

Executive

Minutes of the meeting held on Wednesday 14 January 2015 at the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Mobbs (Chairman); Councillors Caborn, Coker, Cross, Mrs Gallagher, Hammon, Shilton and Vincett.

Also present: Councillor Boad (Liberal Democrat Observer), Councillor Mrs Falp (Chair of Overview and Scrutiny Committee), Councillor MacKay (Representative of Finance & Audit Scrutiny Committee & Independent Group Observer), and Councillor Weber (Labour Group Observer).

96. **Declarations of interest**

Minute Number 102 – 2014 National Bowls Championships - Review

Councillor Caborn declared an interest because he was a Member of the Royal Leamington Spa Bowls Club Management Committee

Minute Number 104 – Council's Strategic Approach to Sustainability and Climate Change

Councillor Boad declared a pecuniary interest because he was a director of one of the companies mentioned in the report, Act on Energy.

97. **Minutes**

The minutes of the meeting held on 3 December 2014 were taken as read and signed by the Chairman as a correct record.

Part 1

(Items on which a decision by Council is required)

98. **Housing Appeals and Review Panel**

The Executive considered a report from Housing and Property Services which proposed amending the powers of the Housing and Appeals Review Panel (HARP) and the Guidance Notes issued for members of the Panel.

The report had been prompted by the introduction of new legislation to address criminal behaviour and the roll-out of new ways of working for the Council, which were intended to streamline the way the Council operated.

The changes to the Guidance Notes were designed to enhance the clarity of purpose for HARP by helping Members better understand its remit, scope and the applicability of Special Responsibility Allowances for those Members who sat on HARP.

The existing powers and scope for HARP were approved by the Executive at its meeting on 2 December 2009 with further amendments being agreed on 23 June 2010. However, since then, there had been changes in national legislation to which the Council needed to respond to maintain compliance with the law.

Section 3 of the report outlined the circumstances in which the Council could apply to the County Court for absolute possession of a secure tenancy, under the Anti-Social Behaviour, Crime and Policing Act 2014. Once a notice had been served, tenants had the right to appeal that decision through HARP, which would be independent from the officers who had made the original decision to serve the notice.

At present, a number of other appeals were currently dealt with by HARP but officers felt these could be dealt with more effectively and rapidly by other means. This would help improve the service to tenants by speeding up the process for submitting an appeal, considering this and a decision being made and notified.

A list of the specific appeals that could be dealt with outside of HARP and the way these could be dealt with in the future were outlined in sections 3.5 and 3.6 of the report.

The alternative options were that the terms of reference for HARP could remain unchanged, however, legal advice received suggested that this could leave the Council in a weaker position because tenants could be denied the right of appeal under the Anti-Social Behaviour, Crime and Policing Act 2014. This in turn would mean that an application to the County Court for Possession would be dismissed by the Court, harming the Council's reputation as a competent and responsible litigant and reducing the effectiveness of the Council's approach to working alongside other agencies, such as the Police, to reduce criminal behaviour.

It was with regret that the Overview & Scrutiny Committee recognised that this met the Council's statutory requirement and that these changes had to be made because they felt there was value in retaining councillor involvement in the appeal process for those items removed from the HARP process.

The Committee welcomed the agreement from the Portfolio Holder for, and Head of, Housing & Property Services that they would ensure that the correspondence for HARPs, especially with applicants and tenants, was put into plain English.

They also welcomed that Housing & Property Services officers would ensure that the tenant would be directed to their Ward Councillor about appeal matters and that Ward Councillors would be notified about appeals regarding applicants or tenants in their Ward.

The Portfolio Holder for Housing and Property Services, Councillor Vincett, addressed Members and agreed that Member involvement with tenants

was important. He assured them that when the procedure notes were reviewed they would highlight that individuals would be encouraged to contact their Ward Councillor during the process.

It was therefore

Recommended to Council that

- (1) the powers of HARP be amended to hear appeals against the service of a Notice of Seeking Possession under the Anti-Social Behaviour, Crime and Policing Act 2014;
- (2) the powers of HARP be amended so that it no longer hears appeals made in connection with the following:
 - Second Stage Homelessness Decisions (for example appeals against a decision of 'intentionality')
 - Unsuitability of properties offered in discharge of homelessness duties (including cases where it is alleged that the offer was unreasonable)
 - Exclusions from the Council's Housing Register.
 - Service of Notice of Seeking Possession in respect of breaches of Tenancy Conditions (for example nuisance caused by the tenant)
- (3) an amendment is made to Section H of Part 3 of the Council's Constitution (Local Choice Functions, Council Functions and Executive Functions) to delete the powers noted above in recommendation (2) and to include the addition power noted above in recommendation (1); and
- (4) the amended Guidance Notes for the Housing Appeals and Review Panel (HARP), as Appendix A to the report, be adopted and adhered to.

(The Portfolio Holder for this item was Councillor Vincett)
(Forward Plan reference 629)

99. **Council Procedure Rules**

The Executive considered a report from Civic and Committee Services which outlined proposals amending the Council Procedure Rules to enable easier understanding of the Order of Business, Rules for Debate and the Executive decision making process.

Members and officers had often voiced concerns about the complexities of the debating rules at Council meetings and struggled to understand the lengthy explanations in the Constitution.

It was agreed that these processes and explanations could be simplified, which should assist in a better understanding for Members and officers.

The Constitution Working Party was set up in October 2012 to look at updating and improving the existing Constitution and was made up of three of the Group Leaders; Councillors Barrott, Boad and MacKay along with Councillor Caborn, the Deputy Leader and Lead on the Local Plan.

To date, the Working Party had reassessed the Employee Code of Conduct, the Executive Leader arrangements and the petitions process.

A number of amendments to the Scheme of Delegation, the Member Code of Conduct, Member Officer Protocol and the arrangements for Housing Advice Review Panels were being worked on and would be submitted to Council in due course.

This report proposed amendments to various sections of the Council Procedure Rules including the Public Interest Debate section of the Council agenda, the Rules for Debate, questions to Committee Chairmen and Portfolio Holders.

In addition, the report explained that the Council's scheme of delegation was currently ambiguous in the area of delegation to affix the Common Seal and therefore it was proposed that this be amended to provide clarification.

An alternative option was to not make any updates or changes to the Council Procedure rules. However, this would be counterproductive because the main aim was to provide clarity and assist with the smooth running of Council meetings.

Officers were due to start a comprehensive review of the Officer Scheme of Delegation in January 2015. While this change could be considered as part of this review it was felt prudent to remove this ambiguity as soon as possible.

The Overview & Scrutiny Committee asked that:

- (1) Procedure rule 9(1) be amended to reflect in the main body that questions could be directed to portfolio holders about their specific remit; and
- (2) Procedure rule 13(1) be amended to enable that any Councillors could call for the motion to be in to be writing but the Chairman took the final decision.

The Leader, Councillor Mobbs endorsed the report and supported the comments from the Overview and Scrutiny Committee with a further

amendment to the wording of Procedure rule 13(1) as proposed by Councillor Boad, to read:

***(1) Institution of Debate**

A motion or amendment cannot be discussed unless it has been proposed and seconded and, unless notice has already been given in accordance with Procedure Rule 6. Any Member can request that an amendment should be put in writing before it is further discussed or put to the meeting. The Chairman will make the final decision.

It was therefore resolved that the Executive

Recommended to Council that

- (1) the Council Procedure Rules be updated as per Appendix 1 to the report and the further amendments to Procedure rules 9(1) and 13(1) as detailed above;
- (2) Members note that training on the Rules for Debate will be included in the Members' Training Schedule, due to commence after the Elections in May 2015;
- (3) the Constitution Working Party will do further work, specifically looking at the Call-in process; and
- (4) the Officer Scheme of Delegation A(2) be amended to read "Authority to affix the Common Seal where appropriate approval(s) have been given shall lie with Chief Executive, Deputy Chief Executives & Monitoring Officer (individually)".

(The Portfolio Holder for this item was Councillor Mobbs)
(Forward Plan reference 594)

100. Convictions and Cautions Policy for Hackney Carriage/Private Hire Drivers and Operators

The Executive considered a report from Health and Community Protection which presented the reviewed Convictions and Cautions Policy applicable to drivers of Hackney Carriages and Private Hire taxi drivers.

It had come to the attention of Officers that the Convictions and Cautions Policy against which all new applicants and renewal applicants for a Hackney Carriage and Private Hire Driver's Licence were assessed, was set at a level below the requirements outlined by all of the neighbouring authorities' policies.

The draft policy had been consulted upon and the comments received reviewed against the proposed policy. The resulting policy was attached as appendix 1 to the report.

The changes to the policy were wide ranging and designed to ensure the safety of the general public by ensuring that the applicants and renewing drivers were fit and proper. Many of the standards laid down in the revised policy were the same or similar to the current policy which Members were able to access on request.

A report was submitted to the Licensing and Regulatory Committee in December 2014 and, following robust discussion and questioning, it supported the recommendations to the Executive.

The alternative options were that the proposed policy could be refreshed and the current policy could continue to be used. However, it was considered that the policy was out of step with those of neighbouring authorities. This had the potential for lower standards of behaviour and competence of drivers in our District.

The Overview & Scrutiny Committee welcomed the report, but asked that officers include the normal enforcement steps, gentle reminder, warning letter etc underneath the table of offences.

The Portfolio Holder for Health and Community Protection, Councillor Coker, endorsed the report and reminded Members of the importance of taxi drivers working responsibly in the District. He felt that although the wearing of an identification badge may seem a small matter, it was imperative that visitors and residents using the taxi service were satisfied their driver had been licensed according to the Council's high standards.

The Executive agreed the recommendations in the report and agreed that the normal enforcement steps would be detailed in the policy.

It was therefore

Recommended to Council that

- (1) the proposed policy which will be used for the assessment of all new and renewing drivers, is approved;
- (2) the methodology for dealing with existing drivers who fall outside of the standards identified in the policy, is approved;
- (3) the taxi driver licence application form is amended to reflect the new policy.

(The Portfolio Holder for this item was Councillor Coker)
(Forward Plan reference 675a)

101. **Changes to Anti-Social Behaviour Legislation**

The Executive considered a report from Health and Community Protection which advised on new powers and responsibilities which came into force in October 2014 relating to the Anti-Social Behaviour, Crime and Policing Act (2014).

There were duties on the Authority, in partnership, to respond to concerns about anti-social behaviour and support victims.

The report outlined the new powers and responsibilities, advised of Community Remedies and the threshold for the Community Trigger, notified Members of the Anti-Social Behaviour officer as the single point of contact for the community trigger and requested that authority be delegated to the Head of Health and Community Protection to use these powers.

Warwick District Council had a statutory duty to work in partnership to reduce crime, disorder and substance misuse and the Authority was the lead agency in tackling anti-social behaviour as part of the South Warwickshire Community Safety Partnership Plan.

The Police & Crime Commissioner had a duty to consult on these remedies and, whilst these were not controversial, the Council had a duty to respond.

The report explained that as significant crimes reduced, tolerance of lower level disorder and anti-social behaviour appeared to be reducing. The new powers were timely in this regard and would allow the Council to address these concerns quickly whilst supporting victims better.

There was also an opportunity to set out what was felt to be unacceptable in our public spaces and, together with Police, the Council would produce some generic conditions and some site specific conditions based on evidence in those areas.

The advent of the Ranger Service would also provide additional authorised officers supporting Police Officers and PCSO's in the enforcement of these conditions.

The alternative options were limited because there was little leeway in the legislation and the proposals were in line with the pilot project for Warwick District's most similar authority area, Avon & Somerset.

The Portfolio Holder for Health and Community Protection, Councillor Coker, endorsed the report and proposed the recommendations as laid out.

It was therefore

Recommended to Council that

- (1) the new powers and responsibilities as set out in Appendix 1 to the report, are noted;
- (2) the Community Remedies as set out in Appendix 2 to the report, are agreed;
- (3) the threshold for the Community Trigger as set out in Appendix 3 to the report, is agreed;
- (4) the Anti-Social Behaviour Officer as the Single Point of Contact for the Community Trigger, is agreed; and
- (5) authority is delegated to the Head of Health & Community Protection for the above powers.

(The Portfolio Holder for this item was Councillor Coker)

Part 2

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

102. 2014 National Bowls Championships - Review

The Executive considered a report from Cultural Services which reviewed the 2014 National Bowls Championships and set out the findings and the lessons learned which were proposed to be taken into account in planning for the future National Bowls Championships. The report had been compiled in order that members could understand the impact of the event on the district, and on the various parties affected by the event.

A previous report had requested that the Council considered converting the old tennis courts to a permanent car park and this report detailed the costs of converting these, the impact of the operational requirements and the ongoing costs.

Officers had assessed a number of areas that had contributed towards the success of the event as follows: Economic impact on the District; Operational feedback from Bowls England; Technical feedback from the Sports Turf Research Institute (STRI); Impact on local residents and park users; Parking operations and usage data; Impact on Royal Leamington Spa Bowls Club, Victoria Park Café and VP Tennis; and Impact on WDC officer resources.

Members were asked to note the key findings from the review and agree the lessons learned be taken into account in the planning of future Bowls events. In addition, an Economic Development Action Plan associated with the event was attached as Appendix B, required agreement.

The Action Plan explained that funding was required from the Tourism Reserve to support the 2015 – 2018 plan, in consultation with the Portfolio Holder for Development Services. This was for the purchase of steel signage for the temporary signage route that was tested in 2014.

The report also proposed that no works should take place to the old tennis courts to make it a formal car park but that a further report would be brought forward outlining the options available to improve the amenity of the old tennis court area.

A full analysis of the old tennis court issue was provided at section 3.10 of the report, explaining what work would be required and the viability of using it for parking cars. Estimated costs for installing a new parking were also provided, along with annual running costs.

The report did not seek to consider alternatives to hosting the Championship event in Victoria Park but recognised that the review had highlighted some 'lessons learned'.

An alternative option was, however, to go ahead with transforming the old tennis courts into a car park but this was not guaranteed to be cost effective.

The Finance & Audit Scrutiny Committee supported the recommendations but raised queries as to why the funding requested in recommendation 2.2 could not be covered by the remaining Bowls Championship budget.

The Finance & Audit Scrutiny Committee was extremely pleased with the way the whole championship ran and formally asked that all the staff involved in bringing this together be congratulated for all the hard work they put in to make it the success it was, not only for the bowlers, but for all the business' in Leamington and the District.

The Overview & Scrutiny Committee passed its congratulations to all involved on a well organised national event and welcomed that the issues were being investigated and responded to.

Councillor Cross was pleased to see the recognition of staffs' hard work from Members and explained that he could not have done his portfolio holder role without all the officers involved. He expressed special thanks to the project manager, Richard Jones, for his hard work in bringing the project together.

Members agreed that the championships had proven to be a great economic success for the District and hoped that the lessons learned would increase the success for future years.

The Leader, Councillor Mobbs formally advised that the Executive, Scrutiny Chairs and Leader wanted to congratulate all staff for the tremendous success of the Bowls Championships and was delighted with the impact on the local economy which was estimated to be £2.1m across the region.

The Portfolio Holder for Cultural Services, Councillor Mrs Gallagher, endorsed the fantastic success of the championships and was looking forward to building on that for next year. She recognised the huge

amount of hard work from all staff and congratulated everyone who had volunteered their time in the visitor tent. Councillor Mrs Gallagher assured the Scrutiny Committees that their comments would be taken on board and hoped that additional improvements would make the event even more welcoming.

It was therefore

Resolved that

- (1) the key findings from the review are noted, the lesson learned in section 3.9.2 of the report will be taken into account in the planning of the future National Bowls Championships events and the Economic Development Action Plan associated with the event at Appendix B to the report, is agreed;
- (2) authority is delegated to the Economic Development and Regeneration Manager, in consultation with the Portfolio Holder for Development Services, to draw down up to £5,000 from the Tourism Reserve to support the 2015 – 2018 Action Plan attached at Appendix B to this report;
- (3) no works will take place to the old tennis courts to make it a formal car park but a further report, including costs, is brought on what can be done to improve the amenity of the old tennis court area; and
- (4) the Executive, Scrutiny Chairmen and Group Leaders wish to formally congratulate all staff involved for the tremendous success of the Bowls Championships.

(The Portfolio Holder for this item was Councillor Mrs Gallagher)
(Forward Plan reference 652)

103. The Introduction of a proposed Pre-Application Charging Regime for development proposals

The Executive considered a report from Development Services which sought authority to consult with key external stakeholders in bringing forward and implementing a regime, introducing financial charges for the provision of pre-application planning advice.

Pre-application advice was increasingly becoming a key element in the provision of a rounded and effective development management service.

To date, unlike many other Local Planning Authorities across the sub-region including Warwickshire County Council, Stratford on Avon District Council, Solihull Metropolitan Borough Council, and Nuneaton and Bedworth Borough Council, Warwick District had resisted the introduction of pre-application charging essentially due to concerns about the extent to which potential users may be discouraged by the requirement to pay for such a service.

However, it is widely acknowledged that the benefits of effective pre-application services were generally welcomed within the development industry and that developers were willing to pay for that service subject to it being provided in a timely and transparent manner.

The report therefore requested that officers be authorised to consult with relevant stakeholders in order to obtain their views on the proposed introduction of the pre-application service. The proposed restructured service, incorporating a charging regime, was attached as an appendix to the report.

In order to ascertain and understand the views of customers in progressing this proposal, it was proposed to consult a sample of customers who had recently submitted planning applications; those planning agents who regularly submitted planning applications and those planning consultancies that had submitted a planning application within the last year on the details of the proposed scheme.

An alternative option was to continue with the service as it currently stood, however, officers did not feel that this provided an appropriate level of customer service nor contributed effectively as it could to the delivery of good development.

A further option was to provide additional resourcing of the service without the introduction of a pre-application charging regime. However, this had been discounted on grounds of costs, the financial climate, the need to make ongoing savings and the potential for introducing a self-financing initiative.

The Finance & Audit Scrutiny Committee raised some concerns about Tiers 2a and 2b putting applicants off asking for advice but supported the recommendation to consult.

Councillor Coker highlighted the need to ensure that officers clearly stated that this process was no guarantee of approval of permission.

The Portfolio Holder for Development Services, Councillor Hammon, reminded Members that this was only at the consultation stage and he took on board the comments from Councillor Coker. He advised that there would be a further report back to the Executive and hoped that the proposal, if implemented, would speed processes up for the department.

It was therefore

Resolved that

- (1) officers are authorised to consult with relevant stakeholders in order to obtain their views on the proposed introduction of the pre-application service included at Appendix 1 to the report; and
- (2) officers will report back to Executive on the outcome of that consultation and the proposed next steps.

(The Portfolio Holder for this item was Councillor Hammon)
(Forward Plan reference 635)

104. Council's Strategic Approach to Sustainability and Climate Change

The Executive considered a report from the Sustainability and Climate Change officer which set out the Council's proposed strategic approach to sustainability and climate change.

The Council was required to demonstrate how the sustainability objectives of the Sustainable Community Strategy would be achieved and to ensure that the organisation, and the wider District, was able to effectively address the risks and opportunities presented by this agenda.

The proposed strategic approach to sustainability and climate change for Warwick District Council was attached as an appendix to the report and Members were asked to adopt this.

The report explained that the sustainability and climate change agenda was complex and wide-ranging and affected all service areas. An agreed corporate approach was therefore essential.

It was important to set a strategic framework for the Council to ensure that the aims and objectives of Council were met and that decisions on actions and expenditure were made on a reasoned basis.

The alternative option was to continue addressing sustainability and climate change in an ad hoc manner. However, making choices between different options was complex and a strategic approach was therefore needed on which to base decisions. The content of the strategy and the actions which resulted were a matter of choice for the organisation. What had been put forward was considered to be a balanced approach given the resources available.

The Overview & Scrutiny Committee welcomed the report and looked forward to updates on this through the Portfolio Holder statements.

Councillor Weber addressed Members and directed them to the action plan which outlined 30 actions for officers, and queried as to whether the workload was too much for one person.

In response the Portfolio Holder for Health and Community Protection, Councillor Coker, advised that whilst he appreciated the comments, this was a management issue.

It was therefore

Resolved that the strategic approach to sustainability, outlined in Appendix A to the report, is adopted by the Council. It is envisaged that, whilst the strategic direction will be set, the action plan will require regular revision and updating to reflect changing circumstances.

(The Portfolio Holder for this item was Councillor Coker)
(Forward Plan reference 617)

105. **Open Land at Chase Meadow, Warwick**

The Executive considered a report from Development Services which considered the acquisition of areas of open space land at Chase Meadow, Warwick.

The proposal was to transfer the open space land from Taylor Wimpey Ltd to Warwick District Council on payment by Taylor Wimpey Ltd (TW) of the appropriate commuted sum for the future maintenance of the land.

In relation to the residential development of land at South West Warwick over the last few years, TW (formerly Bryant Homes) had been granted a number of planning permissions which resulted in the completion of related Section 106 Agreements.

The Agreements imposed a number of obligations on TW including the provision of open space land, comprising Plots 1, 2, 3, 4, 5, 6, 8 and 9 as shown on Plan 1, within the various phases of residential development.

The Agreements prescribed the basis upon which a commuted sum was to be paid by TW to the District Council in relation to the future maintenance of the open space land and the parties had agreed that the aggregate amount payable was £334,295.79.

The District Council was obliged under the majority of the Agreements to acquire the open space land on completion of the necessary works and on payment by TW of the commuted sum. However, the Agreements relating to Plots 1, 2 and 8 did not contain the usual provisions obliging the District Council to take a transfer of the open space land and therefore the formal approval of Executive was required for the transfers to be completed

The alternative option was retention by TW of ownership of the open space areas. However, this would be in breach of the provisions in the majority of the Agreements and counter to the usual procedures that were adopted in relation to the Agreements at South West Warwick.

The Finance & Audit Scrutiny Committee supported the recommendation but highlighted to the Executive that if it proceeded with the land transfer it needed to be satisfied that any additional maintenance costs, beyond that stated in the report, would not present an additional financial burden on the Council. Should these additional costs occur, then this needed to be highlighted to the officers who put together the S106 agreements as there could be a lot more over the coming years.

Following the Finance and Audit meeting, Members had received an email from officers explaining the formula used to calculate the future cost of land maintenance. Officers advised that they were satisfied that the calculations in the report were accurate and were confident that the funding detailed was sufficient to cover the thirteen year period.

The Portfolio Holder for Development Services, endorsed the report and it was therefore

Resolved that the transfer of open space land at Chase Meadow, Warwick, from Taylor Wimpey Ltd ("TW") to Warwick District Council, as explained in this report, on payment by TW of the appropriate commuted sum for the future maintenance of the land, is approved.

(The Portfolio Holders for this item were Councillors Hammon & Shilton)

106. **Significant Business Risk Register**

The Executive considered a report from Finance which set out the latest version of the Council's Significant Business Risk Register for review by the Executive. The register had been drafted following discussions between the Leader of the Council, Chief Executive, Monitoring Officer, Section 151 Officer, and the Audit & Risk Manager.

The Significant Business Risk Register (SBRR) recorded all significant risks to the Council's operations, key priorities, and major projects and individual services also had their own service risk registers.

The SBRR was reviewed quarterly by the Council's Senior Management Team and the Council Leader and then, in keeping with members' overall responsibilities for managing risk, by the Executive. The latest version of the SBRR was set out as Appendix 1 to the report.

The report provided updates on five risks that had been detailed in the 'red zone' at a previous Executive meeting. The five risks highlighted had been as follows:

Fit for the Future Change Programme not managed appropriately/effectively;
Risk of service quality reducing;
Risk of insufficient finance to enable the Council to meet its objectives;
Risk of significantly reduced income; and

Risk of Local Plan being unsound or delayed.

An additional risk relating to Corporate Governance had also entered the red zone in the last quarter and the details of this were provided at paragraph 9.9 of the report.

The Finance & Audit Scrutiny Committee supported the recommendations in the report but highlighted that Appendix 2 did not marry up with the information supplied in Appendix 1.

The Leader, Councillor Mobbs, thanked the Scrutiny Committee for its comments and accepted that some of the information did not marry up.

It was therefore

Resolved that

- (1) the Significant Business Risk Register attached at Appendix 1 to the report was reviewed and no further actions were needed to manage the risks facing the organisation; and
- (2) for all new building projects and professional services contracts from 1st April 2015 onwards, the Council will adopt the RIBA staged process set out as Appendix 4 and for all other projects the Prince 2 approach summarised at Appendix 5 to the report.

(The Portfolio Holder for this item was Councillor Mobbs)
(Forward Plan reference 670)

107. Endorsement of Parish Plans for Lapworth and Burton Green Parish Plans

The Executive considered a report from the Community Partnership Team which informed Members of the actions included in the completed Parish Plans for Lapworth and Burton Green.

In September 2012 the Executive agreed to adopt a 'Joint Protocol for WCC/WDC involvement in and responding to Parish Plans, Parish Appraisals and Village Design Statements'. The Protocol defined the support available from Warwick District and Warwickshire County Councils to Parish Plan Groups in developing their appraisals/plans and set out the process for the Executive's consideration and endorsement of the plan.

The Warwick Rural West Community Forum considered the Parish Plan for Lapworth in January. Concern was expressed at the wording in the second paragraph of the plan and it was suggested that officers consider amending it. In addition, the District Council raised a number of concerns about actions linked to the Local Plan. As a consequence, the wording and

actions were amended and these were highlighted in the 'Parish Plan - summary of actions' sheet in appendix 1.

The Kenilworth Community Forum considered the Parish Plan for Burton Green on 8 December and it was fully supported by the Forum.

A number of issues were identified by the Lapworth and Burton Green parishes during the production of their plans including controlling speed limits, gritting of side roads, encouraging community responsibility and mains drainage issues.

No alternative option was considered because the Protocol was developed to ensure Parish Councils felt included and connected to other key structures and decision making processes.

It was therefore

Resolved that

- (1) the Parish Plans for Lapworth and Burton Green, be endorsed; and
- (2) the actions detailed in each of the Parish Plans summarised in appendix 1 to the report, are noted.

(The Portfolio Holder for this item was Councillor Caborn)
(Forward Plan reference 660)

108. Options Appraisal tender process and service specification development – Exemption to Code of Procurement Practice – Sports Options

The Executive considered a report from Cultural Services which sought approval for an exemption to the Code of Procurement Practice for the engagement of consultancy support in the development of the service specification and the subsequent tender process for the future management of the Council's leisure centres.

In November 2014, the Executive agreed to the development of a service specification detailing the desired activity mix, quality and operational requirements against which both in-house and commercial partner costs could be evaluated.

The report advised that, in order to establish clear milestones for the Programme, it was also essential that the Board fully understood the procurement and tender processes that would need to be undertaken should members decide to test the market.

Discussions with the Procurement Manager and Programme Sponsor (DCE AJ) supported the approach of "buying in" some specialist support on this complex piece of work.

Following a formal tender process in February 2014, the Council commissioned Strategic Leisure Ltd to undertake an Options Appraisal of the Council's sports and leisure provision. In the last 12 months, Strategic Leisure Ltd had worked closely with a range of officers and elected members, and engaged with a number of stakeholders. They had built a strong working relationship with these individuals, and had developed an in depth understanding of the district, the context within which this work was being undertaken and the complex relationships between the potential investment in existing facilities and the ambitious strategic projects related to the draft Local Plan.

The report therefore requested that the Executive approve an exemption to the Council's Code of Procurement Practice in line with clause 5.2.3 of the current code and allow Strategic Leisure Ltd to support in the development of the service specification and the subsequent tender process for the future management of the Council's leisure centres.

The alternative option was to undertake a full tender process. If this was to be the desired approach, there would be a delay to the programme, a risk of additional costs due to the extra background work required by a company unfamiliar with the project, and the risk of a new company tabling conflicting views at this stage in the programme. Whilst this final point could be seen as a positive outcome, it was considered that the other risks outweighed this.

The Finance and Audit Scrutiny Committee felt it had no real option but to support the recommendations but was not satisfied that this issue could not have been foreseen when the original report came to Executive in November.

The Portfolio Holder for Cultural Services, Councillor Mrs Gallagher, advised that officers had taken on board the comments from Scrutiny and assured Members that the funding specified would be sufficient.

It was therefore

Resolved that an exemption to the Council's Code of Procurement Practice is approved, in line with clause 5.2.3 of the current code, for the appointment of specialist support for the development of the service specification, to assist in the tender process for a suitable provider for the future management of the Council's leisure centres.

(The Portfolio Holder for this item was Councillor Mrs Gallagher)
(Forward Plan reference 676)

109. **Use of Emergency Powers in respect of authorising an Exemption to Code of Procurement Practice**

The Executive considered a report from Health and Community Protection which informed the Executive of the use of the Chief Executive's Delegated Authority (CE(4)) to authorise an exemption to the Code of Procurement Practice to appoint a replacement contractor for the maintenance of the Council's air quality monitoring stations.

The report advised that SupportingU had a contract with the Council to provide a maintenance and data management service for air quality monitoring stations at Hamilton Terrace in Leamington Spa and Jury Street, in Warwick. The contract included a call-out service for emergency repairs and the value was £5257.88 and was due to run until 31 March 2015.

The Head of Health and Community Protection had been notified that SupportingU went into liquidation on 26 November 2014 and that Robert Day and Company Limited had been appointed as administrators.

Several staff Members had transferred from SupportingU to a new company called WeCare4Air who had offered to take over the current contract at the same rates.

As the Council needed a maintenance contract in place immediately, it was proposed to agree a four month contract with WeCare4Air and the Chief Executive had taken this decision in consultation with Group Leaders under CE(4) of the Constitution, to ensure continuous operation of the service. Officers advised that they would progress a tendering exercise in the new year, in accordance with the Code of Procurement Practice to put in place a new long-term contract with effect from 1 April 2015.

There were no alternative options available because the decision had already been taken and the report was for information.

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

The Portfolio Holder for Health & Community Protection, Councillor Coker, endorsed the report and it was therefore

Resolved that the decision by the Chief Executive in consultation with Group Leaders under CE(4) of the Constitution to authorise an exception to the Code of Procurement Practice to appoint a replacement contractor for the maintenance of the Council's air quality monitoring stations, is noted.

(The Portfolio Holder for this item was Councillor Coker)

110. **Rural/Urban Capital Improvement Scheme Application**

The Executive considered a report from Finance which provided details of two Rural/Urban Capital Improvement Scheme (RUCIS) grant applications.

One had been received from the Warwickshire Association of Youth Clubs (WAYC) to refurbish the dilapidated Westbury community sports court; replace the vandalised and broken kickboards and fencing with sports rebound fencing, replace the tarmac with a polymeric sports surface and upgrade the electrics to the existing floodlights to allow a timer or token control system.

The second application was from Achieving Results in Communities (ARC) to build a composting toilet facility at Foundry Wood to replace the previous one which was destroyed by fire in August 2014.

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

The application from the Warwickshire Association of Youth Clubs (WAYC) was for 31% of the total project costs up to a maximum of £22,702. Warwickshire Association of Youth Clubs (WAYC) had stated that it was unable to financially contribute towards the project from its own cash reserves and it was not registered for VAT. Therefore, it would not be reclaiming VAT in connection to this project; the award would be inclusive of VAT.

Warwickshire Association of Youth Clubs (WAYC) had not previously had a RUCIS grant and this award was subject to receipt of written confirmation from Leamington Town Council (or an alternative grant provider) to approve a capital grant of £500.

The application from Achieving Results in Communities (ARC) was for 50% of the total project costs up to a maximum of £1,225 and as the organisation was not registered for VAT, the award would be inclusive of VAT.

Achieving Results in Communities (ARC) had stated that it was unable to financially contribute towards the project from its own cash reserves and had not previously had a RUCIS grant award. The award was subject to receipt of written confirmation from Leamington Town Council (or an alternative grant provider) to approve a capital grant of £500 along with written confirmation from Crimebeat (or an alternative grant provider) to approve a capital grant of £500.

The alternative options were that Members could choose not to approve the grant funding or could vary the amount awarded.

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

The Portfolio Holder for Finance, Councillor Cross, endorsed the report and it was therefore

Resolved that

- (1) a Rural/Urban Capital Improvement Grant from the Urban cost centre budget for Warwickshire Association of Youth Clubs of 31% of the total project costs to refurbish the dilapidated Westbury community sports court, up to a maximum of £22,702, is approved, subject to receipt of the following:
 - written confirmation from Royal Leamington Spa Town Council (or an alternative grant provider) to approve a capital grant of £500; and
- (2) a Rural/Urban Capital Improvement Grant from the Urban cost centre budget for Achieving Results in Communities of 50% of the total project costs to build a composting toilet facility at Foundry Wood, up to a maximum of £1,225, is approved, subject to receipt of the following:
 - written confirmation from Leamington Town Council (or an alternative grant provider) to approve a capital grant of £500; and
 - written confirmation from Crimebeat (or an alternative grant provider) to approve a capital grant of £500

(The Portfolio Holder for this item was Councillor Cross)

111. **Public and Press**

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

Minute No.	Para Nos.	Reason
112	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

112. **Election 2015 Count Venue – Exemption to Code of Procurement Practice**

The recommendations of the report were agreed.

The full minute for this item would be set out in the confidential minutes of the meeting.

(The Portfolio Holder for this item was Councillor Mobbs
(Forward Plan reference 661)

113. **Minutes**

The confidential minutes of the meeting held on 5 November 2014 were signed by the Chairman as a correct record.

(The meeting ended at 6.45 pm)