

# EXECUTIVE

Minutes of the meeting held on Wednesday 17 April 2013 at the Town Hall, Royal Leamington Spa at 6.00 pm.

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

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

## 169. **DECLARATIONS OF INTEREST**

### Minute Number 183 - Item 15 – Shades Judicial Review

Councillor Shilton declared an interest because he had been a member of the Regulatory Committee when the licence was granted. He left the room whilst the item was discussed.

## 170. **MINUTES**

The minutes of the meeting held on 13 March 2013 were taken as read and signed by the Chairman as a correct record.

### **PART 1**

(Items on which a decision by Council is required)

## 171. **AMENDMENTS TO THE SCHEME OF DELEGATION**

The Executive considered a report from Civic and Committee Services which requested some amendments to the Scheme of Delegation.

In November 2012 the Executive agreed a report to implement new charges for the Street Naming and Numbering Service, as of April 2013. In light of this decision, officers needed to amend the Scheme of Delegation to include the Public Health Act 1925, sections 17, 18 and 19.

At present, the Council could only utilise the powers provided by the Town Improvement Clauses Act and it had been recognised nationally that the powers provided by the Public Health Act were more appropriate in most cases. Before the Council could utilise the powers under the Public Health Act, it had to adopt the powers in accordance with the Local Government Act 1972. Enquiries had revealed that the Council did not appear to have adopted these powers.

However, officers felt that it was also beneficial to keep the provisions for working under the Town Improvement Clauses Act of 1847 because in some situations it may be the more appropriate authority to use.

The report also requested three other amendments which were felt necessary in respect of private hire or hackney carriage driver's licences, public footpaths and investigatory powers.

Delegation CP (6), which dealt with the suspension or revocation of a private hire or hackney carriage drivers licence, was also considered necessary. This would align the wording of the delegation with the wording contained in the actual legislation and added the Chair of licensing to the discussion to ensure that any decision made was more robust in the event of an appeal.

The current wording referred to "in extreme circumstances" where the legislation actually stated "in the interest of public safety". Officers felt that the words 'extreme circumstances' created a stricter test to that contained within the legislation, which was that "the interests of public safety require suspension or revocation to have immediate effect". This meant that there could be a case where the interests of public safety required immediate suspension or revocation, but that the circumstances did not constitute 'extreme circumstances'. This would result in the Head of Community Protection being unable to suspend or revoke with immediate effect despite there being grounds under S61 for taking such action.

It was proposed that the wording "and to confirm if no objections are made" should be added to MO (6) which related to responding and carrying out consultations concerning the making of Public Footpath, Creation, Diversion and Extinguishment Orders. This would allow for an Order to be confirmed as an unopposed order where there were no objections to that Order.

Finally, amendments to CE (5) and CE (24) were felt necessary because all Regulations of Investigatory Powers Act (RIPA) 2000 requests now had to be approved by a Justice of the Peace following authorisation.

An alternative option was that Members could choose not to approve the amendments. However, this had been discounted because it would leave the Scheme of Delegation out of date and not robust enough.

Since the publication of the report, it had been agreed that recommendation 2.4 of the report, which requested funding from the Contingency Budget, was no longer required. This was because, if it was decided that an advert was necessary advising that the Council was working under the Public Health Act, this cost could be covered by the income from the Street Naming and Numbering fees.

The Portfolio Holder for Corporate and Community Services endorsed the report and explained that this was an updating exercise to ensure that all delegations were correct.

Having read the report the Executive agreed the recommendations.

**RECOMMENDED** that

(1) Council adopts the provisions, within the Public Health Act 1925, relating to street naming and numbering, included in Appendix 1 to the report;

(2) the following delegations be removed from the Scheme of Delegation:

DS (11) Deal with the numbering and renumbering of properties under Town Improvement Clauses Act 1847;  
CP (27)(i) deal with the numbering and re-numbering of properties under the Town Improvement Clauses Act 1847 (ii) following consultation with the appropriate Parish or Town Council, approve the naming of streets

(3) the following delegation be added to the Scheme of Delegation for Corporate and Community Services:

CIS (2) - 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;

(4) that CP(6) be amended to read as follows:

CP (6) - following consultation with a solicitor acting for the Council and the Chair or Deputy Chair of the 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;

(5) the following wording be added to MO (6) "and to confirm if no objections are made"; and

(6) the following words be added to CE (5) and CE (24) "subject to the approval of a Justice of the Peace".

(The Portfolio Holders for this item were Councillors Coker, Doody, Mrs Grainger and Mobbs)  
(Forward Plan reference 501)

## 172. **PLANNING COMMITTEE REVIEW**

The Executive considered a report from the Chief Executive which provided the outcome on the review of Planning Committee that Council agreed should be undertaken by the Chief Executive. The report presented the findings of the consultation exercise following the circulation of an Issues Paper on which Members' views were sought and the Planning Peer Review carried out by the Planning Advisory Service and a set of recommendations had been presented for consideration.

An external Peer Review of the planning service had been undertaken in January 2013 by the Local Government Association, aided by the Planning Advisory Service. This external assessment considered all elements of the Council's planning service, including the separate roles undertaken by officers and members and the interfaces between them. It therefore formed an important element of the review of the Planning Committee approved by Council in March 2012.

The external review concluded that there was no evidence to support a fundamental change to the structure or operation of the Planning Committee but identified a number of areas it highlighted the Council should consider.

These areas included ensuring that Members had an effective understanding of planning legislation, the current cycle of meetings, the necessity of the Tree Preservation Order Sub Committee and the issue of a special responsibility allowance for the Vice Chairman of the Planning Committee. There were other considerations described in the report and these were explained in more detail in section 3.

In total there were 10 recommendations proposed in the report including the approval of an Action Plan which was attached as Appendix B to the report.

An alternative option was that Members could choose to adopt a different approach or amend the recommendations as necessary.

Councillor Gifford outlined the Overview and Scrutiny Committee's comments which recommended that:

- (i) In respect of recommendation 2.4 in the report, an appropriate budget is set to ensure quality training which should lead to quality decisions. Also, substitute members of the Planning Committee must also receive the training;
- (ii) On recommendation 2.8, the Vice Chairman of Planning Committee should not be paid a special responsibility allowance, and if such an allowance was granted, the Committee was wholly opposed to this being back-dated;
- (iii) In respect of recommendation 2.9, it should be emphasised that Ward Councillors would still have the power to call in an Enforcement item, and that Ward Councillors must be informed of these in good time to allow this to happen; and
- (iv) The report should make it clear that the independence of the Planning Committee must be preserved.

In response, Members discussed the importance of relevant and cost effective training and were agreed that Ward Councillors should remain involved in all planning and enforcement issues that affected their Ward.

Some concern was raised regarding the cost of specialist training for Planning Committee and the Chief Executive assured members that this would always aim to be provided en mass to all interested Councillors but highlighted the importance of attendance. He also felt that an independent budget provision could be considered.

The Executive were surprised at recommendation ii) from the Overview and Scrutiny Committee because Councillors had previously agreed to award a Special Responsibility Allowance to the Vice Chairman but this had been frozen whilst the review of Planning Committee took place.

Overall, Members did not agree with recommendation iv) from the Overview and Scrutiny Committee and felt that the Committee was run with formality and respect. It was recognised that a certain level of commitment was needed to be an effective member of the committee and even more so for the Vice Chairman.

The Portfolio Holder for Development Services, Councillor Hammon, hoped that the recommendations would help to modernise the Planning Committee process.

Having read the report and considered the comments made by the Scrutiny Committee, the Executive agreed the recommendations as written with an amendment to recommendation 2.4 to read "training for all members of the Planning Committee and notes that persistent non-attendance will result in a Member being barred from sitting on that Committee".

In addition, it was agreed that the latter part of recommendation 2.8 should be removed because it was agreed that the Special Responsibility Allowance should not be backdated but introduced from the start of the forthcoming municipal year, in May 2013.

**RECOMMENDED** that

- (1) the recommendations of the external Planning Peer Review, as set out at Appendix A to the report, be noted and accepted;
- (2) the Action Plan to address the areas for consideration from that review, as set out at Appendix B to the report, be approved;
- (3) the comments received from Members in response to the Issues Paper previously circulated by the Chief Executive, as set out at Appendix C to the report, be noted;

- (4) a formal, mandatory, programme of training for all members of the Planning Committee be agreed and persistent non-attendance of training will result in a Member being barred from sitting on that Committee;
- (5) a review of the Action Plan is presented to a future meeting and that an annual monitoring report is provided on the future operation of the planning service;
- (6) the Planning Committee cycle of meetings is changed to a four weekly cycle from May 2014 at the latest and that officers investigate the feasibility of an earlier implementation date;
- (7) the Planning Committee agrees that the Tree Sub-Committee is disbanded from April 2013 and that any future tree items are dealt with by the Planning Committee as a normal agenda item;
- (8) a Special Responsibility Allowance of £1,115 per annum for the Vice Chairman of Planning Committee and this be implemented from the following municipal year, starting May 2013;
- (9) the remit of the Planning Committee , as set out in section CS2 iii of the constitution, and the scheme of delegation at DS48 v and vi and DS 70 vii be amended so that Enforcement Notices and Listed Building 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; and
- (10) the Chief Executive using his powers under G 4 of the Council's constitution, in consultation with Group Leaders and the Executive, will extend the secondment agreement for the employment of the Head of Development Services until the end of March 2014 but with a formal review to take place to decide on the way forward for the period post March 2014.

(The Portfolio Holders for this item were Councillors Doody and Hammon)  
(Forward Plan reference 437)

### 173. **COUNCIL TAX FRAUD PENALITES**

The Executive considered a report from Finance advising that it was necessary to revise the sanctions policy to ensure that incorrect or fraudulent claims for council tax reduction were dealt with in a correct and appropriate manner.

In addition, to ensure some degree of consistency in dealing with people who provided incorrect information which altered their council tax liability, the report proposed exercising available powers to apply a penalty to act as a deterrent.

It was possible to agree not to levy penalties where individuals had wilfully failed to disclose all information relevant to their council tax liability. However, as penalties were already in place within the council tax benefit scheme, not to consider having penalties and sanctions for the new reduction scheme could lead to increased fraudulent activity. In view of the fact that the council tax reduction scheme was administered within the Local Government Finance Act, and was no longer a benefit but a reduction in liability, it could be seen as being inconsistent should the Council fail to extend the policy to all liability issues.

The Finance and Audit Scrutiny Committee expressed concern at how difficult the Sanctions Policy might be for some people to understand and was therefore reassured to note that safeguards were in place to protect the vulnerable and supported the recommendations in the report.

The Portfolio Holder for Finance, Councillor Mobbs, endorsed the report and signposted Members to paragraph 3.2 of the report. This advised that to apply the legislation consistently with that for the Council Tax reduction scheme it would be appropriate to introduce penalties in respect of these cases. In addition, similar policies had been in place for a number of years at other Local Authorities.

Having read the report and considered the comments made by the Scrutiny Committee, the Executive agreed the recommendations.

#### **RECOMMENDED** that

- (1) the Council agree to exercise powers in accordance with the Local Government Finance Act 1992 and 2012, to take the most appropriate course of action where a liable person fails to notify the authority of a material fact that could affect their council tax liability, including the introduction of a penalty of £70; and
- (2) the attached Sanctions Policy in respect of housing benefit, council tax benefit and council tax liability, is approved.

(The Portfolio Holder for this item was Councillor Mobbs)

## **PART 2**

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

### 174. **THE WAY FORWARD FOR THE LOCAL PLAN**

The Executive considered a report from Development Services which set out the proposed way forward for the development of the Local Plan following the decision of the Inspector for Coventry's Core Strategy to ask the City Council to withdraw their Plan so that they could work with other Councils in the sub-region on preparing a Joint Strategic Housing Market Assessment (JSHMA).

Because this decision had significant implications for Warwick District's Local Plan, the way forward for the Local Plan had been reconsidered.

All of the recommendations were extensively explained in the report and the reasons behind each individual proposal. Attached as appendices to the report was a letter from the Coventry Core Strategy Inspector relating to the duty to co-operate along with key dates for the preparation of the Local Plan.

The report explained the importance of joint working and, whilst continuing to build relations with neighbouring Boroughs, District and City Councils, the importance of participating in the JSHMA.

There were three alternative options available to Members and these were explained in detail in section 6 of the report.

The Overview and Scrutiny Committee accepted the recommendations in the report but emphasised strongly that the co-operation between this District Council and Coventry City Council must be as open and transparent as possible to help ensure a good solid Local Plan. Members felt it was important that the position regarding the shared Head of Planning between the two Authorities was understood by Members and the public. The Committee also stressed that all relevant parties should be consulted, and these would include the Local Enterprise Partnership (LEP) and City Deal.

Councillor Caborn addressed Members and proposed moving the recommendations as laid out. He felt that it was important to move ahead with this now and reminded those present that clear paper trails were paramount and all information needed to be documented.

Councillor Hammon agreed and stated that the Council needed to move forwards with the plan and assured Members that officers would continue to maintain a dialogue with the community forums and the public.

Having read the report and considered the comments made by the Scrutiny Committee, the Executive agreed the recommendations.

**RESOLVED** that

- (1) the Council participates in the preparation of a Joint Strategic Housing Market Assessment (JSHMA) with other Councils within Coventry's Housing Market Area;
- (2) the Council takes part in constructive and effective cooperation with other Councils in the sub-region, seeking to agree appropriate levels of housing growth for the sub-region and the distribution of this growth across the local authority areas;
- (3) the preparation of the Submission Draft Local Plan is delayed until the work on the JSHMA is complete and constructive and effective dialogue has been undertaken;
- (4) a further report is considered by Council on 4 June 2013 setting out a revised development strategy for the Local Plan for further consultation during June and July 2013;
- (5) alongside the revised development strategy for the Local Plan, proposals are brought forward to Council on 4 June 2013 for consultation on allocation of sites for Gypsy and Travellers;
- (6) a Preliminary Draft Charging Schedule for the Community Infrastructure Levy (CIL) be developed for consideration by Council on 4 June 2013 and that this is consulted on in parallel with the focussed changes to Local Plan; and
- (7) the Local Development Scheme is revised to reflect these changes and is formally considered for revisions by Council on 4 June 2013, including bringing forward proposals for a revised Statement of Community Involvement.

(The Portfolio Holder for this item was Councillor Caborn)

#### 175. **EXEMPTION TO THE CODE OF PROCUREMENT PRACTICE – STREET LIGHTS**

The Executive considered a report from Housing and Property Services which requested approval of an exemption to the code of procurement practice for the Rural Footway Lighting maintenance programme expenditure.

Maintenance work relating to rural footway lighting maintenance was carried out by the contractor, "Hi-Lite", who responded to emergencies and maintenance. The contractor undertook this work in accordance with the schedule of rates (in part) that was agreed through the "Replacement of Rural Footway Lighting Columns and Lanterns" tender procured in 2011/12 (for one year only).

The annual maintenance of some 1,054 rural footway street lighting columns including pole-mounted lights had been expected to be less than £5,000 per annum. However, due to some unforeseen circumstances such as cable thefts, damage to luminaires (lanterns), inclement weather conditions and "dead" service supplies (maintained by Western Power), this expenditure had proved optimistic.

The forecast annual outturn had been expected to be close to £10,000 and therefore in accordance with the Code of Procurement Practice any contract value between £5,001 and £19,999 was required to have at least three written quotations.

Following discussions with the Procurement Manager it had been agreed to competitively tender the aforementioned works.

There were two alternative options available to Members. They could agree not to incur any further expenditure on unforeseen occurrences of fault and damage, but this could result in poor customer satisfaction and an increased risk of unsafe installations. Alternatively, the Council could continue to employ the same contractor but this would not be in compliance with the Code of Procurement Practice.

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

The Portfolio Holder for Housing and Property Services, Councillor Vincett, endorsed the report and moved the recommendations as written.

Having read the report and considered the comments made by the Scrutiny Committee, the Executive agreed the recommendations.

**RECOMMENDED** that

- (1) an exception to the Code of Procurement Practice for the maintenance and repair of rural footway lighting for the period up to September 2013, be agreed; and
- (2) the current expenditure of the Rural Footway Lighting budget has exceeded the agreed Code of Procurement Practice threshold and the service will be re-procured by September 2013.

(The Portfolio Holder for this item was Councillor Vincett)

**176. CORPORATE REPAIRS AND IMPROVEMENTS PROGRAMME 2013/14**

The Executive considered a report from Housing and Property Services which provided the rationale for the proposed allocation of the works against the budget for the Corporate Repairs and Improvement Programme for 2013/14.

Housing and Property Services managed the Corporate Property Repairs and Improvement Programme budget and coordinated the proposed programme of works, which had been set following consultation with the Corporate Property Investment Board and Strategic Asset Group.

To ensure that the Council was spending the budget effectively in the current climate it was considered that Members needed to be aware of the principles underpinning the budget allocation to ensure the process was transparent.

The Repair and Improvement Programme was attached at Appendix A to the report and identified the works proposed for 2013/14 (table A3) and the list of reserve projects (table A4).

An alternative option was to not apply the previously agreed budget setting criteria and/or not to manage the budget centrally but instead let service areas decide priorities and allocation. However, these options had been rejected when the review was carried out in 2008.

A second alternative would be not to proceed with the current proposed programme of works as set out in table A3 of Appendix A and defer any or all of the prioritised projects to future years and accept the risks associated with deferring the recommended projects. The option of outsourcing the detailed surveying and assessment work on the Council's asset base had been rejected as it did not provide value for money. The proposed approach set out at 2.7 enabled knowledge to be captured and retained within the workforce which would benefit future management of the maintenance and investment programme.

The Finance and Audit Scrutiny Committee felt that, in relation to recommendation 2.7, the report should have spelt out more specifically how the proposed allocation would be spent. Upon receiving this information verbally from the Head of Housing and Property Services, the Committee agreed to support the recommendations in the report, but suggested that it would be more appropriate for recommendation 2.8 to read "...the ongoing work to produce..."

The Portfolio Holder for Housing and Property Services, Councillor Vincett, accepted the comments from the Scrutiny Committee and had addressed a number of their queries at the meeting. He did remind Members that the department was in the process of a restructure and many of the issues raised had emerged due to staffing issues and the urgent timescales involved.

Having read the report and considered the comments made by the Scrutiny Committee, the Executive agreed the recommendations.

**RECOMMENDED** that

- (1) the proposed allocation of the Corporate Property Repair and Improvement Programme budget for 2013/14, as set out in Appendix A to the report, is approved;

- (2) the proposed allocation of £252,000 is approved to support the three projects slipped from the 2012/13 programme as approved by the Strategic Asset Group and reported to Members in February of this year as part of the Budget Report;
- (3) the proposed allocation of £40,000 to support the delivery of the Abbey Fields Gate House Project, is approved;
- (4) the proposed allocation of £45,000 to support the delivery of the Pageant House mains electrical re-wire project, is approved;
- (5) the Head of Housing & Property Services, in consultation with the Council's Procurement Manager, is authorised to procure the works as per the Code of Procurement Practice;
- (6) the ongoing work to develop stock condition information and produce a 5 year maintenance plan for the corporate stock to take effect from April 2014, is noted. It is anticipated that this plan will be presented to the Executive in October 2013 and will be one element of a comprehensive strategic Asset Management Plan that addresses the investment needs of all the elements of the Council's current asset base and determines how that asset base may need to be reconfigured to reflect financial and operational considerations;
- (7) a maximum allocation of up to £60,000 is approved from the Service Transformation Reserve to fund the engagement of additional temporary staff within the Homes and Property Services service area to undertake surveying and assessment work to inform the development of the strategic Asset Management Plan;
- (8) the ongoing work to produce an operational charter for the Corporate Property Repairs and Improvements Budget, is noted; and
- (9) the requirement to complete electrical safety works at the Town Hall prior to February 2014 is noted and that options for the content and delivery of this work are currently being developed. It is anticipated that a report will be brought to Executive in July 2013 outlining scheme options, associated budgets and financing

options, in the light of the strategic considerations that will be reflected in the subsequent October report.

(The Portfolio Holder for this item was Councillor Vincett)  
(Forward Plan reference 500)

## 177. **HS2 UPDATE AND ONGOING STRATEGY / COUNCIL INVOLVEMENT**

The Executive considered a report from Development Services which updated Members on the current position of the Council's continuing work with regard to the Government's High Speed Rail proposal (HS2).

In 2010 the Council resolved to oppose the HS2 proposal and agreed a budget of £100,000 towards the Council's costs relating to HS2. As well as contributing towards the costs of undertaking a Judicial Review, this finance had been utilised to encompass both the commissioning, through 51m (a group of local authorities challenging HS2), of technical/legal expertise to prepare and submit representations to a variety of HS2 consultations, the Government's Transport Select Committee as well as general campaigning / lobbying of Members of Parliament and other agencies and Government Departments (Treasury) to raise awareness of the many issues of concern arising out of the HS2 proposal.

Included in the report was an update regarding the overall campaign of opposition, including the outcomes of the recent Judicial Review. The financial provisions were also outlined relating to the judicial review process along with those that may be deemed appropriate to mount an appeal.

Finally, the Council's possible future budgetary provisions were also explained should it be considered necessary to continue to oppose HS2.

The report requested approval to continue with the 51m consortium of Authorities as part of the appeal against the findings of the Judicial Review and requested funding to provide a contribution towards an appeal by 51m. In addition, further funding was required to finance any future work streams that may be needed to continue with work in relation to HS2, with the necessary authority to spend and utilise being delegated to the relevant individuals.

An alternative option would be for the Council to review its stance with regard to continued work in relation to HS2 and the implications this could have on finances. Members could choose to retire from 51m but this could be seen as a fragmentation of the organisation and may not be in the long term interests of the District or the campaign as a whole.

The Finance and Audit Scrutiny Committee expressed concern that this was the first update report Members had received since the 2010 agreement that HS2 be opposed. The Committee felt it was essential that all Members received regular feedback, with particular emphasis on what work had been carried out and how monies had been spent to date in the Council's opposition to the HS2 proposal, what the on-going plan was and how budgetary provisions were intended to be

spent going forward. The Committee was keen to see transparency and accountability.

Dissatisfaction was expressed over how the initial agreed budget of £50,000 had been increased without consultation and some Members suggested that decisions relating to HS2 should be taken by Council as a whole rather than by the Executive. Nevertheless, the Committee was largely supportive of continuing with the 51m consortium of Authorities as part of the appeal against the findings of the Judicial Review. Members felt that they needed regular updates on the ongoing work with 51m and any other meetings that had taken place on the subject of HS2.

The Portfolio Holder for Development Services, Councillor Hammon, advised Members that the finances being requested were realistic and this report now set out the Council's limit. He explained that the Judicial Review had continued longer than expected, which had increased costs, but felt that the Council had a duty to protect residents as best as possible.

Councillor Caborn reminded Members that HS2 didn't just affect one side of the District but would have implications for all residents.

In response to the Finance and Audit Scrutiny Committee's comments, Councillor Doody advised that the most recent report regarding HS2 had been submitted to Scrutiny Committees in March 2013 and the decision to increase funding had been taken by all Members at Council in February 2011. He also felt it was important to recognise the fantastic work being done by all of the local Action Groups, in relation to HS2.

Having read the report and considered the comments made by the Scrutiny Committee, the Executive agreed the recommendations. The recommendations were agreed as set out in the report with an amendment to recommendation 2.4 to read:

"....for the purpose of any future work streams that may be necessary in continuing work in relation to HS2."

**RECOMMENDED** that

- (1) the financial position in respect of recent work in relation to the Judicial Review be noted and the allocation of a further £40,000 to cover the worst case estimate of total costs related to this element of the proceedings, financed from the Planning Reserve, be agreed;
- (2) the Council continue with the 51m consortium of Authorities as part of the appeal against the findings of the Judicial Review;

- (3) the allocation of a further (maximum contribution) of £30,000 from the Planning Reserve, in order to provide a meaningful contribution towards an appeal by the 51m consortium of Authorities against the findings of the Judicial Review, be agreed;
- (4) the allocation of a further £30,000 financed from the Planning Reserve for the purpose of any future work streams that may be necessary in continuing work in relation to HS2, be agreed; and
- (5) all funding agreed above will be closely monitored and utilised as necessary with authority to spend delegated to the Chief Executive and Head of Development Services in consultation with the Leader and Development Portfolio Holder.

(The Portfolio Holders for this item were Councillors Doody and Hammon)  
(Forward Plan Reference 501A)

#### 178. **DEVELOPMENT OF THE DESTINATION MANAGEMENT ORGANISATION (DMO)**

The Executive considered a report from Development Services which was a follow up to the March 2012 and September 2012 Executive reports which set out the strategic direction for the development of a Destination Management Organisation (DMO). The report set out the legal and financial implications of the set-up of the organisation.

Following agreement by Executive in September 2012 to develop a joint DMO for Warwick and Stratford, work had been on-going to develop the company with the Destination Manager whose remit was to establish a new Destination Management Organisation. The DMO would need to be recognised by the national tourism bodies Visit England and Visit Britain. Warwick District Council's support included some consultancy time to oversee the company structures and test the membership prospectus.

It had been agreed at a November 2012 meeting between Warwick District Council and Stratford District Council representatives that the DMO would need time to become established and sustainable, hence the proposal to provide funding for three years initially. At this meeting an 'in principal' contribution of up to £75,000 per annum for three years had been discussed, based on an interim budget. The report before the Executive formally requested this funding. During the three year period the financial positions would be reviewed to help inform any longer term funding decisions – which would be at the Council's discretion.

The report also requested that authority be delegated to the relevant individuals to enter into all relevant agreements and take all necessary steps, to establish the operational capability of Shakespeare's England. It was also proposed that a business plan should be sought within three months setting out the expenditure

plan for the next three years, how the Council's contribution should reduce and how other income sources would be maximised.

One alternative option was to not enter into the agreement to develop and co-fund the DMO. However, this would be contrary to the District Council's adopted principles and also the Executive recommendation of September 2012. A further option was to delay a decision but this had the potential to delay the formation of the DMO itself and could have a knock on to industry engagement and matched funding.

The Finance and Audit Scrutiny Committee was concerned that, until an appropriate business plan was accepted in line with recommendation 2.5, then recommendations 2.3 and 2.4 should not be taken forward. (The Committee also felt that recommendation 2.3 should make reference to the business plan.) Members were frustrated both by the lack of a business plan and by the lack of information generally, and cited as an example of the latter that evidently it was intended that there should be a board of directors, but there was no information as to whether or not those directors would be paid.

The Portfolio Holder for Development Services, Councillor Hammon, was surprised by the Scrutiny Committee's comments because the need for private sector led tourism had already been agreed. In addition, he reminded Members that officers had been working closely with Warwickshire County Council Legal officers, that the directors would receive no remuneration and the DMO was a not for profit organisation.

Having read the report and considered the comments made by the Scrutiny Committee, the Executive agreed the recommendations.

**RECOMMENDED** that

- (1) the progress made with setting up the DMO company, Shakespeare's England, be noted;
- (2) the Portfolio Holder for Development Services be nominated to represent the Council as a Director and member of Shakespeare's England;
- (3) authority be delegated to the Economic Development & Regeneration Manager in consultation with the Development Portfolio Holder, Head of Development Services, Head of Finance and the Monitoring Officer to enter into all relevant agreements (on terms acceptable to the Monitoring Officer) and take all necessary steps to establish the operational capability of Shakespeare's England in the terms outlined in this report;
- (4) up to £75,000 per annum be funded to the company from the allocated existing tourism budget, for a maximum of three years as the Council's contribution

towards the running costs of Shakespeare's England Ltd, noting the implications detailed in the report; and

- (5) a Business Plan be sought within 3 months setting out the expenditure plan for the next 3 years and illustrating how the Council's contribution should be expected to be reduced and other income sources to be maximised.

(The Portfolio Holder for this item was Councillor Hammon)

#### 179. **RURAL / URBAN CAPITAL IMPROVEMENT SCHEME**

The Executive considered a report from Finance which provided details of a revised Rural/Urban Capital Improvement scheme.

The Council operated a scheme to award Capital Improvement Grants to organisations in urban and rural areas.

The Finance and Audit Scrutiny Committee accepted that the title of the report should be "Rural / Urban Capital Improvement Scheme", not "Application".

There was some discussion over whether it would be appropriate to lower the maximum amount that could be applied for, but Members ultimately agreed that it should remain the same because a cap might rule out what were otherwise very good applications. Members felt that the third statement under "Grant Conditions" should read "must" rather than talk about "the right to", but otherwise supported the recommendations in the report.

The Portfolio Holder for Finance, Councillor Mobbs felt that the recommendations were acceptable and would bring the scheme in line with other Council-run schemes. He reminded Members that a report would be brought forward in six months time to assess how the scheme was progressing.

Members, however, were unhappy with the revised scheme and there was some debate regarding the contributions that Parish Councils should and had made in the past.

Councillor Mrs Grainger stated her disappointment with the report and advised that the groups working with the Parish and Town Councils to promote the scheme needed two years warning of any changes because that was often how long it took smaller organisations to raise funds.

Following further discussion, this item was withdrawn from the agenda to allow further work to take place.

**RESOLVED** that the report be withdrawn.

(The Portfolio Holder for this item was Councillor Mobbs)

## 180. **AUTO ENROLMENT – PENSION SCHEME**

The Executive considered a report from Finance which updated Members on the new legislation on employer duties for staff not in a workplace pension scheme and recommended postponement of existing staff into the pension scheme under the new terms of auto enrolment.

Following recent changes in workplace pension law, every employer had new legal duties to help their workers in the UK save for retirement. They would have to automatically enrol employees into a qualifying workplace pension scheme and make contributions towards it. As a consequence, this would result in a cost to the Council.

The date for automatic enrolment (staging date) was 1 October 2013 and the Council would need to auto enrol anyone who was not already in the scheme on or after that date. The Council had the option of delaying the staging date for existing employees to October 2017, which would allow the Council to budget for this additional cost which was estimated to be around £200,000 per annum.

By choosing to defer the enrolment date until October 2017, this would allow staff to decide if they wished to join the current scheme or not and would delay the revenue costs to the Council.

There were no alternative options detailed in the report due to the changes being implemented by a change in employment law.

Having read the report and considered the comments made by the Scrutiny Committee, the Executive agreed the recommendations.

### **RECOMMENDED** that

- (1) the enrolment date to non-members of the current scheme to 1<sup>st</sup> October 2017, be deferred; and
- (2) the Medium Term Financial Strategy and HRA Business Plan be updated with the forecast associated costs detailed in paragraph 5.1 and 5.2 of the report.

(The Portfolio Holder for this item was Councillor Mobbs)  
(Forward Plan reference 499)

## 181. **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  |
|------------|-----------|---|
| 184        | 1         | Information relating to an individual   |
| 184        | 2         | Information which is likely to reveal the identity of an individual   |
| 182 & 183  | 3         | Information relating to the financial or business affairs of any particular person (including the authority holding that information) |

The full text of Minutes 182 to 184 was contained within a confidential minute which would be considered for publication following the implementation of the relevant decisions. However, a summary of the decisions was as follows:

**182. EXEMPTION TO THE CODE OF PROCUREMENT PRACTICE - TELEPHONY**

The recommendation as set out in the report was agreed.

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

**183. SHADES JUDICIAL REVIEW**

The recommendation as set out in the report was agreed.

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

**184. MINUTES**

The confidential minutes of the meeting held on 13 March 2013 were taken as read and signed by the Chairman as a correct record.

(The meeting ended at 8.25 pm)