Executive

Minutes of the meeting held on Thursday 1 June 2017 at the Town Hall, Royal Leamington Spa, at 6.00 pm.

Present: Councillor Mobbs (Leader); Councillors Coker, Grainger, Rhead, Thompson and Whiting.

Also present: Councillors; Barrott – Chair of Finance & Audit Scrutiny Committee*;* Davison; Mrs Knight; Naimo - representing Overview & Scrutiny Committee; and Quinney - Labour Group Observer.

19 members of the public were also present.

Apologies for absence were received from Councillors Boad, Butler and Phillips.

1. **Declarations of Interest**

There were no declarations of interest.

2. **Minutes**

The minutes of the meeting held on 8 March 2017 were taken as read and signed by the Leader as a correct record.

Part 1
(Items on which a decision by Council is required)
There were no Part 1 items to be considered.

Part 2
(Items on which a decision by Council is not required)

3. **Fit for the Future Change Programme**

The Executive considered a report that provided an update of the Council's Fit For the Future (FFF) Change Programme which had been developed to address the significant reduction in funding from central government; maintain or improve service provision; and support and invest in the Council's staff.

In order to deal with the significant changes anticipated for local government, the Council agreed a FFF Change Programme in 2010 covering three interrelated strands, Service, People and Money.

The *Money* element of the programme was to produce initiatives that would either save money or increase income whilst at the same time not impacting upon the quality or breadth of services provided by the Council. This strand had delivered significant savings/ increased income since 2010 (in the region of £10m) but as the amount of grant from central government continued to reduce, there was an ongoing requirement to produce further initiatives. Following consultation with respective Portfolio Holders, it was recommended that the initiatives

included in Table 1 were now included in the FFF Change Programme. Where the level of savings/ increased income could not currently be determined, it was recommended that this information was provided in future *Budget Review* reports from the S151 Officer. Where amounts of savings were included, these were early estimates as reviews and/ or business cases would be ongoing or required.

There were initiatives in the proposed programme that would neither generate income nor reduce cost and could actually add to cost. Officers had identified specific Council functions where it was considered that extra resource was required if the Council was to maintain or improve its service (a strand of FFF) and so proposed the extra investment. Full business cases would be submitted to Executive before any changes were made.

Additions recommended to the FFF Change Programme

Reference	**Initiative**	**Savings/ income/cost**	**Commentary on initiative**
Initiatives intended to produce savings and/ or generate income			
FFF1	Review One Stop Shop Service	Unknown at this point.	Although this initiative is already in the programme the terms of reference of the review have now been fully determined following Executive approval in February 2017.
FFF2	Review CCTV Service	Unknown at this point.	Review of delivery options and service scope began in March 2017. Report to be submitted to Executive should any material changes be proposed.
FFF3	Review approach to car parking charges	Unknown at this point.	Modelling being undertaken to determine appropriate car parking regime. Report to be submitted to Executive.
FFF4	Introduce a local good cause lottery	Savings: £30k	Business case to be worked up. Lotteries run elsewhere raise income for good causes (organisations not currently being funded) and a central fund (able to reduce the core funding provided to organisations).
FFF5	Combine Tourism/VIC services to bring about cost reduction	Savings: £15k	Although this initiative is already in the programme no savings have previously been identified. At the minimum it is assumed that the saving of the

Reference	Initiative	Savings/ income/cost	Commentary on initiative
			former grant to Warwick Town Council can be made.
FFF6	Restructure – Assets Team	Savings: £30k	An element of the Assets function is already in the programme but the scope has been extended to include all of the Service.
FFF7	Advertising opportunities	Unknown at this point.	Contract with a company trading as Publitas finalised. Audit of potential opportunities to be undertaken at which point an advertising income figure will become clearer.
FFF8	Reduce B&B placements	Savings: £60k	All B&B placements currently discontinued. Continued resilience and cost reduction will be achieved through use of an HRA property in Willes Road as additional temporary accommodation from June 2017.
Initiatives intended to improve service			
FFF9	Restructure - Development Management Team	Cost: £30k	An element of the Development Management function is already in the programme but the scope has been extended to include all of the Service. The Council has submitted a business case to Government accepting the proposed increase in planning fees and this along with a restructure will bring about an improved service.
FFF10	Restructure – Neighbourhood Services	Cost: £50k	An element of Neighbourhood Services is already in the programme but the scope has been extended to include all of the Service (bar Bereavement Services). This will bring about an improved service but at increased

Reference	Initiative	Savings/ income/cost	Commentary on initiative
			cost.
FFF11	Review Procurement Service	Savings: Nil	Review commenced to explore the delivery model options for the Procurement function. The terms of reference of the review include a cost neutral outcome.
FFF12	Restructure - Benefits Team	Savings: Nil	With substantial elements of Benefits work to remain with the Council (all pensioners, council tax reduction and support to Universal Credit), no net savings are anticipated because of the vulnerability of the Government's administration grant.

The savings identified at Table One, above, amounted to a net figure of £55k. Whilst this figure was not significant, when there was further information in respect of initiatives FFF1, FFF2, FFF3 and FFF7, it was hoped that there would be a further positive impact on the Council's financial position.

The Council's FFF Change Programme had been in place for seven years and had enabled the Council to continue to deliver a full range of services without large increases in council tax or charges. The Programme's progress had been reported annually to Executive throughout the seven year period and at Table 2 below, the latest position was provided on each of the initiatives where an update had not previously been reported.

Reference	Initiative	Anticipated savings when programme agreed	Latest savings	Update as at June 2017
FFF13	Review of financial contribution to Shakespeare England	£25k	Nil	Review completed. Executive decided to continue payment at previous level (£75,000 per annum) on the proviso that certain key performance indicators were achieved, and reported back to Overview & Scrutiny Committee.

Reference	Initiative	Anticipated savings when programme agreed	Latest savings	Update as at June 2017
FFF14	Review of Concurrent Services and parish support	£145k	£145k	Changes to schemes agreed by Council November 2016 realise savings of £145k which have been profiled within 17/18 Budget and MTFS.
FFF15	Review of One Stop Shop service	£50k	£50k	Also see initiative FFF1 above. Savings of £50k already achieved by removing two vacant posts from the Council's staffing establishment. Factored into 17/18 Budget and MTFS.
FFF16	Tender of Leisure Centre Management contract	£800k	£1,380k	Average ongoing savings over the next ten years of £1,380,000 (when measured against 2014 project commencement figures) with effect from 1st June 2017. Savings and concession fee profile factored into the MTFS.
FFF17	Restructure - Arts/ Entertainment services - Phase I	£40K	£40k	Ongoing increased income of £40k factored into 17/18 Budget and MTFS.
FFF18	Arts/Theatre staff review - Phase II	Unknown at that point		On hold whilst the Council seeks a partner for its Leamington Creative Quarter feasibility study.
FFF19	CCTV staff overlap period review	£15k	Nil	A Feasibility study established that a reduction in staff time would have seen an unacceptable diminution to the service provided. This initiative has been removed but see FFF2 at Table 1.
FFF20	Senior Management Review	£200k	£200k (anticipated)	Not programmed until 2019/20 so no work started as yet.

Reference	Initiative	Anticipated savings when programme agreed	Latest savings	Update as at June 2017
FFF21	Increase in income from Crematorium	£60k	£44k	Executive agreed business case in March 2017 to generate additional net income of £60k (£44k of this had already been factored into the MTFS).
FFF22	Review of HR & Media Team	Unknown at that point		Review to be completed by March 2018.
FFF23	1% reduction in Council's discretionary spend	£100K	£100k (anticipated)	2017/18 £25k budget reduction and three lots of £25k (2018/19, 2019/20, 2020/21) have been included in MTFS.
FFF24	Review of Voluntary & Community Sector (VCS) and community support	£50k	£50k	Executive agreed in March 2017 to reduce investment in VCS and community support by £49K with effect from April 2018. Factored into the MTFS.
FFF25	Review delivery model for Enterprise Team's work	Unknown at that point	Nil	Report to be submitted to Executive when due diligence concluded.
FFF26	Revised staff terms & conditions	£145k	£178k	£135k saving achieved for 16/17 and £43k factored into 17/18 budget.
FFF27	HQ Relocation	£300k	£300k (anticipated)	Planning applications for Covent Garden site (full) and Riverside House site (outline) to be submitted 30/6 for consideration by Committee 12/9. Marketing and procurement exercises to be completed post-planning to fix receipt and cost figures respectively for final viability

Reference	Initiative	Anticipated savings when programme agreed	Latest savings	Update as at June 2017
				assessment and report to Full Council in early 2018. Estimated completion of on site now end of Q3 19/20 for occupation of offices and opening of new car park.
FFF28	Town Hall Transfer	£85k	£85k (anticipated)	Realisation of savings dependent on FFF27 and, consequently won't be until final quarter of 19/20. Options for future use of building being explored through Creative Quarter initiative.
FFF29	Member Allowances	£15k	£15k (anticipated)	Executive to consider a report on 28th June from the Independent Remuneration Panel.

Since the last report, many of the initiatives had either been completed or business cases approved by Executive with savings/ increased income factored into the 2017/18 Budget or Medium Term Financial Strategy (MTFS) as appropriate. Initiatives FFF20, FFF27 and FFF28 amounting to £585k of savings, were to be delivered and needed to be monitored very closely. Section 5 described the latest MTFS position in detail but the Strategy did not reflect funding for potential projects such as the Europa Way development, Kenilworth Leisure Centre enhancements and Linen Street Multi-Storey Car Park (MSCP) re-provision. There were also emerging pressures around salary review (local and national) and enforcement activity. As these matters come forward, they would need to be considered in the context of the Council's overall financial position.

The work on the Leisure Management contract had now concluded and the savings/ increased income that this initiative had produced were now clear.

In 2014 approval was granted to start work on the consideration of an external operator for the Leisure Centres. In agreeing this, the in-house team were asked to put together an offer that could be considered when making any decision about seeking an external partner. The in-house team responded to the challenge and by getting on a more commercial footing the budgets saw a net reduction in cost of some £285,000.

Having considered the in house figures, it was felt that the enhanced commercial approach an external operator would be able to bring could not be ignored and should be tested through a comprehensive OJEU compliant procurement process.

Following the conclusion of this process, the average full year savings from this exercise, and on-top of that already achieved by the in-house team, would be in the order of £1,095,000.

This would mean that the Council would be able to repay the annual borrowing costs for the Leisure Centre improvements of £483,000 and had a further £612,000 to use for other purposes.

The concessions from the operator increased over the period of the contract from £610k in 2019/20 to £1,389k in 2026/27 (subject to index linking). This was well in excess of the £600k per annum included in the MTFS in February.

The process in total would improve the Council's financial position by £1,380,000 on an average annual basis.

The Local Plan proposed significant growth to the south of, and to the east of Kenilworth. Experience gained from the development of the sites to the south of Warwick, Leamington and Whitnash was that significant organisational and community benefits could be gained through the Council working with developers to produce a co-ordinated approach to delivery.

It was therefore proposed that a Major Sites Delivery Officer was recruited to consider the issues arising from the cluster of sites in Kenilworth and provide additional support for other developments taking place within the town centre.

The cost of a three-year temporary post should be able to be funded from Section 106 obligations between the Council and various other parties. However, this would need to be closely monitored for any potential shortfalls or delays in the predicted funding as this could require an element of the costs of the post being met by the General Fund. In such a scenario, the appropriate report would be brought to Executive setting out the implications for the MTFS.

The FFF change programme had been in place for seven years and numerous initiatives already had taken place to either reduce cost or increase income, however it did become increasingly challenging to identify new studies or projects to bring forward. More recently officers had brought forward projects that sought to put the Council on a more entrepreneurial footing i.e. leisure management contract, crematorium improvements, use of advertising, development of the Creative Quarter initiative. However, it was considered that expert support was needed to examine further commercial opportunities such as:

- Investment in Council assets to increase income;
- Purchase of assets to generate ongoing revenue;
- Borrow to invest.

The Council had a joint venture arrangement Limited Liability Partnership (LLP) with Public Sector Plc to ensure that the Council was able to maximise the value that it was able to drive from complex development and regeneration projects and ensure additional value was

created above and beyond what other delivery mechanisms could provide. However, part of the rationale for establishing the LLP was this form of joint venture would provide the Council with maximum flexibility for future projects and there would be no requirement or assumption that all development or investment opportunities would be delivered though this vehicle. Consequently the Leisure Centre investment did not involve the LLP but they were leading on the HQ relocation project. It was originally envisaged that the LLP could lead on assessing how the Council could maximise the return on all its assets but officers believed that its energies needed to be wholly devoted to the HQ relocation project which, as shown in Table 2, would not be completed until the end of 2019.

It was therefore proposed that officers adopted a different approach to obtaining the specialist advice that was required to enable the Council to take full advantage of emerging commercial and entrepreneurial opportunities. Recent work undertaken to assess potential asset acquisitions had identified the need to commission commercial property valuations, retail market assessments of future letting potential and financial assessments of potential yield. These were specialist skills that were not available within the Council's workforce. Based on this experience, the likely cost of each individual feasibility investigation was between £1,000 and £5,000 depending on the extent and nature of the work required.

Officers would therefore utilise existing delegated authority arrangements to obtain the necessary advice. The Chief Executive and s151 Officer were able to authorise expenditure of up to £20,000, drawn down from the Service Transformation Reserve under delegated powers and Executive was asked to note that officers would utilise these arrangements to support the adoption of a more entrepreneurial approach to the way that the Council managed and potentially re-configures its existing asset base.

Officers believed that this proposed approach to exploring potential commercial opportunities was a more cost-effective option, allowing specialist work to be commissioned as and when required, than seeking to recruit an officer or officers with the necessary skill set(s).

Fleetness of response was clearly an important consideration for the Council as it developed this entrepreneurial approach to its asset management strategy. Officers would, therefore, seek to identify appropriate framework agreements to allow the necessary advice to be commissioned speedily, in response to market pressures and opportunities. Funding for this was proposed to be using the existing delegations, with the addition of consultation with the Leader and Finance Portfolio Holder.

At its meeting on 2 June 2016, Executive agreed to set aside a sum of £95,000 from the Planning Appeals Reserve (PAL) to support the Local Plan process. This sum was added to funds that had already been set aside from the PAR (see report to Executive 28 January 2015) to provide a budget of £215,000 for the Local Plan. This was made up of three main elements:

- Inspector Costs: £150,000

- Programme Officer Costs: £35,000
- Consultants costs: £30,000

As at 31 March 2017, the Inspector's costs were £139,058. Given that this did not include the costs of his time to analyse the Main Modifications consultation and to prepare his final report and conclusions, it was highly likely that the sum of £150,000 that had been set aside would be insufficient. It was therefore proposed that a further £24,000 be set aside from the PAR (which currently had an unallocated balance of £159,000,) to support the Local Plan. This additional sum of £24,000 would be added to the sum of £10,942 already set aside for the Inspector and an existing balance £16,000 which had been set aside for Local Plan consultancy. This provided for a total budget of £51,000 to cover the Inspector's costs through to the adoption of the Local Plan thereby ensuring that the Council had a spatial plan in place to deliver its Sustainable Community Strategy and Fit For the Future objectives.

In recognition of the increasing demands on local authority planning teams, along with the reduction in Government grant, Central Government had agreed that Councils could increase planning application fees by 20% subject to a business case being approved. On 10 March 2017, the s151 Officer wrote to DCLG accepting its proposal to increase fees and provided a business case detailing where the increased income would be sent.

The Council was waiting for formal confirmation of the increase but assuming that this was confirmed, the S151 Officer estimated that the Council would raise an extra £165,000 during 2017/18 and it was therefore proposed that the Council's Chief Officers work with the S151 Officer to determine precisely where the increased income would be allocated so that commensurate expenditure could be made.

In November of this year the LEP's Growth Hub would be sponsoring a Business Festival with the aim of delivering:

- regional conferences, exhibitions and trade fairs;
- sector specific days – addressing key SME challenges;
- networking and new business opportunities.

The company delivering the Festival had recently completed such a Festival in Leicester and Leicestershire. Having considered what the company had delivered, the Managing Director of the Growth Hub approached the Chief Executives of the Warwickshire Councils recommending that the LEP supported a similar initiative. Following a meeting between the Managing Director, of the Growth Hub and senior officers of this Council, it was considered that an investment of £5,000 to support the Festival itself and a further £5,000 for any other opportunities that the Festival generated should be made available.

Ordinarily, the Growth Hub set-out a fully costed programme of work at the beginning of the financial year, however, the Festival proposition arrived after the budget had been set and so it was unfunded although the Growth Hub would be going ahead with it anyway hoping that an element of the funding could be recouped from various public and private sector sources.

No alternative options to the recommendations in this report had been considered as the FFF Change Programme had proved very successful in delivering the Council's Services whilst reducing its costs and increasing its income.

The Finance & Audit Scrutiny Committee supported the recommendations in the report.

Councillor Whiting highlighted the significant savings that needed to be found in 2018/19 and a further spike in 2021/22. While the Council had a plan to deliver the savings, to date these had not been delivered. Therefore, there was a need for all Councillors to monitor the programme and do their upmost to ensure it was delivered. He reminded Councillors that even if all these savings were delivered these did not make provision for the capital works required by the Council.

Resolved that:

(1) the additions to the Fit For the Future (FFF) Change Programme set out in Table 1, be approved;

(2) the latest position of the outstanding initiatives of the previously agreed Change Programme set out in Table 2, be noted;

(3) the financial savings from initiative FFF16 (Tender of Leisure Centre management contract) at Table 2 which will see the Council making average ongoing savings of £1,380,000 for the next ten years as against the £800,000 anticipated in the FFF Change Programme, be noted;

(4) a three-year Major Sites Delivery Officer post to support new development in and around Kenilworth funded by agreed Section 106 obligations, be noted, although any shortfalls/delays in this funding will have an impact on the General Fund;

(5) existing delegated authority arrangements be used to draw funding from the Service Transformation Reserve (STR) as and when required to support additional entrepreneurial activities, subject to consultation with the Leader and Finance Portfolio Holder;

(6) £24,000 from the Planning Appeal Reserve (PAR), be approved to finance the unbudgeted costs of the Local Plan process;

(7) the letter from the Council's Section 151 Officer to the Department for Local Communities & Government's (DCLG)

Director of Planning, set out at Appendix 1 to the report, accepting the proposed 20% increase in planning application fees, be noted, and agrees to increase the Council's income by £165,000 with a commensurate increase in expenditure and that consequent budget apportionments are determined by the S151 Officer in consultation with the Council's Senior Management Team;

(8) £10,000 will be released from the Council's Contingency Budget to support the Business Festival sponsored by Coventry and Warwickshire Local Enterprise Partnership (LEP);

(9) the updated savings profile as shown in paragraph 5.4 of the report which incorporates the new FFF projects and the table in paragraph 5.9 of the report which shows the Council's financial position should the various current initiatives, detailed in this report, not be achieved, be noted; and

(10) the expenditure that is not funded as part of the Medium Term Financial Strategy (MTFS), and how additional funding will be required to meet these future liabilities so as to ensure future service provision as set out in paragraph 5.10, be noted.

(The Portfolio Holders for this item were Councillors Coker and Mobbs)
Forward plan reference number 839.

4. **Task & Finish Group review WDC's role in dealing with Houses in Multiple Occupancy (HMOs)**

The Executive considered a report from the Overview & Scrutiny Committee regarding the Council's role in dealing with Houses in Multiple Occupancy (HMOs).

On 1 June 2016 the Overview and Scrutiny Committee agreed the scope for a Task & Finish (T&F) Group on Houses in Multiple Occupation (HMOs). This was in response to a number of concerns raised by residents, Councillors, and members of communities across Warwick District, which included complaints to officers, and in the local newspapers. The issues raised crossed departments within Warwick District Council (WDC) as well as external stakeholders.

The T&F Group had a very broad remit covering many aspects of HMOs, from anti-social behaviour such as waste and noise, to tenant concerns of licensing and housing conditions, from concerns of a planning context and concentration of HMOs, to looking at aspects of strategy across the District.

With such a large remit, the Group heard about, and tried to address, some of the wider issues associated with the properties themselves, and consider all types of HMO across the District.

The final report was brought to the Overview & Scrutiny Committee on 4 April 2017 where the recommendations were fully supported for the Executive to consider.

The accumulation of large quantities of rubbish in the vicinity of HMOs was a considerable concern in some areas of the District. This was often, but by no means limited to, larger, licensed HMOs. In some places, neighbouring residents had expressed considerable displeasure due to hygiene issues, unsightliness and the perception of a lack of care.

HMO regulations 2007 applying to all sizes of HMO required the landlord to "ensure that—
8.(4) (a) outbuildings, yards and forecourts which are used in common by two or more households living within the HMO are maintained in repair, clean condition and good order;
(b) any garden belonging to the HMO is kept in a safe and tidy condition" and
"10. The manager must—
(a) ensure that sufficient bins or other suitable receptacles are provided that are adequate for the requirements of each household occupying the HMO for the storage of refuse and litter pending their disposal; and
(b) make such further arrangements for the disposal of refuse and litter from the HMO as may be necessary, having regard to any service for such disposal provided by the local authority".

The landlord of licensed HMOs will have signed the WDC HMO licensing agreement which specifically includes *"refuse and litter must not be allowed to accumulate"* and "*The licence holder/manager must make such further arrangements for the final disposal of refuse and litter".*

Typically, the current process that residents followed was to complain to Councillors and Contract Services, then a 'rapid response team' would be sent out to deal with the rubbish (if on public land; if on private land, nothing would be done). There had been a concern that some landlords were happier to allow WDC to reactively respond to some HMO litter issues than to proactively remove rubbish themselves, even though this duty was specified in their licence agreement. Responsibilities on rubbish removal needed to be made clearer and enforced, as Officers at present could only use reminders and persuasion, lacking a graduated and cost-effective policy and process to ensure compliance. It was Officers and the Council who had to deal with these persistent nuisances at present, which had a considerable time and resource expense.

Experience in other Councils who had implemented provisions of the Anti-social Behaviour, Crime and Policing Act (2014), including neighbouring Rugby Borough Council, indicated that a system involving Community Protection Notices (CPNs) could be effective in tackling this issue, as it offered a stage in between reminder letters and the courts.

The T&F Group welcomed the collaborative work since the summer of several departments of the Council to review HMO policies relating to waste. In November 2016 a draft WDC Policy was presented to the T&F Group, outlining the process whereby a property with persistent refuse problems was sent a warning letter (to both tenants and owner). If improvements were not seen, this could be followed by a CPN, then a Fixed Penalty Notice (FPN), then by a formal summons for interview, and then prosecution as a last resort if required. Experience in Rugby was that prosecution has not yet been necessary, although they had prosecuted for failure to attend interview (which was very difficult to argue against). The importance of sufficient training and adequate resources to minimise the risk of legal challenge, had been emphasised to the T&F Group. Similarly, if breaches of CPNs were not followed up, then the system would quickly fall into disrepute.

Rugby Borough Council advised that the extra resources required, after upfront investment in training, were not significant, but they operated a more integrated approach to enforcement than WDC. Greater resources could be required if a) Neighbourhood Services worked on this in isolation, and b) the system was rapidly rolled out to the whole of the District. The rationale underlying the recommendations was that Neighbourhood Services worked with other Council departments that were experienced in similar enforcement activity, and that the roll out was gradual, starting with just one or two pilot streets. Once Officers had confidence in the systems, and could gauge the level of compliance, roll out could then speed up. It was worth pointing out that the new policy and process, once adopted, would apply to all breaches of waste regulations across the District, not just at HMOs.

In reviewing the waste issue in HMOs, one resident told the T&F Group of a large HMO where 30 bags of rubbish were typically left in the front garden when tenants left in July, and that these bags were only cleared when the new tenants arrive, two months later.

The T&F Group gathered evidence from other towns with HMOs. Appendix A , to the report, provided links to a sample of other towns with a large number of HMOs that had tenancies finishing at the same time, due to those HMOs being occupied primarily by students. In some of these towns, the Councils promoted collaborative approaches with Student Unions, Charities, Universities and partner organisations to help reduce this sudden impact at tenancy ends. The Group felt that there were sufficient initiatives out there that had worked to warrant further investigation by Officers.

The Group received a presentation by representatives from Warwick Students' Union who discussed the use of technology in other towns and cities to make issues of recycling and waste much easier to understand for people running a household for the first time, or for people who could be living in the country for the first time; these included applications that provided reminders the night before rubbish or recycling collections, and contained instructional guides on what went in which bin, based on the information supplied by the local council. They also mentioned that the Students' Union would be employing a Community Worker, who would be based in Leamington, starting this

year to help develop community cohesion between students and non-students.

The Group received a presentation from the Community Safety team and was encouraged to hear of the successes of the Street Marshals scheme in Leamington, that had been operating for several years and was jointly funded by both Warwick District Council and the University of Warwick.

Several reports of severe Anti-Social behaviour cases that had taken place at HMOs were presented to the Group; this indicated that the process to contact the Council for noise complaints was confusing, complicated and ineffective from a resident's perspective.

In addition to the general legislation against Anti-Social Behaviour that could be enforced by the Council's Community Safety Team, there was a specific duty on landlords of licensed HMOs (Housing Act 2004) which was: *'requiring the taking of reasonable and practicable steps to prevent or reduce anti-social behaviour by persons occupying or visiting the house'.* This was incorporated in the WDC Licence as *"The licence holder must ensure that the HMO is managed in such a way as to prevent, or deal effectively with any anti-social behaviour by occupiers or their visitors. This includes noise nuisance caused by the playing of loud music at any time of the day but particularly between 23.00 and 8.00am."*

In light of these landlord responsibilities in licensed HMOs, it was felt that a coordinated approach to enforcement at those properties should be developed between Community Safety and the Private Sector Housing licensing authority. Persistent infraction of this condition could be regarded as grounds for imposing conditions on, and curtailing the duration of, a licence.

The T&F Group reviewed the H6 planning policy on Houses of Multiple Occupation and how it was being applied to current planning applications, by Council Planning Officers. It was noted that there was fuller guidance provided in the Interim Policy on HMO and Student Accommodation, agreed by Council in 2013. Both the policy itself and the guidance seem clear and robust.

Individual T&F Group members had extensive discussions looking at specific planning cases. Evidence gathered from this work, as well as from local residents and Officers, indicated that there was a case for an urgent review of how the policy was being interpreted and applied, as recommended recently by WCC legal advisors. A report from the Leamington Society indicated the number of approvals converting domestic properties into HMOs had continued to rise in recent years: 59 rooms in 2014, 95 in 2015 and 167 in 2016 (these figures excluded the major Purpose Built Student Accommodation (PBSA) such as Station House and Alumno) but included smaller purpose built HMOs in residential areas.

The Group was not clear about how PBSAs fitted into the calculations of the "10% rule" during planning applications. There was a view that

PBSAs were counted in the calculations, at a rate of 1 HMO per 6 bed-spaces; however, this could differ with varying applications of the H6 policy. In due course it could be necessary to clarify and strengthen some aspects of the policy to help with strategies on over concentration.

A formal residential complaint in 2016 and subsequent legal advice which had already resulted in improvements to the way the H6 Policy was implemented along the lines being recommended. Consequently, the T&F Group believed the main priority now was to apply existing policy consistently and robustly.

The T&F Group reviewed the Article 4 directive which currently only covered six District wards of Leamington. There were some 1300 HMOs in Leamington compared with 40 in Kenilworth (but rising), 30 in Warwick and 22 in Whitnash, but excluded the 360 University of Warwick and the 11 Warwickshire College on-campus units.

Whilst consultation with Town Councils revealed strong concerns about the potential increase in HMOs, especially in Kenilworth, there was currently insufficient evidence to warrant recommending extension of the Article 4 Directive outside of the current designated area.

However, the T&F Group recognised the particular concern that too high a concentration of HMOs could develop rapidly in a particular neighbourhood, as has happened in the past in Leamington and other towns and cities, unless there was close monitoring and regular reporting on trends.

The T&F Group discussed the view that more Purpose Built Student Housing would relieve pressure from HMO conversions of houses. Developers and some other towns had indicated that this could be the result. There were also discussions on why there was the market demand for people to live in the areas of the District that had the highest concentration of HMOs, with indications that these areas had cheaper rents and so were more desirable to some demographics. Purpose Built Student Accommodation could relieve some of the pressure on conversion of existing houses to HMOs, provided that rents were in line with what the market was prepared to pay.

Some other important advantages of PBSAs of sufficient scale was their provision of on-site management, which could help deal with welfare and living issues from a tenant's perspective, and help to manage waste, parking, and noise issues from a local community's perspective.

The T&F Group was pleased to note on 8 March 2017, Executive agreed to develop a Student Housing Strategy to run alongside the Housing & Homelessness strategy.

The T&F Group identified the need to have a formal collaborative process with local colleges and Universities in the region to plan for future student accommodation needs due to a large proportion of the residents of HMOs being students, in particular in ways which cater for planned growth with shared responsibilities. The Group was encouraged to learn of two major investments in on-campus student

accommodation planned shortly at University of Warwick, and sizeable investment in Coventry City Centre, and believes that more may be needed.

Evidence gathered from other Towns with a large proportion of students, and from data and views obtained through discussions with University of Warwick, WDC Senior Officers, and Warwick Students' Union, indicated that WDC and local universities and colleges were not as far advanced in working together to manage current and future needs as some other towns and cities, and therefore a formal collaborative strategy and student housing policy has been suggested.

Consideration must be given of University of Warwick Masterplan due for refresh in 2017 and the Chancellors Commission report published in July 2016 which *stated "The University should hold discussions with the local authorities and Coventry University on the concept of establishing a Joint Housing Task Force or equivalent exercise for the city and district*". The Group also discussed the desire for this to be linked with a wider strategy with Coventry University and their plans.

During the work of the T&F Group, government announced its decision to extend mandatory licensing of HMOs, currently for 5+ people in premises of 3 storeys or more, to all premises of 5+ people irrespective of the number of storeys. This would approximately double the number of licensable HMOs in Leamington to almost 600 properties, with around a further 700 smaller HMOs remaining unlicensed (plus the smaller numbers in Warwick, Kenilworth and Whitnash). This was likely to take place during 2017, probably in the autumn.

This was an opportunity to review the current licence process and conditions. Private Sector Housing would need to work closely with other departments (Neighbourhood Services, Planning Enforcement, Community Safety) to ensure available data were used effectively, adequate data are gathered efficiently for future use, and appropriate powers are used to manage problems. This work would enable the Council to monitor how effectively the licensing process deals with Health and Safety, ASB, waste and noise issues for licensed HMOs in the future.

Evidence partly from Private Sector Housing (PSH) and from landlords, tenants and local residents, indicated that some tenants had bad experiences in poorly maintained HMO properties, with unresponsive landlords. Sometimes these amount to Category 1 Health and Safety issues. However, with the demand for accommodation appearing to outstrip supply, some HMO tenants may feel unable to raise a formal complaint about poor conditions.

Larger HMOs were licensed and undergo Council inspections at five-year renewal, and sometimes between renewals; others would be shortly, under proposed Government extension.

Evidence gathered on HMO Licensing indicated that:
- the processes for inspecting and controlling Category 1 Health and Safety issues were robust;

- insufficient weight appeared to be given, in the inspection and approval process, to other aspects of decent standards such as minor repairs, poor state of decor, refuse bins provided and financial fair dealing; and
- little or no weight is given in the Fit and Proper test on landlords and Agents to verifying the honesty of declarations (there is no independent DBS check) nor to any persistent breaches of HMO/environmental regulations in properties owned/managed by the Licensee (see below).

Other Councils (e.g. Oxford, Southampton, Wycombe) had shorter licence cycles for properties/landlords where there were concerns. This ensured these properties were inspected on a more regular basis providing greater assurances for the tenant as well as surrounding residents.

Wycombe private sector housing enforcement policy on HMOs, was that the usual 5 year period for which an HMO licence was issued by that Council could be reduced where there were concerns about management arrangements, or 'if an application had been made for the renewal of a licence and the conditions of the existing licence had not been met at any relevant time during the period of the licence'. Oxford City Council informed the T&F Group that good landlords appreciated the lower fees and less frequent inspections enjoyed through this risk-based approach; as well as improvements to their overall image, as rogue landlords are more effectively weeded out.

Consideration was given by the Group to the robustness of testing whether a landlord was a 'fit and proper person' as was seen in other WDC licensing schemes such as Taxi Drivers. Charnwood Borough Council, Loughborough had a good checklist.

Some of the issues and recommendations in this paper overlapped with, and complemented, the new measures expected to be implemented by Government. This would take a tougher approach to rogue landlords, potentially include DBS checks, maintenance of a database, banning and de-licensing of persistent offenders and the use of civil penalties.

The suggested additional measures in recommendation 2.7 would add much-needed powers to protect tenants from financial malpractice, which had been highlighted in feedback from Warwick Students' Union's representatives.

Some large landlords with good reputations would welcome more effective enforcement of the rules and extending licensing to smaller HMOs, in order to manage out the 'rogue landlords' who gave good landlords a bad name. Although a landlord/agent consultation was undertaken, the response rate was low and answers mixed. Three out of four respondents did not favour extended licensing on cost grounds.

In addition to the mandatory extension of licensing outlined above, local authorities retained the option to move further by additional licensing of all HMOs if they believed it to be justified. The Group looked at the work of the recent Task & Finish Group on Selective Licensing in Coventry.

The extension of licensing over the next 12 to 18 months would roughly coincide with the renewal of many existing licences granted on a 5-year cycle. This would greatly increase the workload of relevant officers for at least 12 months and the Group understood that the intention was to add temporary staff to cope with the peak (additional licensing revenues would cover the costs in the usual way). It would be inappropriate for the Council to consider any further addition to Licensing workload at this point.

Furthermore, the T&F Group believed that the evidence gathered to date to justify licensing all HMOs was indicative but not yet conclusive. Additional Licensing should (and could) only be done if the Council was satisfied that a significant proportion of unlicensed HMOs had problems such as Category 1 Health and Safety issues, or other poor living conditions, or amenity impacts due to mismanagement. After hearing from officers, student tenants, and residents, the T&F Group considered this to be likely due to a) substantial improvement in adherence to licence conditions for the currently licensed HMOs after introduction of the scheme, and b) recent inspections of HMOs with three or four tenants revealing significant issues. However, more work was required as proposed in 2.8a, b and c to enable the right decision to be reached during 2018.

Further evidence for the benefits of additional licensing came from several other local authorities that had successfully implemented it such as Oxford, Bath, Portsmouth and Southampton, at no net cost to the authority. Of 20 authorities surveyed, 10 had introduced additional licensing, four of them were of similar size to Leamington.

In the months prior to the final report from the T&F Group, the Deputy Chief Executive & Monitoring Officer had worked to ensure that enforcement was more joined up across departments. This had already led to improved co-operation between Officers to ensure that all areas of enforcement were covered.

From meetings with Officers, the T&F Group had found that there were still areas, including HMO licensing, where enforcement action was insufficiently coordinated.

The T&F Group felt that it was essential that this work continued to make enforcement more consistent across all areas and so that any breach of an HMO licence was reported, shared and investigated.

A large number of Council Tax exemptions in Warwick District were on properties that were HMOs, and occupied by students, meaning that WDC did not get Council Tax directly from properties but were compensated by central Government's Revenue Support Grant (RSG).

The T&F Group took note of the work of the Finance and Audit Scrutiny Committee, which had commissioned a report from the Finance Manager of the Council regarding some of the impacts that reduced financial support from Government was having at a local level. This included the impact that student council tax exemptions were having on Council Finances.

The T&F Group acknowledged the Finance and Audit Scrutiny Committee in this area, which suggested that the Council should be liaising with other similar authorities that had a large number of Council Tax exemptions, to ensure adequate compensation was secured through a clear and fair alternative system, perhaps through Business Rates retention.

Since late summer 2016 some Councillors had access to a Community Map Application which contained a range of maps including one showing all licensed and unlicensed HMOs. It was a useful tool to have and helped give greater information to Officers and Councillors.

In early March 2017, the app was rolled out to all Councillors, whatever device they were using meaning all councillors could access the information. However, the App was only as good as the information on it and the information was shared by the IT team once they had received it from each department. Therefore, again more work must be done to make sure all departments were providing data in a timely manner.

The option of not making changes in current policies and practices was considered but would not solve the current difficulties for residents, Officers and the environment.

The option of using existing powers to prosecute more frequently was considered but the T&F Group had been advised that this could: damage relationships with landlords and tenants; be seen as disproportionate; and lead to more Court cases being lost.

With the permission of the Leader, a representative of South Leamington Area Residence (SoLAR) addressed the Executive on this matter.

Councillor Naimo, summarised the significant work involved by all involved with the Task & Finish Group and thanked them for their efforts.

The Executive thanked the T&F Group for their work and recommendations. They also thanked the public for attending and assisting with the review. While this was a key area the Council could act upon it was important to recognise that the cost should not fall on the residents of the District but on those who caused the problem.

Resolved that

(1) the draft Community Protection Notices (CPN) Waste Policy being developed by Neighbourhood Services, be supported and that following the approval of the Policy by the Portfolio Holder, there should be a cost-effective system developed to pilot this Policy, as soon as possible;

(2) officers work with its existing waste contractors, and others, to develop a scheme

for waste/recycling collection from HMO properties at peak end-of-lease times, for use by landlords and tenants; in particular working with local charities and student organisations, as seen in other areas of the country;

(3) improvements to the management of the noise nuisance service, be made, by:

a) reviewing the current process to ensure that noise nuisance can be reported at the time of the nuisance, and that it is followed by prompt action;
b) ensuring the processes and procedures are clear and concise, making these publicly and easily accessible on the WDC website;
c) ensuring that the responsibilities of landlords within the HMO licensing regulations, for this issue, are enforced, for example through licensing conditions or curtailment;
d) ensuring appropriate powers are used for HMO noise nuisance by closer coordination between departments;

(4) ensures the H6 Planning Policy is consistently and fully applied, with immediate effect, as laid out; this is in particular respect of the following provisions:

a) providing the percentage of all HMOs within a 100m radius at the point of planning validation, and making it publicly visible on the Planning Portal;
b) giving proper and significant weight to the overall objectives of the policy, notably with regard to the preventative approach to minimising community and longer-term harms specified in 4.61, 4.62 and 4.64, as per recent legal advice arising from a Complaint;
c) where an exception to the policy is recommended by Officers, setting out the reasons and assumptions clearly and in detail (again following legal advice);
d) applying clause e) in the H6 policy regarding the provision of adequate waste container storage;
e) clarifying how Purpose Built Student Accommodation should be counted when applying the ’10% rule’ for

limiting concentrations of HMOs in the designated area;

f) noting that the concentration of HMOs in areas outside the designated Article 4 area is growing, but is not yet of the type and scale which justifies recommending immediate action; however trends should be carefully monitored and the Overview & Scrutiny Committee should review the position annually;

(5) supports and welcomes the Executive's decision to develop a Student Housing Strategy, and asks officers to urgently develop within this a Student Accommodation Policy to:

a) facilitate the development of Purpose Built Student Accommodation (PBSA) distributed across suitable District locations, as a better way of meeting need than conversion of existing family properties to HMOs ;
b) encourage all PBSAs to include on-site management;
c) review parking policies with PBSAs, in particular on student tenant vehicle use; and provide both adequate off-street parking for all new HMO proposals and adequate, secure cycle parking in all cases;

(6) reviews and adjusts the current licensing and reporting arrangements for HMOs, in the lead up to the extension of statutory HMO licensing, due in 2017. This review should include:

a) adding a condition on HMO licences that they are not operational until appropriate planning consents are in place;
b) licensing inspections being given more weight, than at present, to issues that are regarded as unsatisfactory and unacceptable, but are not Category 1 Health and Safety issues, in the approval process;
c) requiring landlords to undertake remedial work within specified timeframes following inspections;
d) requiring landlords to incorporate appropriate rules and penalties within

their leases so that they can deal effectively with tenants who are causing serious Anti-Social Behaviour (ASB) issues, as identified by the Council and for which landlords are responsible under HMO regulations;

e) introducing flexibility in the process by allowing shorter licence cycles and higher licence costs for landlords causing concern, and imposing formal conditions on landlords who do not take appropriate and timely action;

(7) reviews the Council's Fit and Proper Test for licensed HMO landlords, for both new applications and renewals, to include such requirements as:

a) definition of a fit and proper person;
b) financial suitability;
c) a valid formal Disclosure and Barring Service (DBS) check, the cost of which to be borne by the applicant;
d) honest disclosures of relevant information such as planning decisions
e) a history of all breaches of regulations, such as those relating to management of waste, provision of waste containers, external condition of property and noise nuisances, whether at the property being licensed or other properties under the same agent/landlord;

(8) asks officers to collect evidence, to enable a rational decision to be made in due course, whether to introduce additional licensing to all HMOs across the District, including:

a) maintaining, for current and future years, their comprehensive database of inspections of all HMO and Private Sector rented properties, that includes address, name of landlord, type of property (whether it is a licensed or unlicensed HMO), reason for inspection, nature of issues and how quickly they were addressed;
b) recording and reporting on the benefits and costs of extending statutory licensing to a further 250-300 premises during 2017;
c) undertaking a substantial questionnaire survey of all HMOs, that allows the results between licensed and unlicensed

HMOs to be compared, randomly inspecting various HMO properties and recording results, and asking tenants and near neighbours to HMOs about their management;

(9) endorses the work by the Deputy Chief Executive & Monitoring Officer to review enforcement work across the Council, and recommends that co-ordination across the relevant departments is improved to make full use of HMO licensing and regulatory powers;

(10) acknowledges the work of the Finance & Audit Scrutiny Committee that is looking at implications of changing local government financial support to ensure that the Council Tax exemptions on properties continue to be fully funded by government;

(11) commends the roll out of the community map app to all Councillors including the full HMO mapping system; and

(12) In addition the Overview & Scrutiny Committee receives a report from officers in twelve months' time, outlining the progress made to date on the above recommendations.

(The Portfolio Holders for this item were Councillors Phillips, Rhead, Grainger and Thompson)

5. Update of Indoor Sports Facilities and Playing Pitch Strategies

The Executive considered a report from Cultural Services which sought approval for the allocation of up to £30,000 from the Contingency Budget to allow for the data collection and analysis for outdoor sports provision, the production of a revised Playing Pitch Strategy, and the re-run of the Sport England Facilities Planning Model (FPM) for Kenilworth, to allow the Indoor Sport and Leisure Strategy to be revised where necessary.

In addition, Members were asked to approve an exemption, in line with the Code of Procurement Practice (COPP), to allow the contract for the work to be awarded to Neil Allen Associates (NAA), the company that had carried out the original work in 2013/14. NAA were originally procured through a full procurement process and were selected following a detailed evaluation of their submission.

The report advised that the Council adopted the Playing Pitch and Outdoor Sport Strategy (PPS) and Indoor Sports and Leisure Strategy in 2015. These documents had both been essential in providing evidence for the Local Plan and in the negotiation of Section 106 contributions

from developers. The strategies also informed the detail of Phase I of the Leisure Development Programme, the investment in Newbold Comyn and St Nicholas Park Leisure Centres, and the successful award of the £2 million Sport England grant.

The strategies were both informed by data on the supply and demand of sports facilities in the District and, therefore, there was a need to ensure that this data was up to date and relevant. Hence this request to update the data and refresh the strategies so that they remained current and robust documents that could be used as evidence for future plans.

The revision of the Local Plan, with particular reference to Kenilworth and the area south of Coventry, would result in significant growth in population, and therefore increased demand on sporting facilities. The changing picture in the north of the District was also compounded by the improved and expanded sports facilities at Warwick University, which were currently in construction and due for completion in 2018, and a commitment to significant capital investment in sporting infrastructure by Coventry City Council. The previous audit had shown that there was significant migration across the District boundary between the Kenilworth area and Coventry and, therefore, it was essential that the impact of this was taken into consideration when planning for future provision in the north of the District.

The report advised that Phase I of the Leisure Development Programme was now underway and would see vastly improved and extended leisure centres in Leamington and Warwick by Spring 2018. Any updated audit would recognise these new facilities and the impact that they would have on local residents in terms of opportunities for participation in physical activity.

Furthermore, the report noted that that alongside the expansion of Council facilities, there had been an increase in private health & fitness provision in the area since 2013/14. The intervening years had also seen new trends in physical activity come and go, and notably a new focus and strategy from Sport England, "Towards an Active Nation". This recognised the need to widen the scope of what was considered to be "sport and fitness" to include more informal recreation, outdoor exercise and volunteering in the sector and to make sport more accessible for all. These changes should be considered in any refreshed strategy or action plan that the Council adopted in the future.

The proposed timeline for the works set out in the report envisaged that the new PPS would be produced in Autumn 2018.

In light of the changes outlined in section 3.2.1 – 3.2.4 of the report, officers, in consultation with Sport England and NAA, had discussed the best approach to updating the two strategies. It was considered that the PPS was in need of a complete refresh to reflect the new methodology from Sport England and the changes in demand and provision in the district.

The PPS Action Plan had been monitored by the Council in partnership with key National Governing Bodies (NGBs) from football, hockey, rugby

and cricket. The "PPS Group" which brought together officers, NGB regional representatives and the County Sports Partnership (CSW Sport) was seen as an exemplar of how a PPS should be owned by the range of partners and be a live document that evolved over time. It was proposed that working in partnership with the NGBs, the provision of playing pitches was re-audited in order to refresh the baseline data. Recommendation 2.1 in the report sought approval for a budget to engage NAA to gather the new data on behalf of the Council and use the data and the Sport England methodology to develop a revised PPS and associated action plan that reflected the most up to date position.

The Indoor Sport and Leisure Strategy was reviewed in 2015, just prior to adoption by Members, and was considered to be sound, despite the University of Warwick and Coventry sports infrastructure developments. Having taken advice from NAA, it was considered that the Indoor Sport and Leisure Strategy largely remained valid and had now moved into the implementation phase. Therefore, it was not necessary to re-write this Strategy.

It was proposed that the Sport England Facility Planning Model was re-run just for the north of the District (Kenilworth). This would allow the current position and the impact of the recent developments and proposed housing growth in this part of the District to be captured, and the Indoor Sport and Leisure Strategy Action Plan to be updated.

With regard to the COPP, the report stated that Executive approval was required for an exemption where the total contract value exceeded £20,000. The cost of the works described in the report had been estimated at £20,000 to £30,000, depending on the detail of the project specification. This would be confirmed once the Executive had considered this report.

An exemption also had to be sought where new works or services were required which were a repetition of works or services carried out under the original contract. For EU contracts, the new works or services must have been required within three years of the original contract, and the contract notice must have stated that a new contract might be awarded by negotiation.

NAA was considered to be a market leader in undertaking this type of work. They worked closely with Sport England in the development of methodologies that allowed organisations to undertake the type of work proposed in the report. Working with NAA and Sport England, the Council had the opportunity to be at the forefront of developing a new approach that encompassed new Sport England methodology, to ensure that appropriate and modern facilities were provided for local people to participate in their chosen activity.

Alternatively, a decision could be taken not to update the baseline data that informed the PPS, and to continue to deliver on the Action Plan included in the 2015 strategy. However, as the District grew and provision evolved, both the PPS and the Indoor Sports and Leisure Strategy would become out of date and irrelevant. Both documents would no longer be considered to be robust evidence to underpin

negotiations with developers and requests for S106 requirements in planning decisions. Without this robust evidence, the Council would not be able to secure financial contributions to deliver the necessary infrastructure to support new developments that were being delivered through the Local Plan. The Council would also be in a weaker position in working with Sport England and a range of NGB's to deliver quality sports provision across the District, both in terms of the delivery of sport and securing any future financial contributions from Sport England or individual NGBs.

The Finance & Audit Scrutiny Committee supported the recommendations in the report. Concerns were raised about the lack of competition in that specific market.

In response, the Executive advised that it recognised the perceived lack of competition within the market and the risk associated with publicising the budget available. However, NAA was recognised by Sports England as leading in this area of work.

Resolved that

(1) an allocation of up to £30,000 be approved from the Contingency Budget for the data collection and analysis for outdoor sports provision, the production of a revised Playing Pitch Strategy, and the re-run of the Sport England Facilities Planning Model (FPM) for Kenilworth to allow the Indoor Sport and Leisure Strategy to be revised where necessary; and

(2) an exemption in line with the Code of Procurement Practice be approved to allow the contract for the work to be awarded to Neil Allen Associates (NAA) who carried out the original work in 2013/14.

(The Portfolio Holder for this item was Councillor Coker)
Forward Plan reference number 868

6. **Abbey Fields Footpath Improvements – Feasibility Study**

The Executive considered a report from the Deputy Chief Executive (AJ) which sought approval to undertake a feasibility study of improvements to a specific path in Abbey Fields, Kenilworth. Should the outcome of that study prove positive, approval was sought for works to be commissioned to undertake the agreed improvements.

Abbey Fields was set in the valley of the Finham Brook and enjoyed views of the historic town and Kenilworth Castle. Grassy slopes, a lake, historic buildings and veteran trees recalled Abbey Fields' past as the farmland of St Mary's Abbey, whose ruins adjoined the park. Because of its important heritage, Abbey Fields was a Scheduled Ancient Monument (SAM).

The report advised that running from Kenilworth High Street, a footpath of approximately 260 metres extended to an area which included the swimming pools, play area and tennis courts. With a drop in levels of 11 metres (36 feet) from High Street to the area described above, the majority of the drop occurred in the first 60 metres. Park users had reported that the footpath was in need of improvements and was difficult to negotiate for those with mobility and sensory impairment, and those with prams or wheelchairs.

In addition, constraints could potentially be imposed on any improvements because the area was designated as an SAM, which imposed severe restrictions on any ground disturbance earthworks and excavations. Any new pathway proposals and/ or alterations to the existing path would require the prior permission of Historic England. Although there was no specific legislation on the Disability Discrimination Act compliance of pathways and outdoor access (Building Regulations were only applicable to Buildings and immediate site access), published guidance on the issue from The Sensory Trust advised that gradient and length of slope must be considered together. At times, a slightly steeper gradient over a shorter distance may be more acceptable than a gentle one over a longer distance. Sustained gradients of more than one in 20 must be interrupted by level rest areas at maximum distances of 30 metres.

Furthermore, given the status of the site in question, there were many organisations that would need to be consulted during the feasibility study. Officers proposed to engage and consult fully with those interested parties and only proceed with the works should there be a consensus as to the way forward. The Deputy Chief Executive (AJ) would be responsible for leading the consultation in collaboration with Councillor Grainger, Portfolio Holder for Neighbourhood Services.

An initial estimate indicated that to remove and relay the existing footpath, increased to 1.2 metres wide, would cost circa £25,000.00. Should the consultation determine that an additional graded route to meet the needs of those with mobility problems was required, this cost was estimated at circa £25,000.00.

If the scheme was to proceed, the location of a new route and groundworks involved would require detailed design, consent from Historic England and quotations for work to be obtained. Consequently, whilst officers had been able to provide an estimated cost based on an initial idea for footpath improvement, at this point it was not possible to say definitively what the cost of the improvements would be. Therefore, recommendation 2.2 in the report proposed a degree of latitude, thereby enabling work to progress if considered appropriate.

No alternative options to embarke on a comprehensive consultation process had been considered.

The Finance & Audit Scrutiny Committee supported the recommendations in the report.

Following a question, the Executive discussed the appropriate funding stream for this piece of work and agreed that the recommended budget was appropriate.

Resolved that

(1) officers should consult and engage with all interested parties to determine the feasibility of improving the footpath in Abbey Fields, Kenilworth as identified at Appendix A to the report; and

(2) £55,000 (estimated costs plus 10% contingency) be released from the Community Projects Reserve to undertake the improvements. Should the cost be more than this, authority is delegated to Deputy Chief Executive (AJ) and Section 151 Officer, in consultation with the Portfolio Holders for Neighbourhood Services and Finance, to agree additional funds up to a total maximum of £100,000.

(The Portfolio Holder for this item was Councillor Grainger)

7. Disposal of WDC land to the rear of 2-10 The Square, Kenilworth

The Executive considered a report from the Asset Team that proposed the disposal of land adjoining the rear of 2–10 The Square, Kenilworth.

The land in question, shown hatched on the plan at Appendix One to the report, covered an area of approximately 89 square metres and was located to the rear of 2-10 The Square, Kenilworth, shown in cross-hatch on Plan 2 to the report. It was owned by WDC and currently used as a landscaped area of open space at the entry to the Council owned Square West pay & display surface car park. A 'Square West Pay & Display Car Park' sign was currently located on this land.

The owners of 2-10 The Square approached the Council towards the end of 2016 with a proposal to purchase the land, in order to assist them with the refurbishment of a disused outbuilding at the rear of their properties (shown on Appendix One) by providing access and egress to the rear and/or potential additional car parking spaces for both the refurbished outbuilding and 2-10 The Square. These proposals would allow their existing access from The Square public highway to be retained, creating a safer one way traffic stream to and from 2-10 The Square and the future refurbished outbuilding.

Access to and from the Square West car park was via a private driveway owned by Warwickshire County Council (WCC). Consequently any agreement on the proposed new access arrangements at the rear of 2-10 The Square, utilising the land in question, would require approval for access over WCC's land. Discussions had been held with WCC who were prepared to give their consent, subject to them receiving a third of

the consideration that this Council received for the sale of the land in question.

Terms & conditions for the sale of the land in question had been negotiated between WDC and the owners of 2-10 The Square. These were private & confidential as they fell within the provision of information that related to the financial or business affairs of any particular person, including the authority holding that information, hence they were set out in full in Confidential minute10.

The proposal would make good use of land without detriment to the operation of the car park. There would be a small saving on grounds maintenance and a small parcel of land would be retained by the Council to enable the car park entrance sign to be retained in this location. This retained area would also have the capacity to accommodate footpath access to the car park from The Square, if this was required in the future.

The alternative was not to proceed with the proposed disposal. This was not recommended as it would not deliver the benefits set out in section 5 of the report.

Resolved that the disposal of the land at the rear of 2-10 The Square, Kenilworth, hatched on the plan attached as Appendix One to the report, be approved subject to terms & conditions listed in confidential Minute 10.

8. **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 Nos.	Para Nos.	Reason
9 & 12	1	Information relating to an Individual
9 & 12	2	Information which is likely to reveal the identity of an individual
10 & 12	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)
11	5	Information in respect of which a claim to legal professional privilege could be maintained

in legal proceedings.

The full details of Minutes 9 to 12 will be set out within the confidential minutes of the meeting.

9. **Health & Community protection and Neighbourhood Services – Potential Redundancy**

The Executive considered a report that set out the potential staff redundancy consequences of the Health and Community Protection Restructure and from the Neighbourhood Services redesign. The new structures were approved by Employment Committee on the 22 March 2017 and the matching process had been completed, with the potential outcome detailed in this report.

The Overview & Scrutiny Committee noted the report.

Resolved that

(1) the potential redundancy resulting from the Health and Community Protection Restructure and from the Neighbourhood Services Redesign, be noted; and

(2) the redundancy funding be approved from the Early Retirement Reserve which has a current unallocated balance of £183,000.

10. **Disposal of WDC land to the rear of 2-10 The Square, Kenilworth**

The Executive considered a report from the Asset Manager that set out the proposed terms for the disposal of land adjoining the rear of 2-10 The Square, Kenilworth, as described in a public report elsewhere on the agenda.

Resolved the disposal of the land at the rear of 2-10 the Square, Kenilworth, as hatched on the plan attached as Appendix One, to the public report, subject to the confidential terms & conditions listed be approved.

11. **Note of decision taken under the Chief Executive's Emergency Powers**

It was resolved that the use of the Chief Executive's emergency powers in consultation with Group Leaders under CE (4) of the Council's consultation be noted.

12. **Confidential Minutes**

The confidential minutes of 5 April 2017 were taken as read and signed by the Leader as a correct record.

(The meeting ended at 6.51pm)