

WARWICK DISTRICT COUNCIL

Minutes of the meeting held on Wednesday 7 March 2012, at the Town Hall, Royal Leamington Spa at 6.00 pm.

PRESENT: Councillor Mrs Bunker (Chairman); Councillors Barrott, Boad, Mrs Bromley, Brookes, Caborn, Coker, Copping, Cross, Dagg, Davies, DeLara-Bond, Dean, Dhillon, Doody, Edwards, Mrs Falp, Mrs Gallagher, Gifford, Gill, Mrs Goode, Mrs Grainger, Mrs Higgins, Illingworth, Kinson, Kirton, Mrs Knight, MacKay, Mrs Mellor, Mobbs, Pittarello, Pratt, Mrs Sawdon, Shilton, Mrs Syson, Vincett, Weber, Weed, Wilkinson and Wreford-Bush.

Apologies for absence were received from Hammon, Heath, Rhead and Williams.

93. **DECLARATIONS OF INTEREST**

Minute Number 97 – Questions to the Leader

Councillor Dhillon declared a personal and prejudicial interest, and left the room during this question, in relationship to the question from Councillor Rhead because he was a Committee member at Racing Club Warwick.

94. **MINUTES**

The Minutes of the meeting of the Council held on 22 February 2012 were approved as a correct record.

95. **COMMUNICATIONS AND ANNOUNCEMENTS**

The Chairman made the following announcements and communications:

- (1) The Chairman informed the Council that the Council had achieved a bronze Investors In People award;
- (2) The Chairman reminded all Councillors about her theatre evening on 27 March 2012 at Priory Theatre Kenilworth;
- (3) The Chairman reminded Councillors that she would be holding a Councillors supper, in the evening of 11 May 2012 and tickets were available from her PA; and
- (4) The Chairman presented the Chief Executive with 1000 peppercorns as payment for the long term lease of part of Jubilee House by Kenilworth Town Council.

96. **NOTICE OF MOTION**

It was proposed by Councillor Copping and duly seconded to move:

“That Warwick District Council provides some officer support for the installation of AED (Automated External (Heart) Defibrillator) in Leamington Town Centre. Kenilworth and Barford already have AEDs in their centres and this Council supports the proposal that this potentially life-saving equipment is installed at a suitable location on The Parade in Leamington Spa. The Council notes that money has already been raised, but relevant officer support to the charity involved will ensure that the AED is installed at the best possible location”

Councillor Coker suggested to the proposer the motion be amended to read:

"That Warwick District Council provides some officer support and advice on the location of an AED (Automated External (Heart) Defibrillator) within Leamington Town Centre."

This was accepted by Councillor Copping and the seconder of the motion and on being put to the vote, was carried.

(The Chairman explained that there had been no submissions for consideration under agenda: item 5, Public Interest Debate; item 6 Petitions; item 8, Public Submissions; item 9, Questions to Committee Chairmen; item 10, Questions to Portfolio Holders; and item 11 Leader's and Portfolio Holders' Statements)

97. **QUESTIONS FOR THE LEADER**

- (A) Councillor Coker, in the absence of Councillor Rhead, asked the Leader of the Council:

"Could the Leader update the Council on the latest position with Racing Club Warwick? He will be aware that I am the Council's nominee to sit on the Racing Club Warwick Management Committee. However, I have been advised by the Chairman of Racing Club Warwick that the Club's constitution has been changed so that there is no longer District Council representation. Has he, or the Council's officers tried to clarify the situation?"

In response, the Leader of the Council, Councillor Doody explained that "this was an important question as we all know what difficulties were caused last time when governance arrangements were not clear. I have asked officers to look into this matter, as my own research has revealed that the Club's Constitution has been altered but I could find no evidence that this was done in accordance with the Club's rules. Officers have contacted both the Club's Chairman and the Club's legal representatives but unfortunately no response has been forthcoming."

The Leader continued explaining his view that "Council would agree with him that it would be impossible to have any future discussions with Racing Club Warwick until the questions of their governance arrangements were clear. "

The Leader concluded that the problems that had arisen in the past all related to governance and until this Council was satisfied that the Club's arrangements were on a secure footing, he saw no way that this Council could have a dialog with Racing Club Warwick.

- (B) Councillor Barrott asked the following question to the Leader of the Council:

"Could the Leader please clarify if Councillor Rhead was on the management Committee and if he was why hadn't he been involved?"

In response, Councillor Doody explained that "Councillor Rhead was nominated as the Council's representative to the Board in May 2011. The Racing Club constitution states the Council's representative will not be allowed to attend. The Leader did not think that the new constitution has been verified as a legally enforceable document and until it had been verified it was difficult to go forward. The Leader's personal view was that if this constitution was legally binding, I will be putting Councillor Coker forward to be the Pope, it is not

legally binding and I will shortly be seeing the legal advisor to the club and raising this matter with him."

- (C) Councillor Mrs Knight asked the following question to the Leader of the Council:

"If the Council is looking at the legality of the Clubs Constitution could advice be given to Councillors and organisations Councillors are appointed to with regard to the issues for outside organisations that could be caused if there are too many Councillors on a board"

In response, Councillor Doody, explained that there was only a Warwick District Council representative on the board and the Club was a tenant of the Council. Organisations Constitutions were legally enforceable but the Council had no evidence to confirm the current Constitution of the Club was valid. Councillor Rhead would love to attend and support the organisation but can't.

98. **REPORT OF THE EXECUTIVE**

The report of the Executive meeting of 15 February 2012, excluding minutes 123, 124, 125 and 126 which had been considered at Council in February and minute 122 which would be considered by Council on 16 May 2012, was proposed by Councillor Doody, subject to a corrected decision on Minute 127, as circulated at Council and set out below, duly seconded and

RESOLVED that the report be approved with the inclusion of the revised wording on Minute 127 as set out below:

- (1) the report from the Independent Review Panel be accepted, but should not be implemented, except for the changes described below, for the time being;
 - (i) the Special Responsibility Allowance be awarded to the Deputy Leader immediately and this should be backdated to when Councillor Caborn took on responsibility for the Sustainable Community Strategy, Local Plan and Key Partnerships. In addition, this portfolio of work will be a specific Portfolio within the Council's Constitution;
 - (ii) the Vice Chairman of Planning Committee be awarded a Special Responsibility Allowance at £1,115 subject to a full review of the Planning Committee remit being undertaken by the Chief Executive to assess the responsibilities undertaken by all members of the Committee;
- (2) there should be no reduction in Members' Allowances even if the new scheme is implemented at a future date;

- (3) the use of ICT devices and broadband by Councillors and any financial implications be investigated by the Chief Executive with a report being brought to Executive for consideration; and
- (4) the provision of Committee Teas should continue as at present.

That the report of the Executive meeting of 6 March 2012 was proposed by Councillor Doody, duly seconded and

RESOLVED that the report be approved.

(Although not part of the published agenda for the meeting, it had been agreed by the Chairman and Group Leaders that this should be taken as an urgent item to avoid the need for an additional Council meeting before 26 March and this would be inline with the reported timetable for the Housing Revenue Account Business Case)

99. **UPDATE ON LOCAL PLAN TIMETABLE**

The Council considered a report from Development Services that updated them on the Local Plan timetable through to the approval of the Council's preferred options for consultation. The report provided further detail on how members would be involved as work towards Preferred Options evolved and recommended some minor changes to the timetable agreed at Council on 25 January 2012.

On 25 January 2012, Council agreed a revised Local Plan timetable which included the process to involve members in bringing forward proposals for Preferred Options to Council on 21 May 2012. Appendix 1, to the report, updated that timetable and specifically:

- Provided further details of the timing, attendance and content of some of the key meetings;
- Proposed minor changes to the timing to some of the meetings. This had taken account of the need to ensure proposals were soundly based at the same time as providing members with the opportunity to discuss the emerging Preferred Options. The most significant change in this was the removal of a series of meetings which had been planned for w/c 12 March as this was proving to be too early in the process to have substantive and evidenced discussions on site options (for instance there would be no information about transport or other infrastructure requirements at that point). Instead of these meetings, it was proposed to hold some process-focused briefing sessions for all Members, run by the Planning Advisory Service, during w/c 19 March. Briefings and discussions with Group Leaders, Executive and all members would then follow in April once the report from the County Council's current work on transport modelling was received;
- Includes provision for formal Executive and Scrutiny meetings in May following the receipt of legal advice about the approval process

Legal advice indicated that responsibility for agreeing Preferred Options rested with the Executive. The Executive therefore needed to consider the Preferred Options. This meant it would be necessary to schedule a meeting of the Executive and Scrutiny Committees in May. The exact timing of these meetings would be subject to further legal advice which had not yet been

received. It was therefore proposed that the process and timetabling for approval should be delegated to CMT in consultation with Group Leaders and the Deputy Leader. Once this was resolved, all members would be informed of the dates.

RESOLVED that

- (1) the Local Plan timetable set out in Appendix 1, to the report, be approved; and
- (2) authority be delegated to the Monitoring Officer and Corporate Management Team, in consultation with Group Leaders and the Deputy Leader, to confirm the approval process and timetable for Preferred Options following the receipt of legal advice.

(Although not part of the published agenda for the meeting, it had been agreed by the Chairman and Group Leaders that this should be taken as an urgent item to enable the production of the Local Plan to stay within the agreed timescale.

100. **COMMON SEAL**

It was

RESOLVED that the Common Seal of Warwick District Council be affixed to such deeds and documents as may be required for implementing decisions of the Council arrived at this day.

(The meeting ended at 6.38 pm)

CHAIRMAN
7 March 2012