

Mrs Clare Sawdon
Chairman of the Council

Council meeting: Wednesday, 22 April 2015

Notice is hereby given that an ordinary meeting of Warwick District Council will be held at the Town Hall, Royal Leamington Spa on Wednesday, 22 April 2015 at 6.05pm.

Emergency Procedure

At the commencement of the meeting, the Chairman will announce the emergency procedure for the Town Hall.

Agenda

1. **Apologies for Absence**
2. **Declarations of Interest**

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct. Declarations should be entered on the form to be circulated with the attendance sheet and declared during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

3. **Minutes**

To confirm the minutes of the meeting of the Council on 25 February 2015 and 11 March 2015 as set out on pages 1 to 83.

4. **Communications and Announcements**



INVESTORS
IN PEOPLE



5. **Petitions**
6. **Notices of Motion**
7. **Public Submissions**
8. **Leader's and Portfolio Holders' Statements**
9. **Questions to the Leader of the Council & Portfolio Holders**
10. **Executive Report**

To consider reports of the Executive meetings on 11 February 2015 (excluding those matters approved by Council on 25 February 2015), excerpts of 11 March 2015 and 9 April 2015.
(Item 10/ Pages 1 to 105)

11. **Scrutiny Committees End of Term Reports**

To receive the End of Term reports of the:
(A) Finance & Audit Scrutiny Committee **(Item 11(A) / Pages 1 to 5)**
(B) Overview & Scrutiny Committee **(Item 11(B) / Pages 6 to 25)**

12. **Public and Press**

To consider resolving 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 relevant paragraph(s), as set out in the item, of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation)

13. **Confidential Minutes**

To confirm the Confidential minutes of the meeting of the Council on 11 March 2015.
(Item 13/Pages 1 to 10)
(Not for publication)

14. **Confidential Reports of the Executive**

To consider reports of the Executive meetings on 11 February 2015 and 9 April 2015.
(Item 14/ Pages 1 to 13)
(Not for publication)

15. **Common Seal**

To authorise the affixing of the Common Seal of the Council to such deeds and documents as may be required for implementing decisions of the Council arrived at this day.



Chief Executive
Published Tuesday 14 April 2015

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Enquiries about specific reports: Please contact the officers named in the reports.

Details of all the Council's committees, councillors and agenda papers are available via our website www.warwickdc.gov.uk/committees

Please note that the majority of the meetings are held on the first floor at the Town Hall. If you feel that this may restrict you attending this meeting, please call (01926) 353362 prior to this meeting, so that we can assist you and make any necessary arrangements to help you attend the meeting.

The agenda is also available in large print, on request, prior to the meeting by calling 01926 353362.

Warwick District Council

Minutes of the meeting held on Wednesday 25 February 2015, at the Town Hall, Royal Leamington Spa at 6.05pm.

PRESENT: Councillor Mrs Sawdon (Chairman); Councillors; Barrott, Mrs Blacklock, Boad, Mrs Bromley, Brookes, Mrs Bunker, Caborn, Coker, Cross, Ms Dean, Dhillon, Doody, Mrs Falp, Mrs Gallagher, Gifford, Gill, Mrs Goode, Mrs Grainger, Guest, Hammon, Heath, Mrs Higgins, Illingworth, Mrs Knight, Mrs Mellor, Mobbs, Pittarello, Pratt, Rhead, Shilton, Mrs Syson, Vincett, Ms Weed, Wilkinson, Williams and Wreford-Bush.

Apologies for absence were received from Councillors Copping, Davies, De-Lara-Bond, Edwards, Kirton and Weber.

77. **Councillor Bertie MacKay**

The Council paid tribute to former Councillor Bertie MacKay, who had recently passed away. As a mark of respect Councillor Mrs Sawdon read the prayer that Councillor MacKay had written for Baginton Parish Council.

78. **Declarations of Interest**

Minute 83 – Housing Rents and Housing Revenue Account Budget 2015/16

Councillor Weed, declared a personal Interest because she was a Council tenant.

Councillors Barrott and Mrs Bromley declared a personal interest because they rented Council garages.

79. **Minutes**

The minutes of the meeting held on 28 January 2015 and subject to the inclusion of a minute recording the death of former Councillor Mrs Leddy, were taken as read and signed by the Chairman as a correct record.

80. **Communications and Announcements**

The Chairman informed the Council that:

- (1) the funeral for former Councillor, Mrs Leddy, would take place on 19 February 2015;
- (2) she had attended the Bowls England men's annual dinner on Saturday 21 February 2015. The Chairman reported that she had been overwhelmed by the appreciation for Warwick District Council on the way the Council had welcomed them to the District;
- (3) she had been made aware that a member of the Council had been recording meetings of the Council, Executive and Committees, potentially including the confidential parts of these meetings. The Chairman explained that while the recording of the public meetings was permitted, if a member was so minded to record a meeting, they should inform the Committee Services Officer, as a matter of courtesy. The Chairman, however, expressed strong disappointment that a member may feel the need to record the confidential aspects of a meeting and questioned why they felt the need to do this; and

- (4) there would be no business under items; 5, Public Interest Debate; 6, Petitions; 7, Notices of Motion; 9, Questions to Committee Chairmen; and 10, Questions to Portfolio Holders.

81. Public Submissions

The Council received a submission from Mr Day-Jones regarding concerns he had about the awarding of money, by the Council as part of its budget setting, to the St Chads Centre, in Bishop's Tachbrook.

The Council received a submission from Councillor Day, of Bishop's Tachbrook Parish Council, who spoke in favour of Warwick District Council, providing funding to the St Chads Centre, in Bishop's Tachbrook.

82. Setting of the Council Tax 2015/16 of Motion

This was duly seconded and on being put to the vote it was

- (A) It was moved by Councillor Cross and duly seconded that the recommendations contained in the minute headed "Budget 2015/16 – General Fund Revenue and Capital" as set out in the report of the Executive meeting held on 11 February 2015, be approved and adopted.

The original proposal was then put and

RESOLVED that the recommendations contained in minute 118 headed "Budget 2015/16 – General Fund Revenue and Capital" as set out in the report of the Executive meeting held on 11 February 2015, be approved and adopted.

- (B) It was moved by Councillor Cross, duly seconded and

RESOLVED that the following recommendations set out in the report of the Responsible Financial Officer be approved and adopted:

- (1) **Warwick District Council Budget** as set out in the budget reports (Executive recommendations 11 February 2015) and Budget Book, the Revenue Budgets for 2015/16; and the Capital Programme for 2015/16, be approved;
- (2) **Warwick District Tax Base**
The Council notes the following amounts for the year 2015/16 in accordance with regulations made under Section 33(5) of the Local Government Finance Act 1992:-
- (a) £50,836.73 being the amount calculated, in accordance with regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 as amended, as its council tax base for the year;

(b) Part of the Council's Area

| Parish | Tax Base 2015/16 £ |
|--|-----------------------------------|
| Baddesley Clinton | 88.81 |
| Baginton | 300.27 |
| Barford, Sherbourne & Wasperton | 821.73 |
| Beausale, Haseley, Honiley & Wroxall | 319.37 |
| Bishop's Tachbrook | 981.23 |
| Bubbenhall | 316.51 |
| Budbrooke | 744.71 |
| Burton Green | 436.80 |
| Bushwood | 11.57 |
| Cubbington | 1,470.40 |
| Eathorpe, Hunningham, Offchurch, Wappenbury | 332.50 |
| Hatton | 940.95 |
| Kenilworth | 9,569.15 |
| Lapworth | 934.87 |
| Royal Leamington Spa | 15,876.96 |
| Leek Wootton | 532.00 |
| Norton Lindsey | 220.79 |
| Old Milverton & Blackdown | 288.19 |
| Radford Semele | 781.08 |
| Rowington | 517.52 |
| Shrewley | 422.29 |
| Stoneleigh & Ashow | 521.09 |
| Warwick | 11,327.59 |
| Weston-under-Wetherley | 184.28 |
| Whitnash | 2,896.07 |
| Total Warwick District Council Area | 50,836.73 |

being the amounts calculated, in accordance with regulation 6 of the Regulations as amended, as the amounts of its council tax base for the year for dwellings in those parts of its area.

(3) **Calculation of Warwick District Council Council Tax, including parish/town council precepts**

That the following amounts be now calculated by the Council for the year 2015/16 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992, as amended:-

- (a) £89,337,765.17 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (2)(a) to (f) of the Act (*Gross Expenditure including parish/town council precepts*);
- (b) £80,638,818.00 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3)(a) to (d) of the Act (*Gross Income*);
- (c) £8,698,947.17 being the amount by which the aggregate at 2.3(a) above exceeds the aggregate at 2.3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax Requirement for the year;
- (d) £171.12; being the amount at 2.3(c) above divided by the amount at 2.2(a) above, calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its council tax for the year (*Average Warwick District Council Tax, including parish/town precepts*);
- (e) £1,233,065.17 being the aggregate amount of all special items referred to in Section 34(1) of the Act (*Total parish/town council precepts*);
- (f) £146.86 being the amount at 2.3(d) above less the result given by dividing the amount at 2.3(e) above by the amount at 2.2(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which no special item relates (*Warwick District Council Tax excluding parish/town council precepts*);

(g) Part of the Council's Area

| Parish/Town/Council | BAND D £ |
|--|---------------------|
| Baddesley Clinton | 186.27 |
| Baginton | 179.68 |
| Barford, Sherbourne & Wasperton | 197.05 |
| Beausale, Haseley, Honiley & Wroxall | 169.41 |
| Bishop's Tachbrook | 178.15 |
| Bubbenhall | 183.14 |
| Budbrooke | 176.46 |
| Burton Green | 196.30 |
| Bushwood | 146.86 |
| Cubbington | 178.14 |
| Eathorpe, Hunningham, Offchurch, Wappenbury | 180.39 |
| Hatton | 158.13 |
| Kenilworth | 165.36 |
| Lapworth | 165.04 |
| Royal Leamington Spa | 165.54 |
| Leek Wootton | 161.48 |
| Norton Lindsey | 169.96 |
| Old Milverton & Blackdown | 184.16 |
| Radford Semele | 172.48 |
| Rowington | 186.34 |
| Shrewley | 161.97 |
| Stoneleigh & Ashow | 177.52 |
| Warwick | 175.21 |
| Weston-under-Wetherley | 184.36 |
| Whitnash | 185.74 |

being the amounts given by adding to the amount at 2.3(f) above, the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above (3.e) divided in each case by the amount at 2.2(b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its council tax for the year for dwellings in those parts of its area to which one or more special items relate (*Warwick District Council plus parish/town council Council Tax for each parish/town council at Band D*);

- (h) The amounts shown in Appendices 1 and 1a, attached, being the amounts given by multiplying the amounts at 2.3(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council in

accordance with Section 36(1) of the Act as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands (*Warwick District Council plus parish/town council Council Tax for each parish/town council for each Band*).

(4) **Warwickshire County Council and Warwickshire Police and Crime Commissioner Precepts**

That it be noted that for the year 2015/16 Warwickshire County Council and Warwickshire Police and Crime Commissioner have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992 for each of the categories of dwellings shown below:-

| Band | Warwickshire County Council | Warwickshire Police and Crime Commissioner |
|-------------|--|---|
| | £ | £ |
| A | 800.76 | 125.4893 |
| B | 934.22 | 146.4042 |
| C | 1,067.68 | 167.32 |
| D | 1,201.14 | 188.23 |
| E | 1,468.06 | 230.06 |
| F | 1,734.98 | 271.89 |
| G | 2,001.90 | 313.72 |
| H | 2,402.28 | 376.47 |

and;

(5) **Total Council Tax for the District for each Band in each Parish/Town Council**

That having calculated the aggregate in each case of the amounts at 2.3(g) and 2.4 above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the amounts shown in Appendix 2 as the amounts of council tax for the year 2015/16 for each of the categories of dwellings shown.

(In line with the legislative requirements there was a recorded vote on this matter. The recording was as follows:

For: Councillors: Barrott, Mrs Blacklock, Boad, Brookes, Mrs Bunker, Caborn, Coker, Cross, Ms Dean, Dhillon, Doody, Mrs Falp, Mrs Gallagher, Gifford, Gill, Mrs Goode, Mrs Grainger, Guest, Hammon, Heath, Mrs Higgins, Illingworth, Mrs Knight, Mrs Mellor, Mobbs, Pittarello, Pratt, Rhead, Mrs Sawdon, Shilton, Vincett, Ms Weed, Wilkinson, Williams and Wreford-Bush.

Against: – None

Abstention: – Councillor Mrs Bromley)

83. Housing Rents and Housing Revenue Account Budget 2015/16

It was moved by Councillor Vincett and duly seconded that the recommendation of the Executive of 11 February 2015 as set out in minute 119, be approved and adopted.

RESOLVED that the recommendation of the Executive of 11 February 2015 as set out in minute 119 be approved and adopted.

84. Heating, Lighting and Water Charges 2015/16 – Council Tenants

It was moved by Councillor Vincett, duly seconded and

RESOLVED that the recommendation of the Executive of 11 February 2015 as set out in minute 120 be approved and adopted.

85. Reports of the Executive

The Executive minute 117 of 11 February 2015, was proposed by Councillor Mobbs, duly seconded and

Resolved that minute 117 of 11 February 2015.

86. Leader's and Portfolio Holders' Statements

The Leader, Councillor Mobbs, informed the Council that:

- (1) in response to the recent article in the Coventry Evening Telegraph quoting Councillor Matlon, from Coventry City Council, with a headline Coventry could swallow up parts of Warwickshire under 8000 new homes plan [...]. In response the Leader had issued a press release, to the Courier newspaper, that read as follows: "I was surprised to read the article quoting Councillor Matlon. In reality nothing has been agreed about where the required extra housing will go. Warwick District has dealt with housing numbers through our local plan and we have fully considered our requirement regarding duty to cooperate. The presentation of this press article is unfortunate as nothing is on the table regarding Kings Hill. I can confirm that I have made this clear to Councillor Lucas, Leader of Coventry City Council, on a number of occasions that this is the case. There has also been no discussion concerning any boundary change.
- (2) in response to the recent decision about the Coventry Gateway, he reminded Council that in April 2014 the Executive determined that "If the Gateway planning application does not succeed the local planning authority will review the evidence base in relation to the need for sub-regional employment site in light of the Secretary of State's decision". For this reason, the Leader reminded Council that the decision from the Secretary of State read as follows "The Secretary of State concludes that a strong case has been made for the development. He considers that it would deliver economic benefits and environmental gains, and that it would be reasonably consistent with sustainable development objectives. However, he also considers that it would give rise to substantial Green Belt harm, to which he attaches very serious weight.

He considers that the Employment Land Study addresses some of the shortcomings in the supporting evidence identified by the Inspector, but fails to establish that the need for the proposal is such that a decision on the future of the Green Belt at the application site should be taken now, ahead of a wider consideration of Green Belt Boundaries through the Local Plan." In essence the Secretary of State has said this issue needs to be resolved at the Local Plan Inquiry. The need for a sub-regional employment site remains but I have asked our officers to ask the LEP to review their evidence base so this can be considered at the Local Plan Inquiry."

- (3) he had been delighted to attend the announcement of Tata Technologies relocating its headquarters to Warwick District. "The 200 new jobs and benefits to local businesses underpin the value of our area and I can state clearly that it is our intention to continue to make our District a magnet for new investment and jobs"; and
- (4) of the administration's pleasure in continuing with our policy of ensuring that our lowest paid employees benefit from the living wage. We were good at balancing budgets, generating surpluses, while maintaining and improving services. But the living wage also demonstrated that we were considerate, this was just one area that proves our credentials as an administration that cares.

The Portfolio Holder for Health & Community Protection, Councillor Coker informed the Council that:

- (1) there was a the small fund, provided by this Council and the CCG, administered by this Council of £30,000 per year to help improve health and wellbeing in the District. From this, the following grants had been awarded; £10,000 to AgeUK for helping to maintain quality of life in independent living; £1,000 to Kids Run Free which promoted health activity; £6,385 to the Mayday Trust which focussed on helping individuals; £3,432 to Refuge to help it promote healthy living such as cooking and living well; and £8,424 to Warwickshire Association for the Blind for vision support to aid assistance it provides. This scheme had been so successful it had now been replicated in Stratford District;
- (2) the recent VCS grants had assisted Orbit in bringing more money into the local economy to improve our objectives. This has resulted in co-operation with housing to improve impact to help take people out of need and make them healthier; and
- (3) interim inspections of 50% of all taxis had taken place and those which have failed had been brought back in for further checks. As a result, only one vehicle has been taken off the road.

87. Questions to the Leader

Councillor Mrs Blacklock asked the Leader, if, as a result of the Gateway decision, the Council would be revising and/or reviewing the site to take it out of the Green Belt?

In response the Leader, Councillor Mobbs, explained that he answered this earlier with his previous statement which was consistent with the recorded decision.

Councillor Rhead asked the Leader whether the living wage would be cascaded to contractors, sub-contractors and would suppliers be encouraged to adopt this approach?

In response the Leader, Councillor Mobbs, explained that this would be the next logical step, but this could have an impact on costs of contracts. That said, he accepted this view point and it was, perhaps, a point for the new administration to consider.

Councillor Williams asked the Leader, if he was aware of the tweet he had received from Councillor Matlon, from Coventry City Council, that said any boundary change or building relating to Kings Hill was a Warwick District Council matter?

In response the Leader, Councillor Mobbs, said that he wasn't but he was now.

Councillor Boad asked the Leader if the living wage could become a requirement of any future contract?

In response the Leader, Councillor Mobbs, said that I cannot make this commitment and while we should consider this we must be very careful.

88. Revised Code of Conduct for Warwick District

The Council considered a report that brought forward a revised Code of Conduct, Disclosable Pecuniary Interest Form and Gifts & Hospitality Form for consideration and adoption by the Council.

The report also brought forward proposals for Group Leaders that could be used to emphasise this Council's commitment to appropriate Member behaviour and asked them to report back to the Chief Executive following elections in May 2015.

Following the Standards Committee in September 2014, a second consultation on the proposed Code of Conduct and Associated Arrangements was undertaken.

The Code of Conduct Working Party also considered the response from the Department of Communities and Local Government and the Standards in Public Life Committee following the letter from Council to them about the current Standards Regime. They considered the views on these letters expressed by Councillor Mrs Bromley, Councillor Boad, Councillor Gill and Councillor Coker. They also reconsidered the views of Mr Tomkinson (Independent Person) that he had submitted as part of the original consultation.

Following consideration of these responses, by the Code of Conduct Working Party, minor amendments were made to the proposals to ensure they were more consistent and easier to understand. The revised proposals were brought to Standards Committee in January 2015 for consideration.

The Standards Committee approved; the revised procedures for handling complaints about the Conduct of Councillors; asked officers to notify all Parish and Town Councils of this decision and provide template report and appendices for them to use; and determined that an appeals process should

not be included within the arrangements because there was no legal requirement for this and the process was sufficiently robust without its inclusion.

The Standards Committee also made the recommendations to Council as set out in recommendations 2.1 to 2.7 of the report.

The recommended change to the remit of the Committee followed consideration of the Annual Governance Statement in 2014 where the Standards Committee agreed that in future the Annual Governance Statement should go to Finance and Audit Scrutiny Committee for approval. Officers considered the wider aspects referred to in the Standards Committee remit and the remainder of these aspects are already covered by the responsibilities of; the Executive, Employment Committee, Finance & Audit Scrutiny Committee or Council. Therefore, the amended remit enabled greater clarity on responsibility of functions.

There was significant concern, from all sides of the chamber, when the Council considered the Code of Conduct case regarding Councillor Dhillon. It was agreed by all parties that for the sake of clarity, the recognition of Council as the parent body of all Committees should be included in the Constitution.

The Standards Committee was keen for officers to provide a template report, recommendations and appendices for each Parish and Town Council to consider. This way it could have a fully informed debate and discussion on the proposals. This would also reduce the burden of work required by the Clerk to the Council.

The Standards Committee was pleased with its ability for inclusiveness by being a Joint Committee and therefore allowing Parish and Town Council representatives to have a vote on matters and, if needed, form part of a Hearing Panel. It was on this basis that it brought forward the proposals for a Joint Committee, set out at Appendix 4, to the report. If all Parish and Town Councils did not agree to be a member of the Joint Committee by the end of September 2015, the District Council would proceed with co-opting representatives of the Parish and Town Councils to the Committee. This would remove their ability to vote on decisions of the Committee or sit as voting members of Hearing Panels. This was to ensure the Committee could act in confidence as a joint Committee, the District Council needed to be able to evidence the agreement to a joint Committee through minutes of the associated Councils. In addition, the aim of a joint Committee was to ensure all parties were represented fairly and if some Councils did not wish to join, the District Council felt, to ensure clarity, it should only proceed with co-option to the Committee.

Members would be aware that since the abolition of the statutory standards regime the options for sanctioning a Member who had fallen short of the required standards of behaviour had been limited. Many Councillors, including many on the Standards Committee, and the Group Leaders had expressed their desire to bolster the sanctions available to give them "more teeth". Indeed, the Council asked the Chairman to write to the Secretary of State for Communities and Local Government (Rt Hon Eric Pickles MP) to express their concerns with the current arrangements. However, the Secretary of State's view was that there was no need to change the arrangements.

It was within this context that the Group Leaders asked the Chief Executive to draw-up proposals which, although not having constitutional effect, could be used to emphasise this Council's commitment to appropriate Member behaviour. Having noted the proposals (subject to any amendments), it was the Group Leaders' intention to discuss them with their respective Groups (post-election) and confirm to the Chief Executive whether the Group would be operating in that manner going forward.

Group Leaders had expressed their concern that some Members had sat on the quasi-judicial committees of Planning and Licensing & Regulatory, along with Housing Appeal Review Panels without having attended the necessary training sessions. It was felt that this left the Council open to judicial challenge and perhaps more importantly, meant that applicants for various permissions and licences were not receiving a fair hearing. Group Leaders had agreed that should training not be attended, then the Councillor would be removed from the Committee, however, Members should note that it was ultimately a Council decision to approve committee membership.

Group Leaders believed that prompt and full attendance should be the norm. Where Members were making important decisions it was essential that they had had the opportunity to listen to all the information that was presented to the Committee. To make a decision without the full information left the Council open to judicial challenge and again, did not provide an issue with rounded consideration. Therefore, Group Leaders considered that where a Councillor arrived at a committee meeting mid-item, they should not vote on this particular issue. Whilst this was very difficult to enforce constitutionally, Group Leaders had committed themselves to addressing the matter through the Group machinery. In addition, Committee Chairman would be reasonably placed for aiding this process and reminding members of this position at meetings, should they arrive part way through an item.

Members would be well aware that through personal circumstances, a number of Members had been unable to attend Council meetings for a significant period. More often than not, Council had granted the relevant Member a dispensation. However, there had been instances when Councillors had failed to attend meetings over an extended period for no apparent reason and yet continue to claim the Basic Member Allowance. Group Leaders were not satisfied with this situation and whilst they believed that a review of the Allowance scheme should address this issue, they considered that Member attendance should be published publically on a six-monthly basis.

The proposed arrangements from Group Leaders were as follows:

| Proposed arrangements/Actions | By who |
|---|---------------|
| Insistence on written confirmation that a Councillor agrees to be bound by the Code of Conduct before the Councillor will be accepted as part of the Group. | Group Leaders |
| Suspension from Group where there is a failure to adhere to a Standards Committee decision. | Group Leaders |

| | |
|---|--|
| Compulsory training for Planning and Licensing/Regulatory Committees and Housing Appeal Review Panels with non-attendance requiring the Group Leader to remove the Member from the relevant Committee (subject to Council endorsement). | Group Leaders & Council |
| Late arrival of a Member at a meeting means they will be unable to vote on the item being discussed at the time. | Chairman of Committees with the support of Group Leaders (albeit difficult to enforce) |
| Regular updates on the Council website, along with six-monthly reporting to Council and local press of Member attendance. | Officers, endorsed by Council |
| Review of Member allowance scheme with a principle that payment should be linked to attendance at both formal Committee meetings and training sessions. | Officers, Group Leaders, Executive |

The report was proposed by Councillor Mobbs, duly seconded and

Resolved that

- (1) the Code of Conduct, Disclosable Pecuniary Interest Form and Gift and Hospitality Form, as set out at Appendices 3 to 4 to the minutes, be adopted from 7 May 2015;
- (2) the responsibilities for the Standards Committee be amended as follows:

From

"ix. To advise the Council about the effectiveness of its Constitution, governance arrangements and other matters relevant to assisting the authority with the Annual Governance Statement; including overseeing the Whistleblowing policy, Member/Officer Code of Conduct (when the matter relates to member conduct; the approval and monitoring of the Corporate Complaints Policy);"

To:

"ix. To advise the Council on its Members Code of Conduct and Member/Officer Protocol";

- (3) the responsibility of the Finance & Audit Scrutiny Committee, be amended, so that under its responsibilities as the Council's Audit Committee, it

includes approval of the Annual Governance Statement of this Council;

- (4) the Constitution be amended to include explicit reference that the Council is the Parent Body of Committees and in very exceptional circumstances the Council can determine matters normally considered by its Committees;
- (5) the scheme of delegation be amended to read: "The Deputy Chief Executive (AJ) & Monitoring Officer, **in consultation with the Chairman of the Standards Committee**, shall have authority to appoint the membership of Standards Sub-Committees (Hearing Panels)";
- (6) continuation of a Joint Standards Committee with all Parish and Town Councils within the District; and the process for appointing the Parish and Town Council representatives to the Committee, as outlined at Appendix 6 to the minutes, be approved;
- (7) the Monitoring Officer to notify all Parish and Town Councils in Warwick District of this decision and provide template reports and appendices for them to use;
- (8) the proposals at paragraph 3.15, be endorsed and that Group Leaders report back to the Chief Executive following the May 2015 elections as to whether their respective Groups are willing to endorse those proposals; and
- (9) Council receives a six-monthly report on Councillor attendance at Council, Executive, Committee and Sub-Committee meetings following the May 2015 elections.

89. **Revised Member/Officer Protocol**

The Council considered a report that proposed a revised Member/Officer Protocol, the purpose of which was to guide Members and Officers in their relations with one another.

Although the Protocol was largely no more than a written statement of current practice and convention, intending to be neither prescriptive nor comprehensive, it sought to promote greater clarity and certainty on some of the issues that most commonly arise.

An up-to-date Member/Officer Protocol was required to guide and support relations between Members and Officers.

The Protocol would help to ensure that Members received objective and impartial advice and that Officers were protected from any accusations of bias or undue influence from Members.

The revised protocol was considered by both the Standards Committee and Employment Committee during January 2015. The Employment Committee sought a few minor changes to the Protocol to ensure clarity, and these had been made. Both Committees supported the adoption of the revised protocol.

The recognised Trades Unions within Warwick District Council and the Constitution Working Party, had both been consulted on the revised Protocol via email. Only one comment had been received back in response and this was in support of the Protocol.

Councillor Mobbs, proposed the report subject to amendments circulated at the meeting as set out below:

- On Item 18/Page 11 the Heading for section 6 the word Scrutiny is removed;
- On Item 18/Page 11 Paragraph 6.1 should be amended to read
"6.1 Officer support to Members serving on the Executive and on Committees should adhere to certain principles and standards regardless of which body the Member is serving on. In all cases Officers are expected:" then the points a. to f. remain as at present";
- On Item 18/ Page 11 Paragraph 6.2 should be amended so that it reads
"6.2 As set out above, although much of the advice concerning officer support is generic, applying equally to the provision of support to all types of committees, there are some aspects of the Executive and Scrutiny Committees that necessitate some additional, specific, guidance, as follows:"

This was duly seconded and

Resolved that the revised Member/Officer Protocol, as amended and set out at Appendix 7 to the minutes be approved.

90. **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 relevant paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

91. **Confidential Minutes**

The confidential minutes of the meeting held on 28 January 2015 were taken as read and signed by the Chairman as a correct record.

92. **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 8.09 pm)

CHAIRMAN
22 April 2015

| |
|--|
| Budget and Council Tax 2015/16 Calculation of Warwick District Council Element including Special Expenses |
|--|

| PARISH/TOWN COUNCIL | BAND A | BAND B | BAND C | BAND D | BAND E | BAND F | BAND G | BAND H |
|---|------------|------------|------------|------------|-------------|-------------|-------------|-------------|
| | £ | £ | £ | £ | £ | £ | £ | £ |
| Baddesley Clinton | 124.18 | 144.87 | 165.57 | 186.27 | 227.67 | 269.06 | 310.45 | 372.54 |
| Baginton | 119.79 | 139.75 | 159.71 | 179.68 | 219.61 | 259.54 | 299.47 | 359.36 |
| Barford, Sherbourne & Wasperton | 131.37 | 153.26 | 175.15 | 197.05 | 240.84 | 284.63 | 328.42 | 394.10 |
| Beausale, Haseley, Honiley & Wroxall | 112.94 | 131.76 | 150.58 | 169.41 | 207.06 | 244.70 | 282.35 | 338.82 |
| Bishops Tachbrook | 118.77 | 138.56 | 158.35 | 178.15 | 217.74 | 257.33 | 296.92 | 356.30 |
| Bubbenhall | 122.10 | 142.44 | 162.79 | 183.14 | 223.84 | 264.53 | 305.24 | 366.28 |
| Budbrooke | 117.64 | 137.24 | 156.85 | 176.46 | 215.68 | 254.89 | 294.10 | 352.92 |
| Burton Green | 130.87 | 152.67 | 174.49 | 196.30 | 239.93 | 283.54 | 327.17 | 392.60 |
| Bushwood | 97.91 | 114.22 | 130.54 | 146.86 | 179.50 | 212.13 | 244.77 | 293.72 |
| Cubbington | 118.76 | 138.55 | 158.34 | 178.14 | 217.73 | 257.31 | 296.90 | 356.28 |
| Eathorpe, Hunningham, Offchurch, Wappenbury | 120.26 | 140.30 | 160.34 | 180.39 | 220.48 | 260.56 | 300.65 | 360.78 |
| Hatton | 105.42 | 122.99 | 140.56 | 158.13 | 193.27 | 228.41 | 263.55 | 316.26 |
| Kenilworth | 110.24 | 128.61 | 146.98 | 165.36 | 202.11 | 238.85 | 275.60 | 330.72 |
| Lapworth | 110.03 | 128.36 | 146.70 | 165.04 | 201.72 | 238.39 | 275.07 | 330.08 |
| Royal Leamington Spa | 110.36 | 128.75 | 147.14 | 165.54 | 202.33 | 239.11 | 275.90 | 331.08 |
| Leek Wootton | 107.66 | 125.59 | 143.54 | 161.48 | 197.37 | 233.25 | 269.14 | 322.96 |
| Norton Lindsey | 113.31 | 132.19 | 151.07 | 169.96 | 207.73 | 245.50 | 283.27 | 339.92 |
| Old Milverton & Blackdown | 122.78 | 143.23 | 163.70 | 184.16 | 225.09 | 266.01 | 306.94 | 368.32 |
| Radford Semele | 114.99 | 134.15 | 153.31 | 172.48 | 210.81 | 249.14 | 287.47 | 344.96 |
| Rowington | 124.23 | 144.93 | 165.63 | 186.34 | 227.75 | 269.16 | 310.57 | 372.68 |
| Shrewley | 107.98 | 125.97 | 143.97 | 161.97 | 197.97 | 233.96 | 269.95 | 323.94 |
| Stoneleigh & Ashow | 118.35 | 138.07 | 157.79 | 177.52 | 216.97 | 256.42 | 295.87 | 355.04 |
| Warwick | 116.81 | 136.27 | 155.74 | 175.21 | 214.15 | 253.08 | 292.02 | 350.42 |
| Weston-under-Wetherley | 122.91 | 143.39 | 163.87 | 184.36 | 225.33 | 266.30 | 307.27 | 368.72 |
| Whitnash | 123.83 | 144.46 | 165.10 | 185.74 | 227.02 | 268.29 | 309.57 | 371.48 |
| Proportion of Band D | 6/9 | 7/9 | 8/9 | 9/9 | 11/9 | 13/9 | 15/9 | 18/9 |

| |
|--|
| Budget and Council Tax 2015/16 District and Parish/Town Council by Band |
|--|

| | BAND A | BAND B | BAND C | BAND D | BAND E | BAND F | BAND G | BAND H |
|---|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| | £ | £ | £ | £ | £ | £ | £ | £ |
| Warwick District Council | 97.91 | 114.22 | 130.54 | 146.86 | 179.50 | 212.13 | 244.77 | 293.72 |
| PARISH/TOWN COUNCIL | | | | | | | | |
| Baddesley Clinton | 26.27 | 30.65 | 35.03 | 39.41 | 48.17 | 56.93 | 65.68 | 78.82 |
| Baginton | 21.88 | 25.53 | 29.17 | 32.82 | 40.11 | 47.41 | 54.70 | 65.64 |
| Barford, Sherbourne & Wasperton | 33.46 | 39.04 | 44.61 | 50.19 | 61.34 | 72.50 | 83.65 | 100.38 |
| Beausale, Haseley, Honiley & Wroxall | 15.03 | 17.54 | 20.04 | 22.55 | 27.56 | 32.57 | 37.58 | 45.10 |
| Bishops Tachbrook | 20.86 | 24.34 | 27.81 | 31.29 | 38.24 | 45.20 | 52.15 | 62.58 |
| Bubbenhall | 24.19 | 28.22 | 32.25 | 36.28 | 44.34 | 52.40 | 60.47 | 72.56 |
| Budbrooke | 19.73 | 23.02 | 26.31 | 29.60 | 36.18 | 42.76 | 49.33 | 59.20 |
| Burton Green | 32.96 | 38.45 | 43.95 | 49.44 | 60.43 | 71.41 | 82.40 | 98.88 |
| Bushwood | | | | | | | | |
| Cubbington | 20.85 | 24.33 | 27.80 | 31.28 | 38.23 | 45.18 | 52.13 | 62.56 |
| Eathorpe, Hunningham, Offchurch, Wappenbury | 22.35 | 26.08 | 29.80 | 33.53 | 40.98 | 48.43 | 55.88 | 67.06 |
| Hatton | 7.51 | 8.77 | 10.02 | 11.27 | 13.77 | 16.28 | 18.78 | 22.54 |
| Kenilworth | 12.33 | 14.39 | 16.44 | 18.50 | 22.61 | 26.72 | 30.83 | 37.00 |
| Lapworth | 12.12 | 14.14 | 16.16 | 18.18 | 22.22 | 26.26 | 30.30 | 36.36 |
| Royal Leamington Spa | 12.45 | 14.53 | 16.60 | 18.68 | 22.83 | 26.98 | 31.13 | 37.36 |
| Leek Wootton | 9.75 | 11.37 | 13.00 | 14.62 | 17.87 | 21.12 | 24.37 | 29.24 |
| Norton Lindsey | 15.40 | 17.97 | 20.53 | 23.10 | 28.23 | 33.37 | 38.50 | 46.20 |
| Old Milverton & Blackdown | 24.87 | 29.01 | 33.16 | 37.30 | 45.59 | 53.88 | 62.17 | 74.60 |
| Radford Semele | 17.08 | 19.93 | 22.77 | 25.62 | 31.31 | 37.01 | 42.70 | 51.24 |
| Rowington | 26.32 | 30.71 | 35.09 | 39.48 | 48.25 | 57.03 | 65.80 | 78.96 |
| Shrewley | 10.07 | 11.75 | 13.43 | 15.11 | 18.47 | 21.83 | 25.18 | 30.22 |
| Stoneleigh & Ashow | 20.44 | 23.85 | 27.25 | 30.66 | 37.47 | 44.29 | 51.10 | 61.32 |
| Warwick | 18.90 | 22.05 | 25.20 | 28.35 | 34.65 | 40.95 | 47.25 | 56.70 |
| Weston-under-Wetherley | 25.00 | 29.17 | 33.33 | 37.50 | 45.83 | 54.17 | 62.50 | 75.00 |
| Whitnash | 25.92 | 30.24 | 34.56 | 38.88 | 47.52 | 56.16 | 64.80 | 77.76 |
| Proportion of Band D | 6/9 | 7/9 | 8/9 | 9/9 | 11/9 | 13/9 | 15/9 | 18/9 |

Council Tax Calculations 2015/16 Warwick District Council
Including Warwickshire County Council And Warwickshire Police and Crime Commissioner

| PARISH/TOWN COUNCIL | BAND A | BAND B | BAND C | BAND D | BAND E | BAND F | BAND G | BAND H |
|---|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| | £ | £ | £ | £ | £ | £ | £ | £ |
| Baddesley Clinton | 1,050.43 | 1,225.49 | 1,400.57 | 1,575.64 | 1,925.79 | 2,275.93 | 2,626.07 | 3,151.29 |
| Baginton | 1,046.04 | 1,220.37 | 1,394.71 | 1,569.05 | 1,917.73 | 2,266.41 | 2,615.09 | 3,138.11 |
| Barford, Sherbourne & Wasperton | 1,057.62 | 1,233.88 | 1,410.15 | 1,586.42 | 1,938.96 | 2,291.50 | 2,644.04 | 3,172.85 |
| Beausale, Haseley, Honiley & Wroxall | 1,039.19 | 1,212.38 | 1,385.58 | 1,558.78 | 1,905.18 | 2,251.57 | 2,597.97 | 3,117.57 |
| Bishops Tachbrook | 1,045.02 | 1,219.18 | 1,393.35 | 1,567.52 | 1,915.86 | 2,264.20 | 2,612.54 | 3,135.05 |
| Bubbenhall | 1,048.35 | 1,223.06 | 1,397.79 | 1,572.51 | 1,921.96 | 2,271.40 | 2,620.86 | 3,145.03 |
| Budbrooke | 1,043.89 | 1,217.86 | 1,391.85 | 1,565.83 | 1,913.80 | 2,261.76 | 2,609.72 | 3,131.67 |
| Burton Green | 1,057.12 | 1,233.29 | 1,409.49 | 1,585.67 | 1,938.05 | 2,290.41 | 2,642.79 | 3,171.35 |
| Bushwood | 1,024.16 | 1,194.84 | 1,365.54 | 1,536.23 | 1,877.62 | 2,219.00 | 2,560.39 | 3,072.47 |
| Cubbington | 1,045.01 | 1,219.17 | 1,393.34 | 1,567.51 | 1,915.85 | 2,264.18 | 2,612.52 | 3,135.03 |
| Eathorpe, Hunningham, Offchurch, Wappenbury | 1,046.51 | 1,220.92 | 1,395.34 | 1,569.76 | 1,918.60 | 2,267.43 | 2,616.27 | 3,139.53 |
| Hatton | 1,031.67 | 1,203.61 | 1,375.56 | 1,547.50 | 1,891.39 | 2,235.28 | 2,579.17 | 3,095.01 |
| Kenilworth | 1,036.49 | 1,209.23 | 1,381.98 | 1,554.73 | 1,900.23 | 2,245.72 | 2,591.22 | 3,109.47 |
| Lapworth | 1,036.28 | 1,208.98 | 1,381.70 | 1,554.41 | 1,899.84 | 2,245.26 | 2,590.69 | 3,108.83 |
| Leamington Spa | 1,036.61 | 1,209.37 | 1,382.14 | 1,554.91 | 1,900.45 | 2,245.98 | 2,591.52 | 3,109.83 |
| Leek Wootton | 1,033.91 | 1,206.21 | 1,378.54 | 1,550.85 | 1,895.49 | 2,240.12 | 2,584.76 | 3,101.71 |
| Norton Lindsey | 1,039.56 | 1,212.81 | 1,386.07 | 1,559.33 | 1,905.85 | 2,252.37 | 2,598.89 | 3,118.67 |
| Old Milverton & Blackdown | 1,049.03 | 1,223.85 | 1,398.70 | 1,573.53 | 1,923.21 | 2,272.88 | 2,622.56 | 3,147.07 |
| Radford Semele | 1,041.24 | 1,214.77 | 1,388.31 | 1,561.85 | 1,908.93 | 2,256.01 | 2,603.09 | 3,123.71 |
| Rowington | 1,050.48 | 1,225.55 | 1,400.63 | 1,575.71 | 1,925.87 | 2,276.03 | 2,626.19 | 3,151.43 |
| Shrewley | 1,034.23 | 1,206.59 | 1,378.97 | 1,551.34 | 1,896.09 | 2,240.83 | 2,585.57 | 3,102.69 |
| Stoneleigh & Ashow | 1,044.60 | 1,218.69 | 1,392.79 | 1,566.89 | 1,915.09 | 2,263.29 | 2,611.49 | 3,133.79 |
| Warwick | 1,043.06 | 1,216.89 | 1,390.74 | 1,564.58 | 1,912.27 | 2,259.95 | 2,607.64 | 3,129.17 |
| Weston-under-Wetherley | 1,049.16 | 1,224.01 | 1,398.87 | 1,573.73 | 1,923.45 | 2,273.17 | 2,622.89 | 3,147.47 |
| Whitnash | 1,050.08 | 1,225.08 | 1,400.10 | 1,575.11 | 1,925.14 | 2,275.16 | 2,625.19 | 3,150.23 |
| Proportion of Band D | 6/9 | 7/9 | 8/9 | 9/9 | 11/9 | 13/9 | 15/9 | 18/9 |

Warwick District Council Code of Conduct

Part A – General Obligations

As a member or co-opted member of Warwick District Council, I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

I recognise that this Code of Conduct will apply at all times when I am acting as a member of Warwick District Council and I recognise that failure to adhere to this Code could result in the issuing of sanctions against me.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this Authority:

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

As a Member of Warwick District Council, my conduct will in particular address the principles of the Code of Conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting the public interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the Authority or the good governance of the Authority in a proper manner.
- Recognising that all parties are equal and my position is one of privilege and not one that should be used to secure advantage or disadvantage for any party.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this Authority.
- Listening to and respecting the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective, making decisions on merit and providing reasons for the decisions taken.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this Authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account.
- Never disclosing information given to me in confidence by anyone, or information acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (1) I have the consent of a person authorised to give it;
 - (2) I am required by law to do so; and
 - (3) The disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (4) The disclosure is
 - (a) Reasonable and in the public interest; and
 - (b) Made in good faith and in compliance with the reasonable requirements of the authority.
- Behaving in accordance with all my legal obligations, alongside any requirements contained within this Council's policies, protocols and procedures, including those on the use of the Council's resources (which shall never be for political purposes).

- Valuing and respecting my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect and acting in a polite and courteous manner, including the organisations and public I engage with and those I work alongside, both officers and fellow Members.
- Providing leadership through behaving in accordance with the principles of this Code when championing the interests of the community with other organisations as well as within this Council.
- Never intimidating or attempting to intimidate, or bully any person.
- Never doing anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.
- Accepting that the failure to co-operate in trying to resolve a complaint; the investigation of a complaint; the pre-hearing and hearing process will be a breach of this Code of Conduct.
- The failure to comply with a sanction imposed by the Council, Standards Committee or a Hearing Panel, within the required time period, will in itself be a failure to comply with this Code of Conduct.
- Recognising that by failing to adhere to the Code, I could bring my office or Council into disrepute.

Part B – Disclosable Pecuniary Interests

1 Notification of disclosable pecuniary interests

This part explains the requirements of the Localism Act 2011 (Sections 29-34) in relation to disclosable pecuniary interests. These are enforced by criminal sanction but would also be seen as a breach of the Code of Conduct by the Council.

Within 28 days of becoming a Member or co-opted Member, or becoming aware of any changes to your interests, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

| <i>Subject</i> | <i>Prescribed description</i> |
|---|---|
| Employment, office, trade, profession or vocation | Any employment, office, trade, profession or vocation carried on for profit or gain. |
| Sponsorship | Any payment or provision of any other financial benefit (other than from the Warwick District Council) made or provided within the 12 months before your declaration of interests (or amendment to your declaration) in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses . This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. |
| Contracts | Any contract which is made between you or your partner (or a firm or body corporate in which you or your partner is a partner or a director, or in the securities of which you or your partner has a beneficial interest) and the District Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged. |

| | |
|--|--|
| Land, which excludes an easement, servitude, interest or right in or over land which does not carry with it a right for you or your partner (alone or jointly with another) to occupy the land or to receive income | Any beneficial interest in land which is within the area of Warwick District Council. |
| Licences | Any licence (alone or jointly with others) to occupy land in the area of Warwick District Council for a month or longer. |
| Corporate tenancies | Any tenancy where (to your knowledge)— (a) the landlord is Warwick District Council; and (b) the tenant is a body in which you or your partner has a beneficial interest. |
| Securities which means, shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000(1) and other securities of any description, other than money deposited with a building society | Any beneficial interest in securities of a body where— (a) that body (to your knowledge) has a place of business or land in the area of Warwick District Council; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class. |

- “the Act” means the Localism Act 2011;
- “director” includes a member of the committee of management of an industrial and provident society;
- “member” includes a co-opted member;

(1) 2000 c. 8.

2 Register of interests

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection, at Riverside House, Royal Leamington Spa and disclosable pecuniary interests will be published on the authority's website.

3 Sensitive interests

Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Act.

4 Non participation in the case of disclosable pecuniary interest

- (1) If you are present at a meeting of the Council, Executive, or any committee, sub-committee, joint committee or joint sub-committee , and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting, unless you have been granted a dispensation:
 - (a) You may not participate in any discussion of the matter at the meeting and must leave the room for the duration of this item
 - (b) You may not participate in any vote taken on the matter at the meeting.
 - (c) You must disclose the interest to the meeting.
 - (d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Note: Council Procedure rule 36 requires you to leave the room where the meeting is held while any discussion or voting takes place unless you have a dispensation

- (2) Where an Executive member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by them, the Executive member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

5 Dispensations

The Council or the Standards Committee may grant you a dispensation, to consider specific matters for a time set at their discretion, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest. See Part C –7(2) for General Dispensations granted by Council.

6 Offences

It is a criminal offence, under the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 to:

- (1) Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
- (2) Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- (3) Fail to notify the Monitoring Officer within 28 days, of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- (4) Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest without a dispensation
- (5) As an Executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
- (6) Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting (unless you have dispensation).

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a Councillor for up to 5 years.

In addition to the above, this Council would also recognise that the following would amount to a breach of the Code of Conduct:

- Failure to notify the Monitoring officer of any changes to disclosable pecuniary interest within 28 days
- Failure to disclose a disclosable pecuniary interest at a meeting
- Failure to leave the meeting room when an item relating to a disclosable pecuniary interest is discussed

Part C- Other interests

1 Notification of other interests

- (1) Subject to paragraph 4 below, (Sensitive interests), you must, within 28 days of;—
 - (a) this Code being adopted by the Council;
 - (b) your election or appointment to office; or
 - (c) any changes occurring to the declared interest;

notify the Monitoring Officer in writing of the details of your personal interests, falling within Paragraph 2(2) (A) below, for inclusion in the register of interests.

- (2) You must, within 28 days of becoming aware of any new personal interest, notify the Monitoring Officer of the details of that new personal interest.

2 Disclosure of interests

- (1) Where you have a personal interest in any business of the District Council, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of the Council, Executive, any committees or sub-committees or joint committees or sub-committees at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2)
 - (A) You have a personal interest in any business of the District Council where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a *relevant person* to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected by the decision;
 - (B) In sub-paragraph (2) (A), a *relevant person* is yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners)
 - (C) You have a personal interest in any business of the District Council which relates to any disclosable pecuniary interest you are required to register
- (3) Where you have a personal interest in any business of the District Council which relates to or is likely to affect a relevant person, you need to disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (4) Where you have a personal interest in any business of the District Council regarding gifts and hospitality, you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (5) Where you have a personal interest but, by virtue of Paragraph 4, Sensitive interests, information relating to it is not registered in your Authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Where you have a personal interest in any business of the District Council and you have made an Executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

3 Register of other interests

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection at Riverside House. Members can ask for their other interests not to be published on the District Council's website.

Where a disclosable pecuniary interest is notified to the Monitoring Officer it need not be separately notified or separately registered as a personal interest.

4 Sensitive interests

Where you consider that disclosure of the details in an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

5 Non participation in case of prejudicial interests

- (1) Where you have a personal interest in any business of the District Council that interest will also be a prejudicial interest if a member of the public with knowledge of the relevant facts would reasonably regard that interest as so significant that it is likely to prejudice your judgement of the public interest **and** that business —
 - (a) affects your financial position or the financial position of a relevant person; or
 - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or a relevant person.
- (2) Subject to sub-paragraph (3) and 7 (dispensations) , where you have a prejudicial interest in any business of the District Council—
 - (a) You may not participate in any discussion of the matter at the meeting;
 - (b) You may not participate in any vote taken on the matter at the meeting;
 - (c) If the interest is not registered, you must disclose the interest to the meeting; and
 - (d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Note: Council Procedure Rule 37 requires you to leave the room where the meeting is held while any discussion or voting takes place unless you have a dispensation.

- (3) Where you have a prejudicial interest in any business of the District Council, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- (4) Where, as a member of the Executive, you may discharge a function alone, and you become aware of a prejudicial interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

6 Interests arising in relation to overview and scrutiny committees

In any business before an overview and scrutiny committee of the District Council (or of a sub-committee of such a committee) where—

- (a) that business relates to a decision made (whether implemented or not) or action taken by the Executive or another of the District Council's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the Executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken,

In this situation you may only attend a meeting of the overview and scrutiny committee for the purpose of answering questions or giving evidence relating to the business, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

7 Dispositions

- (1) The Standards Committee may grant you a dispensation, to participate in full or in part where you have a prejudicial interest. A member must apply for dispensation, in writing to the Monitoring Officer, outlining their personal and prejudicial interest and the reasons why they feel dispensation should be granted.

These will only be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a prejudicial interest.

General Dispositions

- (2) The Council has granted the following dispensation to all members and co-opted members of the Council in respect of both disclosable pecuniary interests and prejudicial interests

Provided you disclose the interest at the meeting you may attend a meeting and vote on a matter where you have a prejudicial or disclosable pecuniary interest that relates to the functions of the District Council in respect of—

- (i) housing, where you or your partner are a tenant of the District Council provided that those functions do not relate particularly to your or your partner's tenancy or lease;
- (ii) school meals or school transport and travelling expenses, where you or your partner are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you or your partner are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

8 Gifts & Hospitality

Within 28 days of receipt you must inform the Monitoring Officer of any gift or hospitality received equal to or greater than a value of £25.

This notification will include the details of what was received, what was done with the gift and the date it was received.

Disclosable Pecuniary Interests Form

I,

a Member of Warwick District Council hereby register that I have the following disclosable pecuniary interests (*please state 'None' where appropriate*):

| |
|--|
| <p>Employment - Employment, office, trade, profession or vocation, carried on for profit or gain by you or your partner</p> |
| |
| <p>Sponsorship - Any payment or provision of any other financial benefit (other than from the Warwick District Council) made or provided within the 12 months before your declaration of interests or any amended declaration in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses . This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p> |
| |
| <p>Contracts - Any contract which is made between you or your partner (or a firm or body corporate in which you or your partner is a partner or a director, or in the securities of which you or your partner has a beneficial interest) and the District Council</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p> |
| |

| |
|--|
| <p>Land - "Land, any beneficial interest in land which is within the area of Warwick District Council, this <u>excludes</u> an easement, servitude, interest or right in or over land which does not carry with it a right for you or your partner (alone or jointly with another) to occupy the land or to receive income</p> |
| |
| <p>Licences - Any licence (alone or jointly with others) for you or your partner to occupy land in the area of the Warwick District Council for a month or longer.</p> |
| |
| <p>Corporate tenancies - Any tenancy where (to your knowledge)—</p> <ul style="list-style-type: none"> (a) the landlord is Warwick District Council; and (b) the tenant is a body in which you or your partner has a beneficial interest i.e. a firm or body corporate in which you or your partner is a partner or a director, or in the securities of which you or your partner has a beneficial interest. |
| |
| <p>Securities - which means, shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society</p> <p>Any beneficial interest in securities of a body held by you or your partner where—</p> <ul style="list-style-type: none"> (a) that body (to your knowledge) has a place of business or land in the area of the Warwick District Council; and (b) either— <ul style="list-style-type: none"> (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you or your partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class. |
| |

Other Interests Form

A matter being considered by the Warwick District Council where a decision in relation to that matter might reasonably be regarded as affecting you or a relevant person's well-being or financial position to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected by the decision;

(these are matters which are not already covered by the disclosures above)

I, Councillor..... agree/do not agree that Warwick District Council may publish my other interests form on the District Council's website.

Signed:

Councillor

Date:

RECEIVED:

Signed:

Monitoring Officer of the District Council

Date:

NOTE: This notification must be given by the Member to the Monitoring Officer of Warwick District Council within 28 days of any changes.

Notification by a Member of Warwick District Council of the Receipt of a Gift or Hospitality over the value of £25.00

I,

a Member of Warwick District Council, give notice that I have received the following gift(s) / hospitality (*delete whichever does not apply*) over the value of £25.00:

(a) *Date(s) of receipt of gift(s) / hospitality*

(b) *Name(s) and address(es) of donor(s)*

(c) *Nature of gift(s) and / or hospitality*

Date:

Signed:

NOTE: This notification must be given by the Member to the Monitoring Officer of Warwick District Council within 28 days of receiving any gift or hospitality over the value of £25.00

Proposals for a Joint Standards Committee & Arrangements for appointment to that Committee

Remit

The responsibilities for the Committee will be as defined by Warwick District Council within its Constitution.

Membership

The Committee shall be no larger than 15 members comprising of:

- 11 Warwick District Councillors
- 2 Representatives of Parish Council's from within Warwick District
- 2 Representatives of Town Council's from within Warwick District

Appointment of Membership

All appointments will be made by Warwick District Council at a meeting of the Council, in line with its procedure rules.

Nominations for the appointments to the Parish & Town Council representative roles will be made as follows.

Nominations will be sought by the District Council for:

- A representative from the rural Parish Councils to the West of the District (as set within the Warwick Rural West Community Forum) with the addition of Burton Green Parish Council)
- A representative from the rural Parish Councils to the east of the District (as set out in the Warwick rural East Community Forum)
- Two representatives from the Four Town Council's within the District (with the provision that the two appointed shall not be from the same authority)

No representative of the Parish & Town Councils can also be a member of either Warwickshire County Council or Warwick District Council.

Any Council can propose a Councillor for any of the above positions.

At the close of nominations all Council's will be written to asking for their preferred and second choice candidate to represent their area. For example Leek Wootton & Guys Cliffe will be asked for their preferred candidate (from those nominated) for the rural West representative and Whitnash Town Council be asked for the same for their two preferred candidates for the Town Council representatives.

The votes received will be reported to Warwick District Council for them to determine who should be appointed.

PROTOCOL ON MEMBER/OFFICER RELATIONS

1 INTRODUCTION

- 1.1 The purpose of this Protocol is to guide the Council's Members and Officers in their relations with one another.
- 1.2 Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues that most commonly arise. It is intended, however, that the approach that it adopts to these issues will serve as a guide to dealing with other, related, issues.
- 1.3 This Protocol is to a large extent no more than a written statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty.
- 1.4 Following the Protocol will help to ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members.
- 1.5 This Protocol should be read in conjunction with the Members' and Employees' Codes of Conduct, the Council's Constitution and other relevant guidance that may be issued from time to time.
- 1.6 This Protocol seeks to reflect the principles underlying the respective Codes of Conduct that apply to members and officers. Consequently, a breach of the provisions of this Protocol may also constitute a breach of those Codes.
- 1.7 The Protocol therefore supplements and interprets, but does not supplant:
 - ✓ statutory provisions, the Code of Conduct for Members, the Code of Conduct for Employees and other codes and guidance;
 - ✓ the other provisions of the Council's own adopted constitution and especially the rules of procedure;
 - ✓ disciplinary codes that regulate the conduct of Officers.
- 1.8 A relevant extract from the National Code of Local Government Conduct for Members is reproduced below:
 23. *Both councillors and officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the council. Their job is to give advice to councillors and the council, and to carry out the council's work under the direction and control of the council, their committees and sub-committees.*
 24. *Mutual respect between councillors and officers is essential to good local government. Close personal familiarity between individual councillors and officers can damage this relationship and prove embarrassing to other councillors and officers.*

- 1.9 In line with the National Code's reference to "mutual respect", it is important that any dealings between members and officers should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position.
- 1.10 Mutual respect and trust should be founded on The Ten General Principles of Public Life (developed from the Nolan Principles). The principles, applying equally to Members and Officers, are:
- Selflessness
 - Honesty and Integrity
 - Objectivity
 - Accountability
 - Openness
 - Personal Judgment
 - Respect for Others
 - Duty to Uphold the Law
 - Stewardship
 - Leadership

3 THE ROLE OF MEMBERS

- 3.1 Members are elected democratically. It is their policies, ideas and decisions that people vote for. Members agree a policy framework, set the corporate goals and promote the Council in all its work. Members are also the key channels of democratic accountability and Members are the channel for the voices of the people in their wards.
- 3.2 The Council meets as a body when all its Members are summoned to attend a Council meeting. This meeting has ultimate authority over the affairs of the Council, subject only to the law. The Council can delegate authority to the Executive, committees and sub-committees of Members (and co-opted members in some circumstances) and to Officers. When Members meet as the Executive, a committee or sub-committee they can take decisions and act on behalf of the Council, within that body's terms of reference and delegated powers, again subject only to the law.
- 3.3 Members will also be involved in a variety of less formal meetings, correspondence and discussions with other Members, Officers and people outside the Council, to help the Council develop policies and deliver services.
- 3.4 As a Member attending a meeting of Council, the Executive, or of a committee or sub-committee, or in less formal settings, Members will have a variety of roles:

THE POLICY MAKING ROLE – DECIDING THE BROAD DIRECTION OF COUNCIL POLICY

THE EXECUTIVE ROLE – DECIDING HOW THOSE POLICIES ARE TO BE DELIVERED IN PRACTICE

THE SCRUTINY ROLE – HOLDING EXECUTIVE AND OFFICERS TO ACCOUNT FOR THEIR DECISIONS AND ACTIONS

THE WARD MEMBER ROLE – REPRESENTING THE INTERESTS OF INDIVIDUAL RESIDENTS OR RESIDENTS' GROUPS WITHIN THEIR WARD, IN THE OVERALL PUBLIC INTEREST.

- 3.5 Members will be involved in individual staffing matters only if they are a member of a committee or panel set up for that purpose. This may include being part of an appeals process or in the case of the Chief Executive and other senior officers in the appointment process.
- 3.6 In other circumstances, however, Members must not become embroiled in the management of the Council (such as officer-related disciplinary, capability or grievance processes). They must not engage in activities that might undermine the management line of command or adherence to Council HR procedures, or try to influence the recruitment process.

4 **THE ROLE OF OFFICERS**

- 4.1 Officers can also have a variety of roles:

THEY ARE RESPONSIBLE FOR THE OPERATIONAL MANAGEMENT OF THE COUNCIL.

THEY ADVISE MEMBERS TO HELP THEM TO TAKE DECISIONS IN THE EXECUTIVE, COMMITTEE, SUB-COMMITTEE AND COUNCIL.

SOME OFFICERS HAVE PERSONAL STATUTORY POWERS AND DUTIES, FOR EXAMPLE, THE OFFICERS DESIGNATED AS HEAD OF PAID SERVICE (CHIEF EXECUTIVE), CHIEF FINANCE OFFICER (HEAD OF FINANCE AND THE MONITORING OFFICER (HEAD OF MEMBERS' SERVICES AND MONITORING OFFICER.

THE COUNCIL HAS GIVEN DELEGATED POWERS TO THE CHIEF EXECUTIVE, DEPUTY CHIEF EXECUTIVES AND OTHER OFFICERS SO THAT THEY CAN ACT AND TAKE DECISIONS ON BEHALF OF THE COUNCIL IN MANY AREAS, PROVIDED THAT THEY FOLLOW THE RULES OF DELEGATION AND THAT MEMBERS HAVE ACCESS TO THEIR DECISIONS.

THE COUNCIL IS A LARGE ORGANISATION, AND OFFICERS HAVE A ROLE TO PLAY WITHIN THE ORGANISATION ITSELF.

- 4.2 Officers' roles have two dimensions. Some Officers have professional skills relevant to a particular organisational task. Others have managerial responsibility primarily. Many Officers have elements of both in their job.
- 4.3 Officers should expect to have the opportunity to give 'honest advice' and to have their professional integrity respected (e.g. not to be required to make recommendations they cannot support professionally) and the chance to explain what may appear to be a shortcoming in performance.
- 4.4 In addition Members and Officers must understand there is a clear and acceptable division of responsibilities regarding policy and implementation. It is the duty of Officers to manage the implementation of policy, in agreement with Members.
- 4.5 Officers serve the Council through its committees and other Council bodies. They work to the instructions of their Head of Service or the Chief Executive - not individual Members of the Council, whatever office the Member might hold.

4.6 Officers should:

- a. PURSUE EVERY KNOWN LAWFUL POLICY OF THE COUNCIL**
- b. IMPLEMENT THE DECISIONS OF COUNCIL, THE EXECUTIVE, COMMITTEES AND SUB-COMMITTEES**
- c. INFORM MEMBERS THROUGH THEIR HEAD OF SERVICE OF ANY DECISION THAT THEY CANNOT FULLY IMPLEMENT AND THE REASONS FOR THIS**
- d. BE HELPFUL AND RESPECTFUL TO MEMBERS**
- e. BEHAVE IN A PROFESSIONAL MANNER**
- f. SERVE ALL MEMBERS, NOT JUST THOSE OF THE ADMINISTRATION GROUP(S)**
- g. MAINTAIN CONFIDENTIALITY**
- h. DEAL WITH MEMBER ENQUIRIES EFFICIENTLY**
- i. STRIVE CONTINUALLY TO COMPLY WITH THE COUNCIL'S PERFORMANCE MANAGEMENT AND SCRUTINY PROCESSES**
- j. SUPPORT MEMBERS IN THEIR ROLE AS WARD COUNCILLORS**

4.7 Officers must not raise directly with Members, either acting independently or on behalf of others, any personal matter to do with their jobs, or relating to any potential appointment within the Authority. Formal procedures have been agreed with the trade unions for dealing with such issues.

5 OFFICER SUPPORT TO MEMBERS AND PARTY GROUPS

5.1 It must be recognised by all Officers and Members that in discharging their duties and responsibilities, Officers serve the Council as a whole and not any political group, combination of groups or any individual Member of the Council.

5.2 There is statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body.

5.3 Officers may properly be called upon to support and contribute to such deliberations by party groups but must at all times maintain political neutrality. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.

5.4 The support provided by Officers can take many forms. Whilst in practice such Officer support is likely to be in most demand from whichever party group is in control of the Council, such support is available to all party groups.

5.5 Certain points must, however, be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:

- a. Officer support must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if Officers are not present at meetings or parts of meetings, when matters of party business are to be discussed;
- b. party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not

therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and

- c. similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Committee or Sub-Committee when the matter in question is considered.

- 5.6 Special care needs to be exercised whenever Officers are involved in providing information and advice to a party group meeting that includes persons who are not Members of the Council. Such persons are not bound by the National Code of Local Government Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and, for this and other reasons, Officers may not attend and/or give advice to such meetings.
- 5.7 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group.
- 5.8 Whilst any Member may ask a relevant senior manager for written factual information about a service, such requests must be reasonable. Requests will be met subject to any overriding legal considerations or if the recipient of any request considers the cost of providing the information requested or the nature of the request to be unreasonable. If a Member requesting such information is dissatisfied by such a response, they should raise the matter in the first place with the relevant head of service and, if still dissatisfied, should raise the matter with the Chief Executive who will discuss the issue with the relevant Group Leader(s) and relevant Portfolio Holder(s), as appropriate.
- 5.9 Officers should ensure that any information supplied does not contain any personal information (within the meaning of the Data Protection Act 1998) relating to individual employees such as salary, grade, Trade Union affiliation etc.
- 5.10 Requests for personal information about specific employees or where the group of employees is so small that individual employees personal details are likely to be revealed should only be considered where a Member has a demonstrable need for such detailed personal information in order to carry out the business of the Council and they could not carry out that business without the information being supplied in a redacted form. Any such request must be properly justified.
- 5.11 All information held by the Council, in whatever form, is confidential to the Council unless and until such confidentiality is waived by the Proper Officer and subject to the requirements of the Data Protection Act 1998. Officers and elected Members are responsible for ensuring that personal information and data is only handled and processed in accordance with the provisions of the Act and to familiarise themselves with their obligations under the Act accordingly. Officers or Members who require advice or assistance in relation to their duties under the Data Protection Act 1998 should take advice from the Monitoring Officer or the Council's legal service as appropriate.

5.12 In relation to budget proposals:

- a. the Administration shall be entitled to confidential information/discussions with Officers regarding options and proposals. These will remain confidential until determined by the Administration or until published in advance of Committee / Council meetings, whichever is the earlier; and
- b. the opposition groups shall also be entitled to confidential information/discussions with Officers to enable them to formulate alternative budget proposals. These will remain confidential until determined by the respective opposition groups or until published in advance of Committee/Council meetings, whichever is the earlier.

5.13 As part of the Budget process, Officers may be called upon to give advice on budgetary proposals, wherever they may emanate from (once political confidentiality has been lifted). This is in addition to the "normal" rights that any member has to seek advice "in confidence" from Officers.

5.14 In addition, Officers may feel it appropriate to offer advice to individuals, groups or all Members. In doing so, they should be aware of the need to remain impartial. It is appropriate and indeed, in certain circumstances, necessary that as a matter of professional judgement, if a proposed course of action is imprudent, Officers should advise the Members of the Authority that this is so. It would, however, be for the Officer to decide how and when to do so. This is without prejudice to issues of legality and financial administration which are covered by specific duties placed on the Chief Financial Officer and Monitoring Officer.

5.15 Members should consider, when attending a meeting, whether or not minutes should be taken and/or an officer should be present. It is a matter for Members' judgement whether this is necessary, but factors such as whether any commitment is likely to be given on behalf of the Council and/or whether any complex financial, legal or procurement issues may be discussed will be relevant in deciding that. In such situations, Members are generally recommended to have an officer present and to ensure that contemporaneous minutes are taken and, where appropriate, shared with the other parties present to ensure that an accurate record is maintained. It will, however, be a case of judgement on each and every occasion as to how and when this principle is applied.

5.16 It must not be assumed by any party group or Member that any Officer is supportive of any policy or strategy developed because of that Officer's assistance in the formulation of that policy or strategy.

5.17 Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

5.18 It is clearly important that there should be a close working relationship between Members serving on committees (including the Executive) and the Officers who support and/or interact with them. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members and other party groups.

6 OFFICER SUPPORT TO MEMBERS ON EXECUTIVE AND ON SCRUTINY COMMITTEES

- 6.1 Officer support to Members serving on the Executive and on Committees should adhere to certain principles and standards regardless of which body the Member is serving on. In all cases Officers are expected:”
- a. to maintain political impartiality at all times when commenting on the Council’s policies and actions;
 - b. to be prepared to explain and justify advice given to Members and to justify decisions they themselves have taken under the Scheme of Delegation;
 - c. to ensure that an Officer of sufficient seniority appears before the relevant meeting in the light of the topics under discussion;
 - d. to provide information in a comprehensive and timely fashion;
 - e. to respond to questions from Members in an open, constructive and helpful manner;
 - f. not to mislead or be economical with the truth.
- 6.2 As set out above, although much of the advice concerning officer support is generic, applying equally to the provision of support to all types of committees, there are some aspects of the Executive and Scrutiny Committees that necessitate some additional, specific, guidance, as follows:

Executive

- 6.3 It is clearly important that there should be a close working relationship between Members serving on the Executive and the Officers who support and/or interact with them. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer’s ability to deal impartially with other Members and other party groups.
- 6.4 Whilst Executive Members will routinely be consulted as part of the process of drawing up proposals for consideration or the agenda for a forthcoming meeting, it must be recognised that in some situations an Officer will be under a professional duty to submit a report. Similarly, a Head of Service or other senior Officer will always be fully responsible for the contents of any report submitted in his/her name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. This is to be distinguished from a situation where there is a value judgement to be made. Any issues arising between an Executive Member and a Head of Service in this area should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.
- 6.5 Members serving on the Executive have wide ranging leadership roles. They will:
- a. lead the preparation of the Council’s policies and budget;
 - b. take in-year decisions on resources and priorities, together with other stakeholders and partners in the local community, to deliver and implement the budget and policies decided by the Full Council; and

- c. be the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- 6.6 Where functions that are the responsibility of the Executive are delegated to Officers or other structures outside the Executive, the Executive will nevertheless remain accountable to the Council, through the Scrutiny Committees, for the discharge of those functions. That is to say, the Executive will be held to account for both its decision to delegate a function and the way that the function is being carried out.
- 6.7 Under Executive Arrangements, individual Members of the Executive are allowed to formally take decisions. Members serving on the Executive must satisfy themselves that they are clear what exactly they can and cannot do.
- 6.8 The Council has mechanisms and protocols that ensure that (as with the Council and its Committees) an individual Executive Member seeks advice from relevant Officers before taking a decision within her or his delegated authority. This includes taking legal advice, financial advice and professional officer advice (particularly about contractual matters) as well as consulting the Monitoring Officer where there is doubt about the extent of legal authority.
- 6.9 Members also need to comply with the Code of Financial Practice and Code of Procurement Practice when they are directly involved in procurement exercises, particularly in discussions with potential and/or actual tenderers.
- 6.10 Decisions taking by individual Members of the Executive give rise to legal and financial obligations in the same way as decisions taken collectively. Therefore, Members of the Executive should always be aware of legal and financial liabilities (consulting the Monitoring Officer and Chief Financial Officer as appropriate) that will arise from their decisions. To ensure effective leadership for the Council and the community it serves, there are arrangements to ensure co-ordination of and sharing responsibility for Executive decisions including those made by individuals.
- 6.11 Officers will continue to work for and serve the Local Authority as a whole. Nevertheless, as the majority of functions will be the responsibility of the Executive, it is likely that in practice many Officers will be working to the Executive for most of their time. The Executive must respect the political neutrality of Officers. Officers must ensure that, at all times, their political neutrality is not compromised.
- 6.12 In organising support for the Executive, there is potential for tension between Officers and Members of the Executive with portfolios. All Members and Officers need to be constantly aware of the possibility of such tensions arising and both Officers and Members need to work together to avoid such tensions, whether real or perceived.

Committees

- 6.13 Scrutiny Committees are an important element of the Council's arrangements. It is not, however, a Scrutiny Committee's role to act as a Disciplinary tribunal in relation to the actions of Members or Officers. Neither is it the role of Officers to become involved in what would amount to disciplinary investigations on a Panel's behalf. This is the Chief Executive's function alone in relation to staff and the Monitoring Officer's and the Standards Committee as regards the conduct of Members. This means:
- a. A Scrutiny Committee's questioning should not be directed to the conduct of individuals, not in the sense of establishing the facts about what occurred in the making of decisions or implementing of Council policies, but with the implication of allocating criticism or blame;
 - b. in these circumstances, it is for the Chief Executive to institute a formal enquiry, and a Scrutiny Committee may ask (but not require) him to do so.
- 6.14 Scrutiny Committees should not act as a "court of appeal" against decisions or to pursue complaints by individuals (Councillors, Officers or members of the public) as other procedures exist for this. These are internal, e.g. the Corporate Complaints Procedure, and external/statutory, e.g. Local Government Ombudsman or appeal to the Courts. That said, Scrutiny Committees may:
- a. investigate the manner in which decisions are made but should not pass judgements on the merits of a decision in individual cases;
 - b. comment on the merits of a particular policy affecting individuals.
- 6.15 It would be unfair to invite someone to appear at a Scrutiny Committee without telling them in general terms what they will be asked and without giving them adequate time to prepare. Scrutiny Committees ought to provide written questions, or at least "indicative topics", beforehand, so that the answers can form the basis of the questioning and discussion. In addition, speakers ought to be told the general line that further questioning is likely to take. Questioning should not stray outside the subject area that the Panel had previously indicated.
- 6.16 The way in which Scrutiny Committee Members probe Officers should be influenced by the level of seniority of the Officers present – accordingly when calling Officers to give evidence, Members should consider the level of the Officer they wish to have before them in the light of the line of questioning they wish to follow.
- 6.17 Officers may be asked to give a professional opinion, including presenting alternative options. Officers may not confine themselves solely to justifying either the position of or the advice that they gave to the Executive although, in giving options, it is to be expected that they will explain the rationale for the advice they gave.
- 6.18 It is appropriate for Members of Scrutiny Committees to ask Officers to explain and justify advice given to Members, whether on the Executive or otherwise, prior to decisions being taken, and to justify decisions that Officers have taken under delegated powers.

7 SUPPORT SERVICES TO MEMBERS AND PARTY GROUPS

- 7.1 Support services (e.g. stationery, typing, printing, photocopying) to Members must only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

8 MEMBERS' ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS

- 8.1 Members have the ability to ask for information pursuant to their legal rights to information. This right extends to such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Head of Service or another senior Officer of the Division concerned.
- 8.2 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by the common law.
- 8.3 The law concerning access to information is complex, with the following pieces of legislation applying:
- The Access to Information provisions of the Local Government Act 1972
 - The Data Protection Act 1998
 - The Local Government Act 2000
 - The Freedom of Information Act 2000

The Freedom of Information Act has probably the greatest impact, potentially providing Members with a single route through which to obtain information in support of their work, whatever their role within the Authority.

- 8.4 Any Council information provided to a Member is deemed to be information provided in confidence; it is subject to the protections afforded by the Data Protection Act 1998 and must only be used by the Member for the purpose for which it was provided, i.e. in connection with the proper performance of the Member's duties as a Member of the Council. Therefore, for example, early drafts of Committee reports / briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied.
- 8.5 Failure to observe this obligation or disclosure of confidential information may amount to a breach of the Code of Conduct. Failure to safeguard and protect the confidentiality of personal information within the meaning of the Data Protection Act 1998 may result in prosecution of the Authority and/or any individual Officer or Member by the Information Commissioner and the imposition of significant monetary penalties.
- 8.6 Any Member request for personal information or personal data about an individual employee (rather than a general group of employees as a whole) should only be supplied where there is a demonstrable need for that Member to have the information at that level of detail in order to carry out their duties as a Member of the Council. Any such requests should be referred to and considered

by the Head of HR who may, if necessary, refer the request to the Monitoring Officer.

- 8.7 In cases where such information is to be released, the Head of HR will specifically remind the Member that the information is confidential, subject to the protection of the Data Protection Act 1998 and confirm the necessary measures for handling that data in order to keep it confidential and ensure that it is not further disclosed to any other person or body either within or external to the Council.

9 CORRESPONDENCE AND ADVICE

- 9.1 Members seeking advice from officers shall be entitled to assume that such advice is given under "Chatham House rules" in terms of disclosure to other Members, unless otherwise agreed with the officer(s) concerned.
- 9.2 Correspondence between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member. In other words, a system of "silent copies" should not be employed.
- 9.3 Official letters on behalf of the Council should normally be sent in the name of the appropriate Officer, rather than in the name of a Member. It may be appropriate in certain limited circumstances (e.g. representations to a Government Minister) for a letter to appear in the name of an Executive Member or the Leader of the Council or the Leaders of all political groups represented on the Council by agreement, but this should be the exception rather than the norm. Letters that, for example, create legal obligations or give instructions on behalf of the Council should never be sent out in the name of a Member, Executive or otherwise.
- 9.4 Officers responding to members' queries should do so in a timely manner, and in accordance with the agreed standards for replying to letters and emails from Members; namely:
- a. Members will receive an acknowledgement within two working days of the date of the enquiry, to include the name and contact details of the officer dealing with the enquiry (subject to leave, etc);
 - b. a response will be given as soon as possible but not later than 10 working days of the date of the enquiry. If it is not possible to give a detailed response within 10 working days, the councillor should be informed within that period of the date by which they can expect to receive the information requested and be given a reason for the delay
- 9.5 Democratic Services provides an alternative route whereby Members may make enquiries or request information from officers within the Authority. Any Member may pass an enquiry to Democratic Services who will then refer it to the appropriate officer and follow it up as necessary. Members can expect to be updated as to progress by the officer responsible for replying to the request.

10 PUBLICITY AND PRESS RELEASES

- 10.1 Local authorities are accountable to their electorate. Accountability requires local understanding. This will be promoted by the Authority, explaining its objectives and policies to the electors and rate-payers. In recent years, all local authorities have used publicity to keep increasingly the public informed and to encourage public participation. Every council needs to tell the public about the services it provides. Increasingly, local authorities see this task as an essential part of providing services. Good, effective, publicity aimed to improve public awareness of a council's activities is, in the words of the Government, to be welcomed.
- 10.2 Publicity is, however, a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential, therefore, to ensure that local authority decisions on publicity are properly made in accordance with clear principles of good practice. The Government has issued a Code of Recommended Practice on Local Authority Publicity that provides guidance on the subject and that should be complied with.
- 10.3 Particular care should be paid to any publicity used by the Council around the time of an election. Advice will be given on this by the Monitoring Officer.

11 ALLEGATIONS OF MEMBER OR OFFICER MISCONDUCT

- 11.1 In a situation where a Member identifies that an Officer may have committed a breach of the Council's disciplinary rules and procedures, they should draw the issue to the attention of the Chief Executive who, following consultation with the Council's Monitoring Officer, will ensure an appropriate investigation.
- 11.2 In respect of an Officer who believes a Member has breached the Members' Code of Conduct, they should:
- a. not offer any opinion or judgement upon that conduct to the Member;
 - b. they must advise the Monitoring Officer immediately of the circumstances, facts, their belief and the rationale behind it, including supplying all and any documentation; and
 - c. they should not comment further on the issue to any other Officer or Member without the prior consent of the Monitoring Officer.

These provisions are to protect both the Member and Officer, avoid Officers from becoming unduly involved in allegations of Member misconduct at an inappropriate level and to ensure that any investigation that may need to be carried out by the Monitoring Officer or other agency, is not compromised in any way.

- 11.3 Any complaints made regarding the alleged conduct of Councillors will be dealt with in accordance with the Council's agreed arrangements for handling complaints.
- 11.4 The Monitoring Officer will investigate allegations of fraud or criminal misconduct against Members. They may investigate other allegations of misconduct against Councillors, but only if:

- a. THE MATTER AFFECTS THE BUSINESS OF THE COUNCIL OR ITS REPUTATION;
AND**
- b. IT IS PROPER FOR THE MONITORING OFFICER TO INVESTIGATE.**

- 11.5 Some issues are matters of party discipline. Even if the allegations were proved, there may be no action or sanction that the Council can apply. Normally such matters must be investigated by the party itself. The Monitoring Officer will refer the matter to the group leader.
- 11.6 The Monitoring Officer:
- a. WILL INVESTIGATE ANY MATTERS WHICH ARE PROPERLY RAISED WITH THEM;**
 - b. WILL ALWAYS INFORM THE COUNCILLOR WHO IS THE SUBJECT OF THE ALLEGATIONS - UNLESS THIS WOULD PREJUDICE THE INVESTIGATION;**
 - c. HAS NO OBLIGATION TO REPORT THE FINDINGS TO THE COUNCILLOR MAKING THE ALLEGATION BUT IS RESPONSIBLE FOR SATISFYING THE COUNCILLOR THAT APPROPRIATE ACTION HAS BEEN TAKEN; AND**
 - d. HAS A DUTY TO TAKE WHATEVER ACTION THEY THINK FIT AS A RESULT OF THE INVESTIGATION, IN ACCORDANCE WITH THEIR STATUTORY DUTIES.**
- 11.7 Investigations will be subject to supervision by and report to the Standards Committee of the Council or any equivalent body.
- 11.8 Where the allegation is within the terms of reference of the Council's auditors, the police, the matter will be referred to them.

12 CONCLUSION

- 12.1 Straightforward respect and consideration between Members and Officers provide the greatest safeguard of the integrity of the Council.

13 APPROVAL / DISTRIBUTION / CLARIFICATION

- 13.1 This version was approved by the Council as part of the Constitution in (*to be completed*).
- 13.2 Copies of the Protocol will be issued to all Members as part of the Constitution upon election.
- 13.3 Questions of interpretation of this Protocol will be determined by the Chief Executive in consultation with the Monitoring Officer.
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Warwick District Council

Minutes of the meeting held on Wednesday 11 March 2015, at the Town Hall, Royal Leamington Spa at 6.05pm.

PRESENT: Councillor Mrs Sawdon (Chairman); Councillors Barrott, Boad, Mrs Bromley, Mrs Bunker, Caborn, Coker, Cross, Davies, Ms Dean, Doody, Edwards, Mrs Falp, Mrs Gallagher, Gifford, Gill, Hammon, Heath, Mrs Higgins, Illingworth, Kinson OBE, Mrs Knight, Mrs Mellor, Mobbs, Rhead, Shilton, Vincett, Weber, Wilkinson, Williams and Wreford-Bush.

Apologies for absence were received from Councillors Mrs Blacklock, Copping, Ms De-Lara-Bond, Dhillon, Mrs Goode, Mrs Grainger, Guest, Kirton, Pittarello, Pratt, Mrs Syson, and Ms Weed..

93. **Declarations of Interest**

Minute 96 – Strategic Opportunity Proposal

Councillors Caborn, Gifford and Shilton all declared they had a Disclosable Pecuniary Interest because Warwickshire County Council could significantly benefit from the proposal, but dispensation granted by the Council in October 2012 enabled them to listen to the debate before they left the room while the vote was taken.

Councillor Boad declared that although his wife was a Warwickshire County Councillor he had been advised that he could participate and vote on this matter.

Councillor Mrs Falp declared a personal interest because her son was a shareholder in Leamington Brakes Football Club.

Councillor Heath declared a personal interest because he was a shareholder in Leamington Brakes Football Club.

94 **Statement of Councillor Mobbs**

The Chairman informed the Council that she had agreed for Councillor Mobbs to make a statement to the Council, despite this not being included on the agenda, because the statement was in the interest of the Council.

Councillor Mobbs addressed the Council and explained that the Chief Executive had shown all four Group Leaders a letter that he had received which was extremely concerning about confidentiality and regarding the leaking of the confidential document titled "Strategic Opportunity Proposal." This was the fourth leak of confidential papers in recent times. The leak also involved a family. Councillor Mobbs asked how would Councillors feel if it was their family involved. It reflected appallingly on this Council and had let everybody down. This called into question the integrity of each and everyone in this Council. The Council would not assist in the defence of any action taken against a Councillor regarding a breach of confidentiality.

The person who did this may have felt they were being extremely clever when in fact they were violating the democratic process upon which our society was founded.

The Leader went on to say that Councillors would have seen from the two emails circulated by Councillor Mrs Bromley the views expressed by the solicitor acting on behalf of Racing Club Warwick and a press release on behalf of the Club, in response to a report which had been proposed to be considered at the Executive tonight. The report had now been withdrawn and the Leader wanted to take this opportunity to provide an explanation.

He explained that he was not going to rehash all the background to the Racing Club Warwick saga because things had moved on or at least so he thought. The Cadets had surrendered their lease on the part of the Football Club and the Club had had its lease renewed. The duplicating lease issue therefore had been resolved. The Council was asked by Chris White MP if the Council would attend a meeting with the Football Club that he would chair and facilitate with the objective of seeking a resolution to the wider issues. It was felt it was worth attending as a gesture of goodwill.

The meeting had been held on Friday 6 March at Chris White's office. It was attended by Andy Cowlard, Chairman of the Football Club, John Hathaway, the Club's solicitor, the District Council's Chief Executive and Barry Juckes, the Council's solicitor, together with Chris White and his PA. The Chief Executive felt that it had been a positive meeting and that the Council and the Club were looking forward and not backwards. There was no discussion about a settlement claim nor about any particular sum of money that might be invested in the club's premises. However there was discussion about how both parties might progress and help improve the premises. The Chief Executive had agreed to do a number of things at that meeting:

- (1) To prepare and circulate a draft copy of a report that he would ask to be taken as an emergency item at the forthcoming Executive meeting; and
- (2) He would organise for one of the Council's property officers to visit the site with Andy Cowlard to assess what was needed and draft an estimate (this was done on Tuesday).

The meeting had finished not long after 3.00pm and by shortly after 5.00pm the Chief Executive had written and circulated a copy of the report as promised. Chris White MP and Andy Cowlard's comments were invited. Indeed as the weekend progressed, he updated the report in light of comments received internally and recirculated it to Andy Cowlard and Chris White MP. On both occasions he asked that the report be forwarded to John Hathaway as the Chief Executive did not have his email address.

The Chief Executive also sent a text to Andy Cowlard on Sunday 8 March asking if he had received the report and had any comments. He did speak to Chris White MP on Monday morning who thought the report reflected the discussions held the Friday before. Despite some chivvy, no direct response was received until John Hathaway sent an email to the Chief Executive on Monday afternoon at 3.00pm. The Leader noted that Councillor Mrs Bromley circulated the same email to Councillors about an hour later.

The email had led to a number of conversations with John Hathaway highlighting that, given the nature of the conversations about moving on, making a statement referring back to a settlement had not been part of the discussions nor was it a way forward. Rather, it was backwards step and therefore contradicted both the discussion and the report. Despite those ongoing discussions a press release was issued on 10 March which Councillors all had, as circulated by Councillor Mrs Bromley.

The Council and indeed the Chief Executive in effect stood accused of formulating a report that bore no relation to the meeting held last Friday. Yet, this was contradicted by the email from the Club's solicitor sent on Monday which stated "The Chairman of the Racing Club Warwick instructs me to advise you that the amended report (second draft) prepared by the Chief Executive to the Warwick District Council is a true reflection of the hopes expressed at the meeting held last Friday between Racing Club Warwick and the Warwick District Council, facilitated and chaired by Chris White MP." Chris White MP had informed the Leader the report reflected the discussions that took place. Therefore all but one person agreed the report reflected the discussion held.

The Leader thought there was a genuine concern that the Club had not really changed its outlook and had not wanted to move forward positively. That had sadly proven to be the case. He asked whether Members could imagine any club or association that had a report in which the Council would be committing itself to a significant capital investment as this report did, turning it away, and yet Racing Club Warwick had. Given that set of circumstances and the belligerence of the press release the Leader felt that to progress with the report would be futile and he had therefore instructed that the report be withdrawn.

The Leader concluded that the proverbial ball was in the half of the Football Club. If they did really wish to progress matters positively it was up to them to set aside the past and put forward a way forward that would be of interest to the Council and that displayed the trust required of the two organisations.

The Chairman of the Council expressed her dissatisfaction, highlighting the extremely good reputation of the Council and how it always aimed to work together through consensus decisions. The person who had leaked the document was a colleague and someone who was welcomed and valued, but their actions were a disgrace and had let all the Council down.

95. **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 relevant paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

96. **Strategic Opportunity Proposal**

The Council considered a report regarding the potential for enhancing the strategic ambitions of the Council. The full details of which would be contained within the confidential minutes of this meeting.

Resolved that the recommendations within the report were noted.

(The meeting ended at 9.09 pm)

CHAIRMAN
22 April 2015

Executive

Minutes of the meeting held on Wednesday 11 February 2015 at the Town Hall, Royal Leamington Spa at 6.00 pm.

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

Also present: Councillor Barrott (Chair of Finance & Audit Scrutiny Committee), Councillor Boad (Liberal Democrat Observer), Councillor Mrs Bromley (Independent Group Observer and on behalf of the Overview & Scrutiny Committee), and Councillor Wilkinson (Labour Group Observer).

114. **Declarations of interest**

There were no declarations of interest.

115. **Minutes**

The minutes of the meeting held on 3 December 2014 were taken as read and signed by the Chairman as a correct record.

Part 1

(Items on which a decision by Council is required)

116. **Election of Chairman and Vice-Chairman of the Council 2015/16**

Recommended to Council that Councillor Wilkinson be Chairman of the Council in 2015/16 and that the Vice Chairman for 2015/16 be Councillor Mrs Grainger.

117. **Treasury Management Strategy Plan for 2015/2016**

The Executive considered a report from Finance that detailed the strategy for 2015/16 that the Council would follow in carrying out its Treasury Management activities including the Annual Investment Strategy and Minimum Revenue Provision (MRP) Policy Statement.

The Council was required to have an approved Treasury Management Strategy, including an Annual Investment Strategy and Minimum Revenue Provision Policy within which its Treasury Management operations could be carried out. The Council would be investing approximately £19.939 million in new capital in 2015/16 and would hold average investments of £50 million (2013/14 actual £53m). This level of investments came from the Council's reserves and provisions, the General Fund and Housing Revenue Account balances, and accumulated capital receipts as well as cashflow.

The Council's treasury management operations were also governed by various Treasury Management Practices (TMP's), the production of which was a requirement of the CIPFA code and which must be explicitly followed by officers engaged in treasury management. These had previously been reported to the Executive and approved. There had been the following changes to various Treasury Management Practices (TMP's) and these changes were outlined in the report.

This Council had regard to the Government's Guidance on Local Government Investments and CIPFA's updated Treasury Management in Public Services Code of Practice. The guidance stated that an Annual Investment Strategy must be produced in advance of the year to which it related and must be approved by Council. The Strategy could be amended at any time and it must be made available to the public. The Annual Investment Strategy for 2015/16 was contained within Appendix B and its Annex.

The current low interest rate environment was expected to continue for the foreseeable future as whilst interest rates were expected to start rising from the December quarter of 2015 it would be from a very low base and consequently investment returns would continue to be depressed for some time to come. Counterparty credit rating constraints and continuing high investment balances mean that it had become necessary once again to look at alternative investment vehicles in order to ensure that the Council could continue to invest its funds with the highest possible security whilst obtaining a reasonable rate of return. This meant that the Council could diversify its risk rather than just increasing the limits for existing counterparties. The change being recommended was described in more detail in Appendix B, to the report, but essentially involved the addition of Covered Bonds.

The Council had to make provision for the repayment of its outstanding long term debt and other forms of long term borrowing such as Finance Leases. Statutory guidance from the DCLG required that a statement on the Council's policy for its annual MRP should be submitted to the full Council for approval before the start of the financial year to which it related and this was contained in Appendix C to the report.

The Prudential Code for Capital Finance in local authorities, which was revised in 2009, introduced new requirements for the manner in which capital spending plans were to be considered and approved, and in conjunction with this, the development of an integrated treasury management strategy. The Prudential Code required the Council to set a number of Prudential Indicators and these were set out within section 5 of Appendix A to the report, the indicators to which regard should be given when determining the Council's treasury management strategy for the next 3 financial years.

The approval of an annual Treasury Management Strategy was a requirement of the CIPFA Treasury Management in the Public Services Code of Practice, the latest version of which was adopted by the Council in 2011/12.

An alternative to the strategy being proposed for 2015/16 would be to vary the counterparty limits and investment periods from those currently in force in order to increase investment returns but this would expose the Council to increased credit risk and was not recommended.

The Council could also choose to reduce the minimum credit rating criteria instead. However, whilst this would achieve the stated aim of enhancing investment returns it would significantly increase credit risk within the investment portfolio leading to potential loss of capital.

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

Resolved that changes to the various Treasury Management Practices as detailed in the report, be noted.

Recommended to Council that

- (1) the Treasury Management Strategy for 2015/16 as set out in the report and detailed in Appendix A to the report be approved,
- (2) the 2015/16 Annual Investment Strategy as outlined in the report and detailed in Appendix B, to the report, together with Annex 1 including the following changes, be approved:-
 - (i) as per paragraph 2.9 of Appendix B, to the report, covered Bonds are added to the list of Specified and Non Specified investment vehicles that the Council can use;
 - (ii) as per Annex 1, to the report, the individual counterparty limit for Covered Bonds issued by a) private sector financial institutions be £5 million b) private sector financial institutions wholly or part owned by the UK Government £9 million and c) Corporates £3 million, be approved;
 - (iii) the Municipal Bond Agency be included in the list of organisations that the Council is permitted to borrow from as per Appendix A paragraph 4.4, of the report, be approved;
- (3) the Minimum Revenue Provision Policy Statement as outlined in the report and

contained in paragraphs 4.1 to 4.4 of Appendix C, of the report, be approved; and

- (4) Prudential Indicators as outlined in the report and contained in paragraphs 5.1 to 5.5 of Appendix A, to the report, be approved.

(The Portfolio Holder for this item was Councillor Cross)
(Forward Plan reference 666)

118. Budget 2015/16 and Council Tax – General Fund Revenue and Capital

The Executive considered a report from Finance that updated them on the overall financial position of the Council. It included the latest position in respect of the 2014/15 General Fund Revenue Budget and the future implications of the proposed changes. For 2015/16 onwards, the report considered both the General Fund Revenue Budget and the Capital Programme. The information contained within this report supported the recommendations to Council in respect of setting next year's budgets and this Council's level of Council Tax for 2015/16. It updated members on the latest projections and assumptions in the Medium Term Financial Strategy, identifying the on-going savings required by 2019/20. The report also updated members on the Council's Reserves and General Fund.

The Council was required to set a budget and council tax each year taking into account the many factors that are considered within this report. In particular:-

- The revenue and capital budget were being considered together.
- The Council was required to determine an authorised borrowing limit in accordance with The Local Government Act 2004, Section 3, and to agree prudential indicators (Appendix 12 refers) in accordance with the CIPFA Code for Capital Finance in Local Authorities.
- The Chief Financial Officer was required to report on the robustness of the estimates made and the adequacy of the proposed financial reserves. (This statement is made at Appendix 2).
- By considering the 5 Year Medium Term Financial Strategy at the same time as the latest and next year's Budget, the Council had a full understanding their effect on the long term implications.

Appendix 1, to the report, summarised the latest 2014/15 Estimates and the proposed Budget for 2015/16. The latest Estimates for 2014/15 were reported to the Executive in December 2014 with net expenditure of £17.9m and a surplus of £217,000. Further changes were now proposed, which were as followed:

- Town Hall liability for Town Council overcharges (Business rates and service charges);
- An additional £10,000 for the Back Up Generator at Oakley Wood Crematorium, bringing the total cost to £30,000 as agreed by the Executive in December 2014;

- £134,000 Non-Recurrent Business Rate Refunds in respect of Council properties;
- A Leisure Centre staffing non-recurrent overspend of £47,000 which was net of a £3,000 increase in Vending Machine Commission. – £12,000 of this was at St Nicholas Park Leisure centre (£10,000 due to long term sickness cover);
- The other £2,000 could be attributed to increased costs of swimming teachers as new lessons had been added to the programme in the last 18 months;
- The residual £38,000 was at Newbold Comyn Leisure Centre. The significant part was attributable to the failure to implement new rotas, which had been agreed and budgeted for. This was caused by management actions of a former member of staff who unfortunately had found the role beyond their capabilities;
- Actions had now been taken to address the causes of the overspend at Newbold Comyn, and the new manager had taken far greater control of staffing since November 2014. New rotas would be introduced at all sites from 1 April 2015 to coincide with the start of the new activity programme;
- The figures quoted above were based on performance until the end of December. Quarter 4 performance would not be known until the end of the year. The gym at Newbold Comyn was to undergo a refit of new equipment in February 2015. Officers were hopeful that both swimming and gym income would exceed budgeted levels and cover the costs set out above.
- A saving of £15,000 was now forecast on the budget for the National Living Wage based on the spending to date. This projection took into consideration that the next months could be higher due to additional staffing at the Spa Centre during the Pantomime and increased Gym activity in the new year; and
- Minor changes totalling £19,000 debit.

Taking into account the above budget changes, the 2014/15 Estimates showed a projected surplus of £220,000. It was recommended that this surplus was carried forward to 2015/16 to form the Contingency Budget for unforeseen unavoidable costs arising during 2015/16 which could not be accommodated within agreed budgets.

The 2014/15 Budget allowed for the 2.2% pay award applicable from January 2015. As part of the 2014 -2016 settlement there was a non-consolidated payment for all staff on Spinal Column Point (SCP) 5 to 49. Advice had been received from West Midlands Employers that the 2.2% pay award was payable to all NJC staff above SCP 49 (grade A staff within Warwick District Council) but that the additional non-consolidated award was a matter for local determination. The Authority employed seven members of staff on grade A and the total cost of awarding the payment was in the region of £1,400 (approximately £200 each). As the payment was due to be paid in December 2014, the Chief Executive used his Emergency Powers to agree to the payments being made, having consulted with the leaders of the main political groups, as set out in the Council's Constitution.

The Head of Finance had approved the following allocations from the Contingency budget:

- Revenues staff settlement (£9,000)
- Media Room maternity cover (£7,700)
- Payroll sickness cover (£1,800)

The unallocated balance on the Contingency Budget 2014/15 stood at £27,600, excluding any other proposed uses from the Contingency Budget discussed elsewhere on the agenda for the Executive dated 11 February 2015.

Since Members agreed the 2015/16 Base Budgets in December, further changes had been identified. Inclusion in next year's Budgets at this point ensured the Budget and Financial Projections would contain the most realistic figures as at the beginning of April 2015. These changes were:-

- £11,000 Reduction in Housing Benefit and Council Tax Reduction Scheme Administration Subsidy;
- National Living Wage – Within the Council's financial projections, £60,000 was included for the full year anticipated costs relating to the National Living Wage. Consistent with the reference within paragraph 3.2.1, it was believed that this budget was overstated, so had been reduced by £15,000; and
- The Employment Committee had recently considered a report on Finance Staffing. Within this, there were recurring costs relating to an additional Revenues Officer (£22,800) and changes to the Accountancy Establishment (£2,100) which have been included within the proposed 2015/16 Budget.

Taking into account the above changes, together with the Government Grant and Council Tax discussed in section 3.4 and 3.5 respectively; there was a balance of £1,000 which had been added to the proposed 2015/16 Contingency Budget.

Collection Balance – Latest monitoring showed that at the end of 2014/15 there would be a negligible balance on the Collection Fund in respect of council tax. On the 15 January each year, this Council as the Billing Authority, notified its major preceptors that there would be a zero balance for 2014/15. If this had not been the case, the balance would have been incorporated into the 2015/16 Budget.

Details of the provisional Grant Settlement for 2015/16 were announced on 18 December 2014. The final settlement was expected at the start of February 2015. Should there be a non-material difference in the grant figures in the final settlement to the provisional settlement, it was proposed that this was accommodated within the 2015/16 Contingency Budget.

No details had been provided over likely levels of grant beyond 2015/16. From the Government's financial projections, the most recent being within the Autumn Statement in December 2014, it was apparent that local authorities would continue to see substantial reductions in core funding for

the foreseeable future, although no details were available as to how this would impact upon individual authorities. As district councils were not directly responsible for any of the "protected" public services (eg health and education), it had been necessary to take a prudent stance in projecting this Council's future levels of Revenue Support Grant for the Medium Term Financial Strategy.

As part of the Grant Settlement, the Council was due to receive a Revenue Support Grant of £2,499,484. This figure was in line with the provisional grant announced a year ago.

The Grant Settlement included details of the 2015/16 Business Rates Retention scheme. The Council's Business Rates Baseline for 2015/16 was £3,128,447. Should this Council collect Business Rates in excess of this, it would retain 40% of the additional income. The Business Multiplier would again be held to a 2% increase, (this being below the September 2014 Retail Prices Index of 2.3%). Local authorities would receive additional grant funding to compensate. As previously discussed within Budget Review reports to the Executive, the Business Rates Retention Scheme did present an opportunity for local authorities in terms of the potential to gain from increases in the local business rates base, however, there were also risks associated. Hence it had been necessary to be cautious when estimating the business rates due to be retained by the Council.

Whilst the Government Settlement figures were based upon the Business Rate Baseline, the Authority's actual retained income for the 2015/16 Financial Year was determined by the projection submitted at the end of January 2015 (known as the NNDR1). Between finalising this Executive report and the NNDR1, if the figures changed within the NNDR1, and it was a non-material change, it was proposed that this would be accommodated by compensating adjustments in the sums transferred from the Business Rate Retention Volatility Reserve. Members agreed in December 2012 that authority to approve the NNDR1 was delegated to the Head of Finance in consultation with the Finance Portfolio Holder.

As part of the Budget Setting for 2014/15, the Council agreed funding to ensure all of its employees should receive at least the National Living Wage, which for last year was £7.65. This was confirmed by the Employment Committee in April 2014 and subsequently introduced in October 2014. The Employment Committee also agreed that the Council reviews its commitment to paying any further increase in the National Living Wage from the subsequent April of each year as part of the Budget Process. It was therefore proposed that the Council confirmed its commitment to pay the National Living Wage for 2015/16 and agreed the new hourly rate of £7.85, an increase of 2.6%, was introduced from April 2015. This increase had been allowed for within the proposed 2015/16 Budget.

In setting these Budgets, Members needed to be aware of the impact on their local Council Tax Payers. 2015/16 was the fifth year that this Council had been able to "freeze" its share of the Council Tax, and received council tax freeze grant. For 2015/16 the Government was providing a

Grant equivalent to the value a 1% per cent increase would have yielded. This equated to £79,000.

The 1% tax freeze grant was helping the Council to maintain its funding and services for the period that the grant was paid. The Government had previously announced that the freeze grant amounts would be added to the Spending Review baseline and would therefore be on-going. This was intended to remove a cliff edge in 2016/17 (if council tax freeze grant funding were to be removed). However, this future funding would be part of the future Revenue Support Grant which was still projected to see further significant reductions in future years.

If the Council was to propose an increase of above 2% this would require a referendum. Whilst this would have one-off costs relating to its administration, if the electorate agreed to an increase above 2%, this would help to protect the Council's funding and services into the future.

The Council's element of the Council Tax was calculated by taking its total budget requirement, subtracting the total External Grant from Central Government in respect of Revenue Support Grant (RSG) and Retained Business Rates and any collection fund balance. This figure was divided by the 2015/16 tax base to derive the District Council Band D Council Tax. The Tax Base for 2015/16 had been calculated at 50,836.73 Band D equivalent dwellings. These figures were shown in Appendix 1. The District element represented 9.6% of the total Council Tax in 2014/15.

The recommendations within this report produced a Band D Council Tax for Warwick District (excluding parish/town council precepts) for 2015/16 of £146.86, this being the same as for 2014/15. Based on this zero increase the Council Tax levels for each of the respective bands would be:-

| Band | 2015/16 |
|-------------|----------------|
| A | £97.91 |
| B | £114.22 |
| C | £130.54 |
| D | £146.86 |
| E | £179.50 |
| F | £212.13 |
| G | £244.77 |
| H | £293.72 |

Parish and town councils throughout the district had been asked to submit their precepts for 2015/16. At the time of writing, not all precepts had been confirmed. It was estimated that the precepts would total around £1,300,000. This figure excluded the Grants that this Council would be awarding to the Parishes in respect of the Council Tax Support adjustments to the Tax Base (as detailed within the December 2013 Base Budget report).

At the time of writing neither the County Council nor the Police & Crime Commissioner had set their 2015/16 budgets and element of the Council Tax. The meeting of the County Council was scheduled for the 5 February 2015 and the Police & Crime Commissioner was due to seek approval from its Panel on the morning of 3 February 2015.

This was the arithmetical process of aggregating the council tax levels calculated by the major precepting authorities (the County Council and the Police and Crime Commissioner) and the parish/town councils for their purposes with those required by this Council. A report to the Council Meeting on the 25 February, 2015 would provide the required details. The Council would then be in a position:-

- (a) to consider the recommendations from the Executive as to the council tax for district purposes; and
- (b) formally to set the amount of the council tax for each parish/town, and within those areas for each tax band, under Section 30 of the 1992 Act.

The setting of the budget and the Council Tax by Members involved their consideration of choices and alternatives. No genuine and reasonable options should be dismissed out of hand and Members must bear in mind their fiduciary duty to the Council Taxpayers of Warwick District Council.

Should Members wish to propose additions or reductions to the budget, on which no information was given in the report before Members, they should present sufficient information on the justification for and consequences of their proposals to enable the Executive (or the Council) to arrive at a reasonable decision on them. The report set out relevant considerations for Members to consider during their deliberations, including the statement at Appendix 2, to the report, from the Chief Financial Officer.

Members were reminded of the need to ignore irrelevant considerations. Members had a duty to ensure that the Council acted lawfully. They were under an obligation to produce a balanced budget and must not knowingly budget for a deficit. Members must not come to a decision that no reasonable authority could come to, balancing the nature, quality and level of services that they considered should be provided, against the costs of providing such services.

It was a duty on all Members of the Authority to set the budget. What this meant in practice was that collectively all Members had this duty not just the Executive. Case Law had shown that abstention was not a defence in failing to comply with this duty.

Members were also reminded of section 106 of the Local Government Finance Act 1992, which required any member who had not paid their Council Tax or any instalment for at least two months after it was due and which remained unpaid at the time of the meeting, to declare that at the meeting and not vote on any matter relating to setting the budget or making of the Council Tax and related calculations.

The New Homes Bonus to be awarded to this Council in 2015/16 was £1,622,888 (Provisional), of which £118,543 had already been committed to the W2 (Waterloo/Warwick District Council) Joint Venture. In addition, £300,000 had been committed to Bishop's Tachbrook Community Centre and to underwrite a further £150,000 in the event that other bids for funding were unsuccessful, leaving an unallocated balance of £1,054,345.

New Homes Bonus Funding was "non-recurrent" for a six year rolling period and there was no certainty that the Government would continue with the scheme in future years. Due to the uncertainty in future years, this Council did not rely on these monies for future years of core services.

It was recommended that the balance of £1,054,345 was appropriated as follows-

- Hill Close Gardens £100,000. The Trust had approached the Council for further support when the existing Grant was discontinued. £20,000 per annum for 5 years 2015/16 to 2019/20 would help to reduce the deficit demonstrated in their Business Plan. It was recommended that a Service Level Agreement was agreed with Hill Close Gardens, with the precise details of this delegated to the Chief Executive in consultation with the Head of Finance and Head of Development Services;
- Corporate Asset Reserve £570,000. Last year sufficient monies were allocated to this Reserve to support the unfunded element of the Corporate Asset Repairs 30 year programme. Savings arising in the current financial year would contribute towards the year 2 plan, however a further allocation £570,000 was required to complete all the items for the second year. In February of last year, Officers were tasked to consider how the Council could manage its Corporate Asset Base more efficiently and report back to Members;
- Riverside House backlog maintenance £60,000. The planned office move had been delayed by 24 months overall. Based on the earlier target of April 2016, general repairs on the current offices were put on hold. However, it had now reached the point when these works could not be deferred further.
- General Fund Early Retirement Reserve £100,000. Due to staffing restructures, this had been depleted over the last few years. Further demands were anticipated from the Housing and Property Services restructure;
- Planning Reserve £50,000. Similarly this had been depleted and future demands were forecast from Appeals and the Local Plan; and
- Equipment Renewals Reserve £174,345. Members would already be aware this had always been undersubscribed to cover all of the demands for a full 5 year period.

As in previous years, with the uncertainty over the future levels of New Home Bonus, and how long the scheme would continue, the above allocations were on the basis that the NHB was not used to support the provision of key Council Services. The use of the New Homes Bonus was reflected in the Statement of New Homes Bonus within Appendix 3.

In the December Autumn Statement the Government announced a package of business rates measures including extending in effect the existing transitional relief scheme for two years for properties with a rateable value up to and including £50,000. As a result of this measure, small properties that would otherwise face bill increases above 15% and medium sized properties (with a rateable value of £50,000 or less) that would otherwise face bill increases above 25% would benefit.

As this was a temporary measure the Government announced its intention that it would not be altering legislation in order to effect these changes. Instead it was requesting local authorities to use their discretionary powers (under section 47 of the Local Government Finance Act 1988) to implement the above change for 2015/16 and 2016/17.

It was for individual local authorities to decide to award relief under section 47 but if the local authority decided to support the Autumn Statement initiative then Central Government would fully reimburse the cost of the local share of reimbursing the relief. Consequently the Council would be no worse off under the business rates retention scheme if it adopted the scheme. This change was not expected to affect many businesses, with small sums involved.

Under current arrangements, any money paid out in respect of Housing Benefit, relating to War Widows Pensions, was reclaimed from the Government in the form of subsidy and the scheme by which the Council determined entitlement to the Benefit was prescribed by the Government.

Section 134(8) of The Social Security Administration Act 1992, provided Local Authorities with the discretion to disregard the whole or part of any War Widows(ers) pension, War Disablement Pension and the Armed Forces Compensation Scheme Guaranteed Income Payment in the calculation of Housing Benefit, over and above any statutory disregard provided for in legislation. Any additional Housing Benefit paid to the claimant as a result of disregarding this income did not attract subsidy and therefore the costs were borne by the Authority.

The discretion must be by full resolution of the Council, it had been some time since this was last considered and therefore it would be appropriate for a new resolution to be agreed. Within the Council's Council Tax Reduction Scheme, this income was already included as a disregard.

The table below showed the cost to the Authority for the last 3 years. These were allowed for within the proposed Budget.

| | 2011/12 | 2012/13 | 2013/14 |
|-----------------------|----------------|----------------|----------------|
| | £ | £ | £ |
| Cost to WDC per annum | 38,247 | 34,087 | 26,274 |

At its meeting of 16th April 2014, Executive agreed to make a financial contribution of up to £400,000 (including £50,000 contingency) from the

Capital Investment Reserve to help provide a new building for the Cadets and that authority was delegated to Deputy Chief Executive (AJ), in consultation with Councillor Coker, to agree the precise terms of use and release of the funding.

Since that decision, detailed feasibility work had taken place to prepare for the construction of a new building for the Cadets on the Warwick Corps of Drums site including gaining a planning approval. Whilst the feasibility study had provided a positive conclusion in terms of the building's siting, the construction was now estimated to be c£85,000 more than anticipated.

Consequently the Cadets had been exploring alternative options for the siting of their new building and there was a potential solution at the Aylesford School site. Whilst there was still much work to do, the initial appraisal was positive and therefore it was recommended that should this solution be viable and within budget then the funding was re-allocated to support the construction of a new building at this site. Should this not prove viable then negotiations would continue with the Warwick Corps of Drums.

It should be noted that the Aylesford School site was in Warwick West and would provide for the same catchment area as the Warwick Corps of Drums site. It would also be situated next to a children's facility thereby being highly visible with hopefully a positive impact in terms of participation.

£10,000 had previously been approved for St Mary's Land Business Strategy. Of this, £4,000 remained unspent which was proposed should be reallocated to St Mary's Lands Working Group studies to enable the Group's work to continue, with the budget now delegated to the Chief Executive.

Earmarked Reserves were agreed by Executive as part of the Final Accounts process in June of each year. These related to slippage of specific budgets from one year to the next where it had not been possible to carry out a specific project in the timescale originally intended. Within the earmarked reserves carried forward from 2013/14 was £16,900 for Climate Control. This budget was expected to be needed for projects relating for the Local Plan. However, this work had been funded from the Planning Reserve. It was now proposed that members agreed that the £16,900 was used towards projects as part of the Council's Strategic Approach to Sustainability and Climate Change in line with the report considered by the January 2015 Executive meeting.

Members were regularly updated on the projections within the Medium Term Financial Strategy and levels of savings still to be identified. There were many uncertainties and it was prudent to regularly review and report the latest position. When setting the next year's Budget and Council Tax in February of each year, members needed to be aware of how this affected the next 5 years. At the time of writing this report the Government had not yet given any indication of levels of funding beyond

2015/16. The projections remained based upon previous assumptions and advice from our advisors, LGFutures.

Members were last updated in December when the 2015/16 Base Budgets were presented. At that point £0.912 million in savings by 2019/20 still needed to be identified and delivered to enable the Council to set a balanced budget. Since then there had been further changes to the projections as detailed below:-

- Additional income due to an increase in the agreed Council Tax Base for 2015/16 above that originally assumed in the Strategy, £96,000 favourable;
- Full impact of Pay Award in addition to amounts previously estimated, £28,000 adverse;
- In January of this year, Capita, the Council's Treasury Management Consultants alerted officers that future increases in interest rates were likely to be delayed. This reduced the forecast investment interest income by some £111,000;
- The impact of the Finance Staffing changes approved by January 2015 Employment Committee, £24,900 adverse;
- The cost implications from the introduction of the National Living Wage had not proved as much as originally forecast, £15,000 saving;
- Recurrent changes (adverse -minor) in the 2014/15 and 2015/16 Budgets, total adverse £16,000.

Taking all of these changes into consideration, the on-going un-met savings needed by 2019/20 were now projected at £980,000. Members were asked to note with serious concern that the level of savings could increase significantly above this if Central Government future funding reduced above the levels assumed. It should be noted, that this savings requirement was after various agreed savings to be actioned in future years had been taken into account. These included:-

- Proposed Office move £300,000;
- Different Ways of Working £100,000; and
- 2.5% per annum savings on "non-contractual" budgets up to 2017/18 £416,000.

The profile of the savings required and future forecast deficit that would ensue should these savings not be identified and achieved were depicted graphically in the report. The complete 5 year Financial Strategy was shown at Appendix 4, to the report.

The table below compared the forecast position in February 2014 with that reported above.

| On-going Savings (-) required | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/18 |
|--------------------------------------|----------------|----------------|----------------|----------------|----------------|
| | £000 | £000 | £000 | £000 | £000 |
| Feb-14 | -514 | 197 | 1,212 | 1,043 | 0 |
| Feb-15 | 0 | 689 | 991 | 972 | 980 |

The delay in the Riverside House Office Relocation, originally forecast for April 2016, had a significant impact on the savings profile, with the £400,000 savings now not accruing until 2018/19.

Due to the uncertainties in respect of the timing of the Chandos Street development and potential lost non-recurrent income, this had now been removed from 2017/18. Whilst this had reduced that year's forecast deficit, none the less the overall on-going savings had not changed significantly.

The profile of savings required from year to year would also vary as interest rate projections and balances available to invest changed.

During the year, Members had been updated on the latest Financial projections. The changes reported were summarised below:-

| | £,000 |
|---|--------------|
| February 2014 projected shortfall | 1,043 |
| Minor | 17 |
| Additional year (19/20) | -39 |
| Salaries/Restructures | -101 |
| Government Grant | 418 |
| Business Rates Retention | -63 |
| Property income | 60 |
| Investment Interest | -299 |
| Inflation provision not provided for in 2018/19 | 51 |
| Individual Elector Registration (additional Costs unfunded) | 55 |
| Income Contingency for seasonal over-recovery | -200 |
| Loss of Decriminalisation of Parking Contract | 87 |
| Legal Services Increases (2014/15 recurrent) | 42 |
| Cleaning contract to be re-tendered | 61 |
| Increased number of license applications | -55 |
| Change in Council Tax Base | -96 |
| February 2015 projected shortfall | 980 |

The General Fund Balance stood at £1.502m as at 31 March 2014. Financially, the forthcoming years would be very difficult for the Council. There were many known specific demands upon the Council's finances, in addition to any not immediately apparent. Many of the risks facing the

Council were discussed in paragraph 6 in the report. In order to consider a reasonable level of general reserves a risk assessment had been done and was contained at Appendix 5, to the report. This showed the requirement for the General Fund balance of over £1.5 million against the risks identified above. It had been agreed that £1.5m should be the minimum level for the core General Fund Balance.

The reasons for the General Fund Earmarked reserves and their use were included in Appendix 6, to the report, and Finance and Audit Scrutiny Committee was especially asked to scrutinise this element and pass comment to the Executive. Those General Fund reserves which showed a significant change in the overall balance in the period 1 April 2014 to 31 March 2019 were detailed below and also shown in Appendix 6, to the report:

- (i) Other Commuted Sums - reduction of £144k due to annual funding of mainly Open Spaces maintenance costs;
- (ii) Capital Investment Reserve – a decrease in the balance of £2,857k mainly due to the use of the reserve in financing projected General Fund capital expenditure, offset by contributions from the General Fund in respect of previous capital expenditure financed by this reserve;
- (iii) ICT Replacement Reserve - in November 2014, it was approved that a separate ICT Replacement Reserve was created, using £179,000 funding from the Capital Improvement Reserve (CIR) and £925,000 being transferred from the Equipment Renewals Reserve. The latest ICT Replacement Schedule was attached at Appendix 7, to the report. This showed that the Reserve would need £2.9 million to sustain the forecast commitments until 2025/26. At this point there was only £1,104,000 in the Reserve which would be supplemented by any underspendings within the ICT revenue budget each year but currently it was predicted that this reserve would be exhausted by the end of 2018/19;
- (iv) Planning Reserve – increased by £300k from the 2014/15 budget surplus agreed in February 2014 and £50k from the 2015/16 New Homes Bonus but overall a decrease in balance of £132k due to:-
 - (a) Funding the Local Plan and Town Centre Plans costs in 2014/15,
 - (b) Financing the Council's contribution towards HS2 costs in 2014/15,
 - (c) Funding the salary etc costs for the Major Sites Monitoring Officer over the years 2014/15 to 2016/17 and the HS2 Officer over the years 2014/15 and 2015/16 (pending receipt of S106 funding).
- (v) Service Transformation Reserve – a decrease of £1,679k as a result of:-
 - (a) Various approvals under the Council's Fit for the Future programme;
 - (b) £100k towards the New Offices project;
 - (c) £50k contribution towards a new hut for Warwick Sea Scouts;

- (d) £50k funding for consultants' fees in relation to the feasibility of creating a Council Housing Company;
- (e) £50k funding for a research source concerning the Prosperity Agenda;
- (f) £350k funding for the Sports & Leisure options appraisal; and
- (g) £200k was also transferred in 2014/15 to the Capital Investment Reserve to fund the purchase of land at Radford Road, Leamington Spa.

The following uses of this reserve were proposed:-

- Finance Staffing – a report to the Employment Committee on 27 January recommended temporary posts in respect of Procurement, Revenues and Accountancy, totalling £126,200; and
 - Priority Families – it was proposed that £15,000 per annum for three years was contributed towards this project as detailed in Appendix 8. It was proposed that this should be reviewed after a year.
- (vi) Public Amenity Reserve - this reserve would receive a £300k contribution from the 2014/15 budget surplus agreed in February 2014 but overall there would be a decrease of £320k due to providing the finance for the Play Equipment as part of the capital programme;
- (vii) Community Forums Reserve – This reserve was established using £160,000 from the 2013/14 New Homes Bonus and would be amortised to revenue each year to fund grants to community forums. It would be exhausted by the end of 2017/18;
- (viii) Business Rates Retention Volatility Reserve – this reserve would receive a top up of £1,686k in 2014/15 as previously reported to members. In addition, within 2014/15 the balance on the former National Non-Domestic Rate Pool Account of £416,000 would be transferred to this reserve. The balance on this reserve would be used to smooth out future retained business rate revenues which were likely to remain relatively volatile. In 2015/16 and subsequent years it was intended that contributions would continue to be made to and from this reserve as agreed originally for 2013/14, the first year of Business Rates Retention, so that the net Retained Business Rates within the General Fund equated to the original Business Rates Baseline figure, duly uplifted for the business rate multiplier. This principle would be reviewed in future reports having regard to the on-going profile of retained business rates and the balance on the reserve. In view of the projected increasing balance on this reserve, it was proposed that £467,000 was appropriated to the Equipment Renewals Reserve to ensure it was fully funded up to 2018/19;
- (ix) Public Planning Open Space Reserve – increased by a further £87,000 arising from S106 developers contributions;

- (x) Car Parking Repairs & Maintenance Reserve – decrease of £82,000 due to funding Linen Street multi storey car park works in 2014/15 and multi storey car park structural surveys in 2014/15 and 2015/16;
- (xi) Corporate Assets Reserve – Members would receive a full report in March of this year on the latest Corporate Asset Repairs and Maintenance Programme. During 2014/15 savings on the forecast programme for £214,700 had been returned to this Reserve with £204,000 of Works now rescheduled for 2015/16 and the corresponding Budgeted Amount deferred to 2015/16. The Table below details the additional Budget Requirement for 2015/16 (£570,000) to complete Year 2 of the 30 year Work Programme after taking into account the General Fund Revenue Budget and the £204,000 being slipped by way of the Corporate Asset Reserve.

| Planned Works Category | Budget Required £'000's |
|---|------------------------------------|
| Operational Stock Condition Plan | 229 |
| Optimism Bias | 49 |
| Non-Operational Stock Condition Plan | 165 |
| Open Spaces Stock Condition Plan | 402 |
| Statutory Maintenance Allocation | 120 |
| Responsive/Routine R+M Allocation | 634 |
| Warwick Plant Maintenance | 112 |
| Slippage from 2014/15 | 204 |
| Total Forecast Expenditure | 1,915 |
| <u>2015/16 Base Budgets available:</u> | £'000's |
| Responsive Repairs Allocation | 634 |
| Warwick Plant Maintenance | 112 |
| Unallocated 'Projects' budget | 421 |
| Unidentified Discretionary Budget saving | -27 |
| TOTAL 2015/16 General Fund Base Budget | 1,140 |
| 2014/15 Deferred Budget (Slippage) | 204 |
| Sub Total Resources Available | 1,344 |
| Shortfall | -571 |

It was recommended that £570,000 of the 2015/16 New Homes Bonus be allocated to the Corporate Asset Reserve to cover this shortfall. Members' attention was drawn to the fact that if existing Budgets and the amount now being appropriated to the Reserve were fully utilised during 2015/16, this Reserve would have a zero balance at 31 March 2016 and unable to fund any further works identified for the Asset Management Plan. Members would be aware that a review

of the Non-Operational Properties was being undertaken by the Warwick Limited Liability Partnership (LLP) as agreed in November 2014.

- (xii) The latest Equipment Renewal Reserve (net of ICT) was attached at Appendix 9, to the report. The commitments on the schedule totalled £1.061million. The estimated balance at 1 April 2015 was £676,000 and a £174,300 contribution from the 2015/16 New Homes Bonus would be made in 2015/16. In addition, as discussed in paragraph 3.10.2.viii), a further £467,000 would be allocated to this reserve from the Business Rate Retention Volatility Reserve to ensure that it was fully funded up to 2018/19;

Where appropriate, options appraisals would continue to be carried out to determine the best method of financing items approved from the schedule. This could lead to alternative methods of financing other than directly from the Equipment Renewal Reserve being employed. Such alternative methods of financing may, for instance, include prudential borrowing or leasing but this would require additional revenue savings in order to service the debt repayment costs or lease rentals.

Service Managers and Portfolio Holders had already been tasked with reviewing their items on this schedule on a quarterly basis. There needed to be careful scrutiny of the need to spend from this Reserve. Consideration should be given as to whether the asset still needed replacing, could the same service be delivered using most cost effective methods and other alternatives which would ultimately reduce the net cost to the Council.

In September 2011, members re-affirmed the following process for the release of monies from this Reserve-

- Service Manager to consult Portfolio holder
- Service Manager to report to Senior Management Team
- Chief Executive to consult the Corporate and Strategic Leadership Portfolio holder

It was recommended that the same approval process remained in place for 2015/16. This would enable both SMT and the Council Leader to scrutinise and challenge the need for the replacement and the costs.

In view of the allocations from New Homes Bonus for future funding of Hill Close Gardens and Riverside House Maintenance, it was proposed that new reserves entitled "Hill Close Gardens" and "Riverside House Maintenance" be established with the use of the reserve, management & control and review mechanism as outlined in Appendix 6a, to the report.

Appendix 10, to the report contained the current capital programmes for both the General Fund and Housing (HRA), together with their funding. Appendix 11, to the report, contained reconciliation and details of all the

changes, including funding, to the current capital programme compared to that shown in the 2014/15 Budget Book.

The current General Fund Capital Programme included the additional projects, listed below and detailed within the Capital Variations in Appendix 11, of the report:-

| Project | Amount | Comments |
|---|-------------------|---|
| Contribution towards a new building for West Midlands Reserve & Cadet Force | £400,000 | Approved by Executive April 2014 and funded from Capital Investment Reserve |
| Contribution towards 2 nd Warwick Sea Scouts Headquarters. | £50,000 | Approved by Executive February 2014 and funded from Service Transformation Reserve |
| Land off Radford Road Leamington Spa | £190,000 | Approved by Executive July 2014 and funded from Capital Investment Reserve |
| PSN – Councillors’ Ipads | £6,200 | Approved by Executive February 2014 and funded from Service Transformation Reserve |
| 26 Hamilton Terrace Gaming Incubation Hub | £115,000 | Approved by Executive July 2014 and funded by a revenue contribution from the Corporate Repairs & Maintenance budget and external contributions |
| Bishop’s Tachbrook Community Centre | £450,000 | Approved by Executive November 2014 and funded from Capital Investment Reserve in 2015/16 (using New Homes Bonus) |
| Refurbishment of 4 Jury Street Warwick | £70,000 | Approved by Executive July 2014 and funded from either capital receipts or Capital Investment Reserve |
| Warwick Corps of Drums building refurbishment | £50,000 | Approved by Executive October 2014 and funded from either capital receipts or Capital Investment Reserve in 2015/16 |
| Pump Rooms Assembly Rooms Public Address System | £8,900 | Approved by December 2014 Executive and funded by a revenue contribution from the Contingency Budget |
| TOTAL | £1,340,100 | |

At this time, there were no proposed additions to the Capital Programme.

Any future capital schemes, both self funded and otherwise would need to be in line with the Council’s corporate priorities and full business cases would be required. The business case would need to identify the means of funding following, where appropriate, the carrying out of an options appraisal exercise. It would also need to make sure there were no

additional revenue costs which the Council was unable to accommodate and would put further pressure on the Council's reducing revenue resources.

Also shown in Appendix 10 (part 5), of the report, was a summary of the total General Fund capital resources available to the Council over the period 2014/15 to 2018/19 matched against the projected spend. This showed that over the period the Council has £3.2m surplus resources once the current programme was financed. This was detailed in the table below.

| Reserve | £'000's |
|---|----------------|
| Capital Investment Reserve | 1,440 |
| Equipment Renewals Reserve | 1,087 |
| Public Amenity Reserve | 358 |
| External Contributions and Minor Balances | 315 |
| Total Capital Resources | 3,200 |

However it should be borne in mind that the current projected called upon the Equipment Renewals Reserve figure were, in the main, not reflected in the capital programme outlined in Appendix 10, to the report, when these were taken into account, the balance on this reserve was circa £10k by the end of 2018/19. The Capital Investment Reserve was in effect a capital contingency for overspending, unbudgeted risks materialising, receipts not materialising when anticipated or some major event that required expenditure in excess of insurance or Government reimbursement schemes. The Council's policy was for the unreserved balance on the Capital Investment Reserve to be maintained at around £2m, although it would be noted from Appendix 6, to the report, it was currently forecast to fall below this level.

In October 2014, members agreed for consultants to be appointed for a tender exercise to determine the actual cost of repairs to the multi-storey car parks. This information was expected to be available later in the year which would help to inform a business case for members to consider and determine how the works could be financed.

The latest Housing Investment Programme was presented in Appendix 10 part 2, to the report.

The changes from the Programme approved in February 2014 were summarised in Appendix 11, to the report. The majority of changes had been previously reported and approved, new changes presented for approval were:

- Re-profiling the budget for redeveloping the Fetherston Court site across financial years based on the latest indicative programme, and separately identifying the re-purchase of an ex-Council house to rehouse affected tenants;
- Slippage of part (£20,000) of the 2014/15 Environmental Works budget to 2015/16, in line with the latest planned programme;

- A £19,200 reduction in the annual Environmental Works budget from 2015/16, due to updated projections of work required;
- An increase in Kitchen & Bathroom programme of £150,000 per year from 2015/16, reversing part of the estimated savings built into the base budgets last year;
- Transfer of the WRCC Rural Enabling Service to revenue.

During the first two years of the revised 'Right to Buy' scheme the Council retained £907,060 from the proceeds of selling Council housing on the condition it would be spent on providing additional affordable or social rented housing. This funding was being used towards the financing of the Fetherston Court scheme. Current projections were that the Council would retain an additional £57,300 in 2015/16; with similarly low receipts, if any, in future years. Receipts would be fully applied to fund the provision of new housing within the specified 3 year time limit.

Members would be aware that the Council was working with Waterloo Housing Association to bring forward proposals for the development of the Station Approach Site for housing. This site was likely to include a car park which would service the station and the Old Town. There was a separate report to the agenda for the Executive 11 February on Station Approach with a proposal that the business case for this scheme and proposals for funding would be presented to members in March 2015.

The Council was required to determine an authorised borrowing limit in accordance with The Local Government Act 2004, Section 3, and to agree prudential indicators (Appendix 12 refers) in accordance with the CIPFA Code for Capital Finance in Local Authorities.

The Council did not have an alternative to setting a Budget for the forthcoming year. Members could however decide to amend the way in which the budget was broken down or not to revise the current year's Budget. However, the proposed latest 2014/15 and 2015/16 were based upon the most up to date information.

With the limited financial resources available, there was limited capacity to invest in any new initiatives. Any new proposals would need to be accommodated with compensating reductions to other budgets with the consequential impact upon services.

An addendum to the report was circulated that sought approval for £20,000 to be spent from the Contingency budget to provide financial support for the Coventry and Warwickshire Local Enterprise Partnership (CWLEP). This was in response to a letter received by the Chief Executive from Martin Yardley, Chief Executive of CWLEP requesting financial support for 2015/16, the letter was circulated at the meeting. Match funding was provided from the district/borough councils in 2014/15. If members agreed to the request, it was suggested that this would be recommendation 2.25 to the report and be financed from the 2015/16 Contingency Budget, subject to the prior agreement of recommendation 2.2.

The Finance & Audit Scrutiny Committee commented that:

- (1) Recommendation 2.9 should read 'confirmed' New Homes Bonus allocation, not provisional;
- (2) Paragraph 3.2.1, bullet point 4 – Members requested that the wording be amended to provide clarity around the swimming teachers for new lessons. The paragraph gives the impression of negativity when in fact that although there is a cost to provide extra resources based on demand, there will be an increase in income that will offset; and
- (3) In addition, bullet point 5 should read National **Living** wage, not Minimum.

The Finance & Audit Scrutiny Committee noted the additional recommendation **2.25** and the supporting letter from the LEP. The Committee were of the view that members should not support the request for £20k at the moment because the request had been provided at the last minute. It felt that it was unable to make a decision due to the late receipt of this recommendation and there was not enough information provided. It felt that the Leader could have updated the Committee on the work of the LEP and perhaps clarify this recommendation because he had given the Overview & Scrutiny Committee an update earlier in the evening.

The Finance & Audit Scrutiny Committee therefore recommended that the Executive did not recommend recommendation 2.25 to Council until members received further information in order to make an informed decision.

The Executive accepted the comments from Finance and Audit Scrutiny Committee regarding recommendation 2.9 and 3.2.1. as set out in its comments.

The Executive did not accept the recommendation from Finance & Audit Scrutiny Committee regarding the funding to the LEP because the Council had to match fund the cash grant from Government of £500,000. This £20,000 also supported the operation of the Economic Prosperity Board, of which the Council was an integral part, and the funds would also assist in the administering of the ESIF programme. Executive noted that a number of senior officers were involved in influencing this work and that all local authorities were working well together in partnership to achieve major improvements to the residents' and business community in our sub region and felt there should be no delay to the provision of the funding which could cause any doubt regarding our commitment to these operations.

It was therefore

Resolved that

- (1) that the financial contribution be committed of up to £400,000 to the West Midlands Reserve Force & Cadets Association (hereafter referred to as the Cadets) to enable it to relocate from Hampton Road Football Ground can be applied in respect of a new building at the Aylesford School site (Warwick West ward) should relocation to the Warwick Corps of Drums site prove not to be the favoured option and that authority is delegated to Deputy Chief Executive (AJ), in consultation with Councillor Coker, to agree the precise terms of use and release of the funding, and any necessary consents and agreements as set out paragraph 3.8.3 of the report, be agreed;
- (2) they did not accept the recommendation from Finance & Audit Scrutiny Committee regarding the funding to the LEP because we have to match fund the cash grant from Government of £500,000. This £20,000 also supports the operation of the Economic Prosperity Board, of which we are an integral part, and the funds will also assist in the administering of the ESIF programme. Executive noted that a number of our senior officers are involved in influencing this work and that all local authorities are working well together in partnership to achieve major improvements to the residents' and business community in our sub region and felt there should be no delay to the provision of the funding which could cause any doubt regarding our commitment to these operations;
- (3) with the inclusion of the above amendments and with the addition of recommendation 2.25 the Executive approved the budget for consideration to Council.

Recommended to Council that:

- (1) they approve the 2014/15 latest General Fund Revenue Budget of net expenditure, including the proposed adjustments, at £17.3m, after the projected £220,000 surplus had been allocated, as summarised in Appendix 1, to the report;

- (2) they approve the 2014/15 projected surplus of £220,000 be allocated to form the Contingency Budget for 2015/16, as discussed in paragraph 3.2.2 of the report;
- (3) notes the use of Emergency powers by the Chief Executive to agree payment of the non-consolidated element of the 2014/16 NJC Pay Award to Grade A officers, paragraph 3.2.3 of the report;
- (4) the changes to the latest 2015/16 General Fund Revenue Budgets (as previously agreed by the Executive on 3 December 2014) below and as discussed in paragraph 3.3.1, of the report, with net expenditure of £13.6m, as shown in Appendix 1, of the report be approved;
- (5) to note the Grant Settlement for 2015/16 in section 3.4, of the report, and agree that should there be a non-material change to the final Revenue Support for 2015/16 when the announcement is made, this would be accommodated within the Contingency Budget in 2015/16, paragraph 3.4.1 of the report, and any change in the projected Retained Business Rates will be accommodated within the transfer from the Business Rate Retention Volatility Reserve, paragraph 3.4.5 of the report;
- (6) they approve to pay the National Living Wage to its employees, with the rate increased to £7.85 from April 2015, paragraph 3.5 of the report;
- (7) they approve the Council Tax of a Band D property for Warwick District Council for 2015/16 before the addition of parish/town council, Warwickshire County Council and Warwickshire Police and Crime Commissioner precepts is agreed by Council at £146.86, representing a zero increase on 2014/15, as set out paragraph 3.6.5 of the report;

- (8) subject to approval of the above recommendations, the Council approves the Council Tax charges for Warwick District Council for 2015/16 before the addition of parish/town council, Warwickshire County Council and Warwickshire Police and Crime Commissioner precepts, for each band is agreed by Council as follows, as set out in paragraph 3.6.5 of the report,:-

Band 2015/16

| | |
|---|---------|
| A | £97.91 |
| B | £114.22 |
| C | £130.54 |
| D | £146.86 |
| E | £179.50 |
| F | £212.13 |
| G | £244.77 |
| H | £293.72 |

- (9) they approve the Statement of New Homes Bonus Use, within Appendix 3 to the report, and note the New Homes Bonus allocation due for 2015/16 of £1,622,888 (allocation), of which £118,543 will be allocated to the W2 (Waterloo/Warwick District Council) Joint Venture and £450,000 towards Bishop's Tachbrook Community Centre, and agrees that the balance of £1,054,345 is appropriated as discussed in paragraph 3.7.3 and in Appendix 3 of the report;
- (10) the Service Level Agreement is agreed with Hill Close Gardens, with the precise details of this delegated to the Chief Executive in consultation with the Head of Finance and Head of Development Services, as set out in paragraph 3.7.3;
- (11) agrees to extend the discretionary business rates transitional relief scheme for two years following the announcement in the December Autumn Statement as discussed in paragraph 3.8.1, of the report;
- (12) agrees to continue disregard income Housing Benefit claimants receive in respect of War Widows(ers) pension, War Disablement Pension and the Armed Forces Compensation Scheme Guaranteed Income Payment in full in the calculation of Housing Benefit, as set out in paragraph 3.8.2 of the report;

- (13) they approve the reallocation of £4,000 from St Mary's Lands Business Strategy match-funding to St Mary's Lands Working Group studies to enable the Group's work to continue with the budget now delegated to the Chief Executive, as set out in paragraph 3.8.4 of the report;
- (14) the £16,900 Climate Control Earmarked Reserve budget is used for projects as part of the Council's Strategic Approach to Sustainability, with its use delegated to the Head of Health and Community Protection, as set out in paragraph 3.8.5 of the report;
- (15) approves the changes to the financial projections (section 3.9 of the report) and notes the significant future forecast deficit, currently estimated to rise to £0.98m by 2019/20 on net expenditure of £15m and that further on-going savings/ increased income of this amount must be secured in order for the authority to be able to set balanced budgets in the future without impacting on the range and quality of services provided; and
- (16) the balances on the Council's reserves are noted, as shown within Appendix 6 to the report, with the relevant allocations to and from the reserves as detailed in section 3.10 of the report, being approved;
- (17) the latest schedule in respect of the Equipment Renewal Reserve (£1.6 million required by 2024/25) be approved and it be noted that this /Reserve is fully funded up to 2018/19, as set out paragraph 3.10.2.xii of the report;
- (18) new reserves entitled "Hill Close Gardens" and "Riverside House Maintenance" be established with the use of the reserve, management & control and review mechanism as outlined in Appendix 6a and paragraph 3.10.3 of the report;
- (19) the General Fund Capital Programme and the Housing Investment Programme, together with their financing, as set out in Section 3.11 and Appendix 10, are agreed by Council;

- (20) the Prudential indicators (paragraph 3.12 refers) as shown within Appendix 12 in paragraphs 2.2, 3.1, 4.1, 5.2, 6.2, 7.2, 8.2, of the report and the annual adoption of the Code of Practice, as shown at paragraph 9.1 of Appendix 12, of the report are approved and endorsed by the full Council;
- (21) if there is any future mismatch between the proposed General Fund budgets and subsidiary strategies and action plans, officers would bring forward proposals for managing service provision within the agreed budgets;
- (22) they approve the updated Financial Strategy, as discussed in paragraph 4.2, of the report, as set out in Appendix 13, of the report;
- (23) they note the risks that may impact upon the Council's financial position and the mitigations and controls in place to manage these risks; and
- (24) they approve £20,000 from the 2015/16 Contingency budget to provide financial support for the Coventry and Warwickshire Local Enterprise Partnership (CWLEP).

(The Portfolio Holder for this item was Councillor Cross)
(Forward Plan reference 663)

119. **Housing Revenue Account (HRA) Budget 2015/16 and Housing Rents**

The Executive considered a report from Housing & Property Services that presented the latest Housing Revenue Account (HRA) budgets in respect of 2014/15 and 2015/16.

The information contained within this report supported the recommendations to Council in respect of setting next year's budgets and the proposed increases to council tenant housing rents, garage rents and other charges for 2015/16.

Appendix 1 compared current rents, proposed rents, and rent restructuring rents; Appendix 2 compared current rents and proposed rents to market rents and affordable rents; and Appendix 3 showed the latest 2014/15 and 2015/16 budgets, including forecast reserves.

The Council was required to set a budget for the Housing Revenue Account (HRA) each year, requiring agreement on the level of rents and other charges that were levied. The Executive was therefore required to make recommendations to Council that take into account the base

budgets for the HRA, strategic aspirations for the Housing Service and current Government guidance on rent restructuring.

In May 2014 the Department for Communities and Local Government issued updated guidance on Rents for Social Housing. In summary, Central Government social rent policy remained focused on 'target (formula) social rents' calculated according to a standard national formula. Increases in this target social rent were now linked to Consumer Price Index (CPI) inflation plus 1% rather than Retail Price Index (RPI) inflation plus 0.5%; which would typically mean lower increases (0.6% lower in 2015/16).

However Central Government no longer supported 'Rent Restructuring', the former rent policy where tenants' rents gradually moved towards target social rents through a series of annual rent increases. Instead Government expected an annual rent increase equal to Consumer Price Index (CPI) inflation plus 1%.

CPI in September 2014 was 1.2%, therefore a Rent Increase of 2.2% was expected under Central Government guidance. The report recommended following the national guidance.

This increased projected income for 2015/16 by £552,000.

For reference, the March 2012 HRA Business Plan (when Self Financing was introduced) assumed rent restructuring would be followed and largely completed by 2015/16. To reach target social rents would mean an average increase in rents of 9.56%, increasing HRA rental income by approximately £2.4m per year (compared to 2014/15 rents).

It should be noted that national rent policy was guidance, so social landlords were free to set rents on any other reasonable basis. Central Government had indicated they expected landlords to follow national policy.

The recommendation for rent increases would be reviewed each year to ensure they remained affordable for tenants and did not compromise the viability of the HRA Business Plan. An updated HRA Business Plan would be presented to Executive in March 2015.

Garage rent increases were not governed by any national guidance. Any increase could be considered. The HRA Business Plan base assumption was that garage rents would increase in line with inflation, however there had been no consistent policy followed in recent years.

There were waiting lists for a number of garage sites, whilst other sites had far lower demand; where appropriate these sites were being considered for future redevelopment. To date 88 garages had been demolished or disposed of during 2014/15 to provide land for new affordable housing for rent.

With regard to these factors an increase of 2.2% had been recommended as the most appropriate increase, the same as that proposed for housing rents. This increased projected income for 2015/16 by £10,700.

For tenants, most garage rents would increase by 13p per week, from £5.69 to £5.82. Non-tenants also paid VAT on the charge, so it would increase by 15p per week, from £6.83 to £6.98.

Warwickshire County Council paid a 'block' grant towards the cost of tenants eligible for access to this support without charge. The County Council was currently reviewing its approach to funding of Supporting Peoples services across the county, with proposed changes scheduled for publication in July 2015. A report would be presented to Executive when the details of these proposals were known and the impact on the HRA Business Plan had been modelled.

Those requiring housing related support services were elderly or vulnerable. Any tenant who was not eligible for free support was also not in receipt of housing benefit, so would have to pay the increase in housing rent from their own income in addition to any increase in Supporting People charge.

To freeze charges would mean more of the cost of the service would have to be funded from 'rent pooling' - that was from the rents paid by all tenants, irrespective of whether they received the benefit of this service.

Therefore an increase of 1% was proposed; this made a contribution towards inflationary costs in the services received, without the increase being unaffordable.

Compared to 2014/15 charges, this increased budgeted income by £1,400; if charges were instead increased by RPI (Retail Prices Index) inflation (2.3%) income would instead increase by £3,300.

The current and proposed charges for each category of support were:

| Supporting People Charges: | Weekly Charge 2014/15 | Proposed Weekly Charge 2015/16 |
|-----------------------------------|--------------------------|---|
| Very Sheltered Housing properties | £28.83 | £29.12 |
| Sheltered Housing properties | £11.39 | £11.50 |
| Older Person Designated Dwellings | £6.46 | £6.52 |

The Council was required to set a budget for the HRA each year, requiring agreement on the level of rents and other charges that were levied. The Executive was therefore required to make recommendations to Council that took into account the base budgets for the HRA and current Government guidance on rent restructuring.

The Latest Budgets presented in Appendix 3 were based on the Budgets approved in December 2014 updated for any changes since that report and the recommendations in the report to Executive 11 February 2015.

The projected costs of the Asset Management service redesign were built into base 2015/16 budgets in December. Including temporary posts, the HRA cost of the final proposal presented to Employment Committee in January 2015 had slightly increased, from £14,300 to £17,500. It was expected that this additional £3,200 could be absorbed within the 2015/16 staffing budgets already agreed.

The Asset Management service redesign had taken into account the need to increase the capacity and capability of the Council to better control and manage the cost and quality of the repair and maintenance of the Council's housing stock. This would result in a small increase in long term HRA costs, approximately £19,000 per year from 2017/18. However, this additional capability would allow for longer term efficiencies to be made, for example by more accurate specifying of works at an early stage and closer monitoring of contractor outcomes. The impact of this change would be incorporated in the updated HRA Business Plan to be presented to Executive in March 2015.

The Housing Investment Programme was presented as part of the separate February 2015 report 'Budget 2015/16 and Council Tax – Revenue and Capital'; a summary was included within Appendix 3.

The recommendations would enable the proposed latest Housing Investment Programme to be carried out and contribute available resources to the HRA Capital Investment reserve for future development whilst maintaining a minimum working balance on the HRA of at least £1.4m in line with Council policy.

The National social rent policy was guidance, and therefore alternatively, any level of average rent could be considered. As long as rents remained below the Rent Rebate Subsidy Limit Rent (which was currently broadly equal to target social rent) each 1% increase or decrease in rent would change projected 2015/16 rental income by £251,000. The longer term effect upon the Business Plan would depend upon the rents set in future years.

It would be possible to implement a lower rent increase; this would reduce the resources available to fund HRA housing priorities, such as increasing the availability of Council housing in the district.

It would be possible to continue with a form of rent restructuring, rather than applying a consistent percentage increase for all tenants. This would mean that, as in previous years, the lower current rents were compared to the target (formula) social rent, the higher the rent increase would be.

The Council could choose to continue to link rents to RPI + 0.5% as in the previous rent guidance, even if not implementing the former 'rent restructuring' element. September 2014 RPI was 2.3%, so under the

former guidance the base rent increase (before any rent restructuring) would be 2.8%, rather than 2.2%.

The Council could choose to 'catch-up' for reduced rent increases in prior years by increasing tenant rents further in 2015/16 on whatever basis was felt to be most fair and reasonable.

If rents were increased by more than $CPI + 1\%$, this would reduce the gap between rents for current tenants and the target social rents that would be charged to new tenants.

It would be possible to set rents higher than target social rent; however Central Government discouraged this through Rent Rebate Subsidy Limitation. Each year Central Government specified a 'Limit Rent' for each Council; with the new rent policy, this had been set at target social rent. If average rents were set above the limit rents then Central Government limited funding for Council tenant Housing Benefits proportionally, so in effect the Council had to fund the additional cost of Housing Benefits from the HRA. Therefore if rents were set above the limit rent, each 1% increase in rents would only increase income by approximately £100,000.

It would be possible to entirely ignore Central Government rent guidance and set rents on any other basis the Council believed more appropriate, as long as rents were set consistently and fairly. There would need to be compelling justification for a significant divergence from national policy.

As an alternative the Council had total discretion over the setting of garage rents. Each 1% change in garage rents resulted in an increase or decrease of potential income of around £4,800 per year. Keeping garage rents artificially low would mean they were effectively subsidised from tenants' rents. Since most tenants did not also rent a garage, and most garages were rented to people who were not Council tenants, this was hard to justify.

It would be possible to set Garage rents higher than those proposed to maximise income; however significantly higher rents might make garages harder to let and so reduce income.

The review of the HRA Business Plan during 2015/16 would consider options for increasing the financial viability of providing garages.

Alternatively the Supporting People (SP) charges could be set at any level. Significant increases might mean the service became unaffordable for vulnerable tenants not eligible for free support. Reductions or long term freezes in charges would mean that the costs of providing the service were not fully recovered, and so additional costs must be met from the rents of all tenants, including those not receiving the service.

Increasing or decreasing Supporting People charges by 1% would change the projected income in 2015/16 by £1,400.

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

It was therefore

Recommended to Council that

- (1) housing dwelling rents for 2015/16 be increased by 2.2%;
- (2) garage rents for 2015/16 be increased by 2.2%;
- (3) 2015/16 Supporting People charges for housing tenants receiving housing related support be increased by 1%; and
- (4) the latest 2014/15 and 2015/16 Housing Revenue Account (HRA) budgets, as set out in Appendix 3, be agreed.

(The Portfolio Holder for this item was Councillor Vincett)
(Forward Plan reference 664)

120. Heating, Lighting and Water Charges 2015/16 – Council Tenants

The Executive considered a report from Housing & Property Services that proposed recharges to Council housing tenants for the provision of communal heating, lighting and water supply during 2015/16.

Recharges were levied to recover costs of electricity, gas and water supply usage to individual properties within one of the sheltered and the five very sheltered housing schemes, which were provided as part of communal heating and water supplies. The costs of maintaining communal laundry facilities were also recharged at those sites benefitting from these facilities under the heading of miscellaneous charges.

The charges necessary to fully recover costs were calculated annually from average consumption over the past three years, updated for current costs and adjusted for one third of any over-recover or under-recovery in previous years.

In February 2013 the increase required to meet projected Heating & Lighting costs was felt unaffordable for tenants, so it was agreed to implement a lower increase and aim to fully recover costs within 5 years. Due to environmental measures taken, credits received and significant reduction in inflation on electricity and gas costs it was possible to set the majority of 2015/16 charges at the level that would fully meet costs with a modest increase in charges.

Where the increase to fully recover costs was above 95p per week the recommended 2015/16 increase had instead been set as 95p to ensure the increase was affordable for affected tenants and continued to move towards full recovery over future years.

Alternatively if the proposed charges were thought to be unaffordable for tenants, charges could be set at any level between no increase and the proposed charges, with the understanding that this meant that the shortfall would either be funded from the rents of all tenants, the majority of whom would also be paying their own electricity and gas costs directly, or recovered from charges in future years when some flats may be occupied by new tenants who have not benefited from the reduced charges.

For those Heating/Lighting charges which had been set below the level necessary to recover the full cost, a higher charge could be set to better reflect the costs. This could make the increase unaffordable for some tenants, although the difference was not enormous – at most an additional £0.60 per week, £31.20 per year.

Charges could be set above the real costs of recovery. This would mean tenants of these schemes would have no choice but to pay above the real cost of these utilities, as the communal nature of these services meant they could not choose their own energy suppliers. This would not be fair.

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

Recommended to Council that it agrees the revised recharges for Council tenants relating to heating, lighting, water and miscellaneous charges for the rent year commencing 6 April 2015, as set out in Appendix 1 & Appendix 2, of the report.

Part 2

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

121. Allocation of Budget to deliver Voluntary Sector Services in Warwick District 2015-2018

The Executive considered a report from the Deputy Chief Executive (AJ) that explained the reasons for amending the process for the evaluation and scoring of bids submitted for the delivery of voluntary and community sector services (2015 – 2018), following an open tendering process during September and October 2014.

The report also sought to clarify the role of the Elected Member Grant Review Panel in relation to the future commissioning and monitoring of voluntary and community sector service contracts.

The report also referenced guidance on Members' involvement with outside bodies following changes in the Code of Conduct.

The report provided information on the successful bidders and the allocation of the commissioning budget for 2015 - 2018.

Further information about the scoring process was also provided, along with a summary of the next steps for both successful and unsuccessful bidders, and service providers currently delivering service level agreements whose contracts would end on 31 March 2015.

When the tender process for voluntary and community sector services first took place in 2011, the Elected Member Grant Review Panel evaluated and scored the bids, supported and advised by officers from the Community Partnership Team and Procurement Services.

A list of each Member's declarations of interest was kept throughout the scoring sessions. Where Members had an interest in a bidding organisation the level of interest was assessed to decide whether or not they should score a bid.

During the recent tendering process (September & October 2014) for the new 3 year contracts, concerns were raised by a number of current contract deliverers and new potential bidders regarding potential conflicts of interest of Members in the voluntary and community sector commissioning process.

Procurement officers also voiced similar concerns with the Council's Monitoring Officer (Deputy Chief Executive (AJ)). Nearly all other tenders the Council received were evaluated by officers and, if necessary, awards were ultimately made by Executive. In this case, whilst technically the Executive had delegated the decision to an officer (Deputy Chief Executive), it was highly unlikely that the decision would be contrary to the Member Grant Review Panel's recommendations. Hence there was a distinct anomaly in the Council's tendering process that needed to be addressed.

As a consequence, Members of the Panel were once again asked to complete a 'Conflict of Interest Declaration'. Having reviewed their submissions, the Council's Monitoring Officer decided that there were clear conflicts of interest which would require at least one Member to take no part in the tender evaluation process. The Monitoring Officer was concerned that the decision-making process could leave the Council open to legal challenge due to allegations of bias.

The Monitoring Officer met with the Elected Member Grant Review Panel on 5 November 2014 and the next steps were agreed and implemented:

- Those Members with a clear conflict of interest withdraw from the Panel;
- Those Members who had withdrawn were substituted by a Member from the same Group who did not have a conflict of interest – a "Conflict of Interest Declaration" would need to be completed by the Substitute Member;
- Officers (Naomi Nortey, Liz Young, Jenny Murray and Jon Dawson) would score the bids. These evaluations were intended as an aid to

- impartial and defensible decision-making, however, it remained open to the Panel to add its own advice to the Deputy Chief Executive (AJ) which may differ from the officer scores provided that it was supported by sound reasoning; and
- The outcome of the officer evaluations and Member deliberations were then formally reported to Deputy Chief Executive (AJ) to make the ultimate decision (as agreed by Executive) in consultation with the Member Grant Panel Chairman.

Although Members agreed to this process they were most unhappy with the turn of events. They unanimously felt as though their role had been compromised and it called into question the very purpose behind them becoming Councillors.

Whilst being very sympathetic to the Councillors' position, the clear advice from the Council's Monitoring Officer, having taken advice from Warwickshire County Council Legal Services, was that we were in an increasingly litigious environment, where challenges are frequently made to contract awards and any potential deficit in process was seized upon for challenge.

Therefore to avoid the risk of challenge it was prudent to have officers evaluate the tenders as was the case in nearly all other Council tender opportunities so there could be no argument of bias or lack of suitable training.

This was not to say that there was not an essential role for Councillors in the overall contract process. It was the responsibility of Councillors to work with officers to determine what it was they wanted to see delivered in their communities i.e. a service specification. Councillors were best positioned to understand the needs and wants of a community and officers rely on this expertise.

Consequently the Elected Member Grant Review Panel, to be renamed the VCS Commissioning Panel from hereon in, would continue to meet regularly to carry out the following key functions:

- Oversee and input into the performance monitoring and review of the current and new contracts.
- Input into the development of future voluntary and community sector commissioning priorities for 2018 and beyond.

Going forward it was therefore recommended that the scoring and evaluation process was undertaken by officers with final approval given by the Deputy Chief Executive (AJ) in consultation with the Chair of the VCS Commissioning Panel.

Recommendation 2.3 was included because it had already been recognised that this guidance needed to be provided for Councillors regarding their work with outside bodies taking into consideration the current code of conduct and any potential revisions to this by the Council as well as relevant legislation.

The Council received nine bids in total, six of which were current contract deliverers. Two of the current contract deliverers, Coventry and Warwickshire Cooperative Development Agency and Warwickshire Welfare Rights, did not re-tender. The Contract Awards for 2015 - 2018 were listed in Appendix 1.

Applicants were asked to submit their proposals to deliver seven service specifications issued by Warwick District Council. The service specifications were outcomes- focused to enable bidders a considerable amount of flexibility in their proposals.

The tendering process for the VCS contracts was done completely online for the first time through the Coventry and Warwickshire JETS system. All bidders were given the opportunity to attend training sessions on the use of JETS in the lead up to the tendering process and these were well attended by a wide range of VCS organisations.

The officer scoring panel comprised the Manager of the Community Partnership Team, the Lead Officer for VCS Commissioning, a Procurement Officer and the Finance and Admin Team Manager.

The role of the scoring panel was to:

- Use the scoring matrix within the Warwick District Council procurement framework as part of the evaluation process (Appendix 2);
- To focus the scoring on the service specification for each of the Delivery Programmes and Lots;
- To flag up inconsistencies and/or short-falls between bids and the service specification for each of the delivery programmes; and
- To seek input from the VCS Commissioning Panel on the final results of the evaluation prior to approval and sign off by the Deputy Chief Executive (AJ) (who was granted delegated authority by this committee in June 2014) in consultation with the Chair of the Elected Member Grant Review Panel, Councillor Moira-Ann Grainger.

Tenders had been awarded to successful bidders, and meetings were scheduled to take place between January and March to negotiate service level agreements and specific outcomes with each provider.

The Crown Routes Consortium was unsuccessful in re-tendering for Lot 3 Targeted Service Delivery in Crown Ward. Hybrid Arts was the second organisation who tendered for this Lot and they were also unsuccessful. In accordance with Procurement Policy the Council was now required to go out to open tender again for this Lot only with a delayed start date of 1 October 2015.

Discussions were taking place with Crown Routes to ascertain what support they would need leading up to the submission of the second tender. It was proposed that their current contract was extended for six months whereby they would continue to provide the existing level of service provision. This was clearly a preferable option to terminating the contract on 31 March which would have a detrimental impact on local

people and groups accessing and depending on the services and activities they provided as well as those employed to deliver those services.

The procurement process would continue to follow a strict timetable to ensure that service delivery by voluntary and community sector groups would commence on 1 April 2015.

The new contracts would be monitored for the first time using the Coventry and Warwickshire JETS online procurement system.

The timetable was set out in the report.

There are no alternative options to be considered

The Overview & Scrutiny Committee recommended that in respect of Recommendation 2.2 in the report, the Executive did not agree to the revised decision making process as described in points 3.6 to 3.12 in the report in respect of voluntary sector commissioning whereby future tenders were evaluated by an officer panel prior to being submitted to the Deputy Chief Executive (AJ) in consultation with the Chair of the Member Grant Review Panel for final approval.

The Committee cited the following reasons for asking the Executive not to agree the revised decision process:

- Members felt that their integrity and ability to declare interests where appropriate when tenders were submitted was being questioned;
- Members felt that their involvement in Outside Bodies was seen as causing conflict with the decision making process;
- Members felt that their involvement in Outside Bodies contributed to the decision making process;
- Members believed that their skill set and knowledge of the Voluntary Sector would not be used as a result of the curtailment of their involvement fully in the process;
- It was noted that an officer approval process would mean that councillors' involvement would become a mere formality and not active participation;
- Members felt that undue influence from the Voluntary Sector to curtail Members' involvement had been accepted without challenge or Member consultation.

The Portfolio Holder for Health & Community Protection, Councillor Coker, agreed with the concerns of the Overview & Scrutiny Committee and proposed that recommendation 2.2 was amended to read "That Executive agrees the revised decision making process as described in paragraphs 3.6 -3.12 be reviewed, culminating in a further report to Executive, in respect of future VCS service commissioning".

Resolved that

- (1) the reasons for the changes to the 2015-2018 voluntary sector services tender evaluation and scoring process, be noted;

- (2) the revised decision making process as described in paragraphs 3.6 -3.12 be reviewed, culminating in a further report to Executive, in respect of future VCS service commissioning;
- (3) a briefing note will be provided for all Councillors, after the election, on their work on outside bodies (when they are formally appointed as a District Councillor and those where they end up involved because they are a Councillor);
- (4) the outcomes of the tender award process for the delivery of voluntary and community sector services in Warwick District for 2015 – 2018 commencing 1st April 2015 as detailed in Appendix 1, be noted;
- (5) as a result of the bid from the current service provider being unsuccessful, and in accordance with Procurement policy, Lot 3 - Targeted Service Delivery in Crown Ward, will be put through a full, open procurement process again in April with a contract commencement date of 1 July 2015.

(The Portfolio Holder for this item was Councillor Coker)
(Forward Plan reference 585)

122. **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 No. | Para Nos. | Reason |
|------------------|-----------|---|
| 123, 124 and 125 | 3 | Information relating to the financial or business affairs of any particular person (including the authority holding that information) |

The full minute for the following three items would be set out in the confidential minutes of the meeting.

123. **Exemption to the Code of Procurement Practice – Extension of Aids & Adaptations Building Works Contract**

The Executive considered a report from Housing & Property Services that requested an exception to the Council's Code of Procurement Practice in order to agree an extension to the contract which delivered aids and adaptations in council tenants' homes. This was to allow service to be maintained to customers whilst allowing sufficient opportunity a compliant procurement exercise to be carried out for a new contract to take effect from 1 April 2016

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

Resolved that

- (1) an exception to the Code of Procurement Practice, as allowed for in section 5 paragraph 5.2.3 (exceptional circumstances) of the code, be allowed and the current disabled adaptations contract is extended until 31 March 2016; and
- (2) authority be delegated to the Head of Housing & Property Service and the Head of Finance, in consultation with the Portfolio Holder for Housing & Property Services to agree a percentage uplift for the contract extension period.

(The Portfolio Holder for this item was Councillor Vincett
(Forward Plan reference 657)

124. **Disposal of WDC owned land at Station Approach in Royal Leamington Spa**

The Executive considered a report, from Development Services, that updated them on the progress that was being made to develop land at Station Approach in Royal Leamington Spa and the implications of this on land owned by the Council.

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

Resolved the recommendations of the report were agreed.

(The Portfolio Holders for this item were Councillors Caborn and Hammon)
(Forward Plan reference 636)

125. **Minutes**

The confidential minutes of the meeting held on 3 December 2014 were signed by the Chairman as a correct record.

(The meeting ended at 6.47 pm)

Executive

Minutes of the meeting held on Wednesday 11 March 2015 at the Town Hall, Royal Leamington Spa at 7.00 pm.

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

Also present: Councillor Barrott (Chair of Finance & Audit Scrutiny Committee), Councillor Boad (Liberal Democrat Observer), Councillor Mrs Falp (Chair of the Overview & Scrutiny Committee), Councillor Heath (Independent Group Observer) and Councillor Wilkinson (Labour Group Observer).

126. **Declarations of interest**

There were no declarations of interest.

127. **Minutes**

The minutes of the meetings held on 14 and 28 January and 11 February 2015 were unavailable and would be submitted to the April 2015 meeting.

Part 1

(Items on which a decision by Council is required)

128. **Updated Code of Financial Practice**

The Executive considered a report from Finance which presented an updated Code of Financial Practice for the Executive's consideration and approval. Subsequent to approval, the Code would be presented to Full Council for approval and adoption.

It had been two years since the Code of Financial Practice had been updated. During this period, there had been changes in working practice, notably the introduction of Procurement Cards from April 2014.

The new Transparency Code, to which the Council must comply, required authorities to publish information on their websites to re-enforce local accountability and openness. Much of this data was financial, for example, payments to suppliers above £500, Land and Assets and Senior Salaries as well as Procurement Card information. These had also been incorporated into the revised Code.

The report explained how the Code of Financial Practice was closely aligned with the updated Code of Procurement Practice and both underpinned the Council's Constitution. The amendments proposed in the report sought to ensure that procurement activity and the sections with the Code of Financial Practice were consistent.

Managers needed to consider their budgets when procuring and managing their contracts and guidance was given about recording, raising orders and procuring supplies and services.

From a budgetary stance, the Council needed to identify and achieve circa £1 million on-going savings over the next 5 years to deliver balanced budgets over the same period and the practices within the Code would promote good financial management.

An alternative option was that Members could choose not to have a Financial Code of Practice but this would contravene its Constitution and fail to protect its finances. In addition, not updating the Code would render it out of date and inconsistent with current practices within the Council.

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

The Portfolio Holder for Finance, Councillor Cross, endorsed the report and moved the recommendations as laid out.

The Executive therefore

Recommended to Council that the updated Code of Financial Practice, attached as Appendix 1 to the report, be approved.

(The Portfolio Holder for this item was Councillor Cross)
(Forward Plan reference 668)

129. **Procurement Strategy and Action Plan**

The Executive considered a report from Finance which presented a further update to the Action Plan, following the procurement issues raised in March 2014.

The Procurement Strategy and Action Plan were regularly reported to the Finance and Audit Scrutiny Committee and detailed the planned actions to be undertaken during the year.

The Code of Procurement Practice was a fundamental element of the Council's policy framework. Its purpose was to ensure that appropriate contracts were procured to meet service requirements and were subsequently properly managed. The Code of Procurement Practice also supported the ability of the Council to demonstrate that it was achieving value for money from its expenditure and that its contracts and services were being managed in an open and transparent manner, in line with the Council's Core Values.

The Procurement Strategy set out the responsibilities and actions to be undertaken to ensure that the Code of Procurement Practice was adhered to across the Council.

In March 2014 the Executive considered a report entitled "Housing and Property Services: Contracts Update". The report included a March 2014 Action Plan, bringing together the recommendations from investigations on which the original report was based. An interim report was submitted to Executive in November on progress on the actions, with a further update requested for March 2015 Executive.

The Action Plan had been updated for 2015/16 and detailed the planned actions to be undertaken during the year. These actions included all aspects of procurement, including actions by the Procurement Team and by officers across the Council with responsibility for specific contracts.

Most of the actions within the March 2014 Action Plan had been completed. However, the actions which had not been totally completed, or were on-going, were included within the new Procurement Strategy and Action Plan.

The alternative options were that Members could choose to make further observations or recommendations on the Action Plan and updated Strategy, or consider alternative reporting arrangements.

An addendum was circulated prior to the meeting amending recommendation 2.4 and updating paragraph 3.8 of the report, to ensure that paragraph 12.5.2 of the Code was updated to reflect the updated Contract thresholds and the appropriate approvals process.

The Finance & Audit Scrutiny Committee supported the recommendations in the report. They asked that in future revisions to the Code of Procurement Practice were cross referenced with the Code of Financial Practice. The Committee also asked that further consideration be given to page 6 paragraph 1.2 to ensure contracts remained controlled and within the appropriate controls and budgets.

The Portfolio Holder for Finance acknowledged the comments from Finance & Audit Scrutiny Committee and assurances were given that working practices would continue to be monitored.

Recommended to Council that

- (1) the report and the progress on addressing the actions within the March 2014 Action Plan (Appendix 1), are noted;
- (2) any further action in addressing the on-going issues within the March 2014 Action Plan is addressed as part of the updated Procurement Strategy and Action Plan, and this is monitored by the Finance & Audit Scrutiny Committee;

- (3) the Finance & Audit Scrutiny Committee consider the updated Procurement Strategy and Action plan; and
- (4) the Code of Procurement Practice is amended so that for Contracts Type 1, up to £4,999, the Head of Service will arrange contracts directly in consultation with the Procurement Manager. Regard must be given to best value and paragraph 12.5.2 of the Code should also be updated to reflect the updated Contract thresholds.

(The Portfolio Holder for this item was Councillor Cross)
(Forward Plan reference 667)

130. **Homelessness Strategy 2015-2017**

The Executive considered a report from Housing and Property Services which proposed that a short two-year Homelessness Strategy be produced and a combined Housing and Homelessness Strategy be developed from 2017 onwards.

It was considered more efficient to bring the two strategies together into a single Housing and Homelessness Strategy so that only a single strategic process would be needed. In addition, Members would be able to take a considered view of the resources available to address all housing needs together rather than having to agree actions on homelessness separately.

The Council was required to have a Homelessness Strategy for the District by law and the existing strategy was due to expire on 31 March 2015. A new strategy was therefore required from 1 April 2015.

The objectives for the new strategy were to ensure accessible and effective homelessness, housing advice and support services; provide suitable accommodation for all homeless households; and prevent homelessness.

An Action Plan was included in the strategy and showed which actions could be undertaken within existing resources and which would require new resources. In addition, the strategy was directed towards the service strand of Fit for the Future in that it sought to improve services for those who approached the Council in need of help and support with their housing problems.

Doing nothing was not an option because the Council was under a statutory obligation to prepare a Homelessness Strategy. However, members could choose to implement a strategy for longer than the proposed two years or amend the action plan if so desired. The report reminded Members, however, that a wide range of options for addressing the priorities had been considered as part of the consultation process and a manageable action plan had been produced on this basis.

The Overview & Scrutiny Committee supported the recommendations in the report, but requested that officers and the Portfolio Holder note its view that during severe weather, the Council should aim to provide shelter to people who sleep rough after just one night, not three; and that these people be provided with both bed and breakfast. The Committee also asked that information be provided about the number of homeless who were ex-servicemen.

In response to the comments from Overview & Scrutiny Committee, the Portfolio Holder for Housing and Property Services, advised that the Council was working with voluntary sectors to incorporate their sentiments into the strategy.

In addition, he requested that an additional recommendation 2.3 be added to read "The Executive recognises the importance of the Homelessness strategy in alleviating homelessness and will pass this to the Housing Advisory Group to monitor progress."

Recommended to Council that

- (1) the actions taken in respect of homelessness and its prevention as set out on pages 4 and 9 of the strategy, be noted;
- (2) The proposal to produce a combined five-year Housing and Homelessness Strategy from 2017 onwards, be approved; and
- (3) the Homelessness Strategy, attached as an appendix to the report for the period 1st April 2015 to 31st March 2017, be approved.

(The Portfolio Holder for this item was Councillor Vincett)
(Forward Plan reference 673)

131. Establishing a Council Economic Development and Housing Company for Warwick District

The Executive considered a report from Housing and Property Services which set out the option for the Council to develop an additional investment vehicle to deliver affordable housing and economic development by means of establishing a Council-owned Company.

In January 2013, the Council received a report from Price Waterhouse Coopers (PWC) advising that by establishing a Council-owned Housing Company the Council may be able to increase the rate and quantity of affordable housing it could develop.

As a result, in September 2014, the Executive approved a recommendation to develop further this proposition with a view to the entity being funded from within the General Fund (GF) or within the HRA.

A Council House Building Board (CHBB) was established made up of senior officers from across the Council, supported by regular liaison with the Portfolio Holder.

The report considered the opportunities and risks that applied to the local circumstances of Warwick District and the Council if this course of action was taken and sought approval to prepare for the establishment of a wholly owned Council Development a Company with a remit to support investment in social and economic development.

Section 3.14 outlined a list of what the Council Development Company would hope to achieve including providing an additional developer in the District to complement private sector investment, help clarify the financial risks and provide an opportunity to enter into joint ventures.

Members were advised that establishing a wholly owned company would require additional strategic, legal, financial and operational aspects and funding was available to undertake this work as approved by the Executive in September 2014. The technical development of the company would be commissioned by the CHBB from legal and financial experts and the Housing Advisory Group would provide additional oversight and advisory input to the project.

A formal proposal, summarising these details would be submitted to the Executive for approval in November 2015 and a project plan was attached as Appendix D to the report.

The alternative options were that the Council could abandon the idea of establishing a CHC or a CDC. However, having in place a vehicle able to operate at the behest of the Council alongside other investors meant that the Council would be better placed to take advantage of opportunities that could not be delivered by other entities.

Members could establish an independent CHC/CDC with a funded Business Plan to deliver affordable homes, however, in the absence of any mechanism in place to provide subsidy funding this was unlikely to be able to provide affordable housing in the short or medium term.

Finally, an Arms' Length Management Organisation (ALMO) could in itself act as developer of new homes funded outside of the HRA. However, this may not help increase the rate at which affordable housing could be provided.

The Overview & Scrutiny Committee supported the recommendations in the report.

The Executive endorsed the report, with the support of the Portfolio Holder for Housing and Property Services and

Recommended to Council that

- (1) the proposal, in principle, as set out in this report, for the establishment of a wholly owned Council Development Company with a remit to support on a case-by-case basis investment in housing and economic development in Warwick District, is approved;
- (2) further work should be undertaken by Officers to develop a Formal Proposal to be presented to Executive in November for approval before the Company is set up; and
- (3) the Housing Advisory Group (HAG), subject to a separate report elsewhere on this agenda, will provide oversight over the development of the Formal Proposal.

(The Portfolio Holder for this item was Councillor Vincett)
(Forward Plan reference 675)

132. HRA Business Plan Review for 2015/16 to 2061/62

The Executive considered a report from Housing and Property Services advising that the Housing Revenue Account Business Plan (HRA BP) had been updated to reflect the most recent changes in performance and business assumptions.

The report explained that the revisions had, over the full period of the HRA BP, allowed the HRA BP to remain viable with increases in one area, balanced by savings in another area.

In April 2012 the Housing Revenue Account subsidy system was replaced with the Self Financing System. This required the Council to take on a loan of £136.2m to pay the Government's settlement figure. In March 2012, the Executive approved the HRA BP 2012/13 to 2061/62 which, based on the assumptions made at that time on income and expenditure, and the debt arrangements made by the Council, allowed the Council to maintain a viable role as a social landlord.

Performance of the HRA BP had since then been reviewed on a regular basis with reports being submitted on a six monthly basis to the Finance and Audit Scrutiny Committee.

The assumptions underpinning the HRA BP had been reviewed to make sure that the Business Plan could be effectively managed to remain viable. As a result of this, changes had been made to the Business Plan to maintain the viability of the Council's landlord service and the revised HRA BP was attached as an appendix to the report.

To provide scrutiny and oversight over the management of the HRA Business Plan, and to allow for any discrepancies or variations to be managed in a timely and proactive way, the HRA Business Plan would be

continuously monitored and managed. This would include reporting any divergence from the agreed programme to Executive annually to make sure that the long term viability of the HRA Business Plan remained.

Performance of the Plan would also be monitored through the Housing Advisory Group on an annual basis and the Finance and Audit Scrutiny Committee on a bi-annual basis.

An alternative option was that the Housing Business Plan could remain as agreed by Executive in 2013. This would result in the plan not reflecting the most up to date policies, strategies and up-to-date research on the conditions of the local housing and land markets. The plan would therefore not be able to deliver services in a way that was viable, maintain services and service the debts taken on by the Council.

The Council could choose to agree alternative policies, service standards and investment options as part of agreeing the Business Plan. Provided these options were financially viable and deliverable, the Business Plan would be updated as a result.

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

The Portfolio Holder for Housing and Property Services endorsed the report and proposed the recommendations as laid out.

Recommended to Council that

- (1) the revised Housing Revenue Account Business Plan 2015/16 to 2062/63, is approved;
- (2) the performance of the Housing Revenue Account Business Plan will be continuously monitored and managed and any divergence from the agreed programme will be reported to Executive annually;
- (3) a standard maximum payback period for new developments of sixty years, is adopted as a benchmark; and
- (4) a budget of £120,000 for a full structural stock condition survey of the Council's seven tower blocks and circa 450 homes of non-traditional construction, is approved.

(The Portfolio Holder for this item was Councillor Vincett)
(Forward Plan reference 684)

133. **Playing Pitch and Outdoor Sports Strategy**

The Executive considered a report from Cultural Services which built on the work which had been ongoing since 2013, to inform the future plans for playing pitch and outdoor sports provision in Warwick District.

The report referenced several studies and assessments which could be drawn upon to provide evidence to support a strategic approach to the provision of these facilities. It also outlined the value of the evidence base and modelling which formed a key component of the Infrastructure Delivery Plan / Local Plan.

The National Planning Policy Framework (NPPF) stated that local planning authorities must ensure "planning policies are based upon robust and up-to-date assessments of needs for open space, sport and recreation facilities and opportunities for new provision".

The evidence base prepared for Warwick District had been gathered in accordance with Sport England approved methodology and provided a robust analysis of provision in the District. In addition, the evidence base was a key component of the data supporting the Infrastructure Delivery Plan (IDP) which sat alongside the emerging Local Plan. These key documents would have a significant impact on the District over the long term and therefore the inclusion of comprehensive and current data and analysis of demands and needs was essential.

The report asked Members to note the evidence base and modelling undertaken and the Athletics Needs Assessment attached as Appendix 2 to the report.

The Athletics Needs Assessment would be used to inform decisions on future athletics provision in the District. Further details about the athletics provision were provided in section 3.2 of the report and showed that the audit had found that based on demand and supply, there was a good argument for ensuring the retention of an athletics track in the District.

The report also recommended that Members approve the updated Indoor Sports and Leisure Strategy March 2014, attached as Appendix 3 to the report, which updated the strategy previously approved in October 2013, to address the Indoor Bowling Facilities. Furthermore, approval of the Playing Pitch and Outdoor Sports Strategy 2014, attached as Appendix 1 to the report, was also required.

The Indoor Sport and Leisure Strategy and the Playing Pitch and Outdoor Sport Strategy provided a coordinated and long term approach to sports facility provision and planning across the District. They took into account the full range of providers including local authorities, schools, sports clubs, private sector provision, and other community organisations.

Alternative options were not considered because the development of a robust evidence base, gathered, modelled and calculated in accordance

with NPPF and Sport England guidance was essential to ensure the Infrastructure Delivery Plan (IDP) stood up to scrutiny and challenge.

The Overview & Scrutiny Committee supported the recommendations in the report but asked the Executive to ensure that provision for hockey was given appropriate support. The Committee also noted that provision of sports facilities at school sites did not guarantee continuing use for the public; so this risk needed to be properly identified and managed.

Members raised concerns about the provision of Hockey in the District which it was agreed was an important part of sporting provision. However, Members were assured that any issues would be picked up as part of the quarterly review and the strategy revised if necessary.

The Portfolio Holder for Cultural Services, Councillor Mrs Gallagher, endorsed the report and advised that the first review would be undertaken in June 2015. Members were assured that clubs from all sporting backgrounds had been engaged in the process and the strategies reflected the challenges the District was faced with and how the Council was dealing with them.

Councillor Mrs Gallagher recognised the concerns of the Scrutiny Committee and agreed that additional wording be added to recommendation 2.4, referencing that the strategy would be reviewed on a quarterly basis.

Recommended to Council that

- (1) the comprehensive evidence base and modelling for playing pitches and outdoor sport which has been undertaken and published as part of the Council's Infrastructure Delivery Plan and ongoing preparation of the emerging Local Plan, is noted;
- (2) the Athletics Needs Assessment, attached as Appendix 2 to the report, is noted and this data will be used to inform decisions on future athletics provision in the District;
- (3) the updated Indoor Sports and Leisure Strategy March 2014, which updates the strategy approved by Executive in October 2013 to address Indoor Bowling Facilities, attached as Appendix 3 to the report, is approved; and
- (4) the Playing Pitch and Outdoor Sports Strategy 2014, attached as Appendix 1 to the report, is approved and this will be reviewed on a quarterly basis.

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

(Forward Plan reference 655)

Executive

Minutes of the meeting held on Thursday 9 April 2015 at the Town Hall, Royal Leamington Spa at 6.00 pm.

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

Also present: Councillor Barrott (Chair of Finance & Audit Scrutiny Committee) and Councillor Mrs Falp (Chair of the Overview & Scrutiny Committee).

An apology for absence was received from Councillor Vincett.

151. **Declarations of interest**

There were no declarations of interest.

152. **Minutes**

The minutes of the meetings held on 14 and 28 January and 11 February 2015 were taken as read and signed by the Leader as a correct record.

Part 1

(Items on which a decision by Council is required)

153. **Revisions to the Constitution**

The Executive considered a report, from Democratic Services, that brought forward proposed changes to the officer scheme of delegation; provided clarification on public speaking procedures for Council, Executive, Committees and Sub-Committees; along with updated Guidance and Criteria for the call-in of Executive decisions.

The report included some minor updates to the scheme of delegation; many confirming the arrangements already approved by Council, such as the revised Service Areas and new legislation.

The changes to the public speaking arrangements were brought forward to provide clarification on the public speaking rights at Council, Executive, Committees and Sub-Committees. This provided a single reference point detailing how these arrangements could be utilised. These also provided improved rights for members of the public to speak at Council meetings.

The changes to the call-in procedures were brought forward to provide improved clarity on what matters could and could not be called-in along with clarifying the wording in Council procedure rules for calling-in an item.

The final recommendation of the report was included to ensure that no ambiguities or conflicts appeared in the Constitution as a result of these decisions.

An alternative option was that the Executive could choose to leave the Constitution as it was but the risks detailed at section 6 would apply or they could decide to approve some and not others

The Overview & Scrutiny Committee was surprised that clause A(3) did not state an indicative upper cost limit at which point consultation with the Portfolio Holder or the Leader would be required before going ahead.

The Overview & Scrutiny Committee recommended to Executive that:
Page 22 – MO (8) - the wording was altered to read "Appoint the membership of *any additional* Licensing & Regulatory Sub-Committees known as Licensing & Regulatory Panels"; and
Page 23 – MO (13) the wording was altered to read "*Initiate* reviews of the Members' Allowances Scheme". The words "in accordance with that Scheme" should be deleted.

The Democratic Services Manager & Deputy Monitoring Officer explained to the Executive that Overview & Scrutiny Committee had informally asked officers to look at DS4(ii) to ensure the wording was correct. Following discussions with the Head of Development Services, it was agreed that the Executive should be advised to remove this delegation as it was not required.

The Leader welcomed the comments from the Scrutiny Committee and recommendations in the report were agreed, subject to the changes they proposed along with the removal of delegation DS4(ii) being made. The Executive also asked the Monitoring Officer to consider the comments from the Scrutiny Committee regarding Counsel fees and provide advice on this ahead of Council in April 2015.

The Executive therefore

Recommended to Council that:

- (1) the proposed draft scheme of delegation be amended to: subject to MO (8) the wording is altered to read "Appoint the membership of *any additional* Licensing & Regulatory Sub-Committees known as Licensing & Regulatory Panels; MO (13) the wording is altered to read "*Initiate* reviews of the Members' Allowances Scheme". The words "in accordance with that Scheme" should be deleted and DS(4)(ii) – Page 24 – being removed;
- (2) the revised Scheme of Delegation as set out in Appendix 1 to the minutes be adopted,

- (3) it adopts the procedure rules for public speaking as set out at Appendix 2 to the minutes.
- (4) the document "PROCEDURE FOR PUBLIC SPEAKING AT COUNCIL MEETINGS" is removed from the Constitution;
- (5) the updated Call-in procedure is approved as set out at Appendix 3 to the minutes;
- (6) the Call-in explanation and guidance is adopted as set out at Appendix 4 to the report;
- (7) any consequential changes to the Constitution as a result of these decisions are made by the Deputy Chief Executive & Monitoring Officer.

(The Portfolio Holder for this item was Councillor Mobbs)
(Forward Plan references 682 & 683)

154. **The way forward for scrutinising Health Issues at Warwick District Council**

The Executive considered a report from the Overview & Scrutiny Committee in partnership with Councillor Coker, as Portfolio Holder for Health & Community Protection, that brought forward recommendations for a proposed Health Scrutiny Committee and sought approval from the Executive for the budget implication connected with the Chairman's allowance.

The changes to the health service introduced by the Health and Social Care Act 2012 meant that local authorities had an increased role in delivering health & wellbeing as a result of public health responsibility being transferred from the NHS to Local Government. In liaison with the County Council, through a nationally funded pilot scheme, the benefit of having a District based health scrutiny arrangement was established.

The pilot coincided with strategic changes within this Council to align its services to meet the new public health arrangements at county level. The new Health Scrutiny arrangement was therefore seen as key to ensuring that the Council delivered against its own strategic aims within the Sustainable Community Strategy and also met the requirements of the County Health & Wellbeing Board strategy.

The recommendation that the Committee handle pre-scrutiny work had been made so that there was limited overlap in responsibility with the other two existing Scrutiny Committees, which often do not get sufficient time to handle pre-scrutiny work in sufficient depth.

It was intended that the existing two Scrutiny committees continued to function as they always had and that the Health Scrutiny Committee concentrated on pre-scrutiny of reports concerning Health & Wellbeing issues and strategic health issues and health and wellbeing consultations only. This meant that the Health Scrutiny Committee did not have to meet on the same day as the other two Scrutiny committees or shortly after the agenda was published for meetings of the Executive. The impact of this split was that the committee could be staffed from existing staffing resources within Committee Services and Health & Community Protection, as had been the case with the Health Scrutiny Sub-Committee. Experience from running the Health Scrutiny Sub-Committee would indicate that meetings were not required each month, but obviously the option to call additional meetings remained in place should business needs require this.

The Health Scrutiny Committee would consider health and wellbeing issues only and as such would require the same powers to ask certain individuals and organisations to address them. Equally, since one of the aims of the Committee would be to improve health and wellbeing in the District, the Committee must be able to hear evidence from the Voluntary Sector and other public health bodies.

In pre-scrutinising reports, the committee must be assured that its comments were acted upon by report authors, or good reason given why this was impractical. This would ensure that the other two Scrutiny Committees did not have to repeat the process when they examined final reports.

There were a number of options detailed within the report that included the operation of a Health Scrutiny Committee in parallel to the current two Scrutiny Committees, the work of health scrutiny being merged into the work plan for Overview & Scrutiny Committee and the continuation of Health Scrutiny as a Sub-Committee of the Overview & Scrutiny Committee. Reasons for not progressing with these options were outlined in the report to the Executive.

The Overview & Scrutiny Committee noted the recommendations in the report.

Resolved that the Chairman's Allowance for 2015/16 be funded from the 2015/16 Contingency Budget and the additional cost be built into the Financial Strategy and future year's Budgets.

Recommended to Council that

- (1) a committee be formed to handle pre-scrutiny of selected Council reports, documents and policies, where health and wellbeing is an issue, and will select these from information on the Forward Plan, before they reach final stage, and from liaison with the Corporate

Management Team and the Senior Management Team. All members of the Council will also be able to suggest reports that require pre-scrutiny of health and wellbeing issues. The Committee will also deal with scrutinising strategic health issues and health related consultations;

- (2) this committee be named the Health Scrutiny Committee;
- (3) this committee should consist of at least 11 members and also substitute members (but this may be subject to change after the elections in May 2015 to ensure political proportionality);
- (4) the membership of the committee should be politically proportionate;
- (5) scrutiny of final reports for Executive will remain the responsibility of the two existing Scrutiny committees;
- (6) the Health Scrutiny Committee will be resourced from existing staff resources from within Committee Services and Health & Community Protection;
- (7) the terms of reference for the committee be framed by the Council's Health and Wellbeing Strategy, viz;
 - i. promoting Health & Wellbeing in its community;
 - ii. promoting Health & Wellbeing in its workforce; and
 - iii. as a scrutiny body for the local activities and performance of NHS bodies located within the District of Warwick and in other areas of Warwickshire, in liaison with and the County Adult Health & Social Care Overview and Scrutiny Committee
- (8) in order to assist the committee in its scrutiny arrangements, the powers will include the capability of inviting individuals and organisations to present evidence on particular health issues. Every meeting agenda will make provision for the involvement of the Voluntary Sector, and of Public Health Warwickshire,

representatives of which will be called upon to attend and to speak;

- (9) report authors will be required to take on-board any pre-scrutiny comments/recommendations in respect of their reports or give good reason why this is impractical;
- (10) the committee will run along the same procedure lines as the existing two Scrutiny committees where their functions coincide;
- (11) the Head of Service for Health & Community Protection will encourage officers to take their ideas to the Committee at an early stage through encouragement at senior management meetings;
- (12) meetings for the new committee be set in the Council's calendar every other month, with the option to call additional meetings if required for urgent business; and
- (13) the District Councillor who represents the Council on Warwickshire County Council's Adult Social Care & Health O & S Committee will serve as a member of the District Council's Health Scrutiny Committee.

(The Portfolio Holder for this item was Councillor Coker)

Part 2

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

155. IT Provision for Councillors from May 2015

The Executive considered a report that brought forward proposals for the provision of IT to Councillors after the Election in May 2015, which included improved security for confidential agenda paperwork.

The Executive was aware of an ongoing trial with members using iPads that started in the summer of 2014. Councillors Nick Pittarello, Moira-Ann Grainger, Richard Edwards, Richard Brookes, Norman Vincett, Alan Rhead, Felicity Bunker, John Barrott, Alan Boad, Alan Wilkinson, Cymone De-Lara-Bon, Judith Falp and Tony Heath had participated in the trial, whereas Councillors Doody and Mrs Sawdon returned their iPads and officers were unable to deploy them to two other Councillors.

Learning from the trial showed the main issues as:

- Storing and access to documents
- Storing of and managing emails
- Usability of committee papers and annotating them

- Access to the intranet
- Dual reading of Scrutiny & Executive papers

In addition to the learning points, printing was never resolved satisfactorily during the trial and typing on the iPad became an issue for some members. These issues could now be resolved by the option of providing a printer and the provision of Microsoft Office on the iPads.

In parallel to this trial, a group of officers had been trialling Microsoft Office365. This provided all the usual Microsoft products (Word, Excel and Outlook) but they could be accessed, securely from any device connected to the Internet.

Astech, the supplier of the Council's Committee Management System, had also developed an App for delivering its system on Apple, Android and Windows 8 based devices. The App for the Apple based system would be launched first.

The App for the Committee Management System would automatically, when connected to a Wi-Fi network, download the relevant /correct committee papers for a Councillor. These would be held in a secure area within the iPad which enabled Councillors to make their own annotations onto the document. It also prevented printing or emailing the document to another party, so reducing the risk of documents being passed to third parties, unintentionally or otherwise. Combined with this, the App would automatically delete the documents downloaded from the iPad, three months after the date of the meeting therefore reducing the storage needed.

Officers had assessed this information and, after informal discussions and demonstrations with the Leader and Group Leaders, had brought forward these proposals.

While Members could be dissatisfied about the proposal to stop the broadband allowance for them this enabled the provision of 3G connection on the iPad, so they would be able to access the Internet from any place at any time with a strong enough signal. This would improve their ability to work in a more agile manner, for example being able to access information while at surgeries. In addition to this, the iPad would still be able to connect to secure Wi-Fi networks, for example those at Riverside House and the Town Hall, but also those within a Councillor's home.

The cessation of paper copies would reduce costs and enable the allocated budget to contribute to the costs of providing 3G connectivity. By reducing the paper consumption and the need for posting documents in plastic envelopes, it would contribute towards reducing the environmental impact of the Council.

It was recognised that the Council would need to make provision for reasonable adjustments for any councillor with disabilities unable to adopt this approach, to meet its responsibilities under the Equality Act 2010. In

these instances the nature of the adjustments required would be discussed with the Councillor and appropriate officers.

The move to electronic rather than paper based systems would take a little longer to migrate to. While there were key members of staff who always attended meetings such as the Chief Executive, Deputy Chief Executives and Head of Finance, there were also those who attended meetings less frequently. This was where some further consideration needed to be made to roll out this process over the next 12 months.

The purpose of moving to iPads was to enable more agile working and also reduce the need for printing. That said, officers recognised that some members would still require a printer for Council business. Therefore, to further encourage members to print less information the proposal was to provide a suitable printer for use with an iPad but not the consumables, thus further reducing the overall cost to the Council.

It was felt appropriate that members should sign up to the same agreement as officers before being provided access to the Council's network and facilities. This was good practice to ensure members were aware of what was expected of them and highlighted what they could use the Council's IT for. Equally, this emphasised the point of members leading by example and of the Council being a single body with shared levels of expectation.

It was essential that appropriate training was provided for members at an early stage so that they could become effective and efficient as soon as possible. It should also minimise the risk of users being discouraged from using the technology if issues discovered early on were dealt with quickly. It was recognised that the skills base of members in relation to using iPads would be wide-ranging and therefore the training would cater to all needs within this range, however the Executive might wish to consider seeking some form of mandatory course, or simple test, to help inform Councillors' training needs on iPads.

Councillors should be mindful that the move to electronic agendas would impact on staffing requirements for printing and distribution. At present, these impacts were considered to be minimal and would be included as part of the Support Services Review and ongoing management of the relevant teams.

The Finance & Audit Scrutiny Committee discussed this item but was unable to question the report author. A number of issues were raised including existing trial users being unable to report back their experiences formally and the difficulties of juggling two agendas. However, there was also support for the project with a view that this was the way forward with new generations of Councillors.

The Overview & Scrutiny Committee recommended that all recommendations in the report were removed and replaced with:

- 2.1 That the Executive awaits a detailed update on the results of the iPad trial, and, if necessary, extends the trial.

- 2.2 That the Executive agrees that further work be undertaken to improve the system prior to the submission of a report to the Executive at a later date; and
- 2.3 That the Executive is assured that adequate IT provision arrangements are in place for new councillors.

The Leader recognised the proposals were the way forward for the Council and it did offer a number of benefits. That said, there were concerns from members with regard to this proposal and the Leader knew that before it progressed, a significant majority of members needed to be comfortable with the new technology.

In response to the comments from Overview & Scrutiny Committee, the Leader accepted the concerns of members of this Council and those of the Overview & Scrutiny Committee and therefore proposed that:

1. The Executive notes the concerns of members with regard to moving away from paper agendas and reports;
2. The Executive authorises the current trial of iPads to be continued;
3. The Executive receives a further report in the Autumn of 2015 detailing the progress of the trial and how the issues raised have been resolved and recommending a way forward; and
4. Officers make sufficient IT provision for Councillors after the election in May 2015.

The Leader also explained that any Councillor who did wish to take forward an iPad after the Election would be asked not to claim for a Broadband allowance in lieu of receiving a 3G iPad.

The Democratic Services Manager & Deputy Monitoring Officer explained to the Executive that because of the removal of any proposed change to the Members Allowances scheme this was now a matter for the Executive to determine and would not be a recommendation to Council on 22 April 2015.

Resolved that

- (1) the concerns of members with regard to moving away from paper agendas and reports, be noted;
- (2) the trial period of iPads, be continued; and
- (3) a further report be brought to the Executive in the Autumn of 2015; detailing the progress of the trial and how the issues raised have been resolved; and recommending a way forward; and
- (4) Officers make sufficient IT provision for Councillors after the Election in May 2015.

(The Portfolio Holder for this item was Councillor Mobbs)

156. **Use of Delegated Powers – Social Housing Mobility Fund**

The Executive considered a report, from the Chief Executive, that retrospectively reported on a decision made under the Chief Executive's delegated powers, in consultation with the Group Leaders, to submit a bid for the Government's Social Housing Mobility fund.

Provision CE(4) of the Scheme of Delegation, contained within the Council's Constitution provided for the Chief Executive (and in his absence the Deputies) to have authority to: *'deal with urgent items that occur between meetings, in consultation with the relevant Deputy Chief Executives, Heads of Service (if available) and Group Leaders (or in their absence Deputy Group Leaders) subject to the matter being reported to the Executive at its next meeting'*.

The Department for Communities and Local Government (DCLG) announced on the 5 February 2015 a Social Housing Mobility Funding Scheme; the scheme allowed Local Authorities to bid for up to £67,613 for schemes to improve mobility within social housing. The bid was required to be submitted to DCLG by the 5 March 2015, requiring the use of the delegated powers provision to meet the timetable, with this being the first available opportunity to retrospectively report to Executive. Successful bids would be announced by the DCLG at the end of March 2015 and if successful, funds would be paid in April 2015.

The application for funding would allow WDC to provide tenants of the Council and Registered Providers (RPs) working in the District with a more flexible allocation service. The resources offered by the Social Housing Mobility Scheme would allow the Council to recruit a Social Mobility Co-ordinator who would develop and implement new and innovative ways of working to improve social housing mobility within Warwick District. The Chief Executive consulted with Group Leaders who agreed their support for the bid

This was a retrospective report of action taken so no alternative options existed.

The Finance & Audit Scrutiny Committee supported the decision and noted that the funding bid had been successful. Members asked the Head of Housing & Property Services to circulate the bid document which detailed how the department hoped to allocate the money

The Executive endorsed the report, with the support of the Portfolio Holder for Housing and Property Services and

Resolved that the use of delegated power CE(4) by the Chief Executive to obtain Group Leaders' (or their Deputies') approval to support a bid for £67,613 from the Governments Social Housing Mobility fund.

(The Portfolio Holder for this item was Councillor Vincett)

157. **Significant Business Risk Register**

The Executive considered a report, from Finance, that set out the latest version of the Council's Significant Business Risk Register for review by the Executive. It had been drafted following discussions between the Leader of the Council, Chief Executive, Monitoring Officer, Section 151 Officer, and the Audit & Risk Manager.

The report was brought forward to assist members to fulfil their role in overseeing the organisation's risk management framework

The Finance & Audit Scrutiny Committee supported the recommendations in the report but was concerned that the document was not as accurate as it could be. Members were assured by the Leader that an additional risk would be added to deal with Infrastructure funding, separately from the Local Plan risk.

The Leader noted the comments of the Finance & Audit Scrutiny Committee and highlighted that this should be a matter for the new Leader of the Council to consider after the Election in May 2015.

Resolved that the Significant Business Risk Register, as attached at Appendix 1 to the report, be noted.

(The Portfolio Holder for this item was Councillor Mobbs)

158. **Smoking etc. Policy**

The Executive considered a report from Health & Community Protection, that sought approval for the Council's Smokefree Policy to take into account the use of e-cigarettes or Nicotine Containing Products (NCPs) on the Council's property.

Employment Committee approved the report's recommendations on 27 January 2015. The report was before the Executive because of the Policy's application to non-employees visiting Council premises and to its land and property.

A breath-operated nicotine device called the 'Voke' that looked and felt like a cigarette but contained no electronics, heat or combustion had received approval from the Medicines and Healthcare Regulatory Agency (*The Times*, September 13, 2014).

Its backers insisted it was not an electronic cigarette but a smoking cessation device intended to help addicts to quit smoking. The technology was said to be entirely different from an e-cigarette, in that there was no heat or electronics. It contained a pressurised aerosol and a propellant used in asthma inhalers.

Approval from the Medicines and Healthcare Regulatory Agency meant that eventually doctors could prescribe the devices to smokers. The Voke came in a box shaped like a cigarette packet, which contained 20 refills. Each one was sufficient for six to ten puffs — to simulate conventional smoking.

The use of alternatives to cigarettes ('Vaping') had surged over the past three years. One in five tobacco smokers and recent ex-smokers were said to use electronic inhalers from time to time.

Action on Smoking and Health, which campaigned against tobacco use, welcomed the device's approval because there were many electronic cigarettes already on the market that were popular with smokers who were trying to cut down or quit smoking, but none of them so far were licensed as medicines.

The alternative option was to allow the free use of e-cigarettes but this would be inconsistent with both the behaviour and image that the Council fostered with respect to Health & Wellbeing.

The Overview & Scrutiny Committee noted the recommendations in the report.

Resolved that Council's smoking policy be revised to prohibit the use of e-cigarettes on Council premises etc.

(The Portfolio Holder for this item was Councillor Coker)

159. **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 3 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 |
|----------------|-----------|---|
| 160, 161 & 162 | 1 | Information relating to an Individual |
| 160, 161 & 162 | 2 | Information which is likely to reveal the identity of an individual |

The full minute for the following items would be set out in the confidential minutes of the meeting.

160. **Payroll Review**

The Executive considered a report from the Chief Executive.

The Finance & Audit Scrutiny Committee supported the recommendation in the report subject to clarifying the wording of recommendation 2.2 and the potential costs involved.

In response to amendments requested by the Scrutiny Committee, the Executive

Resolved that the recommendations as set out, subject to the minor wording changes, be approved.

(The Portfolio Holder for this item was Councillor Mobbs)

161. **Funding Green Space Development Post**

The Executive considered a report from Neighbourhood Services.

The Finance & Audit Scrutiny Committee supported the recommendations in the report, subject to the Head of Service reporting back any savings achieved.

Resolved that the recommendations be approved.

(The Portfolio Holder for this item was Councillor Shilton)
(Forward Plan reference 691)

162. **Minutes**

The confidential minutes of the meetings held on 14 and 28 January and 11 February 2015 were taken as read and signed as a correct record.

163. **Thanks**

The Leader took the opportunity to thank all the Executive, Scrutiny Committee members, other Group Leaders, Committee Services and Senior Officers of the Council, for all their efforts in their work for this Council.

The Leader also took the opportunity to thank Councillors Caborn and Vincett for their work on the Executive and the Council, because they were not standing for election.

In response, Councillor Shilton thanked the Leader for his work since taking on the role.

(The meeting ended at 6.55pm)

Section 4 Scheme of Delegation

1. Introduction

The Chief Executive, his Deputies and Chief Officers (as detailed in Article 12 of the Constitution) shall have authority, subject to the requirements of the provisions of this Constitution and within approved budgets to:

- (i) Take any necessary steps for the day to day management and routine administration of the functions or services for which they are responsible;
- (ii) Exercise the powers delegated to them and to authorise such officers as they think appropriate to exercise on their behalf the powers delegated to them; and
- (iii) Carry out the responsibilities stipulated in the Code of Financial Practice and Code of Procurement Practice.

All members of staff have authority to act on behalf of the Council in accordance with duties set out in their job description and will carry identification as evidence of their authority duly signed by the Chief Executive. Officers will be authorised by the Chief Executive to enter premises lawfully at all reasonable hours for the purposes of carrying out such duties in line with appropriate legislation as set out on their identification badges.

2. General Conditions of Delegation

- a) In respect of all functions delegated to officers prior to this date and in the future, the delegation shall be deemed to extend to any statutory re-enactment thereof, in whole or in part, whether varied in extent and/or wording, for the time being in force and, in respect of past delegation, to have been so extended with effect from the date when the said re-enactment came into force, provided that any major variation made in pursuance of this General Condition shall be reported for information to the appropriate body. To also include the delegation to act upon, apply, enforce or otherwise put into effect any future legislation which falls within their areas of responsibility being of a similar nature to existing delegations.
- b) The delegation of any power or function includes the authority to take all steps and actions ancillary to, conducive to, or to facilitate the exercise of the power or function including authority to serve statutory notices and all necessary and/or consequential action arising as a result including the institution of legal proceedings (subject to prior consultation with the a solicitor acting for the Council) or other proceedings and shall include also power to determine the need to serve the notice as well as to arrange for its service.

- c) Where the delegations require the agreement of, or consultation with or other action by the Chairman and/or Vice Chairman of the Council or of any committee, such delegation shall provide for the substitution of another Member in the absence of any of the specified members.
- d) Subject to the foregoing, and without derogation from the powers or duties now or thereafter confirmed or imposed upon officers of the Council by statute or by any statutory instrument or regulation, authority to act for and on behalf of the Council without reference to the Council or any committee shall be delegated as otherwise set out in this Constitution.
- e) The power to sign documents on behalf of the authority shall be the Chief Executive, the Deputy Chief Executive & Monitoring Officer and Deputy Chief Executive.
- f) Revisions to the delegations to Committees as set out in the responsibility for Council functions automatically enact necessary revisions to the powers of officers to coordinate with the above and to bring other aspects up to date.
- g) In the absence of any member or officer specified in relation to any delegated power, authority to deal with matters following the invoking of the Emergency and/or Business Continuity Plans, authority is given to the officer or member's deputy (or where there is no named deputy, the next most senior officer or member in the Service Area) and shall have the like power subject to making a written report of the exercise of the power to the original specified officer or member. In circumstances where both the specified officer /member and the deputy (or next most senior officer / member) are absent the power may be exercised by the next most senior available officer / member in the Service Area (provided that in no circumstances shall this power be exercised by an officer below the level of grade C subject to a report as above and to the officer exercising the power certifying in writing that they are of the opinion (and giving reasons for that opinion) that the matter is of such urgency that the exercise of the power cannot await the anticipated return of the named officer / member or their deputy.

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

- G (1) Authority to place orders for the supply of goods materials or services within approved estimates and in accordance with the Council's rules with regard to quotations.
- G (2) Authority to settle all claims, excluding remedy for complaints made on the Council under £200.
- G (3) Authority to carry out day-to-day management of the parks, cemeteries, crematoriums, land and buildings under the control of the Executive.

- G (4) Authority to authorise the installation of a telephone line in any employee's residence on terms approved by the Council.
- G (5) Authority to approve the attendance of staff at approved training courses.
- G (6) Authority to make appointments to posts on the approved establishment and in accordance with the Officer Employment Rules.
- G (7) Authority to agree remedies for a complaint at Stage 1
- G (8) Authority to Serve Notices requiring information for statutory purposes.
- G (9) Authority to accept suitable tenders for the execution of works or the supply of goods and services in accordance with the Codes of Procurement and Financial Practice.
- G (10) Authority, following consultation with a solicitor acting on behalf of the Council, to issue proceedings under Section 222 of the Local Government Act 1972.
- G (11) Authority to involve the Police to prosecute offenders where fraudulent or corrupt acts are discovered.
- G (12) Authority, following consultation with the relevant Portfolio Holder and Solicitor acting on behalf of the Council, to initiate proceedings in Courts subject to the results of prosecutions being reported to members via email.
- G (13) Make decisions under the provisions of the DPA 1998.
- G (14) Serve Notices requiring information for statutory purposes.
- G (15) Authority to write off debts under their control up to £1,000

4. **Chief Executive** (and in their absence their Deputies) shall have authority to:

- CE (1) Authorise such officers as they think appropriate to exercise on their behalf the powers delegated to any Head of Services in the absence of that Head of Service.
- CE (2) Settle all claims made on the Council over £200.
- CE (3) Agree:
 - (1) any proposed remedy at stage 2 includes compensation. This will be considered by the Chief Executive as part of the investigator's report; and
 - (2) any proposed compensation following an investigation by the Local Government Ombudsman in consultation with the Head of Service.
- CE (4) Deal with urgent items that occur between meetings, in consultation with the relevant Deputy Chief Executive, Head(s) of Service (if available) and Group Leaders (or in their absence Deputy Group Leaders) subject to the matter being reported to the Executive at its next meeting.
- CE (5) Issue authorisations under the Regulation of Investigatory Powers Act 2000 concerning juveniles.
- CE (6) Take appropriate action in the event of the District Council Emergency Plan being enacted.
- CE (7) Subject to consultation with the relevant Ward Councillor(s), site requests from the Police for the Council's agreement to the making of dispersal orders under section 4 of the Anti Social Behaviour Act 2003.
- CE (8) Execute vacating receipts on mortgages.
- CE (9) Authorise changes to the Council's establishment that do not result in an increase to the cost of approved establishments or the introduction of new posts.
- CE (10) Exercise the Council's powers relating to people management in accordance with the personnel handbook and the policies agreed by the Employment Committee.

- CE (11) Approve advancement of increments to all staff.
- CE (12) Grant honoraria to staff in accordance with the National Scheme of Conditions of Service.
- CE (13) Grant all allowance or payment reviews which are automatically updated on an annual basis using either RPI or the National Pay Settlement.
- CE (14) SPARE
- CE (15) Apply market premiums for staff as considered necessary.
- CE (16) Approve severance payment which:-
 - (i) are, in their opinion, in the Council's interests;
 - (ii) result in savings which recoup all initial costs of severance, subsequent staff regradings and any other consequential cost increases, within a period of 12 months of the severance; and
 - (iii) result in a post being deleted from the establishment though not necessarily the same post as the one from which the person was severed.
- CE (17)
 - (i) Approve the grant of loans under Assisted Car Purchase Scheme.
 - (ii) Approve members of staff as essential car users.
 - (iii) Enter into car leasing arrangements in accordance with the Council's scheme.
 - (iv) Approve any changes to the contribution made by the Council in respect of a loan granted under the assisted car purchase scheme following a review of the car lease prices.
- CE (18)
 - (i) Approve the payment of removal and relocation expenses in accordance with the scheme adopted by the Council.
 - (ii) Approve any changes to the relocation and mortgage subsidy when the schemes are reviewed.
- CE (19) Nominate first aiders in accordance with the First Aid at Work Regulations 1981.
- CE (20) Certify for the purposes of Section 3(2)(b) of the Local Government and Housing Act 1989 whether or not, in the Council's opinion, a post is politically sensitive by virtue of its duties falling within Section 2(3) of the Act.
- CE (21) SPARE
- CE (22) In liaison with the Monitoring Officer, provide appropriate practical and financial support to proceedings which employees who have suffered violence in the course of their employment might wish to bring.
- CE (23) The membership of the Panel(s) identified in the recruitment, disciplinary and grievance process be appointed by the Chief Executive in consultation with the Chairman of the Employment Committee.
- CE (24) SPARE
- CE (25) Arrange for a community referendum for a neighbourhood plan to be undertaken.
- CE (26) Issue Concessionary Travel Tokens in accordance with the Council Scheme.
- CE (27) implement national wage and salary awards and conditions of service, except where discretion is to be exercised on assimilation of revision of scales.

5. **The Deputy Chief Executive (AJ) & Monitoring Officer** shall have authority to:

- MO (1) Execute vacating receipts on mortgages.
- MO (2) Subject to consultation with Group Leaders, make appointments to outside bodies in accordance with the political balance already agreed.
- MO(3) SPARE
- MO (4) Subject to consultation with Group Leaders, set the calendar of meetings.
- MO (5) In consultation with Head of Development Services, settle the amount of compensation for damage to land which the Council is legally liable to pay in consequence of works carried out or other action taken on behalf of the Council up to a maximum of £1000 in any one case.
- MO (6) Respond and carry out consultations concerning the making of Public Footpath, Creation, Diversion and Extinguishment Orders and to confirm if no objections are made.
- MO (7) in consultation with the Chairman of the Standards Committee, shall have authority to appoint the membership of Standards Sub-Committees (Hearing Panels)
- MO (8) Appoint the membership of any additional Licensing & Regulatory Sub-Committees known as Licensing & Regulatory Panels.
- MO (9) The Monitoring Officer is authorised to issue grants agreed by the Community Forums so long as they do not breach any legislative requirements, agreed policy or exceed the budget for the specific community forum.
- MO (10) Authority to approve the attendance of the Leader and Chairs of committees and other elected members at appropriate conferences and seminars for the purpose of recognising such attendance as approved duty for travelling.
- MO (11) Act under the provisions of either the Public Health Act 1925 or Town Improvement Clauses Act 1847 to
 - (i) deal with the numbering and re-numbering of properties;
 - (ii) approve the naming of streets following consultation with the appropriate Parish or Town Council.
- MO (12) In consultation with the Deputy Leader, to take decisions on the operation of existing contract agreements within the VCS and the awarding of future service level agreements under the VCS in line with the Council's procurement process.
- MO(13) Initiate review of the Members' Allowances Scheme;

6. **Head of Finance & Chief Finance (S151) Officer** shall have authority to:

- F (1) Approve or refuse applications for advances for house purchase (in accordance with the scheme approved by the Council).
- F (2) Approve Determined and Variable Rates of Interest for housing advances.
- F (3) Approve individual schemes within the agreed principles of the loan underwriting agreement with the Nationwide Building Society.
- F (4) Appear in Court when legal action is taken against a person who has made a fraudulent claim for Housing or Council Tax Benefit, or Council tax Reduction or other fraudulent claims against the Council.
- F (5) SPARE
- F (6) Increase fees and charges by changes in national taxation or levies.
- F (7) Write off sundry debts, Finance function debts and all other debts.

- F (8) In Consultation with the Head of Development Services, deal with offers by owners to convey property to the Council where such property is in the area of a Compulsory Purchase Order awaiting confirmation.
- F (9) Serve any necessary notices in connection with the review of rents payable to the Council under leases or tenancy agreements.
- F (10) Maintain Accounting Records and Control Systems and the production of all relevant accounts and claims in accordance with the Accounts and Audit Regulations.
- F (11) to add further bodies, in consultation with Group Leaders and Monitoring Officer, to the list of those for which attendance allowance may be paid.
- F (12)
 - (i) effect all necessary insurances to protect the Council's property and interests; and
 - (ii) settle all insurance claims made against the Council by third parties.
- F (13)
 - (i) manage the Council's cash flow (including the collection fund), placing short term investments and arranging loans in accordance with the approved Treasury Management Strategy; and
 - (ii) make such banking arrangements, including opening of banking accounts, as appear necessary for the proper management of the Council's finances.
- F (14)
 - (i) maintain an adequate and effective system of internal audit;
 - (ii) manage the Council's investments;
 - (iii) manage the Council's borrowing requirement; and
 - (iv) set the determined rate of interest and the variable rate of interest on housing advances.
- F (15) Take the following action under the NNDR and Council Tax Regulations:
 - (i) Applications for certificates and the sanction of appropriate relief (apportionment of rateable value of partly occupied hereditaments);
 - (ii) Granting and refusal of mandatory relief under the Council Tax and Rating Regulations;
 - (iii) Approve applications for discretionary rate relief.
 - (iv) Refunds of Council Tax, Business Rates and Council Tax;
 - (v) Institution of legal proceedings against ratepayers for recovery outstanding rates and Council Tax;
 - (vi) Authority under Section 223(1) of the Local Government Act 1972 to represent the Council in making formal complaint and taking the subsequent proceedings in the local Magistrates Court.
 - (vii) Authority to serve completion notices under the appropriate Council Tax and Rating regulations;
 - (viii) Authority to instruct Enforcement Agents to take control of goods, issue requests for information, apply Attachment of earnings Orders and deductions from Income Support, Charging Orders;
 - (ix) Selection and appointment of Enforcement Agents;
 - (x) Authority to quash penalties;
 - (xi) Authority to appeal against any Assessment of Council Tax banding or rating assessment;
 - (xii) Authority to represent the Council at Valuation Tribunals in connection with appeals against: liability to pay the Council Tax including discounts, exemptions and reductions , and the banding of a dwelling;
 - (xiii) Authority to represent the Council at Housing and Council Tax Benefit tribunals in connection with appeals against housing and council tax

- benefit.
- (xiv) Authority to write off irrecoverable Council Tax, Non-Domestic Rates and Housing Benefit Overpayments;
 - (xv) Authority to consider and determine applications for Hardship relief under Section 49 of the Local Government Finance Act 1988.
- F (16)
- (i) Decide upon all claims received for Housing, Council Tax Benefit or Council Tax Reduction including the exercising of all discretions under the general policy guidance from time to time given by the Council.
 - (ii) Assess overpayments under the Regulations and taking such steps as are appropriate to recover the amount overpaid.
 - (iii) Decide upon all claims for Discretionary Housing and Council Tax Payments.
7. **Head of Development Services** shall have authority to:
- DS (1) Object on environmental and other grounds to applications for goods vehicle operators licences, such objections to be reported to the Committee for instruction as to whether an appearance should be entered at any hearing which might take place into the objection.
- DS (2) Serve notices and where necessary, carry out works in default and recover costs in relation to the maintenance and improvement of watercourses under the Land Drainage Act 1976.
- DS (3) Serve any necessary notices in connection with the review of rents payable to the Council under leases or tenancy agreements.
- DS (4)
- (i) approve or reject plans deposited under the Building Regulations as amended from time to time and under related provisions of the Public Health Acts, Highways Acts and Building Act 1984;
 - (ii) SPARE;
 - (iii) require the carrying out of tests under Section 33 of the Building Act 1984;
 - (iv) take emergency measures to deal with dangerous buildings under Section 78 of the Building Act 1984;
 - (v) deal with intended demolitions under Section 80 of the Building Act 1984;
 - (vi) exercise powers contained in Section 2 of the Building Act 1984 (continuing requirements);
 - (vii) reject, or pass with conditions, plans deposited under Section 19(1) and (3) of the Building Act 1984 (use of short lived materials)
 - (viii) exercise powers contained in Section 25 of the Building Act 1984 (Provision of water supply);
 - (ix) exercise the powers contained in Section 25 of the Local Government (Miscellaneous Provisions) Act 1982 (approval of building plans provisionally or by stages).
- DS (5) In consultation with a solicitor acting on behalf of the Council, apply to Magistrates Court for an order under Section 77 of the Building Act 1984 (dangerous buildings).
- DS (6) Exercise powers contained in Section 78 of the Buildings Act 1984 (dangerous buildings - emergency measures).
- DS (7) Receive notices served on the Council under Section 80 of the Building Act 1984 (intended demolition).

- DS (8) Serve notices in respect of the following Building Act 1984:-
- (i) Section 32 - lapse of deposit of plans
 - (ii) Section 35 - penalty for contravening the Building Regulations
 - (iii) Section 36 - removal or alteration of offending works
 - (iv) Section 47 - acceptance of Initial Notices
 - (v) Section 59 - drainage of buildings
 - (vi) Section 60 - use and ventilation of soil pipes
 - (vii) Section 71 - provision of entrances exits etc.
 - (viii) Section 72 - means of escape from fire
 - (ix) Section 73 - raising of chimneys
 - (x) Section 74 - cellar and rooms below sub-soil water level
 - (xi) Section 79 - ruinous and dilapidated buildings and neglected sites
 - (xii) Section 81 - demolitions
 - (xiii) Section 95/96 - power to enter premises
- DS (9) Pay Historic Building Grants under S.57 and 58 of the Planning (Listed Buildings & Conservation Areas) Act 1990.
- DS (10) Make payments in respect of town scheme grants, conservation areas partnership scheme and the Programme Town Scheme Grants from monies made available under and in accordance with S.57, 77 to 80 (inclusive) of the Planning (Listed Buildings & Conservation Areas) Act 1990.
- DS (11) Respond to preliminary consultations received from Warwickshire County Council on applications for the diversion, creation and extinguishment of public paths.
- DS (12) Serve notices and where necessary carry out works in default and recover costs in relation to the demolition of buildings.
- DS (13) Serve notices concerning the addition to deletions from or amendment to the list of buildings for special architectural or historic interest, as required by the Department of Culture, Media and Sport
- DS (14) Appoint an Officer for the authority to deal with the purposes of the Party Wall Act 1996.
- DS (15) Apply to the Magistrates Court for Warrant to enter land and/or buildings in accordance with powers provided in the Town and County Planning Act 1990, Planning and Compensation Act 1991, Planning (Listed Buildings and Conservation Area Act) Act 1990 and Building Act 1984.
- DS (16) Formulate operational details of the grant scheme established for any unmatched funding from the Council's contribution to the Conservation Area Partnership Scheme for Royal Leamington Spa, based on the terms and conditions of the existing historic buildings scheme of grants as constituted under Section 57 and 58 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to offer grants.
- DS (17) Serve notices and, where necessary to recover costs incurred in relation to:-
- (i) enforcement of liability to maintain un-adopted highways;
 - (ii) interference with highways and streets;
 - (iii) the undertaking of urgent repairs to private streets;
 - (iv) carriage crossings.
- DS (18) Deal with applications from market operators for change of trade.
- DS (19) Serve Notices to Quit in respect of shops and other accommodation provided under the Housing Acts.

- 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.
- 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.
- DS (22) Following consultation with a solicitor acting for the Council, consent to assignment and other consents required under leases granted by the Council.
- 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.
- DS (24) In consultation with the Head of Finance, decline offers of property not recommended for acquisition.
- DS (25) Following consultation with the Leader, vary building control charges in order to meet the financial obligations placed on the service where such action is required outside the normal timescale for consideration of fees and charges by the Executive.
- DS (26) Grant wayleaves and easements across Council owned land to other public organisations.
- DS (27) Grant new leases on vacant properties, excluding HRA properties.
- DS (28) 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.
- DS (29) Follow consultation with ward councillors and the relevant Head of Service of the service area owning the land to initiate, proceedings for forfeiture of Leases.
- DS (30) Agree rent reviews, for non HRA properties, where agreement on the new rent has been reached without recourse to arbitration.
- DS (31) Grant new leases, for non HRA properties, where statutory renewal rights exist.
- DS (32) Grant terminable licences, for non HRA properties, for access and other purposes.
- DS (33) 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 and Property Services is required).
- DS (34) Formulate and issue decision notices following consideration by the Planning Committee in accordance with the resolution of the Planning Committee.
- DS (35) Make observations on County Matter applications or applications submitted by Warwickshire County Council under Regulation 3 of the Town and County Planning General Regulations 1992.
- DS (36) Respond to all notifications for prior approval submitted under the Town and Country Planning (General Permitted Development) Order 1995.
- DS (37) Determine all applications to discharge conditions imposed on planning permissions and other forms of consent.
- DS (38) Determine all applications for minor amendments to planning permissions or other forms of consent.

- DS (39) Determine all applications for Certificates of Lawfulness under Section 191 (Existing Use/Development) or Section 192 (Proposed Use/Development) of the Town and Country Planning Act 1990.
- DS (40) Determine applications for consent to lop or fell trees which are the subject of Tree Preservation Orders.
- DS (41) Respond to notifications for works to/the felling of trees in Conservation Areas.
- DS (42) Approve the making, varying and revoking of Tree Preservation Orders. In the case of making and varying (where new trees are added to an existing order) and if no objections are received, to confirm the orders.
- DS (43) Determine hedgerow removal notices, including the serving of hedgerow retention and replacement notices with regard to important hedgerows.
- DS (44) Respond to enquiries; complaints and appeals relating to high hedges; to issue and serve; vary and withdraw High Hedge Remedial Notices.
- DS (45) Confirm Tree Preservation Orders to which there are objections, following the authorisation of that confirmation by the Tree Preservation Order Sub Committee or the Planning Committee.
- DS (46) Serve Tree Replacement Notices; to respond to appeals made in respect of Tree Replacement Notices.
- DS (47) Issue screening and scoping opinions in respect of the need for, and content of, Environmental Assessments in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999.
- DS (48) Serve and withdraw notices in respect of the following: Town and Country Planning Act 1990 (TCPA) and Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCAA) as amended
- (i) Section 187A (TCPA) – Breach of Condition Notices.
 - (ii) Sections 183 to 187 (TCPA) – Stop Notices.
 - (iii) Sections 171A to 182 (TCPA) – Enforcement Notices in connection with Stop Notices.
 - (iv) Section 215 (TCPA) – Land adversely affecting the amenity of the neighbourhood.
 - (v) Section 172 – 173A (TCPA): Enforcement Notices, be authorised by the Head of Development Services following consultation with the Chair and Vice Chair of the Committee and the relevant ward member(s) except in the circumstances where the Head of Development Services considers it appropriate for that matter to be determined by Planning Committee.
 - (vi) Section 38(PLBCA): Listed Building Enforcement Notice, be authorised by the Head of Development Services following consultation with the Chair and Vice Chair of the Committee and the relevant ward member(s) except in the circumstances where the Head of Development Services considers it appropriate for that matter to be determined by Planning Committee.
 - (vii) Sections 171E – H (TCPA): Temporary Stop Notices.
 - (viii) Section 171C (TCPA): Planning Contravention Notices.
 - (ix) Section 187B (TCPA); 44A (LBCA) and 214A (TCPA): apply to the Court for injunctions directed at restraining actual or apprehended breaches of planning control; unauthorised work to Listed Buildings; and actual or apprehended damage to

Conservation Area Trees.

(x) Section 48 (LBCA): Listed Building Repairs Notices.

- DS (49) Section 171BA (TCPA): the application to the court for a Planning Enforcement Order.
- DS (50) Section 171BB (TCPA): the issue of Certificates under this section confirming the date on which evidence of a breach sufficient to justify an application under Section 171BA was identified.
- DS (51) Section 172A (TCPA): the issue and withdrawal of assurances (by letter) to parties on whom an Enforcement Notice has been served concerning prosecution.
- DS (52) Section 201 4C (TCPA): the issue of Certificates confirming the date on which evidence sufficient to prosecute for non-compliance with a Tree Preservation Order came to the prosecutors knowledge.
- DS (53) Section 224 9 (TCPA): the issue of Certificates confirming the date on which evidence sufficient to prosecute for advertisement offences came to the prosecutor's knowledge.
- DS (54) Section 225A (TCPA): the removal of unauthorised structures used for advertisements displays.
- DS (55) Sections 225A (3-6) (TCPA): the service of removal notices in respect of unauthorised advertisement display structures.
- DS (56) Section 225A(7) (TCPA): the recovery of expenses incurred in the Council's removal of unauthorised advertisement display structures.
- DS (57) Section 225B (TCPA): the response to appeals made in respect of Notices served under Section 225A.
- DS (58) Section 225C (TCPA): the service of Action Notices in respect of persistent unauthorised advertisement displays.
- DS (59) Section 225C (TCPA): the undertaking of the requirements of Action Notices and the recovery of the costs incurred in doing so.
- DS (60) Section 225D (TCPA): the response to appeals made against Action Notices.
- DS (61) Sections 225F, G and H (TCPA): the remedy of the defacement of premises by means of the service a notice under these sections.
- DS (62) S225F, G and H (TCPA): the undertaking of the requirements of a notice issued under these sections and the recovery of costs incurred in doing so.
- DS (63) Section 225I (TCPA): the response to appeals made in respect of notices issued under sections 225F, G and H.
- DS (64) Section 225J: the remedy of the defacement of premises at the request of the owner/occupier and the recovery of reasonable costs incurred in doing so.
- DS (65) Section 225 (TCPA): to remove or obliterate placards or posters which are in contravention of the Advertisement Regulations.
- DS (66) To issue notices under S330 of the Town and Country Planning Act 1990 (Requisition for Information).
- DS (67) To instigate legal proceedings under the following provisions:
- i. Section 171D (TCPA): non compliance with Planning Contravention Notices;
 - ii. Section 171G (TCPA) non compliance with Temporary Stop Notices;
 - iii. Section 179 (TCPA) non compliance with Enforcement Notices;
 - iv. Section 187 (TCPA) non compliance with Stop Notices
 - v. Section 178A (TCPA) non compliance with Breach of Condition Notices;
 - vi. Section 43 (LBCA) non compliance with Listed Building

- Enforcement Notices;
 - vii. Section 59 (LBCA) unauthorised work to Listed Buildings;
 - viii. Section 210 (TCPA) non compliance with Tree Preservation Orders;
 - ix. Sections 211 – 212 (TCPA): non - preservation of trees in Conservation Areas;
 - x. Sections 215 and 216 (TCPA) non compliance with Section 215 (Untidy Land) Notice;
 - xi. Section 224 (TCPA) unauthorised advertisement display;
 - xii. Section 97 (Environment Act 1995) contravention of the Hedgerow Regulations;
 - xiii. Section 75 (Anti-social Behaviour Act 2003) non compliance with high hedge remedial notices.
 - xiv.
- DS (68) Formulate the Council's response to consultations from neighbouring Planning Authorities relating to development proposals outside the Warwick District Council area.
- DS (69) Approve temporary stand structures under the Public Health Act 1890 (Section 37).
- DS (70) Determine all applications submitted to Warwick District Council as required by the Town and Country Planning Act 1990 (as amended), Town and Country Planning (Control of Advertisement) Regulations 1992, and Planning (Listed Buildings and Conservation Areas) Regulations 1990, with the exception of the following:-
- (i) Applications where a written request is received from a member of Warwick District Council within the specified consultation period i.e. 21 days. that Committee referral is required
 - (ii) Applications where 5 or more written objections (or letters of support) or a petition (including one of support) with 5 or more signatures has been received, where the recommendation is contrary to the representations that have been made.
 - (iii) Applications where the recommendation of the Head of Development Services i.e. Grant/Refuse is contrary to the representations made by a Parish/Town Council, i.e. Object/Support except in the following circumstances:-
 - the Head of Development Services is satisfied that the plans have been amended to address the concerns of the Parish/Town Council;
 - where the representations made by the Parish/Town Council raise issues which are not material to the planning assessment of the particular application; or
 - where the concerns of the Parish/Town Council have been previously considered as part of the assessment of an extant permission on the site and there has been no change in circumstances
 - (iv) Applications where the principle of development would represent a material departure from any policy within the Development Plan.
 - (v) Applications known to be submitted by or on behalf of a Warwick District Councillor, Warwick District Council employee or former employee of the Council, or the spouse/partner of any such person.
 - (vi) Applications submitted by Warwick District Council or Warwickshire County Council, other than for approval of routine minor developments.
 - (vii) Where applications are to be refused and enforcement action is being recommended, following consultation with the Chair and Vice Chair of

- the Committee and the relevant ward member(s) except in the circumstances where the Head of Development Services considers it appropriate for that matter to be determined by Planning Committee.
- (viii) Applications where an Environmental Impact Assessment has been provided.
 - (ix) Any application which raises significant issues such that in the opinion of the Head of Development Services, it would be prudent to refer the application to Planning Committee for decision.
- DS (71) Decline to determine planning applications in accordance with the relevant provisions of the Town and Country Planning Act 1990 as amended.
 - DS (72) Make representations on behalf of the Council as Local Planning Authority, on relevant applications under the Licensing Act 2003.
 - DS (73) In consultation with the Planning Committee Chairman and relevant portfolio holder, issue a grant of permission without a Section 106 agreement first being signed, where the original committee resolution requires the prior completion of a Section 106 legal agreement or payment on Community Infrastructure Levy, but where a consultee who required the agreement no longer considers an agreement is necessary and a planning condition can be used to cover their requirements.
 - DS (74) Agree to a Town or Parish Council proceeding with developing a Neighbourhood Plan under the terms of the Localism Act 2011 or to refuse permission to proceed where a proposal to undertake a plan does not conform with the provisions of the act.
 - DS (75) Make changes to a Neighbourhood Plan in line with the independent examiners recommendations
 - DS (76) Bring a Neighbourhood Plan in to force where it conforms to the provisions of the Localism act
 - DS (77) Assess a Neighbourhood to ensure compliance with the Localism Act and supporting regulations and to refuse to proceed to independent examination where it does not
 - DS (78) Appoint an independent examiner for a neighbourhood plan
 - DS (79) In consultation with the Portfolio Holder for Development Services following recommendation from W² Project Board to grant 99 year leases of council owned land (general fund) to Waterloo Housing Group under the terms of the Joint Venture for the purpose of providing affordable housing
 - DS (80) Maintain the List of Assets of Community Value and list of unsuccessful nominations; consider and decide the technical correctness of nominations for inclusion of assets on the list; and consider and decide, in consultation with the Development Services Portfolio Holder, the merits of nominations for inclusion of assets on the list

8. Head of Health and Community Protection shall have authority to:

- HCP(1) Following consultation with a solicitor acting for the Council, institute legal proceedings in the event of the service of an Emergency Prohibition Notice under the provisions of the Food Safety Act 1990.
- HCP(2) Serve notices under the following sections of the Building Act 1984:
 - 59 – Drainage of buildings, including private sewers
 - 60 - Ventilation of soil pipes
 - 62 - Disconnection of drain
 - 64 - Provision of closets

- 65 - Provision of sanitary convenience in workplace
- 66 - Replacement of earth closet
- 68 - Erection of public conveniences
- 69 - Provision of water supply in occupied house
- 70 - Provision of food storage
- 73 - Raising of chimneys
- 76 - Defective premises
- 84 - Paving and drainage of yards and passages

- HCP(3) Deal with the provisions of the Clean Air Acts relating to the installation of new chimneys, furnaces, boilers and other appliances.
- HCP(4) Serve notices under Clean Air Act 1993:-
- (i) Notice requiring information about air pollution (s36, s58),
 - (ii) Notification of offence concerning dark smoke and smoke control areas (s51).
 - (iii) Notice of intended entry (s56)
- HCP(5) Serve notices for the control of noise on construction sites under Section 60 of the Control of Pollution Act 1974.
- HCP(6) Environmental Protection Act 1990:-
- (i) issue variation and revocation notices under ss10 and 12
 - (ii) issue enforcement and prohibition notices under Sections 13 and 14
 - (iii) issue abatement notices under s80
 - (iv) issue statutory notices under s92 and to authorise works in default of any notices served under this section
 - (v) issue authorisation under Part I
 - (vi) issue notices requiring further information about scheduled processes (Schedule 1)
 - (vii) serve notice of intended entry in respect of nuisance (Schedule 3)
 - (viii) apply to a Magistrate's Court for a warrant to enter premises for the purpose of ascertaining whether or not a statutory nuisance exists, or for the purpose of taking any action, or executing any work authorised or required by Part III of the Environmental Protection Act 1990.
- HCP(7) Authority to the extent that those functions are discharged otherwise than in the Authority's capacity as an employer to -
- appoint and to terminate such appointments
- under –
- (a) The Health and Safety at Work etc Act 1974; and
 - (b) any Orders, or Regulations or other instruments (whether dated before or after the date of execution of this instrument of appointment);
 - (i) made thereunder or
 - (ii) having effect by virtue of the European Communities Act 1972 and relating to health & safety; and
 - (c) any modification or re-enactment of the foregoing.

(i) Environmental Health Officers as Inspectors under Section 19(1) of the Health & Safety at Work Etc. Act 1974 (the 1974 Act) and empowered to exercise all the powers set out in Sections 20, 21, 22, 25 and 39 including the institution of legal proceedings; and

(ii) other suitably qualified and competent persons as Inspectors under Section 19(1) of the 1974 Act and empowered to exercise all or some of the powers as set out in Sections 20 and as may be specified in their authorization.

and an inspector shall in right of his appointment -

(a) be entitled to exercise only such of those powers as are so specified; and
(b) be entitled to exercise the powers so specified only within the field of responsibility of the Authority.

- relevant licences, registrations and approvals
- sign and serve notices including fixed penalty notices
- authorise and/or execute works in default
- Procure samples, seize equipment, records, goods and articles, and Obtain information
- Obtain and execute power of entry
- Engage specialist advisers/contractors
- Determine whether and in what manner to enforce any failure to comply with matters under legislation enforced under this scheme of delegation and to give effect to that determination, including the administration of cautions.

HCP(8) Appoint and to terminate such appointments –

under –

- (a) The Food Safety Act 1990; and
- (b) any Orders, or Regulations or other instruments (whether dated before or after the date of execution of this instrument of appointment);
 - (i) made thereunder or
 - (ii) having effect by virtue of the European Communities Act 1972 and relating to food safety; and
- (c) any modification or re-enactment of the foregoing.

(i) Environmental Health Officers to-

- enter premises whether within or outside the Council's area for the purpose of Sections 9, 10, 12, 29, 32 and 49 Food Safety Act 1990
- Inspection and Seizure of Food
- Signature of Notices
- Procurement of Samples, and
- Powers of Entry

(ii) other persons having suitable qualifications as Inspectors to - enter premises whether within or outside the Council's area for the purpose of Sections 10, 29, 32 and 49 Food Safety Act 1990.

- Signature of Notices
- Procurement of Samples, and

- Powers of Entry

and an inspector shall in right of his appointment –

(a) be entitled to exercise only such of those powers as are so specified; and
(b) be entitled to exercise the powers so specified only within the field of responsibility of the Authority.

- relevant licences, registrations and approvals

- Procure samples

- sign and serve notices including fixed penalty notices

- Authorise and/or execute works in default

- Procure samples, seize equipment, goods and articles, and obtain information

- Obtain and execute power of entry

- Engage specialist advisers/contractors

- Determine whether and in what manner to enforce any failure to comply with matters under legislation enforced under this scheme of delegation and to give effect to that determination, including the administration of cautions.

- HCP(9) Apply to the Magistrates Court for Warrant to enter land and/or buildings in accordance with powers provided in the Food Safety Act 1990, Health and Safety Act at Work etc Act 1974, Office, Shops and Railway Premises Act 1963, Housing Act 1985 and Public Health (Control of Disease) Act 1984
- HCP(10) After consultation with the relevant portfolio holder and a solicitor acting for the Council, under Section 6 of the Food Safety Act 1990, institute legal proceedings under the Act or any Regulations or Orders made under it
- HCP(11) SPARE
- HCP(12) SPARE
- HCP(13) Local Government (Miscellaneous Provisions) Act 1982. Additional controls on temporary markets on Sundays or otherwise - Section 37 of the Act. All Environmental Health Officers have been appointed to act as Inspectors.
- HCP(14) Serve notice of intention to make Closing or Variation Orders in respect of refreshment premises on receipt of complaints from neighbouring residents.
- HCP(15) Appoint officers, and terminate such appointments, under section 7 of the Sunbeds (Regulation) Act 2010, to enforce the provisions of section 2 of that Act and the Schedule to the Act.
- HCP(16) Grant but not refuse hazardous substances consents either unconditionally or subject to conditions.
- HCP(17) Invite tenders or allocation of work, in accordance with Standing Orders, for the carrying out of works in default of Statutory Notices.
- HCP(18) Deal with transfers of responsibility for enforcement between this authority and the Health and Safety Executive under Section 5 of the Health and Safety (Enforcing Authority) Regulations 1989.
- HCP(19) Enforce the requirements of the pesticides legislation contained in Part III of the Food & Environment Protection Act 1985 (as amended by the Pesticides (Fees & Enforcement) Act 1989) and the Control of Pesticides Regulations 1986, in relation to premises and work activities where there are Enforcement Officers under the Health and Safety at Work Etc Act 1974. (Council: 19th February 1992)
- HCP(20) Serve Statutory Notices under Section 80 of the Water Industry Act 1991

- requiring improvements to private water supplies or the connection of premises to public supplies.
- HCP(21) Discharge the Council's dog control functions by enforcement of the relevant statutory provisions, under Section 149(1) of the Environmental Protection Act 1990.
- HCP(22) Discharge the Council's dog control functions under the relevant Warwick District Council Dog Control Orders 2011 and Clean Neighbourhood and Environment Act 2005 including issuing fixed penalty notices and requesting names and addresses of offenders
- HCP(23) Exercise powers under Part 1 of Schedule 2 of the Sunday Trading Act 1994.
- HCP(24) Issue notices of entry on land and sewers under s.159, 161(2) and 168 of the Water Industry Act 1991.
- HCP(25) Serve notices under Local Government (Miscellaneous Provisions) Act 1976:-
- (i) Section 16 requiring information,
 - (ii) Provision of sanitary appliances s20,
 - (iii) Obstructions in private sewers s35
 - (iv) Requiring payment of expenses of removal s35(3)
- HCP(26) Service notices under Prevention of Damage by Pests Act 1949:-
- (i) Notice to owner or occupiers s4,
 - (ii) Notice to occupiers of local authority's intention s6
- HCP(27) Serve notices under Public Health Act 1936:-
- (i) Notice to put defective closets into repair s45,
 - (ii) Notice with regard to cesspool s50,
 - (iii) Notice regarding filthy or verminous premises s83,
 - (iv) Notice to repair, maintain or cleanse a culvert s264,
 - (v) Notice to occupier of intended entry s287,
 - (vi) Notice regarding provision of water closets s44,
 - (vii) Notice regarding execution of work to unfit tents, vans and sheds s268,
 - (viii) Cleansing of filthy or verminous articles, persons or clothing ss84 and 85
 - (ix) apply to a Magistrate's Court for a warrant to enter premises for the purpose of:
 - a) ascertaining whether there is, or has been, on or in connection with the premises any contravention of the provisions of the Public Health Act 1936, or any byelaws or building regulations made thereunder, being provisions which it is the duty of the council to enforce;
 - b) ascertaining whether or not circumstances exist which would authorize or require the council to take any action or execute any work, under the provisions of the Public Health Act 1936, or any byelaws or building regulations;
 - c) taking any action or executing any work authorised or required by provisions of the Public Health Act 1936, or any byelaws or building regulations, or any order made under this Act, to be taken, or executed, by the council;

- d) generally, for the performance by the council of their functions under the provisions of the Public Health Act 1936, or any byelaws or building regulations.
- HCP(28) Serve notices under Public Health Act 1961:-
 - (i) Notice requiring the cleansing of filthy or verminous premises s35,
 - (ii) Notice to remedy or renew stopped up drain or private sewer etc s17,
 - (iii) Disinfections of verminous articles offered for sale
- HCP(29) Serve notices in relation to:
 - (i) The drainage of existing buildings, including private sewers;
 - (ii) Insufficient or defective sanitary accommodation;
 - (iii) Leaking and overflowing cesspools;
 - (iv) Filthy or verminous premises or articles and verminous persons;
 - (v) Removal of noxious matter and accumulations of rubbish;
 - (vi) The provision of refuse containers.
 - (vii) Requiring owner or occupier to deal with rat or mouse infested land.
- HCP(30)
 - (i) Execute statutory powers under Part II(A) of the Environmental Protection Act 1990
 - (ii) Apply to the Magistrates Courts for a warrant in accordance with the above statutory powers
 - (iii) Authority to issue Remediation Notices
 - (iv) Authority to execute works following failure to comply with a Remediation Notice
- HCP(31) Deal with all matters relating to offensive trades.
- HCP(32) Arrange for the burial or cremation of the body of any person where no suitable arrangements for disposal have been made under Public Health (Control of Disease) Act 1984.
- HCP(33) Deal with applications for exemption from certain of the provisions of:-
 - (i) Health & Safety at Work Etc. Act 1974;
 - (ii) The Offices, Shops & Railway Premises Act 1963;
- HCP(34) Take necessary action to abate a nuisance and execute a statutory nuisance abatement notice under the Environmental Protection Act 1990
- HCP(35) Following consultation with a solicitor acting for the Council, seek an injunction to prevent a statutory nuisance.
- HCP(36) Make representations, on behalf of the Council as a relevant person and as the Authority by which statutory functions are exercisable in relation to minimising or preventing public nuisance or harm to human health and safety, on relevant applications under the Licensing Act 2003.
- HCP(37) Issue licenses, registrations and certificates in respect of:-
 - (i) Pet animals Act 1951 - licensing of establishments
 - (ii) Animals Boarding Establishments Act 1963 licensing of establishments
 - (iii) Breeding of Dogs Act 1973 - licensing of establishments
 - (iv) Removed
 - (v) Scrap Metal Dealers Act 2013 - licences
 - (vi) Riding Establishment Acts 1964 and 1970 - licensing of establishments
 - (vii) Dangerous Wild Animals Act 1976 - licensing of premises
 - (viii) Local Government (Miscellaneous Provisions) Act 1982

registration of persons for the purposes of acupuncture,
ear piercing electrolysis and tattooing
(ix) Zoo Licensing Act 1981 - Licensing of premises and dispensations

HCP(38) Apply to the Magistrates Court for Warrant to enter land and/or buildings in accordance with the powers contained in the Scrap Metal Dealers Act 2013.

HCP(39) Appoint, authorise and terminate appointments of-

Grade B Environmental Health Officers to act as 'proper officers' for and on behalf of the authority in matters arising under:

S47 National Assistance Act 1948 (not Health Protection Agency) -
Certificate that in the interests of any person suffering from grave chronic disease or, being aged, infirm or physically incapacitated, are living in insanitary conditions, and

- are unable to devote to themselves, and are not receiving from other persons, proper care and attention.
- or for preventing injury to the health of, or serious nuisance to, other persons
- it is necessary to remove any such person as aforesaid from the premises in which he is residing.

S48(1) Public Health (Control of Disease) Act 1984 – Certificate to enable a JP to order removal of a dead body and burial

The Health Protection (Notification) Regulations 2010 Rs2/3/6–

- to receive notifications of diseases etc in patients and dead persons from Registered Medical Practitioner
- to notify the HPA etc.

S8 Health Protection (Local Authority Powers) Regulations 2010 - Requests for co-operation for health protection purposes

Reg 5 Public Health (Aircraft) Regulations 1979 including all subsequent reference to Medical Officers.

HCP(40) Appoint, authorise and terminate appointments of-

Grade B Environmental Health Officers to act as 'proper officers' for and on behalf of the authority in matters arising under:

Ss83/84/85 Public Health Act 1936 – filthy and verminous premises etc.

S47 National Assistance Act 1948 - Certificate that in the interests of any person suffering from grave chronic disease or, being aged, infirm or physically incapacitated, are living in insanitary conditions, and

- are unable to devote to themselves, and are not receiving from other persons, proper care and attention.
- or for preventing injury to the health of, or serious nuisance to, other persons
- it is necessary to remove any such person as aforesaid from the premises in which he is residing.

Ss59/61/S62 Public Health (Control of Disease) Act 1984

- Authentication of documents

- Powers of Entry - to ascertain contraventions and take persons and equipment with him

S37 Public Health Act 1961 - Disinfestation or destruction of verminous articles

The Health Protection (Local Authority Powers) Regulations 2010 - Service of Notices to

- Keep a child away from school
- Provide details of children attending school etc

The Health Protection (Part 2A Orders) Regulations 2010 - Make applications for Part 2A Orders.

- HCP(41) Environmental Damage (Prevention and Remediation) Regulations 2009:
- (i) under regulation 31, appoint officers to carry out powers under the Regulations and in particular in relation to regulation 13, 14, 15, 18 and 32.
 - (ii) sign notices under regulation 20 of the Regulations
 - (iii) execute powers and works under regulation 23.
 - (iv) institute legal proceedings and to recover costs under the Environmental Damage (Prevention & Remediation) Regulations 2009
- HCP(42) Under the Environment Act 1995, appoint officers under section 108 (1)(a), (1)(b) and (1)(c) to exercise powers under section 108, sub-section (4).
- HCP(43) Serve notices in respect of removal of abandoned vehicles and other refuse under the Refuse Disposal (Amenity) Act 1978
- HCP(44) Issue Litter Control Notices under the Environmental Protection Act 1990.
- HCP(45) SPARE
- HCP(46) Deal with the provision of certain adequate and wholesome water supplies.
- HCP(47) Deal with all matters relating to moveable dwellings and tents, vans and sheds under Part XI of the Public Health Act 1936.
- HCP(48) Serve notices in relation to intention to enter premises (pursuant to a statutory power) for the purposes of inspection.
- HCP(49) Issue licences, permits and registrations in respect of the following:
- (i) street trading consents under the Local Government (Miscellaneous Provisions) Act 1982;
 - (ii) permits for amusements with prizes under the Gambling Act 2005;
 - (iii) track betting licences under the Gambling Act 2005;
 - (iv) taxi vehicle licences and private hire operators and vehicle licences under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions Act) 1976.
- HCP(50) Grant or refuse, applications for private hire vehicle, operator or Hackney Carriage vehicle licenses or suspend private hire or Hackney carriage vehicle licences under the Town Police Clauses Act 1847, and the Local Government (Miscellaneous Provisions) Act 1976, subject to the applicant having a right to be heard the Regulatory Committee in respect of any decision to refuse an application.
- HCP(51) (i) Issue street collection permits up to the allocation for Kenilworth, Royal Leamington Spa, Warwick town centres and other areas as defined by the Licensing & Regulatory Committee; and

- (ii) Issue street collection permits, for special collections in addition to the above numbers, following consultation with and no objection from the Licensing & Regulatory Committee spokespersons.
- HCP(52) Ask for and accept Disclosure and Barring Service checks for Hackney Carriage and Private Hire Vehicles Drivers Licences under Section 47 of the Road Traffic Act 1991, and for any other licence for which they may be required
- HCP(53) Approve or refuse, in consultation with appropriate organisation as approved by the Licensing & Regulatory Committee, applications in respect of types of wheelchair accessible vehicles to be accepted as taxis in the case of new licences to be issued in the District.
- HCP(54) Following consultation with a solicitor acting for the Council and the Chair or Deputy Chair of the Licensing & Regulatory Committee to exercise the power under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 (as inserted by the Road Safety Act 2006), to suspend or revoke a private hire or hackney carriage driver's licence where it appears that the interests of public safety require such suspension or revocation to have immediate effect.
- HCP(55) Issue notices under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976
- HCP(56) Refuse applications for taxi and private hire drivers licences in respect of applicants who do not pass the knowledge test
- HCP(57) Refuse applications for taxi and private hire drivers licences, where the applicants have not attended disability awareness training, and obtained the appropriate certificate
- HCP(58) Approve applications under the Licensing Act 2003 in respect of:
- i) Personal licences if no objection received and premises licence/club premises certificate if no relevant representation made;
 - ii) for provisional statement if no relevant representation made;
 - iii) To vary premises licence/club premises certificate if no relevant representation made;
 - iv) To vary designated premises supervisor in all cases, where no Police objection received;
 - v) Request to be removed as designated premises supervisor all cases;
 - vi) Transfer premises licence – all cases where no Police objection received;
 - vii) For interim authorities, all cases where no Police objection received;
 - viii) Decide on whether a complaint is irrelevant, frivolous, or repetitious – in consultation with Chairman of Licensing & Regulatory Committee
- HCP(59) Approve applications under the Gambling Act 2005 in respect of:
- i) Applications for premises licence where no representations have been received or representations have been withdrawn
 - ii) Application for a variation to a licence where no representations have been received or representations have been withdrawn
 - iii) Application for a transfer of a licence where no representations have been received from the Commission
 - iv) Application for a provisional statement where no representations have been received or representations have been withdrawn

- v) Application for a club gaming/club machine permit where no objections have been made or objections have been withdrawn
 - vi) Applications for other permits
 - vii) Cancellation of licensed premises gaming machine permits
 - viii) Consideration of temporary use notice
 - ix) Setting of fees
 - x) To make representations where appropriate
- HCP(60) Act as an authorised person in relation to the Licensing Act 2003 s.13(2)(a) and the Gambling Act 2005 s.304(1)(b)
- HCP(61) Act as an authorised person in relation to the Town Police Clauses Act and the Government (Miscellaneous Provisions) Act 1976 s.80
- HCP(62) Issue sex establishment licences under the 1982 Act where no objections are received.
- HCP(63) Determine applications for minor variations of premises licenses under sections 41A-41C of the Licensing Act 2003.
- HCP(64) Issue closure notices under Section 19 of the Criminal Justice and Police Act 2001
- HCP(65) Exercise powers under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982, including the serving of notice and where necessary, undertake works in default and to recover costs under Section 32 of the above Act
- HCP(66) Serve notices under the Land Drainage Act 1991 and any amendments thereof:
- S14(A) – Notice to enter land and carry out works
 - s24 – Contraventions of prohibition on obstructions
 - s25 – Powers to require works for maintaining the flow of a watercourse
 - s64 – Powers of entry onto land
- HCP(67) Enter any premises at all reasonable hours for the purposes of the Building Act 1984 and/or the Public Health Act 1961
- HCP(68) SPARE
- HCP(69) Exercise all powers of local authorities under sections 19 to 28 of the Criminal Justice and Police Act 2001 including:
- Serving and cancelling closure notices;
 - Making applications for closure orders;
 - Issuing certificates of termination of closure orders;
 - Defending applications for the discharge of closure orders;
 - Recommending appealing against the refusal to make closure orders;
 - Enforcing closure orders;
 - Recommending prosecuting for obstruction of authorised officers or for offences in connection with closure orders; and
 - authorising officers to exercise all or any of these powers.
- HCP(70) act as a responsible authority as designated under the Licensing Act 2003 as amended by the Policing Reform and Social Responsibility Act 2010
- HCP(71) suspend a premises licence on non-receipt of the Premises Licence Annual Fee within 3 days after the due day
- HCP(72) Refuse applications and revoke or suspend licences and undertake oral hearings as defined by the Scrap Metal dealers Act 2013.
- HCP (72) Apply to the Magistrates Court for Warrant to enter land and/or buildings in

- accordance with the powers contained in the Scrap Metal Dealers Act 2013.
- HCP (73) invite tenders or allocation of work, in accordance with Standing Orders, for the carrying out of works in default of Statutory Notices
- HCP (74) issue notices of entry on land and sewers under S.159, 161(2) and 168 of the Water Industry Act 1991
- HCP (75) serve notices under Local Government (Miscellaneous Provisions) Act 1976:-
 (i) Section 16 requiring information
 (iii) Obstructions in private sewers S35
 (iv) Requiring payment of expenses of removal S35(3)
- HCP (76) Serve notices under Public Health Act 1936:-
 (i) Notice to repair, maintain or cleanse a culvert S264
 (ii) Notice to occupier of intended entry S287
 (iii) apply to a Magistrate's Court for a warrant to enter premises for the purpose of:
 a) ascertaining whether there is, or has been, on or in connection with the premises any contravention of the provisions of the Public Health Act 1936, or any byelaws or building regulations made thereunder, being provisions which it is the duty of the council to enforce;
 b) ascertaining whether or not circumstances exist which would authorise or require the council to take any action or execute any work, under the provisions of the Public Health Act 1936, or any byelaws or building regulations;
 c) taking any action or executing any work authorised or required by provisions of the Public Health Act 1936, or any byelaws or building regulations, or any order made under this Act, to be taken, or executed, by the Council;
 d) generally, for the performance by the council of their functions under the provisions of the Public Health Act 1936, or any byelaws or building regulations.
- HCP (77) serve notices under Public Health Act 1961:-
 (i) Notice to remedy or renew stopped up drain or private sewer etc S17
- HCP (78) serve notices under sections 59, 60, 62 and 76 of the Building Act 1984

9. **Head of Housing & Property Services** shall have authority to:

- HS (1) issue licences to control the use of moveable dwellings under section 269 Public Health Act 1936 and caravan site licences required under the Caravan Sites & Control of Development 1960.
- HS (2) approve or refuse renovation grants, decent homes grants, disabled facilities grants and home repair assistance, the issue of approvals following the application of the test of financial resources and authorisation of payment upon satisfactory completion of the work. To recover, withhold or cancel payments.
- HS (3) deal with the letting of all dwellings when the Common Housing Register is applied. In cases of redevelopment authorise the delay in the letting of properties subject to approval of the relevant redevelopment scheme.
- HS (4) deal with sales of Council dwellings (freehold and leasehold) under the Right-to-Buy provisions (Housing Act 1985).
- HS (5) let residential properties to persons who are not eligible for accommodation

- in accordance with the Council's policy in exceptional circumstances.
- HS (6) allocate tenancies to employees of the Council in accordance with Council's Relocation Scheme.
- HS (7) repair void properties.
- HS (8) allocate garages; to provide and allocate parking spaces; to approve the erection or provision, by tenants of individual garages and car parking spaces.
- HS (9) allocate tenancies and fix rents in respect of properties held under Part II of the Housing Act 1985.
- HS (10) determine the level of decorating allowance payable to tenants on allocation of tenancies.
- HS (11) approve payments authorised within the Tenants Incentive Grants Scheme to tenants transferred to smaller properties. Approve payments under the Resettlement Service to tenants accepting the tenancy of a low demand designated older persons property.
- HS (12) investigate and determine all homeless applications made to the Council under Part VII Housing Act 1996 including:-
- (i) Allocation of suitable accommodation:
 - (ii) Entering the usual or last place of residence of a homeless person at all reasonable times for the purpose of discharging the duties in connection with the storage of property and effects;
 - (iii) Guaranteeing where necessary in an emergency, the payment in whole or in part of any charges for basic accommodation provided. (iv) individual circumstances.
- HS (13) to determine applications for re-housing agricultural workers and ex-works pursuant to the Rent (Agriculture) Act 1976.
- HS (14) demand repayment of grant monies, together with interest, in appropriate cases on a breach of grant conditions.
- HS (15) following consultation with a solicitor acting for the Council, to instruct Bailiff's to enforce Warrants for Eviction.
- HS (16) to grant way leaves for telephone equipment, wireless relay, cable etc, for HRA properties/land.
- HS (17) to deal with applications for T.V. licences for warden controlled accommodation etc.
- HS (18) determine applications to run businesses, erect covered ways, verandas, conservatories and other and undertake other alterations to Council dwellings.
- HS (19) deal with the recovery of rent arrears including the instigation of legal proceedings to recover possession in appropriate cases and use of distraint.
- HS (20) write off former tenant arrears or credit balances up to £1000, greater than £1000 has to be agreed by Head of Finance.
- HS (21) operate the Secure Tenants of Local Housing (Right to Repair) Regulations 1994 (including service of Notices and acceptance or refusal of claims).
- HS (22) authorise routine repair, maintenance, improvement and new building work to be carried out.
- HS (23) waive, rechargeable repair costs.
- HS (24) 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 (25) approve of schemes for the adaptation of Council houses.
- HS (26) choose to refer adaptations to Council House dwellings for consideration for

- a Disabled Facilities Grant (or similar).
- HS (27) determine application for ex-gratia payments of up to ,£200 in respect of legitimate landlord costs that have been incurred by tenants.
 - HS (28) submit applications for planning permission for change of use from amenity land to private gardens, or from private gardens to amenity land in those areas where it is a solution to a perceived management problem, subject to consultation with appropriate local residents.
 - HS (29) deal with applications for the assignment of tenancy or sub-letting of shops provided under the Housing Acts.
 - HS (30) grant new leases, for HRA properties, where statutory renewal rights exist.
 - HS (31) grant terminable licences, for HRA properties, for access and other purposes.
 - HS (32) serve Notices, carry out works and recover monies in respect of securing buildings against unauthorised entry or to prevent buildings becoming a danger to public health (Section 29 of the Local Government and Miscellaneous Provisions Act 1982)
 - HS (33) issue but not refuse certificates of fitness in respect of assured tenancies under the provisions of Part I of the Housing and Planning Act 1986.
 - HS (34) award grants to tenants/tenants groups in accordance with the Council's Housing Strategy.
 - HS (35) re-purchase former Council owned dwellings within the agreed criteria and with the assistance of an independent valuation subject to resources being made available and the Head of Housing & Property Services reporting back to the Executive on each decision made.
 - HS (36) grant new leases on vacant HRA properties.
 - HS (37) agree rent reviews, for HRA properties, where agreement on the new rent has been reached without recourse to arbitration.
 - HS (38) serve Improvement Notices in respect of category 1 Hazards in relation to Section 11 of the Housing Act 2004
 - HS (39) serve Improvement Notices in respect of category 2 Hazards in relation to Section 12 of the Housing Act 2004
 - HS (40) Revoke or Vary an Improvement Notice in relation to Section 16 of the Housing Act 2004
 - HS (41) serve notices of "Decision on Review" of a suspended Improvement Notice or suspended Prohibition Order in relation to Sections 17 & 26 the Housing Act 2004
 - HS (42) revoke or vary a Prohibition Order when the Hazard(s) in respect of which the Order was made no longer exists or, in the case of an Order whose operation is suspended, so as to alter the time or event by reference to which the suspension is to come to an end; and the service of Notices in respect of revocation or variation of a Prohibition Order in relation to Section 25 & Part 2 of Schedule 2 of the Housing Act 2004.
 - HS (43) serve Hazard Awareness Notices in respect of Category 1 and Category 2 Hazards in relation to sections 28 & 29 of the Housing Act 2004
 - HS (44) serve Notices in respect of taking action when an Improvement Notice is not complied with in relation to Paragraph 4, Schedule 3 of the Housing Act 2004
 - HS (45) agree that Emergency Remedial Action is taken in relation to section 40 of the Housing Act 2004
 - HS (46) serve notices of Emergency Remedial Action in relation to section 41 of the Housing Act 2004.

- HS (47) make an Emergency Prohibition Order in relation to sections 43 & Part 2 of Schedule 2 of the Housing Act 2004
- HS (48) serve notices in respect of the revocation or variation of an Emergency Prohibition Order in relation to section 43 & Part 2 of Schedule 2.
- HS (49) serve Temporary Exemption Notice in relation to section 62 of the Housing Act 2004
- HS (50) grant or refuse an HMO Licence in relation to section 64 of the Housing Act 2004
- HS (51) vary an HMO Licence in relation to section 69 of the Housing act 2004
- HS (52) Revoke an HMO Licence in relation to section 70 of the Housing Act 2004
- HS (53) carry out all procedures relating to the granting or refusal of an HMO Licence in relation to part 2 of the Housing Act 2004
- HS (54) apply to a RPT (Residential Property Tribunal) for a Rent Repayment Order and serve notice of intended proceedings in relation to section 73 of the Housing Act 2004
- HS (55) apply to a RPT for an Order authorising the local authority to make an IMO (Interim Management Order) or for an Order providing for an IMO or FMO (Final Management Order) to continue in force in relation to the Interim and Final Management Orders sections 102, 105 & 114 of the Housing Act 2004
- HS (56) vary or revoke an IMO or FMO in relation to sections 111, 112, 121 & 122 of the Housing Act 2004
- HS (57) take appropriate steps to protect the safety, health and welfare of occupiers and such other steps regarding the proper management of houses subject to IMOs and FMOs in relation to sections 106 & 115 of the Housing Act 2004
- HS (58) carry out all procedures relating to the service of notice and the consideration of representations in respect of making, varying or revoking (or refusing to vary or revoke) Management Orders in relation to schedule 6 of the Housing Act 2004
- HS (59) apply to a Magistrates' Court for an Order permitting works to be carried out when a Management Order is in force; authorise in writing any person to enter a house where a Management Order is in force for the purpose of carrying out works in relation to section 131 of the Housing Act 2004.
- HS (60) except for the actual making of Interim Empty Dwelling Management Orders (IEDMOs) and Final Empty Dwelling Management Orders (FEDMOs), have all powers and duties of the local authority in respect of IEDMOs and FEDMOs in relation to the Interim and Final Empty Dwelling Management Orders (IEDMO & FEDMO) Part 4, Chapter 2 of the Housing Act 2004
- HS (61) serve notice of consideration of making an IEDMO and make application to a RPT for authorisation to make an IEDMO in relation to section 133 of the Housing Act 2004
- HS (62) carry out all procedures relating to the making of Management Orders as they relate to IEDMOs and FEDMOs in relation to Schedule 6 Part 1 of the Housing Act 2004
- HS (63) take appropriate steps to ensure that a dwelling becomes or continues to be occupied, and for the proper management of the dwelling in relation to sections 135 & 137 of the Housing Act 2004.
- HS (64) carry out all procedures necessary for the operation of IEDMOs and FEDMOs, except in relation to variation or revocation of IEDMOs and FEDMOs in relation to schedule 7 of the Housing Act 2004
- HS (65) carry out all procedures necessary in respect of variation or revocation of IEDMOs and FEDMOs in relation to schedule 7 of the Housing Act 2004

- HS (66) to serve, withdraw, revoke or vary an Overcrowding Notice in relation to Part 4 Chapter 3 Sections 139, 140 & 144 of the Housing Act 2004
- HS (67) serve notice requiring the production of documents in connection with Parts 1 – 4 of the Housing Act 2004
- HS (68) serve notice of intention to enter premises in relation to section 239 of the Housing Act 2004
- HS (69) to apply to a Magistrates' Court for a warrant to authorise entry in relation to section 240 of the Housing Act 2004
- HS (70) give notice of action taken under Parts 1 – 4 of the Housing Act 2004
- HS (71) serve or revoke an HMO Declaration in relation to sections 255 & 256 of the Housing Act 2004
- HS (72) Approve, refuse and recover grants and loans in accordance with the Rent Bond/Deposit Scheme
- HS (73) specify properties for which prospective tenants will be eligible to qualify for the Resettlement Service
- HS (74) issue Notices under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 (Disposal of uncollected property).
- HS (75) issue injunction proceedings under section 222 of The Local Government Act 1972.
- HS (76) issue injunction proceedings under the provisions of Chapter III of Part V of The Housing Act 1996 as amended by the Anti-Social Behaviour Act 2003 and the Police and Justice Act 2006 (injunctions in respect of anti-social behaviour affecting housing management, unlawful use of housing accommodation and breach of tenancy agreement).
- HS (77) address the district judge at hearings attended without a solicitor under s.60 of the County Courts Act 1984.
- HS (78) issue possession proceedings in order to obtain possession of temporary accommodation provided under section 188 of the Housing Act 1996, Part VII.
- HS (79) serve notice of Seeking Possession and Notice of Demotion under section 83 of the Housing Act 1985 in respect of Secure Tenancies in relation to enforcement action where tenants are in breach of the Council's Conditions of Tenancy
- HS (80) serve notice of Possession Proceedings and Notice of Extension under section 125 of the Housing Act 1996 in respect of Introductory Tenancies in relation to enforcement action where tenants are in breach of the Council's Conditions of Tenancy
- HS (81) serve closure notice under section 1 of the Anti-Social Behaviour Act 2003 in relation to enforcement action where tenants are in breach of the Council's Conditions of Tenancy
- HS (82) serve Family Intervention Tenancy Notice under the provisions of the Housing and Regeneration Act 2008 in relation to enforcement action where tenants are in breach of the Council's Conditions of Tenancy
- HS (83) issue Notices under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 (Disposal of uncollected property).
- HS (84) issue injunction proceedings under section 222 of the Local Government Act 1972.
- HS (85) issue injunction proceedings under the provisions of Chapter III of Part V of the Housing Act 1996 as amended by the Anti-Social Behaviour Act 2003 and the Police and Justice Act 2006 (injunctions in respect of anti-social behaviour affecting housing management, unlawful use of housing

- accommodation and breach of tenancy agreement).
- HS (86) Authorise the use of Enforced Sale Procedure under Law of Property Act 1925 including service of notice under Section 103 of the Act, to Head of Housing & Property Services
- HS (87) To carry out the following delegated powers:
HCP(2) in respect of 59 and 76;
HCP(6) in respect of (iii)(vii)and(viii);
HCP(25)(i);
HCP(26) to HCP(28) inclusive;
HCP(29) in respect of (i)(ii)(iii)(iv) and (vii);
HCP(34) and HCP(35);
HCP(43)
- HS (88) Serve notices under Housing Act 1985 (as amended):-
S197 Notices before exercising power of entry. 337/340
S331 Notice to landlord that house is overcrowded.
S338 Notice to occupier to abate overcrowding
- HS (89) S. 77 Criminal Justice and Public Order Act 1994
In respect of persons residing in a vehicle or vehicles
i) on any land forming part of a highway;
ii) on any other unoccupied land; or
iii) on any occupied land without the consent of the occupier to give a direction that those persons are to leave the land and remove the vehicle or vehicles and any other property
- HS (90) in consultation with the Portfolio Holder for Housing & Property Services, to grant 99 year leases of Council owned land (HRA land) to Waterloo Housing Group under the terms of the W2 Joint Venture for the purpose of providing affordable housing
- HS (91) HS91 To determine applications for review made under Section 202 of the Housing Act 1996 and to take any steps that are necessary or incidental to the making of such a determination or complying with any requirements or procedure provided for in regulations made under S203 of Housing Act 1996.
- HS(92) Serve notices under Housing Grants Construction & Regeneration Act 1996 requiring owner to provide statement of occupation of property (s49 & s50).
- HS(93) (i) approve the terms to be incorporated in a Shared Ownership lease which will include 'staircasing' provisions enabling a lessee to acquire between a minimum of a 25% up to and including a 100% interest in the property with the right to request a transfer of the freehold interest on acquiring a 100% interest; and
(ii) Relax property size eligibility rules in the housing allocations policy for bidders for shared ownership properties if there is insufficient demand from households of the eligible size.

10. Head of Cultural Services shall have authority to:

- CS (1) Determine requests for the hire of rooms and/or facilities at the Town Hall.
- CS (2) Arrange lettings in respect of sporting entertainment and arts facilities.
- CS (3) Grant applications for organised visits to and bookings of parks, open spaces and buildings and for conference facilities where Committee approval has been given in previous years.
- CS (4) Engage performers and artists for events in accordance with the policy and within the approved budget.

- CS (5) Following consultation with a solicitor acting on behalf of the Council, obtain licences under the Licensing Act 2003 for Council premises.
- CS (6) Grant hospitality during conferences in accordance with the policy agreed by the Council.
- CS (7) Determine grants to Sports and Cultural Organisations.
- CS (8) Determine opening hours of cultural services facilities including closures over public holidays

11. **Head of Neighbourhood Services** shall have authority to:

- NS (1) Serve notices under ss. 43 and 48 of the Anti-Social Behaviour Act 2003 and to recover expenditure under s. 49 thereof
- NS (2) Discharge the Council's litter control functions as set out in Sections 87 and 88 of the Environmental Protection Act 1990 including issuing fixed penalty notices
- NS (3) Notices in relation to intention to enter premises (pursuant to a statutory power) for the purposes of inspection;

All powers included in Part II of the Environment Protection Act 1990 granted to a Waste Collection Authority, including those listed below:

Section 13 and 14 of the Environmental Protection Act 1990

Section 33 and 34 of the Environmental Protection Act 1990, and subsidiary legislation, including Section 45 of Clean Neighbourhoods & Environment Act 2005

Sections 46 and 47 of the Environmental Protection Act 1990 and subsidiary legislation, including Section 48 of Clean Neighbourhoods & Environment Act 2005

Section 59 of the Environmental Protection Act 1990 and subsidiary legislation, including Section 50 of Clean Neighbourhoods & Environment Act 2005

- NS (4) All powers included in Part IV of the Environment Protection Act 1990 granted to a Principal Litter Authority, including those listed below: -

Section 88 of the Environmental Protection Act 1990 and subsidiary legislation, including Section 19 of Clean Neighbourhoods & Environment Act 2005

Section 92 of the Environmental Protection Act 1990 and subsidiary legislation, including Section 20 of Clean Neighbourhoods & Environment Act 2005

Sections 93 and 94 of the Environmental Protection Act 1990 and subsidiary legislation, including Section 21 and 22 of Clean Neighbourhoods & Environment Act 2005

Section 99 of the Environmental Protection Act 1990 and subsidiary legislation.

- NS (5) All powers included in Part I of the Refuse Disposal (Amenity) Act 1978 granted to a District Council, including those listed below:
- serve notices in respect of removal of abandoned vehicles under the Refuse Disposal (Amenity) Act 1978
- Section 2 and 3 of the Refuse Disposal (Amenity) Act 1978 and subsidiary legislation, including
- Section 10 of Clean Neighbourhoods & Environment Act 2005
- serve notices requiring information for statutory purposes under
- Section 71 of Environmental Protection Act 1990
 - Section 90 of Environmental Protection Act 1990
 - Section 18 of the Clean Neighbourhoods and Environment Act 2005
 - Sections 35, 37, 38 & 39 of the Clean Neighbourhoods and Environment Act 2005
 - All powers within Part 4 of the Clean Neighbourhoods and Environment Act 2005
 - All powers within Part 5, Chapter 2 of the Clean Neighbourhoods and Environment Act 2005
- NS (6) Take action under Section 23 of the Local Government (Miscellaneous Provisions) Act 1976 (imminent danger from dangerous trees) and to serve notices under Section 23.
- NS (7) Carry out consultations concerning draft Off Street Parking Places Orders and to make the Orders in cases where no objections are received.
- NS (8) Institute legal proceedings against persons who fail to comply with the Pay and Display regulations contained in the Council's Off-Street Parking Places Orders.
- NS (9) Provide floral decorations in accordance with the policy agreed by the Council.
- NS (10) Implement any necessary changes in parking charges as specified by Council.
- NS (11) Conduct listing reviews and compensation reviews in respect of assets of community value; and consider and decide any review of listing, or compensation.

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

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| A(1) | Authority to seal Stock Exchange transactions. | Head of Finance and Deputy Chief Executive & Monitoring Officer (Chief Executive in absence of Monitoring Officer). |
| A(2) | Authority to affix the Common Seal where appropriate approval(s) have been given . | Chief Executive and Deputy Chief Executives (individually). |
| A(3) | Authority to authorise obtaining Counsel's Opinion and to brief Counsel. | Authority to authorise obtaining Counsel's Opinion and to brief Counsel. Chief Executive and Deputy Chief |

| | | |
|-------|--|---|
| | | Executives (individually) following consultation with a solicitor acting for the Council. |
| A(4) | Authority to approve Court proceedings in respect of anti-social behaviour orders in the district. | The Heads of Housing and Property Services; and Head of Health and Community Protection (as appropriate), individually, in consultation with a solicitor acting for the Council and Group Leaders. |
| A(5) | Authority to instigate applications for anti-social behaviour orders under the Crime and Disorder Act 1998. | Head of Housing and Property Services, the Head of Cultural Services, Head of Neighbourhood Services, Head of Health and Community Protection or the Community Safety Manager, following consultation with a solicitor acting on behalf of the Council. |
| A(6) | Authority to approve applications to waive repayment of grant paid under the town scheme of grants arrangements in cases of hardship. | Head of Finance and Head of Development Services in conjunction with the Leader of the Executive and Group Leaders. |
| A (7) | Authority to carry out the necessary procedure and make orders under Town Police Clauses Act 1847 for the temporary closure of roads. | Head of Neighbourhood Services and Head of Health and Community Protection, following consultation with a solicitor acting on behalf of the Council. |
| A(8) | Issue authorisations under the Regulation of Investigatory Powers Act 2000 in all cases except those concerning juveniles. | The Deputy Chief Executive & Monitoring Officer and Deputy Chief Executive |
| A(9) | exercise the powers contained within the Anti-social Behaviour Crime and Policing Act 2014 in relation to injunctions, orders, powers of dispersal, closure of premises, grounds of possession, service of notice and to authorise appropriate persons to carry out any of these powers. | The Heads of Health & Community Protection, Housing & Property Services and Neighbourhood Services individually. |

Revision to Council procedure for public speaking

34. Public Speaking

The Council welcomes public participation at meetings and members of the public will be permitted to speak at meetings of Council, the Executive, Committee or Sub-Committee meeting as long as this is permitted by any local procedure adopted by the Committee.

The public will only be permitted to address the Council, Committees or Sub-Committees on confidential matters when they are specifically invited to do so. For example as an applicant for a Hackney Carriage/Private Hire Driver's licence.

(a) Council

You will be permitted to speak in relation to any of the following items included on the agenda: notice of motion, petition, report or minutes of another committee. Any request to speak on other items will be a matter of discretion for the Chairman.

You must register your wish to speak by telephoning Members' Services on 01926 456114 or emailing committee@warwickdc.gov.uk by 12 noon on the working day before the Council meeting.

A maximum period of 5 minutes is allowed for each speaker. If several people wish to speak on the same subject, they will be restricted to an overall total of 5 minutes. The time allowed for all speakers at any one meeting is limited to 20 minutes.

Speakers will be encouraged and helped to contact each other so that repetition can be avoided. This means that you may be given the names, addresses and telephone numbers of other speakers on the same issue and they may be given your details, but only with your permission. It may be helpful for a spokesperson to speak on behalf of all speakers. Where a number of speakers cannot agree on a spokesperson, they will be heard in the order in which they registered their intention to speak, until the 5 minute period ends.

(b) Executive

Apart from the members of the Executive who may both speak and vote, and officers advising as to who may speak, those persons who may speak but not vote are listed in Council Procedures Rule 23 (Members) and 8 (Petitioners).

Any request to speak on other items will be a matter of discretion for the Chairman.

(c) **Committees**

Planning Committee and the Licensing & Regulatory Committee

As defined in the local procedure rules adopted by the Committee.

Any request to speak on other items will be a matter of discretion for the Chairman.

Scrutiny committees

Overview and Scrutiny Committees may invite people to address them, discuss issues of local concern and/or answer questions. They may, for example, wish to hear from residents, stakeholders, members and officers in other parts of the public sector and shall invite such people to attend. Attendance is of course entirely optional.

Any request to speak on other items will be a matter of discretion for the Chairman.

Other Committees

In line with the procedures adopted by Council.

(d) **Sub-Committees**

Licensing & Regulatory Committee Panels

As defined within legislation and the procedures adopted by the Licensing & Regulatory Committee as its parent Committee

Standards Committee Hearing Panels

As defined within the procedures adopted by the Standards Committee, as its parent Committee.

Other Sub-committees

As defined within the procedures adopted by Committees parent Committee

21. Decisions of the Executive

| Current | Proposed |
|---|---|
| (d) If during the Call-in period, the Chief Executive receives from three, or more, non-Executive members of the Council, an objection to a decision, the members must supply in writing their reasons for the objection. This can be in the form of a letter or email. The decision then becomes a 'called-in' decision. | If, during the Call-in period, the Chief Executive receives from three or more non-Executive members of the Council, an objection, including reasons, to a decision, as long as it meets the criteria (as defined at Appendix ? to these procedure rules) the decision then becomes a 'called-in' decision. The notification to the Chief Executive can be in the form of a letter or an email. |
| (f) The Overview and Scrutiny Committee will then decide whether the matter should be referred back to the Executive, on to Council or to take no further action. A flowchart explaining the Call-In Procedure is attached as Appendix B. | The Overview & Scrutiny Committee can decide: <ul style="list-style-type: none"> • to allow the decision to be implemented without further delay; • to refer the decision back to the Executive (irrespective of who the original decision-taker was) together with the observations of the Overview & Scrutiny Committee. The Executive will then take the final decision, and that decision may not be called-in; • to request the Executive to allow further time for the Overview and Scrutiny Committee to consider the issue and make observations at a later date; • to seek the advice of the Monitoring Officer and/or the Chief Finance Officer as to whether the decision is contrary to, or not wholly in accordance with, the policy framework or the budget and, if applicable, to refer the matter to the Full Council for a final decision. |
| (g) If all of the non-Executive members who called in the decision of the Executive, are dissatisfied with the decision of the Overview and Scrutiny Committee, they must give notice to the Chief Executive in writing, within three clear working days of the Overview and Scrutiny Committee, stating their reasons | Removed. |

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| for their dissatisfaction. This notice can be in the form of a letter or electronic mail. The Executive decision will then be referred to Council. | |
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Call-in Explanation and Criteria

What is a call-in?

A call-in is simply the referral of a decision made, but not yet implemented, to the Overview & Scrutiny Committee. It is a key way of holding the Executive to account. A called-in decision cannot be implemented until it has been considered by the Overview & Scrutiny Committee, which can examine the issue and question the decision-taker on the actions taken.

What can be called-in?

Call-in powers relate to Executive functions. Subject to the exceptions listed below, any decision made by the Executive, or a *key decision* made by an officer with delegated authority from the Executive, may be called-in.

What can't be called-in?

The following categories of decision cannot be called-in:

- a decision which is not a key decision, and which has been taken by an officer under delegated powers. (*If, in the future, delegation to individual Members of the Executive is permitted, this exclusion will also apply to non-key decisions taken by the Leader or a Portfolio Holder under delegated powers*);
- a decision which the decision-taker has certified as urgent (giving reasons) in accordance with the Council's Rules of Procedure;
- a decision relating to a matter which has already been the subject of a call-in during the previous six months;
- any decision relating to a non-Executive function, whether taken by a Committee or an officer under delegated powers;
- a decision by the Full Council; or
- a decision taken at stage 4 of the call-in procedure (see below).

In particular, it should be noted that the Overview & Scrutiny Committee cannot scrutinise individual decisions made by, or on behalf of, the Regulatory Committees of the Council, e.g. decisions relating to development control, licensing, registration, consents and other permissions. Nor can it scrutinise decisions relating to individual members of staff taken by the regarding staffing appeals or officer appointments. Furthermore, although they may be key decisions (and included in the Forward Plan), decisions taken by the Executive when preparing annual budget or new policy proposals *for submission to the Full Council* will not be subject to call-in. In these circumstances, the Full Council is responsible for the final decision and, in any event, the Council's Rules of Procedure require that the Overview & Scrutiny Committees must be consulted by the Executive, even if they have been involved earlier in the process anyway.

When can a decision be called-in?

It is important that the call-in process is not abused, nor causes unreasonable delay; the main tool of the Overview & Scrutiny Committee to improve the delivery of policies and services, should be detailed reviews, rather than call-ins.

The Council Procedure Rules specify formal safeguards for the use of call-in. These include rules about the number of Members who must request a call-in

and a restriction that prevents any decision on the same matter being called-in on more than one occasion within a six-month period. Call-in of a decision should be reserved for exceptional circumstances. Broadly, a decision can be called-in when Members:

- believe it may be contrary to the normal requirements for decision-making;
- believe it may be contrary to the Council's agreed policy framework and/or budget; or
- need further information from the decision-taker to explain why it was taken.

Call-in checklist

The above rules and criteria can be brought together in the following checklist of questions (or tests) that can be used when a member is considering a call-in. Questions 2-5 can also be used by authors to test draft reports for Executive.

| | | |
|--|---|--|
| 1. | Can the decision actually be called in? | |
| <i>If the answer to any questions 1 (a)-(g) is yes, then the decision CANNOT be called-in.</i> | | |
| a) | Does it relate to a non-Executive function? | |
| b) | Was it a non-key decision taken by an officer under delegated powers? | |
| c) | Was it classified as an urgent decision? | |
| d) | Has this issue been called-in in the last six months? | |
| e) | Does the decision relate to an existing call-in (i.e. decisions taken in relation to a reference back)? | |
| f) | Does the decision relate to the formulation of a policy or budget matter that requires Full Council approval? | |
| g) | Was it a decision taken by Full Council? | |

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| 2. | Was the decision in accordance with the Council's policy framework? | |
| a) | What is the relevant policy or strategy? | |
| b) | Is the decision contrary to that policy? | |
| c) | If yes, how? | |
| | | |

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| 3. | Was the decision in accordance with the agreed budget or budget procedures? | |
| a) | Is there funding for the proposal in an agreed budget/capital programme? | |
| b) | If no, have the rules for virement and supplementary estimates been observed? | |
| 4. | Was the decision taken in accordance with the principles of good decision-making (Article 12 of the Constitution)? | |
| a) | Does the decision comply with the Council's constitution, i.e.: | |
| | • Articles of Constitution? | |
| | • Scheme of Delegation? | |
| | • Rules of Procedure? | |
| | • Codes and Protocols? | |
| b) | Was the decision reasonable within the common meaning of the word, i.e. rational, based on sound judgment? | |
| c) | Was the decision reasonable within the legal definition of 'reasonableness', i.e. was everything relevant taken into account, and was everything irrelevant disregarded? | |
| d) | Was the decision proportionate, i.e. is the action proportionate to the desired outcome? | |
| e) | Was the decision taken on the basis of due consultation? | |
| f) | Was the decision taken on the basis of professional advice from officers? | |
| g) | Were human rights respected and/or will the decision give rise to any human rights implications, i.e. without discrimination, the right of an individual to: | |
| | • liberty and security; | |
| | • the enjoyment of their property; | |
| | • a fair trial; | |
| | • respect for private and family life; | |
| | • freedom of thought, conscience and religion; | |
| | • freedom of expression; and | |
| | • freedom of assembly and association, etc.? | |

| | | |
|----|---|--|
| h) | When the decision was taken, was there a presumption in favour of openness? | |
|----|---|--|

| | | |
|-----------|---|--|
| 5. | Has the decision been well explained, i.e. do you need more information? | |
| a) | Was it clear what the reasons for the decision were? | |
| b) | Was it clear what the desired outcomes were? | |
| c) | Was it clear what alternative options (if any) were considered? | |
| d) | Was it clear why the alternative options were not chosen? | |
| e) | Do you need any more information/clarification? | |

How does call-in work?

Every decision that is subject to potential call-in cannot be implemented until the end of the call-in period. The call-in period lasts for *five working days* after notice of the decision is published by Democratic Services.

Decision notices will normally be published on the next working day after the meeting. This means that the normal call-in period will expire at 5pm on the fifth working day after the meeting (adjusted for bank holidays as appropriate). The call-in procedure itself follows four stages.

Stage 1

A valid call-in request must be submitted in accordance with the current rules in the Constitution. The request must say who is making the call-in and to which decision it relates. It must also give reasons why the decision is being called in. Requests may also be submitted by e-mail. If the call-in is to be submitted by e-mail, only one Member need submit the actual form. However, individual e-mails (or letters) in support of the request must also be submitted by the other Members specified on the request form before the end of the call-in period.

Stage 2

When the Chief Executive has received a valid call-in request with respect to a decision, then that decision may not be implemented until that decision has completed the call-in procedure. Officers will refer the call-in to the next available meeting of the Overview & Scrutiny Committee. A special meeting may also be convened if appropriate, e.g. in cases of urgency or a meeting is not scheduled for more than six weeks. Members who have requested the call-in will have the right to address the Committee when it deals with the issue.

Stage 3

The Overview & Scrutiny Committee will consider the called-in decision and decide to take one of the following courses of action (the Overview & Scrutiny Committee's decision should not be adjourned or delayed without an exceptional reason):

- to allow the decision to be implemented without further delay;

- to refer the decision back to the Executive irrespective of who the original decision-taker was) together with the observations of the Overview & Scrutiny Committee. The Executive will then take the final decision, and that decision may not be called-in;
- to request the Executive to allow further time for the Overview and Scrutiny Committee to consider the issue and make observations at a later date;
- to seek the advice of the Monitoring Officer and/or the Chief Finance Officer as to whether the decision is contrary to, or not wholly in accordance with, the policy framework or the budget and, if applicable, to refer the matter to the Full Council for a final decision.

Stage 4

Reference back to Executive

Where the Overview & Scrutiny Committee decides to refer the decision back, the Executive must reconsider the decision in the light of any observations of the Committee. Where the Overview & Scrutiny Committee has requested more time to consider an issue, the Executive must have regard to the urgency, and to the Budget and Policy Framework Rules, when deciding whether to implement the decision.

Reference to Monitoring Officer and/or Chief Finance Officer

The Overview & Scrutiny Committee may refer any called-in decision to the Monitoring Officer and/or the Chief Finance Officer if it considers it to be contrary to the policy framework or budget. The officer(s) will then submit a report on the matter to the next meeting of the Executive. A copy of this report will be sent to all Members of the Council. No action may be taken in respect of the decision or its implementation pending that meeting.

If, in that report, the Monitoring Officer and/or the Chief Finance Officer is of the view that a decision referred to them by the Overview & Scrutiny Committee is not a departure from the policy framework or budget, the decision may be implemented immediately. A report to this effect will be submitted to the Overview & Scrutiny Committee for information. If, however, a referred matter is deemed to be a departure from the policy framework or the budget by the Monitoring Officer and/or the Chief Finance Officer, the Executive has two options.

Firstly, it may choose to adjust its decision to bring it within the policy framework or budget, in which case it can then be implemented. In these circumstances, the Executive would submit a report to the next meeting of the Overview & Scrutiny Committee explaining its actions.

Secondly, if the Executive does not wish to adjust its original decision, it must prepare a report for the Full Council. This report must include the views of the Overview & Scrutiny Committee. No action may be taken in respect of the decision or its implementation until the Council has met to consider the matter.

Reference to Full Council

Subject to the provisions above, the Overview & Scrutiny Committee may require that any called-in matter *which has been deemed to be (and remains)* contrary to the policy framework or budget is referred to the Full Council. The report to the Full Council will set out the views of the Executive and the Overview & Scrutiny Committee and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may:

- decide that the decision is within the existing policy framework and/or budget (in which case it can be implemented); or
- amend the financial regulations or policy concerned to encompass the decision (in which case it can be implemented); or
- agree that the decision is contrary to the policy framework or budget and require the cabinet to reconsider the matter in accordance with the advice of the officer(s).

| | |
|---|---|
| Title | Finance & Audit Scrutiny Committee End of Term Report 2014/15 |
| For further information about this report please contact | Peter Dixon Civic & Committee Services Officer 01926 456114 committee@warwickdc.gov.uk |
| Wards of the District directly affected | n/a |
| Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006? | No |
| Date and meeting when issue was last considered and relevant minute number | n/a |
| Background Papers | Minutes of all 2014/15 Finance & Audit Scrutiny Committee meetings |

| | |
|--|-----|
| Contrary to the policy framework: | No |
| Contrary to the budgetary framework: | No |
| Key Decision? | No |
| Included within the Forward Plan? (If yes include reference number) | No |
| Equality & Sustainability Impact Assessment Undertaken | n/a |
| | |

| Officer/Councillor Approval | | |
|--|------|------|
| Officer Approval | Date | Name |
| Chief Executive/Deputy | | |
| Head of Service | | |
| CMT | | |
| Section 151 Officer | | |
| Monitoring Officer | | |
| Finance | | |
| Portfolio Holder(s) | | |
| Consultation & Community Engagement | | |
| | | |
| Final Decision? | | |
| <p>This report is for recommendation to Council.</p> | | |

1. SUMMARY

- 1.1 An end of term report to the Council on the work the Committee has undertaken during the 2014/15 municipal year.

2. RECOMMENDATION

- 2.1 It is recommended to Council that the list of matters considered by this Committee during the municipal year 2014/15, as detailed in the Appendix to the report, be noted.

3. REASONS FOR THE RECOMMENDATION

- 3.1 Under Article 6 of the Council's Constitution, Overview and Scrutiny Committees and Policy Committees are required to provide an end of term report to the Council on work they have undertaken during the year.

4. POLICY FRAMEWORK

- 4.1 The recommendations of the report do not affect the Council's policy framework.

5. BUDGETARY FRAMEWORK

- 5.1 The recommendations of the report do not affect the Council's budgetary framework.

6. RISKS

- 6.1 There are no risks associated with this report.

7. ALTERNATIVE OPTION(S) CONSIDERED

- 7.1 There are no alternative options as this report complies with the requirements of Article 6 of the Council's Constitution.

Items considered by Finance & Audit Scrutiny Committee 2014/15

AUDIT & SCRUTINY ITEMS

- Annual Governance Statement
- Internal Audit Annual Report 2013/14
- Review of Effectiveness of Internal Audit
- Internal Audit Quarterly Report – Quarter 4 2013/14
- Housing Business Plan Performance Management Biannual Report
- Enterprise Projects – Update
- Review of Democratic Services Risk Register
- Anti Fraud and Corruption Progress Report
- Treasury Management 2013/14 Annual Report
- Draft Statement of Accounts
- Procurement Progress Update
- Internal Audit Quarter 1 2014/15 Progress Report
- Benefit Fraud Investigation – Performance
- Sports & Leisure Options Appraisal – Financial Models
- Audit Findings Report from External Auditor
- Statement of Accounts 2013/14
- National Fraud Initiative
- Risk Management Annual Report
- Neighbourhood Services Risk Register Review
- Review of Housing & Property Services Contracts Register
- Scrutiny of Partnerships
- Annual Audit Letter
- Treasury Management
- Internal Audit
- Risk Register Review – Chief Executives Office
- Procurement Progress Update
- Business Plan Performance Management Report
- Contract Register – Cultural Services
- Scrutiny of Infrastructure Planning
- External Audit Reports
- Internal Audit Quarter 3 2014/15 Progress Report
- Housing & Void Property Repairs Contract Outturns for 2012-13 & 2013-14
- Review of Housing & Property Services Risk Register
- Internal Audit Strategic Plan 2015/16 – 2017/18 and Internal Audit Charter

ROUTINE ITEMS

- Comments from the Executive
- Review of the Work Programme & Forward Plan

EXECUTIVE ITEMS CONSIDERED BY THE COMMITTEE

June 2014

- Council Chamber AV System – Exemption to the Code of Procurement Practice
- HRA Setting for Void Properties
- Land off Wise Street, Royal Leamington Spa
- Final Accounts 2013/14

- Rural / Urban Capital Improvement Scheme (RUCIS) Application
- Microsoft Support Contract

July 2014 (two meetings)

- Service Area Plan/FFF Performance 2013/2014
- Creation of Digital Gaming Hub at 26 Hamilton Terrace, Royal Leamington Spa
- Bowls 2014 Additional Marketing
- Refurbishment of 4 Jury Street, Warwick
- Land off Radford Road, Royal Leamington Spa
- Budget Review to 30 June 2014
- Significant Business Risk Register

September 2014 (three meetings)

- Housing Benefits and Council Tax Reduction – Risk-Based Review
- Warwick District Council House Building
- South West Warwick Phase 9 Affordable Housing
- Housing and Property Services Staffing Review
- Oakley Wood Crematorium Proposed Improvements
- Fetherston Court Demolition Approval
- Settlement of Property Search Claim
- Building Control Joint Service
- Scrap Metal Dealers Act 2013
- Fees and Charges
- St Mary's Lands Business Strategy
- Multi-Storey Car Park Structural Surveys
- Significant Business Risk Register
- Skills Initiative
- Asbestos Contract

November 2014

- Procurement Action Plan Update
- Sports & Leisure Options
- Budget Review to 30 September 2014
- Bishop's Tachbrook Community Centre
- Future use of the Warwick Limited Liability Partnership
- Prosperity Agenda
- Use of Delegated Powers – CSW Broadband

December 2014

- Code of Procurement Practice
- Tachbrook Country Park
- Housing Revenue Accounts (HRA) Budgets latest 2014/15 and base budgets 2015-2016
- General Fund Base Budgets Latest 2014/15 and original 2015-2016
- Options for HR & Payroll Functions
- Review of Affordable Rent Policy
- Rural/Urban Capital Improvement Scheme Application

January 2015

- Significant Business Risk Register
- Election 2015 Count Venue – Exemption to Code of Procurement Practice
- 2014 National Bowls Championships – Review
- Options Appraisal tender process and service specifications development – Exemption to Code of Procurement Practice – Sports Options

- Use of Emergency Powers in respect of authorising an Exemption to the Code of Procurement Practice
- Rural / Urban Capital Improvement Scheme Application
- The Introduction of a proposed Pre-Application Charging Regime for development proposals
- Open Land at Chase Meadow

February 2015

- Treasury Management Strategy Plan
- Housing Revenue Account (HRA) Budget 2015/16 and Housing Rents
- Heating, Lighting and Water Charges 2015/16 – Council Tenants
- Exemption to the Code of Procurement Practice – Extension of Aids & Adaptations Building Works Contract
- Disposal of WDC owned land at Station Approach in Royal Leamington Spa
- Budget 2015/16 and Council Tax – General Fund Revenue and Capital

March 2015

- Reinstatement of Land Kites Nest Lane, Beausale
- Procurement Strategy and Action Plan
- Proposed Exemption from the Code of Procurement Practice
- Corporate Property Planned Preventative Maintenance Programme 2015/16
- Asset Management Redesign Update
- HRA Business Plan Review for 2015/16 to 2061/62
- Regeneration in Lillington
- Strategic Opportunity Proposal
- Warwick District Council / Waterloo Housing Group Joint Venture (W2) State Aid Review
- Combined Authorities
- Historic Buildings Grants Allocations
- Rural / Urban Capital Improvement Scheme (rucis) Application
- Updated Code of Financial Practice

April 2015

- Funding of Green Space Development Officer Post
- Use of Delegated Powers – Social Mobility Fund
- Payroll Review
- Significant Business Risk Register
- IT Provision for Councillors from May 2015


Items considered by joint meetings of the Finance & Audit Scrutiny and Overview & Scrutiny Committees 2014/15

August 2014

- Draft Development Plan Document (DPD) for the Allocation of Sites for Gypsies and Travellers (report to Executive)

January 2015

- Local Plan Submission Draft (report to Council)
- Strategic Opportunity Proposal (report to Council)

| | | |
|---|---|--|
|  Council – 22 April 2015 | | Agenda Item No. 11(b) |
| Title | Overview & Scrutiny Committee End of Term Report | |
| For further information about this report please contact | Lesley Dury, Committee Services Officer 01926 456114 committee@warwickdc.gov.uk | |
| Wards of the District directly affected | n/a | |
| Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006? | No | |
| Date and meeting when issue was last considered and relevant minute number | O & S 8 April 2015 Council, 25 June 2014 | |
| Background Papers | Agendas/Minutes Municipal Year 2014/15 | |

| | |
|--|----|
| Contrary to the policy framework: | No |
| Contrary to the budgetary framework: | No |
| Key Decision? | No |
| Included within the Forward Plan? (If yes include reference number) | No |
| Equality Impact Assessment Undertaken | No |
| Not required as this report gives a synopsis of work undertaken by the O & S Committee and contains no new material. | |

| Officer/Councillor Approval | | |
|---|------------|--------------|
| Officer Approval | Date | Name |
| Chief Executive/Deputy Chief Executive | 18/03/2015 | Andy Jones |
| Head of Service | 18/03/2015 | Graham Leach |
| CMT | | |
| Section 151 Officer | | |
| Monitoring Officer | 18/03/2015 | Andy Jones |
| Finance | | |
| Portfolio Holder(s) | | |
| Consultation & Community Engagement | | |
| Chairman of Overview and Scrutiny – Councillor Mrs Falp | | |
| | | |
| Final Decision? | | Yes |
| Suggested next steps (if not final decision please set out below) | | |
| | | |

1. **Summary**

- 1.1 An end of term report to the Council on the work the Overview & Scrutiny Committee has undertaken during the year. The report also includes work by the Health Scrutiny Sub-Committee.

2. **Recommendation**

- 2.1 It be recommended to Council that the list of matters considered by the Overview & Scrutiny Committee and Health Scrutiny Sub-Committee during the municipal year 2014/15, as detailed in appendix A to the report, be noted.

3. **Reasons for the Recommendation**

- 3.1 Under Article 6 of the Council's constitution Overview & Scrutiny Committees and Policy Committees are required to provide an end of term report to the Council on work they have undertaken during the year.
- 3.2 The matters considered during the year are attached at appendix A to the report. This will be updated to include matters considered at this meeting, before it is submitted to Council.

4. **Policy Framework**

4.1 **Policy Framework**

The recommendations of the report do not affect the Council's policy framework

4.2 **Fit for the Future**

This report is made annually as a matter of good practice and Council policy.

- 4.3 **Impact Assessments** – This should set out the impacts of new or significant policy changes proposed in respect of Equalities. Reference can be made to an appendix which sets out the detail of the impacts

5. **Budgetary Framework**

- 5.1 The recommendations of the report do not affect the Council's budgetary framework.

6. **Risks**

- 6.1 There are no risks associated with this report which is purely provided as a matter of good practice and Council policy concerning Scrutiny committees.

7. **Alternative Option(s) considered**

- 7.1 There are no alternative options because this report complies with the requirements of Article 6 of the Council's Constitution.

Work handled by Overview & Scrutiny Committee 2014/15**Chair's Introduction**

At the start of the 2014/2015, I was elected the Chair of the Overview & Scrutiny Committee. Although I had not anticipated the appointment, having in years past, built up experience of chairing committees, I accepted the role and have carried it out to the best of my ability.

This year, the Committee has continued with initiatives started under the previous Chair, Councillor Mrs Blacklock. The Committee has continued to receive regular updates from Portfolio Holders, with the opportunity to question that they have a firm control of ensuring that delivery of their service area plans hits targets. Additionally, the Committee receives regular updates from the Leader of the Council, Councillor Mobbs, on the work being undertaken by LEP.

Councillor Mrs Blacklock reported last year that the amount of Task & Finish projects had dropped and this pattern has continued this year. However, this year has seen a Task & Finish Group tackle a very challenging and in-depth topic; namely Sexual Entertainment Venues. The final report for this went to Executive on 11 March 2015; as I write this Chair's Introduction, the final report is still within the "call-in" period.

The Committee re-visited a Task & Finish Group report on CCTV and received updated figures in relation to the effectiveness of CCTV on community protection. It was pleasing to note that the work of the Task & Finish Group was still relevant. Additionally, at Executive in 2014/2015, a Task & Finish Group report on Dog Control Orders received confirmation of which of its recommendations would go forward. At Overview & Scrutiny in March 2015, a scoping document to start a new Task & Finish Group was approved for Sales and Lettings boards. A further scoping document is still in abeyance until certain issues have been sorted in respect of St Mary's Lands and has yet to receive approval.

It has been pleasing to note that the Executive has shown willingness to listen to Scrutiny recommendations and this has achieved notable changes to proposals, for example "Allocation of Budget to deliver Voluntary Sector Services in Warwick District 2015-2018".

In April 2014, the Committee formed a Health Scrutiny Sub-Committee to oversee scrutiny of health related issues at the Council. It was given a clear instruction from the Committee to present a report on the way forward for Health Scrutiny at the Council from 2015/2016 onwards; and the Sub-Committee would dissolve at the end of the 2014/2015 municipal year. The Members of the Sub-Committee presented regular updates to O & S and a report giving the sub-committee's recommendations was finally approved by O & S in March 2015.

On behalf of O & S, I wish to convey thanks to officers who have attended the meetings, and in some instances, been required to attend both Scrutiny meetings on the same evening. Additionally, on behalf of the Committee, I wish to thank our Committee Services Officer, Mrs Dury, who has served the Committee for over three years. I also extend thanks to Councillor Barrott, Chairman of Finance & Audit Scrutiny Committee, for his valuable help and support this year. Finally a special mention of one of our Committee Members, Councillor Copping, who, unfortunately has not been able to attend recent meetings due to serious illness. On behalf of the Committee, we wish him well with his treatment.

Overview & Scrutiny Items

A synopsis of discussions and decisions made by the Overview & Scrutiny Committee

10 June 2014

- Councillor Mrs Falp was elected Chairman of the Committee.
- The Committee asked the Task & Finish Group on Sexual Entertainment Venues (SEVs) to deliver its draft report at their 29 July meeting.
- Councillors Mrs Bromley and Kinson had made a request for a Task & Finish Group to be set up in respect of lesson learned re St Mary's Lands. They were asked to provide a scoping document to the Committee once the outcome of the current situation was known.
- The Committee resolved the formation of a Health Scrutiny Sub-Committee to run only in this Municipal Year and to present a report to the Committee in March 2015 on the way forward for health scrutiny at the Council. Councillors Copping, Mrs Falp, Gill, Illingworth and Kinson were appointed to the Sub-Committee.

1 July 2014

- Councillor Wreford-Bush replaced Councillor Gifford on the Committee and was then also appointed to the Health Scrutiny Sub-Committee.
- The Safer Communities Manager was asked to provide an update on statistics and figures since the Task & Finish Group CCTV report was published in 2009 at the Committee's meeting on 2 September. The Committee was pleased with the success of the recommendations from the 2009 report and how other initiatives had contributed to community safety, such as street marshalls.

29 July 2014

- The Portfolio for Health & Community Protection, Councillor Coker, and the Portfolio Holder for Neighbourhood Services, Councillor Shilton, answered questions about a report going to Executive the following day in response to the report submitted by the Task & Finish Group, Dog Control Orders. The Committee and Councillor Coker went through the report going to Executive to determine which recommendations from the T & F Group report would be actioned and/or where alternative or additional solutions had been recommended. The Committee supported the recommendations in the report that was going to Executive.
- The Safer Communities Manager explained the District Council's role in the Action Plan to tackle anti-social behaviour, particularly in St Nicholas Park. The main concern was "boy racers" and the Committee was pleased to note that the over the summer period, the campaign had been fairly successful.
- The Committee considered a report from the Deputy Chief Executive (BH) which made proposals relating to the potential future role that elected Children's Champions could undertake within the context of the Council's Safeguarding Children responsibilities. Members agreed that the appointment of children's champions be made for the life of the Council and that one of the Champions should be a member of the Executive, the other a Member interested in the issue and the appointments to be made by Group.
- The Committee considered a report from the T & F Group Sevs. The Committee requested that the report be submitted for further consideration by legal counsel before submission to the Executive, and it supported a nil cap on SEV premises in the District.

2 September 2014

- The Committee considered a confidential report on Sports and Leisure Options Appraisal – Management Options. The Committee supported the recommendations in the report.

30 September 2014

- The Committee considered a report from Health and Community Protection which set out the role, responsibilities and work of South Warwickshire Community Safety Partnership. Councillors were pleased to note that there was an overall downward trend with anti-social behaviour incidents.
- Councillor Mobbs gave the Committee a verbal update on the work being done by the Coventry & Warwickshire Local Enterprise Partnership (LEP).

4 November 2014

- Sports & Leisure Options - The Head of Cultural Services and the Sports and Leisure Manager gave Councillors a briefing on work being done by Cultural Services to inform them on what work had been done to-date and what was still left to do to ensure the right sort of mix of facilities. This was ahead of a report due to be presented to the Executive the following day.
- The Committee considered a report from the Safer Communities Manager which gave updated figures on customer satisfaction, income, expenditure and performance following a report on the effectiveness and value of the CCTV service. The updated figures had shown that a further review was unnecessary.
- The Committee considered a report from Civic and Committee Services that gave an annual statement of work undertaken by Outside Bodies.

13 January 2015

- The Committee considered a report from Housing & Property Services that set out the tenant involvement structures that were currently in place and the plans being developed for a new approach to encouraging tenants to be better able to contribute to the Council's landlord services. The Committee welcomed the report but reminded the Portfolio Holder and Head of Service that there was also a need to improve communication with councillors, to enable them to get involved and help with the process of tenant engagement.
- The Committee considered scoping document, from Councillors Mrs Bromley and Kinson, for a potential task and finish group for St Mary's Lands. This was a confidential document because there were unresolved legal and commercial issues with some of the organisations it referred to.
- The Committee considered a report that was a culmination of the work undertaken by the Sexual Entertainment Venues (SEV) Task & Finish Group, following District wide consultation on the location of SEV's within the District. The Committee noted the advice that the final decision on the Policy would be a matter for Council to determine.
- The Committee considered a report from the Deputy Chief Executive updating them on the work of Warwickshire Safeguarding Children Board.

10 February 2015

- The Committee received a guest speaker from the English Romany Community who informed it about the problems faced by the Romany community finding sites to live.
- Councillor Mobbs gave the Committee an update on the work being carried out by the Local Enterprise Partnership (LEP).
- Members resolved that there was no need to undertake a review of the Council's Volunteering Policy or to form a Task & Finish Group to work on a Staff Volunteering Policy. Both these projects had been scheduled for March 2015 on the Committee's Work Programme.
- It was agreed to set up a working party to deliver the Scoping Document for Lettings and Sales notice boards and report back to Overview & Scrutiny in March.

10 March 2015

- The Committee received a report from the Health Scrutiny Sub-Committee on its recommendations for the way health scrutiny should be dealt with at the Council from May 2015 onwards. The Committee agreed with the report recommendations that a new Health Scrutiny Committee should be formed and added an additional recommendation that the Council's representative on the County Council Adult Social Care & Health O & S Committee should also serve as a member of the new Health Scrutiny Committee.
- The Committee agreed the Scoping Document for a Task & Finish Group on Sales & Lettings Board Notices.

8 April 2015

- The Committee received a verbal report from the Human Resources Manager on the Learning Academy, having asked for more detail following receipt of a written article at a previous meeting.
- The Committee received an end of year report from the Council's Children's Champions, Councillors Mrs Falp and Mrs Gallagher. The Committee was pleased to note the progress made in this area.

Routine Items

- Comments from the Executive
- Forward Plan
- Review of the Work Programme
- Portfolio Holder Updates as follows:
 - November 2014 – Development Services and Cultural Services
 - December 2014 – Health & Community Protection and Finance
 - January 2015 – Neighbourhood Services and Housing & Property Services
 - February 2015 – Leader of the Council

Executive Items Considered by the Committee

A synopsis of comments and recommendations to Executive made by the Overview and Scrutiny Committee and a synopsis of the Executive's response to these comments and recommendations.

11 June 2014

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| Report | Procurement of Services from the Voluntary and Community Sector 2015-2018 |
| Scrutiny Comment | <p>The Overview and Scrutiny Committee recommend that the wording near the end of recommendation 2.2 is amended to say:</p> <p>"geographical areas of Crown, Brunswick and West Warwick and to support more district wide activity factoring in some of the <u>issues</u> highlighted by the new Social Inclusion Index."</p> <p>In respect of recommendation 2.3, the Committee recommends that the words "<i>and this would total £989,100</i>" is added to the end of the sentence.</p> |
| Executive Response | <p>The Executive agreed the recommendations in the report, with the following amendment to wording as recommended by the Overview & Scrutiny Committee: the end of recommendation 2.2 be amended to read "...geographical areas of Crown, Brunswick and West Warwick and to support more district wide activity factoring in some of the issues highlighted by the new Social Inclusion Index."</p> <p>In respect of recommendation 2.3, the Executive accepted the spirit of the Scrutiny Committee's recommendation that the words "<i>and this would total £989,100</i>" be added to the end of the sentence, but felt that for clarity the sentence should instead end with the annual figure and the three year figure.</p> |

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| Report | Introduction of revised housing management arrangement for tenants of Sheltered Schemes |
| Scrutiny Comment | The Overview and Scrutiny Committee support the recommendations in the report. |
| Executive Response | The Executive agreed the recommendations in the report. |

2 July 2014

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| Report | Review of Warwick District Council / Waterloo Housing Group JV (W2) |
| Scrutiny Comment | The Overview & Scrutiny Committee supported the recommendations in the report. In respect of item 5.7.10 in the report, the Committee urged the Executive to closely monitor the Mortgagee in Possession clause for any impact on the Council and requested that the Finance Portfolio Holder kept close watch on this issue. |
| Executive Response | In response to the comments, the Portfolio Holder for Housing and Property Services, Councillor Vincett, stated that he had always had a close working relationship with Waterloo and kept himself up to speed with progress. In addition, the Shadow Portfolio Holder, Councillor Pittarello, had shown great interest and had attended a number of |

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| | <p>meetings. Councillor Vincett felt that Shadow Portfolio Holders should know what was happening in their portfolio area and they should be able to give this feedback to their own Groups.</p> <p>With regard to the Mortgagee in Possession issue, advice was provided as to the difference between Right to Buy and Right to Acquire and the relevance of this when applying it to social housing.</p> |
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| Report | Service Area Plan/FFF Performance 2013/2014 |
| Scrutiny Comment | The Overview and Scrutiny Committee noted the report and advise the Executive that it will be planning which issues to scrutinise at future meetings. |
| Executive Response | <p>The Overview and Scrutiny Committee noted the report and advised the Executive that it would be planning which issues to scrutinise at future meetings.</p> <p>Members discussed the issue of Shadow Portfolio Holders and felt that Group Leaders needed to address this to ensure that effective scrutiny continued. It was suggested that the scrutiny committees may wish to challenge this although some Members felt that it depended on who was given the role in the first place.</p> <p>The Leader, Councillor Mobbs, advised Members that further information on FFF financial projections and savings would be provided in the report being submitted to the 30 July meeting. He also reminded Members that the Shadow Portfolio Holder issue was a two way street and Councillors needed to be invited to attend meetings.</p> |

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| Report | Bowls 2014 Additional Marketing |
| Scrutiny Comment | The Overview and Scrutiny Committee voted to discuss this late report at its meeting. The Committee supported the recommendations in the report and asked that the Executive recommend that the event be advertised in all four towns and that the budget be increased to facilitate this if necessary. |
| Executive Response | <p>The Leader, Councillor Mobbs, apologised for the lateness of the report and accepted responsibility for the late circulation. However, he had felt it important to ensure that all Members were aware of the situation and included in the decision making process.</p> <p>Members were in agreement that national publicity was needed to encourage as many visitors to the District during the event. It was appreciated that a lot of work had been taking place 'behind the scenes' but such a high profile event should be showcased to residents and businesses within the District.</p> |

Plus the following Confidential Report:

- Land off Radford Road, Royal Leamington Spa

30 July 2014

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| Report | Response to the Task & Finish Group's Dog Control Order Report |
| Scrutiny Comment | The Overview & Scrutiny Committee supported the recommendations in the report. |
| Executive Response | The Executive agreed the recommendations in the report. |

3 September 2014

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| Report | Enforcement Policy |
| Scrutiny Comment | The Overview & Scrutiny Committee noted the report and thanked officers for extra detail on service standard that was circulated at the meeting. |
| Executive Response | The Executive noted the comments from the Committee. |

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| Report | Council Housing Building |
| Scrutiny Comment | The Overview & Scrutiny Committee supported the report. |
| Executive Response | The Executive thanked the Committee for its support. |

Plus the following Confidential Reports:

- Housing & Property Services Staffing Review
- South West Warwick Phase 9 Affordable Housing

1 October 2014

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| Report | Request to increase the Hackney Carriage Fares |
| Scrutiny Comment | The Overview and Scrutiny Committee supported the recommendations in the report but would wish to see improvements in standards going hand in hand with an increase in fares. |
| Executive Response | The Portfolio Holder for Health & Community protection, Councillor Coker, endorsed the report and agreed with the comments of the Overview & Scrutiny Committee. He highlighted that officers were working proactively with drivers to improve service standards and taking appropriate action when required. That said, the conduct and standards of drivers were matters for the Licensing and Regulatory Committee to respond to and ensure were robust. |

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| Report | St Mary's Lands Business Strategy |
| Scrutiny Comment | The Overview and Scrutiny Committee supported the recommendations in the report but would suggest that no additional car parking should be considered as part of the plans for the development of the Golf Centre. |

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| Executive Response | The Executive welcomed the views of the two scrutiny Committees and shared the concerns regarding the cost of responding to enquiries about St Mary's Lands. They also recognised the concern regarding increased car parking for the Golf Course on this special piece of land which any Town would welcome and cherish. The recommendations were proposed subject to recommendation 2.4 being amended to include "as we continue to work closely with stakeholders and develop detailed businesses cases we take comments like those of the scrutiny committee, on board". |
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| Report | Corporate Peer Challenge |
| Scrutiny Comment | The Overview and Scrutiny Committee noted the report. |
| Executive Response | The Council had previously envisaged a Full Corporate Peer Review taking place in July 2015. However, on reflection of the experience of how long it may take for recommendations to be implemented and the effect identified, it was suggested that rescheduling such a Full Review to July 2016 was more appropriate. This would give more time for the impact of the proposed actions in response to the recommendations to be assessed. |

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| Report | Planning Peer Review Update |
| Scrutiny Comment | The Overview and Scrutiny Committee noted the report. |
| Executive Response | The Executive welcomed the report but were of the opinion that because Planning was such a key function of the Council the next update report should be brought to them earlier than 12 months. Therefore, it was proposed and agreed that the next report be submitted to them in June 2015. |

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| Report | Skills Initiative Funding |
| Scrutiny Comment | The Overview and Scrutiny Committee supported the recommendations in the report. |
| Executive Response | The Executive agreed the recommendations as laid out in the report. |

5 November 2014

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| Report | Sports & Leisure Options |
| Scrutiny Comment | The Committee noted the recommendations in the report and formally recommended that the Executive accept them. |
| Executive Response | The Portfolio Holder for Cultural Services, Councillor Mrs Gallagher thanked the report authors and all officers involved in the compilation of the report. She was pleased that Members had clearly read all the papers prior to scrutiny and felt this was largely down to the effective communication by officers. In addition, Councillor Mrs Gallagher was disappointed that the local press had not reported the Council's press statement accurately, which had caused upset amongst residents. |

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| | However, she hoped that this report would clarify the position and she proposed the recommendations as laid out. |
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| Report | Bishop's Tachbrook Community Centre |
| Scrutiny Comment | The Committee agreed a consensus on recommendation 2.3, but did not agree a consensus on this particular issue. |
| Executive Response | The Executive agreed the recommendations in the report subject to a change to recommendation 2.2.6, which was amended to read: "The funding is approved only when a full <u>robust and viable</u> Business Plan for the centre is received..." |

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| Report | Code of Conduct Consultation |
| Scrutiny Comment | The Committee noted the report. |
| Executive Response | The Executive was disappointed that the Scrutiny Committees had not taken the opportunity to submit comments and embrace debate on this matter. However, it was agreed that all Councillors would be contacted and encouraged to submit their comments to Committee Services by close of play on 18 November 2014. These comments would then be taken into account at the Working Party meeting on 19 November, along with all other comments received. |

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| Report | Local Plan Consultations |
| Scrutiny Comment | The Committee noted the recommendations in the report and that the Chief Executive had used his delegated authority to move things forward. |
| Executive Response | The Executive agreed the recommendations in the report. |

3 December 2014

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| Report | Review of Affordable Rent Policy |
| Scrutiny Comment | The Overview & Scrutiny Committee noted the report, there were no adverse comments and the Committee welcomed that any decisions on schemes would have to be approved by Members first. |
| Executive Response | The Portfolio Holder thanked the Scrutiny Committees for their comments. |

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| Report | Council HQ Relocation Project |
| Scrutiny Comment | The Overview & Scrutiny Committee welcomed the report and thanked officers for their work on this report. The Committee noted the correction in paragraph 5.2 of the report that the current cost of Riverside House should be £576,000. |

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| | The Committee recommended to the Executive that paragraph 2.3 be amended to remove the words "privately owned" to enable greater flexibility. |
| Executive Response | The Overview & Scrutiny Committee was thanked for the recommendation which was supported by the Executive. |

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| Report | Royal Pump Rooms and Spencer Yard – Proposed Cultural Quarter |
| Scrutiny Comment | The Overview & Scrutiny Committee welcomed the report as the next steps forward in this project and look forward to future updates. |
| Executive Response | The Portfolio Holder was pleased to note the support from Overview & Scrutiny Committee. |

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| Report | Tachbrook Country Park |
| Scrutiny Comment | The Overview and Scrutiny Committee noted the report. |
| Executive Response | The Executive agreed the recommendations in the report. |

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| Report | Coventry Local Development Plan Consultation Response |
| Scrutiny Comment | The majority of the Overview and Scrutiny Committee welcomed this response to Coventry. |
| Executive Response | The Executive agreed the recommendations in the report. |

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| Report | Options for HR & Payroll Functions - Confidential |
| Scrutiny Comment | The Overview and Scrutiny Committee noted the report. |
| Executive Response | The Executive agreed the recommendations in the report and addendum. |

14 January 2015

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| Report | Housing Appeals and Review Panel |
| Scrutiny Comment | <p>It was with regret that the Overview & Scrutiny Committee recognised that this meets the Councils statutory requirement and that these changes must be made because they felt there is value in retaining councillor involvement in the appeal process for those items removed from the HARP process.</p> <p>The Committee welcomed the agreement from the Portfolio Holder for, and Head of, Housing & Property Services that they will ensure that the correspondence for HARPs, especially with applicants and tenants, is put into plain English.</p> |

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| | They also welcomed that Housing & Property Services officers will ensure that the tenant will be directed to their Ward Councillor about appeal matters and that Ward Councillors will be notified about appeals regarding applicants or tenants in their Ward. |
| Executive Response | <p>The Executive thanked the Scrutiny Committee for their comments and agreed that member involvement with tenants was important.</p> <p>The Portfolio Holder assured members that when the procedure notes were reviewed they would highlight that individuals would be encouraged to contact their Ward Councillor during the process.</p> |

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| Report | Council Procedure Rules |
| Scrutiny Comment | <p>The Overview & Scrutiny Committee asked that:</p> <ol style="list-style-type: none"> 1. Procedure rule 9(1) be amended to reflect in the main body that questions can be directed to portfolio holders about their specific remit; and 2. Procedure rule 13(1) be amended to enable that any Councillors can call for the motion to be in to be writing but the chairman takes the final decision. |
| Executive Response | The Executive supported the comments from the Committee and clarified the wording for 13(1) which was duly proposed to and agreed by Council on 28 January 2015. |

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| Report | Convictions & Cautions Policy |
| Scrutiny Comment | The Overview & Scrutiny Committee welcomed the report, but asked that officers include the normal enforcement steps (i.e. gentle reminder, warning letter etc) underneath the table of offences. |
| Executive Response | The Executive agreed that the normal enforcement steps would be included in the Policy as requested. |

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| Report | 2014 National Bowls Championships |
| Scrutiny Comment | The Overview & Scrutiny Committee passed their congratulations to all involved on a well organised national event and welcomed that the issues were being investigated and responded to. |
| Executive Response | The Executive thanked the Committee for their comments and agreed with their sentiments. |

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| Report | Council's Strategic Approach to Sustainability and Climate Change |
| Scrutiny Comment | The Overview & Scrutiny Committee welcomed the report and looked forward to updates on this through the Portfolio Holder statements. |
| Executive Response | The Executive agreed the recommendations in the report. |

11 February 2015

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| Report | Allocation of Budget to deliver Voluntary Sector Services in Warwick District 2015-2018 |
| Scrutiny Comment | <p>The Overview & Scrutiny Committee recommend that in respect of Recommendation 2.2 in the report, the Executive does not agree to the revised decision making process as described in points 3.6 to 3.12 in the report in respect of voluntary sector commissioning whereby future tenders are evaluated by an officer panel prior to being submitted to the Deputy Chief Executive (AJ) in consultation with the Chair of the Member Grant Review Panel for final approval.</p> <p>The Committee cited the following reasons for asking the Executive not to agree the revised decision process:</p> <ol style="list-style-type: none"> (1) Members felt that their integrity and ability to declare interests where appropriate when tenders were submitted was being questioned; (2) Members felt that their involvement in Outside Bodies was seen as causing conflict with the decision making process; (3) Members felt that their involvement in Outside Bodies contributed to the decision making process; (4) Members believed that their skill set and knowledge of the Voluntary Sector would not be used as a result of the curtailment of their involvement fully in the process; (5) It was noted that an officer approval process would mean that councillors' involvement would become a mere formality and not active participation; (6) Members felt that undue influence from the Voluntary Sector to curtail Members' involvement had been accepted without challenge or Member consultation. |
| Executive Response | <p>The Portfolio Holder for Health & Community Protection, Councillor Coker, agreed with the concerns of the Overview & Scrutiny Committee and proposed that recommendation 2.2 was amended to read "That Executive agrees the revised decision making process as described in paragraphs 3.6 -3.12 be reviewed, culminating in a further report to Executive, in respect of future VCS service commissioning".</p> <p>Resolved that</p> <ol style="list-style-type: none"> (1) the reasons for the changes to the 2015-2018 voluntary sector services tender evaluation and scoring process, be noted; (2) the revised decision making process as described in paragraphs 3.6 - 3.12 be reviewed, culminating in a further report to Executive, in respect of future VCS service commissioning; (3) a briefing note will be provided for all Councillors, after the election, on their work on outside bodies (when they are formally appointed as a District Councillor and those where they end up involved because they are a Councillor); (4) the outcomes of the tender award process for the delivery of voluntary and community sector services in Warwick District for 2015 – 2018 commencing 1st April 2015 as detailed in Appendix 1, |

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| | <p>be noted;</p> <p>(5) as a result of the bid from the current service provider being unsuccessful, and in accordance with Procurement policy, Lot 3 - Targeted Service Delivery in Crown Ward, will be put through a full, open procurement process again in April with a contract commencement date of 1 July 2015.</p> |
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11 March 2015

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| Report | Homelessness Strategy 2015-2017 |
| Scrutiny Comment | The Committee supported the recommendations in the report, but requested that officers and the Portfolio Holder noted its view that during severe weather, the Council should aim to provide shelter to people who sleep rough after just one night, not three; and that these people be provided with <u>both</u> bed and breakfast. The Committee also asked that information be provided about the number of homeless who were ex-servicemen. |
| Executive Response | <p>In response to the comments from Overview & Scrutiny Committee, the Portfolio Holder advised that the Council was working with voluntary sectors to incorporate their sentiments into the strategy.</p> <p>In addition, he requested that an additional recommendation 2.3 be added to read "The Executive recognises the importance of the Homelessness strategy in alleviating homelessness and will pass this to the Housing Advisory Group to monitor progress."</p> |

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| Report | Establishing a Council Development Company for Warwick District |
| Scrutiny Comment | The Committee supported the recommendations in the report. |
| Executive Response | The recommendations in the report were agreed. |

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| Report | Playing Pitch and Outdoor Sports Strategy |
| Scrutiny Comment | The Overview & Scrutiny Committee supported the recommendations in the report but wished the Executive to ensure that provision for hockey was given appropriate support. The Committee also noted that provision of sports facilities at school sites did not guarantee continuing use for the public; so this risk needed to be properly identified and managed. |
| Executive Response | Officers advised caution with regard to focussing solely on hockey because the Council did not want to be caught in a position between national bodies and local clubs. Members were assured that any challenges would be picked up as part of the quarterly review. |

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| Report | Regeneration in Lillington |
| Scrutiny Comment | The Committee supported the recommendations in the report. |

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| Executive Response | The recommendations in the report were agreed. |
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| Report | Housing Advisory Group |
| Scrutiny Comment | The Committee strongly supported the recommendations in the report. |
| Executive Response | The recommendations in the report were agreed. |

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| Report | Proposed Creative Quarter |
| Scrutiny Comment | The Committee supported the recommendations in the report. |
| Executive Response | The recommendations in the report were agreed. |

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| Report | Strategic Opportunity Proposal - Confidential |
| Scrutiny Comment | The Committee supported the recommendations in the report. |
| Executive Response | The recommendations in the report were agreed. |

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| Report | SEV Task & Finish Group – Final Report – Confidential |
| Scrutiny Comment | The Committee recommended amending paragraph 2.1 to read "...paying due regard to the views of the Task and Finish Group and Counsel..." |
| Executive Response | The Executive agreed the recommendation from the Overview & Scrutiny Committee. |

9 April 2015

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| Report | Revisions to the Constitution |
| Scrutiny Comment | <p>Page 17 – A(3) The Committee was surprised that this clause did not state an indicative upper cost limit at which point consultation with the Portfolio Holder or the Leader would be required before going ahead.</p> <p>The Committee recommended that:</p> <p>Page 22 – MO (8) the wording is altered to read "Appoint the membership of <i>any additional</i> Licensing & Regulatory Sub-Committees known as Licensing & Regulatory</p> |

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| | <p>Panels"; and</p> <p>Page 23 – MO (13) the wording is altered to read "<i>Initiate</i> reviews of the Members' Allowances Scheme". The words "in accordance with that Scheme" should be deleted.</p> |
| Executive Response | <p>The recommendations in the report were agreed, subject to the changes, below being made, and the Monitoring Officer considering the comments from the Scrutiny Committee regarding Counsel fees.</p> <ul style="list-style-type: none"> • MO (8) the wording is altered to read "Appoint the membership of <i>any additional</i> Licensing & Regulatory Sub-Committees known as Licensing & Regulatory Panels"; • MO (13) the wording is altered to read "<i>Initiate</i> reviews of the Members' Allowances Scheme". The words "in accordance with that Scheme" should be deleted; and • DS(4)(ii) – Page 24 – be removed. |

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| Report | IT Provisions for Councillors from May 2015 |
| Scrutiny Comment | <p>The Committee recommended that all recommendations in the report are removed and replaced with:</p> <p>2.1 That the Executive awaits a detailed update on the results of the iPad trial, and, if necessary, extends the trial.</p> <p>2.2 That the Executive agrees that further work be undertaken to improve the system prior to the submission of a report to the Executive at a later date.</p> <p>2.3 That the Executive is assured that adequate IT provision arrangements are in place for new councillors.</p> |
| Executive Response | <p>The Executive accepted the concerns of members of this Council and those of the Overview & Scrutiny Committee and therefore resolved that:</p> <ol style="list-style-type: none"> 1. The Executive notes the concerns of members with regard to moving away from paper agendas and reports; 2. The Executive authorises the current trial of iPads to be continued; 3. The Executive receives a further report in the Autumn of 2015 detailing the progress of the trial and how the issues raised have been resolved and recommending a way forward; and 4. Officers make sufficient IT provision for Councillors after the election in May 2015. |

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| Report | Smoking Policy |
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| Scrutiny Comment | The Committee noted the recommendations in the report. |
| Executive Response | The recommendation in the report was agreed. |

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| Report | The way forward for scrutinising Health Issues at Warwick DC |
| Scrutiny Comment | The Committee noted the recommendations in the report. |
| Executive Response | The recommendations in the report were agreed. |

Health Scrutiny Items

A synopsis of discussions and decisions made by the Health Scrutiny Sub-Committee

8 July 2014

- The Sub-Committee set up its Work Programme.
- The Health & Wellbeing Lead gave a presentation to Members on Warwick District Council's role in health and issues that the Council would be tackling, such as encouraging healthy lifestyle choices.
- Members were informed about the situation regarding the Warwick District Health Improvement and Wellbeing Partnership Group (HiWeb).

9 September 2014

- The Sub-Committee co-opted Councillor Mrs Knight.
- The Sub-Committee received a presentation from the Senior Democratic Services Officer at Warwickshire County Council on how health scrutiny was being dealt with at the County.
- Councillor Kinson gave an update on the work of the Warwickshire County Council Adult Social Care & Health Overview & Scrutiny Committee.
- The Health & Wellbeing Lead gave an update on the progress of the Health Strategy Report and some of the work he would be doing.

7 October 2014

- The Sub-Committee received a presentation on the Warwickshire Community Transport Service and its difficulty raising funds to carry out the service. The Sub-Committee has requested that a review of the taxi token system be reviewed when the new Council is formed to see if money can be used from this to help the Transport Service.
- The Head of Health and Community Protection and the Environmental Sustainability Manager gave a presentation on the latest report on air quality in the District.
- The Health & Wellbeing Lead gave an update on his work and progress with the Council's Health Strategy.

10 November 2014

- Members discussed the future of health scrutiny at the Council in anticipation of presenting a report to Overview & Scrutiny. It was agreed that the decision should be postponed until five months into the new Council to let new Councillors achieve a better understanding of scrutiny in general and to ensure any recommendations were done in a timely manner to coincide with the budget process for 2015/2016.
- The Health and Wellbeing Lead gave Members and update of his actions since the last meeting.

15 December 2014

- The Planning Policy and Conservation Manager gave give Members of the Sub-Committee a short talk on what the Council had tried to do in respect of health and wellbeing within the Local Plan.
- Representatives from the South Warwickshire Clinical Commissioning Patient & Participation Group (3PG) gave the Sub-Committee a talk on the work handled by them.
- Members gave the Committee Services Officer direction on the way forward for health scrutiny at the Council so that she could prepare a draft report on the Sub-Committee's behalf to be presented at Overview & Scrutiny in March 2015.
- Members pre-scrutinised the Employee Smoking Policy at the request of the Health & Wellbeing Lead who was taking the report to the Employment Committee in January.
- The Health & Wellbeing Lead gave an update on his work and progress with the Council's Health Strategy.
- The Health & Wellbeing Lead gave Members an update on HiWeb.
- Councillor Kinson gave Members an update on discussions by the Warwickshire County Council Adult Social Care and Health O & S Committee.

24 February 2015

- The Partnerships Delivery Manager from the County Council attended the meeting to talk to Members about the County Council's work in updating its Child Poverty Strategy (2015-2018), which involved consultation with interested bodies.
- The Sub-Committee finalised its report to be presented to the Overview & Scrutiny Committee on the way forward for health scrutiny at the Council.
- Councillor Kinson gave Members an update on discussions by the County Council Adult Social Care & Health O & S Committee, which had discussed child and adult mental health.
- The Health & Wellbeing Lead gave an update on his work and progress with the Council's Health Strategy.
- The Health & Wellbeing Lead gave Members an update on HiWeb.

The meeting on 24 February 2015 was the last meeting of the Sub-Committee, which was set up to run until the end of the 2014/2015 municipal year; one of its primary aims to present a report on the way forward for health scrutiny at the Council for approval at O & S. This was achieved at the March meeting of O & S.