

	Overview and Scrutiny Committee – 15 November 2011	Agenda Item No. 5
Title	Comments from the Executive	
For further information about this report please contact	Graham Leach, Committee Services Officer, 01926 456114 or committee@warwickdc.gov.uk	
Service Area	Members' Services	
Wards of the District directly affected	N/A	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No	
Date and meeting when issue was last considered and relevant minute number	11 October 2011	
Background Papers	Executive Agenda – 12 October 2011	

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

Officer/Councillor Approval		
With regard to officer approval all reports <i>must</i> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
	Date	Name
Relevant Director		
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance		
Portfolio Holders		

Consultation Undertaken	
N/A	
Final Decision?	Yes
Suggested next steps (if not final decision please set out below)	

1. **SUMMARY**

- 1.1 This report informs the Committee of the response the Executive gave to their comments regarding the reports submitted to the Executive in August.

2. **RECOMMENDATIONS**

- 2.1 The responses made by the Executive are noted.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 This report is produced to create a dialogue between the Executive and the Overview and Scrutiny Committee. It ensures that the Overview and Scrutiny Committee are formally made aware of the Executive's responses.
- 3.2 Where the Overview & Scrutiny Committee have made a recommendation as opposed to a comment the Executive are required to respond to the recommendation(s) made, including whether or not they accept the recommendation(s).

4. **ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 This report is not produced and presented to the Committee.

5. **BUDGETARY FRAMEWORK**

- 5.1 All work for the Committee has to be carried out within existing resources.

6. **POLICY FRAMEWORK**

- 6.1 The work carried out by the Committee helps the Council to improve in line with its priority to manage services openly efficiently and effectively.

7. **BACKGROUND**

- 7.1 As part of the new scrutiny process, the Committee is no longer considering the whole of the Executive agenda.
- 7.2 On the day of publication of the Executive agenda all Councillors are sent an e-mail asking them to contact Committee Services, by 10.00am on the day of the Overview and Scrutiny Committee meeting to advise which Executive items they would like the Committee to consider.
- 7.3 As a result the Committee considered the items detailed in appendix 1. The response the Executive gave on each item is also shown.
- 7.4 In reviewing these responses Committee can identify any issues for which they would like a progress report. A future report, for example on how the decision has been implemented, would then be submitted to the Committee at an agreed date which would then be incorporated within the work programme.
- 7.5 The responses to the comments which were confidential form item 16 of the Agenda and form Appendix 2 of this report

**Response from the meeting of the Executive on Overview and Scrutiny
Committee Comments –
12 October 2011**

Item no.	4	Title	Fees and Charges	Requested by	Labour Group
Reason considered	In respect of car parking charges particularly, members had questions about consultation on, and effects of, the charges.				
Scrutiny Comment	<p>The Committee felt that the main reasoning and decision making behind changes in car parking charges should not be to generate income but to stimulate economic benefit within the Town Centres in the District. The Committee had some concerns that not all responses to the consultation on the Car Parking charges had yet been received and encouraged the Executive not to make any recommendations on this area until these had all been received especially considering the decrease in footfall in Warwick which had led Warwick Town Council to reconsider their response.</p> <p>The Committee also highlighted the Newbold Comyn charges for Senior Citizens and asked the Portfolio Holder, who was present, to investigate why a swimming ticket cost £2.40, a sauna £1.40 but for a combined Swim and Sauna ticket it cost £4.00.</p>				
Executive response	<p>The Portfolio Holder for Neighbourhood Services, Councillor Shilton, advised that he and officers had attended a number of meeting with Warwick Town Council. At the most recent meeting, Town Councillors agreed to support the changes to the Fees and Charges and presented these to their full council meeting on 5th September. Unfortunately, the Town Council then changed their stance and submitted objections after the deadline.</p> <p>Members agreed that to delay the decision would be detrimental and assured Warwick Town Councillors that their objections and comments would be taken into account during the next round of formal consultation. In addition, members were advised that the Chief Financial officer had delegated powers to make any necessary minor changes that arose from the consultation stage.</p> <p>The Portfolio Holder for Finance, Councillor Mobbs, highlighted that full and detailed consultation was carried out as a matter of course with regards to Fees and Charges and officers continuously listened to comments from all interested parties. He stated that the changes to car parking charges were not based on income generating, especially as it was a relatively small amount to be gained in cash terms.</p> <p>Councillor Hammon felt that the Executive had a duty to urge Warwickshire County Council to reduce their rates to assist with stimulating the economy in the District's town centres. In response, Councillor Doody agreed that it was a balance of income and boosting the economy.</p> <p>Having read the report and having listened to the comments from the scrutiny committees and other members, the Executive agreed that the recommendations should be agreed as printed.</p>				

Item no.	5	Title	Charging for use of the Parks	Requested by	Liberal Democrat Group
Reason considered	It is of particular importance to the public and developing policy is responsibility of Overview and Scrutiny				
Scrutiny Comment	<p>The Committee welcomed this report and in consultation with the Portfolio Holder who was present at the meeting made the following recommendations to the Executive :</p> <p>Recommendation 2.3 should include the Head of Development Services and Development Services Portfolio Holder because of the need to consider the economic impact of any event as well as its cultural impact; and</p> <p>Recommendation 2.4 should include a working party of four members, plus the portfolio holder to develop the hiring policy which should also include the Town Hall and Spa Centre. (If this recommendation was accepted Councillors Ms Dean, Ms De-Lara-Bond and Mrs Falp have agreed to be involved)</p>				
Executive response	<p>In response, the Executive agreed with the first suggested recommendation but the second recommendation caused some discussion regarding over scrutinisation of the Spa Centre. Members felt strongly that the Head of Cultural Services should have the discretion to put in fail safes when any group has treated any venue, inside or outside, with disrespect or caused wilful damage.</p> <p>The Head of Culture advised that the idea behind recommendation 2.4 from the Overview & Scrutiny Committee was to assist with the creation of a high level policy, which would deal with the more unusual requests. With regard to dealing with organisations that fell within the exempt section for charging, it was agreed to incorporate wording into the policy to allow the Head of Cultural Services to use discretion and potentially charge a damage deposit.</p> <p>Having read the report, and having heard the representations from the Scrutiny Committees and the officers present, the Executive decided to agree recommendations 2.1 and 2.2 as set out in the report and to amend recommendations 2.3 and 2.4 to incorporate the Scrutiny Committees' comments.</p>				

Item no.	7	Title	Portfolio Holder Statements	Requested by	Liberal Democrat Group
Reason considered	We wish to delve deeper into these statements and we would ideally like to ask further questions of the Portfolio Holders.				
Scrutiny Comment	The Committee highlighted a number of areas where they felt they would appreciate further detail from the Portfolio Holder or Head of Service during the Shadow Portfolio Holder briefings. Following a discussion on this, they asked the Deputy Chief Executive (BH) to remind Heads of Service that any changes to these plans should be communicated to Shadow Portfolio Holders as soon as possible.				

Executive response	<p>Members felt it was imperative that the Shadow Portfolio Holders had sight of these documents regularly and were made aware of any changes as soon as agreed. Councillor Mrs Grainger highlighted how useful she had found the document as a portfolio holder of a new area and proposed that service area managers made the document accessible to staff as well.</p> <p>Councillor Caborn echoed the comments made and stated that the Executive's thanks be passed to Dave Barber and his team in Improvement and Performance for a clear and concise report.</p>
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Item no.	8	Title	Requested by
Reason considered		Racing Club Warwick	Labour Group
Scrutiny Comment		<p>This was a significant matter for Warwick residents and there were questions about processes and the way forward. (In addition to Andy Jones as report author, it was noted that it would be helpful if the portfolio holder were able to attend the discussion.)</p> <p>There was significant discussion on the report and the Committee were appreciative of the responses to questions from both the Deputy Chief Executive (AJ) and the Portfolio Holder.</p> <p>The Committee recognised that the Council had accepted the surrender of the lease by Racing Club Warwick in good faith and that in this situation it had been correct to work with the Army Cadets and Air Training Corp to secure them a lease on Council land. The Committee also recognised the good working relationship that was in place between WDC, RCW and the Army Cadets and Air Training Corp prior to 2009 and that the planning application for the Army Cadets and Air Training Corp was submitted by RCW but the new trustees had now realised the limitations/restrictions this building placed on RCW and appeared to be trying to undo decisions of the previous trustees.</p> <p>The Committee were mindful of the large amount of money the Council had contributed to the club in the last two years excluding the significant amount of specialist officer time to not only trying to resolve these issues but also in supporting the work of the club. The Committee were of the opinion that Racing Club Warwick had drawn a line in the sand and were unwilling to negotiate further. Although, they did welcome the fact that Racing Club Warwick had cleared all its outstanding rent and business rate payments with Warwick District Council as well as the outstanding invoice for remedial work following the dumping of grass cuttings in a scientifically sensitive area.</p> <p>The Committee noted that the Council was trying to resolve these issues directly with the relevant parties and that there had been a significant number of meetings with other parties including the Town Council and specifically Warwick West Town Councillors.</p> <p>The Committee were in agreement that the Council would want to see Racing Club Warwick return to the vibrant community organisation helping to improve the community of Warwick West and Warwick as a whole for the betterment of the district. The Committee were also mindful that Warwick West Ward was one of the most deprived Wards in the</p>	

	<p>District and the Council had a duty to the whole community at large including the Army Cadets and Air Training Corp. In addition the Committee were of the opinion that Racing Club Warwick should have consideration not only for its own members but also to the wider community.</p> <p>It is for these reasons the Committee were content with the report but felt a need to recommend to the Executive that the £120,000 be withdrawn from Racing Club Warwick. However this should be ring fenced for the use of or establishment of a community organisation in Warwick West because of the significant level of deprivation in this area.</p>
<p>Executive response</p>	<p>The Leader of the Council, Councillor Doody, addressed members stating that he was very disappointed that RCW had not taken up the offer of a new lease. He informed the members present that at a recent meeting between RCW and the Council, an offer had been made and rejected by RCW who had been adamant on obtaining £300k compensation and £1.2m to develop the ground.</p> <p>Despite the negative feelings voiced by RCW at the end of that meeting, the Council decided to extend the deadline for this offer to 6pm on the evening of 12th October 2011 but no phone call had been forthcoming. Members were advised that RCW were up to date with their rates and rent.</p> <p>Members were concerned that this was a sad day for RCW and the Council and few thought that agreement would now be possible. Members were mindful of the detrimental impact on the residents of Warwick West and did not feel that RCW was concerned solely with the wellbeing of the local community. It was felt that there were areas in Warwick West that would be suitable as a community hub and it was time to focus on moving forward.</p> <p>The main concern, highlighted by the Scrutiny Committees, was that any capital programme monies should be used for the benefit of the residents of Warwick West. However, some members were worried that there was the potential for this sum to get mixed up with other Section 106 monies due to be used at Chase Meadow. After some debate, and following advice from the Chief Officer, it was agreed that a specifically named reserve could be created to hold this money until a time when it was needed.</p>

Item no.	9	Title	Government Consultation on Draft National Planning Policy Framework	Requested by	Labour Group
Reason considered	Members had questions about the proposed organisational response.				
Scrutiny Comment	The Committee were appreciative of this detailed report and thanked the report author for all his work on this matter.				
Executive response	<p>The Portfolio Holder for Development Services, Councillor Hammon, addressed members, referred them to the addendum and advised of some additional responses regarding communications infrastructure, climate change and flooding.</p> <p>Having read the report and the addendum, and having heard from the Portfolio Holder for Development Services, members were happy to agree the recommendations with the additional comments from officers. They reiterated theirs and the Scrutiny Committees' thanks to the report author, Dan Robinson, Planner in Policy, Projects and Conservation.</p>				

Item no.	10	Title	Coventry & Warwickshire Framework	Requested by	Labour Group
Reason considered	This could lead to a significant development for the District and Members had questions about the decision making process.				
Scrutiny Comment	The Committee were in agreement with the report. However, because of the potential wider impacts of this scheme not only across the district but also the sub region, the Committee felt the need to recommend to the Executive that the working party as set out in recommendation 2.7 of the report, should include a representative from all parties on the Council and accepted this may mean that the Conservatives wish to increase their membership on the Group.				
Executive response	<p>Councillor Caborn thanked the Overview and Scrutiny Committee for their comments and advised that they would be taken on board. However, he highlighted that the membership of the working party would have to be agreed and balanced with Coventry City Council.</p> <p>There was some discussion about what committing at this stage would mean. Officers and the Chief Executive answered queries as to the process that would be followed. It was highlighted that in order for the Council to be seen as a 'frontrunner', members had to agree to a certain level of commitment.</p> <p>Having read the report, members were satisfied that the recommendations should be agreed as per the officers report.</p>				

Item no.	11E	Title	Business Rates	Requested by	Liberal Democrat Group
Reason considered	How Business Rates are dealt with will have considerable effect on the Council's ability to achieve its goals. The Committee is likely to want some idea of the response by WDC.				
Scrutiny Comment	The Committee welcomed the circulation of the responses to the consultation and appreciated that they had been circulated so late because of the detailed and technical nature of them it had originally been thought it would not be possible. However, for this reason they asked the Executive to allow members to submit their comments individually or by Group up to a deadline to be agreed with the Head of Service.				
Executive response	Councillor Mobbs, the Portfolio Holder for Finance, addressed members and welcomed the Scrutiny Committees' comments. He advised members to encourage Group Leaders to ensure all comments were received before the deadline.				

Item no.	11F	Title	Localisation of Council Tax Support	Requested by	Liberal Democrat Group
Reason considered	Because of its importance to local people and we would like sight of the draft response before it is sent off. The deadline is 14th October 2011.				
Scrutiny Comment	<p>The Committee welcomed the circulation of the responses to the consultation and appreciated that they had been circulated so late because of the detailed and technical nature of them it had originally been thought it would not be possible. However for this reason they asked the Executive to allow members to submit their comments individually or by Group up to a deadline to be agreed with the Head of Service.</p> <p>In addition the Committee expressed an interest in assisting with the development of any policy which was required in the future, with regard to Council Tax support because of the potential impact this could have on the vulnerable members of the community.</p>				
Executive response	<p>Members again highlighted the need for Group Leaders to encourage comments in from their colleagues but appreciated that the deadline for submitting them was somewhat closer than for the previous report. The Deputy Chief Executive and the Chief Financial Officer assured members that they would be liaising with other authorities.</p> <p>Councillor Mobbs, the Portfolio Holder for Finance, assured the Chair of Finance and Audit Scrutiny Committee that there would be a lot of lobbying by interested parties and local MP's to ensure that all concerns were raised and dealt with</p>				