

Stephen Cross
Chairman of the Council

Council meeting: Wednesday, 23 January 2019

Notice is hereby given that an ordinary meeting of Warwick District Council will be held at the Town Hall, Royal Leamington Spa on Wednesday, 23 January 2019 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 held on 14 November 2018.
(Pages 1 to 10)

4. **Communications and Announcements**

5. **Petitions**

To receive the petition that the undersigned petition Warwick District Council; and the Canal and Rivers Trust:

To protect and preserve mature trees lining the Grand Union Canal towpath in Leamington Spa between the railway bridge and the PBSA building on Althorpe Street, thus maintaining the physical and mental health benefits, and ecological benefits to the public as part of Leamingtons green corridors. We point out that permitting the felling of these trees would be counter to:

1. Warwick District Council's **Tree and Woodland Strategy**, para 2.2.3, policy 6 and para 3, especially 3.1.3;
2. Canal and River Trust's declared commitment to care for the environment and to towpath users, articulated in the **Governance Handbook** of June 2018, Charitable Objects, especially 2.1.3 and 2.3; and 2.6.1. Also in **Waterways and Wellbeing**, September 2017, especially pages 113-118;
3. Warwick District Council's emerging Canal Conservation Area (currently under consultation), whereby these trees would have TPO status.

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 the report of the Executive meetings

- | | |
|---|-----------------------|
| (a) 31 October 2018 (excluding minutes 77 & 78 that were considered by Council on 14 November 2018) | (Page 1 to 27) |
| (b) 28 November 2018 | (Page 1 to 42) |
| (c) Excerpt of 9 January 2019 | (Page 1 to 21) |

11. **Employee Code of Conduct**

To consider a report from Democratic Services	(Page 1 to 49)
---	-----------------------

12. **Council procedure rules**

- (1) That Council approves the amendment to Council procedure rules to note that meetings of Employment Committee from this point forward, any meetings of this Committee and its sub-committees, held in the Council Chamber at the Town Hall, Royal Leamington Spa, are both audio and visually recorded including where the press and public have been excluded;
- (2) To revise Council procedure rule 6(2) with regard to Council Notices of Motion so that instead of stating "[...] delivered by 10.00am on the sixth clear working day before the next meeting of the Council, the Executive or committee[...]" it is revised to "[..] delivered by 10.00am on the seventh clear working day before the next meeting of the Council [...]", thus accurately reflecting the approach of Council in that the Motion must be received the day before the Agenda for the meeting is due to be published.

13. **Director of Public Health for Warwickshire Health Annual report**

To receive the presentation from the Director of Public Health Warwickshire regarding their Annual report.

14. **Public & Press**

To consider resolving 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 paragraph 3 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

15. **Confidential Executive Report**

To consider the confidential report of the Executive meetings on:

(a) 28 November 2018; and

(Page 1 to 14)

(b) An excerpt of 9 January 2019.

(Page 1 to 5)

(These reports are not for publication)

16. **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 15 January 2019

For enquiries about this meeting please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.

Telephone: 01926 456114

E-Mail: committee@warwickdc.gov.uk

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) 456114 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 456114.

WARWICK DISTRICT COUNCIL

Minutes of the meeting held on Wednesday 14 November 2018, at the Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT: Councillor Cross (Chairman); Councillors Ashford, Barrott, Boad, Bromley, Mrs Bunker, Butler, Cain, Mrs Cain, Coker, Cooke, D'Arcy, Davies, Davison, Day, Doody, Edgington, Mrs Falp, Gallagher, Gifford, Gill, H Grainger, Mrs Grainger, Mrs Hill, Howe, Illingworth, Mrs Knight, Margrave, Mobbs, Murphy, Naimo, Noone, Parkins, Phillips, Quinney, Mrs Redford, Shilton, Mrs Stevens, Thompson, Weed, Whiting and Wright.

51. **Apologies for Absence**

Apologies for absence were received from Councillors Evetts, Heath, Morris and Rhead.

52. **Declarations of Interest**

Minute 59 and 62 Executive report and Confidential Executive Report

Councillor Whiting declared a Disclosable Pecuniary Interest in both the Executive report of 31 October 2018, Minute 77 (Kenilworth School Loan and Land Purchase) and the Confidential Executive report of 31 October 2018, Minutes 89 (Kenilworth School Loan and Land Purchase – Private & Confidential) because his wife was a Governor at Kenilworth School.

53. **Minutes**

The minutes of the meeting of Council held on 19 September 2018 were taken as read and duly signed by the Chairman as a correct record.

54. **Communications & Announcements**

The Chairman of the Council offered congratulations to Princes Charles, the Prince of Wales, on his 70th birthday.

The Chairman informed Council that he had attended the Warwick remembrance Service, and Councillor Illingworth as Vice-Chairman had attended the Kenilworth remembrance service on Sunday.

The Chairman informed Council that, since the last meeting, Michelle Robertson from Housing Services and Dennis Maddy from Development Services had both passed away. As a mark of respect it had been agreed that the Warwick District Council flag would fly at half-mast on the day of their respective funerals. The Chairman led a short moment of reflection as a mark of respect for those officers.

The Chairman informed Council that there was no business to consider under either Item 5 - Petitions or Item 7 - Public Submissions.

55. Suspension of Council Procedure Rules

It was proposed by Councillor Boad and duly seconded by Councillor Gifford that under Council Procedure Rule 31 Council Procedure Rules with the exception of Rule 13, The Rules of Debate for Council Meetings, and Rule 17, regarding Voting, be suspended, to enable a debate to be taken on a motion under procedure rule 19(3)(b) 'that Andrew Mobbs is removed as Leader'.

On being put to the vote, the motion was lost.

56. Notice of Motion

At the start of this item, the Chairman reminded Councillors of the additional information contained in the addendum from the Returning Officer and Electoral Commission on this matter.

It was proposed by Councillor Quinney and seconded by Councillor Mrs Gallagher that:

"That Council recommends to Executive that it defers taking final decisions on the Council Offices Relocation project to proceed to Phase 2, and seeks public approval at a District-wide referendum to be held on May 2nd 2019".

First amendment

It was proposed by Councillor Davison and second by Councillor Mrs Falp "That Council recommends to Executive that it defers taking final decisions on the Council Offices Relocation project to proceed to Phase 2, to consider building an element of affordable housing on the Riverside House and/or Covent Garden sites".

Councillors Mrs Falp, Day, Phillips, Boad, Whiting, Gifford, H Grainger, Coker and Davison spoke on this item.

During the speech from Councillor Phillips, Councillor Barrott rose on a point of order to confirm that it was the amendment being debated, which was confirmed by the Chairman.

On being put to the vote, the amendment Motion was lost.

Second amendment

It was proposed by Councillor Boad and seconded by Councillor Gifford that the Motion be amended to read:

"That Council recommends to Executive that prior to taking final decisions on the Council Offices Relocation project to proceed to Phase 2, to consider building an element of affordable housing on the Riverside House and/or Covent Garden sites.""

Councillors Boad, Whiting, Day and Mobbs spoke on this item.

On being put to the vote, the amendment was lost.

The original Motion was then debated with Councillors H Grainger, Gifford, Mrs Redford, Boad, Butler, Naimo, Phillips, Coker, Barrott, Grainger and Ashford.

During the speech by Councillor Phillips, Councillor Quinney raised a point of order to clarify that the cost of refurbishment of Riverside House, as set out in his speech, had been provided by officers.

Councillors Shilton and Mrs Redford called for the Motion to be put to Council. A recorded vote on this was proposed and duly seconded by two other Councillors.

The vote (on should the Motion be put to Council) was approved with Council voting as follows:

For: Councillors Ashford, Barrott, Bromley, Mrs Bunker, Butler, Cain, Mrs Cain, Coker, Cooke, D'Arcy, Davies, Davison, Day, Doody, Edgington, Mrs Falp, Gallagher, Gill, H Grainger, Mrs Grainger, Mrs Hill, Howe, Illingworth, Mrs Knight, Margrave, Mobbs, Murphy, Naimo, Noone, Parkins, Phillips, Quinney, Mrs Redford, Shilton, Mrs Stevens, Thompson, Weed, Whiting and Wright.

Against: Councillors Boad and Gifford

Abstention: Councillor Cross

Following summing up by Councillors Mrs Gallagher and Quinney the Motion that: "Council recommends to Executive that it defers taking final decisions on the Council Offices Relocation project to proceed to Phase 2, and seeks public approval at a District-wide referendum to be held on May 2nd 2019", was put to the vote and lost.

A recorded vote had been requested and duly seconded by two Councillors prior to the vote being taken. The record of the vote was:

For: Councillors Barrott, Bromley, D'Arcy, Gallagher, Gill, Naimo, Parkins, Quinney and Ms Weed

Against: Ashford, Boad, Mrs Bunker, Butler, Cain, Mrs Cain, Coker, Cooke, Davies, Davison, Day, Doody, Edgington, Mrs Falp, H Grainger, Mrs Grainger, Gifford, Mrs Hill, Howe, Illingworth, Margrave, Mobbs, Murphy, Noone, Phillips, Mrs Redford, Shilton, Mrs Stevens, Thompson, Whiting and Wright.

Abstention: Councillor Mrs Knight

The Motion was therefore lost.

57. Leader's and Portfolio Holders' Statements

The Leader, Councillor Mobbs, explained to Council that,

1. supporting local communities was fundamental to what this administration wanted to achieve. He explained that since the last elections, £3.4m had been spent on community projects. This continued to increase with further financial support approved for Norton Lindsay village hall and on 28 November the Executive would consider further support for the Whitnash hub.
2. the work funded by the Council for the road at the Playbox theatre was completed and on the back of this, they had made a bid to the Arts Council to enable them to strengthen their offering even further.
3. the affordable housing scheme in Theatre Street in Warwick was nearing completion providing 39 affordable homes in the centre of Warwick;
4. the next stage of the Creative Quarter was due to be considered by the Executive on 28 November 2018;
5. as of July 2018, the data for town centre retail vacancy rates was as below:

- (i) Kenilworth: 3.7% of ground floor units were vacant in the town centre; this was lower than the regional and national averages of 10.2% and 9.9% respectively;
 - (ii) Leamington: 6.6% of ground floor units were vacant in the town centre; this was lower than the regional and national averages of 10.2% and 9.9% respectively;
 - (iii) Warwick: 3.7% of ground floor units were vacant in the town centre; this was lower than the regional and national averages of 10.2% and 9.9% respectively;
6. the current timetable for the HQ project was for Councillors to consider a report on the final decision on whether to proceed at Executive on 28 November 2018 and a subsequent Council meeting would be held on either 19 December 2018 or 3 January 2019, to make any final decisions on funding the project.

As previously explained, the role of the three District Councillors who were on the Limited Liability Partnership (LLP) Board was to ensure that the project not only delivered the objectives for new offices, a new larger car park and new housing, but that the Council reached the best possible financial deal for the taxpayers.

At a meeting with officers on Monday, the Executive heard that the extremely thorough due diligence process they were following had not yet been completed, discussions were still underway with Public Sector Plc to finalise the precise structure of the Stage Two financial and legal agreements and the necessary legal, technical and commercial advice could not be obtained until this had been fixed.

Rather than asking officers to rush things to bring the report to November Executive, it was decided that the prudent and proper approach was to defer consideration of the final report by Executive. It was now considered that the report would be debated by Executive in January 2019 and by the Council, at a date to be agreed, in February 2019.

The Leader had also given a commitment to local businesses at a breakfast meeting held on Tuesday, that the car parks would not close until the car park displacement plan was finalised. This had been widely communicated and all the practical support arrangements like new signage and Rangers on the ground to direct people to alternative parking were in place.

As a consequence of deferring the report, Covent Garden car park was now more likely to close in March 2019 than at the end of January. This allowed time to ensure the work at the new car parks being created was completed and had been communicated widely. To that end, the Leader was pleased to advise that a local marketing business was being commissioned in order to assist the Council in getting the message out that Leamington would remain "Open for Business" throughout the closure period and remained a vibrant and exciting destination.

The Portfolio Holder for Neighbourhood Services, Councillor Grainger, explained that the Green Space Team was working on updating the play areas at Othello Avenue, Ophelia Drive, Twycross Walk, Rushmoor and Midland Oak with improvements to existing play areas at Sabin Drive, Mander Grove and Glendale Avenue, Kenilworth. This would include some new play equipment with a view to

being complete by May. In addition, the major upgrade at Victoria Park was scheduled to be completed by the school summer holidays in July 2019.

The Portfolio Holder for Health & Community Protection explained to Council that,

- (1) alongside representatives from WDC and University of Warwick she had been out in the night time economy observing the work of the Street Marshalls. During the visit there were a number of things witnessed:
- the range of work of the Marshalls including a number of welfare issues;
 - during term time, Monday to Thursday, the primary aim of the scheme was the welfare of those on a night out, and the scheme used early intervention techniques in order to reduce the risk of harm to individuals;
 - Pastoral care and protection was offered after people had left the pubs and clubs, including making sure that vulnerable people got home safely and arranging medical treatment for people who were injured;
 - The scheme educated and encouraged respect of the interests of other residents as people returned home, and it was good to see that this had an impact.

On the same evening, Licensing Enforcement Officers from Warwick District and Wolverhampton were conducting taxi and private hire vehicle inspections. Officers addressed the following issues with both the Warwick District Council licensed vehicles and those UBER vehicles licenced with Wolverhampton:

- Parking on double yellow lines, in bus stops and across junctions
 - Tyres close to the legal limit
 - Failure to display hackney carriage private hire drivers licence badge
 - Failure to display the correct signage as required by Wolverhampton licence conditions
- (2) the Council should be aware of the various events with fireworks in recent weeks. Whilst many people loved the excitement of a good firework display, it was important to not forget that fireworks were explosives with the potential to cause major injuries. This Council operated a Voluntary Firework Display Registration Scheme which helped organisers of events to plan and operate a safe firework or bonfire display. Officers had arranged appointments and carried out advisory site visits to inspect 15 public events this year, and all events had run successfully.
- (3) this past weekend was Remembrance Sunday and across the District people commemorated and paid tribute to those that had been killed or wounded in battle and Councillor Grainger thanked the Council's two Armed Forces Champions, Councillor George Illingworth, and Berni Allen, who, along with others in Health & Community Protection, had put in a huge amount of effort, and produced some tremendous work. The Executive had agreed to just over £10,000 of grants across the District relating to remembrance and these included:
- Purchase of silent soldier silhouettes
 - Re-enactment of WW1 commemorative football match held on the 7 October at Leamington Football Club
 - Supporting in a number of areas across the District (Leamington, Burton Green and Stoneleigh) to participate in the national beacon lighting scheme that took place on Sunday 11 November as part of the Armistice Day

- Event to recognise the contribution made by the Warwick Royal Horse Artillery during WW1 – which was held on Saturday 10 November at Midland Oak Park
- Purchase of WW1 memorial benches to be located at North Leamington School
- Exhibition of art work produced by local schools in Lillington
- Production of the Warwick Poppies brochure
- Commemorative displays in the villages of Offchurch, Cubbington, Stoneleigh and at Kingsley School
- Development of an on-line WW1 commemorative resource for the villages of Beausale, Haseley, Honiley and Wroxall.

In addition, the Council had supported Royal Leamington Spa Town Council to arrange custody and placement of commemorative paving stones for Private Henry Tandy and the second Lieutenant J C Barrett, both of whom received the Victoria Cross award for conspicuous gallantry in September 1918.

Councillors knew that the Council was signed up to the Armed Forces Covenant, and had a yearly Action Plan. As an update on the Action Plan, the Council had completed over 65% of the actions to be delivered, and were already looking at reviewing and developing a new action plan, which would include additional action points such as identifying the number of veterans who were volunteering their services, and continuing to encourage service areas and Voluntary Community Sector Partners to ask the 'armed forces question' and record the answer.

The Portfolio Holder for Business, Councillor Butler, explained that:

- (1) the second Coventry & Warwickshire Business Festival would run from 19 to 30 November. There were 140 events being held throughout Coventry & Warwickshire with this Council hosting three of them. The monthly update from the Economic Development Team was to be published at the end of this week;
- (2) as previously reported, internal work to the Racing Club Warwick clubhouse had been completed and there was now a community room completely separate from the football bar that was being used by numerous community groups including most of those who were displaced when the Royal Naval Club closed. The new Multi Use Gamers Area (MUGA) has been completed and was already booked every evening Monday to Friday. The club had started a Football Academy and there were over 50 children undertaking their 16 to 18 year education within it. The classrooms were currently at the Warwick Cricket club and it was planned to move these to the Community room after Christmas.
- (3) earlier this year the Council received the disappointing news that Wolseley was closing its distribution depot in the District and staff were to be made redundant. Officers from the Council and the Growth Hub were working together to see what could be done to assist those people to find new jobs. In parallel, officers had started discussions with World of Books who were planning to open a distribution depot in the Midlands. They were looking at a number of sites throughout the region but they had decided to locate the depot in our district. This was not only good news for the District but for the former employees of Wolseley as they had the skills and experience World of Books would be looking for.

The Portfolio Holder for Culture, Councillor Coker, informed Council that in respect of the Pump Rooms Catering the new contractors were looking at opening it up and bringing it back to life.

(Councillor Howe left during this item)

58. Questions to the Leader of the Council & Portfolio Holders

Councillor Mrs Falp asked the Portfolio Holder for Neighbourhood Services, as the parks on the Heathcote were used by residents of Whitnash, Bishop's Tachbrook and Myton & Heathcote Ward, her officers would be liaising with all the relevant Ward Councillors?

In response, Councillor Grainger assured Councillor Mrs Falp they would be.

Councillor Mrs Gallagher asked the Portfolio Holder for Housing if he was aware that one of her constituents had suffered a massive flood for the second time in three years - was he aware of the responses to such incidents and how these responses could be improved?

In response, Councillor Phillips explained he could not discuss the specific circumstances but would be willing to meet with Councillor Mrs Gallagher on a one to one basis to discuss them. There was an out of hours line, which would coordinate the response. The Council was looking at the process and continued improvement could be made.

In response, Councillor Mrs Gallagher agreed to meet with Councillor Phillips to discuss the matter.

Councillor Mrs Gallagher asked the Portfolio Holder for Housing if he was aware that eight years ago the Council installed biomass boilers in two Council properties in Beausale. These had now been removed and would it be possible to share the cost of this work with Councillors?

In response, Councillor Phillips explained that he did not have the figures available but there had been a general issue of securing a supply of wood pellets for the boilers. As a result of this, some boilers were having to be replaced and the costs of the energy consumption was being monitored.

Councillor D'Arcy asked if it was a possible to have an update on the number of homeless people in the District and on the St. Mary's Lands Centenary Fields application?

In response, Councillor Phillips explained that the rough sleepers count was due this month and Councillor Butler explained that there was no update available on the application at this time but he would update the Working Party next week.

Councillor Mrs Redford, asked the Portfolio Holder for Neighbourhood Services to confirm that the Sabin Drive play area in Weston-under-Wetherley was the one she had referred to earlier.

In response, Councillor Mrs Grainger confirmed it was.

Councillor Parkins asked the Leader if he would continue his support for residents of Back Lane in providing them a recycling bin in the area for cans and a replacement general waste bin?

In response, the Leader explained that he wanted to continue to support the residents and would talk to colleagues about this.

Councillor Parkins asked the Portfolio Holder for Housing if he could thank officers for the work they were undertaking in Lillington to clear alley ways and maintain them generally along with the plans for including gates were appropriate?

Councillor Phillips explained that he was not aware of the details of the work but if this could be provided he would pass on his thanks and would monitor progress.

Councillor Quinney asked the Portfolio Holder for Housing if could update Council on the transition funds to ease the challenges of new claimants moving to Universal Credit?

In response, Councillor Phillips explained that Councillors would be receiving details of these in the near future.

Councillor Naimo asked the Portfolio Holder for Housing because the Council now owned a large parcel of land in the Court Street Area would it be looking for building social housing in this area?

In response, Councillor Phillips explained that the Council was looking at building social houses across the District.

Councillor Boad asked the Leader if he considered the public meeting on Monday 12 November 2018 a success and had he been able to inform the public of all the facts of the project?

Councillor Mobbs explained that there had been some people present who did not want to listen to the facts and equally some supporters were present who did not get to speak.

Councillor Boad, asked the Leader if he would agree that he had closed the One Stop Shop in Whitnash and Lillington and that these were cuts in service?

Councillor Mobbs explained that this was part of the digital transformation strategy and that if people were struggling to access services to contact him.

59. Executive Report

The Leader proposed the report of the Executive meetings of 25 July, 30 August (excluding minute 49, 52, 56 that were considered by Council on 19 September 2019), 26 September and an excerpt of 31 October 2018, along with the addendums for Executive on 26 September Minute 67 fees and Charges and Executive 31 October 2018 minute 78 Code of Procurement Practice.

Councillor Quinney proposed an amendment to the Executive Minutes of 26 September 2018, Minute 67 Fees and Charges that

(1) Add the following bullet points " subject to the inclusion of • The commuter tariff (£8) will also apply to Station Approach (App A page 48 of the report) on the same terms as set out for Archery Road • Parking charges on Abbey End & Square West car parks will increase to 40p minimum charge for 30mins with a new linear charge of 8 minutes for 10p • No increase in the tariffs set out for Senior Citizens/Persons in Receipt of Income Support or addition to State Pension and Registered Disabled Persons for Bulky Refuse items (App A page 54 of the report) • No increase in the tariffs set for Under 18's/Disabled/Unemployed for o Tennis (app A page 7 of report) o Bowls (" " " ")

(2) Amend to read "Council approves no increase in 'Core' Fees and charges in the 2019 Calendar year". This was seconded by Councillor Naimo.

Councillors Whiting, Day, Mrs Cain, Naimo, Quinney and Cross spoke on this item.

On being put to the vote the amendment was lost.

Resolved that the Executive meetings of 25 July, 30 August (excluding minute 49, 52, 56 that were considered by Council on 19 September 2019), 26 September and an excerpt of 31 October 2018, along with the addendums for Executive on 26 September 2018, Minute 67 Fees and Charges and Executive 31 October 2018, Minute 78 Code of Procurement Practice, be approved.

(Councillors Barrott and Butler left the meeting at the end of this item)

60. **Statutory Review of the WDC Gambling Policy (Statement of Gambling Principles)**

The Council considered the revised Gambling Policy (Statement of Gambling Principles) which was applicable to all Licensed Premises. The Licensing Authority was required, by the Gambling Act 2005, to review these Principles every three years.

Changes to the Policy were minimal and were designed to reflect the authority's current approach to the gambling regime in terms of the unique character of the District and the application of generic legislation.

The revised policy was proposed by Councillor Thompson, duly seconded and

Resolved that the revised Gambling Policy (Statement of Gambling Principles, as set out at Appendix 1 to the report, be approved.

61. **Public & Press**

Resolved that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Minute Nos.	Para Nos.	Reason
48	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

62. **Confidential Executive Report**

The confidential reports of the Executive meetings held on 26 September and 31 October 2018 were proposed and duly seconded.

Resolved that the reports be approved.

The 31 October 2018 confidential report from Executive had been taken by the Chairman as an urgent item because it included a report in respect of Kenilworth School in parallel to the matter in the public agenda.

63. **Common Seal**

It was

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

(The meeting ended at 8.55 pm)

Chairman
23 January 2019

Executive

Minutes of the meeting held on Wednesday 31 October 2018 at the Town Hall, Royal Leamington Spa, at 6.00 pm.

Present: Councillors Mobbs (Leader), Butler, Coker, Grainger, Phillips, Rhead, Thompson and Whiting.

Also present: Councillors: Boad (Liberal Democrat Group Observer), Mrs Falp (Chairman of Overview & Scrutiny Committee); Quinney (Chair of Finance & Audit Scrutiny Committee); and Naimo (Labour Group Observer).

76. **Declarations of Interest**

Minute 78 –Kenilworth School Loan and Land Purchase

Councillor Whiting declared an interest because his wife was a governor of the school. He therefore left the room whilst the item was discussed.

Minute 90 –Kenilworth School Loan and Land Purchase – Private & Confidential

Councillor Whiting declared an interest because his wife was a governor of the school. He therefore left the room whilst the item was discussed.

77. **Minutes**

The minutes of the meetings held on 27 June, 25 July, 30 August and 26 September 2018 were taken as read and signed by the Chairman as a correct record.

In addition to the minutes detailed on the agenda, the Leader agreed to the inclusion of the minutes from 4 January and 7 February 2018 for consideration. These were circulated to Members prior to the meeting and agreed and signed by the Chairman as a correct record.

Part 1

(Items upon which a decision by the Council was required)

78. **Kenilworth School Loan and Land Purchase**

The Executive considered a report from Deputy Chief Executive (AJ) regarding Kenilworth School Loan and Land Purchase. The report asked Members to agree a loan to Kenilworth School and the purchase of land at Rouncil Lane in Kenilworth, thereby helping to facilitate the relocation of Kenilworth School and Sixth Form and providing an opportunity for the Council to develop a house-building programme.

Since the Executive considered a report on this matter at its meeting of 31 May 2018, not all elements of the relocation project had progressed as smoothly as would have been hoped: Whereas parts of the planning

application work had progressed and Warwick District Council officers had developed a sound case for the purchase of the School's land at Rouncil Lane and the advancing of a loan to enable the School to continue with its planning application preparation, the landowner at South Crest Farm had not agreed a sale price with the School for their land and so the purchase had not been completed. Consequently, officers had to instruct Counsel to provide Compulsory Purchase Order (CPO) advice in the hope of convincing the landowner to reach an agreement.

Officers and the landowner met at the Council's offices late last month, accompanied by relevant professional advisors, and it was hoped that a negotiated settlement could be reached. Should this not have been successful, officers would have no alternative but to begin formal CPO proceedings which would involve a report to this Committee to seek agreement to the CPO process. The consequence of this was that the School's aspiration of being on its new site for the September 2021 academic year was at risk. Although Counsel's advice was that the Council had a strong case for a CPO, if the landowner decided to argue the matter, the length of the process was difficult to determine as an Inquiry would need to take place.

Notwithstanding the aforementioned, the School Governors' position was that they wished to push ahead with the relocation project recognising the risk but in the belief that it was not "if" relocation would take place but "when".

Executive had agreed that Officers could enter into negotiations with the School's representatives for the in-principle purchase of the land allocated in the Local Plan for housing at Rouncil Lane (currently the School's Sixth Form site and defined as allocation H12 in the Plan). Officers duly instructed the Council's valuers Bruton Knowles (BK) to provide valuation advice in respect of the site and that advice could be seen at Appendix One in the private and confidential (p&c) report relating to this matter. Based on this advice, an offer had been made to the School and this offer had been accepted. The amount offered was detailed in the confidential report (Executive Item 15) along with a commentary to support the level of offer. Members were asked to agree the Heads of Terms (HoT) for the purchase of this land at Appendix Two to the confidential report. It would be noted that the HoT was constructed in such a way that the option to purchase part or the entire Rouncil Lane site existed. The former option was in case the School was ultimately thwarted in its planned move, for whatever reason.

In tandem with negotiations around purchasing Rouncil Lane, Executive had asked officers to explore whether it would be possible to advance a loan of circa £1m to the School to enable it to proceed with its planning application and assist with funding the upfront capital costs of the scheme. That work had confirmed that a loan of that amount could be secured by taking a charge on part of the land at Rouncil Lane which could be developed even with the School still in situ.

Appendix A to the public report included a site plan of the School's land at Rouncil Lane. It was considered that the hatched green area of the site could be developed even if the school remained in situ. Officers had taken advice from a Highway consultant regarding access (Appendix B to the public report) and the Council's solicitors had advised that there would be no impediment to gaining access as a consequence of land title. Officers had therefore instructed the Council's solicitors to draft a Loan Agreement to which the School had agreed. The key element of the agreement from the Council's perspective was security for the loan. This would be achieved by way of a land charge on the site which would be placed on the part of the land that could be developed even with the School in situ. An option agreement would be entered into for this part of the land contemporaneously with the execution of the loan Agreement. Members were asked to note the draft Loan Agreement, as currently proposed at Appendix Three to the confidential report and agree that the final document was agreed under delegated authority, in consultation with the Leader.

Whether the Council ultimately would end up owning the entire site with the potential for 130 dwellings (Local Plan allocation number) or just part with the potential for 70 dwellings, the Council would be afforded the opportunity to begin a house building programme. Members were aware that a report entitled 'Bid for Local Authority Housing Programme' was agreed at the August Executive which sought approval for increasing the Council's borrowing headroom to bring forward such housing schemes. Whilst the financing of the purchase(s) proposed in this report was not dependent on the bid, a successful outcome would give the Council greater capacity to explore further opportunities.

As an alternative option, the Council could decide to play a less active role in the project, however, the likely consequence of this was that the relocation of the School would be delayed and the Council would miss the opportunity to develop a Council house-building programme. For those reasons, the option was rejected.

The Finance & Audit Scrutiny Committee supported the recommendations in the report and noted the confidential appendix.

Councillor Mobbs proposed the report and stated that the Council were pleased to be able to help Kenilworth School in this move.

The Executive, therefore,

Recommended that

- (1) the latest position as it relates to Kenilworth School and Sixth Form's decision to relocate to land at South Crest Farm, Kenilworth, which has been allocated in the Warwick District Local Plan for educational uses, is noted;

- (2) the latest position in respect of the negotiations and discussions between officers and the School in respect of advancing a loan and purchasing the School land at Rouncil Lane, is noted;
- (3) the Heads of Terms for the purchase of the School land at Rouncil Lane at Appendix Two to the private & confidential report on this matter, having noted both the Council's valuation advice at Appendix One and offer price at paragraph 3.2 of the report, are agreed;
- (4) the release of the necessary funding from the Housing Revenue Account Capital Investment Reserve is agreed;
- (5) the draft Loan Agreement at Appendix Three to the private & confidential report is noted; and
- (6) a final document is agreed by the Deputy Chief Executive (AJ) and Head of Finance in consultation with the Leader and recommends to Council that the precise source of funding of the loan is agreed by the Head of Finance and included within the updated Capital Budget, is agreed.
- (7) A final document is agreed by the Deputy Chief Executive (AJ) and Head of Finance in consultation with the Leader and the precise source of funding of the loan is agreed by the Head of Finance and included within the updated Capital Budget.

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

Forward Plan Reference 972

79. Code of Procurement Practice

The Executive considered a report from Finance regarding proposed amendments to the Code of Procurement Practice.

The Council's Code of Procurement Practice was last formally reviewed and amended in 2016. It was recognised good practice to keep this document under review and make amendments as necessary to meet the changing environment in which the authority, its services and its finances operated.

The revisions to the Code of Procurement Practice had been developed by Warwickshire County Council's Head of Procurement, as the Council's Strategic Procurement Partner. The proposals had been considered at length by the Procurement Board (Senior Management Team), and the Procurement Champions.

The needs of councils were changing and councils needed to be innovative, flexible and agile in order to be able to respond quickly and efficiently in order to maximise opportunities as and when they arise. Councils therefore needed to have in place a procurement framework which supported innovation, agility and flexibility but at the same time provided the appropriate level of control, safeguarding and scrutiny that would be expected in an organisation spending public money. This was the context within which the review had been undertaken and a revised Code proposed.

The current Procurement Code of Practice (the Code) generally included the elements that would be expected to be seen in a document of this type. However, because the Code had been built up over time, some elements had become confused, overly complex and in some places contradictory.

The level of detail contained in the Code also varied significantly between sections. Some sections were light touch focusing on the more strategic procurement principles that the Council was seeking to achieve, whereas other sections went into great detail about the actual processes that officers needed to follow to satisfy both statutory and local procurement requirements. This mixed level of detail coupled with the confused, complex and in some places contradictory elements made it difficult for officers to comply with their obligations. The revised code was therefore seeking to:

- Focus on what needed to happen in relation to procurement rather than how procurement was done. The 'How' would be covered in procurement guidance issued by WDC Procurement via the Intranet. This approach had the benefit of allowing the 'how' to be more flexible and more easily amended to reflect experience, good practice and legislation as it would not be formally part of the Code and therefore not part of the Council's Constitution. The Code did, however, have the teeth to force officers to follow any procurement guidance issued.
- Ensure that the Council's statutory obligations in relation to procurement were satisfied through the Code with local policy and practice requirements communicated to officers through supporting procurement guidance.
- Provide a structure for the document that was more aligned to how the procurement process happened and therefore the Code should be easier for officers to follow and comply with.
- Provide the necessary information in a clear concise way that was detailed enough for officers to know their obligations but short enough as to be manageable. As a consequence of the review, the proposed Code was much shorter than the current version – down from 43 pages to 25 pages.

It was clear from the review undertaken that awareness of the Code was high and Officers were familiar with the general look and feel of the Code. However, the revised Code contained some new/different requirements and therefore, once agreed, the new Code would need to be formally re-launched. In support of this, the Council had already reviewed its procurement training offer to incorporate the changes proposed in the revised Code. The intention was that once the revised Code had been formally adopted by Council, training content could be finalised and training delivery could commence.

There were a number of specific Proposed Changes to note within the proposed Code regarding: Minimum Requirements; Legal Compliance; Scope of the Revised Code; Roles & Responsibilities; Collaboration; The Gateway Process; Local Supply; Constructionline; Social Value (SV); Role of the Executive; E Procurement; and Types of Contract. Where it was proposed in the new Code to remove prior agreement from Members for lower level decisions, these decisions would still be reported retrospectively to members as they were currently. It was considered that this approach coupled with more clarity around roles, responsibilities and accountabilities would enable Members to focus on the more significant procurement issues impacting on the Council.

In terms of alternative options, Members may wish to retain the existing Code of Procurement Practice or propose alternative changes. However, as explained in Section 3, the proposals were intended to present a sound foundation under which to progress good procurement across the Council.

The Finance & Audit Scrutiny Committee supported the recommendations in the report with a number of modifications as agreed with officers. An addendum was circulated prior to the meeting in order to answer questions from the Scrutiny Committee.

The Overview & Scrutiny Committee noted the report and thanked Mr White, Procurement Officer from Warwickshire County Council, for attending their meeting and answering questions

The Portfolio Holder for Finance agreed the amendments as proposed by Councillor Rhead and advised that a revised wording would be issued prior to submission at Council.

The Executive therefore,

Recommended that Council adopts the updated Code of Procurement Practice as detailed in Appendix One to the minute, subject to an amendment to page 13 of the report, to bullet point four to read "*the exemption must be agreed by the Head of Finance and Executive, prior to any **contract** being **entered into***". These changes will be made prior to submission to Council.

(The Portfolio Holder for this item was Councillor Whiting)
Forward Plan Reference 960

Part 2

(Items upon which the approval of the Council was not required)

80. Adoption of a Plastics Policy

The Executive considered a report from Health & Community Protection which sought approval of a Plastics Policy which aimed to minimise, if not eliminate, the procurement of plastics by the Council, to improve the recycling of plastic items where these could not be avoided. This was an initial Stage One policy position outlining the aims of the Council, taking into account what could currently be accomplished. It was acknowledged that further work could be achieved, particularly around the Council's education role which was to be developed further.

The Plastics Policy recognised that the Council had an impact on the environment from the use and disposal of plastic, and identified how this impact could be reduced.

Over recent months, national and global awareness of the impact that plastic was having on the environment had been strengthened as a result of two influences:

- In October 2017, the Sir David Attenborough Blue Planet II television series showed images of plastic in our seas from across the globe, including remote and uninhabited areas.
- In January 2018, the Beijing government enacted a waste import ban which resulted in the UK no longer being able to export waste to China. Although this was not an issue for the authority, the impact on the wider waste sector had been large and had resulted in more being done to minimise plastic waste, increase plastic recycling and overall had heightened national awareness of plastic use and disposal.

According to the national charity Waste Resources Action Programme (Wrap), plastics were entering the natural environment at an alarming rate and approximately 5,000 items of marine plastic pollution could be found per mile of beach in the UK.

The Government launched a Strategy "A Green Future: Our 25 Year Plan to Improve the Environment", advising that it would eliminate all single use plastics by 2042, although many supermarkets and other organisations were working towards earlier targets, and in particular the elimination of black plastics which were not largely recyclable.

The Plastics Policy was developed working with departments from across the authority and was shown in Appendix One to the report. The policy identified the things the authority could do to minimise its own impact in

relation to plastic use and also recognised the leadership role the Council had by supporting local communities in this area.

There had already been work in the area of plastics reduction by the Elections team who had found an organisation that would recycle the plastic seals on ballot boxes. The Elections Team had also been exploring the elimination of single use plastic bottles for the election count. In addition, Cultural Services had taken steps to eliminate plastic straws, some plastic bottles and single use plastic cups from the Town Hall, Royal Pump Rooms and the Royal Spa Centre. There were also local organisations taking positive actions in this area including Clean Up Britain and the Plastic Free Leamington and Warwick group.

The Plastics Policy commitments would be embedded within the Sustainability Approach and the Sustainability Officer Group action plan which was being reviewed on a regular basis. The policy statements were realistic at this point in time and as the commitments became embedded, these could be stretched further where it considered further actions were achievable.

There was not a single organisation that could solve the problems associated with plastic and organisations must work together; the policy supported this collaborative approach. The officers' work could have an influence locally as well nationally by encouraging other local authorities to also take positive action in this area.

In terms of alternative policy options, Waste Resources Action Programme (Wrap) had launched a 'Plastic Pact' scheme with a number of plastic targets associated with it, aimed at large organisations such as Marks & Spencer, Asda and Coca-Cola. The targets were aimed at reusing plastic packaging, eliminating single use plastic packaging, using recycled plastics and recycling plastic packaging by 2015. Wrap advised that local authorities may have a supportive role in this but it was not suitable for them to sign-up to the Pact. Some local authorities had signed up to motions, but there was nothing non-politically specific that the authority could sign-up to.

Alternatively, the Council could choose not to adopt a Plastics Policy.

The Overview & Scrutiny Committee supported the recommendations in the report. The Committee discussed what could be done to reduce the use of plastic at events held in the District and requested an update in twelve months' time to review progress with the Policy and the difference it had made. Suggestions were made for some amendments to the wording in the Policy and Councillor Thompson asked Councillor Davison to liaise with him over the changes, which he had done.

The Executive, therefore,

Resolved that the Plastic Policy is approved as shown in Appendix One to the report, subject to an amendment to Appendix One, page 6 of the report, first paragraph, to read:

*"Plastics can be very useful in everyday life, but there is increasing evidence that plastics are seriously harming our environment both on land and in particular the marine life in our seas. **As plastics may take centuries to degrade, these environmental impacts could be very long lasting.**"*

(The Portfolio Holder for this item was Councillor Thompson)
Forward Plan Reference 956

81. **Adoption of Revised Enforcement Policy**

The Executive considered a report from Health & Community Protection that sought the Council's adoption of the revised enforcement policy covering a range of the Council's regulatory services.

The Enforcement Policy had been reviewed and updated to reflect the inclusion of additional Council regulators and relevant enforcement powers. It was last reviewed in 2014, following the introduction of the Regulators code.

The main changes were:

- Inclusion of additional enforcement areas within the scope of the policy. Namely: Anti-Social Behaviour, Dog Control and Planning.
- Inclusion of the approved Development Services enforcement policy as appendix to overarching corporate Enforcement Policy.
- Updates to legislation and governing guidance for relevant enforcement activities. e.g. Simple Cautions.
- Updated wording to provide additional clarity and understanding throughout the document.

As this was a statutory duty, the Council needed to adopt an effective enforcement policy.

Alternative content could be considered. However, the proposed version reflected the Government's recommended approach. Also, there was no requirement to produce a single Council-wide policy and Members could prefer service-specific policies rather than the associated appendix which outlined variations of specific powers which were not detailed within the corporate Enforcement Policy.

The Finance & Audit Scrutiny Committee and the Overview & Scrutiny Committee did not consider this item.

The Executive, therefore,

Resolved that the Enforcement Policy and its associated appendices are adopted as set out in Appendix One to the report.

(The Portfolio Holder for this item was Councillor Thompson)
Forward Plan reference 952

82. **Regulation of Investigatory Powers Act policy**

The Executive considered a report from Finance which sought approval of the amended Regulation of Investigatory Powers Act (RIPA) policy.

The Regulation of Investigatory Powers Act 2000 (RIPA) provided the circumstances in which a local authority may use surveillance techniques in order to prevent and detect crime. Each local authority should have a policy in place in order to set out the circumstances in which these powers may be used and the procedure to be followed.

The Investigatory Powers Commission (IPCO) were responsible for providing independent oversight of the use of investigatory powers by public bodies which were undertaken under the RIPA and were responsible for undertaking inspections to ensure compliance.

A desktop RIPA inspection was recently undertaken by the IPCO, who were satisfied that the Council demonstrated a level of compliance removing the need for a physical, on-site inspection.

Paragraph 4.47 of The Home Office revised code of practice, published in August 2018, recommended that *"Elected members of a local authority should review the authority's use of the 1997 Act and the 2000 Act and set the policy at least once a year. They should also consider internal reports on use of the 1997 Act and the 2000 Act on a regular basis to ensure that it is being used consistently with the local authority's policy and that the policy remains fit for purpose"*.

The report noted that RIPA had not been used for a number of years. However, it remained that the Council had certain powers which may be used, should it be necessary.

The policy had been updated to incorporate legislative changes and to provide more specific details in respect of the Court process for the approval of RIPA requests by a Justice of the Peace. Appendix One to the report had also been added to the policy, which covered the use of social media and set out the circumstances when a RIPA authorisation would be required. It would be necessary for Members to review and agree the policy annually in the future.

The report did not present any alternative options.

The Executive, therefore,

Resolved that

- (1) a recently undertaken RIPA inspection undertaken by the Investigatory Powers Commissioners Office, is noted; and
- (2) the amended RIPA policy is agreed.

(The Portfolio Holder for this item was Councillor Whiting)
Forward Plan reference 966

83. **East of Kenilworth Development Brief – Supplementary Planning Document (SPD)**

The Executive considered a report from Development Services which sought approval of the Draft East of Kenilworth Development Brief and the details of the subsequent public consultation on the document.

The Warwick District Local Plan 2011-2029 adopted in September 2017 included significant housing, education and employment allocations to the east of Kenilworth. Local Plan Policy DS15 'Comprehensive Development of Strategic Sites' applied to housing allocations H06 and H40 to the east of Kenilworth and required proposals, to represent a comprehensive development scheme for the entire site to be demonstrated by the submission of either a Development Brief or a Layout and Design Statement as appropriate.

At the Executive Committee on 3 August 2017, Warwick District Council committed to a proactive approach by approving the preparation of a Development Brief to support the development of the proposed housing, education and employment allocations to the east of Kenilworth.

Extensive collaborative work had been undertaken involving internal departments of the Council and external partners including Warwickshire County Council to inform the draft Development Brief. Further stakeholder engagement meetings had been undertaken with the Kenilworth Development Forum and with Kenilworth Town Council to assist in the preparation of the Development Brief.

The Development Brief at Appendix One was the culmination of the above engagement and specifically-commissioned technical work. Due to the size and printing costs of this document, an electronic link was provided to Members and hard copies were made available on request. The brief provided a coherent masterplan, and would help ensure that the developments on the land East of Kenilworth were integrated well with the town, providing much needed housing, open space, employment and land and community facilities.

The Council's 'Statement of Community Involvement' (SCI) adopted in January 2016, as outlined in Table Two of the appendix, provided guidance on community involvement in stages of the Supplementary Planning Document production. The SCI stated that once guidance such as the East Kenilworth Development Brief had been prepared, comments would be invited from all interested parties and the wider community. This

document had now reached this stage and consultation was required to progress the document.

A public consultation was proposed to commence following the Kenilworth Neighbourhood Plan Referendum, due to be held on 15 November 2018, to minimise confusion between the two planning documents. The public consultation and adoption of the Development Brief, however, was not impacted by the outcome of the Referendum.

The document, if adopted as a Supplementary Planning Document, would be a material consideration in the determination of planning applications in the area covered by the document.

As an alternative, the Executive could decide not to consult on the document and therefore not pursue the adoption of a Development Brief for land East of Kenilworth. However, this would have a significant detrimental impact upon the ability of the Local Planning Authority to ensure the comprehensive redevelopment of the area was achieved in accordance with key Local Plan Policy DS15 'Comprehensive Development of Strategic Sites'.

The Executive could decide to delay public consultation until a later date. However, this would jeopardise the Local Planning Authority's ability to influence planning applications and pre-application discussions as they came forward in the area and could potentially impact upon the ability to ensure the comprehensive redevelopment of the area in accordance with Local Plan Policy DS15.

The Executive, therefore,

Resolved that

- (1) the Draft East of Kenilworth Development Brief as set out in Appendix One to the report is approved for public consultation, be agreed;
- (2) the public consultation period will commence following the Kenilworth Neighbourhood Plan Referendum on 15 November 2018. The consultation will last a minimum of eight weeks and will accord with the Council's adopted Statement of Community Involvement (SCI); and
- (3) following the public consultation, a final version of the Development Brief will be brought before the Executive to be formally approved as a Supplementary Planning Document. The Development Brief will be accompanied by a summary of the representations received and relevant amendments.

(The Portfolio Holder for this item was Councillor Rhead)
Forward Plan reference 937

84. **Discretionary Business Rates Relief as a Tool for Business Growth and Inward Investment**

The Executive considered a report from Development Services which sought agreement of a draft policy for incentivising the District's inward investment activities through discretionary business rates relief, to be shared for external consultation and business community engagement.

This policy was being proposed in response to the growing demand from businesses to provide them with support in moving into the District or in growing their business here.

Consideration had also been given to the fact that Warwick District was a more expensive location to be based within and, in offering this policy, the officers sought to ensure that the District remained competitive and clearly appeared to be 'business-friendly' and 'welcoming'.

It was proposed to take the draft policy out to consultation before making the final decision. The reason for this was to ensure that the policy was needed by business and would be the most appropriate mechanism to offer that support.

In addition, feedback would also be gathered from colleagues within the other local Districts and Boroughs to validate the comments from businesses and to ensure that the Policy sought the most beneficial commitments in return.

In terms of alternatives, there were a number of options considered:

- To implement a policy without consultation. It was decided not to proceed with this approach because it was important to ensure that the support Warwick District Council offered to its local businesses was in keeping with its actual, rather than perceived, needs.
- To implement a policy without a trial period. Given that this was a new approach for Warwick District Council to take, it was decided that a trial implementation period would provide the most suitable level of control over the Policy until the true effectiveness could be determined.
- To not put forward a policy for discussion by the Executive Committee. Following discussions between Officers it was felt that a definite position be agreed on the granting of discretionary business rate relief (or not). To be able to agree this position, it was felt that the bringing forward of an actual policy that sought to maximise the benefits for the District while minimising the risk would be the most appropriate mechanism to determine this position.

An addendum circulated prior to the meeting clarified that the Council would bear 20% of the cost of any change in business rates. If £500k was awarded in relief in total, the Council would pay £100k of this. The £125k in paragraph 5.6 of the report should be amended to £100k.

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

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

The Executive, therefore,

Resolved that

- (1) the draft policy attached as Appendix One to the report to be shared for a three-month period for external consultation and business community engagement as detailed in Appendix Three, be approved; and
- (2) the final proposed policy along with a summary of the consultation feedback will be brought back to the Executive Committee in March 2019, be agreed.

(The Portfolio Holder for this item was Councillor Butler)
Forward Plan reference 929

85. Royal Pump Rooms – Catering & Events Investment

The Executive considered a report from Cultural Services regarding the Royal Pump Rooms catering and events investment.

The report followed on from proposals, first brought to Executive for consideration on 31 May 2018, to improve the catering and events offer at one of the Council's key town centre assets in Royal Leamington Spa, the Royal Pump Rooms.

The report sought approval to draw down additional funds in order to enable the full scheme of refurbishment works required. Executive had previously approved a total allocation of up to £250,000 (£150,000 drawn from the Corporate Assets Reserve and £100,000 from the Service Transformation Reserve) in order to invest in the catering and events offer at the Royal Pump Rooms and to improve the building's public toilet facilities.

Since this report was first considered by Executive in May 2018, DarntonB3 Architecture had been appointed to design the scheme and oversee the project, further surveys of the Royal Pump Rooms catering and events spaces had been carried out, and detailed negotiations with

the incoming catering and events provider, Just Inspire, regarding the priorities of their proposed business model had taken place.

Detailed surveys of the catering and events spaces at the Royal Pump Rooms revealed a greater than expected level of dilapidation which would require extensive restoration and decorative work. It was now estimated that the total cost of the works required to restore the Council's asset to an acceptable level would cost up to £320,000. This meant that approval for an additional allocation of up to £70,000 was required.

Executive had previously agreed to allocate £100,000 from the Service Transformation specifically for investment into the catering and events spaces and £150,000 from the Assets Reserve specifically to refurbish the Royal Pump Rooms public toilets. In order for the funds to be best utilised, it was necessary for the Executive to agree that these funds may need to be combined and spent on any element of the project.

The Council currently had a catering concessions agreement incorporating events in place with Crown Holdings Limited (operating as 'Kudos Know How') at the Royal Pump Rooms and the Glasshouse in Jephson Gardens. The contract extension currently in place was due to expire on 28 February 2019. However, Kudos' management had made a formal request to the Council to exit the contract extension earlier than planned on 23 December 2018 after the Christmas trading period. While the Council was under no obligation to agree to this, Officers would support an early exit as it would allow the Council the opportunity to carry out necessary restoration work and invest in the operation before the new Catering & Events Provider, Just Inspire, was due to begin from site from 1 March 2018.

Trading levels during January and February were consistently much lower than the rest of the year as event bookings and building footfall dropped off significantly after the festive season. As a result, the loss of income paid to the Council from the catering and events commission would be relatively small and negated by the overall increase in income generated by the new business model over the three year contracted period. There were also currently only two confirmed, contracted events due to take place in the venues in January and February, which would normally accommodate a large number of high profile events throughout the remainder of the year. Closing the business for these two months in order to carry out investment works would both minimise the loss of income to the Council and cause the least disruption to the wider building and the programme of local events.

The new catering and events provider, Just Inspire, were able to take occupation from early January and begin trading from 1 March 2019. The detailed financial model they had provided to the Council was based upon the business beginning to trade in full from the first week in March. Any further delay would significantly affect their financial modelling and begin to reduce the Council's financial return. It was therefore essential that any works to the building that would prevent Just Inspire from operating were completed by this date.

Both Complex Development Projects (CDP) and Just Inspire had identified that the Royal Pump Rooms catering offer required development, offering a place for the local community to use whilst 'emphasising good produce, sourced locally, prepared with care, served with pride and with quality and affordability very much at the forefront'. The performance of the Café in particular had declined in recent years. Just Inspire were of the firm belief that the current catering operation was failing to meet its full potential and that investment in the offer was required in order for it to be competitive in the local market and to generate higher levels of trade.

The proposal from Just Inspire detailing their own investment into the operation and the vision for the business was included in the Executive report 'Catering & Events Concessions Contract - Royal Pump Rooms and Jephson Gardens Glasshouse' brought to the Executive meeting on 31 May 2018.

An allocation of £100,000 from the Service Transformation Reserve was intended to assist with ensuring that the offer of the new provider was optimised and the financial returns to the Council were maximised. The proposed changes to the catering and events offer presented the Council with an opportunity to deliver investment in the Royal Pump Rooms and the Glasshouse in order to increase footfall and improve the overall offering and customer experience for residents and visitors to the district. This would begin to showcase the changes that the community could expect as the Creative Quarter developed and could potentially maximise the financial return from the new catering concessions contract.

A key element of Just Inspire's business model was to introduce additional capacity for the Café and attract greater numbers of customers. They had proposed increasing the number of covers both inside the Café and outside underneath the Colonnade, introducing more tables and chairs so that customers could be seated along the front of the building during the summer months.

Just Inspire also intended to re-open the entrances under the Royal Pump Rooms Colonnade at either end of the building and to reposition them as the primary routes into the Café and events spaces directly from the Parade. These changes would create focused 'arrival points', making the café offer more visible to the public, particularly to visitors from Jephson Gardens and the Parade, and ultimately drive up footfall. The use of these entrances would have the added benefit of also 'opening up' spaces within the building which were currently hidden from sight, allowing better circulation between the various spaces and revealing more of the original architectural features.

It was the intention to transform the current Café environment into an 'orangery' style with a simple, clean but high quality design and offer. As part of this, it was the intention to replace the current servery with a much smaller, more contemporary display and counter area. Customers would continue to order at the counter, but meals would be freshly prepared in the kitchen and brought to the table, rather than being

displayed and served directly from the server. The scheme would make a feature of the Café's abundance of natural light from the large windows and skylight and planters would be placed around the space to help create a more intimate atmosphere. These improvements would create a unique offer, reflect the status and heritage of the wider building and make the Café competitive within the local market.

It was also the intention to upgrade the light fittings throughout the catering and events spaces to be more in keeping with the Regency style and to increase energy efficiency.

Just Inspire also intended to use the Royal Pump Rooms spaces more flexibly and for multiple events to take place at the same time, as well as increasing the use of the Café space in the evenings for pop up events, pre-event dining or VIP receptions.

The current Annexe bar required a complete rebuild, which would help to address some of the venue's storage limitations. The Annexe itself required full redecoration.

The kitchens at the Royal Pump Rooms and the Glasshouse more generally, were in an acceptable state of repair and would not require investment. The outgoing catering and events provider was obliged to replace any missing or broken equipment and the new provider would purchase all other items required.

Currently, the catering and events areas within the Glasshouse and the Royal Pump Rooms were leased to Kudos on a 'maintain and repair' basis and no significant investment had been made by the Council into the fabric of the catering operation for a number of years. While Kudos were obliged by the terms of their lease to restore the Council's equipment and spaces to a comparable state of condition in which they were provided, it remained the Council's responsibility to maintain its asset in good order and an intervention would be required in order to bring the condition up to the standard expected by the public.

It was originally proposed that, separate from the changes to the catering and events offer, the Council invested in a re-modelling of the public toilets in the Royal Pump Rooms. Whilst this would be of benefit to the Café, the main driver was to support the goal of the Council's Arts Team to increase footfall and use of the building and position it as a 'creative hub' for the town, an ambition consistent with the wider goal of creating the Creative Quarter. Officers had explored the possibility of creating a fully accessible 'Changing Places' facility for disabled adults and children. However, it was not possible to accommodate this within the existing footprint of the public toilets or elsewhere within the building due to conservation limitations and the location of key services required. A maximum of £150,000 was originally allocated to renovate the Royal Pump Rooms public toilets, but it was now clear that only up to £60,000 of this fund would be required for these renovations specifically. It was therefore proposed that the remainder be reallocated to the wider refurbishment of the catering and events spaces.

An extensive survey of the catering and events areas revealed that a higher than expected level of restoration work was required. Gradual dilapidation had occurred over the years as successive catering and events contracts had been in place and historic leaks in the roof had caused water damage to the décor. All public spaces within the catering and events areas required redecoration, some of which would require specialist, heritage contractors.

There were also unexpected additional costs early on in the project as it became clear that, given the range of specialist work involved and a lack of resources currently within the Council's Assets team, an external architect would be required to design and oversee the scheme if it were to keep within the timeframe necessary to limit the impact of the works. A full topographical and measured survey of the Royal Pump Rooms also had to be commissioned, as only paper plans existed, and digital plans were required to create the necessary schedule of works and to apply for Listed Building Consent.

The large proportion of works involved in this project could be delivered by the Council's own maintenance and decoration contractors. The project schedule had been drafted and was achievable within the timeframes, should Executive authorise the allocation of funds.

As an alternative, the Executive could instruct Officers to utilise the £250,000 already allocated from the Service Transformation Reserve and Assets Reserve to fund the necessary repairs and restoration work. This would only fund partially the works necessary to restore the catering and events areas to an acceptable level and would therefore dramatically reduce the ability of the new provider to deliver their business model and improve the level of service and the financial return to the Council. Without these restorative works it was also highly likely that the condition of the building would deteriorate further, at an increased cost.

The questions raised by the Finance & Audit Scrutiny Committee in the addendum were answered at the Scrutiny meeting.

The Finance & Audit Scrutiny Committee supported the recommendations in the report and noted the confidential appendix.

The Executive, therefore,

Resolved that

- (1) an additional allocation of up to £70,000 from the Corporate Assets Reserve in order to fund the refurbishment and restoration of the catering and events areas at the Royal Pump Rooms, is approved;
- (2) the use of these funds, and the funds allocated previously, to be utilised for the

refurbishment of the public toilets, Assembly Room, Café, Annexe and associated circulation spaces as required, is allowed; and

- (3) authority is delegated to the Arts Manager and Head of Cultural Services, in consultation with the Portfolio Holder for Culture, to draw down these funding allocations to allocate to the project however it is required.

(The Portfolio Holder for this item was Councillor Coker)
Forward Plan reference 976

86. Viability assessments in Planning

The Executive considered a report from Development Services providing an update on national policy and guidance relating to the viability assessment following the publication of the update National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) in July 2018. It also proposed the approach the Council should take to requiring and publishing viability assessments in response to the Notice of Motion agreed at Council on 20 June 2018.

On 20 June 2018, the Council supported a Notice of Motion asking the Executive to set out clear viability criteria based on market value compared with land value and construction costs; to require viability assessments for developments of more than ten units where less than 40% of the development was affordable housing as part of the planning process and for these to be made public; and to require all information submitted for the viability assessment (including any which the Council agreed was commercially sensitive) to be made available to members of the planning committee and other Councillors on request, well in advance of determination of the planning decision. This was subject to a report brought to the Executive for them to consider on this matter so that Members were fully informed in respect of the Government's latest National Planning Policy Framework and the Planning Practice Guidance, and the implications of this for Warwick District Council and the delivery of the Local Plan.

Since then, the updated National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) had been published in July 2018. At paragraph 57 the NPPF stated:

"All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available."

The PPG provided detailed guidance to support this national policy. These parts of the PPG were lengthy and could not be reproduced in full but were summarised in the report.

Whilst it was recognised that the standardised inputs still required expert interpretation in the context of specific sites, they did provide a clear framework for the preparation of viability assessments that would be recognisable by decision makers and the public alike. This would aid clarity and transparency, particularly in the context of the requirement for an executive summary to be prepared in line with a standard national template.

The requirements and guidance provided by the new NPPF and PPG addressed many of the requirements suggested in the 20 June 2018 Notice of Motion. It was therefore proposed that the Council adopted the approach set out in the PPG and used the approach in relation to the next review of the Local Plan, applying the standardised methodology and guidance on publication in full for any viability assessments undertaken in support of planning applications once this was published.

These requirements would be placed on applicants who wished to submit a viability assessment in support of a planning application, as well as on independent reports prepared on behalf of the Council to assist with the consideration of planning applications. In most circumstances, the Council would expect viability assessments prepared by applicants and independent reports on behalf of the Council to be published in full. Exceptions to this may be applied in line with the PPG, but in all cases the executive summary would still be published.

The timing of the publication was also important. The publication of these reports should always take place promptly to maximise the time available for members of the public and Councillors to take account of them in preparing comments and objections to applications. In most cases this would mean that any viability assessment submitted by the applicants would be published ahead of, or during, the three-week consultation period. However, there may be occasions when viability only became apparent as an issue during the application process (for instance as a result of Section 106 requests from consultees). On these occasions, the viability assessment would be published as early as possible and resulting supplementary comments and objections would be accepted up until the day of the decision. Viability reports prepared on the behalf of the Council as part of the consideration of the planning application would also be published promptly once they were completed. As these reports often took some time to prepare, the publication of these reports would often fall outside the three week consultation period. Supplementary comments and objections resulting from the publication of such reports would be accepted up until the day of the decision.

The Notice of Motion suggested that the Council "*requires all information submitted for the viability assessment (including any which the Council agrees is commercially sensitive) to be made available to members of the planning committee and other Councillors on request, well in advance of determination of the planning decision.*" It was anticipated that, except in rare cases of very specific circumstances, the processes set out in the report would be sufficient to ensure that members of the Planning Committee and other Councillors had access to all information relating to

the viability assessments well in advance of determination of the planning application. Wherever possible, planning officers would require all viability information, including the Council's independent viability report to be provided and published ahead of the publication of the planning committee agenda. Only in rare exceptional cases, where unforeseen but important information was provided following the publication of the Planning Committee agenda would viability information be published after the completion of the officer's report to Planning Committee. In these circumstances, as with other considerations (such as highways data or responses from statutory consultees) the information would be published in a supplementary report in advance of the Committee.

Finally, the Notice of Motion suggested that the Council "*requires viability assessments for developments of more than ten units where less than 40% of the development is affordable housing as part of the planning process...*" This was already Council policy as set out in the Local Plan policies H2 (affordable housing) and DM2 (Assessing Viability). Development Services would continue to ensure compliance with these policies including ensuring viability assessments were required where applicants were seeking to justify a level of affordable housing provision that was below 40%.

An alternative option would be to develop bespoke criteria and process for address viability assessments. However, to do this, there would need to be clear local evidence as to why Warwick District Council should depart from national guidance. As no local evidence existed, this was not recommended.

Councillor Naimo thanked the Officers for the work they had put in.

The Executive, therefore,

Resolved that the adoption of the Viability Assessment process and guidance set out in the report, are agreed.

(The Portfolio Holder for this item was Councillor Rhead)
Forward Plan reference 965

87. **Funding for Norton Lindsey Village Hall Re-Build**

The Executive considered a report from the Chief Executive which sought authority to underwrite gap funding to allow the re-building of the Village Hall in Norton Lindsey without further delay. This would be in addition to the existing grant of £85,000 already given.

The existing Norton Lindsey village hall had been condemned and was unfit for use, leaving the village community without a facility in which to meet or to enable community functions. Until recently, this facility had also been used by adjacent parishes of Wolverton and Claverdon.

The Village Hall Committee, with the support of Norton Lindsey Parish Council, had developed the concept of a new replacement village hall which would be eco-friendly and sustainable. A summary of the scheme was attached as part of Appendix One to the report, as were site location and related plans. The proposed site for the new hall would be that of the existing (and condemned) village hall site. Planning permission for the new village hall was granted on 26 May 2017 (reference Planning Application W/16/2330).

The construction had been tendered and was subject to an evaluation report; the scheme costs and current available funding were set out in Table One to the report. It should also be noted that the Norton Lindsey community, including the Parish Council, had pledged or initiated a total of more than £200,000 to date, which was a testimony to the community's resolve. This was especially pertinent as Norton Lindsey was within the Green Belt and no development was proposed in the Local Plan, so the parish could not reasonably expect to receive any S106 or CIL contributions toward the scheme.

The Village Hall Committee with the support of Norton Lindsey Parish Council had approached the District Council in respect of funding to help it construct this proposed new village hall in the village. The Council had previously awarded project costs up to a maximum of £85,000 towards the scheme.

The District Council had previously agreed its contribution of £85,000 on the understanding that this would allow the Village Hall Committee to demonstrate to another funder that it had raised at least half of the funds necessary and would give the funder confidence to invest the remainder. Sadly, this had not proved the case so there remained a significant gap in the funding though other bids as detailed in the report had been or were being made.

The Village Hall Committee and the Parish Council estimated that dismantling of the existing building could be undertaken in December 2018 and construction could begin in January 2019 and the works be completed by the end of July 2019. However, they could not commit to that timetable at present without more certainty of funding.

Therefore, a commitment by the Council to agree to underwrite a further £190,424 (as shown in Table One to the report) in case the other funding bids being made were not successful would, with the addition of the £85,000 already committed by the Council, meant that the Village Hall Committee and Parish Council could make definite plans and commitments to enter into a contract with the successful tenderer while such a tender remained valid. If in the worst case all the funding bids failed, the Council's underwriting guarantee would then have to be called upon. The other funding bids being made were listed at page eleven of Appendix One.

The financial risk to the Council ranged from only £12,424 if all the current funding bids were successful to £190,424 if none were successful.

On a prudent basis, the District Council should, if it agreed this approach, be prepared to fund the whole amount being sought to underwritten.

The Council required such proposals for community investment to be supported by a business plan. It was attached at Appendix One to the report and it was considered realistic.

The District Council had taken the view that the New Home Bonus Scheme should not be used to support the general running costs of the Council but should be used to reinvest in the community in a variety of ways. The new community centre at Bishop's Tachbrook was a very similar example of community reinvestment. This scheme and the approach proposed were very similar to that one.

The Council recognised that the Norton Lindsey community had made significant contributions to date to re-open this important community asset. In a community wide survey, over 97% of the answers received thought the village hall created and maintained a sense of community and belonging among the village and its adjacent outlying communities. It was part of the Council's vision to ensure that its rural communities remained sustainable.

In agreeing to the funding/underwriting request, there were a number of practical questions that needed to be addressed, which were answered in the report, including questions about where the funding would come from, its availability, how payments would be made etc.

As an alternative, the Executive could choose not to support the funding request. However, it may be some time before the local community could raise enough funds to re-build the village hall, and thus deny the community a facility in which the community could meet.

An alternative of funding the new village hall by way of a loan from the Council was explored but was found to be financially unsustainable. There was also an issue of the inability to offer any collateral other than the hall itself which was not deemed appropriate.

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

Councillor Whiting highlighted that village halls were thriving venues, providing a very necessary focus in the life of the village. Councillor Whiting congratulated the Village Hall team and Councillor Rhead for a great job and supported the application enthusiastically.

The Executive, therefore,

Resolved that

- (1) the Business Plan relating to the rebuilding of the Village Hall at Norton Lindsey, detailing how the future running costs will be met and

how genuine community access is ensured, attached at Appendix One to the report, is noted;

- (2) meeting the request of the Norton Lindsey Village Hall committee with the support of Norton Lindsey Parish Council to underwrite up to a further £190,424 in addition to the £85,000 of funding previously approved to allow the re-building of the Village Hall in Norton Lindsey, is agreed;
- (3) the abovementioned sum should be funded from the New Homes Bonus Scheme award to be received in 2019/20, to be agreed as part the 2019/20 Budget Setting process, is agreed;
- (4) (1), (2) and (3) are subject to the following conditions:
 - a. The funding/underwriting is only available for 24 months (from the date of this Executive) before being drawn down in whole;
 - b. Payments are only to be made on supply of verified Architect's Certificates and invoices of work in proportion to Council / overall funding;
 - c. An ongoing schedule of funding bids being agreed and that the Council is kept up to date with progress of those bids;
 - d. The Parish Council and the Village Hall Committee agreeing that public acknowledgement of the District Council's support for the scheme is given in publicity about the scheme at all stages; and
 - e. That the date for the commencement of the drawdown of agreed funds is agreed by no later than 1 December 2018.

(The Portfolio Holder for this item was Councillor Whiting)
Forward Plan reference 973

88. Significant Business Risk Register

The Executive considered a report from Finance setting out the latest version of the Council's Significant Business Risk Register for review by the Executive. It had been drafted following a review by the Council's Senior Management Team and the Leader of the Council.

The report sought to assist Members fulfil their role in overseeing the organisation's risk management framework. In its management paper, "Worth the risk: improving risk management in local government", the Audit Commission set out clearly the responsibilities of Members and officers with regard to risk management.

Any movements in the risk scores over the last six months were shown on the risk matrices in Appendix One to the report. There had been no movement in any of the risk scores in the past two quarters and no risks were currently in the red zone.

As part of the process of assessing the significant business risks for the Council, some issues had been identified which at this stage did not necessarily represent a significant risk or even a risk at all, but as more detail emerged could become one. These had been mentioned in previous reports but as their status had not changed, they were included again for completeness.

The EU referendum result, already recognised as a potential trigger to some of the Council's existing risks, would be kept under review so that as details emerged of exactly what Brexit meant – generally for Local Government and specifically for this Council – its implications for the Council's risk environment could be considered further.

The Government had started consultations around changes to the Business Rate Retention scheme by Local Government and the Fair Funding Review, with both these changes due to be effective from 2020/21. Depending on how these proposals developed, there could be a substantial impact upon the Council's finances.

In respect of the first point above, as the country moved closer to the departure date, there was concern as to what the Council ought to be considering by way of contingency planning for potential impacts on services or the local community. That had been, and remained, difficult to do without knowing the nature of the basis for the country leaving the EU. It was hoped that more would be known after the forthcoming summit and the next quarter's report on the SBRR should provide a more explicit update.

One service issue that had already had been identified related to the potential need to set up a Port Health Authority for Coventry Airport. The extent and impact of this would depend on the detail of the exit agreement. By way of explanation, Coventry Airport was currently a postal hub and was not classed as a Border Inspection Post. However, the implications of the exit from Europe may require the establishment of a Port Health Authority in order to deliver the range of controls which were required. These would include inspection, monitoring and implementation

of: risks from sick passengers/staff, insects and rodents on board aircraft, food and sanitation waste, imported food controls, noise, dust, water and air quality and civil contingency responsibilities.

In terms of alternatives, the report was not concerned with recommending a particular option in preference to others.

The Finance & Audit Scrutiny Committee noted the report.

The Executive, therefore,

Resolved that

- (1) the Significant Business Risk Register attached as Appendix One to the report, is noted; and
- (2) the changing risks and the emerging risks identified in sections 9 and 10 of the report, are noted.

(The Portfolio Holder for this item was Councillor Mobbs)

89. 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 paragraph of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Item Nos.	Para Nos.	Reason
90	1	Information relating to an Individual
90	2	Information which is likely to reveal the identity of an individual
91, 92 and 93	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The items below were considered in confidential session and the full details of this were included in the confidential minutes of this meeting.

90. Kenilworth School Loan and Land Purchase – Private & Confidential

The Executive considered a report from Deputy Chief Executive (AJ) accompanying the public report entitled *Kenilworth School - Loan and Land Purchase*. The report contained confidential information that was commercially sensitive to both Warwick District Council and Kenilworth School and Sixth Form.

An addendum circulated prior to the meeting provided answers to the questions raised by the Finance & Audit Scrutiny Committee.

The recommendations in the report were approved, subject to an amendment to recommendation 2.4 of the report relating to the inclusion of Stamp Duty Land Tax.

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

Forward Plan reference 972

91. **Appendices to Royal Pump Rooms – Catering & Events Investment**

The Executive considered the confidential appendices to Royal Pump Rooms – Catering & Events Investment.

The appendices to Royal Pump Rooms – Catering & Events Investment, were noted.

(The Portfolio Holder for this item was Councillor Coker)

Forward Plan reference 976

92. **Review of Final Accounts**

The Executive considered a report from the Chief Executive following the failure to complete the closure of the 2017/18 accounts by the statutory deadline. The report sought to understand what happened and to put things in place to make sure it did not happen again.

The report requested that Members note the contents of the report attached as Appendix 1 to the report and agree the action plan contained within it.

The recommendations in the report were noted.

93. **Minutes**

The confidential minutes of the meetings held on 27 June, 25 July 2018, 30 August and 26 September 2018 were agreed and signed by the Chairman as a correct record.

(The meeting ended at 7.04pm)

Executive

Minutes of the meeting held on Wednesday 28 November 2018 at the Town Hall, Royal Leamington Spa, at 6.00 pm.

Present: Councillors Mobbs (Leader), Butler, Coker, Grainger, Phillips, Rhead, Thompson and Whiting.

Also present: Councillors: Boad (Liberal Democrat Group Observer), Mrs Falp (Chairman of Overview & Scrutiny Committee); Quinney (Chair of Finance & Audit Scrutiny Committee); and Naimo (Labour Group Observer).

94. **Declarations of Interest**

Minute 95 – Europa Way Progress Update and Next Steps

Councillor Butler declared an interest because he was a Life Member of the Leamington Cycling and Athletic Club.

Councillor Mrs Falp declared an interest because she was a Warwickshire County Councillor.

Minute 97 –Budget Review to 30 September 2018

Councillor Butler declared an interest because he was a Board Member as the Council representative for Chase Meadow Community Centre Ltd.

Minute 101 –Houses in Multiple Occupation (HMO) Licence Conditions and HMO Licencing Cycles – Private Sector Housing

Councillor Thompson declared an interest because he was part of the HMO Task and Finish Group.

Minute 103 –Creative Quarter – Draft Masterplan

Councillor Thompson declared an interest because he was a Royal Leamington Spa Town Councillor.

Minute 107 – Compulsory Purchase Order

Councillor Whiting declared an interest because his wife was a Governor of Kenilworth School and left the room whilst the item was discussed.

Minute 100 –Whitnash Community Hub

Councillor Mrs Falp declared an interest because she was a Whitnash Councillor and left the room whilst the item was discussed.

Minute 104 –10, 12 & 14 Chapel Street, Warwick

Councillor Grainger declared an interest because she was a Trustee of the Warwick School Foundation.

95. **Minutes**

The minutes of the meeting held on 31 October 2018 were taken as read and signed by the Chairman as a correct record.

Part 2

(Items upon which a decision by the Council was not required)

96. **Europa Way Progress Update and Next Steps**

The Executive considered a report from the Chief Executive which provided Members with an update on the Europa Way project and also asked them to agree to a number of steps to progress the project forward.

These steps were detailed in full in the report but in summary they included:

- supporting the proposal for a new Secondary School on land off Oakley Wood Road instead of on land to the rear of Myton School, provided a number of points were incorporated, including the provision of dual use of the sports facilities and changes in the proposed country park;
- agreeing to bring a Community Investment Package for the village and parish of Bishop's Tachbrook to help it cope with the proposal above;
- using the land off Europa Way so freed to be used as a primary school for special education needs and for community/education sports facilities i.e. relocation of the Council's athletics track from Edmondscote;
- using the land originally intended for use as a primary school as land for other development including housing;
- agreeing a masterplan for the whole of the area of land to the west of the proposed spine road through the land north of Gallows Hill, as the basis for Planning Applications on this site;
- making an offer to Warwickshire County Council to buy the land referred to above and to obtain a long lease;
- agreeing to sell the five acres of land fronting Gallows Hill for commercial use noting that the sum offered along with another receipt would be enough to pay for the proposed community football stadium;
- agreeing to market the other land that was not required physically for the proposed community stadium;
- agreeing to use part of the existing athletics track and adjoining Council owned land as a new public park and to market part for development, potentially in association with development of the adjoining Guide Dogs establishment;

- agreeing to commence the procurement process in order to progress to RIBA Stage One for the design of the community football stadium and to agree the sum to fund such work;
- agreeing to negotiate with Warwickshire College, South Warwickshire General Hospital Foundation Trust (SWGHT) and with Leamington Football Club (LFC) on design components and cost contributions for the elements they sought to be incorporated within the stadium;
- agreeing to an options appraisal for the delivery of a Gypsy and Traveller site on the existing LFC site;
- agreeing to the principle of creating a new public park at Edmondscote and footpath/cycleway linkages connecting Warwick and Leamington; and
- approving the project timetable, project governance and risk register.

The reasons for each recommendation were provided at Section 3 of the report and additional information was available in the relevant appendices along with a breakdown of each appendix which was detailed at the end of the report.

Recommendation 2.1 of the report related to the progress made on the scheme to date. Members were reminded what the underlying aim of the proposal was and that work had been continuing to progress the Community Football Stadium project and its associated elements. The purchase of land had not yet been completed but it was now expected that the purchase would be completed before Christmas 2018. The main cause of delays had largely been various highway issues that had required resolution prior to purchase in order to mitigate a variety of risks for various, if not all, parties. The Council had also agreed terms for securing an option on the Heathcote Hill farmhouse (previously reported) to help to amalgamate the land ownerships in this vicinity to enable a better form of development and to maximise receipts. A proposal to assist the early delivery of the spine road had also been agreed. Work on the spine road was due to start no later than May 2020 and would be completed a year later.

Both Leamington Football Club (LFC) officials and WDC Officers had continued to progress work on the likely content of the Stadium physically and in service delivery terms. LFC had agreed a partnership with Warwickshire College to develop an Academy and the partnership had, in principle, now extended to the College wanting to develop courses using the facility relating to hospitality and events and some sports components.

In addition, the South Warwickshire General Hospital Foundation Trust (SWGHT) had also expressed a strong interest in both taking space and making a contribution towards the cost for a range of out-patient activities and services which were commensurate with the facility being as much a health and well-being centre as a sports one. This included physiotherapy, podiatry, district and specialist nurses, amounting to 1500m² of space.

The County Council land sale was to two parties – to WDC west of the spine road and to Waterloo Housing Group (WHG) to the east. The spine

road was to be built by WHG and its Development Partner Galliford Try Partnerships (GTP) but would become a public highway. The outline planning permission for the site only required 35% affordable housing but Waterloo would develop the site for 40%, so regaining 5%. The Council had an opportunity to try to regain the remainder of that lost on the Myton Green site to the north where the affordable housing provision required on site was only 33%. Other later sections of the report highlighted the opportunities to do so. In addition, these opportunities also highlighted where the Council may exercise a role as house builder.

Recommendations 2.2, 2.3 and 2.4 of the report related to the issue of the proposed new Secondary School and its impacts. Plan 6 illustrated the proposed extension of Warwick, Leamington and Whitnash by way of amalgamating all the masterplans for the sites approved for development in the Local Plan and now mostly having planning permission.

The proposal involved land to the west of Oakley Wood Road and south of Harbury Lane near the crossroads of those roads with Tachbrook Road, Whitnash. The secondary school would have a sixth form and there would also be a primary school.

The land for these purposes would be enabled to be provided free of any cost to the council taxpayer as adjoining land to the north would be developed for housing.

Plan 6 to the report illustrated how the proposal would change the overall masterplan for the area south of Warwick, Leamington and Whitnash. The significant public benefits of the proposal were:

- a site that would enable the full education provision to be made for the area now and would have some capacity for the future;
- the country park would enable most of the new development and the village of Bishop's Tachbrook to gain access to the school via footpath and cycle route off road;
- the country park would link directly to the village and to the new parts of the parish including the development of the Asps;
- the site could be delivered free of any direct cost to the council taxpayer; and
- re siting the secondary school in this location would enable a more appropriate re-use of the seven hectares reserved for education purposes on land off Europa Way/North of Gallows Hill.

Officers had worked with local Warwick District Council and Warwickshire County Council Councillors and the Parish Council to discuss and consider the proposal and to seek to maximise the community benefits and minimise the community impacts. Issues arising included mitigating traffic through the village via new village centre traffic calming scheme, ensuring the approach to the village along Oakley Wood remained rural in appearance and feel, keeping School buildings and structures to the north of the ridge on the site, ensuring community access to the sports and community facilities via a dual agreement etc.

Some elements of the above would be addressed by way of S106 Agreement and / or CIL, but in order to give assurance to the local community that in supporting the proposal its concerns were understood and would be addressed, it was proposed that officers and local Members worked with Bishop's Tachbrook Parish Council to prepare a Community Investment Package. This would be reported to the Executive for approval at a later meeting.

Recommendation 2.5 of the report related to the approval of the Masterplan. On the basis of the proposed secondary school proposal coming forward on land off Oakley Wood Road, it allowed the new primary school on land north of Gallows Hill (which was also required) to be located on the seven hectares close to Myton School, on the land which up to now had been allocated for use as a new secondary school. This change freed up the whole of the land to the west of the spine road and the north of Gallows Hill for the Community Stadium and enabling development. Although the seven hectares had been identified for secondary school use, the S106 agreement also allowed the land to be used for primary education, special needs education and community/sports usage.

In June 2018, the Executive agreed to procure a masterplan/development brief for the land to the west of the spine road on land north of Gallows Hill to be funded from the Local Plan Implementation Reserve. This work was subject to a procurement exercise and FWP (Frank Whittle Partnership) were appointed. FWP with Warwick District Council and Warwickshire County Council officers had involved a wide range of organisations. That work had led to the Master Plan shown as Appendix A to the report. The adoption of the Master Plan as the basis for Supplementary Planning Guidance would provide the policy template for the uses of the land and was crucial to the successful development of the site and construction of the Community Stadium. Much of the rest of what was proposed in this report flowed from the acceptance of the Master Plan for the site.

It was intended that the relocated Athletics Track and the adjoining school facilities and to a degree the stadium/school car parking could be run in a fashion so that the opportunities for the community and for local schools could be maximised. Given the proximity to Myton School, there was the opportunity to create a second pedestrian/cycle access to the school and to the existing dual use sports facilities, as well as an opportunity to enhance its facilities. It was suggested that this dialogue be pursued and reported upon further.

Recommendations 2.6, 2.7 and 2.8 of the report related to the consequences of the relocation of the athletics track and to maximising the opportunities that the consequences gave rise to.

Within the next ten years, in order to keep the existing athletics track up to its current standard, a significant amount of money would need to be spent. This arose from the recurring damage it had suffered over the years from flooding and general wear and tear. However, the track was not as well used as it might have been and a large part of that was due to its relatively inaccessible location. Whilst schools used it for special

events, it was not used on a regular basis by them. Discussions with the groups using the track revealed strong support for relocating the track to this new, more accessible location and one where it would be more open to school/day time use. It was suggested therefore that in principle, the relocation of the current athletics track to land north of Gallows Hill, as shown in the Masterplan, be agreed.

The relocation of the athletics track raised the question of the Council's future intentions for the current site. The site was largely within a flood plain and would not be able to be developed. It was also an attractive site adjoining another public open space, albeit one not well landscaped or used. The Council owned land on the other side of the river and owned open space on the other side of the adjoining site to the west. In between, there was land owned by the Guide Dogs Association. Plan Two to the report illustrated the land concerned.

The Guide Dogs Association had indicated that it wanted to explore the possibility of relocating their operation elsewhere within the District and to redevelop their current site. This opened up the possibility of a joint redevelopment of part of the athletics track site – i.e. that from the pavilion to the north and west, with the upper part of the Guide Dogs site then the larger part of the athletics track and the riverside part of the Guide Dogs site could be brought together with other Council owned land to the east and west to form a new continuous riverside park. This could lead to a complete off-road footpath/cycle route between Warwick and Leamington; and indeed beyond to the east, using the existing national cycleway route to the old railway line where (once a bridge was restored over the Fosse Way), this would give an off-road route all the way to Draycote Water and then on to Rugby, with a spur to Southam. If a route through Castle Park could be secured, then there would be an opportunity to create a footpath/cycle toward Stratford. Via a link to the canal system, such a route could be extended north westward toward Hatton and Lapworth. It was suggested that the principle of the creation of a new riverside public park as shown on Plan Two to the report, be agreed.

Recommendations 2.9, 2.10 and 2.11 of the report related to the commencement of the implementation of the Community Football Stadium scheme.

It was proposed that programme management, design and associated work for the Community Stadium should be commissioned to go to RIBA Stage One up to a maximum of £100,000. This work would be tendered. It was proposed that this be funded from a sum of £190,000 previously allocated to the Europa Way Strategic Opportunity from the Community Projects Reserve.

In addition, in association with LFC, the Council would now need to negotiate how the other parties e.g. Warwickshire College and South Warwickshire General Hospital Foundation Trust (SWGHT) would contribute to the scheme. It was proposed that this process commenced and a report be brought to a subsequent meeting of the Executive.

Recommendations 2.12, 2.13, 2.14, 2.15 and 2.16 of the report sought to implement those aspects of the Masterplan which were outside of those elements needed to implement the Stadium proposal.

In order to implement the Masterplan, the Council would need to seek a long lease at a peppercorn rent from Warwickshire County Council to accommodate the athletics track; it would also need to negotiate School/community access for that facility and also of the adjoining school facilities including vehicular access and parking rights; continue a dialogue with Myton School and agree to market the remainder of the land it would have assembled from Warwickshire County Council and the farmhouse. On this issue, the Council could consider either developing the housing itself in view of its affordable housing ambitions or seeking a higher than 40% level of affordable housing, either of which would have a downward impact on land values.

Recommendations 2.16 and 2.17 of the report related to land not forming part of the Masterplan but which did relate to aspects of the scheme in its entirety and would help to deliver the key elements relating to a new public park, a gypsy and traveller site and to bringing more land forward for affordable housing.

In moving the athletics track from its current site off Edmondscote Road to a location close to the Stadium, it would be possible to sell part of the Edmondscote Road site. The most likely use for this land would be for housing. The site was not land-locked, as there was access off River Close. However, the land would be likely to be more valuable if it was marketed jointly with land on the adjacent site, which was currently owned by the Guide Dogs for the Blind Association.

The Guide Dogs for the Blind Association was discussing the matter with the District Council and was open to the idea, as it wished to rationalise its land-holdings in the District, as well as nationally. If a joint marketing exercise and sale could be arranged, then the higher land on both sites could be sold for housing, whilst the lower parts of both sites would be used to create a new public park beside the Rivers Leam and Avon. Such a park would link up several existing land ownerships of the Council, and make a significant contribution to the creation of continuous public open space alongside the rivers of the District. It was proposed to continue these discussions to agree terms for a joint marketing exercise, to undertake it and then to report the outcomes to a subsequent meeting of the Executive.

One of the wider benefits of the proposal to relocate LFC's home on Harbury Lane to the proposed Community Football Stadium was that once the new stadium was complete and transferred to LFC, it would then be possible to use its existing site as a permanent Gypsy and Traveller site, which had been a planning priority for the Council for some years. The Council and the Club had agreed that the Council could purchase the Harbury Land site from the Club when the Community Stadium was ready for their use. As the project was now moving forward, it was considered appropriate for the Council to proceed with examining options on how it would seek to deliver such a use and the likely costs involved.

Recommendations 2.18, 2.19, 2.20 and 2.21 of the report related to the project governance, project plan, risk register and member involvement.

The Project Timetable showed the key milestones in order to deliver the project in 2022. This would be reviewed regularly throughout the programme, and particularly on the appointment of the external project management company.

The Risk Register was an important document in the management of this complex and inter-dependant project. This would also be regularly reviewed and updated so that it could remain a dynamic document and central to the control of risk within the project.

A robust Project Governance structure was required to ensure the project stayed on track and all key Stakeholders and Consultees were engaged with the project and clear about roles and responsibilities. The proposed structure that was shown as Appendix F to the report sought to ensure proper engagement and clarity of process and communications.

This project was a very high profile project for the Council and carried a significant prospect of enhancing the reputation of the District Council and the District. However, there was also a significant reputational risk to this project, and national experience showed that it was particularly important to get all the critical details right in a Community Football Stadium project. It was therefore important that Members maintained a close scrutiny of the progress of the project. It was proposed to establish a Members' Working Group for the Community Football Stadium, with membership determined in accordance with the group proportions plus the lead Portfolio holder.

It was made clear that all of this work on the proposed Community Football Stadium would be undertaken in very close association with LFC.

Recommendation 2.22 of the report sought to promote openness and transparency.

Some time ago when the project was first being discussed, a Freedom of Information request was received about the sums of money being proposed to bid for the site being purchased from Warwickshire County Council. At that time, it was considered that such information was still commercially sensitive as the negotiations had not then been concluded. The matter was taken as far as the Information Commissioners Office (ICO). The Council did agree to make that information available once the negotiations had been concluded, i.e. the agreements signed and sealed. It was proposed that this approach be agreed in advance for all the transactions.

With regards to Recommendation 2.23 of the report, it was clear that this area of work contained many different elements. All were closely related and a number of them were of a significant size and complexity. All contained significant reputational risk for the Council. The Council had previously agreed to the appointment of a Community Stadium Project Officer, who took up his post on 21 May 2018 and who was closely involved in this project. However, the main focus of the job description

was to deliver a successful Community Stadium and it would not be possible for him to concentrate on this key aim if he was attempting to deliver all the elements of the work stream described in this report.

It was therefore proposed to agree in principle to the creation of a new, fixed-term post for an officer to work with the Community Stadium Project Officer to help co-ordinate and deliver the broad spread of work described here. They would also help with other aspects of the Leisure Development Programme, according to where the key work streams and pressures were at any given time.

As this was a new post, it was proposed to wait until the production of the budget report in February 2019 in order to agree a source for the funding for this post in the annual budget process. The appointment was obviously subject to the approval of the Employment Committee for the temporary increase in establishment. The delay until the new financial year would also enable this approval to be sought.

In terms of alternative options, the Council could decide not to proceed with some or all of the elements proposed in the report. However, each element proposed sought to maximise the strategic benefits of the opportunity presented by the site to the west of the spine road and north of Gallows Hill and these benefits would be lost if any proposal is rejected.

The Overview & Scrutiny Committee supported the recommendations in the report and suggested the inclusion of an amendment to recommendation 2.21 in the report, which the Portfolio Holder agreed he would bring forward to the Executive meeting. Councillor Mrs Falp had not voted on this item at Overview & Scrutiny Committee because she was a Warwickshire County Council member.

The Finance & Audit Scrutiny Committee supported the recommendations in the report whilst noting that marketing of the consultation was key and needed to be persuasive and well explained. In addition, Members highlighted the importance of setting up the capital accounting to avoid future complexity of year end processes and requested that resources were investigated to ensure this happened.

Councillor Phillips thanked the Overview & Scrutiny Committee and the Finance & Audit Scrutiny Committee for their support.

It was explained by the Chief Executive Officer that although this item was included as a Part One item, on reflection, this should have been included in Part Two and not Part One because there would be a subsequent report providing further financial implications on this matter.

The Portfolio Holder for Housing & Property agreed the amendment as proposed by the Overview & Scrutiny Committee, to delete everything after *set out for this project* at recommendation 2.21 in the report.

The Executive, therefore,

Resolved that

- (1) the progress on the Community Football Stadium project generally and in particular the purchase of the land from the County Council, the intended inclusion of health and education service activities within the proposed community football stadium complex, the earlier delivery of the spine road and the prospect of enhancing the affordable housing provision, are noted;
- (2) the principle of locating the new planned secondary school on a site at Oakley Wood Road, Bishop's Tachbrook (Plan One) to replace the proposal on land to the rear of Myton School, provided that a number of key aspects are included such as: securing dual use of the sports/community facilities; position of buildings north of the ridge; and access/integration with adjacent public open space; as set out in paragraph 3.3.7 of the report, is supported;
- (3) continuing the dialogue with Bishop's Tachbrook Parish Council to develop a Community Investment Package to address a range of community impact issues and opportunities connected to the Secondary School proposal as set out in the report and to report to a later meeting of the Executive for approval, is agreed;
- (4) the recommended responses to the 29 recommendations contained within the WYG report, as set out in Appendix Three to the report, are agreed, and authority is delegated to officers to submit a planning application for up to 80 spaces at Riverside House to be made available for public parking on weekdays during the displacement period;
- (5) the Master Plan for the land west of the spine road and north of Gallows Hill as shown in Appendix A to the report as the basis for Planning Applications for this area, is adopted;
- (6) the relocation of the athletics track and ancillary facilities currently located at a site off Edmondscote Road to a new site as shown on

the Masterplan at Appendix A to the report, is agreed in principle;

- (7) the creation of a new public park on the floodplain land next to the Rivers Leam and Avon on the land shown on Plan Two to the report, is agreed in principle;
- (8) a detailed business case on the recommendations (6) and (7) is to be prepared for approval at a future meeting of the Executive to be funded by a sum of up to £50,000 to be taken from a virement from a sum of £190,000 previously allocated to the Europa Way Strategic Opportunity from the Community Projects Reserve;
- (9) spending up to £100,000 from a sum of £190,000 previously allocated to the Europa Way Strategic Opportunity from the Community Projects Reserve in order to progress to RIBA Stage One for the design of the Community Football Stadium to include procuring of professional services including architects and external project management, to cover legal costs and to undertake essential surveys of the relevant site, is agreed;
- (10) the procurement and appointment of professional services including architects and external project management for the Community Football Stadium project is undertaken and design work commenced;
- (11) negotiations be entered into with Warwickshire College and South Warwickshire General Hospital Foundation Trust (SWGHT), in association with Leamington Football Club, on the content of their elements within the Community Football Stadium and a report be submitted to the Executive at a subsequent meeting;
- (12) a long lease is negotiated from Warwickshire County Council for part of the seven hectares allocated for educational use in order to relocate the District's athletics track and ancillary sports facilities for use by the community, local schools and Leamington Football Club as shown on the Masterplan at Appendix A, on terms to be agreed by the Chief Executive, Head of Cultural Services and

the Head of Finance in consultation with the Portfolio Holders for Housing and Property, Culture and Finance and to report to the Executive for final approval;

- (13) the terms for school/community access of the relocated athletics track and school facilities and for mutual vehicular access/parking with WCC, Schools and existing sports clubs, are agreed;
- (14) a dialogue will continue with Myton School on the potential for enhancement of their facilities and for achieving school/community access of any new facilities and vice versa on the athletics track and report will be submitted to the Executive at a subsequent meeting;
- (15) marketing the land shown on the Master Plan (Appendix A) in the report in appropriate parcels, in order to establish the preferred purchaser(s), based on the offers made and to report the conclusions of this exercise to a subsequent meeting of the Executive, is agreed;
- (16) authority is delegated to the Chief Executive and the Head of Finance, in consultation with the Housing and Property and Finance portfolio holders, to enter into negotiations with the Guide Dogs for the Blind Association for the joint marketing of land off Edmondscote Road; to carry out the marketing; and a report on the conclusions of the marketing be submitted to a subsequent meeting of the Executive for approval;
- (17) the Council will explore options on how to bring forward a permanent Gypsy and Traveller site at land at Harbury Lane currently owned by Leamington Football Club and shown on Plan Five and will report on the conclusions to a subsequent meeting of the Executive;
- (18) the Project Timetable to develop the Community Football Stadium and associated commercial development land attached as Appendix D to the report, is approved;

- (19) the Risk Register for the project attached as Appendix E to the report, is agreed;
- (20) the Project Governance Structure for the project attached as Appendix F to the report, is agreed;
- (21) a Members Working Group made up of representatives of all political groups plus the portfolio holder for Housing and Property Services is set up for this project;
- (22) following the conclusion of negotiations the main details of land purchases and disposals, i.e. sums of money involved will be made publicly available, ; and
- (23) funding for a Sports and Leisure Projects Officer to work with the Leisure Development Programme team for a period of four years, to assist with the delivery of the complex and inter-related work programme described in this report, subject to funding being agreed in the Annual Budget Report in February 2019, is agreed in principle, subject to Employment Committee approving the amendment to the establishment.

(The Portfolio Holder for this item was Councillor Phillips)
Forward Plan reference 962

Part 1

(Items upon which a decision by the Council was required)

97. Budget Review to 30 September 2018

The Executive considered a report from Finance regarding the budget review to 30 September 2018. Since the Budgets were reported on to Executive in August 2018, various changes had been identified and were now presented to Members for their approval and to inform them of the latest financial position for both 2018/19 and in the medium term. The Medium Term Financial Strategy was also included in that report –the purpose of this Report was to update Members on changes since August.

This was the second report updating Members on the 2018/2019 Budgets since they approved the Original Budgets in February 2018.

The Accountancy team had worked with the Budget Managers and several Variations had been identified with the Budget being amended accordingly. A table showing those variations reported for quarter one was included at Section 3.1.1 of the report.

Appendix D to the report detailed the salary variations (£77,800 adverse) currently being reported.

The Housing Revenue Account revenue had changed from a forecast underspend of £49,700 to an adverse variation of £139,000, made up of several variations detailed at Section 3.3 of the report.

With regards to the Contingency Budget, Appendix A provided details of the allocations out of this budget with a balance of £140,000 (at 30 September 2018). The full details regarding Chase Meadow Community Centre – Emergency Funding were detailed at Section 3.4 of the report.

Appendix B showed a detailed breakdown over several years of the Council's Major Income Budgets. The first six months' actuals had been profiled to project the potential out-turn for 2018/19, based upon prior year.

Recommendation 2.4 of the report related to Earmarked Reserves Requests upon the 2017/18 closure of Accounts which had been approved under delegated authority by the Head of Finance in conjunction with the Finance Portfolio Holder. These Earmarked reserves were attached as Appendix C to the report and showed expenditure to date equating to just under 30% of the budget.

Recommendation 2.5 outlined a number of proposed changes to the Capital Budget, as identified in Section 3.7 of the report.

Recommendation 2.6 requested that Members note the latest forecast savings (£659,000) to be identified and achieved by 2023/24. Full details were supplied in Sections 3.8.1 – 3.8.13 of the report. This included a table summarising the first quarter changes reported in August and a table showing the profile of savings requirement.

Members would be kept informed of further changes as part of the January and February Budget Setting Reports.

Within the Final Accounts report to Executive in July 2018, the surplus for the year was reported at £938,000. The surplus was allocated to the General Fund Balance for appropriation during 2018/19. The figure was subject to the on-going work to finalise the Statement of Accounts and the audit thereof. With the audit virtually concluded, the adjusted surplus for the year was £914,000.

It had been recognised that the Shared Information Governance Manager Role with Stratford District Council was working well for both Councils. There was an initial two year agreement to trial this to ensure it worked successfully. Reviewing this, both Councils now wished to make the arrangement permanent via an agreed Service Level Agreement. Therefore, half of the service was sought which at this time was £20,000.

The report also recommended to Council that Low Volatility Net Asset Value Funds (LVNAV) be added to the Council's Investment Counterparty list with immediate effect and the reasons for this were outlined in paragraphs 3.11.1 to 3.11.3 of the report.

Monitoring expenditure and income and maintaining financial projections was good financial management and part of good governance. Accordingly, to propose otherwise was not considered.

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

The Portfolio Holder, Councillor Whiting, emphasised the fact that the Council needed to find extra savings in order to preserve the assets in the Council's care, in addition to the savings already being planned and made.

The Executive, therefore,

Resolved that

- (1) the latest variances for the General Fund budget, the projected outturn on budget and approve the budget changes detailed in paragraph 3.1 of the report, are noted;
- (2) the latest variances for the Housing Revenue Account, the projected outturn and approve the budget changes detailed in paragraph 3.3 of the report, are noted;
- (3) an emergency payment of £11,500 to Chase Meadow Community Centre Ltd is approved from the Contingency Budget for 2018/19 to cover staffing and service charge costs up to the end of this current financial year;
- (4) the spend to date on Earmarked Reserves brought forward from 2017/18, paragraph 3.6 of the report, is noted;
- (5) changes to the Capital Programme, including the slippage to 2019/20 and the saving for 2018/19, paragraph 3.7 of the report, are agreed;
- (6) the latest forecast savings (£659,000) to be identified and achieved by 2023/24 as shown within the Medium Term Financial Strategy, paragraph 3.8 of the report, are noted;
- (7) the £914,000 2017/18 surplus is allocated as in section 3.9 of the report;

- (8) the recurrent revenue costs for the Shared Information Governance Manager and the one off cost for the Committee Management System are agreed; and

RECOMMENDS that

- (9) Low Volatility Net Asset Value Funds (LVNAV) are added to the Council's Investment Counterparty list with immediate effect as outlined in paragraphs 3.11.1 to 3.11.3 in the report.

(The Portfolio Holder for this item was Councillor Whiting)
Forward Plan reference 983

Part 2

(Items upon which a decision by the Council was not required)

98. Covent Garden Displacement Plan

The Executive considered a report from Neighbourhood Services providing an update on the progress made in implementing the proposals agreed by Executive on 7 February 2018 and the recommendations made by the independent parking specialists (WYG), jointly commissioned by the Council and BID Leamington to review the draft displacement plan proposals.

Members were aware from the statements made at Council on 14 November 2018 that the final consideration of the Head Quarters (HQ) relocation project would no longer be considered on the agenda for this Executive meeting. It was now intended to present these to an Executive meeting in January and any funding proposals would be considered by Council in February, on dates yet to be arranged. Consequently, it was now unlikely that the Covent Garden car parks would close before March 2019.

The Council had given a commitment to local businesses that its displacement plan would be finalised, widely communicated and that the supporting staffing and signage arrangements would be in place before the car parks closed.

Members were reminded that the Executive approved proposals to create additional public car parking provision on Warwick District Council land at Court Street, Archery Road, Princes Drive and Riverside House. Planning applications had subsequently been submitted and considered by the November Planning Committee in respect of the first two sites, with the latter two due to be considered by Planning Committee on 11 December 2018.

The application for the creation of a formal 66 space car park at Archery Road, to replace the existing informal area which had capacity for 47 vehicles, was refused by the Planning Committee contrary to officer recommendation. Officers were currently reviewing the reasons for refusal and were planning to re-submit an application for the lighting associated with a smaller, formalised car park for consideration by the January Planning Committee. Some works could be carried out under permitted development rights.

The application to extend the existing surface car park at Court Street, with the creation of an additional 42 parking bays was granted. Construction work was underway, managed by the Council's specialist construction consultant, and it was anticipated that this would be completed by the end of January 2019.

The application for the proposed extension at the existing Princes Drive car park, at the western end of Victoria Park would, if approved, create a further 30 parking spaces in addition to the existing 64 bays.

The planning application for the Riverside House car park was to allow it to be used for public car parking at weekends during the whole of the displacement period. This application had been submitted by the Council's Limited Liability Partnership (LLP) 'PSP Warwick LLP' rather than the Council itself. Subject to approval, it would provide a minimum of 260 public parking spaces at weekends.

The LLP had requested that, to allow it to deliver its S106 obligations in respect of the planning consents it obtained for the Riverside House and Covent Garden sites, changes be made to the existing parking arrangements at St. Peter's multi-storey car park with, as previously reported, increased prioritisation for short-stay visitors.

The Council had agreed that dedicated short stay parking would be made available at the point that the Covent Garden car parks closed. It was currently proposed to dedicate the lower floors of the car park to short stay car parking (maximum stay of three hours) with the remaining floors being available for unrestricted, all-day parking and for season ticket holders. However, it was proposed that this initial allocation of floors would be reviewed throughout the displacement period, allowing future variations of short stay/long stay designation to be made, based on actual demand.

To facilitate this, flexibility of use the Pay on Foot management system would be temporarily removed and replaced by Pay and Display machines when the proposed changes were implemented in the New Year. Design work on the location of payment machines and new car park signage was being progressed. All necessary work would be ready in advance of the closure of the Covent Garden car parks.

The July Executive approved proposals to recruit additional front line and back office staff to support the implementation of the displacement plan.

A permanent Project Manager had been appointed and was in post, and would be lead officer for the development and delivery of the Displacement Plan. Two additional Rangers had also been recruited to provide resilience during the displacement period and would be in post from December 2018. Interviews had taken place for the Business Support Officer posts and one person had been appointed so far. Further rounds of recruitment would take place to fill the remaining vacant posts.

Comprehensive and clear signage of the locations of car parks would be a critical element of the displacement plan. A specialist traffic management company had been engaged to devise an appropriate signage strategy. They had proposed that a series of information signs be erected at the locations, set out at Appendix One to the report, and retained throughout the duration of the closure period for the Covent Garden site. The signs were currently being prepared and would be erected prior to the date of the closures, once that date had been finalised. In addition, advanced warning signs would be installed at key locations prior to the Covent Garden car parks being closed to provide advanced public notice regarding the timescales for closure.

In addition, Warwickshire County Council's (WCC) Traffic and Road Safety Group had been commissioned to design and install new permanent highway signage to complement the temporary signage. Permanent changes to the highway signage would be made in advance of the proposed closure of Covent Garden car parks.

The provision of clear information, made widely available to local businesses and visitors, before and during the displacement period was of the utmost importance to the success of the Plan.

The draft communications strategy, set out at Appendix Two to the report, recognised that a comprehensive plan was multi-disciplinary, required input from external stakeholders and was multi-stranded. The draft shown was illustrative only and both the content and dates within it would change as it was developed further. To support this, a work Communications Group had been established, comprising officers from the Economic Development and Events teams within Development Services, the Car Parking team within Neighbourhood Services and the Media team within the Chief Executive's Office. External stakeholders such as WCC, BID Leamington, Leamington Chamber of Trade, bus companies and other relevant partners would also be invited to join this group.

The further development of the draft communications strategy would be guided by the appointment of an external specialist as detailed in section 3.2 of the report.

BID Leamington and other stakeholders had recommended that the Council engage a locally based independent marketing expert to review the effectiveness of the current proposals for the communication of the displacement plan, given the importance of ensuring that communication was timely, appropriate and effective.

This constructive suggestion had been welcomed and, at the time of writing, the process of engaging a local company was underway.

The brief for the appointed company was attached in Appendix Four to the report.

Members were reminded that, following concerns raised by stakeholders as to the adequacy of the proposed displacement plan, independent transport management specialists, WYG, had been jointly appointed by Warwick District Council and BID Leamington to review the draft proposals.

WYG had undertaken an extensive analysis of the impact of the Covent Garden closure, assessed how the current capacity lost at the site (468 parking spaces) could be replaced elsewhere in the town and made a series of recommendations as to how the draft Plan could be strengthened prior to its implementation.

The WYG report's Executive Summary was available on the Council's website and a link was available in the report.

In broad terms, the WYG report concluded that the proposed displacement plan would replace the loss of spaces from Covent Garden in full but that there would be an imbalance between short and long-stay provision. It also highlighted the change to the geographical distribution of parking with limited displacement capacity available in the north of the town centre.

In their report, WYG made 29 recommendations on how additional capacity could be created during the displacement period, how the imbalance of provision they had identified could be addressed, with signage improved and a robust communication strategy implemented to ensure that the Plan addressed the needs of different users and effectively managed parking in the town during the temporary closure period to minimise its impact on visitors to Leamington and for the local business community.

If all the recommendations within the WYG report were adopted in full, the impact on the available capacity within the town would be as shown in Table 1 in the report. This was based on average parking space availability at peak times (1pm on weekdays and 1pm at weekends). Additionally, the WYG assessment of alternative car park supply provided both a 100% and 85% sensitivity test. At 100% it assumed every car park space was used, however, guidance from the Chartered Institute of Highway Transportation suggested 85% was a more appropriate target to limit search time for spaces. The table set out the position at the start of the proposed displacement period, i.e. prior to the opening of the 100 space public car parking provision at Station Approach in November 2019. The supply figures for the alternative provision available included a (prudent) estimate of spare capacity in existing on-street and off-street parking locations, the new provision envisaged in the initial draft Plan and the additional capacity that would be created were all the WYG

recommendations to be adopted. The resultant position was shown in Table 1 in the report.

However, officers had concluded that not all the recommendations made by WYG were either capable of implementation, nor would it be prudent to do so. The recommendations and the proposed WDC responses to them were set out at Appendix Three to the report.

In summary, the recommendations relating to the creation of new car parking capacity that could not be implemented were:

- the creation of an additional 19 parking spaces at Archery Road. The refusal of the application to create a formal 66 bay car park by Planning Committee now meant that circa 47 spaces could be made available at this site. Due to seasonal demand from park users, these spaces would only be available during autumn and winter months, therefore these figures had not been included;
- the recommendation for ten new on-street parking spaces at Leam Terrace had been ruled out by WCC following consultation;
- the recommendation in respect of changes to the on-street parking provision at Newbold Terrace had been ruled out due to a need to ensure sufficient levels of long-stay parking availability;
- the recommendation in respect of changes to the on-street parking provision at Newbold Terrace East was being progressed through a pre-planning process presently but was subject to some significant potential challenges due to its location. As such was considered prudent not to include the figures in capacity forecasts at this point.

The impact of these proposed responses was shown in Table Two in the report.

However, officers had also identified options to create additional capacity that did not feature in the WYG report figures but had been included in Table Two in the report. These included the 50 spaces to be provided at Riverside House in the week for use by season ticket holders, the creation of an additional 20 spaces through changes to the layout of the car park at Riverside House, and some additional spaces at Chandos Street Car Park.

In addition to the options being explored, a detailed assessment of the potential to create additional, temporary, parking capacity at the Edmonscote Track was proposed.

It was estimated that the site could potentially provide circa 80 additional spaces, although planning consent would be required. Initial discussions had identified potential concerns regarding the current open aspect of the site and its relationship to the flood zone but it was considered feasible to bring forward a temporary application even if the site would need to be restored to current use at the end of the temporary period.

If temporary provision could be created at the site, it could assist with the summer seasonal pressure identified in the WYG report by providing a

short-term seasonal parking option during August when the National Bowls was taking place and 'Park and Stride' public parking for major events such as the Peace Festival, Food and Drink festival and Art in the Park.

However, the main benefit would be to free up capacity for additional long stay parking provision throughout the displacement period. Offering this site to Warwick District Council staff as a 'Park and Stride' option would free up additional weekday public parking provision at Riverside House, over and above the current proposal for a minimum 50 public spaces for season ticket holders.

It was, therefore, recommended that, subject to the successful conclusion of the necessary feasibility work, a planning application be submitted as soon as possible.

However, this location was unlikely to provide suitable parking during the Christmas shopping period, the other period of seasonal pressure identified during the WYG report. It was, therefore, proposed that officers explore the provision of a free to use weekend only Park and Ride service during the Christmas 2019 period to bring shoppers into Leamington town centre.

Discussions were progressing with Warwickshire College, which could provide circa 500 spaces, but other locations would also be investigated.

The proposals regarding the implementation of some of the new proposals contained within the WYG report's recommendations and the cost of any suitable works at Edmondscote Track would fall outside the existing budget provision made available following previous reports on the displacement strategy.

The estimated costs of ground reinforcement works and lighting at Edmondscote Track were estimated at £60,000 and the cost of marking out of on-street parking bays at Portland Place East and Portland Place to create circa 70 additional spaces was estimated at £20,000.

The potential cost of a seasonal, free to use, Park and Ride service for the Christmas/New Year period 2019/20 was estimated at £50,000.

It was proposed that these costs be met from the Car Parks Repairs and Maintenance Reserve but it would be prudent to allow for a small contingency of £20,000 for costs arising from any of the work proposed for the Displacement Plan.

However, there was also one other significant expense associated with the WYG recommendations, relating to the potential upgrade of the existing variable message signs (VMS), owned by WCC, to support roads users to find available and appropriate parking spaces.

The opportunity to upgrade the VMS to incorporate adaptable free text signage would allow for greater flexibility in the highways messaging

provided on key routes into the town centre. This would not only be of benefit during the displacement period, but would also provide an on-going benefit during future years when major events were taking place and, of course, during the lead up to and delivery of the Commonwealth Games events.

The estimated cost of this upgrade was circa £175k which was not currently funded. Officers were refining the business case for this work and would submit a proposal for consideration prior to the closure of the Covent Garden car parks.

The Council had given a commitment to local businesses that its Displacement Plan (except relating to the new Station Approach car park; Newbold Terrace East additional parking; and the park and stride facility at the Edmondscote Track; none of which were accounted for in Table Two in the report) would have been finalised, widely communicated and that the supporting staffing and signage arrangements would be in place before the car parks closed.

A further report confirming that all the necessary arrangements were in place would, therefore, be presented as part of the decision making process on the relocation project.

In terms of alternatives, the option to implement all of the recommendations from the parking consultant had been considered but this was not considered to be achievable or necessarily desirable upon consideration of advice from partner agencies and the impact adoption of the declined recommendation would have on the availability of short and long stay parking capacity.

Suggestions had been made by Councillors and by the local Chamber of Trade regarding the timing of any decision on the HQ scheme and closure of Covent Garden car park and by extension, of the Displacement Plan. However, as the Covent Garden car park had Alkaline Silica Reaction (ASR) and the monthly testing indicated that this was spreading, there was a real risk that a deferral could see the car park having to close because the ASR had spread to an extent that made the whole facility unsafe. Therefore, regardless of the decision on the HQ proposal itself, the work on the Displacement Plan should proceed in any event. It would, of course, also add circa 300 additional parking spaces to the town's stock on a permanent basis.

An addendum circulated at the meeting advised of revisions to recommendation 2.4 and paragraphs 3.3.11 and 3.3.12 in the report.

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

Councillor Mrs Grainger thanked the officers for the work they had put into getting the report ready and she stated she now felt comfortable with the proposal. The Portfolio Holder proposed the recommendations with the amendments laid out in the addendum.

The Executive, therefore,

Resolved that

- (1) the progress made on the previously agreed proposals, last considered when an update report was presented to the July Executive, is noted, in respect of:
 - the provision of additional public car parking capacity at WDC owned sites at Archery Road, Court Street, Princes Drive and Riverside House;
 - the revised allocation of long and short stay car parking spaces at the St. Peters multi-storey car park;
 - the recruitment of additional staff to support the management and delivery of the car parking displacement plan;
 - the delivery of an effective signage strategy to ensure smooth traffic flows and clear information on parking options;
 - the development of a communications plan to ensure there are clear messages about parking availability and Leamington being “open for business” during the displacement period;
- (2) an independent marketing specialist is being commissioned to assist the Council to develop the marketing and communication strategy for the displacement period;
- (3) the findings of the specialist parking consultant, WYG, jointly engaged by Warwick District Council and BID Leamington to review the effectiveness of the Warwick District Council’s draft Displacement Plan., and the recommendations they have made on how this should be strengthened, as set out in section 3.3 of the report, are noted;
- (4) the recommended responses to the 29 recommendations contained within the WYG report, as set out in Appendix 3 to the report, are approved, and authority is delegated to officers to submit a planning application for up to 80 spaces at Riverside House to be made available for public parking on weekdays during the displacement period;
- (5) the provision of additional temporary car park capacity at the Edmondscote Track is explored

in detail and that the necessary planning consents are submitted, subject to the outcome of the current feasibility work, and the provision of a seasonal park and ride service is explored further, as set out in section 3.4 of the report, is agreed;

- (6) releasing funding of up to £150,000 from the Car Parks Repairs and Maintenance Reserve to fund the delivery of the additional recommendations not currently within the proposed Displacement Plan, is agreed; and
- (7) the commitment given by the Council to local businesses that the Covent Garden car parks will not be closed until the Displacement Plan has been finalised and that a further update on progress will be provided as part of the final reports that will be presented to Executive and Council in early 2019 on the outcome of the Stage One work on the relocation project, is noted.

(The Portfolio Holder for this item was Councillor Mrs Grainger)
Forward Plan reference 979

99. Recording & Broadcasting of Council Meetings

The Executive considered a report from Democratic Services informing the Executive of the outcome of investigations carried out by Officers into the feasibility of recording Warwick District Council Executive, Committee and Sub-Committee meetings and broadcasting them digitally via the internet.

The Town Hall was managed by the Council's Arts Section and was primarily used by the Council for its public meetings. The Council Chamber was also used for other Warwick District Council functions such as planning inquiries which used the Audio Visual (AV) system to record meetings. The Council Chamber and Assembly Hall were also hired by Royal Leamington Spa Town Council for annual council meetings and mayor making. When rooms at the Town Hall were not in use by the Councils, they were hired for events.

The current AV system had been in use in the Town Hall Council Chamber for over twelve years. When originally installed, the system comprised of three operational cameras (two of which could move their focus and track to pre-programmed points in the room and one fixed view camera). The two tracking cameras were based on a pre-set digital ground plan of the Council Chamber and mapped to specific locations in the room where microphones were placed. This had limited value because it required fixed locations and should the microphone be moved or the room set up changed, the camera did not track to the new position. In addition, these two cameras ceased to be operational over five years ago as the

technology to support the modes became obsolete and they subsequently failed.

The ability of the AV system in the Council Chamber to record meetings was now limited to a single fixed point camera mounted by the data projector under the public gallery which, while it had a wide angle lens, did not capture the whole of the room. The recording quality of the camera was not sufficient to operate in low level lighting conditions (for example during presentations to Planning Committee). The audio functionality of the system was restricted because the microphone base stations used a wireless bandwidth that was very narrow and therefore was susceptible to interference from other Wi-Fi networks within the vicinity of the Town Hall and Town Centre. Despite its age, the system remained useable in its current form due to the current support contract that was in place.

The majority of common issues experienced with the AV system could be attributed to the inconsistent volume of those addressing the meeting or users not speaking directly into the microphone, so their voice could not be picked up and amplified. This latter problem may not be fully resolved by introducing a new system and would require a greater understanding of microphone technique by those addressing meetings.

Council meetings video recordings that were held in the Council Chamber were recorded onto a hard drive from which DVDs were created. These were then held on a master file with Democratic Services for twelve months before being securely destroyed.

The current AV system could be used to transmit a video and audio feed through to the Assembly Hall. This had been used on several occasions when demand to attend Council meetings had been greater than the capacity of the public gallery (a maximum of 35 people). However, upon assessment from two of the industry's leading suppliers, the current system could not be used or adapted to securely broadcast meetings to the internet.

The Council did not have any recording / broadcasting facilities within Rooms 21, 18 or 11. In order to enable this, either a purpose built system would need to be installed, or a small, table-top recording device would have to be used. Democratic Services officers had experimented with the latter option but it would not be of a sufficient standard to broadcast to the public. It was also considered that due to the significantly poor quality of these solutions, they would not be appropriate for use by the Council unless in an emergency situation i.e. for an urgent licensing panel when the Council Chamber was unavailable. The addition of more advanced recording/broadcasting facilities in these rooms had not been considered at this stage on the advice of external suppliers, as the associated costs would be prohibitive.

With regard to the Assembly Hall, only the microphone base stations could be transferred from the Council Chamber. There was no method of

recording either the audio or visuals of meetings that took place in the Assembly Hall.

Before purchasing its own AV solution, Warwickshire County Council (WCC) had experimented by broadcasting their meetings live to the internet via 'Periscope' (a third party social media video streaming platform). It was understood that these recordings were undertaken using a tablet computer. This option was considered by Officers. However, during discussions with WCC and after inspecting their Twitter account, it became clear that they had received multiple complaints from the public regarding the quality of the video. It was not always possible to see the relevant Councillor speaking and it was therefore unclear as to who was speaking. The audio quality was of an extremely poor standard and an example recording of a WCC scrutiny committee made using this technology was available to view online. In addition to this, at least one dedicated member of staff was required to undertake the recording for the duration of the meeting.

The Warwick District Council Media team had considered the potential benefits and disadvantages of utilising this technology. It was concluded that while this method would provide some assurance to the community regarding openness of Council meetings, the quality of the broadcast would not enhance this or the Council's overall reputation for delivering high quality information.

Warwick District Council officers had also considered the ability to broadcast or upload its current recordings via online video sharing sites, such as YouTube. However, due to the recording format currently used, this option was also found not to be possible.

As part of the response to the notice of the motion, Officers held informal talks with two suppliers about the potential to broadcast meetings from the Council Chamber at the Town Hall, between now and the move to the new HQ. Both suppliers advised that there would be a need to update the current system and that there was an additional cost for the broadcast or hosting of the meetings online. In both instances, the costs for the period up to January 2021 were over £70,000. The suppliers and exact cost had not been named in the report because this information was considered to be commercially sensitive.

Indicative discussions were also held with suppliers about either upgrading the current system and then transferring this to the new HQ, or installing a new system and transferring this to the new HQ. Both suppliers advised against this because the system should be designed for the room(s) it would be used in and by the time the Council was due to move in January 2021, the system would be at half-life, which could lead to complications in embedding within any wider technology provision within the new HQ.

No discussions had taken place with the regard to installing recording and broadcasting of meetings form within the Assembly Hall, Room 21, Room 18 or Room 11 at the Town Hall because this would require a new PA system to be installed, as well as cameras (either permanently or

temporary/transferable between rooms) for which there would be further cost.

As requested by Council, officers had investigated what neighbouring authorities did in terms of broadcasting meetings. These included Coventry City Council, Warwickshire County Council, Solihull Metropolitan Borough Council as well as the other District/Boroughs within Warwickshire.

All of these authorities, apart from Rugby and North Warwickshire Borough Council, broadcasted some or all meetings online. In summary, the viewing figures from the authorities we were provided with were variable. Stratford District Council had circa 30 to 90 views per meeting; Solihull, between December 2015 and August 2016 had had between 25 and 250 depending on the subject matter (but average circa 100 views); Coventry City Council were only able to broadcast meetings of Council held in the Council Chamber and normally had around 20 views per meeting but had one meeting with 94 views. WCC were unable to confirm numbers as they were hosted via Periscope, on Twitter and the new system, and at the time of writing, had not been in use for a full cycle of meetings to provide a comparison.

The volume of requests for Warwick District Council meetings to be broadcast or recordings from local residents had not been significant. While no direct records were kept, only a limited number of enquiries had been received, via Twitter, asking if Planning Committee was available to watch online but there was no record or recollection of requests to watch any other meetings within the last four years. The Council had provided 59 copies of recordings of 37 meetings out of a potential 137 meetings that were recorded since May 2015. Nearly all of the recordings that had been provided had been of Planning Committee.

Members were reminded of the decision from the former Minister for Communities and Local Government, Eric Pickles, which encouraged members of the public to comment live from Council meetings and clarified the law that the public and press were entitled to record, broadcast, take photos, take notes or comment on social media live from public meetings, so long as it did not interfere with the meeting. The guidance also made it mandatory to make facilities available to enable this to happen. In essence, this was to ensure a reasonable number of chairs were provided as well as a table for leaning on to make notes where practicable. Officers were aware of occasions where this had occurred in Council meetings and this did pose a small risk because individuals could, as they were entitled to, edit and broadcast parts of a meeting they wish to, for which the Council could not provide contrary evidence. While this risk was minimal, it was increasing with the popularity of social media. (This could be mitigated by certain systems that host the video).

On balance and considering the significant costs, at a time when the Council was seeking to maintain a balanced budget, officers were of the opinion that the costs were prohibitive at this stage, given that the Council was due to relocate its meetings within two and half years. However,

there was significant merit in a full business case being brought forward for the new HQ outlining costs over a five year period for the Executive to consider, at the appropriate time following the HQ approval process.

In terms of alternative options, the Council could decide to invest in a new PA system for the Council Chamber now but this would significantly increase costs.

The Council could consider moving some of its public meetings away from the Town Hall in advance of the new HQ move to other locations which could provide broadcasting/recording facilities as standard. However, there would be additional costs to consider which were not currently budgeted.

For rooms 21, 11 and 18 the Council could utilise a small recording device. However, this had been tested in some Licensing & Regulatory Panels when the Council Chamber had not been available but had provided mixed results and was not of sufficient quality to broadcast.

During the process of producing this report, Stratford District Council had moved to using their current equipment to broadcast live via YouTube. At this stage, this process had been discounted by officers because the Warwick District Council's equipment would need to be upgraded to enable this and officers had not been able to verify the costs of this approach.

The Executive, therefore,

Resolved that

- (1) the indicative costs associated with upgrading the current Audio Visual (AV) system in order to broadcast meetings from the Town Hall Council Chamber via the internet, are noted;
- (2) the advice regarding the broadcast of meetings using handheld devices via third party channels such as 'Periscope', is noted;
- (3) a detailed business case be brought forward by Officers, as part of the development of the new Council Headquarters to explore the potential to record and broadcast all Warwick District Council Executive, Committee and Sub-Committee meetings via the internet; and
- (4) the Capital Budget of £45,000 currently allocated to the upgrade of the AV system, will be transferred to Revenue to fund the repair of the current AV system, should it begin to fail before Council meetings are relocated to the new Headquarters.

(The Portfolio Holder for this item was Councillor Coker)
Forward Plan reference 840
(Councillor Mrs Falp left the room)

100. **Whitnash Community Hub**

The Executive considered a report from Cultural Services describing the current financial position for the Community Hub project based at Acre Close, Whitnash, and proposing further financial support from the District Council to enable the Hub to be constructed.

The business plan for the project had been refreshed to reflect recent project progress and was presented at Appendix A to the report.

The report recommended that the District Council underwrote an additional £500k grant. Based on the extensive cost work that had been undertaken, this would enable Whitnash Town Council to construct its new Community Hub.

The additional finance for the project would be funded from the Community Projects Reserve. This reserve consisted of grant received from the Government's New Homes Bonus scheme and was used to fund projects for the benefit of the community within Warwick District. Members were reminded that Whitnash had experienced significant housing growth which had thereby generated large sums of New Homes Bonus monies.

Recommendation 2.2.3 in the report limited the District Council's additional financial support for the project to £500k. In the event that there was expenditure not currently budgeted for, it would be the responsibility of Whitnash Town Council to meet the shortfall.

Recommendation 2.3.1 protected the Council's financial exposure by limiting the time period when the funding and underwriting would be available to the Town Council to 48 months. In practice, this meant that the funding needed to be expended by November 2022.

Recommendation 2.3.2 required that the construction work was appropriately certificated by the professional services team. This would ensure that payments were only made by the Town Council once agreement had been reached by the employer's agent and contractor on the value of the work completed. The process for payments would be in accordance with existing agreed processes for the pre-construction phase, whereby the Town Council provided copy invoices to the District Council to evidence the work undertaken, following which the District Council made a payment to the Town Council to cover the project costs incurred.

Recommendation 2.3.3 required that ongoing funding bids were agreed by the Deputy Chief Executive (AJ). This would ensure that the level of activity to secure external funding remained visible and could therefore be monitored. This would also include a report on the progress of existing bids, including the Sport England bid for £150k to the Community

Investment Fund. Following the recent approval of planning permission for the project, the bid was currently being considered by Sport England and initial feedback was encouraging. The Project Steering Group would be establishing a sub-group to focus on the continuing work to secure external funding. This steering group would comprise Whitnash Town Council Councillors with support from ATI Projects Ltd (previously commissioned to assist the Town Council in the earlier phases of the work).

Recommendation 2.3.4 would ensure that District Council's support for the project was visible to the local community, meaning that the District Council's involvement was transparent to residents.

The Town Council was currently consulting with residents on an increase of the Council tax to raise £250,000 from the Public Works Loans Board (PWLb). The consultation period was due to end on 20 December 2018. Assuming that local residents supported an increase to the Town Council precept, the Town Council would apply for a loan from the PWLB. It was expected that the Board would inform the Town Council of the outcome of the application in early January 2019, meaning that the Town Council would then be in a position to confirm that it had successfully secured this funding.

In accordance with recommendations agreed by Executive for the earlier report on WDC funding for the Whitnash Community Hub, it would be necessary to agree a schedule for the release of funding to assist with the Council's financial planning.

With regards to recommendation 2.5, the Leisure Development Programme sought to provide top quality sports and leisure facilities across the District. The Programme had already created vastly improved and expanded facilities in Leamington and Warwick and was currently planning improvements in Kenilworth. The Whitnash Community Hub would provide the opportunity for the benefits of the Leisure Development Programme to be realised within Whitnash Town.

Following the approval given by Executive in June 2017 for funding of up to £500,000 for the project, considerable work had been undertaken and milestones achieved. These were detailed in section 3.6.1 in the report.

This work followed on from a previous initial, high level cost estimate provided by the design team in March 2018. This first cost estimate indicated a project cost of £1,609,397.

Upon their appointment in 2018, Pulse provided interim cost estimates based on the evolving design of the building as the design team progressed the detailed design. The initial cost estimates produced by Pulse indicated that costs had risen from the March 2018 estimate. The reasons for the increase of costs from March 2018 to the present time were as follows:

- the addition of a number of items previously excluded from the initial cost estimate such as inflation, playing pitch related works and hard landscaping;
- a more accurate understanding of each element of the building based on the full specification; and
- increases in construction costs in the wider economy.

In response to the predicted increase in costs, the design team undertook a value engineering exercise with the Town Council to identify elements of the design which could be amended or omitted without having a negative impact on the building. This exercise resulted in a reduction in costs of £87,000.

Pulse had now completed the final pre-tender estimate which indicated a total project cost of £2,220,307. This figure included allowances for construction, professional fees, risk and contingency, inflation and client "direct" costs including items such as works required to relocate the football and rugby pitches.

In December 2017, the estimated available funding for the project was reported as £1,611,729. The revised project budget now showed an estimate £1,573,824 of funding available. The funding estimate had been reduced to reflect the changes to the criteria around landfill grants, meaning that it was no longer possible to apply for grants until construction was completed and that applications could only be made for stand-alone/non fixed items. The landfill grant allowance had therefore been revised to £60,000 – which represented 50% of the initial budget allowance.

The increased estimated project costs and the revised reduced project funding created an estimated budget deficit of £646,483. The proposed method of funding this deficit was shown in Section 5 of the report.

An alternative option would be to not request additional funding from the District Council. This had been discounted on the basis that without additional support from the District Council, it was highly likely that the scheme would not be able to go ahead.

It would also be possible to significantly reduce the scope of the project, in order to comply with existing available funding. However, this would so compromise the size and quality of the building that it would not be appropriate to proceed with the project.

The Finance & Audit Scrutiny Committee supported the recommendations in the report. The Committee's support for investing in community hubs, and in particular Whitnash given growing local needs, was confirmed. Main concerns expressed were about the very large increase in project costs, and the potential risks of further capital overruns and how they would be funded. Members noted that the contribution from the community would be through a loan facility, funded by an increase in the local Tax precept; and that no significant local fundraising had so far taken place.

The Executive, therefore,

Resolved that

- (1) the Business Plan relating to the new Whitnash Community Hub, detailing how the future running costs will be met and how community access will be maximised in the future, available online as Appendix A to the report, is noted;
- (2) Warwick District Council will underwrite £500,000 to allow the construction of the Whitnash Community Hub, following a request from Whitnash Town Council;
- (3) the above sum will be funded from the Community Projects Reserve;
- (4) no more funding than the sum requested (£500,000) will be forthcoming in the event of any cost overrun;
- (5) the funding and underwriting is only available for 48 months from the date of this Executive before being drawn down in whole;
- (6) payments for construction work are only to be made in supply of verified Architect's Certificates and invoices of work;
- (7) ongoing funding bids will be agreed by the Deputy Chief Executive (AJ) and officers will be kept up to date with the progress of those bids thereby reducing the Council's extent of underwriting, should bids be successful;
- (8) public acknowledgement of the District Council's support for the scheme will be given publicity at all stages, as agreed by Whitnash Town Council;
- (9) Confirmation that Whitnash Town Council has successfully secured Public Works Loan Board funding of £250,000, is noted;
- (10) authority is delegated to the Section 151 (S151) Officer and Deputy Chief Executive (AJ), in consultation with the Leader and Portfolio Holder for Health & Community Protection, to agree the schedule for the release of funding; and

- (11) the alignment of this ambitious project with the District Council's Leisure Development Programme, which has achieved substantial improvements to leisure facilities elsewhere in the District, is noted. The provision of a new Community Hub in Whitnash will provide the town with a modern, high quality sports and leisure facility to meet the growing needs of the Whitnash Community.

(The Portfolio Holder for this item was Councillor Coker)
Forward Plan reference 969

101. Houses in Multiple Occupation (HMO) Licence Conditions and HMO Licencing Cycles – Private Sector Housing

The Executive considered a report from Housing which brought forward revised Housing in Multiple Occupation (HMO) licence conditions and a proposal to enable a shorter HMO licence period for landlords who had been subject to various enforcement action, below the level of a prosecution in the Magistrates Court.

The Council's HMO licence conditions had remained largely unchanged since HMO licencing was introduced in 2006. Due to changes in legislation affecting the private rented sector, they now needed to be reviewed.

The five year gap between HMO licenses was a long time if landlords started to cause concern. Therefore the report brought forward a policy as resolved by the Council to introduce flexibility in the HMO licencing process by allowing shorter licence cycles and higher licence costs for landlords causing concern.

A shorter two year HMO licence period would give the landlord the opportunity and the time to demonstrate that they had addressed the concerns. This approach fitted in with the principles of the Regulators Code and the Council's Enforcement Policy.

Due to the discretion required in some cases, to enable the policy to be applied quickly and efficiently once adopted, it was proposed that the Head of Housing Services should be granted the authority to decide on the use of a shorter two year HMO licencing period in individual cases.

In terms of alternative options, not reviewing the 2006 HMO licence conditions in the light of housing legislation changes affecting the private rented sector was not an option.

Introducing a variety of HMO licencing periods and/or a probationary licence period with the associated fee structures would add complexity, and bureaucracy to the process, as well as the need for additional resources. The current resources would already be stretched dealing with

the extension of HMO licencing from 1 October 2018, which would double the existing licencing workload of the Private Sector Housing Team. In addition, it would not be an effective use of resources, as it would penalise the majority of landlords who did provide good, well managed accommodation, and it would not specifically target the landlords causing concern.

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

The Executive, therefore,

Resolved that

- (1) the revised HMO license conditions are approved;
- (2) the proposal for a shorter two year HMO licensing period, as set out in this report at paragraphs 8.8 and 8.9 of the report and in accordance with the process, criteria and additional cost, as set out in Appendix Three to the report, is approved; and
- (3) authority is delegated to the Head of Housing Services to make decisions about imposing a shorter two year HMO licensing period in individual cases.

(The Portfolio Holder for this item was Councillor Phillips)
Forward Plan reference 955

102. Support for Government Syrian Vulnerable Persons Resettlement Scheme

The Executive considered a report from Housing seeking approval to assist with the resettling of up to five further families within the remaining life of the Government Syrian Vulnerable Persons Resettlement Scheme.

In March 2016 the Government asked local authorities to consider assisting with resettling Syrian Refugees, to help it meet its commitment of finding homes for 20,000 refugees by 2020. By the end of 2017, Warwick District Council successfully met its original commitment to rehouse five families, three years ahead of schedule, and approval was sought to assist with the resettling of up to five further families within the remaining life of the scheme.

The Council had expressed a willingness to offer further support to the Syrian Vulnerable Persons Resettlement Scheme.

Whilst the scheme was originally going to run until 2020, the Home Office had recently brought forward the timescale so the scheme would now end in December 2019. There was ongoing consultation about what would replace the current scheme.

The time limiting of the Syrian Vulnerable Persons Resettlement Scheme, with partners not able to access government funding for families arriving after December 2019, severely restricted the ability to assist further families. It was highly likely that Warwick District Council would not meet a firm commitment to resettle five families in such a short time. Therefore, the report recommended a commitment to assist up to a further five families within the remaining life of the scheme.

In terms of alternative options, the authority could choose not to resettle any further refugees. However, this stance was likely to come under pressure from local groups supporting the scheme and the broader humanitarian situation.

The Executive, therefore,

Resolved that dependent on the continuation of the properly funded arrangements in place to manage and settle refugees, Warwick District Council approves the resettlement of up to a further five families within the remaining life of the Syrian Vulnerable Persons Resettlement Scheme.

(The Portfolio Holder for this item was Councillor Phillips)
Forward Plan reference 955

103. **Creative Quarter – Draft Masterplan**

The Executive considered a report from Development Services advising Members of the work that had been undertaken by the Council's Creative Quarter regeneration partner 'Complex Development Projects Ltd' since it was appointed in November 2017. The culmination of this work was the preparation of a draft masterplan for the Creative Quarter and Executive was asked to agree that this document would be put forward as the basis for public consultation.

Members were reminded that the Council undertook a procurement process starting in late 2016 and completed during 2017 to select a regeneration partner to work alongside it to bring forward proposals for a Creative Quarter in Royal Leamington Spa. Following this process, the Council formally appointed Complex Development Projects Ltd (CDP) as its partner in November 2017. CDP was a well-established development and regeneration company with a particular knowledge of, and expertise in, working with creative industries. CDP operated nationally but had carried out a number of schemes in Coventry, including Electric Wharf and Fargo Village. CDP had strong links both with the Historic Coventry Trust

(of which Ian Harrabin, the Managing Director of CDP, was Chairman) and the Coventry City of Culture team.

There were two phases to the partnership that the Council had now entered. In Phase One, CDP committed to completing a masterplan for the Creative Quarter and submitting this to the Council for approval. In Phase Two (and subject to agreeing the masterplan and thereby identifying a series of potential projects), the Council and CDP would seek to identify how these should be taken forward. In accordance with the Council's partnership agreement with CDP, the masterplan must be completed within two years of entering the partnership - i.e. by November 2019. The masterplan was to be resourced by CDP at its own risk and the Executive would have discretion whether to accept the masterplan when it was brought forward for final approval in 2019.

The Creative Quarter partnership was underpinned by a governance structure. At the heart of this was a Project Board which included representatives from CDP and the Council. This was supported by an officer team and an external Stakeholder Forum.

Since being appointed, CDP had undertaken extensive stakeholder engagement. It had organised a number of stakeholder events and had met with approximately 80 individuals and groups of stakeholders. This had included computer gaming companies, arts organisations, Leamington Town Council and events such as the Leamington Business Forum. CDP had also appointed two teams of consultants, Bryant Priest Newman and Metropolitan Workshops to advise them and prepare the draft masterplan that was being considered by Executive.

As the culmination of this work, CDP had prepared a draft masterplan. This had been agreed by the Creative Quarter Project Board and was now submitted to Executive to agree that it was put forward as the basis for public consultation. A copy of the brief was attached as appendix A to the report. In considering the report, Members were asked to have regard to several matters, such as the extent of the Creative Quarter as presented, a number of key objectives identified by CPD etc.

Subject to the Executive approving recommendations, it was proposed that the draft masterplan be subject to public consultation. Given that preparing the masterplan was a commitment by CDP under the partnership agreement, CDP would lead on the public consultation, with support from officers of the Council. In discussion with officers, and with the agreement of the Partnership Board, CDP proposed that the public consultation be undertaken over a seven week period from 3 December 2018 to 21 January 2019 and would include the following:

- static displays in the Spa Centre, Pump Rooms, Royal Priors Shopping Centre and (subject to agreement) in Leamington railway station;
- several "forum" events for businesses in Old Town; arts and cultural businesses, (iii) creative digital businesses and (iv) land and property owners;

- public open sessions in various locations;
- a meeting of the Leamington Business Forum; and
- a consultation website (www.leamingtoncreativequarter.co.uk).

The purpose of the consultation was twofold: to provide feedback to stakeholders and residents on the results of earlier consultation, and to enable stakeholders and freeholders to provide feedback on the masterplan vision, approach and to ensure all opportunities had been reflected in the masterplan.

Once this public consultation was concluded, the Creative Quarter Project Board would consider the comments made and seek to agree a “final” version of the masterplan. This would then be submitted to Executive for formal approval by the Council. It was intended that a final masterplan would be brought before Executive at its meeting on 6 March 2019.

Once a final masterplan was approved by the Council, this would mark the end of phase one of the Creative Quarter partnership. Subject to this approval, the partnership would then move onto phase two. This would involve the preparation of detailed proposals and a business case for specific projects within the Creative Quarter area.

The report advised that , at this stage. the approval of the masterplan did not mean that the Council had agreed to the details of any specific project or to the disposal of any assets that were covered by proposals in the masterplan. There would be a separate process, including the use of development and other legal agreements (as appropriate), and a separate decision by this Council, before any consent was given on any specific project. More guidance would be given to councillors at the point at which it was being asked to approve the masterplan. Any scheme would also have to be subject to the usual planning process as proposals came forward.

The Council could decide to request minor changes to the masterplan prior to it being issued for public consultation; however, under the partnership agreement with CDP, the Council would require CDP’s agreement to any changes, which could delay the start of the public consultation. A more appropriate and timely approach would be to make any comments on the masterplan as part of the forthcoming public consultation.

An alternative option was that the Council could decide not to support the draft masterplan, however, this was not recommended. It was considered that the proposals within the masterplan represented a sound basis of a document that was in line with the Councils’ broad aspirations when it sought to engage a partner to bring proposals forward. It was also the case that the Council was only approving this document for public consultation at the present time and as such it was not firmly committing to the principles contained within it. It would have a further opportunity to consider the masterplan when this was returned to Executive for final approval.

Another alternative option was that the Council could decide not to proceed with the partnership with CDP. This was also not recommended for the reasons set out in the report. The Council had nothing to lose at this stage in allowing the document to go forward for public consultation and there were no grounds for not proceeding with the partnership in terms of how CDP had performed to date.

An addendum circulated at the meeting advised of a number of corrections to the draft masterplan.

The Overview & Scrutiny Committee recommended that the public consultation period on the draft masterplan should be extended by a further four weeks, meaning that a final masterplan would be submitted to the new Council in 2019. The Executive were required to vote on this because it formed a recommendation to them.

In response, the Portfolio Holder Councillor Butler stated that there had been widespread comments received about the slow decision making regarding the regeneration of Old Town and the opinion that this area of the District had a tendency to be ignored. Whilst he felt that the recommendation from the Overview & Scrutiny Committee had merit, he did not feel that an extension to the consultation timeframe would improve the quality of the feedback being received. For these reasons he did not accept the recommendation. He did agree, however, that an additional recommendation should be added relating to the establishment of a cross party working group.

It was proposed by Councillor Butler and seconded by Councillor Mobbs to reject the recommendation from the Overview & Scrutiny Committee for the reasons stated above.

Following a suggestion from Councillor Naimo, an amendment to paragraph 2.3 was approved by the Portfolio Holder to read:

“That a Cross Party Member Working Group be established to enhance communication on this matter”.

The Executive, therefore,

Resolved that

- (1) the work undertaken by the Council’s regeneration partner Complex Development Projects (CDP) since its appointment to engage with stakeholders and prepare a draft masterplan, is noted; and
- (2) the draft masterplan attached as appendix A is put forward for public consultation, is agreed.

(The Portfolio Holder for this item was Councillor Butler)

104. **10, 12 & 14 Chapel Street, Warwick**

The Executive considered a report from Asset Management outlining a proposal concerning 10, 12 & 14 Chapel Street, Warwick.

The Executive on 9 January 2013 approved the sale of Warwick District Council's 10 - 14 Chapel Street, to the Warwick Kings High School ('WKHS'), subject to an overage payment to be made to Warwick District Council by WKHS, if the property was to be sold off by WKHS within a 20 year period from the date that WDC disposed of it to the WKHS.

WKHS placed this property along with all of its neighbouring buildings around the Chapel Street area for sale on the market in 2017 and WKHS now wished to dispose of all their premises, including 10 - 14 Chapel Street, in the near future.

WKHS were aware of the overage requirement and duly approached Warwick District Council for this overage sum, required by Warwick District Council, to be agreed. Following discussions between Warwick District Council and WKHS, an appropriate overage sum had been agreed, subject to Executive approval.

The proposal would provide this Council with an appropriate capital receipt and would enable the site to be developed, in partnership with the other WKHS buildings, in an appropriate refurbishment of the buildings, subject to future Planning Consents, in accordance with the agreed development brief.

As an alternative option, the Executive could decide to refuse to agree to the proposition but this would result in the property lying empty and would defer the receipt of a capital receipt without any surety of obtaining a larger or the same sum. For this reason, this option was not recommended.

A confidential addendum was circulated at the meeting advising of the financial agreement.

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

The Executive, therefore,

Resolved that the offer of a capital receipt from an overage agreement concerning the former Warwick District Council property known as 10 - 14 Chapel Street, Warwick, hatched on Plan 1 to the report, be approved.

(The Portfolio Holder for this item was Councillor Phillips)

105. **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 paragraph of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Minute Nos.	Para Nos.	Reason
108, 110	1	Information relating to an Individual
108, 110	2	Information which is likely to reveal the identity of an individual
106, 107, 109, 111, 112	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The items below were considered in confidential session and the full details of this will be included in the confidential minutes of this meeting.

106. **Europa Way Progress Update and Next Steps – Private & Confidential**

The Executive considered a private and confidential report from the Chief Executive accompanying the public report entitled *Europa Way Progress Update and Next Steps* (Item 3 on the agenda, Minute 96).

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

The recommendations in the report were approved.

(The Portfolio Holder for this item was Councillor Phillips)
Forward Plan reference 962

107. **Compulsory Purchase Order**

The Executive considered a private and confidential report from the Deputy Chief Executive (AJ) asking Members to agree that the Council should make a Compulsory Purchase Order.

The recommendations in the report were approved.

(The Portfolio Holder for this item was Councillor Rhead)

Forward Plan reference 977

108. Assets Team Redesign – Update Report

The Executive considered a private and confidential report from the Deputy Chief Executive (BH) seeking approval to fund redundancy and severance payments for those staff who had not been accommodated within the new structure.

The recommendations in the report were approved.

(The Portfolio Holder for this item was Councillor Phillips)

Forward Plan reference 975

109. Victoria Park Café

The Executive considered a private and confidential report from Cultural Services seeking approval to purchase the lease of the Victoria Park cafe.

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

The recommendations in the report were approved.

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

110. Update on Action Plan following Review of Closure of Accounts

The Executive considered a monthly update report from the Chief Executive which set out the progress on the action plan that was agreed in the report on the Review of the Closure of 2017/18 Accounts in October 2018.

The Finance & Audit Scrutiny Committee noted and supported the report.

During scrutiny of the End of Year Accounts and the Audit findings at the start of the Finance & Audit meeting, the Committee decided that they wished to see regular in-year reports on progress against all outstanding Audit recommendations from senior Officers. After debate, the Chief Executive agreed to extend the scope, as requested.

The report was noted.

(The Portfolio Holder for this item was Councillor Whiting)

111. 10, 12 & 14 Chapel Street, Warwick – Appendix

The Executive noted the confidential appendix to public agenda Item 11, Minute 104 .

112. **Minutes**

The confidential minutes of 31 October 2018 were approved and signed by the Chairman as a correct record.

(The meeting ended at 7.10pm)

Executive

Excerpt of the minutes of the meeting held on Wednesday 9 January 2019 at the Town Hall, Royal Leamington Spa, at 6.00 pm.

Present: Councillors Mobbs (Leader), Butler, Coker, Grainger, Rhead, Thompson and Whiting.

Also present: Councillors; Boad (Liberal Democrat Group Observer), Mrs Falp (Chairman of Overview & Scrutiny Committee); Quinney (Chair of Finance & Audit Scrutiny Committee); and Naimo (Labour Group Observer).

Apologies for absence were received from Councillor Phillips.

113. **Declarations of Interest**

Minute 117 – Centenary Fields Request

Councillor Mrs Grainger declared an interest because she was a member of St Mary's Lands Working Party.

114. **Minutes**

The minutes of the meeting held on 28 November 2018 were taken as read and signed by the Chairman as a correct record.

Part 1

(Items upon which a decision by the Council was required)

120. **Changes to the Scheme of Delegation and Council Procedure Rules**

The Executive considered a report from Health & Community Protection bringing forward proposals to amend the Officer Scheme of Delegation following legislative changes, providing clarity of delegation and a minor change to Council Procedure Rules for clarification.

Following a full review of the legislation used by Health & Community Protection and in light of changes to legislation, the proposed changes as outlined in Appendix One to these minutes updated the Scheme of Delegation to reflect the current legislative landscape for the Service Area.

Recommendation 2.1 of the report was proposed in order to ensure transparency and clarity on the delegation of powers, duties and requirements under the relevant legislation within the Officer Scheme of Delegation to the Head of Health and Community Protection. It also aimed to remove all outdated or superseded powers, duties or requirements delegated to the Head of Health and Community Protection under the Officer Scheme of Delegation.

The proposed removal of the delegation under Recommendation 2.2 of the report was requested because this delegation was contained within the

Housing Allocations Policy and the Head of Housing had delegated authority to take decisions in line with the Housing Allocations Policy.

The proposed change in Recommendation 2.3 of the report to the general wording within the Scheme of Delegation was proposed so that it reflected the current operation of identification badges within the Council and had been in operation for over ten years. This was with the exception of the revision to remove the need for a signature on the ID badge which after review, ahead of the introduction of new ID Badges was no longer considered necessary.

Members were reminded that the decisions made at Warwick District Council were, by law, either Council decisions or Executive decisions. These included the delegations made to officers and therefore, for the sake of clarity, it was proposed that all officer delegations should be identifiable as Council or Executive decisions (in line with the rest of the Constitution).

Members were also reminded that the Government regulation in 2014 (Openness of Local Government Regulation 2014) with regard to the public recording of Council, Executive, Committee or Sub-Committee meetings. The Plain English Guide could be accessed on-line. It was considered appropriate that reference was made to this within Council Procedure Rules for ease of reference.

There were no alternative options considered for this because the revisions to the Scheme were to clarify and not add new delegations.

The Executive, therefore,

Recommended to Council that

- (1) the Head of Health & Community Protection scheme of delegation be amended as set out at Appendix One to these minutes;
- (2) the Scheme of Delegation be amended to remove Delegation HS(5) from the Head of Housing to let residential properties to persons who are not eligible for accommodation in accordance with the Council's policy in exceptional circumstances, as it is no longer required;
- (3) the scheme of delegation be amended to read as follows:

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 to enter premises lawfully at all reasonable hours

for the purposes of carrying out duties in line with appropriate legislation;

- (4) Council Procedure Rule 33, recording of meetings be amended to include the following statement:

The Council will ensure that all parties present at its meetings which it is recording are notified that they are being recorded and that in line with the Openness of Local Government Regulation 2014 members of the public are entitled to record the meeting as well.

The filming, videoing, photographing or recording of any meetings of the Council, Executive, Committees or Sub-Committees of the Council, which are open to the public and press, is allowed, providing it does not disturb the conduct of the meeting.

Anyone visually recording a meeting will be expected to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting.

The Chairman of the meeting will have the power to rescind this permission for individuals(s) if, in their opinion, it is disruptive or distracting to the good order and conduct of the meeting.

If a meeting passes a motion to exclude the press and public then, in conjunction with this, all rights to record the meeting are removed.

Resolved that the Monitoring Officer updates the Scheme of Delegation so that it identifies the matters which are Executive or Council functions and the updated Scheme to Council is submitted to Council in due course.

(The Portfolio Holders for these items were Councillors Phillips, Mobbs and Thompson)

Forward Plan reference 980

121. Local Council Tax Reduction Scheme 2019/2020

The Executive considered a report from Finance providing Members with details of the Council Tax Reduction consultation which ended on the 4 November 2018.

The current scheme for Council Tax Reduction was largely based on the previous Council Tax Benefit scheme which was assessed alongside Housing Benefit. Housing Benefit for new working age applicants was no longer available in Warwick District and instead a claim had to be made for Universal Credit. Whilst Housing Benefit was the main provider of housing support for working age people, it was logical to maintain a Council Tax Reduction scheme that mirrored the approach. Now that Universal Credit was being rolled out, it gave the Council the opportunity to significantly simplify what was, in effect, a Council Tax Discount.

In August 2018, the Executive agreed for the consultation on the proposed changes to the Council Tax Reduction Scheme. All claimants in receipt of the reduction had been written to so as to tell them about the proposed changes. 63 responses were received, representing approximately 2% of the caseload. Details of the responses were included within Appendix A to the report. Just over half of the responses supported retaining the scheme unchanged.

The current scheme compared income to an applicable amount which was determined based on the claimant's circumstances. Calculating the income to be used in the assessment was extremely complex, earnings were calculated using gross pay less tax and national insurance deductions and 50% of any contribution to a personal pension. Other incomes were taken into account in full whilst others were disregarded, or partly disregarded and then further disregards were applied depending on a claimant's circumstances. As people were moving onto Universal Credit, their income was assessed by the Department for Work and Pensions. However, this could change on a monthly basis as earnings would increase and decrease. Under the current scheme, entitlement to council tax reduction could potentially need re-assessing every month as income would fluctuate changing the amount of council tax a claimant had to pay. The banded scheme would help to provide some stability to claimants, ensuring that their payments remained the same, unless their income changed to put them into another band. This would also be easier to administer and should be easier to claimants to understand. There may be some who were worse off. However, this would be managed through a discretionary hardship fund. Applications to the fund would be closely monitored throughout 2019 so that the income bands could be adjusted if necessary in 2020.

The new proposals would still be based on a claimant's net income, but the net pay would be calculated by increasing the disregard for personal pension contributions to 100%. Payments of child benefit and incomes paid for a disability of the claimant, partner or child would continue to be disregarded for the purpose of calculating net income.

Based on the current case-load, there were 3,353 working age claimants in receipt of council tax reduction, of these 2,158 were in receipt of a pass-ported benefit which automatically entitled them to the full eligible council tax reduction of 85% and this would continue to apply under the banded scheme. An Income Grid was included in the report.

From April 2017, the Government made amendments to all income related benefits for new claimants, including council tax reduction for pensioners, so that only two children were taken into account when determining entitlement, aside from a few exceptions. This was replicated in the Council's council tax reduction scheme. However, existing claimants were protected from this change, provided their entitlement remained continuous. Prior to this change, a child premium was added to the claimant's applicable amount for each child, under the new scheme, the number of children a claimant had was only used to determine which band on the grid should be used to determine entitlement. This change would ensure all claimants were dealt with in the same way.

Under the current scheme, a non-dependant deduction was made from any council tax reduction entitlement unless the claimant or partner received certain disability benefits. The level of deduction was assessed based on the non-dependant's income and capital. This meant that information had to be obtained about their circumstances, as well as the liable people for council tax. Under Universal Credit, the Department for Work and Pensions (DWP) would provide information to the Council in respect of the claimant and partner, but not non dependants. One of the aims of the new scheme was to make the scheme simpler, enabling us to use information already obtained by the DWP. Removing non dependant deductions from the scheme would reduce some of the administrative burden for both our claimants and the Authority.

Under the current scheme, claimants must complete an application and provide proof of all income and capital of everyone in the household. This meant that someone who claimed Universal Credit had to provide the same details to both the DWP and the local authority. Experience from other local authorities suggested that Universal Credit claimants were failing to apply for local council tax reduction either because they believed it would be paid with Universal Credit or because they were not aware of the availability. As the DWP had verified the same information that was required for an assessment of council tax reduction, and notified us of the outcome, it would be easier for claimants if we were able to use the information provided by the DWP, and with the claimant's permission, treat this as a claim. This would save the claimant having to complete a further application and providing the same information to the Council.

The current scheme provided for various earnings disregards from income depending on a claimant's circumstances, ranging from £5.00 to £25.00 and in some cases an additional £17.10 may be disregarded. This would make the scheme simpler to administer and would be more generous to some applicants on low incomes, particularly single claimants and couples with no children. It should be noted that those with children would be placed on a higher income band within the grid scheme.

Under the existing scheme, carers allowance was taken into account as an income, and an additional carer premium was added to the applicable amount. However, the premium was less than the amount of carers allowance paid and this effectively meant that some of this allowance was currently taken into account in the assessment of reduction. Disregarding

the income in total would ensure that the scheme was more generous to those with caring responsibilities.

Under the current scheme, four weeks additional reduction was given when a claimant's entitlement to a pass-ported benefit ended and they moved into work. The original proposal was to remove the four week run on from the scheme. However, in response to the consultation, it was now recommended that this was retained for claimants who moved from a pass-ported benefit into work who did not qualify for Universal Credit.

Council tax was a daily charge, however any changes to the council tax reduction scheme were currently administered on a weekly basis and entitlement was not awarded until the Monday following the date a new claim was made. This would bring the scheme into line with how the tax was charged and allow for council tax to be awarded on the day that the application was made.

The current capital limit was £16,000 and claimants who had over £16,000 were automatically excluded from receiving council tax reduction. The council tax reduction scheme was designed to help the poorest within the District. It was not considered unreasonable for residents who had cash at their disposal to pay their council tax bill.

The current scheme was more generous to claimants or their children who received disability benefits by adding a premium onto their applicable amount and disregarding the disability income. In order to ensure the new scheme continued to be more generous to those who were sick and living with a disability, disability benefits would be ignored when calculating income and an additional disregard of £50.00 applied.

Although the assistance to some claimants would reduce from current levels, the intention was to protect as many customers as possible. Where a customer experienced exceptional hardship, they would be able to apply for additional support from the Council under the proposed Exceptional Hardship Payment Scheme, the criteria of which to be agreed by Head of Finance and the Finance Portfolio Holder. This scheme would operate similar to the Discretionary Housing Payments Scheme (which applied in respect of rent as part of the Housing Benefits Scheme), whereby the customers would need to apply and demonstrate hardship. It was proposed that £20,000 was initially allocated to this scheme, with that cost shared between the precepting authorities.

The amended scheme would be closely monitored, along with the Discretionary Hardship Fund, to be reported back to Members in the Autumn of 2019. This would be ahead of the scheme needing to be formally agreed by Members, annually, in January.

In terms of alternative options, the Council could agree to retain the existing Council Tax Reduction Scheme. However, this would not enable further efficiencies to be made, and would result in some inconsistencies between the scheme and Universal Credit.

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

The Executive, therefore,

Recommended to Council that

- (1) the following changes to the Council's Council Tax Reduction Scheme, effective from 1 April 2019 for Universal Credit customers and 1 April 2020 for the remaining working age customers only, be accepted:
 - (a) replacing the current means test with an income 'grid' scheme for all working age applicants;
 - (b) limiting the number of dependent children used in the calculation of reduction to two;
 - (c) removing non dependant deductions;
 - (d) simplifying the claiming process for all Universal Credit applicants;
 - (e) removing the current earnings disregard and replacing with a standard £25.00 disregard;
 - (f) disregarding Carer's allowance as an income;
 - (g) retaining the extended payment provision;
 - (h) make changes to reduction on a daily basis rather than weekly;
 - (i) reducing the capital cut off limit to £6,000; and
 - (j) replacing the current premium for disabled children and applicants with an equivalent amount of income disregard;
- (2) the creation of a Discretionary Hardship Fund of £20,000, as discussed in paragraph 3.3 of the report, with the criteria of awards to be agreed by the Head of Finance in consultation with the finance portfolio holder, be agreed; and

- (3) Council Tax Reduction Scheme be closely monitored, together with the Discretionary Hardship Fund, to be reported back to Members in Autumn 2019, be agreed.

(The Portfolio Holder for this item was Councillor Whiting)
Forward Plan reference 968

Minute 120, Appendix 1

9. **Head of Health and Community Protection** shall have authority under the:

- HCP(1) Food Safety Act 1990 and any Orders, or Regulations or other instruments (whether dated before or after the date of execution of this instrument of appointment),
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act. s 6
(ii) to authorise appropriate named individuals to act as Food Safety Officers to:-
s 9 - Inspection and seizure of suspected food
s 10 - Service of hygiene improvement notices
s 12- Services of emergency prohibition notices
s 29 - Procure samples
s 32 - Powers of entry
s 49 - Form and authentication of documents
- HCP(2) Building Act 1984,
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act. S 61, 62, 63 & s 113
(ii) to act under Part III Other Provisions about Buildings as follows
Drainage
s 59 – Serve notice, drainage of buildings, including private sewers
s 60 – Serve notice, ventilation of soil pipes
s - 62 - Disconnection of drain
Provision of Sanitary Conveniences
s 64 – Serve notice, provision of closets
s 65 – Serve notice, provision of sanitary convenience in workplace
s 66 – Serve notice, replacement of earth closet
s 68 – Serve notice, erection of public conveniences
Buildings
s 70 – Serve notice, provision of food storage
s 73 – Serve notice, raising of chimneys
Defective premises, demolition etc
s 76 – Serve notice, defective premises
Yards and passages
s 84 – Serve notice, paving and drainage of yards and passages
Part IV General
Entry on premise
s 95 & 96 – Powers of entry to inspect
Execution of works
s 97- Power to execute works
s 99- Serve notice requiring works, execute/recover costs
- HCP(3) Clean Air Act 1993,
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act. Part I (Dark Smoke), Part 2 (Smoke, grit and fumes), Part 3 (Smoke Control Areas), Part 4 (Cable burning), Part 7 (Miscellaneous and general))
(ii) to:-
s 6 – Approval of furnaces and grit and dust arrestment plants

- s 10, 11, 12 & 56 – Powers of entry, inspection, issue notice and apply for warrant
- s 15 & 16 – Approval or refusal of chimney height
- s 18 – Make smoke control order
- s 24 – Require adaptation of fireplaces in private dwellings
- s 26 – Make grants
- s 31, 32, 33 & 34 – Power to investigate
- s 35, 36 & 58 – Power to require information and associated powers of entry
- s 45 – Power to issue exemption notices
- s 51 – Power to serve notice
- HCP(4) Clean Neighbourhoods and Environment Act 2005,
 - (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act(ii) to:-
 - Make a gating order (inserted into the Highways Act s 129)
 - s 73 – Issue FPN (alarms)
 - s 78 – Apply for a warrant
 - s 77 & 79 – Powers of entry
- HCP(5) Control of Pollution Act 1974,
 - (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act, Part V
 - (ii) to:-
 - s 9 – Supervision of licensed activities
 - s 60 – Serve notice, to control noise on constructions sites
 - s 61 – Consent for works
 - s 62 – Take action in respect of loudspeakers in the street
 - s 91 – Powers of entry
 - s 93 – Powers to obtain information
- HCP(6) Environmental Protection Act 1990,
 - (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act.
 - (ii) to:-
 - Part 1- Integrated Pollution Control
 - s 6 - Issue authorisation
 - s 10, 11 & 12 - issue variation and revocation notices
 - s 13 & 14 - issue enforcement and prohibition notices
 - s 19 – Power to require information
 - Part II - Waste
 - s 33 – prohibit unauthorised/ harmful treatment/disposal of waste.
 - s 33ZA and 34A – power to issue fixed penalty notices
 - s 34 – Investigation of duty of care and issue fixed penalty notice for failure to furnish documentation
 - ss 46A to 47ZB – powers to issue written warnings and fixed penalty notices with respect to receptacles for waste
 - s 59 – Power to require removal of unlawful waste deposits
 - Part IIA - Contaminated land
 - s 78 B – Notice, identification of contaminated land
 - s 78 C – Notice, Designation of special site
 - s 78 D – Referral of special site
 - s 78 E – Remediation notice
 - s 78 N – Power to carry out works
 - Part III – Statutory Nuisance

- s79 – duty to inspect and to investigate statutory nuisances
 - s 80 & 80A - issue abatement notices
 - s 80ZA – Fixed penalty notice
 - s 81(3) - Power to authorise works in default
 - s 81(7) & Sched 3 – Powers of entry
 - Sched 3 – Warrant of entry
 - s 81A – power to issue notices in respect of recoverable expenses
 - Part IV – Litter etc
 - s 88 – Fixed penalty notice
 - Part VIII – Miscellaneous
 - s 149 – Seizure of stray dogs
 - s 150 – Facilitate stray dogs
 - s 151 – Enforcement in respects of collar and tags
- HCP(7) The Local Authorities (Functions and Responsibilities) (England) Regulations 2000
- to the extent that those functions are discharged otherwise than in the Authority's capacity as an employer) 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
 - (iii) any modification or re-enactment of the foregoing,
- to make and to terminate appointments as follows:
- (a) Environmental Health Officers as Inspectors under Section 19(1) of the Health & Safety at Work Etc. Act 1974 (the 1974 Act) and to empower them to exercise all the powers set out in Sections 20, 21, 22, 25 and 39 including the institution of legal proceedings; and
 - (b) 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 authorisation and an inspector shall in right of his appointment -
 - (i) be entitled to exercise only such of those powers as are so specified; and
 - (ii) 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) The Environmental Damage (Prevention and Remediation) Regulations 2009 (as amended),
- (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act Reg 34
 - (ii) to:-

	Reg 13, 14, 20 - Serve notice to prevent further damage
	Reg 23 - Undertake works in default
	Reg 24 & 25 -Recover costs
	Reg 31 – Powers of authorised person
	Reg 32 - Require information
HCP(9)	Food Safety and Hygiene (England) Regulations 2013, (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act. Regulation 19 (ii) to:- Reg 5, Enforcement of hygiene regulations Reg 6, Hygiene improvement notices Reg 8, Hygiene emergency prohibition notices Reg 9, Remedial action Reg 10, Detention notices Reg 14 & 15, Samples Reg 16, Powers of entry Reg 29, Certification of food
HCP(10)	Contaminants in Food (England) Regulations 2013, Following consultation with a solicitor acting for the Council and relevant portfolio holder, institute legal proceedings under the Regulations.
HCP(11-12)	SPARE
HCP(13)	Local Government (Miscellaneous Provisions) Act 1982, (i) Following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act (ii) to:- Part II – Control of Sex Establishments Sched 3, 6-18 - grant, renew, and vary licences of persons and premises where no objections are received make any minor grammatical or minor wording amendments to the Sex Establishment Policy, so long as it they do not alter the meaning/spirit of the policy Part III – Street Trading Schedule 4, paragraphs 3 - 7, Street Trading licences and consents, grant, renewal and variation Part VIII – Acupuncture, Tattooing, Ear-piercing and Electrolysis 13 – 17. Part XI Public Health, etc 27, 29, 32
HCP(14)	The Environmental Permitting (England and Wales) Regulations 2010 & 2016 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act (ii) to:- 2010 Act Part 2, Chapter 2(13) Grant permit, Chapter 3 (20 Vary permit, 21 Transfer permit, 22 & 23 Revoke permit, 24 Surrender, Chapter 4 (26 Consultations, 29 Revocation of standard rules, 30 Variation notifications Part 4, Reg 36 Enforcement notices, Reg 37 Suspend notices. Part 6, Reg 57 Power to prevent or remedy pollution, Reg 60 Power to require information
HCP(15)	Sunbeds (Regulation)Act 2010

- (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
s 4 – Power to restrict use, sale or hire
s 7 – Enforcement and powers of entry
- HCP(16) Planning (Hazardous Substances) Regulations 1992 (as amended by the Planning (Control of Major-Accident Hazards) Regulations 1999 & 2015) and associated Regulations.
act under and delegated authority to authorise appropriate named individuals:
to grant but not refuse hazardous substances consents either unconditionally or subject to conditions.
- HCP(17) Health Act 2006
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
Sched 2 – Powers of entry
s 9 – Issue fixed penalty notices
- HCP(18) Health and Safety (Enforcing Authority) Regulations 1989
deal with transfers of responsibility for enforcement between this authority and the Health and Safety Executive under Section 5
- HCP(19) Food & Environmental Protection Act 1985
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
Part I – Contamination of food
s 3 & 4 Investigation and enforcement
Part III – Pesticides Etc. - Inspection and enforcement
Including Regulation (EC) 852/2004, (EC) No. 853/2004, Regulation (EC) No. 854/2004 of the European Parliament and Food Safety and Hygiene (England) Regulations 2013
- HCP(20) Water Industry Act 1991
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
s 77 – 83, including service of Notices under s 80
s 84 & 85, power of entry and to obtain information
- HCP(21) Noise Act 1996
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
s 3 – Serve warning notice
s 8 – Require name and address
s 10 – Seizure and retention
Consent to use loudspeaker (COPA 74 – s 62)
- HCP(22) Pollution Prevention and Control (England & Wales) Regulations 2000
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under s 32 the Act
(ii) to:-
Part I General
Reg 6 – Notices

- Reg 7 – Applications
- Part II Permits
- Reg 10 – 22
- Part III Enforcement
- Reg 24 – Enforcement notice
- Reg 25 – Suspension notice
- Reg 26 – Prevent or remedy pollution
- Part V Information and Publicity
- Reg 28 – Require information
- Reg 29-31 – Maintain a public register
- Sch 3, 4, 7, 8 & 10
- HCP(23) Sunday Trading Act 1994
- exercise powers under Part 1 of Schedule 2
- HCP(24) Pollution Prevention and Control Act 1999 (as amended)
- (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
- (ii) to:-
- Sched 1 – Grant, revoke, vary, transfer, suspend and condition permits and carry out enforcement activities.
- HCP(25) Local Government (Miscellaneous Provisions) Act 1976
- (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
- (ii) to:-
- Part 1 General
- Land
- s 16 – Require information
- Places of Entertainment
- s 20 – Provision of sanitary facilities at places of entertainment
- Miscellaneous
- s 35 – Service of notice and works in default provisions
- Part II Hackney carriages and Private Hire Vehicles
- s 47 – Licensing of hackney carriage (conditions, vehicle design, appearance)
- s 48 – Licensing of private hire vehicles
- s 49 – Transfer of hackney carriages and private hire vehicles
- s 50, 53 & 56 – production of information in relation to hackney carriages
- s 51 – Licensing of drivers of private hire vehicles
- s 53 – Drivers licences for hackney carriages and private hire vehicles
- s 54 - Issue driver badges
- s 55 – Licensing of operators of private hire vehicles
- s 57 – Power to require information
- s 58 – Return of plates
- s 60 - Suspension & revocation of vehicle licence
- s 61 – Suspension of operator licence
- s 62 – Suspension and revocation of operator's licence
- s 64 – Prohibition of other vehicles on hackney carriage stands
- s 68 – Inspection and testing of hackney carriage
- s 70 – Set fees
- s 73 – Powers in relation to obstruction
- HCP(26) Prevention of Damage by Pests Act 1949
- (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act

- (ii) to:-
s 4 – Notice to owner or occupier
s 6 – Notice across several properties
s 22 – Power of entry
- HCP(27) Public Health Act 1936
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
s 45 - Notice to put defective closets into repair
s 48 - Power to examine and test drains
s 50 - Notice with regard to cesspool
s 52 - Powers in relation to care of sanitary conveniences used in common
s 78 - Scavenging of common courts and passages
s 79 - Notice regarding noxious matter
s 83 - Notice regarding filthy or verminous premises
s 84 - Destruction of articles
s 85 - Persons and clothing with associated work and agreement, works in default
s 140 - Power to close, restrict use of water from polluted source of supply
s 141 - Power to deal with insanitary cisterns,
s 259 - Nuisance in connection with water courses etc
s 264 - Notice to repair, maintain or cleanse a culvert
s 268 - Notice regarding execution of work to unfit tents, vans and sheds
s 275 - Power of local Authority to execute certain work on behalf of owners or occupiers
s 287 - Notice to occupier of intended entry (warrant)
- HCP(28) Public Health Act 1961
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
s 17- Power to remedy stopped and defective drains
s 22 – Power to cleanse or repair drains
s 35 - Notices in respect of filthy and verminous premises or articles
s 36 - Power to require vacation of premises during fumigation
s 37 - Prohibition of sale of verminous articles, disinfection or destroy
s 287- powers of entry
- HCP(29) Private Security and Industry Act 2001
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
- HCP(30) s 19 – 22 – Powers of entry, inspection and information
The Private Water Supplies Regulations 2009
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under s 20 of the Act
(ii) to:-
Part 2
s 7 – Monitoring
s 11 - Sampling and analysis
Part 3
s 16 & 17 - Authorisation
Part 4
s 18 - Service of notice

- HCP(31) The Trade in Animal and Related Products Regulations 2001
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 Reg 33 – Powers of entry
 Reg 34 – Powers of authorised officers
- HCP(32) Public Health (Control of Disease) Act 1984
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 s 46 – Burial and cremation
 s 48 – Removal of dead bodies (warrant)
 s 61 & 62 – Powers of entry
- HCP(33) Spare
- HCP(34) The Transmissible Spongiform Encephalopathies Regulations 2010
 Following consultation with a solicitor acting for the Council and relevant portfolio holder, institute legal proceedings under the Act.
 to act under and delegated authority to authorise appropriate named individuals to perform duties under the act including: powers of entry, inspection, sampling, detention and seizure, service of notice.
- HCP(35) The General Food Regulations 2004
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 act under and delegated authority to authorise appropriate named individuals to exercise powers under Regulation (EC) No. 178/2002; Inspection in accordance with Regulation (EC) No. 178/2002, Regulation (EC) No. 852/2004, Regulation (EC) No. 853/2004, Regulation 845/2004, Regulation (EC) 2073/2005 and the Food Information for consumers Regulations (EC) 1169/2011
- HCP(36) Licensing Act 2003
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 act under and delegated authority to authorise appropriate named individuals to take appropriate action subject to any relevant representations, policy and statutory duty
 Part 3 Premises licences
 s 18 - Determine an application
 s 23 & 25a - Grant or reject
 s 35, 36, 37, 38, 39, - Variation determination
 s 41A-C – Minor variation
 s 44 – Transfer determination
 s 51 to 53 – Review determination
 s 55A – Suspension, failure to pay fees
 s 56, 57 - Require production of a licence
 s 59 - Powers of entry
 Part 4 Clubs
 s 63 – Determination
 s 72 – Determination application
 s 77 – Grant or reject subject to any relevant representations, policy and

statutory duty.

s 85 & 86b – Determination of variation

s 94 - Require production of a licence

s 96 & 97 – Powers of inspection & entry

Part 5 Permitted Temporary Events

s 102 - Acknowledge notice

s 103 – Withdraw notice

s 104, 105, 107 – Counter notices

s 108 – Right of entry

s 109- Require production of a licence

Part 6 Personal licences

s 120 - 122 – Determination

s 132 – Offences

s 134 & 135 – Require production of licences

Part 9 Miscellaneous and Supplementary

s 179 & 180 – Rights of entry

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

following conviction or a relevant offence, foreign offence or immigration penalty to notify the licence holder of the intention to suspend or revoke their Personal Licence under the Licensing Act 2003 and refer all cases to a Licensing and Regulatory Sub-Committee

Decide on whether a complaint is irrelevant, frivolous, or repetitious – in consultation with Chairman of Licensing & Regulatory Committee

HCP(37) Animal Welfare & Animal Licensing

(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act

(ii) to:-

act under and delegated authority to authorise appropriate named individuals to right or entry, inspection, requirement information, take samples, seize animals, issue and refuse licenses, make amendments and vary licences in respect of:-

- The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
- Animal Welfare Act 2006
- Dangerous Wild Animals Act 1976
- Zoo Licensing Act 1976

HCP(38) Scrap Metal Dealers Act 2013

(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act

(ii) to:-

act under and delegated authority to authorise appropriate named individuals to inspect, licence, suspend, revoke licences.

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) Health Protection (Local Authority Powers) Regulations 2010

(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act

- (ii) to:-
act under and delegated authority to authorise appropriate named individuals to:
- Reg 2/3/6– Receive notifications of diseases etc in patients and dead persons from Registered Medical Practitioner and to notify the HPA etc.
Reg - 8 - Requests for co-operation for health protection purposes
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(40) Public Health (Aircraft) Regulations 1979
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
act under and delegated authority to authorise appropriate named individuals to exercise powers under:-
Part II, Regulation 5, appointment and duties of authorised officers and provisions of services by responsible authorities.
- HCP(41) Noise Act 1996
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
act under and delegated authority to authorise appropriate named individuals to exercise the powers in ss2 to 9 in relation to the summary procedure for dealing with noise at night and entry and seizure under s10
- HCP(42) Environment Act 1995
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
Part IV Air Quality
s 82 - Undertake Air Quality monitoring
s 83 - Designate AQMA
s 84 - Carry out duties in relation to designated areas,
Part V Miscellaneous
s 108 (1)(a),(1)(b) and (1)(c) to exercise powers under section 108, sub-section (4)(a-m)
s 110 - Offences
- HCP(43) Anti-Social Behaviour Crime and Policing Act 2014
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
Part I injunctions
s 5- Make applications for injunctions
Part 2 Criminal Behaviour Orders
s – Make application for an order
Part 4,
Chapter 1 Community Protection Notices
s 43 - Power to issue notices
s 47 - Remedial action & power of entry
s 51- Seizure
s 53 - Issue Fixed Penalty Notice
Chapter 2 Public Spaces Protection Orders

- s 68 -Issue Fixed Penalty Notice (Dogs and ASB)
- Chapter 3 Closure of premises associated with nuisance or disorder
- s 76 - Closure notice
- s 78 - Vary or cancel closure notice
- s 79 - Power of entry
- s 85 - Enforcement
- HCP(44) The Official Feed and Food Controls (England Regulations 2009
 - (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 - (ii) to:-
 - act under and delegated authority to authorise appropriate named individuals to: powers of entry, serve notices, procure and analyse samples.
- HCP(45 to 48) SPARE
- HCP(49) Gambling Act 2005
 - (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 - (ii) to:- Inspect and issued licenses ,
 - a) Application for a variation to a licence where no representations have been received or representations have been withdrawn
 - b) Application for a transfer of a licence where no representations have been received from the Commission
 - c) Application for a provisional statement where no representations have been received or representations have been withdrawn
 - d) Application for a club gaming/club machine permit where no objections have been made or objections have been withdrawn
 - e) Applications for other permits
 - f) Cancellation of licensed premises gaming machine permits
 - g) Consideration of temporary use notice
 - h) Setting of fees
 - s.304 (1)(b) - Make representations where appropriate
- HCP(50) Town Police Clauses Act 1847
 - Grant or refuse, applications for Private Hire Vehicle, Operators 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 by the Regulatory Committee in respect of any decision to refuse an application.
- HCP(51) Police, Factories etc (Miscellaneous Provisions) Act 1916, as amended by section 251 and Schedule 29 to the Local Government Act 1972
 - (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 - (ii) to:-
 - (a) 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
 - (b) 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) Road Traffic Act 1991
to ask for and accept Disclosure and Barring Service checks for Hackney Carriage and Private Hire Vehicles Drivers Licences under Section 47, and for any other licence for which they may be required.
- HCP(53) Local Government Miscellaneous Provision Act, Section 47, 48, 51, 55
impose such conditions as considered reasonably necessary:-
- a) 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
 - b) refuse applications for taxi and private hire drivers licences in respect of applicants who do not pass the knowledge test
 - c) refuse applications for taxi and private hire drivers licences, where the applicants have not attended disability awareness training, and obtained the appropriate certificate
 - d) refuse the licence of a hackney/carriage private hire driver person who fails or refuses to attend the prevention of child sexual exploitation course
 - e) make any minor grammatical or minor wording amendments to the Policies for Hackney Carriage / Private Hire Drivers & Operators, so long as it they do not alter the meaning/spirit of the Policy.
- HCP(54 to 65) SPARE
- HCP(66) Land Drainage Act 1991 (and any amendments thereof)
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
s 14(A) – Notice to enter land and carry out works
s 24 – Contraventions of prohibition on obstructions – notice to abate nuisance
s 25 – Powers to require works for maintaining the flow of a watercourse
s 64 – Powers of entry onto land
- HCP(67 & 68) SPARE
- HCP(69) Criminal Justice and Police Act 2001
exercise all powers of local authorities under sections 19 to 28 of the 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 to 76) SPARE
- HCP (77) The Legislative and Regulatory Reform Act 2006
following consultation with a solicitor acting for the Council and relevant

Portfolio Holder, to make any minor grammatical or minor wording amendments to the Enforcement Policy, so long as it they do not alter the meaning/spirit of the policy

HCP (78
to 80)


SPARE

HCP (81)

Associated Acts and Regulations above:
to grant a Private Hire Operators licence or Hackney Carriage/Private Hire Drivers Licence of reduced duration following consultation with the Chair/Vice Chair of the Licensing and Regulatory Committee and a representative of Legal Services.

HCP (82)

Microchipping of Dogs Regulations 2015,
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
(a) serve on the keeper of a dog which is not microchipped a notice requiring the keeper to have the dog microchipped within 21 days;
(b) where the keeper of a dog has failed to comply with a notice under paragraph (a), without the consent of the keeper— (i) arrange for the dog to be microchipped; and (ii) recover from the keeper the cost of doing so;
(c) take possession of a dog without the consent of the keeper for the purpose of checking whether it is microchipped or for the purpose of microchipping it in accordance with sub-paragraph (b)(i).

 Council 23 January 2019		Agenda Item No. 11
Title	Employee Code of Conduct	
For further information about this report please contact	Graham Leach Democratic Services Manager & Deputy Monitoring Officer 01926 456114 graham.leach@warwickdc.gov.uk	
Wards of the District directly affected	None	
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		
Background Papers	None	

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	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	15/1/2019	Chris Elliott/Andrew Jones/Bill Hunt
Chief Executive	15/1/2019	Chris Elliott
Section 151 Officer	15/1/2019	Mike Snow
Monitoring Officer	15/1/2019	Andy Jones
Finance	15/1/2019	Richard Barr
Portfolio Holder(s)		
Consultation & Community Engagement		
Recognised Trades Unions People Strategy Steering Group Senior Management Team Employment Committee		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. **SUMMARY**

- 1.1 This report presents a revised Employee Code of Conduct for Council to approve as it forms part of the Constitution.

2. **RECOMMENDATION**

- 2.1 That Council approves the revised Employee Code of Conduct as set out at Appendix 2 to the report, subject to the inclusion of a privacy statement in line with the requirements of the General Data Protection Regulation and Data Protection Act.
- 2.2 That Council delegates authority to the Monitoring Officer to amend the Employee Code of Conduct forms to include an appropriate privacy statement in line with the requirements of the General Data Protection Regulation and Data Protection Act.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 After two years of operation there has been a light touch review of the Warwick District Council Employee Code of Conduct. The majority of the changes are proposed to provide greater clarity for all users of the Code. The revised code (Appendix 2) and the appendix listing the significant changes (Appendix 1) are attached. The only significant change is that the requirement for all staff to complete the disclosure form will be required from when the Code is adopted and for officers to make amendments to this disclosure within 28 days of the change in circumstance occurring. Unions and all Staff have been consulted and the responses to this will be presented as an addendum to the Committee at its meeting.
- 3.2 The revised Employee Code was considered by Employment Committee in December 2018 and the Committee supported the revised Code subject to:
- 1.6 – The Democratic Services Manager be asked to confirm the legal advice that if this did not form part of the Contract of Employment, officers could still be required to follow the rules and action could still be enforced and to feedback the response from Legal ahead of Council;
 - 1.7 – to remove the words “repeated or intentional”;
 - 1.8 – amend the wording in the last sentence to read “Copies of any documents referred to in this Code are available via the intranet or from your manager on request”;
 - 4.7.5 – replace Head of Internal Audit with “Audit & Risk Manager”; and
 - 4.8.3 (d) – amend the wording to read “.....within the agreed timescales as set out in the Member/Officer Protocol”.
- 3.3 The legal advice regarding the inclusion of the Code within the contract of Employment has been confirmed by Warwickshire Legal Service as follows:

“The problem with making the Code contractual is that you will have to consult every time you want to change anything in the Code which will take time every time and effort, which may be considered unnecessary.

Just because it is not contractual does not mean you cannot take disciplinary action against an individual. If someone has breached the policy, depending on the specific circumstances, I would be advising to proceed down the formal disciplinary route.

I am sure that WDC have a number of policies that are not contractual. However, this does not prevent disciplinary action being pursued if an individual does not follow the (non-contractual) policy, if in the circumstances it is justified."

Based on this, officers remain of the view that is correct not to include the Employee Code of Conduct within the contract of Employment is the preferred option.

- 3.4 Since the Code was considered, the amendments outlined at 3.2 have been made to the Code and an additional paragraph 5.4 has been included, to explain how complaints relating to the Code should be made following a question from a member of the public.
- 3.5 In respect of recommendation 2.2, the HR Team are currently revising their overall Privacy Statement and short statements to be included on appropriate forms. These are due to be updated by the end of January 2019 and it was considered best not to delay the Code coming forward for this reason.

4. **POLICY FRAMEWORK**

4.1 **Policy Framework**

Fit for the Future (FFF)

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects. The actions from the People Strategy are one of those key projects.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/ productivity of local economy Increased employment and income levels
Impacts of Proposal		
This links to our customers and the recognition on the expected behavior and conduct of officers	None	None

Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
Impacts of Proposal		
The revised Code sets the expected behavior and conduct of officers		

4.2 Supporting Strategies – There are no directly related supporting strategies.

5. **BUDGETARY FRAMEWORK**

5.1 This report has no impacts on either the budgetary framework or budget

6. **ALTERNATIVE OPTION(S) CONSIDERED**

6.1 None considered

7. **RISKS**

7.1 There are no significant risks related to the report but there is an over-riding importance in ensuring that the Council has a robust Employee Code of Conduct in place.

Table of Changes to Employee Code of Conduct September 2018

Previous	Propose
<p>1.6 This Code is binding on all Council staff. Breaches of the Code and the standards it expresses may result in disciplinary action. We also expect all staff to operate within the law. Unlawful or criminal behaviour, even away from work, may lead to action against you by the Council.</p>	<p>1.6 This Code applies to all Council staff. This Code does not form part of your contract of employment with the Council, and the Council reserves the right to amend it at any time.</p> <p>1.7 Breaches of the Code and the standards it expresses may result in disciplinary action, with one possible consequence being dismissal from your employment. In some cases, e.g. if there is evidence of corruption or fraud, the Council may even refer the matter to the police for prosecution. We also expect all staff to operate within the law. Unlawful or criminal behaviour, even away from work, may lead to action against you by the Council and/or a referral to the police.</p>
<p>2.1 We are here to serve the people who live in, work in, or visit the District. This requires a positive commitment to public service and putting our service users, customers and the community first. Our services can have a profound effect on the quality of their lives and we have a duty to give our best at all times. They have the right to expect us to listen to them, be open, honest, helpful and professional in our approach. They are entitled to have confidence in our services that depends on you being considerate, responsible, sensitive and mindful of the need to respect confidentiality.</p>	<p>We are here to serve the people who live in, work in, or visit the District. This requires a positive commitment to public service and putting our customers and the community first. Our services can have a profound effect on the quality of their lives and we have a duty to give our best at all times. They have the right to expect us to be receptive, open, honest, helpful, considerate, responsible, sensitive, and maintain confidentiality.</p>

Previous	Propose
<p>2.2 You must:</p> <p>(b) never demean, distress or offend the decency of others. For example, by:</p> <ul style="list-style-type: none"> – displaying any material or picture which could be seen by others as offensive, or making degrading racist, or sexually suggestive comments or other inappropriate/insensitive remarks 	<p>2.2 You must:</p> <p>(b) never demean, distress or offend the decency of others. For example, by:</p> <ul style="list-style-type: none"> – displaying any material or picture which could be seen by others as discriminatory, defamatory, offensive, pornographic, threatening, harassing, bullying, intimidating degrading, sexually suggestive or any other inappropriate or insensitive remarks
<p>2.2 You must:</p> <p>(i) respect other people, their rights and property</p> <p>(j) comply with and implement Council policies.</p>	<p>2.2 You must:</p> <p>(i) respect other people, their rights and property</p> <p>(j) ensure your conduct does not give anyone cause to question your motives.</p> <p>(k) comply with and implement Council policies.</p>
<p>2.3 You should:</p> <p>(c) ensure you are aware of and comply with the Council's Alcohol and Drugs at Work Policy</p>	<p><i>No need to mention Alcohol and Drugs at Work Policy specifically – other policies not mentioned specifically.</i></p>
<p>3.1.1 Your manager is there to support you and give you direction in your work. You are expected to be accountable and show loyalty to the Council and to support its managers. A climate of mutual confidence, trust and respect between managers and staff is essential to achieving work targets and providing a high quality service.</p>	<p>3.1.1 Your manager is there to support you and give you direction in your work. You are expected to be accountable and show loyalty to the Council and to support its managers and other officers. A climate of mutual confidence, trust and respect between managers and staff is essential to achieving work targets and providing a high quality service.</p>
<p>3.1.2 You must carry out all relevant instructions that apply to your role.</p>	<p>3.1.2 You must carry out all relevant and reasonable instructions that apply to your role.</p>

Previous	Propose
3.2.1 For the Council, the people it employs make a difference. The Council expects managers to provide staff with clear direction, positive motivation and the opportunity to develop their skills.	3.2.1 For the Council, the people it employs make a difference. The Council expects managers to provide staff with clear direction, positive motivation and the opportunity to develop their skills and to jointly deliver quality services to the public.
3.2.3 You should: (a) set standards of work, give feedback and advice to staff on how improvements can be made and ensure standards are met	3.2.3 You should: (a) set standards of work, give constructive feedback and advice to staff on performance and, where necessary, on how improvements can be made to working practices to ensure standards are met.
3.2.3 You should: (f) consider constructive suggestions for improving working practices and standards of service.	<i>States the same as previous paragraph [4.2.3 (e)] so not required.</i>
4.1.1 The Council aims to promote good healthy and safe working amongst its staff. You have a responsibility to contribute to safe working environment. Failure to do so may put you, the public or other staff at risk.	4.1.1 It is a legal duty to ensure so far as reasonably practicable the health, safety and wellbeing and welfare at work. Therefore, the Council aims to promote a good healthy and safe working amongst its staff. You have a responsibility to comply with the Council's Health and Safety Policy and to contribute to safe working environment. Failure to do so may put you, the public or other staff at risk.
4.1.2 Have the responsibility to co-operate with supervisors and managers to achieve a healthy and safe workplace and to take reasonable care of themselves and others, and where appropriate, always using safety/protective equipment that is supplied. Whenever an employee, supervisor or manager notices a health and safety problem which they are not able to put right, they must straightaway tell the Line Manager. They may also tell a Safety Representative if there is one.	4.1.2 All employees have the responsibility to co-operate with supervisors and managers to achieve a healthy and safe workplace and to take reasonable care of themselves and others, and where appropriate, always using safety/protective equipment that is supplied. Whenever an employee, supervisor or manager notices a health and safety problem which they are not able to put right, they must immediately tell the Line Manager.

Previous	Propose
<p>4.4.1 We expect you to perform your duties and use the Council's money and resources with honesty and be able to demonstrate that at all times. It is a criminal offence for you to give, receive or ask for any gift, reward or advantage for work done in your official capacity. It is up to you to show that any such reward was disclosed to your manager and that it was not improperly obtained.</p>	<p>4.4.1 We expect you to perform your duties and use the Council's money and resources with honesty and be able to demonstrate that at all times. It is a criminal offence for you to give, receive or ask for any gift, reward or advantage for work done in your official capacity.</p>
<p>4.4.3 Certain posts within the Council are legally designated as politically restricted. This means that as a postholder you would be debarred from any form of political activity as this would be seen to produce conflicts of interest. A list of these posts is included in the Staff Handbook and covers all staff that are paid on salary point 44 or above. The Handbook also tells you what restrictions are placed upon you if you are in this category. You should familiarise yourself with these. You should discuss any concerns you have with your Head of Service, the Deputy Chief Executive or the Monitoring Officer.</p>	<p>4.4.3 Certain posts within the Council are legally designated as politically restricted. This means that as a postholder you would be debarred from any form of political activity as this would be seen to produce conflicts of interest. A list of these posts is published on the intranet together with relevant guidance. You should familiarise yourself with these. You should discuss any concerns you have with your Head of Service, the Deputy Chief Executive or the Monitoring Officer.</p>
<p>4.4.5 You must:</p> <p>(b) report to your Head of Service, as soon as possible, any offers of money, favours, gifts or hospitality you are offered or receive (even if you refuse them). You will be expected to record any gifts or hospitality offered or received, in the Service register</p>	<p>4.4.5 You must:</p> <p>(b) report to your Head of Service, as soon as possible, any offers of money, favours, gifts or hospitality you are offered or receive (even if you refuse them). As an officer you should ensure that these approaches/offers are recorded in line with Gifts and Hospitality procedure by recording it in the register and that you retain a copy of the necessary declaration for your own records</p>
<p>4.4.5 You must:</p> <p>(e) not use any influence to get people you meet through your work to leave you things in their will;</p>	<p>4.4.5 You must:</p> <p>(e) not become involved with the making of a service users' wills or with soliciting any form of bequest or legacy from a service user</p>

Previous	Propose
<p>4.4.5 You must:</p> <p>(f) report to your Head of Service if people you meet through work leave you things in their Will;</p> <p>(g) comply with the Council's Codes of Financial Practice and Procurement Practice. If your job includes making payments or letting contracts, you should make sure you understand the Council's rules;</p>	<p>You must:</p> <p>(f) report to your Head of Service if people you meet through work leave you things in their Will</p> <p>(g) not borrow money from, lend money to, sell or dispose of goods belonging to service users</p> <p>(h) comply with the Council's Codes of Financial Practice and Procurement Practice. If your job includes making payments or letting contracts, you should make sure you understand the Council's rules</p>
<p>4.4.5 You must:</p> <p>(k) you must inform your line manager in writing of all work undertaken outside of your employment with the Council and declare any actual or potential conflicts of interest between your work and outside activities of yourself and close family.</p> <p>If your employment with the Council is paid on scale point 32 (or equivalent) and above, you must have written permission from your Head of Service prior to commencing any additional employment.</p> <p>All such work should be recorded on Appendix 2 to this document and issued to your Head of Service who will retain it on your personnel file.</p> <p>You must ensure that any outside work does not adversely affect your work with the Council and that it does not create a conflict of interest with the Council. Your prime loyalty should be to the Council.</p>	<p>4.4.5 You must:</p> <p>(l) inform your line manager in writing of all work undertaken outside of your employment with the Council and declare any actual or potential conflicts of interest between your work, other colleagues and outside activities of yourself, friends and family.</p> <p>If your employment with the Council is paid on scale point 32 (or equivalent) and above, you must have written permission from your Head of Service, or if you are a Head of Service from the CMT, prior to commencing any additional employment.</p> <p>All such work should be recorded on Appendix 2 to this document and issued to your Head of Service (or the CMT) and it will be retained on your personnel file.</p> <p>You must ensure that any outside work does not adversely affect your work with the Council and that it does not create a conflict of interest with the Council. Your prime loyalty should be to the Council.</p>

Previous	Propose
<p>4.5.1 Whenever possible you should always decline, politely, any gifts or hospitality offered to you as a result of your work as an officer. When this is not possible, without causing offence you may accept the gift or hospitality but discuss it with your line manager</p> <p>4.5.2 Even if you decline or accept an offer you must record all gifts and hospitality that are offered to you in the course of your duties for the Council. These include those from Councillors, contractors, other public bodies, consultants or others with whom you have a business relationship.</p> <p>4.5.3 A register is kept by Chief Executive for recording gifts/hospitality, their value, the person or organisation offering them and whether they were accepted. A form for registering these is attached as Appendix 3 to this document.</p> <p>4.5.4 If you are not sure about how to react to such offers you should seek advice from your line manager or Head of Service.</p> <p>4.5.5 You must:</p> <p>(a) declare any gifts or hospitality in a timely and accurate manner</p> <p>(b) raise any concerns about a potential gift or offer of hospitality with your manager as soon as you become aware of it.</p>	<p>4.5.1 Whenever possible you should always decline, politely, any gifts or hospitality offered to you as a result of your work as an officer. When this is not possible, without causing offence you may accept the gift or hospitality but you must report it to your line manager.</p> <p>4.5.2 Even if you decline or accept an offer you must record all gifts and hospitality considered to be equal to or above the value of £10 that are offered to you in the course of your duties for the Council. These include those from Councillors, contractors, other public bodies, partner organisations, consultants or others with whom you have a business relationship.</p> <p>4.5.3 A central register is kept by the Democratic Services Manager & Deputy Monitoring Officer (and a copy should be provided to HR for inclusion on the employees personnel file) for recording gifts/hospitality, their value, the person or organisation offering them and whether they were accepted. A form for registering these is attached as Appendix 3 to this document.</p> <p>4.5.4 If you are not sure about how to react to such offers you should seek advice from your line manager or Head of Service.</p> <p>4.5.5 You must:</p> <p>(a) declare any gifts or hospitality in a timely and accurate manner</p> <p>(b) raise any concerns about a potential gift or offer of hospitality with your manager as soon as you become aware of it.</p>

Previous	Propose
<p>4.6.1 We expect you to use sensitive information properly and to have due respect for confidentiality. Information gathered while working for the Council, whether held electronically or by other means, should not be used for commercial or personal gain or otherwise misused.</p>	<p>4.6.1 We expect you to use sensitive information properly and to have due respect for confidentiality. Information gathered while working for the Council, whether held electronically or by other means, should not be used for commercial or personal gain, someone else's gain or otherwise misused. Due regard needs to be given to the Council's Information Security Policy.</p>

Previous	Propose
<p>4.6.2 You must:</p> <p>(a) not knowingly disclose information given to you in confidence by anyone, or disclose information acquired that you believe is of a confidential nature, without the consent of the person authorised to give it, or unless you are required by law to do so</p> <p>(b) not knowingly prevent another person from gaining access to information to which that person is entitled by law</p> <p>(c) know what information the Council treats as confidential (if in doubt, check with your manager)</p> <p>(d) know who is entitled to have access to what information</p> <p>(e) be responsible and professional in using and allowing access to personal information on clients, customers, staff and others</p> <p>(f) use personal information in line with the principles of the Data Protection Act.</p> <p>Such data must:</p> <ul style="list-style-type: none"> – be obtained lawfully and fairly – be held only for specified and lawful purposes – be relevant and just sufficient for those purposes – be used or disclosed for no other purpose – be accurate, up to date, and kept only as long as is necessary – be held securely to prevent unauthorised access or tampering – be available for inspection and correction by the person it is about – not be transferred to countries outside the European Economic Area without adequate protection and without written assurance in line with legal requirement following approval from the Data Controller. <p>(g) report to your manager anyone, whether another member of staff, a member of the public or a Councillor, who attempts to put pressure on you for access to information to which they are not entitled.</p>	<p>4.6.2 You must:</p> <p>(a) not knowingly disclose information given to you in confidence by anyone, or disclose information acquired that you believe is of a confidential nature, including commercially sensitive information, without the consent of the person authorised to give it, or unless you are required by law to do so</p> <p>(b) not knowingly prevent another person from gaining access to information to which that person is entitled by law</p> <p>(c) know what information the Council treats as confidential and commercially sensitive information. (If in doubt, check with your manager.)</p> <p>(d) know who is entitled to have access to what information</p> <p>(e) be responsible and professional in using and allowing authorised users access to personal information on clients, customers, staff and others</p> <p>(f) use personal information in line with the Data Protection Act 2018 and General Data Protection Regulation</p> <p>(g) report to your manager anyone, whether another member of staff, a member of the public or a Councillor, who attempts to put pressure on you for access to information to which they are not entitled.</p>

Previous	Propose
<p>4.7.2 You must inform your Head of Service in writing immediately if you are charged with or convicted of a criminal offence whilst you are employed by the Council (this includes events having taken place outside of your working hours). The Council would then need to consider whether this charge or conviction could reasonably be considered to bring the Council into disrepute or makes you unsuitable to carry out your job. Whilst not an exhaustive list, examples would include:</p> <ul style="list-style-type: none"> – submitting false or fraudulent claims to the Council or other public bodies (for example, income support, housing or other benefit claims); – breaching copyright on computer software or published documents; – sexual offences, which may render you unfit to work with children or vulnerable adults; – crimes of dishonesty that render you unfit to hold a position of trust. 	<p>4.7.2 You must inform your Head of Service in writing immediately if you are charged with or convicted of a criminal offence or receive a caution whilst you are employed by the Council (this includes events having taken place outside of your working hours). The Council would then need to consider whether this charge, conviction or caution could reasonably be considered to bring the Council into disrepute or makes you unsuitable to carry out your job. Whilst not an exhaustive list, examples would include:</p> <ul style="list-style-type: none"> – submitting false or fraudulent claims to the Council or other public bodies (for example, income support, housing or other benefit claims) – breaching copyright on computer software or published documents – offences against children and/or sexual or violent in nature that may render you unfit to work with children or vulnerable adults – crimes of dishonesty that render you unfit to hold a position of trust.
<p>4.7.5 You must:</p> <p>(c) inform your Head of Service, the Head of Finance or the head of Internal Audit immediately if you become aware of a breach of the Code of Financial Practice or if you suspect a breach may have occurred.</p>	<p>4.7.5 You must:</p> <p>(c) inform your Head of Service, the Head of Finance or the Audit and Risk Manager immediately if you become aware of any breach of the Code of Financial Practice or if you suspect any breach may have occurred.</p>

Previous	Propose
<p>4.8.2 Close personal familiarity between individual Councillors and officers can damage this relationship and give rise to the appearance of improper conduct. Generally, a close relationship between a Councillor and member of staff is incompatible with the high standards of public life that the Council is promoting. Such a relationship is unacceptable, since it may put the member of staff, or the Councillor, in a position to exercise improper influence over the workings of the Council or give rise to suspicion that the opportunity for improper influence exists. It could lead to action against you under the disciplinary procedure. If such a relationship begins to develop you must discuss this as soon as possible with your Head of Service or your line Manager.</p>	<p>4.8.2 Close personal familiarity between individual Councillors and officers can damage this relationship and give rise to the appearance of improper conduct. Generally, a close relationship between a Councillor and member of staff is incompatible with the high standards of public life that the Council is promoting. If such a relationship exists or begins to develop you must discuss this as soon as practicably possible with your Head of Service.</p>
<p>4.9.2 You must:</p> <p>(a) get permission from your Head of Service to speak, write, or give interviews to the media</p>	<p>4.9.2 Staff must comply with the Council's Media Policy.</p> <p>4.9.3 You must:</p> <p>(a) get permission from your Head of Service to speak, write, or give interviews to the media whilst representing the Council</p>
<p>4.10.2 All managers have an absolute duty to act on employees' concerns. Failure to do so will be a disciplinary matter. Victimising staff that raise concerns or deterring someone from speaking out about fraud or abuse will be treated as a serious disciplinary offence. The detail of this is included with the Council's Disciplinary Policy.</p>	<p>4.10.2 All managers have an absolute duty to act on employees' legitimate concerns. Failure to do so will be a disciplinary matter. Victimising staff that raise legitimate concerns or deterring someone from speaking out about fraud or abuse will be treated as a serious disciplinary offence. The detail of this is included with the Council's Disciplinary Policy.</p>

Previous	Propose
<p>4.10.3 The Council will:</p> <ul style="list-style-type: none"> (a) take you seriously when you come forward and act swiftly to tackle any impropriety (b) do everything possible to support you and protect you from reprisals (c) do everything possible to protect your confidentiality (d) tell you what action is being taken. 	<p>4.10.3 The Council will:</p> <ul style="list-style-type: none"> (a) take you seriously when you come forward and act in a fair and reasonable manner to tackle any impropriety that is found to have taken place (b) do everything reasonably possible to support you and protect you from reprisals (c) do everything reasonably possible to protect your confidentiality (d) tell you what action is being taken.
<p>4.10.4 You must:</p> <ul style="list-style-type: none"> (a) know what practices are acceptable and which are not (as set out in this Code) – check with your manager if you are unsure 	<p>4.10.4 You must:</p> <ul style="list-style-type: none"> (a) know what practices are acceptable and which are not (as set out in this Code and the Whistleblowing Policy) – check with your manager if you are unsure
<p>4.10.4 You must:</p> <ul style="list-style-type: none"> (e) report any concerns about corrupt or improper conduct by others to your line manager, in the first instance. If you do not feel able to approach your line manager, you should report your concerns to your Head of Service or the Chief Executive, the Council's Monitoring Officer or the Audit and Risk Manager. <p>You also have the right to raise concerns about financial malpractice with the Council's External Auditors</p>	<p>4.10.4 You must:</p> <ul style="list-style-type: none"> (e) report any concerns about corrupt or improper conduct by others to your line manager, in the first instance. If you do not feel able to approach your line manager, you should report your concerns to your Head of Service or the Chief Executive, the Council's Monitoring Officer or the Audit and Risk Manager. <p>You also have the right to raise concerns about financial malpractice with the Council's External Auditors as set out in the Whistleblowing Procedure</p>
<p>4.11.1 The Council will apply this Code consistently and fairly. It is a public document and is distributed to all staff. Any breaches of the Code may result in disciplinary action.</p>	<p>4.11.1 The Council will apply this Code of Conduct consistently and fairly. It is a public document and is distributed to all staff. Any breaches of the Code may result in disciplinary action which could result in your dismissal.</p>

Previous	Propose
<p>4.11.2 Some breaches (known as gross misconduct) would be serious enough to justify the Council in dismissing staff for a first offence, and without notice. The examples of gross misconduct below are given so that you can judge what would compel the Council to dismiss you. This is not a complete list, since the circumstances of each case are different.</p>	<p>4.11.2 Some breaches (known as gross misconduct) could potentially be deemed serious enough to justify the Council in dismissing staff for a first offence, and without notice. The examples of gross misconduct below are given so that you can judge what could potentially compel the Council to dismiss you. This is not a complete list, since each case will be decided on their individual facts and circumstances.</p>

Previous	Propose
<p>4.11.3 The Council will consider dismissing you for gross misconduct if you:</p> <ul style="list-style-type: none"> (a) conceal any serious matter you should report (b) disclose any matter you should keep confidential (c) succeed in getting a job by lies or deception (d) commit serious acts of discrimination or harassment (e) threaten, fight with or assault anyone (f) steal or take or damage things that belong to someone else (g) seriously demean or offend the decency of others (h) act in a way that resulted, or would have resulted, in injury or danger to yourself or others (i) do private work when you should be at work for the Council (j) breach financial regulations or standing orders (k) refuse to make or abide by an agreement to repay any debt you owe to the Council (l) break a law at/or away from work which makes you unsuitable for the work you do or damages public confidence in the Council 	<p>4.11.3 For illustrative purposes only, these are examples were the Council will consider dismissing you for gross misconduct:</p> <ul style="list-style-type: none"> (a) conceal any matter that you should report in line with Council Policies (b) disclose any matter that you should keep confidential (c) succeed in getting a job by lies or deception (d) commit any acts of discrimination, harassment or victimisation (e) threaten, fight with or assault anyone (f) steal or take or damage things that belong to someone else and/or the Council (g) seriously demean or offend the decency of others (h) act in a way that resulted, or would have resulted, in injury or danger to yourself or others (i) undertaking private work when you are claiming time for working for the Council (j) breach financial regulations or standing orders (k) refuse to make or abide by an agreement to repay any debt you owe to the Council (l) break a law at/or away from work which makes you unsuitable for the work you do or would damage, or could potentially, damage public confidence in the Council
<p>4.12.1 Members of staff become involved in external organisations from time to time. This can result from being appointed by the Council as its representative or by other means.</p>	<p>4.12.1 Members of staff become involved in external organisations from time to time. This can result from being appointed by the Council as its representative or by other means. Examples of such organisations could be working groups such as the West Midlands Information Governance Forum or the local crime and disorder reduction partnership.</p>

Previous	Propose
<p>4.12.4 The Council's policy is for such executive appointments to be avoided where there is any possibility of a conflict of interest. Staff must take advice from their Head of Service if they are in doubt.</p>	<p>4.12.4 The Council's policy is for such executive appointments to be avoided where there is any possibility of a conflict of interest. Staff must take advice from their Head of Service if they are in doubt.</p> <p>4.12.5 All appointments must be approved by your Head of Service and who will ensure they are recorded centrally with the Democratic Services Manager.</p>
<p>Additional section to reference new WDC Voluntary Guidelines.</p>	<p>4.13 All employees must follow the Council agreed guidelines for volunteering to wo work on a recognised WDC project/event including elections and referendums.</p>
<p>5.1.1 The Code of Conduct covers all employees working under a contract of employment within Local Government, including session workers and casuals. Some of the issues covered by the Code may affect senior, managerial and professional employees more than it may others.</p>	<p>5.1.1 The Code of Conduct covers all employees working under a contract of employment within Local Government, including agency workers and casuals. Some of the issues covered by the Code may affect senior, managerial and professional employees more than it may others.</p>
<p>5.2.1 You are advised not to maintain outside interests that are to the detriment of your work with the Council or conflict with your employment with the Council.</p>	<p>5.2.1 You should not maintain outside interests that are to the detriment of your work with the Council or that conflict with your employment/position within the Council.</p>
<p>5.2.5 Membership of Clubs, Associations and Societies (Part B, Question 2 of the declaration form) – this includes special interest societies, charities, groups that are grant-aided by the Council and pressure groups. These need only be declared where there may be a direct impact on your area of work. You must declare membership of organisations not open to the public, with commitment of allegiance, which has secrecy about rules of membership or conduct and which furthers the interests of its members over the interests of others.</p>	<p>5.2.5 Membership of Clubs, Associations and Societies (Part B, Question 2 of the declaration form) – this includes special interest societies, charities, groups that are grant-aided by the Council and pressure groups. This includes declaring any membership of organisations not open to the public, with commitment of allegiance, which has secrecy about rules of membership or conduct and which furthers the interests of its members over the interests of others. These need only be declared where there may be a direct impact on your area of work with the Council.</p>

Previous	Propose
<p>5.2.9 Recruitment of Relatives (Part V, Question 7 of the declaration form) – the term “associated with” includes spouse, partner, close family members, e.g. mother, father, sister, brother and other persons with whom you have a close personal relationship.</p>	<p>5.2.9 Recruitment of Relatives (Part V, Question 7 of the declaration form) – the term “associated with” includes spouse, partner, close family members, e.g. mother, father, sister, brother and other persons with whom you have a close personal relationship.</p> <p>5.2.10 You must declare any contract that you or your spouse/partner – or the both of you – have with regard to the provision of a service or the supply of goods/assets to the Council, such as the lease of land or property to the Council.</p>
<p>5.4.1 Once you have completed the Code of Conduct declaration form, it will be reviewed by the Head of Human Resources. The information you give is strictly confidential.</p> <p>Heads of Service will be made aware of anything of relevance in the declaration and ensure that any declaration made will not be used inappropriately. Completed forms will be kept on personal files.</p>	<p>5.4.1 Once you have completed the Code of Conduct declaration form, you should forward it to your Head of Service for review and approval. It should then be forwarded to HR who will retain it on your personal file and also stored on a central register that is kept by the Democratic Services Manager and Deputy Monitoring Officer. The information you give is strictly confidential.</p>
<p>5.5.1 If you fail to return a declaration form, it will not, in itself, constitute a disciplinary offence. However, should a relationship or other issue emerge which was relevant and this has not been declared as set out in this Code, non-declaration might be taken as evidence of misconduct or gross misconduct in a disciplinary situation.</p>	<p>5.5.1 If you fail to return a declaration form, it will not, in itself, constitute a disciplinary offence. However, should a relationship or other issue emerge which was relevant and this has not been declared as set out in this Code, non-declaration may result in disciplinary action being taken against you</p>

Previous	Propose
N/A as new paragraph.	5.5.4 - In the case of someone wishing to complain about the conduct of an employee they should address their complaint to the relevant line manager or head of service and it would be for that Head of Service to determine, following an investigation in line with the Council's complaints policy, whether the employee contravened the Code

WARWICK DISTRICT COUNCIL EMPLOYEE CODE OF CONDUCT

CONTENTS

- 1. Introduction**
- 2. Working for the public and with other staff**
- 3. Management and staff relations**
 - 3.1 Working with your manager
 - 3.2 Working with your staff
- 4. Working practices**
 - 4.1 Health and Safety
 - 4.2 Sickness absence
 - 4.3 Hours and attendance
 - 4.4 Working honestly and with integrity and impartially
 - 4.5 Gifts and hospitality
 - 4.6 Working with sensitive information
 - 4.7 Working within the law and the Council's Constitution
 - 4.8 Working with Councillors
 - 4.9 Managing contact with the media
 - 4.10 Reporting improper conduct – the Confidential Reporting Policy
 - 4.11 Gross misconduct
 - 4.12 Working with external organisations
 - 4.13 Voluntary Guidelines – including Elections
- 5. Guidance notes on the declaration of pecuniary and personal interests**

Appendices:

**Declaration Form for Interests
Form for Registering Gifts and Hospitality
The Seven Principles of Public Life (Revised January 2013)**

Warwick District Council Employee Code of Conduct (Continued)

1. Introduction

- 1.1 The people of Warwick District expect and deserve the highest standards of service and behaviour from all Council staff. This Code sets out our values, rules and principles. It is not a complete list of what you can and cannot do, but its aim is to enable all employees of the Council to understand the ground rules that all must observe and the standards we expect from you as a Council employee.
- 1.2 This code is based upon the Seven Principles of Public Life (known as 'The Nolan Principles'). These principles are relevant to everyone who works in public service and are set out in full as Appendix 1 to this Code.
- 1.3 In addition, the Council has adopted five core values. These provide a framework for every action and decision that the Council takes. The five core values are:
 - Honesty and openness
 - Community focus
 - Fairness and equity
 - Environmental awareness
 - Value for money
- 1.4 Our standards are high because Council services affect the health and wellbeing of the community we serve.
- 1.5 Our work is democratically controlled and open to public scrutiny. It is often politically sensitive, and can depend on public confidence in the Council.
- 1.6 This Code applies to all Council staff. This Code does not form part of your contract of employment with the Council, and the Council reserves the right to amend it at any time.
- 1.7 Breaches of the Code and the standards it expresses may result in disciplinary action, with one possible consequence being dismissal from your employment. In some cases, e.g. if there is evidence of corruption or fraud, the Council may even refer the matter to the police for prosecution. We also expect all staff to operate within the law. Unlawful or criminal behaviour, even away from work, may lead to action against you by the Council and/or a referral to the police.
- 1.8 It is your responsibility to read this Code and work in accordance with it. If you are unsure about any aspect, check it with your manager or with HR. Copies of any documents referred to in this is Code are available via the intranet or from your manager on request.
- 1.9 This Code applies to all staff including those professionally qualified staff that may be subject to codes of conduct or ethics imposed by their own professional bodies. In the unlikely event of a conflict arising between this Code and an external code or requirement then the officer concerned must raise the matter with their Head of Service or Monitoring Officer as soon as possible.

2. Working for the public and with other staff

2.1 We are here to serve the people who live in, work in, or visit the District. This requires a positive commitment to public service and putting our customers and the community first. Our services can have a profound effect on the quality of their lives and we have a duty to give our best at all times. They have the right to expect us to be receptive, open, honest, helpful, considerate, responsible, sensitive, and maintain confidentiality.

2.2 You must:

- (a) report any inappropriate behaviour, such as verbal or physical abuse by customers, colleagues or councillors, to your manager
- (b) never demean, distress or offend the decency of others by, for example:
 - posting or displaying any commentary, content or images which could reasonably be seen by others as discriminatory, defamatory, offensive, pornographic, threatening, harassing, bullying, intimidating degrading, sexually suggestive or any other inappropriate or insensitive remarks

- (c) follow the Council's Equal Opportunities Policy and must not discriminate against people you meet in the course of your work on any grounds

You should also be aware of the Council's policy on harassment, and behave in a way that creates an inclusive, open work environment. If you become a victim of harassment in the course of your work you should report this in accordance with the agreed procedure

- (d) never take advantage of anyone, or use your position at work to further any aims that are not related to the Council or which improperly confers an advantage or disadvantage on any person
- (e) never use your work or position at work to further the aims of any political party or political activity
- (f) not use your work to further the aims of any group other than the Council whilst at work, (whether or not the group's ideas are in conflict with Council policies)
- (g) not inappropriately disclose or misuse confidential information that you know about Councillors, customers, staff, contractors, or other organisations working with the Council
- (h) disclose any matter to your manager that it is your duty to report within this Policy
- (i) respect other people, their rights and property

Warwick District Council Employee Code of Conduct (Continued)

- (j) ensure your conduct does not give anyone any reason to question your motives
- (k) comply with the requirements of Council policies.

2.3 You should:

- (a) meet or exceed established standards of service when dealing with people in person, by phone, letter or e-mail, whether they are customers, colleagues at work, colleagues employed outside the Council or other delegates on a training course. Always be:
 - polite, positive, responsive and considerate. Always take a positive approach in all dealings with our customers
 - as clear as possible about the decisions and actions that we take and the reasons for them
 - accountable to the public, by identifying yourself (with name badges, if issued)
- (b) avoid actions in public areas that may discredit the Council
- (c) maintain a professional approach to your job. Do not let friendships lead to a conflict between your own interests and that of the Council
- (d) treat colleagues with respect, in day-to-day working relationships, in all forms of communication.

3. Management and staff relations

3.1 Working with your manager

- 3.1.1 Your manager is there to support you and give you direction in your work. You are expected to be accountable and show loyalty to the Council and to support its managers and other officers. A climate of mutual confidence, trust and respect between managers and staff is essential to achieving work targets and providing a high quality service.
- 3.1.2 You must carry out all relevant and reasonable instructions that apply to your role.
- 3.1.3 You should work reliably and never neglect your work.

3.2 Working with your staff

- 3.2.1 For the Council, the people it employs make a difference. The Council expects managers to provide staff with clear direction, positive motivation and the opportunity to develop their skills and to jointly deliver quality services to the public.
- 3.2.2 You must:

Warwick District Council Employee Code of Conduct (Continued)

- (a) manage according to the principles set down in the Council's Policies (in, for example, matters of recruitment, discipline, performance management)
- (b) deal with staff fairly and consistently
- (c) accept responsibility
- (d) provide your staff with a working environment that is free from any form of unfair discrimination, victimisation, harassment, or hostility
- (e) provide your staff with a safe and healthy working environment.

3.2.3 You should:

- (a) set standards of work, give constructive feedback and advice to staff on performance and, where necessary, on how improvements can be made to working practices to ensure standards are met
- (b) set work priorities for staff in consultation with them
- (c) support and assist staff to carry out their work properly
- (d) be aware and monitor the hours being worked by staff to ensure a consistent work life balance
- (e) develop your staff to meet the current and future needs of the individual, team and service.

4. Working practices

4.1 Health and Safety

- 4.1.1 It is a legal duty to ensure so far as reasonably practicable the health, safety and wellbeing and welfare at work. Therefore, the Council aims to promote a good healthy and safe working amongst its staff. You have a responsibility to comply with the Council's Health and Safety Policy and to contribute to safe working environment. Failure to do so may put you, the public or other staff at risk.
- 4.1.2 All employees have the responsibility to co-operate with supervisors and managers to achieve a healthy and safe workplace and to take reasonable care of themselves and others, and where appropriate, always using safety/protective equipment that is supplied. Whenever an employee, supervisor or manager notices a health and safety problem which they are not able to put right, they must immediately tell the Line Manager.
- 4.1.3 An employee of Warwick District Council whilst out of the office, on site, must comply with the safety requirements of any contractor whilst on their premises. If any employee identifies safety standards which are below those required by Warwick District Council, that employee will first bring them to the attention of the senior person at that location and if

Warwick District Council Employee Code of Conduct (Continued)

the condition is not immediately rectified, advise their supervisor within Warwick District Council of their intention not to proceed further until rectification has taken place.

- 4.1.4 Where the employee considers there is possible danger to themselves, they must not proceed further, until the situation, equipment, or machinery has been rendered safe.
- 4.1.5 Each member of the staff should have particular regard to Sections 7 and 8 of the Health and Safety at Work etc. Act 1974 which places responsibilities on all employees.

4.2 Sickness Absence

- 4.2.1 You must follow the Council's Sickness Absence Policy. You must never claim sick leave when you are not sick.

4.3 Hours and attendance

- 4.3.1 Integrity in attendance at your place of work and reporting absences is critical to the success of Council services. Poor attendance and time keeping increases costs, reduces service levels and undermines the reputation of you and the Council. You should not accrue amounts of flexitime credit or time off in lieu, outside the levels in the relevant policies, unless agreeing this with your line manager first.
- 4.3.2 You must:
 - (a) comply with the time keeping requirements of your job
 - (b) be in your place of work and working when you should be
 - (c) ask your supervisor/manager if you need to take time off (for example, for a doctor's visit)
 - (d) agree with your manager any leave or time off you want in advance.

4.4 Working honestly and with integrity and impartiality

- 4.4.1 We expect you to perform your duties and use the Council's money and resources with honesty and be able to demonstrate that at all times. It is a criminal offence for you to give, receive or ask for any gift, reward or advantage for work done in your official capacity.
- 4.4.2 As a Council employee, you are expected to meet the highest standards of conduct and integrity. These high standards must equally apply, and be seen to apply, in your conduct and relationships with the public. From the way you conduct yourself there should be no reason to suspect you are seeking opportunities for private gain. You must not undertake any private commitments or activities that may reasonably be considered to bring the Council into disrepute or impair your performance or detrimentally conflict with the Council's interests.

Warwick District Council Employee Code of Conduct (Continued)

4.4.3 Certain posts within the Council are legally designated as politically restricted. This means that as a postholder you would be debarred from any form of political activity as this would be seen to produce conflicts of interest. A list of these posts is published on the intranet together with relevant guidance. You should familiarise yourself with these. You should discuss any concerns you have with your Head of Service, the Deputy Chief Executive or the Monitoring Officer.

4.4.4 The relationships that the Council has with its partners, contractors, consultants, community groups, suppliers and others, must be managed so that there can be no suspicion of corruption or dishonesty with public money. If you are a Head of Service, Deputy Chief Executive or Chief Executive the Council requires you to complete a declaration of related party transactions and this information could be disclosed in the annual Statement of Accounts.

4.4.5 You must:

- (a) not act corruptly and you must avoid any actions that could be interpreted in this way by others

Examples could include:

- do not ask for or accept bribes or inducements of any sort
- never seek or take any reward or favour for providing Council services apart from your pay
- do not take a reward from anyone who has, or might have a contract with the Council, or work in partnership with it.
- (b) report to your Head of Service, as soon as possible, any offers of money, favours, gifts or hospitality you are offered or receive (even if you refuse them). As an officer you should ensure that these approaches/offers are recorded in line with Gifts and Hospitality procedure by recording it in the register and that you retain a copy of the necessary declaration for your own records
- (c) return any gifts and refuse any hospitality your Head of Service says you cannot accept
- (d) never ask for or accept a gift or tip or 'Christmas box', because:
 - you are already paid for the work you do
 - people may believe they will get better service if they tip well and worse if they do not
 - this is not the basis the Council delivers services.
- (e) not become involved with the making of a service users' wills or with soliciting any form of bequest or legacy from a service user

Warwick District Council Employee Code of Conduct (Continued)

- (f) report to your Head of Service if people you meet through work leave you things in their Will
- (g) not borrow money from, lend money to, sell or dispose of goods belonging to service users
- (h) comply with the Council's Codes of Financial Practice and Procurement Practice. If your job includes making payments or letting contracts, you should make sure you understand the Council's rules
- (i) never obtain Council property or money when you are not lawfully entitled to it (this includes subletting Council property without authority)
- (j) not act fraudulently and you must report any suspicion or evidence of fraud you may have. Fraud happens when someone gets some benefit (usually money or property) through deception. This could include examples of:
 - falsifying documents to claim pay, bonus or sick pay
 - claiming housing benefit (and similar benefits) to which you are not entitled
- (k) serve the people of the District honestly and deal honestly with the Council. This could include examples of:
 - never wilfully withhold any payments owed to the Council (like rent or Council Tax)
 - never make fraudulent claims for public money (like housing benefit or income support)
- (l) inform your line manager in writing of all work undertaken outside of your employment with the Council and declare any actual or potential conflicts of interest between your work, other colleagues and outside activities of yourself, friends and family

If your employment with the Council is paid on scale point 32 (or equivalent) and above, you must have written permission from your Head of Service, or if you are a Head of Service from the CMT, prior to commencing any additional employment.

All such work should be recorded on Appendix 2 to this document and issued to your Head of Service (or the CMT) and it will be retained on your personnel file.

You must ensure that any outside work does not adversely affect your work with the Council and that it does not create a conflict of interest with the Council. Your prime loyalty should be to the Council.

Warwick District Council Employee Code of Conduct (Continued)

- (m) never do private work when you are claiming time for working for the Council
- (n) never abuse your position with the Council to benefit yourself, your family, your friends or any outside organisation or political party. If you live in the District you must not use your working relationships to influence matters such as planning applications or enquiries
- (o) respect Council property or equipment. Take care not to waste, lose or damage it. Do not use Council property and equipment for your own personal benefit. You should use the Council's equipment in accordance with the Council's relevant rules, codes and policies
- (p) obtain written permission for any private use of Council equipment, whether at home or in the Council's offices, as agreed by your manager for use on Council business
- (q) fill in accurately and honestly any document, form or record your managers need for work. Never destroy, damage, alter or falsify any such document or record
- (r) not be involved in the appointment or any other decision relating to the discipline, promotion, pay or conditions of another employee, or prospective employee, who is a member of your family or any person with whom you have a close association.

4.4.6 You should:

- (a) do nothing that could be seen as likely to bias your work, your decisions or your impartiality. Therefore you must be fair and impartial in dealing with all customers, competitors, suppliers, contractors, sub-contractors, partner organisations and sponsors
- (b) be careful about pursuing an association with someone who may benefit from your work for the Council. For example, it is unwise to allow yourself to become indebted to someone who may wish to benefit from your work or position in the Council
- (c) seek prior approval from your Head of Service if you are asked to give lectures, or wish to publish material, inventions or patents, that are related to the work you do with the Council

4.4.7 You must advise your Head of Service in writing if:

- (a) you have links with a group whose aims might be in conflict with Council policy, or involvement with an organisation receiving grant aid from the Council, involvement with an organisation or pressure group which may seek to influence the Council's policies. This also applies to membership of any organisation not open to the public, with commitment of allegiance and which has secrecy about rules of membership or conduct and which furthers the interests of its members over the interests of others

Warwick District Council Employee Code of Conduct (Continued)

- (b) you have, or develop a relationship with someone, that might be seen to lead to a potential conflict of interest. This is only necessary where there is likely to be a conflict of interests but could include being someone's landlord, being in debt to someone, having a close personal relationship with a Councillor, client, customer, service user, employee or contractor
- (c) you are offered a job with a competitor organisation, or one we are in partnership with
- (d) you or your close relatives hold any Directorships or positions of influence in any companies linked with the Council.

4.5 Gifts and Hospitality

- 4.5.1 Whenever possible you should always decline, politely, any gifts or hospitality offered to you as a result of your work as an officer. When this is not possible, without causing offence you may accept the gift or hospitality but you must report it to your line manager.
- 4.5.2 Even if you decline or accept an offer you must record all gifts and hospitality considered to be equal to or above the value of £10 that are offered to you in the course of your duties for the Council. These include those from Councillors, contractors, other public bodies, partner organisations, consultants or others with whom you have a business relationship.
- 4.5.3 A central register is kept by the Democratic Services Manager & Deputy Monitoring Officer (and a copy should be provided to HR for inclusion on the employees personnel file) for recording gifts/hospitality, their value, the person or organisation offering them and whether they were accepted. A form for registering these is attached as Appendix 3 to this document.
- 4.5.4 If you are not sure about how to react to such offers you should seek advice from your line manager or Head of Service.
- 4.5.5 You must:
 - (a) declare any gifts or hospitality in a timely and accurate manner
 - (b) raise any concerns about a potential gift or offer of hospitality with your manager as soon as you become aware of it.
- 4.5.6 Failure to declare any gifts or hospitality in accordance with this Code will be considered a disciplinary offence and one of the sanctions that could be imposed is dismissal.

4.6 Working with sensitive information

- 4.6.1 We expect you to use sensitive information properly and to have due respect for confidentiality. Information gathered while working for the Council, whether held electronically or by other means, should not be used for commercial or personal gain, someone else's gain or otherwise

Warwick District Council Employee Code of Conduct (Continued)

misused. Due regard needs to be given to the Council's Information Security Policy.

4.6.2 You must:

- (a) not knowingly disclose information given to you in confidence by anyone, or disclose information acquired that you believe is of a confidential nature, including commercially sensitive information, without the consent of the person authorised to give it, or unless you are required by law to do so
- (b) not knowingly prevent another person from gaining access to information to which that person is entitled by law
- (c) know what information the Council treats as confidential and commercially sensitive information. (If in doubt, check with your manager.)
- (d) know who is entitled to have access to what information
- (e) be responsible and professional in using and allowing authorised users access to personal information on clients, customers, staff and others
- (f) use personal information in line with the Data Protection Act 2018 and General Data Protection Regulation
- (g) report to your manager anyone, whether another member of staff, a member of the public or a Councillor, who attempts to put pressure on you for access to information to which they are not entitled.

4.7 Working within the law and the Council's Constitution

4.7.1 The Council expects you to work within the law. Council powers are set by a framework of laws and regulations. In order for its decisions and actions to be held to be reasonable in law, the Council must carry out its business in a way that is rational, proper and fair. Unlawful or criminal behaviour at, or even away from, work may result in a loss of trust and confidence in the employee or the Council.

4.7.2 You must inform your Head of Service in writing immediately if you are charged with or convicted of a criminal offence or receive a caution whilst you are employed by the Council (this includes events having taken place outside of your working hours). The Council would then need to consider whether this charge, conviction or caution could reasonably be considered to bring the Council into disrepute or makes you unsuitable to carry out your job. Whilst not an exhaustive list, examples would include:

submitting false or fraudulent claims to the Council or other public bodies (for example, income support, housing or other benefit claims)

Warwick District Council Employee Code of Conduct (Continued)

breaching copyright on computer software or published documents

offences against children and/or sexual or violent in nature that may render you unfit to work with children or vulnerable adults

crimes of dishonesty that render you unfit to hold a position of trust.

- 4.7.3 The Constitution sets out how the Council operates, how decisions are made and the procedures that are followed to ensure that these are efficient, transparent and accountable to local people. Whilst you should have a general awareness of the Constitution the areas that you are expected to have a good knowledge of are the Code of Financial Practice and Code of Procurement Practice. The Code of Financial Practice provides the framework for managing the Authority's financial affairs and applies to every member and officer of the Authority and anyone acting on its behalf.
- 4.7.4 Breaches of financial rules are taken seriously and the Head of Finance is responsible for reporting breaches of these rules to the Council and/or Executive.
- 4.7.5 You must:
- (a) have an understanding of the Code of Financial Practice that is appropriate to your job
 - (b) complete any financial work in accordance with the Code of Financial Practice
 - (c) inform your Head of Service, the Head of Finance or the Audit and Risk Manager immediately if you become aware of any breach of the Code of Financial Practice or if you suspect any breach may have occurred.

4.8 Working with Councillors

- 4.8.1 Councillors expect staff to contribute to proper and effective working relationships with them. You serve the Council as a whole – all Councillors – and not just those of any particular group. You must ensure that the rights of Councillors are respected. You must maintain political neutrality at work and be seen to be impartial.
- 4.8.2 Close personal familiarity between individual Councillors and officers can damage this relationship and give rise to the appearance of improper conduct. Generally, a close relationship between a Councillor and member of staff is incompatible with the high standards of public life that the Council is promoting. If such a relationship exists or begins to develop you must discuss this as soon as practicably possible with your Head of Service.

Warwick District Council Employee Code of Conduct (Continued)

4.8.3 You must:

- (a) serve all Councillors impartially and professionally, not just those of a particular political group
- (b) do nothing to disrupt Council meetings
- (c) dress and behave with appropriate formality at official events and meetings
- (d) deal with Councillors' enquiries efficiently and within the agreed timescales as set out within the Member/Officer Protocol
- (e) disclose to your Head of Service any family, business or close personal relationships with Councillors
- (f) report to your Head of Service any time a Councillor asks or pressures you to deal with a matter outside of Council procedure or policy
- (g) not seek to influence Councillors prior to any appointment
- (h) not canvass Councillors on individual employment-related matters for which there are Council approved procedures (for example, in matters of recruitment, discipline, unsatisfactory performance, terms and conditions of employment)
- (i) report any claims or allegations about other staff to an appropriate manager, and not to Councillors
- (j) do not take advantage of your status as a Council employee to gain privileged access to a Councillor to advance your interests or views as a resident of the District. This is especially important in matters such as planning applications and enquiries.

4.8.4 You should:

- (a) not permit your own personal or political opinions or preferences to interfere with your work or working relationships with Councillors
- (b) report to your Head of Service if you have concerns that a Councillor's conduct or treatment of staff is inconsistent with Council policies.

4.8.5 Extensive guidance to members and officers of the Council in their relations with one another is set out in the Member-Officer Protocol, and the Employee Code of Conduct should be read in conjunction with that protocol.

4.9 Managing contact with the Media

4.9.1 The Council expects staff to promote the policies and reputation of the Council and act as ambassadors. Contact with the press and media is

Warwick District Council Employee Code of Conduct (Continued)

conducted through the Media Team. This protects individual employees from unwanted media attention and allows the Council to manage its reputation properly. Relations with the media require specific skills and expertise and staff should not discuss Council business with the media without their Head of Service's prior permission, unless you act as spokesperson for one of the Council's recognised trade unions in pursuit of legitimate industrial relations activities.

4.9.2 Staff must comply with the Council's Media Policy.

4.9.3 You must:

- (a) get permission from your Head of Service to speak, write, or give interviews to the media whilst representing the Council
- (b) never bring the Council's name into disrepute in any other way through the press and other media
- (c) never bring the Council into disrepute by publicising material that is confidential, or against the interests of the Council, or its employees
- (d) do not leak information to the press and media except within the exclusions provided strictly by the Council's Whistleblowing Policy
- (e) refer enquiries from the media to the Media Team in the first instance.

4.10 Reporting Improper Conduct – The Confidential Reporting Policy

4.10.1 We are committed to preventing any malpractice, fraud, corruption and any other actions that are illegal or not in the best interests of the Council's customers. The people of the District expect and deserve the highest standards of public service and we rely on all staff to play their part. You have a duty to report any reasonable suspicions of malpractice, fraud, poor practice or illegal activities. We have a duty to act on any information from whistle-blowers and to protect you if you speak out. The Council's whistleblowing policy sets out the reporting process.

4.10.2 All managers have an absolute duty to act on employees' legitimate concerns. Failure to do so will be a disciplinary matter. Victimising staff that raise legitimate concerns or deterring someone from speaking out about fraud or abuse will be treated as a serious disciplinary offence. The detail of this is included with the Council's Disciplinary Policy.

4.10.3 The Council will:

- (a) take you seriously when you come forward and act in a fair and reasonable manner to tackle any impropriety that is found to have taken place
- (b) do everything reasonably possible to support you and protect you from reprisals
- (c) do everything reasonably possible to protect your confidentiality

Warwick District Council Employee Code of Conduct (Continued)

- (d) tell you what action is being taken.

4.10.4 You must:

- (a) know what practices are acceptable and which are not (as set out in this Code and the Whistleblowing Policy) – check with your manager if you are unsure
- (b) report immediately any irregularities, malpractice, illegal or fraudulent activity, or any abuse or suspected abuse, either of staff or customers
- (c) immediately report any matters that you feel have not been properly dealt with
- (d) provide any evidence or relevant information you have
- (e) report any concerns about corrupt or improper conduct by others to your line manager, in the first instance. If you do not feel able to approach your line manager, you should report your concerns to your Head of Service or the Chief Executive, the Council's Monitoring Officer or the Audit and Risk Manager.

You also have the right to raise concerns about financial malpractice with the Council's External Auditors as set out in the Whistleblowing Procedure.

- (f) never abuse this process by raising allegations that are known to you to be unfounded. This will be considered as a disciplinary matter.

4.11 Gross misconduct

4.11.1 The Council will apply this Code of Conduct consistently and fairly. It is a public document and is distributed to all staff. Any breaches of the Code may result in disciplinary action which could result in your dismissal.

4.11.2 Some breaches (known as gross misconduct) could potentially be deemed serious enough to justify the Council in dismissing staff for a first offence, and without notice. The examples of gross misconduct below are given so that you can judge what could potentially compel the Council to dismiss you. This is not a complete list, since each case will be decided on their individual facts and circumstances.

4.11.3 For illustrative purposes only, these are examples where the Council will consider dismissing you for gross misconduct:

- (a) conceal any matter that you should report in line with Council Policies
- (b) disclose any matter that you should keep confidential
- (c) succeed in getting a job by lies or deception

Warwick District Council Employee Code of Conduct (Continued)

- (d) commit any acts of discrimination, harassment or victimisation
- (e) threaten, fight with, or assault anyone
- (f) steal or take or damage things that belong to someone else and/or the Council
- (g) seriously demean or offend the decency of others
- (h) act in a way that resulted, or would have resulted, in injury or danger to yourself or others
- (i) for undertaking private work when you are claiming time for working for the Council
- (j) breach financial regulations or standing orders
- (k) refuse to make or abide by an agreement to repay any debt you owe to the Council
- (l) break a law at/or away from work which makes you unsuitable for the work you do or would damage, or could potentially damage, public confidence in the Council
- (m) obtain Council services, property or money by fraud (for example, falsify timesheets)
- (n) submit false or fraudulent claims to the Council or other bodies (for example, income support claims, housing or other benefit claims)
- (o) ask for or accept bribes, gifts or favours
- (p) disrupt Council meetings
- (q) discriminate against another person, in conflict with the Council's Equal Opportunities Policy.

NB: This list is not exhaustive

4.12 Working with External Organisations

- 4.12.1 Members of staff become involved in external organisations from time to time. This can result from being appointed by the Council as its representative or by other means. Examples of such organisations could be working groups such as the West Midlands Information Governance Forum or the local crime and disorder reduction partnership.
- 4.12.2 Staff must be careful about any conflict of interest that may result. These can often occur where an officer's role overlaps with the interests of another organisation.

Warwick District Council Employee Code of Conduct (Continued)

Particular care is needed in relation to executive positions in external organisations such as trusteeships, or various offices such as Chairman, Treasurer or Secretary.

- 4.12.3 The Council's protocol on partnerships and other external organisations provides advice for the conduct of members and officers when representing the Council on external partnerships and other organisations.
- 4.12.4 The Council's policy is for such executive appointments to be avoided where there is any possibility of a conflict of interest. Staff must take advice from their Head of Service if they are in doubt.
- 4.12.5 All appointments must be approved by your Head of Service and you must ensure they are recorded on your disclosure form.
- 4.13 All employees must follow the Council agreed guidelines for volunteering to do work on a recognised WDC project/event including elections and referendums.

5. Guidance notes on the declaration of pecuniary and personal interests

5.1 Introduction

- 5.1.1 The Code of Conduct covers all employees working under a contract of employment within Local Government, including agency workers and casuals. Some of the issues covered by the Code may affect senior, managerial and professional employees more than it may others.

5.2 Advice

- 5.2.1 You should not maintain outside interests that are to the detriment of your work with the Council or that conflict with your employment/position within the Council.
- 5.2.2 If you are in doubt as to whether or not you have specific outside interests which should be declared, you should contact your manager in the first instance or your Head of Service. If you do not wish to discuss these issues with your manager, you should contact HR.
- 5.2.3 Shareholders (Part B, Question 1.2 of the declaration form) – you are only required to declare shareholdings that could be directly related to your work, for example, shareholdings that provide a measure of control of a company which has dealings with the Council, or shareholdings, the value of which might be affected by Council work in which you are involved.
- 5.2.4 Grant Aid/Professional Bodies (Part B, Question 1.3 of the declaration form) – where you are involved either yourself in the running of a group or organisation as a Committee member, or involved in the decision-making process, then you should declare this only if it has a clear impact on your area of work and conflicts with the Council's interests. If you are in any doubt about this you must discuss it with your manager.

Warwick District Council Employee Code of Conduct (Continued)

- 5.2.5 Membership of Clubs, Associations and Societies (Part B, Question 2 of the declaration form) – this includes special interest societies, charities, groups that are grant-aided by the Council and pressure groups. This includes declaring any membership of organisations not open to the public, with commitment of allegiance, which has secrecy about rules of membership or conduct and which furthers the interests of its members over the interests of others. These need only be declared where there may be a direct impact on your area of work with the Council.
- 5.2.6 Professional Bodies (Part B, Question 3 of the declaration form) – if you are asked to do work and intend to use information relating to the Council for a group or organisation of which you are a member, you should declare your membership.
- 5.2.7 Housing Association/Tenants' Residents' Association (Part B, Question 5 of the declaration form) – if you are a Committee member of a Council Tenants' or Residents' Association, you should declare your membership where there may be direct impact on your area of work.
- 5.2.8 Trust(s) (Part B, Question 6.2 of the declaration form) – if you are a member of a charitable Trust or have any other interest you only need to declare it where there may be a direct impact on your area of work.
- 5.2.9 Recruitment of Relatives (Part V, Question 7 of the declaration form) – the term "associated with" includes spouse, partner, close family members, e.g. mother, father, sister, brother and other persons with whom you have a close personal relationship.
- 5.2.10 You must declare any contract that you or your spouse/partner – or the both of you – have with regard to the provision of a service or the supply of goods/assets to the Council, such as the lease of land or property to the Council.

5.3 Completing the Declaration Form

- 5.3.1 Please read the Code of Conduct carefully and consider whether you have any external interests that may need to be declared. If you are in any doubt about whether you should declare a specific matter, it is recommended that you declare it.

5.3.2 New Employees and those accepting new Contracts of Employment:

All newly appointed staff and existing staff accepting new contracts of employment will be required to complete a declaration of interests form as a condition of appointment.

This requirement will be publicised in the recruitment documentation sent to applicants. All staff will be required to declare interests before taking up their posts.

5.4 Completed Declaration Forms

Warwick District Council Employee Code of Conduct (Continued)

- 5.4.1 Once you have completed the Code of Conduct declaration form, you should forward it to your Head of Service for review and approval. It should then be forwarded to HR who will retain it on your personal file and also stored on a central register that is kept by the Democratic Services Manager and Deputy Monitoring Officer. The information you give is strictly confidential.

5.5 Failure to declare/follow the Code

- 5.5.1 If you fail to return a declaration form, it will not, in itself, constitute a disciplinary offence. However, should a relationship or other issue emerge which was relevant and this has not been declared as set out in this Code, non-declaration may result in disciplinary action being taken against you.
- 5.5.2 Failure to follow the Code in any aspect may result in disciplinary action taken against you for a breach of the Council's rules or procedures.
- 5.5.3 The above instances may constitute a criminal offence under Section 117 of the Local Government Act 1972. Criminal sanctions may apply where an abuse of position has occurred as a result of a Council contract or where an employee or their relatives have gained pecuniary advantages.
- 5.5.4 In the case of someone wishing to complain about the conduct of an employee they should address their complaint to the relevant line manager or head of service and it would be for that Head of Service to determine, following an investigation in line with the Council's complaints policy, whether the employee contravened the Code.

5.6 Inspection of Information

- 5.6.1 Your declaration form will not be open for inspection to anyone, other than by your line manager, Human Resources, or an officer undertaking an investigation into your conduct in line with agreed policies.
- 5.6.2 By completing a declaration form, this will not in itself represent any form of sanction or approval by the Council of the contents of the declaration.

5.7 Amending Declaration Forms

- 5.7.1 If your circumstances alter and you wish to amend or review a declaration form, or view your personal file, please contact HR.

5.8 Confidentiality

- 5.8.1 The information given on the declaration form is given in the strictest confidence and must not be divulged inappropriately and inappropriate divulgence may result in disciplinary action being taken.

THIS PAGE IS INTENTIONALLY LEFT BLANK

Committee for Standards in Public Life:

The Seven Principles of Public Life (Revised January 2013)

Principle	Revised description
<i>Preamble</i>	The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.
<i>Selflessness</i>	Holders of public office should act solely in terms of the public interest.
<i>Integrity</i>	Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
<i>Objectivity</i>	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
<i>Accountability</i>	Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
<i>Openness</i>	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
<i>Honesty</i>	Holders of public office should be truthful.
<i>Leadership</i>	Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

**CODE OF CONDUCT FOR EMPLOYEES OF
WARWICK DISTRICT COUNCIL:**

Declaration form

This form must be completed by all new employees on joining the Authority and amended within 28 days of the change to a matter you are required to declare.

Please read the Code of Conduct for Council Staff and associated Guidance Notes on the declaration of pecuniary and personal interests before completing this form.

Please print clearly in black ink

Name: _____

Work Address: _____

Section: _____

Telephone Number: _____

PART A

1. Employment

1.1 I am/will be employed by the Council as:

(If you have more than one job in the Council, please list all those jobs)

1.2 I also work as:

Employer's name and nature of business:

1.3 I am also self-employed as:

I trade under the following name(s):

PART B: Personal Interests of Employee

1. Financial interests

Warwick District Council Employee Code of Conduct (Continued)

1.1 Directorships: If these interests are unlikely to have a direct impact on your area of work, you do not need to identify them.

I, or my close relative, (e.g. wife, husband, partner, parent, child) hold the following Directorships in the following company(ies):

1.2 Shareholdings: If these interests are unlikely to have a direct impact on your area of work, you do not need to identify them.

I, or my nominees, own shares in the following company(ies):

1.3 Grant Aid/Professional Bodies: If these interests are unlikely to have a direct impact on your area of work, you do not need to identify them.

I have recently applied or intend to apply for a grant on my own behalf from the Council.

Yes / No

If 'YES' specify nature and amount.

A group or organisation in which I am involved in the running (and in the decision-making process) has applied for and/or intends to apply for a grant from the Council.

Yes / No

If 'YES' specify nature, amount and your position in group/organisation.

2. Clubs, Associations and Societies: If these interests are unlikely to have a direct impact on your area of work, you do not need to identify them.

I have a personal interest in or membership of the following club(s), association(s) or society(ies) which has the potential to conflict with the interests of the Council:

3. Professional Bodies: If these interests are unlikely to have a direct impact on your area of work, you do not need to identify them.

I am involved in the decision-making process of the following body(ies):

Warwick District Council Employee Code of Conduct (Continued)

(Please state name and nature of any professional body/bodies in which you are a member).

4. Select Societies: If these interests are unlikely to have a direct impact on your area of work, you do not need to identify them.

I have a personal interest in/or membership of the following society(ies):

(Please state name and nature of any select society(ies) in which you have a personal interest/membership).

Please state in what capacity you are a member:

5. Housing Association: If these interests are unlikely to have a direct impact on your area of work, you do not need to identify them.

5.1 I am a member or office holder of a Housing Association with properties in the District.

Yes / No

If 'YES' specify name(s), registered office(s) and capacity(ies):

5.2 I am a member or office holder of a Tenants'/Residents' Association in the District.

Yes / No

If 'YES' specify name(s) of Association(s):

Warwick District Council Employee Code of Conduct (Continued)

6. Other Interests: If these interests are unlikely to have a direct impact on your area of work, you do not need to identify them.

- 6.1 I, or my partner, are associated with a limited company or unincorporated business.

Yes / No

Specify nature of Association(s):

- 6.2 I am involved in the decision-making process of a charitable Trust

Yes / No

If 'YES' specify which Trust(s) and nature of relationship with the Trust(s):

- 6.3 I have another interest which may impact on my work.

Yes / No

Please specify:

The Council encourages voluntary work, public duties and activities in support of the local community and employee involvement in these areas is welcomed and supported.

- 6.4 I have been appointed by a Government Minister as a member of a statutory undertaking(s) or other body(ies) which is constituted in order to discharge or assist in discharging a statutory function.

Yes / No

If 'YES' specify body(ies):

- 6.5 I am a Councillor in a Local Authority.

Yes / No

If 'YES' specify which authority and office/title held:

Warwick District Council Employee Code of Conduct (Continued)

- 6.6 I am a co-opted member of a Local Authority Committee(s), Sub-Committee(s) or similar body.

Yes / No

If 'YES' please specify:

- 6.7 I am a member of a school governing body and/or am on the controlling body of a parent/teachers association(s).

Yes / No

If 'YES' specify which association(s):

- 6.8 I am a Board member of a Hospital Trust/Health Authority.

Yes / No

If 'YES' specify Hospital Trust/Health Authority:

- 6.9 I serve as a Magistrate.

Yes / No

If 'YES' specify which Court:

7. Recruitment of Relatives

Are you related to, or have an association with, a Member of the Council or anyone working for the Council? The term 'associated with' includes spouse, partner, close family members e.g. mother, father, sister, brother and other persons with whom you have a close personal relationship.

Yes / No

If 'YES' specify name(s) and work area(s):

Warwick District Council Employee Code of Conduct (Continued)

Declaration

Please see Guidance Note for Staff re: inspection of information (Paragraph 6).

I declare that I have read the Code of Conduct for Council Staff and associated Guidance.

Notes on declaration of pecuniary and personal interests and to the best of my knowledge and belief, the answers given above are truthful, accurate and complete. I undertake to inform my Head of Service of any change to these answers within 28 days of that change taking place.

Signed (Employee): _____ **Date:** _____

Signed (line manager): _____ **Date:** _____

When completed, please return this form to HR Support.

FOR OFFICE USE

Date received:

APPENDIX 3

**WARWICK DISTRICT COUNCIL
REGISTER OF HOSPITALITY, GIFTS OR EMPLOYEE INTERESTS**

Officer's name	
Service Area	

HOSPITALITY AND GIFTS

Date	
Received from	
Given to or received by	
Type of gift/Nature of Hospitality	
Action taken (e.g. Accepted/Refused/Passed to charity/etc.)	
Relevant circumstances/comments:	

APPROVAL

Signature of Employee	
Signature of Head of Service, Deputy Chief Executive or Chief Executive	
Date	

When completed, please return this form to the Democratic Services Manager and email a copy to HRsupport@warwickdc.gov.uk for inclusion on your personnel file.

FOR OFFICE USE

Date received: