

Executive

Thursday 4 January 2018

A meeting of the Executive will be held at the Town Hall, Royal Leamington Spa on Thursday 4 January 2018 at 6.00pm.

Membership:

Councillor A Mobbs (Chairman)	
Councillor N Butler	Councillor A Rhead
Councillor M Coker	Councillor A Thompson
Councillor M-A Grainger	Councillor P Whiting
Councillor P Phillips	

Also attending (but not members of the Executive):

Chair of the Finance & Audit Scrutiny Committee	Councillor Barrott
Chair of the Overview & Scrutiny Committee and Whitnash Residents' Association (Independent) Group Observer	Councillor Mrs Falp
Labour Group Observer	Councillor Quinney
Liberal Democrat Group Observer	Councillor Boad

Emergency Procedure

At the commencement of the meeting, the Chairman will announce the emergency procedure for the Town Hall.

Agenda

1. **Declarations of Interest**

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be entered on the form to be circulated with the attendance sheet and declared during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter. If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

2. **Minutes**

To confirm the minutes of the meetings held on

a) 1 November 2017

(Pages 1 to 25)

b) 29 November 2017

(To follow)

Part 1

(Items upon which a decision by Council is required)

3. **Revisions to the Scheme of Delegation & Council Procedure Rules**

To consider a report from Development Services & Democratic Services
(Pages 1 to 11)

4. **Housing Allocations Policy Review**

To consider a report from Housing **(Pages 1 to 17)**

Part 2

(Items upon which the approval of the Council is not required)

5. **Procurement Partnership and Staffing**

To consider a report from Finance **(Pages 1 to 9)**

6. **Homelessness Initiatives and the New Legislation**

To consider a report from Housing **(Pages 1 to 11)**

7. **Business Improvement District (BID) Leamington – Update on Renewal Process**

To consider a report from Development Services **(Pages 1 to 6)**

N.B. Further information to follow on this item

8. **Development Services Re-structure - Phase 1**

To consider a report from Development Services **(Pages 1 to 6)**

9. **Public and Press**

To consider resolving that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Item Nos.	Para Nos.	Reason
10	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

10. **Minutes**

To confirm the confidential minutes of the meetings held on 1 November 2017
(Pages 1 to 3)
(Not for publication)

General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.

Telephone: 01926 456114

E-Mail: committee@warwickdc.gov.uk

For enquiries about specific reports, please contact the officers named in the reports
You can e-mail the members of the Executive at executive@warwickdc.gov.uk

Details of all the Council's committees, Councillors and agenda papers are available
via our website www.warwickdc.gov.uk/committees

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The agenda is also available in large print, on request, prior to the meeting by calling 01926 456114.

Executive

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

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

Also present: Councillors; Barrott (Chair of Finance & Audit Scrutiny Committee); Boad (Liberal Democrat Group Observer); Mrs Falp (Chair of Overview & Scrutiny Committee and Whitnash Residents' Association (Independent) Group Observer); and Councillor Quinney (Labour Group Observer).

Apologies for absence were received from Councillors Butler and Rhead.

64. **Declarations of Interest**

Minute 74 – Europa Way - Update

Councillor Mrs Falp declared a prejudicial interest because a relative was a shareholder of Leamington Football Club. She left the room whilst the item was discussed.

65. **Minutes**

The minutes of the meetings held on 20 and 27 September 2017 were taken as read and signed by the Leader as a correct record.

Part 1

(Items on which a decision by Council on 15 November 2017 was required)

66. **Revisions to the Constitution**

The Executive considered a report from Democratic Services which brought forward proposals to amend the Officer Scheme of Delegation, following revisions to the staffing structure and also sought to provide clarity regarding appointments to Sub-Committees.

Following the restructure of Housing & Property Services, the Deputy Chief Executive (BH) reviewed the Scheme of Delegation to officers and brought forward amendments to reflect the revised structure. These amendments moved delegations from the Head of Housing to the Chief Executive.

The report proposed to amend the wording of former delegation HS(98) to proposed delegation DCE(4). This meant that delegation HS(16) could be removed because it was a near duplicate. In addition, a minor change to the wording of HS(101) now DCE(6) was proposed to bring the wording in line with other similar delegations where consultation was required.

There were proposals to revise the wording of HS(2), (9), (86) (94), (95) and (96). This was because the wording within each of these delegations was out of keeping with the rest of the officer scheme of delegation in that it named the Head of Service rather than taking the lead from the heading.

It was proposed to amend delegation HS(11) so that it referred to the revised resettlement policy, previously approved by the Executive. HS(15) was to be revised to remove the reference to consulting with a solicitor for the Council and reflected current working practice. The proposal to amend HS(35) was included to remove any ambiguity from within the delegation.

DCE(10) was a new delegation to allow for consideration because the Council had a small number of shop premises which fell into this category.

It was proposed to move DS(19) and DS(21) to DS(24) from Development Services to the Deputy Chief Executive to reflect this work moving into the new Assets team.

It was proposed to move DS(20) to a general delegation available to the Chief Executive, two Deputy Chief Executives and all Heads of Service thus allowing them to individually take action for any incursion or trespass on Council land.

Following recent questions from Members, the Monitoring Officer considered it appropriate to provide clarity within the Constitution regarding membership of Sub-Committees and remove any ambiguity.

At present, the Council only operated Sub-Committees to the; Employment Committee, Standards Committee, Licensing & Regulatory Committee and Overview & Scrutiny Committee. These were all classed as the parent Committee to the Sub-Committee.

To be appointed to a Sub-Committee, the Councillor must be a Member of the parent committee. Therefore, equally to be a substitute on a Sub-Committee the Councillor must be a Member (not a substitute nominated by Council) of the parent Committee.

In all cases, the appointment to a Sub-Committee had to be made by the parent Committee. This was unless a delegation arrangement had been put in place as was the case for additional Licensing & Regulatory Committees and Standards Committee Hearing Panels.

The exemptions to this process were that co-optees could be appointed to Sub-Committees by their respective parent committee, but unless these were Sub-Committees of a Scrutiny committee, the individual(s) appointed were non-voting.

An alternative option was to leave the Constitution as at present. However, it was felt that for the sake of clarity and transparency the Constitution should be amended.

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

Recommended to Council that

- (1) the scheme of delegation is amended as set out at Appendix 1 to the minutes to reflect the changes as a result of the restructure of Housing & Property Services; and
- (2) Council procedure rules are amended, to include a reference confirming the requirements that to be appointed to a Sub-Committee (as either a member or a substitute) the Councillor must be a member of the parent Committee, with exception to this the appointment of Co-opted members who in all cases (less Scrutiny Sub-Committees), would have no voting rights.

(The Portfolio Holders for this item were Councillors Mobbs and Phillips)

Part 2

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

67. **Severe Weather Emergency Protocol**

The Executive considered a report from Housing Services which provided background information on the Severe Weather Emergency Protocol (SWEP) and asked Members to consider amending the protocol, following a motion approved at Council on 20 September 2017.

The Council operated a Severe Weather Emergency Protocol (SWEP) providing overnight accommodation for those sleeping rough (on evenings when the local night shelters were closed) when the temperature was predicted to fall to zero or below for three successive nights. The motion approved was that Executive should consider changing the protocol so that accommodation would be offered for every night when the local night shelters were closed once the temperature was predicted to drop to zero or below.

This report provided background information to enable Executive to come to a decision on this matter.

Councils were encouraged by central government to have a SWEP in place and the trigger point of three consecutive nights with temperatures at zero or below was set out in national guidelines as being a minimum requirement. Any council had the discretion to set a more generous threshold if it so chose.

The Council had the SWEP protocol in place which provided emergency accommodation for street homeless people in severe weather conditions. This was triggered when the temperature was forecast to be below 0°C for three successive nights. The accommodation provided was in local bed & breakfast establishments and hotels or by the night shelters on evenings when they were open.

Under the current three-night trigger arrangements SWEP was initiated on three occasions in 2016/17, on two occasions in 2015/16 and on six occasions in 2014/15. The number of people presenting had ranged from three to 13, with the average being six or seven people.

There were a number of risks outlined in the report and these included financial, service and community impacts.

Financially, reducing the SWEP trigger from three nights to one was very likely to cost additional money, however, there were exceptions to this as detailed in section 6 of the report. The additional cost would vary dependant on the number of rough sleepers taking up the offer of accommodation, how many short spells of cold weather occurred and whether they occurred on nights when the night shelters were unavailable. All of these factors made the financial impact difficult to predict but a worst case scenario had been estimated at £13,500. In addition to these costs, the ability for the individual to claim Housing Benefit also had to be taken into account.

The impact on service provision was identified in section 6.2 of the report and explained that administratively, SWEP was a cumbersome operational process. There would be an increase in workload which in turn would have an impact on the day to day running of the team.

The variances between the Council's neighbouring authorities' SWEP were outlined in the Community Impact section and highlighted that by triggering SWEP more frequently, this could encourage more rough sleepers into the District.

An alternative option was to introduce a trigger based on a different temperature. For example Liverpool City Council's protocol triggered on any given night when the temperature was forecast to drop below two degrees. This was a clear trigger which took into account the lack of accommodation in Liverpool for rough sleepers and recent deaths of rough sleepers on the streets due to cold.

A further alternative was to use other factors to determine the trigger point. For example a definition could be used that took into account matters like windchill, rain or snow and flooding, however, this would introduce a degree of subjectivity into the decision to initiate the protocol.

The Overview and Scrutiny Committee welcomed that this report had come forward so soon after the motion to Council and that there would be a further report to Executive in January 2018.

The Committee welcomed that, as a result of the debate, officers had agreed to undertake discussions/consultation with our partners both statutory and non-statutory to ensure a co-ordinated approach within the District ahead of the report in January 2018.

The Committee also accepted the offer of having a presentation to its meeting on 3 January 2018 on the detail of the paper to the Executive the following evening.

The Portfolio Holder for Housing offered his apologies for his absence from the scrutiny meeting the previous evening but he had been provided feedback on the comments made from colleagues and officers. He advised that one of the next steps would be the Government's introduction of a homelessness review, the Housing Advisory Group would be meeting in November and hoped to involve tenants in the review as well. It was proposed, duly seconded and

Recommended that:

- (1) the Council should offer overnight accommodation to rough sleepers for every night that the temperature is predicted to drop to zero°C or below for the winter of 2017/18; and
- (2) a further report be brought to Executive setting out the range of current initiatives for homelessness prevention and relief, and setting out proposals for developing this work further in the context of implementation of the Homelessness Reduction Act from 1st April 2018.

(The Portfolio Holder for this item was Councillor Phillips)
(Forward Plan reference 902)

68. Business Case for Extension of the Avon Navigation Scheme from Stratford (Alveston) to Warwick

The Executive considered a report from the Chief Executive which considered a request for the Council to make a financial contribution toward a high-level assessment of the environmental and the socio-economic impacts of a scheme to extend the Avon Navigation Scheme from Stratford (Alveston) to Warwick.

At its meeting on 28 June 2017 the Executive agreed to the request from the Avon Navigation Trust for support to look further at the principle of the proposal for the extension of existing navigation on the River Avon from Alveston, north of Stratford to the Grand Union Canal at Warwick.

As advised in June 2017, the next piece of work that the Avon Navigation Trust (ANT) proposed was to undertake a feasibility assessment including

funding options. The Executive was further advised that it may well be that the Council may be asked to contribute to the cost of undertaking research but that a separate report and decision would be required.

It was now proposed that a high-level assessment of the environmental and the socio-economic impacts be undertaken to demonstrate if there was a realistic business case. This was estimated to cost, including a contingency, £45,000. It was proposed that the cost be split three equal ways between ANT, Stratford District Council (SDC) and this Council. This would mean that this Council would have to pay £15,000. This could be funded from the Community Project Reserve. SDC had offered to undertake the procurement exercise.

If the recommendation above was agreed, then the report would be presented to all three organisations and a view would need to be reached about whether there was a business case to proceed further. If the case was positive, there would need to be a proper public consultation exercise planned and carried out.

The proposal was a long term one and could affect the area both environmentally and in socio-economic terms for good, or for ill. Members needed to be fully aware of all opportunities and risks – and the study proposed should clearly identify them.

An alternative option was that the Executive could decide not to offer such support. It would be difficult for the scheme to progress without this Council's support but without knowing if there was a business case or not the Council may risk losing significant economic benefits to the District. Therefore, this course of action was not advocated.

Resolved that the Council agrees to contribute £15,000 from the Community Projects Reserve toward a high-level assessment of environmental and the socio-economic impacts of the proposal to extend the Avon Navigation Scheme from Stratford (Alveston) to Warwick.

(The Portfolio Holder for this item was Councillor Butler)

69. **Arrangements for Civic Transport and Support**

The Executive considered a report from Democratic Services which outlined the options for changing the existing Civic transport arrangements for the Warwick District Council Chairman.

The current Chairman's car, a Mercedes E220, 4 door, 3 litre, diesel engine, was no longer a cost effective option to maintain. The running costs were high which was reflected in the road fund tax banding and combined with the MOT, servicing costs, AA Roadside Assistance and petrol had cost the Council £2,533 in the last financial year.

Investigations had shown that the car could fetch up to £5,900 if sold through a franchised dealer.

The leasing of an electric or hybrid vehicle would cost a maximum amount of £3,900 per annum and the car could be replaced every three years dependant on the type of lease taken out. Dependant on the type of lease taken out, this could include the provision of an annual service, and could include replacement tyres and breakdown cover, offering a saving of up to £350 per year (MOT = £150 & AA cover = £200/year).

At present, the Chairman's car was stored in a District Council owned garage in Warwick. Due to the desirable location of the garage, there were a number of options available if the lease was relinquished. It could provide either; an ongoing income if rented out; or could be sold off privately providing a much needed parking provision for residents or businesses in Warwick.

Early indications from local agents had shown that there was a market for selling garages of a similar type and location ranging from approximately £20,000 dependent on condition.

The second section of the report was to note the change in hours and role of the Chairman's Chauffeur post, to be monitored and revisited after 12 months. The revisions to the post of Chairman's Chauffeur would realise savings of up to £5,900 per annum. Monitoring the hours of the Chairman's attendant post had revealed that in reality, the average working week for the post holder was lower than the 30 hours a week that was contracted for.

There were a number of alternative options detailed at section 7 of the report and these included continuing with the current car, selling the car and buying a new one, lift sharing with other parish or town councils and continuing with the storage facility in Warwick. However, these had all been discounted due to the costs involved and the opportunity to realise savings.

The Finance & Audit Scrutiny Committee supported the recommendations but had reservations about various aspects of the proposal. It was suggested that a local car company could be used to source a new vehicle.

The Overview and Scrutiny Committee advised that it had been agreed at its meeting that a Task & Finish group would be set up to look at the Role of the Chairman, with a scoping document coming forward at the next meeting.

It was agreed that the supplier of the vehicle should not be restricted to the three detailed in the report and the Executive welcomed the idea of seeking a partnership with a local car manufacturer. Officers assured Members that they would work with HR to ensure that the hours of the post were sufficient. It was therefore,

Resolved that:

- (1) the sale of the current car used to transport the WDC Chairman is approved, providing a one off lump sum estimated at £5,900, which will be allocated to the Equipment Renewal Reserve;
- (2) leasing an electric or hybrid vehicle, for use as the Chairman's car is agreed at a maximum cost of £3,900 per annum, to be funded as outlined in section 5 of the report; the decision on the choice of car would be made by the Deputy Chief Executive & Monitoring Officer in consultation with the Chairman and Vice-Chairman of the Council along with the Leader of the Council;
- (3) Council amends the budgets to enable the cost of leasing a vehicle to be realised through salary savings and should be brought forward as part of the budget setting process;
- (4) the work undertaken to source a garage in Leamington to store the vehicle is noted and the current garage is released to enable it to realise its true commercial value; and
- (5) the change in hours and role of the Chairman's Chauffeur post is noted, to be monitored and revisited after 12 months and that following this, any permanent changes will be reported to Employment Committee for its consideration.

(The Portfolio Holder for this item was Councillor Mobbs)

70. **Tach Brook Country Park**

The Executive considered a report from the Chief Executive which provided an update on the background and progress of the Tach Brook Country Park and sought approval to procure the services of a design team for the Country Park.

The newly adopted Warwick District Local Plan proposed a new Country Park of approximately 62 hectares. Tach Brook Country Park would be established as part of the planned urban extension to the south of Whitnash, Leamington Spa and Warwick on land south of Harbury Lane located between Lower Heathcote Farm and Grove Farm. The Council had

also entered into several S106 Planning Agreements that placed obligations on developers and the Council regarding the delivery of the Country Park.

The report requested that the Executive approve the procurement of a Design Team to develop the concept and design of the Tach Brook Country Park and to engage with key stakeholders as part of the design process.

In addition, agreement was sought to fund the work from S106 receipts but if these were not received in time, the work would be forward funded by drawing upon the Local Plan Delivery Reserve in 2018/19 for up to £66,000.

An alternative option was considered at Executive on 3 December 2014. In this option the Council would not take on the transfer of the Country Park Land. In this scenario the developer would propose a scheme for a Country Park themselves with the land remaining in private ownership. This would mean that the Council had less control over the design and use of this element of the park and cohesion between the different ownerships could prove more problematic. The land would also be managed by a private management company and experience indicated that they did not always manage green spaces to the standards to which the Council aspired. Executive supported the principle of the Council retaining control and ownership of the Country Park.

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

The Portfolio Holder thanked the scrutiny committee for its input and advised that the comments would be fed into the work by officers. In addition, she felt that the two Town Councils should be more involved than they had been to date. It was proposed, duly seconded and

Resolved that:

- (1) progress on the Tach Brook Country Park, is noted;
- (2) the approach set out in this report to develop and deliver the Tach Brook Country Park in line with Policy DS13 of the newly adopted Local Plan, is endorsed;
- (3) the procurement of a Design Team to develop the concept and design of the Tach Brook Country Park is approved and the Council will engage with key stakeholders as part of the design process; and

- (4) the work will be funded from S106 receipts but if they are not received in time, the work will be forward funded by drawing upon the Local Plan Delivery Reserve in 2018/19 for up to £66,000.

(The Portfolio Holder for this item was Councillors Grainger and Rhead)
Forward Plan reference 896

71. Delivery of the St Mary's Lands Masterplan, Warwick

The Executive considered a report from the Chief Executive which updated Members on the delivery progress of the agreed Masterplan and advised of changes to the Working Party. Delegated authority was sought to agree any further changes along with approval for a small revision to an existing lease.

At its meeting on 28 June 2017 the Executive agreed to recommend to Council that the Masterplan for St Mary's Lands should be adopted as policy. This was then confirmed by Council at its meeting on 9 August 2017.

The adoption of the Masterplan had been deferred pending further work on the justification of inclusion of a hotel (which was resolved at Council in August 2017). Prior to that a delivery plan of all the other elements had been agreed and the Executive had agreed funding for works in 2016/17 and for 2017/18. Appendix 1 set out the progress being made on all the elements. The Working Party was meeting on 25th October 2017 and any issues/conclusions arising from that meeting would be reported to the Executive.

The Executive previously agreed to incorporate an area of land for the creation of MUGA within the lease of Racing Club Warwick. Inadvertently a piece of land was omitted from the plan showing the lease extension and as the revised lease had not yet been signed or sealed it was proposed that this omission was now rectified by agreeing to include the missing area of land as shown on Plan 1 to the report.

The development of the Masterplan had been guided by the St Mary's Lands Working Party. The intent was to continue with the Working Party but for it to focus on implementation of the Masterplan's proposals. The representatives of the Working Party were listed in section 3.6 of the report. It was further proposed that the Working Party be chaired in rotation, according to who hosted the meetings.

An alternative option was that the Council did not note progress which would seem perverse. Similarly, not to agree for the 2018/19 elements of the Masterplan not to be proceeded would be a reputational risk for the Council given the efforts that had been made to engage local groups.

The membership of the Working Party could be left as it was as the Working Party had up to now been successful. However, as it was now

moving to implementation stage there was a need to bring on other group representatives and balance that with maintaining a reasonable number to keep it effective.

Councillor Grainger advised that she had attended a meeting recently and had met a number of the new individuals involved. She was pleased that the Council was involved in an important asset for the District.

In the absence of the Portfolio Holder, Councillor Coker presented the report and stated that such an important area of Warwick deserved to be looked after. He noted the progress to date and proposed the recommendations in the report. It was duly seconded and

Resolved that:

- (1) progress on the delivery plan of the Masterplan as set out in Appendix 1 to the report, is noted and the provisions for 2018/19 are brought forward for consideration as part of the 2018/19 budget;
- (2) a minor modification to the lease of Racing Club Warwick is agreed to incorporate a limited number of car parking spaces as indicated on Plan 1 to the report; and
- (3) changes to the organisations on the St Mary's Lands Working Party are noted and to avoid any future uncertainty over decision making on those organisations membership, authority is delegated to the Chief Executive in consultation with the Business portfolio holder on any further changes to the make-up of the Working Party, excluding Warwick District Council representatives.

(The Portfolio Holder for this item was Councillor Butler)

72. Protocol for Death of a Senior Figure

The Executive considered a report from Democratic Services which presented the Protocol for Marking the Death of a Senior National Figure or a Local Holder of High Office and requested adoption of the policy.

The lack of a policy at local authorities was raised by the Local Resilience Forum and the issue was also a discussion within the National Association of Local Councils, who in turn provided guidance notes to civic teams nationally.

In addition, the Council had been in the unfortunate position where both elected members and members of staff had passed away. This had highlighted the lack of a standardised protocol for dealing with initial communications and funeral arrangements.

Following an initial draft, Kenilworth, Royal Leamington Spa, Whitnash and Warwick Town Councils were approached to ensure a consistent message was provided across the District.

The protocol was also shared with the Council's internal HR team to ensure that, in the sad event of a colleague passing away, the corporate message was clear and appropriate support was given to all staff.

The Council could choose not to adopt the protocol however this would not be recommended as it was proposed to formalise procedures to avoid confusion.

The Chairman of the Council highlighted some minor amendments to the protocol which the Senior Committee Services Officer agreed to make. It was proposed, duly seconded and

Resolved that the Protocol for Marking the Death of a Senior Figure is agreed, as outlined at Appendix 1 to the report.

(The Portfolio Holder for this item was Councillor Mobbs)

73. **Participation in Bid by Birmingham City Council to host the Commonwealth Games in 2022**

The Executive considered a report from Cultural Services which sought to initiate a project about the District's involvement in the bid by Birmingham City Council (BCC) to host the Commonwealth Games 2022 (CG 2022) and in this respect also reported retrospectively on the use of the Chief Executive's emergency powers to sign Heads of Terms documents with the relevant bodies.

In August of this year it became apparent that BCC was preparing a bid to host the CG 2022 as the original host (Durban in South Africa) had had the award withdrawn. This represented an opportunity for this Council and for the District to be involved by providing the world class facilities of one of the Commonwealth Games compulsory sports – Bowls. However, as the bidding process was very short, the Council was asked to complete some Heads of Terms documents at short notice with BCC, the body organising the bid for BCC and the Commonwealth Games Federation (CGF).

On 17 August, BCC announced that the District's and its bowls facilities were formally part of its bid for CG 2022. Shortly afterwards, the Government decided to support BCC's bid over that of Liverpool and on 29 September 2017 it announced that the BCC bid was viable and agreed its overall funding contribution.

However, the CGF then extended the deadline for nominations as the BCC bid was not fully compliant. The deadline was moved to 30 November 2017. Whilst it was possible that BCC's bid may not be successful, and given the relatively short time horizon to prepare for the CG 2022 it was proposed that in advance of that decision, officers proceeded to work to scope the project, and to assess issues, costs and risks. A further report would be brought back on these matters by March 2018 by which time a decision would have been made.

An alternative option was that the Council could choose not to participate further. This would lose the Council and the District an opportunity to promote itself internationally and would have significant reputational impacts. There may also be legal and financial implications though these could not be scoped at present.

The Chief Executive advised Members that he had received an email that afternoon clarifying the Heads of Terms and further details would be known by December. The Deputy Leader proposed the recommendations as outlined in the report. It was therefore,

Resolved that:

- (1) the use of the Chief Executive's emergency powers under CE(4) of the constitution in consultation with the Group Leaders and the Culture Portfolio Holder to sign broad Heads of Terms documents for the Council's involvement in Birmingham City Council's (BCC's) bid to host the Commonwealth Games 2022 (CG 2022), is noted;
- (2) should Birmingham City Council's Bid to host the Commonwealth Games in 2022 succeed, the Council's involvement in the CG 2022 as one of its Key Projects in its Fit for the Future Strategy, is noted; and
- (3) the award is made to Birmingham City Council, a further report will be submitted defining the scope of the project and containing an initial assessment of issues, costs and risks, no later than March 2018.

(The Portfolio Holder for this item was Councillor Coker)

74. Europa Way - Update

The Executive considered a report from the Chief Executive which updated Members on the progress to acquire and develop land at Europa Way for a community stadium and enabling development following the report approved by Executive and Council on 12 April 2017. It updated Members on the progress towards acquiring the land, advised of revisions to the programme moving forward and sought approval for some changes to how the project was to be progressed.

In April 2017, Council agreed to progress a major project to acquire and develop land at Europa Way for a community stadium. The agreed recommendations were set out in full in Appendix 1 to the report. Also as reported in April, the land at Europa Way to be acquired by the Council was part of a larger area currently owned by WCC. The remainder of this land was proposed to be purchased by Waterloo Housing Group (WHG).

Since April, progress had been made in respect of some of the matters that were reported and agreed. The report outlined that progress and included details on the purchase of the land from WCC, the Planning issues relating to the site, matters relating to Leamington Football Club and the project timetable.

Negotiations to purchase of the land for the stadium and enabling development had been undertaken and Heads of Terms for the acquisition had been agreed with WCC. These were attached as a confidential Appendix 2 to the report.

In offering to purchase the land, the Council set out some terms and conditions that would need to be satisfied. Good progress was being made on these and this was set out in a confidential Appendix 3 to the report.

In April 2017 the Executive agreed to make £190,000 available from the Community Projects Reserve, once the purchase of the land had been completed. As set out in the report, phase 1 had taken longer than anticipated, and it was expected to take ten months (from April 2017 to February 2018) to complete the purchase. Given this, and the Council's desire to maintain momentum on the project, the report requested that Executive release the £190,000 to support phase 2.

Other matters were also summarised in the report relating to education links, South Warwickshire Foundation Trust and CCG investing in healthcare and the potential for an athletics track to be relocated on adjoining land.

In terms of new matters raised by this report, it would be possible for Members not to agree to advance the £190,000 to progress phase 2 until the purchase of the land had been completed. However, for the reasons set out in the report, this was not supported.

The Finance & Audit Scrutiny Committee supported the recommendations with the addition of the words 'with Leamington Football Club' to recommendation 2.4.

The Portfolio Holder for Housing agreed with the amended wording to recommendation 2.4 and in order to move the project along he proposed the recommendations in the report. The Executive therefore

Resolved that:

- (1) the progress against the recommendations already approved by Council and Executive at their meetings on 12th April 2017 (Council minute number 94 and Executive minute number 129) regarding the progression of the Strategic Opportunity Proposal at Europa Way, is noted;
- (2) the £190,000 allocated in Executive Minute 129 (12th April 2017) be made available immediately to progress various elements of the project as set out in the report;
- (3) the revisions to the Project Plan contained in paragraph 3.20 of this report are noted and a report will now be brought back to Council by the end of March 2018 on the results of the market testing and proposing how the next stage of the project will be delivered; and
- (4) the Council enter into a Memorandum of Understanding (MOU) on terms acceptable to the Chief Executive in consultation with the Section 151 officer, the Leader of the Council and the Portfolio Holder for Housing Services and Finance.

(The Portfolio Holder for this item was Councillor Phillips)
Forward Plan reference 898

75. Implementation of the Equality Act 2010

The Executive considered a report from Health and Community Protection which informed Members of the introduction, and implications, of Part 12 of The Equality Act 2010 (The Act), outlined the advantages and disadvantages of adopting the powers introduced under the Act and sought adoption of the appropriate sections of the legislation in Warwick District.

Sections 165 and 167 of the Equality Act 2010 (the Act) came into force on 6 April 2017. Section 167 of the Act provided local authorities with the powers to establish and maintain a list of wheelchair accessible vehicles ('designated licensed vehicles'), and Section 165 then required the drivers of the 'designated licensed vehicles', unless they had a valid medical exemption issued by the Council, to transport wheelchair users, provide passengers in wheelchairs with appropriate assistance, and to ensure that wheelchair users were charged the same fares as non-wheelchair users.

The recommendations in the report would ensure that wheelchair users were afforded every protection when travelling in licensed vehicles within the District, and would provide a legal basis for the Council to take enforcement action against any driver who failed to carry out their required duties.

In addition, delegated authority was sought to enable the Licensing Team to approve any further vehicles to be added onto the designated list, and to consider requests from drivers for a medical exemption. This would provide for an efficient and speedy mechanism to approve.

Policy and Procedure documents would require updating to include the legislation and the individual application and appeal processes for Vehicles and Drivers. Therefore, approval was required to amend these documents accordingly.

An alternative option was that Members could choose to do nothing. There was no duty on the Licensing Authority to produce a list of 'designated licensed vehicles' and there were no significant problems with discrimination against wheelchair users in the District. However, this option was not recommended.

The Labour Group Observer advised that the report had been discussed at a recent Licensing & Regulatory Committee and Members had agreed that it was a sound proposal.

It was proposed, duly seconded and

Resolved that:

- (1) the establishment of a list of designated wheelchair accessible Private Hire and Hackney Carriage vehicles is approved;
- (2) authority is delegated to the Regulatory Manager to maintain the list of designated licensed vehicles, including the removal and addition of vehicles;
- (3) authority is delegated to the Head of Health and Community Protection to determine applications from drivers for a

medical exemption from their duties under the Act; and

- (4) the Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook: WDC approach, Policies and Procedures be amended accordingly.

(The Portfolio Holder for this item was Councillor Thompson)
Forward Plan reference 905

76. **100% Business Rate Retention Pooling Pilot**

The Executive considered a report from Finance which advised that the Government announced that it intended to proceed with the expansion of the pilot programme for 100% business rates retention in 2018/19.

The report considered a pilot for the five Warwickshire Districts and Warwickshire County Council.

As part of the 50% Business Rates Retention scheme introduced in 2013, local authorities had been able to form "pools". By forming a pool it was possible that more business rates income was retained in the local area, with the intention that some of this income was utilised to support local economic development. Warwick had been part of the Coventry and Warwickshire Pool.

On 1 September the Government announced that it intended to proceed with the expansion of the pilot programme for 100% business rates retention in 2018/19. Any new pilots approved, would run alongside the five current 100% pilots (in the 'devo' areas) which had been running since 1 April 2017.

The outcomes of the applications to become pilots were expected to be known when the Provisional Local Government Finance Settlement was published in December.

Whilst the pilot pools were initially to be for 2018/19, it was possible that they may operate beyond this. It would be necessary for all authorities to review their membership of the pool annually, based on past and expected performance annually, and any other relevant matters. Consequently, it was proposed that the Chief Executive and Head of Finance in consultation with the Leader, Deputy Leader and Finance Portfolio Holder review and agree the Council's continued membership in Warwickshire Business Rate Retention pool (of other pool) from 2018/19.

The Warwickshire Chief Finance Officers had met several times to consider the proposals. This had also been considered by the Chief Executives and the paper for the Chief Executives was attached as an appendix to the report.

An alternative option was that the Council could choose not to opt to become part of the pilot pool. By agreeing to apply to be part of a pilot pool now, there would still be the opportunity to withdraw (if the Government agreed to the Warwickshire Pool), once full details of the Local Government Finance Settlement were known in December.

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

The Portfolio Holder for Finance advised that the Council would be better off if its application was successful but advised caution with regard to the transfer of responsibilities. It was proposed, duly seconded and

Resolved that:

- (1) the application from the six Warwickshire local authorities to become a 100% Business Rate Retention Pilot Pool for 2018/19 is noted and supported;
- (2) the governance principles for the pool and the Memorandum of Understanding are delegated to the Chief Executive and Head of Finance in consultation with the Leader, Deputy Leader and Finance Portfolio Holder; and
- (3) the Chief Executive and Head of Finance in consultation with the Leader, Deputy Leader and Finance Portfolio Holder will review and agree the Council's continued future membership in business rate retention pooling from 2018/19.

(The Portfolio Holder for this item was Councillor Whiting)

77. Significant Business Risk Register

The Executive considered a report from Finance which set out the latest version of the Council's Significant Business Risk Register for review by the Executive. It had been drafted following a review by the Council's Senior Management Team and the Leader of the Council.

The Significant Business Risk Register (SBRR) recorded all significant risks to the Council's operations, key priorities, and major projects. Individual services also had their own service risk registers. This report sought to assist members to fulfil their role in overseeing the organisation's risk management framework.

The SBRR was reviewed quarterly by the Council's Senior Management Team and the Council Leader and then, in keeping with Members' overall

responsibilities for managing risk, by the Executive. The latest version of the SBRR was set out as Appendix 1 to the report.

A summary of all the risks and their position on the risk matrix, as currently assessed, was set out as Appendix 2 to the report.

The scoring criteria for the risk register were judgemental and based on an assessment of the likelihood of something occurring, and the impact that might have. Appendix 3 to the report set out the guidelines that were applied to assessing risk.

In line with the traditional risk matrix approach, greater concern was focused on those risks plotted towards the top right corner of the matrix, whilst the converse was true for those risks plotted towards the bottom left corner of the matrix. When viewed in colour, the former set of risks would be within the area shaded red, whilst the latter would be within the area shaded green; the mid-range would be seen as yellow.

This report was not concerned with recommending a particular option in preference to others so an alternative option was not applicable.

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

The Labour Group Observer highlighted that the intention to freeze the current Living Wage Foundation rate of pay was subject to Council approval and had not yet been agreed. In addition, he felt that there still existed a risk relating to the delivery and mix of housing in the Local Plan which needed to be tracked and monitored.

The Leader agreed that the risks relating to HS2, the Local Plan and the delivery of housing numbers would be discussed at the next meeting of Corporate Management Team along with the Audit & Risk Manager.

The Executive therefore,

Resolved that:

- (1) the Significant Business Risk Register attached at Appendix 1 is noted; and
- (2) the emerging potential and changing risks identified in section 10 of this report are noted.

(The Portfolio Holder for this item was Councillor Whiting)

78. Rural / Urban Capital Improvement Scheme (RUCIS) Application

The Executive considered a report from Finance which provided details of four Rural/Urban Capital Improvement Scheme grant applications from

Shrewley Village Hall, Hunningham Cricket Club, No More Floor (Just4Children) and Wren Hall.

The Council operated a scheme to award Capital Improvement Grants to organisations in rural and urban areas. The grants recommended were in accordance with the Council's agreed scheme and would provide funding to help the projects progress. The budget for the Rural/Urban Capital Improvement Scheme applications for 2017/18 was £150,000 (£75,000 for rural projects and £75,000 for urban projects).

Shrewley Village Hall had applied to WDC for a grant to purchase 100 chairs to replace existing stock which was nearing the end of its life span. Completing this project and purchasing new chairs would ensure that the current opportunities were maintained and potentially increased opportunities as better facilities would encourage the community to hire the hall for more functions and events. Therefore 80% of the total project costs would be provided to purchase 100 chairs to replace existing stock, up to a maximum of £2,947 including VAT.

Hunningham Cricket Club had applied to WDC for a grant to replace the existing two bay outdoor practice net which had reached the end of its life span. An all-weather practice facility would increase opportunities for the community to enjoy and participate in sporting activity all-year round and help to reduce anti-social behaviour and obesity, including in children. Without an adequate practice facility, the players would have nowhere to practise and ultimately the club would struggle to continue. This could have a significant negative impact in the local community with nearly 100 children and teenagers no longer actively playing cricket and thus losing two hours per week of physical activity. Therefore 50% of the total project costs would be provided, up to a maximum of £14,850 including VAT.

No More Floor (Just4Children) had applied for a grant to create a new disabled changing room facility in the Royal Priors Shopping Centre to include a large toilet with a hoist, hi-lo bed and a hi-lo sink. The creation of a changing room facility would tackle disadvantage and further engage and strengthen the community as it would enable an otherwise excluded group of people to participate in events and activities within Leamington Spa Town Centre and also make use of the town facilities such as the library, parks and the Spa Centre.

Therefore 17.5% of the total project costs to create a new disabled changing room facility in the Royal Priors Shopping Centre would be provided, up to a maximum of £4,468 excluding vat, subject to receipt of the following; written confirmation from Royal Leamington Spa Town Council to approve a capital grant of £200; written confirmation from Royal Priors Shopping Centre to approve a donation of £5,000 (or an alternative capital grant provider); and written confirmation from Royal Priors Shopping Centre that the new changing room facility be available to the community for a minimum of five years during which they would ensure that it was maintained.

Wren Hall had applied to for a grant to install new fencing and carry out tree works; carry out building works; demolish redundant chimney, replace guttering, create new doorway entrance to existing main hall room, create patio area outside new doorway, new fire escape door, create structure for new toilet facilities for the main hall room; and install two new windows and secondary glazing on two existing windows. Without the hall there would be fewer opportunities for the community to enjoy and participate in social, arts and cultural activities which could potentially result in disengaging and weakening the community and an increase in anti-social behaviour. The project would create a more fit-for-purpose facility enabling more all-day, all-year round use and better disabled access which would increase activity opportunities for the community.

Therefore, 49% of the total project costs would be provided to install new windows and secondary glazing, new fencing and carry out various building and tree works, up to a maximum of £30,000 excluding VAT.

An alternative option was that the Council could choose not to provide the funding, however, this was contrary to the aims of the scheme. The Council only had a specific capital budget to provide grants of this nature and could choose to amend the amount of funding being offered.

It was proposed by the Finance Portfolio Holder, duly seconded, and

Resolved that:

- (1) a Rural/Urban Capital Improvement Grant from the rural cost centre budget is approved for Shrewley Village Hall, of 80% of the total project costs to purchase 100 chairs to replace existing stock, up to a maximum of £2,947 including VAT;
- (2) a Rural/Urban Capital Improvement Grant from the rural cost centre budget is approved for Hunningham Cricket Club, of 50% of the total project costs to replace the existing two bay outdoor practice net, up to a maximum of £14,850 including VAT;
- (3) a Rural/Urban Capital Improvement Grant from the urban cost centre budget is approved for No More Floor (Just4Children), of 17.5% of the total project costs to create a new disabled changing room facility in the Royal Priors Shopping Centre, subject to receipt of the following:

- (a) written confirmation from Royal Leamington Spa Town Council to approve a capital grant of £200 (if the application is declined or a reduced amount is offered the budget shortfall will be covered by the No More Floor group's funds which have been evidenced through a financial statement from Just4Children);
 - (b) written confirmation from Royal Priors Shopping Centre to approve a donation of £5,000 (or an alternative capital grant provider); and
 - (c) written confirmation from Royal Priors Shopping Centre that the new changing room facility will be available to the community for a minimum of 5 years during which they will ensure that it is maintained; and
- (4) a Rural/Urban Capital Improvement Grant from the rural cost centre budget is approved for Wren Hall, of 49% of the total project costs to install new windows and secondary glazing, new fencing and carry out various building and tree works, up to a maximum of £30,000 excluding vat.

(The Portfolio Holder for this item was Councillor Whiting)
Forward Plan reference 904

79. 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
80 & 81	3	Information relating to the financial or business affairs of any particular person (including the

authority holding that information)

(The details of the following item will be recorded within the confidential minutes of the meeting.)

80. Royal Naval Association Club

The Executive considered a confidential report from the Chief Executive and Cultural Services regarding the Royal Naval Association Club and the current lease of the building located off Adelaide Road, in Royal Leamington Spa.

The Finance & Audit Scrutiny Committee supported the recommendations in part. The full comment from Members was detailed in the confidential minutes of the meeting.

Resolved that the recommendations in the report be approved subject to the revised wording proposed by Finance & Audit Scrutiny for recommendation 2.2.

(The Portfolio Holder for this item was Councillor Coker)

81. Europa Way – Update – Appendix 2

The Executive considered a confidential appendix to Executive Agenda Item 12, Europa Way – Update report, as detailed at minute number 74.

Resolved that the appendix be noted.

(The Portfolio Holder for this item was Councillor Phillips)
Forward Plan reference 898

(The meeting ended at 6.52 pm)

Appendix 1

Section 4 Scheme of Delegation

That the following delegation be deleted as it is a duplicate:

- HS (16) to grant way leaves for telephone equipment, wireless relay, cable etc, for HRA properties/land.

Within delegations HS(2), (9), (86) (94), (95) and (96) remove the wording Head of Housing & Property Services is authorised to because this is covered by the heading for these delegations

That the following delegations be amended (amendments in strikethrough or bold):

- HS (11) ~~approve payments authorised within the Tenants Incentive Grants Scheme to tenants transferred to smaller properties.~~ Approve payments under the Resettlement Service to **qualifying new** tenants accepting the tenancy of a ~~low demand designated older persons property.~~
- HS (15) ~~Following consultation with a solicitor acting for the Council,~~ to instruct Bailiff's to enforce Warrants for Eviction.
- HS (29) deal with applications for the assignment of **a residential** tenancy ~~or sub-letting of shops~~ provided under the Housing Acts
- HS (35) Re-purchase former Council owned dwellings within agreed criteria and with the assistance of an independent valuation subject to resources being made available and ~~at the Head of Housing & Property Services reporting back to Executive on each~~ **purchase** decision made.

That the following delegations be amended (amendments in bold) and delegated to the Deputy Chief Executive (BH):

- ~~HS (21)~~ operate the Secure Tenants of Local Housing (Right to Repair) Regulations ~~DCE(1)~~ 1994 (including service of Notices and acceptance or refusal of claims).
- ~~HS (24)~~ authorise the negotiation and agreement of enhanced rates to existing ~~DCE(2)~~ contracts under the Local Government (Direct Services Organisation) (Competition) Regulations 1993 and the Council Directive 92/50/EEC.
- ~~HS (29)~~ deal with applications for the assignment of tenancy or sub-letting of shops ~~DCE(3)~~ provided under the Housing Acts.
- ~~HS (98)~~ Grant wayleaves and easements across Council owned land to other public ~~DCE(4)~~ organisations **for both HRA and non HRA properties.**
- ~~HS (100)~~ Following consultation with ward councillors and the relevant Head of ~~DCE(5)~~ Service of the service area owning the land, dispose of other interests in land including its sale where the consideration does not exceed £20,000 and also to accept the Surrender of leases where the value does not exceed £20,000.
- ~~HS (101)~~ ~~Following~~ **in** consultation with ward councillors and the relevant Head of Service ~~DCE(6)~~ of the service area owning the land, to initiate proceedings for forfeiture of Leases.
- ~~HS (102)~~ Agree rent reviews, for non HRA properties, where agreement on the new ~~DCE(7)~~ rent has been reached without recourse to arbitration.
- ~~HS (103)~~ Grant new leases, for non HRA properties, where statutory renewal rights ~~DCE(7)~~ exist.

- ~~HS (104)~~ Grant terminable licences, for non HRA properties, for access and other purposes.
~~DCE(8)~~
- ~~HS (105)~~ Manage and control properties acquired by the Council in advance of requirements (other than those held under Part V of the Housing Act 1957 where consultation with the Head of Housing Services is required).
~~DCE(9)~~
- ~~DCE(10)~~ Deal with applications for the assignment of a tenancy or the sub-letting of a shop, provided under the Housing Acts
- ~~DS (19)~~ Serve Notices to Quit in respect of shops and other accommodation provided under the Housing Acts.
~~DCE(11)~~
- ~~DS (21)~~ Following consultation with a solicitor acting for the Council, enter into miscellaneous agreements of a minor nature affecting any land and/or property not provided for elsewhere.
~~DCE(12)~~
- ~~DS (22)~~ Following consultation with a solicitor acting for the Council, consent to assignment and other consents required under leases granted by the Council.
~~DCE (13)~~
- ~~DS (23)~~ Following consultation with a solicitor acting for the Council, complete the purchase of property comprised in a confirmed Compulsory Purchase Order on the terms negotiated by the District Valuer and to make any relevant statutory payments in connection with acquisitions, such as well-maintained and home loss and disturbance payments.
~~DCE (14)~~
- ~~DS (24)~~ In consultation with the Head of Finance, decline offers of property not recommended for acquisition.
~~DCE(15)~~

General Delegations to all Chief Officers as outlined in Article 12 of the Constitution

- ~~DS (20)~~ Following consultation with a solicitor acting for the Council, take appropriate action in the County Court in cases of unlawful trespass on Council property.
~~GE(16)~~

Delegations to multiple but not all Chief Officers as set out in Article 12

- ~~HS (99)~~ Grant new leases on vacant properties, The Deputy Chief Executive
~~A(11)~~ excluding HRA properties. (BH) and Head of Development

 Executive: 4 January 2018		Agenda Item No. 3
Title	Revisions to the Scheme of Delegation & Council Procedure Rules	
For further information about this report please contact	Gary Fisher Development Manager 01926 456505 gary.fisher@warwickdc.gov.uk Graham Leach Democratic Services Manager & Deputy Monitoring Officer 01926 456114 graham.leach@warwickdc.gov.uk	
Wards of the District directly affected	All Wards	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	Executive: 27 July 2016 - Minute 33	
Background Papers		

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	Yes
Equality Impact Assessment Undertaken	N/A

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	11/12/2017	Chris Elliott/Bill Hunt
Head of Service	13/12/2017	Tracy Darke
CMT	11/12/2017	Bill Hunt
Section 151 Officer	11/12/2017	Mike Snow
Monitoring Officer	13/12/2017	Andy Jones
Finance	11/12/2017	Jenny Clayton
Portfolio Holder(s)	11/12/2017	Councillors Coker, Mobbs & Rhead
Consultation & Community Engagement		
WCC Legal Services		
Final Decision?	No	
Suggested next steps (if not final decision please set out below)		
If supported the amendments will be considered		

1. **Summary**

- 1.1 The purpose of this report is to revise the scheme of delegation within the Constitution in relation to applications considered by Planning Committee, the adoption of public open space and the provision of rent holidays as well as a minor revision to the procedure for considering Notices of Motion at Council.
- 1.2 The report also notifies the Executive of the urgent decision taken by the Chief Executive under delegation CE(4) with regard to the transfer and adoption of land for Open Space on land west of Europa Way and seeks a further delegation to deal with such issues in the future.

2. **Recommendation**

- 2.1 That Executive recommends to Council the amendments to the Constitution as set out at Appendix 1 to this report.
- 2.2 The Executive notes the decision of the Chief Executive ,under scheme of delegation CE(4), after consultation with Group Leaders to accept the land for Open Space on land west of Europa Way Warwick.

3. **Reasons for the Recommendation**

- 3.1 This matter was last considered by Executive at their meeting of 27 July 2016 when Members identified a lack of clarity in the delegation agreement concerning the mechanism through which Councillors can request that a planning application be considered by Planning Committee.
- 3.2 At that meeting, the following proposals included in the report were also withdrawn in order that they could be reviewed further by officers:-
 - i. The proposal for Members to provide a valid planning reason when calling a planning application to Planning Committee, and
 - ii. The proposal for objections to planning applications received from Town and Parish Councils, and other interested parties to be considered as valid only where they are made on planning grounds.
- 3.3 In order to ensure the efficient, effective and transparent running of the planning application process, it is important that Members and other stakeholders and interested parties are fully aware of the procedure through which they are able to either call planning applications to Committee or make a valid objection to a proposal.
- 3.4 It would usually be the case that controversial and complex planning applications would be expected to be considered by Planning Committee. Therefore, the triggers for applications being so considered need to be set at an appropriate level. This is also to ensure that the system works in a fair and equitable manner not only for those parties who are included in the consultation process, but also for applicants who pay a fee to have their applications considered.
- 3.5 The delegation agreement currently sets out that the timescale for members to call an application to Planning Committee is 21 days but is unclear as to when that period begins.

- 3.6 In order to clarify the position, it is proposed that the delegation agreement be revised to set this period as beginning on the day the notification letters are distributed to both the appropriate Ward Councillors and Parish/Town Council's. This provides a clear reference date that is easy for all parties to recognise.
- 3.8 National planning guidance advises Local Planning Authorities of the importance of decision making in the planning application process being based on planning reasoning and the risks associated with that not being the case.
- 3.9 It would not be appropriate for Officers to recommend to Executive that planning applications ought to be capable of being called to Planning Committee on non-planning grounds and it is therefore proposed that the delegation agreement should require that Members provide a planning reason for doing so. This would also be in line with Code of Conduct for members which states the following:
- "ACCOUNTABILITY:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- OPENNESS:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands."
- 3.10 Members are aware of material planning reasons and to further enhance this all Councillors are invited to the regular planning training sessions
- 3.11 It is also proposed that comments on planning applications received from either Town or Parish Councils should be based on planning reasons.
- 3.12 Where that isn't the case, it is proposed that the delegation agreement set out that those comments cannot be taken into account for the purposes of determining whether a proposal should be considered by Planning Committee.
- 3.13 In addition it is considered appropriate that the Chairman of the Planning Committee is also consulted prior to the Head of Development Services taking a decision to discount the representation by a Parish/Town Council.
- 3.14 It is also proposed to make a number of other minor revisions to the delegation agreement to ensure that it is operating effectively particularly in respect of the following matters.
- 3.15 With respect to the making of Tree Preservation Orders, the removal of the reference to the Tree Sub Committee which is no longer in operation.
- 3.16 For the purposes of determining whether a planning application is to be considered under delegated powers or by Planning Committee, the clarification that no more than one objection or indication of support per address will count towards the trigger.
- 3.17 In the circumstances where the Head of Development Services is considering whether revised proposals overcome an objection received from a Town or Parish Council, this will be undertaken in consultation with the Chair of Planning Committee.

- 3.18 In practical terms, in view of the low likelihood of the consideration by Planning Committee of planning applications proposing a material departure from the Development Plan not being triggered by other elements of the delegation agreement, it is proposed that this standalone trigger be deleted.
- 3.19 In order to ensure that they are considered and determined in a transparent manner, it is proposed that the delegation agreement should be revised to ensure that planning applications which are submitted in respect of land owned by the District Council are determined by Planning Committee.
- 3.20 It has been identified that there is no delegation in place to enable rent holidays for non HRA properties where they are considered appropriate, to help support business and therefore the local economy. It is considered appropriate limit should be placed on this before Executive approval is required and this has been proposed at £20,000 or 12 months whichever is lowest. The details of any holiday provided would also be detailed within the quarterly budget reports so members are aware.
- 3.21 It has been noted by both Councillors and Officers that the procedure for the deliberation of Notices of Motion at Council could be improved upon to enable clarity for all. Therefore the amendment as set out in Appendix 1 is proposed to provide this clarity for all.
- 3.22 It has also been identified, during the work on the South Leamington development area and Tachbrook Country Park, that at present there is no formal delegation in place for officers to accept the transfer of Open Space or SUDS land to the Council as part of an approved S106 Agreement within a determined planning consent. While there would be a legal agreement in place to see the transfer of the land or building the Council would still need to formally accept this once it is completed. A summary of the S106 provisions for this are attached for both Open Space and Sustainable Urban Drainage System SUDS land (Appendix 2). The need for this was demonstrated by the proposed development to the west of Europa Way, Warwick, which involves the creation of a substantial new park. Notice of 30 days was served on the Council to seek a decision on whether the Council wishes to adopt the land once laid out to its satisfaction. In the absence of formal officer delegation to accept the land, the Chief Executive undertook consultation with Group Leaders, to which no objections were received prior to accepting the land to deal with the immediate issue at hand and a further delegation is proposed to cover any future proposals.

4. **Policy Framework**

4.1 **Fit for the Future**

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy."

FFF Strands		
People	Services	Money

External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/productivity of local economy Increased employment and income levels
Impacts of Proposal		
Clarity in the manner in which communities are able to engage with the planning process. Ensuring that planning applications are considered in an effective and timely manner to facilitate sustainable development.	Ensuring the provision of public open space within developments through the adoption of land transferred to the Council.	To enable sustainable high quality development and infrastructure to come forward at the right time to contribute to the vision of making Warwick District a great place to live, work and visit.
Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
Impacts of Proposal		
Ensuring that the delegation agreement is up to date and operating effectively to assist staff in considering planning applications in an effective manner.	Contributing to the consideration of planning applications in a manner which provides a speedy and high quality service for customers.	Ensuring that planning applications are determined in the most cost effective manner.

4.2 Supporting Strategies

Each strand of the FFF Strategy has several supporting strategies and the key one in respect of this proposal is the Local Plan.

The consideration of planning applications in an effective and timely manner contributes to the vision for the District set out in the Local Plan and is supported through the provision of an up to date and effective delegation agreement.

4.3 Changes to Existing Policies

This proposal is not intended to bring forward changes to any of the principle formal policies of the Council but rather is intended to update the delegation agreement in support of some of those policies.

4.4 Impact Assessments - It is anticipated that ensuring that planning applications are considered in the most timely and effective way will benefit all sections of the community.

5. Budgetary Framework

5.1 The above proposals will be brought forward within existing budgetary frameworks.

6. Risks

6.1 Any risks associated with this proposal are considered in section 7 below.

7. Alternative Options Considered

7.1 The option of not clarifying the delegation agreement to clearly set out the timescale for Members calling planning applications to Committee has been discounted.

7.2 Officers have also considered the option of not revising the delegation agreement to require that planning reasons are provided for both calling a planning application to Committee and/or objecting to an application. However, the risks associated with doing so, particularly in respect of ensuring that the planning process operates properly have resulted in that option being discounted.

7.3 Consideration has also been given to the option of making no changes to the delegation agreement in respect of Town and Parish Councils ability to trigger applications being considered by Planning Committee. However, in view of the nature of the impacts of not proposing any such revisions as set out above, that option has also been discounted.

8. Background

8.1 The Council's Development Management team determine in excess of 2000 planning applications per year. In accordance with national guidance and good practice, in order to ensure that decisions are made in a timely and cost effective manner, approximately 90% of those decisions are made by Officers under delegated powers.

- 8.2 Nevertheless, as is widely the case amongst Council's, it is appropriate that those more complex or controversial planning applications where there is, for example a significant level of public interest are considered in a public arena by the Council's Planning Committee.
- 8.3 The Council's delegation agreement sets out a number of triggers which identify the points at which that increased level of public interest is considered to have been achieved and therefore where an application would be considered by the Planning Committee which in the circumstances where the recommendation is that planning permission be granted, includes:-
- i. The receipt of 5 or more objections to a proposal;
 - ii. A request from a Councillor that the application be considered by Planning Committee; or
 - iii. The receipt of an objection to a proposal from the Town or Parish Council in whose area the proposal is located.
- 8.4 In order to ensure the effective running of the planning system; the most appropriate use of resources and therefore the provision of best value for customers, it is necessary to keep the operation of the Council's delegation agreement under review. This is particularly relevant in view of the level of national scrutiny of Councils' effectiveness in determining planning applications and in the emerging evidence that the cost of determining planning applications that are considered by Planning Committee is approximately 10x that of those considered under delegated powers.

Proposed Revisions to the Delegation Agreement

- DS (45) Confirm Tree Preservation Orders to which there are objections, following the authorisation of that confirmation by ~~the Tree Preservation Order Sub Committee or the Planning Committee.~~
- DS (70) Determine all applications submitted to Warwick District Council as required by the Town and Country Planning Act 1990 (as amended), Town and Country Planning (Control of Advertisement) Regulations 1992, and Planning (Listed Buildings and Conservation Areas) Regulations 1990, ~~with the exception of the following~~ **except:** -
- (i) ~~Applications~~ when a **valid** written request is received from a member of Warwick District Council within the specified consultation period of 21 days **from the publication of the notification letter of the application to the relevant parties, setting out the planning grounds on which the referral of that application to Planning Committee is requested** ~~that Committee referral is required.~~
 - (ii) ~~Applications~~ when 5 or more written objections (or letters of support) **which have been received from different addresses** or a petition (including one of support) with 5 or more signatures has been received **identifying, in the case of an objection, the planning grounds on which that objection is made**, where the recommendation is contrary to the representations that have been made.
 - (iii) ~~Applications~~ when the recommendation of the Head of Development Services i.e. Grant/Refuse is contrary to the representations made by a Parish/Town Council, i.e. Object/Support except in the following circumstances: -
 - (a) after consultation with the Chairman of the Planning Committee if it is considered that the representation is not on planning grounds;**
 - (b) the Head of Development Services after consultation with the Chair of Planning Committee** ~~is satisfied that that the plans have been amended to address the concerns of the Parish/Town Council;~~
 - ~~(c) where the representations made by the Parish/Town Council raise issues which are not material to the planning assessment of the particular application; or~~
 - ~~(c) where the concerns of the Parish/Town Council have been previously considered as part of the assessment of an extant permission on the site and there has been no change in circumstances~~
 - ~~(iv) Applications where the principle of development would represent a material departure from any policy within the Development Plan.~~
 - (iv) Applications known to be submitted by or on behalf of a Warwick District Councillor, Warwick District Council employee or former employee of the Council, or the spouse/partner of any such person;
 - (v) Applications **relating to land or buildings in the ownership of Warwick District Council or which are** submitted by Warwick District Council or Warwickshire County Council, other than for approval of routine minor developments.
 - (vi) Where applications are to be refused and enforcement action is being recommended, following consultation with the Chair and Vice Chair of the Committee and the relevant ward member(s) except in the

circumstances where the Head of Development Services considers it appropriate for that matter to be determined by Planning Committee.

- (vi) Applications where an Environmental Impact Assessment has been provided.
- (vii) Any application which raises significant issues such that in the opinion of the Head of Development Services, it would be prudent to refer the application to Planning Committee for decision.

DCE(16) The Deputy Chief Executive (BH) be authorised to approve a rental holiday for any non HRA property subject to either a maximum of 12 months or £20,000 whichever is the lowest and the holiday being reported in the quarterly budget monitoring report to Executive.

A(12) To accept the transfer of land or buildings to the Council which is required to be transferred to the Council under the provisions of a section 106 agreement.”

Head of Culture,
Development,
Housing and
Neighbourhood
individually

Amendments to Council Procedure Rule 6 – Notices of Motion

Be amended to read as follows:

~~(6) If the subject matter of a motion submitted to the Council comes within the terms of reference of the Executive or any committee, it will, upon being moved, and seconded, stand referred without discussion to the Executive or that committee for consideration and report. However, the Council may, by a simple majority, allow the motion to be dealt with at the meeting at which it is brought forward.~~

When a Motion comes to Council the procedure will be as follows:

- (1) For matters that can be determined by Council a short introductory speech will be made by the proposer followed by the proposal of the motion. Once seconded the procedure for debating motions will be followed. After any debate the Motion will be put to a vote and will either be carried or lost.**
- (2) For matters that are the responsibility of the Executive or a Committee a short introductory speech will be made followed by the motion which will be closed with a request the matter is referred to the relevant meeting along with a report from officers. The procedure for debating motions will then be followed. After any debate the Motion will be put to a vote and will either be carried (referred to the relevant committee) or lost (no further action is taken)**

Appendix 2

Open Space and Play Area Obligations

S106 Trigger	The Open Space	The Play Area
Before development starts:	<ul style="list-style-type: none"> Owner submits a detailed Scheme (the Amenity Open Space Scheme) for the Land (the Amenity Open Space Land), and Council approves the Scheme in writing 	<ul style="list-style-type: none"> Owner submits a detailed Scheme (the Play Area Scheme)
Before the 1 st Dwelling is occupied:	<ul style="list-style-type: none"> Owner shall offer to transfer the Land for £1, and Council will respond within 30 days 	<ul style="list-style-type: none"> Owner shall offer to transfer the Play Area for £1, and Council will respond within 30 days
Before 50% of the dwellings are occupied:	<ul style="list-style-type: none"> Owner shall lay out and install the Land in accordance with the approved Scheme. Owner must notify the Council in writing when the Scheme has been implemented and is complete. 	<ul style="list-style-type: none"> Owner shall lay out and install the Play Area in accordance with the approved Scheme. Owner must notify the Council in writing when the Scheme has been implemented and is complete.
Within 40 days of the Owner notifying the Council that the scheme is complete:	<ul style="list-style-type: none"> Council has to inspect the works and, if satisfied with the works, must issue a Completion Certificate within 15 days of the inspection, or; notify the Owner within 15 days of the inspection if remedial work is required. Work to be carried out to the reasonable satisfaction of the Council. Thereafter the Land is to be maintained in full accordance with the Scheme. 	<ul style="list-style-type: none"> Council has to inspect the works and, if satisfied with the works, must issue a Completion Certificate within 15 days of the inspection, or; notify the Owner within 15 days of the inspection if remedial work is required. Work to be carried out to the reasonable satisfaction of the Council. Thereafter the Land is to be maintained in full accordance with the Scheme.
Once the Completion Certificate has been issued and before 50% of dwellings are occupied	<ul style="list-style-type: none"> Owner will transfer the Land to the Council for £1. 	<ul style="list-style-type: none"> Owner will transfer the Land to the Council for £1.
On completion of the transfer of the Land :	<ul style="list-style-type: none"> Owner shall pay the Council the Amenity Open Space Maintenance Sum. 	<ul style="list-style-type: none"> Owner shall pay the Council the Play Area Commuted Sum.

Summary of SUDS Obligations (W/15/0851)

S106 Trigger	Provision of Sustainable Urban Drainage System (SUDS)	Transfer of SUDS Land
Before development starts:	<ul style="list-style-type: none"> Owner submits the SUDS Specification, and Council approves SUDS Specification in writing. 	
Before 1 st dwelling occupied:	<ul style="list-style-type: none"> Owner completes SUDS and invites Council to issue SUDS Completion Certificate. Council inspects SUDS and either notifies developer of any defects within 15 days or issues SUDS Completion Certificate. Where remedial works required, owner completes to satisfaction of Council. Owner invites Council to inspect remedial works and to issue SUDS Completion Certificate. Council inspects SUDS and issues SUDS Completion Certificate. 	
Upon Issue of SUDS Completion Certificate :	<ul style="list-style-type: none"> 12 month SUDS Maintenance Period starts. Owner maintains the SUDS. 	
No later than 30 days after the issue of the SUDS Completion Certificate :		<ul style="list-style-type: none"> Owner serves notice on the Council offering the SUDS Land for adoption.
On expiration of the SUDS Maintenance Period :	<ul style="list-style-type: none"> Owner invites the Council to issue a SUDS Final Certificate confirming that the SUDS have been properly maintained during the SUDS Maintenance Period. 	
Within 30 days of being invited to issue the SUDS Final Certificate :	<ul style="list-style-type: none"> Council inspect the SUDS and notify the developer of any remedial works required. Owner completes remedial works to the reasonable satisfaction of the Council. 	
On completion of any remedial works, or if none required:	<ul style="list-style-type: none"> Council issues SUDS Final Certificate. Where Council fails to inspect SUDS within 30 days of receipt of notice of invitation or fails to issue the SUDS Final Certificate within 30 days of the inspection then the SUDS Final Certificate shall be deemed to have been issued. 	
Prior to the date of SUDS Transfer :		<ul style="list-style-type: none"> Owner and Council agree the SUDS Commuted Sum.
Following issue of SUDS Final Certificate and prior to 75% of dwellings being complete:	<ul style="list-style-type: none"> Owner shall maintain the SUDS in accordance with the approved SUDS Specification until such time as the SUDS are transferred to the Council. 	<ul style="list-style-type: none"> Owner shall execute and deliver to the Council the SUDS Transfer and pay the Council the relevant proportion of the SUDS Commuted Sum.

NOTE: This summary does not include all of the provisions of the relevant Schedule in the S106 Agreement. Assumes WDC want to adopt.

	Executive 4 January 2018	Agenda Item No. 4
Title	Housing allocations policy review	
For further information about this report please contact	Lisa Barker Head of Housing Services Email: lisa.barker@warwickdc.gov.uk Ken Bruno Housing Strategy and Development Manager Email: ken.bruno@warwickdc.gov.uk	
Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	Executive – 9 March 2016 Minute 115	
Background Papers	HomeChoice Allocation Scheme 2016 Housing & Homelessness Strategy 2017 – 2020. Warwickshire Tenancy Strategy 2015	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	Yes
Included within the Forward Plan? (If yes include reference number)	Yes Ref: 858
Equality Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Deputy Chief Executive	4/12/2017	Bill Hunt
Head of Service	7/12/2017	Lisa Barker
CMT	4/12/2017	Chris Elliott
Section 151 Officer	4/12/2017	Mike Snow
Monitoring Officer	4/12/2017	Andrew Jones
WCC Legal Services	7/12/2017	Lara Macnab
Portfolio Holder(s)	7/12/2017	Councillor Peter Phillips
Consultation & Community Engagement		
Housing Advisory Group – 15 th November 2017		
Final Decision?	No	
Suggested next steps (if not final decision please set out below) The recommendations will go to council should executive agree them.		

1. **Summary**

- 1.1 This report incorporates a review of the housing allocations policy introduced in June 2016 and recommends a number of refinements and amendments to the policy as a result of the experience of the first twelve months.

2. **Recommendations**

That Executive:

- 2.1 Notes the review of the working of the allocations policy set out in the report.
- 2.2 Recommends to Council that the current policy (see paragraph 3.2 below) be amended in accordance with the proposals set out in appendix two of the report.
- 2.3 Delegates authority to the Head of Housing Services in consultation with the Housing and Property Portofolio Holder to redraft the allocations policy document to reflect the agreed changes.
- 2.4 Resolves that the revised policy is monitored with a further review after a sufficient period of operation.

3. **Reasons for the Recommendations**

- 3.1 The housing allocations policy sets out the rules that the council uses to decide who may apply for vacant council and housing association homes and how decisions will be taken as to who will be offered the vacancies. The overarching aim of the policy is to get more people into homes appropriate to their circumstances.
- 3.2 In August 2015 Council agreed a number of changes to the policy and also resolved that the working of the new policy should be reviewed after 12 months of operation. The new policy was implemented in June 2016 and is on the council website at:
https://www.warwickdc.gov.uk/downloads/file/989/homechoice_policy.
- 3.3 Appendix One to this report sets out the review for consideration in accordance with that resolution. A number of issues have been identified as a result of the review and, in order to address these, a number of proposed amendments to the policy linked to in 3.2 above are set out in Appendix Two.

4. **Policy Framework**

4.1 **Fit for the Future (FFF)**

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<u>Intended outcomes:</u> Improved health for all. Housing needs for all met. Impressive cultural and sports activities. Cohesive and active communities.	<u>Intended outcomes:</u> Area has well looked after public spaces. All communities have access to decent open space. Improved air quality. Low levels of crime and ASB.	<u>Intended outcomes:</u> Dynamic and diverse local economy. Vibrant town centres. Improved performance/productivity of local economy. Increased employment and income levels.
Impacts of Proposal		
The housing allocations policy is critical to how the council addresses housing need. The proposed changes will ensure that the most urgent housing needs are met in the most efficient manner while also giving existing tenants opportunities to move to alternative accommodation where appropriate.	None.	None.
Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u> All staff are properly trained. All staff have the appropriate tools. All staff are engaged, empowered and supported. The right people are in the right job with the right skills and right behaviours.	<u>Intended outcomes:</u> Focusing on our customers' needs. Continuously improve our processes. Increase the digital provision of services.	<u>Intended outcomes:</u> Better return/use of our assets. Full Cost accounting. Continued cost management. Maximise income earning opportunities. Seek best value for money.
Impacts of Proposal		
None	Housing allocations are a key customer service and refining the policy ensures that it continues to address people's needs in the best way.	None.

4.2 Supporting Strategies

- 4.2.1 Each strand of the FFF Strategy has several supporting strategies. The council adopted the current Housing and Homelessness Strategy in April 2017. This includes objectives around providing suitable accommodation for the homeless in an effort to prevent and reduce homelessness and meeting housing needs through new provision and regard has been had to that strategy, and to the Warwickshire Tenancy Strategy, in framing these proposals.
- 4.2.2 A robust, effective and proportionate allocations policy ensures that both new and existing available properties can be targeted towards meeting housing and homelessness needs and facilitating moves for existing tenants to free up other accommodation to meet such needs, thereby creating a chain of lettings.

4.3 Changes to Existing Policies

This report recommends changes to the existing housing allocations policy in light of the review of the working of the policy over the twelve months since implementation.

4.4 Impact Assessment – An equality impact assessment has been undertaken:

- The proposals about ex-partners of armed forces personnel will have a small positive impact upon gender equality.
- The proposal on definition of a child will have a slight negative impact upon age as those with 16 or 17 year-old sons/daughters and no younger children will no longer be eligible for a house. Around 30 cases are likely to be affected.
- In seeking to increase the number of transfers the policy may indirectly benefit older people because they tend to be the people whose homes become under-occupied as children grow up and leave home. This can be justified, as the counter-balance will be to release more family housing for younger families.

5. Budgetary Framework

- 5.1 Changes to the allocations policy may require changes to stationery, website information, customer information and staff training. There will also be postage costs involved in mailings to customers. These will be met from existing resources.
- 5.2 There will also be a need to update the HomeChoice software to reflect the revised policy. Provision for this development work was included in the contract with the new HomeChoice software support provider and is therefore also within current budgets.

6. Risks

- 6.1 Council and housing association properties are a scarce resource and inevitably their allocation is an area of controversy that is always open to challenge.
- 6.2 It is also a policy area that is legislated for and the council is not entirely free to set policy as this needs to be laid out within the context of the legislation and case law (which is also substantial). Legal advice has therefore been sought in relation to the detail of the allocations policy and the changes proposed. A verbal update will be provided at the meeting.

- 6.3 Failure to keep the policy up to date and within legislative boundaries therefore carries reputational and financial risks if challenged, with potentially very high costs if this were to proceed to court.
- 6.4 There is also the risk of inconsistent decision-making and inappropriate allocations if the policy is not clearly defined. At the same time the policy will not withstand legal challenge if it is so rigid as to fetter the council's discretion. A careful balance between the two is therefore required.

7. Alternative Option(s) considered

- 7.1 The option of not revising the policy has been considered but given the findings of the review this was not felt to be appropriate.
- 7.2 A number of the individual proposals in appendix two were discussed with the Housing Advisory Group in November when potential alternatives were considered and debated. Some of the alternatives are included in appendix two.

8. Background

- 8.1 In June 2016 a new allocations policy was introduced for the district and it was agreed that this would be reviewed after 12 months of operation.
- 8.2 Appendix one sets out a range of statistics showing how the policy has worked over the first twelve months:
- As far as possible tables one and two show the composition of the housing register before the changes in comparison to its state at the time of writing.
 - Table three shows the proportions of general needs properties being advertised for each of the various bands with comparative figures for the proportion of allocations made to each band.
 - Table four shows the number and percentage of all properties being allocated to each band.
 - Table five breaks this down further by the size of the property in terms of the number of bedrooms.
- 8.3 Comparison of tables one and two shows that overall there has been a fall of over 1,000 applicants on the housing register. This is due to a combination of factors:
- Whenever a new system is introduced there will be a proportion of applicants who drop off the list for their own reasons.
 - The introduction of local connection criteria has meant that a number of applicants no longer qualified to be on the list. However during the implementation of the policy a legal decision meant that applicants without a local connection who had a housing need ("reasonable preference") could not be excluded from the list so this has had a lesser impact than originally envisaged.
 - The introduction of transfers, with over 200 having been completed in the first 12 months, has enabled tenants to move while still generating another vacancy for a non-tenant and this has increased the overall number of people being rehoused through the scheme.
 - The significant new-build programme of affordable housing (950 new homes in the last three and a half years) has also increased the number of properties available for applicants.

- 8.4 There were some concerns that enabling more transfers would hamper those in the greatest need (band one) from being rehoused and a transitional arrangement was put in place of limiting the percentage of properties advertised to the transfer band to 50%. The statistics show that this appears to have worked in that band one applicants accounted for 21% of all allocations (including housing designated for older people and other special groups) and 31% of general needs allocations. Further the number of applicants in band one has actually halved. It is worth noting that a reduction in the number of applicants in band one is unlikely to be due to applicants dropping off the list voluntarily and cannot be due to local connection rules. This is because band one applicants are either homeless or have enough priority to be able to anticipate being rehoused. It is therefore much more likely to be due to the positive measures of transfers and more affordable homes being built and available for letting within this period.
- 8.5 Overall, it can be said that the scheme has been a success, with reductions in the number of applicants in all bands except band two, which is unchanged, and a reasonable spread of allocations across the bands. Transfers have helped over 200 tenants to find suitable alternative accommodation, freeing up their property for high need non-tenants.
- 8.6 Despite the success of the scheme there are some further changes that are recommended. These are set out in appendix two to this report.
- 8.7 Feedback from Registered Providers has been received informally through normal operational channels during the implementation of the new scheme and no specific new concerns have been raised. Nevertheless, once the schedule of changes has been agreed a consultation will be undertaken with them for their comments in accordance with the legislation. Any comments will be verbally reported to Executive.

Appendix One – 12 month review of the working of the allocations policy

The 2016 changes

The broad structure of the allocations system, i.e. a choice-based, banding and bidding system, was unchanged from the previous system which had been in place since 2008.

There were two main changes and a number of more minor ones. The main changes were:

- The introduction of a transfer list to give more priority to existing tenants in certain circumstances;
- Excluding from the housing register people with no local connection.

Composition of the housing register

Prior to implementation of the new system, in April 2016 the make-up of the housing register, by band and number of bedrooms needed, was as shown in the following table.

Band	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed+	TOTAL
Band 1	19	6	3	0	0	28
Band 2	134	37	85	20	5	281
Band 3	972	287	73	16	3	1351
Band 4	1087	571	148	15	4	1825
Young Person	3	0	0	0	0	3
Unbanded	6	0	2	0	0	8
TOTAL	2221	901	311	51	12	3496

The introduction of the changes means that the current register is different because of the transfer band. However, within that context, the following table shows the analysis of the register as at 3rd November 2017.

Band	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed+	Total
Band 1	10	3	0	0	1	14
Band 2	104	75	62	24	16	281
Band 3	614	112	22	5	1	754
Band 4	465	269	68	7	1	810
Young person	0	0	0	0	0	0
Transfer	363	203	28	2	1	597
Total	1556	662	180	38	20	2456

Allocations under the new scheme

The approval for the new allocations scheme allowed up to 100% of available properties to be available to transfer tenants and then to become available for Bands 1 to 4. As an initial trial we have been advertising 50% of available properties for transfer applicants to bid on while the other 50% are advertised for applicants in bands one to four.

As regards properties advertised for a numbered band, they are advertised with a preference for a particular band as follows: 50% for band one; 30% for band two and 20% for band three. The two exceptions to this are those properties where the age of

the applicant is restricted (invariably this will be properties for people who are over 55 years of age) and properties where the rural local lettings policy applies.

For the 538 properties advertised in the normal way the following table show in percentage terms which bands properties have been advertised for and which bands properties were actually allocated to during the first twelve months of the scheme.

Band	Proportion advertised (%)	Proportion allocated (%)
One	25.5	30.5
Two	15	31.5
Three	6.5	14.5
Four	0	1.5
Transfer	53	22
TOTAL	100	100

* All figures rounded to the nearest 0.5%.

There were 234 age-designated properties allocated during the year. Exactly 50% were advertised to the transfer band and 32% of allocations went to the transfer band.

Of 39 properties advertised under the rural local lettings policy seven were allocated to a transfer case.

Overall 811 properties were allocated during the twelve month period of which 403 were advertised to the transfer band, resulting in 201 allocations to transfer applicants. The breakdown by band of all allocations completed was as follows.

Band	Number	Percentage
One	171	21
Two	218	27
Three	150	18.5
Four	71	8.5
Transfer	201	25
TOTAL	811	100

These allocations can be broken down further by the types of property that have been available as follows.

Band	Bedsit	One bed	Two bed	Three bed	Four bed	TOTAL
One	2	54	78	34	3	171
Two	3	53	92	61	9	218
Three	2	76	56	15	1	150
Four	0	37	28	5	1	71
Transfer	2	90	82	26	1	201
TOTAL	9	310	336	141	15	811

Appendix two – Proposed changes to the housing allocations policy

1 Transfer categories - Like for like

The like-for-like band has not been well understood or set up properly and has led to a number of issues. The original intention was that this should enable tenants with no need, who didn't fall into any of the transfer band reasons for rehousing to be able to move to a property of the same size and type as they currently had where there was a benefit to WDC in allowing the move. However when the system was introduced, all applicants who didn't fit into any of the other categories were placed into this band.

It is proposed that this be rectified by:

- Dealing with the types of cases that this was originally intended to rehouse through the "Move for housing management reasons" transfer band category.
- Removing the "Like for like" category from the scheme.
- Creating a new transfer band category – "Transfer – other" for all those transfer applicants who do not have a reasonable preference and do not fit any of the other transfer categories. These applicants would be able to bid for properties of an appropriate type and size for their household that are advertised to the transfer band, including a like-for-like move, and would be shortlisted as the lowest priority transfer category.

Transfer categories would then be as follows (in order of priority):

1. Under-occupation.
2. Two-for-one moves.
3. Making best use of adapted properties.
4. People with children in above-first-floor flats.
5. Moves for good housing management reasons (existing categories in the policy plus releasing high demand properties).
6. Other.

Tenants in a reasonable preference category (usually overcrowding or medical/welfare priority) would continue to go into band two as required by law.

To better incentivise downsizing it is also proposed that under-occupying tenants who live in a property with three or more bedrooms and wish to move to a smaller property may be able to bid for a property with up to one bedroom in excess of need subject to demand levels for the property they will be vacating.

2 Transfers quota

The original policy was that all properties would be advertised to the transfer band first with the numbered bands being able to bid below the transfer band. As members will recall, at implementation a transitional arrangement was applied so that 50% of properties were advertised to the transfer band and 50% to the numbered bands.

The review has shown that this arrangement has been successful in enabling over 200 transfers while halving the numbers of applicants in band one.

It is now time to consider whether to move to the original policy intention of all properties being advertised to the transfer band.

The options are to:

- move to 100% transfers;
- put all first-time adverts to the transfer band with all re-advertisements going to numbered bands;
- advertise all newly void properties to transfer band except that any void that arises as a result of a transfer is advertised to a numbered band;
- make the transitional arrangement of 50% permanent;

- move to another proportion altogether;
- have no quota for transfers and simply place them within the bidding hierarchy, awarding greater preference to those who are underoccupying or who are moving from an adapted property;
- Create a separate transfer policy and offer properties to transfer customers (with no housing need) outside of the allocations scheme.

Moving to 100% of properties advertised to the transfer band will undoubtedly lead to more such moves and more mobility for tenants within the stock. However it would have a detrimental impact upon high-need non-tenants and possibly begin to increase pressure upon temporary accommodation use again. This is because it would mean that, while applicants in numbered bands would be able to bid on properties advertised to the transfer band they would only get a chance if no transfer applicants wanted it. Over time it may also be seen as increasingly unfair in that tenants who have only very recently applied for a move will have much better prospects of rehousing than people who have been waiting in the numbered bands for considerably longer.

The move could also lead to increased complaints from applicants and tenants in need, with potential legal challenges on the grounds that "reasonable preference" is not being given in accordance with legislation. Advice from WCC Legal Services on this point is that: "If WDC wish to advertise 100% of its vacant properties to existing tenants BEFORE considering non tenants who have a reasonable preference I can see a potential argument of unlawfulness giving rise to a judicial review because it may be deemed to be circumventing the provisions as set down in legislation."

The second option on the list is a variation on the "100%" theme and therefore has similar advantages and disadvantages. In addition, as regards first-time adverts to transfers with re-advertisements to numbered bands, we only do a second advert if no-one bids the first time or if we have exhausted the bidding list. Pursuing this option would effectively mean that the only properties that would be advertised to numbered bands would be those that no-one wanted, either because no-one had bid on them at all, or because everyone who did bid had subsequently refused it. This again would be likely to lead to high levels of complaints and the potential for legal challenges.

The third option, that all "natural" voids be advertised to transfers but all voids freed up by transfer go to numbered bands, ought in theory to be equivalent to the current policy of 50% of properties going to transfers.

The other three options are fairly self-explanatory.

It is proposed that the existing transitional arrangement of advertising 50% of properties to the transfer band and 50% to numbered bands should now be adopted permanently as policy.

3 Bidding policy

At present properties are advertised 50% to the transfer band and 50% to numbered bands. The latter are then advertised in the ratio 50:30:20 to bands one, two and three respectively.

Applicants in the transfer band cannot bid for properties advertised to a numbered band.

For properties advertised to a numbered band any applicant in a lower band than that advertised is able to bid as well and can be considered if no-one from the advertised band is suitable. Applicants in a higher band cannot bid.

The intention behind this is to try to give people with lower level needs a fair share of opportunities while still advertising most properties to the higher need bands. However it can sometimes lead to a situation where a property advertised to band three may go to someone in band four (who has no need) when it would have been suitable for a band one applicant, or a transfer applicant may have been willing to take it and free up another vacancy.

Age designated properties are advertised 50% to the transfer band and 50% to numbered bands, although in the latter case they are not included in the 50/30/20 quotas and the shortlist is done based on highest priority and time on the list.

Applicants in numbered bands can bid on properties advertised to the transfer band, and will be considered if there are no suitable transfer applicants. However transfer applicants cannot bid on properties advertised for the numbered bands.

It is proposed that this policy be changed as follows:

- All applicants, regardless of band, will be able to bid for any property (including age-designated properties, subject to being of the required age).
- Shortlisting will be arranged according to the following table. (Age designated properties will be shortlisted in the same way as for band one).

Priority	Preferred band			
	Transfer	Band one	Band two	Band three
First	Transfer	Band one	Band two	Band three
Second	Band one	Band two	Band three	Band one
Third	Band two	Band three	Band one	Band two
Fourth	Band three	Transfer	Transfer	Transfer
Fifth	Band four	Band four	Band four	Band four

4 Imbalance of the housing register

As of November 3rd 2017 the housing register breakdown was as follows.

	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed+	Total
Band 1	10	3	0	0	1	14
Band 2	104	75	62	24	16	281
Band 3	614	112	22	5	1	754
Band 4	465	269	68	7	1	810
Transfer	363	203	28	2	1	597
Total	1556	662	180	38	20	2456

There are 22 applicants in band three with a three-bed need but there are 62 in band two with a three-bed need. A similar situation occurs with four bedroom properties. This contrasts sharply with the situation twelve months ago when the two bands had broadly similar numbers of applicants with a need for three or more bedrooms as the following table from April 2016 shows:

	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed+	TOTAL
Unbanded	6	0	2	0	0	8
1	19	6	3	0	0	28
2	134	37	85	20	5	281
3	972	287	73	16	3	1351
4	1087	571	148	15	4	1825
YP	3	0	0	0	0	3
TOTAL	2221	901	311	51	12	3496

Although the quotas direct more properties to band two than band three (30% band two, 20% band three net of transfers) this doesn't fully redress the balance and as property types are distributed at random between the bands the reality is that currently, for applicants needing three bedrooms, those in band three (lower need) have a better chance of rehousing than those in band two (higher need).

It is proposed that this should be monitored and if the situation does not improve the Head of Housing, in consultation with the Portfolio Holder, should have delegated authority to secure that a greater proportion of three and four-bedroom properties are advertised to band two applicants to redress the balance.

5 People housed through HomeChoice

It is proposed that anyone that takes up a tenancy allocated through HomeChoice, regardless of whether it is a fixed-term, secure, introductory or starter tenancy should normally have to wait 12 months before being able to go back onto the housing register.

Exceptions would be agreed in the limited circumstances where the applicant would come within a reasonable preference category (broadly speaking this would mean statutory overcrowding, medical or welfare need or homelessness.)

The Head of Housing would have discretion to agree to earlier access to take account of other important changes of circumstances.

6 Financial resources

Current policy states:

"If you have an income or savings or investments that will allow you to get private accommodation, we will encourage and support you to take this option and we may give you less preference in HomeChoice." In practice this has not been used and the following more stringent definition is proposed.

"An applicant and their household with assets, or equity in a property, with a net value of more than £16,000 will have this taken into account when their application is assessed and will not receive any priority.

Where the applicant is part of a couple, the income of an applicant and their partner is taken into account. Single applicants who have an income in excess of £30,000 per annum and households with a joint income in excess of £50,000 will not receive any priority. Any Disability Living Allowance (DLA), Personal Independence Payment (PIP) and War Pensions are not included as income.

This restriction may be removed for individual cases by the Head of Housing Services in exceptional circumstances where it can be shown that it would cause exceptional hardship."

7 Children above ground floor

It is proposed that this category within the transfer policy and in band 3.3 should be revised so that it only applies to children above the first floor rather than above the ground floor and only applies to flats not maisonettes.

Two further changes are proposed.

Band 3.3: This states that it applies to "private tenants" because council and housing association tenants within the district will be in the transfer band.

However there could be council and housing association tenants from outside the district with a local connection (or exempt from local connection rules) who have children above the first floor. They wouldn't be in the transfer band (because WDC wouldn't get to nominate to the resulting vacancy) so it is proposed that they should go into band 3.3.

Transfer: For clarity it is proposed that the policy should state that applicants with this transfer band priority will only be considered for a move to a lower floor: the need reflected by the banding is not alleviated by a sideways or upwards move.

8 Housing-related debt

There are various aspects to this within current policy. At present debt may be dealt with in three separate ways:

1. Unacceptable behaviour. Policy allows exclusion completely from Homechoice for two years where a member of the household has been "guilty of unacceptable behaviour" which can include "not paying rent". The test is whether a social landlord could have evicted the person had they been a tenant, not whether an actual eviction has taken place. The wording of this section is such that it appears to only apply to behaviour of people who were not tenants of a social landlord at the time of the behaviour.
2. Housing-related debts – no offer. Policy states that for an applicant who owes a social landlord money "we might not offer you a property".
3. Housing-related debts – demotion. Policy goes on to state "We may put you in a lower banding if you have housing-related debts". The demotion can be lifted if the debt is brought below a set level or a payment plan is made and kept to.

The latter two points have at times been applied together, i.e. applicants have been demoted a band due to debt but then, having come up for an offer in the lower band, had it withdrawn. This seems to be double punishment and is not easily justified to applicants.

It is proposed that the following changes are made:

- The definition of housing-related debt should be broadened to include housing-related debts owed to private landlords, building societies, banks and other lenders.
- Demotion for housing-related debts should be withdrawn.
- Housing-related debts that actually resulted in an eviction should be considered unacceptable behaviour and dealt with in accordance with the "Unacceptable behaviour" policy. There should be two exceptions to this:
 - Where the applicant has kept to an arrangement with the landlord and has reduced the debt by at least 50% at the time of the application;
 - Where the applicant is assessed and found to be unintentionally homeless.
- For other housing-related debts it is proposed that an applicant with a combined housing-related debt exceeding £500 should be suspended from being able to bid until the debt is brought below that figure or the applicant has made an agreement to pay off the debt and has kept to it for at least 13 consecutive weeks. Exceptions to this will be considered on a case-by-case basis by a senior officer within the Housing Advice & Allocations Team, in conjunction with the body to whom the debt is owed. In particular exceptions will be considered for tenants being affected by the removal of the spare room subsidy who are seen to be trying to keep up with their rent payments but

nevertheless falling into arrears. All decisions about exceptions will be logged so that precedent is built up to ensure consistency.

9 Split households

Current policy does not explicitly address the situation where people living separately wish to live together. (The only situation that is covered is where both parties are social housing tenants and can be banded as a transfer "two for one" move.)

This kind of situation can in certain circumstances be considered under homelessness legislation, for example where children are involved and the whole family cannot reasonably live together at one or other of the dwellings.

However on occasions applicants have sought to include other people on their application to gain a larger property than they are entitled to or to claim a higher banding.

For applicants in this situation that do not fall to be considered under homelessness legislation it is proposed that an application form should be completed for both parties and submitted together. A joint application will be registered to the address that would attract the lower banding were the parties to move in together.

Where an offer of accommodation is made both parties must sign up to a joint tenancy. If either party moves out or seeks to terminate the tenancy and leave the other in occupation during the first twelve months of the tenancy a fraud investigation will be initiated.

10 Definition of "child"

There is a lack of consistency in the policy in that for determining bedroom need, under 16 years of age is used. However for the property size and letting guidelines, to qualify for a house there needs to be at least one "dependant" and this is someone under 18 years of age. The "children above ground floor" bands also use dependant rather than date of birth.

It is proposed that this be rationalised so that both "child" and "dependant" are defined as someone younger than 16 across the whole policy.

11 Multiple needs

Applicants with multiple needs are placed in a band according to their greatest need. For example someone with both a band two need and a band three need will be placed in band two as this has a higher priority. Applicants within a band are prioritised purely on time on the register. However if an applicant has, for example two "band two" needs no additional consideration is given for this and priority within the band is again done according to time on the list.

It is proposed that a new category is created in each of bands two and three for multiple needs. This will have priority over applicants with only one need regardless of time on the list although within the multiple need category if there is more than one applicant they will be prioritised by time on the list.

Only needs within the band will be considered. So:

- Someone with both a band two and a band three need will go into band two under the category of their band two need;
- Someone with two or more band two needs will go into "Band two-multiple need"; and
- Someone with two or more band three needs will go into "Band three-multiple need".

12 Refusals

Applicants are allowed to bid for up to five properties on any single advert. They can only be made one offer at a time and are currently free to refuse any offers that they receive without penalty (with the exception of band one where the urgency of addressing the need requires a degree of compromise on the part of the applicant.)

This is in keeping with the ethos of a choice-based system. However there have been instances of applicants bidding for, but then refusing, a number of properties that would have been suitable for their needs. This is unfair on landlords who lose rental income while a property is void and also go to a lot of abortive work in contacting the applicant, arranging tenancy checks and sign-up appointments etc.

It is therefore proposed that an applicant should be suspended from bidding for a period of three months if they have refused three offers of suitable accommodation that they have placed bids on in any six month period.

The intention would be to provide some deterrent to frivolous bidding while recognising that, in a choice-based system, applicants should be able to bid for, but subsequently refuse, properties. A more serious sanction is not therefore considered appropriate.

13 Unacceptable behaviour

The present definition makes it sound as though this only applies to people who were not council or housing association tenants at the time of the behaviour. It is proposed that the wording should be changed to make it clear that these rules apply to any applicant.

Current policy also states that the decision will be "based on the circumstances at the time of the application" and therefore can only be applied to new applications. It is proposed that this should be extended to allow for exclusion for unacceptable behaviour of existing, as well as new, applicants where such behaviour occurs or comes to light after an applicant has been accepted onto the register.

It is further proposed that there should be a facility to extend the non-qualifying period for longer than two years if the applicant's behaviour has not changed in that time.

14 Changes to the Allocations Policy

At present all changes, however minor, need to be reported through Executive and on to Council. It is proposed that the Head of Housing Services be given delegated authority, in consultation with the Housing & Property Portfolio Holder, to make minor policy changes from time to time. More substantial changes would still be the subject of reports to Executive and Council.

15 Demolition and regeneration

Where the council is planning to demolish a tenant's home or regenerate an area resulting in one or more tenants losing their home it is proposed that affected tenants should be placed in band one.

16 Move-on applications

These applications currently go into band one. This would appear to have been introduced so if we had a homeless approach from a single vulnerable person they would be referred to supported accommodation and when they were tenancy ready we would rehouse them from band 1 'move-on' then place another vulnerable person into that vacancy.

The move-on protocol has recently been revised and is a lot less prescriptive so that the supported providers take referrals from any organization (and in some cases self-referrals) not just the council. This has a negative impact on the waiting list as the provider still expects to refer them to us for 'move-on' which in turn affects the waiting time for homeless applicants in temporary accommodation, especially with a one-bedroom need.

It is proposed that in future move-on applicants should go into band two.

17 Threat of violence and harassment

For existing social tenants these are covered under band two – welfare need. It is proposed that this should be broadened to cover all cases of threat of violence or harassment that aren't serious enough to warrant band one under a homelessness assessment.

It is also proposed that a band one category be created for serious cases to try to facilitate a move through the housing register without forcing the applicant into homelessness. This would also include requests for rehousing that are supported by the Police or a formally established organisation such as the Risk Assessment Management Panel under the countywide Multi-Agency Public Protection Arrangements (MAPPA), Multi-Agency Risk Assessment Conference (MARAC) or the National Witness Support Scheme.

18 Fostering and adopting

It is proposed that an applicant who needs more bedrooms because he/she has been approved by the relevant agencies to foster or adopt a child or children should be eligible for a number of bedrooms that will provide space for the child/children in accordance with the bedroom need rules.

If the number of bedrooms in their current property is less than the number that they are assessed as needing, the applicant will be banded as overcrowded.

The child does not have to be living with the applicant at the time of the application but the approval for fostering or adoption must be evidenced and the intention to adopt or foster the child must be apparent.

19 Ex-partners of serving or former armed forces personnel

Serving or former armed forces personnel currently may have their service recognised within the allocations policy in three ways, subject to meeting certain criteria:

- They may be exempt from the local connection rules;
- They may receive band two priority;
- They may be promoted a band due to urgent housing needs

It is proposed that an ex-partner of a serving or former armed forces member should be assessed for local connection and banding, as if their ex-partner were still a part of the household. This is conditional upon them having been living with their then-partner while he or she was serving in the forces for a period of at least six months at the time that they separated.

21 Homelessness Reduction Act

It is proposed that the wording of the current homelessness categories in bands one, two and three should be adjusted to match the new statutory duties in the Homelessness Reduction Act 2017.

22 Overcrowding

It is proposed to create a distinction between statutory and non statutory overcrowding providing greater preference to statutory overcrowded applicants.

23 Administrative clarity

It is proposed to provide applicants with detail about matters including how their application will be processed, their rights to information held about them and how the policy will be monitored and reviewed.

 EXECUTIVE 4 January 2018		Agenda Item No. 5
Title	Procurement Partnership and Staffing	
For further information about this report please contact	Mike Snow 01926 456800	
Wards of the District directly affected	N/A	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	N/A	
Background Papers		

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality Impact Assessment Undertaken	N/A

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	15/12/2017	
Head of Service	15/12/2017	Mike Snow
CMT	15/12/2017	
Section 151 Officer	15/12/2017	Mike Snow
Monitoring Officer	15/12/2017	Andrew Jones
Finance	15/12/2017	John Roberts
Portfolio Holder(s)	15/12/2017	Cllr Whiting
Consultation & Community Engagement		
Insert details of any consultation undertaken or proposed to be undertaken with regard to this report.		
Final Decision?	Yes/No	
Suggested next steps (if not final decision please set out below)		

1. **Summary**

- 1.1 This report proposes a partnership with Warwickshire County Council for the provision of Strategic Procurement Support from 1 April 2018 for up to two years.

2. **Recommendations**

- 2.1 That the Executive agrees an exemption to the Code of Procurement Practice to enable a partnership with Warwickshire County Council (WCC) for Strategic Procurement Support to be established from 1 April 2018 for a period of up to two years.
- 2.2 That the Executive delegates authority to the Deputy Chief Executive (AJ) and Head of Finance, in consultation with the Finance Portfolio Holder to agree the terms and scope of the support with WCC, and enter into an agreement on this basis.
- 2.3 That the Executive agrees that the proposed procurement partnership with WCC is reviewed after the first year of operation, with the intention that any revised arrangements can be put in place by April 2020.
- 2.4 That the Executive agrees that the Council's current approach to procurement and contract management is reviewed to inform the proposed review of the partnership arrangement set out in recommendation 2.3.
- 2.5 That the Executive agrees that a Procurement Board is established, comprising of members of the Senior Management Team, to oversee the procurement activity across the Council.
- 2.6 That, subject to agreement of recommendation 2.1, the Executive agrees that an additional £20,000 be included in the budget from 2018/19 onwards for the estimated net additional cost of proposed partnership, subject to the agreement of proposals by Employment Committee in January 2018.

3. **Reasons for the Recommendations**

- 3.1 The proposals within this report are intended to ensure that the Council will have a resilient Procurement function. The proposals will entail strategic procurement support being provided by WCC. Alongside this, an important "procurement presence" will be maintained "within the office" so as to provide day to day support for most projects, and assistance for the larger projects alongside WCC. This changed approach is seen as an opportunity to review the Council's approach to procurement and continue to embed good procurement practice across the Council.
- 3.2 The Council has had a formal Procurement function for over 10 years. Over that period Government and EU Regulations around procurement have increased substantially. Along with this, there has been increased case law which needs to be complied with by public bodies.
- 3.3 In that period significant strides have been made across the Council to ensure correct procurement procedures are followed whilst seeking to ensure that value for money is obtained from contracts and the Council's purchases of supplies and services. Overall, there is knowledge, recognition and acceptance by officers Council-wide of their responsibilities with regard to complying correct

procurement requirements. Whilst there have been some cases which have been reported to members where good procurement practices have not been followed, these are the exception. In total there are approaching 250 contracts within the Council's current Contract Register.

- 3.4 The permanent establishment of the Procurement Team comprises of one Procurement Manager and one Procurement Officer. Since 2007, the Council has had three Procurement Managers, with the current incumbent due to retire in April. Since 2010, there have been three appointments to the post of Procurement Officer, with this post currently filled by an officer on secondment as a temporary measure. This arrangement is due to end in March. In addition, on the establishment there is a three year Procurement Office post which it has not been possible to fill successfully.
- 3.5 Based on feedback from officers across the Council, the continued in-house procurement support, with officers readily accessible to respond to queries and progress projects is believed to be important. This is deemed to be key to in the continued need to imbed good procurement practices across the Council.
- 3.6 In the current market, it is apparent that procurement professionals are in great demand. This has been amplified by such things as HS2, where HS2 have appointed many procurement specialists and are still appointing.
- 3.7 Factors such as this explain the high turnover within the Council's Procurement Team and how the Council has struggled to appoint and retain these officers. There is on-going concern as to the resilience of Procurement function.
- 3.8 Earlier this year a review was undertaken by external consultants of the Council's Procurement function. The review had been launched to help officers determine a way forward on a number of issues, including but not limited to:
- Addressing resilience issues on the team;
 - Attracting high calibre candidates to the team;
 - Reviewing the corporate approach to procuring works and services.
- 3.9 The backcloth to the review was a procurement team that had struggled to maintain stability with its staff resource as discussed above. On top of this, WDC had spent significant sums (estimated net £20,000 per annum) on specialist procurement advice from WCC Legal Services to help with high profile projects such as Leisure Development, Europa Way and HQ relocation. In the future, there will always be cases where more specialist legal/procurement support is needed, above the support able to be provided by a small in-house team.
- 3.10 Based on the findings of the report, feedback from senior officers, the need to try a new approach and to address the imminent departure of the procurement manager, WDC officers have made further enquiries into a collaborative or shared service model.
- 3.11 The outcome of these enquiries suggested that locally the only real collaborative working was taking place between Nuneaton and Rugby. There was no appetite for other Councils buying services off Warwick District Council with concerns raised around control and political influence. However, a separate conversation with Warwickshire County Council was much more encouraging.

- 3.12 WCC has a well-established team of 11 staff (9.8 fte) although it is currently carrying two vacancies. Given the financial demands placed upon top tier authorities it sees its role as a strategic i.e. "not buying pencils and pens". Its aim is to upskill the Service Areas so they own their procurement processes. This is done through comprehensive training and support with the strategic planning. It provides a quality assurance role and is increasingly involved in commercial management i.e. making sure that Service Areas get the best from their contracts. WCC's approach has developed to such a degree whereby it now feels able to allow Service Areas to deal with their own frameworks, auctions and KPI's, with the procurement team providing an assurance role. With a larger team, they are able to offer more expert advice.
- 3.13 The WCC procurement team has a very close relationship with the legal team and the knowledge transfer between the two disciplines has been extremely beneficial. As WCC is one of the owners of the Eastern Shires Purchasing Organisation (one of the largest public sector buying organisations in the UK) it has influence at a Member and Senior Officer level and is therefore well placed to be able to maximise the benefits that might be available from ESPO on behalf of the Council. ESPO is jointly owned by its six member authorities: Leicestershire County Council, Lincolnshire County Council, Cambridgeshire County Council, Norfolk County Council, Warwickshire County Council, and Peterborough City Council. It also has a "sharing" arrangement in place with Coventry City Council and Solihull MBC procurement services. Its credentials in the procurement field are therefore not in doubt.
- 3.14 WDC needs a team that is robust, has experience in various activities, and is nimble in responding to demand and can deliver training and advice appropriate to the good, service or work being procured. WDC's team is too small to deliver this. It is vulnerable to staff turnover and has not universally devolved the responsibility to Service Areas to enable them to feel empowered and owning "procurement".
- 3.15 Based on discussions with senior colleagues, the findings of the Procurement Review Report and further enquiries made by WDC officers it is proposed that WDC enters into a trial arrangement for up to two years with WCC based on the following principles:
- WCC provides the strategic procurement lead for WDC including strategic planning advice, training and developing commercial management;
 - WDC retains two procurement business partners at Riverside House to provide transactional support and develop the officers' skills and knowledge in strategic procurement by working with WCC;
 - A review is undertaken of the job descriptions and salaries of the procurement business partners to ensure they reflect the requirements of the proposed arrangements;
 - A review is undertaken of the amount of information provided to Councillors;
 - A review is undertaken of the documentation that supports procurement practice;
 - A Procurement Board is established consisting of SMT members to own the Council's strategic procurement direction.
- 3.16 Proposals are being considered with WCC Procurement whereby they will provide the strategic, project and some tactical support. The details of this currently under discussion are included within Appendix 1. It is therefore recommended that the Executive delegates authority to the Deputy Chief Executive (AJ) and Head of Finance in consultation with the Finance Portfolio

Holder to agree the terms and scope of the support with WCC, and enter into an agreement on this basis.

- 3.17 The proposed partnership with WCC Procurement will be reviewed after 1 year of operation, allowing recommendations on any revised arrangements to be reported to the Executive and, subject to approval, put in place no later than April 2020.
- 3.18 The Council's current emphasis on the responsibility for procurement and contract management resting within individual service areas will also be reviewed. This will include a review of all aspects of policy, process, skill requirements, training needs and the potential merits of alternative partnering arrangements. The outcome of this review will feed into the review of the proposed partnership with WCC and together they will allow recommendations on any revised approach to be considered by a future Executive, alongside the review of the operation of the partnership.
- 3.19 As discussed in Section 5, the cost the support from WCC will initially be charged on an hourly basis. This is estimated to cost £45,000 per annum, although this is a cautious estimate, with it hoped the actual cost will be less than this. In accordance with the Council's Code of Procurement Practice, contracts of this magnitude would normally be subject to a formal tendering exercise. If the Council is to progress this arrangement, the Executive is asked to approve an exemption to the Code of Procurement Practice.
- 3.20 The net cost of the proposals is estimated at £20,000 per annum. This is recommended to be included as a recurring budgeted cost from 2018/19.
- 3.21 The creation of a Procurement Board comprising of Heads of Service, is to ensure ownership of the procurement function will now sit at the highest level possible within the organisation, Senior Management Team, in recognition of its importance to the Council. Procurement performance reports will continue to be reported to Finance and Audit Scrutiny Committee.

4. Policy Framework

4.1 Fit for the Future (FFF)

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<u>Intended outcomes:</u> Improved health for all Housing needs for all	<u>Intended outcomes:</u> Area has well looked after public spaces	<u>Intended outcomes:</u> Dynamic and diverse local economy

met Impressive cultural and sports activities Cohesive and active communities	All communities have access to decent open space Improved air quality Low levels of crime and ASB	Vibrant town centres Improved performance/ productivity of local economy Increased employment and income levels
Impacts of Proposal		
Good procurement practices should seek to ensure services meet the Council's priorities.	Good procurement practices should seek to ensure services meet the Council's priorities.	Good procurement practices should ensure the Council obtains value for money in the provision of its services.
Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
Impacts of Proposal		
The proposals are intended to provide a more resilient workforce and provide opportunities for staff development.	Good procurement practices should seek to ensure services meet the Council's priorities.	Good procurement practices should ensure the Council obtains value for money in the provision of its services and help secure financial savings.

4.2 Supporting Strategies

Each strand of the FFF Strategy has several supporting strategies and the relevant ones for this proposal are explained here:-

Procurement Strategy – The proposals should help to ensure that the procurement activities of the Council help to achieve the priorities and actions within the Procurement Strategy.

4.3 Changes to Existing Policies

The WDC procurement documentation is intended to more closely align with that of WCC, on the basis that is familiar to both WCC Procurement and Legal, and will reduce the amount of documents to be updated in the future. This means the Council's Code of Practice will need to be amended and subsequent agreed by Council at some future date.

4.4 Impact Assessments

The proposals do not require any impact assessments to be undertaken.

5. Budgetary Framework

- 5.1 The cost of the services from WCC Procurement will initially be charged on an hourly basis. If this support entails an average of 2.5 days' work per week (from officers at different levels), the cost would amount to £45,000 per annum.
- 5.2 The job descriptions of the proposed Procurement Business Support Partners have been reviewed. These are estimated to cost £5,000 less than the current permanent establishment, subject to confirmation by the Council's Hay Panel.
- 5.3 For some significant projects recently, e.g. Leisure Options, Pump Room Gardens and Creative Quarter, the Council has utilised WCC Legal. The advice given here has been with regard to contracts and procurement advice. Under these proposed arrangements, by working with WCC Procurement, there should be less need for procurement advice from WCC. This is estimated to generate a saving on WCC Legal costs of £20,000 per annum.
- 5.4 The net annual cost of the proposed Procurement Partnership is £20,000 per annum.

6. Risks

- 6.1 The proposals within this report are intended to reduce the risks associated with non-compliance with good procurement practice. The main risks associated with procurement can be cost overruns and the threat of legal challenge. This in turn may impact upon service delivery and reputational damage.

7. Alternative Option(s) considered

- 7.1 The Council could continue to rely entirely on in-house procurement support. As detailed in this report, this is not proposed as the Council will continue to be reliant on a small team for which there is likely to be high turnover in the future, which may result in appointment problems with subsequent impact on services.
- 7.2 If the Council continues to seek to retain the procurement function entirely in-house, it would need to seek to fill the current two procurement posts (Procurement Manager and Procurement Officer). The Council has struggled in the past to attract candidates for these posts. This may be a factor of the salaries being paid, or the robust market for procurement professionals. The problems with this approach are seen as:-
 - Difficulty in attracting suitable applicants
 - If successful, potential future continued high turnover of these posts, so presenting risks in terms of resilience.
 - The current approach to procurement is likely to be retained, which in the past has presented some problems with good procurement practices not being uniformly applied across the Council. This would not present the same opportunity for the function to be relaunched with a new model of provision.
 - Likely short term vacancies until new officers commence. Any gap is likely to require agency appointments, and potentially increased support from WCC

Legal. Aside from the impact of this on services, there will undoubtedly be a cost.

7.3 The Council could review the structure and gradings of the procurement team, with a view to raising its status. Whilst this may in due course enable a more resilient service (with potentially reduced future staff turnover), there may be the following problems:-

- Delay in getting a new structure in place.
- Cost of new structure (this would go against the planned savings in the Senior Management Team salary bill that are within the Medium Term Financial Strategy).
- Short term cost of interim (agency/WCC Legal) arrangements until permanent appointments can be made.
- Not likely to present the opportunity for the Council's approach to procurement to be enhanced.
- Continued reliance on a small team for all procurement support, with lack of any specialism.

7.4 It is proposed that alternative approaches to the current in-house arrangements are reviewed, in addition to the review of the proposed new partnership itself, and the outcomes of these reviews are reported back to a future Executive as set out in recommendations 2.3 and 2.4.

Appendix 1

Service Proposal

Assumptions

- There is no intention on either side for staff to TUPE transfer between organisations as part of or linked to this offer to provide procurement support.
- The programme of work will be agreed in advance of each support year
- Support will commence formally on 1st April 2018.
- When working for WDC, WCC Procurement will work with WCC Legal Services (WLS) in the same way as it does when undertaking procurement on behalf of WCC i.e. in partnership making best use of the skill sets/expertise of both services.
- The process of WDC procurement will continue to be undertaken within CSW-Jets
- WDC will adopt the WCC process procurement documentation (i.e. Invitation to Tender, Evaluation templates etc.) as this is familiar to both WCC Procurement staff and WCC Legal and will mean only a single document set to keep current
- WDC staff will work with WCC procurement staff effectively and understand and support WCC's role as procurement lead.
- Either party will have the ability to terminate the proposed arrangement before the end of the 2 year period after providing a suitable period of notice.

Strategic Support – General

- Attendance at/Participate in the Procurement Board if/when created
- Advising the Council on procurement policy and strategy
- Supporting the Council to consider/implement procurement legislation and procurement best practice across the Council
- Develop and deliver appropriate training for/to the Council's staff Strategic Project Support - The WCC Strategic Procurement Unit will provide upstream support for up to 10 projects per annum (to be agreed at the start of each support year) – this support will be focussed around: -
- Creating the right relationships with key WDC Service/Project leads in order for Procurement to become a partner of choice which adds value.
- Contributing to Options Appraisal development generally and contributing market insight and intelligence to support decision making
- Advising on/Designing the most appropriate routes to market which recognise the legislative environment surrounding public procurement but also the objectives/drivers of the Council.
- Generally being a 'Critical Friend'

Tactical Procurement Support for the agreed 'supported' projects -

- Quality assuring key procurement documentation prior to release in particular OJEU Notices and ITT's including evaluation methodology (the assumption is that WDC procurement staff will manage the process of procurement).
- Being available to WDC procurement staff to provide advice, guidance and support throughout the process of procurement.
- Quality assuring key procurement documentation prior to contract award in particular final tender evaluation, Intention to Award (including feedback), and responding to unsuccessful supplier 'noise' and 'challenge' in conjunction with Legal Services.
- If and when appropriate, mentoring and coaching WDC staff to raise their skills/competency/confidence levels in order to remove the reliance on WCC for tactical support and over time reduce the requirement for Strategic support.

 Executive 4 January 2018		Agenda Item No. 6
Title	Homelessness initiatives and the new legislation	
For further information about this report please contact	Lisa Barker Head of Housing Services Email: lisa.barker@warwickdc.gov.uk Ken Bruno Housing Strategy and Development Manager Email: ken.bruno@warwickdc.gov.uk	
Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	1 st November 2017 Executive Minute no: 67	
Background Papers		

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	Yes
Included within the Forward Plan? (If yes include reference number)	Yes Ref: 907
Equality Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Deputy Chief Executive	4/12/2017	Bill Hunt
Head of Service	30/11/2017	Lisa Barker
CMT	4/12/2017	Chris Elliott
Section 151 Officer	4/12/2017	Mike Snow
Monitoring Officer	4/12/2017	Andrew Jones
Finance	21/11/2017	Andrew Rollins
Portfolio Holder(s)	7/12/17	Councillor Peter Phillips
Consultation & Community Engagement		
Housing Advisory Group – 15 th November 2017 Meeting with voluntary sector agencies – 20 th November 2017		
Final Decision?	Yes	
Suggested next steps (if not final decision please set out below)		

1. Summary

- 1.1 On 1st November 2017 Executive considered a report on the Severe Weather Emergency Protocol and resolved: "That a further report be brought to Executive setting out the range of current initiatives for homelessness prevention and relief, and setting out proposals for developing this work further in the context of implementation of the Homelessness Reduction Act from 1st April 2018." This report sets out the new legislation and funding for homelessness services, recommends proposals for implementation of the new statutory regime and proposes investigation of a range of new initiatives to prevent homelessness and support those threatened by or experiencing it.

2. Recommendations

- 2.1 That Executive notes the measures included in the Homelessness Reduction Act 2017 and the provision of New Burdens funding and Flexible Homelessness Support Grant (FHSG) provided by central government as set out in the report.
- 2.2 That Executive approves use of £212,500 from the FHSG to fund three new fixed-term posts and an additional Senior Housing Officer and notes that a report will be taken to Employment Committee on 31 January 2018 seeking approval for the posts.
- 2.3 That Executive approves the use of £92,850 from the FHSG for an IT application, consultancy support and ancillary costs as set out in paragraph 5.2.
- 2.4 That Executive approves the earmarking of £10,000 from the FSHG for bespoke work to prevent or alleviate homelessness as set out in paragraph 3.16
- 2.5 That Executive notes the range of current initiatives that are deployed in the district to tackle homelessness, as set out in Appendix One.
- 2.6 That Executive welcomes the results of consultation undertaken on potential additional initiatives, as set out in Appendix Two, and notes that officers will investigate these options in detail and bring a further report to a future meeting with proposals for spending the balance of the new funding.

3. Reasons for the Recommendations

- 3.1 The Homelessness Reduction Act 2017 ("the 2017 Act") passed through Parliament and became law in April 2017 with implementation from 1st April 2018. This introduces the most wide-ranging changes to the structure of homelessness legislation since it was first enacted in 1977.
- 3.2 The government also announced its intention to produce a new Code of Guidance on homelessness in the Autumn of 2017. A draft code was published in October.
- 3.3 Key measures provided by the Act include:
- The period over which an applicant is defined as "threatened with homelessness" is extended from 28 days to 56 days.
 - The definition of "threatened with homelessness" is extended to include private tenants served with a valid notice that expires within 56 days where the landlord intends to apply for possession.

- The duty to provide advice and information on housing and homelessness is strengthened.
 - There are new duties to all applicants regardless of priority need or intentionality, to:
 - agree a personalised plan with the applicant
 - help to ensure that suitable accommodation does not cease to be available for the applicant (the “prevention duty”)
 - help to secure accommodation for all applicants who the authority is satisfied are homeless and eligible for assistance (the “relief duty”)
- 3.4 The Act allows councils to give notice to applicants whom they consider to have deliberately and unreasonably refused: to cooperate with the above duties; or to take any step set out in the personalised plan. People in this position are not entitled to the full homelessness duty even if they are in priority need. However, the council is required to accommodate priority need applicants until they are made a final offer of accommodation (which must be at least a 6 month tenancy).
- 3.5 Taken together these measures fundamentally change the approach of local authorities to homelessness with an emphasis upon early intervention, prevention and negotiation: working with customers rather than crisis management, assessment and rigid decision-making.
- 3.6 This new approach is welcome but does however bring an increasing workload because the extension of the time frame potentially means more households will approach the council, while the extension of the duties means that considerably more work will be required with each and every household that appears to be at risk of homelessness. It also brings the potential for unintended and unexpected consequences that will require the ability to respond swiftly and flexibly where necessary and beneficial.
- 3.7 The government committed to providing “New Burdens” funding for local authorities to cover the additional costs of implementing the new measures.
- 3.8 A three-year settlement was announced in October 2017 giving the following sums for Warwick district: £21,219 for 2017/18, £19,436 for 2018/19 and £27,653 for 2019/20. The government expects that additional costs will be temporary and will drop out of the system as the new approach becomes embedded and levels of homelessness fall in response.
- 3.9 In April 2017 the government also announced a new funding stream for local authorities – Flexible Homelessness Support Grant. The grant was not specifically connected to the Act, but it is ring-fenced and may only be used to prevent or deal with homelessness. The allocations for Warwick district for 2017/18 and 2018/19 are £274,908.85 and £301,333.46 respectively. The statement added that funding for 2019/20 would be announced later in 2017/18 but this is still unknown at the time of writing.
- 3.10 An initial plan to use a proportion of the money for a short-term pilot of a new way of working was approved by CMT under delegated powers. This allowed new management arrangements to be introduced amongst existing staff which has achieved some improvements, including bringing Willes Road into use as temporary accommodation, maintaining the downward pressure on bed and breakfast use, and greater consistency of decision making in the team. However the plan to engage a new Housing Advice Officer, on a twelve month fixed-term contract, to focus on prevention work and allow learning to be fed

into our response to the Act once the Code of Guidance was published has proved problematic. As at mid-November it has not been possible to recruit to the post, even from employment agencies so we have not been able to trial the new prevention focus.

- 3.11 At the operational end of the team, based upon levels of enquiries in the district in recent years and experience from Wales, where a similar system was introduced in 2014, and analysis of work processes, it is calculated that three new members of staff doing prevention casework will be needed in the Housing Advice and Allocations Team. Discussions are underway with Human Resources about the mechanics of this. Costs have been estimated on the basis of grade G posts but formal Hay evaluation will be required. A report will be taken to Employment Committee on 31 January 2018 seeking approval for three new fixed-term posts and an additional Senior Housing Officer at an approximate cost of £212,500 to be funded from FHSG.
- 3.12 At this stage it is impossible to predict whether the government's expectation of reducing levels of homelessness in the longer term will materialise. It is therefore considered prudent for the posts to be offered as fixed-term temporary two year posts with an option to extend.
- 3.13 The new legislation brings with it a need for new procedures, new stationery and training for staff. Short term consultancy support is proposed to assist with the work to prepare for implementation and embed this into the team.
- 3.14 At the same time the DCLG is introducing a new set of reporting requirements, to be required from 1st April 2018. In place of the current quarterly statistical datasets that have been required for many years (known as "P1E returns") the new requirement involves reporting on case level data and will be known as H-CLIC. The possibility of being able to report this using a spreadsheet has been trialled and found to be unworkable. We have also assessed whether it would be possible to add some functionality to the existing housing management system and while this might be possible it was not ideal and would carry considerable risks.
- 3.15 Consideration is therefore being made of available third-party solutions, of which there are a limited number. Discussions are underway with ICT Services to ensure due consideration of functionality, compatibility and cost. A three quotes procurement exercise will be necessary, alongside an assessment of the ability of the systems to deliver by 1st April.
- 3.16 It is proposed that a modest sum is set aside to broker bespoke solutions which resolve the homelessness or prevent homelessness for individual clients. This might involve providing additional security measures to enable women fleeing domestic violence to remain in their own homes; secure a settled home in the private rented sector for those currently sleeping rough on our streets or to facilitate reconnection with other districts or countries.
- 3.17 There is a range of current services in the district for homeless people and those threatened with homelessness and these are set out in Appendix One.
- 3.18 A combination of officer research and the targeted consultation with appropriate voluntary sector organisations recommended by the Overview & Scrutiny Committee has identified the range of potential new initiatives that could complement the introduction of the new system. The outcomes of these workstrands are set out in Appendix Two. Subject to approval of the

recommendations in this report detailed evaluation of these potential initiatives will be undertaken and a further report brought back to Executive with recommendations on which should be implemented, using the unallocated balance of the FHSG funding.

4. Policy Framework

4.1 Fit for the Future (FFF)

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several key projects. The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<u>Intended outcomes:</u> Improved health for all. Housing needs for all met. Impressive cultural and sports activities. Cohesive and active communities.	<u>Intended outcomes:</u> Area has well looked after public spaces. All communities have access to decent open space. Improved air quality. Low levels of crime and ASB.	<u>Intended outcomes:</u> Dynamic and diverse local economy. Vibrant town centres. Improved performance/productivity of local economy. Increased employment and income levels.
Impacts of Proposal		
Services that increase homelessness prevention and relief activity have a direct positive impact upon meeting housing needs and contribute to improved health for those assisted.	If homelessness services can be developed in a way that reduces rough sleeping then this can help to improve public spaces and reduce crime and ASB.	None.
Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u> All staff are properly trained. All staff have the appropriate tools. All staff are engaged, empowered and supported. The right people are in the right job with the right skills and right behaviours.	<u>Intended outcomes:</u> Focusing on our customers' needs. Continuously improve our processes. Increase the digital provision of services.	<u>Intended outcomes:</u> Better return/use of our assets. Full Cost accounting. Continued cost management. Maximise income earning opportunities. Seek best value for money.

Impacts of Proposal		
The 2017 Act is directed at culture change within homelessness services and, if implemented successfully, may make work in this policy area more rewarding for staff.	The proposed response to implementation of the 2017 Act will improve services for the homeless.	Better homelessness prevention measures should, all things being equal, lead to longer term reductions in homelessness and costs in delivering services such as temporary accommodation.

4.2 **Supporting Strategies**

Each strand of the FFF Strategy has several supporting strategies. The council adopted the current Housing and Homelessness Strategy in April 2017. This includes an objective of providing suitable accommodation, information and advice for the homeless in an effort to prevent and reduce homelessness and an action of "Implementing the extension of our legal duties to the homeless, including single people under the Homelessness Reduction Bill."

4.3 **Changes to Existing Policies**

This report does not change existing policies but sets out how an existing action within the Housing & Homelessness Strategy is to be built upon and taken forward. Recommendation 2.6 would allow for delegated powers to make minor changes efficiently as implementation progresses.

4.4 **Impact Assessments**

An impact assessment has not been completed because the new regime provides for a greater level of service and support for the homeless and potentially homeless and should therefore have positive impacts upon recipients of the service.

5. **Budgetary Framework**

5.1 The government grants for FHSG and for new burdens have been set out in section three above and total £644,550.31 with a possibility of additional FHSG for 2019/20. Together these provide substantial resources for tackling homelessness, for the funding for the posts recommended by this report and for the ancillary work required to prepare for implementation of the 2017 Act.

5.2 The following costs are forecast for the current and next two years:

Item	2017/18 (£)	2018/19 (£)	2019/20 (£)
Additional senior officer	28,000	37,200	37,600
Additional operational staff	5,600	68,500	69,200
IT application	10,000	10,000	10,000
Consultancy support for implementation	10,000	0	0
Stationery	5,000	1,000	1,000
Training	5,000	5,000	5,000
Homeless prevention fund	10,000	10,000	10,000
Contingency (10%)	7,360	13,170	13,280
TOTAL	80,960	144,870	146,080

5.3 The total costs above are £371,910 for the period 2017-20 leaving an estimated uncommitted balance of £272,640 for the known FHSG allocation for

2017-19. If the future funding for 2019-20 materialises this would increase this balance which is available for use on new initiatives and innovative projects for the prevention and relief of homelessness, as mentioned in paragraph 3.17 above. Detailed investigations into the proposals set out in Appendix Two will be initiated if the recommendations in this report are approved allowing the further report to be brought back to a future Executive. .

6. Risks

- 6.1 Failure to implement new legislation effectively would leave the council open to risks of legal challenges, financial risks in terms of legal costs and compensation for claims and complaints, and serious reputational damage. The recommendations in this report seek to mitigate against these risks.
- 6.2 New legislation inevitably brings uncertainty during implementation and the potential for unintended consequences both locally and nationally. The learning from the implementation of similar legislation in Wales in 2014 has been imported into the government's Code of Guidance and this will help to mitigate this risk. Nevertheless the first year of the scheme in particular will require careful scrutiny and monitoring and a need to be able to adapt quickly to circumstances as they arise.

7. Alternative Option(s) considered

- 7.1 The Homelessness Reduction Act is law and there is no option other than to implement the new obligations placed upon the council.
- 7.2 The new requirements are, self-evidently labour intensive and seeking to deliver this within current or reduced levels of staffing is not considered a viable option.
- 7.3 There is a possibility that the long-term effect of introducing the measures will lead to reduced levels of homelessness and the recruitment of fixed-term temporary posts will provide the necessary flexibility to enable this to be managed as the situation develops.

8. Background

8.1 Homelessness legislation

- 8.1.1 District and borough councils have had statutory duties in respect of homeless people living in their district since 1977. These duties were revised in 1996 and 2002 but the basic framework of homelessness law has been in place since that original legislation.
- 8.1.2 The law involves a number of "tests", the outcome of which determine the council's duty to the applicant. In particular the council needs to decide whether the household is:
 - homeless or threatened with homelessness;
 - eligible for assistance;
 - in a priority need; and
 - not intentionally homeless.

- 8.1.3 A further test then arises as to whether the applicant has a connection with another local authority and may therefore meet the conditions for a referral to that council.
- 8.1.4 The so-called "full duty" is owed to those who "pass" all of the tests and whose application is not referable to another council. This duty is to secure settled accommodation for the household and temporary accommodation if necessary while this is arranged. There are a number of different, lesser duties that are owed to those who do not meet all of the tests.
- 8.1.5 As set out in section three above, the provisions in the Homelessness Reduction Act 2017 fundamentally change this system.

8.2 **Homelessness in Warwick district**

- 8.2.1 During 2016/17 (the last full financial year) a total of 588 households approached the council's Housing Advice & Allocations Team to make a homelessness application. Of these a full duty was owed to 136 households.
- 8.2.2 The main reasons for homelessness were: termination of an assured shorthold (i.e. private rented) tenancy (38%); violent relationship breakdown (18%); and parents no longer willing or able to accommodate (16%).
- 8.2.3 The most common priority need was dependent children in the household (74%). Other priority needs included pregnancy (9%); mental illness/disability (5%) or physical disability (4%).
- 8.2.4 The council carries out an estimate of the numbers of people sleeping rough each autumn and, in 2017 the figure for the district is 21.

Appendix One - Current initiatives for the homeless

There are a number of services for the homeless within the district, some of which are provided directly by the council and others through the voluntary sector, with or without local authority support.

- **Housing Advice & Allocations Team and out-of-hours-emergency**
The council's principal service for the homeless is delivered by the Housing Advice and Allocations Team, which gives advice to people with housing problems, carries out the statutory homelessness assessments, and secures accommodation for people owed the full duty. People who become homeless overnight or at weekends are dealt with through the council's out-of-hours service and booked in for the next available housing advice appointment.
- **Rent Deposit & Bond Scheme**
Subject to certain criteria the council can help people who are homeless or threatened with homelessness to find private rented accommodation by assisting with rent deposits and guarantees.
- **Severe Weather Emergency Protocol**
In severe weather conditions the council operates a protocol for getting rough sleepers into accommodation overnight.
- **Temporary accommodation**
The council has a modest stock of temporary accommodation that it uses for people who have been accepted as being owed the full duty while they are waiting for an offer of settled accommodation. From time to time Bed and Breakfast is used when no alternative temporary accommodation is available for example.
- **Chandos Court "emergency bed"**
An emergency bedroom has recently been created at Chandos Court, which can be used to accommodate a homeless older person on a temporary basis.
- **Preventing Homelessness Improving Lives (Phil)**
Officers co-wrote a bid for government trailblazer funding which secured £865,000 for this countywide service to try out new, more upstream approaches to preventing homelessness. Phil commenced operation in July 2017 and is now taking referrals from a number of agencies as well as self-referrals from customers.
- **Housing-related support services.**
A number of housing-related support providers, funded by Warwickshire County Council, operate in the district (and the county) providing both accommodation-based and floating support to people with support needs. The council is able to refer homeless people in to these services in appropriate cases.
- **Way Ahead Project drop-ins**
The Salvation Army's Way Ahead project in Leamington provides a drop-in facility and a range of support for people who are homeless or struggling with addiction. Officers from the Housing Advice Team do a weekly drop-in session at the project.
- **Young Person Protocol**
The district and borough councils have all signed up to a protocol with Warwickshire County Council Children's Services agreeing how homeless people younger than 18 will be dealt with. This is in the context of both tiers having

duties under the Housing Acts and Children Acts and seeking to avoid customers being passed back and forth between organisations.

- **Move-on protocol**

The district and borough councils have also signed up to a protocol with supported accommodation providers so that there is clarity around when and how homeless people in those schemes can be expected to have the opportunity of moving into more permanent accommodation through local housing registers.

- **Homelessness Services Directory**

Officers have been drawing up a directory to bring together in one place information about, and contact details for, all of the available services for homelessness people in the district. This will be available online imminently along with a poster campaign to publicise it.

- **Night shelters**

There are two night shelters in the district. These are run by volunteers and not currently supported directly by the council. However dialogue is ongoing with one of the organisations around the potential for them to lease premises from the council to provide them with a more secure, longer-term building from which to operate.

- **Other grant-funded services**

Executive will be aware that the council also provides grants to voluntary and community organisations, many of whose services benefit homeless people and those in housing need directly or indirectly.

- **Rough sleeping**

A meeting has been arranged for council officers with the housing related support providers, Outreach and Warwickshire County Council commissioners to go through the list of the 40 people who are on and off the streets with a view to seeking settled solutions for them wherever possible.

Appendix Two – potential new initiatives for further investigation

Research has been undertaken into homelessness prevention initiatives and a range of proposals came forward:

- Strengthening work with private sector landlords, with a specific homelessness focus;
- Additional funding for rent bond schemes;
- Funding work to bring empty homes back into use;
- Considering a “Housing First” partnership;
- Grant funding a health treatment room for street homeless people;
- Pre-tenancy training for prospective new tenants and other incidental financial inclusion work;

Officers have been in touch with organisations with experience of training vulnerable people to see if similar schemes would be practical in Warwick district for homeless people:

- Skills Republic, that has worked with a homelessness charity and London hotels to help train unemployed and homeless young people to join the hospitality industry;
- Pet-xi, a Coventry-based company specialising in educational training for youngsters who are struggling in mainstream education.

Consultation has also been carried out with the voluntary sector as suggested at the Overview and Scrutiny Committee on 31st October 2017. Suggestions brought forward were as follows:

- Creating/renting another unit of emergency-bed accommodation;
- Considering a reconnection policy within the local connection rules;
- Running an “Alternative Giving” campaign
- Reviewing the provision of targeted outreach services;
- Training practitioners about domestic violence;
- Reviewing how the support needs of single people and families can best be met;
- Exploring the need for a Sanctuary scheme in the district for people at risk of domestic violence.

 Executive Committee 4th January 2018		Agenda Item No. 7
Title	Business Improvement District (BID) Leamington – Update on Renewal Process	
For further information about this report please contact	Suzee Laxton – Strategic Economic Development Officer 01926 456015 Suzee.laxton@warwickdc.gov.uk	
Wards of the District directly affected	Clarendon and Milverton	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	Executive meeting 27 th September 2017 Item 04	
Background Papers		

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	Yes – Ref 906
Equality Impact Assessment Undertaken	No
Not applicable	

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	24.11.17	Bill Hunt
Head of Service	24.11.17	Tracy Darke
CMT	24.11.17	
Section 151 Officer	24.11.17	Mike Snow
Monitoring Officer	24.11.17	Andrew Jones
Finance	24.11.17	Jenny Clayton
Portfolio Holder(s)	24.11.17	Cllr Noel Butler
Consultation & Community Engagement		
This will be carried out by the BID for the renewal		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. **Summary**

- 1.1 To update Executive on the progress of the BID Leamington Ltd (BID) renewal process, to seek sign-off on the BID Business Plan and to delegate authority on the council's voting rights.

2. **Recommendations**

- 2.1 That Executive notes that BID has served notice of their intention to seek a renewal ballot to the Secretary of State and Warwick District Council (WDC).
- 2.2 That Executive confirms that the BID 2018 – 2023 business plan and renewal proposal (attached as Appendix 1) meets the relevant regulatory requirements as detailed in the Business Improvement Districts (England) Regulations 2004.
- 2.3 That Executive notes a further paper will be brought forward in February with the final business plan and a recommendation regarding the District Council's voting rights.

3. **Reasons for the Recommendations**

- 3.1 As per the mandatory notice period of 126 days before the ballot date, the Board of BID has notified WDC (as the billing authority) and the Secretary of State of their intention to seek a renewal ballot.
- 3.2 In line with The Business Improvement Districts (England) Regulations 2004; Regulation 4, BID must submit to WDC a copy of their renewal proposal, their proposed financial business plan, a summary of the consultation taken with the BID levy payers and a summary of the financial management arrangements for the BID.
- 3.3 It is the role of WDC to review these documents to satisfy itself that:
- there is no conflict with any of our published formal policy documents (as detailed in Regulation 4 of the 2004 Regulations);
 - BID has sufficient funds to meet the costs of the renewal ballot in the event that WDC are in a position to recoup the ballot costs (as detailed in Regulation 10 of the 2004 Regulations); and
 - the BID arrangements are not likely to be a significantly disproportionate or inequitable financial burden to levy payers within the BID area (as detailed in Regulation 12 of the 2004 Regulations).
- 3.4 The content of the BID business plan and renewal proposal are determined by BID in consultation with their members. WDC has no right to veto the proposal based on opinions regarding the contents, although may choose to vote against the proposal if it is opposed to the content of the plan.
- 3.5 The Business Plan is produced by the BID but at the time of writing had not been received by the Council. Through regular liaison with the BID, officers are confident that the Plan will comply with the Regulation's requirements detailed in 3.3. However, once received, the Plan will be subject to due diligence and an addendum to this report will be presented before the meeting of the Executive confirming the outcome of that exercise.
- 3.6 There are a number of Council properties within the BID area which will be subject to the levy and WDC receives one vote for each of these premises. A separate report will be brought to the February Executive considering the

implications and benefits of the renewal Business Plan and making a recommendation as to how the Council should exercise its voting rights.

4. Policy Framework

4.1 Fit for the Future (FFF)

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/productivity of local economy Increased employment and income levels
Impacts of Proposal		
BID Leamington has a commitment to ensuring the town centre is a community centre and business and community health and wellbeing forms a strand of the Business Plan. Events such as the Food Festival and Lantern Parade are free to attend and contribute to a more healthy, integrated community. BID Leamington also supports many other cultural and creative events and charities such as Art in the Park, the Myton Santa Dash, the Carnival, Peace Festival, TEDx Leamington and others.	BID Leamington delivers a number of activity strands that contribute to a safer, greener Town Centre. This has included significant investment in additional floral baskets as well as contributions to the Safer Neighbourhood Forum, Helping Hands Charity and Retail Crime Partnership. Future activities will also focus on strategies to tackle antisocial behaviours.	BID Leamington's existence has a marked impact on the vibrancy of Leamington Town Centre given the level of investment (£1.5 million) and the amount of work (promotion, campaigning, events) it provides for the town centre. It also works to make members more efficient and productive thereby improving the performance of the local retail economy.

Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
Impacts of Proposal		
None	None	As per 6.1 below, failure for the BID to be renewed may result in increased cost to the Council.

4.2 **Supporting Strategies**

Each strand of the FFF Strategy has several supporting strategies and the relevant ones for this proposal are explained here. The continuation of a BID for Leamington town centre is consistent with the Council's Sustainable Community Strategy position of support for the town centres of the District. All town centres are experiencing a change in shopping habits and we need to be providing as much support to organisations such as BID Leamington Ltd to ensure that Leamington town centre continues to thrive at the heart of our district.

5. **Budgetary Framework**

- 5.1 Existing budget provision of £5,600p.a. is available and has been sufficient to accommodate WDC's current BID Levy of £4,005. It is anticipated that, in the event of a yes vote to renew the BID future Levy charges could be accommodated within the existing budget.
- 5.2 Warwick District Council currently charges BID Leamington £8,500 per annum (before VAT) to collect the BID levy on their behalf. This figure ensures that the Council makes full cost recovery.

6. **Risks**

- 6.1 The most significant risk faced is if BID Leamington is not successful in their renewal as Leamington town centre may lose investment in the region of £1.5million over the course of the five years.
- 6.2 Warwick District Council would lose £8,500 of income should the renewal not be successful. However, given that the income relates to specific work undertaken on behalf of the BID, the loss of income will be offset by no longer requiring the expenditure. Further, in the event of a 'no' vote the Council would not be required to pay its BID Levy charges.

7. Alternative Option(s) considered

- 7.1 To veto the BID proposal: not considered as the proposal documents do not conflict with any WDC published policy documents and the levy will not create a significantly disproportionate financial burden.
- 7.2 To vote against the BID renewal: not considered due to the significant impact to the business community
- 7.3 To abstain for the vote: not considered due to the significant impact to the business community.

8. Background

- 8.1 A Business Improvement District (BID) is a business-led and controlled partnership in a given area such as Leamington Town Centre, which delivers an agreed set of services and projects. These are agreed, and formally voted for, by all businesses in the BID and are in addition to what the public agencies provide.
- 8.2 A BID typically lasts for five years with the bottom-line being that it improves the trading environment. BIDs are governed by legislation contained in the Local Government Act 2003 and the BID Regulations (2004).
- 8.3 BIDs can deliver any projects or services that are agreed by the relevant businesses. In Royal Leamington Spa, these are marketing & promotional activities, improved way-finding and higher profile events. The actual projects and services are determined as a result of detailed consultation with all the business in the BID area and are set out in the Business Plan.
- 8.5 BID Leamington Ltd is set up as a Company Limited by Guarantee. This is a business controlled, not-for-profit company that is responsible for the delivery of the BID Business Plan and is accountable to the BID Board and ultimately its levy payers.
- 8.6 Those businesses that are located within the Leamington BID area and whose property has a rateable value over the set threshold will pay an additional percentage of their rateable value towards the BID. This is called a BID Levy. The BID Levy is normally paid by the occupiers of a property. The BID Levy is collected in July on an annual basis and invoices are issued by the collection agent. Properties with a rateable value below the threshold that are located within Leamington Town Centre can be included as a voluntary member of BID Leamington for a set fee. This means that the property will receive the similar benefits e.g. inclusion on the Royal Leamington Spa website, Mini-Maps & Guides, Little Book of Offers advertising and more. The threshold and levy are set through the Business Plan process.
- 8.7 BIDs can only carry out projects or services in addition to those that public agencies have to provide on a statutory basis and/or choose to deliver on a discretionary basis. However, a BID can agree to provide additional resources to deliver a higher level of local authority service over the current benchmarked level. An example of this might be a Christmas Lights contribution whereby BID funding has been used to enhance the lighting in the BID area, but the Local Authority continue to fund the installation, take-down and power.

- 8.8 BID Leamington is governed by a board of directors consisting of 15 elected members that represent a cross section of skills, experience and sectors including: Independent Retail (4), Property Owners (2), Major Retail (2), Leisure (2), Local Authority (2), Tourism (1), Marketing (1) and Finance (1). Within this, two positions can be filled by a voluntary member (i.e. whose business is below the rateable value threshold).
- 8.9 Royal Leamington Spa continues to face increasing competition from resurgent local towns and cities, out of town retail parks and the internet. BID Leamington has made significant achievements but for the town to remain competitive it needs to continue to generate additional levels of funding in order to attract more shoppers and visitors.

 Executive - 4th January 2018		Agenda Item No. 8
Title	Development Services Re-structure – Phase 1	
For further information about this report please contact	Tracy Darke Email: tracy.darke@warwickdc.gov.uk Tel. 01926 456501	
Wards of the District directly affected	No	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	N/A	
Background Papers	Employment Committee report 13 th December 2017.	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	Yes
Included within the Forward Plan? (If yes include reference number)	
Equality Impact Assessment Undertaken	N/A

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	4/12/17	Chris Elliott/Bill Hunt
Head of Service		Tracy Darke
CMT	4/12/17	Bill Hunt
Section 151 Officer	6/12/17	Mike Snow
Monitoring Officer	4/12/17	Andrew Jones
Finance	6/12/17	Mike Snow
Portfolio Holder(s)	4/12/17	Cllr Alan Rhead
Consultation & Community Engagement		
All staff affected and Unison.		
Final Decision?		Yes

1. **Summary**

- 1.1 The purpose of this report is to request funding for an increase in establishment costs following the approval by Employment Committee of a new structure for the existing Development Management team within Development Services. This forms phase 1 of the re-structure process.

2. **Recommendation**

- 2.1 That Executive note the decision of Employment Committee to approve the structure set out in Appendix B, subject to Executive approval of the necessary funding.
- 2.2 That Executive approve the funding for the new structure which amounts to a recurring annual cost of £16K

3. **Reasons for the Recommendations**

- 3.1 The new structure approved by Employment Committee, subject to Executive approval of the necessary funding, represents a re-structure for a significant part of Development Management. Development Management has been under enormous pressure over the last couple of years due to the increase in number and scale of planning applications submitted and recruitment difficulties. This is partly related to the position with our local plan and with an upsurge in the market generally. As a result of this there has been a large increase in planning fee income. The impact of the additional work has had some unfortunate consequences, primarily due to the impact on existing staff as a result of having to recruit agency people. However, this has now changed with a number of new recruitments at the beginning of this year. Whilst Development Management has now settled down in terms of the pressures it was under, this re-structure is to help to build in better resilience to change, and be prepared for any changes the Government may impose, such as alternative providers being introduced.
- 3.2 The re-structure has included a re-design of the administration team to develop staff within this area, giving them the opportunity of developing careers in planning, and to provide more variety in their work. Staff are keen to do this and have been trialling it for the last 6 months. As part of the changes, the proposal includes the deletion of the Manager within the Administration team, and to move the officers into two teams in Development Management, which will have a Business Manager responsible for each of the two teams.
- 3.3 There have been a number of posts where the job title has changed, the line management responsibility has changed, or there have been some minor changes to the content of the job role. Where the responsibilities have been changed, these posts have been reviewed through HAY. This has resulted in the additional cost to the re-structure. These are as follows:

Information and Improvement Officer, Grade G, 1FTE (Change to Systems and Business Improvement Officer, Grade F, Different reporting line)

Technical Administration Officer, Grade H, 4.61FTE (Change to Applications Officer, Grade G, Different reporting line)

New Applications officer, (Grade G)

3.4 Two teams in Development Management will give a better sense of ownership with the workload, and help to put in place a structure that will develop and train staff better.

4. **Policy Framework**

4.1 **Fit for the Future (FFF)**

The Council’s FFF Strategy is designed to deliver the vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several key projects
 The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal in relation to the Council’s FFF Strategy.”

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/ productivity of local economy Increased employment and income levels
Impacts of Proposal		
Support the delivery of high quality housing developments to ensure the associated infrastructure is appropriate and sustainable.	Increased resources to ensure that the quality of development in the district designs in good public spaces, with good accessibility, reduces levels of crime and provides improved air quality for residents.	Focus on providing employment within the district

Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
Impacts of Proposal		
Creates capacity for staff to continue to increase their range of skills and technical knowledge. Creates the capacity for staff to work across teams and the wider organisation, to avoid silo working, improve communications and ensure a "One Council" approach is delivered.	Creates capacity for staff to innovate, support change initiatives, and make best use of new technology.	Creates capacity for staff to investigate and develop new ways of working, new sources of income generation, and more efficient ways of delivering services.

5. **Budgetary Framework**

- 5.1 The net annual cost of the proposed redesign is an additional £16k per annum to the General Fund, and is therefore subject to agreement by the Executive. Whilst this cost will be an additional financial pressure for the General Fund, it should be taken in the context of the increasing planning income in recent years with the increasing development across the District which has been factored into the Budget and Medium Term Financial Strategy. In 2016/17, income at year end was £1.244M and is expected to be in excess of £1.4M in 2017/18. The cost of the existing structure (affected by the re-structure) is £209,500 compared to the new structure of £225,300.
- 5.2 There are no redundancy costs as a consequence of the re-structure as the only post to be deleted is currently vacant.

6. **Risks**

- 6.1 Preparation for the implementation of the re-structure has taken place ahead of approval by Employment committee and Executive to reduce any risks.
- 6.2 If the re-structure does not go ahead, we would continue to find that work 'bottlenecks' at particular points in the processing of planning applications, causing pressure on staff to meet deadlines and affecting their morale. This will hinder service delivery.

6.3 Staff affected by the re-structure have also been keen to progress this as soon as possible as they consider this provides opportunities for them to develop their careers, as well as improve service delivery. If it does not go ahead, they may feel quite de-motivated.

7. Alternative Option(s) considered

7.1 To continue with the current staffing structure has been an option, however this has been discounted as there are not sufficient resources to continue to meet the demands on the Service Area. As stated in 6.3 above, staff are keen to implement the new structure and may feel de-motivated if it does not go ahead. Development Services provides a statutory front line services, therefore the Council needs to respond to current demands and future pressures, particularly at a time of prosperity and growth.

8. Background

8.1 Development Management has seen a significant increase in workload over the last few years and this has coincided with difficulties in recruitment during 2016. Inevitably, this situation had an impact on the existing staff, which resulted in the review of the structure. Although we have been very fortunate in recruiting three Senior Planning Officers during 2017, we are aware that we need to be thinking about training and developing staff to 'grow our own' planners for the future. This also coincides with a desire from a number of our staff keen to follow this career path, and it is intended to support them in gaining formal qualifications. To this end, the proposals for Development Management will provide a structure that harnesses the willingness from staff to develop, and provides a better framework for this, as well as streamlining the processing of planning applications.

Item 8 Appendix B

