

WARWICK DISTRICT COUNCIL

Minutes of the meeting held on Wednesday 26 June 2013, at the Town Hall, Royal Leamington Spa at 6.15pm.

PRESENT: Councillor Davies (Chairman); Councillors Barrott, Mrs Blacklock, Boad, Mrs Bunker, Coker, Copping, Ms Dean, Doody, Edwards, Mrs Falp, Gifford, Gill, Mrs Goode, Mrs Grainger, Hammon, Heath, Mrs Higgins, Kinson, Kirton, Mrs Knight, MacKay, Mrs Mellor, Mobbs, Pittarello, Pratt, Rhead, Mrs Sawdon, Shilton, Vincett, Weber, Ms Weed, Wilkinson, Williams and Wreford-Bush.

Apologies for absence were received from Councillors Mrs Bromley, Brookes, Cross, Dhillon, Mrs Gallagher, Guest, Illingworth and Syson.

15. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

16. **MINUTES**

The minutes of the meeting of the Council held on 4 June 2013 were approved as a correct record and signed by the Chairman.

17. **COMMUNICATIONS AND ANNOUNCEMENTS**

The Chairman thanked Mr C Purser and Mr P Willers for their work with the Council as Independent Persons to the Standards Committee.

The Chairman explained that there had been no submissions for consideration under agenda: item 6, Public Interest Debate; item 7, Petitions; item 9, Public Submissions; item 10, Questions to Committee Chairmen; and item 11, Leader's and Portfolio Holders' Statements Portfolio Holders.)

18. **PAST CHAIRMAN'S CONSORT AND CHAIRMAN'S CHAPLIN**

Neither Mrs Kinson nor the Rev Canon Aware were able to attend and therefore this item was deferred until the September meeting of Council.

19. **NOTICE OF MOTION**

Councillor John Barrott proposed the following motion to Council, which was duly seconded:

"On the 1st April 2013, the government introduced an 'under occupancy criteria' which limited how many bedrooms a family in council or social housing will receive benefit for. These changes have led tenants into rent arrears and for some, real financial hardship. Council Officers have done an incredible amount of work with tenants before and after the changes came into force and the Labour Group acknowledges the difficult daily judgements they make to support those seeking their help.

I therefore seek members approval of the following motion:

That this Council does not evict any resident as a result of falling into rent arrears due to a reduction in their Welfare Benefit or until they have been offered smaller

accommodation and that the Council continues to work with all those affected to prevent further socially disruptive homelessness through evictions”

Councillor Boad proposed an amendment to the motion, which was accepted by the proposer and seconder of the original motion and therefore the motion was revised to read:

“That this Council does not evict any resident as a result of falling into rent arrears due to a reduction in their Welfare Benefit caused by the removal of the spare room subsidy or until they have been offered smaller accommodation. The Council continues to work with all those affected to prevent further socially disruptive homelessness through evictions”

Having been proposed and duly seconded it was agreed by Council that the matter should be debated and not referred to the Executive or a Committee for consideration.

The motion was then debated and put to the vote. The result of the vote was unclear and it was requested that, for clarity, the Motion be put to a recorded vote, this was duly seconded and on being put to the vote the Motion was lost on the casting vote of the Chairman.

The voting was as follows:

For: Barrott, Mrs Blacklock, Boad, Copping, Ms Dean, Edwards, Mrs Falp, Gifford, Gill, Mrs Goode, Heath, Kirton, Mrs Knight, Pittarello, Weber, Ms Weed, Wilkinson and Wreford-Bush.

Against: Mrs Bunker, Caborn, Coker, Davies, Doody, Mrs Grainger, Hammon, Mrs Higgins, Kinson, Mackay, Mrs Mellor, Mobbs, Pratt, Rhead, Sawdon, Shilton, Vincett, and Williams.

Abstentions: - None

At this point the vote was tied 18 votes all and the Chairman decided to use his casting vote against the Motion and therefore the Motion was defeated.

RESOLVED that the Motion not be progressed.

20. **QUESTIONS TO PORTFOLIO HOLDERS**

(a) Councillor Barrott asked the following question to the Finance Portfolio Holder, Councillor Mobbs:

“The National Living Wage has been independently set at £7.45p per hour, with a growing number of local authorities paying or committed to paying this wage.

Can the Portfolio Holder inform members how many of the Council employees are not receiving the Living Wage, if he is committed to the introduction of the wage and what the financial implications are in order to pay it?”

In response Councillor Mobbs, explained that the Living Wage Foundation had set an hourly rate of £7.45 and the support for this was gaining momentum.

Over 140 employers had signed up to this voluntary initiative including the Labour party even though they were £20million in debt and were warned by Lord Prescott that they faced bankruptcy.

He advised that the Mayor of London had signed up to this and last week Coventry City Council joined the scheme which would cost them £700,000.

With regard to Warwick District Council, there were 11 employees earning an hourly rate below £7.21. The average of the 11 was £6.40 per hour but two were apprentices, seven were part time and two were full time.

He had also been informed that all temps were paid above the living wage level.

If all 11 employees were uplifted to £7.45 per hour the cost to this Council would be around £17,000 per annum. If this was expanded to include all casual staff it would rise to around £20,000 per annum.

Councillor Mobbs stated that "Councillor Barrott knows how well we work together on the Employment Committee and on the people strategy group. It is through these channels that this issue needs to be investigated further. In addition to this, each year the Council considers its Pay Policy Statement which refers to both myself and Councillor Doody as Portfolio Holders.

I am committed to working with the Employment Committee and the people strategy steering group to provide direction on our Pay Policy statement next year and have advised the Deputy Chief Executive Andy Jones accordingly.

These Groups are the appropriate bodies for bringing forward such a change and these groups need to investigate this matter in more depth, particularly the relationship between the living wage, agency workers, casual workers and the impact that such a policy would have on strengthening further the commitment excellent work of our staff and of course staff retention. I would then welcome any recommendations on the way forward."

Councillor Barrott asked a supplementary question, as follows:

"That if this was seen as a good way of improving staff retention and paying staff appropriately for their work and you have committed it to be considered as part of Pay Policy Statement, why does it need to go through Employment Committee and a commitment cannot be made tonight?"

In response, Councillor Mobbs explained that he did not want to make a knee jerk reaction and the matter needed to be investigated and the outcomes considered as part of the Pay Policy Statement. The Pay Policy Statement had been set for this year so he felt that the Council should use this time to check and make sure that the right decision is made by taking the wider view.

Councillor Mrs Goode asked if Councillor Mobbs knew the gender of the 11 council employees and in response Councillor Mobbs explained that he did not.

- (b) Councillor Ms Dean asked the Housing and Property Services Portfolio Holder, Councillor Vincett:

"Since the Government introduced the 'under occupancy' legislation as part of the welfare reforms, other Councils have reclassified some bedrooms based on their small size or unsuitability as bedrooms. For example, box rooms where a bed would not fit, rooms less than 50 sq ft. in size, and rooms used for adaptations for residents with disabilities have been removed from under occupancy' calculations.

Will this Council help hard-pressed tenants by taking steps to ensure that the 'under occupancy subsidy' is not paid for any room that should not properly be classified as a bedroom?"

In response, Councillor Vincett explained that he understood the question, seeking the Council to reclassify its bedrooms based upon size.

As explained in the earlier debate on the Notice of Motion, the Housing and Property Services Portfolio Holder and the Benefit's team were actively seeking to avoid any eviction as a result of the withdrawal of the Spare Room Subsidy. As responsible landlords officers were only too well aware of the financial pressures placed upon some Council tenants and this was precisely why we had processes, procedures and teams engaged in providing support assistance and advice to our tenants, which was tailored to their individual circumstances.

He expected his team to adhere to statute and to ensure any property classifications were fair, reasonable and could satisfy audit.

He stated that there had been justifiable reasons where re-classifications had taken place and rents reduced accordingly. An example included some 20 "Parlour type" properties which were built with two living rooms and where one of these rooms had been previously designated as a bedroom. These properties, in agreement with the Housing Benefit Team, had now reverted to their original classification to include two living rooms and the Housing Benefit entitlement re-calculated accordingly.

There would be too many instances where properties could be re-designated provided there was good cause to do so, for example where a property was significantly adapted to cater for a disabled person's needs.

Councillor Vincett had distributed a letter received from the Department for Work and Pensions on 20 June 2013. He stressed that there were many risks associated with re-designating properties and these needed to be managed properly and with considerable care. Every case would be considered on its merits taking account of the principles of fairness, equality, and compliance.

In response to supplementary questions Councillor Vincett explained that:

- In the first instance the Council were waiting for tenants to approach the Council with any problems or issues. However, in the long term the Council will be considering the wider issues involved with defining the suitability of a room by its size; and
- The report to Council would include details on numbers of rooms reclassified and this work would continue.

21. **QUESTIONS FOR THE LEADER**

- (a) Councillor Boad asked the Leader, Councillor Doody, if “he could provide the Council with an update about the investigation over the leaked email and when the Police would be taking over the investigation?”

In response, Councillor Doody explained that because the matter was so serious the investigation was being carried out by the Chief Executive, Chris Elliott. When it reached a point where the Council could take the investigation no further the Chief Executive would pass the matter to the police. The Chief Executive had made enquiries about how the Police could be involved and this process was being assisted by the Deputy Chief Executive and Monitoring Officer Mr Jones.

Councillor Doody explained that as long as it was being investigated by the Council it was within our control, however, we would lose control once the matter was with the Police. Therefore, he urged Councillors that if they knew anything about the doctored email they should contact the Chief Executive. He could not stress how serious this matter was and that it was one of the most serious matters he had known to take place.

Councillor Doody provided details that the email he had sent originally went to Councillor Mrs Bromley and a few officers. It came back to Councillor Doody a few hours later with a much wider distribution list and once it reached this point, any person could have had a copy of it.

Councillor Doody reminded Councillors that they should be cautious because regularly emails were treated with contempt and should be seen as formal letters.

Councillor Doody stated that whoever had doctored the email had “affected the rights of all of us and it could happen to any of us”. He felt that it could have happened because it was about the Gateway planning application, but then could it happen again with Clarendon Arcade application when it returns. In his opinion, “our rights have been undermined, it has affected me badly as it effectively ended my holiday” and was it was slur on him.

Councillor Doody urged Councillors that if they had the remotest idea to contact the Chief Executive urgently because once the Police become involved it would lead to a Court case. In his opinion, this matter was so disgraceful and somewhere there was someone who was not honourable. The Coventry Evening Telegraph would not be giving names at this time but they had confirmed that the doctored email was received via email.

Councillor Doody concluded by saying that the doctored email had been an attempt to derail the democratic process and if any Councillor knew anything, for the democracy of this Council, they should speak to the Police or the Chief Executive. He thanked Councillor Boad for asking this friendly and appropriate question and thanked all parties for their support in this matter.

- (b) Councillor Boad asked the Leader, Councillor Doody, that given this was an alleged a criminal offence what option do we have but to give it to the Police because otherwise we were essentially in collusion with a criminal?

In response Councillor Doody advised that if a councillor contacted the Chief Executive to say it was them then he would give the advice that they should

resign but even if they did, this was no guarantee that the matter would not be reported to the Police.

He only hoped the Police took it as seriously as he did and if a Councillor did do it as some kind of hoax or joke, to tell the Chief Executive.

- (c) Councillor Kinson asked the Leader, Councillor Michael Doody, if he could (1) please arrange for the football pitches on St Mary's Lands to be restored for use by local residents and clubs?; and (2) If he could give the complex problem of the cadets lease his urgent attention and report back in due course?

In response Councillor Doody explained that he had been asked to reinstate the goal posts by Councillor Dhillon on Monday, however this was not part of the Council's plans at present but he had asked the Deputy Chief Executive and Monitoring Officer to investigate the possibility and report back. However, "we all knew the history of these pitches and history could tell us all a lot of things".

With regard to the Cadets, Councillor Doody, highlighted that Councillor Kinson and all Warwick Councillors knew why they had left and if other Councillors do not know it was because they were locked out of the building and they wanted assurance that they would not be locked out again before they returned. Councillor Doody had wanted a document to state that this won't happen. He stated that he had tried and failed and Councillor Coker had tried and failed. He wanted the Cadets back in their home but at the moment they won't because of being lambasted, verbally abused and locked out.

He concluded by welcoming Councillor Kinson trying to move this forward because everyone would be very pleased.

- (d) Councillor Barrott, asked the Leader, if he could provide the Council with the commitment that he would use the Warwick Town Councillors to help resolve the lease issues?

In response Councillor Doody said he would certainly hope so.

22. **REPORT OF THE EXECUTIVE**

The reports of the Executive meetings of 17 April and 4 June 2013 were proposed by Councillor Doody, duly seconded and

RESOLVED that the report be approved.

23. **END OF TERM REPORT**

The end of term reports of the Finance & Audit Scrutiny Committee and Overview & Scrutiny Committees by Councillors Knight and Gifford, duly seconded and

RESOLVED that the report be approved.

In addition, the Council requested that their thanks be placed on record for the work of Councillors Gifford and Mrs Knight in previous years as the Chairman of the two Scrutiny Committees.

24. **MEMBERSHIP OF COMMITTEES**

It was proposed by Councillor Boad, duly seconded and

RESOLVED that the appointment of Councillor Wreford-Bush as a member of Employment Committee in place of Councillor Boad and to appoint Councillor Boad as a substitute for Employment Committee in place of Councillor Wreford-Bush.

25. **INDEPENDENT PERSON**

It was proposed by Councillor Williams, duly seconded and

RESOLVED that Mr Meacham and Mr Tomkinson be appointed as Independent Persons for the Standards Committee.

26. **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 relevant paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

27. **REPORT OF THE EXECUTIVE**

The confidential report of the Executive meeting of 17 April 2013 was proposed by Councillor Doody, duly seconded and

RESOLVED that the reports be approved.

28. **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 7.48 pm)

CHAIRMAN
26 September 2013