

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE RESOURCES BOARD

22 May 2017

Present: Councillor D Wright in the Chair

Councillors Chambers, Davey, Davis, N Dirveiks, Humphreys, Lea, Moss, Phillips and Waters

Apologies for absence was received from Councillors Henney (Substitute Councillor Phillips) and Simpson (Substitute Councillor Humphreys)

1 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Lea declared a non-pecuniary interest in Minute No 15 (land at Trinity Close, Warton) and took no part in the discussion or voting thereon and Councillor Humphreys declared a non-pecuniary interest in Minute No 21 (Land Issues), left the meeting and took no part in the discussion.

2 **Minutes of the Resources Board held on 30 January 2017**

The minutes of the meeting of the Board held on 30 January 2017, copies having previously been circulated, were approved as a correct record and signed by the Chairman.

3 **Public Participation**

Mr D Pickard of Atherstone asked the following question:-

In December 2013, North Warwickshire Borough Council (NWBC) completed a sale of Atherstone Arcade to Atherstone Town Council (ATC). The sale was at a value discounted by 50% of the then market price of £200,000 on condition that ATC put the building into community use. This was done in good faith by that administration, after having received a detailed expression of interest on a NWBC tender document (copy attached for reference of members).

A covenant regarding community use was put into effect and was to be monitored subsequently by Resources Board. I understand, however, that this does not happen.

ATC have made a number of, largely restorative, H&S changes to the building fabric. The largely pre-existing shops and commercial leases still operate for the ground floor while ATC collect the rent. A ground floor toilet has been installed, exclusively for the use of the shops. There has been no visible action to use the vacant upper floor for community use, or for a much needed Town Centre Council Chamber and offices. There is no community use whatever and specialists are not engaged in structural discussions. A public 'consultation' request with a closing date of 31 Jan 2016 appears to have been abandoned.

There remains, therefore an absence of community space for use either by ATC or groups around the town or in Atherstone's hinterland.

It appears that now, ATC are renegeing on their public duty to provide the public space that they had previously advocated and requested for this community asset. This also appears to be in conflict with the contract of sale between NWBC and ATC.

Since this conflict is in direct contravention of the sales agreement, How does NWBC defend a loss of £100,000 by discounting for public use, while abjectly failing to monitor the progress of ATC in approving its jointly approved plans?

Can NWBC Resources Board explain how the general public cannot regard this shabby saga as being deliberately obscured from the relevant taxpayers?

The following response was given by Councillor D Wright, Chairman of Resources Board:-

The Contract of Sale of the Arcade to Atherstone Town Council includes a covenant which lasts for a minimum of five years but also for as long as the Town Council remains the owner of the property. That covenant requires Atherstone Town Council to make all reasonable efforts to allow and encourage Community use of the building.

In addition, there is a ten year restriction on the sale of the property which protects the Borough Council in relation to the originally discounted sale price.

The Arcade is under the ownership of Atherstone Town Council who are now responsible for the maintenance, upkeep and any future refurbishment of the building.

It is understood that the Town Council is in the process of writing to Mr Pickard to answer similar questions which he has raised with them on this same issue.

The Town Council is required to submit reports on Community Use and such reports are now considered by the Community & Environment Board following a decision made by the Council's Resources Board in June 2015. It is understood that the Town Council will submit a report on Community Use at the Arcade to the Community & Environment Board in time for its next meeting.

4 Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April 2016 - March 2017

The Chief Executive and Deputy Chief Executive informed Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Resources Board for April 2016 to March 2017.

Resolved:

That the performance achieved, as set out in the report of the Chief Executive and Deputy Chief Executive be noted.

5 Internal Audit – Plan of Work for 2017-18

The Deputy Chief Executive explained the basis upon which the Audit Plan for 2017-18 had been developed, using a variety of sources of information, to ensure that all appropriate aspects of service activity continued to be embraced as part of the approved three year review programme.

Resolved:

That the Audit Plan be approved.

6 Homelessness Service Update

The Assistant Director (Housing) provided an update on the current homelessness service and current trends and information about the Homelessness Reduction Bill and Implications for the Council.

Resolved:

- a That the current homelessness situation and trends be noted;**
- b That the implications of the Homelessness Reduction Bill be noted; and**
- c That a designated Homeless Persons Officer is recruited.**

7 Tenant Partnership Agreement 2017/18

The Assistant Director (Housing) presented the Council's Tenant Partnership Agreement to the Board for their consideration and provided background information about the regulatory framework for social housing landlords.

Resolved:

- a That the Homes and Communities Agency's regulatory requirements are noted;**
- b That the revised Tenant Partnership Agreement be agreed; and**
- c That the tenant participation activities undertaken during 2016-17 highlighted within the Tenant Partnership Agreement be noted.**

8 Payroll System

The Assistant Director (Finance and Human Resources) reported that notification had been received from Warwickshire County Council that the charge it made for running the Council's payroll system would increase from April 2017. Approval was sought for a supplementary estimate to cover this increase.

Recommendation to Executive Board:

That a supplementary estimate of £5,970 be approved.

9 Risk Management Annual Report 2016/17

The Assistant Director (Finance and Human Resources) informed Members of risk management actions undertaken during 2016/17 and the risks identified for 2017/18.

Resolved:

That the report be noted.

10 Annual Treasury Report for 2016/17

The Deputy Chief Executive reported on the out-turn for 2016/17, highlighted any areas of significance and sought to clarify a potential area of confusion in the 2017/18 Investment Strategy.

Resolved:

- a That the Annual Treasury Report for 2016/17 be noted;**
- b That the 2017/18 Investment Strategy be amended to include the clarification as set out in the report of the Deputy Chief Executive;**

Recommended:

- c That the Annual Treasury Report be approved; and**
- d That the amended 2017/18 Investment Strategy be approved.**

11 Rent Collection Policy

The Assistant Director (Housing) presented an updated rent collection policy and outlined how the Council would manage the collection of rent from tenants living in its housing stock.

Resolved:

- a That the excellent rent collection performance at the end of the 2016/17 financial year be noted; and**
- b That the updated Rent Collection Policy as set out in Appendix A to the report of the Assistant Director (Housing) be adopted with immediate effect.**

12 Members' Allowances Out-turn for 2016/17

The Assistant Director (Finance and Human Resources) advised Members of the allowances paid for 2016/17 and presented a revised appendix for allowances paid in 2015/16.

Resolved:

That the report be noted.

13 Flexible Tenancy Policy

The Assistant Director (Housing) sought approval for a policy approach to the management of Flexible Tenancy types in the Council's stock.

Resolved:

That the Flexible Tenancy Policy be adopted.

14 Exclusion of the Public and Press

Resolved:

That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information as defined by Schedule 12A to the Act.

15 Land at Trinity Close, Warton

The Assistant Director (Housing) asked the Board to consider the terms of sale for the development of its land off Trinity Close, Warton.

Recommended:

- a That the land be declared surplus to requirements; and**
- b That the Council's land off Trinity Close Warton as set out at Appendix A to the report of the Assistant Director (Housing), be sold in accordance with the valuation recommended by the independent Valuer.**

16 Garage Site – Church Lane Middleton

The Assistant Director (Housing) provided the Board with information about the Council's garage site at Church Lane Middleton.

Resolved:

- a That the condition of the garage site at Church Lane Middleton be noted; and**
- b That Middleton Parish Council be consulted before any decisions are made about the future of this site.**

17 Irrecoverable Local Taxation Debts

The Assistant Chief Executive (Community Services) detailed the amounts recommended for write off in accordance with the write off policy agreed by the Resources Board on 23 May 2016.

Resolved:

- a That the write off of balances over £5,350 totalling £46,842.78 in respect of unpaid Non Domestic Rates, as outlined in Appendix A which have already approved for write off under the Chief Executives Emergency Powers, be noted; and**
- b That Appendix B which summarises the total amount of write offs in the year to date and over the last 5 years, which includes those written off by the Assistant Chief Executive (Community Services) under delegated powers, be noted.**

18 Request to Purchase Land

The Assistant Director (Housing) informed the Board about a request to purchase land in the Council's ownership in Old Arley.

Resolved:

That the request to purchase the piece of land in Old Arley shown at Appendix A to the report of the Assistant Director (Housing) be refused.

19 Housing Maintenance Service

The Assistant Director (Housing) updated Members with regard to progress to improve the Housing Maintenance service for tenants and reported on proposed changes to the staff structure of Housing Direct Works.

Resolved:

- a That the current structure of the Asset Management Section be sustained until March 2018;**
- b That the role of Quantity Surveyor within the Asset Management Section be replaced by the role of Senior Surveyor;**
- c That the revised structure for the Housing Direct Works Section set out at Appendix A to the report of the Assistant Director (Housing) be agreed and implemented; and**
- d That the new job descriptions that support the revised structure are considered by the Special Sub-Group in advance of the implementation.**

20 Complaint Following Stage 2 Response

The Assistant Director (Housing) detailed a complaint against the Council with regard to decision making in relation to a claim for Housing Benefit, Council Tax Support and an application to join the Housing Register.

Resolved:

That the complaint made against the Council be not upheld.

21 **Land Issues**

The Assistant Director(Streetscape) and the Assistant Chief Executive & Solicitor to the Council updated Members on issues relating to land ownership at Sheepy Road, Atherstone and the steps being taken to date to tackle them. Members' view were sought on their preferred approach on a number of related matters.

Resolved:

- a That the contents of the report be noted;**
- b That the actions taken to date be endorsed and delegated authority be given to the Assistant Chief Executive and Solicitor to the Council to take all necessary steps, including legal action, in respect of the issues highlighted in this report and all associated matters;**
- c That the proposed course of action outlined in the report of the Assistant Chief Executive & Solicitor to the Council be agreed; and**

Recommendation to Executive Board:

- d That a budget is established, as set out in the report of the Assistant Chief Executive & Solicitor to the Council, to meet the potential cost of any future legal action.**

D Wright
CHAIRMAN