

# Executive

Minutes of the meeting held on Wednesday 13 January 2016 at the Town Hall, Royal Leamington Spa following the conclusion of Council, at 7.15 pm.

**Present:** Councillor Mobbs (Chairman); Councillors Coker, Cross, Mrs Gallagher, Phillips and Shilton.

**Also present:** Councillor Barrott (Chair Finance & Audit Scrutiny Committee), Councillor Boad (Chair of Overview & Scrutiny Committee & Liberal Democrat Group Observer), Councillor Knight (Labour Group Observer), Councillor Heath (Whitnash Residents' Association Group); Councillors; Davison, Gill, , Margrave, Naimo, Parkins, Quinney, and Weed.

Apologies for absence were received from Councillors Grainger and Whiting.

## 78. **Declarations of Interest**

Minute Number 89– Proposal to change parking regulations on Archery Road, Royal Leamington Spa

Councillor Shilton declared an interest because he was a Warwickshire County Councillor.

Minute Number 95– Use of Emergency Powers – Response to the Minerals Development Framework – Preferred Option and Policies Consultation (WCC)

Councillor Philips declared an interest because he had recently moved from one of the affected villages and had objected to the consultation. He therefore felt he was predetermined on the matter and left the room whilst the item was discussed.

## 79. **Minutes**

The minutes of the meeting held on 2 December 2015 were agreed as written and signed by the Chairman as a correct record, subject to the attendance being amended to show Councillor Shilton as present and to remove Councillor Phillips from the list of apologies.

### **Part 1**

(Items on which a decision by Council is required)

## 80. **Constitution and Policy revisions**

The Executive considered a report from Democratic Services, that brought forward changes following the review of the Constitution and sought confirmation of the Council's Partnership Policy.

The Council's Constitution was identified as an area for review in the Annual Governance Statement of 2013. A substantial review had been

undertaken with various changes brought forward on an ongoing basis. This report recommended further changes as well as some additional delegations to officers to enable them to work more effectively.

The changes to Article 2 of the Constitution were to reflect practice within the Council. The Code of Conduct for Planning Committee, as an example, had not formed part of the Constitution for five years and therefore reference to it should be removed; that said the Code was still in place and would be reviewed and updated in this calendar year along with all other annexes to the Constitution. The Role of the Councillor leaflet would still be available but how to get a copy was covered by Article 16 of the Constitution.

The changes to Article 6 of the Constitution were proposed to ensure that it reflected the responsibilities the Council had in terms of Health Scrutiny and the arrangements this Council had in place.

The amendment to Article 9, to remove the requirement for an Independent Person to be part of the Standards Committee or to be present, was in line with requirements of Localism Act 2011.

The changes within Article 11 were to recognise the Joint Committee across the Coventry & Warwickshire Area to drive the economic development and prosperity agendas. This was set out in Minute 84 of the Executive of 13 November 2013. The terms of reference for the Joint Committee, if approved, would then be appended to the Constitution.

The changes to Article 16 were to reflect the practice of this Council since the Constitution was introduced. The removal of a requirement to provide a paper copy enabled Councillors to have an electronic copy if they so wished or simply provided a link to the relevant pages on the Council's website.

The changes to the officer scheme of delegation CE (4) and HS (2) and the addition of HS (97) were to enhance service delivery. The additions of HS (94), HS (95) and HS (96) were included to ensure that officers had appropriate authority to enforce legislative requirements rather than having to seek approval from Executive each time. FS (5) was not technically a new delegation because it was approved in December 2004 by Council, but had not been formally recorded in the scheme of delegation, although the practice had occurred ever since. The inclusion of FS (17) was to enable a more dynamic and flexible approach to setting these requirements removing the need for Council to approve them each time. They would also be discussed by the procurement champions as part of their regular meetings. The inclusion of FS (18) was a matter approved by Council on 23 January 2013.

The amendments to the Council Procedure Rules were included to provide clarity about when a member of the Public could address the Council.

The amendments to the Executive procedure rules were brought forward so that they reflected practice that had been in place for the last four

years. Changes to Access to Information Procedure Rules were brought forward to recognise the changes to legislation in 2013 regarding publication of the Forward Plan.

The removal of the Standard Terms and Conditions for the Purchase of Goods and Services was to enable a more dynamic and flexible approach to setting these requirements, removing the need for Council to approve them each time. They would also be discussed by the procurement champions as part of their regular meetings.

The amended Policy & Budgetary Framework was brought forward to confirm the arrangements already established by the adopted Code of Financial Practice and provide clarification on process.

With regard to recommendation 2.2, the Council had taken advice from Counsel on its Committee structure with regard to the Licensing & Regulatory Committee as required under the Licensing Act 2003. This advice had been shared with the Chairman of the Committee and this recommendation was brought forward to remove any ambiguity from the Constitution.

Following the conclusion of this work, subject to the approval by Council, a single .pdf file of the Constitution would be published on line and made available to Councillors.

In accordance with good practice, the Council's Partnership Policy had been reviewed to determine whether it was still fit for purpose. It was originally approved in 2010 following an extensive review. Officers were of the view that no changes to the Policy were required and so it was recommended that the current Policy was approved once again

The report brought forward the final changes to the Constitution to bring it up to date. Therefore, no alternative options had been considered and Members.

**Recommended that**

- (1) Council approves the amendments to the Constitution as set out at Appendix 1 to the minutes;
- (2) for the avoidance of doubt, Council confirms that it has established a Licensing Committee under section 6 of the Licensing Act 2003; that it has delegated to that committee responsibilities under section 7 of the Licensing Act 2003 and section 154 of the Gambling Act 2005; and that this Committee is known in the Constitution as the Licensing and Regulatory Committee;
- (3) Council confirms the Partnership Policy as set out at Appendix 2, to the minutes.

(The Portfolio Holders for this item were Councillors Phillips, Mobbs and Whiting)  
(Forward Plan Reference Number 740)

81. **Housing Revenue Account (HRA) Budgets latest 2015/16 and Base 2016/17**

The Executive considered a report from Finance, that presented the Housing Revenue Account (HRA) 2015/16 latest and 2016/17 base budgets. The figures assumed a 1% rent reduction in 2016/17, although it did not commit to any rent change; because a rent setting report would be presented to the Executive in February 2016 which would then recommend 2016/17 Housing Rents to Council.

Appendix 'A' to the report summarised the adjustments from 2015/16 base budgets to the 2015/16 latest budgets and 2016/17 base budgets. Appendix 'B' to the report provided additional details of the budget changes for Supervision and Management, which formed a major item included in Appendix 'A' to the report. Appendix 'C' to the report presented the detailed HRA revenue budgets and key budget changes.

The report recommended the base budget requirements that would be used in the setting of Council Housing Rents for 2016/17 in February 2016. These figures reflected the costs of maintaining the current level of service and any unavoidable changes in expenditure (for example, where the Council was contractually or statutorily committed to incur additional expenditure). The report also considered the current year's budget, and included details of proposed updates to the 2015/16 Budget.

Any recent changes that needed to be resolved that had not been included in the budgets at this stage, would be fed into the February report. In February the Council would be in a position to agree the 2016/17 Budget and Council Housing Rents for the year.

In agreeing the latest 2015/16 budgetary position, managers had considered the outcome of their monthly budget reviews. Many changes had already been reported to Members as part of the Quarterly Budget Review Reports in July and November of this year. Further amendments had been identified during the rigorous review to determine next year's base position.

The purpose of this report was to produce budgets as determined under the requirements of the Financial Strategy. Any alternative strategies would be the subject of separate reports.

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

**Recommended** that Council approves;

- (1) the base revenue budget for Housing Revenue Account Services in respect of

2016/17 as outlined in Appendix '3', to the minutes; and

- (2) the latest revenue budget for Housing Revenue Account Services in respect of 2015/16 as outlined in Appendix '3', to the minutes.

(The Portfolio Holder for this item was Councillor Phillips)  
(Forward Plan Reference number 700)

82. **Fees and Charges – Lifeline Services (non HRA Customers)**

The Executive considered a report, from Housing & Property Services, that set out changes being made to improve the viability of the Council's Lifeline Services and detailed the proposals for the introduction of new Fees and Charges for non HRA customers in respect of the Council's Lifeline Service, from 1 April 2016.

During 2015 the Lifeline Services Business Manager had carried out a full review of Lifeline Services. As a result, improvements had been made to the way the service was operated which had improved efficiency and started to reduce costs. Examples included more efficient use of vehicles and better use of staff resources so there was less reliance on overtime and bank staff. The review also revealed a number of other changes that could be made to improve the viability of Lifeline Services.

Currently, private clients of the Council's Lifeline Service were expected to make a one-off donation to one of two charities, the Mid and South Warwickshire Lifeline Trust or the Leamington Lifeline Appeal, which then provided the clients with a monitoring unit. This donation was in excess of the retail price of the monitoring unit, and consequently did not offer the best value for money for the client. This process involved the need for considerable administrative support to be provided by the Lifeline Service collecting the donations and then distributing them to the relevant recipients. These charities were set-up over twenty years ago to make the equipment more affordable for people, when the cost of purchasing such equipment was relatively expensive. This was no longer the case because equipment costs had followed the trend for information based technology and fallen in price. To allow the Council's clients to benefit from this change in the market, and to help Lifeline Service be more competitive in winning new business, consultation had taken place with the relevant charities and their agreement had been secured to bring this arrangement to an end.

The Council was required to update its Fees and Charges so that the impact of any changes could inform the setting of its budgets. Discretionary Fees and Charges for the forthcoming calendar year had to be approved by Members. Other than the proposed revisions to monitoring charges, the main Fees and Charge proposals for Lifeline Services were not included in the Annual Fees and Charges 2016/17 Report to Executive on 30 September 2015 due to the prolonged absence from work of the officer who had responsibility for this area of work.

The proposed discretionary fees and charges for Lifeline Services were set out in Appendices One and Two of the report.

To allow the Council to maintain and develop services it needed to make sure its charges were affordable to its primary client groups, competitive with alternative suppliers and contribute towards the financial viability of its services. The implementation of the proposed Fees and Charges that applied to Lifeline Services had been calculated with these criteria in mind.

Clients requested many services, detailed at Appendix A to the report, the team currently carried out for no charge. In line with other service providers it was proposed that a service charge be applied to cover the officer time and travelling costs incurred in delivering these services. These charges would apply to private non HRA customers and not Council tenants living in designated or sheltered schemes.

These charges would apply to new customers. Current customers would receive the services at the charges as described in the agreement that the Council had with them. The Council had IT software that would allow it to differentiate between the new and existing customers to make sure that each was charged correctly.

Alternatively, the Council could continue to work with the charities, not charge for the Lifeline Services that it currently delivered and not move into new areas of work. However, this would mean that it would not be able to generate any additional income to off-set the loss of the Supporting Grant funding that would jeopardise the future of Lifeline Services.

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

**Recommended** that Council

- (1) approves the ending of the current relationships between the Council and the Mid and South Warwickshire Lifeline Trust and Leamington Lifeline Appeal charities;
- (2) approves the Fees and Charges set out in Appendices 4 and 5 to the minutes, effective from 1 April 2016;
- (3) approves the revisions to the monitoring charges, as set out in the Fees and Charges 2016-17 report to Executive on 30 September 2015, effective from 1 April 2016. This recommendation was included in the Fees and Charges 2016-17 but the figures used for the calculation at this time were

upon further examination found to be erroneous;

	<b>2015 (current)</b>	<b>2016 (proposed)</b>
Monitoring	£1.51 week (19.63 quarter)	£1.80 week (£23.40)
Rental + monitoring	£3.03 week (39.39 quarter)	£3.60 week (£46.80)
(4)	notes that from 2016 onwards, proposals for revised fees and charges for Lifeline Services will be included in the Council's annual Fees and Charges Report; and	
(5)	notes that the proposals for revised fees and charges from 2017 onwards will be informed by the outcome of the Council's review of services for older people and the lifeline services (detailed in the Housing Related Support report elsewhere on this agenda).	

(The Portfolio Holder for this item was Councillor Phillips)  
(Forward Plan reference number 746)

### 83. **Car Park Fees and Charges 2016/17**

The Executive considered a report from Neighbourhood Services regarding car parking charges in the Council's off-street car parks. In September 2015 the Executive agreed to increase car park pay and display tariffs for the financial year 2016/17. It was estimated that these changes would generate an additional income of £200,000 and contribute to Fit for the Future and essential repairs to multi-storey car parks. However, at Council in November, the approval of car park fees and charges was delayed until January 2016 to allow consultation with local stakeholders to be concluded.

As car park charges had been not increased in the last two years and with a clear need to invest in the multi-storey car parks, it was still necessary to raise additional revenue from the car parks whilst appreciating the parking needs associated with each town.

Consultation had been completed and officers had been unable to gain support for the lower band removal. Serious concern had been raised by all groups during this consultation with the message that *"the loss of choice to customers will detrimentally affect businesses within the three towns"*.

Officers had looked at the options for raising fees and charges in car parks. The details of the revised option, was included in section 8.4 of the report. The main amendment to the proposal was to introduce a minimum stay of 30 minutes in most car parks. This was to mitigate the concerns from local groups but had a lower estimated income return and resulted in a £170k increase of estimated income for 2016/17 rather than £200k.

The Council was required to update its Fees and Charges in order that the impact of any changes could be fed into the setting of the budget for 2016/17. Discretionary Fees and Charges for the forthcoming calendar year had to be approved by Council.

Local Groups had generally supported the increase to all day parking charges and the revision to lower band tariff charges was a direct result of the consultation process.

The provision of off-street car parking was an important service that Warwick District Council provided as it supported residents, town centre businesses and tourism.

Due to the need to invest substantial funds in maintaining and improving the car park stock and continued financial restraint by Central Government upon Local Authorities, there was a requirement for Warwick District to increase the income derived from its assets. Car park charges had been not increased over the last two years and these proposed charges take into account the need to raise additional revenue whilst taking into account the parking needs associated with each town.

There were three proposed elements to generate the £170,000 to contribute to the required multi story car park repairs. Firstly there would be an increase to the pay and display budget of £35k which would be derived from natural growth in car park usage. The second was to remove the lower band charges of up to 30 minutes in most car parks. This would mean removing the 20p to 12 minutes charge so the minimum stay would be 30 minutes in Warwick and Royal Leamington Spa. Combining this with introducing the Linear charge of 10p for 12 minutes into Kenilworth, with a 30p - 36 minutes minimum stay. These estimated increases to the pay and display budget from the proposal would be circa £50,000. An increase to the all-day parking charge in all of the Long Stay car parks across the District by £0.50 would see an increase to the pay and display budget of circa £85,000. The Linear charge meant progressing from one charge to another in a series of incremental time steps. Where there was a minimum stay of 30 minutes no pay and display tickets could be purchased for amounts below this tariff vend. Where the linear charge was 10p for 6 minutes the minimum vend for 30 minutes would be 50p and subsequent additional coins would add to the expiry time of 6 minutes for every 10p inserted.

The summary of new charges in section 8, of the report, provided an indication of the tariff structure.



Alternatively in line with the original proposals submitted to September's Executive, to remove the lower band charges from the Long Stay car parks, would mean that the minimum stay in these car parks would be one hour in Kenilworth and two hours in Warwick and Royal Leamington Spa. The estimated increase to the pay and display budget from the proposal was circa £80,000. This option had been discounted due to the serious concern raised by all groups during this consultation with the message that "the loss of choice to customers will detrimentally affect businesses within the three towns".

The Finance & Audit Scrutiny Committee supported the recommendations although this was carried on a split vote. Some Members had strong concerns that the difference in charges between Kenilworth and the other towns was unfair to not only users of the car parks but the businesses in Leamington and Warwick as well. Members felt that this resulted in Leamington subsidising Kenilworth. Conversely, some Members agreed that due to the level of research and statistics used to underpin the recommendations, the officers' advice should be followed and the report supported. As a future measure, it was suggested that a Task & Finish Group could be set up to investigate car parking across the District and take on board the concerns being raised.

Councillor Boad informed the Executive that he was willing to raise the matter as a potential area to investigate with Overview & Scrutiny Committee.

The Executive welcomed the idea of a Group of members looking at this issue, sooner rather than later, to enable an informed discussion to take place well in advance of setting the charges next year.

**Recommended** that Council

- (1) approves the revised increase to car park fees and charges as detailed in Appendix 6 to the minutes, for implementation from 1 April 2016; and
- (2) approves the Head of Neighbourhood Services to implement the car park fees and charges (as detailed in Appendix 6 to the minutes), in accordance with the Off-Street Parking Order Process.

(The Portfolio Holder for this item was Councillor Shilton)  
(Forward Plan reference number 751)

84. **Whitnash Neighbourhood Plan**

The Executive considered a report, from Development Services, that set out the final step to be taken with regard to the Whitnash Neighbourhood Plan.

The plan had successfully undertaken all the relevant stages to become a policy document which would be used together with national and local planning policy documents when decisions were taken on planning applications, for the designated Neighbourhood Plan area of Whitnash. The last stage was for Council to 'make' (adopt) the plan. This would be the first neighbourhood plan to be 'made' in Warwick District.

The Localism Act, 2011, introduced new rights and powers to allow local communities to shape new development by coming together to prepare neighbourhood plans. It also stated that all local planning authorities (LPAs) had a duty to support and advise neighbourhood groups which were seeking to take forward a neighbourhood plan.

The Whitnash designated area was agreed by Executive at its meeting on 9 January 2013. Since that date, the designated body had worked with the assistance of Kirkwells Planning Consultants to produce firstly a consultation draft of the neighbourhood plan and then a draft submission plan. Public consultations had accompanied each of these stages and informed the subsequent draft plan.

Planning officers carried out Sustainability Appraisal and Strategic Environmental Assessment Scoping for the Plan and had assisted with the administration of the Plan, including the examination by an independent examiner whose report was attached in Appendix A, to the report. The Council had recently held the referendum as required by The Neighbourhood Planning (Referendums) Regulations, 2012.

The referendum was the last stage of public consultation in which those entitled to vote within the designated area were able to choose whether or not to support the neighbourhood plan as a document against which local planning applications would be judged, together with national policy and the Local Plan.

The Whitnash Neighbourhood Development Planning referendum asked electors to vote 'yes' or 'no' in response to the following question: "Do you want Warwick District Council to use the Neighbourhood Plan for Whitnash to help it decide planning applications in the neighbourhood area?"

The results of the referendum were as follows:

Referendum Results	
Number cast in favour of a Yes	926
Number cast in favour of a No	68
Spoilt	6
Electorate	6737
Ballot papers issued	1000
Turn out	15%

Therefore, more than half of those voting, voted in favour of the Neighbourhood Plan and as a result of this vote, the Council was now required to 'make' the Plan.

The Council had a statutory duty to make the Neighbourhood Plan where it had been approved in a referendum, save where it was considered that doing so would breach, or otherwise be incompatible with, any EU or human rights obligations. There was no suggestion that this was the case in respect of the Whitnash Neighbourhood Plan and so it was considered that the Council had no alternative but to make the Plan.

**Recommended** that the Council 'makes' the Whitnash Neighbourhood Plan, as modified to accord with the Examiner's amendments, under section 38A(4) of the Planning and Compulsory Purchase Act 2004 and acknowledges its role in the future decision making process with regards to planning applications affecting the designated area

(The Portfolio Holder for this item was Councillor Cross)  
(Forward Plan reference number 480)

**Part 2**  
**(Items on which a decision by Council is not required)**

**85. Call-in of Executive Decisions – Leisure Development Programme**

The Executive considered a report about its decision of 4 November 2015 regarding the Leisure Development Programme.

On 4 November 2015, the Executive made a decision on two inter-related reports, items 3 and 8, entitled Leisure Development Programme. Subsequently, and in accordance with the Council's call-in procedure, three Councillors called-in some of the decisions to the Overview & Scrutiny Committee for consideration.

At Overview & Scrutiny Committee 1 December 2015, Members discussed the call-in and determined which of the four available options they wished to follow.

The call-in procedure specifies that one of four courses of action could be taken following a call-in of a decision made by the Executive.

The Overview and Scrutiny Committee resolved to refer the decision back to the Executive along with the reasons provided by the Members who had initiated the call-in; advice provided by the Monitoring Officer prior to the meeting, and observations made at the meeting.

Members of the Scrutiny Committee did not reach a consensus on the observations that should be considered by the Executive and therefore all the observations made during the meeting were listed in this report and needed to be considered by Executive.

During the debate, at Overview & Scrutiny Committee, some members of the Committee observed that they felt that the advice provided by the Monitoring Officer beforehand did not address all of the relevant issues.

The Monitoring Officer was present at the Committee meeting and undertook to provide further advice once members had clarified what the perceived omissions were from the previous advice. The resolution therefore asked the Executive to also consider this further advice from the Monitoring Officer, in conjunction with the observations from Committee.

The list of issues that required further consideration, received from some members of the Committee subsequent to the meeting, was set out at Appendix 4 to the report and the Monitoring Officer's further advice, in response to these issues, was set out at Appendix 5 to the report.

There was no requirement for alternative options because a call-in required that a set procedure was followed.

Councillor Barrott addressed the Executive to provide clarity on the Group's position on this matter and clarified that privatisation was a word used by the petitioners not his Group.

Councillor Boad addressed the Executive and emphasised that the key to making this successful would be ensuring a the contract specification was correct and therefore the onus was on Group Leaders to ensure the Working Party comprised of Councillors who had the correct capabilities and were committed to the work and ensuring the Council got the best possible deal.

In response, Councillor Mobbs summarised the key points from the debate at Council earlier in the evening and welcomed the involvement of all members on this item. He agreed that we needed to do more work to ensure that the Council got best value from the final contract and that this matter was brought forward because it was the best option for the Council.

At the request of the Leader, the Monitoring Officer provided confirmation that the Constitution had been considered, along with advice from the Council's Solicitors, and it was correct that this was a matter that the Executive should determine and not one for Council to decide.

**Resolved that**

- (1) the outcome of the Overview & Scrutiny Committee's consideration of the called in item, as well as the debate by Council earlier in the evening and the contents of the petition to the Council from members of the public, be noted; and
- (2) having reconsidered the decision of 4 November 2016 in respect of recommendations 2.6 to 2.9 of the Leisure Development Programme report, and in light of the observations made and advice received, the original decision be confirmed.

(The Portfolio Holder for this item was Councillor Gallagher)  
(Forward Plan Reference 688)

86. **Significant Business Risk Register**

The Executive considered a report, from Finance, that set out the latest version of the Council's Significant Business Risk Register for it to review. It had been drafted following a review by the Council's Senior Management Team and Leader of the Council.

This report sought to assist members to fulfil their role in overseeing the organisation's risk management framework. In its management paper, "Worth the risk: improving risk management in local government", the Audit Commission set out the responsibilities of members and officers with regard to risk management, which were detailed in the report.

The Significant Business Risk Register (SBRR) recorded all significant risks to the Council's operations, key priorities, and major projects. 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.

A summary of all the risks and their position on the risk matrix, as currently assessed, was set out as Appendix 2 to the report.

The scoring criteria for the risk register were judgemental and were based on an assessment of the likelihood of something occurring, and the impact that might have. Appendix 3, to the report set out the guidelines that were applied to assessing risk.

In line with the traditional risk matrix approach, greater concern should be focused on those risks plotted towards the top right corner of the matrix whilst the converse was true for those risks plotted towards the bottom left corner of the matrix. Any movements in the risk scores over the last six months were shown on the risk matrices in Appendix 1 to the report.

More than six months ago there were three risks in the "red zone" (Risks 4, 6 & 16). Since then, as advised to Members previously, following the introduction of additional controls and mitigations Risks 4 and 6 had come out of the red zone.

The main factors pertinent to Risk 4, 'Risk of corporate governance arrangements not maintained effectively', being removed from the red zone were: Group Leaders signing up to an informal protocol with regard to sanctions imposed by Standards against errant Members; and Well-attended induction training sessions, thus far, for new Members.

The agreement to various projects set out in the Fit For the Future report to Executive on 3 September 2015 had resulted in Risk 6: 'Risk of insufficient finance to enable the Council to meet its objectives (including insufficient reduction in operational costs)' being taken out of the red zone as the actions reduced significantly the likelihood of the risk occurring.

This left Risk 16: 'Risk of Local Plan being unsound' in the red zone. This was because the Planning Inspector considering our Local Plan advised that the plan in its current form would be found unsound unless we withdrew it. Having considered this, the Council wrote to the Inspector to ask that he re-considered and suspended the plan to allow time for the authorities in the sub-region to agree how they would deal with un-met need from Coventry, together with addressing our windfall allowance. The Planning Inspector agreed to this. Until the new Local Plan was agreed, however, the Authority was exposed to the possible consequences that were detailed in the Local Plan Risk Register. It was also the case that until the whole of the Local Plan process was complete this risk would be likely to remain in the red zone. The consequences of the risk had been expanded to outline the impact the delay in the Local Plan may have on infrastructure funding and the Sustainable Community Strategy.

As part of the process of assessing the significant business risks for the Council, some issues had been identified which at this stage did not necessarily represent a significant risk, or even a risk at all, but as more detail emerged might become one. They included: Staff recruitment and retention; and the impact of national housing policy proposals on the Council's ability to remain a viable landlord.

Officers were looking in more detail at these areas. A piece of research has been asked of the Council's HR team to look into the data around staff recruitment and retention issue to determine if it was the issue it was believed to be; and, the HRA business plan was to be updated and reported to the Executive in March which would help to establish the viability of the Council's housing landlord role. The SBRR would be updated as necessary in the light of this additional work and officers would continue to scan to identify other potentially emerging risks. Officers were undertaking a PEST and SWOT analysis in the light of a huge number of changes in the Council's operating environment which would be reported later in the year.

The Finance & Audit Scrutiny Committee supported the report.

**Resolved** the report be noted including the emerging issues outlined at recommendation 3.12, and did not feel any further actions should be taken other than those detailed in the report

(The Portfolio Holder for this Item was Councillor Mobbs)

87. **Review of the Sexual Entertainment Establishment Policy**

The Executive considered a report, from Health & Community Protection, that sought approval to consult on the draft Sexual Entertainment Establishment Policy, which was applicable to all Sexual Entertainment Establishments within the Warwick District Boundary.

The Executive meeting on the 11 March 2015 requested officers to review Sexual Entertainment Establishment Policy.

Officers were requested to include in the reviewed policy the recommendation of the task and finish group taking into account Counsels' advice.

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 attached at Appendix 1 to the report, and the proposed policy was attached at Appendix 2 to the report. A summary of the main alterations were included in Appendix 3 to the report.

The draft policy was placed before the Licensing and Regulatory Committee on the 9 December 2015. The Committee made a couple of recommendations to improve the clarity of the policy. These had been included within Appendix 2, to the report but were outlined separately in Appendix 4, to the report.

Before the proposed policy could be adopted, a public consultation had to take place in order to mitigate against the risks outlined in the report.

Any comments received during this consultation period would be reviewed and amendments made to the policy where appropriate. The amended policy and details of the comments received would be reported to Executive.

Alternatively the Council could adopt the Policy without public consultation. Officers did not recommend this option because this would almost certainly result in a judicial review.

The Overview & Scrutiny Committee noted the report.

**Resolved** that

- (1) the reviewed draft policy in Appendix 2, be noted;
- (2) a 12 week public consultation is conducted on the proposed policy, as set out at Appendix 2 to the report; and
- (3) a further report be brought back to the Executive summarising the consultation response, any alterations that may be made to

the policy in response to the consultation and seeking their recommendation of the final policy to Council for adoption.

(The Portfolio Holder for this Item was Councillor Grainger)

**88. Statement of Community Involvement 2016**

The Executive considered a report, from Development Services, that sought adoption of the Statement of Community Involvement 2016 (SCI). The SCI formally set out the policy and standards for engaging residents, local groups, stakeholders and statutory consultees in preparing development plans and how the Council would consult on planning applications.

The report also set out how the Council would meet the 'duty to co-operate' to meet the requirements of The Localism Act 2011 by engaging with neighbouring local authorities and other statutory bodies to consider joint approaches to plan-making.

It was a statutory requirement under Section 18 of the Planning and Compulsory Purchase Act as amended, that the Council produced and adopted a Statement of Community Involvement (SCI).

The Council's first SCI was adopted in July 2007 and was revised in April 2014 because there had been a number of changes to the planning system. These were largely introduced through the Localism Act 2011 and the National Planning Policy Framework in March 2012.

At the meeting of the Executive on 23 April 2014, members were assured that the SCI would be fully revised to meet the latest regulations, during 2015, and the content of the appended SCI was the result of that work.

The SCI provided the community with clarity on the levels of involvement that they should expect in planning processes, and explained in detail our policy for engaging the community in the preparation of the Warwick District Local Plan and in the consideration of planning applications. The SCI also outlined the consultation processes for Neighbourhood Planning and for the Community Infrastructure Levy (CIL) and our approach to the 'duty to co-operate'.

Since the first SCI was adopted in July 2007 the Government had introduced a series of changes to the planning system. These were principally through the Localism Act 2011 and the issue of the National Planning Policy Framework (NPPF) in March 2012. This was followed by the Planning Practice Guidance (PPG), which complemented the NPPF. Changes were also brought about through the Town and Country Planning (Development Management Procedure) (England) Order 2010.

These changes had resulted in the streamlining of plan preparation, as well as a number of other relevant changes. The changes had also introduced a duty to cooperate with neighbouring local authorities and other organisations on matters of strategic, cross-boundary significance.



The Localism Act 2011 also led to the revocation of the regional strategies and Structure Plans.

In recognition of these reforms, the Government published revised local planning regulations in 2012. These were currently set out in the Town and Country Planning Local Planning (England) Regulations 2012.

This SCI took account of these changes and replaced the July 2007 and revised April 2014 versions of the SCI.

The, proposed, SCI was subject to a public consultation that commenced on 5 October and ended on 16 November. As a result of this, a total of eight responses had been received. These were supportive, although some suggestions were made by Warwickshire and West Mercia Police with regard to their involvement in pre-application discussions. Reference was also made to the omission of the fire and rescue service as a named consultee in the list of consultees and to rectify this, 'emergency services', had been added to include all elements of this important service sector.

Additionally, amendments were suggested by Baginton Parish Council and Kenilworth Town Council and one individual had suggested another consultation body to consider. These suggestions had been summarised and responses provided as to why these amendments were or were not supported and where changes have been made accordingly. A summary of all responses and actions were set out in Appendix B to the report.

There was no alternative to the recommendations because the SCI was a requirement under the Planning and Compulsory Purchase Act 2004 (as amended), the Localism Act 2011, The Town and Country Planning (Local Planning) (England) Regulations 2012, the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the National Planning Policy Framework (NPPF) 2012 and had been prepared in conformity with these documents.

**Resolved** that the 2016 Statement of Community Involvement, as set out in Appendix A to the report, be adopted.

(The Portfolio Holder for this item was Councillor Cross)  
(Forward Plan Reference Number 733)

89. **Proposal to change parking regulations on Archery Road, Leamington Spa**

The Executive considered a report, from Cultural services, that sought approval for an objection to a proposal by Warwickshire County Council to amend the parking regulations that applied to Archery Road, Leamington Spa.

Warwickshire County Council had proposed changes to the parking regulations that applied to Archery Road, Leamington Spa as detailed in Appendix 1, to the report. The changes would see the maximum stay

being reduced from four hours to two hours, with no return within four hours, and with the regulations applying from 8am to 10pm.

Archery Road currently allowed a maximum stay of four hours with no return for 8 hours and applied from 8am to 8pm only. Archery Road was the only location in the town with a four hour limit. These conditions had been in place for many years and were introduced to support the expansion of the bowls activities in Victoria Park at the time of the World Bowls Championships being hosted at the greens in 1997.

A reduction in the maximum stay and extension of the regulations to 10pm would have an impact on bowls activities in Victoria Park. Most bowls matches took approximately three hours to complete, and many were then followed by refreshments for those involved in the matches. The greens were the home venue for Royal Leamington Spa Bowling Club (RLSBC), Potterton's Bowling Club, Home Guard Bowling Club, Warwickshire Women's Bowls Association and Bowls England. Matches were played throughout the season from April to September, with RLSBC using their club house on the site for social activities throughout the year.

Victoria Park greens hosted the National Bowls Championships for four weeks each August. For the duration of the Nationals a formal "road closure" was placed on Archery Road, and all regulations were lifted for the period of the closure. Parking on Archery Road from 8am – 5pm during the Nationals was controlled by security personnel and parking permits allowing parking on Archery Road were issued to residents of Archery Road and neighbouring roads, and officials working at the Nationals.

Whilst the greatest impact would be on bowls activities, there would also be some impact on Victoria Park Community Tennis Club and other users of the park as well as one off events that took place in the park. Visitors would have to find alternative parking if they intended to be in the park for more than two hours.

There was "overflow parking" available in the area at the far end of Archery Road (known as the "old tennis courts") which was used on occasions by bowlers and other park users. This was not a formal car park, was not illuminated, and did not have sufficient capacity to accommodate all those needing to park for longer than two hours. In order for the car park to operate effectively it would need to be enforced. This would require investment in the surface, lighting, signage, ticket machines and staff time to visit regularly. Having considered this option as part of the review of the National Bowls Championships, that was reported to the Executive in January 2015, officers concluded that it was unlikely that the income from this car park would cover the cost of providing the car park and operating it.

Bowls England had made a formal objection to the proposals, Appendix 2 to the report, as had RLSBC, and objections were also anticipated from other clubs based in Victoria Park.

The Executive could chose not to object to the proposals. If the changes went ahead as proposed, there would be a significant impact on local clubs using Victoria Park bowling greens, and on some other users of the park. This could result in a reduction in the use of this first class bowls facility in which the Council had made significant investment over many years.

**Resolved** that a formal objection is submitted on behalf of Warwick District Council by the Head of Cultural Services, following consultation with the Portfolio Holder for Culture, to the proposal to change the parking regulations on Archery Road, Leamington Spa

(The Portfolio Holder for this item was Councillor Gallagher)

90. **Electric vehicles and Charging Infrastructure**

The Executive considered a report from, Health and Community Protection, that explained the Council had secured funding from the Department of Transport's Office of Low Emission Vehicles (OLEV) to cover 75% of the cost of leasing five electric vehicles for use as pool cars for an initial period of two years and installing associated charging infrastructure. The Executive was asked to approve the expenditure to cover the non-funded project costs, which it was anticipated would be recouped through avoided business mileage payments

Warwick District Council had secured 'ULEV Readiness' funding from the Department of Transport's Office of Low Emission Vehicles (OLEV) to cover 75% of the cost of leasing five electric vehicles for a period of two years and installing associated charging infrastructure.

The funding process required an assessment to be carried out by the Energy Saving Trust on behalf of OLEV of the Council's business travel needs and the current electric vehicle market, in order to identify the most suitable models. As a result of this process, an offer was made to the Council, with vehicle types and models being proscribed.

If the Council wished to take up the funding offer, the additional required project expenditure, including the remaining 25% of the vehicle lease and charging infrastructure costs together with vehicle insurance and fuel/electricity, must be met.

The Council's contribution would be offset by savings in staff mileage claims. It was estimated that, over the two-year life of the project, approximately 66,000 miles currently claimed as business travel would be displaced, resulting in net savings of approximately £3,400, as detailed in Section 5 of the report.

By providing an alternative form of transport to employees' own vehicles for the purpose of business travel, the project would support the current staff terms and conditions review.

The initiative would provide an opportunity for the Council to trial both the use of pool cars and electric vehicle technology at minimal financial risk.

The use of electric vehicles would reduce the Council's impact on local air quality, thereby making a positive contribution to meeting air quality objectives, as detailed in Warwick District Council's Air Quality Action and described in section 4.1.2 of the report.

The project would provide an opportunity for the Council to show local leadership on the use of sustainable forms of transport and to gain positive publicity.

Use of these vehicles would result in a predicted reduction in the Council's carbon footprint of approximately 20 tonnes of CO<sub>2</sub> over the two-year lifespan of the project.

This was a funded project covering the specific vehicles detailed in this report. It should be noted that, under the terms of the funding, the Council was not offered a choice of vehicles.

The only alternative option would be not to proceed with the project. This option was discounted on the basis that, not only would it contradict the Council's agreed Strategic Approach to Sustainability and Climate Change and the Air Quality Management Plan, but it would also result in a lost opportunity to trial the use of pool cars and electric vehicles.

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

**Resolved that**

- (1) up to £27,000, to cover the Council's contribution to the costs of leasing and operating five electric vehicles and installing charging infrastructure, be approved from the 2015/16 Contingency Budget; and
- (2) under the terms of the external funding secured for this project, it be noted, the vehicle models as set out in paragraph 8.1 were stipulated by the funders.

(The Portfolio Holder for this item was Councillor Grainger)  
(The Forward Plan reference 743)

**91. Housing Related Support Services**

The Executive considered a report, from Housing & Property Services, that advised on the outcome of the Warwickshire County Council's (WCC) proposals for the future of Housing Related Support Services, the impact of the decisions made by WCC on current users of this Council's services, the financial impact on the Housing Revenue Account (HRA) Business

Plan and the proposed response by Housing and Property Services to the changes.

In October 2015, WCC agreed to the restructure of Housing Related Support as part of its One Organisation Plan Savings to achieve a cumulative savings target of £3.725 million by 2018. Housing Related Support was implemented by the award of Supporting People grant to service providers to deliver services required and approved by WCC.

To implement this decision, WCC decided to decommission many of the existing services that its Housing Related Support funding supported and to use revised eligibility criteria to commission new services.

WCC had produced a Housing Related Support decommissioning and re-commissioning program: Funding for floating support for homeless families with support needs would terminate on 31 March 2016; Contributory funding to sheltered and very sheltered accommodation and alarm services (Lifeline) for older people. This funding only related to those HRA tenants in our sheltered schemes and our dwellings for older people, it did not fund Lifeline services for private clients; and Non-specialist (generic) floating support services would be re-commissioned through competitive tender and would be active from 1<sup>st</sup> April 2016.

WCC was not commissioning any services that were specifically for older people. The WCC would be re-commissioning floating support services and any older person who fulfilled the eligibility criteria regardless of tenure could be referred for this service. The Council would not be tendering for the new contract to deliver this service as it would be operated on a county wide basis and could be required by client groups whose needs could require capability and capacity not available to us.

Warwick District Council was currently contracted by WCC to provide housing related support for Older People and Homeless Families with Support needs.

The Older People service provided a monitoring alarm and support service for older people living in our sheltered schemes and dwellings designated for older people. The annual Supporting People grant from WCC towards the cost of this service was £463,700. This contract and funding was due to end on 31 July 2016.

The Homeless Families with Support Needs service provided specialist floating support. To deliver this service, the Council, on behalf of WCC, held a contract with Bromford Support Services which would end on the 31 March 2016. WDC received £30,300 Supporting People grant to pay for this service. Funding for this work would cease on 31 March 2016.

An additional budget provision was held within the HRA Business Plan to cover a scenario where the WCC funding was withdrawn. This funding was set aside to maintain existing levels of Housing Related Support to tenants of the Council's sheltered schemes and properties designated for older people to allow for a measured and structured transition to a new service to be developed and mobilised. The contingency amount was

sufficient to cover the worst case scenario of this transition taking twelve months. Any funding not needed from this contingency for the transition period would be returned to the HRA's overall contingency reserves.

In response to these funding changes it was proposed that the Council would carry out a full review of the services it provided for older people and report back to Executive in January 2017, to allow any service revisions to be implemented from 2017/18 onwards. The services affected were the provision of housing related support along with the Lifeline (Warwick Response) monitoring and emergency response service for Council tenants in our sheltered schemes and dwellings designated for older people.

While the Council carried out this review it was recommended that existing levels of housing related support, monitoring and response services should continue to be provided and that the current charging regime should be maintained for those tenants who were currently receiving the service until April 2017. Service provision after that date would be influenced and informed by the outcome of the review. The review, which would include extensive consultation with current and prospective service users, would consider all options for the future of these services, from termination through to expansion. The review would, as part of this work, explore both the scope of the service and the charging options that would be necessary to maintain financial viability for whatever level of service is proposed.

The current service and charges would remain available to new tenants from 31 July 2016 until the scope and offer of the new service had been agreed. This would make sure that the Council delivered an equitable service to all our tenants, current and new, in our schemes and dwellings designated for older people. It meant that all tenants would have the same experiences to inform future consultation, avoid disparities in service level to people living as neighbours and reduce administrative complexity at a time when staffing resources would be focused on designing and the developing ready for delivery a new service.

For Homeless Families with Support Needs, the Council would work in co-operation with WCC to make sure that when the current contract ceased no vulnerable clients would be left without appropriate support. The Housing Support Team would be able to support any Council tenant who was at risk of homelessness but tenants of other Registered Social Landlords would be expected to approach their own landlord for appropriate help. Where there was no support available from a landlord the Council would help affected people to identify appropriate help from other agencies in both the public and voluntary sectors.

The Council could reduce or terminate the services provided for Older People when the Supporting People grant ended. However we had rejected making any changes to the services prior to April 2017 because of the requirement imposed on the Council by the 1985 Housing Act to consult with our tenants regarding changes in housing management. The Council wanted to ensure that this consultation was meaningful and comprehensive so that it could take into consideration the experiences and needs of all elderly and vulnerable tenants living in our sheltered

schemes and dwellings designated for older people. Allowing this time to design, develop and mobilize a new service would allow it to be shaped in a way that took into account the regulations that would arise from the Housing and Planning Bill, currently before Parliament, which were expected to have a substantial impact on the HRA Business Plan.

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

**Resolved** that

- (1) the funding the Council receives from WCC to provide housing related support for older people will cease on 31 July 2016, be noted;
- (2) the additional budget provision held within the HRA Business Plan to cover a scenario where the WCC funding is withdrawn is approved to maintain existing levels of Housing Related Support to tenants of the Council's sheltered schemes and properties designated for older people for the remainder of the financial year 2016/17;
- (3) officers carry out a full review of the Council's Housing Related Support Services for older people, including Lifeline services and report back to members by January 2017 on proposals for revised service arrangements for 2017/18 onwards;
- (4) the Housing Related Support charges for tenants of the Council's sheltered schemes and properties designated for older people remain at their current rate until the new service is agreed and implemented from 2017/18 onwards;
- (5) those tenants who are self-payers of the Housing Related Support charges be expected to continue to pay for the service until any new service regime is agreed and implemented;
- (6) those tenants who are in receipt of housing benefit and do not pay the full Housing Related Support charges will not have any recovery of these payments made until decisions about the future service offer and service charges are agreed and implemented; and

- (7) the funding that the Council receives from WCC to provide specialist floating support for Homeless Families will end on 31 March 2016 and the measures that will be implemented as a result.

(The Portfolio Holder for this item was Councillor Phillips)  
(Forward plan Reference Number 674)

92. **Review of the Historic Building Grants Scheme**

The Executive considered a report, from Development Services, that updated them on the findings of a review of the Historic Buildings Grants scheme and made recommendations concerning the cessation of the scheme and the transfer of the outstanding budget to a specific heritage project.

The current review of the Historic Building Grants Scheme identified that resources could be more effectively deployed to protect the District's historic built environment.

The principal objective of the Conservation Building Grants scheme was to preserve and enhance the historic environment of Warwick District. The justification for the grants scheme was that it assisted householders to update and repair Listed Buildings and other buildings within Conservation Areas in a historically appropriate manner rather than choose other potentially more harmful solutions.

It was considered that whilst the grants scheme had been of assistance in bringing forward the appropriate updating and repair of historic buildings, in practical terms the level of grant offered was often a small proportion of the total cost of the works which were likely to have been undertaken in the same way in any case without the grant assistance.

Although the Historic Building Grant scheme was available for Listed Buildings and historic buildings within Conservation Areas across the whole of Warwick District, the current review had identified that over the last two years, 73% of all grants had been awarded within the Royal Leamington Spa Conservation Area rather than more widely across the District. There had been a significant under-spend in the allocation of grants over recent years.

The consideration of these factors had therefore led officers to the conclusion that the continuing operation of the grants scheme was becoming increasingly ineffective in contributing to the protection of the historic environment in the manner in which it was intended.

It was also relevant to consider that the protection of the historic environment from inappropriate repairs and other works could be secured through other, more cost effective means, for example through the provision of an Article 4 Direction within a Conservation Area, which provided the Local Planning Authority greater control over potentially harmful alterations, including replacement windows.



The Council had already approved the introduction of a new Article 4 Direction for the whole of the Royal Leamington Spa Conservation Area, and this would be implemented in 2016. That Direction would ensure that unsympathetic alterations were resisted without the need to offer financial assistance through grants. The potential establishment of further Article 4 Directions in appropriate areas within the District would further reduce any justification or need for grants.

There were current issues relating to the condition of a dilapidated, highly prominent Listed wall which made a significant contribution to the character of the Barford Conservation Area and marked the boundary between Wellesbourne Road (the A429), and the Locally Registered Park and Garden forming the setting of the Grade II\* Listed Barford House.

On 31 March 2015, under powers arising from the Planning (Listed Building and Conservation Area) Act 1990, the Planning Committee authorised the issue of a Section 54 Notice requiring the owner to repair the wall. In view of the urgency with which repairs to the wall needed to be brought forward, at that meeting the Committee also authorised the Head of Development Services to take all necessary steps to implement the works required to repair the wall and to recover the cost from the owner of the land. The cost of the repair works was estimated to be a minimum of £70,000.

In accordance with the usual protocol in seeking to recover those funds, a charge was to be placed on the land on which the wall was located, in order that when (and if) the land was sold, the Council would be reimbursed its full costs from the proceeds of the land sale.

The likelihood of any such sale taking place at any time in the future was unknown and therefore in seeking to bring those works forward, it was necessary to identify a budget from which the funds could be drawn down.

Rather than do so by funding from the Planning Reserve, it was suggested that this would be an appropriate use of the outstanding unspent 2015/16 budget from the Historic Building Grant scheme and the allocated budget for 2016/17 the total of which equated to the current estimate of the cost of the repair works.

The historic wall in question was a highly prominent feature within the Barford village and Conservation Area and its increasingly dilapidated state continued to impact on the character of that area. The use of the outstanding and remaining grants budget to facilitate the repair of this wall would, perhaps in contrast to its previous use to contribute funding towards small scale projects, had a significant positive impact on the historic character of Barford and was considered to comprise a practical and effective use of these funds

An alternative option would be to reduce the funding of the current grant scheme, or to phase it out gradually, however this would result in the continuation of a scheme which was underperforming in terms of the

benefits to the historic environment and which was not achieving effective value for money at a time when all public services were under pressure.

The current review had considered whether a relatively small grant (maximum £2,000) in practical terms incentivised work to be undertaken that would not otherwise occur, or if it significantly increased the likelihood of works being undertaken in a historically appropriate way. The conclusion was that it did not.

Grants were frequently awarded to parties who had recently purchased high-value property and who were already motivated to undertake a historic building restoration project. This combined with the fact that the total value of works to historic buildings frequently amounted to tens of thousands of pounds brought into question the extent to which a maximum grant of £2,000 was a significant motivating factor.

The review had considered whether administering the grant scheme was an effective deployment of staff time. It concluded that should the grant scheme remain, the level of staff resources devoted to it was likely to be such as to impact upon other core areas of the service.

Should it be considered appropriate, a further possible option for future consideration would be the introduction of an area-based historic building grants scheme funded by the Heritage Lottery Fund. However, it was unlikely that the reintroduction of such an approach could operate in a manner which would omit all of the factors arising from the current scheme which had led officers to the recommendations in this report.

**Resolved that**

- (1) the Historic Building Grants scheme, be discontinued;
- (2) officers investigate a further Article 4 Directions within the District's Conservation Areas to control potentially harmful development; and
- (3) the unspent 2015/16 budget from the Historic Building Grant scheme and the allocated budget for 2016/17 be used to contribute to the cost of the delivery of a project to repair a dilapidated, visually prominent Listed wall that marks the boundary between Wellesbourne Road (the A429), and the Locally Registered Park and Garden forming the setting of the Grade II\* Listed Barford House.

(The Portfolio Holder for this item was Councillor Cross)  
(Forward plan Reference Number 753)

### 93. **Dementia Action Alliance**

The Executive considered a report, from Health & Community Protection, that sought approval to sign up to the National Dementia Declaration, and outlined an action plan for implementation.

To become a member of the Coventry and Warwickshire Dementia Action Alliance, the Council would need to sign up to the National Dementia Declaration and submit a short action plan setting out how it would work towards delivering the outcomes outlined in the declaration. Once this had been submitted successfully, the Council would be considered a member of the Dementia Action Alliance (DAA).

This was supported by members of the Health Scrutiny Sub-Committee and for it to show that the Council was sensitive to the wider issues around mental health.

There was a question about the level of the expenditure which should be allocated to this initiative. It was considered that minor dementia friendly improvements (e.g. lighting) were being made to Riverside House reception area, within existing maintenance and repair budgets. The cost of dementia friendly adjustments therefore did not necessarily entail additional expenditure, just that the matter needed to be taken into consideration. However, the principle needed to be established so that it could be considered if new build, adaptations or improvements were made to corporate buildings

It was suggested that guidance be developed, in discussion with Housing & Property Services and building managers, to provide information on dementia friendly improvements and adaptations options.

Alternatively the Council could seek not to obtain accreditation, to train fewer people and downgrade the improvements proposed. In terms of adapting corporate buildings the Council could choose not to do any works.

#### **Resolved** that

- (1) the Council becomes a signatory to the National Dementia Declaration;
- (2) the Action Plan as set out in the Appendix, to the report, be approved; and
- (3) a principle of adaptation of corporate buildings, be approved, for when those buildings are improved or adapted for other reasons, as part of the overall business case for the works.

(The Portfolio Holder for this item was Councillor Grainger)  
(Forward plan Reference Number 714)

94. **Use of Delegated Powers – Adoption of the LEP’s Planning Protocol**

The Executive considered a report from, Development Services, that informed it of the use of the Chief Executive’s delegated authority (CE4) to agree the adoption of the Coventry & Warwickshire Local Enterprise Partnership’s (CWLEP) planning protocol to confirm the adoption, in line with all the other local planning authorities within the CWLEP area at the CWLEP Planning and Housing Business Group on 14 December 2015.

Under CE4 of the Officer Scheme of Delegation, set out in the Council’s Constitution, the Chief Executive had delegated authority to deal with urgent items that occurred between meetings, in consultation with the relevant Deputy Chief Executive, Head(s) of Service (if available) and Group Leaders (or in their absence Deputy Group Leaders) subject to the matter being reported to Executive at the next available opportunity.

The CWLEP had asked all local planning authorities within its area of operation to confirm that their formal adoption of the Planning Protocol that each had been operating informally at its Housing and Planning Business Group meeting on 14 December 2015. Confirmation on that date would allow the CWLEP to advise its Board and relevant Government representatives that a commitment made as part of the Coventry & Warwickshire City Deal had been fully implemented. The date fell outside the normal cycle of Executive meetings hence the requirement to use delegated powers.

The Chief Executive, in consultation with the Group Leaders, could have chosen not to exercise these delegated powers and not adopt the protocol. This would have potentially affected relationships across the sub-region with regard to the Duty to Co-operate and the future development of the WDC Local Plan, given that the protocol contained a required commitment to joint working. Additionally, it could have potentially resulted in the loss of inward investment within the district, as investors wanted a smooth and problem free service from planning authorities and for the services offered to be as cost effective as possible.

**Resolved** that the decision of the Chief Executive, after consultation with the Group Leaders, under (CE4) of the Constitution, to formally agree the adoption of the CWLEP Planning Protocol, as set out at Appendix One to the report be noted.

(The Portfolio Holder for this item was Councillor Cross)

95. **Use of Delegated Powers – Response to the Minerals Development Framework – Preferred Option Policies Consultation**

The Executive considered a report, from Development Services, that informed the Executive of the use of the Chief Executive’s Delegated Authority (CE4) to agree a response to Warwickshire County Council’s

Minerals Development Framework (Preferred Option and Policies Consultation).

Under the Officer Scheme of Delegation the Chief Executive had delegated authority (reference CE (4)) to Deal with urgent items that occurred 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 response was required to be submitted to Warwickshire County Council by the 4 January 2016, therefore this report was required to notify members of this course of action.

The only alternative would be not to respond which would not be in the best interests of the District and its population

**Resolved** the decision by the Chief Executive after consultation with Group Leaders under (CE4) of the Constitution to agree the report/ response to the Minerals Development Framework process as set out in Appendix One to the report.

(The Portfolio Holder for this item was Councillor Cross)

96. **Rural/Urban Capital Improvement Scheme (RUCIS) Applications**

The Executive considered a report, from Finance, regarding the Rural/Urban Capital Improvement Scheme grant applications that had been received from Warwick Sports Club, Leamington Lawn Tennis and Croquet Club and Westbury Community Centre (Myton Church).

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. All three projects contributed to the Council's Sustainable Community Strategy.

The Council had 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. Members could choose not to approve the grant funding, or to vary the amount awarded.

**Resolved** that

- (1) Warwick Sports Club be awarded a grant from the urban cost centre budget of 45% of the total project costs to refurbish several areas of the clubhouse, repair and extend safety fencing and install a security monitoring system as detailed within paragraphs 1.1, 3.2 and 8.1 of the report, up to a maximum of

£27,610 excluding vat, subject to receipt of the following a written confirmation from WREN (or an alternative grant provider) to approve a capital grant of £28,750;

- (2) Leamington Lawn Tennis and Croquet Club be awarded a Grant from the urban cost centre budget and the rest of the award from the unallocated 2014/15 budget of 36% of the total project costs to resurface 4 tennis courts as detailed within paragraphs 1.1, 3.2 and 8.2, of the report, up to a maximum of £30,000 including vat; and
- (3) Westbury Community Centre (Myton Church) be awarded a Grant from the unallocated 2014/15 budget of 30% of the total project costs to reconfigure the current changing room into two separate parts (storage room and a tea room), refurbish the kitchen and server area and refurbish the main room as detailed within paragraphs 1.1, 3.2 and 8.3, of the report up to a maximum of £30,000 including vat, subject to receipt of the written confirmation from JW Laing Trust (or an alternative grant provider) to approve a capital grant of £20,000.

(The Portfolio Holder for this item was Councillor Cross)

97. **Proposed exemption from the Code of Procurement Practice**

The Executive considered a report, from Housing & Property Services, that sought approval for an exemption from the Code of Procurement Practice to secure the prompt supply and installation of a generator at the Council's Oakley Wood crematorium.

The Council's bereavement services included the operation of a crematorium at Oakley Wood Crematorium. The crematorium relied upon a constant electrical supply for it to operate effectively, ensuring both the proper conduct of services within the chapels, the functioning of the cremators and other process-plant in accordance with environmental legislation. The site did not currently have a 'fixed' stand-by generator installation, with a facility to automatically start in the event of a power supply failure and provide a steady supply of power for prolonged period of power loss from the main grid.

Funding for the supply of a suitable generator to remedy this lack of a back-up was approved by the Council for the base budget for 2015/16.

The approval for the funding coincided with the beginning of the refurbishment works scheduled during 2015/16 for the Oakley Wood facility. In December 2014, it was agreed by the project team managing

this project to schedule the installation of the generator to the third quarter of 2015/16, with works at the site set to conclude at the end of October 2015. This decision was taken for a number of technical reasons, including the need for a continuity of mains electrical supply for the works, access to the site and the need to keep noisy and intrusive works to a minimum to avoid unnecessary disruption to the core activity of the facility.

The contract documents for the main works had by this time been sealed and were awaiting signature. To have amended the contract at this time to include provision for the installation of the generator would have delayed the overall refurbishment project and incurred additional costs.

In August 2015, officers from Housing and Property Services and Finance discussed how best to procure the generator, with the Procurement Team advising the use of a procurement framework. In November, the Procurement Team advised that it had been unable to identify a suitable framework open to the Council from which it could secure the supply of a suitable generator. On the advice of the Procurement Team, three quotes were then sought for the supply of the generator. The last of these arrived on 5 January, 2016.

All three quotes were however above the Council's £9,999 threshold under which a Head of Service, after obtaining at least three quotations and paying due regard to best value could accept a quote and agree the supply of the relevant goods or services.

To expedite the installation of a generator at Oakley Wood, the Council therefore had two options; progress a formal procurement process, including a formal quotation exercise to be advertised extensively via the e-tendering portal using the 'quick quote' function and through advertising on Contracts Finder. This could take between one month and six weeks, followed by a six to eight week installation timetable from the date the order was finally placed and agreed; or secure an exemption from the Council's Code of Procurement Practice under the following grounds, as detailed in the Council's Code of Procurement Practice.

The first option was not practicable or advisable by reason of emergency to seek competitive tenders; therefore it was considered there were exceptional circumstances in which it would not be in the Council's best interests to follow the tender or quotation procedure.

This approach, if approved, would allow an order to be placed within a week, and so shorten the total installation period from order to commissioning by between three and five weeks.

There had been frequent, often short interruptions to the electricity supply to Oakley Wood, hence the decision to install a stand-by generator. However, the risk of such power outages was likely to be higher during winter months when the weather was such that power lines and other electrical facilities were more prone to failure. The weather this winter had been exceptionally windy and wet, suggesting an increased risk of power supply failures.

The Council had just completed a well-received refurbishment of the Oakley Wood facility to help it provide both a better service to local people and to maintain and increase its share of the bereavement market. If it were to endure further power outages, the benefits of this investment may be negated. In addition, any further power outages during funerals would cause undue distress to bereaved families and friends.

Securing the ability to order within a matter of days a suitable generator would help mitigate and reduce these risks. This could be achieved by the Exemption to the Code of Procurement Practice, recommended in this report.

The option of undertaking a procurement exercise for the proposed supply using a Framework Agreement was considered, but it was not possible to take this forward as the Council was unable to identify a suitable and applicable framework it could use for the supply of a generator.

Following the formal procurement process, including formal quotation exercise to be advertised extensively via the e-tendering portal using the 'quick quote' function and through advertising on Contracts Finder, would add between three and five weeks to the overall time to have in place a suitable generator. This added to the risks of incurring the problems outlined in paragraph 6.2, of the report.

The Finance & Audit Scrutiny Committee supported the recommendations in the report. The Committee raised concerns that another exemption had been submitted but noted that this was an inherited issue and lessons had been learned.

Councillor Phillips provided reassurance that lessons had been learned and as a Council we had a responsibility to resolve this quickly.

### **Resolved**

- (1) an exemption to the Code of Procurement Practice, be approved, to accept the most cost effective price received for the supply and installation of a generator at the Council's Oakley Wood crematorium; and
- (2) the quote of £22,981.70 from Company A for the supply and installation of a 33kVa generator set and ancillaries at the Oakley Wood Crematorium, be accepted.

(The Portfolio Holders for this item were Councillors Phillips and Councillor Shilton.)



98. **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
99	1	Information relating to an Individual
99	2	Information which is likely to reveal the identity of an individual
99	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

99. **Minutes**

The confidential minutes of the meetings held on 2 December 2015 were taken as read and signed by the Chairman as a correct record.

(The meeting ended at 8.33pm)