

# EXECUTIVE

Minutes of the meeting held on Wednesday 14 March 2012 at the Town Hall, Royal Leamington Spa at 6.00 pm.

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

**ALSO PRESENT:** Councillor Barrott (Labour Group Observer), Councillor Boad (Acting Chairman of Overview and Scrutiny Committee) and Councillor Mrs Knight Chair of Finance and Audit Scrutiny Committee).

Apologies for absence were received from Councillors Gifford and Hammon.

## 135. **DECLARATIONS OF INTEREST**

### Minute Number 137 – Tourism and Visitor Economy

Councillor Mrs Grainger declared a personal and prejudicial interest because she was a Warwick Town Councillor, and left the room whilst the item was discussed.

### Minute Number 145 – Kenilworth Public Service Centre

Councillors Coker, Mobbs, Shilton and Vincett declared personal interests because they were Kenilworth Town Councillors.

## **PART 1**

(Items which a decision by Council is required)

## 136. **C&CS REVIEW – TEAM STRUCTURE, ICT STRATEGY AND CHANNEL STRATEGY**

The Executive considered a report from Community and Corporate Services which detailed a recently drafted channel strategy. The report also informed on a review of the Corporate and Community Services service area and subsequent re-structure and included a request for funding from the Transformation Reserve.

The Channel Strategy covered all of the communication channels used by the Council's customers. These channels included telephone, face to face contact, the website, Twitter, and post. The strategy set out the principles for how the Council aimed to improve the way services were delivered to customers, making the best use of available resources.

The Information & Communications Technology (ICT) Strategy provided a framework and direction of travel for technology at Warwick District Council. The strategy would be realised through a number of methods that supported or directly delivered the Council's strategic and operational priorities. Further details of the strategies were attached as appendices to the report.

## **EXECUTIVE MINUTES (Continued)**

The report highlighted the purpose of the Corporate and Community Service Area, which was 'to give our customers the right advice and support at the right time'. In addition, it advised that the next two years would be extremely important, because there were financial objectives to meet and a culture change to deliver. To increase capacity while releasing savings, the proposed changes would help to streamline the structure and focus the teams' work on Council priorities. The Service Area Managers and the teams affected had been involved in the development of the proposal, through informal consultation and the existing, and proposed, structures were attached as appendices to the report.

There were a number of Systems Thinking projects running which often highlighted that new customer service skills were needed from staff. The report advised of the need to train and support staff in gaining these customer service skills and to improve the customer access channels, to meet the changing demands.

The proposed structure involved the removal of seven existing posts from the establishment and the creation of four new posts, with only one of those being permanent. The three temporary posts were for two years only because a significant amount of the Council's required savings and cultural change would need to be realised and embedded during that time frame. After the two years, the temporary posts would be removed from the Council's staffing structure.

The report requested that the temporary posts were funded from the Service Transformation Reserve, to provide a clear message that within a relatively short period, the organisation needed to achieve the necessary savings and change the way it operated.

An alternative option was to not have a Channel Strategy but it was felt that this was necessary in order to understand how the customer wanted to communicate with the Council and, in turn, how to deliver this.

In addition, it was considered to have a structure that removed posts without creating new ones. This would have brought the largest immediate financial benefit but would have had a negative effect on the teams' capacity to deliver the benefits of Fit for the Future.

The Finance & Audit Scrutiny Committee supported the recommendations in the report, whilst expressing considerable concern over the potential for redundancies and the associated cost.

The Finance & Audit Scrutiny Committee felt that any risk in the strategy should be highlighted. It requested that future reports highlight the needs of unemployed, vulnerable and student residents (which could well be in the majority) and how their requirements would be met by the Council. There was also a call for staff to be particularly well trained on how to deal with frightened and worried customers. Also arising from the Committee's deliberations was the need for a full investigation into the use and cost of mobile phones.

Councillor Mrs Knight presented the comments made by Finance and Audit Scrutiny Committee and made particular reference to the work of the

## **EXECUTIVE MINUTES (Continued)**

Council's Benefits and Fraud Manager, Andrea Wyatt. She stated that the committee members were very impressed with her level of work and proposed that she was congratulated for her efforts. This was met with agreement from the Executive.

The Overview and Scrutiny Committee noted the report.

The Portfolio Holder, Councillor Mrs Grainger, endorsed the report and highlighted the need to focus on alternative methods of communication such as Twitter and Facebook. She assured members that comprehensive training would be delivered on this cost effective way of communicating with the District's residents and felt confident that the majority of the work would be completed in two years.

Councillor Barrott voiced his concerns regarding any 'at risk' posts or potential redundancies that may emerge from the restructure. In response, the Head of Corporate and Community Services, Susie Drummond, explained that a number of the potential posts to be removed were already vacant but reinforced the message that redundancies would be avoided as much as possible through Fit for the Future.

Having read the report, and having taken the Scrutiny Committees' comments into account, the Executive decided to agree the recommendations in the report.

### **RECOMMENDED** that;

- (1) the Channel Strategy and associated Action Plan attached at appendix A to the report, be approved and the Portfolio Holder for Corporate and Community Services will be monitoring the implementation of the Action Plan;
- (2) the Information & Communications Technology Strategy in appendix B to the report, be approved;
- (3) funding of up to a maximum of £125,000 per annum from the Council's Service Transformation Reserve be approved, to fund three temporary (two year) posts in the Corporate and Community Services staffing establishment, subject to Employment Committee's consideration of the staffing structure proposals at its meeting on 27 March 2012;
- (4) agreement to recommendation 2.3 will still deliver a net saving of £122,300 against current and anticipated budgets over the next two years; and
- (5) the Equality Impact Assessment on the Channel Strategy in appendix C to the report, be noted.

## **EXECUTIVE MINUTES (Continued)**

(The Portfolio Holder for this item was Councillor Mrs Grainger)  
(Forward Plan reference 390)

### **PART 2**

(Items which a decision by Council is not required)

#### **137. TOURISM AND VISITOR STRATEGY**

The Executive considered a report from the Economic Development and Regeneration Manager which updated members on the progress made since the approval of the strategic framework for tourism in November 2011. In addition, the report presented a Tourism Strategy, accompanying Action Plan and recommendations arising from the review of visitor information services.

The Warwick Tourism Industry Steering Group was formally established following the meeting in November 2011 and the group's membership was detailed in an appendix to the report. The report highlighted that the membership may change to ensure optimum representation and it was proposed that the Portfolio Holder for Development Services also join because they would have overall responsibility for the Strategy.

The steering group had confirmed its support for the Strategy and a revised document was attached as an appendix to the report.

A one year Action Plan was also included, which set out key tasks that would need to be delivered during 2012/13 and reflected the needs and aspirations of key tourism stakeholders.

An alternative option was to not adopt the delivery plan. However, officers felt this would leave the District's tourism sector without any structured support and failed to address the continuing concerns raised by Warwick Town Council about the allocation of the tourism budget.

Another option was to withdraw from directly funding tourism within the District. This had also been rejected as it would severely hinder the sector's ability to realise its potential and could jeopardise investment, jobs and wealth that it would generate. It was also contrary to Government policy statements regarding the coordination of tourism and its economic role in driving recovery and to the tourism strategy adopted by the Council in November 2011.

The Finance & Audit Scrutiny Committee was pleased to see input from Warwick Castle. Members emphasised the importance of business engagement and supported the recommendations in the report.

The Overview and Scrutiny Committee thanked Joseph Baconnet, the Economic Development and Regeneration Manager, for attending their meeting and answering their questions. It supported the recommendations in the report.

An addendum was circulated prior to the meeting which included the options put forward by the Visitor Services Review Group.

## **EXECUTIVE MINUTES (Continued)**

The Finance Portfolio Holder, Councillor Mobbs, endorsed the report and supported the comments made by fellow councillors the previous evening who felt it was imperative that the District Council did not lose sight of its own identity. He also stated that tourism was an underpinning strategy for the District and was crucial to future employment prospects.

Members raised concerns that past strategies had focused on the major towns at the detriment of the rural areas. Councillor Caborn expressed his desire that all areas of the District would be involved as the strategy developed.

Having read the report, and having taken the Scrutiny Committees comments into account, the Executive decided to agree the recommendations in the report.

### **RESOLVED** that;

- (1) the establishment of the Warwick Tourism Industry Steering Group (TISG), be noted, and the Development Portfolio Holder becomes a member of this group;
- (2) the inclusion of an independent, private sector, Tourism Champion, be noted;
- (3) the Tourism Strategy set out at appendix one to the report, be approved;
- (4) the Action Plan, detailing the work to be carried out during 2012/13, as set out at appendix two to the report, be approved;
- (5) discussions were underway on options for the provision of a formal Destination Management Organisation (DMO) for the District and a further report will be brought to a subsequent Executive with recommendations as to how this can be delivered;
- (6) the Visitor Services Review Group had been considering options for the delivery of visitor information services across the District, following the November decision that Warwick Tourist Information Centre will be the District's primary 'hub', and that the outcomes of their deliberations will be presented to members as an addendum to this report;
- (7) a one year grant of an additional £15,000 to Warwick Town Council, funded from the Tourism reserve be approved, to provide transitional Tourism Information Centre (TIC) services during the 2012/13 financial year

## **EXECUTIVE MINUTES (Continued)**

whilst the outcomes of the review of visitor information services is fully implemented;

- (8) authority be delegated to the Economic Development & Regeneration Manager, in consultation with the Development Portfolio Holder, to agree appropriate monitoring procedures for the delivery of the Action Plan and agree which of its elements will be delivered by Warwick TIC as a result of the additional funding;
- (9) any underspend on the 2011/12 tourism budget is transferred to the Tourism Reserve;
- (10) authority be delegated to the Deputy Chief Executive (BH), in consultation with the s151 Officer, Development Portfolio Holder and Finance Portfolio Holder, to agree the future release of funding from the Tourism Reserve to support the development of the DMO and delivery of the Action Plan; and
- (11) the tourism budget will be reviewed in September 2012 as part of the 2013/14 budget setting progress, with a subsequent report brought to Executive, as appropriate.

(The Portfolio Holder for this item was Councillor Hammon)  
(Forward Plan reference 360)

### **138. COURT STREET CREATIVE ARCHES**

The Executive considered a report from the Enterprise Development Manager, explaining the need to install a basic ventilation scheme in the Court Street Creative Arches. This would improve air quality, reduce damp, comply with building regulations and improve the Council's ability to let each unit.

Court Street Creative Arches had been designed to appeal to the Creative Industries sector, providing large spaces that could be used for a number of different purposes. The facilities provided were deliberately basic in order to leave scope for the incoming tenant to tailor the 'fit out' of the unit to their individual requirements.

The units did not currently comply with building regulations in respect of ventilation and the incoming tenant would need to address this as part of the fit out of the unit.

It was in the Council's best interest to let the units as quickly as possible in order to ensure that the contracted Advantage West Midlands Outputs were met by 30 June 2014. Further information on this was detailed at appendix one to the report.

## **EXECUTIVE MINUTES (Continued)**

Of the nine units, units 5, 6 and 9 were already occupied and the tenants should have complied with building regulations. However, if this was not the case, and to ensure that all units were specified to the same level for the benefit of current and future tenants, officers advised that works should be carried out on Units 5, 6 and 9 if needed.

The capital cost for the heating and ventilation scheme was £22,000, however, there would be a potential saving if no further works were needed on units 5, 6 and 9. The scheme would be financed from the Capital Investment Reserve.

The report advised that under the terms of the AWM funding contract, the units could only be offered to businesses in the Creative Industries sector, many of which have been hard hit by the recession and the reduction in grant aid to the sector. Fit out costs, particularly for basic services such as heating and ventilation, were discouraging potential tenants from this sector. Having the contractual restriction of businesses in this sector removed would enable the Council to let the units to other appropriate sectors if it so wished and would give the Council more flexibility to let or re-let void properties in the future.

The alternative options were to do nothing but this could result in the vacant units deteriorating and the units not complying with building regulations. Another alternative was to not seek agreement from The Department for Business Innovation & Skills (BIS) to remove the restriction to let the units only to the Creative Industries sector. This option would deny the Council longer term flexibility and would prevent the units from being marketed to a broader audience. It was therefore not recommended.

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

Having read the report, and having taken the Scrutiny Committees' comments into account, the Executive decided to agree the recommendations.

### **RESOLVED** that;

- (1) officers be authorised to negotiate with The Department for Business Innovation & Skills (BIS), the successor body to Advantage West Midlands, that the restriction to let the units only to the Creative Industries sector is removed; and
- (2) the capital investment of £22,000 from the Capital Investment Reserve Fund to install a ventilation scheme, be approved.

(The Portfolio Holder for this item was Councillor Hammon)

## **EXECUTIVE MINUTES (Continued)**

### **139. DISPOSAL OF COUNCIL OWNED LAND AT KINGSWAY, ROYAL LEAMINGTON SPA**

The Executive considered a report from Housing and Property Services and the Community Partnership Team which recommended the transfer of land occupied by the former Kingsway Community Centre for affordable housing.

A plan was included at appendix one to the report detailing the site and copies of representations made by local residents and the recommendations proposed in response to these.

Approval was given in June 2011 for the District Council to enter into a legally binding, unincorporated Joint Venture Agreement (W<sup>2</sup>) with Waterloo Housing Group (WHG) and the key objective was to deliver at least 300 units of affordable accommodation across the District. Since entering into the Joint Venture Agreement, W<sup>2</sup> had worked up proposals to develop the first flagship site for affordable housing at the land occupied by the former Kingsway Community Centre

A planning application was submitted in September 2011 for the provision of 11 new dwellings, made up of 2 x 3 bedroom and 3 x 2 bedroom houses and 6 x 2 bedroom apartments to be provided for affordable rent, with associated car parking and landscaping.

Six local residents approached the Council in December 2011, requesting that the existing facility be retained as they felt there was still a demand for it. Residents were advised that there were existing community facilities within the neighbourhood and it may be feasible for the majority of activities listed by the residents, to be already catered for at the Westbury Centre and Brunswick Healthy Living Centre.

A request was made by the local residents to have a period of between 3-6 months to allow them to form a management team, carry out a full structural survey, investigate all possible funding options and prepare a full business plan for the use of the Community Centre. However, officers did not consider this option financially feasible or realistic.

An offer was made to provide a community hub within the proposed housing development. This could be delivered more cost effectively than refurbishing the current centre and would be more economically viable to sustain. However, the six residents remained adamant that there was a need for the community facility to be retained at the current Kingsway site.

An alternative option was to not approve the disposal of the site but the report highlighted that this could result in the Council retaining a redundant site that had security and repair liabilities with little prospect of the site being used to its full potential.

Alternatively, the Council could seek to dispose of the site on the open market, however, this would not secure the provision of affordable housing and the Council would lose its interest in the land, resulting in a missed opportunity to deliver much needed affordable housing.



## **EXECUTIVE MINUTES (Continued)**

The Overview and Scrutiny Committee supported the recommendations in the report, subject to a change to recommendation 2.4. The Committee recommended that an offer should be made to the community to give it the chance to have a community hub facility and requested that the wording of 2.4 should be altered to read:

"To agree to make an offer to the local community that 1 of the 11 dwellings be converted to a community hub facility. If the community do not wish to take up this offer, then the apartment will be used as affordable housing."

Councillor Vincett, the Portfolio Holder for Housing and Property, informed the Overview and Scrutiny Committee that a Circular could be sent to the community with the offer.

Two members of the community involved attended the meeting, Mr Tony Carter and Mr Aujla and Councillor Doody agreed to permit Mr Aujla to address the committee.

Mr Aujla stressed the need for a deferral on the decision because he felt that there were some legalities that still needed clarifying. Mr Aujla was awaiting further information following a recent meeting with Mr Chris White MP and felt that a halt in proceedings would also be appropriate whilst they waited for the response to a recent Freedom of Information request. He stated that details were unclear regarding the legalities of the original lease being handed over to the Council and made reference to a recent email circulated to all councillors from Jean Sutton. He also suggested that the building had been allowed to fall into disrepair since it had been in the Council's ownership.

Councillor Doody thanked Mr Aujla for his presentation and reminded all members that the building would have been empty for three years in May 2012.

The Portfolio Holder for Housing and Property Services, Councillor Vincett, addressed members and stated his reasons for not accepting a deferral on the decision at this stage. He advised that following legal advice, he was confident that all the legal points had been considered and the lease had been correctly surrendered. Councillor Vincett also stated that the Freedom of Information request was going through due process but was satisfied that none of the information released would alter the situation enough to justify deferral.

Councillor Vincett thanked the members of Overview and Scrutiny Committee for their discussion and support the previous evening and proposed that recommendation 2.4 be amended further, keeping in line with the intent of the Scrutiny Committee. The wording would be altered to read:

"To invite the local community to consider an offer by Warwick District Council, in partnership with Waterloo Housing Group, that one of the eleven dwellings be converted to a community hub facility. If the

## **EXECUTIVE MINUTES (Continued)**

community do not wish to take up this offer then the apartment will be used as affordable housing.”

Councillor Mrs Grainger encouraged members of the community to visit other community hubs such as Packmores which showed that these facilities could be successful without massive expense.

Having read the report, having taken the Scrutiny Committees comments into account and having heard the representations made, the Executive decided to agree the recommendations with an amendment to 2.4.

### **RESOLVED** that;

- (1) the transfer of the land known as the former Kingsway Community Centre, be approved, by way of a long leasehold to Waterloo Housing Group (WHG) under the terms of the Joint Venture Agreement (W<sup>2</sup>) to enable the delivery of 11 new affordable housing units;
- (2) since the submission of the planning application six local residents have approached Officers of the Council requesting that the Community Centre be retained for community use rather than demolished for affordable housing;
- (3) the request of the residents to have the next 3-6 months in which to develop the community proposal more fully, be declined;
- (4) the local community be invited to consider an offer made by Warwick District Council, in partnership with Waterloo Housing Group, that 1 of the 11 dwellings be converted to a community hub facility. If the community do not wish to take up this offer then the apartment will be used as affordable housing.

(The Portfolio Holder for this item was Councillor Vincett)

## **140. HEALTH AND WELLBEING IMPROVEMENTS IN WARWICK WEST**

The Executive considered a report from the Deputy Chief Executive (AJ) requesting permission for officers to commence a procurement process to commission health and wellbeing activities for the residents of the District, with particular focus on those who lived on the Forbes Estate in Warwick.

The report also requested that the existing funds set aside in the St Mary's Lands/Forbes Estate Reserve be utilised to procure the delivery of the activities.

The report reminded members that Warwick West was a priority ward within the District's Sustainable Community Strategy and was consequently recognised as such within the strategic objectives of Fit For

## **EXECUTIVE MINUTES (Continued)**

the Future. In particular, the Super Output Area (SOA) which covered the Forbes Estate was one of the most deprived communities in the whole of Warwickshire.

Forbes Estate did not have a play area or any green space. This issue had been highlighted at recent community forums where a community priority was identified as creating activities for both elderly and young people. However, there were a number of Sport Clubs in the vicinity and at least two of these Clubs had approached the Council, stating that they would like the opportunity to provide activities for local residents either in partnership or as a separate "delivery agent".

Following the Executive meeting in October 2011 it was agreed that the sum remaining from the St Mary's Lands scheme should be appropriated to a new reserve entitled St Mary's Lands/Forbes Estate Reserve and officers proposed that this money could help the Council to commission health and wellbeing activities for targeted areas.

Because of the Council's recognition of, and commitment to, helping its most deprived areas of the District, officers did not feel there were any suitable alternatives.

The Overview and Scrutiny Committee supported the recommendations in the report but proposed that recommendation 2.1 should be amended to promote education, skills and training. The recommendation should be worded as follows:

"That Executive agrees to officers commencing an open and transparent procurement process to commission health and wellbeing activities, and activities to promote education, skills and training, for the residents of the District with particular focus on those who live on the Forbes Estate."

Following discussions the Executive members felt that the recommendation put forward by the Overview and Scrutiny Committee could be clarified further and suggested that it should be less prescriptive, leaving it open to innovative bids from groups. Members were pleased that there was the opportunity to assist with this deprived area of the District and although it was recognised that it was not a vast amount of money, Members were mindful that it could have a big impact on the community.

Having read the report, and having taken the Scrutiny Committees' comments into account, the Executive decided to agree the recommendations with amended wording to recommendation 2.1.

### **RESOLVED** that;

- (1) officers commence an open and transparent procurement process to commission health and wellbeing activities, and activities to promote education, skills and training, for the residents of the District with particular focus on those who live on the Forbes Estate/St Marys Lands;

## **EXECUTIVE MINUTES (Continued)**

- (2) the £120,000 set-aside in the Council's St Mary's Lands/Forbes Estate Reserve be utilised to procure the delivery of the activities referred to in recommendation 2.1;
- (3) the key principles for the delivery of the activities as detailed at paragraph 3.6 of the report, be agreed, and the activities will be complementary to services recently commissioned from The Gap as part of the Community/Voluntary Sector commissioning process; and
- (4) authority be delegated to the Deputy Chief Executive (AJ), in consultation with the Head of Cultural Services and the Portfolio Holder for Cultural Services, to oversee the procurement process including the award of the commission.

(The Portfolio Holder for this item was Councillor Mrs Gallagher)  
(Forward Plan reference 395)

### **141. HISTORIC BUILDING GRANTS ALLOCATION**

The Executive considered a report from Development Services advising of the contribution made by the Historic Buildings Grants for 2011/12 and to gain approval for funding allocation for the coming financial year 2012/13, as recommended by the Grants Working Party.

Grants were offered in accordance with the Planning (Listed Building in Conservation Areas) Act 1990 which made provision for Local Authorities to make Historic Buildings Grants. They were available for all Listed and Unlisted Buildings in the Conservation Areas which made a significant contribution to the Conservation Area.

The District Council had for many years supported Historic Buildings Grants to help property owners maintain/restore historic assets which were recognised as a very important part of the environment of Warwick District. This type of grant was crucial to many owners of historic properties, especially in the current economic climate. The report highlighted the contribution made by the historic environment to the economic and social wellbeing of the District.

The report detailed the separate areas of the District that had received an allocation last year, how many offers were made during 2011/12 and the proposed amount that the funding be increased by for the coming year.

An alternative option was to reduce or abolish the grant scheme, however, this would significantly affect the Council's ability to assist in maintaining the Historic Environment.

Having read the report, and having taken the Scrutiny Committees comments into account, the Executive decided to agree the recommendation.

## **EXECUTIVE MINUTES (Continued)**

**RESOLVED** that the proposed allocation for the Historic Buildings Grants for 2012/13 as set out in appendix A to the report, be approved.

(The Portfolio Holder for this item was Councillor Hammon)

### **142. REQUEST FOR TRANSFER OF FUNDS FROM PLANNING APPEALS RESERVE**

The Executive considered a report from Development Services for approval of the proposed revised arrangements for funding issues arising from appeals against planning decisions made by this Council. In addition, the report considered the issues arising from past appeals.

Specialist consultancy advice was obtained by officers during 2011/12 to defend the Council's planning decisions at various appeals. This advice was obtained without going through tendering processes under the Code of Procurement Practice due to the strict time constraints set within the planning appeal process by the Planning Inspectorate.

The report recommended that £35,000 be transferred from the Planning Appeals Reserve in 2011/12, leaving £549,000 uncommitted for defending future appeals, additional costs relating to the Local Plan or other appropriate schemes, to be agreed by the Executive.

An alternative option would be to not authorise the use of the Planning Appeals Reserve to the Development Manager, in consultation with the S151 officer. However, this would require further reports to Executive each time officers needed to use the Planning Appeals Reserve. Another alternative would be to allocate an annual budget, or budget per appeal, to the Development Manager, but it was not possible to estimate in advance how many appeals may occur in any given period, or how much the costs incurred might be for an appeal.

A further alternative was that the Executive could also fund legal or consultancy costs incurred by Town and Parish Councils in preparing or presenting their evidence at Planning Appeals. However, this would put an additional burden on the Planning Appeals Reserve and would reduce the money available for the Council in defending its own decisions.

The Finance & Audit Scrutiny Committee supported the recommendations, but suggested that recommendation 2.1 should be more robust in terms of commitment to the use of Framework Agreements in the future. The Committee also recommended that a diplomatic letter be sent to Town and Parish Councils setting out this Council's position as detailed in recommendation 2.4, of the report.

The Executive agreed with the proposal put forward by the Finance and Audit Scrutiny Committee and requested that the Deputy Chief Executive (AJ) write to the Parish and Town Councils. Members were also mindful that recommendation 2.1 should be made stronger and Mike Snow and Andrew Jones agreed to reword this recommendation.

## **EXECUTIVE MINUTES (Continued)**

Having read the report, and having taken the Scrutiny Committees' comments into account, the Executive decided to agree the recommendations, with some more robust wording to be forwarded for 2.1.

### **RESOLVED** that;

- (1) specialist consultancy advice was procured for a number of planning appeals during 2011/12 contrary to the provisions of the Code of Procurement Practice, and that officers should arrange to have Framework Agreements in place for procuring specialist consultancy planning advice as soon as possible and, until then, ensure that three quotes are sought for all such work, in accordance with the Council's Code of Procurement Practice;
- (2) the use of £35,000 from the Planning Appeals Reserve, be approved, to cover the costs incurred in 2011/12 in terms of consultancy advice in defending its planning decisions at appeal (c. £27,300), and the appellant's costs awarded against the Council (c. £7,400);
- (3) the use of the Planning Appeals Reserve be authorised for any additional costs not able to be accommodated within the agreed Revenue Budget incurred by the Council as a result of its planning decisions at appeal to the Development Manager, following prior consultation with the Section 151 Officer; and
- (4) the Council will not fund any legal or consultancy costs incurred by Town and Parish Councils in preparing or presenting their evidence at Planning Appeals, although the Council will work with Town and Parish Councils where appropriate, particularly where there are economies of scale in the Councils jointly commissioning work together.

(The Portfolio Holder for this item was Councillor Hammon)  
(Forward Plan reference 388)

## **143. CODE OF PROCUREMENT PRACTICE: EXCEPTION REQUEST**

The Executive considered a report from the Deputy Chief Executive (BH) which requested an exception from normal procurement procedures, as set out in the Code of Procurement Practice, to enable specialist legal and commercial advice to be obtained in respect of the proposed Clarendon Arcade development.

## **EXECUTIVE MINUTES (Continued)**

The Code of Procurement Practice defines an exception as a permission to let a contract without complying with one or more of the procedures within the Code. In this instance, an exception was sought to enable the work necessary to progress the proposed Clarendon Arcade development in respect of the recommendations approved at the December 2011 Executive.

Discussions had been held with the Deputy Chief Executive, s151 Officer and Procurement Manager with Suzanne Burrell, Senior Solicitor and Team Leader at Warwickshire County Council (WCC). These discussions concluded that in respect of the necessary legal advice required to agree any necessary revisions to the Development Agreement, the Council should re-engage the partner at Hill Hofstetter LLP who represented the Council when the agreement was initially negotiated.

An alternative option was not to approve the recommended exceptions, however, the required legal advice would then need to be sought solely from WCC or a procurement exercise undertaken to source an alternative, external, specialist provider.

This option was rejected as not being in the Council's best interests. The Senior Solicitor at the County Council had advised that utilising the partner, within Hill Hofstetter's Commercial and Real Estate team, who had a unique understanding of the previous negotiations would be of significant value to the current negotiations because their expertise and knowledge could not be obtained from another source.

Another alternative was that the required specialist retail and commercial advice could be sought through a competitive procurement exercise. This too was rejected as not being in the Council's best interests as officers considered that the past involvement of the Senior Director of CBRE's UK Development Consultancy team on this scheme provided significant benefits that would be lost if an alternative provider was engaged.

Having read the report, and having taken the Scrutiny Committees' comments into account, the Executive decided to agree the recommendations.

### **RESOLVED** that;

- (1) an exception from the Code of Procurement Practice, be approved, to enable Hill Hofstetter to be engaged to provide specialist legal advice in respect of any necessary revisions to the Development Agreement, with Wilson Bowden, for the proposed Clarendon Arcade development;
- (2) an exception from the Code of Procurement Practice, be approved, to enable CBRE to be engaged on a fixed fee to provide a professional opinion on the commercial and financial information provided by Wilson Bowden; and

## **EXECUTIVE MINUTES (Continued)**

- (3) authority be delegated to the Deputy Chief Executive (BH) and s151 Officer in consultation with the Procurement Manager, the Council's internal legal advisor and the Leader, Deputy Leader and Development Portfolio Holder, to enter into the necessary legal agreements in relation to the above appointments.

### **144. 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  |
|----------------|-----------|---|
| 145, 146 & 147 | 3         | Information relating to the financial or business affairs of any particular person (including the authority holding that information) |

The full minutes of Minutes 145 to 147 were contained within a confidential minute which would be made available to the public following the implementation of the relevant decisions. However, a summary of the decisions was as follows:

### **145. SOUTH WEST WARWICK (CHASE MEADOW) COMMUNITY CENTRE DEVELOPMENT**

The recommendations as set out in the report were agreed with an additional condition to be added to read:

"2.9 That at least one member of Warwick District Council, be included on the Board of Directors, in a non executive director capacity."

Councillor Doody proposed that the representative be Councillor Rhead.

(The Portfolio Holder for this item was Councillor Mrs Gallagher)  
(Forward Plan reference 377)

### **146. KENILWORTH PUBLIC SERVICE CENTRE**

The recommendations as set out in the report were agreed.

(The Portfolio Holders for this item were Councillors Caborn, Doody, Hammon and Mobbs)  
(Forward Plan reference 392)



## **EXECUTIVE MINUTES (Continued)**

### **147. USE OF DELEGATED POWERS**

The recommendations as set out in the report were agreed.

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

(The meeting ended at 19:45 pm)