

# EXECUTIVE

Minutes of the meeting held on Wednesday 13 March 2013 at the Town Hall, Royal Leamington Spa at 6.00 pm.

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

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

## 155. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

## 156. **MINUTES**

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

### **PART 1**

(Items on which a decision by Council is required)

## 157. **CODES OF FINANCIAL AND PROCUREMENT PRACTICE**

The Executive considered a report from Finance which recommended amendments to the Code of Financial Practice and the Code of Procurement Practice.

The Council's Code of Financial Practice and Code of Procurement Practice were last formally reviewed and amended in 2010. It was recognised good practice to keep these documents under review and make amendments as necessary to meet the changing environment in which the Authority and its finances operate.

The report outlined the updates proposed to the Code of Financial Practice, including amendments to Payment of Accounts, Income, Risk Management and Insurance and Internal Audit. The complete amended version was attached as an appendix to the report.

Paragraph 3.3 detailed some of the proposed updates to the Code of Procurement Practice and the full version was attached as an appendix to the report. The recommendations included updates to various sections of the code covering accounts, tender opening, tender receipt and the wording and signing of contracts.

In addition, there were four new sections which dealt with exceptions to procurement, reference to the Social Value Act and payment terms.

It was considered that there were not any alternative options to the recommendations because the amended documents set out how the District Council's financial arrangements should operate so as to comply with best practice and current legislation. Officers therefore recommended that the updated Codes should be accepted in their entirety.

The Finance and Audit Scrutiny Committee supported the recommendations in the report but suggested that paragraph 7.2 of the Code of Financial Practice should include Faster Payments as many cash transfers were now required to be carried out on the same day and therefore BACS was no longer supported.

The Portfolio Holder for Finance endorsed the report and agreed the amendment from the Finance and Audit Scrutiny Committee.

Having read the report and considered the comments made by the scrutiny committee, the Executive agreed the recommendations, with the amendment proposed to paragraph 7.2 in the Code of Financial Practice.

**RECOMMENDED** that

- (1) Council adopt the updated Code of Financial Practice as attached in appendix 1 to the report, with an amendment to paragraph 7.2 to read:

All instruments of payments, including cheques, BACS, CHAPS, Faster Payments, etc, from any of the Council's accounts, and the proper custody thereof, are the responsibility of the Head of Finance; and

- (2) Council adopt the updated Code of Procurement Practice attached in appendix 2 to the report.

(The Portfolio Holder for this item was Councillor Mobbs)  
(Forward Plan reference 420)

**158. DISCRETIONARY HOUSING PAYMENT POLICY**

The Executive considered a report from Finance which recommended that the revised discretionary housing payment policy, attached as an appendix to the report, be approved.

It had been decided that it was necessary to revise the policy to reflect changes to the housing and council tax benefit schemes which were due to be implemented in April 2013.

The Government allocated funding each year to local authorities to assist claimants who were suffering severe financial hardship, receiving housing benefit and or council tax benefit and were still struggling to pay their rent or council tax; these payments were referred to as discretionary housing payments.

Following the abolition of Council Tax Benefit from April 2013, Discretionary Housing Payments (DHP) would no longer be made towards council tax liability. A customer who had been receiving Council Tax Support with no rental liability (eg an owner occupier) would not be eligible to apply for a Discretionary Housing Payment. The updated policy was attached as an appendix to the report.

There were no alternative options because the fund was a ring fenced fund and the Department for Work and Pensions provided the guidelines to local authorities in respect of how the money could be used.

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

The Overview and Scrutiny Committee suggested that the money spent from the fund was monitored closely and a report sent to the Executive three months after the new legislation came into force.

The Overview and Scrutiny Committee also made a formal recommendation that:

- 1) The Executive lobby the Government to change the regulations so that:
  - a) When two partners with individual medical needs share accommodation, they are both entitled to a separate bedroom; and
  - b) Where a family is split but both parents share custody of the children, each parent is entitled to have spare bedrooms for the children.
- 2) It requested that Housing and Property Services ensure that rooms classified as bedrooms met adequate size and space criteria to function as such; and
- 3) Council policy stated that when a council tenant applied to move into a smaller property that met the needs of the new legislation, they would continue to receive money from the discretionary fund up until they receive a first offer from the Council.

The Portfolio Holder for Finance advised that the latest news appeared to imply that discretion would be given to families within the Armed Forces and with foster children.

In response to the recommendation from the Overview and Scrutiny Committee, and having heard the views of other Members, Councillor Mobbs agreed that the Council could lobby the Government on the issues stated as 1a) and 1b) above. In addition, he assured Members that along with the Portfolio Holder for Housing and Property Services, he would be investigating the size and space criteria for rooms classified as bedrooms.

With regard to recommendation 3) from the Overview and Scrutiny Committee, Councillor Mobbs felt it would be prudent to defer approving payments from the discretionary fund until officers had had a chance to review the impact of the new policy and the implications for the Tenant Incentive Grant. The Portfolio Holder assured Members that a report would be submitted in three months time, allowing

in-depth work to take place on a detailed strategy which would aim to assist claimants, including the most vulnerable residents.

Having read the report and considered the comments made by the scrutiny committees,

**RECOMMENDED** that;

- (1) Council approve the Discretionary Housing Payment policy, attached as appendix 1 to the report ;and
- (2) Council lobby the Government to change the regulations so that:
  - a) when two partners with individual medical needs share accommodation, they are both entitled to a separate bedroom; and
  - b) where a family is split but both parents share custody of the children, each parent is entitled to have spare bedrooms for the children.

(The Portfolio Holder for this item was Councillor Mobbs)

## **PART 2**

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

### 159. **ARTICLE 4 DIRECTION FOR ROYAL LEAMINGTON SPA CONSERVATION AREA**

The Executive considered a report from Development Services which requested permission to remove Permitted Development Rights from unlisted single dwellings in the Royal Leamington Spa Conservation Area.

It was felt that this would provide additional protection to the area because most single dwellings had Permitted Development Rights to remove and replace windows, roof coverings and boundary treatments without the need for Planning Permission, which could significantly alter the character of the Conservation Area. The Planning Act made provision following consultation for the permanent removal of these rights by the service of an Article 4(2) Direction thus requiring Planning Permission for the carrying out of these works.

Permitted Development Rights had previously been removed from the New Milverton area of the Leamington Spa Conservation Area in 2012 and therefore this area would not be included.

Authorisation was required to make a Direction under Article 4(2) of the Town and Country Planning (General Development) Orders 1995, any Orders resolving and re-enacting that Order with or without modification to remove Permitted Development Rights. This was in relation to the specific purpose of controlling developments which affect the windows, doors, boundary or surface treatments and roofs to the front elevations and elevations viewable from a public highway of

all unlisted single dwellings in Leamington Spa. A schedule of the street affected was attached as appendix A to the report.

The owners and occupiers of the affected properties would be notified by a Notice under Article 4(2) and with an explanatory letter inviting comments, a copy of the Direction Notice and an information sheet. Examples of these documents were attached as appendices to the report.

An alternative option was to not serve the Notice. However, this would mean that no controls were possible upon unlisted buildings in this area of the Conservation Area and gradual erosion of the character of the Conservation Area could continue and would not be controlled.

The Portfolio Holder endorsed the report and moved the recommendations as written.

The Executive thanked the scrutiny committee for its support and agreed the recommendations as written.

**RESOLVED** that

- (1) the making of a Direction under Article 4(2) of the Town and Country Planning (General Development) Orders 1995, any Orders resolving and re-enacting that Order with or without modification to remove Permitted Development Rights in relation to the specific purpose of controlling developments which affect the windows, doors, boundary/surface treatments and roofs to the front elevations and elevations viewable from a public highway of all unlisted single dwellings in Leamington Spa, be authorised;
- (2) notices be served under Article 4(2) upon all owners and occupiers of such properties with an explanatory letter inviting comments and a copy of the Direction Notice, with an information sheet;
- (3) the making of Direction under seal and service of Notice be made from April 2013 onwards; and
- (4) a report with the findings of the consultation and recommendations for the confirmation or otherwise of the Article 4 Direction (which must be confirmed or otherwise within six months from the period of the service of the Notice), be submitted to a future Executive.

(The Portfolio Holder for this item was Councillor Hammon)  
(Forward Plan reference 468)

160. **CONSERVATION AREA FOR POOR CLARES CONVENT, BADDESLEY CLINTON**

The Executive considered a report from Development Services which sought approval to designate a new Conservation Area to include Poor Clares Convent and St. Francis RC Church, Baddesley Clinton.

Officers felt that Conservation Area designation would ensure a level of protection to the buildings, would ensure appropriate consideration was given to development affecting the site and would preserve the character of that part of Baddesley Clinton.

A history and evaluation of the site was attached at appendix B to the report and advised that the Poor Clares Order had only one Sister resident at the Convent and had decided to sell the property. The consequence of this was that the buildings were at risk and could be demolished. The buildings had been put forward for statutory listing, however, after consideration, English Heritage decided that they were not of listable quality but they did form an interesting group of 19<sup>th</sup> century buildings together with St. Francis RC Church. The Conservation Area to be designated was detailed in a plan attached as an appendix to the report.

Following the approval of the Council's Executive on 12 December 2012, public consultation was carried out and no objections had been received, only letters of support including ones from the Parish Council. A report summarising the responses to the public consultation were attached as appendix C to the report.

An alternative option was to not consider the area for designation as a conservation area but the result of this would be the possible loss of the complex of buildings which made up the Poor Clares Convent.

The Portfolio Holder endorsed the report and moved the recommendations as written.

Councillor Caborn, acting in his capacity as Ward Councillor, supported the designation and reminded members that the Parish Council had pushed for this designation because it felt it was important that the unique buildings were preserved, especially in light of English Heritage being unable to.

The Executive thanked the scrutiny committee for its support and agreed the recommendations as written.

**RESOLVED** that

- (1) the designation of Poor Clares Convent and St. Francis RC Church, Baddesley Clinton, be approved as a Conservation Area; and
- (2) appropriate notifications are carried out of the new designation.

(The Portfolio Holder for this item was Councillor Hammon)  
(Forward Plan reference 464)

#### 161. **HISTORIC BUILDINGS GRANTS ALLOCATIONS**

The Executive considered a report from Development Services which reported the enhancement made to the District by the Historic Buildings Grants for 2012/13 and to gain approval for the proposed allocation of the 2013/2014 budget.

The report advised that these revised figures superseded the relevant figures in Appendix 8 to the report.

The Council had for many years supported Historic Buildings Grants to help property owners maintain or restore historic assets which were a very important part of the environment of the District. In this time of financial constraints, the maintenance of this type of grant was crucial to many owners of historic properties and recognised the contribution made by the historic environment to the economic and social wellbeing of the District.

Assessments had been made of each of the current grant schemes and recommendations compiled accordingly. Schemes requiring additional funds were Leamington Spa Grants, Warwick Town Grants and the Historic Buildings Grant Scheme. Further details of the monies involved for each were detailed in paragraphs 3.2 to 3.4.

Other grant schemes which did not require additional funds were outlined in section 3.5 of the report and these included the Shop Fronts, Kenilworth Abbey, Rural Enhancement, Urban Enhancement and Environmental grant schemes along with the Conservation Facilitation Funds.

An alternative option was to reduce or abolish the grant scheme. However, not having a Grant Scheme at all would significantly affect the Council's ability to assist in maintaining the Historic Environment.

The Portfolio Holder endorsed the report and moved the recommendations as per the officers report.

The Executive thanked the scrutiny committee for its support and agreed the recommendations as written.

#### **RESOLVED** that

- (1) the revised 2012/13 programme, as outlined in column C of Appendix A including the slippage from 2012/13 to 2013/14 as outlined in column E of Appendix A, be approved; and
- (2) the proposed allocations for the Historic Building Grants for 2013/14 as set out in Appendix A which includes the 2012/13 slippage and also the £20,000 saving referred

to in paragraph 5.1 and the creation of a revenue budget for Heritage Open Day costs of £4,000, be approved.

(The Portfolio Holder for this item was Councillor Hammon)  
(Forward Plan reference 469)

## 162. **HS2 CONSULTATION RESPONSES**

The Executive considered a report from Development Services which informed Members of the Council's response to The Department of Transport's recent consultations regarding Land Safeguarding procedures and the intended Property Compensation measures in relation to the High Speed Two (HS2) rail project.

The report advised that whilst Warwick District Council remained opposed to the HS2 proposal, it was felt important to take the opportunity to respond to the consultation in order to shape the safeguarding process and compensatory measures available, should the HS2 project ultimately get Government approval for its implementation.

The safeguarding process aimed to ensure that new developments along the route did not impact on the ability to build or operate HS2 or lead to excessive additional costs. Safeguarding directions, if adopted, would be issued by the Secretary of State for Transport during the spring of 2013. Local Planning Authorities (LPA's) would then need to consult HS2 Ltd with regard to planning applications in the safeguarded corridor along the HS2 route before granting consent.

The Guidance also set out a number of requirements for LPA's and these were detailed in paragraph 7.7 of the report.

With regard to the second consultation exercise into property compensation, five different sets of criteria had been put forward under which any compensatory measures became applicable to parties affected by HS2. These included a statutory compensation system, an advanced and voluntary purchase scheme, sale and rent back, tunnel guarantees and a long term hardship scheme.

The report requested that the consultation responses, attached as appendices to the report, be noted along with the joint consultation responses submitted by the 51m Consortium.

The alternative option would be not to respond to the consultation which would not be in the interests of the District's population / interests as a whole.

The Portfolio Holder endorsed the report and moved the recommendations as written. He explained that the compensation rules being put forward were inadequate and the consultation responses were due to be published on Friday 15 March.

The Executive thanked the scrutiny committee for its support and agreed the recommendations as written.



**RESOLVED** that

- (1) the consultation responses of Warwick District Council that were approved by the Chief Executive under his delegated authority – CE(4) (Appendices 1 and 3), be noted; and
- (2) the joint consultation responses submitted by the 51m Consortium of Local Authorities opposed to HS2 that were also approved by the Chief Executive under his delegated authority – CE(4) (Appendices 2 and 4), be noted.

(The Portfolio Holder for this item was Councillor Hammon)  
(Forward Plan reference 501)

**163. ENDORSEMENT OF PARISH PLANS**

The Executive considered a report from Corporate and Community Services which informed Members of the actions included in four completed Parish Plans for Baginton, Offchurch, Leek Wootton & Guys Cliffe and Budbrooke.

In September 2010, the Executive agreed to adopt a 'Joint Protocol for WCC/ WDC Involvement in responding to Parish Plans, Parish Appraisals and Village Design Statements'. The protocol defined the support available from Warwick District to groups in developing their appraisals/plans and set out the process for the Executive's consideration of endorsement of the plan.

It was also agreed that following any further consultation with parish councils and community forums, minor amendments could be agreed by the Head of Corporate and Community Services in consultation with the Portfolio Holder for Corporate and Community Services. The protocol, with the minor amendments included, was attached as an appendix to the report.

There was a summary of actions attached at appendix 1 to the report which outlined the individual themes, and subsequent actions and comments, proposed by the four parishes who had put forward plans at this stage. The themes included transport, roads and pavements; environment; business; and, crime, health and emergencies.

The report requested that the Executive note the actions detailed and endorsed the Parish Plans.

No alternative option was considered because the protocol had been developed to ensure that Parish Councils felt included and connected to other key structures and decisions making processes.

Councillor Caborn endorsed the report and the Executive agreed the recommendations as written.

**RESOLVED** that

- (1) the actions detailed in each of the Parish Plans summarised in appendix 1 to the report, be noted;
- (2) the Parish Plans for Baginton, Offchurch, Leek Wootton & Guys Cliffe and Budbrooke, be endorsed; and
- (3) the minor amendment to the 'Joint Protocol for WCC/WDC Involvement in responding to Parish Plans and Village Design Statements', be noted.

(The Portfolio Holder for this item was Councillor Mrs Grainger)  
(Forward Plan reference 502)

**164. RURAL / URBAN CAPITAL IMPROVEMENT APPLICATION**

The Executive considered a report from Finance which provided details of a Rural/Urban Capital Improvement application by Shrewley Village Hall to reinforce the driveway at the side of the hall to improve access to the rear field for outdoor summer events and provide an additional parking area for all-year round indoor events.

The Council operated schemes to award Capital Improvement Grants to organisations in urban and rural areas. The grants recommended were in accordance with the Council's agreed scheme and would provide funding to help the schemes progress. The budget for the Rural/Urban Capital Improvement Scheme Applications for 2012/13 was £150,000 (£75,000 for Rural Projects and £75,000 for Urban Projects). The unallocated budget from 2011/2012 of £127,088 had been added to this but sat within a separate cost centre budget, this could be added to either Rural or Urban schemes once the 2012/2013 budget had been used.

There were no funds available to be allocated for Rural/Urban Capital Improvement Scheme Grants from the Rural Cost Centre budget for 2012/13 and any future Rural Applications approved would need to be funded from the slippage from 2011/2012. If the Shrewley Village Hall application was approved, £92,349 would remain in the slippage cost centre budget.

There was £50,000 still available to be allocated for Rural/Urban Capital Improvement Scheme Grants from the Urban Cost Centre budget in 2012/13.

Shrewley Village Hall stated that it had cash reserves to provide £600 to help fund this project and had previously made three successful Rural/Urban Capital Improvement Grant Fund applications. These were in June 2008, April 2010 and January 2011.

The Council only had a specific capital budget to provide grants of this nature and therefore there were no alternative sources of funding if the Council was to provide funding for Rural/Urban Capital Improvement Schemes.

Members could choose not to approve the grant funding, or to vary the amount awarded as discussed in paragraph 7.

The Portfolio Holder for Finance endorsed the report and the Executive agreed the recommendations as written.

**RESOLVED** that a Rural/Urban Capital Improvement Grant of £1100 to Shrewley Village Hall, be approved, for reinforcing the driveway at the side of the hall to improve access to the rear field for outdoor summer events and provide an additional parking area for all-year round indoor events, subject to receipt of the following:

- satisfactory independently audited accounts for 2012; this should reflect the Hall's capability to fund £600 of the project cost from their own funds; and
- written confirmation of the Parish Council's approval to fund £600 of the project cost.

(The Portfolio Holder for this item was Councillor Mobbs)

#### 165. **PUBLIC AND PRESS**

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

Minute No.	Para Nos.	Reason
166, 167	1	Information relating to an individual
166, 167	2	Information which is likely to reveal the identity of an individual
167, 168	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The full minutes of Minutes 166 to 168 would be contained within a confidential minute which would be considered for publication following the implementation of the relevant decisions. However, a summary of the decisions was as follows:

166. **STAFFING REVIEWS**

The recommendation as set out in the report was agreed.

(The Portfolio Holders for this item were Councillor Mobbs)  
(Forward Plan Reference 499)

167. **MINUTES**

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

168. **POTENTIAL STRATEGIC LAND ACQUISITION**

It was agreed that authority be delegated to the Chief Executive and the Section 151 officer, in consultation with Councillors Doody, Hammon, Mobbs & Vincett, to decide whether to support the purchase of said land, any terms and conditions associated with such a purchase and to seek any other consents and permissions that may be necessary to complete the purchase and to allow the development of the site.

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

(The meeting ended at 7.25 pm)