

WARWICK DISTRICT COUNCIL

Minutes of the meeting of the Council held on Wednesday 9 July 2003 at the Town Hall, Royal Leamington Spa at 6.00 pm.

PRESENT: Councillor Doody (Chairman); Councillors Ashford, Mrs Begg, Mrs Blacklock, Boad, Mrs Bunker, Butler, Caborn, Chander, Cockburn, Coker, Mrs Compton, Copping, Crowther, Davies, Davis, Ms De-Lara-Bond, Mrs Edwards, Evans, Mrs Falp, Ms Flanagan, Gifford, Gill, Mrs Goode, Guest, Hammon, Harris, Hatfield, Ms Hirsch, Kinson, Kirton, Mrs Knight, Kundi, MacKay, Mrs McFarland, Offer, Pratt, Sandhar, Mrs Sawdon, Short, Tamlin and Windybank.

198. PRAYER

A prayer was offered by the Chairman's Chaplain.

199. APOLOGIES

Apologies for absence were received from Councillors Holland, Shilton and Smith.

200. MINUTES

The minutes of the Annual Meeting of the Council held on 14 May 2003, were taken as read, approved and signed by the Chairman.

201. COMMUNICATIONS AND ANNOUNCEMENTS

- (A) The Chairman reminded Members of the invitation to participate in his bowls evening to be held on 17 July 2003. Remaining places on the team were becoming limited and Members were requested to contact Mr Dale Best, Head of Leisure and Amenities, as soon as possible.
- (B) The Chairman welcomed to the meeting Mr Rob Chapleo, one of the Divisional Environmental Health Officers with the Council. Mr Chapleo had recently completed a period of service as a Major with the Territorial Army, with responsibility for managing operations in a field hospital in Iraq during the recent war.

The Chairman then presented Mr Chapleo with a gift as a mark of the Council's appreciation for his gallant services to the Country. In response, Mr Chapleo thanked the Council for its support towards his services with the Territorial Army and, in particular, during his recent term in Iraq.

202. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULES 7 (2)

- (A) From Councillor E B MacKay to the Leader of the Executive:-

COUNCIL MINUTES (Continued)

“Councillor Crowther may not be aware that there is widespread concern in the District over the composition of two quasi-judicial Committees. Both Planning and Regulatory not only have a majority of Labour/Liberal Democrat members but also have a Labour Chairman. Furthermore, the chairmanship of the Standards Committee, the *raison d'etre* of which requires it to be above party politics, is currently stalled on a nomination for a Liberal Democrat nominee.

Given the importance of all three committees being perceived as non party-political, will Councillor Crowther justify by full explanation the party-politicisation of these key committees - a gerrymandering which is wholly inappropriate to their purpose and *modus operandi* and which fractures the integrity of the Labour Group and demeans the Liberal Democrat Group.”

Councillor R Crowther, Leader of the Executive, replied:-

“Section 15 of the Local Government Act 1989 says that where a local authority is divided into political groups, political balance has to be provided for in the membership of committee, ie. the number of seats which each group has on committees must reflect the number of seats they have on the Council overall. This rule, therefore, applies to the Planning and Regulatory Committees, but the Local Government Act 2003 provides for this rule not to apply to membership of the Standards Committee.

It is, therefore, right and proper that the total number of Labour and Liberal Democrat councillors on both the Regulatory Committee and on the Planning Committee exceed the number from the other two groups as the total number of councillors in the Labour and Liberal Democrat groups exceed those from the other two groups on the Council overall.

Where there has been an overall majority group, or even a minority administration, it has been normal for the chairs of committees to be appointed from that group. Prior to May 1995, the chairs were from the majority Conservative administration. From May 1995 to May 2000, the Labour Group, though not having a majority, was accepted as the group from which chairs of committees were appointed. Between May 2000 and May 2003 there was a general agreement made by the leaders of the four political groups as to which group should hold the chairs of which committees, though on occasion these were contested. Following the elections in May this year, the Labour and Liberal Democrat groups have jointly formed an administration and have agreed on the appointment of chairs.

In the case of the Standards Committee, the representation of councillors does not reflect the overall balance of the groups. A single councillor is appointed by each of the four groups regardless of size. At the first meeting the Independent and the Conservative councillors jointly supported one candidate for the chair and the Labour and Liberal Democrat councillors supported another. The only other member of the committee present abstained from voting and consequently the election of the chair for the year has been deferred until the next meeting. This will give time for consideration of an appropriate and, I hope, generally acceptable way forward.

COUNCIL MINUTES (Continued)

There is no basis for interpreting the foregoing as evidence that party political influence is being exercised in the conduct of the quasi-judicial functions of these committees. I can assure Cllr MacKay, and anyone else, that members of all political groups on this Council exercise their judgements on such matters as determining planning and licence applications individually on the basis of the policy framework and the information presented and it would be entirely false to suggest otherwise. Indeed, it is evident in respect of all four groups that members of the same group come to different conclusions and vote in different ways on the same matter. If Cllr MacKay had sound reasons to believe otherwise it would be his duty to report the matter to the Standards Board.

As for “gerrymandering”, which means the manipulation of constituency boundaries to electoral advantage, I am at a loss to know what is being alleged by Cllr MacKay, particularly as the Labour Group has, arguably, lost one member as a consequence of the boundary review implemented for our recent elections.”

In a supplementary question, Councillor MacKay asked the Leader:-

“Will the Leader bear in mind that precedent is fine but perception is something different? Will he please consider that, if he really does study his dictionary, he will find that ‘gerrymandering’ is not limited at all in the sense he is talking about but has a generic application?”

In reply, Councillor Crowther said:-

“I believe this issue is about perception as Councillor MacKay has said. What I cannot understand is how that perception has arisen in Councillor MacKay’s mind let alone anyone else’s, because just over twelve months ago the Leader of the Independent Group approached me as the newly installed Leader of the Labour Group, to seek the support of the Labour Group and their Members on the Planning Committee, for Councillor MacKay to be elected as Chair of the Planning Committee. That was a legitimate and sensible political arrangement. So, I cannot really understand how these perceptions have arisen in Councillor MacKay’s mind and would have hoped that had he been aware of perceptions in the wider public’s mind, he would have taken it upon himself to disabuse people of those perceptions rather than to stir the matter by raising this question.”

(B) From Councillor M F Coker to the Leader of the Executive:

“In relation to Marlborough House could the Leader of the Executive inform me as to:

1. The date on which the District Council Staff removed to Riverside House.
2. The amount of rent and Council charge paid since that date and received.
3. The amount of rent and any Council tax payable until the end of the Lease.
4. When was the property first marketed and through whom.
5. What provision has been made or already paid out in respect of repairs and dilapidations since the Council staff vacated.”

COUNCIL MINUTES (Continued)

Councillor R Crowther, Leader of the Executive replied:-

- “1. The move was phased. The last members of staff moved from Marlborough House to Riverside House early in January 2001.
2. The lease is for the term of 10 years, commencing on 5 January 1996 and terminating on 4 January 2006. Since January 2001, the rent payable has been £179,500 per annum (which equates to £44,875 per quarter and £14,958.33 per month). To date, the total paid since January 2001 has been £448,750. For the same period, a total of £55,639 has been paid by way of Business Rates.

In respect of rent received, the tenant Norman Stephens has paid a total of £3,613 (at a rental of £1,445 per annum); the tenant Lunn Poly paid a total of £239,203 (at a rental of £153,200 per annum) for the period May 2001 to November 2002; and the tenant The Senior Peoples' Forum paid a total of £15,000 (at a rental of £10,000 per annum) for the period December 2001 to July 2003. The total rent received to date since January 2001, therefore, is £257,816. In addition, Lunn Poly paid a total of £55,447.28 by way of Business Rates for the period 1 May 2001 until 1 December 2002.

3. Assuming a termination date of 4 January 2006, the amount payable by way of rental from July 2003 will be £448,750 (30 months at £14,958.33 per month).

It is not possible to give an accurate figure for the amount of Business Rates to be paid, because the Rateable Value and the level of Uniform Business Rate are susceptible to change. On *current* figures, however, the amount to be paid if the property is vacant until termination would be approximately £55,639.

4. The property has been continually marketed through Loveitts Commercial Agents since 9 October 1998.
5. Since January 2001, a total of £22,959 has been paid by way of repairs and re-decoration. No specific provision has been made for the future.”

In a supplementary question, Councillor Coker asked the Leader:-

“Has provision been made in relation to this year's budget for the rental which we are currently paying, or will it need to be a further rise?”

In reply, Councillor Crowther said:-

“I am advised that provision is made within the budget so I hope that that puts Councillor Coker's mind at rest.”

(C) From Councillor B Kirton to the Leader of the Council:-

COUNCIL MINUTES (Continued)

“As new facilities for staff were built just over a year ago at the Town Hall at a cost to the Council Taxpayer of £11,500, why have those facilities now been demolished and having to be rebuilt in another location at the Town Hall again at cost to the Council Tax Payer? Were all necessary checks carried out before Denby Buildings were sold to William Bowden?”

Councillor R Crowther, Leader of the Executive, replied:-

“The staff facilities serving the CCTV unit and enabling it to be self-contained for security reasons, were paid for partly from a Government grant to enable the relocation of the control room and the expansion of the camera coverage in Leamington and Whitnash. The works were agreed following a report to the Executive on 30th April 2001. Listed Building consent was sought and was approved by the Planning Committee at its meeting on 4th June 2001 and the decision was issued dated 13th November 2001. Those works had to be undertaken within a specified timescale which was achieved i.e. by April 2002.

The proposals for the demolition and redevelopment on land to the rear of the Regent Hotel and the Town Hall (including the demolition of the toilets) were the subject of applications dated March 2001 and were approved by the Planning Committee, after having been viewed and commented upon by the Conservation Advisory Forum, at its meeting on 12th December 2001.

The Executive agreed the principle of the sale of the Council owned land including Denby Buildings, at its meeting on 11th March 2002 and to the sale itself at its meeting on 19th August 2002. The sale was subject to pre conditions including a pre lets being achieved and the issue of planning and other permissions. The planning and other permissions were not actually issued until 30th September 2002 and due to a judicial review the works on site did not start until April 2003 following Wilson Bowden’s decision to waive the other pre-conditions.

The situation has arisen because it was necessary to progress the works for the CCTV while uncertainty remained whether the conflicting Regent Hotel works would proceed. The CCTV works were progress and, in the event, the Regent Hotel works have subsequently come on stream.

Had there been sharper focus on the potential conflict of the two schemes the possibility of negotiation of an alteration to the Regent Hotel could have been explored. We cannot know with hindsight whether or not this would have been possible. At the very least, members would have been made aware of the consequences of the conflict.

The Council was advised by Hillier Parker and Sharp Pritchard and the disposal reports were accompanied by plans and details of the heads of terms. The Council’s CMT had considered the disposal report prior to it being considered by the Executive and scrutinized by Audit and Resources. The applications and consents were properly considered by CAAF and by the Planning Committee. The decision making process was sound in itself, but The Asset Management Group has already reviewed its processes and has decided that

COUNCIL MINUTES (Continued)

- It needs clear terms of reference which require all disposals to be reviewed by it
- These reviews should include floor plans when appropriate.

Officers have already identified that, in cases like this, there would be scope for better co-ordination if those involved in the disposal process and reports used floor plans in addition to the OS base maps commonly used, which only show the footprint of buildings. I have discussed the matter with the Chief Executive and she will instruct the Asset Management Group to check that the learning points identified above are sufficient and establish any necessary procedures to prevent this situation occurring again.

In considering the costs, members should bear in mind that we received Government funding toward the CCTV works and that as a consequence of the sale the Council has gained a capital receipt almost 80 times greater than the cost referred to.”

In a supplementary question, Councillor Kirton asked the Leader:-

“Is it not time that Councillor Crowther, as the Portfolio Holder responsible, took property in this Council far more seriously?”

In reply, Councillor Crowther said:-

“I think that the figure of £20,000 is not the correct figure but the correct figure is something like £11,000. I think that is the cost of the original facility and I think that Councillor Kirton is adding that to potential costs for replacement. I certainly do take the matter very seriously and, indeed, in the answer, one of the measures being taken is set out and that will give Councillors some assurance. As for responsibility, as you will see this matter has occurred over a period of time starting in the period when this Council did not have a clear political leadership and without any Portfolio Holders. There were various points of decision for which various people on the political side were responsible; so there is a degree of shared responsibility. From now, having formed a clear administration, it is going to be clear from May this year on who is responsible for which areas of the Council.”

203. THE EXECUTIVE

It was moved by Councillor Crowther, and duly seconded that the reports of the Executive dated 27 May and 23 June 2003, be approved and adopted.

(1) Corporate Strategy (162)

First Amendment It was moved by Councillor Hammon, and duly seconded that the recommendation set out in Minute 162, be referred back for further consideration.

On a vote being taken, and on the casting vote of the Chairman, the amendment was declared carried.

COUNCIL MINUTES (Continued)

(2) Adoption of Report

The original Motion, as amended by the First Amendment, was then put to the meeting and declared carried.

204. REGULATORY COMMITTEE

It was moved by Councillor Mrs McFarland, duly seconded and

RESOLVED that the reports of the Regulatory Committees, dated 14, 15 and 16 April, and 2 and 3 June 2003, be approved and adopted.

205. AUDIT AND RESOURCES SCRUTINY COMMITTEE

It was moved by Councillor Caborn, duly seconded and

RESOLVED that the report of the Audit and Resources Scrutiny Committee dated 20 May 2003, be approved and adopted.

206. COMMUNITY SCRUTINY COMMITTEE

It was moved by Councillor Mrs Falp, duly seconded and

RESOLVED that the report of the Community Scrutiny Committee, dated 20 May 2003, be approved and adopted.

207. ENVIRONMENT SCRUTINY COMMITTEE

It was moved by Councillor Mrs Compton, duly seconded and

RESOLVED that the report of the Environment Scrutiny Committee dated 20 May 2003, be approved and adopted.

208. MEMBER/TRADES UNIONS JOINT CONSULTATION AND SAFETY PANEL

It was moved by Councillor Hammon, duly seconded and

RESOLVED that the report of the Member/Trades Unions Joint Consultation and Safety Panel, be approved and adopted.

209. AUDIT AND RESOURCES COMMITTEE

It was moved by Councillor Windybank, duly seconded and

RESOLVED that the report of the Audit and Resources Committee dated 17 June 2003, be approved and adopted subject to the heading on Minute 120 being amended to read "Internal Audit Assessment of the Council's System of Internal Control 2002/03."

COUNCIL MINUTES (Continued)

210. COMMUNITY SCRUTINY COMMITTEE

It was moved by Councillor Mrs Falp, duly seconded and

RESOLVED that the report of the Community Scrutiny Committee dated 17 June 2003, be approved and adopted.

211. ENVIRONMENT SCRUTINY COMMITTEE

It was moved by Councillor Mrs Compton, duly seconded and

RESOLVED that the report of the Environment Scrutiny Committee dated 17 June 2003, be approved and adopted.

212. STANDARDS COMMITTEE

It was moved by Councillor Guest, and duly seconded that the report of the Standards Committee dated 24 June 2003, be approved and adopted.

In accordance with the proposal of the Standards Committee, it was moved by Councillor Davis and duly seconded that the Conservative and Independent groups be granted the right to send one observer each to Executive meetings, with full speaking rights but in a non-voting capacity.

First Amendment It was moved by Councillor Coker, and duly seconded that the Conservative group be given the right to appoint two observers, and the Independent group one, to attend meetings of the Executive.

On a vote being taken, the amendment was declared lost.

The original Motion, together with the substantive motion from Councillor Davis, was then put to the meeting and declared carried.

213. EMPLOYMENT COMMITTEE

It was moved by Councillor Crowther, duly seconded and

RESOLVED that the report of the Employment Committee dated 25 June 2003, be approved and adopted.

214. PLANNING COMMITTEE

It was moved by Councillor MacKay and duly seconded that the report of the Planning dated 28 April 2003, be approved and adopted.

It was also moved by Councillor Evans, and duly seconded that the reports of the Planning Committee dated 21 May and 18 June 2003, be approved and adopted.

COUNCIL MINUTES (Continued)

RESOLVED that the reports of the Planning Committees dated 28 April, 21 May and 18 June 2003, be approved and adopted.

215. NOTICES OF MOTION

(A) It was moved by Councillor R I G Davies and duly seconded:-

“For several years the residents of Rounds Hill, Rouncil Lane, Mortimer Road, Leycester Way and the surrounding areas in Kenilworth, have been plagued by revolting smells from the foul sewer.

The cause of this problem continues to perplex residents and experts alike, but it is seriously affecting the residents’ quality of life and has gone on long enough.

I therefore propose that this Council should instruct the Environmental Scrutiny Committee to undertake a full inquiry, to interview all parties and members of the public and to prepare a report for urgent consideration by the Executive.”

RESOLVED that the Motion stand referred to the Environment Scrutiny Committee, for consideration of a report on the cause of the problem.

(B) It was moved by Councillor Mrs C A I Sawdon and duly seconded:-

"This Council as a whole wishes to express its disappointment that the Government intends to introduce Top Up fees for university students. As this Council is committed as a body to the philosophy that our health service is free to all at the point of delivery, so should be the case for university access."

In accordance with Council Procedure Rule 5(6), it was moved and seconded that the Motion proposed by Councillor Mrs Sawdon be considered at the meeting.

On this being put to the meeting, it was declared carried.

First Amendment It was moved by Councillor Mrs Blacklock, and duly seconded that in the Motion, the second sentence be deleted and replaced with the following:-

“As this Council believes in opening up university access to all qualified students, we believe the best way forward is not to impose extra charges but to abolish tuition fees altogether. A letter should be sent to our two Members of Parliament to inform them of our stance.”

The mover of the original Motion, Councillor Mrs Blacklock, and the seconder, accepted the amendment which was then adopted as the substantive Motion.

The substantive motion was then put to the meeting and, on a vote being taken, was declared carried.

COUNCIL MINUTES (Continued)

216. APPOINTMENTS

Following the adoption of revisions to the Constitution, the Council considered nominations for membership of the four Overview and Scrutiny Committees and the Economic Services Portfolio Holder.

RESOLVED that the nominations for membership of the Overview and Scrutiny Committees, including substitute Members, and the Economic Services Portfolio Holder, as set out in the appendix, be approved and adopted.

217. COMMON SEAL

It was

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

(The meeting ended at 9.10 pm)

CHAIRMAN

**OVERVIEW & SCRUTINY COMMITTEES -
SUBSTITUTE MEMBERS 2003/04**

AUDIT AND RESOURCES OVERVIEW & SCRUTINY COMMITTEE

Conservative

Councillor Mrs Bunker
Councillor Cockburn
Councillor Coker
Councillor Mrs Compton
Councillor Davies
Councillor Doody
Councillor Mrs Edwards
Councillor Guest
Councillor Hammon
Councillor Hatfield
Councillor Kinson
Councillor Offer
Councillor Windybank

Labour

Councillor Chander
Councillor Evans
Councillor Ms Hirsch
Councillor Kundi
Councillor Mrs McFarland
Councillor Sandhar
Councillor Smith

Liberal Democrat

Councillor Copping
Councillor Ms De-Lara-Bond
Councillor Mrs Goode
Councillor Harris
Councillor Shilton

Independent

Councillor Butler
Councillor Mrs Falp
Councillor Mrs Hodgetts
Councillor MacKay
Councillor Short

ECONOMIC OVERVIEW & SCRUTINY COMMITTEE

Conservative

Councillor Mrs Bunker
Councillor Caborn
Councillor Coker
Councillor Mrs Compton
Councillor Davies
Councillor Doody
Councillor Hammon
Councillor Hatfield
Councillor Kinson
Councillor Offer
Councillor Pratt
Councillor Mrs Sawdon
Councillor Windybank

Labour

Councillor Gill
Councillor Ms Hirsch
Councillor Mrs Knight
Councillor Kundi
Councillor Mrs McFarland
Councillor Sandhar
Councillor Smith

Liberal Democrat

Councillor Mrs Blacklock
Councillor Copping
Councillor Davis
Councillor Ms De-Lara-Bond
Councillor Harris

Independent

Councillor Butler
Councillor Mrs Falp
Councillor Kirton
Councillor MacKay
Councillor Short

ENVIRONMENT OVERVIEW SCRUTINY COMMITTEE

Conservative

Councillor Mrs Bunker
Councillor Caborn
Councillor Cockburn
Councillor Coker
Councillor Doody
Councillor Mrs Edwards
Councillor Guest
Councillor Hammon
Councillor Kinson
Councillor Offer
Councillor Pratt
Councillor Mrs Sawdon
Councillor Windybank

Labour

Councillor Ashford
Councillor Chander
Councillor Evans
Councillor Ms Hirsch
Councillor Mrs Knight
Councillor Kundi
Councillor Mrs McFarland

Liberal Democrat

Councillor Davis
Councillor Ms De-Lara-Bond
Councillor Mrs Goode
Councillor Harris
Councillor Shilton

Independent

Councillor Butler
Councillor Mrs Falp
Councillor Mrs Hodgetts
Councillor Kirton
Councillor MacKay

SOCIAL OVERVIEW & SCRUTINY COMMITTEE

Conservative

Councillor Caborn
Councillor Cockburn
Councillor Coker
Councillor Mrs Compton
Councillor Davies
Councillor Doody
Councillor Mrs Edwards
Councillor Guest
Councillor Hatfield
Councillor Hammon
Councillor Pratt
Councillor Mrs Sawdon
Councillor Windybank

Labour

Councillor Ashford
Councillor Chander
Councillor Evans
Councillor Gill
Councillor Mrs Knight
Councillor Mrs McFarland
Councillor Smith

Liberal Democrat

Councillor Mrs Blacklock
Councillor Copping
Councillor Davis
Councillor Mrs Goode
Councillor Shilton

Independent

Councillor Butler
Councillor Mrs Hodgetts
Councillor Kirton
Councillor MacKay
Councillor Short