

EXECUTIVE

Minutes of the meeting held on Wednesday 11 July 2012 at the Town Hall, Royal Leamington Spa at 6.00 pm.

PRESENT: Councillors Caborn, Coker, Mrs Gallagher, Mrs Grainger, Hammon, Mobbs, Shilton and Vincett.

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

Apologies for absence were received from Councillors Barrott, Doody and Kirton.

26. **DECLARATIONS OF INTEREST**

Minute Number 28 – Council Tax Support

Councillors Caborn, Mobbs and Shilton declared personal interests because they were Warwickshire County Councillors.

Minute Number 30 – Warwick Town Centre Plan – Preferred Options

Councillor Mrs Gallagher declared a personal interest because she was a Warwick Town Councillor.

PART 1

(Items on which a decision by Council is required)

27. **AMENDMENTS TO THE SCHEME OF DELEGATION – COUNCIL OWNED LAND**

The Executive considered a report from Housing and Property Services requesting permission to change the Scheme of Delegation to enable officers to authorise granting leases to Waterloo Housing Group (WHG) under the terms of the Joint Venture Agreement (W²).

In June 2011 Executive approval was given for the District Council to enter into a legally binding unincorporated Joint Venture Agreement with Waterloo Housing Group (WHG), the key objective of which was to deliver at least 300 units of affordable accommodation across the District within the first 3 years. The joint venture was known as W².

Under the Heads of Terms of the agreement, Council owned land would be transferred to WHG by way of a 99 year lease at full market value with deferred payments until year 3.

Under the existing scheme of delegation, Executive authority was required to dispose of land. However, for sites that would be developed through the Joint Venture this would impact on timeframes and the ability to deliver within the deadlines.

EXECUTIVE MINUTES (Continued)

Alternative options were not to grant delegated authority, however, Executive approval was required to dispose of land by way of long leasehold. The Joint Venture will see numerous sites brought forward over the term of the partnership for development, it would add additional time pressures and may impact on the ability to meet objectives of the Joint Venture.

The Overview & Scrutiny Committee had no objection to the proposal for amendment to the scheme of delegation.

The Portfolio Holder for Housing and Property Services, Councillor Vincett, endorsed the report and explained that this would ensure a smoother running process with the Waterloo Housing project.

Having read the report the Executive decided to agree the recommendations.

RECOMMENDED that the following additions be made to the Scheme of Delegation:

- a) delegated authority be granted to the Head of Housing and Property Services, in consultation with the Portfolio Holder for Housing to grant 99 year leases of Council owned land (HRA land) to Waterloo Housing Group under the terms of the Joint Venture for the purpose of providing affordable housing; and
- b) delegated authority be granted to the Head of Development, in consultation with the Portfolio Holder for Development Services following recommendation from W² Project Board to grant 99 year leases of council owned land (general fund) to Waterloo Housing Group under the terms of the Joint Venture for the purpose of providing affordable housing.

(The Portfolio Holder for this item was Councillor Vincett)

PART 2

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

28. COUNCIL TAX SUPPORT

The Executive considered a report from Finance requesting support for the proposed Council Tax Support scheme for Warwick District from April 2013 which principally replicated the default Council Tax Support scheme being prescribed by the Government.

The Government announced that the national Council Tax Benefit scheme administered by Local Authorities would be abolished from April 2013 and, as a consequence, each Local Authority must design its own Local Council Tax Support scheme, to be in place by 31 January 2013 ready for implementation on 1 April 2013.

EXECUTIVE MINUTES (Continued)

A number of alternative options were considered as to how the current scheme could be changed in order to make the savings and ensure the new scheme was cost neutral for the Council. These alternatives were detailed in Appendix A to the report and, where possible, the difference between the current average weekly award of benefit and the new average award after the changes.

The Council could decide not to pursue any options but the Government would impose the default scheme and benefit would continue to be assessed in the existing way. If a scheme was imposed, the Council would be unable to make administrative changes which could make the scheme complicated to administer.

The Finance and Audit Scrutiny Committee was concerned that taking the scheme forward would be difficult, but felt that the proposed approach was the right one and supported the recommendations in the report.

It was suggested that in order to reach the most vulnerable people to be affected by the changes, the consultation information should be circulated in the next issue of 'Home News'.

Members wanted assurance that both Warwickshire County Council and the Police would carry a fair share of the work load, particularly in respect of council tax collection after 2012/13, and asked the Executive to pursue this further with those authorities.

The Portfolio Holder for Finance, Councillor Mobbs, endorsed the report and thanked Mike Snow and Andrea Wyatt for their clear and concise presentation on 9 July. He assured members that the consultation process would be robust and would involve all interested parties.

Councillor Boad highlighted that one of the consequences of this proposal was that cuts made could impact on lower income families and hoped that the County Council were mindful of this.

At this point, the Deputy Leader, Councillor Caborn advised all members who were also County Councillors that they may wish to declare a personal interest in this item. Therefore, Councillor Shilton declared an interest along with the Deputy Leader.

Councillor Mobbs assured Councillor Mrs Knight that the working group would continue to meet regularly and agreed that it was a sensible suggestion to include more details in 'Home News' if possible.

Having read the report, and heard the comments from the Scrutiny Committees, the Executive decided to agree the recommendations as printed.

RESOLVED that

- (1) the proposed Council Tax Support scheme for Warwick District from April 2013 be agreed and notes that it principally replicates the default Council Tax Support scheme to be prescribed for by the Government. This will be based on the current national Council Tax Benefit scheme and will not make the required savings;
- (2) the following amendments to the default scheme for new claimants from 1st April 2013, be agreed:
 - 1) take no account of the second adult rebate scheme;
 - 2) reduce the capital cut off limit for Council Tax support in all cases to £10,000 from £16,000;
 - 3) reduce the tariff income level for Council Tax support to £3,000 from £6,000;
 - 4) disregard Child Benefit from the calculation of Council Tax Support for the first child only;
- (3) power be delegated to the Head of Finance to enable any amendments to be made to the scheme which will have no financial impact to customers, but which it is deemed are required to ensure that the scheme is less complex to administer than the current scheme;
- (4) the major precepting authorities, Warwickshire County Council and Warwickshire Police Authority are consulted on the proposed scheme, with any response presented to the Executive in August ahead of broader consultation;
- (5) a further report be received following the consultation process to enable Members to decide upon the Warwick District Council, Council Tax Support scheme to be implemented from April 2013; and
- (6) a report be received detailing a review of the proposed scheme, during 2013.

(The Portfolio Holder for this item was Councillor Vincett)

EXECUTIVE MINUTES (Continued)

29. BUSINESS RATES RETENTION

The Executive considered a report from Finance which set out proposals for a rates retention scheme to replace the current Local Government finance system, under which business rates were distributed as part of formula grant. The main driver for the new scheme was to provide an incentive for authorities to boost economic growth by enabling Councils to keep a share of the growth in business rates in their area and would take effect from 01 April 2013.

The Department for Communities and Local Government issued its statement of intent following the consultation on its proposals for Business Rates Retention which, if implemented, could have a profound effect on the funding of billing and precepting authorities.

The scheme would provide local authorities with the opportunity to come together in order to pool business rates and build growth across a wider area and thereby manage volatility in business rates income levels. Whilst further detail and guidance from the Government was awaited, based on what is currently known there is a strong probability that the Council would achieve a financial benefit from forming a pooling arrangement with one or more neighbouring local authorities in the event of business growth within the pooled area.

The Government had given local authorities the opportunity to submit non-binding expressions of interest by 27 July 2012 to form pooling arrangements. After this all interested parties would be able to satisfy themselves that the proposals ensured that pooling arrangements were financially beneficial whilst not representing an unacceptable risk in the event of non-growth.

One alternative option was not to register an interest in pooling. However this could be a lost opportunity and could result in us only retaining a small proportion of any business rates growth as a result of the business rates levy that will be imposed.

The Finance and Audit Scrutiny Committee was keen to know how the scheme would work in practice, but noted that governance arrangements had yet to be finalised. Members were optimistic that the scheme would benefit Warwick District, given that the authority was doing well in comparison to many others, but recognised there could be significant problems if Government set the bar in the wrong place. The Committee supported the recommendations in the report.

The Portfolio Holder for Finance, Councillor Mobbs, endorsed the report and highlighted the benefits in terms of growth for the Council. He also signposted Members to recommendation 2.4 which would ensure that officers would have time to investigate the scheme and ascertain if the proposals were acceptable, prior to implementation.

Having read the report, the Executive decided to agree the recommendations as printed.

RESOLVED that

EXECUTIVE MINUTES (Continued)

- (1) the Government's intention in respect of business rates retention and the operational and financial issues likely to be involved, be noted;
- (2) the case for registering the Council's non-binding interest in pooling business rates with one or more neighbouring authorities, be supported;
- (3) responsibility be delegated 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; and
- (4) any final binding pooling arrangements will be subject to a further report in due course.

(The Portfolio Holder for this item was Councillor Mobbs)

30. WARWICK TOWN CENTRE PLAN – PREFERRED OPTIONS

The Executive considered a report from Development Services and the Deputy Chief Executive (AJ) which sought approval to undertake public consultation on the 'Preferred Options' for the Councils 'Warwick Town Centre Plan'.

A report was submitted in September 2011 from the Town Centre Partnership which was made up of Warwick District Council, Warwickshire County Council, Warwick Town Council, Warwick Chamber of Trade and the Warwick Society. The report advised that the group did not wish to commence public consultation on an 'Options' paper approved for that purpose at a meeting of the Executive in June 2011. Alternatively, the Partnership proposed an approach to the further work it considered necessary.

It was agreed that the Partnership would bring forward a paper which would consider the re-use/redevelopment of sites and an economic strategy on which new development could be built to increase the potential for the town centre economy, with a preferred option for addressing each issue.

It was also agreed that a 'core group' be formed consisting of a member from each of the interested parties and to date, in excess of twenty meetings had taken place. A completed phase of the work was approved with unanimous endorsement of the proposals and a paper was produced which considered the options and gave a preferred option for each of the sites. This paper was attached as an appendix to the report.

Approval was therefore sought to commence an eight week public consultation period as of September 2012.

EXECUTIVE MINUTES (Continued)

One alternative option was to continue without consulting the public but this was contrary to the Council's approved Local Development Scheme. Officers also highlighted that to not pursue the Plan could leave the town centre without any detailed planning policy guidance, resulting in ad hoc decisions being taken.

The Portfolio Holder for Development Services, Councillor Hammon, endorsed the report and highlighted the excellent work by the report authors.

Councillor Mrs Grainger agreed that this had been an arduous task with a large number of people involved in the process. She extended her congratulations to Councillor Caborn for his dedication to the plan and reminded members that the Council had to be mindful of managing people's expectations and reminding them that this was the Council's vision for the future.

Having read the report, the Executive decided to agree the recommendations as printed.

RESOLVED that

- (1) the Council undertake public consultation on the 'Preferred Options' for the Warwick Town Centre Plan (WTCP);
- (2) the 'Preferred Options' paper attached as an appendix to the report, forms the basis for the public consultation; and
- (3) a draft plan be submitted in due course, which takes into account the responses from the public consultation where appropriate.

(The Portfolio Holder for this item was Councillors Caborn and Hammon)
(Forward Plan reference 394A)

31. UPDATE ON SERVICE AREA PLAN PERFORMANCE 2011-2012

The Executive considered a report from the Human Resources and Organisational Development Manager which updated members on a full year of service measures for each of the services areas, as agreed in the Portfolio Holder Statements and Service Area Plans.

The report gave an overall summary on the services' progress against the measures for a whole financial year. It also highlighted the headlines for projects to be undertaken during the year and the current status of projects by service area. It particularly highlighted any areas of success, where learning had led to improvements or changes both of which contributed to the corporate priorities as agreed in the Fit For the Future (FFF) programme.

The Executive agreed in June 2011 to receive update reports on the Portfolio Holder Statements each September and March to enable effective

EXECUTIVE MINUTES (Continued)

scrutiny of progress to take place and to ensure that the activities within the portfolios were progressing and were co-ordinated.

One alternative option was to not report progress of the full year of service measures, however, officers felt it was vital that members were aware of progress to enable effective scrutiny and so that plans could be formally updated. In addition, it was felt that the public also had a right to be kept abreast of progress.

Each Service Area had submitted individual measurements and portfolio holder statements and these were attached to the report in appendices A to H.

The Overview & Scrutiny Committee noted the content of the report and in response to these decided to invite each Portfolio Holder in turn over the next 7 months asking them (in liaison with the Head of Service) to outline the service along with the top three critical issues for the service and how these were being addressed.

The Portfolio Holder for Finance, Councillor Mobbs, had considered the comments from the Overview & Scrutiny Committee and noted their suggestions. Although he accepted the importance of scrutiny he did not feel it would be always be beneficial for the Portfolio Holder to be 'interviewed' by both scrutiny committees and had concerns that the same ground would be covered by each meeting. He also stated that this role could be absorbed more by the Shadow Portfolio Holders who may need more robust guidance than they currently received.

In response, the Chair of Overview and Scrutiny, Councillor Gifford advised that following extensive debate the previous evening, members felt that due to the different remits of the scrutiny committees, the same ground would not be covered. He hoped that Portfolio Holders would accept the invitation to attend and the meeting would be held in a structured manner.

The Executive members felt that, in principle, they had no objection to attending scrutiny and answering questions that the committees may have. To date, members had found the attendance of Portfolio Holders very beneficial and, although it was agreed that duplication of work should be avoided, there was a general consensus that Shadow Portfolio Holders needed to be more proactive in their roles. It was agreed that Service Area risks would continue to be looked at by Finance and Audit Scrutiny Committee, with performance issues to be considered by Overview and Scrutiny Committee.

The Leader and Deputy Leader agreed to raise at the Joint Scrutiny Chairs meeting in July 2012, the matter of more robust guidance for Shadow Portfolio Holders and a structured reporting process for Portfolio Holders attending scrutiny committees, and report back to the Executive.

Having read the report, the Executive decided to agree the recommendations as printed with an additional condition to be added following consideration of the Scrutiny Committee comments.

EXECUTIVE MINUTES (Continued)

RESOLVED that

- (1) the Performance of the Service Areas as described at Appendices A to H to the report, be noted; and
- (2) the Leader, Deputy Leader and Scrutiny Committee Chairs will meet and report back to Executive with arrangements for reporting Portfolio Holder risks and performance to both Scrutiny Committees.

(The Portfolio Holders for this item were Councillors Caborn and Doody)
(Forward Plan reference 415)

32. NEIGHBOURHOOD PLANNING

The Executive considered a report from the Deputy Chief Executive (AJ) which advised Members of the current, and future, work that officers were and were due to be undertaking so that the Parish and Town Councils received the support necessary to ensure the future vitality and sustainability of the District's villages and towns.

The report also brought forward a specific proposal to assist Whitnash Town Council with the development of its Neighbourhood Plan.

The Council was in the process of consulting on its preferred options for the Local Plan to cover the period 2014 to 2029. Preferred Option PO4 covered the distribution of sites for housing around the District. At present there were no specific sites allocated in the villages and so it had been agreed that the Council would "work with Parish Councils to define the boundaries of village envelopes" to enable development to come forward.

Officers advised that they needed to progress the work quickly because in the region of 850 dwellings had been allocated to the villages (Category 1 = 500; Category 2 = c.350) making up 10% of the total new site allocation being consulted on. The Council's Development Manager had allocated the appropriate resources from within his team to work with Parish Councils and thereby ensure that the work was completed in accordance with the Local Plan process timescales.

The Localism Act enabled Parish and Town councils to write a Neighbourhood Plan for their area which would set out policies and plans for that area, like a development plan document but on a very local scale. The Council must provide support to a Parish or Town Council wishing to develop a Neighbourhood Plan, providing the necessary technical support, and organising the independent examination and the neighbourhood referendum at the end of the process.

One alternative option was to provide technical support without any additional funding but officers rejected this because it was felt that providing funding would enable Parishes and Towns to better engage with

EXECUTIVE MINUTES (Continued)

their local communities to help Plans that communities could support. The Council could encourage Whitnash Town Council to develop their plan but not support it with finance but this was discounted due to the number of residents living in the town.

The Finance and Audit Scrutiny Committee looked specifically at recommendations 2.3 and 2.6 and supported the recommendations in the report.

The Portfolio Holder for Development Services, Councillor Hammon, advised that the Council needed to support Parishes to avoid their views and opinions being lost. He felt it was vital for officers to provide advice and guidance and therefore endorsed the recommendations.

Members present highlighted the number of parishes that had received presentations on the Local Plan or were due to shortly, and underpinned the importance of maintaining communications between the District Council and the Towns and Parishes.

Having read the report, the Executive decided to agree the recommendations as printed.

RESOLVED that

- (1) the work being undertaken by officers to engage with Parish Councils to define the boundaries of village envelopes in accordance with the Council's Local Plan Preferred Options (PO4 – Distribution of Sites for Housing – Category 1 & 2 Villages), be noted;
- (2) the requirement for officers to support Parish and Town Councils with the development of Neighbourhood Plans, be noted, and the Head of Development Services, in consultation with the Portfolio Holder for Development Services and Deputy Leader, shall determine the programme of support as requests come forward from the Parish and Town Councils;
- (3) subject to agreeing recommendation 2.2, up to £40,000 be made available from the Contingency Budget to enable Parish and Town Councils to progress their respective plans and authority be delegated to the Head of Development Services to release this funding to help deliver the programme of work as described in recommendation 2.2;
- (4) the priority work for officers is the defining of the village envelopes as this is a key element to ensuring a sound Local Plan;

EXECUTIVE MINUTES (Continued)

- (5) Whitnash Town Council has already started Neighbourhood Plan work and the Deputy Chief Executive (AJ) will work with Whitnash Town Council and other interested parties in the development of a Neighbourhood Plan for Whitnash;
- (6) up to £10,000 be made available from the Contingency Budget to support the work necessary to produce the Neighbourhood Plan;
- (7) funding will only be drawn-down should Central Government funding not be secured; and
- (8) the ongoing "neighbourhood" work in the towns of Kenilworth, Leamington and Warwick, be noted.

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

33. PROPOSED DEMOLITION AND REDEVELOPMENT OF FETHERSTONE COURT

The Executive considered a report from Housing and Property Services which sought approval to adopt a policy of not re-letting flats at Fetherston Court when they became vacant, pending the redevelopment of the site.

Council received a report on the proposed demolition and redevelopment of the site in September 2011 and resolved that authority be delegated to the Deputy Chief Executive, Head of Housing and Property Services, Head of Finance in consultation with the Portfolio Holders for Housing and Property Services and Finance to consult relevant tenants on the proposed demolitions and redevelopment of a local housing scheme and to confirm before 10 October whether the properties should be demolished in order to develop a new scheme to enable the Council to respond to the Department for Communities and Local Government and (DCLG).

A further report was received by those stated above in October 2011 and further recommendations were agreed, as detailed in paragraphs 3.3 to 3.7 of the report.

It was not considered appropriate to re-let the flats to new secure tenants because the tenants would be required to move again in the foreseeable future as the site was developed. The properties were also designated for occupation by those over 60 years of age and further moves would be particularly disruptive. Any 'new' tenants would also be able to claim the statutory Home Loss payment, currently £4,700, and any further discretionary payment deemed appropriate by the Council. The amount of this discretionary payment would be proposed in a further report which would address the re-housing of existing tenants in more detail.

EXECUTIVE MINUTES (Continued)

It was not considered appropriate to use the vacant properties for temporary accommodation for the homeless because this could be potentially disruptive for the elderly residents at the scheme.

Nine of the flats had wheelchair access and these could be used as temporary accommodation for wheelchair users should an urgent need arise. Should this be the case, a temporary tenancy would be granted pending their permanent re-housing in suitably adapted property. These temporary tenants would not qualify for Home Loss payment.

The Portfolio Holder for Housing and Property Services, Councillor Vincett, endorsed the report and advised that the redevelopment work was imperative and would be in the tenant's best interests.

Having read the report, the Executive decided to agree the recommendations as printed.

RESOLVED that

- (1) approval be granted to the Head of Housing and Property Services to adopt a no lettings policy in respect of vacant flats at Fetherston Court with immediate effect, pending proposals to demolish and redevelop the site; and
- (2) the potential rent loss referred to in paragraph 5.3 of this report as a result of adopting a 'no lettings' policy, be noted.

(The Portfolio Holder for this item was Councillor Vincett)

34. SIGNIFICANT BUSINESS RISK REGISTER

The Executive considered a report from the Audit team which set out the latest version of the Council's Significant Business Risk Register for review.

The register was based on the Council's corporate priorities and key strategic projects, as reflected in Fit for the Future. The register also set out when the realisation of risks might have financial consequences and one of the criteria for severity was based on the financial impact.

The latest version of the Significant Business Risk Register was attached as Appendix 1 to the report and a summary of all the risks, with their position on the risk matrix, was attached as Appendix 2.

The Finance and Audit Scrutiny Committee supported the recommendations in the report and suggested that, to make the register a more active document, it would be helpful if any changes from the period of one report to the next could be noted - such as risks being lowered, increased, or even dropped from the register.

Responding to questions about why the percentage of completed staff appraisals was no longer reported to the Finance and Audit Scrutiny

EXECUTIVE MINUTES (Continued)

Committee, officers pointed out that it was the Employment Committee's responsibility to consider this information and assured Members that the information was presented to that Committee on a regular basis.

The Portfolio Holder for Finance, Councillor Mobbs, requested that additional wording be added to the recommendation to ensure that the Executive could review this information on a quarterly basis and assured members that any movement or change to risks would be clearly shown on the register.

Members had concerns that the document was not easy to understand and that any risks should be managed on a daily basis, not just because reports needed to be completed. It was suggested that officers look at their relevant area and work with their Portfolio Holder to advise how to bolster the document.

Having read the report, the Executive decided to agree the recommendations as printed with some additional wording.

RESOLVED that the Significant Business Risk Register, attached as an appendix to the report, be noted and reviewed on a quarterly basis.

(The Portfolio Holder for this item was Councillors Doody and Mobbs)

35. 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 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
36, 37, 38 & 39	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The full minutes of Minutes 36 to 39 were contained within a confidential minute which would be made available to the public following the implementation of the relevant decisions. However, a summary of the decisions was as follows:

36. PURCHASE OF PROPERTY IN KENILWORTH

The recommendations as set out in the report were agreed.

(The Portfolio Holder for this item was Councillor Hammon)

EXECUTIVE MINUTES (Continued)

37. MINUTES

The minutes were agreed and signed by the Chairman as a correct record.

38. OLD ART GALLERY

The recommendations as set out in the report were agreed.

(The Portfolio Holder for this item was Councillor Hammon)

39. LEGAL SUPPORT FOR LOCAL PLAN

The recommendations as set out in the report were agreed.

(The Portfolio Holder for this item was Councillor Hammon)

(The meeting ended at 7.20 pm)