

EXECUTIVE

Minutes of the meeting held on Wednesday 8 June 2011 at the Town Hall, Royal Leamington Spa at 6.00 pm.

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

ALSO PRESENT: Councillor Barrott (Labour Group Observer), Councillor Boad (Liberal Democrat Group Observer), Councillor Mrs Bunker (Chairman of the Council), Councillor Gifford (Chair of Overview and Scrutiny Committee), Councillor Mrs Knight (Chair of Finance and Audit Scrutiny Committee) and Councillor Williams.

Apologies for absence were received from Councillor Mrs Grainger.

1. **DECLARATIONS OF INTEREST**

Minute Number 7 - Coventry & Warwickshire Local Enterprise Partnership: 5 Year Strategy

Councillors Caborn, Doody and Shilton declared personal interests because they were members of Warwickshire County Council.

Minute Number 9 - Response to Warwickshire Waste Core Strategy – Emerging Spatial Options Consultation

Councillors Caborn, Doody and Shilton declared personal interests because they were members of Warwickshire County Council.

Minute Number 15 - Proposed Enterprise Zone

Councillors Caborn, Doody and Shilton declared personal interests because they were members of Warwickshire County Council.

2. **MINUTES**

The minutes of the meeting held on 30 March 2011 were taken as read and signed by the Chairman as a correct record.

PART 1

(Items which a decision by Council is required)

3. **DOG CONTROL ORDERS**

The Executive considered a report from Environmental Services which requested consideration of the feedback from the public consultation on the proposed introduction of Dog Control Orders.

Due to the significant number of representations received as part of the consultation the report had been delayed to enable officers sufficient time to collate and analyse all comments received in liaison with the Portfolio Holder.

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The report included the reasons for and against the introduction of Dog Control Orders and presented options for Members to decide on whether to implement the Orders and, if so, to what extent.

The Clean Neighbourhoods and Environment Act 2005 provided a power to local authorities to make dog control orders. These orders replaced the previous system of byelaws for the control of dogs, and also the Dogs (Fouling of Land) Act 1996 which had been repealed. Whilst the District had been subject to a 'blanket' designation under the Dogs (Fouling of Land) Act since August 1998, there was now a need to update the order and a report was submitted to the Executive on 24 November 2010, following which it was resolved to carry out a public consultation exercise.

The enforcement of the current byelaws was ineffective and further controls on some specific areas of open spaces in the District would improve the Council's regulatory effectiveness and thus produce efficiencies. The 'Dogs on Leads by Direction Order' was seen as the primary enforcement tool for the future, to be applied as necessary when an owner regularly allowed their dog to be out of control and a nuisance.

An alternative option would be to not introduce any or all the proposed dog control orders. Although the Dogs (Fouling of Land) Act 1996 had been repealed, the Order commencing the repeal provision had preserved the offence under the 1996 Act in respect of any designation orders made prior to the repeal. However, no additional land could now be designated under that Act. Another alternative was that members could choose to implement the control orders as originally set out in the report to the Executive on 24 November 2010 or officers could make additional changes to those set out in the recommendation if Members wanted more or less areas to be included.

The Overview and Scrutiny Committee agreed that in principal the orders were a good move, but the detail of schedules needed to be refined. The Committee agreed with appendix 1A and 1B and the concerns overall related to the dogs on leads and exclusions, therefore the Committee made the following recommendations to the Executive.

- A negotiated solution should be found with the Jockey Club as racecourse lease holders over the management of the land and the Committee had concerns about 7.12 (ii)
- Dogs on leads for crematorium and cemeteries not excluded (a member thought that Oakley should be retained as present with dogs not being permitted);
- Mill Gardens should be removed from the order, to enable dogs to run free but under control, because no complaints have been received about dogs in this area;
- Improved signage advertising the order and enforcement, advertising of free bags, promote the number of fixed penalty notices that we have issued each month; and
- The orders be amended to reflect the discussions with the golf course on clarity of dog control on their land.

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The Committee were mindful of two different types of dog owners and felt it was the irresponsible ones who caused the problems and who needed to be tackled. The greater need was for enforcement on the street which was where the evidence was for a greater number of complaints.

In addition, the Overview and Scrutiny Committee would appreciate clarity on who was responsible, either WDC or Mack Golf, for the public right of way by the golf course and who would be responsible for controlling this area, and the advice provided to the on this Executive be circulated to all Councillors .

In response to this, the Head of Cultural Services, had circulated an email prior to the meeting informing Members that Mack Golf did not have any legal power to stop members of the public using the perimeter path. There was also the issue of the public footpath which crossed the golf course. Members were mindful that a balance needed to be found to satisfy dog walkers and golfers alike. It was therefore decided that no action would be taken other than with regard to the public footpath, which would be subject to a Dogs on Lead order.

The Portfolio Holder for Environmental Services, Councillor Coker, addressed members and advised that he agreed with most of the comments put forward by the Overview and Scrutiny Committee. He explained to members that the orders were to assist with dealing with unreasonable dog owners and that the majority of the dog community had nothing to fear from their implementation. He reminded members that this had always been an exercise to consult and listen to the responses and in turn was happy to agree to a number of amendments.

Councillor Coker stated that he was aware of the issues about the race track at Warwick Racecourse but felt that the track area should remain in the order because a recent report, by the British Horse Racing Board about Warwick Racecourse, had highlighted issues regarding dog fouling on the course. It was felt that it was important to retain a high standard at the Racecourse and to ensure safety for all parties.

With regard to the comments regarding cemeteries, Councillor Coker felt that visitors should be allowed to take dogs to gravesides but, contrary to the current byelaws that excluded dogs, these areas should be included in the Dogs on Leads Order. The crematorium at Oakley Wood raised slightly different issues due to the nature of the remembrance gardens and because the venue was a heavily used area, it was felt appropriate that mourners should take priority. Councillor Coker advised that the order should remain as stated in the report, with an access route available from the car park to the woods.

Councillor Coker agreed that Mill Gardens should be removed from the orders because no complaints had been received for this area.

Members were of the opinion that more play areas in the District needed to be clearly marked to avoid confusion and concerns were raised regarding additional funding for the orders. Officers advised that if additional funding was needed, a report would need to be submitted through the usual routes. With regard to improve signage, publicity and

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enforcement of the orders and advertising, Councillor Coker advised that funds were already in place to cover implementation costs and that he was fully committed to working with officers to improve communications with the public.

The Executive therefore agreed that the Dog Control Orders with some amended text from that originally proposed as summarised in paragraph 7.12 of the report and subject to cemeteries should be subject to Dogs on Leads Orders and Mill Gardens being removed from the orders set out in Appendix 1(a-d) to the report.

RECOMMENDED that the Council implements the revised Dog Control Orders as set out at Appendix 1,2,3 and 4 of the minutes, be approved.

(The Portfolio Holder for this item was Councillor Coker)
(Forward Plan Reference 317)

4. FINAL ACCOUNTS 2010/11

The Executive considered a report from Finance which provided details of the Council's final account position for the year ended 31 March 2011.

The highlights from the report were detailed as follows:

- The Capital Programme was underspent by £3.1m, of which £2.2m was due to slippage.
- The General Fund revenue account showed a surplus of £43,900 over the Latest Estimates after allowing for a further £0.95m of planned expenditure to be carried forward to 2011/12.
- The Housing Revenue Account showed a surplus of £418,500 over the Latest Estimates.
- The Council Tax collection rate was 98.6% and 98.8% for Business Rates, both of which were excellent.

Members were asked to consider a number of recommendations set out in paragraph 2.1 of the report, which would allow the accounts for the financial year 2010/11 to be closed on time and had been used as the basis for drafting the Statement of Accounts. The resultant decisions would be fed into the Financial Strategy.

There was no alternative option because the report was a statement of fact. However, how the outcomes could be dealt with in a variety of ways, mainly the alternatives were not to allow any, or only some of the earmarked reserve requests and to allow the General Fund balance to vary from the £1.5m level, along with how the 2010/11 surplus was allocated.

The Finance and Audit Scrutiny Committee was pleased with officers' outstanding performance in collecting Council Tax and Business Rates and supported the recommendations in the report, while identifying a need for a simplified summary of the accounts. Councillors Edwards, Mrs Knight, Pittarello and Pratt agreed to look at ways of producing such information, without compromising the transparency of the data. Members noted variances in the accounts, were pleased with improvements made in

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respect of departmental budgeting and looked forward to even greater improvements in the future.

The Executive thanked the Committee for their comments

RECOMMENDED that

- (1) the outturn positions summarised in Section 1 of the report, be noted;
- (2) the Capital Programme 2011/12 be increased by £2,229,878 comprising the following elements:
 - +£1,015,700 for Housing Investment Programme slippage;
 - +£1,214,178 for Other Services Capital Programme slippage (see paragraph 8.4 of the report);
- (3) the Head of Finance and the Finance Portfolio Holder review and recommend actions to improve the adverse variations with regard to Housing and Council Tax Benefits, Royal Spa Centre and Revenues Court Costs (paragraph 9.7 of the report);
- (4) the requests to carry £948,100 earmarked balances forward in respect of revenue slippage to 2011/12, be approved (paragraph 9.8 and Appendix 'F' of the report);
- (5) progress on Earmarked Reserve expenditure be monitored during 2011/12 and be included within the Budget Monitoring reports to the Executive;
- (6) £25,000 be transferred to the Car Parks Repair and Maintenance Reserve for future works at Covent Garden Multi-storey Car Park (paragraph 9.10 of the report);
- (7) new reserves entitled "Grants and Contributions Received In Advance" and "Public Open Spaces Planning Gain Contributions", as described in paragraphs 9.16 and 11.1 of the report respectively, be created and that in respect of the latter reserve, authority to spend from it be delegated to the Head of Culture in agreement with the Head of Finance;
- (8) the resulting surplus of the above decisions, amounting to £43,926 be appropriated to the General Fund Balance for further consideration as part of the 2012/13 budget setting

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(paragraph 10.2 of the report); and

- (9) the Head of Finance, in conjunction with the Finance Portfolio Holder, identify within the 2011/12 and on-going budgets the favourable income and expenditure variations in 2010/11 which are recurring and any potential on-going savings then be explored with Service Area Managers and the relevant Portfolio Holder.
- (10) It be noted that the work set out in recommendation (9) had commenced, progress will be included in the July Executive Financial Projections report and any proposed reductions will be presented to the Executive for approval.

(The Portfolio Holder for this item was Councillor Mobbs)
(Forward Plan Reference 312)

5. REGULATION OF INVESTIGATORY POWERS (RIPA) ACT POLICY

The Executive considered a report from the Deputy Chief Executive, Andrew Jones, which had been produced following a recent inspection carried out by the Office of Surveillance Commissioners concerning compliance with the Regulation of Investigatory Powers Act 2002 (RIPA).

The inspection highlighted certain actions that were required to ensure compliance, detailed in paragraph 7 of the report, and these had been incorporated into the new RIPA policy attached to the report, for members to approve.

Members felt that the recommendation in the report should be agreed as printed with additional wording to read '.. so that the Chief Executive and Deputy Chief Executives are designated as authorising officers for the purposes of the RIPA policy.'

RECOMMENDED that

- (1) the revised RIPA policy as detailed at Appendix 1 of the report, be agreed; and
- (2) the scheme of delegation be amended so that the Chief Executive and Deputy Chief Executives are designated as authorising officers for the purposes of the RIPA policy.

(The Portfolio Holder for this item was Councillor Michael Doody)
(Forward Plan Reference 309)

6. 2011/12 SERVICE AREA PLANS AND PORTFOLIO HOLDER STATEMENTS

The Executive considered a report from Improvement and Performance which sought approval for the 2011/12 Service Area Plans and Portfolio

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Holder Statements. These plans set out the key measures and projects for each service area for 2011/12 and provided a starting point for identifying priorities and areas of focus for the year.

Fit for the Future provided the overarching corporate direction and priorities and in turn the Service Area Plans for 2011/12 set out the plans for each service to deliver this strategy along with service-specific priorities.

The Portfolio Holder Statements set out what each Portfolio Holder had agreed with the service area managers as the priorities. They could be used on a regular basis by scrutiny committees to hold Portfolio Holders to account for progress during the year and to enable Portfolio Holders to show how approaches and priorities have changed to take account of learning and contextual changes during the year.

One alternative option would be to not have the Service Area Plans, however, this option was rejected on the grounds that service area managers and all the staff within each service require a focus for their activities so that priorities can be identified and more easily managed.

Another alternative was to adopt "static" Service Area Plans: in the past Service Area Plans have been developed at the start of each year and have not evolved as the year has progressed. However, officers felt that in the current climate, change occurs constantly and it was therefore important that the Service Area Plans evolve as described in paragraph 3.1 of the report.

The final alternative was to have Separate Portfolio Holder Statements. In the past Portfolio Holder Statements were produced independently from Service Area Plans and although efforts had been made to align them, this caused some difficulty in being clear about which was the primary document. In the current climate, where it was vital that our approach adapts and evolves during the year, it made sense for the Portfolio Holder statements to be fully integrated with Service Area Plans as described in paragraph 3.2 of the report, so that amendments to both could be made seamlessly.

The Overview and Scrutiny Committee needed to have complete data to enable fuller scrutiny and accountability. This was key to the success of the Council. If Shadow Portfolio Holders were to undertake most of this work, there was an urgent need for training on this area of work for all opposition members.

There should also be an aim to reduce the number of targets to make the process leaner in line with FFF ambitions of this Council.

Prior to the meeting, revised copies of the Development Services Service Area Plan were distributed.

The Executive thanked the committee for their comments and agreed that training was paramount and should be continually evolving for all members.

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RECOMMENDED that

- (1) the Service Area Plans as detailed in Appendices 1 to 8 of the report, be approved;
- (2) sections 1, 2, 3, 5 and 7 of each of the Service Area Plans form the Portfolio Holder Statements and that these be approved as the priorities for each Portfolio for 2011/12;
- (3) the progress on each Portfolio Holder Statement be reported to Scrutiny Committees and Executive in September 2011 and March 2012;
- (4) a revision of the Service Area Plans/Portfolio Holder Statements may be required to take account of emerging external issues and changing priorities and that should this be the case any material changes will be reported to Executive.

(The Portfolio Holder for this item was Councillor Michael Doody)
(Forward Plan Reference 337)

Councillor Mobbs left the meeting at this point.

PART 2

(Items which a decision by Council is not required)

7. COVENTRY AND WARWICKSHIRE LOCAL ENTERPRISE PARTNERSHIP: 5 YEAR STRATEGY

The Executive considered a report from the Deputy Chief Executive, Bill Hunt, which explored the relationship between the recently approved five year strategy of the Coventry and Warwickshire Local Enterprise Partnership, this Council's strategic development aspirations and the process for developing the new Local Plan.

The CWLEP Board approved the Partnership's 5 year strategy (2011-2016), attached as Appendix One, at its meeting of 18 April 2011. The Strategy set out the CWLEP Vision; 'By 2016, through strong private-public sector collaboration, Coventry and Warwickshire would be regarded as one of the best and easiest places in the country to establish, run and grow strong and successful businesses; generating significant new employment and skills opportunities in the area'. The report detailed the ways in which this vision would be delivered in paragraph 3.2.

There were a number of alternative options but these were not considered viable because the Strategy was consistent with our own Vision 'to make Warwick District a great place to live, work and visit' and the proactive approach outlined in section 3 of the report would assist in delivering this.

EXECUTIVE MINUTES (Continued)

The Finance and Audit Scrutiny Committee expressed concerns that this Council's voice might not be being heard at Partnership level and wanted assurance that the Partnership was not undermining the Council or its goals.

The Overview and Scrutiny Committee supported the recommendations of the report but the Committee empathised the importance of making recommendation 2.2 work as, in their opinion, this would be the key to achieving the full benefit of the LEP.

The Executive agreed with the Scrutiny Committee's comments and assured members that our representatives on the Executive Board would continue to work hard to make the Council's issues and aspirations heard. The Chief Executive advised that as a Council we were not alone in this position and that a number of other authorities felt a lack of representation. However, the District's position as an economic driver gave us some influence.

RESOLVED that

- (1) the Coventry and Warwickshire Local Enterprise Partnership's (CWLEP) 5 year strategy and its emerging 2011-12 Business Plan, be noted;
- (2) the Executive begin to work with CWLEP and the other 6 local authorities represented within it to develop an integrated Coventry and Warwickshire strategic spatial strategy and note that, if approved, further progress reports will be brought to future Executive meetings as appropriate;
- (3) the integrated sub-regional strategy will inform, and be informed by, the development of this district's Local Plan.
- (4) an Investment Strategy, setting out the resource requirements and delivery mechanisms for the agreed levels of economic growth and development, will be developed and brought to a future Executive meeting for approval.

(The Portfolio Holder for this item was Councillor Michael Doody)

8. WARWICK TOWN CENTRE AREA ACTION PLAN – OPTIONS CONSULTATION PAPER

The Executive considered a report from Development Services, which sought approval to undertake public consultation on the "Options" for the Council's Warwick Town Centre Area Action Plan.

Members resolved at the December 2009 Executive to undertake public consultation on the "Issues" for the Warwick Town Centre Area Action Plan

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and to receive an "Options" paper in due course, taking into account the responses from the public consultation where appropriate and a report of Public Consultation on the "Issues" was published in June 2010. In accordance with the Local Development Scheme (LDS), a second stage consultation on the "Options" to address the issues was to be undertaken, the purpose of this was to seek views on which option would best address the identified issues in the AAP.

The "Options" paper was attached at Appendix A of the report and had been prepared by the Warwick Town Centre Partnership consisting of members and officers of the County, District and Town Councils, the Warwick Society and the Chamber of Trade. An options paper would ordinarily suggest a number of sites which could potentially be developed or redeveloped or new uses found for certain buildings and offer these with appropriate options for public comment. However the partnership decided that it wished to carry out more work on the possible options for these sites and buildings, so took the unusual decision not to include them as part of this stage of the consultation.

The paper will form the basis for a twelve week public consultation period running through July, August and September of this year and would consist of a number of elements detailed in paragraph 3.4 of the report.

Members could choose not to proceed with the consultation on the "Options", however, this would be contrary to the Council's approved LDS. Not pursuing the AAP would also leave the Town Centre without any detailed planning policy guidance and could result in ad hoc decisions being taken regarding various development opportunities that may come forward in the short term to the detriment of the town centre and its environment.

The Deputy Leader, Councillor Caborn addressed members and explained that this had been a difficult journey but that progress, although slow, was now being made. He expressed the Executive's thanks to all staff involved for their work with special praise to be forwarded to Senior Planner, Lorna Coldicott who had not only worked hard to progress this work forwards but had also remained even tempered in sometimes difficult circumstances.

RESOLVED that

- (1) Warwick District Council should undertake public consultation on the "Options" for the Warwick Town Centre Area Action Plan;
- (2) the "Options" paper attached as Appendix A of the report forms the basis for the public consultation; and
- (3) a draft area action plan be submitted in due course, taking into account the responses from the public consultation where appropriate.

(The Portfolio Holder for this item was Councillor Hammon)

EXECUTIVE MINUTES (Continued)

(Forward Plan Reference 266)

9. RESPONSE TO WARWICKSHIRE WASTE CORE STRATEGY – EMERGING SPATIAL OPTIONS CONSULTATION

The Executive considered a report from Development Services who, as Warwickshire County Council were in the process of preparing its Waste Core Strategy (WCS), had invited comments on the emerging spatial options. The report informed members of the it's draft content and considered the Council's response.

The Warwickshire Waste Core Strategy (WCS) was a Development Plan Document prepared by the County Council which when adopted would set out the Spatial Strategy, Vision, Objectives and Policies for managing waste in the County for a 15 year plan period up to 2027/2028. It would also provide the framework for implementation and monitoring and for waste development management. The County Council would use the WCS when adopted to guide their determination of planning applications for waste facilities. It was therefore important that Members note the ongoing preparation of this document as it will shape the District's future environment and potentially support the achievement of a number of the SCS objectives.

An alternative option would be to not respond to the consultation, however, this could be to the detriment of the future waste planning of the District. An alternative response could be submitted to the consultation which may not achieve the objectives of the SCS.

Members were happy with the recommendations as printed but requested that officers look at the wording of response 3.7 to ensure it was more concise.

RESOLVED that

- (1) the Warwickshire Waste Core Strategy - Emerging Spatial Options Consultation be noted; and
- (2) the comments set out in paragraphs 3.3, 3.5, 3.9, 3.11 and 3.12 as the Council's formal response be approved; and
- (3) the comments set out in paragraph 3.7 be re-examined for clarity.

(The Portfolio Holder for this item was Councillor Hammon)
(Forward Plan Reference 338)

10. RESPONSE TO 'PLANNING FOR TRAVELLER SITES' CONSULTATION

The Executive considered a report from Development Services, which informed Members of the Government consultation on the details of a proposed new, single Planning Policy Statement (PPS) for traveller sites.

EXECUTIVE MINUTES (Continued)

Comments were invited on the document, particularly from local authorities.

The proposed PPS would provide the framework for local authorities planning for traveller sites in their area, replacing Circulars 01/06 'Planning for Gypsy and Traveller Caravan Sites' and 04/2007 'Planning for Travelling Showpeople'. The changes to planning policy for traveller sites proposed in this consultation were designed to give local planning authorities powers to meet needs for site provision in their area, in consultation with local communities, to ensure greater fairness in the planning system, align policy for traveller sites more closely with that for other forms of housing and contribute to a more effective and more streamlined planning system with which local planning authorities and developers could more easily engage.

The consultation was seeking views on thirteen questions, detailed at 3.3 of the report and the proposed responses to each of them. There were also a number of specific questions in relation to the impact assessments for which officers would provide a detailed response.

An alternative option would be to not respond to this consultation, however, this may be to the detriment of the future planning of the District. An alternative response could be submitted to the consultation but this may not achieve the objectives of the SCS.

Members were happy with the recommendations as printed but requested that officers look at expanding some of the responses from one word answers, especially on responses to Green Belt issues.

RESOLVED that the Government's 'Planning for traveller sites' consultation be noted and the comments set out in bold below in paragraph 3.3 of the report be approved as the basis for the Council's formal response, once further expansion had been made by officers.

(The Portfolio Holder for this item was Councillor Hammon)
(Forward Plan Reference 339)

EXECUTIVE MINUTES (Continued)

11. RESPONSE TO TRANSPORT SELECT COMMITTEE ON HS2

The Executive considered a report from Policy, Projects and Conservation which advised that, following a Government decision to hold a Transport Select Committee Inquiry into the strategic case for High Speed 2 Rail link, submissions were invited from the Executive by 16 May 2011.

This report informed Members of the response made by the Chief Executive using his emergency powers under G17 of the Constitution, in consultation with Group Leaders. It also sought the views of Executive on how the Council's response to the Government's main consultation should be approved.

Other issues that the Select Committee would examine, along with an indication of the questions it would pursue, were set out in appendix B to the report. It was noted that these were all 'high level' questions based on the main arguments for or against High Speed Rail and the ability of the project to deliver the Government's transport policy objectives. The inquiry would also consider the business case/economic rationale that underpins the project.

Councillor Doody addressed members and advised that Warwick District Council had joined the 51m group (a consortium of Local Authorities between London and Birmingham on the HS2 route), so called because £51m is the cost to each Parliamentary constituency in the UK of the HS2 project. Council officers had been working in close liaison with the 51m group and had contracted several eminent railway economists/engineering experts to help compile and prepare evidence for a joint submission to serve both the Government's consultation and the Transport Select Committee.

Approval was being sought to authorise the use of the additional £50,000 for the HS2 campaign, to be delegated to the Head of Development Services in consultation with the Portfolio Holder for Development to enable the timely and efficient use of this allocation.

An alternative option would be to not respond to this consultation, however, this may be to the detriment of the environment of the District. An alternative response could be submitted to the consultation, however, this may not achieve the objectives of the SCS.

The Portfolio Holder for Development Services, Councillor Hammon, advised that the results of the consultation should be received on 13 July 2011 and suggested it may be prudent to hold a special Council meeting to discuss this prominent issue.

Councillor Doody highlighted the importance of fighting this development for the benefit of all residents of the District and that the greater, combined knowledge of all those involved with the 51m group was needed to do this.

RESOLVED that

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- (1) the Chief Executive has exercised the use of powers allowed for under Section 4 (4) CE (4) of the Council's Constitution in consultation with Group Leaders in submitting a response to the Transport Select Committee Inquiry into the strategic case for HS2, as set out in Appendix A, to the report;
- (2) a Special Council meeting would be held to consider how to approve the Council's response to the High Speed Two Consultation to be submitted in July;
- (3) that authorisation for the use of the additional £50,000 for HS2 agreed at Council in February (making the overall allocation £100,000) be delegated to the Head of Development Services in consultation with the Portfolio Holder for Development.

(The Portfolio Holder for this item was Councillor Hammon)

12. SEVERE WEATHER EMERGENCY PROVISION FOR HOMELESS HOUSEHOLDS

It was agreed prior to the meeting that this item would not be considered with a view to resubmitting the report at a later date, having given further consideration to the points raised by members.

(The Portfolio Holder for this item was Councillor Vincett)
(Forward Plan Reference 335)

13. ARRANGEMENTS TO MANAGE THE HOUSING REVENUE ACCOUNT (HRA) SELF FINANCING PROJECT

The Executive considered a report from Housing and Property Services, which set out proposals for a self financing model due to replace the existing Housing Revenue Account (HRA) subsidy system in April 2012. The report explained how the project and the transition to the new model would be managed.

The report suggested the idea of establishing a Self Financing Project Board which would provide opportunity for detailed involvement of key stakeholders in the transition from the current HRA subsidy system to the new self financing model.

The Project Board would have no additional delegated powers other than those that were vested in officers through the existing Scheme of Delegation but they would, amongst other things have the responsibilities as detailed in 3.2 of the report.

The Finance and Audit Scrutiny Committee supported the recommendations in the report and the Executive thanked them for their comments.

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The Portfolio Holder for Housing and Property Services, Councillor Vincett, addressed members and gave an overview of the proposals in the report. In addition, he stated that additional wording be added to the recommendation to include the Leader of the Council, or in his absence the Deputy Leader, to the membership of the Self Financing Project Board.

RESOLVED that the establishment of a Self Financing Project Board be approved. Membership of the Board will consist of the Leader or Deputy Leader, Portfolio Holders for Finance and Housing and Property Services, Shadow Portfolio Holders for Housing and Property Services from each political party, a Member from the Independent Group and one nominated member of the Tenant Panel as well as Officers.

(The Portfolio Holder for this item was Councillor Vincett)

14. RURAL / URBAN CAPITAL IMPROVEMENT SCHEME

The Executive considered a report from Corporate & Community Services, which sought approval of the criteria, application and decision making process for the Rural and Urban Capital Improvement Grant Scheme and application form attached as appendix 1 and 2 to the report.

The Grants Review Panel considered the existing Rural Initiatives Scheme and recognised the need to provide some form of capital scheme for the Urban areas of the District. Members agreed that from April 2011 the Rural Initiatives Grant Scheme should be replaced by a district-wide capital fund and that the detail of the scheme be considered as part of the work by the Grants Review Panel, to be agreed by a future Executive.

It was therefore proposed that the funds for the scheme were made up of the £100,000 from the Rural Initiatives Scheme and an additional amount of £50,000 from the Council reserves fund, providing a total budget of £150,000, to be split equally between each part of the Scheme.

In addition, the town of Whitnash was currently included as one of the areas eligible for the Rural Initiatives fund. It was felt by the Grants Review Panel that it was more appropriate for Whitnash, now that it proposed to provide a capital fund for urban areas, that any applications be considered as part of the urban section of the scheme. The Panel also felt that the existing criteria, application form and decision making process for the RIS be used as the basis for developing the new capital grant scheme.

The Finance and Audit Scrutiny Committee supported the recommendations in the report, but felt there was a need for a future report to indicate how successfully the implementation of the 50-50 split worked and confirming the rationale and reasons why the budget had been so split.

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Although there were inequalities the scheme overall was welcomed by the Overview and Scrutiny Committee as an improvement on the current arrangement and the scheme did provide a tool to leaver money into schemes to enable improved facilities for the community.

The Executive thanked the committees for their comments.

Members were pleased that there would be flexibility in the scheme, which should assist with the diverse groups that may be applying. In addition, they noted the large amount of work undertaken by the Grants Review Panel and congratulated them for working so well together.

RESOLVED that

- (1) the current allocated budget made up of £100,00 from Rural Initiatives and £50,000 from reserves providing a total of £150,000 per annum 2011/12 to 2014/15, is split equally between Rural and Urban areas of the District providing £75,000 for each part of the Scheme per annum;
- (2) any bids from the Whitnash area are considered as part of the Urban section of the scheme;
- (3) the criteria, application and decision making process for the Rural and Urban Capital Improvement Scheme be agreed; and
- (4) the Grants Review Panel use the slippage money from the existing Rural Initiative Scheme. The money will be used to 'top- up' either of the part of the Scheme and would be in response and determined by demand.

(The Portfolio Holder for this item was Councillor Mrs Grainger)

15. PROPOSED ENTERPRISE ZONE

The Executive considered a report from Development Services, which advised members of the successful Expression of Interest, submitted by the Coventry and Warwickshire Local Enterprise Partnership, to establish an Enterprise Zone in the sub-region and the work that would be required to enable the Council to establish its position on the proposal.

The Government announced in the last Budget a programme to establish 21 Enterprise Zones (EZ) within England, as one of the tools that will be used to progress the aim of creating significant numbers of new private sector jobs to stimulate economic growth. Each EZ will offer a package of measures aimed creating new (rather than relocating existing) businesses and new jobs and the promotion of wider economic benefits.

The general locations for 11 EZs were announced in the May budget (with 4 specific locations having subsequently been agreed by Government and

EXECUTIVE MINUTES (Continued)

the relevant LEP). The remainder of the LEPs had been invited to bid to host the remaining 10 EZ, with a presumption that only one EZ would be approved in each LEP area. The Coventry and Warwickshire Local Enterprise Partnership (CWLEP) considered 5 potential sites for an EZ at its 18 April Board meeting and these were detailed in section 3.4 of the report.

The Finance and Audit Scrutiny Committee felt it was essential that an additional meeting, at least a week prior to Council taking a decision, be arranged in order for the proposals to be presented properly to all Members (not just Scrutiny Committees) and to allow all Members to ask questions to enable them to debate the issues effectively at the Council meeting.

The Overview and Scrutiny Committee in essence supported the recommendations. Members had a number of concerns but looked for the Council to discuss the potential issue with the local parish council.

In response, the Executive agreed to hold a briefing prior to Group Meetings on 27th June 2011 to bring all members up to speed and if Group's felt they then had any questions that needed answering, they could request clarification from officers before Council on 29th June 2011.

RESOLVED that

- (1) the Expression of Interest (EOI) document, submitted to Government by the Coventry and Warwickshire Local Economic Partnership (CWLEP), for an Enterprise Zone (EZ) to be developed within the sub-region, be noted;
- (2) the CWLEP's preferred location for the EZ be noted as being on land adjacent to Coventry Airport;
- (3) Government have deemed the EOI to be acceptable and that the deadline for submission to be made by CWLEP of a final, detailed bid is 30 June 2011;
- (4) officers be instructed to work closely with all relevant stakeholders to assist with the development and evaluation of the final bid submission in order to protect this district's interests and maximise the potential benefits for the district's residents;
- (5) a briefing be held, prior to Group Meetings on 27 June to inform all members of the current situation and to advise of the report due to be presented;
- (6) a detailed report be presented to Council on 29 June 2011 to allow members to consider the

EXECUTIVE MINUTES (Continued)

Council's 'in-principle' position on the final bid proposal; and

- (7) officers seek legal advice and opinion from Government, if necessary separately from other parties, to ensure that this Council's position is protected were a proposal bid to be submitted for land at Coventry Airport and to inform the June report.

(The Portfolio Holder for this item was Councillor Hammon)

16. 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 two 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
18 & 19	1	Information relating to an individual
17, 20 & 21	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

17. TERMS OF THE WARWICK DISTRICT COUNCIL / WATERLOO HOUSING GROUP DEVELOPMENT JOINT VENTURE

The Executive considered a report from Housing and Property Services, which followed up the report entitled 'Proposals to Deliver Additional Affordable Housing in Warwick District' that was approved at Executive on 2nd March 2011. This report contained the Heads of Terms for the joint venture as well as the risk log and partnership checklist.

The Council had agreed to enter into an unincorporated joint venture with Waterloo Housing Group (WHG). The project was straightforward and uncomplicated and could be easily managed through a partnership arrangement via a Joint Venture Agreement rather than a complex company structure governed by legislation. The joint venture was still an association but was just unincorporated. The Joint Venture would be governed by a Joint Venture Agreement which set out the purpose, scope, objective and governance of the Joint Venture.

The Heads of Terms was a non-legally binding document which set out the key principles of the deal with WHG. If approved, the principles in the

EXECUTIVE MINUTES (Continued)

Heads of Terms would be transferred to a legally binding agreement i.e. the Joint Venture Agreement.

An alternative option was not to enter into a joint venture with WHG, however the Council would lose the opportunity to deliver significant amounts of new affordable housing units within the district over the next three years.

The Finance and Audit Scrutiny Committee expressed some concerns about the risks involved, but recognised that the Executive had time to make an informed decision before committing to the project, and supported the recommendations in the report. The Head of Housing and Property Services was congratulated on having such a good handle on the proposal and the Committee suggested that 3.1 should read "will deliver at least 300 units" in line with the report.

The Overview and Scrutiny Committee felt there was a need to emphasise the need to recognise those in work modestly paid work. Five year tenancies were reasonable but there was potentially a need in circumstances to have longer leases. They would welcome cross party involvement, ideally shadow portfolio holders, in monitoring effectiveness of the agreement. The Committee sort clarification on 3.1 because originally this proposal was for 300 affordable housing this now reads up to or over 300 homes therefore this should read "will deliver 300 units".

The Executive thanked the committee for their comments.

Councillor Vincett addressed members and agreed that the wording should be altered to read the same throughout. He also stated that he would be happy to submit annual reports and advised that low paid workers would have full protection.

RESOLVED that

- (1) the Heads of Terms which sets out the key principles of the joint venture with Waterloo Housing Group (WHG), be approved subject to the wording of paragraph 3.1 of the Heads of Terms to read 'to deliver at least 300 affordable accommodation units';
- (2) officers be authorised to enter into a legally binding unincorporated Joint Venture Agreement based on the principles and allocation of risk set out in the Heads of Terms and the Risk Allocation Matrix;
- (3) the Risk Register, Risk Allocation Matrix and Partnership Checklist attached as appendices 2, 3 and 4 to the report, be noted; and
- (4) authority be delegated to the Head of Housing and Property Services in agreement with the Housing and Property Portfolio Holder to

EXECUTIVE MINUTES (Continued)

allocate Local Public Service Agreement 2 (LPSA 2) funds as grant funding to WHG.

(The Portfolio Holder for this item was Councillor Vincett)
(Forward Plan Reference 334)

18. SOUTH WARWICKSHIRE TOURISM (PENSIONS) – CHIEF EXECUTIVE EMERGENCY POWERS

The Executive considered a report from the Deputy Chief Executive, Andrew Jones, which notified Members that the Chief Executive had exercised the use of powers allowed for under Section 4 (4) CE (4) of the Council's Constitution to agree to meet the Compensatory Added Years (CAY) in respect of one former South Warwickshire Tourism (SWT) employee.

On 6th January 2011 the Executive decided not to fund the compensatory added years (CAY) of any former South Warwickshire Tourism (SWT) employee. However, following representations from Warwickshire County Council (WCC) to reverse the CAY decision, the Chief Executive consulted with Corporate Management Team (CMT) colleagues and subsequently sought permission from the Council's Group Leaders to agree to meet the CAY in respect of one former employee.

Councillor Doody addressed members and informed them of the intricacies and delicate nature of this issue and proposed that the recommendation be agreed as printed.

RESOLVED that the Chief Executive has exercised the use of powers allowed for under Section 4 (4) CE (4) of the Council's Constitution to agree to meet the CAY in respect of one former employee.

(The Portfolio Holder for this item was Councillor Michael Doody)

19. CONTINUATION OF EMPLOYMENT SUPPORT ACTIVITIES

The Executive considered a report from the Deputy Chief Executive, Bill Hunt, which requested additional funding to extend the work of the Community Enterprise Officer (CEO) and protect the Council from potential clawback of grant funding from Advantage West Midlands (AWM).

In 2008 approval was given by AWM for the Brunswick Enterprise Hub, one of three Creating Uplift Provision (CUP) projects funded by Advantage West Midlands. The other projects include the Althorpe Enterprise and Innovation Centre and the Court Street Arches. A capital grant was made to extend Brunswick Healthy Living Centre (BHLC) and revenue to employ a Community Enterprise Officer to oversee the delivery of the contracted outputs. The Court Street Creative Arches received a capital grant of from AWM and the Althorpe Enterprise and Innovation Centre received a capital grant from AWM.

Existing funding for the post of CEO was due to run out in July 2011 although the requirement for producing AWM outputs across the three

EXECUTIVE MINUTES (Continued)

AWM funded CUP projects would continue until 31st March 2013. This created a potential issue where the District Council was placed at risk of clawback of funds from AWM.

The report detailed the annual cost of continuing the CEO post, with on-costs and travel costs and the report recommended a sum be allocated to fund the extension of this post over the years 2011-12 and 2012-13.

The Finance and Audit Scrutiny Committee strongly supported the recommendations in the report and expressed their admiration for the work this officer had undertaken so far.

The Executive thanked the committee for their comments.

RESOLVED that

- (1) the post of the Community Enterprise Officer be extended for a further twelve months and allocates the sum specified in the report from the 2011-12 contingency budget towards the cost of this extension;
- (2) subject to the approval of the 12 month extension, a further report on future funding of the post will be brought to a subsequent Executive;
- (3) the significant results achieved from the project to date, be noted; and
- (4) Employment Committee will be asked to consider extending the remit of the CEO to cover areas of work formerly covered by partner business support organisations.

(The Portfolio Holder for this item was Councillor Michael Doody)

20. CONTRACT RELET 2013

The Executive considered a report from Neighbourhood Services, which advised that the Council was in the process of procuring a range of services as part of the relet of the current grounds maintenance, street cleansing, waste collection and building cleaning contracts.

A Member Working Group was established to review current service standards and methods of delivery to look at the various service delivery options open to the Council prior to the start of the formal procurement process and the report set out the findings of the service reviews, identified some of the broader issues relating to the procurement process and confirmed future management arrangements.

The Finance and Audit Scrutiny Committee expressed some concern at the 8 year length of the contract, but subject to receiving evidence that this

EXECUTIVE MINUTES (Continued)

was good value for both the Council and for the taxpayer, supported the recommendations in the report.

The Portfolio Holder for Neighbourhood Services, Councillor Shilton, addressed the committee and advised that this contract was the best value for money. The length of the contract would open up more opportunities compared to a shorter contract and would give time for better working relationships to be built up. He also expressed his thanks to the members on the Member Working Group for their contribution.

The Executive thanked the committee for their comments

RESOLVED that

- (1) the current standards of street cleansing are retained and where possible, new working methods and service design are introduced to deliver efficiencies;
- (2) the quality standards in our parks and grounds maintenance service is retained, while still developing a more sustainable approach to the management of the Council's open spaces where appropriate;
- (3) the current kerbside recycling scheme is retained and developed where possible, in particular the collection of all plastics should this prove affordable when reviewed;
- (4) officers identify through the procurement process, an arrangement that gives the Council best value for money, for the sale of recyclable materials;
- (5) services be procured and managed on behalf of Warwickshire County Council (WCC), only where they are fully funded by WCC, and where an appropriate client fee is also paid to WDC.
- (6) joint procurement of contracts between Warwick District Council (WDC) and Stratford District Council (SDC) are not progressed at this time;
- (7) the relet of the contract should be based on four lots, waste collection, grounds maintenance, street cleansing, and building cleaning;
- (8) the length of the contract should be for a period of 8 years, with the option of an 8 year extension;

EXECUTIVE MINUTES (Continued)

- (9) the appropriate General Fund budgets should be totalled in memorandum for the purposes of tendering these four Contracts (Lots) in order to deliver the best services possible for the Council, achieving optimum value for money and working within the Council's budget strategy;
- (10) the necessary HRA budget is identified in order to fund services provided through the contract/s on behalf of the Housing Department; and
- (11) the provision for the increase in the award of the major contracts in 2013/2014 be reduced from £500,000 to £250,000 based on the issues laid out in 7.14.5 and 7.14.6 in this report.

(The Portfolio Holder for this item was Councillor Shilton)
(Forward Plan Reference 325)

21. ROYAL SPA CENTRE SEATING PROJECT

The Executive considered a report from Cultural Services, which provided the first update following the Corporate Property Repairs and Improvements Programme Report on 2nd March 2011 and sought approval to use unallocated budget to supplement existing finance for previously agreed work at the Spa Centre.

The Finance and Audit Scrutiny Committee requested that officers present them with an update report in December on all aspects of the performance at the Spa Centre and supported the recommendations in the report.

In response, the Portfolio Holder for Cultural Services, Councillor Mrs Grainger that although she was understanding of the need to be adequately informed, she was reluctant to keep requesting reports from officers. She did state, however, that the Spa Centre Manager was currently working on a Business Plan, due for completion mid to late July and that the Finance and Audit Scrutiny Committee were more than welcome to see a copy of this when it was produced.

The Executive thanked the committee for their comments.

It was highlighted that a Monitoring Group had been set up, following the completion of the Task and Finish Group, who would be overseeing progress at the Spa Centre.

Members were concerned that the recommendations as printed in the report were not specific as to where the funding was coming from for the timber floor work or the Disability Discrimination Act (DDA) requirements.

EXECUTIVE MINUTES (Continued)

It was therefore, agreed to insert the words' from the Corporate Repairs and Improvement Programme' into recommendations 2.2 and 2.3.

RESOLVED that

- (1) funding up to a maximum of £21,111 from the Corporate Repairs and Improvement Programme to support the delivery of The Royal Spa Centre Seating Project, be approved;
- (2) £7,000 for the repair and re-treating of the timber floor in the main auditorium of The Royal Spa Centre, from the Corporate Repairs and Improvement Programme, be approved;
- (3) £3,000 for alterations to the ground floor toilets at The Royal Spa Centre, necessary to meet Disability Discrimination Act (DDA) requirements, from the Corporate Repairs and Improvement Programme, be approved; and
- (4) a further update report will be brought to the July Executive with recommendations relating to the remaining balance of unallocated budget.

(The Portfolio Holder for this item was Councillor Mrs Gallagher)

(The meeting ended at 8.30 pm)

Warwick District Council

THE CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

The Dog Control Orders (Prescribed Offences and Penalties, etc) Regulations 2006 (SI 2006/1059)

**THE FOULING OF LAND BY DOGS (WARWICK DISTRICT COUNCIL)
ORDER 2011**

The Warwick District Council (in this Order called "the Council") makes the following Order:

1. This Order comes into force on [insert date].
2. This Order applies to land specified in the Schedule below.

Offence

- 3.1 If a dog defecates at any time on land to which this Order applies and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless –
 - (a) he has reasonable excuse for failing to do so; or
 - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- 3.2 Nothing in this article applies to a person who -
 - (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
 - (b) has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance; or
 - (c) is training a guide or assistance dog in an official capacity.
- 3.3 For the purposes of this article –
 - (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
 - (b) placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land;
 - (c) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;
 - (d) each of the following is a "prescribed charity" –
 - (i) Dogs for the Disabled (registered charity number 700454)

EXECUTIVE MINUTES (Continued)

- (ii) Support Dogs (registered charity number 1088281)
- (iii) Canine Partners for Independence (registered charity number 803680)

Penalty

- 4 A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

The COMMON SEAL of the)
WARWICK DISTRICT COUNCIL was)
hereunto affixed this [Insert Date]
in the presence of:-)

Chief Executive

SCHEDULE

1. Subject to the exception in paragraph 2 below, all land which is in the administrative area of the Council and which is
 - (i) open to the air (which includes land that is covered but open to the air on at least one side) and
 - (ii) to which the public are entitled or permitted to have access (with or without payment).
2. Excepted from the description in paragraph 1 above is land that is placed at the disposal of the Forestry Commission under section 39(1) of the Forestry Act 1967.

Warwick District Council

THE CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

The Dog Control Orders (Prescribed Offences and Penalties, etc) Regulations 2006 (SI 2006/1059)

THE DOGS ON LEADS (WARWICK DISTRICT COUNCIL) ORDER 2011

The Warwick District Council (in this Order called "the Council") makes the following Order:

1. This Order comes into force on [insert date].
2. This Order applies to land specified in the Schedule below.

Offence

- 3.1 A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this Order applies he does not keep the dog on a lead, unless –
 - (a) he has reasonable excuse for failing to do so; or
 - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- 3.2 For the purposes of this article a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

Penalty

- 4 A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

The COMMON SEAL of the)
WARWICK DISTRICT COUNCIL was)
hereunto affixed [Insert Date]
in the presence of:-)

Chief Executive

EXECUTIVE MINUTES (Continued)

SCHEDULE

1. Jephson Gardens, Royal Leamington Spa; and
2. Leamington Cemetery; and
3. Milverton Cemetery; and
4. Warwick Cemetery; and
5. Kenilworth Cemetery; and
6. The length of the public footpath (L9a) as it crosses Newbold Comyn Golf Course; and
7. All other sport grounds, fields and pitches not subject to the Dogs Exclusion (Warwick District Council) Order 2011, when in use for authorised sporting facilities.

Warwick District Council

THE CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

The Dog Control Orders (Prescribed Offences and Penalties, etc) Regulations 2006 (SI 2006/1059)

**THE DOGS ON LEADS BY DIRECTION (WARWICK DISTRICT COUNCIL)
ORDER 2011**

The Warwick District Council (in this Order called "the Council") makes the following Order:

1. This Order comes into force on [insert date].
2. This Order applies to land specified in the Schedule below.
3. In this Order "an authorised officer of the Council" means an employee of the Council or any other person who is authorised in writing by the Council for the purpose of giving directions under this Order.

Offence

- 4.1 A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this Order applies he does not comply with a direction given him by an authorised officer of the Council to put and keep a dog on a lead unless-
 - (a) he has reasonable excuse for failing to do so; or
 - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- 4.2 For the purposes of this article –
 - (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
 - (b) an authorised officer of the Council may only give a direction under this Order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person or the worrying or disturbance of any animal or bird.

Penalty

- 5 A person who is guilty of an offence under article 4 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

EXECUTIVE MINUTES (Continued)

The COMMON SEAL of the)
WARWICK DISTRICT COUNCIL was)
hereunto affixed this [Insert Date]
in the presence of:-)

Chief Executive

SCHEDULE

1. Subject to the exception in paragraph 2 below, this order applies to all land which is within the administrative area of Warwick District Council and which is –
 - (i) open to the air (which includes land that is covered but open to the air on at least one side) and;
 - (ii) to which the public are entitled or permitted to have access with or without payment, and is not land for which dogs are required to be kept on leads by virtue of The Dogs on Leads (Warwick District Council) Order 2011.

2. Excepted from the description in paragraph 1 above is land that is placed at the disposal of the Forestry Commission under section 39(1) of the Forestry Act 1967.

Warwick District Council

THE CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

The Dog Control Orders (Prescribed Offences and Penalties, etc) Regulations 2006 (SI 2006/1059)

THE DOGS EXCLUSION (WARWICK DISTRICT COUNCIL) ORDER 2011

The Warwick District Council (in this Order called "the Council") makes the following Order:

1. This Order comes into force on [insert date].
2. This Order applies to land specified in the Schedule below.

Offence

- 3.1 A person in charge of a dog shall be guilty of an offence if, at any time, he takes the dog onto, or permits the dog to enter or to remain on, any land to which this Order applies unless-
 - (a) he has a reasonable excuse for doing so; or
 - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.
- 3.2 Nothing in this article applies to a person who -
 - (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
 - (b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or
 - (c) has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance; or
 - (d) is training a guide or assistance dog in an official capacity.
- 3.3 For the purposes of this article -
 - (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog; and
 - (b) each of the following is a "prescribed" charity" -
 - (i) Dogs for the Disabled (registered charity number 700454)
 - (ii) Support Dogs (registered charity number 1088281)
 - (iii) Canine Partners for Independence (registered charity number 803680)

EXECUTIVE MINUTES (Continued)

Penalty

- 4 A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

The COMMON SEAL of the)
WARWICK DISTRICT COUNCIL was)
hereunto affixed this [Insert Date]
in the presence of:-)

Chief Executive

SCHEDULE

1. Any clearly demarcated children's play areas, paddling pools, bowling greens, multi use game areas, tennis courts, or putting greens signed as a "dog exclusion zone" (whether the sign uses those particular words and/or symbols having like effect); and
2. The main racetrack surface at Warwick Racecourse except when directly crossing the track either way at the designated public access points; and
3. Mid-Warwickshire Crematorium (excluding the car park areas when used to directly access Oakley Wood).