

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE EXECUTIVE BOARD

12 February 2018

Present: Councillor Humphreys in the Chair

Councillors Chambers, Davey, Farrell, Gosling, Hayfield, Simpson, Smith, Sweet and D Wright

An apology for absence was received from Councillor Phillips (Substitute Councillor Sweet).

Councillors Bell, Clews and Symonds were also in attendance.

56 **Disclosable Pecuniary and Non-Pecuniary Interests**

None were declared at the meeting.

57 **Public Participation**

The following question was received from Andrew Crow:

“If NWBC adopts the recommendations for Arley Sports Centre as described in the Strategic Leisure report what are the Council's plans for:-
a. Financing the required improvements prior to handover to a third party? b. A time frame for finding a suitable third party operator? and c. If item (b) above is unsuccessful, what would be the time frame for final closure and what, if any, plans are there for the building?”

The response from Cllr. D Humphreys, Chairman of the Executive Board was as follows:

“At this moment in time, the Borough Council has not determined its response to the external consultants’ recommendations in respect of Arley Sports Centre. It is not possible, therefore, to comment on the nature of any financial commitments to be made, either prior to or within any future agreements with potential third parties, since the desirability, or otherwise, of any such agreements has not yet been determined.

Given the foregoing, there is no established timeframe for either finding a third party operator of the Sports Centre or the facility’s closure. Further, the Borough Council has no plans for the building beyond its current use as a leisure facility.”

The following question was received from Roger Power:

“How is the Council going to address the factual inaccuracies within the Strategic Review report and the consequential impacts on its findings. a.

The report states that Arley Sports Centre is the only Centre in the borough that is accessible during the day, this is not correct since 1st November 2016 it has been closed up until 4.00 pm on Mondays, Tuesdays, Wednesdays and all day Fridays, although since that date there has been a partial re-opening on Monday mornings. b. The percentage usage figures should also be questioned as they appear to be based on full opening times each day, clearly from section (a) above this cannot be correct. c. Since the opening hours were adjusted the Centre has been used by the local Arc-schools and other schools during the day, has this been factored into the usage percentages? d. Despite KASCO providing details of other users of the Centre neither they nor the Parish Council have been contacted for their views.”

The response from Cllr. D Humphreys, Chairman of the Executive Board was as follows:

“In reply to Mr Power, I shall take each of his points in turn and in the order presented in his question:

How is the Council going to address the factual inaccuracies within the Strategic Review report and the consequential impacts on its findings.

The Borough Council is aware of a number of inaccuracies and inconsistencies within the various component parts of the Strategic Leisure Review. Both leading Councillors and Officers have addressed the issue of inaccuracies with the external consultants, further to which some amendments have been made within the various draft documents. A number of inaccuracies remain, however, but the Administration was of the opinion that it was important that the process advanced to the point at which the Review could be considered by Councillors. It is not felt that the inaccuracies fundamentally impact on the key recommendations being made by the consultants. Subject to the decisions made by Councillors, Officers will be instructed to produce final Strategies that are factually accurate.

The report states that Arley Sports Centre is the only Centre in the Borough that is accessible during the day, this is not correct since 1st November 2016 it has been closed up until 4.00 pm on Mondays, Tuesdays, Wednesdays and all day Fridays, although since that date there has been a partial re-opening on Monday mornings.

At its meeting held on 29 June 2016, the Community and Environment Board resolved to amend off-peak opening hours at Arley Sports Centre in order to ensure that the level of revenue savings previously identified by the Authority could be achieved. In so doing, it also resolved that where off-peak opening hours were amended, opportunities were taken to make the Sports Centre available for appropriate alternative / community use, provided that there was no direct increase in cost to the Borough Council is doing so. On the same day, these decisions were

approved by Full Council. The Sports Centre, therefore, remained available and accessible for appropriate forms of use, a number of which were found, including the activities referred to on a Monday morning and the use made by various schools (also referred to by Mr Power).

The percentage usage figures should also be questioned as they appear to be based on full opening times each day, clearly from section (a) above this cannot be correct.

Subsequent to receipt of the question from Mr Power, the consultants have confirmed that the figures and financial modelling were based on financial information supplied by the Authority that was correct at the time. The consultants additionally commented that they have made reference in their work to the reduction in opening hours at Arley Sports Centre contributing to a lower throughput.

Since the opening hours were adjusted the Centre has been used by the local Arc-schools and other schools during the day, has this been factored into the usage percentages?

The consultants were aware of the use being made of Arley Sports Centre by local schools. Indeed, consultation was invited from them by the consultants. With the exception of Nursery Hill Primary School, however, the schools did not engage in this process and precise usage figures were not available as the schools supervise and staff this use, not the Borough Council.

Despite KASCO providing details of other users of the Centre neither they nor the Parish Council have been contacted for their views.

The external consultants were responsible for the consultation process associated with the Strategic Leisure Review. Indeed, the consultants engaged KASCO in this process, both as a consultee and as a provider of contact details of potentially interested parties. Subsequent to receipt of the question from Mr Power, the consultants have confirmed that they asked for contact details of groups / individuals, but received no further details from KASCO other than those exchanged with their consultation meeting. The consultants pursued all suggested outlets for consultation, including those received from the Borough Council. Further, the consultants asked for, and received, help from the Authority's leisure centre staff and surveys were placed in each of the facilities. Despite three rounds of survey consultation, the level of response was poor. All parish / town councils were contacted by the consultants. Only seven responded, but these did not include Arley Parish Council.

Further to receipt of Mr Power's question, the consultants have additionally commented that the usage figures at Arley are one part of the overall picture. Their rationale for the recommendations is that overall usage at Arley Sports Centre is low and the operational costs high."

The following question was received from Karen Birch:

"On the 22nd May 2016 a petition was presented to the Council Leader which contained some 4500 signatures from local residents who required that Arley Sports Centre should:-

- a. Remain under local authority control/management.
- b. Have financial investment to ensure that the Centre was fit for purpose for the foreseeable future, something that following the systematic run down of the last few years it certainly is not!
- c. In September 2016 the residents of Arley voted in a referendum to accept or reject the "Neighbourhood Plan" this plan was accepted by an overwhelming majority and is now being used by NWBC as an example for other areas. This plan included **Arley Sports Centre** as an important asset to the villages.

Can Councillors explain how they have fulfilled the wishes of those voters in the Neighbourhood Plan and those who supported the Petition from the other villages that surround Arley Sports Centre?"

The response from Cllr. D Humphreys, Chairman of the Executive Board was as follows:

"At its meeting held on 29 June 2016, the Council's Community and Environment Board resolved, consequent upon the completion of the community consultation process, to include Arley Sports Centre within the previously approved review of leisure provision in North Warwickshire. The petition presented to me was, of course, part of this consultation process. On the same day, 29 June 2016, Full Council approved this resolution. Since that time, the Centre has remained under the management of this Authority.

Within its approved budgetary provision, the Borough Council has continued to invest in, and maintain, Arley Sports Centre in order to ensure its continued availability for public use. In 2016 / 17, this maintenance investment amounted to a financial commitment of more than £17,000 and included non-programmed work to the Centre's electrical, heating and ventilation systems. In 2017 / 18, additional work has been undertaken to the Centre's roof, its automatic doors and in respect of on-site asbestos. Maintenance expenditure of approximately £25,000 is anticipated in the current financial year.

The Strategic Leisure Review process has afforded an opportunity for an external assessment to be made of the value and effectiveness of Arley Sports Centre, alongside other facilities and services operated by the Authority. Within their draft reports, the consultants have made reference to the Arley Neighbourhood Plan and the value of the Sports Centre as an important asset for the local community. This Administration has now ensured that Councillors have an opportunity to determine the future of the Centre in light of the recommendations received from the external consultants. As they do so, I have no doubt that they will be mindful of previous considerations of this issue, of the community based

consultation undertaken in 2016 and of the content of the Arley Neighbourhood Plan.”

58 Minutes of the meeting of the Board held on 20 November 2017

The minutes of the meeting of the Board held on 20 November 2017, copies having been circulated, were approved as a correct record and signed by the Chairman.

59 External Audit Plan 2017-18 & Certification Report 2016-17

The Deputy Chief Executive reported on the external auditors plan for their work related to the 2017-18 financial year and also provided Members with a certification report from the external auditors. Stephen Clark from Ernst & Young LLP was in attendance.

The Chairman paid tribute to Chris Brewer, Deputy Chief Executive, who was retiring on 31 March 2018 thanking him for his contribution and wished him well in his retirement.

Recommended:

That the contents of the external auditors’ plan and report be noted.

60 Corporate Plan 2018/19

The Chief Executive presented the Corporate Plan for 2018/19. Members were also asked to agree the 2018/19 Forward Work Plan for the Assistant Chief Executive and Solicitor to the Council.

Recommended:

- a That the Corporate Plan Targets, as set out in Appendix A to the report of the Chief Executive be agreed, subject to any further amendments which may be needed as a result of the adoption of the 2018-19 budget;**
- b That the Chief Executive be given delegated authority to finalise the format of the Plan; and**
- c That the Service Plan for the Assistant Chief Executive and Solicitor to the Council, as set out in Appendix B to the report, be agreed.**

61 The Proposed 3 Year Capital Programme 2018/19 – 2020/21

Management Team put forward proposals for the Three Year Capital Programme and outlined the availability of capital resources.

Resolved:

- a That the Revised Capital Programme for 2017/18 as set out in Appendix A, be adopted;**
- b That the 3 Year Capital Programme for the period 2018/19 to 2020/21 as set out in Appendix B, be adopted; and**

Recommended:

- c That the prudential indicators as set out in Appendix F to the report, be approved.**

(The Chief Executive has subsequently received a notice signed by Councillors Chambers, Farrell, Sweet and Gosling under Standing Order No 30(1)(b)(Minority Report) with regard to the decision of the Board on this matter and it is therefore referred to Council for confirmation.)

62 General Fund Revenue Estimates 2018 – 2019

The Deputy Chief Executive reported on the revised budget for 2017/18 and an estimate of expenditure for 2018/19, together with forward commitments for 2019/20, 2020/21 and 2021/22.

Resolved:

- a That the revised budget for 2017/18 be accepted; and**
- b That the Estimates of Expenditure for 2018/19, as submitted, be included in the budget to be brought before the meeting for consideration under Minute No. 63.**

(The Chief Executive has subsequently received a notice signed by Councillors Chambers, Farrell, Sweet and Gosling under Standing Order No 30(1)(b)(Minority Report) with regard to the decision of the Board on this matter and it is therefore referred to Council for confirmation.)

63 General Fund Revenue Estimates 2018 – 2019 and Setting the Council Tax 2018 – 2019

The Deputy Chief Executive set out the proposed General Fund Revenue Estimate for 2018/19, and the options available when setting the 2018/19 Council Tax for the Borough in the context of the Authority's Revenue Support Grant settlement, and the effect on General Fund balances.

Recommended:

- a That the savings of £546,750 shown in Appendix I of the report of the Deputy Chief Executive be approved;
- b That revised estimate for the year 2017/18 and the revenue estimates for 2018/19 be approved;
- c That the growth areas set out in paragraph 8.2 be approved;
- d That the Council Tax base for 2018/19, as set out in Appendix G be noted;
- e That the preferred Council Tax option for 2018/19 be agreed by Full Council;
- f That the Deputy Chief Executive's comments on the minimum acceptable level of general reserves be noted;
- g That the manpower estimates for the year 2018/19 are approved; and
- h That a Council Tax resolution be prepared for consideration by the Council, using the recommendations agreed by this Board.

64 Report of Members' Independent Remuneration Panel

The Assistant Director (Finance and Human Resources) reported on the key recommendations of the Independent Remuneration Panel following a review of the current Members' Allowances Scheme. The Board was asked to agree the suggested course of action.

Recommended:

- a That the Independent Remuneration Panel's report, as set out in Appendix A to the report, be noted;
- b That the following be approved;
 - 1) That the Basic Allowance of £4,942, is increased by £35 to cover the costs of Registering with the Information Commissioner;
 - 2) That the Special Responsibility Allowances for the roles listed in paragraph 8.1 of the report remain unaltered;

- 3) That the SRA's for the Chairs of Scrutiny, Housing Sub and Area Forums are removed from the scheme;
- 4) That the Chairs of Special Sub-Group and Licensing Committee, and the Vice Chair of Planning & Development be paid an SRA of £1,745, with effect from 1 April 2018;
- 5) That the SRA, and the qualifying criteria, paid to Members for serving on Appeals Panels is removed;
- 6) That the SRA for the Leader of a Minority Group is fixed at £1,745, payable only when the group has a minimum of 4 members;
- 7) That travel and subsistence allowances are maintained, with the addition of the allowances for travel by motorcycle and bicycle, and the passenger supplement, set out in paragraph 9.2 of the report;
- 8) That no changes are made to the current definition and scope of approved duties for which Members can claim travel allowances;
- 9) That no changes are made to current rates and conditions to the Travel Allowance scheme where Members travel by public or other means of transport;
- 10) That there are no changes to the scope or levels payable in the Dependent Carer's Allowance Scheme, other than that the child care maximum rate should be the living wage; and
- 11) That indexation, as set out in paragraph 11.1 of the report, is applied until March 2022.

65 Update on Contract Standing Orders

The Assistant Director (Corporate Services) sought approval for the proposed update to the Council's Contract Standing Orders which formed part of the Constitution of the Council.

Recommended:

That the changes to Contract Standing Orders as summarised in the report of the Assistant Director (Corporate Services) and included in the Draft Contract Standing Orders at Appendix 1 to the report, be approved.

66 Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April – December 2017

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

Resolved:

That the report be noted and the Safer Communities Sub-Communities be asked to look at the State of the Borough Indicators.

67 Minutes of the meetings of the Safer Communities Sub-Committee held on 5 December 2017 and 18 January 2018

The minutes of the meetings of the Safer Communities Sub-Committee held on 5 December 2017 and 18 January 2018 were received and noted.

68 Minutes of the meeting of the Special Sub-Group held on 18 December 2017

The minutes of the meeting of the Special Sub-Group held on 18 December 2017 were received and noted.

69 Constitution

The Assistant Chief Executive and Solicitor to the Council presented a revised version of the Constitution reflecting the changes made since last reported to the Council. The Board was asked to agree the suggested course of action.

Recommended:

- a That the current version of the Constitution be noted and therefore adopted;**
- b That a Task and Finish Group (comprising 3 Conservative Members and 2 Labour Members – names to be supplied at Full Council) be established to consider any further changes Members may wish to propose; and**
- c That any subsequent proposals be reported to the Executive Board in due course.**

70 **Local Authority Trading Company**

The Deputy Chief Executive presented a report from consultants on options and issues relating to the establishment of a Local Authority Trading Company. The Board was asked to consider whether the Council wished to proceed further.

Recommended:

That the creation of a Local Authority Trading Company be progressed and the production of a business case initiated.

71 **Strategic Review of Leisure and Community Development Services**

The Assistant Director (Leisure and Community Development) updated the Board on the work undertaken by external consultants in respect of the commission to undertake a Strategic Review of Leisure and Community Development Services and to prepare associated supporting draft strategies. Additionally direction was sought from Members with regard to the manner in which the Borough Council should progress various recommendations made by the consultants, most particularly in respect of the draft Leisure Facilities Strategy.

The following recommendations were proposed by Councillor Chambers and seconded by Councillor Gosling

“Recommended:

- a) **That the work undertaken by the external consultants in respect of the commission to undertake a Strategic Review of Leisure and Community Development Services and their preparation of supporting draft strategies be rejected;**
- b) **That a meeting be organised between members and the external consultants to discuss the inaccuracies contained within the published documents;**
- c) **That a further report then be brought back to this board for the consideration of members;**
- d) **That Arley Sports Centre remain open, on the same terms as is now, until the actions of (a), (b) and (c) above have been carried out. No discussions should take place with any third party regarding an asset transfer of this site;**

- e) That, preliminary support be given for replacing Atherstone Leisure Complex and Polesworth Sports Centre on new sites subject to further discussions with the external consultants and local community;
- f) That, discussions begin with Polesworth School about a short-term extension to the dual-use agreement due to expire in December 2018;
- g) That, the supplementary planning policy is withdrawn due to its inaccuracies and a further document is drafted subject to the outcome of (b) above;
- h) That, the consultation period for the Local Plan, in relation to (g) above is extended to allow for further time for consideration of an amended supplementary planning policy;
- i) That an extraordinary meeting of the Executive Board be held to consider the amended documents referred to in (a)-(g) above.”

Upon being put to the meeting the Chairman declared the recommendations to be lost.

It was then proposed by Councillor Simpson, seconded by Councillor D Wright by way of an amendment

“That recommendations b and c in the report of the Assistant Director (Leisure and Community Development) be deleted and replaced with the following

- b That a potential asset transfer of Arley Sports Centre by means of a sole negotiation with Elite Sports Development be pursued as the best option to secure the continued and enhanced leisure facilities in Arley;**
- c That if such a negotiation proves to be unsuccessful the Council pursues this option through an open procurement exercise;”**

Upon being put to the vote the Chairman declared the amendment to be carried.

The substantive motion, proposed by Councillor Humphreys, seconded by Councillor D Wright was then put to the meeting

“Recommended:

- a That the work undertaken by external consultants in respect of the commission to undertake a Strategic Review of Leisure and Community Development Services and their preparation of supporting draft strategies be noted;**
- b That a potential asset transfer of Arley Sports Centre by means of a sole negotiation with Elite Sports Development be pursued as the best option to secure the continued and enhanced leisure facilities in Arley;**
- c That if such a negotiation proves to be unsuccessful the Council pursues this option through an open procurement exercise;**
- d That Members determine if they wish to consider the long-term benefits of replacing Atherstone Leisure Complex and Polesworth Sports Centre on new sites by means of a detailed feasibility study, the outcomes from which would further inform the decision making process;**
- e That Members clarify their expectations in respect of the continued operation of Polesworth Sports Centre on the site of Polesworth School beyond the expiry of the current dual-use agreement in December 2018**
- f That Members note the inclusion of the planning policy implications arising from the draft Supplementary Planning Document and from the Leisure Facilities, Green Space and Playing Pitch Strategies within the draft Local Plan consultation process;**
- g That the Assistant Director (Leisure and Community Development) be instructed to amend and finalise the Leisure Facilities Strategy, taking account of the outcomes of Members’ consideration of the recommendations made by the external consultants;**
- h That Members approve or otherwise amend the recommendations made by the external consultants in respect of the Leisure Facilities Operational Review and the associated Appraisal of Future Delivery Options;**

- i That Officers be instructed to summarise the draft Green Space and Playing Pitch Strategies for the future consideration of the Community and Environment Board; and,**
- j That, upon its production by the external consultants, the draft Health, Wellbeing and Leisure Strategy be presented to both the Health and Wellbeing Working Party and the Community and Environment Board for their consideration.”**

Upon being put to the meeting the Chairman declared the substantive motion to be carried.

72 Pay Policy Statement

The Assistant Director (Finance and Human Resources) reported on the requirement under Section 38 of the Localism Act 2011 for Councils to have and to publish a Pay Policy Statement, agreed by Full Council, which would be subject to review at least annually.

Recommended:

That the Pay Policy Statement 2018/19 be adopted.

73 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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12A to the Act.

74 Senior Management Structure

The Chief Executive reported on a review of the structure of Senior Management following the retirement of the Deputy Chief Executive on 31 March 2018.

Recommended:

- a That the proposed new senior management structure be agreed, in principle, for the purposes of consultation; and**

- b That Council delegates Executive Board to consider any further reports and to agree any financial and operational issues required to implement the new arrangements.**

David Humphreys
Chairman