

EXECUTIVE

Minutes of the meeting held on Wednesday 10 October 2012 at the Town Hall, Royal Leamington Spa at 6.00 pm.

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

ALSO PRESENT: Councillor Boad (Liberal Democrat Group Observer), Councillor Barrott (Labour Group Observer), Councillor Mrs Falp (Independent Group Observer) and Councillor Mrs Knight (Chair of Finance & Audit Scrutiny Committee).

Apologies for absence were received from Councillors Coker, Mobbs and Councillor Gifford (Chair of Overview & Scrutiny Committee).

65. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

66. **MINUTES**

The minutes of the meeting held on 8 August and 12 September 2012 were taken as read and signed by the Chairman as a correct record.

PART 1

(Items on which a decision by Council is required)

67. **FEES AND CHARGES 2013/14**

The Executive considered a report from Finance that detailed the proposals for Fees and Charges in respect of the 2013 calendar year. It also showed the Fees and Charges income budgets for 2012-13 and original 2013-14.

Two service areas (Markets and Building Control) had made some amendments to their Fees and Charges for 2012-13 that had not previously been reported to Executive and approval for these changes (which took place in April 2012) was sought.

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 2013-14. Changes to the Fees and Charges for the forthcoming calendar year had to be approved by Members.

In the current financial climate, it is important that the Council maximises income and therefore minimises the savings target needed to achieve by taking money out of service provision.

The work undertaken to review the Fees and Charges has confirmed that in most cases the income received was at maximum, and in many cases the market would not currently bear further increases in charges.

The work undertaken by the Income Maximisation working party showed that the uncertain economic climate was acting as a brake on increasing fees and charges levels much further. Given the difficult financial situation the Council was expecting over the next few years, it would be worthwhile to examine ways in which the Council could stimulate economic activity and so increase income levels; not by increasing Fees and Charges levels but by securing increased volumes of applications, etc which would bring in more income. This would be entirely consistent with the Council's support for the local economy as expressed in the Sustainable Community Strategy.

Building Control and Market fees were amended earlier in the year (see paragraphs 12.1.3 and 12.3.1) to respond to market conditions, without them being reported to Executive. To avoid this happening again, delegation for minor changes to the Head of Development in consultation with the Development Portfolio Holder and Head of Finance, was sought.

The various options affecting individual charges were outlined in the main body of the report, sections 8 to 16. Fees and Charges for 2013-14 remain static which would substantially increase the savings to be found over the next five years.

The Overview and Scrutiny Committee reinforced its previous comments in respect of point 13.1.2 of the report and recommended that residents should receive a concession on the crematorium fees and charges.

The Finance and Audit Scrutiny Committee was reassured as to the level to which the Maximisation Working Party had been involved in the fees and charges process.

Members of the Committee were concerned that no increase to Houses in Multiple Occupation (HMO) licensing fees could have a detrimental effect on the district, as the Planning Committee had seen a number of applications for HMOs and was worried about the social impact of a large number of HMOs in one place, such as in Leamington Spa.

While some concern was expressed over the crematorium's ability to meet targets in light of a fall in the mortality rate and the possibility of increased competition from a crematorium to be built in Rugby, the Committee noted that the Executive had recently agreed investment in Oakley Wood and that cremation charges for both residents and non-residents of the district had been equalised and were now just below the national average.

Subject to clarification in respect of the surcharge for burials, referenced at the bottom of page 65 of the report, the Committee supported the recommendations.

The Leader responded to the comments of the Scrutiny Committees and proposed that the reductions in fees was considered as part of the budget setting process and asked that the Section 151 Officer brought forward details in his December report of the impact on the Council's finances should a £25 concession be granted to local residents for Cremations and removal of the surcharge for former residents in respect of cemeteries. This was accepted by the Executive.

The Leader accepted the view of Finance & Audit Scrutiny Committee that the Income Maximisation Working Group needed to be rejuvenated and stated that charging for burials would be considered as part of the budget process. In addition the Leader explained that the number of HMOs was as a result of having a successful University in the District and pointed out that the residents of the HMOs spent their money in the District. The Portfolio Holder for Development Services reminded the Executive that a report was due to be submitted to the Executive on HMOs in the near future.

The Portfolio Holder for Neighbourhood Services explained that work was being undertaken with Warwick Town Council on looking at car parking charges in the town and that no parking charges would be increased next year.

RECOMMENDED that

- (1) the Council is recommended to approve the Fees and Charges identified in Appendix 'A' to operate from 2nd January 2013 unless stated, subject to Section 151 Officer bringing forward details in his December report of the impact on the Council's finances should a £25 concession be granted to local residents for Cremations and removal of the surcharge for former residents in respect of Cemeteries;
- (2) the work undertaken by the Income Maximisation working party and the detailed exercise undertaken when determining the Council's income levels and fees for next year, be noted; and
- (3) minor changes for Building Control fees and Market fees be agreed by the Head of Development in consultation with the Development Portfolio Holder and Head of Finance.

(The Portfolio Holder for this item was Councillor Mobbs)
(Forward Plan reference 382)

PART 2

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

68. USE OF G4 POWERS FOR CHASE MEADOW COMMUNITY CENTRE FUNDING

The Executive considered a report from the Deputy Chief Executive & Monitoring Officer to advise members of the use of the Chief Executive's powers of the Constitution to permit funds of £215,000 to be used in respect of the development of the Chase Meadow Community Centre.

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

The August 2012 meeting of the Executive approved "that the Chief Executive, in consultation with the Group Leaders, be allowed to execute his G4 powers of the Constitution to permit funds to be used up to a maximum of £200,000, if it was found to be necessary due to the tight timescales involved."

Due to tight timescales relating to the Sports England funding for the project the Chief Executive used this delegated power to seek approval for funding of £215,000 to bridge the budget deficit for the development. A note for Group Leaders was provided to clarify the situation and seek agreement for the funding.

The delegated powers were executed on Tuesday 28 August 2012. The Council's Constitution required a report to be brought to the next Executive setting out the action taken and the reasons for this. Reporting timetables had meant that this was the first Executive to which a report could be submitted.

Recommendation 2.2 of this report asked Executive to note that absolute cost certainty would not be known until early December 2012. The Council was using a Scape framework, to procure professional services for the Project including; architect, quantity surveyor, structural engineer, building services engineer and CDM coordinator. The use of the Scape framework to procure contractors complied with the Code of Procurement Practice, as the framework has been procured according to the Public Contracts Regulations 2006. Through the Scape framework, Faithful and Gould (Project Consultants) had provided the Council with a high level feasibility cost estimate in August 2012 which estimated that the build costs (minus on-costs) for the project ranged from approx £1,100,000 - £1,115,000. Before construction could start on site Faithful and Gould would agree cost certainty with Morgan Sindall, the builder.

To reach cost certainty Faithful and Gould would split the total construction project into a number of work packages and then instruct Morgan Sindall to provide a tender price for each package. The price for each package was evaluated by Faithful and Gould and challenged where appropriate, thus ensuring that the prices represented value for money. This needed to be a thorough and comprehensive

exercise in order that an accurate cost was identified. The current programme showed that it would take approximately six weeks to complete this work which meant that completion of the tender packages would be completed at the start of December 2012. It was at this point that the Section 151 Officer would be able to sign-off a definitive budget. A high level programme for the work was attached at Appendix 2 to the report.

The August Executive report agreed the purchase by the District Council of the land shown on the plan, appended to the August report, for £30,000, subject to the construction of the proposed Chase Meadow Community Centre being achievable within the agreed budget as agreed with the Section 151 Officer. For the reasons outlined above this was not currently achievable.

Members should understand that costs as estimated by Faithful and Gould in August could differ to the price to be provided in December once cost certainty had been achieved. If the project cost in December could not be contained within the project budget a further report would be presented to Executive. Members were also reminded that CMCC had been informed that, should costs escalate further they would need to seek the additional funding from other sources.

The financial exposure to the Council up until December 2012 would therefore be limited to approximately £10k for the enabling works. These were works which were required in order to secure the Sport England funding of £50k by complying with their requirement to start work by the end of September 2012.

The alternative options would have been not to have secured the additional funding using delegated powers prior to September Executive. This was discounted on the basis that it would have severely jeopardised the Council's ability to mobilise "enabling works" in time for the Sport England deadline (end of September) meaning that the funding might have been lost. In addition, losing the funding was likely to damage the relationship with Chase Meadow Community Centre Group who would take responsibility for running the centre in its early years of life.

The Overview and Scrutiny Committee had no comments or recommendations to make to the Executive in respect of this report.

The Finance and Audit Scrutiny Committee noted that the Chief Executive had exercised his emergency powers to permit funding for the development. Members were pleased to see that the report emphasised that there would be no further funding from the Council (paragraph 3.10 under the "Note for Group Leaders – Chase Meadow Community Centre") and were assured that Sport England's funding would be released if the project were up and running by September 2013, which officers were confident it would be. Therefore the Committee supported the recommendations in the report.

The Leader thanked the Finance & Audit Scrutiny Committee for their support.

RESOLVED that

- (1) the Chief Executive's use of delegated G4 powers of the Constitution for the purposes of permitting funding for the Chase Meadow Community Centre development, be noted;
- (2) it be noted that due to the use of the Scape framework for the delivery of the project, absolute cost certainty will not be known until December 2012 and consequently the Section 151 Officer is not able to sign-off a definitive budget at this time (see minute no. 50 of August Executive); and
- (3) it be noted that if cost certainty in December shows that the cost of the project cannot be contained within the project budget then a further report will be presented to Executive outlining the implications for the project and detailing how the Chase Meadow Community Centre Ltd group will source any shortfall of funds.

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

69. **BUSINESS RATES RETENTION - POOLING**

The Executive considered a report from Finance that proposed the Council confirmed that it would participate within a Business Rate Retention Pool along with all other Warwickshire District Councils, Warwickshire County Council and Coventry City Council from 1 April 2013.

The Executive, in July, had considered a report on Business Rates Pooling and agreed to register the Council's interest in pooling business rates with one or more neighbouring authorities. In addition the Executive had agreed to delegate responsibility to the Head of Finance, in conjunction with the Finance Portfolio Holder, for agreeing the final details which should form part of any expressions of interest.

Since then, in discussion with the Leader, Deputy Leader, and Finance Portfolio Holder, the Head of Finance had confirmed the Council's intention to form a Business Rates Pool with the Warwickshire authorities and Coventry City Council. This was confirmed to DCLG on 10 September and a copy of the submission was appended to the report.

Whilst it was possible for a pool member to withdraw from the pool, this would lead to a total collapse of the pool. It was therefore imperative that a firm decision was made by each authority within the proposed pool as to whether they were fully committed to participating in 2013/14. No further review of the decision to be in the pool could take place for a further 12 months and reviews would be annual thereafter.

The Governance arrangements for the pool would be included within the Memorandum of Understanding (MoU) which was currently being drafted. The principles that formed the basis for this were set out in Appendix 2 to the report, with the draft MoU as Appendix 3. The MoU would be subject to an annual review.

Alternatively the Executive could agree to participate within the proposed Coventry and Warwickshire Business Rate Pool to commence from 1 April 2013 and to amend the wording within Appendix 2 and the Memorandum of Understanding; or to agree to not participate within the proposed Coventry and Warwickshire Business Rate Pool to commence from 1 April 2013.

The Finance and Audit Scrutiny Committee sought reassurance from officers that the Executive recognised the risks should there be a significant decline in business rate income, noted that for some time local business rates had been stable year on year and supported the recommendations in the report.

The Leader thanked the Scrutiny Committee for their support for the recommendations.

RESOLVED that

- (1) the Council will participate within the Warwickshire and Coventry Pool for 2013/14 and subsequent years, subject to an annual review to ensure that membership of the Pool remains in the best interests of the Authority; and
- (2) the governance principles for the pool as set out in Appendix 2 and the draft Memorandum of Understanding (Appendix 3), with any further amendments agreed by the Chief Executive and Head of Finance in consultation with the Leader, Deputy Leader and Finance Portfolio Holder, be approved.

(The Portfolio Holder for this item was Councillor Mobbs)

70. **OUTCOME OF WARWICK DISTRICT COUNCIL'S PEER CHALLENGE**

The Executive considered a report from the Deputy Chief Executive & Monitoring Officer that provided Executive with details of the outcome of the recent Peer Challenge.

In July 2012, WDC participated in a peer challenge of its performance and activities. The challenge was undertaken by the Leader of Rushcliffe Borough Council, the Chief Executive of Cheltenham Borough Council and an Executive Director of Watford Borough Council with specialist support provided by a Local Government Association Review Manager.

The focus for the peer challenge was threefold:

- A 'light-touch' challenge of the council's current performance, particularly with regard to:-
 - Political and managerial leadership
 - Financial planning and viability
 - Governance and decision making
 - Organisational capacity
- A challenge of WDC's 'Fit for the Future' (FFF) programme with regard to three specific questions:
 - Is the programme delivering what you want (and need) it to deliver?
 - Is there sufficient managerial and political leadership and capacity to progress the programme?
 - Does the programme continue to meet the council's future requirements?
- How well does the Council harness its leadership and capacity to successfully implement the Local Plan and, as appropriate, adapts the FFF strategy to support this outcome?

The peer team engaged in interviews and workshops with a range of staff and elected members as well as partners. Two workshop sessions were also undertaken: on organisational change; and the Local Plan, to share experiences from peers with officers and members and enable a two-way dialogue. The full programme of interviews and workshops was shown at Appendix 3 to the report.

The peers' view of the performance of WDC was by-and-large very positive believing it was a very good Council but one that could be even better. Officers had therefore drafted an improvement action plan for Executive's consideration. Many of the actions had already commenced but the peer challenge had been very helpful in crystallising the focus on some areas. Subject to any revisions Executive wished to make, officers would implement the Plan and report on progress to Executive in 12 months' time.

An Executive summary of the report was provided within the main report but one could breakdown the report into Areas of Strength and Areas for Consideration.

The peer team was asked to pay particular attention to the FFF programme and progress on the development of the Local Plan. These two areas had been identified by senior officers and the Council's political leadership as they were considered to be the most important strategic pieces of work.

With regard to the FFF programme, there was a clear understanding across the organisation of the programme itself and what it was trying to achieve. However, whilst good progress was being made in delivering efficiencies and savings and service levels were being maintained or improved, very limited progress was being made on cultural change. The peer team also identified some of the high risks associated with some assumptions in the financial strategy. Officers accepted the view on the finances but consider that the monitoring arrangements that have been put in place enable such risks to be properly managed.

The team also identified the risk that FFF was being perceived as only about savings. Officers recognised that communication with staff needed to improve. However, the peer team acknowledged that the "Council's strong financial performance and effective leadership and management puts it in a good place to meeting (sic) the future challenges and also allowed the Council to consider, more radically, what it was about and how it may deliver services".

At Section 4.3 of the peer team's report, the team questioned whether more radical service delivery options than "keeping services in house" should be considered. Officers would take issue with this point as it was clear that the Council's services were already delivered through a variety of delivery models with the focus being on what was best for the customer. That said there was a clear political steer, described in Fit For the Future, that through a systems thinking approach, officers should in the first instance be ensuring that the current delivery models were as efficient and effective as possible. There seemed little point in market-testing a service when that service has inefficiency and unnecessary cost built in.

However, this approach should not be seen as a bar to innovation. The Council had many examples of being innovative – shared services, Waterloo arrangements, third sector commissioning, major contract(s) review – and officers would continue to embrace the "blue-sky thinking" philosophy.

Turning to the team's consideration of the Local Plan, it was impressed with the political and officer leadership and felt that stakeholder engagement was effective. The team raised some questions about the evidence that was being relied upon and officers recognised that by the time it presented the draft Local Plan, it would need to have ensured that all the proposals were supported by robust evidence.

The peer team raised some important questions for officers to consider and through the Local Plan Programme Board, officers would need to ensure that these questions, and many more besides, had been adequately addressed through the course of the Plan's development.

Finally, the team imparted a very clear message about the role of Councillors in the development of the plan: there was a need for members to understand that in approving the Local Plan they were acting as District Councillors, i.e. as a member of the 'body corporate' and therefore being responsible for the Council and the District as a place. This required adapting a different perspective than that of a Ward Councillor and, at times, making decisions for the good of the 'whole' which may conflict with direct interests of parts of the local communities."

No alternative options were considered because it was considered to be essential to report the findings of the Peer Challenge to the Executive.

In respect of point 3.6 of the report, the Overview and Scrutiny Committee asked the Executive to satisfy itself that the arrangements to engage with external stakeholders were sufficiently robust to inform the review.

The Committee requested that the Executive should satisfy itself that the Planning Committee was sufficiently involved in the Peer Review.

The Overview and Scrutiny Committee was concerned that the proposals in the Action Plan were insufficiently robust to tackle silo working.

The Committee wished to see how the Council could develop community forums and clarify their role. It felt that the report did not fully reflect the range of issues relating to community forums and that the Action Plan should include a review of the Committee's role, including an assessment of the outcome of the WCC review of its effectiveness.

The Overview and Scrutiny Committee recommended that the Executive include any necessary proposals to address the highlighted concerns in respect of the capacity to deliver the FFF programme within the Action Plan. If it was not an issue, then there should be a statement saying this.

The Finance and Audit Scrutiny Committee supported the recommendations in the report and agreed that the quarterly budget review reports made to the Committee by the Head of Finance should reference the peer challenge improvement programme in order to assist members in monitoring progress. The Chair also asked members of the Committee to reflect on any improvements they could think of to make the Council even better.

The Leader thanked both Scrutiny Committees for their comments and explained that there were no capacity issues at present but if Councillors became aware of any issues they should report these to senior management. He also agreed with the views of Finance & Audit Scrutiny Committee and proposed both of these points to the Executive along with additional recommendations.

With regard to the community forums it was noted that Warwickshire County Council was currently reviewing community forums and therefore it was probably not the best time to consider the Council's position on these but Councillors should share good practice to ensure that the forums in the district could be as effective as possible.

The Leader informed the Executive that work was underway to demonstrate the cross portfolio work that was constantly undertaken within the Council and while this was going to be a complicated document it would provide a valuable amount of detail for all.

RESOLVED that

- (1) the outcome of Warwick District Council's (WDC) Peer Challenge described in the report at Appendix 1, be noted;
- (2) the improvement plan at Appendix 2 to report, be approved;

- (3) a statement be included that at present there were no issues with regard to capacity to deliver the Fit for the Future programme and that if Councillors became aware of any issues they would report these to the Senior Management Team; and
- (4) the Head of Finance references the Peer Challenge improvement programme in the quarterly budget reports.

(The Portfolio Holders for this item were Councillors Caborn and Doody)
(Forward Plan reference 446)

71. **REVIEW OF PLANNING COMMITTEE – ISSUES PAPER**

The Executive considered a report from the Chief Executive that provided an update on the review of the Planning Committee that Council agreed should be undertaken by the Chief Executive. It presented an Issues Paper on which Member's views were sought.

The Council had decided to ask the Chief Executive to review the Council's Planning Committee at its meeting in March 2012.

In this context a "full review" meant that the Committee was tested to assess if it was fit for purpose. This raised the issue of the purpose of the Committee, especially as the Council moved towards firming up the Local Plan and the provisions of the Local Plan then turned into very significant planning applications. The review also needed to assess workload, attitudes and behaviours. There was also a wider context to the review of the Planning Committee. It was after all only one part of the whole process that the Council had to determine planning and other associated applications. The wider aspect was already being undertaken as part of the Development Services Intervention that formed part of the Fit for the Future programme.

A review rarely started with a blank canvas where nothing else was happening. It was recognised that Development Services and the Committee was already changing its approach. Changes made or being made already were detailed in the report and were recognised as having a beneficial effect on performance.

The review needed to foster a debate amongst members on the issues facing the Council around the workings of the Planning Committee. The review to date had been informed by discussions with Group Leaders and their Deputies; the Planning Committee Chairman and Development Services Portfolio Holder; CMT and staff within Development Services. The review did not set out to address issues on the staff side because they were being dealt with by Senior Managers.

What was felt appropriate was to test the Council's approach via peers. This would help to bring an external viewpoint to the review. To this end a Peer Review of the Planning Service aided by the Local Government Association was also planned. It was scheduled to be held in mid January 2013. Its recommendations would be

incorporated within the final report and recommendations of the Chief Executive. Appendix 2 to the report set out the scope and timing of the peer review.

In addition to the response from Councillors it was also suggested that other key participants in the planning process be given an opportunity to comment on the workings of the Planning Committee. These would include Town and Parish Councils, the County Council, other statutory consultees, CAF member organisations and a sample of agents and applicants.

The Council had already decided that the Chief Executive should conduct a Review of the Planning Committee. The next step allowed Members the opportunity to reflect and respond to the Issues Paper before anything else was determined.

The Overview and Scrutiny Committee recommended that the wording in this point changed to: Appendix 1 – Attitudes and Behaviours, point 3 “What is the cause of the divergence of views between officers and members?”.

The Leader accepted the meaning and intention of the recommendation from Overview and Scrutiny Committee but proposed that this was not included at this stage and instead this response be considered by officers as part of the review.

RESOLVED that

- (1) the progress of the review including that that a peer review will take place in January 2013;
- (2) the Executive encouraged all members to feed back their views on the Issues Paper attached at Appendix 1, to the Chief Executive;
- (3) the Issues Paper at Appendix 1 is used as the basis for consultation with other key participants of the Planning process;
- (4) once the consultation is complete and the other steps are completed that a final report with recommendations is presented for consideration in March 2013; and
- (5) officers take the views of the Overview & Scrutiny Committee on board as part of the review.

(The Portfolio Holder for this item was Councillor Hammon)
(Forward Plan reference 437)

72. **PLAY AREA IMPROVEMENT PROGRAMME**

The Executive considered a report from Neighbourhood Services which detailed a rolling programme of improvement works to play areas, the funding requirements and the need to release the Play Equipment Renewal Reserve.

The programme had been designed by officers in liaison with the Play Area Working Party. The programme prioritised the improvements of the Council's play areas across the district over the next 10 years. This would enable officers to procure the improvement of the Council's play areas for the first 5 years, as set out in the Play Area Improvement Programme.

A decision could be taken to do nothing differently and continue with the current approach and pattern of play provision. This approach would not be cost effective and all play areas would continue to be of low play value. This approach had been estimated to cost £1.82m and was more expensive than the proposed Play Area Improvement Programme at £1.65m.

Unless substantial sources of capital funding could be identified over the next 10 years, much of the play equipment installed as part of the 2002-2003 £1.1 million playground initiative would be approaching the end of its life and would require removal on health and safety grounds. This could mean the closure of play areas or losing their overall play value. This would result in shortfalls in provision, as set out in the Council's local play area standard, and many children and young people would not be able to access a sufficient range of play opportunities within their own local neighbourhood. This ad hoc approach would result in an unplanned and inequitable pattern of play provision across the district and the opportunities to maximise the benefit of any future play funding would not be realised.

Play areas could be improved by not prioritising but this could mean improving sites first that did not need improving, while neglecting those sites that were in greatest need. Not to fund beyond year 5 of this programme would mean no improvements to the remaining sites across the district.

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

Having read the report, the Executive welcomed the support from the Scrutiny Committees and decided to agree the recommendations.

RESOLVED that

- (1) the Play Area Improvement Programme, as set out in Appendix 1, be approved; and
- (2) the release of £480,000 provisionally allocated in the Play Equipment Renewal Reserve for the refurbishment of existing play areas, drawn over the first 5 years of the plan, be approved.

(The Portfolio Holder for this item was Councillor Shilton)
(Forward Plan reference 447)

73. **MATCH FUNDING FOR HEALTH INITIATIVES**

The Executive considered a report from Environmental Health and requested approval to match-fund monies made available by Warwickshire Public Health, for use on local health initiatives within the district, from the contingency budget.

A similar amount was agreed last year and various projects successfully reached their conclusion.

The arrangements for transferring Health & Wellbeing to Local Government were now well advanced. Partnerships had developed and the Council was working with the new Public Health set up at county level. The commitment of a similar amount of money last year was seen to be a success by the District Health Improvement and Wellbeing Group. A report on last year's projects was attached in Appendix 1 to the report. Appendix 2 referred to projects selected for this year.

Public Health at the county agreed to commit a similar amount this year. This underpinned the new approach the Council was taking to ensure that health and wellbeing outcomes, within Fit for the Future, were effectively delivered through partnership working.

If the match funding was not agreed, the opportunity of the £10,000 contribution from the PCT would be lost, as this would be diverted to other areas.

The Leader informed the Executive that the CCG had committed to participating in this arrangement from next year.

RESOLVED that funding of £10,000, from the contingency budget, be approved.

(The Portfolio Holder for this item was Councillor Coker)

74. **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 review by the Executive.

The report aimed to assist members to fulfil their role in overseeing the organisation's risk management framework which was set out in the report.

The Finance and Audit Scrutiny Committee was keen to reemphasise the responsibilities of members as set out by the Audit Commission in paragraph 7.1 in the report; for the Executive to take ownership of the register rather than it being officer led. The Committee felt that the register should identify the highest risks to the Council at a given time and include strategies to address risks, action plans, preventative measures and information on where risks changed. The Committee

had struggled to engage with the document and suggested that it should be more like the Neighbourhood Services Risk Register in how it was presented. Some members also expressed a desire for the register to be presented to the Committee by the Leader of the Council and Chief Executive in line with the presentations the Committee was receiving as part of the review of Service Risk Registers, and wanted reassurance that the register's value as a management tool was appreciated. The Committee supported the recommendations in the report and looked forward to feedback on the outcome of the Executive's review.

The Leader welcomed the comments of the Finance & Audit Scrutiny Committee and agreed to attend the meeting next time the report was considered along with the Chief Executive. He also agreed that trend analysis would be useful in the report and asked for officers to look at this possibility.

The Executive also assured the Scrutiny Committee that, in their roles as Portfolio Holders, they considered the risks within their service areas regularly and how these impacted on the corporate risk overall. The Executive as a group also reviewed the risk register at regular intervals.

RESOLVED that

- (1) the Significant Business Risk Register attached at Appendix 1, be noted;
- (2) the Leader will attend with the Chief Executive next time this was to be considered by Finance & Audit Scrutiny Committee; and
- (3) officers to look at the potential for including trends to the data.

(The Portfolio Holders for this item were Councillor Doody and Mobbs)

75. **PROTECTION OF HISTORIC PARKS AND GARDENS – WANTAGE, KENILWORTH**

The Executive considered a report from Development Services about the gardens of the Wantage, No. 1 Castle Hill, Kenilworth which were included in the Local Register of Historic Parks and Gardens in Warwick District.

The report proposed to provide an additional level of protection to the garden at Wantage by recognising their historical interest, as set out in Appendix B to the report, by including them on the Local List of Historic Parks and Gardens in Warwick District. Following public consultation of the response received from the twelve consultees, four were in support and one gave reasons for the non inclusion. An analysis of these responses was given in Appendix C to the report.

An alternative option would be not to recommend the garden for inclusion in the Local Register. It would reduce the level of significance of the garden in any Planning or Listed Building decision to be made on the garden.

RESOLVED that

- (1) the gardens at Wantage, No. 1 Castle Hill, Kenilworth be included in the Local Register of Historic Parks and Gardens, as identified on the plan – Appendix A to the report, and
- (2) the garden at Wantage, No. 1 Castle Hill, Kenilworth be added to the list of Locally Listed Parks and Gardens in the Warwick District Local Plan.

(The Portfolio Holder for this item was Councillor Hammon)

76. BISHOPS TACHBROOK NEIGHBOURHOOD AREA DESIGNATION

The Executive considered a report from Development Services that summarised the representations made on the Neighbourhood Area consultation for Bishop's Tachbrook and recommended designating the Neighbourhood Area as submitted by the Parish Council. This would enable Bishop's Tachbrook Parish Council to begin to formally prepare a neighbourhood plan.

The Council recently consulted on its first Neighbourhood Area designation application under the new provisions of Neighbourhood Planning (General) Regulations 2012, which followed the enactment of the Localism Act 2011.

On 2 May 2012, Warwick District Council received formal notification from Bishop's Tachbrook Parish Council of their intention to prepare a neighbourhood plan encompassing the whole of the Parish area, as set out at Appendix 1 to the report. Being a Parish Council they were the only relevant body that could apply in their parish. Their application included a statement, which was set out in the report, explaining why the area was considered as appropriate to be a neighbourhood area.

Following consultation in July and August, two consultation responses were received objecting to the proposed area, both from landowner and/or developer interests. The first, from Barwood, recommended omitting the area known as 'South of Gallows Hill/West of Europa Way' that was identified in the Local Plan Preferred Options as a development site. The second, from A C Lloyd Homes Ltd and Midlands Land Portfolio Ltd, for land at Grove Farm and the former sewage works, south of Harbury Lane, which was only identified in the Local Plan as a potentially suitable development option.

Dealing with the comments by each objector in turn, Barwood stated that the site at Gallows Hill and the Asps was land required to meet the whole district and not a matter for the neighbourhood plan. However, it was considered that whilst there were areas currently identified for development to meet the District's needs this should not preclude a neighbourhood plan having any influence at all over an area that was still yet to be allocated in an adopted plan. All proposed neighbourhood areas should be aware that they have to be in alignment and subservient to the

strategic elements of the Local Plan. Barwood rightly point out the example of the unsuccessful Dawlish Neighbourhood Plan examination where the Local Plan for the area had yet to be determined being one of the principle reasons for the neighbourhood plan being found unsound. Warwick District Council would be advising all local communities in the District preparing neighbourhood plans that, whilst early preparation of neighbourhood plans was suitable, it would be most appropriate if neighbourhood plans were not submitted for examination where there were likely to be potentially conflicting spatial issues of a strategic nature outstanding in any of the Council's development plan documents.

The objections from A C Lloyd Homes and Midlands Land Portfolio Ltd repeated some of the same arguments put forward by Barwood above, stating that there were unresolved objections to the Local Plan and, in particular, for the area of land they were concerned with. In addition, they consider the application statement from Bishop's Tachbrook Parish Council, outlined above, to be inconsistent with an appropriate strategy for the District. All those undertaking neighbourhood plans should be cognisant of the hierarchy of planning documents as outlined above.

Alternatively the Council could revise the neighbourhood area boundary as in Appendix 3 to reflect representations made that object to the inclusion of certain areas. There was a recent example of Wycombe District Council amending Daws Hill Neighbourhood Forum's proposed neighbourhood area designation to exclude two development sites. However, it was considered that this would be inappropriate as it would leave certain areas without any possible Neighbourhood Plan Area as the parish council was the only relevant able to undertake a Neighbourhood Plan.

The area application could be refused on the grounds that it was premature to be preparing a neighbourhood plan and developing land use proposals when strategic elements of the Local Plan were not finalised. This was the contention of the respondent A C Lloyd Homes Ltd and Midlands Land Portfolio . Whilst this was a possible alternative option, it was considered appropriate to allow Bishop's Tachbrook to begin the early stages of preparation of a neighbourhood plan.

It was also possible to revise the area boundary as in Appendix 4 to the report, to exclude those areas that were likely to not form part of the parish following boundary reviews. Members would be aware of the boundary review of the District wards that was currently being considered by the boundary commission. This was likely to affect the boundaries of the Warwick District electoral ward of Bishop's Tachbrook. The District boundary review would be followed by a parish boundary review which should align the district's ward boundaries with parish boundaries and create a new parish of Heathcote, which would encompass land currently within Bishop's Tachbrook, notably the south eastern corner of Warwick Gates and land to the north of Harbury Lane and east of Bishop's Tachbrook.

An addendum was circulated to the Executive at the meeting correcting an error in the report in paragraph 4.2 so that it read "[...]Whilst this is a possible alternative option, it is considered appropriate to allow Bishop's Tachbrook to begin the early stages of preparation of a Neighbourhood Plan."

RESOLVED that

- (1) the Neighbourhood Area as submitted by Bishop's Tachbrook Parish Council, attached as appendix 1 to the report, be approved; and
- (2) the funding available from the Department for Communities and Local Government for the financial year 2012/13 as set out in the Budgetary Framework, be noted.

(The Portfolio Holder for this item was Councillor Hammon)

77. PUBLIC AND PRESS

The Civic & Committee Services Manager and Deputy Monitoring Officer advised the Executive that in addition to the exemption published in their agenda they should also exclude the press and public for the reasons set out in paragraphs 1 and 2 of the order for the item relating to the use of delegated powers.

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

Minute No.	Para Nos.	Reason
79	1	Information relating to an individual
79	2	Information which is likely to the identity of an individual.
79 and 80	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The full minutes of Minute 79 would be contained within a confidential minute which would be considered for publication following the implementation of the relevant decisions. However, a summary of the decisions was as follows:

78. **USE OF DELEGATED POWERS**

The recommendation as set out in the report was agreed.

(The Portfolio Holders for this item were Councillors Doody and Mobbs)

79. **MINUTES**

The confidential minutes of the meetings held on 8 August and 12 September 2012 were agreed and signed by the Chairman as a correct record.

(The meeting ended at 7.15pm)