

Jane Knight
Chair of the Council

Council meeting: Wednesday, 10 August 2016

Notice is hereby given that an ordinary meeting of Warwick District Council will be held at the Town Hall, Royal Leamington Spa on Wednesday, 10 August 2016 at 6.05pm.

Emergency Procedure

At the commencement of the meeting, the Chairman will announce the emergency procedure for the Town Hall.

Agenda

1. **Apologies for Absence**
2. **Declarations of Interest**

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct. Declarations should be entered on the form to be circulated with the attendance sheet and declared during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

3. **Minutes**

To confirm the minutes of the meeting of the Council held on 29 June 2016 (Pages 1 – 5).

4. **Communications and Announcements**



5. **Petitions**
6. **Notices of Motion**
7. **Public Submissions**
8. **Leader's and Portfolio Holders' Statements**
9. **Questions to the Leader of the Council & Portfolio Holders**
10. **Report of the Executive**

To consider reports of the Executive meetings on:

- (1) Minutes on 2 June 2016 (excluding minutes 3 to 5 and their appendices (not included) because they were considered by Council on 29 June 2016) **(Page 1 to 28)**
- (2) Minutes of 29 June 2016 **(Pages 29 to 49)**; and
- (3) Excerpt of the Minutes of 27 July 2016 **(Pages 50 to 61)**

11. **Membership of Committees**

To amend the membership of the Finance & Audit Scrutiny Committee, replacing Councillor Day with Councillor Ashford, and amending the substitutes for Finance & Audit Scrutiny Committee, replacing Councillor Ashford with Councillor Day.

12. **Standards Committee for Warwick District**

To consider the report from Democratic Services and recommendations of the Standards Committee. **(To follow)**

13. **Public and Press**

To consider resolving that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within the relevant paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

14. **Confidential Executive Report**

To consider the confidential report of the Executive meeting on 29 June 2016.
(Item 14/ Pages 1 and 9) (Not for publication)

15. **Common Seal**

To authorise the affixing of the Common Seal of the Council to such deeds and documents as may be required for implementing decisions of the Council arrived at this day.



Chief Executive
Published Tuesday 2 August 2016

General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.

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Enquiries about specific reports: Please contact the officers named in the reports.

Details of all the Council's committees, councillors and agenda papers are available via our website www.warwickdc.gov.uk/committees

Please note that the majority of the meetings are held on the first floor at the Town Hall. If you feel that this may restrict you attending this meeting, please call (01926) 456114 prior to this meeting, so that we can assist you and make any necessary arrangements to help you attend the meeting.

The agenda is also available in large print, on request, prior to the meeting by calling 01926 456114.

WARWICK DISTRICT COUNCIL

Minutes of the meeting held on Wednesday 29 June 2016, at the Town Hall, Royal Leamington Spa at 6.05pm.

PRESENT: Councillor Mrs Knight (Chairman); Councillors Ashford, Barrott, Boad, Bromley, Mrs Bunker, Mrs Cain, Coker, Cooke, Cross, D'Arcy, Davies, Davison, Day, Edgington, Mrs Evetts, Mrs Falp, Gifford, Gill, Miss Grainger, Grainger, Harrington, Mrs Hill, Howe, Mann, Morris, Naimo, Parkins, Phillips, Quinney, Mrs Redford, Rhead, Shilton, Mrs Stevens, Thompson, Weed and Whiting.

(Prior to the start of the meeting the Council observed a minute's silence as a mark of respect for Jo Cox MP)

9. **Apologies for Absence**

Apologies for absence were received from Councillors Butler, Cain, Davies, Doody, Mrs Evetts, Mrs Gallagher, Heath, Illingworth, Margrave, Mobbs, and Murphy.

10. **Declarations of Interest**

There were no declarations of interest.

11. **Minutes**

The minutes of the meeting of the Council held on 18 May 2016 were taken as read and signed by the Chairman as a correct record, subject to the name of the Chair's Chaplain being amended to Fabian Radcliffe OP and the removal of Warwick CAVA from the list of outside appointments.

12. **Communications & Announcements**

The Chairman reminded Councillors that she expected them to make decisions efficiently and thoughtfully for the benefit of all, and that debates on matters should be rational, robust and meaningful but conducted in a tolerant and understanding manner.

The Chairman informed the Council that she was seeking nominations for Inspirational Women of Warwick District, for which there would be an award at the end of her time in office. This was with the aim of promoting those who go unrecognised for excellent work within the community, with a view to inspiring others.

The Chairman informed the Council that following recent incidents after the EU referendum, she had received several emails requesting that a motion be put to Council condemning hate crimes. The Chairman confirmed the Council's position that Warwick District was a diverse and tolerant society of which we were proud. The Chairman condemned racism, xenophobia and hate crimes, which had no place in this District, and declared that as a Council and in the community, Councillors would work towards removing this from society. The statement was endorsed by Councillors Barrott, Coker, Mrs Falp, Gifford and Mann.

At the request of the Chairman Councillor Mrs Falp provided an update on Councillor Heath. The Chairman asked that Councillor Mrs Falp pass on the good wishes of the Council to Councillor Heath for a speedy recovery.

The Chairman informed the Council that there was no business to be considered under Item 5 Petitions or Item 7 Public Submissions.

13. **Notice of Motion**

Councillor Mrs Falp proposed and it was duly seconded that;

- (1) with immediate effect all meetings of Council, the Executive, Committees and Sub-Committees be recorded (either audio or audio and visual wherever possible), with the exceptions of (2) below;
- (2) any matter where the press and public are excluded should be recorded but not broadcast and any private deliberation by a Committee or Sub-Committee (for example the deliberations of a Licensing & Regulatory Panel) should not be recorded;
- (3) officers investigate the potential for making these meetings available online either live or as recordings, and report back their findings to Council in September 2016; and
- (4) as a minimum this Council commits to all meetings of Council, Executive, Committees and Sub-Committees being broadcast live (either audio or audio and visual) and recorded as soon as it relocates to its new headquarters, and the associated costs of this are built into the budget for the relocation..

Councillors Coker, Cooke, Barrott, Boad, Gifford, Davison and Thompson all spoke on this matter.

Councillor Coker proposed that the motion be amended so that it was noted, with a full report to be brought to the Executive in September 2016. This was accepted by Councillor Mrs Falp and seconded by Councillor Davison.

Resolved that the Notice of Motion from Councillor Mrs Falp be noted and a full report detailing the potential for this be brought to the Executive in September 2016.

14. **Leader's and Portfolio Holders' Statements**

The Portfolio Holder for Development, Councillor Cross, informed Council that the Consultation on the revised Local Plan had ended. 2019 individual submissions by 850 people had been made and these were sorted and submitted to the Inspector with the Local Plan for consideration. Some further detailed information had been requested by the Inspector which officers were currently preparing. The Inspector was due to confirm the timetable for the public examination. Preparation was under way for the public hearing on the Local Plan to ensure that the Council's position is robust. Councillor Cross concluded by thanking the Planning Policy Team for their efforts on this work and ensuring that the Council met the timetable set by the Inspector.

The Portfolio Holder for Development, Councillor Cross, informed Council that income for the Building Control joint venture had been £199,000 for the first three months, which was above the predicted income. The order book was full

and the team were in the process of appointing a marketing specialist for this area of work to further increase income.

The Portfolio Holder for Health & Community Protection, Councillor Grainger, informed Council that the CCTV team had received its BS accreditation for the tenth year in a row. In addition to this, during its review, two pieces of their work had been accepted as best practice and recommended for other CCTV providers to use. In addition, following a recent training course on CSE, the team had identified two potential CSE cases and as a result three young people were receiving the support they needed.

The Portfolio Holder for Health & Community Protection, Councillor Grainger, reminded Councillors to be aware of their own personal safety when meeting local residents. They should make sure that somebody knows where they are and when they are due back and check in advance about the potential the risks from people they could be visiting.

15. **Questions to the Leader of the Council & Portfolio Holders**

Councillor Barrott asked if the Deputy Leader agreed that, in light of all neighbouring authorities decisions to sit at the West Midlands Combined Authority (WMCA) table should the position of this Council be changed; and, following the decision of Council in April 2016, when would Group Leaders receive the report from Councillors Cain, Rhead and Thompson on WMCA?

In response, the Deputy Leader, Councillor Coker, explained that the position was constantly under review. The Leader had met with the WMCA Leader and the relevant Portfolio Holder was monitoring the situation and continually discussing the position with the Leader. Further enquires had not provided the Council with further facts to take a decision, and just because we had pressure from everyone else joining did not mean that this Council should join. The report was promised and was in preparation and he assured Group Leaders that this would be provided to them.

Councillor Parkin asked the Portfolio Holder for Development if he could provide an update on Gypsy and Traveller site identification.

In response, the Portfolio Holder for Development, Councillor Cross, explained that there were no further updates to be provided on any site, and he could only talk about those presented to Council. However, he had attended a training course on such matters and would brief his team about this.

Councillor Gill asked if the Portfolio Holder for Neighbourhood Services could explain why the Council was spending £300,000 on Covent Garden Car Park, when the Council would be demolishing it within two years.

In response, the Portfolio Holder for Neighbourhood Services, Councillor Shilton, explained that there was a need to extend the life of the car park until the Council was in a position to replace it. Failure to do so would see not only a reduced income for the Council, but also impact on the Town Centre economy through reduced parking capacity, thereby reducing the potential number of people shopping in the Town Centre.

Councillor Mann asked the Portfolio Holder for Neighbourhood Services if he agreed that the Council had received expert advice and undertaken detailed

analysis that the repair work to Covent Garden Car Park was the best solution for the car park, and traders were the most viable way forward to protect it for the next two years?

In response, the Portfolio Holder for Neighbourhood Services, Councillor Shilton, agreed.

16. **Executive Report**

The reports of the Executive meeting on 6 April 2016 excluding minute; 129 (and its appendices) because it was considered by Council on 20 April 2016; 20 April 2016 and the excerpt of the minutes of 2 June 2016 were proposed, duly seconded and:

Resolved that the

- (1) 6 April 2016 (excluding minute; 129 (and its appendices) because it was considered by Council on 20 April 2016), be approved;
- (2) 20 April 2016, be approved; and
- (3) excerpt of the minutes on 2 June 2016, be approved.

17. **Councillor Attendance at meetings**

The Council received a report from Democratic Services that provided details of the attendance of Councillors in their roles as members of the Council, Executive, Committees and Sub Committees at Warwick District Council.

Councillor Cooke explained that there had been a discussion regarding attendance at Planning Committee, and following investigation himself and Councillors Ashford, Boad, Mrs Bunker, Cain, Mrs Falp, Hill, Morris, Stevens, Weed should all be marked as attending an extra Planning Committee meeting.

Councillor Mrs Grainger highlighted that some Councillors had experienced serious personal health issues which had restricted their ability to attend meetings. She proposed that this should be recorded in future reports to explain the low attendance with genuine reason for those Councillors.

Resolved that

- (1) the report subject to the amendment, detailed above, of Planning Committee attendance be noted; and
- (2) in future reports a long term sickness note should be included where applicable.

18. **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 item by

reason of the likely disclosure of exempt information within the relevant paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

19. **Confidential Executive Report**

The confidential reports of the Executive meetings on 6 April and 20 April 2016 were proposed, duly seconded and:

Resolved that the Executive reports of 6 and 20 April 2016, be approved.

20. **Common Seal**

It was

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

(The meeting ended at 7.07 pm)

CHAIRMAN
10 August 2016

Executive

Minutes of the meeting held on Thursday 2 June 2016 at the Town Hall, Royal Leamington Spa, at 6.00 pm.

Present: Councillor Mobbs (Chairman); Councillors Butler, Coker, Cross, Grainger, Phillips, Shilton and Whiting.

Also present: Councillor Barrott - Labour Group Observer, Councillor Mrs Falp - Whitnash Residents Association (Independent) Observer, Councillor Naimo - Acting Chair of Overview & Scrutiny Committee and Councillor Quinney - Chair of Finance & Audit Scrutiny Committee.

Before the start of the meeting Councillor Mobbs offered his thanks to Councillor Howe for his work as Executive Observer. He thanked Councillor Mrs Gallagher for her tremendous work in Culture and her replacement on the Executive was not a reflection on her abilities, but recognition of the changing nature of the Council. He concluded by thanking Councillor Barrott for his work as Chair of Finance & Audit Scrutiny Committee in ensuring that the Executive was challenged appropriately, and welcomed; Councillor Butler as Portfolio Holder for Business, to the Executive; Councillor Quinney, as the new Chair of Finance & Audit Scrutiny Committee; and Councillor Naimo as acting Chair of Overview & Scrutiny Committee.

1. **Declarations of Interest**

Item 8 – Tourism Update

Councillor Naimo declared a personal interest because she had worked for Leamington BID during the time of the order.

Councillors Cross and Grainger declared a Personal and Pecuniary interest in this item because of the funding provision to Warwick Town Council. They left the room when the Executive considered the financing aspect for Warwick.

2. **Minutes**

The minutes of the 9 March and 6 April 2016, were taken as read and signed by the Chairman as a correct record.

Part 1

(Items on which a decision by Council is required)

3. **Final Accounts 2015/16**

The Executive considered a report from Finance that provided the Council's final account position for the year ended 31 March 2016.

The recommendations allowed the accounts for the financial year 2015/16 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. The Accounts and Audit Regulations 2015 required that the Head

of Finance, as the responsible financial officer must, no later than 30 June immediately following the end of a year, sign and date the Statement of Accounts.

Appendix 'C', to the report, identified £5,054,700 in respect of Housing Investment Programme schemes not completed in 2015/16 and £998,600 for Other Services Capital schemes. Approval for the slippage of these budgets to 2016/17 was requested together with the bringing forward of £309,600 from future years' Other Services Capital Programmes in respect of West Midlands Reserve and Cadet Force new building (£300,000) and Victoria Park Skate Park (£9,600). The relevant Capital Programmes needed to be varied accordingly to accommodate these changes together with the associated financing.

The report sought approval for slippage into the General Fund for 2016/17 totalling £322,600. These requests related to revenue expenditure that had been unavoidably delayed, and for which finance was still required. By adopting this approach of carrying forward slippage, the Council sought to avoid an end of year spending spree which normally did not result in good value for money. Furthermore, without the associated funding these projects would not be achieved in 2016/17. Appendix 'F', to the report, listed the items in more detail. Expenditure against these Reserves would be closely monitored during 2016/17 with progress being reported, monthly, to the Senior Management Team and quarterly Executive. In addition, there was £528,700 of Housing Revenue Account slippage requested as detailed in section 13 of the report.

The report was a statement of fact, however, how the outcomes were treated 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 2015/16 surplus was allocated.

The Finance & Audit Scrutiny Committee supported the recommendations and were pleased to see that £900k was being allocated to the Covent Garden Multi Storey Car Park reserve.

However, Members felt that the Executive needed to be mindful that the Housing Revenue Account was likely to come under pressure when the provisions within the Housing and Planning Act were fully known.

In addition, concerns were raised that some of the budget setting had been over prudent and officers needed to be careful when making judgements using historical data.

Councillor Barrott raised concern about the slippage in delivering the fire safety systems and fire prevention work.

Councillor Phillips agreed with the concerns raised about the implications of the Housing and Planning Act and he would be monitoring the progress of the guidance as it was brought forward. He also agreed with the slippage regarding the Housing Revenue Account and anticipated a report would be brought to the Executive at the end of June 2016.

Councillor Whiting thanked the Head of Finance and his team for their work in what they had achieved in delivering an underspend for the last 12 months. He emphasised the importance of not just having a balanced General Fund but also in making sufficient provision to fund capital expenditure as well. He recognised the need to improve on forecasting because while reviewing trends over time had a benefit, due regard had to be taken of specific events during the year. He specifically highlighted to the Executive that the budget out turn for this this year enabled £900,000 to be allocated to Covent Garden Car Park.

Recommended to Council that:

- (1) in respect of the Capital Programme that it:
 - notes the Capital Programme was underspent by £6.866m, of which £6.053m is due to slippage to 2016/17;
 - approves that future years Capital Programmes be amended by £5,743,600 comprising the following elements:
 - § +£5,054,600 for Housing Investment Programme slippage;
 - § +£998,600 for Other Services Capital Programme slippage;
 - § -£309,600 in respect of resources brought forward from the Other Services Capital Programme from future years to 2015/16 to cover expenditure on West Midlands Reserve and Cadet Force new building and Victoria Park Skate Park;

- (2) in respect of the General Fund that it:
 - notes the General Fund revenue account shows a surplus of £1,731,700 which is after allowing for a further £322,600 of planned expenditure to be carried forward to 2016/17;
 - approves the requests to carry £322,600 earmarked balances forward in respect of General Fund revenue slippage to 2016/17, set out at Appendix 1 to these minutes;
 - approves the establishment of a new Covent Garden Multi-Storey Car Park Reserve with authority to spend from this reserve delegated to the Head of Finance in line with the actual lost income and debt charges incurred;
 - approves that the resulting change of the above decisions, amounting to £1,731,700 be appropriated:
 - § £900,000 to new Covent Garden Multi-Storey Car Park Reserve;

- § £200,000 to the Capital Investment Reserve;
- § £200,000 to Car Park Reserve;
- § £200,000 to the Service Transformation Reserve; and.
- § Balance of £231,700 to the 2016/17 Contingency Budget.

- Note the unfunded liabilities and the uncertainty over local authorities' future funding, and how the 2015/16 outturn is strengthening the Council's financial position.

(3) That in respect of the Housing Revenue Account it:

- notes the Housing Revenue Account balance is as budgeted; the HRA Capital Investment reserve available for major developments has increased to £20.725m, £5.48m more than projected;
- approves the requests to increase 2016/17 HRA budgets by £258,700 in respect of planned HRA maintenance and stock condition survey not completed in 2015/16, as detailed at Appendix 1 to the minutes; and

(4) in respect of the Collection Fund it notes that the Council Tax collection rate was 98.5% and 98.6% for Business Rates.

(The Portfolio Holder for this item was Councillor Whiting)
Forward Plan reference number 762

4. **Policies for Hackney Carriage / Private Hire Drivers & Operators**

The Executive considered a report from Health & Community Protection that presented the revised Policies for Drivers, Vehicle owners and operators of Hackney Carriages and Private Hire vehicles.

The policies and standards associated with the licensing of hackney carriages and private hire activities had been reviewed in line with the request made by the Executive in October 2014.

The draft policy had been consulted upon and the comments received reviewed against the proposed policy. The resulting policy was the attached appendix 1, for recommendation to Council.

The changes to the policy were wide ranging and were designed to ensure the safety of the general public by ensuring that the applicants and renewing drivers were fit and proper.

The proposed policy was a consolidation of all of the existing policies which had been amended, updated and reviewed. Many of the standards laid down in the revised policy were the same or similar to the current policy.

The proposed changes that had been made to specific policies and conditions applicable to licences with the intention to increase the standards to which licence holders were held and/or to align with neighbouring authorities standards.

Alternatively, the current policy could continue to be used. However, the Executive asked officers to review the policies to address the concerns that were being raised about standards by councillors, the general public and licence holders.

The comments received during the consultation period had been reviewed and each of the comments were given due consideration. Some of the comments had been incorporated into the policy. However, other suggestions had not been included because they were not considered suitable for the promotion of public safety, effective operation of the licensing regime, were contrary to legislation or for their inability to be enforced. Executive were entitled to consider the inclusion of these suggestions and these proposals were set out at Appendix 4, to the report.

The revised policy had been proposed to make the measures taken against inappropriate licence holder conduct transparent and consistent and provided a framework by which poor conduct could be measured.

The Licensing and Regulatory Committee had considered the proposed policy at their meeting on the 31 May 2016. Their comments were circulated in an addendum at the meeting for consideration by the Executive.

Councillor Grainger thanked her team for their work in revising the documents into a single robust policy. She emphasised the importance of getting this completed in good time to ensure that it was in force for the new licences due to commence in July 2016. In addition, confirmation was provided that a summary of all the comments made and responses to these would be made available to the Taxi Driver Forum.

Councillor Grainger proposed the policy as laid out subject to the inclusion of the proposed changes by the Licensing & Regulatory Committee and with the addition of another recommendation to provide delegated authority to the Head of Health & Community Protection to enable minor amendments to the Policy.

Recommended that Council

- (1) adopts the proposed policy, set out at Appendix 2 to these minutes, which will be used for the assessment of all new and renewing Hackney Carriage and Private Hire drivers, operators and vehicles; and

- (2) amends the scheme of delegation for officers to enable the Head of Service for Health & Community Protection be authorised, in consultation with the Portfolio Holder and Legal Advisor to the Council, to make any minor grammatical or minor wording amendments to the final policy, so long as it they do not alter the meaning/spirit of the policy.

(The Portfolio Holder for this item was Councillor Grainger)
Forward Plan Reference Number 788

5. **Sex Establishment Policy**

The Executive considered a report, from Health & Community Protection, which sought recommendation of the Sexual Establishments Policy, which was applicable to all Sex Establishments within the Warwick District Boundary, to Council for approval.

The Sex Establishment Policy had been reviewed in accordance with the request of the Executive in March 2015. The policy had been subject to a public consultation and the revised policy was now brought to Executive for recommendation to Council.

The proposed policy included changes within both the policy document and the conditions which would be attached to any licence granted. The existing policy was set out at Appendix 1 to the report and the proposed policy was set out at Appendix 2 to the report. A summary of the main proposed alterations to the Policy were included in Appendix 3 to the report.

Before the proposed policy could be adopted, the responses from the public consultation must be considered and these were set out at Appendix 4 to the report.

The Licensing and Regulatory Committee had considered the proposed policy at their meeting on the 31 May 2016. Their comments were circulated in an addendum at the meeting for consideration by the Executive.

Councillor Grainger thanked her team for their work on this, proposed the policy as laid out subject to the inclusion of the proposed to changes by the Licensing & Regulatory Committee and with the addition of another recommendation to provide delegated authority to the Head of Health & Community Protection to enable minor amendments to the Policy.

Recommended that Council

- (1) approves the proposed Licensing of Sex Establishments Statement of Licensing Policy to Council, as set out at Appendix 3 to the minutes; and
- (2) amends the scheme of delegation for officers to enable the Head of Service for Health &

Community Protection be authorised, in consultation with the Portfolio Holder and Legal Advisor to the Council, to make any minor grammatical or minor wording amendments to the final policy, so long as it they do not alter the meaning/spirit of the policy.

(The Portfolio Holder for this item was Councillor Grainger)
Forward Plan reference number 787

Part 2

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

6. Fit for the Future Change Programme

The Executive considered a report from the Deputy Chief Executive & Monitoring Officer, which brought together a number of areas of work that linked the ambition to ensure that plans and finance were in place to contribute to the Council's vision of making Warwick District a great place to live, work and visit.

The report covered a number of areas; Approval of the Council's Service Area Plans for 2016/17; an update on the Council's Fit For the Future (FFF) Change Programme which had been developed to address the significant reduction in funding from central government; progress against the Sustainable Community Strategy's priorities; the opportunity provided by central government for more certainty around funding for the next three years; an invitation to the Local Government Association to oversee a Corporate Peer Challenge of the Council's performance and planning, thereby considering whether the Council was in a position to deliver its aspirations; and the reporting of performance against Service Area Plans for 2015/16.

Following the District and General Elections of 2015, the Council's Senior Management Team (SMT) worked with the Executive to determine the priorities for the new Council administration. The Executive was broadly happy with the strategic approach, as described in the extant Sustainable Community Strategy (SCS) and the FFF Change programme, but introduced some additions and changes to both the Strategy and the Programme at its meeting of 3 September 2015.

In local government nothing stands still, and following central government policy announcements post General Election 2015 and the Chancellor's Autumn Statement 2015, it became clear that the Council would need to go through a process of further change in terms of structure and service delivery. To help inform consideration of where that further change was needed, SMT undertook a PEST and SWOT analysis which led to a Corporate Action Plan. This was detailed in Appendix A to the report.

This work had been informally endorsed by the Executive who requested that these actions formed part of the Council's work programme over the next three years. Following their own deliberations, the Executive requested that officers ensured that the following themes underpinned the work of the Council:

- Ensuring Financial Security – revenue generation; HQ relocation and wider asset realisation; implementing the digital strategy; making existing services cost effective; exploring shared services and commercial options; and always ensuring best value;
- Reviewing Internal Structures – the right structure for the Council; recruitment and retention; succession planning; procurement and contract management;
- Delivering the Local Plan;
- Communicating with our residents and marketing our services; and
- Supporting and helping local communities.

The Service Area Plans (SAP) for 2016/2017 had been developed based on the Corporate Action Plan and the underpinning themes.

The Council had seven Service Areas: Chief Executive's Office; Cultural Services; Development Services; Finance; Health & Community Protection; Housing & Property Services; and Neighbourhood Services. Following consultation with the respective Portfolio Holders, each Service Area produced an annual SAP.

The individual SAPs sought to describe a Service Area's scope of services and projects, and how delivery would be managed through the respective Service Area's resources. In aggregate the SAP's were the programme of work for the Council for the financial year in question.

The Medium Term Financial Strategy's (MTFS) latest position was detailed within the report, but it was predicted that there would be a recurring deficit of £696,000k (subject to decisions around Council Tax levels and car parking charges) by the financial year 2020/21. In order to deal with the significant changes anticipated for local government, the Council agreed a FFF Change Programme in 2010 covering three interrelated strands of Service, People and Money.

The aim of the *Money* element of the programme was, and remains, to produce initiatives that would either save money or increase income without impacting upon the quality or breadth of services provided by the Council. This strand had delivered significant savings/ increased income since 2010, but as the amount of grant from central government continued to reduce there was an ongoing requirement to produce further initiatives. Following consultation with respective Portfolio Holders it was recommended that the initiatives included in Table 1 of the report were included in the FFF Change Programme. Where the level of savings/ increased income could not be determined, it was recommended that this information was provided in the future *Budget Review* report from the S151 Officer. However, where amounts of savings were included, these were early estimates where detailed reviews and/ or business cases would be required.

Should all of the initiatives in Table 1 deliver their anticipated savings/ increased income this would eliminate the forecast deficit. The savings from Table 1, as described at paragraph 5, did not allow for future funding of corporate assets, investment in Linen Street car park, replenishment of reserves or delivering services/ projects not yet devised. It was therefore imperative that the Council continued to find ways of making savings/

increasing income so it had the capacity to deal with currently unquantified liabilities and the unknown.

The latest change programme was agreed in the 3 September 2015 Executive report titled *Sustainable Community Strategy & Fit For the Future Updates and Service Area Plans 2015/16*. The programme had been progressing well and the latest position was shown at Table 2 of the report.

The 2016/17 figures within Table 2 were incorporated within the Budget agreed in February for that year. The other figures for the subsequent years had been included within the Council's Medium Term Financial Strategy (MTFS).

The Leisure Options and HQ Relocation initiatives contributed £885k to the change programme. Consequently, should either or both of these not be successful, there would be a significant impact on the MTFS. Both projects had very strong governance arrangements in place, and should major risks start to emerge these would be reported to Executive as soon as possible.

The Executive agreed additional SCS priorities in September 2015. These were included in Table 3 of the report, along with a progress update.

Following the announcement of the 2015 Autumn Statement, the Secretary of State for Communities and Local Government announced that Councils would be able to enter into a multi-year financial settlement with central government, enabling Councils to have certainty about their central government funding for the four years to 2019/20. On 10 March 2016, the Council received a letter from the Secretary of State providing further details about how the settlement would work.

To be eligible for the offer, the Council would need to produce an Efficiency Plan covering four years. Based on the limited guidance that has been provided, it would appear that a plan based on the Council's FFF change programme would suffice.

There were obvious advantages to accepting the offer in terms of certainty about funding, although should the Country's macro financial position improve significantly over the period, it was possible that the Council would not receive as much funding as it could have had it declined the offer. However, given the size of the national budget deficit, it was highly unlikely that the Country's finances would improve by such an extent in a relatively short period of time.

The Secretary of State had left the option open to revisit the settlement stating, "allocations could be subject to additional reductions dependant on the fiscal climate and the need to make further savings to reduce the deficit." However, on balance, it was officers' recommendation that the offer should be accepted; thereby providing a degree of certainty to the Council's financial planning.

In 2012, the Council invited a Corporate Peer Challenge with a follow-up visit in 2013. The Peer Challenge enabled experienced and knowledgeable Councillors and officers to visit other Local Authorities in order to review how

a Council was operating, what its plans were and whether or not they were reasonable. This Council found the previous reviews to be very beneficial in enabling sense-checking of the work that was being done and the plans that were in place, and therefore a further Peer Challenge had been arranged for mid July 2016.

The peer team would explore the core components (the underpinning features of good performance) that all corporate peer challenges covered. This would help to provide reassurance and an indication about the organisation's ability and capacity to deliver on its plans, proposals and ambitions, but would also allow the peer team to comment on track record and achievements which should demonstrate a journey of improvement.

The Peer Team had been specifically asked to consider how well the Council had delivered, with partners, against three themes in the SCS; Prosperity, Housing and Health and Wellbeing. It was considered that these themes had the greatest impact on the quality of life of the Council's residents.

Following Executive's approval of the Service Area Plans, each year, Service Heads used these as a tool to manage performance. They were employed as a catalyst for the discussion between individual Portfolio Holders and Service Heads. The SAP provided the Overview & Scrutiny Committee the opportunity to question the Portfolio Holders on how their performance against their respective Plans on a rolling basis. Half way through the financial year, an update on the performance of all Portfolios was provided to Overview & Scrutiny Committee. An annual performance report was appended to the report for each of the Service Areas.

No alternative options to the recommendations in this report had been considered, although it was a decision for the Executive as to whether they accepted the financial settlement on offer, or if a Corporate Peer Challenge should take place.

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

The Overview & Scrutiny Committee noted the recommendations and wished to highlight to the Executive the need to monitor any recruitment and retention issues throughout the year, to ensure that the Service Areas Plans could be delivered effectively.

Councillor Mobbs thanked the Scrutiny Committees for their comments and agreed that recruitment and retention was an area which needed to be considered carefully, including any potential impact from the terms and conditions review, which was why he had asked the People Strategy Steering Group to look into this matter. He reminded Portfolio Holders that it was a matter they should be considering carefully as well.

Resolved that

- (1) the outcome of work undertaken by the Council's Senior Management Team, in consultation with the Executive, to review the Political, Economic,

Social and Technological (PEST) environment in which the Council operates, and the subsequent Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis, which led to a Corporate Action Plan to address the issues raised, be noted and the actions which form this part of the work will be delivered through the Service Area Plans;

- (2) the Service Area Plans, set out at appendices B-H of the report, be approved as the Council's programme of work for the financial year 2016/17;
- (3) the additions to the Fit For the Future (FFF) Change Programme as set out at Table 1 of the report and the position of, and variations to, the current Change Programme at Table 2 of the report, be approved, and noted that the Change Programme is a substantial contributor to the savings requirement of the Council as identified in Section 5 of this report;
- (4) the progress against the additional priorities for the Council's Sustainable Community Strategy (SCS) at Table 3 of the report as identified by the new administration and reported to Executive in September 2015, be noted;
- (5) the offer of a multi-year financial settlement, from the Secretary of State for Communities and Local Government, be accepted, and the risks inherent in accepting this offer, be noted;
- (6) in July 2016, a Corporate Peer Challenge will be undertaken to help provide a corporate overview and an external check and reassurance that what the Council is doing, and is planning to do looks relevant, realistic and robust; and
- (7) the respective Service Areas Annual Performance Reports at Appendices J to P of the report, be noted.

(The Portfolio Holders for this item were Councillors Coker and Mobbs)
Forward Plan Reference Number 793

7. **Proposed Relocation of Kenilworth Wardens (Community Sports Club) to Castle Farm**

The Executive considered a report from the Deputy Chief Executive & Monitoring Officer that sought approval for the relocation of Kenilworth Wardens from its current base at Thickthorn to Castle Farm, subject to the

final legal documents between the parties being brought to the Executive for approval.

Following extensive consultation with Kenilworth Town Councillors, Kenilworth District Councillors and the general public, Warwick District Council agreed that the release of land from the Green Belt for housing to the East of Kenilworth, known as Thickthorn, should be included in the Warwick District Local Plan (Publication Draft).

Policy DS11 (Allocated Housing Sites) of the Draft Local Plan included Greenfield Site H06 (Thickthorn), part of which was the home of Kenilworth Wardens, a Community Sports Club that had been in operation for over 50 years. In recommending the allocation of this site, officers had been able to reassure Councillors that negotiation for the relocation of the club to Council owned land at Castle Farm was feasible and deliverable. This was an initiative which the Executive and Group Leaders had supported.

The Executive agreed the Local Plan in February 2016, including a Proposed Modifications report which included Policy DS NEW4. This stated: "Land at Castle Farm... [is] allocated for the provision of outdoor sport. Appropriate facilities associated with the provision of outdoor sport will be permitted provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land with it."

The consequence of the revised Local Plan provision was that, should the Local Plan be adopted by this Council, there was a clear policy position to support the Club's relocation. It was therefore recommended that as landowner, the Executive provided its formal endorsement to the relocation of the Club to the Council-owned land at Castle Farm, subject to necessary planning permissions and legal agreements being completed. The land shown as hatched on the attached plan was not under the ownership of this Council, but was required to enable the relocation to work and consequently the negotiation between the Club and the landowner.

In the knowledge that there was informal Executive support for the relocation of the Club to Castle Farm, officers had been discussing the terms of the relocation with a Club representative. The principles of an agreement set out at Appendix B to this report could be summarised as:

- the Club would relocate its community sports club operation from land at Thickthorn to Council-owned land at Castle Farm and adjoining land in third-party ownership;
- the Club would be entitled to exclusive use of Castle Farm Recreation Centre main hall for a mutually agreed number of hours of each week;
- the Club would take on the day-to-day management of the land shown as (field 1) at Appendix A to the report, for 2 x full size pitches; 2 x $\frac{3}{4}$ pitches; 2 x 9x9 junior pitches; and three mini pitches, but it would be retained for public use as open space and sports playing fields;
- the Club would be granted a long lease of the land outlined in red at Appendix A to the report (field 2) for a period of 125 years, for a peppercorn rent upon payment by the Club of a premium to be agreed by the parties, the amount being informed by a professional valuation of the land;

- the Council would use the premium received for the improvement of sports facilities at Castle Farm Recreation Centre through Phase II of the Leisure Development Programme; and
- subject to planning approval, the Club would undertake various enhancements to the sports playing fields 1 & 2 using the capital receipt generated from the disposal of the land they currently hold on a long lease.

The outcome of the agreements would be that community access to Castle Farm facilities would by-and-large be as it was now, save for 10 to 15 hours per week when the Club would need exclusive use of the Hall for nets practice. However, given the times that the Club was likely to want to use the facilities, it was highly unlikely that there would be a material detriment to public access, although officers would ensure that the relevant Portfolio Holder was satisfied with the proposed arrangements before sign-off. It was therefore recommended that legal and lease agreements were drawn-up to reflect these principles for subsequent sign-off by Executive, with officers ensuring that the Council and residents' interests were protected should the Club experience any viability issues in the future.

As part of the Leisure Development Programme report considered by Executive in November 2015, they were advised at paragraph 3.1.7 that: "The conclusion of these discussions (*Kenilworth Councillors with officers*) is that it would be premature to recommend an investment programme for the Kenilworth facilities until the Local Plan has been adopted and the funding issues around the relevant site developments clarified and the potential impact of facility development in neighbouring areas is confirmed. Future plans for the Kenilworth facilities should, therefore, be viewed as a second phase to a programme of investment and development."

In relation to Kenilworth facilities, officers would be examining the feasibility of expanding the Castle Farm Recreation Centre gym and adding studio space by extending the footprint of the building, as well as constructing a projectile hall to include cricket nets. The building of a projectile hall would mean that the main hall would be unaffected by the Club's requirements.

Should the feasibility study, for the projectile hall, conclude that there was a business case for the idea then there could be an impact on the principles for use of the main hall would not be a Club requirement. To ensure this was considered in full, the feasibility work would be concluded before the Executive were asked to agree the legal agreements.

No alternative options were considered as it was officers' view that the proposal offered the best way of enabling land for housing development whilst protecting and enhancing sports facilities in the area.

Resolved that

- (1) the Deputy Chief Executive (AJ) and the Head of Cultural Services, in consultation with the Portfolio Holder for Culture, work with representatives of Kenilworth Wardens (Community Sports Club) to agree terms for the relocation of the Club from its

current site at Thickthorn to Council-owned land at Castle Farm, as set out at Appendix A to the report;

- (2) the terms of the relocation shall be broadly in accordance with the principles as detailed at Appendix B to this report, and that draft contract and lease agreements are prepared by the Council's legal advisors, Warwickshire County Council, for formal approval by the Executive in due course; and
- (3) the proposals for phase II of the Leisure Development Programme - Kenilworth, will be used to inform the arrangements to be agreed with Kenilworth Wardens.

(The Portfolio Holders for this item were Councillors Coker and Cross)
Forward Plan reference Number 795

8. **Tourism Update**

The Executive considered a report from Development Services that updated them on the effectiveness of the Council's expenditure on tourism. The report provided specific proposals on how the current expenditure profile should be modified and the implications for existing grant agreements.

In April 2013, Executive approved the creation of a Destination Management Organisation (DMO) as the most effective vehicle of promotion of the tourist offer on regional, national and international stages.

A review of the progress of the DMO (Shakespeare's England), was set out in paragraph 8.2 of the report. In order to continue to shape and steer the organisation, and to maximise the benefits from it, funding of the organisation at the previous level should continue. However, accompanying this commitment should be clear delivery indicators that ensured this authority's contribution was leading to demonstrable value, and that these should be reported back to Overview & Scrutiny Committee every 6 months.

The Key Performance Indicators that the DMO performance would be assessed against were likely to include:

- Estimated Advertising Value (EAV) or press releases and promotions
- Number of familiarisation visits hosted within Warwick District
- Number of business members (as a percentage of the overall membership) from within Warwick District

Negotiation and agreement of these indicators was delegated to officers, in conjunction with Portfolio Holders, to ensure that they were measurable and deliverable.

A comprehensive review of the future options of Leamington Visitor Information Centre (VIC) needed to take place in order to ensure that the Council continued to provide a cost-effective solution to visitor needs. A brief

outline of the VIC provision was included at paragraph 8.4 of the report, but a more detailed review with future options would be presented to the Executive in due course, with a view to providing options for the shape of future provision of Visitor Information.

The review would explore the possibilities of sharing space and/or functions with other services currently provided by the authority, along with different staffing models, and working with other stakeholders and partners.

The Executive had agreed, in November 2012, to develop the “hub and spoke” model for service delivery of customer information in the District, which resulted in the granting of £40,000 per annum for the provision of the management of both Warwick and Leamington VICs. A review of the effectiveness of the grants was included in paragraph 8.3 of the report.

The provision of the VIC service continued, although the agreement had recently lapsed. Given that the service was being provided as specified, it was considered appropriate for the terms of the previous grant to be extended until such a time that a new agreement was reached, or until the end of the 2016/17 financial year, at which point the grant agreement would cease.

In March 2016, Leamington and Kenilworth underwent independent Visitor Audits commissioned by the Council, in conjunction with partners such as the County Council and BID Leamington. The Council was working with Warwickshire County Council to progress an Audit for Warwick, which would report in summer 2016. The outcomes of the reports received so far featured a number of deliverable actions to improve the visitor journey, from correct pedestrian signage to more intelligible mapping. The release of £12,000 from the Tourism reserve would allow this Council to contribute to the resolution of some of these actions. It should be noted that WCC had already contributed, as had Leamington BID and Leamington Town Council, whilst other stakeholders would also be approached.

An option available to the Council would be to discontinue all funding to tourism activities, thereby saving the Council £205,400 per year. This had been discounted because tourism was a key employment sector within the district, employing over 4,300 people, and withdrawal would have significant economic impacts. Furthermore, withdrawal would undermine the on-going work on the Economic Development Strategy, the Business Support provision and other areas of work.

Another option would be for the Council to continue to fund the DMO but at a lower level. This had the potential to save money for the Council to deploy into other areas of tourism. This option had been discounted as it would reduce the ability of the Council to shape and steer the performance of the DMO, thereby reducing the beneficial impact on related businesses. Furthermore, a sudden drop in funding from a major contributor could impede the continuation of the high level of delivery currently being produced by the DMO.

The Council could choose to cease all funding to the DMO, and invest the savings elsewhere in tourism. This would give the Council the opportunity to

buy into specific promotions and activities. However, this would be at a significantly lower value than working with the public and private partners that make up Shakespeare's England, and would significantly damage the authority's credibility within the industry.

Another option would be for the Council to continue funding the Visitor Information Centre in Leamington but at a lower level. This was discounted as it would impact on opening hours, which are already tightly restricted by available staffing.

The Council could choose to shut the Leamington VIC without exploring alternative delivery models. This would offer up savings to the Council, or money to be used elsewhere within Tourism. Closure would be detrimental to the visitor experience, and reputationally damaging both within the community and within the tourism industry. It would also prevent the exploration of the opportunity for sharing some of the service with partners, thereby reducing costs whilst improving the customer experience.

The Council could choose to cease the grant agreement with Warwick Town Council with immediate effect. This option was discounted as the service agreed through the "hub and spoke" model was currently being provided. To cease the agreement without exploring the opportunity for more effective or defined uses of the grant would not provide the Council with best value, as many of the operational tasks would need to be picked up elsewhere, and the Warwick Visitor Centre provided an excellent visitor experience.

The Council could choose to reduce the level of budget into a "publicity and promotions" code in order to deliver a saving. This option was discounted as it would result in less activity on a local level, such as the Events or Accommodation Guides, and also hamper the ability to support major events such as the Bowls National Championships.

The Council could choose not to release funding from the Tourism reserve. This option was discounted as the funding would be used, along with partners' funding, to deliver some key benefits to the visitor journey.

The Finance & Audit Scrutiny Committee supported the recommendations in the report. Members felt that it was imperative to encourage close working relationships between event organisers and Neighbourhood Services, to ensure that clean-up operations during and after events were carried out effectively.

The Overview & Scrutiny Committee supported the recommendations as they addressed the previous weakness of a lack of monitoring information and measurable objectives, and it particularly welcomed the six monthly reports to the Committee on the progress of the DMO's work.

Councillor Shilton agreed that there was a need for improved liaison between Neighbourhood Services and the events team to improve clear up operations following events, and this was a matter he was leading on.

Councillor Butler explained that discussions were ongoing about the opening hours of the VIC, and surrounding defining the Key Performance Indicators

to ensure they were robust and valuable, but that data collection did not have a significant impact on resources.

Councillor Butler proposed, and it was duly seconded that

Resolved that

- (1) the renewal of this Council's funding contribution to the Destination Management Organisation (DMO), Shakespeare's England, at the current level of £75k per annum from 1 September 2016 to 31 August 2019, be approved, subject to the following:
 - a break clause, exercisable after 12 months, that would reduce future funding to £65k for Sept 2017 to Aug 2018 and £50k for Sept 2018 to Aug 2019 if the DMO fails to deliver against the agreed performance indicators;
 - an annual review option, exercisable on the anniversary of the renewal, that allows the Council to vary its contribution if the total level of public sector funding the DMO receives has altered significantly, thereby reducing the relevance of this Authority's contribution;
 - the progress of the DMO against the agreed objectives is reported on a six-monthly basis to the Overview & Scrutiny Committee;
- (2) authority be delegated to the Head of Development Services, Head of Finance and Strategic Economic Development Officer, in consultation with the Portfolio Holders for Development, Business and Finance, to agree the KPIs for the DMO funding agreement and subsequently to determine whether the break clause or review clause should be activated;
- (3) a comprehensive review of the Visitor Information Centre (VIC) services across the district, including an examination of means of improving the visitor experience and future funding options, be approved, with the report to be brought to a future meeting on or before 2 November 2016; and
- (4) up to £12,000 be released from the Tourism Reserve to fund 'on the ground' activities in Warwick, Leamington and Kenilworth, based on

the results of recent (and impending) independent Visitor Audits of the tourism offer in those towns.

Councillors Cross and Grainger left the room while recommendation 2.4 of the report was considered. Councillor Butler explained that he was working on the introduction of a schedule across the Council that would detail when annual grants were due to be paid or renewed. It was therefore proposed, duly seconded and

Resolved that the extension of the previous funding arrangement with Warwick Town Council be approved until 31 March 2017, and authority delegated to the Strategic Economic Development Officer, in consultation with the Business Portfolio Holder, to negotiate the terms of the agreement for providing VIC services.

(The Portfolio Holders for this item were Councillors Butler and Cross)
Forward Plan reference number 797

9. **HS2**

The Executive considered a report from Development Services that sought approval to sign the HS2 Planning Memorandum, which would mean that the Council became a Qualifying Authority for the purposes of the HS2 Hybrid Bill.

The HS2 Hybrid Bill would grant planning permission for the construction of a high speed railway between London and Birmingham. However, this permission would be subject to a number of conditions requiring the nominated undertaker (the party/parties who would construct the railway) to obtain the consent or approval of the Local Planning Authorities along the route regarding some matters of detail, including the detailed design and materials of buildings, and structures such as bridges and tunnel portals.

The Bill provided each Local Planning Authority with a choice between having a wide or narrow range of controls over the approval of such details. Local Planning Authorities opting for a wider range of controls were referred to as "Qualifying Authorities".

Qualifying Authorities would be responsible for issuing consents and approvals in relation to the detailed design and appearance of structures and other elements of the scheme, but that responsibility did not extend to the principle of their construction which was permitted by the Bill itself.

If the Council decided to become a Qualifying Authority, it would hold responsibility for the details of the majority of these Matters, with the exception of borrow pits and waste disposal sites which would be dealt with by the County Council.

If the Council decided to be a non-qualifying authority, it would effectively lose what little control it could have over the majority of features and structures within the District.

There were two main grounds on which the details of structures and features forming part of the railway could be refused or permitted, subject to conditions, which were set out in the report.

It should be noted that it would only be appropriate to raise an objection to the design or details of a particular structure or feature if the impact of that design would be very significant within the surrounding area, and beyond that which might reasonably be expected as part of the railway scheme.

Councils wishing to become Qualifying Authorities were required to sign the "Planning Memorandum". This was a document that set out the rules of conduct and administrative arrangements for both the Local Planning Authorities and the nominated undertaker, leading up to and during the construction of the railway.

It required the Council to commit to dealing with applications for consent in an expeditious manner, i.e. within eight weeks, and to being sufficiently resourced to be able to do so. The applications expected to be submitted were likely to be for relatively minor matters, but substantial in number.

In view of the level of interest that was likely to be generated by the proposals that came forward (and therefore the potential for the majority of them under current arrangements needing to be dealt with by Planning Committee), the possibility that numerous such applications would be submitted either at the same time or in short succession, and the need to ensure that they were dealt with particularly expeditiously, there was a significant risk that under current arrangements, the anticipated volume of work would have a significant impact upon the capacity of Planning Committee to consider these additional items within the required determination period.

In order to address this issue, it was anticipated that determination of the majority of these applications would need to be delegated to the Head of Development Services, who in conjunction with a small review group of Councillors, could identify those particular submissions which for exceptional reasons ought to be considered by Planning Committee.

Should this approach be agreed, it would require a change to the Constitution, and this particular issue would therefore be the subject of a report to Council.

The District Council, along with other Councils along the route, had been involved in negotiating the form and content of the Planning Memorandum with HS2, and a final version had now been produced.

It was proposed that the Council would be reimbursed for the cost of dealing with the additional workload resulting from these applications and approvals, either by way of the payment of application fees, or the funding of temporary posts within the Council. Discussions in relation to the drafting of an appropriate Service Level Agreement with regards to this were on-going.

In summary, becoming a Qualifying Authority involved a commitment by the Council to deal with applications appropriately and within specified timescales, in return for greater control over a wider range of matters than would otherwise be the case.

Prior to any submissions being made to the Council, the works to construct the railway should have the equivalent of outline planning permission, such that the Council would only be able to consider aspects of the reserved matters (i.e. the details of design and materials, etc.).

It should be noted that the extent of the Council's control would need to be clearly communicated in an appropriate way to the public, so that there was a clear understanding of the expectations in being a Qualifying Authority, and the level of influence that could be exercised over the matters identified in the report.

The risks associated with the Council deciding not to be a Qualifying Authority, and therefore not amending the Constitution to enable decisions to be undertaken expeditiously, were identified in section 6 of the report.

Alternative options had been considered in respect of the proposed revisions to the Constitution. However, the proposals as set out in this report were considered to be the most effective and appropriate.

The Executive expressed concern over the potential impact this could have on the Planning Committee, considering the restrictions and limited powers for determining and influencing applications. They therefore welcomed the further work officers were undertaking to mitigate this impact.

Resolved that the signing of the HS2 Planning Memorandum be authorised.

(The Portfolio Holders for this item were Councillors Butler and Cross)
Forward Plan reference number 782

10. **Local Plan Budget**

The Executive considered a report from Development Services that sought approval to draw down additional money from the Planning Appeal's Reserve to support the Local Plan Examination.

On 28 January 2015, the Executive had approved a sum of £120,000 to cover the costs of the Local Plan and CIL Examination processes, including the costs of the Inspector and the Programme Officer. This sum was added to an existing balance of £30,000 to provide a total budget of £150,000.

To date, the Inspector's costs had amounted to £33,762 and the Programme Officer's costs had amounted to £5,250. This left just under £111,000 in the budget to cover the costs of the Local Plan and CIL Examinations.

The Council had received information from the Local Plan Inspector regarding the potential timings and timescales for the Local Plan Examination. Subject to them receiving the modifications and representations from the Council at

the end of May, it was anticipated that preparatory work and written statements could take place during June, July and August, with the Examination hearings commencing towards the end of September. It had been indicated that the hearings would potentially involve 9 weeks of sitting over a 12 week period. Whilst it was not possible to estimate with any accuracy what the final costs of the Inspector, the timescales indicated by the Inspector were longer than originally estimated when assessing potential costs. The complexity and comprehensive nature of the Local Plan meant that it was likely that the Inspector's preparatory work and the work in pulling together the recommendations and final report could take significantly longer than envisaged. Furthermore, the same was likely to apply in estimating the Programme Officer's time.

It was clear that it would be important to draw on the expertise of consultants who had prepared evidence to support the Local Plan. Examples of this could include:

- GL Hearn with regard to housing need;
- Enfusion with regard to the Sustainability Appraisal; and
- Warwickshire County Council with regard to Strategic Transport.

Taking all this in to account, it was now estimated that the Local Plan Examination costs could be: Inspector's costs: £150,000 (including the £33,762 already committed); Programme Officer costs: £35,000 (including the £5,250 already committed); Consultant costs: £30,000; which would total £215,000.

The costs of the CIL Examination were expected to remain in the region of £30,000. Therefore, the total cost of the CIL and Local Plan Examinations was expected to be £245,000. £150,000 had already been set aside towards the Examinations, and the report requested that a further £95,000 was set aside from the Planning Appeals Reserve to cover the anticipated additional costs.

The following neighbourhood plans were currently being progressed:

- Barford: examination complete. The next stage is the referendum.
- Bishops Tachbrook: currently being examined.
- Bubbenhall and Baginton: initial draft prepared.
- Budbrooke: consultation draft prepared. The next stage is formal consultation.
- Kenilworth: area designated. Work on initial proposals was now progressing.
- Leamington: have applied for designation.
- Leek Wootton: preparing consultation draft.
- Stoneleigh and Ashow: exploring the possibility of re-designation as a separate neighbourhood plan area.

The Local Plan Examination was likely to be time-consuming for the planning policy team until the end of the hearings, currently anticipated to be December 2016. It was important that the planning policy officers continued to make the Local Plan their main priority during the preparation for and participation in the Local Plan hearings. During this period of time it would not be possible for them to provide more than the statutory support for neighbourhood plans. This could impact on the preparation of

neighbourhood plans during this period; particularly on the non-statutory input planning policy officers had offered in relation to advising on conformity with the Local Plan and national policy, and with providing advice on the evidence base and the wording/justification for specific policies.

During this period, the Head of Development Services would explore other opportunities to support neighbourhood plans, particularly where doing so dovetailed with the Council's own priorities. It was proposed that the Head of Development Services should write to all parish and town councils in Warwick District to set out the extent of the support that would be available during this period.

To achieve adoption of the Local Plan, there were no alternatives to meeting the costs of the Inspector and the Programme Officer, as the Council was bound by a statutory process.

It would be possible to undertake the Examination process without input from experts. However, much of the work undertaken in preparing the evidence base was highly technical and required specific expertise to explain and justify the conclusions. Without the input of these experts, there was therefore a significant risk that the Plan (or parts of it) could be found to be unsound.

It would be possible to continue to provide support to neighbourhood plans in line with the service provided over the last 12 months. This option had been considered, but without additional resources, was likely to have an impact on the progress of the Local Plan.

A further option was to utilise the Neighbourhood Plan Funding Grants received from central government to support the Council's involvement in Neighbourhood Plans, and to increase the staff time available.. During 2015/16, this would be £65,000. However, there were two significant issues to consider in relation to these grants:

- a) the level of funding could not be predicted with any certainty as it was entirely dependent on the number of Neighbourhood Plan areas designated during the year and the number that progressed to referendum.
- b) the funding was provided to cover the costs of the statutory work the Council had to undertake in support of Neighbourhood Plans. Including, the management of referenda, work to designate neighbourhood plan areas or appointing examiners and checking compliance with the regulations (basic conditions).

Therefore, while this option could help to provide some additional support, it would require a commitment to provide funding without a guarantee that the commensurate level of funding would be available from the grants.

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

Resolved that

- (1) an additional sum of £95,000 be set aside from the Planning Appeals Reserve to support the Local Plan Examination;
- (2) until such time that involvement of planning officers in the Local Plan examination reduces, the approach to supporting Neighbourhood Plans be amended to limit input from planning officers to meeting the legal requirements.

(The Portfolio Holder for this item was Councillor Cross)

11. **Repair of Listed Boundary Walls**

The Executive considered a report from Development Services that sought approval to fund repairs required by an urgent Section 54 Repair Notice, served under the Planning (Listed Building and Conservation Areas) Act 1990, on the owner of listed walls at Barford House, Wellesbourne Road, Barford.

Following a tender exercise the cost of repair work was known to be £133,675. Approximately £70,000 of this cost would be met from the entire budget allocated to the Historic Building Grant scheme in 2016/17 , plus underspend from the previous year.

This report sought agreement to fund the balance of costs from the Council's Capital Investment Reserve. A notice would be served on the property owner and subsequently a charge would be placed on his property to reimburse the Council its costs.

On 31 March 2015 Planning Committee authorised the Head of Development Services to serve a Section 54 Repair Notice on the owner of the land requiring the urgent repair of the listed boundary walls, within the curtilage of the Grade II* listed Barford House. The repair works were urgently necessary for the proper preservation of this listed heritage asset.

The Section 54 Repair Notice required the owner to take action within seven days, after which the Council could undertake the work and serve notice on the owner to pay the Council's costs.

Due to the owner's inaction, the Section 54 Repair Notice was finally served on them on 16 February 2016, and the Council were now able to undertake the works itself.

The owner had not appointed contractors to undertake the work, but had now asked a contractor to provide a quote. If the landowner entered into a suitable contract for the works to be completed, and if works were seriously underway within the next month, then the Council would not need to undertake the works itself and the funds would not be required.

The repair of this wall was considered to be a high priority, not only because of its significance as a protected heritage asset but because of public safety;

it was a seriously dilapidated wall that members of the public had immediate access to, and where they frequently gathered beside a bus stop.

The process for recovery of the Council's costs incurred in carrying out the work would be as set out in Section 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This involved the Council serving a notice on the landowner that required them to reimburse the Council for the cost of the works. The owner could then appeal this notice to the Secretary of State on any of the following grounds;

- (a) that some or all of the works were unnecessary for the preservation of the building; or
- (b) in the case of works for affording temporary support or shelter, that the temporary arrangements have continued for an unreasonable length of time; or
- (c) that the amount specified in the notice is unreasonable; or
- (d) that the recovery of that amount would cause hardship.

Grounds (a), (c) and (d) were likely to present the most risk to the Council. The risk of a successful challenge on ground (a) was mitigated by the fact that the works specified in the repair schedule were the minimum necessary to safeguard the structure, in accordance with the professional views of the Council's Officers, and an expert consultant engineer. The risk of challenge on Ground (c) was mitigated by the fact that the Council followed due process and entered into a competitive tender exercise to ensure best value. Ground (d) was a risk that was beyond the control of the Council and could potentially result in it not recouping the expenditure, but this was unlikely given the fact that planning permission had been granted for eight dwellings on the owner's neighbouring land.

The Council would be able to apply for a charge to be placed on any property owned by the landowner if the debt remained unpaid; this would follow after the notice was served, and after any appeal was determined in the Council's favour.

The option of doing nothing was not considered to be appropriate as it would be contrary to the expressed wishes of the Planning Committee, and it would result in serious harm to heritage assets. It should, however, be noted that whilst the Planning Committee had exercised its discretion to serve the notice, this did not bind the Executive to incur expenditure to carry out the works.

The preferred option was for the landowner to undertake the works, but they had continued to procrastinate. One option would be to provide a time extension, but over one year had already passed since the Planning committee authorised the S54 Repair Notice and contractors were still not on site. The timescale for completing works this calendar year was closing.

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

The Executive noted that the wall in question was in separate ownership to Barford House. They also considered that when these works were complete,

a further survey of the entire wall should be undertaken to ensure that all risks had been mitigated, on the grounds of health and safety.

Resolved that

- (1) if the landowner does not enter into a suitable contract to start repair works and begin work on site within one month, then an amount up to £64,000 (on top of the figure of £70,000 identified in paragraph 1.2) is drawn down from the Capital Investment Reserve to meet the cost of repairing the listed boundary wall at the park of Barford House, as identified Appendix 1 to the report;
- (2) the process outlined for ensuring the Council is reimbursed its costs, be noted;
- (3) the Head of Development Services be authorised to negotiate with contractors to reduce the price of the works by omitting the return section of wall, along Insons Yard, which serves private dwellings but which was not a public thoroughfare; and
- (4) when these works were complete a further survey of the entire wall is undertaken to ensure, on the grounds of health and safety, all risks had been mitigated.

(The Portfolio Holder for this item was Councillor Cross)

12. Sale of Land at Sabin Drive

The Executive considered a report from Development Services that proposed the disposal of land at Sabin Drive, Weston under Wetherley.

The Sabin Drive Residential Estate was granted Planning Consent, W/95/1361, in 1995 and was subject to a Section 106 Agreement of the 1990 Town & Country Planning Act that required designated areas to be open land and designated as 'Public Open Space'.

These areas of Public Open Space were shaded on Plan 1 as appended to the report.

In June 2013, the owners of 1 Sabin Drive approached this Council with a request to purchase the area of Public Open Space that adjoined their house, edged in thick black on Plan 1 as appended to the report, exclusively for private garden use.

The owners of 1 Sabin Drive wanted to include the land within their demise to provide privacy to their dwelling and resolve problems that had occurred on a number of occasions. These involved the private manhole covers which served 1 Sabin Drive, but were located in the Public Open Space, that had

been damaged by the Grounds Maintenance Vehicles that tended the Public Open Space.

The Council informed the owners of 1 Sabin Drive that this was something they would be prepared to consider, subject to Planning consent for change of use of the land from Public Open Space to Private Garden Land, and subject to approval from the local Parish Council, Weston under Wetherley.

Approval was granted by Weston under Wetherley Parish Council on 4 December 2013 and the owners sought Planning Consent for the change of use from the District Council, as the Local Planning Authority. The Planning Committee of April 2015 approved the change of use, under Planning Consent W/15/0161, which was subject to a number of Planning Conditions.

Following on from this, terms and conditions for the sale of the land in question were agreed between the Council and the owners of 1 Sabin Drive, following approval from the original developer of the estate, Bloor Homes Ltd, to the relinquishment of the restrictive covenant that permitted the site only to be used as Public Open Space.

The terms and conditions of the sale of the land in question, were Private & Confidential because they contained information relating to the financial or business affairs of any particular person (including the authority holding that information), but were listed in the Private & Confidential Appendix 2 of this Report.

These terms & conditions were approved by the relevant Head of Service, Local Councillors and Portfolio Holder, under Delegated Authority but, prior to the completion of the legal documents, it became apparent that the sale of such Public Open Spaces (that had come into the ownership of WDC under a Section 106 Agreement) required (pursuant to section 123 of the 1972 Local Government Act) Council Committee consent and a Local Councils Scheme of Delegation was not sufficient approval on such matters.

Subsection 2A of Section 123 of the 1972 Local Government Act stated that a Council must not dispose of land consisting of, or forming part of, an open space acquired by a Council under a Section 106 Agreement (or such other superseding Act of Parliament or Regulation) unless the Local Council had publicised notice of its intention to dispose of such land in the Local Press for two weeks running, and considered any objections to the disposal.

The proposed disposal in question was thereafter duly advertised in the local 'Courier' newspaper on Friday 18 March 2016 and Friday 25 March 2016, informing all who had an objection to the proposal to make their objection to the Council, in writing, by no later than 15 April 2016.

An objection was received, and was set out at Appendix 1 to the report. The items raised in this objection had been considered. The Council would not wish to lease the land to 1 Sabin Drive, as this would result in future periodical management & administrative fees and would not provide the Council with the sufficient consideration which it would need to provide Bloor Homes in order for them to remove the restrictive covenant.

Additionally, Planning Consent for the change of use confirmed that the Council, as a Local Planning Authority, did not believe that the loss of the small piece of Public Open Space would be detrimental to the area, or to the entrance into Sabin Drive, taking into account the large surrounding areas of Public Open Space that would be retained on both sides of the entrance into Sabin Drive & on the estate. Furthermore, disposal of the land in question would provide WDC with a Capital Receipt; would reduce WDC's future Grounds Maintenance costs; and would ensure no further damages to the private manhole covers for 1 Sabin Drive that were located within the Public Open Space that WDC propose to dispose of.

The Planning Consent that granted the change of use of the land in question from Public Open Space to private garden land & the erection of post and rail fence incidental to the enjoyment of 1 Sabin Drive, placed Planning Conditions on the proposal which would, amongst other things, ensure that the boundary fencing should be constructed exclusively of a 1m high post & rail paddock fencing, as shown on Plans 2 & 3 attached, with future intention to plant sympathetic shrubs and flowers along the fencing/close to the fencing on the owners side of the fence.

Alternatively the Council retained the land and continues to maintain it, at its expense, and refused all similar future requests hereafter.

At the discretion of the Leader, Ms B Roberts addressed the Executive to outline her reasons for applying to purchase the piece of the land from the Council.

Resolved that the disposal of land adjoining 1 Sabin Drive, Weston under Wetherley, edged in thick black as outlined on Plan 1 appended to the report, be approved subject to appropriate terms & conditions as considered at Minute 14.

(The Portfolio Holder for this item was Councillor Shilton)
Forward Plan reference number 786

13. **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 three 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 |
|------------|-----------|---------------------------------------|
| 14 | 1 | Information relating to an Individual |

| | | |
|----|---|---|
| 14 | 2 | Information which is likely to reveal the identity of an individual |
| 13 | 3 | Information relating to the financial or business affairs of any particular person (including the authority holding that information) |

14. **Sale of Land at Sabin Drive – Appendix 2**

The Executive considered the private and confidential proposed terms and conditions, Appendix 2, of the sale of the piece of public open space adjoining 1 Sabin Drive, as defined in Plan 1 appended to the public report on this matter.

Resolved that the terms and conditions listed in Appendix 2 be approved, for the disposal of land adjoining 1 Sabin Drive, Weston – under – Wetherley, edged in thick black as outlined on Plan 1 appended to the report associated with Minute 12.

(The Portfolio Holder for this item was Councillor Shilton)
Forward Plan reference number 786

15. **Minutes**

The confidential minutes of the 9 March and 6 April 2016, were taken as read and signed by the Chairman as a correct record.

(The meeting ended at 7.05pm)

Executive

Minutes of the meeting held on Wednesday 29 June 2016 at the Town Hall, Royal Leamington Spa, at 7.30 pm.

Present: Councillors Coker, Cross, Grainger, Phillips, Shilton and Whiting.

Also present: Councillor Barrott - Labour Group Observer, Councillor Boad - Chair of Overview & Scrutiny Committee, Councillor Mrs Falp - Whitnash Residents Association (Independent) Observer and Councillor Quinney - Chair of Finance & Audit Scrutiny Committee.

(Apologies of absence were received from Councillor Mobbs. In his absence the Deputy Leader, Councillor Coker, chaired the meeting).

16. **Declarations of Interest**

There were no declarations of interest.

17. **Minutes**

The minutes of the meeting held on 20 April 2016, were taken as read, subject to removing apologies from Councillor Phillips, and signed by the Chairman as a correct record.

Part 1

(Items on which a decision by Council is required)

18. **Warwick District Council Enforcement Policy Appendix: Regulatory (Food Safety, Health and Safety and Licensing)**

The Executive considered a report from Health & Community Protection that sought recommendation to Council for the adoption of an appendix to the Councils' enforcement policy, which addressed matters specific to the Regulatory Team within the Health and Community Protection Service Area.

Local Authorities had a statutory duty to have regard to the Regulators' Code in developing the principles and policies which guided their regulatory activities. The Local Government Ombudsman would use the Code as a point of reference when examining complaints about local regulatory services. The adoption of the Enforcement Policy appendix would mitigate against the risk of successful challenge to decisions.

The proposed appendix outlined the regulatory matters which were specific to the Regulatory Section of Health and Community Protection and were not covered in the main body of the WDC Enforcement Policy.

No alternative options were considered because adoption of the appendix would provide the Council with additional protection when undertaking its Regulatory activities.

Recommended to Council that it adopts Appendix 1 to the minutes as an Appendix to Warwick District Council's Enforcement Policy.

(The Portfolio Holder for this item was Councillor Grainger)
Forward Plan reference number 789

Part 2

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

19. **Renewal of the Fire Alarm Systems in Sheltered Housing Schemes**

The Executive considered a report from Housing & Property Services that requested additional resources to enable the replacement of the fire panel alarm systems at the Council's five sheltered housing schemes for older and/or vulnerable people.

The fire systems in the Council's five sheltered housing schemes had been in place since the properties were built over 30 years ago. In recognition of the age of these systems, £71,000 had been transferred from the Fire Risk budget to the Sheltered Schemes Fire alarm budget and earmarked to fund the system upgrades.

A re-organisation of the sheltered scheme contracts had been agreed between the service area and the Procurement Team. This would enable the previously separate contracts for; fire alarms; Lifeline call systems; automatic doors; and CCTV to be brought into a single contract. This would improve efficiency and maximise best value through an economy of scale. It was, therefore, decided to defer major works to the fire alarm systems until the new contractor was in place.

The new contract was put out to tender via a framework agreement in April 2015 which resulted in one tender for the contract. The evaluation process, which included a comprehensive benchmarking exercise, determined that the prices quoted were above market average, so the contract was not awarded. After consideration and liaison between the service area and the Procurement Team it was decided that the contract should be re-tendered, but with the works sub-divided into lots. This second procurement exercise was undertaken in July 2015 with the contracts being let in October 2015.

The newly appointed contractor was instructed to carry out an inspection of the systems at each scheme. The survey identified an unanticipated range of problems including that some sensors were not working and that many others were operating with too long a delay before triggering an alarm. After examination of the inspection results and discussions with the contractor it was determined that the existing systems could not be upgraded and that full replacement was the only viable option to ensure the future safety of the scheme's tenants.

Two options for replacement systems were considered, replacement with a like-for-like conventional system or replacement with an addressable system. Conventional systems would identify that a fire alarm had been activated at a scheme but not its exact location, whereas an addressable system

identified the precise location of the activated sensor. Advice from the Council's Building Control team and Health & Safety Officer was that an addressable system should be fitted.

Addressable systems were more expensive than conventional ones and the earmarked £71,000 would be insufficient to cover their installation. However, they had many advantages over conventional systems, which were detailed in the report.

The contract for the repair and maintenance of fire alarm systems provided for upgrades and new system installations, as well as repairs, under the Schedule of Rates (SORs) issued in the contract specification. This removed the need for a separate procurement exercise for the installation works and would allow the new systems to be in place by the end of the current financial year.

Having identified the deficiencies with the existing systems, the Council was mindful that the risks associated with these issues would not be fully addressed until the replacement installations were complete. To mitigate this risk, a range of revised management arrangements had been implemented.

The existing systems were monitored by the Council's Lifeline control centre, which operated 24 hours a day, 365 days a year. If any alarm activation was detected, a protocol had been put in place with the Fire & Rescue Service to ensure that they would call out to the affected scheme as a priority. In addition, if there were no staff on site, the Control Centre would dispatch a minimum of two response officers to the scheme. Once on site they would ascertain if the activation was a false alarm or, in the event of fire, they would, if the Fire Service was not already on site, assess the need for an evacuation provided it was safe to do so.

An enhanced testing regime had been put in place as an interim measure, with a weekly test undertaken by staff and a full inspection by the contractor every three months. This was a blanket measure and was under review to determine if the contractor should inspect particular schemes more often.

Alternatively, the Council could install conventional systems but this had been discounted because the addressable systems would provide the greatest protection to the scheme residents and ensure compliance with good practice as well as relevant legislation and regulations.

The Finance & Audit Scrutiny Committee supported the recommendations and thanked the officers for a clear and concise report.

Resolved that

- (1) the £71,000 earmarked funding for the renewal of the fire alarm systems in the Council's five sheltered housing schemes is increased up to a maximum of £207,000 by reducing the contribution to the Housing Revenue Account Capital Investment Reserve during the financial year 2016-17; and

- (2) the revised management arrangements shall remain in place until the completion of the works, scheduled for no later than 31 March 2017, to ensure the continued safety of the tenants in the sheltered schemes.

(The Portfolio Holder for this item was Councillor Phillips)
Forward Plan reference number 784.

20. **Multi-Storey Car Park Condition Survey Report- Update**

The Executive considered a report from Neighbourhood Services that sought approval for funding of a project management resource, necessary to ensure that multiple car park projects could be delivered within appropriate timescales to minimise potential adverse impact on car park users, local businesses and the wider local economy.

The Council's Head Quarters (HQ) relocation project, which included the replacement of the Covent Garden Multi-Storey Car Park (MSCP), was approved in April 2016. Associated with that decision was the need to undertake essential works at Covent Garden MSCP to ensure it remained safe and fit for purpose until the site was re-developed.

The HQ relocation project would require a final decision to be made by Council in July 2017 and the Covent Garden MSCP would be closed shortly afterwards. The timescale for the redevelopment provided for development of a displacement strategy to ensure that there was no detrimental impact on town centre businesses and the local economy.

The report to Executive in April highlighted the need for essential repairs to Covent Garden car park to ensure that it could remain open until the date of its planned closure. If the essential repairs were not carried out, the Covent Garden MSCP would need to be closed with immediate effect, on health and safety grounds, because it carried a significant risk to human safety if left unrepaired.

The result of an unplanned closure of the car park would see a significant reduction in town centre parking capacity which could result in a major detrimental impact on the local businesses that relied on this car park for longer stay parking for their customers and staff. There was currently no other long stay car park that could accommodate the displacement of season ticket holders from Covent Garden MSCP if it were to close and no significant capacity existed to accommodate non-season ticket users within the town centre.

Whilst, additional car parking capacity could, potentially, be provided by adding a temporary deck to the Chandos Street surface car park this would take at least 12 months to be manufactured and constructed. However, sufficient time would be required to ensure a robust business case for this was developed. There was, therefore, no viable option that could be delivered in time to assist with replacement capacity within the town centre if the car park was to be closed.

The estimated maximum £300,000 cost of the essential repairs was considered to be the same as the loss of net income if the car park was closed immediately rather than as planned in late 2017. There was a strong business case to utilise the available funds in the Car Park Repairs and Maintenance Reserve to ensure the net income was maintained for a further year but, more importantly, to ensure the car park remained open for the benefit of the town and parking capacity was retained within the town centre until alternative arrangements were put in place.

Specialist structural engineers had advised that it would be prudent to tender for the work at Covent Garden and St Peter's MSCPs at the same time to minimise costs and benefit from scales of economy. In February 2016, the Executive agreed to fund £120,000 for repairs at St Peter's MSCP. If funding for Covent Garden MSCP was agreed, then a tender for both MSCPs could be submitted to the market place.

At the same meeting, the Executive had agreed that funding for future MSCP maintenance liabilities should come from the Car Park Repairs and Maintenance Reserve. Additional funds for this reserve had been agreed by Executive on 2 June 2016 when considering the Final Accounts report. It was, therefore, proposed that the estimated cost of undertaking the repairs be funded from this reserve.

In addition to the MSCP repair programme and consideration of the future of the Linen Street MSCP, there was range of other project work envisaged within a wider Car Parking strategy. This included; consideration of the future car parking provision within Leamington Old Town; the potential development of additional provision within Warwick; and the need for future renewal of the existing pay on foot and pay and display equipment. Existing officer resource within the Neighbourhood Services service area was not sufficient to deliver this project work at the same time. A dedicated project manager resource was therefore needed to ensure they were delivered to required standard and on acceptable timescales.

The work that would be generated from the Linen Street MSCP project, on its own, was considerable and time critical. This one project would need to focus on the feasibility aspects, the development of the business case, managing the necessary communications with substantial numbers of stakeholders whilst maintaining the Council's capability to pursue its current level of aspiration.

It was, therefore, recommended that a maximum commitment of £105,000 was made from the Services Transformation Reserve to fund a temporary project management resource to work on the car park projects. This sum was equivalent to the annual cost of a grade B post for two years. This was considered a maximum figure as the grading for the post assessed by the HAY panel could evaluate the role between grades D to B.

The option of closing the Covent Garden MSCP with immediate affect to avoid the £300,000 expenditure on essential repairs had been discounted due to the impact on car parking capacity of the town centre and the inability to make any suitable alternative arrangements within a realistic timeframe.

The option of not funding the identified safety repairs to minimise costs, required acceptance of the risk that future incidents could occur in the final stages of the car parks life. However, due to the nature of the potential risk raised and after consulting with our Legal advisers this option had been discounted as there was a risk of corporate manslaughter if a fatal incident occurred after the Council had been given clear advice from a specialist company.

The option of not funding a project manager resource and continuing with the existing officer resource delivering the projects had also been discounted as there were too many detailed elements of each project that required significant time allocation which was not available within the current officer resource.

The Finance & Audit Scrutiny Committee supported the recommendations in the report but asked that the timeline for the tendering of the works, award of the contract, start of the works and completion of the works should be circulated to the Executive on 29 June 2016.

Councillor Shilton, informed the Executive that the timeline for the works, once funding was approved, would be; tender using Pick Everard framework with contract award by early July. Work starting as soon as contractor could be engaged but no later than end of September 2016. The works would take no more than three weeks and could be completed by closing off individual parking bays and relocating cars from floor to floor. Councillor Shilton explained that a contingency budget had been included within the project for some potential rebar work but this should not impact, significantly, on the time required to complete the works.

Councillor Shilton advised that the Project Manager would require specialist knowledge in car parking which no officer within the Council currently held. In addition, the cost of the role would be lower than that detailed in the report, with any residual budget being returned to the contingency budget.

Resolved

- (1) a maximum £300,000, be released from the Car Park Repairs and Maintenance Reserve, to fund essential repairs to the Covent Garden MSCP, with any unused budget allocation being returned to the Reserve; and
- (2) a maximum £105,000, be released from the Service Transformation Reserve to fund a temporary project manager post for two years to support the delivery of multiple car park projects, with any unused budget allocation being returned to the Reserve.

(The Portfolio Holder for this time was Councillor Shilton)
Forward Plan Reference number 796

21. **Business Plan Template for Major Grant Applications from Community Groups**

The Executive considered a report from Finance that sought approval to implement a standard business plan template as part of the major grants application process for community group organisations.

The Council had previously agreed major grants for community groups including St Chad's Community Centre, Barford King George's Playing Fields and Racing Club Warwick.

The previous approvals by Executive had been subject to a final business plan from the applicant being approved, under delegated authority, by the Chief Executive and appropriate Heads of Service.

Currently there was no standard business plan template; this led to varying degrees of quality and content in each business case. This in turn led to multiple draft versions for Council Officers to review and comment on before a final acceptable version was received and signed-off.

The introduction of a business plan template that covered specific key areas, provided a consistent approach and ensured that required information was captured, would save Council Officer time in having less versions to review and comment on and would better support the decision making process.

The standard business plan invariably would not capture every requirement, but depending on the nature of the project and the organisations, additional relevant information could be sought if it was not included within submitted business plans.

Warwickshire Community and Voluntary Action (WCAVA) had supported the use of the proposed template.

Alternatively, the Executive could choose not to approve the proposed template and allow organisations to continue to produce business plans in their own formats. This was not recommended because of the varying levels of quality and detail in submitted business plans which often led to delays in the decision making process and had previously consumed a considerable amount of Council Officer time reviewing multiple versions before a final acceptable version was approved.

The Executive could choose to amend or add to the items on the proposed business plan template.

Resolved that the proposed standard business plan template, as set out at Appendix 1 to the report, be approved, as a requirement for future major grant applications from community group organisations.

(The Portfolio Holder for this item was Councillor Whiting)

22. **Review of Street Trading Policy**

The Executive considered a report from Health & Community Protection that sought approval for public consultation on the draft Street Trading Policy that was appended to the report.

The report presented the revised draft policy document applicable to all Street Traders, in Warwick District. The review had taken place over the last two years and had taken into consideration local and national examples of best practice.

The review had addressed the concerns of officers, the general public and Councillors. It was proposed that a public consultation begin on the 8 July 2016 and conclude on the 19 August 2016. The policy would be made available on the Council website and each permit holder and stakeholders would be notified of the consultation.

The revised policy brought forward a number of changes that were summarised in Appendix 2 to report. There were three main changes in the Policy; it would enable short periods for trading licences rather than annual licences; it would introduce a requirement for each employee of touring permit holders to be DBS checked in addition to the permit holder; and it would introduce the requirement for photos of permit holders to be provided to aid with monitoring and compliance checks throughout the duration of the permit.

Alternatively, the current policy could remain in place without amendment or alteration. However, it was considered that the proposed document was reflective of best practice and would increase competitive trade at short events, increase income and raise the standards required of street traders within Warwick District Council.

Resolved that

- (1) the draft Street Trading Policy at Appendix 1 be approved for a six week public consultation; and
- (2) a report be submitted, later this year, summarising the consultation responses, along with any alterations suggested to the policy in response to the Executive seeking its recommendation of the final policy to Council for adoption.

The Portfolio Holder for this item was Councillor Grainger

23. Use of Delegated Powers: Electrical Repair & Maintenance Contract

The Executive considered a report from Housing & Property Services that informed them of the use of delegated powers to temporarily extend the electrical repair and maintenance contract by one month while the new contractor mobilised. The report examined the reasons for the delay that required the extension along with the lessons learned and the actions now required as a result.

Provision CE(4) of the Scheme of Delegation contained within the Council's Constitution provided for the Chief Executive (and in their absence the Deputies) to have authority to: *'deal with urgent items that occur between meetings, in consultation with the relevant Deputy Chief Executives, Heads of Service (if available) and Group Leaders (or in their absence Deputy Group Leaders) subject to the matter being reported to the Executive at its next meeting'*.

The electrical repair and maintenance contract covered the responsive repairs and periodic safety inspections that enabled the Council to discharge its statutory duties and health and safety responsibilities for its Housing Revenue Account (HRA) homes, leisure centres and all other corporate buildings. Executive had approved an exemption from the Code of Procurement Practice in March 2015 to allow the contract to be extended for 12 months. This exemption had been sought because of resource constraints and competing work commitments within both the Housing & Property and Finance service areas, which had prevented re-procurement before the contract expiry date of 31 March 2015.

That report asked Executive to note that *"an OJEU compliant procurement exercise has been commenced for the re-procurement of the electrical maintenance and repair contract, the programme for which allow [sic] for a new contract to commence on 31st March 2016'*. The report also stated that the *'Housing & Property Services and Financial Services teams have put in place actions to prevent – except in the most extraordinary of circumstances – such exemption requests being necessary in the future"*.

Despite these statements and the commencement of a procurement exercise which planned for the publication on 5 May 2015 of the necessary OJEU notice to allow the re-tendering process to commence, the notice was not published until 3 November 2015 and the contract award was not made until 15 March 2016. This meant that the incoming contractor had insufficient time to mobilise for a 31 March contract start date requiring the need for the use of CE(4) of the Scheme of Delegation.

The exercise of the delegated authority enabled a suitable agreement to be negotiated with the outgoing contractor to provide for them to undertake all necessary works to ensure that the Council was meeting its statutory responsibilities until such time as the incoming contractor had fully mobilised. However, the need to use the powers to grant a contract extension was deeply concerning and the Corporate Management Team initiated immediate investigatory action.

Through the Deputy Chief Executive (BH), the Internal Audit team were requested to undertake a fast-paced review of the procurement process to establish a timeline that would identify the reasons for the delay, that could be reported to Executive as part of the normal report automatically triggered by the use of CE(4). The timeline was set out at Appendix One to the report and the full Internal Audit report was set out in the confidential Appendix Two to the report (Minute 27). Appendix 2 was private and confidential because it contained information relating to the financial or business affairs of any particular person (including the authority holding that information).

A detailed examination of the delays and the reasons for them was included in the report 8 but, in summary, the main findings of the investigation were:

- The conduct and progress of this procurement process was in marked difference to others undertaken and successfully completed within the same period;
- There was a lack of ownership for, and responsibility taken within, the procurement process;
- There was a lack of understanding at a managerial level of the respective responsibilities at key stages in the process of the two service areas involved at key stages in the process;
- Communication between key staff within both service areas was poor;
- There was a lack of trust between some staff in the two service areas that fostered a defensive attitude that hindered communication, contributed to the lack of urgency to resolve issues, prevented effective corrective action being taken when delays occurred; and
- Capacity and staffing issues within both service areas contributed to the delays but would not, of themselves, have prevented action being taken that would have enabled the contract to be let earlier and without the need for the extension.

The recommendations arising from the Internal Audit investigation were set out at Appendix Three to the report. The actions in response to these recommendations were already underway, along with two further actions approved by CMT.

The first additional issue was the need to ensure that the Council's organisational culture supported it being a learning organisation. It was inevitable that from time to time problems, occasionally significant, would occur and whilst the role of managers was to minimise the likelihood and impact of any such event it was equally important that they ensured all available learning was captured and understood and that appropriate actions were initiated. Therefore, whilst effective learning had been captured in this case, the defensive attitudes that characterised parts of the procurement process were still in evidence when the Deputy Chief Executive (BH) and the Audit and Risk Manager convened a meeting of key managers and staff from both service areas to discuss the draft Internal Audit report. CMT members had subsequently initiated discussions amongst the wider Senior Management Team to ensure that the appropriate learning environment was nurtured.

The second issue was that the basis for management decision-making in respect of the tender evaluation process should be subject to further examination than was possible within the limited remit of the initial investigation, including further consideration of any potential Employee Code of Conduct issues. CMT had, therefore, through the Deputy Chief Executive (BH), initiated a further Internal Audit investigation. This would focus on the events in the period after the tenders were returned up to the point of the tender award, including the tender evaluation and would also consider the apparent lack of contingency planning for potential mobilisation issues given the slippage in the procurement timetable up to that point. CMT would then consider the outcomes of this investigation and determine if any further management action was required.

In arriving at the decision to agree an extension, officers considered and rejected the following alternative options:

- To commence the new contract with the successful tenderer from the original 1 April 2016 contract commencement date and accept that a reduced service would be in place while the full contract team and working processes were mobilised. This option was explored with the incoming contractor but was discounted once the legalities of the TUPE process had been explored and it had been confirmed that they would not be able to secure sufficient resource within the available timescale to provide a level of service that would enable the council to meet its statutory obligations.
- To establish emergency service provisions using the contractual arrangements of other organisations while completing the mobilisation of the newly procured contract. This option was discounted because of the complexity and lack of available time needed to establish adequate agreements, supporting documentation and administration processes to support the ordering and control of works in the limited time period available.

The option of not initiating further investigatory action had been discounted by CMT given the potential significance of the issues.

The Finance & Audit Scrutiny Committee had significant concerns about this report and welcomed that a report would be brought back to them on 31 August 2016 on the further audit work and how the issues will be addressed. The Committee had concerns that the contents of the report regarding procurement appeared to repeat previous issues that had occurred and had not been learned from. The Committee were in agreement that the lack of learning could not continue. The Committee anticipated that the follow up report would be presented to the Executive so they could commit to supporting any proposals within it.

The Committee felt there was a need to address cultural and management issues around this matter and these should be considered as part of the report in August 2016.

The Executive thanked the Scrutiny Committee for their comments, recognising there was a need for training for Councillors in this area as well. They accepted that nobody would want this to be repeated and improvements needed to be considered. Therefore, while the primary response of taking the decision to extend the contract to protect residents was correct, there was a need for further investigations and reports back.

Resolved that

- (1) the use Chief Executive's delegated authority on 31 March 2016, under provision CE(4) of the Scheme of Delegation, following consultation with the Group Leaders, to agree an arrangement with the outgoing contractor to extend the electrical repair and maintenance contractor for one month until the incoming contractor had completed

mobilisation and could assume full responsibility for the contract on 1 May 2016, be noted;

- (2) the timeline for the re-procurement process, set out at Appendix One to the report be noted;
- (3) the Audit recommendations set out at Appendix Three, the summary of the main findings set out at paragraph 3.7 of the report, and the additional actions set out at paragraphs 3.9 – 3.11 of the report are noted, and a further report will be submitted to Finance & Audit Scrutiny Committee on 31 August 2016.

(The Portfolio Holders for this item were Councillors Phillips and Whiting)
Forward Plan reference Number 785

24. Rural / Urban Capital Improvement Scheme (RUCIS) Award Amendment Request

The Executive considered a report that sought approval for an amendment to the previously approved Rural/Urban Capital Improvement Scheme to Leamington Netball Club.

The Council operated a scheme to award Capital Improvement Grants to organisations in rural and urban areas. The proposed amended grant was in accordance with the Council's agreed scheme and would provide funding to help the project progress.

This project contributed to the Council's Sustainable Community Strategy; because without the netball club there would be fewer opportunities for the community to enjoy and participate in sporting activities which could potentially result in an increase in anti-social behaviour, an increase in obesity (particularly in children) and disengage and weaken the community. The project would provide disabled access to facilities and increase court usage thus providing increased opportunity for the community to participate in sporting activity and it would also improve safeguarding of under 16's players.

The original RUCIS grant award (number 208) agreed by the Executive in February 2016 was for 42% of the total project costs, up to a maximum of £30,000 including VAT subject to receipt of written confirmation from BiffaAward (or an alternative grant provider) to approve a capital grant of £30,000.

In March 2016, BiffaAward declined Leamington Netball Club's £30,000 grant application due to their scheme being oversubscribed with applications totalling more than the budget for that tranche of funding; this had therefore left a shortfall in the project budget.

As a result Leamington Netball Club completed further fundraising and reviewed their project plans; some areas had been amended, some items were no longer required and some work was now going to be completed free

of charge by a local contractor (ICM Ltd) as a contribution to the local community, for which a schedule of works had been provided to the Council.

A revised quote had been received from the main contractors, Warwick Buildings, confirming the new £60,013 project cost, a reduction from the original £72,102 quote.

Leamington Netball Club had committed £28,013 to the project from their cash reserves; an increase of £17,911 from the initial £10,102 contribution. Recent bank statements and a breakdown of fundraising activities had been provided to evidence these funds.

Leamington Netball Club wished to retain the RUCIS grant award of up to a maximum of £30,000 which, if agreed, would increase the percentage contribution to the overall project costs from 42% to 50%; this remained within the scheme criteria.

The Royal Leamington Spa Town Council contribution, of £2,000, along with the club's increased contribution and a RUCIS award, from this Council, increased to 50% of the total project costs would ensure there was sufficient budget to deliver the project with all the outcomes / benefits noted in the original application that was previously agreed by the Executive on 10 February 2016.

The Council had only a specific capital budget to provide grants of this nature and therefore there were no alternative sources of funding if the Council was to provide funding for Rural/Urban Capital Improvement Schemes. However, the Executive could choose not to approve the grant funding, or to vary the amount awarded.

Resolved that the RUCIS award from the rural cost centre budget for Leamington Netball Club, be amended; to 50% of the total project costs, up to a maximum of £30,000 including vat, as detailed within the report and supported by Appendix 1 to the report.

(The Portfolio Holder for this item was Councillor Whiting)
Forward Plan Reference Number 761

25. **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 three 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 |
|------------|-----------|--------|
|------------|-----------|--------|

| | | |
|-------------|---|---|
| 29 | 1 | Information relating to an Individual |
| 29 | 2 | Information which is likely to reveal the identity of an individual |
| 26, 27 & 30 | 3 | Information relating to the financial or business affairs of any particular person (including the authority holding that information) |

(The minutes of the following 3 items will be included within the confidential minutes of the meeting)

26. **Housing Benefits and Council Tax Reduction**

The recommendations in report from Finance were approved.

27. **Agenda Item 8 - Private & Confidential Appendix 2**

The contents of the Appendix was noted.

29. **Service Re-design Update**

The recommendations in the report from Development Services were approved.

30. **Minutes**

The confidential minutes of the meeting held on 20 April 2016, were taken as read, subject to removing apologies from Councillor Phillips, and signed by the Chairman as a correct record.

(The meeting ended at 8.22pm)

Appendix 1:

WARWICK DISTRICT COUNCIL'S

ENFORCEMENT POLICY

REGULATORY SERVICE (Food Safety, Occupational Safety and Health and Licensing) APPENDIX

1. Introduction

- 1.1 This Regulatory Service Appendix is intended to be read in conjunction with Warwick District Council's published [Enforcement Policy](#). It will provide specific details that relate to the enforcement of matters with respect to food safety, occupational safety and health and licensing.

2. Background

- 2.1 As a **food authority** in the terms of the [Food Safety Act 1990](#), Warwick District Council has a duty to enforce food safety legislation, and a responsibility to follow associated [Codes of Practice](#) under the Act. It is required to enforce the legislation in pursuit of the particular interests of consumers within the authority's area including members of the public, employees and business owners by:
- § protecting public health, and
 - § ensuring a fair trading environment for local businesses.
- 2.2 Hygiene inspections are targeted in accordance with the risk assessment parameters set by the Food Standards Agency and the corresponding inspection frequencies.
- 2.3 The Council has a shared enforcement role with the County Council in respect of food labelling requirements. This situation is managed by case by case communication between the two authorities and by regular meetings of the Warwickshire & Coventry Food Liaison Group.
- 2.4 Food safety and quality is determined on inspection or sampling and by the investigation of complaints made to the Department.
- 2.5 Local authorities have statutory responsibilities to make adequate arrangements for the enforcement of **health and safety** law in relation to specified work activities- including offices, shops, retail and wholesale distribution centres, leisure, hotel and catering premises. Health and Safety Executive (HSE) inspectors also enforce health and safety law in workplaces allocated to them.
- 2.6. The appropriate use of enforcement powers, including prosecution, is important, both to secure compliance with the law and to ensure that those who have duties under it may be held to account for failures to safeguard health, safety and welfare. In allocating resources, enforcing authorities should have regard to the principles set out below, the objectives published

in the [National Enforcement Code](#), and the need to maintain a balance between enforcement and other activities, including inspection.

2.7 HSE expects enforcing authorities to use discretion in deciding when to investigate or what enforcement action may be appropriate. The decision-making process which inspectors will follow when deciding on enforcement action will be set down in writing, and made publicly available. The judgements will be made in accordance with the principles of Philip Hampton's report '[Reducing administrative burdens: Effective Inspection and Enforcement](#)'.

2.8 The **Licensing** function of the Regulatory Team covers the following areas:-

- Licensing Act 2003
- Gambling Act 2006
- Sexual Entertainment Venues
- Private Hire driver, vehicle and operator's licences
- Hackney Carriage driver and vehicle licences
- Street Trading Consents
- Small lotteries
- Street Collections
- House to House collections
- Scrap Metal Dealers

2.9 This policy should be read in conjunction with codes of practice and guidance issued by the following:- Food Safety Act 1990 [Code of Practice](#); [Approved Codes of Practice \(ACOPs\)](#); [Local Authorities Regulators of Regulatory Services \(LACORS\)](#); [HSE](#) and [HELA guidance](#); [Home Office](#), [Institute of Licensing](#), [National Association of Licensing Officers](#) and [Gambling Commission](#).

2.10 All actions will be taken only by duly authorised officers in accordance with the [Council's Scheme of Delegation](#).

3. Enforcement Options

3.1 In making a choice of action, the appropriate subject guidance below will be followed:- Food Safety Act 1990 [Code of Practice](#); [Approved Codes of Practice \(ACOPs\)](#); [Local Authorities Regulators of Regulatory Services \(LACORS\)](#); [HSE](#) and [HELA guidance](#); [Home Office](#), [Institute of Licensing](#), [National Association of Licensing Officers](#) and [Gambling Commission](#).

3.2 Any significant choice of action which might be considered to be inconsistent with such guidance, advice and views will be made in consultation with the Warwickshire & Coventry Food, Safety and Licensing Liaison Group, LACORS, the Food Standards Agency, HSE and the Primary Authority. It is recognised, however, that only the Courts can make decisions on matters of legal judgement.

3.3 In most instances no action will be taken where the offending circumstance has been occasioned by inadvertence and is proactively in the process of being remedied, however, each case will be considered individually.

4. Informal Action

4.1 Informal action is the issue of verbal advice (always confirmed in writing on the visit report or by letter), written advice with no date for action requested, written advice with a date specified for completion, and written warnings that future offences may result in prosecution.

4.2 Recommendations are necessary in order to assist the duty holder in taking all reasonable precautions and exercising all due diligence to avoid offences. Such recommendations will be clearly differentiated from legal requirements which will be identified by statute and regulation or section number.

4.3 Action Plans including timescales for completion are agreed by all parties including where necessary, the Licence Holder, Designated Premises Supervisor and other relevant Responsible Authorities (i.e. Police, WDC Environmental Health Officers and Planning Officers).

5. Statutory Notices

5.1 **Food - Hygiene Improvement Notices** will be served by authorised Inspectors and Officers in circumstances related to risk to health, in accord with [Code of Practice](#) and [Local Authorities Regulators of Regulatory Services \(LACORS\)](#) guidance, in one or more of the following circumstances:

- i. There are such significant contraventions of the legislation that it is anticipated that a prosecution would be successful in the Magistrates' Court if the evidence were placed before them.
- ii. There is a justifiable lack of confidence in the duty holder to respond to an informal approach.
- iii. There is a history of non-compliance with informal action.
- iv. Standards are generally poor with little duty holder awareness of statutory requirements.
- v. The consequences of non-compliance could have negative implications for public health or fair trading.
- vi. Although it is intended to prosecute, effective action also needs to be taken as quickly as possible to remedy continuing contraventions.

5.2 The time limit for compliance with the requirements of the notice will be made clear verbally with the duty holder, or appropriately negotiated. Regard will be had in the negotiations to consistency and feasibility. The duty holder will be advised that any unforeseen circumstances which arise in the time period, which may cause it to overrun, must be drawn immediately to the attention of the Food Safety Team. On written application, the originating

officer will have regard to the following criteria in granting an extension of the time period, or otherwise:

- i. The risk to public health associated with the fault if an extension was granted;
- ii. The reason for the request;
- iii. The remedy involved;
- iv. The past record of compliance of the duty holder; and
- v. Any temporary action which the duty holder proposes to take to remedy the defect.

5.3 As a rule, failure to comply with a Hygiene Improvement Notice will be reported for prosecution. Only unavoidable circumstances, or mitigating information coming to light concerning factors outside the control of the duty holder, will justify a variation of this policy.

5.4 **Food - Hygiene Emergency Prohibition Notices** will be served by authorised Environmental Health Officers in one or more of the following circumstances:

- i. He/she is satisfied that there is an imminent risk of injury to health.
- ii. Not taking immediate and decisive action to protect public health is unjustifiable.
- iii. There is no confidence in the integrity of an offer made by a duty holder to close the premises voluntarily and to keep the premises closed until the risk is removed.

5.5 **Occupational Safety and Health – Improvement Notices**

- i. Paragraphs 5.1 I – vi and 5.2, apply.
- ii. As a rule, failure to comply with an Improvement Notice will be reported for prosecution. Only unavoidable circumstances, or mitigating information coming to light concerning factors outside the control of the duty holder, will justify a variation of this policy.

5.6 **Occupational Safety and Health – Prohibition Notices** will be served by authorised Environmental Health Officers when there is a requirement to stop work to prevent serious personal injury.

- i. Prohibition Notices will be issued to have immediate or deferred effect.
- ii. There does not have to be a breach of any statutory requirements before a prohibition notice is issued, but an officer who thinks there has been will specify it in the prohibition Notice.

5.7 Primary, Home and originating authorities will be notified of any statutory notices served.

6. Prosecution

6.1 The decision to prosecute rests with the Council and/or Duly Appointed Inspector (in the case of Health & Safety cases) and is delegated to the Head of Health and Community Protection in consultation with the appropriate elected Member. See [Warwick District Council's Scheme of Delegations](#).

6.2 The recommendation to prosecute, based on the available evidence and professional judgement, comes from the Regulatory Manager by way of formal report to the Head of Health and Community Protection and in consultation with a Solicitor of the Legal Services Unit.

6.3 Prosecutions will be related to risk and will not be used as a punitive response to minor breaches of legislation.

6.4 The objectives of any prosecution must be:

- i. To concentrate the mind of the duty holder on the necessity to be duly diligent and to take all reasonable precautions to ensure food safety and hygiene;
- ii. To demonstrate to the public that their interests are being protected; and
- iii. To demonstrate to other duty holders that the law is being evenly applied.
- iv. To enable the Courts to decide the appropriate punishment.

6.5 **Before deciding whether a prosecution should be taken one or more of the following factors will be considered:**

- i. The seriousness of the alleged offence.
- ii. Whether death or personal injury resulted from the alleged offence.
- iii. The gravity of an alleged offence, taken together with the seriousness of any actual or potential harm, or the general record and approach of the offender warrants it.
- ii. The previous history of the party concerned.
- iii. The likelihood of the defendant being able to establish a due diligence defence (food safety only).
- iv. The availability of any important witnesses and their willingness to cooperate.
- v. The willingness of the party to prevent a recurrence of the problem.

- vi. The probable public benefit of a prosecution, the importance of the case (eg. whether it might establish a legal precedent) and satisfaction of the tests in the [Code for Crown Prosecutors](#).
- vii. Whether other action, such as issuing a simple caution in accordance with [Home Office Circular 16/2008](#), or a Hygiene Improvement Notice (H.I.N.), Improvement Notice (I.N.) or imposing a prohibition, would be more appropriate or effective.
- viii. Any explanation offered by the affected company.
- vix. False information has been supplied wilfully, or there has been an intent to deceive, in relation to a matter which gives rise to a significant risk.
- x. Inspectors have been intentionally obstructed in the lawful course of their duties.

These considerations will be detailed in all reports recommending prosecution.

- 6.6 Before a decision is made to prosecute, the duty holder will be invited to an interview under the [Police and Criminal Evidence Act 1984](#) in order to make representations before a decision is made as to the appropriate course of action to be taken. The duty holder will have an opportunity to be accompanied by a legal representative at the interview. This is the duty holder's opportunity to present any facts or views he considers pertinent to the decision-making process.
- 6.7 The circumstances where prosecution is warranted are one or more of the following:
- i. The offence involves a flagrant breach of the law such that public health, safety or well-being is or has been put at risk, or fair trading is prejudiced.
 - ii. The offence involves a failure to correct an identified serious potential risk to food safety having been given a reasonable opportunity to comply with requirements.
 - iii. The offence involves a failure to comply with a statutory notice.
 - iv. There is a history of similar offences.
- 6.8 If it is then considered by the Regulatory Manager that prosecution is appropriate the file of evidence will be presented to the Head of Health and Community Protection with a Report by the Regulatory Manager recommending prosecution. If the Head of Health and Community Protection agrees with the recommendation in the report, it will be presented to the Council's Solicitor for review, and, if the evidence is considered sufficient for there to be a realistic prospect of conviction, and the public interest test is

satisfied, then legal proceedings will normally be instigated.

6.9 Where there is a risk of injury to health the Solicitor will, in the course of the hearing, draw the Court's attention to its duty to impose a Prohibition Order.

6.10 Primary, Home and originating authorities will be notified of the results of prosecutions.

7. Simple Cautions

7.1 Simple Cautions in accordance with [Home Office Circular 16/2008](#) will only be issued by the Council in the following circumstances:

- i. There is evidence sufficient to give a realistic prospect of conviction;
- ii. The duty holder admits the offence;
- iii. The duty holder understands the significance of the simple caution and gives informed consent; and

7.2 If a duty holder refuses the offer of a Simple Caution then a prosecution will be instituted.

7.3 Primary, Home and originating authorities will be notified of Simple Cautions issued. The Caution will be cited in any subsequent proceedings as a previous offence.

8. Revocation of Approvals/Licenses/Permits/Consents & Registrations

8.1 Premises, people and vehicles can be approved and/or licensed by the Council. The Council will exercise its power of revocation, suspension or refusal to grant in the circumstances dictated by the appropriate regulations, and where it has not been possible to secure compliance by less draconian means.

Executive

Excerpt of the minutes of the meeting held on Wednesday 27 July 2016 at the Town Hall, Royal Leamington Spa, at 6.00 pm.

Present: Councillor Mobbs (Chairman); Councillors Butler, Coker, Cross, Grainger, Phillips, Shilton and Whiting.

Also present: **Councillor** Mrs Falp - Whitnash Residents Association (Independent) Observer, Councillor Naimo - Labour Group Observer & representing Overview & Scrutiny Committee, and Councillor Quinney - Chair of Finance & Audit Scrutiny Committee.

(Apologies of absence were received from Councillors Barrott and Boad).

31. **Declarations of Interest**

There were no declarations of interest made that were relevant to this excerpt.

Part 1

(Items on which a decision by Council is required)

33. **Leisure Development Programme**

The Executive considered a report from Cultural Services that; provided them an update on the Leisure Development Programme; confirmed the timelines for the remaining elements of both the investment projects and the management of work streams within the Leisure Development Programme; and approval for funding for preparatory works to be carried out at Newbold Comyn and St Nicholas Park Leisure Centres in advance of the main construction work, which would be subject to approval by Council.

The Executive agreed, in November 2015, that the Council should follow the Royal Institute of British Architects (RIBA) approach to the management 'Plan of Work' approach which was recognised as an effective and professional approach for projects of this scale. This decision recognised the need to ensure that, on projects of this scale, costs were confirmed prior to any commitment being made by the Council to commence construction works. The RIBA process was comprised of a series of stages, that were set out at Appendix 2 to the report, and as a project progressed through these stages, greater cost certainty was achieved as a result of increasingly detailed surveys being received and design solutions being proposed. The report presented to Executive in November 2015 presented the RIBA Stage 2 report produced by project managers Mace Ltd, which included the outline designs for the improvements at St Nicholas Park and Newbold Comyn leisure centres. The indicative cost at Stage 2 was £11,813,298. However, the RIBA process was designed to test initial estimates comprehensively and fully, and it was common for cost estimates to vary, normally upwards, as a project progresses beyond Stage 2.

In November 2015, the Executive authorised officers to develop the investment proposals up to RIBA Stage 4. A budget of £550,000 was approved to fund this work in advance of a final decision being made by Council when Stage 4 detailed plans and costs would be presented. The £550,000 was contained

within the estimate of £11,813,298. To date, £452,846 of the £550,000 budget had been invoiced or committed, leaving a balance of £97,154.

Progression from Stage 2 to Stage 3 required significant input from a range of parties. Further technical surveys were completed on site and solutions developed to amend designs based on the outcomes of these surveys; architects refined designs based on feedback from Sport England and Council officers in order to ensure that the designs complied with the objectives of the project and with Sport England design requirements. The Stage 2 plans were used to support the public consultation exercise that was undertaken in late January/early February 2016, and further amendments to the designs were made following the consultation. The project team were able at this stage to reduce some costs through a robust value engineering process. The team were very aware throughout this process that any savings being proposed should not fundamentally impact on the standard of the end product or reduce the experience that customers would enjoy from the new facilities.

Stage 3 designs were confirmed in April 2016, with estimated costs of £12,938,745. The Stage 3 Cost Plan included construction costs, design fees, additional surveys, an allowance for preparatory works (as explained in section 3.2 of this report), and a 4% contingency (£448,175), compared to the 5% contingency (£520,314) that had been allowed at Stage 2. Based on experience of similar projects at this stage, Mace advised that at that point that they would expect to be able to drive out a cost reduction in the region of a further £500,000 during the Stage 3 to Stage 4 work through further value engineering with the Pre Construction Services Agreement (PCSA) contractor, bringing the total project costs to under £12,500,000. This position was discussed with the Deputy Chief Executive (AJ), Head of Finance and Portfolio Holders for Cultural Services and Finance.

The Stage 3 designs were a key element of the tender documentation that was required in order for the Council to appoint a contractor under a PCSA contract. As was typical for such construction projects, procurement was an OJEU compliant "2 stage process" whereby a contractor was appointed under a PCSA to work alongside project managers, architects, and WDC officers to refine designs and technical solutions that would culminate in Stage 4 designs and costs being confirmed. At the end of Stage 4 the PCSA contractor reached a point where they were willing to take on single design point responsibility for the elements of the building that were included in the project.

Speller Metcalfe were appointed under the PCSA in June 2016 and had joined the design team to work with Mace and B3 to provide a further and significant round of value engineering, concentrating on 'buildability', phasing and specifications to ensure the building works offered the best possible value for money. During this phase Speller Metcalfe would also gain a detailed familiarity with the buildings in order to assist them in developing the Stage 4 plans and costs.

The project had evolved over the last 3 months, further costs, totalling £539,000, had emerged. These were; £106,000 (additional fees for design team as a result of amendments to the proposed designs to address construction and operational requirements, and unavoidable delays in the programme); £304,000 (revised preparatory work costs); £93,000 (costs for Clerk of Works and Building Control); and £36,000 (other costs including planning fees, construction of temporary reception and lining of car park). In

previous projects such as ancillary works had often been charged to other revenue budgets and therefore not shown as project costs. A decision was taken by CMT and the Executive at the start of this project that the costs should represent the true cost of the project.

There were also a number of additional design features that were considered to be essential or desirable which totalled £391,000 and were not allowed for in the previous estimate of £12,934,745. These included; Acoustic panelling (Newbold Comyn (NC) sports hall) – required by Sport England (£50,000); Additional car park lights (NC) - desirable (£15,000); New pool hall lights (NC) – recommended by Sport England (£100,000); New sports hall lights (St Nicholas Park (SNP)) – recommended by Sport England (£50,000); New lift (SNP) – required by Sport England (max £150,000); and Electric vehicle charge points (NC) – required by WDC (£26,000).

Based on the additional costs, the revised total cost of the investment proposals was £13,863,745. Officers were of the opinion that some savings could be made by further value engineering with Speller Metcalfe and Mace. There were also further discussions to be had to agree on which of the additional design features could be excluded or reduced. However, given the current position of the project, the wider national economic situation and the Government's emerging new procurement policy for the purchase of steel, it was considered prudent to add £636,255 to the existing contingency sum, taking the overall contingency to 7.5%, and the total budget to £14,500,000.

Construction projects of this scale typically included an element of "preparatory works" and "enabling works" that were carried out in advance of the main construction contract, allowing preparation of the site to allow the main construction phase to commence as soon as possible after approval had been given. For the purpose of this report "preparatory works" were defined as utility diversions and upgrades, and "enabling works" as internal service diversions (e.g. data cabling, alarm installations); completion of any outstanding surveys, clearance of any trees or other obstacles within the affected areas, erection of hoardings and possibly the installation of bases for works compounds.

Preparatory and enabling works would need to commence on both sites prior to approval of the main construction contract. The contract to undertake these works was completely separate from the main construction contract. The decision to allocate funding for these works did not prejudice the decision to be taken by the Council in October 2016 as the bulk of these works would be required to support any future investment in the two leisure centres. Therefore, if the decision in October was to reconsider the investment proposals and not proceed with the main construction contract at this point, then preparatory works would not have been wasted as they would be required whenever the development proceeded with only a small element of the cost (c.£25,000) of the enabling works e.g. hoardings, being written-off. The details of the preparatory and enabling works for this project were set out in Appendix 1 to the report.

If the Executive chose to delay the decision to progress the preparatory and enabling works until after the October decision, the project would be delayed and costs would rise at a rate of approximately £200,000 per quarter. This rate allowed for the increases in inflation of 1% per quarter (4% per annum) and the increase in fees for the design team that would be created by the additional timespan, calculated at their agreed rates.

The Stage 3 Cost Plan included the costs of “enabling works”. It had always been assumed that these works would be required and that a report would be necessary to draw down the appropriate funding from the proposed main contract budget to allow these works to take place ahead of the final Council decision. The estimated cost of enabling works, provided by Speller Metcalfe, was £233,875 (including a “client contingency of 10% to cover unforeseen costs”).

The “preparatory works” (utility works and diversions) required individual orders to be raised with the appropriate utilities companies. Due to the long lead times associated with utility diversions, it was key that orders were placed for these works as soon as possible and work needed to be paid for at the time of order. If orders were delayed until October a delay would be built into the project. It was necessary to move these services because either the existing services were located in areas that were needed for foundations for the new buildings, because the entry point for services would change during the refurbishment, or because the service requirements of the new building were different to the requirements of the existing buildings. In the case of this project, there would be works undertaken by Severn Trent, Western Power and SMS Connections.

The Stage 3 Cost Plan prepared by Mace Ltd included an allowance of £98,000 for the preparatory works, which were now estimated to be in the region of £402,000. The increase in costs (of £304,000) was largely due to two elements of the works, namely the need for the diversion of a large Severn Trent water main at Newbold Comyn (estimated cost £200,000) and the upgrade of the electricity supply to St Nicholas Park Leisure Centre at a cost of £85,000. The electricity upgrade included work to provide a very necessary upgrade to supplies for the children’s amusements and café in the park, and whilst this work was not part of this project, it made sense to complete the work at the same time and reduce disruption. The level of charges for these works was not expected to be this high, and work was ongoing with Severn Trent in particular, to attempt to reduce these costs by simplifying the works carried out.

The additional costs attributed to preparatory works was being investigated by Mace Ltd to establish how and why they were so far out in the Stage 3 report. They were clearly unhappy that they had significantly underestimated these costs, when they had been much more accurate in their other cost estimates. However, the purpose of the RIBA ‘Plan of Work’ approach to project management was to constantly refine costs and design as more information was available, and to get estimated costs as accurate as possible before deciding whether or not to proceed with the works.

Therefore in order for the necessary preparatory and enabling works to be undertaken, a sum of £635,875 was required. This was initially to be funded from Internal Borrowing, as discussed in the report.

Officers and project managers, Mace, had continued to work closely with Sport England to develop plans that complied with their design advice and met their strategic objectives. The Council was invited to submit an application to the Sport England Strategic Facilities Fund in late 2015 and in February 2016 was informed that the project had been judged to be of sufficient quality to be approved at Stage 1 of that process and would now progress to the final stage where a decision would be made regarding the level of funding the project

might receive. This decision would be made at the Sport England Board meeting on 19 September 2016.

Public consultation on the Stage 2 designs for both leisure centres took place in January/February 2016. Officers manned displays in the leisure centres for approximately 54 hours and spoke to over 1200 members of the public. 338 people completed feedback forms and of these people 93% were in support of the plans. Officers responded to approximately 200 individual queries in writing, and held follow up meetings with groups of customers with specific queries. These included swimmers with concerns over "village changing", customers with concerns about the removal of the splash pool at St Nicholas Park Leisure Centre, the 50+ group at St Nicholas Park Leisure Centre and various clubs and hirers of the facilities.

The proposed designs had been submitted for planning approval and were approved by the Planning Committee on 19 July 2016.

A Council meeting had been scheduled for 13 October 2016 to consider a further report with Stage 4 final designs and confirmed costs and consider progression to the construction phase. At this stage the design specification and the costs for the Council would be fixed and the risk of any further costs would be borne by the construction contractor. The additional contingency within the project costs would allow for any unforeseen problems or opportunities that occurred within the building phase to be addressed. The project contingency had been increased to 7.5% which was considered appropriate in the current circumstances. The attention to detail that had been used in preparing the surveys and current designs, should ensure any unforeseen incidents requiring use of the contingency were kept to a minimum.

An OJEU notice was placed on 6 June 2016 to commence the process of identifying an operator to manage the leisure facilities currently managed by the Council. The OJEU process required all documents relating to the contract to be issued with the OJEU notice, consequently significant work was required from officers and colleagues at Warwickshire Legal Services to complete the main contract document, Pre-Qualification Questionnaire (PQQ), Invitation to Tender (ITT) document, relevant leases, service specification, evaluation matrices, Transfer of Undertakings, Protection of Employment (TUPE) lists, quality questionnaire and supporting background documents.

The contract documents had been prepared on the basis that the investment proposals took place as described above and should this not be the case, it was likely that there would need to recommence the tender process for the management contractor as the basis for the financial modelling would have been fundamentally altered.

16 companies registered on the In-tend procurement portal and at the closure of the initial PQQ phase, on 5 July, 11 companies submitted a PPQ.

The most recent feedback from the leisure industry was that the market was buoyant and a number of strong tender processes had recently been completed which had seen significant concession fees being offered to local authorities by operators for contracts to manage leisure centres. Whilst this Council would be not be able to confirm until January 2017 what financial return had been secured for this contract, clearly the stronger the market, the more likely it was

that the Council would see a good return and the business model would see the prudential borrowing repaid over a shorter period.

The key dates for the project of letting the management contract were summarised within the report.

During the last six months, managers had continued to engage with operational staff at the leisure centres and the trade unions in order to ensure they were up to date on progress and had the opportunity to raise queries and concerns as they arose. This would continue through the coming months and until the point of transfer. During the procurement process the external operators would make many site visits and therefore it was essential that staff were fully briefed. The formal process for consultation under the TUPE regulations would be followed, and improved upon where relevant and proportionate.

Work had progressed on the review of the Cultural Services Business Support Team and "management team", both of which would be affected by the change in management arrangements. It was anticipated that a report would be submitted to Employment Committee in December 2016, proposing a new structure for the support team and the "client team" within Cultural Services.

Alternatively, the "preparatory and enabling works" could be delayed until after a decision had been made on the main construction contract in October 2016. By doing this the length of the construction contract would be extended with the consequence of increasing the cost of the main contract, and extending the period of inconvenience to the customers who would be using the facilities during the works. There was also the impact on the management contract which was scheduled to commence at the point that works at St Nicholas Park were completed. If the construction programme was extended, the construction would not be completed at either site at the start of the management contract on 3 May 2017, and the financial benefits to the Council of awarding the management contract would be delayed.

An addendum was circulated at the meeting which set out a summary time line for the Leisure Development Programme, an update on the Community Consultation and a confidential list of indicative costs.

The Finance & Audit Scrutiny Committee supported the recommendations but was concerned about the substantial increase in costs. In addition, Members highlighted to the Executive that they would be expecting Mace to make a firm commitment to deliver savings through the Value Engineering Exercises.

However, Members were encouraged by the inclusion of the penultimate sentence of paragraph 3.1.3, relating to the standard of the end product and the experience that customers should encounter at the facilities

Councillor Coker took the opportunity to thank the Head of Service and her team for their work on this project and highlighted that the purpose of using the RIBA project process was to ensure that costs were identified at the appropriate stage.

Recommended to Council that budget provision of up to £635,876 is approved to complete the preparatory and enabling works at Newbold Comyn and St Nicholas Park

leisure centres as detailed in Appendix 1 of the report, which will be funded initially from Internal Borrowing.

Resolved that:

- (1) the update on progress made on the investment programme for the leisure centres since the November 2015 Executive report including the latest cost estimates for the works, be noted;
- (2) officers and the Council's project managers, Mace Ltd, continue to work closely with Sport England prior to a decision being made by Sport England on 19 September 2016 on their potential £2m funding contribution to this project; and
- (3) the progress made on the procurement of an external operator for the leisure centres, be noted.

(The Portfolio Holder for this item was Councillor Coker)
Forward Plan reference number 745

34. **Minor Amendments to the Constitution**

The Executive considered a report from Democratic Services which brought forward minor amendments to the Council's Constitution, to ensure it was up to date and fit for purpose to enable Council services to be delivered effectively and efficiently.

The amendment to delegation DS(38) proposed a small change in the terminology used to reflect that used more widely in legislation and the associated regulations, therefore ensuring the scheme of delegation was up to date.

The proposed addition of delegated powers to issue Discontinuance Notices in order to remove advertisements, was included to bring the delegation agreement up to date. Currently, this action would need to be brought before Council, thus potentially delaying action being taken.

At present, the deadline for Notices of Motions normally fell on a Sunday (as a result of Council meeting on a Wednesday). This minor revision provided Councillors more time to submit notices of motion for consideration at meetings. It also provided a defined cut off time.

The proposal to amend the Chief Executive's delegated powers in respect of changes to the establishment, was brought forward to improve efficiency but recognised the responsibilities of the Council. The Chief Executive, as Head of Paid Service, was responsible for staffing matters and should be permitted to amend the establishment of the Council, so long as the budget was in place (approved by Executive or Council). At this time, it was felt appropriate that Employment Committee retained the responsibility to reduce the size of the establishment because of the potential redundancies and the implications of such changes for the Council.

The proposal regarding property rental write off (where the Council decided it was unlikely to recover the rent for a property) was brought forward following a discussion earlier in the year between officers. It was considered that this was covered within the current delegation for write offs, overall, but this proposal ensured that any ambiguity was removed.

The request for the Head of Finance to determine discretionary Council Tax relief applications was brought forward as a result of the application made by an individual to the Council in 2015. At the time, no delegation was in place and the application had to be considered by the Executive. The proposal was brought forward so that a decision could be taken at an appropriate level and would be consistent with delegations already in place for discretionary rate relief applications.

The Council was obliged under the Micro-chipping of Dogs Regulations 2015 to have appropriate delegations in place to enforce, where necessary. These delegations provided the appropriate level to ensure the Council could enforce the regulations quickly, as required.

The proposed move of delegations from Development Services to Housing & Property Services was to reflect the restructure of these services, in particular property management, that now fell within the responsibility of the Head of Housing & Property Services.

These proposed changes amended the delegations to reflect the restructure of services some of which now fell directly within Development Services. The removal of Committee approval for events, reflected the custom and practice of the Council for at least 15 years.

The amendment to the Licensing & Regulatory Committee function was to provide clarity. Whilst it was recognised that this had been the intention of Council previously, the proposal would remove any ambiguity and potential challenge of appointment.

The amended Portfolio Holder Structure was brought to the Executive for confirmation following the inclusion of the new Business Portfolio. This was because the Portfolio Structure formed part of the Constitution which would need to be amended by Council. It was noted, however, that Portfolio Holder responsibilities were a matter for the Leader of the Executive to determine.

Proposals for the detailed determination of planning applications relating to the design of the HS2 project were currently being discussed between officers, the Chairman of Planning Committee and the Development Services Portfolio Holder, in the light of emerging information from HS2 Limited about the way in which applications were likely to come forward. The final arrangements for these were, as yet, unclear and would remain so until final delegation from Government Office was confirmed. In that respect, it was anticipated that a further report would be brought forward shortly.

It was recognised that the current arrangements for call-in were conflicting and needed to be reconsidered in detail. Work had paused on this in recent months and investigations into best practice were now under way with a view to reporting back to the Executive in September 2016.

Alternatively, for each of the proposed changes it would be possible to leave the current situation in place. However, this was not considered appropriate because the intention of the recommendations was to provide a more efficient Constitution and delegations at an appropriate level. In addition, Councillors could consider delegating these functions either to other officers, Committee or Portfolio Holders, however, these changes had been proposed in line with the current principles of delegation within the Constitution

The proposal requiring Warwick District Councillors to provide a valid planning reason for calling in a Planning Application to Planning Committee for determination, along with the proposals to clarify the requirements for interested parties/Parish/Town Councils for commenting on planning applications, were withdrawn by the Leader of the Council. It was noted though that the Portfolio Holder, Councillor Cross, would be meeting with the Chairman of Planning Committee, Councillor Cooke, and relevant officers to bring back revised proposals.

The proposed changes to the Employment Committee remit had been raised by the Executive to ensure they were clear on the proposals. They were content with these proposals because they provided appropriate delegation to officers and ensured that Employment Committee could focus on setting Policy and Executive or Council would retain control of setting budgets.

Recommended to Council that the

- (1) amendments to the Constitution as set out at Appendix 1 to the minutes be approved; and
- (2) Part 7 of the Constitution be amended to include the revised Portfolio Holder responsibilities, as approved by the Executive, and set out at Appendix 2 to the minutes.

Resolved that further proposals for revisions to the Constitution, including the handling of applications relating to HS2 and an improved call-in procedure be brought to a subsequent meeting of the Executive.

(The Portfolio Holder for this item was Mobbs)
Forward Plan reference number 800.

(The meeting ended at 6.44pm)

Part 3 Section 2 Council Functions

(Additional/replacement wording included in *italics*)

D. LICENSING & REGULATORY COMMITTEE

- c. All matters relating to elections and electoral registration *including the appointment of Councillors to a Parish or Town Council under Section 91 of the Local Government Act 1972.*

G. EMPLOYMENT COMMITTEE

- (iii) To approve *any reductions in* the ~~staff~~ establishment of the Council in accordance with the Council's agreed budget

Part 3 Section 4 Scheme of Delegation

(Additional/new wording included in *italics*, deleted text ~~struck through~~)

- CE(9) *Authorise changes to the Council's establishment that do not result in an increase to the cost to the Council of approved establishments or the introduction of new posts.*
- DS (38) Determine all applications for non material amendments ~~minor amendments~~ to planning permissions and other forms of consent.
- DS (48) Serve and withdraw notices in respect of the following: Town and Country Planning Act 1990 (TCPA) and Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCAA) as amended:

(xi) Section 220 1 (TCPA) and/or Section 224 1b (TCPA) – Discontinuance Notices in accordance with Regulation 8 of the Town and Country Control of Advertisement Regulations 2007.
- ~~DS(26)~~ Grant wayleaves and easements across Council owned land to other public organisations.
HS(98)
- ~~DS(27)~~ Grant new leases on vacant properties, excluding HRA properties.
HS(99)
- ~~DS(28)~~ Following consultation with ward councillors and the relevant Head of Service of the service area owning the land, dispose of other interests in land including its sale where the consideration does not exceed £20,000 and also to accept the Surrender of leases where the value does not exceed £20,000.
HS(100)
- ~~DS(29)~~ Follow consultation with ward councillors and the relevant Head of Service of the service area owning the land to initiate, proceedings for forfeiture of Leases.
HS (101)
- ~~DS(30)~~ Agree rent reviews, for non HRA properties, where agreement on the new rent has been reached without recourse to arbitration.
HS(102)
- ~~DS(31)~~ Grant new leases, for non HRA properties, where statutory renewal rights exist.
HS(103)

- ~~DS(32)~~ Grant terminable licences, for non HRA properties, for access and other purposes.
~~HS(104)~~
- ~~DS(33)~~ Manage and control properties acquired by the Council in advance of requirements ~~(other than those held under Part V of the Housing Act 1957 where consultation with the Head of Housing and Property Services is required)~~.
~~HS(105)~~
- ~~CS(3)~~ Grant applications for organised visits to and bookings of parks, open spaces and buildings and for conference facilities. ~~where Committee approval has been given in previous years.~~
~~A(10)~~
- ~~CS(4)~~ Engage performers and artists for events in accordance with the policy and within the approved budget.
~~DS(81)~~
- F (15) Take the following action under the NNDR and Council Tax Regulations: *(xvi) to determine discretionary council tax relief applications.*
- F (7) Write off sundry debts, Finance function debts and all other debts, *including property rentals.*
- HCP(79) *The Head of Health & Community Protection, be authorised under the Microchipping of Dogs Regulations 2015, to*
- (a) serve on the keeper of a dog which is not microchipped a notice requiring the keeper to have the dog microchipped within 21 days;*
 - (b) where the keeper of a dog has failed to comply with a notice under paragraph (a), without the consent of the keeper—*
 - (i) arrange for the dog to be microchipped; and*
 - (ii) recover from the keeper the cost of doing so;*
 - (c) take possession of a dog without the consent of the keeper for the purpose of checking whether it is microchipped or for the purpose of microchipping it in accordance with sub-paragraph (b)(i).*
- ~~CS(3)~~ Grant applications for organised visits to and bookings of parks, open spaces and buildings and for conference facilities ~~where Committee approval has been given in previous years.~~
~~A(10)~~
- ~~CS(4)~~ Engage performers and artists for events in accordance with the policy and within the approved budget.
~~DS(82)~~

Part 4 Council Procedure Rules

(Additional wording included in *italics*, deleted text ~~struck through~~)

6. Notices of Motion

- (2) Notice of every motion must be by e-mail or in writing, signed by the member, or by 10 members in the case of motions submitted under Procedure Rule 16, and delivered ~~at least nine clear days by 10.00am on the sixth clear working day~~ before the next meeting of the Council, the Executive or Committee they wish it to be considered at, to the office of the Chief Executive.

Appendix 2

| Deputy Chief Executive, Monitoring Officer & Legal Client Manager Andrew Jones | | | Chief Executive Chris Elliott | Deputy Chief Executive Bill Hunt | | | |
|--|--|--|--|---|---|--|---|
| Michael Coker Portfolio Holder and Deputy Leader | Peter Whiting Portfolio Holder | Moira Ann Granger Portfolio Holder | Andrew Mobbs - Leader | Peter Phillips Portfolio Holder | Steven Cross Portfolio Holder Development | Noel Butler Portfolio Holder Business | Dave Shilton Portfolio Holder |
| Cultural Services Rose Winship | Finance (S151) Mike Snow | Health & Community Protection Marianne Rolfe | Human Resources Corporate HR People Management Learning & Development Corporate Payroll Media | Housing & Property Services Andrew Thompson | Development Services & Business Tracy Darke | | Neighbourhood Services Robert Hoof |
| Sports & Leisure Stuart Winslow | Accountancy All Council Accountancy Services Jenny Clayton | Community Partnership Team Community Leadership Community Forums & Voluntary Sector Contracts Health and Wellbeing Liz Young | Legal Services | Housing Strategy and Development Homelessness and Housing Advice Tenants Participation Private Sector Housing Disabled Adaptations New Affordable Housing Developments inc Council House Building Abigail Hay | Development Management Enforcement Land Charges Conservation Gary Fisher | Policy & Projects Dave Barber | Contract Services Refuse & Recycling Collections Parks & Open Space Maintenance Street Cleansing Off Street Parking Gary Charlton |
| Entertainment Royal Spa Centre/Theatre Town Hall David Guldling | Audit & Risk Corporate Insurance Richard Barr | Regulatory Food Safety Health & Safety Licensing Lorna Hudson | ICT Services Desktop Services incl Helpdesk/Infrastructure Services/Application Support/Geographical Information Systems (GIS) Digital Mapping Services/Local Land & Property Gazetteer (LLPG)/Street Naming & Numbering/Website Ty Walter (reporting direct to Andrew Jones, Deputy Chief Executive) | Asset Management Maintenance & Repair of Corporate Property Assets and Council Houses Matthew Jones | Building Control Consortium Phil Rooke | Corporate Sponsor for: Shakespeare's England DMO; Town Centre Partnerships; Leamington Town Centre Vision; Partner relationship with College and University; CWLEP Funding; Events programme; Business Support; Help for unemployed/low paid e.g. Job clubs, etc; Cultural and Digital Quarter; Chandos Street; Stratford Road employment site; St Mary's Lands; Enterprise Facilities; Growth hub; Whiteley South, Gateway; Stoneleigh; Eps End; | Bereavement Services Burials & Cremations Pam Chilvers |
| Business Support Admin Finance & Admin Support for Culture Stephen Falp | Exchequer Council Tax and Business Rates Rate Collection Sundry Debt Collection Corporate Invoice Payment Dave Leech | Environmental Sustainability Contaminated Land Commercial Noise Flood Alleviations Civil Contingencies Sam Collins/Mike Jenkins | Democratic Services & Corporate Support Team Elections/Electoral Registration/Committee Registration/Councillors/FOI/Data Protection/Complaints/Civic Support/Corporate Support Team Graham Leach (reporting direct to Andrew Jones, Deputy Chief Executive) | Sustaining Tenancies Landlord Services to Council Tenants Collecting Rent Estate Management Ensuring Tenancy Conditions are Complied with Jacky Oughton | Corporate Sponsor for: Local Plan; Infrastructure Development Plan; South of Warwick/Leamington Development; Single Spatial Strategy; Leper Hospital; HQ Relocation | Green Space Improvements Green Space Strategy St Marys Land Wildlife Habitats Dave Anderson | |
| Arts & Heritage Royal Pump Rooms Art Gallery & Museum Arts Development Jeff Watkin | Benefits & Fraud (Impact of UC) Housing Benefits & Council Tax Reduction Corporate Fraud Andrea Wyatt | Safer Communities Domestic Noise Anti-Social Behaviour Dog Warden Pest Control & Animal Licensing CCTV Pete Cutts | Corporate Sponsor for: Fit for the Future; HQ Relocation; CWLEP Board, CW Jt Committee; WMCA and Devolution; People Strategy; Digital Transformation and ICT Strategy; Digital Media/Comms Strategy. | Asset Management Maintenance & Repair of Corporate Property Assets and Council Houses Matthew Jones | | Performance & Policy One Stop Shop (UNDER REVIEW) Managed by WCC Graham Folkes-Skinner | |
| Programme Manager for future sport service options Padraig Herlihy | Procurement Compliance with Legislation Support & Advice on Procurement Contracts John Roberts | Corporate Sponsor for: cross cutting Champion for Children's Protection; cross cutting Champion for Vulnerable Adult Safeguarding; cross cutting Champion for Health and Well Being; Health and Well Being Board; Purple Flag; Voluntary Sector and Community projects; cross cutting Champion for Community Safety; South Works Community Safety Partnership; cross cutting Champion for Sustainability; Asylum seekers; | | Corporate Sponsor for: Lillington Regeneration Scheme; Europa Way Project; Housing Futures; Council Development Company; new housing in villages; Gypsies and Travellers; Financial Inclusion | | Corporate Sponsor for: new Covent Garden car park; Linen Street Car Park; Car Park Strategy; Tachbrook Country Park; Pump Rooms Gardens; Play Area Improvements; Contract Renewal; Abbey Fields; | |
| Corporate Sponsor for: National Bowls Championships; Womens Cycle Tour; Leisure Programme phase 1; Masterplanning of South of Coventry; Masterplanning at Kenilworth; Leisure Programme phase 2; | Corporate Sponsor for: Annual Governance Statement; Medium Term Finance Strategy; Asset Management Strategy; Financial Inclusion | | | | | | |