

Executive

Minutes of the meeting held on Wednesday 30 July 2014 at the Town Hall, Royal Leamington Spa at 6.00 pm.

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

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

An apology for absence was received from Councillor Caborn.

24. **Declarations of interest**

Minute Number 25 – Agenda Item 3 – Budget Review to 30 June 2014

During the course of the item, Councillor Mrs Falp declared a pecuniary interest because she was a Whitnash Town Councillor and left the room whilst the item was discussed.

Part 1

(Items on which a decision by Council is required)

25. **Budget Review to 30 June 2014**

The Executive considered a report from Finance which updated Members on the Council's latest financial position. The Council's Medium Term Financial Strategy had been updated since the 2014/15 Budget was agreed in February of this year in light of later Government announcements and other known changes. Various changes to 2014/15 budgets had been identified and were presented to Members for approval.

The report explained how the budget review process provided a planning tool to ensure that resources were directed to the Council's priorities. In addition, external factors were also taken into consideration for example Central Government Financing, the Business Rates Retention Scheme, changes in legislation and the economy.

Members received quarterly budget reports and this was the first of these reports in the current financial year. The current General Fund service expenditure position was a projected £190,500 surplus compared to the original 2014/15 budget. Paragraph 8.1 of the report listed the changes identified and Members' retrospective approval was sought for these budgets which had been actioned under delegated powers. Section 8 of the report discussed the main reasons for the surplus in more depth.

As it was still relatively early in the financial year, Members were reminded that the overall position would continue to be monitored so that there could be more

surety before agreeing, later in the year, how the projected surplus might be utilised.

Many factors which affected the medium term financial strategy had changed since it was last presented in February when the Council Tax was set. Full details of the changes and implications were outlined in sections 8 and 9 of the report. In addition, Members were advised of the £1.01 million projected deficit, meaning that further savings and efficiencies of this amount would need to be achieved by 2019/20, in addition to those already identified and included within the projections.

Various projects had been agreed to be worked upon and should generate savings that could help the Council's financial position. These projects were listed in section 9.16 of the report.

One alternative option was to not report to Executive on a regular basis. However, this had been discounted because in the current financial climate, it was imperative that budgets were reviewed, monitored and reported upon on a regularly.

Another alternative option was to not slip capital to the correct year in which it was intended to be spent, however, this made the monitoring of projects difficult. Not monitoring the Business Rates and Council Tax Collection Fund was also an option but it would not be good practice to wait until the end of the Financial Year to see how actual income collected compared to the forecast.

The Finance & Audit Scrutiny Committee supported the recommendations but raised a number of concerns about the level of savings still needed, a total of £1.01 million over the five year period, and notably a £496k in-year deficit arising in 2016/17. Due to the modest surplus in 2015/16, this resulted in an on-going deficit of £433k in 2016/17.

There was a general concern for the finances of local authorities, mainly as a result of the cuts made by central Government. Members agreed that it was the scrutiny committee's role to remain cautious and vigilant and ensure that tight budgeting and robust business plans remained a priority. The Committee also urged managers to plan all projects well ahead and to avoid last minute reports requesting monies that had not been included in the original budgets.

Finance & Audit Committee Members asked for clarification on recommendation 2.8 which referred to the increase in funding for a community hub/local centre for Whitnash. Although Members were satisfied with the explanation from officers, it was agreed that the recommendation could be strengthened and it was, therefore, proposed that recommendation 2.8 be amended to read "the Executive agree up to a maximum of £10,000 Contingency Budget funding....".

The Portfolio Holder for Finance, Councillor Cross, thanked the Finance & Audit Scrutiny Committee for their comments and agreed with their proposal of additional wording to recommendation 2.8. He assured Members that officers were monitoring the issues monthly and substantial measures had been put in place to keep the Council in a strong position.

The Leader, Councillor Mobbs, highlighted that the figure quoted in paragraph 8.7 of the report should read "£6,300" and not "£128,000", in relation to the

savings still to be achieved in 2014/15. He also reminded Members that the delay in agreeing a new location for the District Council headquarters had increased the savings to be achieved by 2019/20. Councillor Mobbs supported the range of projects detailed in section 9.16 which would help to bring about financial savings. Finally, he reminded Members of the progress made since the initial savings were calculated at £2.7million, five years ago.

It was therefore

Recommended that

- (1) the budget position for the current year for the General Fund, currently £190,500 surplus, be acknowledged;
- (2) the Budget Changes in paragraphs 8.1(General Fund) and 8.9 (Housing Revenue Account), the most significant of which are discussed in this report, be retrospectively approved;
- (3) the updated Financial Strategy and the forecast required recurrent savings of £1.01 million to be achieved by 2019/20, as shown in Appendix C, be noted;
- (4) work should be progressed on all the projects listed in paragraph 9.16 of the report;
- (5) the capital slippage of £433,000 discussed in paragraph 3.5 of the report is approved and the latest General Fund Capital Budget for 2014/15 of £3,597,900, is noted. Members also approve a net increase in HRA-related Housing Investment Programme Capital budgets of £54,000 as per paragraph 10.4 of the report. *Details of both Capital programmes are shown in Appendices A1 and A2.*
- (6) the use of the Chief Executive's emergency powers using £13,000 Contingency Budget to assist funding cycle route improvement works at Radford Road, Leamington Spa, be noted;
- (7) the use of the Chief Executive's emergency powers to provide 1/3rd match funding (£15,000) towards a grant from the Department of Energy & Climate Change (DECC), be noted;
- (8) up to a maximum of £10,000 Contingency Budget funding is agreed to undertake feasibility work on a community hub/local centre for Whitnash;
- (9) the Council's membership of the Coventry and Warwickshire Pool for Business Rates be confirmed;

- (10) any variance from the assumed Business Rate Retained income in 2014/15 for the Council should be credited or debited to the Business Rate Volatility Reserve;
- (11) the use of the Local Plan Delivery Reserve is delegated to the Chief Executive, Head of Finance, Head of Development Services in consultation with the Deputy Leader (responsible for the Local Plan) and all Group Leaders; and
- (12) £200,000 is allocated from the Housing Revenue Account to the HRA Early Retirement Reserve.

(The Portfolio Holder for this item was Councillor Cross)
(Forward Plan reference number 567)

Part 2

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

26. Significant Business Risk Register

The Executive considered a report from Finance which set out the latest version of the Council's Significant Business Risk Register for review and asked Members to consider if any further actions should be taken to manage the risks facing the organisation.

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

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

The report gave a summary of the Significant Business Risks, rating the risks from low to high risks, along with a probability of occurrence. This was attached as appendix 2 to the report. Appendix 3 explained the methodology for assessing the risks and the potential consequences for each score.

There were no alternative options provided.

The Finance & Audit Scrutiny Committee strongly supported the recommendations in the report and felt that all staff should be congratulated for their hard work during difficult financial times.

The risks associated with the Local Plan (Risk 16) were noted and Members were mindful of the Planning Risks, in particular in relation to the Gypsy and Traveller Sites and Developer challenge elements of the Plan. Members were satisfied with the explanation from Officers that the crossing out of the Local Plan wording in the Risk description was an oversight and that this Risk still exists.

Members agreed that this should be treated as a living document which needed to be updated continuously. It was felt that staff had been working under tight budgets and in difficult circumstances and should be congratulated for their efforts.

The Leader, Councillor Mobbs, endorsed the report and

Resolved that the Significant Business Risk Register attached at Appendix 1 to the report be noted and no further actions were required to manage the risks facing the organisation.

(The Portfolio Holder for this item was Councillor Mobbs)
(Forward Plan reference 609)

27. **Response to Overview & Scrutiny Task & Finish Group's review of the Dog Control Order service in the District**

The Executive considered a report from Health and Community Protection which had been produced in response to a Task and Finish Group Report for the Overview and Scrutiny Committee.

The Clean Neighbourhoods and Environment Act 2005 provided a power to local authorities to make dog control orders. These orders replaced the previous system of byelaws for the control of dogs, and also the Dogs (Fouling of Land) Act 1996 which had been repealed.

Orders could be made in respect of any land which was open to the air and to which the public were entitled or permitted to have access (with or without payment). The penalty for committing an offence contained in a dog control order was a maximum fine of level 3 on the standard scale (currently £1000) or the issue of a fixed penalty notice.

The Council introduced four dog control orders in November 2011, namely –
The Fouling of Land by Dogs (Warwick District Council) Order 2011
The Dogs on Leads (Warwick District Council) Order 2011
The Dogs on Leads by Direction (Warwick District Council) Order 2011
The Dogs Exclusion (Warwick District Council) Order 2011

Overview and Scrutiny Committee's work programme for 2012 included establishing a task & finish group to review the impact of the four dog control orders after the first year of their implementation and make recommendations for greater effectiveness.

The summary of their recommendations was attached at Appendix 1 to the report.

The O & S final report was considered by the Executive in October 2013 together with initial comments from the Environmental Services portfolio holder who was of the opinion that it had been a very valuable piece of work. The Executive agreed to accept the proposal from the Portfolio Holder on the way forward and resolved that

- (1) recommendations 6, 7, 11, 12, 13, 14, and 18 of the O&S report be approved, and
- (2) the other recommendations (1-5, 8-10, 15-17, 19 and 20) be subject to a further report from the three relevant portfolio holders (Finance, Neighbourhood Services, and Health & Community Protection) about the practicalities and financial arrangements for them.

This report therefore addressed the second resolution above and those Task & Finish Group recommendations which asked for more information. It should also be noted that recommendation 7 had a number of parts for consideration and further information was provided within the appendices, with varying recommendations.

The alternative options were outlined individually in the appendices to the report.

The Overview & Scrutiny Committee supported the recommendations in the report.

Resolved that

- (1) the existing four dog control orders implemented in November 2011 will remain in force, subject to some amendments detailed below (or in recommendations 7a):
- (2) there is insufficient evidence to consider amending The Dogs on Leads (Warwick District Council) Order 2011 but it will remain under review;
- (3) the wording on the Fouling of Land by Dogs Order 2011 will not be reviewed because it would go against the Council's general ethos. There is also a concern that potentially harmful dog waste could be left on grazing land, leading to an increased risk of disease/infection for sheep and cattle;
- (4) additional bins will not be provided at the current time but the positioning and frequency of emptying bins will be kept under review;
- (5) the installation of additional bins alongside the "open basket bins" in cemeteries is not supported at the current time, however, the situation will be kept under review;
- (6) stickers are already in place on all waste bins and additional publicity will be secured through key partners, which will include promotion at dog-owner education events throughout the summer;
- (7) regarding future areas to be considered for dog control orders;

- (a) Acre Close Play Area, Abbey Fields Play Area and The Dell will be designated as Dog Exclusion Zones, in accordance with the Clean Neighbourhoods and Environment Act 2005, The Dog Control Orders (Prescribed Offences and Penalties, etc) Regulations 2006 (SI 2006/1059) be amended to include these;
 - (b) the Pageant Gardens, Collegiate Church Garden, closed churchyards will be brought forward in a further report as they will require full consultation before inclusion in any order. Officers will discuss with Warwick Town Council how dog control can be best managed in Pageant Gardens;
 - (c) Canalside and Highcroft Crescent are not clearly demarcated play areas and are not recommended for implementation of a Dog Control Order;
- (8) the Play Area Working Party will remain the body which reviews the fencing on play areas, within the policy and budgetary framework of the Green Space Strategy;
 - (9) enforcement signs will not be amended as it would not assist with enforcement;
 - (10) the Dog Warden's job title will not be amended because it has to reflect the enforcement element of the role;
 - (11) there is no evidence to demonstrate the benefit of introducing dog behaviour contracts in line with the "Eastleigh model";
 - (12) talks are ongoing with Mac Golf regarding their offer to provide staff to educate dog owners regarding keeping dogs on leads on the footpaths. The merits of introducing the Fairway Code will also be considered. Eight posts have already been installed to enable the fixing of signs;
 - (13) the Council has liaised with local Police to clarify the role of PCSO's working with the Dog Warden and a guidance note has been produced, as detailed in Appendix 5 to the report;
 - (14) the Council has liaised with Mid Warwickshire Neighbourhood Watch regarding gathering information about persistent fouling in residential

areas. However, they do not believe there is an appetite from members to participate and there are no proposals to progress this further at this time;

- (15) a Ranger Service, similar to that provided in Jephson Gardens could be expanded to cover parks and open spaces across the District. A further report will be brought to Executive when specific proposals have been prepared, before the 2014/15 Budget is considered by Members;
- (16) the wording of The Dogs on Leads by Direction order, in particular paragraph 4.2(b), is in line with the purpose of the order and sufficient to secure prosecution if necessary. It will therefore, not be amended;
- (17) the existing Dogs on Leads Control Order would need to be amended to specify short leads (no more than 2m seems to be usual) in cemeteries. This amendment would require public consultation and would need to be scheduled into the work programme. Therefore, it is not intended to bring this forward at the current time but to plan for it within 2015/16 service plan along with the items listed in recommendation 7(b);
- (18) the Council feels it is appropriate that other council officers should have a role in dog control and 10 members of staff are already delegated to enforce dog control duties;
- (19) resources have been, and will continue to be, committed to educate users of Warwick Racecourse and St Mary's Lands. In addition, officers will continue to work with Warwick Racecourse to include the participation of racecourse staff in educating the public; and
- (20) it was agreed that a broader look at the service provision was needed and officers are reviewing the Ranger service in parks to see how changes to this can provide a comprehensive approach on a more cost effective basis.

(The Portfolio Holders for this item were Councillors Coker, Cross and Shilton)
(Forward Plan reference number 533/1)

28. Proposed Consultation on Release of land off Stratford Road, Warwick for Employment Purposes

The Executive considered a report from the Chief Executive which sought approval for the Council to undertake a consultation on the release of land off Stratford Road, Warwick and for that consultation response to be fed back for a

decision in the context of the next stage of the Local Plan. The report also asked for officers to report back on the financial and other implications of provision/re-provision of the current depot on part of the site.

The report advised that the Council has been approached both as Local Planning Authority and as an adjoining landowner by Severn Trent Water (STW) to consider the release of land it owns off Stratford Road, Warwick for employment purposes.

STW had proposed that the employment land release should include their land and immediately adjoining owned by other parties. The whole of the land proposed to be released was shown on Plan A attached as an appendix to the report.

The Local Plan had made an employment land allocation off Europa Way of eight hectares (19.2 acres) but this would require significant new infrastructure provision before it was ready for development, so would not be available in the short term to meet the evident and increasing demand.

The proposed site was c15 hectares (35 acres), had good access to Junction 15 of the M40 and the A46, was on a bus route, had cycleway access, and was within walking distance of a significant housing area. It had existing service provision which could be upgraded and had few other environmental constraints, making it a potentially viable employment site that could be brought forward relatively speedily.

The report recommended that a public consultation be undertaken in relation to the release of this land for employment purposes, i.e. Use Class B1, B2 and B8. However, STW had suggested that the site could also be considered for C2 and car showroom activities. All of these potential uses could be explored as part of the proposed consultation, the response would then be fed back and the matter decided as part of the deliberations of the next stage of the Local Plan.

The alternative option was that Members could decide not to progress this opportunity with consequent potential adverse impacts on the possibility of resolving a current objection to the Local Plan, enabling the local economy to grow and gaining a capital receipt.

Alternatively, Members could decide not to include its own land. This was possible and the impact would only be on the Council financially, in terms of a possible significant capital receipt foregone. It was felt that since at this stage the proposal was only to go out to consultation, there was little merit in closing down its options at this stage. The Council could consider these options once it had the benefit of a full consultation response.

The Portfolio Holder for Development Services, Councillor Hammon, endorsed the recommendations, stating that in his opinion this was a good site which was strategically well placed.

The Executive therefore

Resolved that

- (1) the land shown on Plan A of the report be subject to a public consultation with the community and statutory agencies in relation to its release in the new Local Plan for the purposes outlined in paragraph 3.7 of the report;
- (2) the response to the consultation be reported back as part of the next stage of deliberations regarding the Local Plan; and
- (3) officers conduct discussions about the provision/re-provision of a depot for two of the Council's contractors and report back separately on the financial and other implications.

(The Portfolio Holders for this item were Councillors Caborn and Hammon)

29. **Public and Press**

Resolved that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within the 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
30	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

30. **Minutes**

The confidential minutes of the meetings held on 10 June and 2 July were taken as read and signed by the Chairman as a correct record.

(The meeting ended at 6.23 pm)