

EXECUTIVE

Minutes of the meeting held on Monday 29 September 2008 at the Town Hall, Royal Leamington Spa at 6.00 pm.

PRESENT: Councillor Michael Doody (Chairman); Councillors Caborn, Hammon, and Shilton.

ALSO PRESENT: Councillor Crowther (Labour Group Observer);
Councillor Ms De-Lara-Bond (Liberal Democrat Group Observer);
Councillor Gifford (Chair of Overview and Scrutiny Committee); and
Councillor Mrs Knight (Chair of Audit and Resources Scrutiny Committee).

Apologies for absence were received from Councillors Mrs Bunker, Mrs Grainger and White.

473. **DECLARATIONS OF INTEREST**

Minute Number 474 – Station Area Development Brief

Councillors Caborn, Michael Doody and Shilton declared a personal interest because they were Warwickshire County Councillors.

474. **STATION AREA DEVELOPMENT BRIEF**

The Executive considered a report and presentation from Policy, Projects and Conservation and GVA Grimley. The report summarised the work undertaken by consultants GVA Grimley and its associates WSP Environmental and TWS Architects in preparing a final planning and development brief for the Station Area, Leamington Spa. It was recommended that the final brief be adopted as Supplementary Planning Guidance.

At the special Executive held in May 2008, the draft Station Area Planning and Development Brief, prepared by GVA Grimley, was approved for the purposes of consultation.

A six week period of consultation was held in accordance with the Council's adopted Statement of Community Involvement, starting on 13 June 2008 and ending on 25 July 2008. There was considerable public interest in the brief during this time and over 70 responses were received. A summary of responses had been compiled along with details of other methods of engagement undertaken in the Statement of Public Consultation document which was attached at appendix three to the report. The summary of responses groups comments by either issues or a specific area of the brief. The Council's response and changes made to the brief as a result were indicated alongside consultee representations.

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The final brief was attached at appendix one to the report. The content of the brief outlined the background to its development; constraints and opportunities; the planning policy context; our vision for the area; development principles and sustainable principles that have been adhered to through the process. The final chapter outlined how the principles of the brief would be taken forward to implementation and delivery.

Three of the plans accompanying the brief were attached at appendix two to the report, showing the extent of the brief area, current and preferred land uses. All other plans mentioned in the brief were available for viewing from the Council's website.

The provision of a clear development framework for the particular area of Leamington would provide the guidance necessary to ensure that the development of the important location was undertaken in a beneficial and co-ordinated manner.

The brief established a vision for the area as a whole, defining it as a 'Gateway' to Leamington within which landmark buildings and high quality design were required to achieve a mix of uses, create improved linkages to the other areas of the town and secure sustainable transport.

The general development principles for the whole of the Station Area focus on ensuring compatibility with the overall planning framework; sustainable development, particularly how the site area can contribute to the use of on site renewable and low/zero carbon energy; minimising the impact on the road network; high quality design and creating an attractive environment in which to live and work.

In broad terms the preferred land uses for the Station Area had not changed from those proposed in the draft brief. However, there had been some proposed changes and clarifications as summarised below: -

1. Concerns were raised regarding the quantum of 'ancillary' retail on the proposed office led development on the former Ford foundry site. Therefore, the term ancillary retail had been replaced with small scale and any such proposals would need to demonstrate that they would not harm the vitality and viability of the town centre;
2. The preferred use for former Ford car park off Princes Drive was for light industrial. The brief also recognises that there may be the opportunity for one of the current uses in the station area to relocate there, namely either the bus depot or one of the building merchants. Hence, provision had been made for either of these uses to relocate subject to an entrance/exit arrangement to the satisfaction of the local highways authority;
3. The proposals for railway station area had been revised following comments during the consultation. Proposals for commercial development in the south east corner have been deleted from the final brief. There was little support for this through the consultation process and concern over the impact of the setting of the listed building (rail station) and effect on the station gardens;

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4. The brief supported the principle of a multi-deck car park and an improved layout arrangement for all users of the station. The brief does not determine the final layout of the station forecourt (as like other parts of the Station Area), this would be in part determined by the Station Travel Plan;
5. Despite some opposition to the principle of a northern entrance to the station, this had been retained in the brief as a long term aim. Given the level of development proposed in the station area this gives a clear window of opportunity to provide some lasting benefit to the community. The ability to provide an attractive route to the station and increase the station capacity in the longer term, was recognised as a significant possible benefit;
6. There were a number of suggestions for new crossings over the rail line in order to ease congestion along the main arterial routes. As the Statement of Consultation explains, it was felt that this was not an option that land uses could bear, and would require significant funds from elsewhere. There was however, provision in the brief for a pedestrian/cycle crossing over the railway subject to feasibility and any potential uses on the Old Warwick Road frontage generating a high amount of footfall.

The brief recognised that there was a range of highways and transportation issues. It was not the role of the brief to resolve these in detail, but to provide a clear context for development to come forward. A station travel plan was being prepared by Warwickshire County Council which would address the balance of transportation provision at the station forecourt area and address detailed questions of prioritising sustainable transport. It would also be necessary for all development proposals to demonstrate how they would address traffic impacts and provide travel plans.

In order to provide clarity on the Council's preferred approach it was appropriate that previous supplementary planning guidance, 'Development Principles for the Station Area (1999)' be withdrawn. The document focussed on the regeneration and environmental enhancement of the railway station and some of the aspiration of the document appeared to be in conflict with those listed in the Station Area Brief.

In addition, the supplementary planning guidance Urban Coding Exercise – High Street/Clemens Street/Tachbrook Road should be withdrawn insofar as it impacted on the Station Area brief. The rest of the document should be retained as supplementary planning guidance because it provided valuable guidance on a framework for the environmental enhancement of this central part of the Old Town area.

The final chapter of the brief suggested a way forward following the adoption of the brief as supplementary planning guidance. It was intended that a partnership of landowners, infrastructure providers, funding partners and other stakeholders be formed to progress the brief on the ground. Further work, including joint discussions would be required to determine the process through which the group would operate to implement and deliver the vision and proposals in the adopted Station Area Brief.

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The Overview and Scrutiny Committee supported the recommendations in the report and made the following comments:

- 1) The officer working group, as was stated in paragraph 2.4 of the report, also investigate producing a design brief to ensure the site has an innovative and attractive design reflecting its importance to the district.
- 2) Investigations be made into EU and other sources of funding
- 3) The Committee considered pedestrian and cycle way provision to be vital to the success of this project
- 4) If possible any energy plant in the triangle between the railway lines should not disturb wildlife
- 5) Further advice be sought from WCC with regard to highways issues and transport links and consideration given to ensuring relevant WCC officers are included within the officer working group's membership
- 6) Help and advice be given to those companies already on the site who are now in need of relocation.
- 7) Further discussions are held with Chiltern Railways to gain their acceptance for the principle of a northern entrance to the station although this should not compromise the primacy of the existing southern entrance.

The Executive agreed that the comments of the Overview and Scrutiny Committee were good and provided good guidelines. They also suggested that it would be a good idea to include a Member on the Officer Working Party when the right time arose.

RESOLVED that

- (1) the Planning and Development Brief for the Station Area (as set out at appendix one to the report) be formally adopted as Supplementary Planning Guidance to guide and assist in bringing forward development in the area;
- (2) the previous Council supplementary planning guidance 'Development Principles for the Station Area' (1999) be withdrawn;
- (3) the Urban Coding Exercise – High Street/Clemens Street/Tachbrook Road (1999) be withdrawn insofar as it impacted on the Station Area brief; and
- (4) an officer working group be established to develop partnership working between all relevant interested parties to progress implementation of the brief.

(The Portfolio Holder for this item was Councillor Hammon)

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475. REPLACEMENT CREMATORS BUSINESS CASE AND TENDER SELECTION

The Executive considered a report from the Strategic Director for Living, Lifestyles and Resources, Cultural Services, Housing and Property Services and Environmental Health. The report set out the business case for the replacement of the cremators at Oakley Wood.

The current cremators were at the end of their useful life, and did not meet new mercury emissions standards. The report also recommended that a contract for £767,354.31 be awarded to Facultative as a result of the recent tendering exercise. Due to a lifting of the requirement to calculate a VAT partial exemption limit, the previous decision to finance the works through a finance lease was rescinded.

The Cremators at Oakley Woods were unusual in that they were electrically powered. At the time, it was deemed to be the best way to address the unavailability of mains gas, due to the site's remote, rural location. The use of electrical cremators did not become widespread and the original manufacturer was no longer trading; they had effectively been abandoned by everyone but the small circle of current users. This obsolescence was becoming increasingly difficult and expensive to overcome. The absence of manufacturer's support and spares meant that they could only be kept operational by the care of independent technicians capable of adapting general mechanical and electrical components for use, with need to undertake one-off fabrication, and indeed development work, to meet constantly changing legislation.

The Council had been fortunate in being able to rely on the services of an independent maintenance engineer, who trained with the original manufacturer, but he had clearly expressed an intention to retire in the near future and this would exacerbate the problem. To attempt to continue operating the present plant would necessitate paying a mechanical contractor to attend the repairs and maintenance undertaken in the immediate future, to thoroughly familiarise himself with the appropriate procedures.

There were further problems with the current operations;

- the present arrangements in the cremulator room do not comply with latest Health & Safety requirements in respect of dust extraction and control, and were in need of extensive re-engineering if not replaced;
- the site struggled to comply with basic emissions legislation, and in spite of the best endeavours the readings are at the very limit of what the Environmental Health Inspector was prepared to accept; and
- the equipment relied on extremely old computers to work, they could fail at any time, which would mean the cremators could not work.

The Council had obtained an estimate a couple of years ago from the engineer familiar with the plant of essential works totalling £172,000, that would be required over the next ten years. In addition significant additional expenditure of at least £100,000 would be required to address the problems outlined above. Given the lack of expertise to carry out work given the unique nature of our cremators, the potential for long shut down periods as spares were identified or

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made, it was felt that pursuing that option was too risky and uncertain, and so it was not evaluated further.

Appendix A to the report which was set out in the private and confidential part of the agenda set out a summary of the tender evaluation.

There would be a reduction in income in the current year of about £25,000 while the crematorium would be closed for two weeks. In later years there was a small saving on non-contractual overtime, but costs were increased by an ongoing maintenance agreement, estimated higher fuel costs and the costs of financing the capital expenditure over a 15 year period.

The option of closing the cremators would leave the Council in a worse position than replacing them, as overall the service made a contribution to the Council's overheads.

There were four potential sources of financing the costs:-

- Reducing the ongoing revenue costs by using the £370,000 set aside in the capital programme;
- Reducing the ongoing revenue costs by using the £75,000 set aside in the corporate repair and maintenance budget;
- By increasing charges per crematorium; and
- By allowing for growth in the revenue budget and funding from the Council Tax.

In the current year the cost of a cremation for a Warwick District Council resident was £420, and for others it was £450.

Given the Council's current financial situation it was not recommended that any element of the additional cost be borne by Council Tax payers in the long run. It was recommended that over a two year period the prices were increased so that by the second year the additional costs were borne by the users. However, because the Council had set aside some capital provision which had already been taken account of, so it would not drive any further increase in the tax, and from 2010-11 there would be a benefit to the revenue budget from the capital financing charges that were then being met in full by users. The additional cost in 2008-09 should be met from the additional income from users in excess of the original estimate.

The Audit and Resources Scrutiny Committee believed there were subsidies available which could offset an increase in charges for customers. However, it would not support recommendation 2.1 until satisfactory explanations had been given for the following:

- a) The recommended increase in charges is based on the anticipated number of cremations. What happens if that number is not achieved?
- b) Is the maintenance cost a fixed price based on the number of cremations? If so, are there penalties if we go significantly above or below that figure?
- c) What would happen if demand outstripped supply?
- d) What is the current capacity of the crematorium?
- e) Can Officers confirm that biofuel is not sufficient to heat the cremator itself?

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What is the fuel element of the costs?

- f) Looking at the tenders received, are we comparing like with like?
- g) Should we close in December and January when there are likely to be more deaths?
- h) The Committee would like the Executive to see evidence of the reliability of the preferred tender from authorities who already use them.
- i) A better breakdown of costs covering the premises, supplies and services, including clarification of figures in the third column of the table at paragraph 7.6 in the report.
- j) Inclusion of "decreased numbers of cremations (subsidies or income)" in the Risk Log at Appendix B.

Since their meeting, the Chair of Audit and Resources Scrutiny had received answers for the above and were satisfied with the response.

The Audit and Resources Committee suggested the following amendment to recommendation 2.2, which equated to the recommended 10% increase for both 2009/10 and 2010/11, but which it believed to be more prudent and which would minimise risk by leaving more room for manoeuvre in 2010/11:

'The works be financed by increasing charges by 12.6% in 2009/10 and increasing charges again in 2010/11, working from a starting point of 7.3%, so that at the end of this time there is no net effect on Council Tax'

The Audit and Resources Scrutiny Committee supported recommendations 2.3 and 2.4 as written.

The Overview and Scrutiny Committee supported the recommendations in the report

The Executive agreed that 2.2 of the recommendations be amended as set out by the Audit and Resources Scrutiny Committee above.

RESOLVED that

- (1) a contract for £767,354.31 be awarded to Facultatieve, for the provision of two new cremators at Oakley Wood Crematorium, and a further sum of £5,000 is provided for the gas storage facility;
- (2) the works be financed by increasing charges by 12.6% for 2009-10 and 7.3% for 2010-11 so that at the end of this time there be no net effect on the Council Tax;
- (3) the previous decision to use a finance lease be rescinded; and
- (4) the arrangements for managing the project as set out in Paragraphs 7.15 to 7.18 to the report and

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the risk and opportunities register at Appendix B, be noted.

(The Portfolio Holder for this item was Councillor Kinson)

476. 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 paragraph 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
5	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

477. REPLACEMENT CREMATORS BUSINESS CASE AND TENDER SELECTION

The Executive considered the confidential information in relation to Item 3 above.

RESOLVED that the information within the report be noted.

(The Portfolio Holder for this item was Councillor Kinson)

(The meeting ended at 7.15pm)