder on any further changes to the make-up of the Working Party, excluding Warwick District Council representatives.

(The Portfolio Holder for this item was Councillor Butler)

72. Protocol for Death of a Senior Figure

The Executive considered a report from Democratic Services which presented the Protocol for Marking the Death of a Senior National Figure or a Local Holder of High Office and requested adoption of the policy.

The lack of a policy at local authorities was raised by the Local Resilience Forum and the issue was also a discussion within the National Association of Local Councils, who in turn provided guidance notes to civic teams nationally.

In addition, the Council had been in the unfortunate position where both elected members and members of staff had passed away. This had highlighted the lack of a standardised protocol for dealing with initial communications and funeral arrangements.

Following an initial draft, Kenilworth, Royal Leamington Spa, Whitnash and Warwick Town Councils were approached to ensure a consistent message was provided across the District.

The protocol was also shared with the Council's internal HR team to ensure that, in the sad event of a colleague passing away, the corporate message was clear and appropriate support was given to all staff.

The Council could choose not to adopt the protocol however this would not be recommended as it was proposed to formalise procedures to avoid confusion.

The Chairman of the Council highlighted some minor amendments to the protocol which the Senior Committee Services Officer agreed to make. It was proposed, duly seconded and

Resolved that the Protocol for Marking the Death of a Senior Figure is agreed, as outlined at Appendix 1 to the report.

(The Portfolio Holder for this item was Councillor Mobbs)

73. **Participation in Bid by Birmingham City Council to host the Commonwealth Games in 2022**

The Executive considered a report from Cultural Services which sought to initiate a project about the District's involvement in the bid by Birmingham City Council (BCC) to host the Commonwealth Games 2022 (CG 2022) and in this respect also reported retrospectively on the use of the Chief Executive's emergency powers to sign Heads of Terms documents with the relevant bodies.

In August of this year it became apparent that BCC was preparing a bid to host the CG 2022 as the original host (Durban in South Africa) had had the award withdrawn. This represented an opportunity for this Council and for the District to be involved by providing the world class facilities of one of the Commonwealth Games compulsory sports – Bowls. However, as the bidding process was very short, the Council was asked to complete some Heads of Terms documents at short notice with BCC, the body organising the bid for BCC and the Commonwealth Games Federation (CGF).

On 17 August, BCC announced that the District's and its bowls facilities were formally part of its bid for CG 2022. Shortly afterwards, the Government decided to support BCC's bid over that of Liverpool and on 29 September 2017 it announced that the BCC bid was viable and agreed its overall funding contribution.

However, the CGF then extended the deadline for nominations as the BCC bid was not fully compliant. The deadline was moved to 30 November 2017. Whilst it was possible that BCC's bid may not be successful, and given the relatively short time horizon to prepare for the CG 2022 it was proposed that in advance of that decision, officers proceeded to work to scope the project, and to assess issues, costs and risks. A further report would be brought back on these matters by March 2018 by which time a decision would have been made.

An alternative option was that the Council could choose not to participate further. This would lose the Council and the District an opportunity to promote itself internationally and would have significant reputational impacts. There may also be legal and financial implications though these could not be scoped at present.

The Chief Executive advised Members that he had received an email that afternoon clarifying the Heads of Terms and further details would be known by December. The Deputy Leader proposed the recommendations as outlined in the report. It was therefore,

Resolved that:

- (1) the use of the Chief Executive's emergency powers under CE(4) of the constitution in consultation with the Group Leaders and the Culture Portfolio Holder to sign broad Heads of Terms documents for the Council's involvement in Birmingham City Council's (BCC's) bid to host the Commonwealth Games 2022 (CG 2022), is noted;
- (2) should Birmingham City Council's Bid to host the Commonwealth Games in 2022 succeed, the Council's involvement in the CG 2022 as one of its Key Projects in its Fit for the Future Strategy, is noted; and
- (3) the award is made to Birmingham City Council, a further report will be submitted defining the scope of the project and containing an initial assessment of issues, costs and risks, no later than March 2018.

(The Portfolio Holder for this item was Councillor Coker)

74. **Europa Way - Update**

The Executive considered a report from the Chief Executive which updated Members on the progress to acquire and develop land at Europa Way for a community stadium and enabling development following the report approved by Executive and Council on 12 April 2017. It updated Members on the progress towards acquiring the land, advised of revisions to the programme moving forward and sought approval for some changes to how the project was to be progressed.

In April 2017, Council agreed to progress a major project to acquire and develop land at Europa Way for a community stadium. The agreed recommendations were set out in full in Appendix 1 to the report. Also as reported in April, the land at Europa Way to be acquired by the Council was part of a larger area currently owned by WCC. The remainder of this land was proposed to be purchased by Waterloo Housing Group (WHG).

Since April, progress had been made in respect of some of the matters that were reported and agreed. The report outlined that progress and included details on the purchase of the land from WCC, the Planning issues relating to the site, matters relating to Leamington Football Club and the project timetable.

Negotiations to purchase of the land for the stadium and enabling development had been undertaken and Heads of Terms for the acquisition had been agreed with WCC. These were attached as a confidential Appendix 2 to the report.

In offering to purchase the land, the Council set out some terms and conditions that would need to be satisfied. Good progress was being made on these and this was set out in a confidential Appendix 3 to the report.

In April 2017 the Executive agreed to make £190,000 available from the Community Projects Reserve, once the purchase of the land had been completed. As set out in the report, phase 1 had taken longer than anticipated, and it was expected to take ten months (from April 2017 to February 2018) to complete the purchase. Given this, and the Council's desire to maintain momentum on the project, the report requested that Executive release the £190,000 to support phase 2.

Other matters were also summarised in the report relating to education links, South Warwickshire Foundation Trust and CCG investing in healthcare and the potential for an athletics track to be relocated on adjoining land.

In terms of new matters raised by this report, it would be possible for Members not to agree to advance the £190,000 to progress phase 2 until the purchase of the land had been completed. However, for the reasons set out in the report, this was not supported.

The Finance & Audit Scrutiny Committee supported the recommendations with the addition of the words 'with Leamington Football Club' to recommendation 2.4.

The Portfolio Holder for Housing agreed with the amended wording to recommendation 2.4 and in order to move the project along he proposed the recommendations in the report. The Executive therefore

Resolved that:

- (1) the progress against the recommendations already approved by Council and Executive at their meetings on 12th April 2017 (Council minute number 94 and Executive minute number 129) regarding the progression of the Strategic Opportunity Proposal at Europa Way, is noted;
- (2) the £190,000 allocated in Executive Minute 129 (12th April 2017) be made available immediately to progress various elements of the project as set out in the report;
- (3) the revisions to the Project Plan contained in paragraph 3.20 of this report are noted and a report will now be brought back to Council by the end of March 2018 on the results of the market testing and proposing how the next stage of the project will be delivered; and
- (4) the Council enter into a Memorandum of Understanding (MOU) on terms acceptable to the Chief Executive in consultation with the Section 151 officer, the Leader of the Council and the Portfolio Holder for Housing Services and Finance.

(The Portfolio Holder for this item was Councillor Phillips)
Forward Plan reference 898

75. Implementation of the Equality Act 2010

The Executive considered a report from Health and Community Protection which informed Members of the introduction, and implications, of Part 12 of The Equality Act 2010 (The Act), outlined the advantages and disadvantages of adopting the powers introduced under the Act and sought adoption of the appropriate sections of the legislation in Warwick District.

Sections 165 and 167 of the Equality Act 2010 (the Act) came into force on 6 April 2017. Section 167 of the Act provided local authorities with the powers to establish and maintain a list of wheelchair accessible vehicles ('designated licensed vehicles'), and Section 165 then required the drivers of the 'designated licensed vehicles', unless they had a valid medical exemption issued by the Council, to transport wheelchair users, provide passengers in wheelchairs with appropriate assistance, and to ensure that wheelchair users were charged the same fares as non-wheelchair users.

The recommendations in the report would ensure that wheelchair users were afforded every protection when travelling in licensed vehicles within the District, and would provide a legal basis for the Council to take enforcement action against any driver who failed to carry out their required duties.

In addition, delegated authority was sought to enable the Licensing Team to approve any further vehicles to be added onto the designated list, and to consider requests from drivers for a medical exemption. This would provide for an efficient and speedy mechanism to approve.

Policy and Procedure documents would require updating to include the legislation and the individual application and appeal processes for Vehicles and Drivers. Therefore, approval was required to amend these documents accordingly.

An alternative option was that Members could choose to do nothing. There was no duty on the Licensing Authority to produce a list of 'designated licensed vehicles' and there were no significant problems with discrimination against wheelchair users in the District. However, this option was not recommended.

The Labour Group Observer advised that the report had been discussed at a recent Licensing & Regulatory Committee and Members had agreed that it was a sound proposal.

It was proposed, duly seconded and

Resolved that:

- (1) the establishment of a list of designated wheelchair accessible Private Hire and Hackney Carriage vehicles is approved;
- (2) authority is delegated to the Regulatory Manager to maintain the list of designated licensed vehicles, including the removal and addition of vehicles;
- (3) authority is delegated to the Head of Health and Community Protection to determine applications from drivers for a

medical exemption from their duties under the Act; and

- (4) the Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook: WDC approach, Policies and Procedures be amended accordingly.

(The Portfolio Holder for this item was Councillor Thompson)
Forward Plan reference 905

76. **100% Business Rate Retention Pooling Pilot**

The Executive considered a report from Finance which advised that the Government announced that it intended to proceed with the expansion of the pilot programme for 100% business rates retention in 2018/19.

The report considered a pilot for the five Warwickshire Districts and Warwickshire County Council.

As part of the 50% Business Rates Retention scheme introduced in 2013, local authorities had been able to form "pools". By forming a pool it was possible that more business rates income was retained in the local area, with the intention that some of this income was utilised to support local economic development. Warwick had been part of the Coventry and Warwickshire Pool.

On 1 September the Government announced that it intended to proceed with the expansion of the pilot programme for 100% business rates retention in 2018/19. Any new pilots approved, would run alongside the five current 100% pilots (in the 'devo' areas) which had been running since 1 April 2017.

The outcomes of the applications to become pilots were expected to be known when the Provisional Local Government Finance Settlement was published in December.

Whilst the pilot pools were initially to be for 2018/19, it was possible that they may operate beyond this. It would be necessary for all authorities to review their membership of the pool annually, based on past and expected performance annually, and any other relevant matters. Consequently, it was proposed that the Chief Executive and Head of Finance in consultation with the Leader, Deputy Leader and Finance Portfolio Holder review and agree the Council's continued membership in Warwickshire Business Rate Retention pool (of other pool) from 2018/19.

The Warwickshire Chief Finance Officers had met several times to consider the proposals. This had also been considered by the Chief Executives and the paper for the Chief Executives was attached as an appendix to the report.

An alternative option was that the Council could choose not to opt to become part of the pilot pool. By agreeing to apply to be part of a pilot pool now, there would still be the opportunity to withdraw (if the Government agreed to the Warwickshire Pool), once full details of the Local Government Finance Settlement were known in December.

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

The Portfolio Holder for Finance advised that the Council would be better off if its application was successful but advised caution with regard to the transfer of responsibilities. It was proposed, duly seconded and

Resolved that:

- (1) the application from the six Warwickshire local authorities to become a 100% Business Rate Retention Pilot Pool for 2018/19 is noted and supported;
- (2) the governance principles for the pool and the Memorandum of Understanding are delegated to the Chief Executive and Head of Finance in consultation with the Leader, Deputy Leader and Finance Portfolio Holder; and
- (3) the Chief Executive and Head of Finance in consultation with the Leader, Deputy Leader and Finance Portfolio Holder will review and agree the Council's continued future membership in business rate retention pooling from 2018/19.

(The Portfolio Holder for this item was Councillor Whiting)

77. 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. It had been drafted following a review by the Council's Senior Management Team and the Leader of the Council.

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. This report sought to assist members to fulfil their role in overseeing the organisation's risk management framework.

The SBRR was reviewed quarterly by the Council's Senior Management Team and the Council Leader and then, in keeping with Members' overall

responsibilities for managing risk, by the Executive. The latest version of the SBRR was set out as Appendix 1 to the report.

A summary of all the risks and their position on the risk matrix, as currently assessed, was set out as Appendix 2 to the report.

The scoring criteria for the risk register were judgemental and based on an assessment of the likelihood of something occurring, and the impact that might have. Appendix 3 to the report set out the guidelines that were applied to assessing risk.

In line with the traditional risk matrix approach, greater concern was focused on those risks plotted towards the top right corner of the matrix, whilst the converse was true for those risks plotted towards the bottom left corner of the matrix. When viewed in colour, the former set of risks would be within the area shaded red, whilst the latter would be within the area shaded green; the mid-range would be seen as yellow.

This report was not concerned with recommending a particular option in preference to others so an alternative option was not applicable.

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

The Labour Group Observer highlighted that the intention to freeze the current Living Wage Foundation rate of pay was subject to Council approval and had not yet been agreed. In addition, he felt that there still existed a risk relating to the delivery and mix of housing in the Local Plan which needed to be tracked and monitored.

The Leader agreed that the risks relating to HS2, the Local Plan and the delivery of housing numbers would be discussed at the next meeting of Corporate Management Team along with the Audit & Risk Manager.

The Executive therefore,

Resolved that:

- (1) the Significant Business Risk Register attached at Appendix 1 is noted; and
- (2) the emerging potential and changing risks identified in section 10 of this report are noted.

(The Portfolio Holder for this item was Councillor Whiting)

78. Rural / Urban Capital Improvement Scheme (RUCIS) Application

The Executive considered a report from Finance which provided details of four Rural/Urban Capital Improvement Scheme grant applications from

Shrewley Village Hall, Hunningham Cricket Club, No More Floor (Just4Children) and Wren Hall.

The Council operated a scheme to award Capital Improvement Grants to organisations in rural and urban areas. The grants recommended were in accordance with the Council's agreed scheme and would provide funding to help the projects progress. The budget for the Rural/Urban Capital Improvement Scheme applications for 2017/18 was £150,000 (£75,000 for rural projects and £75,000 for urban projects).

Shrewley Village Hall had applied to WDC for a grant to purchase 100 chairs to replace existing stock which was nearing the end of its life span. Completing this project and purchasing new chairs would ensure that the current opportunities were maintained and potentially increased opportunities as better facilities would encourage the community to hire the hall for more functions and events. Therefore 80% of the total project costs would be provided to purchase 100 chairs to replace existing stock, up to a maximum of £2,947 including VAT.

Hunningham Cricket Club had applied to WDC for a grant to replace the existing two bay outdoor practice net which had reached the end of its life span. An all-weather practice facility would increase opportunities for the community to enjoy and participate in sporting activity all-year round and help to reduce anti-social behaviour and obesity, including in children. Without an adequate practice facility, the players would have nowhere to practise and ultimately the club would struggle to continue. This could have a significant negative impact in the local community with nearly 100 children and teenagers no longer actively playing cricket and thus losing two hours per week of physical activity. Therefore 50% of the total project costs would be provided, up to a maximum of £14,850 including VAT.

No More Floor (Just4Children) had applied for a grant to create a new disabled changing room facility in the Royal Priors Shopping Centre to include a large toilet with a hoist, hi-lo bed and a hi-lo sink. The creation of a changing room facility would tackle disadvantage and further engage and strengthen the community as it would enable an otherwise excluded group of people to participate in events and activities within Leamington Spa Town Centre and also make use of the town facilities such as the library, parks and the Spa Centre.

Therefore 17.5% of the total project costs to create a new disabled changing room facility in the Royal Priors Shopping Centre would be provided, up to a maximum of £4,468 excluding vat, subject to receipt of the following; written confirmation from Royal Leamington Spa Town Council to approve a capital grant of £200; written confirmation from Royal Priors Shopping Centre to approve a donation of £5,000 (or an alternative capital grant provider); and written confirmation from Royal Priors Shopping Centre that the new changing room facility be available to the community for a minimum of five years during which they would ensure that it was maintained.

Wren Hall had applied to for a grant to install new fencing and carry out tree works; carry out building works; demolish redundant chimney, replace guttering, create new doorway entrance to existing main hall room, create patio area outside new doorway, new fire escape door, create structure for new toilet facilities for the main hall room; and install two new windows and secondary glazing on two existing windows. Without the hall there would be fewer opportunities for the community to enjoy and participate in social, arts and cultural activities which could potentially result in disengaging and weakening the community and an increase in anti-social behaviour. The project would create a more fit-for-purpose facility enabling more all-day, all-year round use and better disabled access which would increase activity opportunities for the community.

Therefore, 49% of the total project costs would be provided to install new windows and secondary glazing, new fencing and carry out various building and tree works, up to a maximum of £30,000 excluding VAT.

An alternative option was that the Council could choose not to provide the funding, however, this was contrary to the aims of the scheme. The Council only had a specific capital budget to provide grants of this nature and could choose to amend the amount of funding being offered.

It was proposed by the Finance Portfolio Holder, duly seconded, and

Resolved that:

- (1) a Rural/Urban Capital Improvement Grant from the rural cost centre budget is approved for Shrewley Village Hall, of 80% of the total project costs to purchase 100 chairs to replace existing stock, up to a maximum of £2,947 including VAT;
- (2) a Rural/Urban Capital Improvement Grant from the rural cost centre budget is approved for Hunningham Cricket Club, of 50% of the total project costs to replace the existing two bay outdoor practice net, up to a maximum of £14,850 including VAT;
- (3) a Rural/Urban Capital Improvement Grant from the urban cost centre budget is approved for No More Floor (Just4Children), of 17.5% of the total project costs to create a new disabled changing room facility in the Royal Priors Shopping Centre, subject to receipt of the following:

- (a) written confirmation from Royal Leamington Spa Town Council to approve a capital grant of £200 (if the application is declined or a reduced amount is offered the budget shortfall will be covered by the No More Floor group's funds which have been evidenced through a financial statement from Just4Children);
 - (b) written confirmation from Royal Priors Shopping Centre to approve a donation of £5,000 (or an alternative capital grant provider); and
 - (c) written confirmation from Royal Priors Shopping Centre that the new changing room facility will be available to the community for a minimum of 5 years during which they will ensure that it is maintained; and
- (4) a Rural/Urban Capital Improvement Grant from the rural cost centre budget is approved for Wren Hall, of 49% of the total project costs to install new windows and secondary glazing, new fencing and carry out various building and tree works, up to a maximum of £30,000 excluding vat.

(The Portfolio Holder for this item was Councillor Whiting)
Forward Plan reference 904

79. Public and Press

Resolved that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following items by reason of the likely disclosure of exempt information within the 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 Nos.	Para Nos.	Reason
80 & 81	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

(The details of the following item will be recorded within the confidential minutes of the meeting.)

80. Royal Naval Association Club

The Executive considered a confidential report from the Chief Executive and Cultural Services regarding the Royal Naval Association Club and the current lease of the building located off Adelaide Road, in Royal Leamington Spa.

The Finance & Audit Scrutiny Committee supported the recommendations in part. The full comment from Members was detailed in the confidential minutes of the meeting.

Resolved that the recommendations in the report be approved subject to the revised wording proposed by Finance & Audit Scrutiny for recommendation 2.2.

(The Portfolio Holder for this item was Councillor Coker)

81. Europa Way – Update – Appendix 2

The Executive considered a confidential appendix to Executive Agenda Item 12, Europa Way – Update report, as detailed at minute number 74.

Resolved that the appendix be noted.

(The Portfolio Holder for this item was Councillor Phillips)
Forward Plan reference 898

(The meeting ended at 6.52 pm)

Section 4 Scheme of Delegation

That the following delegation be deleted as it is a duplicate:

HS (16) to grant way leaves for telephone equipment, wireless relay, cable etc, for HRA properties/land.

Within delegations HS(2), (9), (86) (94), (95) and (96) remove the wording Head of Housing & Property Services is authorised to because this is covered by the heading for these delegations

That the following delegations be amended (amendments in strikethrough or bold):

- HS (11) ~~approve payments authorised within the Tenants Incentive Grants Scheme to tenants transferred to smaller properties.~~ Approve payments under the Resettlement Service to **qualifying new** tenants accepting the tenancy of a ~~low demand designated older persons property.~~
- HS (15) ~~Following consultation with a solicitor acting for the Council,~~ to instruct Bailiff's to enforce Warrants for Eviction.
- HS (29) deal with applications for the assignment of **a residential** tenancy ~~or sub-letting of shops~~ provided under the Housing Acts
- HS (35) Re-purchase former Council owned dwellings within agreed criteria and with the assistance of an independent valuation subject to resources being made available and ~~at the Head of Housing & Property Services reporting back to Executive on each~~ **purchase** decision made.

That the following delegations be amended (amendments in bold) and delegated to the Deputy Chief Executive (BH):

- ~~HS (21)~~
DCE(1) operate the Secure Tenants of Local Housing (Right to Repair) Regulations 1994 (including service of Notices and acceptance or refusal of claims).
- ~~HS (24)~~
DCE(2) authorise the negotiation and agreement of enhanced rates to existing contracts under the Local Government (Direct Services Organisation) (Competition) Regulations 1993 and the Council Directive 92/50/EEC.
- ~~HS (29)~~
DCE(3) deal with applications for the assignment of tenancy or sub-letting of shops provided under the Housing Acts.
- ~~HS (98)~~
DCE(4) Grant wayleaves and easements across Council owned land to other public organisations **for both HRA and non HRA properties.**
- ~~HS (100)~~
DCE(5) Following consultation with ward councillors and the relevant Head of Service of the service area owning the land, dispose of other interests in land including its sale where the consideration does not exceed £20,000 and also to accept the Surrender of leases where the value does not exceed £20,000.
- ~~HS (101)~~
DCE(6) ~~Following~~ **in** consultation with ward councillors and the relevant Head of Service of the service area owning the land, to initiate proceedings for forfeiture of Leases.
- ~~HS (102)~~
DCE(7) Agree rent reviews, for non HRA properties, where agreement on the new rent has been reached without recourse to arbitration.
- ~~HS (103)~~
DCE(7) Grant new leases, for non HRA properties, where statutory renewal rights exist.

- ~~HS (104)~~ Grant terminable licences, for non HRA properties, for access and other purposes.
~~DCE(8)~~
- ~~HS (105)~~ Manage and control properties acquired by the Council in advance of requirements (other than those held under Part V of the Housing Act 1957 where consultation with the Head of Housing Services is required).
~~DCE(9)~~
- ~~DCE(10)~~ Deal with applications for the assignment of a tenancy or the sub-letting of a shop, provided under the Housing Acts
- ~~DS (19)~~ Serve Notices to Quit in respect of shops and other accommodation provided under the Housing Acts.
~~DCE(11)~~
- ~~DS (21)~~ Following consultation with a solicitor acting for the Council, enter into miscellaneous agreements of a minor nature affecting any land and/or property not provided for elsewhere.
~~DCE(12)~~
- ~~DS (22)~~ Following consultation with a solicitor acting for the Council, consent to assignment and other consents required under leases granted by the Council.
~~DCE (13)~~
- ~~DS (23)~~ Following consultation with a solicitor acting for the Council, complete the purchase of property comprised in a confirmed Compulsory Purchase Order on the terms negotiated by the District Valuer and to make any relevant statutory payments in connection with acquisitions, such as well-maintained and home loss and disturbance payments.
~~DCE (14)~~
- ~~DS (24)~~ In consultation with the Head of Finance, decline offers of property not recommended for acquisition.
~~DCE(15)~~

General Delegations to all Chief Officers as outlined in Article 12 of the Constitution

- ~~DS (20)~~ Following consultation with a solicitor acting for the Council, take appropriate action in the County Court in cases of unlawful trespass on Council property.
~~GE(16)~~

Delegations to multiple but not all Chief Officers as set out in Article 12

- ~~HS (99)~~ Grant new leases on vacant properties, The Deputy Chief Executive (BH)
~~A(11)~~ excluding HRA properties. and Head of Development