

A meeting of the Cabinet will be held at Shire Hall, Market Place, Warwick on Wednesday 10 July 2024 at 6.00pm.

Councillor I Davison (Chair)

Councillor E Billiald  
Councillor J Chilvers  
Councillor J Harrison  
Councillor C King

Councillor W Roberts  
Councillor J Sinnott  
Councillor P Wightman  
Councillor L Williams

**Also attending (but not members of the Cabinet):**

Chair of the Overview & Scrutiny Committee	Councillor A Milton
Liberal Democrat Group Observer	Councillor A Boad
Conservative Group Observer	Councillor A Day
Whitnash Residents Association Group Observer	Councillor J Falp

**Emergency Procedure**

At the commencement of the meeting, the emergency procedure for Shire Hall will be announced.

**Agenda**

1. **Apologies for Absence**
2. **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 disclosed 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.

### 3. **Minutes**

To confirm the minutes of the following Cabinet meetings:

- |                   |                        |
|-------------------|------------------------|
| (a) 10 April 2024 | <b>(Pages 1 to 37)</b> |
| (b) 15 May 2024   | <b>(Pages 1 to 19)</b> |
| (c) 5 June 2024   | <b>(Pages 1 to 24)</b> |

#### **Part 1**

(Items upon which a decision by Council is required)

### 4. **Low Cost, Low Carbon Energy Programme**

To consider a report from the Programme Director for Climate Change.

**(Pages 1 to 21)**

### 5. **Authority to Amend Shared Ownership Leases**

To consider a report from Housing.

**(Pages 1 to 14)**

### 6. **Hazardous Substances Consents (HSC)**

To consider a report from Safer Communities, Environment & Leisure.

**(Pages 1 to 22)**

#### **Part 2**

(Items upon which a decision by Council is not required)

### 7. **Procurement Exercises over £150,000**

To consider a report from Finance.

**(Pages 1 to 3)**

### 8. **Parking Services Development – Strategy and NPP**

To consider a report from Neighbourhood Services.

**(Pages 1 to 46)**

### 9. **Risk Management Policy & Significant Risk Register**

To consider a report from the Deputy Chief Executive.

**(Pages 1 to 21)**

### 10. **Banking Services Exemption**

To consider a report from Finance.

**(Pages 1 to 3)**

### 11. **Changes to the Parking Standards and Residential Design Guide SPD's and additional delegation to Head of Service**

To consider a report from Planning.

**(Pages 1 to 16)**

### 12. **Masterplan for developments next to Fusiliers Way**

To consider a report from the Chief Executive

**(To follow)**

### 13. **The Myton Path and the new athletics facility**

To consider a report from the Chief Executive.

**(Pages 1 to 16)**

**14. Authority to sell properties developed at The Paddocks Cubbington. Authority to sell further percentages of shared ownership properties up to 100% and to offer lower initial equity stakes for shared ownership homes**

To consider a report from Housing.

**(To follow)**

**15. Interim Consultancy Support**

To consider a report from Housing.

**(Pages 1 to 4)**

**16. 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 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.

Item Numbers	Paragraph Numbers	Reason
17,18,19, 20,21	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

**17. Confidential Appendix to Item 7 – Procurement Exercises of £150,000**

To note the confidential Appendix.

**(Page 1 to 4)  
(Not for publication)**

**18. Confidential Appendix to Item 9 – Review of Significant Business Risk Register**

To note the confidential Appendix.

**(Page 1)  
(Not for publication)**

**19. Confidential Appendix to Item 13 - The Myton Path and the new athletics facility**

To note the confidential Appendix.

**(Pages 1 to 34)  
(Not for publication)**

**20. Confidential Appendix to Item 15 – Interim Consultancy Support**

To note the confidential Appendix.

**(Page 1)  
(Not for publication)**

**21. Minutes**

To confirm the confidential minutes of the following Cabinet meetings:

(a) 10 April 2024

**(Pages 1 to 2)  
(Not for publication)**

(b) 5 June 2024

**(Pages 1 to 11)  
(Not for publication)**

General Enquiries: Please contact the Committee Services team via email at [committee@warwickdc.gov.uk](mailto:committee@warwickdc.gov.uk). Alternatively, you can contact us at:

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456114**

# Cabinet

Minutes of the meeting held on Wednesday 10 April 2024 in Shire Hall, Warwick at 6.00pm.

**Present:** Councillors Davison (Leader), Billiald, Chilvers, J Harrison, Kennedy, Roberts, and Wightman.

**Also Present:** Councillors: Milton (Liberal Democrat Group Observer & Chair of Overview & Scrutiny Committee), Day (Conservative Group Observer), and Falp (Whitnash Residents Association Group Observer).

## 112. **Apologies for Absence**

Apologies for absence were received from Councillors King and Sinnott.

## 113. **Declarations of Interest**

There were no declarations of interest made.

## 114. **Minutes**

The minutes of the meeting held on 6 March 2024 were taken as read and signed by the Chair as a correct record.

### **Part 1**

(Items upon which a decision by the Council was required)

## 115. **Parks Exercise Permit**

The Cabinet considered a report from Safer Communities, Leisure and Environment which recommended adjustments to the Parks Exercise Permit Scheme, following a review, in order to improve its operation.

In 2018 the Council implemented a pilot scheme for the registration of exercise providers within WDC parks, to help monitor the use of parks and open spaces by physical activity providers. This was intended to be used to monitor the usage of parks and open spaces by organisations and individuals such as fitness groups and personal trainers.

The Parks Exercise Permit and Policy scheme was formally introduced in October 2020 following the approval of a report to Executive on 24 August 2020.

As part of the application process, applicants would provide Risk Assessments, Public Liability Insurance, qualifications and agree to the terms and conditions associated with the scheme. Upon review the permit would be issued confirming the location, activity, and time. As stated in the Terms and Conditions, the location within the park would be flexible due to events and maintenance work carried out during the year.

The scheme was introduced:

- to ensure parks and open spaces were accessible to everyone;

- businesses were choosing parks and open spaces to host various activities, which needed regulating and should have in some cases been chargeable;
- to reflect the change in usage of some of the parks and open spaces through the wider range of group fitness activities (e.g. boot camps, buggy fitness, circuit training, personal training, running groups);
- to support groups/clubs/organisations to deliver activities;
- to promote a varied programme of activities; and
- to ensure health and safety of activities.

The Overview and Scrutiny Committee had asked for an annual review of the Parks Exercise Permit, but this did not occur due to the Covid pandemic and the suspension of the scheme pending its review.

A decision was made in August 2022 to temporarily suspend the Parks Exercise Permit, subject to a full review being conducted. This suspension decision was reached due to concerns being raised by officers and users.

The scheme was under-resourced and as a result was not being monitored. This was leading to an uneven application and enforcement of the scheme. The scheme also contained loopholes which allowed free permits and exemption from pitch hire fees.

The scheme had initially been expected to generate income of £450 per month. However, this was only achieved until 2022/23, as described in the table 1 at paragraph 1.2.3 in the report.

Appendix 1 to the report was a discussion paper which outlined the findings of the review, which was used to establish the desired strategic direction.

Considering the findings of the review, the preferred option was the continuation of the park permit scheme, with alterations to the scheme operational practises, documentation and terms and conditions.

The terms and conditions were updated to reflect improvements identified in the review. The current and proposed application form along with the terms and conditions were included as appendix 2 and 3 to the report.

The following open spaces were removed from the list of public spaces which were previously used under the scheme:

- Jephson Gardens;
- Harbury Lane;
- Priory Park; and
- St Marys Land.

The following open spaces were added to the list of public spaces, as they were suited to these types of activity:

- Myton Green;
- Champion Hills;
- Eagle Recreation Ground;
- Myton Fields April-September only; and
- Tapping Way.

The processes and procedures were improved to provide a digital application and payment system, and this would highlight what open spaces were available for the scheme and what activity already took place within the open space.

It would be important to promote the scheme to advertise its reintroduction. Current known permit holders/bookers of the park spaces would be contacted directly to highlight changes to the scheme and provide opportunity to continue operating their activities at locations, times and dates registered with the Council.

The 2024 Permit Scheme Fee was agreed in the Executive report considered on the 24 August 2020. It was proposed that the fee charged should be reviewed for 2025 and reviewed following an evaluation of the impact of the changes to the scheme.

The following were alternative options:

- Reduced Scheme – that the scheme be reintroduced with the proposed changes to processes, procedures and terms and conditions. However, the permit scheme would only operate in a reduced number of selected open spaces across the District.

It was felt that this would make the scheme confusing for users and increase the risk of activity providers using alternative locations where the scheme was not in operation, thus creating a significant enforcement issue. A reduced scheme also would not provide the aim of local access to outdoor activities.

- Discontinue the Scheme – that the scheme be formally discontinued. The scheme had not operated since August 2022 and there had been no formal complaints. Officers had dealt with information and advice requests in relation to the future of the scheme and current applications of the scheme's terms and conditions.

This option was discounted as removing the scheme would provide the Council with no information with regard to activities offered within local parks and open spaces. This information had previously been shared with the local community and groups to help increase outdoor activity attendance numbers. The corporate strategy encouraged everyone to have a more active lifestyle by using parks and open spaces.

By having the scheme in place, it allowed oversight and management of activities that took place within the Council's parks and ensured safe practices were adhered to. It also allowed the Council to monitor usage within the parks and open space to protect against over usage in certain locations.

The Overview & Scrutiny Committee did not scrutinise the report at its meeting because a report on the subject shortly before the scheme was introduced had been considered by the Committee. Following consideration of that report, the Committee had requested a follow-on

report after the scheme had been in operation for a while to check that the permits were operating in the way intended and then to discuss if the scheme should continue. The follow-on report was never forthcoming because various issues arose which stymied the operation of the scheme in the way intended to produce measurable results.

The recommendations in the report to Cabinet did not include an option on whether to proceed or not with the scheme but was purely to determine if the terms and conditions of the scheme should be changed.

The Committee requested that a report should be produced after the summer period on how the scheme was performing along with some data, including data on how much of officers' time was being spent with the implementation and governance of the scheme.

Councillor Harrison accepted the comments from the Overview & Scrutiny Committee, and proposed the report as laid out.

**Recommended** that Council amends the Constitution to record the new delegated authority of the Executive function: that authority for any future minor changes to the scheme can be agreed by Head of Safer Communities and Leisure in consultation with the Portfolio Holder for Communities, Leisure and Environment and that Council.

**Resolved** that

- (1) the proposed changes to the Parks Exercise Permit as laid out in the report, be agreed, and that the proposed new terms and conditions as set out at Appendix 3 to the report, for use at the following sites only, be adopted:
  - Newbold Comyn;
  - Pump Room Gardens;
  - Victoria Park ;
  - St Nicholas Park;
  - Castle Farm ;
  - Abbey Fields ;
  - Myton Green;
  - Campion Hills;
  - Eagle Recreation Ground;
  - Myton Fields (April-September only);
  - Tapping Way; and
- (2) Cabinet reminds Council of the fees ratified by Council in the 15 November 2023 Fees and Charges report as laid out in paragraph 5.5 in the report.

(The Portfolio Holder for this item was Councillor Sinnott)  
Forward Plan Reference 1,425

## 116. Revisions to Fees for Markets in 2024

The Cabinet considered a report from Place, Arts & Economy which proposed some revisions to the approved Fees for Markets for 2024 which were approved by Council in November 2023.

Council approved the Fees and Charges for 2024/25 on 15 November 2023 and that unless stated otherwise, these became operational from 1 January 2024.

The Council's markets contractor, CJ's Events, had raised concerns relating to the increase in fees that were agreed at that time in relation to markets.

There was evidence that in some instances, there had been a decline in footfall at some of the markets and CJ's Events considered that traders would struggle to absorb the proposed increases. In particular, the Kenilworth market was currently experiencing challenges, with low footfall in the market location, and this was impacting on support for the market.

CJ's Events had also pointed out that two of the District's regular markets, the Autumn and Christmas markets that took place in Leamington, were not on the approved schedule of Fees and Charges. There was currently therefore no agreed 2024 fee for these markets. Unlike the other markets, these markets were doing very well, and CJ's Events was of the view that a more significant fee increase (above the rate applied to other markets) could be justified. CJ's Events had proposed a fee increase which would still enable these markets to be competitive alongside other similar markets such as in Stratford-upon-Avon.

Table 1 below showed the approved fees together with proposals for revised / additional fees that were now being proposed in the report.

**Table 1: Existing and Revised Proposed Market Fees**

Market	Charge 23-24	Charges 24/25 as approved (Nov 23).	REVISED proposed charge 24-25	Proposed % increase of REVISED charges
Warwick Market	£42.00	£46.00	<b>£44.00</b>	4.7%
Leamington Market	£48.00	£53.00	<b>£50.00</b>	4.2%
Leamington Covent Garden Market	£48.00	£53.00	<b>£50.00</b>	4.2%
Leamington and Warwick	£42.00	£46.00	<b>£44.00</b>	4.7%
Kenilworth Market	£33.00	£35.00	<b>£33.00</b>	0%
Leamington Autumn	£55.00	No fee listed.	<b>£65.00</b>	18.2%

<b>Market</b>	<b>Charge 23-24</b>	<b>Charges 24/25 as approved (Nov 23).</b>	<b>REVISED proposed charge 24-25</b>	<b>Proposed % increase of REVISED charges</b>
Leamington Christmas	£80.00	No fee listed.	<b>£90.00</b>	12.5%

The above proposed revised fees all had the support of CJ's Events. They were considered to be realistic in terms of being affordable to traders and therefore able to support local markets whilst still maximising Council income from these.

The Autumn and Christmas markets were the largest and most profitable markets across the range that took place in the District. It was estimated that the higher fee increases for these seasonal markets would more than offset the potential reduction in income from the remaining markets. There would therefore be no estimated reduction in income if these fees were applied, and evidence was that there would be a small increase in overall fees. There was therefore expected to be no overall impact on the Council's budget position arising from these changes.

Moreover, it was considered that by reducing the increase in fees to a more manageable level for local stall holders, this was likely to best ensure the success of these markets, thereby maintaining an income stream for the Council which would otherwise be lost if stall holders were to withdraw from supporting the markets altogether.

There were two alternative options. One was to not to support any change to the previously agreed fees for 2024/5. For the reasons set out above, this would not be supported. It was anticipated that the current approved fee structure would have a damaging impact on the current markets in some cases and would likely see an overall decline in the number of stalls. This would have an immediate negative impact on the Council's budget position, affect the businesses of stall holders and harm the long-term viability of the market to support local communities. This option would also fail to capitalise on an opportunity to increase the fees on seasonal markets.

A second alternative option was to support the principle of imposing revised fees but vary the amount from that shown in table 1. Again, this option was not supported. The proposed revised fees had been put forward in consultation with CJ's Events and were considered to strike an appropriate balance between supporting local market stall holders, ensuring that the price of market stalls remained viable and protecting the Council's financial position.

The Overview & Scrutiny Committee did not scrutinise the report at its meeting but made comments to Cabinet.

The Committee requested that when in the future these same types of recommendations were made, more evidential data backing up the proposals being made should be provided; if fees were to be reduced then there should be options provided to mitigate or alternative plans that help to overcome some of the challenges being faced.

The Committee raised a concern that footfall numbers were reducing but there were no plans to reduce the fees. Markets were an important part of communities and the economy in towns.

Members of the Committee wished to remind Cabinet that these assumptions were built into the budget for the year and therefore making changes after the budget had been set could be problematic.

Councillor Billiald stated she would take all of the comments back from Group Leaders and the Overview & Scrutiny Committee and she proposed the report as laid out.

**Recommended** to Council that the revised schedule of Fees for Markets for 2024-2025 across Warwick District as set out in Table 1, minute number 116, be approved.

(The Portfolio Holder for this item was Councillor Billiald).  
Forward Plan Reference 1,440

## **Part 2**

(Items upon which a decision by the Council was not required)

### **117. Warwick District Council's Biodiversity Action Programme**

The Cabinet considered a report from the Department of Climate Change which sought the approval of Warwick District Council's Biodiversity Action Programme which had been developed in response to the Council's declaration of an Ecological Emergency in October 2022. The action programme set the strategic direction to 2050 for how the Council would respond to the need to protect, conserve and enhance biodiversity in the District, with a particular focus on the Council's own land and operations.

Warwick District Council (WDC) declared a Climate Emergency in 2019 and developed a Climate Change Action Programme (CCAP). The Council then followed this up with an Ecological Emergency declaration in October 2022 and resolved to develop a new Biodiversity Action Programme (BAP) to complement the CCAP and position WDC as the leading organisation to enhance biodiversity in Warwick District.

As part of the Ecological Emergency declaration, Councillors requested that the BAP deliver the following aims:

- a. To improve biodiversity in the green spaces managed by WDC and its contractors, taking full account of public safety and amenity requirements, including events.
- b. To set out options for further reducing the amount of Glyphosate and other toxic chemicals that were used by WDC and its contractors, including at least one option to completely eliminate their use.
- c. To ensure that the provisions of the Environment Act 2021 for Biodiversity Net Gain (BNG) were fully implemented in all developments in the District and that BNG was maximised in all developments that WDC had a financial interest in.

- d. To ensure that biodiversity ran through the new South Warwickshire Local Plan, for example, by creating green corridors.
- e. Linking in with the Warwickshire Local Biodiversity Action Plan and emerging Nature Recovery Strategy, to work in partnership with other agencies including Warwickshire County Council, the Environment Agency, Severn Trent Water, and other relevant bodies to improve the biodiversity of areas supported by the natural water systems in the District including the development of natural flood management and drought resistant water courses and bodies of water.
- f. To seek opportunities to invest the Carbon Offset Fund in projects that both sequester carbon and increase biodiversity.
- g. To develop a public awareness and education plan for biodiversity in collaboration with Warwickshire Wildlife Trust, charities, and community groups, focussing on what individuals and groups could do in their own local areas.

In addition to the above reasons for the recommendation. The Environment Act 2021 introduced a strengthened duty on all public authorities in England to:

- a. consider what they could do to conserve and enhance biodiversity;
- b. agree policies and specific objectives based on this consideration;  
and
- c. act to deliver those policies and achieve those objectives.

As part of the duty, WDC was required to produce a biodiversity report every five years to demonstrate how it was complying with the above and to show the positive changes being made. The development and delivery of the BAP could form part of the evidence for the first report to Government, required by 1 January 2026.

In May 2023, consultants Waterman Infrastructure and Environment were appointed to develop and produce a BAP. Officers from the Climate Change Team and Green Spaces Team had worked closely with Waterman to develop a BAP that met the aims detailed in paragraph 1.3 in the report. The report sought approval of the completed BAP, attached as Appendices 1 and 2 to the report.

Appendix 1 was the main BAP document and set out the overall programme of work and strategic direction to 2050 for how WDC would respond to the need to protect, conserve, and enhance biodiversity in the District. Appendix 2 formed part of the BAP but had been provided as a standalone document to provide further detail on target habitats and species for those interested to learn more.

The overall vision of the BAP was “to make Warwick District a place that was rich in nature, delivering multiple benefits for wildlife and people”. The BAP had 3 key aims which translated into the below themes and a number of objectives under each theme:

- Theme 1: Nature Recovery and Management.

- Theme 2: People and Partnerships.
- Theme 3: Legal, Planning, Policy, and Funding Commitments.

It was agreed that the BAP should provide a long-term strategic direction to 2050 but include an action plan to 2030 to bring focus to the immediate actions required. The 2050 goal aligned with ambitions in the CCAP (particularly Ambitions 2 and 3), along with national net zero targets and the new South Warwickshire Local Plan. The action plan to 2030 aligned with WDC's Corporate Strategy and national and international "30 by 30" biodiversity commitments to protect 30% of land and sea by 2030.

Actions in the action plan to 2030 were numerous and ambitious and would be continuously reviewed to ensure they remained relevant under fast-moving environmental policy and legislation. The action plan would be replaced with a new plan in 2030 to deliver the next phase of the programme.

The table in 1.10 in the report showed the actions due to start in 2024. They had varying end dates depending on whether they were distinct, time-bound pieces of work, or whether they were rolling annual actions up to 2030. Costs had been estimated wherever possible, but some costs remained unknown until the action/project commenced. The table also included the confirmed and/or potential funding sources for each action. Further details on finances were included in section 4 in the report.

The Climate Change Team would coordinate delivery of the BAP, with other Service Areas taking responsibility for delivery of individual actions.

Appendix 1 to the report included a set of proposed measures on page 53 that would be used to report progress to the relevant Programme Board and Overview and Scrutiny (O&S) Committee, however more detailed reports would be provided on request. Rather than reporting on the progress of each individual action in the action plan to 2030, it was felt more beneficial to propose a smaller set of measures that would help to demonstrate overall progress being made in terms of protection and enhancement of biodiversity in Warwick District, as well as informing reports to Government required under the Council's strengthened biodiversity duty. The proposed measures were selected based on advice from our consultants Waterman Infrastructure and Environment and what was felt was practical in terms of measurability and affordability. It should have been noted that some measures would remain unchanged from the baseline in the initial years of the BAP where they are dependent on actions with later start dates. There was flexibility to revise these measures and the reporting frequencies in line with requirements of the Programme Board, O&S Committee and other committees/groups, as well as changes in legislation, policy and best practice. We will also keep members of the public updated on progress by publishing this performance data and/or sharing information about the work being undertaken via other means/communication channels.

The BAP could not be delivered using existing staff resources and budgets alone. The prioritisation of the BAP and resources needed to deliver it would be considered as part of Service Area Plan reviews and future budget setting processes, but it was important to note that additional

funding and staff capacity would be essential to help deliver the ambitious action plan to 2030.

The costs (estimated) for year 1 (2024/25) of the action plan to 2030 had been covered (see paragraph 4.2 in the report for further detail). However, costs beyond year 1 would be subject to review of other funding opportunities (as explored in Section 5 of the BAP on page 17), including future growth requests where necessary.

A new full-time, permanent post within the Green Spaces Team would be created following approval of the report, funded through the Climate Change Action Fund (CCAF). This post would help to deliver specific actions in the BAP, mainly those included in Theme 1 of the action plan to 2030. It was important to note that this post alone would not be able to deliver all of the BAP.

Councillor Roberts proposed the report as laid out.

**Resolved** that the Biodiversity Action Programme (BAP) (Appendix 1 to the report), along with the target habitat and species factsheets (Appendix 2 to the report), be agreed.

(The Portfolio Holder for this item was Councillor Roberts).  
Forward Plan Reference 1,417

#### 118. **Warwickshire Natural Capital Investment Strategy**

The Cabinet considered a report from the Programme Director for Climate Change which sought Cabinet to adopt the Warwickshire, Coventry, and Solihull Natural Capital Investment Strategy (NCIS) as the basis for utilising natural capital funding across the sub-region, noting that the strategy aligned closely with the Biodiversity Action Plan (BAP) and had the potential to support the delivery of the BAP. In addition, the report proposed that, as the next steps, the governance arrangements were put in place to oversee the delivery of the strategy, including developing an implementation to address the elements set out in Appendix 2 to the report.

Those who lived, worked, visited or did business in Warwickshire, Coventry and Solihull drew varied benefits and value from the rich and diverse natural environment of the region. Investing in WDC's natural capital would help the Council to recognise and improve the value of the natural environment, the benefits it provided and embed this within the approach WDC took to addressing a range of local priorities. This would enable the Council to develop income and funding streams, allowing the Council to invest in the protection, enhancement, and recovery of WDC's natural capital assets in Warwickshire, Coventry, and Solihull. This work would be fundamental to reversing nature's decline and securing the continued provision of services and benefits provided by nature and the environment.

The NCIS provided a mechanism for delivering some element of the Biodiversity Action Plan. It provided the potential to use resources to bring the greatest benefits to biodiversity across the sub-region. It provided the

opportunity to identify and fund investment in a range of natural assets to bring about benefits for biodiversity, flooding, and carbon sequestration.

Officers had worked in partnership with Warwickshire County Council and other Districts and Boroughs in Warwickshire to the Warwickshire, Coventry, and Solihull Local Authorities Natural Capital Investment Strategy and this could be seen in Appendix 1 to the report. This was a top-level Local Authority strategy which specifically managed how the sub-region Local Authorities would utilise the nature-based compensation monies, and other income streams, generated through the planning system (for example Biodiversity Net Gain (BNG)) or other voluntary environmental markets.

The NCIS gave a strategic direction for the local authorities to achieve and implement investment in Warwickshire, Coventry, and Solihull's natural capital assets. It laid the foundations for a detailed Natural Capital Investment Implementation Plan (NCIIP) that would describe what actions were required, how they would be carried out, who would be involved and how funding would be distributed, monitored, and reported. The proposed elements to be address in the NCIIP were set out in Appendix 2 to the report.

The overall strategic aim of the NCIS was: "Local authorities in Warwickshire, Coventry and Solihull will use the income raised from environmental markets and nature-based compensation schemes to enhance nature and the environment, benefit its people, and help tackle climate change. They will do this through an agreed, region-wide strategy and Natural Capital Investment Implementation Plan."

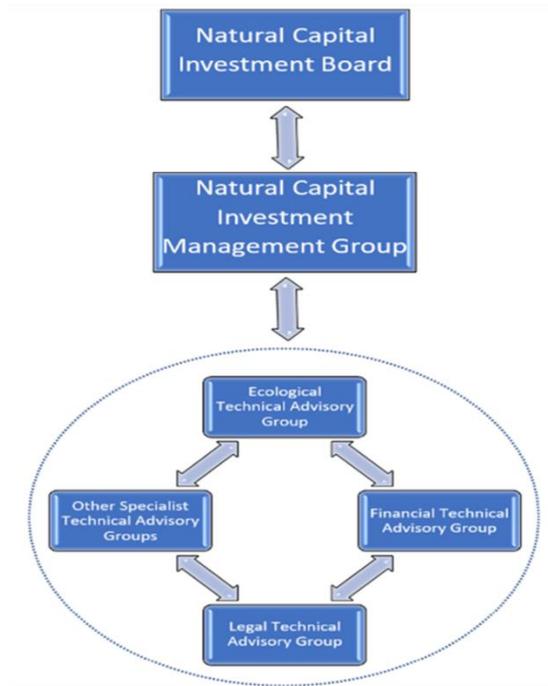
Taking a sub-regional approach to natural capital investment had many advantages:

- Together, local authorities were stronger than the sum of their parts: by working together with a common approach, authorities could pool resources and expertise in a cost-effective and efficient manner to create a more comprehensive and effective strategy for protecting and restoring the natural environment. Authorities could also leverage each other's strengths to find innovative solutions and approaches that would be difficult for any single District or Borough to achieve.
- Utilising combined resources: by working together, authorities could combine resources, such as staff, volunteers, equipment, and funding to achieve more than it could solely. This would allow WDC to implement more ambitious projects and achieve greater results.
- Attracting greater levels of investment: the NCIS and NCIIP would develop new investment, income and funding streams which would drive the development of ambitious and impactful projects. By creating a joint sub-regional Investment Strategy and Implementation Plan, WDC could offer investors a stable and low-risk platform for those looking to advance environmental goals or invest ethically.
- Develop a project pipeline: The Natural Capital Investment Implementation Plan would include a region-wide pipeline of shovel and investment ready projects. These would allow swift and

- efficient reactions to funding, buying or investment opportunities and further develop a regional environmental vision and identity.
- Each Local Authority would benefit in the same way, proportionally, over the lifespan of the strategy: full details of how the benefiting environmental projects would be chosen and funded would be explained within the NCIIP and would be closely linked to the sub-regional Green Infrastructure Strategy, the respective Local Nature Recovery Strategies (LNRS) and the ecosystem services trading protocol.
  - Best for nature – a ‘more, bigger, better & joined up’ approach delivered at a local scale: A regional NCIS would allow us to take a more comprehensive, shared approach to protecting and restoring our natural environment. We could identify and address cross-boundary issues, such as air pollution and water quality, and work together to develop a more connected and resilient network of natural habitats.
  - Delivering natural capital benefits, climate change mitigation and resilience which would benefit local people: The NCIS would help to deliver a wide range of benefits for communities across Warwickshire, Coventry, and Solihull. These would include improved air quality, cleaner water, increased biodiversity, healthier people, and a more resilient environment in the face of climate change.
  - Working alongside other regional and national policies and strategies: this joint sub-regional Investment Strategy and Implementation Plan would make it easier to align our strategies with the environmental ambitions of the West Midlands Combined Authority (WMCA) and national initiatives including the Environment Act 2021 and emerging Local Nature Recovery Strategies (LNRS). This would also reflect and enhance the overlap between the Warwickshire LNRS and WMCA LNRS.

Governance of the Warwickshire, Coventry, and Solihull Natural Capital Investment Strategy and Implementation Plan would be managed by the Warwickshire, Coventry, and Solihull Natural Capital Investment Board. The Board would be supported by a Natural Capital Investment Management Group and Technical Advisory Groups as seen in Figure 1 below.

Figure 1: Governance Structure



Board membership would be comprised of the relevant Cabinet Members, or representative, from each of the eight constituent local authorities. Supported by the officer-led Management Group, the Board would be the key steering and decision-making body in relation to the allocation and investment of current S106 funds and future Local Authority environmental income streams. It would ensure that decisions made in respect of natural capital investment were transparent, sustainable, and ultimately maximise the benefit to the environment and the local communities in Warwickshire, Coventry, and Solihull.

The Warwickshire, Coventry, and Solihull local authorities Natural Capital Investment Strategy (NCIS) had been developed and was now ready to be adopted by all eight local authorities in Warwickshire, Coventry, and Solihull.

Once adopted, the next stage in the process would be to agree to the development of the Warwickshire, Coventry, and Solihull local authorities Natural Capital Investment Implementation Plan (NCIIP) and to fund this work.

To manage the NCIS and NCIIP, the Warwickshire, Coventry, and Solihull Natural Capital Investment Board and Natural Capital Investment Management Group should be established.

Income would be generated through planning contributions, trading credits/units from ecosystem service markets (such as Biodiversity Net Gain (BNG), carbon offsetting, Green social prescribing, etc) and/or regulatory compensation mechanisms linked to Local Authority regulatory functions.

Existing funds relating to the already established Biodiversity Offsetting scheme were held by Warwickshire County Council within various Local Authority Section 106 accounts. Where these were held to be paid

incrementally to project delivery organisations on an annual basis (in other words released on annual basis over time – sometimes as much as 30 years), there were significant interim funds which were available and could be invested, subject to applying strict criteria to manage risk and deliver benefits. In addition, some of these offset schemes had also delivered financial surpluses.

Until recently, the Warwickshire Biodiversity Offsetting scheme had seen funding from WDC area being provided to Warwickshire County Council to oversee the funding of offsetting initiatives, including funding for ongoing management. Whilst this money should not be viewed as Warwick District Council's, the process until now had not had a strong local input at District level. The NCIS provided an opportunity for more local influence over where and how natural capital monies were spent.

Current, or nearly established, ecosystem services markets applicable to Warwickshire, Coventry and Solihull were:

- Biodiversity Net Gain - already established in Warwickshire through planning and mandatory from 12 February 2024;
- the Net Zero Carbon Buildings Planning Policy providing capital for Woodland Carbon (through implementation of the Warwickshire Carbon Standard and Woodland Carbon Code); and
- District Level Licensing funding (e.g. great crested newts).

Other ecosystem services markets which could be applicable to Warwickshire, Coventry and Solihull were:

- future carbon markets, including soil, grassland, and hedgerows;
- air quality;
- flood risk mitigation;
- nutrient neutrality;
- water quality;
- green social prescribing; and
- health and wellbeing.

The NCIIP would investigate the funding mechanisms to deliver the NCIS and NCIIP under the instruction to follow a full cost recovery principle.

Figure 2 below set out the hierarchy that would be used to allocate, noting that the lowest level ("Elsewhere in England") would only be used in exceptional circumstances and then only with the agreement of the Natural Capital Investment Board.

Figure 2: Biodiversity Net Gain sequential mitigation hierarchy for Warwickshire, Coventry, and Solihull (based upon the Warwickshire, Coventry, and Solihull Green Infrastructure Strategy) presented as an example of a mitigation hierarchy.

## BNG on site

To ensure residents or site users have access to nature

## Within the LPA where the impact occurs

- In a Strategic area for habitat creation or enhancement
- In a Semi-strategic area for habitat creation or enhancement
- The creation and enhancement of an offset site greater than 20 hectares

## Within a neighbouring LPA

- In a Strategic area for habitat creation or enhancement
- In a Semi-strategic area for habitat creation or enhancement
- The creation and enhancement of an offset site greater than 20 hectares

## Within Warwickshire, Coventry and Solihull

- In a Strategic area for habitat creation or enhancement
- In a Semi-strategic area for habitat creation or enhancement
- The creation and enhancement of an offset site greater than 20 hectares

## Elsewhere in England

- In other local authority areas
- The purchasing of national credits

In terms of alternative options, the Cabinet could choose not to adopt this Strategy. This would either:

- a) leave the Council without a strategy approach to investing in natural capital, meaning that investments were made in an ad hoc way, thereby leaving the District vulnerable to missed opportunities, slow delivery and reduced benefits, or
- b) require a local strategy to be developed which could still deliver a positive approach but would fail to deliver to the multiple benefits set out in paragraph 1.2 in the report.

Councillor Roberts proposed the report as laid out.

**Resolved** that

- (1) the Warwickshire, Coventry and Solihull Local Authorities Natural Capital Investment Strategy as set out in Appendix 1 to the report, be adopted, subject to the other partners listed in

Appendix 1 to the report doing likewise;

- (2) the proposals to develop the Warwickshire, Coventry, and Solihull Local Authorities Natural Capital Investment Implementation Plan (as set out in 1.4 in the report and Appendix 2 to the report) be agreed, and a further report be brought back to Cabinet for approval on completion of that work; and
- (3) the Warwickshire, Coventry and Solihull Natural Capital Investment Board and Natural Capital Investment Management Group are established to enable the delivery of the Strategy as set out in sections 1.3 and 1.4 in the report.

(The Portfolio Holder for this item was Councillor Roberts.).  
Forward Plan Reference 1,416

### 119. **Joint Waste Contract – Customer Services**

The Cabinet considered a report from Neighbourhood Services which explained the Council had had a joint waste contract with Stratford-on-Avon District Council (SDC) which commenced in August 2022. The WDC customer service elements (calls, emails, webforms and associated payments) of the contract was provided by SDC contact centre. This decision was made as the two Councils were due to be merged by the time the contract went live.

However, as the merger was no longer happening and considering the Council's recently approved Corporate Strategy, Change Programme – Case for Change and Medium-Term Financial Strategy, it was time to review this arrangement and return this service back to WDC control.

In 2022, whilst the contract was being mobilised the Council did not have the resources to manage the high volume of enquiries that were both anticipated and received. However, now the contract was stable, the volume of calls was lower, with more consistent levels of demand as seen in Appendix 2 to the report.

Cabinet recently approved investment in a new Customer Relationship Management (CRM) system for the Council, as part of the Change Programme. The services which could be developed on this platform would allow the Council to take control of its operations, making it easier for customers to contact the Council through different communication channels.

WDC's Medium-Term Financial Strategy set out how the Council could continue to be financially sustainable, including making better use of existing resources. This proposal would see the waste calls/enquiries managed by WDC's Customer Service team, making use of an existing resource, to provide a centralised, resilient, and reliable service in line with the Change Programme aspirations.

The Council could plan for contact demands in early Spring when residents needed to renew their Garden Waste Permits, which saw complaints in 2023 as customers struggled to get through to SDC, i.e. over 30% of calls relating to Garden Waste permits were abandoned in July 2023 as seen in Appendix 2 to the report.

There would be a significant annual financial saving as the Council paid SDC to provide customer services on WDC's behalf as seen in paragraph 4.1 in the report. The Council had previously delivered excellent customer services in relation to waste services up until mid-2022 when these services were transferred to SDC.

The Council received limited data from the SDC contact centre, which made understanding service levels challenging. This also made it difficult to use data to drive improvements and assess quality of service delivery.

Income from sales of waste containers, bulky waste collections and green waste permits was currently managed and received by SDC. Returning customer services to WDC, would allow the Council to directly manage this income. This would provide greater financial management of the income streams as income would be instantly recognised within our financial system rather than received in arrears from SDC.

In terms of alternative options, Cabinet could have decided to leave the customer service arrangement with SDC. This was deemed not suitable for several reasons which had emerged through our work with SDC. It was not easy or quick to see how well the Customer Service operations were performing as SDC had not shared performance metrics on a regular basis. Whilst some information had been provided, this had been very intermittent and required significant officer time to acquire. At key periods WDC's Customer Services team also received calls from customers who could not reach the SDC team, which meant there could be double handing. WDC's own Customer Services team, whilst entirely capable of addressing the concerns could not do this as they did not have access to the tools used by SDC to run the customer contact operations.

Councillor Roberts proposed the report as laid out.

**Resolved** that

- (1) authority be delegated to the Deputy Chief Executive to provide SDC notice to end this arrangement, as set out in the inter authority agreement;
- (2) SDC be thanked for their work in supporting this service; and
- (3) the customer service elements of the waste contract return to WDC by December 2024.

(The Portfolio Holder for this item was Councillor Roberts).

Forward Plan Reference 1,437

## 120. **Future High Streets Fund Update**

The Cabinet considered a report from Place, Arts & Economy which provided Cabinet with an update on the remaining projects that were being funded by the Future High Streets Fund (FHSF) following the previous report presented to the Cabinet meeting on 15 November 2023. Additionally, it updated Cabinet on the request submitted to the Department for Levelling Up Housing and Communities (DLUHC) for an extension to the deadline to spend the FHSF money.

The FHSF Programme consisted of a total of four regeneration projects. An update on the individual elements was included in the report. At the time of the previous report to Cabinet on 15 November 2023, the deadline to spend the fund was set at 31 March 2024. Approval was given at that meeting to allow officers to submit a request for an extension of time.

Officers duly submitted the request for an extension of time as required by DLUHC to the revised available deadline of 30 September 2024. Confirmation had now been received that the extension has been granted and as a result there was an additional six months available to spend the FHSF money.

As stated in previous update reports, this revised deadline was only in respect of FHSF expenditure. It was not a deadline for all of the projects to be fully completed. Other co-funding could continue to be spent after 30 September 2024. The focus in terms of project spend would be on ensuring all of the FHSF money was utilised by the new deadline and WDC and private sector funding will be utilised once that has been achieved.

Complex Development Projects (CDP) were a Warwick District Council Development Partner as established through a Collaboration Agreement.

### **Spencer Yard**

All three of the buildings as part of the Spencer yard regeneration project had reached practical completion. There were tenants occupying the former United Reform Church, now known as The Fold and the Old Nursery Building. The Old Dole Office was expected to become occupied by a series of tenants across the different floors. All of the FHSF money for these buildings had now been fully spent along with the WDC and private sector co-funding.

As set out in the Development Agreement that was put in place between WDC and CDP at the outset of this element of the FHSF Programme, the necessary valuation work was underway in order to calculate any Additional Consideration which might invoke the profit-sharing element of the scheme.

### **Town Hall Creative Hub**

Following a successful tender process, the main contractor for the Town Hall Creative Hub was very close to being appointed. Works were aiming to commence on the 3 June 2024. The duration of the works were expected to be approximately 30 weeks and so completion of this phase of

the regeneration of the Town Hall was expected to be completed by the end of December 2024 / early January 2025.

In order to avoid impacts on the breeding Peregrines and to also avoid the costs of mitigations if work had started during this breeding season, the decision had been made to start the work at the end of the season at the beginning of June.

A Tenants Working Group was continuing to be held through the development process to ensure any impacts of the work were being fully discussed, understood, and minimised.

### **Stoneleigh Arms and the Old Schoolhouse ("Stoneleigh Arms Site")**

Planning consent for the proposed development of the site was granted by the Planning Committee in December 2023.

Following the previous report to Cabinet on 15 November 2023, officers were progressing the proposals around the future use of the buildings that were outlined as part of the confidential element of that report.

The latest position regarding these proposals was contained in confidential Appendix 1 to the report.

Preliminary works to the Stoneleigh Arms Site in the form of demolition of the existing Stoneleigh Arms building and re-roofing the Old School had been carried out by CDP pursuant to access licences. A further access licence was currently being negotiated to enable CDP to carry out works to slab level. The more substantial redevelopment works to the Stoneleigh Arms Site could not commence until the Agreement for Lease was completed. The Heads of Terms for an Agreement for Lease was attached at confidential Appendix 3 to the report. If approved, the Agreement for Lease could be progressed in conjunction with Stratford on Avon District Council Legal Services, and the Council's Regeneration Development Partner CDP.

### **Confidential Site**

A progress update on the confidential site was included in confidential Appendix 2 to the report.

In terms of alternative options, Members could have chosen not to approve the proposal being explored for the Stoneleigh Arms Site as set out in confidential Appendix 1 to the report. This alternative option was not recommended as the proposal presented a significant opportunity to contribute to the vibrancy of the South of the town centre with creative spaces being provided for the use of the creative sector and would be a true reflection of the aspirations of the Creative Quarter.

Members could have chosen not to support the proposed approach outlined in confidential Appendix 2 to the report. This alternative option was not recommended as this approach was only realistic option available to deliver this element of the FHSF programme.

(The meeting went into confidential session to discuss the confidential appendices and resumed at 6:40pm).

Councillor Billiald proposed the report as laid out.

**Resolved** that

- (1) the progress being made in respect of the FHSF Programme, be noted and the extension of time to utilise the remaining funds has been approved by DLHUC, be noted;
- (2) the progress being made in respect of the proposals for the Stoneleigh Arms Site as set out in Confidential Appendix 1 to the report, be noted;
- (3) authority be delegated to the Arts and Economy Portfolio Holder and the Head of Place, Arts and Economy to progress and finalise the proposals for the Stoneleigh Arms Site as set out in confidential Appendix 1 to the report;
- (4) the progress being made in respect of the proposals for the confidential site as set out in confidential Appendix 2 to the report, be noted;
- (5) authority be delegated to the Chief Executive, in consultation with Section 151 Officer, Group Leaders, the Arts and Economy Portfolio Holder and the Head of Place, Arts and Economy to progress and finalise the proposals as set out in confidential Appendix 2 to the report;
- (6) both the draft Heads of Terms in respect of the Stoneleigh Arms Site in respect of the Agreement for Lease and Headlease from WDC to CDP and the Underlease from CDP to WDC as set out in confidential Appendix 3 to the report, be approved; and
- (7) authority be delegated to the Head of Arts and Economy Portfolio Holder and the Head of Place, Arts and Economy to finalise the details of the Heads of Terms and complete the Agreement for Lease and Lease on the Stoneleigh Arms Site from WDC to CDP and the subsequent Lease back from CDP to WDC.

(The Portfolio Holder for this item was Councillor Billiald).  
Forward Plan Reference 1,411

121. **S106 Agreement, Old Leper Hospital/Chapel/Masters House, Saltisford**

The Cabinet considered a report from the Head of Governance & Monitoring Officer which sought authority for the Council to be a counter signatory to a S106 Agreement, as landowner, between West Midlands Historic Building Trust (as the applicant) and Warwickshire County Council.

Warwick District Council had a long-term ambition to bring the Old Leper Hospital site (Chapel/Masters House and surrounding land), now designated with the formal project title of St Michael's Place, back into use.

Warwick District Council purchased the site in 2020 after it had not been in use for a significant number of years, potentially as far back as the early 1960's.

The Council had entered into a partnership agreement with West Midlands Historic Building trust, working with Historic England, to bring the site back into use as housing. This agreement saw the Council transferring the site to the West Midlands Historic Building Trust once funds were in place to redevelop the Chapel and Masters House. This enabled easier leverage of funds and specialist knowledge to deliver the works on these two historically sensitive buildings (which continued to be included on the Historic England at risk list) back into use for housing. In order to meet the requirements of the grant once the works were completed the plan was that the buildings would be initially leased back to the District Council for a set period followed by transfer of the freehold at a later stage.

The Council, working with its partners (The West Midlands Historic Building trust and Historic England, with National Lottery funding), brought forward a viable scheme which was resolved to be granted by Planning Committee in October 2021. The resolution to grant was subject to completion of a S106 agreement to secure Biodiversity Offsetting. The draft S106 agreement proposed that this obligation would be met either by the provision of biodiversity enhancements off-site or the payment of a Biodiversity Contribution to Warwickshire County Council of no more than £55,887 subject to the Relevant Index for the purposes of enhancing and securing long-term management of biodiversity within the vicinity of the site. The obligation was enforceable against the District Council as current landowner.

In addition to the redevelopment of the Chapel and Masters House, the Council, as Housing provider intends to develop a small block of flats at the rear of the site, which also has planning permission in place.

Since the approval of the planning application, a number of works had been undertaken on site, including removal of Japanese knotweed from the site and exploratory works for bringing services (water, electricity etc) on to site. There had been complications with the development with an expected housing partner dropping out of the development of the new builds to the rear of the site, now replaced by the Council/HRA and the need to undertake appropriate procurement architects for this aspect.

Exploratory works, funded by Historic England, both ground penetrating radar and a selection of trial trenches had identified likely medieval remains at the front of the site parallel to Saltisford road. The details of these, was currently being assessed and would be detailed in the archaeologist's report. However, these findings were expected to require some revisions on the route the services would take into the site.

The project had secured funding from the National Lottery to develop the scheme for the Chapel and Masters House up to RIBA level 4 and had also received favourable indications from the lottery on the potential for funding a large part of the works to bring these two main buildings back into use. The HRA development to the rear of the site also had funding to develop up to the same RIBA level.

With further discussions between the partners, it was possible to refine and improve the approved designs for the Masters House and the proposed flats at the rear of the site (so they had a better complimentary feel to the site). In addition, there continued to be work undertaken to ensure all buildings on the site would have sustainable heating, with the potential ground or air source heating scheme being explored. It was envisaged that a further report would be brought back to Cabinet at RIBA Stage 4, and/or prior to any further planning application submission to confirm funding and development arrangements.

Councillor Wightman proposed the report as laid out.

**Resolved** that

- (1) the latest position on the redevelopment of the Old Leper Hospital/Chapel/Masters House, Saltisford, be noted; and
- (2) the Council becoming a signatory as landowner to the S106 agreement between the parties in respect of biodiversity off setting in line with the agreed planning permission, be approved.

(The Portfolio Holder for this item was Councillor Davison and Wightman).  
Forward Plan Reference 1,436

**122. Revisions to Fees Annual Review of Regulation of Investigatory Powers Act (RIPA) Policy**

The Cabinet considered a report from Finance which explained that the Regulation of Investigatory Powers Act 2000 (RIPA) provided the circumstances in which a Local Authority might use surveillance techniques to prevent and detect crime. Each Local Authority should have a policy in place, which set out the circumstances in which these powers might be used and the procedure to be followed.

The Home Office's Code of Practice on Covert Surveillance and Property Interference provided guidance on the use by public authorities of Part II of the Regulation of Investigatory Powers Act ("the 2000 Act") regarding covert surveillance that was likely to result in the obtaining of private

information about a person. Paragraph 4.47 of the Code stated that: "Elected members of a local authority should review the authority's use of the 1997 Act and the 2000 Act and set the policy at least once a year."

Councillor Davison proposed the report as laid out.

**Resolved** that the Council's Regulation of Investigatory Powers Policy, be approved.

(The Portfolio Holder for this item was Councillor Davison).  
Forward Plan Reference 1,443

### 123. **Proposed Hackney Carriage Fare Increases**

The Cabinet considered a report from Safer Communities, Leisure, and Environment which stated that requests had been received from the taxi trade for the current Hackney Carriage fare tariffs to be increased. The current tariff had been in place since 2014 and should be reviewed in line with the current economic climate.

A report was submitted to the Licensing and Regulatory Committee on 11 March 2024. The Committee recommended to Cabinet that the recommendations in the report be approved, subject to two notes for officers, suggesting that the figures in the report made clearer prior to the report going to Cabinet, and that any communications via the Council's social media accounts explained in detail the reasons behind the increase.

The ability of the Council to set Hackney Carriage fares was derived from S65 of the Local Government (Miscellaneous Provisions) Act 1976. The setting of Hackney Carriage fares was a Cabinet function, but the Cabinet requested the views of the Licensing and Regulatory Committee based upon its knowledge of licensing Hackney Carriage Drivers.

The Council had to apply this power reasonably as the fixing of a market price for Hackney Carriage fares within the Council District had a direct impact on the ability for a hackney driver to make a living.

Tariff rates only applied to Hackney Carriages, there was no similar power to set fares for Private Hire vehicles. Private Hire Vehicles have discretion to set whatever charges they consider reasonable, given normal market forces and business competition.

Hackney carriages could set lower fares and offer special discounts if they choose but were unable to charge more than the set fares and tariff maximum. However, when the journey went beyond the boundary of the District, the tariffs did not apply.

Tariff rates differed according to the time of day, the number of passengers, and whether the journey takes place on a bank holiday. Tariffs directly relate to the unsociable hours worked by drivers, therefore ensuring as far as possible the provision of Hackney Carriage transport was always available.

The current tariff was introduced in 2014. Table 1 - Current tariff:

	Tariff 1 4 or less passengers (Day*)	Tariff 2 4 or less passengers (Evening **) 5+ passengers (Day*)	Tariff 3 5+passengers (Evening**)
Distance First 7/10 <sup>th</sup> Mile	£3.40	£5.10	£6.80
Subsequent Distance 1/10 <sup>th</sup> Mile	£0.20	£0.30	£0.40
Waiting Time 30 Seconds	£0.10	£0.15	£0.20
Soiling Charge	£75		
Day* = 06:00 to 22:00 Evening = 22:00 to 06:00 and Bank Holidays ** Except on Christmas Eve and New Years Eve = 18:00 to 06:00			

Warwick District Council currently licensed 143 vehicles as Hackney Carriage vehicles. 100 of these vehicles (69.9%) had five or more passenger seats and would use tariff 3 in the evening and on Bank Holidays.

Warwick District Council currently sat at number 310 out of 355 other local authorities on the National Hackney Carriage Fare Table for a two-mile fare at Tariff 1. With No.1 on the table being the most expensive and 355 the cheapest set fare in the country. Below was a table with how WDC compared with neighbouring Local Authorities.

<b>Position in National table (As of Feb 24)</b>	<b>Local Authority</b>	<b>two-mile fare (in the day)</b>	<b>Last HC fare increase</b>
53	Coventry	£8.00	2022
135	Nuneaton & Bedworth	£7.25	2023
158	Rugby	£7.10	2022
197	North Warwickshire	£6.80	2022
235	Stratford	£6.60	2023
310	Warwick	£6.00	2014

The cost-of-living crisis, including increase in fuel and running costs (maintenance and insurance etc) was considered as the main reason why the Council had received several enquiries by the taxi trade for a fare increase.

On 11 December 2023, Cabinet agreed to a fare increase consultation. This consultation was with the owners of Hackney Carriage vehicles only as these vehicles had to use the fare structure decided by WDC. WDC Private Hire vehicles could charge whatever they felt reasonable. An online consultation took place between 18 December 2023 to 15 January 2024.

57% of the licensed HC trade responded. The results of the survey were attached as Appendix 1 to the report.

When asked what percentage increase HC vehicle owners would consider appropriate the answers ranged from 20% to over 50%.

When considering a suitable percentage increase, the office for national statistics, inflation, and prices indices (all items) data had been used as a comparison. Between 2014 and 2023 the sum of the overall CPIH annual rate increase is 27.7%. Inflation had averaged 3.2% a year meaning a two-mile fare in the day that cost £6.00 in 2014 would cost £7.66 in 2023.

Following the results of the survey, a proposed new tariff was set out as Appendix 2 to the report. This would equate to a 30% increase on the individual elements of the current tariffs (rounded to the nearest 5/10pence). This recognised the CPIH increase between 2014 and 2023. There were no proposed changes to the soiling charge or the tariff times. Below was a table of how the revised tariffs would compare with our neighbouring Local Authorities and the National Hackney Carriage Fare Table if the proposed 30% increase was implemented.

<b>Position in National table (As of Jan 24)</b>	<b>Local Authority</b>	<b>two-mile fare (in the day)</b>
53	Coventry	£8.00
83	Warwick	£7.65
135	Nuneaton & Bedworth	£7.25
158	Rugby	£7.10
197	North Warwickshire	£6.80
235	Stratford	£6.60

Current Neighbouring Local Authorities Hackney Carriage tariffs were attached as Appendix 3 to the report.

If the fare increase was agreed by Cabinet, the table of fares would be advertised in the local newspaper as well as being advertised on the Council website and at the published Council's Head Office (Town Hall) Recognising the change in locations at present the Council would also ensure that the notice was placed on the public noticeboard outside the Town Hall and outside Riverside House.

Following on from comments received at Licensing and Regulatory Committee any new table of fares would be publicised in line with legal requirements, but officers would seek to promote these via social media to provide an explanation for the change.

If there were no objections, the proposed fare increase would take effect in May 2024.

If there were objections, these would need to be considered by Cabinet. At that point Cabinet could choose to make modifications to the proposed table of fares in light of the objections received or not.

For future Hackney Carriage fare increases it was proposed that the trade would be consulted by means of a survey every 18 months from when the last increase took place to determine if the HC trade felt a fare increase was appropriate at that time.

In terms of alternative options, Cabinet could choose to not accept the proposed increase, or they could propose a new increase. Both of these would need to include reasons for the proposal, based on the evidence within the report.

Councillor Harrison proposed the report as laid out.

**Resolved** that the increase of Hackney Carriage fares, as set out in the report, for advertisement and if no objections are received, they can come into force from May 2024 with the precise date delegated to the Head of Safer Communities, Leisure, and Environment, in consultation with the Portfolio Holder for Communities and Leisure, be approved.

(The Portfolio Holder for this item was Councillor Sinnott).  
Forward Plan Reference 1,439

#### 124. **Milverton Homes Ltd Business Plan Revision**

The Cabinet considered a report from Finance. Milverton Homes Ltd was the Council's wholly owned subsidiary Housing Company. The Company needed to prepare a Business Plan in respect of each financial year that should include an overview of the planned activity for that financial year and an explanation of how that planned activity furthered the Company's Objectives, which should be submitted to WDC no earlier than four months and no later than two months before the end of each financial year.

The Annual Budget for each financial year should form part of the Business Plan. The Annual Budget should be reviewed by the Board quarterly.

Milverton Homes Limited (MHL) was a non Teckal Local Housing Company (LHC) which was wholly owned by Warwick District Council (WDC). At the end of March 2023 MHL would have been trading for two years.

Established in December 2020 to accelerate the provision of housing, including much-needed affordable housing in Warwick District, the ambition being to build housing to high environmental standards, contributing to reducing carbon emissions and creating an improved quality of life for those living in them. MHL was established to enhance the reach of the Council and support delivery of key projects. Its role was to act in the best interests of its shareholder (WDC) and in this regard, both parties shared common interests and goals. MHL enabled the Council to

take a commercial approach to the delivery of new homes and to offer a range of products to assist in the delivery of local housing needs. A further ambition for the company was to act as a disruptor of the Private Sector housing market by providing a high quality product at competitive prices.

The catalyst for establishing Milverton Homes was to enable the Council to progress the opportunity for it to enter a joint venture and, with the assistance of a loan from the Council, secure the acquisition of 62 low-carbon market rented homes.

The model had the aim of making significant contributions to the Council's income in the face of funding shortfalls, and by doing so, put services on a more sustainable footing to support local people as well as raising money to invest in priority outcomes. The Council was unable to enter arrangements in the same way that Milverton Homes did as it was constrained by Procurement Contract Regulations. MHL could act outside these regulations allowing it to take advantage of direct approaches from developers. Together, these dynamics provided the unique USP that provided benefits to MHL and WDC alike.

The Company's board of Directors were responsible for the delivery of the Company's business plan; the Council as shareholder received performance and financial reporting in line with the shareholder agreement.

On 27th August 2021, Milverton Homes formed a Joint Venture (Crewe Lane KENILWORTH JV LLP, Company Number: OC426015) with Vistry Homes.

This venture would see the delivery of 620 new homes on land to the east of Kenilworth. The involvement of MHL had facilitated half of these to be low carbon/net zero carbon of which 248 would be sold to the Council to provide homes for people on the Housing Register and 62 sold to Milverton Homes to offer at market rents. The Council had taken receipt of the first 3 homes in April 2023 which were being leased back to Crewe Lane LLP at market rent for use as show homes.

The Business Plan set out the activities for the third and subsequent years of operation and presents the latest projections for the Company. It included an insight to objectives, priorities, and financial projections for a five-year period. Whilst it was normal for a business to present a shorter time frame with 3-5 years being most common, it was thought useful to cover the period in which the Crewe Lane Joint Venture was planned to be active. In future years, it was likely that the Business Plan would revert to a more usual timeframe.

The MHL BP was a five-year plan that incorporated all of the current approved schemes and the long-term financial impacts. The MHL BP needed to remain robust, resilient, and financially viable to ensure that the Council as 100% shareholder was protected from financial risk. Revising the MHL BP regularly ensured an accurate financial position was available for the Council and MHL Board.

Upon the Incorporation of MHL and since the first Business Plan was presented to May 2022 Cabinet, the following updated and policies had

been agreed by the Board:

- Appointment of Fortus Accountancy as MHL's Accountants and Auditors.
- Appointment of Warwickshire Legal Services as MHL legal advisors and company secretary.
- Appointment of Board Members.
- Creation of Company Expenses Policy.
- Creation of Board Member remuneration policy.
- Creation of a Market Rental Agent Management Service Policy.
- Board Members had also been appointed to the Crewe Lane LLP Board.
- Loan Agreements for the first three show homes.
- Internal audit governance review had been commissioned.
- MHL Financial Regulations.

Policies that were in progress or were due to be agreed and required agreement between MHL Board and WDC were noted below but were in progress:

- Draw down arrangements for the remaining 59 dwellings to be purchased from the Crewe Lane JV for further long term and short-term loans.
- Creation of a new Milverton Homes Shareholder Representative Board & Quarterly reporting schedule'

The assumptions underpinning the MHL BP could be left unchanged from those that underpinned the version approved by Cabinet in July 2023. This had been rejected as it would result in the MHL BP not reflecting the most up to date policies, strategies, and research on the conditions of the local housing and land markets. The plan would therefore not be able to deliver services in a way that was viable, maintain services and service the debts taken on by the Council.

Members and the MHL Board could choose to vary the assumptions within the MHL BP or agree alternative policies, service standards and investment options. If these alternative options were financially viable and deliverable, the MHL BP could be amended.

Councillor Wightman proposed the report as laid out.

**Resolved** that

- (1) the Milverton Homes Ltd Business Plan (Appendix 3 to the report) and its supporting appendices, be noted;
- (2) the confidential financial information as outlined in Appendix 2 to the report, be noted;
- (3) the revised working capital requirements of the company, for the years 2023/24-2026/27, with a request for a further £490,745. This will be returned in the form of a dividend by 2027/28;

- (4) the release of the additional working capital requirements for the years 2023/24 (£21,193) and 2024/25 (£281,729) totalling £302,922, with future allocations subject to the annual business plan being presented to WDC to receive Cabinet approval, be approved.

(The Portfolio Holder for this item was Councillor Wightman).  
Forward Plan Reference 1,431

## 125. **Shared Information Governance Service**

The Cabinet considered a report from the Head of Governance and Monitoring Officer which brought forward a proposal to create a shared Information Governance Team with Stratford-on-Avon District Council (SDC), to provide a more resilient and robust service.

This Council had shared an Information Governance Manger (IGM), who also acted as the Council's Data Protection officer, since early 2018. This role was designed to look at the policy, training and compliance side for handling information requests and associated governance on data protection.

This arrangement had largely worked well with the IGM supported by an officer at SDC, to help with administering requests and some of the advice) and by the Corporate Support Team at WDC.

Over this time the retention to the IGM had averaged at under two years per person in post. The reasons for this had been around two primary aspects, competitiveness of salary, and demands on the role of having to use two distinct ICT systems combined with overall demand. The second of these had also led, at times, to challenges in officers from one or other Council struggling to contact the IGM.

As part of the proposed merger between SDC and WDC this was one of the areas which was due to merge early on however the restraint on this was due to resolving the access two authorities ICT system until this was combined. With other priorities in other areas for ICT as part of the merger this aspect was delayed and with the end of the merger not progressed.

Post merger WDC established an IG Officer role on a two-year contract. This was to replicate the establishment at SDC and enable dedicated support for the IGM. This presented challenges in respect of line management as the IGM was an SDC employee and they cannot line manage a WDC employee, within the law without specific legal agreements being in place.

Since the summer of 2023, there had been new Heads of Service for this arrangement at both SDC and WDC and it was agreed to explore the option of a shared service with a business case coming to Cabinet for consideration. This was supported with additional funds included for this work within the budget report for 2023/24 based on initial cost estimates.

There were impending legislation changes on information governance with a bill sat in parliament due to receive royal assent before the next General election. It was anticipated this bill would come with a phased two-year introduction but would require significant overhaul of information governance framework, training, and associated information.

Based on this it was considered that a single team working collaboratively across both Council's would produce a greater efficiency of service and knowledge, but also resilience during this time.

The business case was being developed by the Interim IG Manager. However, they left and work on this had stalled, until now it had been picked up by the respective Heads of Service at SDC and WDC to bring forward the report.

The proposal was that the team were based at SDC and comprised of a manager, who would also be Data Protection Officer, an officer and two assistants, all full time and permanent. The costs for which would be split equally (50/50) between the two Council's. These jobs had been through the salary evaluations at SDC and had come back with anticipated total costs (salaries plus on costs) to WDC of £88,000, which was £22,000 above the original estimate. This was because with revisions to the job descriptions the salaries had come out at significantly more than before for the Manager role (but within what was considered comparable market rate). These were also the current maximum costs if the individuals all reached the top of their salary grades, which was unlikely to occur within the first 12 months.

The level of staffing and roles was still considered appropriate to respond to the challenges faced by the service and the importance of the regulatory requirements in delivering good information governance and meeting the performance standards set by the Information Commissioner.

WDC and SDC had similar levels of resource demand from requests for information (which had remained consistent over the five years) although SDC had more requests than WDC, WDC had significantly more subject access requests which were more time consuming to process. The Councils had broadly similar, but not identical, information governance frameworks in place. There were however two different approaches to delivering mandatory training for information governance at both Council's (through different e-learning systems which were unlikely to change soon to agreed contracts) but both these were supported by additional face to face training.

Both Council's used the same ICT system, developed in house by SDC for the management of requests for information. This was an effective system and well respected by officers at both authorities.

It was possible to provide appropriate secure access for officers to these separate requests systems no matter if the Information Governance Team are based at either Council. This reduced the need for officers within a shared team to work on two separate ICT networks but did not remove this entirely. However, it did maintain a separation in data between the two Council's requests systems which was considered appropriate for data security and transparency.

The need for access to a second system was further reduced by agreement of the host Council using their email service for the team. This would see emails being sent and received for WDC business from SDC email addresses. However, this was the same arrangement as for the shared legal service where emails made it clear it was a shared team.

The Cabinet should also be aware that the current agreement for the provision of and IGM required an authority wishing to leave this agreement to provide 12 months' notice and that both Councils were equally liable for any resultant costs of redundancy.

There were several alternative options available to the Cabinet which they could consider.

Cabinet could decline the approach to form a joint team and had a team within WDC. It was estimated that to provide a competitive salary to gain the relevant knowledge within the Council along with an officer to support them would cost similar amount to the provision of the shared team. This would also increase risk of down time of service. This was therefore discounted.

Cabinet could decline the additional cost and require the team to be built within the agreed budget. This was not considered appropriate because of the challenges and demand the service was expected to face over the next two years. However, the Cabinet could also consider providing the additional funding for a time limited (for example the two years) next two years.

Cabinet could propose that shared IG team was hosted by WDC rather than SDC. This was not unreasonable and would balance the shared legal service hosted by SDC. This might be impracticable and potentially slow the delivery of the team as would require the transfer of a current employee to WDC.

Councillor Davison proposed the report as laid out.

**Resolved** that

- (1) the creation of a shared Information Governance Team, based at Stratford-on-Avon District Council subject to the conditions set out at Appendix 1 to the report, be approved;
- (2) the additional expenditure for £23,000, from the Service Transformation Reserve for 2024/25 to enable the creation of the team, and for the additional funds for future years to be built into the based budget and Medium-Term Financial Strategy as growth, be approved;
- (3) authority be delegated to the Head of Governance & Monitoring Officer to complete

any necessary agreements to deliver this service; and

- (4) a review of the service and its performance be undertaken after 12 months to demonstrate its value for money for both Councils.

(The Portfolio Holder for this item was Councillor Davison).

## 126. **Kenilworth Carnival**

The Cabinet considered a report from Place, Arts & Economy which set out a proposal to relocate Kenilworth carnival and funfair to a new site on Abbey Fields and sought approval for funding to support this relocation and the Kenilworth carnival.

Kenilworth carnival had been running for many years on land at Abbey Fields. A funfair had operated alongside this for well over 70 years. The event had become a long-held tradition for Kenilworth.

The funfair was in operation for many years on a site west of Bridge Street and immediately north of the Finham Brook. This was shown on the plan in the Appendix to the report as "Area 2". It had become increasingly apparent that this site was no longer suitable for the funfair. There were a variety of reasons for this including:

- The growth of trees on the site. Since the Fete and Funfair first started, the large quantity of trees surrounding the park grew larger along with tree canopies that had extended far into the park. The Council's Parks Protocols sought to strike a balance between promoting public enjoyment of the space and protecting trees. This protocol stated that no events were permitted to use the space on the tree root plates. Vehicles were not permitted to park between trees, or on the tree root plates as it could have caused compaction, stress to the trees and damage. Over time, this had significantly impacted on the area within which the funfair could now safely operate.
- The site, which sat in a basin and beside the Finham Brook, had become increasingly waterlogged, owing in part to climate change. This significantly increased the likelihood that the ground would become rutted, notwithstanding the best efforts of the funfair operator. This both damaged the ground itself (making it increasingly rippled over the years) and potentially could have caused damage to any historic remains that might be underneath.
- The whole of Abbey Fields had been designated as a Scheduled Ancient Monument since 2003. The Council had a duty to protect this. The Council was required to consult with Historic England before events could take place which might have caused damage to any structures (either above or below ground) which would have impacted on scheduled remains.

For these reasons, the Council had reluctantly concluded that this area was no longer suitable for the funfair. Consequently, discussions took place with both the carnival Committee and funfair operator to find an

alternative location for the funfair. A number of sites had been considered, including car parks in Kenilworth town centre. All but one had been discounted as being suboptimal for the funfair operator and were not practical for the Council (recognising the concerns of local residents and businesses which relied on town centre car parks in Kenilworth).

One site had emerged as possible, and the principle of this area had been discussed and agreed with both the carnival committee and funfair operator. This was land, also within Abbey Fields, lying north of Forrest Road (shown as Area 5 on the plan in the Appendix to the report). It had already been identified as "suitable events space" in the Council's Events Manual and hosted events such as Lions Grand Show and a new community and music event "Kenilworth Social". The area benefited from being better drained than events Area 2 and so was less likely to become waterlogged. It also benefited from a larger open area that was not impacted by trees. The principle had been agreed that both the funfair and the carnival (which currently operated in events area) could both relocate and co-locate on this site.

Before this could be confirmed, however, further work was needed and approvals were required. These were as follows:

1. Consultation with Historic England in relation to the use of the space for this event given that this site (and indeed the whole of Abbey Fields) was a Scheduled Ancient Monument. Officers from the Green Spaces and Events Teams were liaising with Historic England on this.
2. The gate at the southern end of the site (onto Forrest Road) would need to be widened to be suitable for the larger vehicles and funfair rides to access the site. There might also be a need for minor works to drop a few curb stones to widen the existing access from the road.
3. Some gravel and subsoil might need to be imported onto the site to ensure that vehicles could safely and easily access and egress the site. (There was a slight slope immediately beyond the gate into the site).

The above (2) and (3) required capital expenditure by the Council. Costs for this were being sought but were expected to be no more than £8,000. It was recommended that delegated authority should be given to the Head of Place & Economy and the Head of Neighbourhood and Assets in consultation with the Portfolio Holders for Arts & Economy and Neighbourhood & Assets to have agreed the final scope of this work. It should have been noted that not only would this expenditure have directly benefitted Kenilworth funfair and carnival, it would also have provided wider benefits in terms of making areas 5 within Abbey Fields into a more widely useable events space. This would have allowed other events to use the space more easily, safely and effectively, whilst safeguarding more sensitive areas within Abbey Fields.

Alongside these measures, others had been recommended to regularise activities relating to the operation of the funfair and carnival and its relationship with the Council.

The Council had an approved schedule of fees and charges for events across the District. This also included funfairs. These were set out in the Council's Events Manual, and fees were updated annually as part of the Council's annual review of fees and charges. It was important, in the interests of treating all groups and organisations running events across the District in an equitable way, that these fees were applied in a consistent manner. In the case of the Kenilworth carnival and funfair, over many years, it was the convention that the Council waived its fee for the Kenilworth funfair, but that the funfair operator then donated this to the carnival committee to support the successful running of the carnival. It was appropriate that this situation was regularised, and so it was recommended that from this point forward all fees were paid directly to the Council. The fee for the funfair for 2024 was £425 per day of operation, which equated to £1,700 total for the four-day funfair. Furthermore, the carnival event itself would have incurred a fee of £150 per day, which equated to £300 total for the two-day carnival & fete (also in line with the Council's charges as set out in our Events Manual). For reasons of history and convention, this had not been paid in the past. It was proposed to regularise this situation by requiring the carnival committee to pay this fee going forward.

It was recognised that these changes would impose additional financial burdens on the carnival committee. These would be particularly significant given that the carnival committee had identified a funding shortfall and had asked the public and local businesses for donations and sponsorship to cover these and to enable the event to go ahead. It was therefore also recommended that the Council made a grant to the carnival committee of £2,000 to cover these costs in full for 2024 to support this important community event. Officers from the Council's Events Team would continue to work with the carnival committee to support the committee's efforts in delivering a successful event.

Finally, it was recognised by both the funfair operator and the Council that the presence of large lorries and funfair rides on grassed areas may have caused some damage to those areas. This was despite the best endeavours of the funfair operator, who put tracking and other measures in place to minimise environmental disturbance. Often the extent of any damage to the ground could not be predicted in advance and was dependent on weather conditions both immediately before, and during the event. Any damage caused to the ground during an event would have resulted in additional work and cost to the Council to make good any ruts in the ground and re-seed as necessary. The normal way to mitigate these additional financial burdens was through the provision of a bond by the event operator. This bond would have been called on only if required, but it did ensure that additional unforeseen costs arising from the event did not become an additional financial burden on local Council taxpayers.

Again, the principle of requiring a bond from event's organisers had already been established in the Council's Events Manual. The funfair operator had agreed to the payment of a bond, and this was helpful in ensuring that the Council's costs in supporting events such as funfairs were properly mitigated. The fees and charges bond for a funfair was £1,200, while the bond for a Local/Charitable Community Event was £320. As any damages were more likely to be incurred due to the Funfair, it was proposed that the higher amount of £1,200 be charged.

In terms of alternative options, the first option would be to allow the funfair to continue to operate in Area 2 as in previous years. For the reasons set out in paragraph above, this was not supported. The second option would be to relocate the funfair to another site. Several areas were explored in detail, including the car parks at Abbey Fields, Abbey End and Square West. These had all been discounted for a range of reasons. These included the suitability of the surface of these car parks given the size and weight of vehicles (requiring costly repairs after the event), the size of the car parks, restrictions on suitable access points and noise and disturbance to neighbours of the car parks including both residents and local businesses. The carnival committee and funfair operator were also strongly of the view that it is desirable to keep the funfair and carnival as close together as possible. The third option would be to not permit the funfair to return to Abbey Fields or to any other Council-owned site. Again, this option was not supported.

The carnival committee was clear that the funfair was an important and integral element running alongside, and supporting, the carnival. The carnival was a long-held and very popular local event, which was an important part of Kenilworth's life and supported the work of local organisations and charities. The Council has publicly expressed its desire to find a solution to the challenges faced by the funfair in order to support the carnival. For these reasons, this option was not supported.

Councillor Billiard proposed the report as laid out.

**Resolved** that

- (1) discussions have taken place with the Kenilworth Carnival Committee and the proposed new location for the carnival and funfair on Abbey Fields, be noted;
- (2) funding of up to £8,000 for enabling works to improve access into and through the site for the carnival and funfair as set out in paragraph 1.6 in the report, be approved, and authority be delegated to the Head of Place, Arts & Economy and Head of Neighbourhood and Assets in consultation with the portfolio holders for Arts & Economy and Neighbourhood & Assets to confirm the final scope of works within this budget; and
- (3) a grant of £2,000 to support Kenilworth carnival in 2024 to offset the additional costs arising from the regularizing of the payment of fees to the Council, be approved.

(The Portfolio Holder for this item was Councillor Billiard).

## 127. **Procurement Exercises over £150,000**

The Cabinet considered a report from the Head of Governance & Monitoring Officer which sought approval for procurement exercises in line with agreed procurement code of practice, with details set out in the Confidential appendix to the report.

The report brought forward a number of proposed procurement exercises which formed key decisions as they are over £150,000. As explained in the report to Cabinet in March 2024 a gap was identified within procurement practice at WDC which was clarified by Cabinet and Council to confirm that any procurement activity above £150,000 needed to be considered by Cabinet.

These exercises were set out in the Confidential Appendix (due to the values associated and the Council not wanting to declare the anticipated budget) to the report for consideration. These items and the reason for their procurement were set out within the Confidential Appendix to the report, so as not to disclose the Council's position in respect of the Anticipated cost.

It should have been noted that these exercises were in the early stages of procurement.

In terms of alternative options, the Cabinet could decide not to approve some or all of the proposed activities, however some of these had been identified at advanced stages and to pause or stop at this stage would significantly delay some of these activities where new contracts were required.

Councillor Chilvers proposed the report as laid out.

**Resolved** that the procurement of the following, in line with the Confidential appendix 1 to the report, for the items listed below, be approved:

- Vacant Property securing and cleaning/Clearing;
- Finance management solution;
- Fire doors and compartmentation surveys; and
- Print Framework.

(The Portfolio Holders for this item were Councillors Chilvers and Davison).

## 128. **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 paragraph of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation)

Order 2006, as set out below.

Minutes Numbers	Paragraph Numbers	Reason
129,130,131,132,133	3	Information relating to the financial or business affairs of any particular person (including the authority

129. **Confidential Appendices to Item 9 - Future High Street Fund**

The confidential appendix was noted.

130. **Confidential Appendix to Item 10 – Shared Information Governance Service**

The confidential appendices was noted.

131. **Confidential Appendix to Item 13 - Milverton Homes Ltd Business Plan Revision**

The confidential appendix was noted.

132. **Confidential Appendix to Item 16 - Procurement Exercises over £150,000**

The confidential appendix was noted.

133. **Urgent Item - Confidential Minutes**

The confidential minutes of the 6 March 2024 Cabinet meeting were taken as read and signed by the Chairman as a correct record.

(The meeting ended at 7:05pm)

CHAIR  
10 July 2024

# Cabinet

Minutes of the additional meeting held on Wednesday 15 May 2024 in Shire Hall, Warwick at 5.30pm.

**Present:** Councillors Davison (Leader), Billiald, Chilvers, J Harrison, Kennedy, King, Roberts, Sinnott and Wightman.

**Also Present:** Councillors: Milton (Liberal Democrat Group Observer & Chair of Overview & Scrutiny Committee), Day (Conservative Group Observer), and Falp (Whitnash Residents Association Group Observer).

## 134. **Apologies for Absence**

There were no apologies for absence.

## 135. **Declarations of Interest**

There were no declarations of interest made.

### **Part 1**

(Items upon which a decision by the Council was required)

## 136. **Adoption of Net Zero Carbon DPD and associated SPD**

The Cabinet considered a report from Place, Arts & Economy which provided an update on the Main Modifications consultation and the subsequently published Inspector's Report, in which the Inspector concluded, through Examination that the Development Plan Document was 'sound' and had been prepared in accordance with legal and procedural requirements. The report therefore sought agreement from Cabinet to recommend to Council to adopt the Net Zero Carbon Development Plan Document. If adopted, it would become part of the Development Plan for the area. The report also sought Cabinet approval to adopt an associated Supplementary Planning Document that would provide advice and guidance to applicants and decision makers.

Since its declaration of a Climate Emergency in 2019, the Council had developed a Climate Emergency Action Plan (CEAP), setting targets and actions to tackle climate change and mitigate its impacts. The production and adoption of the Net Zero Carbon Development Plan Document (DPD) was considered to be a critical part of the Climate Change Action Programme and a key tool in meeting the Council's climate change targets.

The DPD, once adopted, would form part of the Development Plan for Warwick District and was one of the first to be produced by a local authority in England on this subject matter and therefore was pioneering in many respects.

The DPD specifically focused on minimising carbon emissions from existing and new buildings (of all uses) within the District to support the achievement of national and local carbon reduction targets.

To work towards this aim, the DPD was designed to ensure that new development's contribution to the District's carbon deficit was minimised and that new homes did not add to the significant number of existing buildings in the District that would need a costly and disruptive retrofit as part of the local and national transition to achieve net zero carbon. By bringing forward performance standards equivalent to the Future Homes Standard, in advance of its national introduction, the new homes should not need future retrofit, and by collecting carbon offset payments the DPD would raise funds to deliver other vital but currently underfunded actions necessary for the national and local transition to net zero – such as additional renewable energy, retrofit of other existing buildings, or creation of woodland.

At its meeting on 10 August 2022, Cabinet agreed to the submission of the Net Zero Carbon Development Plan Document (DPD) to the Secretary of State for its examination alongside a schedule of proposed revisions arising from the second of two public consultations on the emerging policy document.

Subsequently, Council endorsed the submission of the document on 7 September 2022.

On 17 October 2022, the DPD was submitted to the Secretary of State (through the Planning Inspectorate (PINS)). In order to submit the DPD, the Council were also required to appoint a Programme Officer to assist the Inspector in the administration of the examination.

On 7 November 2022, PINS appointed Mr McCormack as the Inspector to hold an independent examination of the DPD.

Mr McCormack wrote to the Council on 8 December 2022, confirming that he had undertaken an initial review of the Plan, the supporting evidence and representations made on it prior to its submission and from this was satisfied that the examination of the Plan could progress.

Council officers and Mr McCormack engaged in further correspondence and three days of public Examination hearing sessions were arranged commencing on 7 March 2023.

The Council were represented at the hearing sessions by Council officers alongside specialist consultants that supported the production of the DPD. Other interested parties also attended and contributed to the hearing sessions.

On 30 March 2023 Mr McCormack wrote to the Council with a 'post hearing letter' outlining the next steps for the DPD Examination. He also praised the Council's management of the sessions stating "*...I would like to thank the Council's Team for the way in which the hearing sessions were approached, arranged, and conducted. This enabled the hearing sessions to take place as smoothly, effectively, and efficiently as possible and for that I am grateful*".

In his letter, the Inspector requested further information to be submitted and indicated that Main Modifications to the DPD would be required for reasons of 'soundness' in accordance with Paragraph 35 of the National

Planning Policy Framework (NPPF). As such, it would be necessary to undertake a period of public consultation on the modifications.

Mr McCormack provided an indicative timetable for the next stages of the Examination that would see his final report being anticipated by the end of September 2023 (he subsequently revised this to 'end of October 2023').

The following sections provided more recent updates including on Main Modifications, a further public consultation and findings of the Inspector's Report.

Following a response from the Council to Mr. McCormack's letter of 30 March in which he had requested additional information, he subsequently wrote to the Council again on 12 May 2023 confirming that he was satisfied with the content of additional documents that the Council had provided. A Schedule of Proposed Main Modifications (and minor changes, referred to as Additional Modifications) were produced by the Inspector and asked for further work to be completed by the Council by 22 May 2023.

On 22 May 2023, officers wrote to the Inspector with a final list of proposed Main Modifications, Final Schedule of Additional Modifications, a Sustainability Appraisal/Habitat Regulations Assessment update, and a composite version of the DPD showing all proposed modifications indicated in the schedules.

On 5 June 2023, the Council commenced a statutory six-week Main Modifications consultation that ended on 17 July.

A Consultation Statement summarising the Main Modifications consultation responses was produced by officers and sent to the Inspector on 26 July (Appendix 5 to the report).

There were 13 responses to the public consultation, comprising of responses from statutory consultees (six), individual residents (five), land promoters and developers (two). At its Cabinet meeting on 5 July 2023, this Council also endorsed the Main Modifications and confirmed that they did not wish to make any representation to the consultation.

The Main Modifications consultation was solely to consider issues of soundness and legal compliance. Having considered the representations made in response to the consultation, the Council confirmed to the Inspector that it believed that the comments did not raise any issues of soundness or legal compliance.

Unfortunately, owing to illness at PINS, there were delays to the anticipated October release of the Inspector's Report. In the intervening period, a Written Ministerial Statement (WMS) relating to 'Local Energy Efficiency Standards' was made on 13 December 2023 and the National Planning Policy Framework (NPPF) was updated on 19 December 2023. The Inspector wrote to the Council on 9 January 2024 with regards to these changes to the national policy context and requested that the Council undertook a further consultation specifically relating to these matters, whilst also requesting the Council's response. The consultation was open to all those that had made representations to the Regulation 19

consultation on the DPD and ran from 9 January 2024 until 24 January 2024. A total of six representations were made to the consultation including one from the Council, two from individuals and three from housebuilders. The representations were sent to the Inspector for consideration ahead of publication of his final report.

Local Plans were examined to assess whether they had been prepared in accordance with legal and procedural requirements, and whether they were sound. Paragraph 35 of the NPPF set out the tests of soundness as and Plans were 'sound' if they were:

- a) Positively prepared.
- b) Justified.
- c) Effective.
- d) Consistent with national policy.

On 9 April 2024, the Council received the Inspector's Report on the Examination of the Warwick Net Zero Carbon DPD (Appendix 1 to the report). The Inspector had concluded that the DPD *"provides an appropriate basis for the planning of the district with regard to attaining net zero carbon development and minimising carbon emissions in new and existing development, provided that a number of main modifications [MMs] are made to it"*.

The Inspector's Report found that the Plan had complied with the legal duty to co-operate requirement and he concluded that *"I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis with its neighbouring authorities and appropriate relevant agencies in the preparation of the DPD"*.

The Inspector confirmed that the Plan had been prepared in accordance with all other legal and procedural requirements and concluded that: *"In conclusion, subject to the main modifications, the DPD provides an appropriate overarching strategy in response to Warwick's declared climate emergency that is positively prepared, justified, effective and consistent with national policy"*.

In light of the Inspector's report, the Council now had to decide whether it wished to formally adopt the plan as local planning policy forming part of the Development Plan for the District. In doing so, the Council could only adopt the plan with the changes, the agreed Main Modifications, recommended by the Inspector along with the agreed Additional Modifications.

In the time between publication of the Inspector's Report and adoption of the DPD, consideration should be given to the weight that could be given to the policies of the Plan, prior to a formal decision whether to adopt the DPD was taken.

Paragraph 48 of the National Planning Policy Framework (NPPF) stated that:

*"Local planning authorities may give weight to relevant policies in emerging plans according to:*

- a) *The stage of preparation of the emerging plan (the more advanced its preparation, the greater weight that may be given);*
- b) *The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater weight that may be given); and*
- c) *The degree of consistency of the relevant policies in the emerging plan to this Framework (the NPPF) (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)".*

As the DPD had been through public consultation and examination and the Inspector's Report had been published and he had found the DPD to be sound and consistent with national policy, it was considered that it should be afforded significant weight in the determination of planning applications. Indeed, significant weight had already been given to the DPD in relation to a number of planning applications determined since receipt of the Inspectors report, including for major housing developments.

At its meeting on 5 July 2023, Cabinet noted that a Supplementary Planning Document (SPD) was to be produced, as set out in the Council's Local Development Scheme, to assist with the smooth implementation of the DPD and gave delegated authority to the Head of Place, Arts and Economy and the Portfolio Holders for Climate Change and Place to agree on a version of the Supplementary Planning Document that the Council would consult upon and agree the dates for that consultation, and that Cabinet noted that the SPD would ultimately come before them for their consideration as to whether to adopt it.

An SPD had subsequently been produced by officers and their consultants and a public consultation on the SPD commenced on 18 October 2023 and ran for six weeks until 29 November 2023.

A total of 26 responses were received from a range of stakeholders including local authorities, Town and Parish Councils, housebuilders and other planning agents, individuals, and statutory bodies. The responses were largely positive and various suggestions were made to improve the document.

In light of the representations received through the consultation, officers had made a number of changes to the SPD as set out in Appendix 10 to the report – Schedule of Proposed Modifications to the Published Warwick Net Zero Carbon SPD. These amendments had been made to the SPD with a final version included as Appendix 8 to the report.

Recommendation 4 sought Cabinet approval to adopt the SPD. As the parent policy document for the SPD was the DPD, the SPD could only be formally adopted after (or at the same time) as the DPD.

In the interim, although not benefitting from the weight of being an adopted policy document, the SPD could still be used as a guide for applicants and decision makers as to what would need to be produced and submitted to address the policy requirements.

A new permanent post of 'Sustainability and Energy Officer' had been factored into the Council's Medium-Term Financial Strategy (MTFS) and

had been created to provide the technical expertise required to assess energy statements and other technical information submitted as part of planning applications as a direct result of the DPD policies.

The Council had advertised this position in March-April 2024 and as there were no suitable candidates, the post would be re-advertised in the near future.

£30,000 had also been agreed from the Service Transformation Reserve for consultancy and training support in the current financial year until a suitable person was appointed.

Three successful tailored training events had been held separately with officers and members and a further session was being arranged for planning agents. The aim of the sessions was to inform and upskill Development Management and Policy officers but also to provide training for Councillors and planning agents/applicants to aid understanding of the requirements of the DPD and highlighting the support that the SPD offered.

Arrangements relating to the local Carbon Offsetting fund would be finalised with Warwickshire County Council over the coming weeks, although it was recognised that offsetting was a last resort option in the DPD.

For the avoidance of doubt and to manage expectations, the DPD would only be able to be applied to new planning applications – either full or outline applications (and subsequent reserved matters that benefitted from an outline permission after the DPD was adopted/afforded significant weight). Any developments that already had the benefit of outline permission at the time of the publication of the Inspector's report and subsequently had reserved matters approvals could not be required to comply with the new policies.

In terms of alternative options, Cabinet could recommend to Council not to adopt the DPD. However, the Council's choices were binary: to adopt the DPD or abandon it. The latter would mean that the Council would miss a clear opportunity to make a huge stride in meeting its ambitions set out in the Climate Change Action Programme and would result in greater carbon emissions and more buildings that would need costly and disruptive retrofit in future to achieve net zero carbon buildings. It would also mean that significant resources would have been wasted on the development of this net zero planning policy document.

Cabinet could choose not to adopt the SPD or adopt an amended version to that in Appendix 8 to the report. However, officers considered that it was important to adopt the SPD at the same time as the DPD to ensure that the detailed guidance could be relied upon and given full planning weight. Furthermore, it was considered that the modifications to the SPD following its consultation were proportionate and appropriate in light of the representations received.

Councillor Kennedy proposed the report as laid out.

**Recommended** that Council adopt the Net Zero Carbon Development Plan Document (Appendix 2 to the report), in accordance with Section 23 of the Planning and Compulsory Purchase Act 2004; and that Cabinet note that the adopted Net Zero Carbon Development Plan Document will be the Plan submitted on 17 October 2022 as amended by the schedule of Main Modifications and Additional Modifications (Appendices 3 and 4 to the report).

**Resolved** that

- (1) the Inspector's Report on the Examination of the DPD (Appendix 1 to the report), be noted, and specifically that he has concluded that the plan meets the tests of soundness and has been prepared in accordance with legal and procedural requirements and thus is 'capable of adoption';
- (2) the adoption statement and final sustainability appraisal report is published on or before Monday 20<sup>th</sup> May 2024 in accordance with regulations 17 and 26 of the Town and Country Planning (Local Planning) Regulations 2012 (as amended), be noted;
- (3) the statement of public consultation (Appendix 9 to the report) and Schedule of Proposed Modifications to the SPD (Appendix 10 to the report) be noted, and the adoption of the amended Net Zero Carbon Supplementary Planning Document (Appendix 8), to be formally adopted contemporaneously with the parent DPD, subject to Recommendation 2 and the subsequent decision of Council.

(The Portfolio Holders for this item were Councillors Kennedy and King).  
Forward Plan Reference 1,378

## **Part 2**

(Items upon which a decision by the Council was not required)

### **137. Newbold Comyn Cycle Trails**

The Cabinet considered a report from Safer Communities, Leisure & Environment which sought approval from Cabinet to commence the procurement of an external operator for the cycle trails at Newbold Comyn, to advertise for a cafe operator for a commercial lease on the cafe in the Hub at the cycle trails, and to note the allocated funding to complete the fit out of the Hub.

The trails officially opened in October 2023 and had been managed with the support of specialist contractors, a local cycle club and British Cycling. The "Hub" based in the adjacent grade II listed barns had been completed

but as yet not “fitted out”. There was further work required to ensure that the Hub buildings were secure before the current hoarding could be removed, and landscaping completed.

Construction of the cycle trails formed one component of the Newbold Comyn Masterplan that was formally approved by the Cabinet in November 2020. The project was made possible by a successful bid to the British Cycling/Sport England “Places to Ride” funding stream and was seen as a valuable addition to the outdoor sports opportunities in the District providing a free to use facility for all levels of cyclists.

Construction of the trails, conducted by On Track, commenced in Summer 2022 and was completed in summer 2023. Works to the old “golf shop” section of the barns was completed in late 2023 to provide a shop area and café to work in conjunction with the trails.

The trails construction project was overseen by the Newbold Comyn Project Board who approved the approach taken and use of the funding available from Sport England and the Council’s Community Infrastructure Levy (CIL) funds.

In early 2023, a short procurement exercise was undertaken to identify an external operator who would take on the responsibility for the trails for 24 months, allowing the trails to be opened as soon as possible, and allowing the Council to understand more about the requirements for the longer-term operation of the site. This procurement activity was unsuccessful with no operator coming forward. Feedback from this exercise informed the Council that the short-term nature of the contract and the short turn around required was not attractive to the market.

In late summer 2023, to complete works so that the trails could be officially opened, specialist contractors were engaged to support officers in terms of monitoring the trails, undertaking maintenance and repairs, and to advise the Council on best way to operate a safe facility. Royal Leamington Spa Cycling Club also provided on the ground monitoring of the trails and gather feedback from users.

In November 2023, approval was granted for additional officer resource to plan and undertake supplementary soft market testing and if appropriate lead on a procurement exercise to appoint an external contractor for the facility as per the approach defined by the Newbold Comyn Project Board.

Since the Trails opened, they had been well used and officers had received positive feedback about the facility.

The main trails had stood up remarkably well given the extremely wet winter and had remained open throughout. There had been a small number of incidents where it was suspected that intentional vandalism had taken place, with obstructions placed on the trails, but these had been identified and remedial action taken to ensure the trails were safe.

The Learn to Ride (LTR) area had suffered with drainage issues from mid-December, forcing the Council to close the area. On Track returned to site to address these issues in late January and the LTR area re-opened in early February.

Works to the 4 Cross area, the old BMX track, were completed in late summer 2023 and the track was now open. There had been some incidents of vandalism in the area adjacent to the 4 Cross area which officers were aware of and were working on measures to deter this in the future.

Trail counters were installed on the main trails and the LTR area in January 2024, which would allow officers to monitor usage of the trails. There were currently four counters installed, picking up usage of key routes. The table at 1.2.5 in the report showed the number of rides counted for January to April 2024.

Weekends showed significant peaks in usage together with New Years Day 2024. Officers were investigating the validity of the data for the LTR area given that it was officially closed for most of January, however many riders ignored the "trails closed" signage and hazard tape and used the facility regardless.

The Council was subject to grant conditions associated with the funding provided from Sports England. The terms and conditions the Council signed required over the next 15 years the Council to:

- deliver cycle trails, cycling facilities, and a cycle hub building;
- deliver the Development Plan: required to review and update the Operations Plan every 24 months, ensuring it aligned with the Programme and incorporated feedback from Sport England and British Cycling; and
- ensure that the Facility achieved and maintained key performance indicators (KPIs) (within 18 months of opening) and provided them to Sport England.

The Council had discussions with Sports England in terms of the grant conditions in March 2024. This conversation centred on the releasing of the final element of grant funding and required evidence of decision taken by the Project Board on the agreed approach for service delivery, namely, to procure a contractor, the timeline for operator procurement and estimated commencement date of the new operator.

Given the change in the cycling market since inception and the unsuccessful previous procurement exercise officers considered it important to undertake a detailed soft market testing (SMT) exercise was required to fully understand the state of the market in terms of potential operators for the cycle trails, shop, and café within the Hub.

Prior to undertaking the SMT, officers engaged with Sport England, British Cycling, and a range of other cycle trail facilities to understand how such facilities were being managed elsewhere and what the viable solutions for Newbold Comyn might look like. This allowed a range of informed and pertinent questions posed during the SMT process.

The SMT process went live in mid-December 2023 and remained open until 12 January 2024. Officers ensured that potential interested parties were made aware of the opportunity to be part of the SMT process and included Sport England, British Cycling, local cycle organisations and

retailers, Sustrans, and leisure operators.

There was limited response to the SMT process, with only two local enterprises taking the opportunity to engage with the Council. Everyone Active expressed some interest, but on balance they decided that the trails were not something that they could support without having an impact on their core leisure centre business. The local Everyone Active team had stressed that they would be happy to collaborate with the Council and any future operator to promote the trails and cycle related activities.

Appendix A to the report summarised the roles and responsibilities of a trail's operator and the Council. Whilst Appendix B to the report summarised the main challenges to the operation of the trails during the soft market testing.

The outcome of the soft market testing was reported to the Project Board in January 2024. The Project Board was presented with three options:

- To retain the operation of the trails "in house" with a separate lease advertised for the café.
- To procure an operator for the cycle trails with a separate lease advertised for the café.
- To investigate the option to return the funding received from Sport England in order to remove commitments to funding conditions including the development plan, service level agreements with cycle club(s) and user groups, restrictions on spending and governance, marketing etc.

The "in house" option referred to Council officers managing and operating the trails. Within this option, officers would also deliver the grant funding conditions from Sports England.

This option would require significant additional resources over and above those currently available within the Sports and Leisure team. It was believed that two additional posts would be required, in order to provide a service which was open every day of the year and able to deliver the services outline in the grant condition performance indicators and delivery plan.

The above posts would be in addition to the 2FTE posts that incorporated the management of the trails at present. These existing posts were fixed term and expired within the next 12 months and the above posts would free up a small proportion of their capacity to return to original duties. However, both of these posts were required in order to provide resilience and management arrangements for the trails.

The current in-house team also lacked the expertise to deliver the "Development Plan" approved by British Cycling as part of the Places to Ride grant conditions, and the knowledge to operate the shop/information service based in the Hub. Therefore, the "in house" team would need to expand in terms of expertise which would clearly come at a cost. It was estimated that a training budget would be needed annually to ensure the necessary training for officers.

Officers were heavily reliant on specialist contractors to provide technical advice and undertake inspection and maintenance of the trails. There was no funding for this support beyond September 2024.

In addition, the in-house team would be looking for volunteers to assist with the trail's development plan.

There remained operational costs for delivering the service "in-house". This included those costs outlined in Appendix E to the report attributed to the operator. Namely, service charges, asset maintenance, cleaning, and compliance checks.

The costs of fitting out the hub would remain and had been dealt with in section 1.7 in the report onwards.

This option would also require a second lease for a small cycle shop, which could provide specialist cycling advice and courses. It was estimated that the rental income per annum for this would be £4,000-£6,000.

The risks associated with this option included:

- The ability to recruit suitably experienced officers, with experience of cycle trails, community engagement, specialist cycling knowledge and the ability to deliver cycling courses. Failure to do so would require the following option to be considered.
- Securing a cycle retail offering as a lease arrangement for the shop area who would also deliver learn to ride courses and provide specialist cycle knowledge.
- The recurring staffing and operational costs impact on the Council's General Fund and would increase the deficit of the Council.

This option was not recommended due to the high costs for the Council and the high risk of not being able to recruit specialist and skilled officers in order to deliver the development plan.

It was very clear during the soft market testing that there was no model that would see the cycle trails being run without a cost to the Council.

Until the procurement exercise had been completed it was impossible to specify the level of subsidy that the Council would need to make to the operation of the trails. Dependant on the timeline for procurement of the trails operator, the management fee for 2024/2025 would be adjusted accordingly.

The level of any income that the operator could generate from retail sales, cycle skills courses and events was unknown. Again, the only way to quantify these figures was to complete the procurement exercise.

Officers would be constructing the procurement exercise in such a way that potential operators would be required to outline a costed business plan for the contract term. This would allow them to demonstrate how the business would develop over the term of the contract, with the expectation that the cost to the Council would reduce over the contract

period.

Officers intend to draft the contract in such a way that a “income share” arrangement was established for income generated from courses and events, so that it would be in the interests of the operator and the Council to promote such activities. Further advice from legal colleagues was required to confirm the best approach.

The Council would require officers to oversee the contract management of this contract. It was believed that this would take a large proportion of the existing two fixed term contracts. However, prior to the outcome of the procurement exercise it was impossible to determine the FTE percentage. Therefore, the full cost figure of £106,500 was included for context and comparison. As stated in 1.2.5 in the report, these existing posts were fixed term and expired within the next 12 months.

The risks associated with this option were:

- unknown value of management fee required from WDC to operator which was unfunded and would increase the Council’s deficit;
- lack of interest in the procurement exercise or unsuitable tenders received;and
- short-term nature of any contract and break clauses within the contract gave the Council no long term certainty on the operational model and exposing a risk of further procurement in short/medium term.

Given the feedback from the soft market testing, the costs and review of all of the options, the recommendation from officers and confirmed by the Newbold Comyn Project Board was that the Council should seek to procure an external operator for the trails.

The option involved approaching Sport England to negotiate the repayment of the grant funding which could free the Council from its obligations to use the Hub building in the prescribed manner and its delivery of the development plan.

The Funding terms defined the expected service and facility delivery for the £423,500k grant funding received.

Returning the funding or attempting to alter the terms and conditions of grant delivery was considered to be highly risky in terms of reputational damage to the Council with Sport England and those individuals who had been opposed to the scheme from its inception. The Council had enjoyed a positive relationship with Sport England for many years and had received significant sums of funding from in support of sport and leisure provision. Returning this funding could undermine the relationship with Sports England and the ability to secure future funding.

There would still be a need for an officer resource to manage the trails along with specialist contractors as per option one, as this was similar to the current operational position.

The need to provide a café, small shop, courses or develop cycling with the District would be removed if the grant were to be repaid. The Hub building could be used for other uses as outlined in the masterplan.

Officers believed that this option would not deliver the aims and ambitions of the Corporate Strategy and would reduce the benefits of the facility. The facility had a good reputation and there was a desire for the hub to open an offer the facilities and activities previously described.

The Risks associated with this option were:

- Reputational damage in the eyes of persons opposed to the trails and the decision to progress this project from the start.
- Reputational damage to the Council's relationship with Sport England who had been a valuable source of funding over many years and with who the Council enjoyed a good relationship.
- Further delay in confirming the use of the Hub building and potential risk to the Hub whilst it remained unoccupied and associated additional costs.
- Increased pressure on the officers to manage the trails with little or no support from British Cycling and or local clubs.
- Increased financial pressures on the Council.

This option was not recommended due to the costs of managing and operating the trails, the reputational damage to the Council from stakeholders and partners coupled with the additional pressure of repaying the grant.

Adaptation of the barn buildings, previously the golf shop and changing rooms, that would become the Hub and would house the small shop, café and toilets had been completed but areas within it had yet to be fitted out. It was originally envisioned that this work would be completed once the operators had been identified so that the fit out was appropriate for their use. However, it had become essential that the building was made secure as soon as possible in order that the unsightly hoarding could be removed, and members of the public can see what facilities would be provided in the near future. The removal of the hoarding also allowed works to the soft landscaping in front of the Hub to be completed as soon as possible.

Quotes from contractors suggested that a budget of £65,000 was required to complete a basic fit out the Hub, install appropriate security and safety systems, complete the soft landscaping and remove the hoarding around the building. This sum currently included some provisional sums for works that could not be finalised until an operator was appointed and details of fit out were confirmed. It was hoped that in practice the works could be delivered for less than this sum.

It should have been noted that some recurring maintenance costs would be incurred by the 'fit out works' which would need to be considered as part of the 2025/26 budget setting process. These would include annual testing of alarm systems, CCTV maintenance and statutory building

compliance activities.

In addition to the café and toilets, the Hub would include an area that would allow the running of a small cycle shop, selling consumable cycling equipment (helmets, gloves, spare parts etc), be an information point for customers wishing to use the trails, promote cycling courses at the site, and signpost visitors to other cycling opportunities in the area. The shop would also be the meeting point for volunteers working on projects on the trails.

The soft market testing suggested that there could be a market for a small bike hire operation from the Hub, but this required storage space to be identified on the site; officers were currently considering options for this.

Officers were conscious of the opportunities that the national cycle route 41 and other development in the local area linking cycling routes could offer in terms of bike hire for road riding as well. Thus, increasing the need for storage.

The recommended option would see the shop included in the procurement for a trails operator. However, if the alternative options were selected then a small shop lease could be advertised as outlined in 1.2.11 in the report with an annual rent payable to the Council.

From the inception of the project, the intention had been for a small café to operate from within the Hub, providing hot and cold drinks and snacks for cyclists and other visitors to the Comyn. The soft market testing was clear that this would not be a service that the cycle operator would provide, and in discussion with legal colleagues and based on experience of other park-based cafés within the District, it was considered that a commercial lease was advertised to run a small café from the Hub, with an annual rental payable to the Council each year.

It was estimated that that the annual rental payable to the Council for such a lease would be £6,000.

Subject to Cabinet, approval of the funding as detailed in this report, it was intended to advertise the lease for the café as soon as possible, in parallel with the works to complete the fit out, and with the intention that there would be a café service available for the summer of 2024.

The toilets were intended to provide services to the café and the trails operator clientele. It was intended that the toilets would be part of the café and or the trails operator leases. Therefore, the toilets would open in conjunction with the opening of the café or trails operator.

There was a risk that there would not be any interest in leasing a café in this location. Therefore, an alternative option for a café offering could be to offer a 'consented pitch' for a mobile street trading unit to be placed close to the Hub subject to the relevant permissions being obtained. This offering would be similar to that offered temporarily in Abbey Fields.

Whilst this would slightly reduce the fitting costs within the hub building, it would also not afford the Council a similar income. It would however, free up space within the Hub building to be used for a greater bike shop/hire,

storage space for the operator or for a teaching space when courses were run at the trails or volunteers are working on the trails.

This option would require the toilets remain closed until the trails operator was appointed or be added to the existing public toilet contract. It was estimated that this would cost £8,000 annually.

The Overview & Scrutiny Committee held a good discussion regarding the process of procurement and how the contract would be managed moving forward.

The Committee has asked for Cabinet to consider the following points:

- the procurement process should include how resident feedback would be integrated and looking at measurables within the contract e.g. promoting courses and how often they are open;
- learning from previous procurement exercises should be included;
- the social value element should be a factor to be considered in determining the successful tender;
- at paragraph 1.6.7 in the report the first bullet point should stop after "reputational damage"; and
- the Committee asked to ensure that the tender is well publicised, particularly amongst local businesses, to maximise opportunity to respond

Andy Robson, representative of Secretary of British Cycling in the West Midlands Region, Member of Royal Leamington Spa Cycling Club, and representing Newbold Trails Crew, and Sean Russell addressed the Cabinet.

Councillor Sinnott proposed the report as laid out.

**Resolved that**

- (1) the procurement of an operator to manage, monitor and maintain the trails on a day-to-day basis along with ancillary roles to promote cycling, as set out within the Confidential Appendix E to the report, be agreed;
- (2) authority be delegated for the detail of the procurement to the Head of Safer Communities, Leisure and Environment in consultation with the Portfolio holder for Safer Healthier Communities based on the feedback from the January 2024 soft market testing exercise and discussions with British Cycling and Sport England;
- (3) there will be increased recurring costs for the maintenance of the security systems which will be identified for consideration

within the 2025/26 budget setting process, be noted;

- (4) to the advertisement of a commercial lease for a small café to be based in the Hub, be agreed.

(The Portfolio Holders for this item were Councillors Davison and Sinnott.)

**138. Withdrawal of proposal for Artificial Turf Pitch at Newbold Comyn**

The Cabinet considered a report from the Programme Manager. The Council had been preparing a proposal to locate a new Artificial Turf Pitch (ATP) for football on existing grass football pitches at Newbold Comyn. Approval to proceed with this project was provided by the Leadership Coordination Group on 18 September 2023.

As the project has been developed it had become clear that it would not be appropriate to locate an ATP in this location for the reasons shown in the report. It was therefore recommended that the proposal to locate a new ATP in this location was now withdrawn and other options were considered in the future for the provision of the Artificial Turf Pitches required in the District.

It was recommended that the proposal to locate a new Artificial Turf Pitch (ATP) for football at Newbold Comyn be withdrawn. This conclusion had been reached by officers following a balanced Gateway Review of the current situation with regard to the project. The key elements in the proposal to withdraw this proposal were as follows.

Support for the ATP from football clubs and the public had been lukewarm and mixed. This had not improved as the project had been developed over time, and the football clubs, in particular, remained very uncommitted to the proposal.

The location of the pitch was not considered by officers to be appropriate for several reasons. Grass pitches would be lost at the main site for football in the District. Managing the facility would be difficult in such a remote location. Providing First Aid cover and site supervision would be costly. Staff working at the site would be isolated and vulnerable. These issues had become clearer as the management arrangements for the proposal had been identified.

There were no examples nationally of ATPs in such an isolated location. There were additional costs for paths, cycleways, lighting, and security cameras that had become evident as the design had developed. These would be costly, and they contributed to making the proposal poor value for money.

The proposal would cost the Council in the region of £2,000,000, which was considered unaffordable. This cost had only been clarified as the project design had been developed. The Council had a maximum of £400,000 in funding available from Section 106 sources, and much of this had not yet been received from developers. Bridge funding would

therefore be required.

The Council had been working with the Football Foundation for over a year on the proposals at Newbold Comyn. The Football Foundation had indicated that it was minded to provide a substantial grant to the project, provided that certain criteria were met.

These criteria, whilst perfectly reasonable, would add to both the capital and revenue costs of the project. The Football Foundation would require that at least two of the changing rooms in the pavilion were refurbished to modern standards. They would prefer that all the changing rooms were refurbished to the same standard. Refurbishing the 12 changing rooms that officers believe were required at this site would cost around £2,000,000, which was more than the Council was able to allocate to this project.

The Football Foundation would also require that the facility was staffed during all opening hours. As the facility was over 600 metres away from the Newbold Comyn Leisure Centre this would mean that a specific member of staff would need to be present at all opening times, which would increase costs and reduce profitability.

The Football Foundation had indicated that a withdrawal from the grant application process this late in the process would mean that they would have to charge the Council for various expenses that they had incurred. They did inform the Council of this when the previous decision was made to go ahead. This sum had not yet been assessed, but it was likely to be between £10,000 and £20,000. This sum would have to be found from Section 106 funding.

The pavilion at Newbold Comyn served the football teams using the grass pitches at the site. It also served the participants in the weekly Parkrun on the site, and several other community groups that used the site. It needed some immediate maintenance to comply with various regulatory requirements. This work was being commissioned at the present time. It would also be preferable if some additional refurbishment was undertaken to the existing building to improve conditions for its users.

However, it was considered that a full-scale strip and refurbish, along with an extension, which would be necessary to produce the 12 changing rooms that were required by the existing teams to full Football Foundation recommended standards would be unaffordable. This had been quoted at around £2,000,000 and the Council did not have sufficient funds to allocate that amount to this work.

It was therefore proposed that officers survey the existing building and come forward with a costed proposal for appropriate refurbishment of the existing facilities that improved the existing building within the limited funding available for this work.

The cost of this work would be ascertained when the proposals were prepared. There were several ways to approach this task and there might be some external funding available. The recommendation therefore requested that the proposals were brought back to the Newbold Comyn Project Board for approval, and only brought back to Cabinet if the level of

funding needed required it.

The Council had retained Pick Everard to provide project management services for the major refurbishment and extension of the pavilion. Their services would no longer be required for the more modest refurbishment now proposed. They would be paid for their services to date. This was expected to be between £7,500 and £21,000. This would need to be found from Section 106 funding.

In addition, the Council had paid for early architectural designs, two ecology studies and a traffic survey in connection to the project. The total for these works was £10,982.60. This would also need to be found from Section 106 funding.

In terms of alternative options, it would be possible to continue with the proposal and with the application for grant funding from the Football Foundation. However, the Gateway Review had demonstrated that this would not be an appropriate location for an ATP, and the Council was not able to spend the necessary amount to fully refurbish and extend the pavilion to the extent that would be required.

There were emerging proposals for new sporting facilities in the District. These were in the very early stages, but it was possible that they might eventually lead to new proposals for an ATP to serve the north Leamington area. Councillors and officers would engage in the organisations developing these proposals and monitor their progress as part of the assessment of how best the Council might provide an ATP for this area of the District.

Withdrawing the proposal for a new ATP at Newbold Comyn would free up Section 106 monies for other projects that would encourage people to adopt healthy lifestyles.

Sean Russell, public speaker, addressed the Cabinet.

Councillor Davison proposed the report as laid out, subject to the following amendment to recommendation 3:

“That Cabinet asks officers to bring forward costed proposals for the refurbishment of the pavilion at Newbold Comyn to the Newbold Comyn Project Board and the Cabinet if necessary to ensure that it is viable for use for the next to 5-10 years”.

**Resolved that**

- (1) the proposal to locate a new Artificial Turf Pitch at Newbold Comyn be withdrawn, and officers to keep the provision of appropriate artificial and natural facilities for football under review;
- (2) the application to the Football Foundation for grant funding to support the proposal to locate a new Artificial Turf Pitch at

Newbold Comyn be withdrawn; and

- (3) officers to bring forward costed proposals for the refurbishment of the pavilion at Newbold Comyn to the Newbold Comyn Project Board and the Cabinet if necessary to ensure that it is viable for use for the next to 5-10 years.

(The Portfolio Holder for this item was Councillor Davison).

### 139. **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 paragraph of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Minutes Numbers	Paragraph Numbers	Reason
140	3	Information relating to the financial or business affairs of any particular person (including the authority

### 140. **Confidential Appendix to Item 4 – Newbold Comyn Cycle Trails**

The confidential Appendix was noted.

(The meeting ended at 6.40pm)

CHAIR  
10 July 2024

# Cabinet

Minutes of the meeting held on Wednesday 5 June 2024 in Shire Hall, Warwick at 6.00pm.

**Present:** Councillors Davison (Leader), Billiald, Chilvers, J Harrison, King, Roberts, Sinnott, Wightman and Williams.

**Also Present:** Councillors: Milton (Chair of Overview & Scrutiny Committee), Day (Conservative Group Observer), Boad (Liberal Democrat Group Observer) and Falp (Whitnash Residents Association Group Observer).

## 141. Apologies for Absence

There were no apologies for absence.

## 142. Declarations of Interest

Minute Number 154 - Court Street/Althorpe Street, Royal Leamington Spa

Councillor Day, although not a member of Cabinet, declared an interest as his wife was a trustee of helping hands and left the meeting during this item.

Councillor Boad declared an interest as he helped raise money for Helping Hands during his time as Mayor of Leamington Town Council.

## 143. Minutes

The minutes of the meeting held on 10 April 2024 were taken as read and signed by the Chair as a correct record.

### Part 1

(Items upon which a decision by the Council was required)

## 144. West Midlands Investment Zone

The Cabinet considered a report from the Chief Executive which provided an update after the decision of Cabinet and Council in November 2023 about the establishment of the West Midlands Investment Zone (WMIZ) and the Council's involvement with it. Further discussions and negotiations had been underway since then and some were, to a degree outstanding, but a conclusion was within reach and the report sought support to proceed to completion of agreements. The report addressed:

The progress since the last report in November 2023:

- The benefits of participation.
- The challenge.
- The solution.
- Making the WMIZ happen.

On 15 November 2023, both the Cabinet and the Council considered a report on the proposed West Midlands Investment Zone (WMIZ). A

recommendation to Council was subsequently agreed and Cabinet resolutions were also agreed. Hyper-links were contained in the report for reference which linked to the 15 November 2023 Cabinet report and 15 November Council minutes. Those decisions were set out in Table 1 to the report along with progress/position set out against each one and which indicated appropriate agreement to the points/caveats made by the Council except for the without detriment issue.

To get the WMIZ proposal overall to the stage of being implemented from 1 April 2024, five gateways had had to be negotiated with the government. Appendix 1 to the report set out background information on the WMIZ proposal and where the scheme had currently got to in overall terms to date. The government had laid the appropriate orders relating to the business rates retention areas and the tax incentive areas for the West Midlands Investment Zone, including the Coventry and Warwick Giga Park.

### Benefits of Participation

The WMIZ proposal was a regional/local implementation of a national government policy. This policy proposal aimed to boost key economic sectors in particular localities by offering some financial aid up front and offering the opportunity of future business rates to be retained 100% locally for 25 years. Such business rates could be reinvested in the sites to be redeveloped/regenerated and in the chosen economic sector more generally in that locality. The government expected such proposals to have strong ties with local Universities. So far only the eight mayoral Combined Authorities had been offered this opportunity. WDC was the only District Council in the country directly involved with an Investment Zone proposal that was not also a Constituent Council of a Combined Authority.

In respect of the West Midlands Combined Authority's (WMCA) Investment Zone proposal, the identified sector was Advanced Manufacturing though this had been widened to allow for intersections with some other economic sectors. More specifically, the sites identified to help this sector develop, (in this case the Wolverhampton Green Innovation Corridor; the Birmingham Knowledge Quarter; and the Coventry and Warwick Giga Park) were to benefit from the upfront investment available from the government (all three) and business rates retention (Birmingham Knowledge Quarter and Coventry and Warwick Giga Park only).

This meant that the four sites around and including Coventry Airfield were proposed to be included with emphasis on delivering the Gigafactory for battery production and enhancing the economic sector around energy and green industries. Internationally such facilities were only being built with respective government financial support. An international investor had advised in writing that, should the Coventry Airfield site be confirmed with in the Investment Zone, that this was their chosen site for a Gigafactory. Therefore, whilst the IZ designation did not offer a guarantee of securing the implementation of a Gigafactory, it did significantly increase its chances of happening.

Such an investment was anticipated to be significant, estimated by the WMCA of being more than £1billion, and generating thousands of jobs directly and more indirectly through expansion of the supply chain. The expectation would be that securing such an investment would attract other

investors to that sector and location. It would help to create a cluster of advanced manufacturing companies around Coventry Airfield and develop links to the two local Universities.

As well as the economic benefits, helping to deliver a Gigafactory was important as part of the process of decarbonisation of the economy. Transport was one of the largest contributors to CO2 emissions and being able to transfer vehicles to another fuel base would be very a significant benefit to offsetting/mitigating Climate Change impacts. In these broad terms the proposal would support the Council's own strategy for Climate Change and of moving to a low carbon-based economy and way of life.

### The Challenge

The focus of effort in the intervening time since November 2023 had been one of ensuring an appropriate balance between the Council's strategic ambitions with its fiduciary duty to its residents and businesses, i.e.:

- Supporting the principle of the WMIZ and especially the prospect of a Gigafactory on the Coventry Airfield site.
- Not severely disadvantaging the work of the Council in respect of business rates because of the implementation of the retention of 100% business rates element under the WMIZ scheme.

The scheme as intended by the government would enable the West Midlands Combined Authority (WMCA) to retain all the business rates growth generated from the agreed sites for a period of 25 years. That growth was then ringfenced so that the funds could be reinvested in:

- Bringing the various Investment Zone sites forward.
- Subsequently for other investments within the WMCA and Warwick District Council (WDC) area, i.e. the West Midlands Investment Zone, into the priority economic sector, (Advanced Manufacturing with its various intersections).

This issue was of particular significance and potential detriment to the work of the Council. Plan A showed the proposed designation for the Coventry and Warwick Giga Park. Of the sites that made up the Coventry and Warwick Giga Park component of the WMIZ proposed to be included in the designated area for tax site incentives and business rates retention purposes, two of those four sites (Whitley South and Segro Park) were already allocated as employment sites in this Council's Local Plan and had planning permission. Indeed, they already had the infrastructure in place and some development was already underway on the Segro Park scheme.

Ordinarily these sites would result in a yield to the Council of 40% of any business rate growth (and WCC 10%) above the agreed baseline until there was a reset and then 40% (and WCC 10%) of any further growth in the business rates above any new reset baseline. The discussions/negotiations since November 2023 on the "without detriment" issue had been how the Council could retain that 40% (and WCC its 10% share) from those two sites share as if the IZ proposal had not been implemented. Whilst the principle of without detriment had been agreed in November 2023, what that meant and how it would work was not.

Of the other two sites in the Coventry and Warwick Giga Park, one was Whitley East which was in the Coventry City Council area and the other was Coventry Airfield in the WDC area. It was recognised that to bring forward the airfield site as a Gigafactory it would require public sector financial assistance. The Gigafactory was the “prize” for the local, regional, and national economy. It would represent a multi-billion-pound investment in the District and would be of a scale able to create thousands of jobs directly and indirectly through the supply chain. The intention of the wider area being designated was to encourage the co-location of a cluster of companies involved in that sector who would also benefit from the connections with the two local Universities. The airfield was not currently a Local Plan allocated site, though it did have planning permission for a Gigafactory. The site would require public sector financial input for the Gigafactory to come forward, so the Council had not sought the 40% of the business rates growth from that site. This alone arguably left the Council at considerable potential financial detriment.

Discussion had focused on trying to agree principles that would address the “without detriment” issue in more detail. The discussions/negotiations initially sought that WDC and WCC would continue to retain their current share of the business rates growth originating from the Whitley South and Segro Park sites. This was a negotiated proposed exemption from the national scheme and would need to be incorporated within a Memorandum of Understanding that was necessary to allow for the movement of business rates. However, the proposed exemption initially also required that this business rate income should be reinvested in locally agreed growth initiatives up until a business rates reset and then after that, in the main economic sector – Advanced Manufacturing with its various intersections. What constitutes a local growth initiative was to be determined by the Council and examples could be Abbey Fields Swimming Pool, or the Fusiliers Way Community Stadium or Housing Retro fit, or all three, or others. However, as examples it could not be used to: directly address the Council’s underlying financial deficit; to go into reserves; or to support a future Council Tax policy.

Under this exemption, the Council could choose to use the business rates income to borrow against. However, this Council had sought to negotiate that that borrowing would be protected from a reset. That was, that any borrowing incurred would continue to be funded after a business rates reset towards the costs of those agreed capital schemes. This would be better than in the scenario of what would happen if the IZ did not take place. In this scenario, the Council would have had the opportunity to maximise the potential of its 40% share over a longer period by being within the Investment Zone than would be the case if it were not part of the Investment Zone proposition.

However, clarification from the WMCA, in March 2024, had made it clear that this was not on offer. It was this position that created the issue for this Council. In the scenario of not being within an Investment Zone then the Council could use the yield from its share of business rates growth towards any legitimate Council expenditure including supporting the general fund revenue position. As it would not be exempt from a business rates reset it was an unreliable revenue stream to use for any significant borrowing purposes. A business rates reset effectively would change the baseline above which any business rates growth was calculated and so it

materially affected whether there was anything of which to have a 40% share. Nor was it known how a reset would work in terms of when it might happen or the degree of change in the baseline or whether there would be any transitional arrangements. Given this national framework, WDC prudently used such revenue to support short term non-recurrent activity and not for borrowing over a longer-term period given its uncertainty.

The Investment Zone designation mitigated that risk by exempting the designated areas from a reset for 25 years. That meant business rates growth became a more reliable revenue source upon which to borrow longer term; hence using it to reinvest in regeneration or developing sites or other forms of investment. This opportunity was not to be offered to the Council in respect of the use of its 40% share from the two sites that it would still receive, as if it were outside of the IZ. This meant that revenue was still prejudiced from longer term use because a reset would apply.

This scenario put the Council in a cleft stick position. In the case of being within the WMIZ, the proposal would have still given the Council its 40% share of the business rates from the two sites (Whitley South and Segro Park). However, it would have prevented the revenue generated from being used as the Council choose. It equally only allowed the Council to use such revenue to invest in local growth initiatives. Yet, it could not realistically borrow for them without creating a significant financial risk to the Council. This was an exemption that was not practical for the Council to use and so was not beneficial. The consequence therefore was that in this scenario participation in the WMIZ was not without detriment to the Council.

In contrast, being outside of the WMIZ, would give the Council the freedom to spend the business rates income effectively as it chose but it would still be subject to a reset and so not able to invest such revenue over a longer-term period. In addition, the Gigafactory was much less likely to occur without the investment from the WMIZ proposal. This impact though might be mitigated if the airfield site remained within the IZ proposal. It was uncertain that the WMIZ remained a viable proposition if the WMCA lost its share of business rates from the Whitley South and Segro Park sites.

### The Solution

The resolution to this conundrum was what had been the focus of discussion over the period since mid-March when reports were deferred and then withdrawn as a conclusion had not been reached.

WDC would agree to the following key points:

- £90.2m of the business rates generated from the Segro Park and Whitley South sites would be available for WDC to call upon to invest in local growth initiatives in the WDC area.
- WDC would need to outline its chosen projects by end of March 2026, and provide indicative financial profiles within the agreed financial envelope. WDC would have flexibility on the projects selected.

The compromise here was a trade between certainty and volume. This proposal did not guarantee the same volume of funds as might occur outside of the WMIZ, though it was also the case that it might receive more. This uncertainty arose because of the possibility of a business rates reset but not knowing when or how it would arise. This proposed arrangement effectively gave the Council protection against a reset and so gave certainty to both this Council and indeed to the WMCA. This was valuable as it enabled the Council to borrow against business rates receipts for local growth initiatives with certainty. Likewise, for the WMCA it knew the limit of its liability to WDC for its financial planning purposes.

Taking account of the progress on all of the other points identified in the November 2023 report and bearing in mind the conclusion reached regarding the without detriment issue it was proposed that the Council could now confirm its involvement in the WMIZ and the WMIZ Board and other arrangements provided that the following provisos were in place:

- the agreed financial envelope in the Memorandum of Understanding (MoU) was £90.2m.
- that the definition of what constitutes a “local growth initiative”, was for WDC to decide.
- The MoU was acceptable in all other respects.
- the other parties (WMCA, CCC, WCC) also agreed the MoU on the above basis.

WCC officers had delegated authority to approve the MoU for its purposes and Coventry City Council (CCC) had also agreed its elements. The WMCA would formally consider the matter at its Board meeting on 14 June 2024. There was therefore a risk that the envelope of £90.2m might not be agreed. This would inevitably delay the commencement of the WMIZ in practice.

#### Making the WMIZ happen

To realise the ambition of the WMIZ several other steps would need to be taken if Cabinet agreed to proceed with the WMIZ. These were as follows:

1. Agreement to a Memorandum of Understanding with the WMCA. CCC and WCC would also have to be signatories for their elements of the MoU as they also have roles in business rates for the Coventry and Warwick Giga Park. A draft had been received and discussed and was still in more detailed negotiation. If agreed in time would have been brought as an Addendum to this report – as confidential Appendix 2 to the report. However, it was likely as not that it would require further work, so it was proposed to delegate authority for completing this MoU to the Chief Executive in consultation with the LCG and Heads of Finance and Governance.
2. An agreement would be needed to turn the MoU then into a legal agreement, so the terms of the MoU are binding.
3. To enter a Collaboration Agreement regarding the wider work of the WMIZ. The Collaboration Agreement set out the grant conditions and procedural steps to be taken in relation to grants received from WMCA. It would set out information requirements and monitoring requirements and would pass on to grant recipients the grant conditions which DLUHC impose on WMCA. The proposal was that

WMCA would follow the example of the Enterprise Zones and had one Collaboration Agreement with all the participating Authorities rather than requiring a new grant agreement in relation to every project.

4. There were no new obligations in relation to BRR sites or tax sites and the Collaboration Agreement would only be required in relation to grants from the IZ to WDC. It was also proposed to delegate completion of this to the Chief Executive in consultation with the LCG and Heads of Finance and Governance.
5. Given the scale and importance of this initiative there was a proposed governance framework with a specific Board being set up upon which WDC would have a place. The terms of reference for that Board were set out at Appendix 3 to the report which had been negotiated and were ready to be agreed. It was also proposed that the Leader of the Council, Councillor Davison, be nominated as WDC's representative on both the overall WMCA Board, as WDC was now a non-constituent member, and on the WMIZ Board.
6. Local delivery arrangements had been set up to help ensure the proposals for the Coventry and Warwick Giga Park were enacted effectively. These arrangements involved officers from the three local authorities, the WMCA and the two Universities. The terms of reference were attached at Appendix 4 to the report. These were already in play but needed formal sign off.
7. The WMIZ would have an Annual Delivery Plan backed up by an overall Investment Plan. Progress on these and anything more specifically to do with the Coventry and Warwick Giga Park should be reported as necessary to the Council, but in any case, at least once a year, to allow for effective report on performance and scrutiny. For information purposes a Tax Site Management Policy had been devised and would be required by the local delivery arm to oversee. This was attached at Appendix 5 to the report. As the major business rates collector for the Coventry and Warwick Giga Park, WDC would have to register (already registered to do so) the incidence of incentives given on business rates relief above £100,000 per organization.
8. It was also proposed that should any decisions arise that needed to be taken in respect of the WMIZ at the Board meetings but that could not wait for a Cabinet decision, that they be delegated to the Chief Executive in consultation with the Leader of the Council.
9. WDC would need to outline its chosen projects by end of March 2026, and provide indicative financial profiles within the agreed financial envelope. WDC would have flexibility on the projects selected.
10. The Council should update its MTFs at its next iteration to incorporate the financial implications of the proposal as this Council was now prepared to accept.

The Council had considered several possible options. In short these were as follows:

- Accept the proposition where the without detriment position continued the Council's 40% share of business rates on the Segro Park and Whitley South sites but offered no protection from business rates resets.

- Agree a modified proposition, which if this was agreed to, WDC would agree to sign up in full to the WMIZ proposal. The modified proposition was as now set out in the report.
- Continue to support the Gigafactory on the airfield site but that the Segro Park and Whitley South sites be completely withdrawn from the IZ proposal.
- Walk away completely from the WMIZ.

Of these options, the first was considered not to sufficiently resolve the Council's conundrum set out earlier in this report. The third and fourth options were not felt to enable the strategic outcome of helping to deliver the Gigafactory to be achieved. Option two was pursued and although what was now at the point of a conclusion was a compromised position between WDC and WMCA.

The Overview & Scrutiny Committee explored questions around Governance and were reassured that the transparency required was present.

The Committee were keen for the Council to retain the right to define what constituted a "Local Growth Initiative".

The Committee supported the proposal as set out in the report and thanked officers for their hard work.

The Cabinet recommended that the Chair of the Overview and Scrutiny Committee (for the municipal year 2024/2025, Councillor Andrew Milton) be added to the List of Consultees at LCG and Cabinet.

Councillor Davison proposed the report as laid out, including the amended recommendation from the Overview & Scrutiny Committee to recommendations 3, 4 and 5 to include that the Chair of Overview & Scrutiny be included as one of the consultees.

### **Recommended to Council**

- (1) participation in the Coventry & Warwickshire WMIZ Board, as set out in the terms of reference included in Appendix 3, and includes it within its Constitution as a Joint Committee, subject to clarification from WMCA that:
  - (a) a representative of the Overview & Scrutiny Committee of Warwick District Council can attend and speak at the meetings if they so wish;
  - (b) a nominated representative of each political Group at Warwick District Council may attend each meeting and with agreement of the Chair of the meeting address it directly;
  - (c) the WMCA providing clarity on the process of the call in process of the decisions taken by the Board in the

Terms of Reference.

- (2)
  - (a) that as the Council has been accepted as a non-constituent member of the WMCA, that Councillor Davison be appointed as the Council's representative on the WMCA Board; and
  - (b) Cabinet appoints Councillor Davison as its representative to the WMIZ Board.

**Resolved** that

- (1) the progress made thus far on the recommendations to Council and resolutions agreed in November 2023 as set out in this report and in Table 1 as well as progress more generally on the West Midlands Investment Zone scheme as set out in Appendix 1, to the report, be noted;
- (2) the confirmation of the Council's involvement in the West Midlands Investment Zone (WMIZ) and the principle of completing a Memorandum of Understanding (MoU) with the West Midlands Combined Authority (WMCA), Coventry City Council (CCC) and Warwickshire County Council (WCC), be agreed, provided that
  - (a) the agreed financial envelope of business rates to be retained in the MoU is £90.2m;
  - (b) the definition of what constitutes a "local growth initiative", is for WDC to decide;
  - (c) following review by this Council the MoU is acceptable in all other respects;
  - (d) the other parties also agree the MoU on the above basis;
- (3) authority be delegated to the Chief Executive, in consultation with the Head of Finance, Head of Governance, and the Leadership Co-ordinating Group (i.e. Cabinet and Group Leaders), and Chair of Overview & Scrutiny Committee, following the advice from Trowers, to agree and sign off the proposed MoU in respect of business rates retention;
- (4) authority be delegated to the Chief Executive, in consultation with the Head of Finance, Head of Governance, and the Leadership Co-ordinating Group (i.e. Cabinet and Group Leaders), and Chair of Overview & Scrutiny Committee, to agree and sign off the subsequent legal agreement that will embody

the MoU in respect of business rates retention;

- (5) authority be delegated to the Chief Executive, in consultation with the Head of Finance, Head of Governance, and the Leadership Co-ordinating Group (i.e. Cabinet and Group Leaders), and Chair of Overview & Scrutiny Committee, to agree and sign off the proposed Collaboration Agreement relating to the work on the West Midlands Investment Zone as a whole;
- (6) the officer arrangements at the local partnership delivery vehicle for the Coventry and Warwick Giga Park as set out at Appendix 4 to the report, be supported;
- (7) further reports will be received on progress of the WMIZ where necessary, but at least annually, and relevant for decision making purposes on the implications of the Investment Plan and Annual Delivery Plan and any of its components that require the consent of this Council including the site management of tax incentives and planning;
- (8) authority be delegated to the Chief Executive in consultation with the Leader of the Council on any issue that might arise from the Investment Zone Annual Delivery Plan or other issue arising from the West Midlands Investment Zone Board's business that requires a decision/response from this Council that cannot wait until a Cabinet meeting. Any such decisions will be reported back to the next available Cabinet meeting;
- (9) a further report will be brought forward as soon as possible on the local growth initiatives the Council should pursue under the auspices of this MoU and legal agreement; and
- (10) the estimated financial implications of the MoU on business rates retention and that these are incorporated into the next iteration of the Council's MTFS, be noted.

(The Portfolio Holder for this item was Councillor Davison)

## **Part 2**

(Items upon which a decision by the Council was not required)

### **145. Earmarked Reserves**

The Cabinet considered a report from Finance which requested that a limited number of budgets that underspent in 2023/24 were carried forward into 2024/25 as earmarked reserve budget. These budgets related to ongoing expenditure, not included in the original budget setting report approved in February 2024.

All budgets had been accessed by the Strategic Finance Manager and Head of Finance and were underspends within the 2023/24 financial year. EMR Budgets and a full annual forecast of these would be included in the Quarterly Budget Monitoring report throughout the year.

As part of the Final Accounts process, requests had been approved under delegated authority by the Head of Finance for Revenue Earmarked Reserves. These were for previously agreed projects where it had not been possible to complete as budgeted within 2023/24 and would therefore need to carry forward budget to 2024/25.

These totalled £1.881m for the General Fund and £0.193m for the HRA and were outlined in detail in Appendix 1 to the report. Requests were considered against budget outturn within the specific projects and services, with requests approved only where there was sufficient budget available.

These were considerable sums. Key Earmarked approvals for the General Fund included the demolition of Covent Garden MSCP, contributions to the cost of Barford Youth Centre and the Join South Warwickshire Local Plan. For the HRA the main approval was for delayed major repairs relating to the Housing Investment Programme (HIP), and consultancy budget to support ongoing housing development projects and the continuation of stock condition surveys.

It was recommended that the Cabinet noted the position on Revenue slippage. As in previous years, expenditure against these Budgets would be regularly monitored and reported to the Cabinet as part of the Budget Review Process.

Initial Outturn projection for 2023/24 was shown in the table in 2.1 in the report.

The current outturn position might change as work was continuing for the closure of accounts 2023/24. At the time of the report, some technical adjustments were outstanding including Depreciation and IAS19 Pension adjustments.

2023/24 Outturn showed a favourable position within the General fund of £0.931m, of which £0.459m had been allocated to approved reserves including Woodland Creation Reserve (previously Trees for Future), and under and overspends from Warwick Building Control, Climate Control, Working for Warwick, and other Reserve funded budgets within 2023/24.

After reserves adjustments, this showed a revised favourable position of £0.472m. Once Earmarked Reserves had been applied, this changed to an adverse position for the General Fund of £1.409m.

The Outturn position showed an increase in adverse position of £0.159m compared to Quarter Three Budget Report (Q3). The estimated General Fund position in Q3 was adverse £1.250m.

A full breakdown of variances to the final outturn position for 2023/24 would be provided to a future Cabinet meeting within the Outturn 2023/24 report.

HRA Outturn was currently being completed. All EMR's would be funded from HRA Reserves.

In terms of alternative options, if these were not approved, activity across many previously approved workstreams would either have to cease or become unfunded.

Councillor Chilvers proposed the report as laid out.

**Resolved** that the Earmarked Reserve (EMR) requests of £1.881m General Fund and £0.193m HRA (Appendix 1 to the report), with the requests having been reviewed under delegated authority by the Head of Finance.

(The Portfolio Holder for this item was Councillor Chilvers).  
Forward Plan Reference 1,456

#### 146. **Procurement Exercises over £150,000**

The Cabinet considered a report from the Head of Governance & Monitoring Officer which sought approval for procurement exercises in line with agreed procurement code of practice, with details set out in the Confidential Appendix to the report.

The report brought forward a number of proposed procurement exercises which formed key decisions as they were over £150,000. As explained in the report to Cabinet in March 2024, a gap was identified within procurement practice at WDC which was clarified by Cabinet and Council to confirm that any procurement activity above £150,000 needed to be considered by Cabinet.

These exercises were set out in the Confidential Appendix (due to the values associated and the Council not wanting to declare the anticipated budget) to the report for consideration. These items and the reason for their procurement were set out within the confidential Appendix to the report, so as not to disclose the Council's position in respect of the anticipated cost. It should have been noted that these exercises were early stages of procurement.

In terms of alternative options, in respect of recommendation the Cabinet could decide not to approve some or all of the proposed activities. However, some of these had been identified at advanced stages and to pause or stop at this stage would significantly delay some of these activities were new contracts were required.

Councillor Chilvers proposed the report as laid out.

**Resolved** that the procurement of the following, in line with the Confidential Appendix 1 to the report, for the items listed below:

- i. Estate Agency Framework
- ii. Pay by Phone Parking
- iii. Digital Upgrade of Equipment for Lifeline services
- iv. Photo-Voltaic panels for leisure centres

(The Portfolio Holders for this item were Councillors Chilvers & Davison).  
Forward Plan Reference 1,458

**147. Update on Local Visitor Economy Partnership for Coventry & Warwickshire: Governance Structure**

The Cabinet considered a report from Place, Arts & Economy which provided an update of the activity that had taken place with other local authorities in Warwickshire and Coventry, together with the two Destination Management Organisations (DMOs) in the sub-region, to create a new Local Visitor Economy Partnership (LVEP). It also sought to agree the proposed interim governance arrangements for the LVEP. The purpose of the interim structure was to enable effective discussions to continue over the next 12 months and to ensure that Warwick District was represented in discussions about the future direction and activities of the Local Visitor Economy Partnership (LVEP).

Cabinet had received two reports relating to the creation of Local Visitor Economy Partnerships (LVEPs). In July 2023, Cabinet agreed to support, in principle, an Expression of Interest from Shakespeare's England (SE), the DMO covering Warwick and Stratford-on-Avon Districts, to become part of a wider Local Visitor Economy Partnership (LVEP) covering Coventry & Warwickshire. In September 2023, Cabinet received an update report on discussions including in relation to any partnership agreement that was being prepared for how the LVEP discussions would be taken forward.

The July 2023 Cabinet report contained background information relating to the creation on LVEPs. In summary, LVEPs were part of a new model from Visit England, with the support of the Department of Culture, Media & Sport (DCMS), for delivering leadership and governance for tourism destinations across the Country. At the top of this structure were Destination Development Partnerships (DDPs) and below this were a network of Local Visitor Economy Partnerships (LVEPs). For Coventry and Warwickshire, it had been agreed that the creation of a single new "Coventry & Warwickshire LVEP" was the most appropriate response to strategically deliver a destination management service.

LVEPs were proposed as collaborative initiatives involving local government, tourism organisations, businesses, and other stakeholders within a specific geographic area. The primary goal of LVEPs was to promote and develop the local visitor economy, which encompassed tourism, hospitality, recreation, and related sectors over a wider structural geography compared to the previous Destination Management Organisations (DMOS). LVEPs were seen as having a crucial role in driving

economic growth, job creation, and community development within the sub region and for Warwick District to leverage the District's tourism potential.

The government had made clear that DDPs and LVEPs were to be the vehicle by which funds and initiatives to support the visitor economy would be distributed. As an example, Visit England had established a Green Accreditation Scheme for local tourism businesses which would be delivered through the West Midlands DDP.

The Coventry and Warwickshire LVEP offered numerous benefits for WDC and the whole of Warwickshire. The ambitions of the LVEP were driven by various factors that contributed to the development and promotion of the local visitor economy.

The LVEP would strengthen the collaboration between a range of stakeholders including local government, tourism boards, businesses, community organisations, and residents. Working together allowed for shared resources, expertise, and decision-making. It would focus on ensuring Coventry and Warwickshire had a competitive compelling visitor economy to support its world class offer, to continue to attract and capture visitor spend whilst ensuring this was underpinned and supported by a resilient and skilled economy with sustainable actions.

The LVEP would be well placed to engage with current and future government policies, funding initiatives, and strategic plans at the local, regional, and national levels, to ensure the aims and objectives of Warwickshire were represented and to secure potential resources.

The report provided an update on the work that had been undertaken to develop the proposed governance structure and approach for the next 12 months.

### **LVEP Growth Plan**

A key feature of the Coventry and Warwickshire LVEP would be the submission of a Growth Plan. This was a requirement of the LVEP and would focus on a range of areas related to supporting, enhancing and building resilience in the sub regions visitor economy, that included:

- Promoting Tourism – the aim to attract visitors through marketing campaigns, events, and promotional activities.
- Supporting Local Businesses – to provide support and resources to local businesses in the tourism and hospitality sectors to help them thrive and grow.
- Enhancing Infrastructure and Service – to improve infrastructure such as transportation, accommodation and recreational facilities that will enhance the visitor experience.
- Sustainable Development – to focus on sustainable tourism practise to minimise environmental impact and supporting the long – term viability of the local visitor economy.

The South Warwickshire Economic Strategy recognised tourism and the visitor economy as one of the Council's strengths and a core sector to support. Having an active part in the emerging LVEP would ensure

maximise opportunities for Warwick District.

### **Governance structure**

An interim governance structure had been developed to provide a framework for the LVEP to begin to operate over the next 12 months. This structure needed to reflect both the requirements of the two existing DMOs in Coventry and Warwickshire and the desire to begin to draw all local authorities in to discussions about how the tourism potential of the sub-region might best be achieved. This interim structure was predicated on the two current DMOs operating as separate organisations, but with a single officer team to work across both. Areas currently not being covered by the DMOS were represented by their corresponding local authorities through the stakeholder group.

In developing this governance structure, three things needed to be kept in mind.

Firstly, active participation and engagement of local communities, businesses, and residents would be critical drivers for the success of LVEPs. The proposed governance structure needed to provide a route to connect a range of stakeholders and interested parties to ensure that initiatives were aligned with community values, needs, and aspirations. Although local authorities would have a major role to play, LVEPs needed to be a true partnership with partnership with local businesses.

Secondly, it should be remembered that – certainly for the time being – both SE and DC would remain as separate legal entities. The opportunity created by the LVEP would be to enable these DMOs to work more closely together, acting more strategically and benefitting from economies of scale to deliver a tourist and visitor offer more efficiently and effectively. The governance structure needed to reflect this situation.

Thirdly, the governance structure needed to be a way of bringing in those local authorities that had historically had less direct engagement with the visitor economy through formal membership of either Shakespeare’s England or Destination Coventry.

Following several meetings with Districts and Boroughs, Warwickshire County Council, Shakespeare’s England (SE) Coventry City Council (CCC) and Destination Coventry (DC) a proposed structure setting out the governance to oversee this work had been shaped. This would be led through the establishment of an LVEP Board with links to three stakeholder Advisory Groups.

Appendix 1 to the report set out this proposed LVEP Governance Structure.

### **LVEP Advisory Board**

- It was proposed that the Board would comprise of nine Board members. There would be two Board members each from SE and DC; four local authority members (two of whom would be from Coventry City Council and Warwickshire County Council). Finally, there would be one representative from Visit England/visit Britain.

- The SE Board would decide who would represent them on the LVEP Advisory Board. Warwick District Council would have a voice into the LVEP Advisory Board through its seat as a voting member of the SE Board. WDC could also, potentially, be one of the Local Authority Stakeholder representatives on the Board.

### **LVEP Advisory Groups**

- Sitting below the Advisory Board would be three Advisory Groups. Two of these would be the Boards of SE and DC. The third would be a new Local Authority Stakeholder Advisory Group made up of representatives from all seven local authorities in the Coventry & Warwickshire area. Warwick District Council would have two seats on this Stakeholder Advisory Group.
- The governance arrangements for the Advisory Groups were still being finalised, however the current scope was as set out in appendix 1 to the report. It should have been noted that as the Local Authority Stakeholder Advisory Group would be a newly formed group, it would need more specific Terms of Reference. These were currently being prepared.
- This group would have a direct link in to the LVEP Advisory Board via the Board members representing the Group, ensuring a clear line of communication with all partners and help build a connection with emerging actions and objectives into and from the LVEP Advisory Board.
- Members from all three Advisory Groups would also be offered the opportunity to attend the LVEP Boards as an observer if they wished.
- It was proposed that the Local Authority Stakeholder Advisory Board will be an officer group. It was also proposed that a separate Member Reference Group would be formed. The frequency of these meetings was yet to be agreed, but the Local Authority Stakeholder Advisory Group would convene meetings of this Member Group to provide a platform for ensuring there was member engagement and understanding of the LVEP. This would be particularly important for those local authorities which were not currently part of SE or DC.

The report sought agreement for the Council to support the governance structure. With regards to the Member Reference Group, Cabinet was asked to recommend to Council that the appointment of a Councillor(s) on that group was a decision of the Leader.

There were several alternative options open to the Council. Firstly, it could decide not to support further work on the LVEP and not be part of any Advisory Group. For the reasons set out in the report, including the ability to improve the efficiency and effectiveness of delivering a service to support the visitor economy, this option was not supported. Warwick District Council would not, in any event, be able to use its seat on the Board of Shakespeare's England to prevent the Board supporting the LVEP.

Secondly, it could support the principle of the LVEP governance structure but seek amendments as to how this was constituted. It should have been noted that minor amendments to this structure, including the Terms of Reference, were envisaged as the governance structure was finalised, and Members were asked to delegate authority to the Head of Place, Arts &

Economy in consultation with the Portfolio Holder for Arts & Economy, to agree these. More fundamental changes were not supported in the report. For the reasons outlined in the report, any emerging governance structure needed to have the support from local authorities across Coventry and Warwickshire. The structure which was contained in Appendix 1 to the report was currently also being discussed by all other local authorities, and the model which was being proposed reflected those discussions and the need to balance different aspirations and priorities of different Councils.

A third option would be to support the recommendation but additionally recommend that a new LVEP for Coventry & Warwickshire was created immediately as a single new organisation whereby SE and DC were disbanded and formally merged into a new organisation. This approach was not supported by the two DMOs immediately, however both had committed to keeping this under active review as the new interim structure and governance arrangements take place. Warwick District Council would have plenty of opportunity to ensure this was kept under review moving forward using its influence as a member of the SE Board and on the Stakeholder Advisory Group.

Councillor Billiald proposed the report as laid out.

**Resolved** that

- (1) the work that has been undertaken over the last few months to create a Local Visitor Economy Partnership for Coventry and Warwickshire, be noted;
- (2) the proposed governance structure and Warwick District Council's role within this as set out in the report and in Appendix 1 to the report, be agreed, and in doing so, agrees for Warwick District Council to become a member of the Local Authority Advisory Group;
- (3) authority be delegated to the Head of Place, Arts & Economy and Head of Governance in consultation with the portfolio holder for Arts & Economy, to agree any minor further changes to the governance structure as discussions on this continue with local authorities and partners across Coventry & Warwickshire;
- (4) the appointment of a Councillor to be a member of the Member Reference Group will be a Portfolio Holder who the Leader will confirm in due course, be noted.

(The Portfolio Holder for this item was Councillor Billiald).  
Forward Plan Reference 1,449

148. **Packmores Community Centre**

The Cabinet considered a report from Housing which sought approval of the business case for the proposed new community centre for the Packmores area of Warwick and for the implementation of the new steps of the scheme.

In 2007, a repurposed space in the basement of Sussex Court flats owned by Warwick District Council (WDC) opened to provide residents with access to community support services. This was initially supported by the Council's Community Development team. However, in 2015, the Council Commissioned Warwick Percy Estate Community Projects Limited (known as The Gap) to deliver support services for residents living in the Packmores and Cape area of Warwick. The target groups were primarily older people, young people not in education, employment, or training (NEETs), and disadvantaged families.

The Gap had been responsible for delivering services within the Warwick West Area (including the Packmores) for the last eight years and the long-term purpose for the community hub was to develop a sustainable facility that supported the local community whilst also having the capacity to support those living further afield. This approach included providing access to local services, facilitating social connections, reducing isolation, and promoting wellbeing.

The existing centre was much, much smaller than other Community Centres elsewhere in the District. However, despite the current size limitations, it had and continued to provide essential support services for the local community. There was, however, a need to develop new provision due to the following challenges:

- Issues re: space and capacity.
- Building was no longer fit for purposes due to increased demand for local community support.
- A need for outdoor space (particularly in post pandemic world and relevance of how use of green space improves wellbeing).
- Facilities did not align with level of need in the area, particularly in comparison to newer services in other new local communities.
- Covid recovery had the potential to increase demand for local services and adapt to new and emerging needs.

At its September 2023 meeting the Cabinet agreed the following:

- (1) the Packmores Project be supported in principle, and a business case will be produced for further consideration by Cabinet;
- (2) as part of the production of the Business Case, the work to identify match funding for the project, be supported;
- (3) the proposed partnership and governance arrangements for the project outlined in Appendix 1 to the report, be approved;
- (4) exploration work be undertaken, including technical surveys to assess the suitability of a site identified within or adjacent to Priory Pools Park (shown on Appendix 2 to the report) as a potential location for a new Centre for the Packmores area in Warwick; and

- (5) up to £25,000 by way of a grant to The Gap, funded from the Councils New Homes Bonus Allocations, be agreed, to carry out exploratory survey work including: Geointegrity, CCTV, drainage & condition, arboriculture, ecological appraisal, Landscape Architect, topographical, site infrastructure and utilities and tree surveys.

That report also set out the next steps for the projects as being:

Completion of the surveys.

Completion of the Business Case.

Agreement to a funding strategy.

Agreement to how the facility would be managed going forward.

At its meeting on 8 February 2024, Cabinet agreed that:

1. the general location for a new centre for the Packmores area of Warwick as shown at plan 1, Appendix 1 to the report, be agreed;
2. the creation of a Charitable Interest Organisation (CIO), be agreed, and that in principle a lease is provided on a peppercorn basis for a period of 199 years for the site illustrated on plan 1 at Appendix 1 to the report, subject to the submission of, a full business case and plan;
3. the existing Service Level Agreement with the Gap is extended from July 2026 until June 2029 subject to the submission and agreement to a full business case and plan, be agreed:
4. £48,344 (+VAT) is provided as a grant for the Gap, funded from the Council's New Homes Bonus Allocation to progress the proposed Scheme to Royal Institute of British Architects (RIBA) stage 3, be agreed; and
5. the high-level draft timetable at Appendix 4 to the report for progressing the scheme, be noted.

All the above steps, plus public consultation, would need to be undertaken before an application for planning permission could be made and before WDC was able to give formal consent as a landlord and to drawdown the rest of the allotted funds for this scheme. However, to achieve these next steps a number of issues needed a steer for and support from the Council. The February report provided that steer and support.

Since the February 2024 Cabinet meeting, there had been a focus on developing the business case, undertaking community consultation, and undertaking the other allied work necessary to enable a planning application to be submitted. The CIO that had been set up for the new centre was now registered with the Charity Commission.

The business case was attached for Cabinet's approval at Appendix 1 to the report. This had been scrutinised by the Project Board and by WDC officers. It offered a robust and creditable case for the new Centre and how it would be run. It also set out the basic proposition upon which a planning application would be submitted. It was proposed that it be accepted and therefore that recommendations 2 and 3 of the February 24 Cabinet report could now be implemented.

The business case also had an updated timetable, to be noted but it was suggested that a progress report be presented at the start of the third stage of the fundraising section.

In terms of alternative options, Cabinet could decide against any or, all the recommendations. To do so would hinder the progression of the community facility for the Packmores community which had been waiting for many years.

An addendum circulated prior to the meeting advised of the following amendments:

#### Amended Recommendation 3

- (3) That up to £90,000 plus VAT be made available to the new Community Interest Organisation (CIO) for the Centre from the agreed budget to take the proposal forward to RIBA Stage 4. This to be paid in arrears upon receipt of invoices.

#### Additional Recommendation

- (4) A progress report be presented at the beginning of the 3<sup>rd</sup> stage of the scheme as set out in the Fundraising section of the business case.

#### Amendment to Paragraph 4.1

The contents of this specific report have no direct financial implications for the Council. As a matter of record £25k had been allocated in the 2023/24 budget to enable the development of the Packmores Community Scheme. Further provision has been made in the Community Projects Reserve for another £225k in 24/25. The £25k for 23/24 has already been drawn down as has the additional £48,344 (+VAT) needed to finance the immediate next stages of the scheme. This was funded from the £225k allocated for 2024/25. A further £90k plus VAT has now been requested and is proposed. If agreed this would leave £86,656 available. Officers have made it clear that there is no further allocation available.

Councillor Sinnott proposed the report as laid out.

#### **Resolved** that

- (1) the business case for the proposed new community centre to serve the Packmores area of Warwick as set out at Appendix 1 to the report, be supported;
- (2) in providing such support recommendations 2 and 3 of the February 24 Cabinet report can now be implemented; and
- (3) up to £90,000 plus VAT be made available to the new Community Interest Organisation (CIO) for the Centre from the agreed budget to take the proposal forward to RIBA Stage 4,

be agreed. This to be paid in arrears upon receipt of invoice; and

- (4) a progress report be presented at the beginning of the third stage of the scheme as set out in the Fundraising section of the business case.

(The Portfolio Holder for this item was Councillor Sinnott).

**149. Procurement of a contract to facilitate demolition works at multiple sites**

The Cabinet considered a report from Housing which sought consent to procure an overarching demolition contract, from which the Council could draw down individual demolition projects as and when required.

It was expected that by having an overarching contract, the Council could secure best value and minimise procurement time and costs by allowing draw down for multiple projects rather than through individual tenders.

The Council had several buildings, both in the HRA and General Fund, some of which already had consent granted for demolition and others that were currently being investigated that might in the future require demolition.

The decision to demolish Covent Garden car park was approved by Cabinet at its meeting on 9 February 2023 and Cabined agreed to make provision for the estimated sum of up to £1.2 million within the budget for 2023/24. This provision had been carried forward into subsequent years and was available for the cost of demolition.

In relation to Christine Ledger Square, Cabinet also on 9 February 2023, approved a delegation of authority to the Head of Housing in consultation with Group Leaders and Portfolio Holders for Housing and Finance to make a final decision on future of the building following the period of consultation, taking into consideration the views of residents and all other relevant factors. In the event of a decision to demolish, it also approved a budget of £1,500,000 to cover demolition costs. The Head of Housing subsequently made the decision to demolish, following consultation as set out above.

Sites included Christine Ledger Square, Kenilworth School, and Linen Street car park from a housing perspective and Covent Garden Car Park from within the General Fund. Other sites that were as yet unidentified might be called down during the life of the contract.

The proposed contract would be for an overarching agreement with a chosen supplier to meet all WDC demolition needs for the next four years. The contract would give the appointed contractor a known work programme to enable efficient deployment of resources and enable the call-off of any additional required demolition during the contract period. The proposed contract would be procured via mini competition through a national framework and would result in the Council entering into a Deed of Appointment (DoA) to allow call-off of individual demolition projects on a

site-by-site basis.

The DoA would be zero sum with no formal commitment to spend for the duration of the contract, however, in accordance with PCR2015, a contract value maximum estimate would be provided based on the current demolition estimates obtained from consultants appointed to investigate the sites.

The call-off of demolition services for each site would be subject to approval of individual project recommendation reports to ensure appropriate funding and delegations were in place.

Due to the current shortfall in internal Procurement resources created by vacancies, the procurement was to be managed through an outsourced procurement specialist, at an estimated cost of £10,000 to 15,000 to be allocated to both HRA and General Fund project budgets pro-rata to estimated contract value. This could be met from within the existing approved demolition budgets for Covent Garden and Christine Ledger Square as set out earlier in this report, on an equal share basis. Recommendation 2 and 3 were included to provide assurance to the Cabinet, due to the significant value of the contract, that schemes would not be further progressed without explicit Cabinet, and if necessary for funding Council, approval of each scheme.

To procure individual contracts for each project was an option, but this would require significant procurement time for each project and might not have represented best value as compared to a call off contract.

An addendum circulated prior to the meeting advised that following publication of the report further advice on the procurement had been received. For this reason, it was proposed that recommendation 3 should be revised. This would provide WDC with the ability to then modify the contract, following any future internal approvals. Without this, the Council would have to look at whether the contract could lawfully be modified in future, with no guarantee that it could. Councillor Wightman as Portfolio Holder was in agreement with this change and officers were content as well.

The proposal was to change the words from:

*"(3) That a further report is brought to Cabinet for the use of this contract for use at any other site, setting out the cost/budget requirements, risks and proposals for approval."*

To:

*"(3) That the contract includes the option for use at the Linen Street Car Park Site in Warwick and the Leyes Lane and Rouncil Lane School sites in Kenilworth subject to, a further report(s) being brought to Cabinet prior to taking up the option for the use of this contract at any of those, setting out the cost/budget requirements, risks and proposals for approval".*

Councillor Wightman proposed the report as laid out, subject to the amendment to recommendation 3 as detailed above and in the addendum.

**Resolved** that

- (1) consent is given to procure a demolition contract to enable draw down when required for demolition of a number of sites, both General Fund and Housing Revenue Account, subject to (2) and (3) below;
- (2) the contract can be used for Covent Garden and Christine Ledger Square agreed proposals so long as the works for these sites are within the 5% tolerance of proposed contract value (as set out in Constitution Article 13) and so long as they are within the agreed budgets;
- (3) the contract includes the option for use at the Linen Street Car Park Site in Warwick and the Leyes Lane and Rouncil Lane School sites in Kenilworth subject to, a further report(s) being brought to Cabinet prior to taking up the option for the use of this contract at any of those, setting out the cost/budget requirements, risks and proposals for approval.

(The Portfolio Holder for this item was Councillor Wightman).  
Forward Plan Reference 1,457

#### 151. **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 paragraph of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Minutes Numbers	Paragraph Numbers	Reason
151,152, 153,154, 155	3	Information relating to the financial or business affairs of any particular person (including the authority

#### **Part 1**

(Items upon which a decision by the Council was required)

#### 152. **Local Authority Housing Fund Award Round 3 and Purchase of 3 further properties at The Priors, Warwick**

The recommendations in the report were approved.

#### **Part 2**

(Items upon which a decision by the Council was not required)

153. **Amendment to Contract of Sale for Riverside House**

The recommendations in the report were approved.

154. **Court Street/Althorpe Street, Royal Leamington Spa**

The recommendations in the report were approved.

155. **Confidential Appendix to Minute Number 146 – Procurement Exercises over £150,000**

The confidential appendix was noted.

156. **Minutes**

The confidential minutes of 6 March 2024 Cabinet meeting were taken as read and signed by the Chairman as a correct record.

(The meeting ended at 7.05pm)

CHAIR  
10 July 2024

Title: Low Cost Low Carbon Energy Programme  
Lead Officer: Dave Barber  
Portfolio Holder: Councillor Lowell Williams  
Wards of the District directly affected: All

<b>Approvals required</b>	<b>Date</b>	<b>Name</b>
<b>Portfolio Holder</b>	10/6	Lowell Williams
<b>Finance</b>	10/6	Andrew Rollins
<b>Legal Services</b>		
<b>Chief Executive</b>	10/6	Chris Elliott
<b>Director of Climate Change</b>	10/6	Dave Barber
<b>Head of Service(s)</b>	10/6	Lisa Barker and Steve Partner
<b>Section 151 Officer</b>	10/6	Andrew Rollins
<b>Monitoring Officer</b>	10/6	Graham Leach
<b>Leadership Co-ordination Group</b>	17/6	
<b>Final decision by this Committee or rec to another Cttee / Council?</b>	Yes Recommendation to: Cabinet	
<b>Contrary to Policy / Budget framework?</b>	No	
<b>Does this report contain exempt info/Confidential? If so, which paragraph(s)?</b>	No:	
<b>Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?</b>	Yes, Forward Plan item 1420 – scheduled for July 2024	
<b>Accessibility Checked?</b>	Yes/No	

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## Summary

In November 2023 a new Corporate Strategy was approved by Council. Within this Strategy, there are three Strategic Priorities, the second being 'Low Cost, Low Carbon Energy across the District'. Since the approval of the Corporate Strategy, a Low Cost, Low Carbon Energy Strategy has been developed, supported by a Programme Plan to bring forward the proposals under this strategic priority. This report seeks approval for the Strategy.

## Recommendation(s)

- (1) That Cabinet approve the Low Cost, Low Carbon Energy Strategy set out in Appendix 1
- (2) That the terms of reference for the Low Cost Low Carbon Energy Programme Board as set out at Appendix 2 is supported.
- (3) That in the current financial year, the Programme Board commences work on the following priority actions within year 1 of its Programme Plan:
  - a. Deliver rooftop solar / low energy lighting in key WDC assets, alongside other decarbonisation works for WDC assets with the greatest potential to benefit from decarbonisation measures.
  - b. establish and agree a decarbonisation and energy reduction programme for the WDC housing stock to enable WDC housing to achieve EPC C (or beyond) by 2030
  - c. bring forward proposals to deliver high quality, net zero carbon affordable housing on the Council owned sites.
  - d. undertake feasibility and pilot work to establish a programme to enable householders and businesses to reduce carbon emissions and energy costs.
- (4) Subject to demonstrating feasibility and an effective spending profile, it is proposed that the priority actions c and d set out in recommendation 3 are included as part the Council's Growth Initiatives (LGIs) being notified to the West Midlands Combined Authority (WMCA) under the West Midlands Investment Zone (WMIZ) scheme Memorandum of Understanding (MoU) and legal agreement.
- (5) That delegated authority is given to the Programme Director for Climate Change, in consultation with the Climate Change Portfolio Holder, to agree spending from the 2024/25 Renewable Energy Generation Reserve and for future years in which funding is available in the Reserve, in line with the criteria set out in paragraph 1.13; and asks the Council to update the Constitution to reflect this delegation.

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## 1 Background

1.1 The Strategic Priority 'Low Cost, Low, Carbon Energy across the District' has Strategic Goals that span multiple portfolios and service areas, including but not strictly limited to:

- Climate Change
- Housing, Health and Communities
- Neighbourhood and Assets
- Place, Arts and Economy (mainly related to Planning Policy).

- 1.2 For this reason, a Programme Board has been established to oversee the delivery of the Programme. The Programme Board is made up of the following members, with support from officers in the relevant service areas:
- Programme Director for Climate Change
  - Head of Housing, Health and Communities
  - Head of Neighbourhood and Assets
  - Portfolio Holder for Climate Change
  - Portfolio Holder for Housing and Assets
  - Leader of the Council and Portfolio Holder for Strategic Leadership
- 1.3 This Strategy provides the framework for the Programme and will be a reference point the Board to enable the programme to keep on track. There are five Strategic Goals as set out under Strategic Priority 2 (Low Cost, Low Carbon Energy across the District) in the Corporate Strategy. These are as follows:
- Reduce energy consumption and carbon emissions from the Council's public buildings.
  - Reduce energy consumption and carbon emissions from the existing Council Housing.
  - Provide homes which are safe and meet the Decent Homes standard for all our tenants including improving the energy efficiency of their homes.
  - Ensure new housing developments led by the Council are exemplars of planning and construction to meet the climate emergency and other challenges.
  - Explore multiple, innovative approaches to make it easier for others in the district [to reduce carbon and energy costs in buildings].
- 1.4 The Council has been prioritising carbon emissions from buildings prior to the adoption of the new Corporate Strategy. Buildings were understood to be a major source of carbon emissions at the time the climate emergency was declared in 2019. Subsequently the Climate Emergency Action Plan and the various iterations of the Climate Change Action Plan which followed the CEAP, include aspirations and actions relating to energy use and carbon emissions in buildings. The CCAP also includes a range of measures and a funding strategy to support the delivery of the CCAP actions.
- 1.5 Addressing Low Cost, Low Carbon Energy is therefore not new for the Council and there is a pre-existing framework to draw on as we prepare for the next stages of work in this area. However, the 2023 Corporate Strategy gives specific priority to this area, including cost and it is therefore proposed that the various threads from previous work (as well as the 2023 Corporate Strategy priorities), are brought together to provide a clear strategy and a reference point for the delivery and governance of Low Cost, Low Carbon Energy projects. This report, and in particular the strategy document set out at Appendix 1, seeks to bring together those pre-existing elements into a single place. In doing so, as far as possible, we have sought to avoid developing a new set of outcomes, benefits and measures, as these are already defined.
- 1.6 To deliver progress against the Strategy, a Low Cost, Low Carbon Programme Board has been established. To date this has met four times and has developed a Low Cost, Low Carbon Energy Programme Plan. It is the responsibility of the Programme Board to oversee progress by defining, delivering and updating this

Programme Plan, as well as ensuring the right resources and partnerships are in place. The Terms of Reference for the Programme Board are set out in Appendix 2 and the Cabinet is asked to endorse these. The Programme Board will draw on advice from the Low Cost, Low Carbon (or Climate Change) Members Advisory Group which has been established, and is made up of one member from each political group.

- 1.7 In addition, a Programme Plan has been designed to address the five Corporate Strategic Goals listed above, with a sixth area relating to projects that cover energy supply and cross cutting elements. The Programme Board will use the Programme Plan to ensure focus is maintained on the aims and benefits set out in the LCLC Energy Strategy. The priority workstreams for year 1 set out in paragraph 1.13 below will be incorporated within year 1 of the Programme Plan, although in all cases these workstreams will span several years.
- 1.8 The Programme Plan will seek to balance the need to deliver progress quickly where possible, against the need for careful research and feasibility work to ensure money is spent effectively on projects that are inevitably complex. The Programme Plan will therefore include live projects (such as the existing home energy support, green homes grants and asset decarbonisation work) as well as feasibility projects. Given the cutting-edge nature of some of the proposed projects, pilots will be considered to enable real-world learning to take place. Ensuring that time and capacity is made available to explore options and bring forward well thought-through businesses cases is important if the ambitions for low cost, low carbon energy are to be realised.
- 1.9 Individual projects that are deemed to be a key decision for the Council will continue to go through the appropriate Committee reporting process as usual.
- 1.10 As set out in recommendation 3, the Programme Plan will incorporate work to commence and progress the following priority projects during 2024/25:
  - 1.10.1 **Corporate Strategy Strategic Goal 1** - Reduce energy consumption and carbon emissions from the Council's public buildings:

**Priority Action (a)**- utilising the Renewable Energy Generation Reserve and other funding sources to deliver rooftop solar / low energy lighting in key WDC assets, alongside other decarbonisation works for WDC assets with the greatest potential to benefit from decarbonisation measures. As part of this we will seek to develop proposals for assets such as the Glasshouse Restaurant and Temperate House; the Pump Rooms; Jubilee House; and the leisure centres.
  - 1.10.2 **Corporate Strategy Strategic Goal 2** - Reduce energy consumption and carbon emissions from the existing Council Housing  
**Priority Action (b)**- utilising funding set aside in the HRA and other sources of funding, establish and agree a decarbonisation and energy reduction programme for the WDC housing stock enable WDC housing to achieve EPC C (or beyond) by 2030
  - 1.10.3 **Corporate Strategy Strategic Goal 3** - Provide homes which are safe and meet the Decent Homes standard for all our tenants including improving the energy efficiency of their homes.  
  
The Programme Board recognises the importance of this element of the Corporate Strategy in achieving the outcomes of the Low Cost, Low Carbon

Energy Strategy. However, it has also recognised that the scope of the Decent Homes Standard is much greater than low cost, low carbon energy, and that therefore actions directly linked to this Goal should be managed by the Housing Service in conjunction with the housing portfolio holder.

- 1.10.4 **Corporate Strategy Strategic Goal 4** - Ensure new housing developments led by the Council are exemplars of planning and construction to meet the climate emergency and other challenges.

**Priority Action (c)** – bring forward proposals to deliver high quality, net zero carbon (as defined at para 2.4(D) in the Strategy at Appendix 1) affordable housing on the Council owned sites.

- 1.10.5 **Corporate Strategy Strategic Goal 5** - Explore multiple, innovative approaches to make it easier for others in the district [to reduce carbon and energy costs in buildings].

**Priority Action (d)** – undertake a feasibility study and pilot to establish proposals to enable householders and businesses to reduce carbon emissions and energy costs. This will involve designing and piloting a scheme to deliver retrofit at scale across a range of housing tenures and other buildings, with different levels on offer to different sectors, whilst recognising the different challenges faced by householders with different incomes. The scheme will be designed to take careful account of the barriers (not just funding barriers) that householders and building owners face in retrofitting.

- 1.11 Subject to demonstrating feasibility and an effective spending profile, it is proposed that the Priority Actions relating the Corporate Strategy Goals 4 and 5 (low carbon new housing, and proposals to enable householders and businesses to reduce carbon emissions and energy costs) are included as part the Council's Growth Initiatives (LGIs) being notified to the West Midlands Combined Authority (WMCA) under the West Midlands Investment Zone (WMIZ) scheme Memorandum of Understanding (MoU) and legal agreement. See also the report on this agenda relating to the proposed LGIs. This will be subject to a significant feasibility and pilot project to establish how these areas of work can best deliver the aims of the LCLC Energy Strategy and the requirements of the MoU in the process of being agreed with the WMCA. Recommendations 3c and 3d therefore seek formal Cabinet support to bring forward proposals and a spending profile for Cabinet approval before the end of March 2026. As a first stage, a Feasibility and Pilot Project spanning 2024/25 and 2025/26 will be developed and brought forward to Cabinet for approval, including the resources required to undertake the feasibility and pilot project. This feasibility and pilot project will explore how to:

- Retrofit homes at a large scale including all tenures, to enable reduced costs and reduced carbon emissions.
- Deliver a replicable approach to retrofit which can continue to be rolled out where resources allow.
- At least in part, an income stream which could be reinvested to enable the funding to be stretched further.
- Confidence within the local community that retrofit is achievable and valuable.
- Low carbon energy provision on commercial and community buildings delivering both a saving for occupiers and an income for the Council.

- Enable and support house buyers and developers to deliver new housing that exceeds the minimum energy requirements and deliver affordable, comfortable new homes.
- develop local skills more widely to provide capacity for a highly skilled local construction workforce.
- grow local capacity to support local investment and innovation.

1.12 This report is not seeking any additional funding to deliver the Programme Plan, although further requests may be justified as proposals for individual projects are developed. Aside from any proposals to use the Local Growth Initiatives funding to support the Strategy, the starting point is to utilise existing WDC funding to best effect. The Climate Change Reserve (balance available - £320,000) and the Renewable Energy Generation Reserve (£500,000) provide capacity to fund some of the energy-related projects directly. The Renewable Energy Generation Reserve has been set aside to fund energy projects which have a relatively short payback period (for example some rooftop solar schemes), which can therefore deliver an income and/or savings in a short time period which the Council could then choose to reinvest into further renewable energy schemes. The Climate Change Reserve can be deployed more flexibly to support energy measures in WDC buildings. In addition, £5m has also been set aside within the HRA over 5 years to support energy reduction measures in WDC housing stock. Appendix 1 includes the range of funding sources that could be utilised to support different workstreams within the overall Programme, including:

- 1.12.1 Grants (such as the Swimming Pool Fund; Public Sector Decarbonisation Fund; Green Homes Grants)
  - 1.12.2 Borrowing and Bonds (such as UK Infrastructure Bank; Green Municipal Bonds; soft loans from community energy companies and PWLB) where there is a business case to enable affordable payback without undue risk.
  - 1.12.3 Other external sources of funding including obligations placed on energy companies or funding from other potential partners.
- 1.13 Recommendation 5 seeks agreement to give delegated authority to the Programme Director for Climate Change (in consultation with the Climate Change Portfolio Holder) to spend money from the Renewable Energy Generation (REG) Reserve subject to a business case that demonstrates the following criteria will be met:
- 1.13.1 the project will reduce carbon emissions for WDC or residents and organisations within Warwick District
  - 1.13.2 the project will deliver year-on-year energy cost savings for WDC or residents and organisations within Warwick District
  - 1.13.3 the cost savings will deliver a financial return to the Council (either through income or savings) such that the investment from the REG Reserve will be paid back in full within 10 years
  - 1.13.4 that there are effective ways of recovering the money from the financial savings to enable it to be returned to the Council's general fund, thereby providing the option to continually replenish the REG Reserve.

## **2 Alternative Options**

- 2.1 An alternative option would be to bring forward all of the projects that fall under the Low Cost, Low Carbon Energy Programme 'umbrella' separately, without any overall strategic direction to prioritise and consider

interdependencies. This is not a recommended approach as it would not use the Council's resources in the most efficient way, and it is possible that it would cause delays to achieving the Council's Corporate Strategy Goals and the Climate Emergency core ambitions.

- 2.2 Another alternative would be not to bring forward some/all of the projects that fall under the Low Cost, Low Carbon Energy Programme at all or to identify alternative projects. This is not a recommendation as the projects have been developed through the Low Cost Low Carbon Energy Programme Board and have also been subject to comment by the Climate Change/Low Cost Low Carbon Energy Programme Members Advisory Group.
- 2.3 There are alternative governance arrangements that could be established to oversee the delivery of the LCLC Energy Strategy. However, the Terms of reference set out at Appendix 2 are already being used by the Programme Board and have been designed to broadly align with the governance arrangements for the Corporate Strategy Strategic Priority 1.
- 2.4 It would be possible not to delegate authority to the Programme Director for Climate Change for utilising the Renewable Energy Generation Reserve. However, this has the risk that all individual projects would need Cabinet approval and would therefore potentially result in delay.

### **3 Legal Implications**

- 3.1 No legal implications have been identified at this stage. Any legal implications will be identified and assessed on a project-by-project basis.

### **4 Financial Implications**

- 4.1 The funding currently available to support the Strategy and Action Plan is set out in paragraph 1.14 above. The Strategy itself will not have any direct financial or procurement implications. However, the financial and procurement implications of each individual project that falls under this programme of work will be considered on a case-by-case basis.
- 4.2 There are a number of funding sources that will need to be used to deliver the numerous projects that fall under this programme of work – see Appendix 4.
- 4.3 Recommendation 4 proposes that two priority actions are considered for inclusion within the Local Growth Initiatives and could therefore benefit from funding under the West Midlands Investment Zone (WMIZ) scheme Memorandum of Understanding (MoU) and legal agreement. The report on Local Growth initiatives, also on this agenda, provides further detail on this.

### **5 Corporate Strategy**

- 5.1 **Delivering valued, sustainable services** – the individual projects that fall within the Low Cost Low Carbon Energy Programme are expected to support this strategic aim, albeit the recommendations within this report do not directly affect the delivery of this strategic aim. All individual project decisions made by the Programme Board will take into consideration the need to demonstrate financial sustainability and delivery of high-quality services. Where projects reduce costs or achieve increased income, consideration may be given as to whether those savings are used to strengthen the Council's overall financial position or whether they are "recycled" back in to the LCLC Energy Programme.
- 5.2 **Low cost, low carbon energy across the district** – the recommendations within this report will allow the implementation of the Low Cost Low Carbon Energy Programme, so contribute greatly to the delivery of the second strategic aim.

- 5.3 **Creating vibrant, safe and healthy communities of the future** - the individual projects that fall within the Low Cost Low Carbon Energy Programme are expected to support this strategic aim, albeit the recommendations within this report do not directly affect the delivery of this strategic aim. All individual project decisions made by the Programme Board will take into consideration the need to support improvements where people's community, economic and housing needs can be met, including consideration of the Decent Homes Standard.

## **6 Environmental/Climate Change Implications**

- 6.1 The delivery of the Low Cost Low Carbon Energy Programme aligns closely with the ambitions of the Climate Change Action Programme, working towards decarbonising our own assets, private housing and businesses, our own Council Housing stock, and helping others to do the same. With overall ambitions to reduce the district's carbon emissions, encourage renewable energy generation in the district with an emphasis on reducing energy bills where possible, the recommendations within this report support the work already being done by the Climate Change team and other service areas in the Council.

## **7 Analysis of the effects on Equality**

- 7.1 The LCLC Energy Strategy will seek to tackle energy costs for the District's residents, including those on lower income and those living in social housing.

## **8 Data Protection**

- 8.1 There are no Data Protection implications identified as a result of this report.

## **9 Health and Wellbeing**

- 9.1 There are no health and wellbeing implications identified as a result of this report directly, however, there will be benefits to the health and wellbeing of the district's residents through the delivery of individual projects that form part of this programme.

## **10 Risk Assessment**

- 10.1 Section 6 of Appendix 1 sets out the programme risks and mitigation. This will form the basis for developing a detailed programme risk register that will be reviewed on a regular basis by the Programme Board. Some of the key risks to highlight are set out below
- 10.2 The overall cost of delivering low cost, low carbon energy, recognising that each of the 5 goals will have very significant funding requirements that go well beyond the existing resources available. Cost could also escalate. This risk will be mitigated by making the best use of WDC funding to enable other sources of funding to be accessed. However, until alternative funding streams – and the constraints that come with them – are understood, this will remain a significant risk.
- 10.3 One risk is ineffective programme governance, but this has been mitigated by the membership of the programme board as set out in 1.2, covering the most relevant service areas both with senior officers and elected Members. The terms of reference can be found at Appendix 2.
- 10.4 Another risk is poor data or difficulty in measuring impacts meaning the programme cannot be effectively monitored to flag project delays or issues in enough time. This is being mitigated by establishing a clear set of outcomes and measures and through regular reviews of the Programme Plan at the Programme Board meetings.

- 10.5 A further risk is that the work involved in delivering low cost, low carbon energy will inevitably require innovation and a reliance on new technology. Linked to this, local skills may be limited. This could significantly inhibit progress. For this reason, pilots and local skills development will form part of the way projects are planned and delivered.
- 10.6 A further risk is that electricity grid capacity. Low carbon energy will require multiple grid connections. Previous experience shows that grid connection capacity is variable across the District. This risk will nbe mitigated by early involvement of the DNO in project planning.
- 10.7 The final risk is being too rigid and not taking advantage of new technologies opportunities as and when they arise. To mitigate this, a level of flexibility will allow for new projects and ideas to be discussed at the Programme Board and Members Advisory Group, going through the governance process before being added to the Action Plan if appropriate.
- 10.8 It should also be acknowledged that there are significant risks in not pursuing the Low Cost, Low Carbon Energy Programme. These risks include impacts on climate change, fuel poverty, health and wellbeing, as well as reputational risks for the Council in the context of the goals set out in the Corporate Strategy. This Strategy is a key element in mitigating those risks.

## **11 Consultation**

- 11.1 The Action Plan has been reviewed by the Low Cost Low Carbon Energy Programme Board on 7<sup>th</sup> May 2024 and the Climate Change Members Advisory Group on 9<sup>th</sup> May 2024.

### **Background papers:**

Appendix 1: Low Cost Low Carbon Energy Programme Strategy

Appendix 2: Low Cost Low Carbon Energy Programme Board Terms of Reference

### **Supporting documents:**

WDC Corporate Strategy

WDC Climate Change Action Programme

## **Low Cost Low Carbon Energy Programme Strategy**

### **PART 1: The Strategy – Aims, scope, measures and priorities**

#### **1. Introduction**

- 1.1. The Low Cost Low Carbon Energy Programme is one of three corporate priorities as set out by Warwick District Council in the Corporate Strategy adopted in 2023. While the Corporate Strategy sets out the key strands of work within this priority, this Low Cost Low Carbon Energy Strategy seeks to provide greater focus and clarity on the scope of the programme, its priorities and ambitions, to help monitor the progress of projects that fall under this programme.
- 1.2. This Low Cost Low Carbon Energy Strategy draws on elements of the Corporate Strategy, but also aligns with the key ambitions of the Climate Change Action Programme. Care has been taken in the preparation of this strategy to avoid adding new additional measures and expected outcomes, as these have already been defined in existing WDC documents.
- 1.3. As set out in the Corporate Strategy, the Low Cost Low Carbon Energy Programme and its key strands of work can be defined as follows:

“The Council will look to find ways to reduce energy consumption and bills in Council civic buildings, Council housing, and help others to do the same, such as privately owned homes, businesses and other public and voluntary sector organisations. Support programmes and initiatives will be developed that meet national standards of accreditation to ensure performance in use is optimised. A performance measurement approach will be developed to assess the long-term benefits of the improvements made.”

#### **2. Programme: Aims, Method and Scope**

- 2.1. As the name suggests, the programme will focus on both the costs and the carbon emissions associated with energy use in buildings, giving equal weight to both cost and carbon.
- 2.2. The programme seeks to:
  - a) address the carbon emissions associated with the use of energy in buildings and the consequent impacts on climate change
  - b) tackle energy costs, recognising the impact that higher energy costs have had for the cost of living for residents, the impacts on business and the impact on the Council’s own costs
- 2.3. Encouraging low cost, low carbon energy in other areas such as travel (e.g. EV infrastructure) or the decarbonisation of the Council’s vehicle fleets, is still a priority for the Council but this area of work falls under a

different priority within the Corporate Strategy and is therefore monitored separately.

- 2.4. For clarity, the five strategic goals that fall under the Low Cost, Low Carbon Energy Programme are set out below, with the specific aims, method and scope relating to that goal set out beneath them:

**A) Reduce energy consumption and carbon emissions from the Council's public buildings.**

**Our aims:**

- Less CO2 emitted from the Council's public buildings.
- Lower energy bills for the Council.
- Increase in the renewable energy generation capacity for Council buildings.
- An established investment fund for energy conservation and renewable energy

**Method and Scope:**

The Programme Board will oversee the decarbonisation of a number of the Council's public buildings with the highest carbon emissions, adopting a fabric-first approach through retrofit measures, and where appropriate, the installation of solar panels to generate our own renewable electricity. Action plans have been and continue to be developed for individual buildings and the funding source for each project will vary, ranging from grants, borrowing or the Council's own budgets.

**B) Reduce energy consumption and carbon emissions from existing Council housing**

**Our aims:**

- For there to be lower energy bills for Council tenants.
- Council homes to be EPC C and where resources allow consider plans to go further
- Council homes to be responsible for emitting less CO2
- A toolkit to be in place to measure and assess the impact of measures that are introduced

**Method and Scope:**

A Housing Decarbonisation Strategy will detail how to reach EPC C across all of Warwick District Council's housing stock by 2030. The Programme Board will oversee the implementation of this strategy, monitoring progress against key milestones as set out in the strategy.

**C) Provide homes which are safe and meet the Decent Homes standard for all our tenants, including improving the energy efficiency of their homes.**

**Method and Scope:**

The Programme Board recognises the importance of this element of the Corporate Strategy in achieving the outcomes of the Low Cost, Low Carbon Energy Strategy. However, it has also recognised that the scope of the Decent Homes Standard is much greater than low cost, low carbon energy, and that therefore actions directly linked to this goal should be managed by the Housing Service in conjunction with the Housing Portfolio Holder, whilst linking with this strategy wherever necessary.

**D) Ensure new housing developments led by the Council are exemplars of planning and construction to meet the climate emergency and other challenges.****Our aims:**

- New Council homes to be net-zero carbon in operation.
- New Council homes to provide an example of what can be achieved and as a result support better energy performance in private-sector led developments.
- Quality homes for residents of our district that are energy efficient and have lower running costs

**Method and Scope:**

When new housing developments led by the Council come forward, it falls within the scope of this Programme Board to ensure where viable, that these developments are seen as exemplars in terms of planning and construction and are used to influence developers to meet the climate emergency. This Programme Board will ensure that WDC is leading by example in its housing developments, in turn encouraging private developers to follow suit. The Programme will use the UK Green Building Council's definition of Net Zero buildings in operation "When the amount of carbon emissions associated with the building's operational energy on an annual basis is zero or negative. A net zero carbon building is highly energy efficient and powered from on-site and/or off-site renewable energy sources, with any remaining carbon balance offset." Whilst embodied carbon and unregulated energy are important considerations and will be considered in the Programme's work, the focus will be on achieving net zero in relation to operational, regulated energy in new buildings.

**E) Explore multiple, innovative approaches to make it easier for others in the district to reduce their energy needs****Our aims:**

- The Council to be helping residents and businesses in the district reduce carbon emissions and energy costs.

- Reducing carbon emissions across the district.

**Method and Scope:**

In addition to building on the existing work taking place in the domestic retrofit sector through government grant schemes, this Programme Board will also oversee the development of a scheme or schemes to upscale this work to reach more residents and businesses in the district. As well as the capital projects around retrofit and renewable energy installation, the Programme Board will also consider the need to increase green skills in the district and beyond.

- 2.5. The approach will be to achieve synergies between these 5 goals wherever possible so that projects can deliver multiple benefits. However, where choices need to be made between the different goals, a balance will be struck taking account of the potential “size of the prize” and our confidence in being able to deliver that “prize”. It is also acknowledged that there could be relationships and tensions with other Council goals, such as the need to deliver more affordable housing. In these circumstances it will be necessary to link to other strategies such as how we use HRA funding to best effect to deliver new Council housing, net zero ambitions, retrofit and statutory requirements around housing standards and compliance.

**3. Measuring Progress**

- 3.1. While a more detailed set of operational measures will be monitored by the Programme Board on a project-by-project basis to ensure all projects set out in the Low Cost Low Carbon Energy Programme action plan are delivering as expected, the six annual measures below are the key indicators that will be used to monitor the progress of the Low Cost Low Carbon Energy Programme as a whole.
- 3.2. For the purposes of measuring progress at a strategic level, the programme has been separated into three key strands ‘Public Buildings’, ‘Council Housing’ and ‘Helping Others with Retrofit’, and the measures set out clearly following the key corporate priorities of ‘low cost’ and ‘low carbon’ energy across the district. Where possible, the actual statistics will be used to measure progress, but estimates will be used when necessary, as set out in the table below:

	‘Low Cost’	‘Low Carbon’
Public Buildings	Actual cost of energy used in the Council’s public buildings	Actual total CO2 emissions from the Council’s public buildings

Existing Council Housing	Predicted savings on energy bills for residents who have been supported by WDC through retrofit advice/implementation.	Predicted CO2 reductions from Council Housing as a result of WDC retrofit interventions
New housing developments led by the Council	Indicator to be developed potentially drawing on data from the newly adopted NZC DPD	Indicator to be developed potentially drawing on data from the newly adopted NZC DPD
Helping Others with Retrofit	Predicted savings on energy bills for residents who have been supported by WDC through retrofit advice/implementation.	Predicted total CO2 emission savings for residents who have been supported by WDC through retrofit advice/implementation.

- 3.3. As well as the six primary key indicators set out in the table above, the following five measures will also form part of the strategic progress monitoring at programme level as they are deemed to be secondary key indicators of progress:
- (1) Percentage of electricity used in the Council’s public buildings generated from renewable electricity produced onsite.
  - (2) Percentage of Council homes reaching EPC C or above
  - (3) For new WDC homes, the average percentage reduction in pre-offset CO2 emissions compared with other houses built in the district (as measured through the calculations of residual carbon emissions required to comply with the Net Zero Carbon DPD)
  - (4) Number of retrofit measures implemented by WDC residents or businesses as a result of the Council’s retrofit support scheme
  - (5) Estimated overall District-wide carbon emissions from buildings as assessed through “Scatter” or similar data.
- 3.4. A Programme Dashboard will be developed to enable the Programme Board and others to track progress on these measures in the table and listed above.
- 3.5. As stated previously, more detailed measures will be monitored by the Programme Board on a project-by-project basis.
- 4. Headline Priorities for 2025/26**
- 4.1. The Low Cost, Low Carbon Energy Programme spans a broad range of projects at various scales, some of which are new and some of which are a continuation of work that is already underway. The Programme will include projects which can deliver benefits early and others that will deliver benefits over several years.
- 4.2. Phase 1: The following projects have been identified as the priorities for 2024/25 as these are practical steps that we can start work on

immediately, albeit the projects will not be completed within 2024/45 due to their scale:

- a. Deliver rooftop solar / low energy lighting in key WDC assets, alongside other decarbonisation works for WDC assets with the greatest potential to benefit from decarbonisation measures.
  - b. establish and agree a decarbonisation and energy reduction programme for the WDC housing stock to enable WDC housing to achieve EPC C (or beyond) by 2030
  - c. bring forward proposals to deliver high quality, net zero carbon affordable housing on the Council owned sites.
  - d. undertake feasibility and pilot work to establish a programme to enable householders and businesses to reduce carbon emissions and energy costs.
- 4.3. Phase 2: A review of priority projects for the coming year will be undertaken by the Programme Board annually. While the projects are not yet defined, major workstreams are likely to be around:
- e. Further retrofit works to our own public buildings, including more complex measures like replacement heating systems
  - f. The development and adoption of our own Net Zero definition for use in new housing developments, enabling the Council to lead by example.
  - g. The formation of development principles, building on the work undertaken at the Council-owned sites of Leyes Lane and Rouncil Lane to set out aspirations for the energy performance of new developments brought forward by the Council.
  - h. Increasing public awareness and accessibility of home energy support available to residents in the area through a more advanced communication strategy.
  - i. Exploring energy collaboration at a wider geographical scale, including looking at the development of a Local Area Energy Plan or some form of Strategic Energy Partnership.
- 4.4. While the above is by no means an exhaustive nor concrete list of the projects that the Low Cost, Low Carbon Energy Programme will look to bring forward to achieve its ambitions, it should give a flavour of some of the major projects currently set out in its action plan, that will be reviewed and updated on a regular basis by the Programme Board.

## **PART 2: Delivering the Strategy**

### **5. Critical Success Factors**

5.1. The Programme will focus on the delivery of this Strategy. It will do this by

- a) Developing a Programme Plan which sets out the key workstreams and projects and ensures these are phased appropriately.
- b) Ensuring each project within the Programme has a clear business case, is allocated the necessary resources and that risks are carefully managed.

5.2. In addition the following success factors will be reviewed by the Programmed Board

- **Leadership** – political leadership to set a clear strategy and ensure focus is maintained; officer leadership to ensure resources are in place, opportunities are exploited and barriers addressed; partnerships are developed and maintained; and good quality data is available and is used to learn and improve.
- **Commitment** – this will be complicated and will involve significant funding. Unwavering commitment will be important.
- **Gaining momentum** – ensure that tangible, measurable progress is made in the early stages of the programme to ensure momentum carries through to future years.
- **Understanding customers** – design projects and interventions which work from the point of view of customers. This will require market research, scheme pilots, feasibility assessments and learning by doing.
- **Innovation and risk taking** – WDC have a limited track record in this area and indeed across the public sector there are limited examples of successful interventions. It will therefore be necessary to be innovative in the approaches we take, with experimentation and learning key. As a result, proportionate risks may need to be taken.
- **Using data and evidence** – ensuring interventions are designed to deliver data on their impact and that ongoing reviews of the data and evidence are used to achieve improvements. This is particularly important in the context of the need to innovate and experiment.
- **Partnerships and collaboration** – the scale of the tasks, particularly around renewable energy, home energy and businesses is such that WDC will not be able to do it all alone. It is reasonable to expect that the Council will need to collaborate and to establish partnerships to deliver the programme. Identifying appropriate partners whose geography and aims align with the Council's will be critical.
- **Resources** – ensuring the programme is properly resourced in terms of funding, skills and staffing will be important. This will be the overall responsibility of the Programme Board supported by clear business cases which identify resource requirements as early as possible.

## 6. Risks within LCLC Energy Programme

6.1. A full risk register will be developed and will be regularly overseen by the Programme Board. Once the Strategy has been approved, the risks will be fully assessed, and risk scores will be applied. The following risks and mitigations will be included:

- Risk 1: Cost of delivering low cost, low carbon energy and the potential that insufficient funding available to deliver the priorities.

Mitigation: the funding strategy will be utilised to establish applicable funding opportunities

- Risk 2: Poor data or difficulty in measuring impacts  
Mitigation: include data collection processes and resources within projects
  
- Risk 3: Changing national priorities and funding  
Mitigation: include horizon scanning on Programme Board agendas to ensure we are aware as early as possible of any changes or opportunities.
  
- Risk 4: Constraints associated with grant funds  
Mitigation: apply for grants that align with our aims; establish a pipeline of projects where regular grant schemes are in place
  
- Risk 5: Ineffective partnerships  
Mitigation: ensure strategic alignment when developing partnerships
  
- Risk 6: Changing technology and lack of examples and benchmarks from elsewhere to learn from  
Mitigation: as far as possible, learn from examples elsewhere and be prepared to experiment and learn from our own experiences.
  
- Risk 7: Increasing costs  
Mitigation: Building in reasonable and justified contingencies in to project costs
  
- Risk 8: Access to technical expertise in a fast-changing world  
Mitigation: Seek to recruit and retain internal expertise where we can, work with partners and use consultancies where other options are not available.
  
- Risk 9: ineffective programme governance resulting in the aims of the programme not being achieved.  
Mitigation: the Programme Board has been established with clear terms of reference
  
- Risk 10: Staff resources and organisational capacity to deliver the strategy  
Mitigation: identify staff resource requirements for each workstream or project within the Programme Plan

## 7. Funding Strategy

7.1. The Council has three established sources of funding for 2024/25 to support the delivery of the Strategy.

Source of Fund	Quantity	Timescales	Focus	Comment
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Climate Change Reserve	£320k	One off 2024/25	Retrofit of public buildings; feasibility and pilot work for large scale housing retrofit programme	Potential to supplement this in future years through the annual Climate Change Budget and or the Corporate Assets Reserve
Renewable Energy Generation Reserve	£500k	One off 2024/25	Rooftop solar and LED lighting in Council and Community buildings	Future additions to the reserve to be considered as part of annual budget setting. Potential to continually top up the reserve through savings and income achieved.
HRA Business Plan	£5m	Over 5 years	Council Housing Decarbonisation and Energy Efficiency Strategy	

## 7.2. Future Funding Opportunities

Sources of Funding	Proposed Focus	Comments
(Internal) WDC Climate Change Budget	WDC corporate assets; match funding for grants; communications, promotions; small scale contracts with partners such as Act on Energy.	Annual budget of £500k. Has significant "other" commitments including biodiversity, staffing, and other elements of the CCAP. However, still incorporates potential for some funding energy related projects
Other WDC budgets such as Corporate Assets Reserve; HRA	Decarbonisation of WDC corporate assets; and Council housing  Development low carbon new housing	Where projects are building-related being planned, these budgets can support this strategy (e.g roofing work, door and windows replacement, replacement of end-of-life heating systems etc
WMIZ Growth Initiative Funding	Upscale of Retrofit Scheme (alongside borrowing)  New Net Zero Housing	This is subject to agreement of the MOU with WMCA and will require a feasibility study and spending profile to be established
Partnerships with Energy Companies	Support households to introduce energy measures	May require formal partnership(s) to maximise benefit. Energy company obligations can be promoted by WDC
Future UKSPF	Green skills	Future UKSPF may be managed by WCC. Encourage WCC and

		education providers the extend the local green skills offer
Grant Funding (PSDS; Green Homes Grants, Swimming Pool Fund etc.)	Continuation of existing schemes helping residents retrofit.  Newbold Comyn Leisure Centre rooftop solar installation  Potential district heating scheme	Timing, criteria and extent of future grant schemes is unknown. Developing and maintaining a pipeline of potential projects is therefore important.
Borrowing from a range of sources (UKIB; PWLB; Community Bonds; Community Energy)	Upscale of Retrofit Scheme (alongside WMIZ Growth Funding)  Rooftop solar on WDC Public Buildings (if appropriate)  Rooftop solar and fabric measures for private buildings (privately owned homes and businesses)  District heating	
Carbon offsetting and S106	Decarbonisation of Council Homes	As set out the Net Zero Carbon DPD, this should only be used as a last resort where Net Zero cannot be achieved on site.

## 8. Communication Strategy

- 8.1. The actions of the Low Cost, Low Carbon Energy Programme are not entirely new and many already form part of the Climate Change Action Plan which has an already developed Climate Change Communications and Community Engagement Strategy.
- 8.2. Communicating 'Low Cost Low Carbon Energy' as a programme in itself may not be entirely relatable to residents, however the achievements and case studies from the work stream will be and therefore, it is the intention to focus on promoting the work through the wider climate change communications already underway.
- 8.3. In relation to business engagement and community partnership work which includes external stakeholders, there will be the opportunity to promote the programme in line with the wider Business Strategy of the authority.

## **Low Cost, Low Carbon Energy Programme Board & Governance**

### **1) Programme Board**

#### Purpose

The purpose of the Programme Board is to:

- Demonstrate ownership for the work programme.
- Work as a team to provide collective and unified direction.
- Provide effective delegation with appropriate project tolerances and exception management processes.
- Facilitate cross functional working to support delivery of projects and actions, where required.
- Ensure where possible all of the resources required are in place, to successfully complete the projects.
- Undertake effective decision-making including risk, issue and change management.
- Undertake project assurance and quality control where required.
- Ensure timely and effective communication of within the project and including with external stakeholders.
- Ensure that the project deliverables are reliable, sustainable and can be maintained efficiently.

#### Membership

The Members of the Programme Board are as follows: The Portfolio Holder for Climate Change (Chair); the Portfolio Holder for Housing and Assets; the Leader of the Council; Head of Housing, Health and Communities; Head of Neighbourhood and Assets; Programme Director for Climate Change

The Programme Board will meet on at least a Quarterly basis

### **2) Programme Advisory Group**

#### Purpose

The purpose of this advisory group is to provide advice and guidance on the approach and proposals to be taken in delivering the programme.

### Membership

The Programme Advisory Board will be made up of one Councillor from each of the five political groups as well as the Portfolio Holder for Climate Change. The current membership is Councillors Kohler, Noonan, Margrave, King and Kennedy as well as Councillor Williams.

The Group is supported by the Programme Director for Climate Change and other officers as required.

Title: Authority to Amend Shared Ownership Leases  
 Lead Officer: Will Anstey (Ext. 6044 will.anstey@warwickdc.gov.uk)  
 Portfolio Holder: Councillor Paul Wightman  
 Wards of the District directly affected: All wards

<b>Approvals required</b>	<b>Date</b>	<b>Name</b>
<b>Portfolio Holder</b>		Paul Wightman
<b>Finance</b>		Charlie Griggs
<b>Legal Services</b>		Katherine Tebbey
<b>Chief Executive</b>	07.06.2024	Chris Elliott
<b>Director of Climate Change</b>	11.06.2024	Dave Barber
<b>Head of Service(s)</b>	06.06.2024	Lisa Barker
<b>Section 151 Officer</b>		Andrew Rollins
<b>Monitoring Officer</b>		Graham Leach
<b>Leadership Co-ordination Group</b>		
<b>Final decision by this Committee or rec to another Cttee / Council?</b>	Yes/ No Recommendation to: Cabinet / Council ..... Committee	
<b>Contrary to Policy / Budget framework?</b>	No/Yes	
<b>Does this report contain exempt info/Confidential? If so, which paragraph(s)?</b>	No/Yes, Paragraphs:	
<b>Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?</b>	No/Yes, Forward Plan item – scheduled for ..... (date)	
<b>Accessibility Checked?</b>	Yes/No	

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## Summary

This report seeks approval for a new policy explaining how applications for alterations and extensions to shared ownership properties will be managed and works overseen as required.

## Recommendations

- (1) That Cabinet approves a new policy (as attached at Appendix \*\*\*) setting out the process for applicants to apply for consent for alterations and extensions to WDC shared ownership homes and how applications will be assessed and recommends to Council the approval of the fees set out in the policy.
  - (2) To grant delegated authority for the Head of Housing in consultation with the Portfolio Holder for Housing and Assets, to make minor amendments to the policy as necessary, excluding the fees and asks the Council to update the Constitution to reflect this delegation.
  - (3) To grant delegated authority for the Head of Housing to amend shared ownership leases for the purpose of permitting residents to alter and extend their homes subject to the written agreement of the Council and asks the Council to update the Constitution to reflect this delegation.
- 

## 1 Reasons for the Recommendations

### *Introduction*

- 1.1 This report concerns the Council's shared ownership homes. Shared ownership homes are a form of affordable housing where a resident buys part of a home and pays rent on the remaining part, which is owned by a Council or Housing Association. Shared ownership provides a route to home ownership for households unable to afford an equivalent home on the open market. The Council own a small but growing number of shared ownership homes.
- 1.2 This specific matter has arisen after the residents of a Warwick District Council (WDC) shared ownership home on Great Field Drive, Warwick, sought permission from the Council to alter and extend their home to accommodate their family. It was found that the Council does not have a policy setting out how it will determine requests to alter or extend shared ownership homes. To ensure fairness and consistency in decision making, and to protect Council assets, it is considered that a policy is required.
- 1.3 In addition, the existing lease does not include a mechanism to allow the Council to permit the residents to make structural alterations to their home. If the Council wants to agree to the works, the lease requires amendment.
- 1.4 The Scheme of Delegation includes authority for the Head of Housing to approve the terms to be incorporated into new shared ownership leases (HS-93) but does not include authority to instruct changes to existing shared ownership leases. It also does not give any authority to prepare and apply a policy authorising alterations or extensions to shared ownership properties. These matters therefore require Cabinet approval.

## **Recommendations 1 and 2 - Policy**

- 1.5 A formal policy covering requests for extensions and/or alterations to WDC shared ownership homes is considered necessary to provide clarity for residents, transparent decision making and to ensure the Council's interest in a property is not adversely affected by any alterations or extensions.
- 1.6 A draft policy has been prepared and is attached to this report at Appendix X. The policy is intended to be publicly available and therefore starts with an introduction and background along with guidance on when consent may or may not be required.
- 1.7 The following section, titled 'What Alterations Will Not Be Permitted', identifies certain types of work that won't be permitted and circumstances when work will not be allowed. In respect of communal areas, given a resident's ownership only extends to their property it would be inappropriate for them to undertake any works to communal areas. These might be internal areas but could also include external areas such as resident car parks and landscaped areas.
- 1.8 The exclusion of third party funded solar panels is necessary to avoid legal complications from having equipment fitted to a property owned by a third party. Excluding wood burners and the alike is considered appropriate to protect local air quality.
- 1.9 In respect of normally withholding consent if a resident owns less than 50% of the property, this is recommended as a way to manage the risk exposure of the Council if there are any problems with the works. There may however be situations where we wish to deviate from this policy if a resident has a specific need for alterations, such as for a disability.
- 1.10 The policy continues to explain the application process and includes guidance on the supporting information likely to be required. Due to the wide range of alterations a resident may wish to undertake, it is not possible to set out exactly what supporting information will be required. Contact details will be included in the policy to allow residents to make enquiries with the Council before submitting an application. An application form template has been prepared to identify the information that would be required for an application however a digital form will be developed in line with the Council's move to digital service delivery.
- 1.11 The assessment criteria listed in the policy covers the key factors that will need to be assessed in determining an application in order to protect the interest of the Council in the property and neighbouring properties. The purpose of listing these criteria is to allow residents to understand the factors that will be considered as part of their application and the range of matters that will have to be taken into account.
- 1.12 The policy also identifies conditions that may be applied to any permission granted. The conditions listed are intended to mitigate the risk to the Council of the resident undertaking works.
- 1.13 The application process will create additional work for Officers and therefore it is considered appropriate to charge a fee for applications. Two fees are proposed, one for minor works which will not require significant Officer time and a higher fee for more significant works which will require more Officer time. The fees will continue to be evaluated as part of the ongoing fees and charges review and as the policy is implemented.

- 1.14 The policy also highlights the potential building insurance implications of residents undertaking work and the impact of alterations on the property value.
- 1.15 In addition to approving the proposed policy, the recommendation also seeks delegated authority for the Head of Housing to make minor alterations to the policy as necessary. Given this is a new area of work for the Council, it is anticipated that minor changes may be required once we start applying.
- 1.16 If the policy is approved, an internal procedure will be prepared setting out the internal processes to ensure the smooth operation of the policy. This procedure will consider how our internal processes can be made digital to improve customer experience and efficient service delivery.

***Recommendation 3 - Lease Amendment***

- 1.17 All shared ownership homes are sold as leasehold, including houses. This is because the resident only buys part of a property and the Council retains ownership of the remaining part, along with the freehold.
- 1.18 The lease is made between the resident and WDC and gives the resident the right to occupy their shared ownership home subject to certain conditions. These conditions include, amongst other matters, a requirement to pay rent on the part of the property they don't own, restrictions on what they can and can't use the property for and what works they can and can't do to the property.
- 1.19 Different properties have different leases. The lease for the shared ownership homes on Great Field Drive includes a covenant preventing the residents from undertaking certain works, as follows:

*Not to:*

*(a) Make any alterations or additions to the exterior of the Premises;*

*(b) Make any structural alterations or structural additions to the Premises;*

*(c) Erect any new buildings on the Premises; or*

*(d) Remove any of the Landlord's fixtures from the Premises*

- 1.20 This covenant protects the Council's interest in the property by ensuring that residents do not make changes which could be detrimental to the property value, could require rectification by the Council or adversely affect adjoining properties. However, there is no mechanism in the lease to allow the Council, as landlord, to give consent for any extensions or significant alterations if it considers it is reasonable and appropriate to do so.
- 1.21 Purchasing a shared ownership home is a significant commitment for a household. Having made that commitment a household may find that they want or need to change their home to meet their circumstances. Altering an existing home can often be a more affordable option than moving to a different property. It may also be that no suitable alternative homes exist, or the costs of moving are prohibitive. For these reasons it is considered there will be circumstances where the Council concludes that permitting a resident to extend or alter their home is reasonable. However, the existing clause in the lease prevents the Council from doing so.
- 1.22 As the existing covenant serves a valuable purpose in protecting the Council's interests it is not proposed to remove it, but to modify it to introduce the facility for the Council to give consent where appropriate. This consent would be in writing and would be conditional to ensure the Council retains oversight of any works a resident proposes. The decision on whether to grant consent would be taken by the Head of Housing in accordance with a new policy on Altering

and Extending Shared Ownership Properties as set out in Appendix X (please see Recommendation 2).

- 1.23 Legal advice received on this matter confirms that the Council can make an application to the Land Registry to discharge or modify a covenant on an existing lease. However, an exception cannot be made in an individual case, therefore if the covenant was modified, this modification would apply to the whole of the Council's interest in an estate. This is one reason why delegated authority is sought on a general basis rather than for a specific property. The second reason is that it may be necessary to modify leases on other estates to give residents the same flexibility in the future and the delegated authority, if granted, would allow the Head of Housing to action this without seeking further approval from Cabinet.
- 1.24 Any change to the lease or consent provided to a resident for alterations would not affect the need for the resident to obtain relevant statutory consents such as planning permission and building regulations approval.
- 1.25 Officers have reviewed the policies of other Registered Providers and most have a process in place to allow shared ownership residents to apply for permission to alter their homes, though the details vary between Registered Providers and are subject to limitations in individual leases.
- 1.26 Moving forward it is intended for all new shared ownership leases to include provision for the Council to grant permission for extensions.

## **2 Alternative Options**

- 2.1 In respect of the policy recommendation, it is considered necessary to have a policy controlling alterations and extensions to shared ownership homes. Therefore the only alternative option is not to approve the policy and require Officers to prepare amendments. Members may also choose not to give delegated authority to the Head of Housing, Homes and Communities to make minor changes to the policy in order to retain full control over the policy. Any changes would then need Cabinet approval which could, in turn, add considerable delay.
- 2.2 In respect of the lease recommendation, there are two alternative options. The first is not to agree to any changes to shared ownership leases. This would prevent residents making structural alterations or extensions to shared ownership homes. For the reasons discussed above it is considered that there are likely to be circumstances where residents may reasonably wish to alter their homes and therefore if flexibility is not introduced into leases, it could cause reputational damage to the Council and could also negatively affect the living conditions of residents. Further, it could harm Council sales of new shared ownership homes if prospective buyers are deterred by this position.
- 2.3 The second option is to require any proposed lease change for the purpose of permitting an extension or alteration to a shared ownership home to be approved by Cabinet. This option would require cases to be presented to Cabinet as and when they arise which would require additional Officer time to prepare reports and additional Cabinet time to consider them. This would also delay the approval process for residents potentially by some months. Given the additional administrative burden, this option is not preferred.

## **3 Legal Implications**

- 3.1 It is recommended that providers developing Shared Ownership with Homes England grant should adopt the model lease though this is not a requirement. However, the model leases provided by Homes England are considered as a widely accepted route to providing the necessary protection and comfort to providers, leaseholders, lenders and others. Providers looking to use alternative leases that differ too much from the model leases in content and format may find particular difficulties in selling or re-selling their Shared Ownership homes. Providers can amend the model leases to suit circumstances without the consent of Homes England. Homes England's consent is required if providers wish to vary one of the fundamental clauses. However, applications for consent to carry out alterations is not considered to be a fundamental clause. Where existing leases need to be varied to reflect the proposed change in policy, this can be done by way of agreement between the parties and documented accordingly. Thereafter, the model form of agreement can be modified in accordance with the recommendations within this report.

#### **4 Financial Services**

##### ***Recommendation 1 and 2 - Policy***

- 4.1 There would be a small additional burden on Officer time to consider and determine resident requests for alterations and extensions. There would also be Officer time required to monitor works whilst they are ongoing. A fee is therefore proposed to assist with this additional cost which will be evaluated as part of the ongoing fees and charges review.
- 4.2 There would also be legal fees associated with issuing licences for structural works to proceed, which are normally paid by the leaseholder. Legal have advised that each licence is £750 plus disbursements, though we have discretion to reduce these to £325 if considered appropriate.
- 4.3 Financial risks associated with allowing residents to undertake alterations to their homes are considered in the risk assessment section below.

##### ***Recommendation 3 - Lease***

- 4.4 There would be legal costs associated with amending existing leases which would be covered by the Council. Legal Services have advised that the existing lease can be modified by way of a Deed of Variation and there is a fixed fee of £750 plus disbursements to undertake this work.

#### **5 Corporate Strategy**

- 5.1 Warwick District Council has adopted a Corporate Strategy which sets three strategic aims for the organisation.
- 5.2 ***Delivering valued, sustainable services*** – The recommendations will assist in delivering valued services to our residents by ensuring those living in WDC owned shared ownership homes have the opportunity to adapt their homes to meet their needs.
- 5.3 ***Low cost, low carbon energy across the district*** – This matter is likely to have a neutral impact on this priority with a small potential for minor benefits. Allowing alterations and extensions to shared ownership properties typically wouldn't have a significant impact on energy consumption or costs. However, a small benefit may arise if a resident wishes to make improvements specifically targeting energy use.
- 5.4 ***Creating vibrant, safe and healthy communities of the future*** – The recommendations directly align with this priority as they would enable residents to better meet their own housing needs. It would also allow people to remain in

their homes rather than moving, thereby helping to sustain healthy communities.

## **6 Environmental/Climate Change Implications**

- 6.1 There are no significant environmental or climate change implications identified for either recommendation.

## **7 Analysis of the effects on Equality**

- 7.1 In many cases the motivation for alterations will be personal preference but there may be situations where works are necessary to accommodate the medical needs of residents. The recommendations ensure that residents will be able to meet their specific needs which they are unable to at the moment. The proposals there have a positive impact on the protected characteristics of age, disability and pregnancy & maternity. The recommendations are considered to have a neutral impact on sex, race, religion or belief, gender re-assignment, sexual orientation and marriage & civil partnership.

## **8 Data Protection**

- 8.1 The policy recommendation will require residents to submit their details to us along with details of the work they intend to undertake. The details required are set out in the draft policy and the application form.
- 8.2 The contact details requested on the application form are no more than the information we already hold as landlord and are only required to identify the resident's application and ensure we have the correct contact details.
- 8.3 In respect of the supporting information required, there are two areas where personal and special category data may be collected; the supporting reasons for the alterations or extensions which may include health information and the financial information to confirm the resident has the funds to undertake the work.
- 8.4 This information will only be used in connection with assessing the application and will not be used for any other purposes. It will be stored in accordance with the Council's existing privacy and data protection policies.
- 8.5 The lease recommendation has no data protection implications.

## **9 Health and Wellbeing**

- 9.1 Allowing residents to adapt their homes to meet their needs should be beneficial to their health and wellbeing, particularly where changes are needed for medical reasons. The proposed policy also requires that we consider the impact of proposed alterations on neighbouring residents, thereby ensuring their health and wellbeing is taken into account.

## **10 Risk Assessment**

- 10.1 Risks of proceeding with recommendations:

<b>Risk</b>	<b>Mitigation</b>
Residents undertake poor quality work which devalues the property or requires rectification and the residents is unwilling or unable to address the problems.	The application process is designed to filter out unsuitable proposals and ensure that acceptable proposals are undertaken to a good standard. However, as the Council is not undertaking the work, a small

	residual risk remains and the financial impact of that risk could be significant depending on the works being undertaken.
Residents have insufficient funds to complete works and works are therefore left unfinished which is detrimental to the property value.	By checking a resident has sufficient funds to cover the works before granting approval we can reduce this risk, however a residual risk remains. The likelihood of this occurring is considered low, but the impacts could be moderate.
Potential for complaints if applications for extensions of alterations are refused.	The proposed policy is intended to create a framework to allow for reasoned decision making. The risk of this occurring is considered moderate but the impacts are low.

## 11 Consultation

- 11.1 Consultation is not considered necessary for the policy as it does not introduce any new restrictions on shared ownership residents compared to those within the lease. It simply provides a framework for the application and decision-making processes.
- 11.2 With regard to changing a shared ownership lease, these introduce additional flexibility for residents rather than any new restrictions and therefore consultation is not considered necessary.

### Background papers:

- None

### Supporting documents:

- Draft Shared Ownership – Extensions and Structural Alterations Policy

# Warwick District Council

## Shared Ownership – Extensions and Alterations Policy

DRAFT

<b>Author</b>	Housing Strategy
<b>Status</b>	Draft
<b>Version</b>	1.1
<b>Review Date</b>	N/A
<b>Revisions</b>	None

## **Introduction**

This policy explains how the Council, as landlord, will consider requests from residents of our shared ownership properties for permission to make alterations or extensions to their homes. It sets out when our permission is likely to be required, how an application for permission should be made and the criteria we'll assess an application against.

Whether we'll give permission depends on several factors. These include the wording of the lease, what alterations or extensions are proposed and the impact of these on the property and surrounding properties. If we do give permission, there are likely to be conditions which must be followed. Not all requests may be approved.

If we permit any works, residents will still need to obtain any relevant statutory approvals such as planning permission and building regulations approval. Our agreement as landlord to allow alterations or extensions does not have any bearing on whether any statutory consents will be granted.

This policy only applies to Warwick District Council shared ownership homes. It does not apply to our rented homes and does not apply to shared ownership homes owned by other register providers (housing associations).

## **Background**

The Council understands that purchasing a shared ownership home is a significant commitment. After purchase, residents may find that their needs change and alterations to their homes are required. The Council wants to ensure that resident's homes meet their needs, but we must balance this against our responsibilities as landlord. We must ensure homes remain safe, remain suitable and affordable for future residents and that any changes don't harm our interest in any shared ownership home. This policy explains how we will balance these different responsibilities.

## **The Lease**

The lease is the agreement between the Council (as landlord) and the resident which sets out the terms under which the resident can live in a shared ownership property. It includes matters that the landlord is responsible for and matters the tenant is responsible for. It includes things the resident can and cannot do to the property. The lease is the starting point when considering whether alterations or extensions require permission.

## **What Alterations Normally Require Permission**

The types of alterations that require our permission will depend on the wording of the lease. The list below is not exhaustive but gives an indication of the types of works that normally require our permission:

- Replacement kitchens and bathrooms
- New flooring to kitchens and bathrooms
- Changes to or replacement of central heating systems
- Changes to or replacement of electrical systems

- Extensions and structural alterations (including conservatories and new windows)
- Loft or garage conversions
- Outbuildings (including sheds and greenhouses)
- Driveways
- Cavity wall or loft insulation
- Installing electric vehicle chargers

It is essential that residents check the wording of their lease as different restrictions apply to different properties. Residents should contact us if they are unsure if their works need permission.

### **What Alterations Don't Normally Require Permission**

Not all alterations require our permission. Below is a list of works that normally don't need our permission:

- Redecoration
- New carpets/flooring except in kitchens and bathrooms
- Hanging curtains and shelves
- Gardening (turf, plants, shrubs etc)
- Routine maintenance such as boiler servicing and repairs

It is essential that residents check the wording of their lease as different restrictions apply to different properties. Residents should contact us if they are unsure if their works need permission.

### **What Alterations Will Not Normally Be Permitted**

There are some alterations that won't normally be allowed to our shared ownership homes because of the impact they may have on the property and/or surrounding residents. These include:

- Works to any communal areas (internal and external)
- Solar panels (where third party funded)
- Installation of wood burners/gas open flue fires

Structural alterations will also not generally be permitted if a resident owns less than 50% of the property.

### **Application Process**

To apply for permission to alter or extend a shared ownership home, the application form attached to this policy must be completed. An application must be accompanied by details to allow us to understand the works proposed. The details required will vary depending on what's proposed but would typically include:

- Drawings showing the proposed alterations or extension
- Specification of the works
- Structural calculations and sign off from a Certified Structural Engineer (for structural alterations only)

- Quotation for the works
- Details to show resident has funds to pay for the proposed works

Further details may be requested if more information is needed to allow us to understand the proposed works. Residents should contact us if they are unsure what information to include.

We ask for information to confirm residents can afford the proposed works to make sure that works will be finished. If a resident cannot afford to complete any works and a project is left unfinished it could negatively impact the value of the Council's share in the property.

### **How an Application is Assessed**

When we receive an application, we'll review the details provided and contact the resident if more information is required. Once we have all the information we need, we'll aim to issue a decision within 28 days from the date when all requested information was provided.

We will consider the following matters to determine if permission should be given.

- What is the reason for the proposed work?
- Will the property remain suitable as affordable housing?
- Will the changes have an adverse impact on the future saleability of the property?
- Will the changes make the property or any adjoining property unsafe?
- Will the changes affect future maintenance of the property?
- Will the changes adversely affect any neighbouring property or any communal areas?
- Have the changes been well designed?
- Will the changes impact the energy efficiency of the property?
- How will the changes impact on any building warranty?
- Has the resident demonstrated adequate funds to complete the work?
- Will the works affect any restrictions placed on the property as a result of grant funding

We will also take into account any other matter which is considered relevant to the proposed works.

### **Conditions of Approval**

Any permission granted for proposed works will be conditional. This means residents must comply with the conditions listed on the permission letter. Common conditions are listed below but will depend on the nature of the proposed works:

- Comply with the approved documents.
- Notify us when works start and when works are finished.
- Use of the Council's Building Control Service for all matters relating to building regulations.
- Allow for the Council to make inspections of the work.
- All costs for the work must be paid by the resident.
- Contractors undertaking the work must be insured.

- Compliance with all statutory controls.

Permission will last for 12 months from the date it is issued. If the works are not completed within 12 months, a new application will be required.

### **Completion of Works**

Once any permitted works are completed you must provide all relevant statutory sign off documents. Depending on the nature of the works, these may include:

- Building Regulations approval
- Gas certificate
- Electrical certificate
- FENSA certificate (windows & doors)

We will retain copies of these documents on our files.

If the works are not completed in accordance with the agreed plans, the Council reserves the right to use any legal route to rectify the issues. This may include putting the home back to its original condition.

### **Application Fee**

A fee is charged for applications to alter or extend shared ownership homes. This fee is required before an application will be considered but will be returned if the application is refused.

<b>Works</b>	<b>Fee</b>
Minor works that do not include any extensions, structural alterations or significant new outbuildings*	£50
Major works including any structural alterations, extensions and substantial outbuildings.	£200

*\*Timber sheds with a floor area less than 12 square metres are considered minor works*

An application fee is not charged for adaptations required only to accommodate the needs a disabled resident however residents must still apply for permission.

Legal fees may apply if a licence is required under the terms of the lease.

### **Building Insurance**

We arrange building insurance on shared ownership homes as part of our responsibilities as landlord. This cost is then passed on to residents through the service charge and rent.

Alterations to properties can affect the insurance premium and any increase will be passed on to the resident.

You should arrange your own contents insurance.

## **Property Value**

Changes to a property can increase or decrease its value. This can affect the price of buying additional shares in a property (staircasing) and its value if a resident sells the property.

If a resident wishes to buy more shares or sell a property and has undertaken alterations and/or extensions the valuation must show the value of the property in its current condition and a value as if it were not altered.

If the resident has the Council's permission for any alterations, the price of buying additional shares is generally based on the unimproved value. If permission has not been given, the price will be based on the current value.

If the resident is selling a property, the additional value of the property created by any permitted alterations or extensions will be retained by the resident. If the alterations have not been permitted, the value of the Council's share of the property will be based off the current market value.

## **Further Information**

Please contact \*\*\* for further information.

Title: Hazardous Substances Consents (HSC)

Lead Officer: Frances Taylor, Environmental Protection Team Leader, Pollution@warwickdc.gov.uk & Rob Young, Business Manager, Planning and Appeals, Rob.young@warwickdc.gov.uk

Portfolio Holder: Councillor Sinnott & Councillor King

Wards of the District directly affected: All

<b>Approvals required</b>	<b>Date</b>	<b>Name</b>
<b>Portfolio Holder</b>	07/06/24	Councillor Sinnott Councillor King
<b>Finance</b>		Betty Gong
<b>Legal Services</b>	07/06/24	Sue Mullins
<b>Chief Executive</b>	03/06/24	Chris Elliott
<b>Director of Climate Change</b>	03/06/24	Dave Barber
<b>Head of Service(s)</b>	28/06/24	Marianne Rolfe Phil Clarke
<b>Section 151 Officer</b>		Andrew Rollins
<b>Monitoring Officer</b>	03/06/24	Graham Leach
<b>Leadership Co-ordination Group</b>		
<b>Final decision by this Committee or rec to another Cttee / Council?</b>	No Recommendation to: Council	
<b>Contrary to Policy / Budget framework?</b>	No	
<b>Does this report contain exempt info/Confidential? If so, which paragraph(s)?</b>	No	
<b>Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?</b>	Yes – Ref 1,466	
<b>Accessibility Checked?</b>	Yes	

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## Summary

The purpose of this report is to

Formalise the Hazardous Substances Consents process and revise the scheme of delegations to officers for this process.

## Recommendation(s)

- (1) That Cabinet notes the Hazardous Substances Consents Process (Appendix 1).
- (2) That Cabinet recommends to Council that delegated authority HCP (16) is revised to give delegated authority to the Head of Place, Arts and Economy, instead of the Head of Safer Communities & Leisure, to:

exercise the Council's powers under the Planning (Hazardous Substances) Regulations 1992 (as amended by the Planning (Control of Major-Accident Hazards) Regulations 1999 & 2015) and associated Regulations, and that authority be delegated to the Head of Place, Arts and Economy to authorise appropriate named individuals, after consultation with the COMAH, relevant Ward Councillors, Chair and Vice Chair of Planning Committee and Solicitor acting for the Council, to grant, or refuse hazardous substances consents either unconditionally or subject to conditions and if necessary take all appropriate action to take enforcement to ensure compliance with these regulations.

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## 1 Reasons for the Recommendation

- 1.1.1 The Planning (Hazardous Substances) Act 1990 and the Regulations made under that Act, requires hazardous substances consent (HSC) to be obtained for the presence of hazardous substances on, over, or under land unless the quantities of substances are below the controlled quantities listed in Schedule 1 to the Planning (Hazardous Substances) Regulations 2015. Warwick District Council (WDC), in its role as Local Planning Authority, has responsibility for administering regulations in relation to the control of hazardous substances and determines HSC applications as well as enforcing controls, in conjunction with Environmental Health colleagues.
- 1.1.2 Controls ensure that hazardous substances can be kept or used in significant amounts only after the responsible authorities have had the opportunity to assess the degree of risk arising to persons in the surrounding area, and to the environment. They are concerned with the storage and use of hazardous substances which could, in quantities at or above specified limits, present a major off-site risk.
- 1.1.3 Where the presence of a hazardous substance is directly associated with a proposed development, local planning authorities can exercise a degree of control over the siting and use of hazardous substances through the development management process. This consent procedure allows for control to be exercised over the presence of hazardous substances whether or not an associated development requiring planning permission is involved. It is geared to regulating the storage and use of hazardous substances. It will enable breaches of control which may present serious risks to be dealt with quickly and effectively.

- 1.1.4 The controls are planning controls. They do not replace or duplicate the requirements of the Health and Safety at Work etc. Act 1974, or the relevant statutory provisions defined in Part I of that Act. Even after all reasonably practicable measures have been taken to ensure compliance with the requirements of the 1974 Act, there may remain the residual risk of an accident which cannot entirely be eliminated. The controls will ensure that this residual risk to people in the vicinity or to the environment is considered before a hazardous substance is allowed to be present in a controlled quantity. The extent of this risk will depend upon where and how a hazardous substance is to be present; and the nature of existing and prospective uses of the application site and its surroundings.
- 1.1.5 If consent is required, applicants will need to apply for consent to the hazardous substances authority (in this case, WDC). It is important that applications provide all the relevant information as decisions on incomplete applications can be delayed. An application for consent must include the information set out in regulation 5 of the Planning (Hazardous Substances) Regulations 2015.

## 1.2 **Decision Making**

- 1.2.1 The responsibility for deciding whether the risk is tolerable for the community and hence whether a particular proposal to store or use a hazardous substance is one for the local hazardous substances authority, in this case Warwick District Council (WDC).
- 1.2.2 The first thing WDC will do is to make sure the application is in order. This will involve ensuring it meets the requirements set out in the Planning (Hazardous Substances) Regulations 2015. If the application is in order, WDC will acknowledge it and send a copy of the application to the Control of Major Accident Hazards (COMAH) competent authority. WDC will place details of the application on the register of consent applications, which is available to anyone who wants to see it. If WDC does not consider the application is in order, it will tell the applicant why.
- 1.2.3 WDC must then consult the Control of Major Hazards (COMAH) competent authority and others as required by legislation. These include fire and civil defence authorities, other relevant planning authorities and public utilities. Natural England should also be consulted where it appears to the hazardous substances' authority that an area of particular natural sensitivity or interest may be affected. A full list of relevant authorities is available in Appendix 2 (a&b).
- 1.2.4 The (COMAH) competent authority (usually the Health and Safety Executive (HSE) and the Environment Agency (EA) acting jointly) advise WDC on the nature and severity of the risk to persons in the vicinity and the local environment arising from the presence of a hazardous substance. It will recommend granting an application, granting an application with conditions attached or refusal of an application.

For nuclear sites, the COMAH competent authority is the Office of Nuclear Regulation and the EA, acting jointly.

The COMAH competent authority is a statutory consultee and must be consulted by WDC before HSCs are granted.

Before reaching a decision, WDC will need to weigh up all the comments received,

including those from the COMAH competent authority. It will take account of local needs and conditions, the local plan, and any other material considerations.

In view of its acknowledged expertise in assessing the off-site risks presented by a hazardous substance, any advice from the COMAH competent authority that hazardous substances consent should be refused should not be overridden without the most careful consideration. Where a hazardous substances authority is minded to grant consent against COMAH competent authority advice, it should notify the COMAH competent authority and allow 21 days for the COMAH competent authority to give further consideration. During that period the COMAH competent authority will consider whether to request that the Secretary of State for Communities and Local Government calls in the application for determination.

- 1.2.5 WDC may grant consent, either with or without conditions (including conditions as to how and where substances are kept and the times when substances may be present, or requiring permanent removal of substances within a certain time), or may refuse it. If it refuses consent or grants it subject to conditions, it should provide full reasons for the decision. This will help the applicant to decide whether or not to contest the decision. The requirements for approval are set out in the Planning (Hazardous Substances) Act 1990 and the Planning (Hazardous Substances) Regulations 2015.
- 1.2.6 Conditions on how a substance is to be kept or used may only be imposed if the Health and Safety Executive (or in the case of nuclear sites, the Office of Nuclear Regulation) has advised that such conditions should be imposed. Where the COMAH competent authority is considering imposing a condition that restricts the location of a substance within a site, it should try to avoid imposing undue restrictions on relatively small amounts of that substance being located elsewhere in the establishment. For example, a condition may allow a hazardous substance to be stored in a moveable container in a different area of a site from where it has previously been stored provided the quantity does not exceed 10% of the controlled quantity. This avoids situations where, for example, a relatively small amount of a substance in a moveable container in a different part of the site (e.g. a gas canister to service a staff kitchen), or which is covered by the '2% rule', would otherwise be a breach of the condition.
- 1.2.7 The Secretary of State also has the power to call-in an application for their own determination. This will be very much the exception, for example where an application raises issues of more than local importance. Where an application is called-in, the hazardous substances authority must inform the applicant.
- 1.2.8 Under the nationally significant infrastructure planning regime hazardous substances consent can be deemed to be granted by a development consent order. The aim in doing so is to provide a 'one stop shop' for consenting for nationally significant infrastructure projects. A deemed consent can also be issued in certain other circumstances by the government where consent is required for a development by a statutory undertaker or local authority which requires government authorization.
- 1.2.9 WDC should provide applicants with a decision within 8 weeks from receipt of a valid application, but any extension to this 8-week period has to be agreed in writing with the applicant.

### 1.3 **Scheme of Delegation**

- 1.3.1 The current delegation is to the Head of Safer Communities and Leisure. The proposal is to move this delegation to the Head of Place, Arts and

Economy as this is considered a more appropriate decision maker for this instance. In addition to this the delegation at present is to grant but not refuse licences under this regulation. This would mean if officers were minded to refuse an application the, at present, the decision would need to be taken by Council. Having reviewed the approach of other authorities recognising the technical requirements of these decisions, the strong guidance is that the advice of the COMAH should be followed. Therefore it is proposed that the delegation is revised to allow officers to refuse the applications as well. To provide assurance and member engagement it is also considered appropriate to revise the delegation so that the relevant Ward Councillors, Chair and Vice Chair of Planning Committee are consulted on any proposed decision before it is taken. In addition to this due to the complex and sensitivities around any potential licence a Solicitor acting for the Council will also be consulted.

## **2 Alternative Options**

- 2.1 The Cabinet could decide to delegate the consideration and determination of these applications to a Committee. This could be based on the anticipation that any application is likely to attract public scrutiny and attention. However, the number of applications to be considered is likely to be limited and require significant technical knowledge. Therefore, it is recommended that delegated authority is given to officers for these applications, especially being mindful of the guidance that the recommendation from COMAH should be always followed.

## **3 Legal Implications**

- 3.1 The relevant legislation regarding Hazardous Substances Consent (HSC) has been identified as follows:
- The Planning (Hazardous Substances) Regulations 2015
  - The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Regulation 18 and Schedule 4)
  - The Town and Country Planning (Local Planning) (England) Regulations 2012 (Regulation 10(1)(a) and (b))
- 3.2 The relevant paragraphs regarding HSC in the National Planning Policy Framework (NPPF) have been identified as follows:
- Paragraph 2 - EU obligations and statutory requirements
  - Paragraph 45 - consulting appropriate bodies when planning, or determining applications, for development around major hazards
  - Paragraph 174 (e) - preventing unacceptable risk to development
- 3.3 The NPPF defines what is meant by major hazards as 'sites and infrastructure, including licensed explosive sites and nuclear installations, around which Health and Safety Executive (and Office for Nuclear Regulation) consultation distances to mitigate the consequences to public safety of major accidents may apply.'
- 3.4 The Enforcement of hazardous substances controls is the responsibility of Warwick District Council.
- 3.5 Warwick District Council must liaise with the COMAH competent authority where contraventions give rise to health and safety or environmental concerns. The COMAH competent authority may consider whether action is also appropriate

under Control of Major Accident Hazards Regulations 2015 or other relevant health, safety, or environmental legislation.

3.6 An appeal can be made to the Secretary of State if WDC:

- refuses to grant consent;
- refuses an application for a continuation of consent upon change in ownership of part of the land;
- refuses to grant any consent, agreement or approval required by a condition imposed on a consent;
- refuses an application to vary or remove conditions attached to a previous grant of consent;
- grants consent but imposes conditions which are unacceptable to the applicant; or
- fails to reach a decision within the statutory time limit of 8 weeks, or any longer period agreed with the applicant.

The relevant legislation is detailed in Appendix 1.

#### **4 Financial Services**

4.1 Any application will be added to the Council's planning case management system and displayed on the website.

4.2 For applications where no one substance exceeds twice the controlled quantity, currently the fee for application (amount set in the Regulations) is £250. For proposals involving the presence of a substance in excess of twice the controlled quantity, currently the fee is £400. Where an application is for the removal of conditions attached to an existing consent or for the continuation of a consent upon partial change in ownership of the land, the fee currently stands at £200.

#### **5 Corporate Strategy**

5.1 Warwick District Council has adopted a Corporate Strategy which sets three strategic aims for the organisation. There are no direct implications of the decision in respect of each of the three themes from this report. This is because the report is about providing a statutory function for protecting the public and wider community from harm.

#### **6 Environmental/Climate Change Implications**

6.1 There are no identified implications on protected characteristics by this report's recommendations.

#### **7 Analysis of the effects on Equality**

7.1 There are no identified impacts on protected characteristics by this report's recommendations.

#### **8 Data Protection**

- 8.1 There are no identified data protection matters identified by this report's recommendations.

## **9 Health and Wellbeing**

- 9.1 HSCs seek to allow businesses to thrive in a sustainable and safe way. The COMAH competent authorities assess each application relevant to its proposed location and consider the potential impacts on residents and the environment. Any recommended conditions will be placed on any approval and WDC will enforce these conditions.

## **10 Risk Assessment**

- 10.1 The significant risk for the Council at present is ensuring there is an appropriate and robust procedure in place to determine any applications. The report brings forward updated and considered appropriate control measures which have been developed through discussions with other local authorities who already have such licences in place.

### **Supporting documents:**

- The Planning (Hazardous Substances) Act 1990  
<https://www.legislation.gov.uk/ukpga/1990/10/contents>
- Planning (Hazardous Substances) Regulations 2015  
<https://www.legislation.gov.uk/uksi/2015/627/contents/made>
- the Health and Safety at Work etc. Act 1974  
<https://www.legislation.gov.uk/ukpga/1974/37/contents/enacted>

# Hazardous Substances Consent

## 1.0 Relevant legislation

1.1 The relevant legislation regarding Hazardous Substances Consent (HSC) has been identified as follows:

- The Planning (Hazardous Substances) Regulations 2015
- The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Regulation 18 and Schedule 4)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (Regulation 10(1)(a) and (b))

## 2.0 National Planning Policy Framework (NPPF) (July 2021)

2.1 The relevant paragraphs regarding HSC in the NPPF have been identified as follows:

- Paragraph 2 - EU obligations and statutory requirements
- Paragraph 45 - consulting appropriate bodies when planning, or determining applications, for development around major hazards
- Paragraph 174 (e) - preventing unacceptable risk to development

2.2 The NPPF defines what is meant by major hazards as '*sites and infrastructure, including licensed explosive sites and nuclear installations, around which Health and Safety Executive (and Office for Nuclear Regulation) consultation distances to mitigate the consequences to public safety of major accidents may apply.*'

## 3.0 Warwick District Local Plan 2011-2029

3.1 The relevant policies from Warwick District Council Plan are:

NE5 Protection of Natural Resources:

*'Development proposals will be permitted provided that they ensure that the district's natural resources remain safe, protected, and prudently used. Development proposals will be expected to demonstrate that they;*

*a) do not give rise to soil contamination or air, noise, radiation, light or water pollution where the level of discharge, emissions or contamination could cause harm to sensitive receptors.*

## 4.0 Criteria for hazardous substance consent

4.1 HSC is required for the presence of hazardous substances on, over, or under land unless the quantities of substances are below the controlled quantities listed in Schedule 1 to the Planning (Hazardous Substances) Regulations 2015.

- 4.2 There are additional rules for the aggregation of more than one hazardous substance that may be below the controlled quantities individually but within the same hazard category. The 'Addition Rule' is used in this situation.
- 4.3 The calculation method for this is specified in the Planning (Hazardous Substances) Regulations 2015.
- 4.4 HSC is required for hazardous substances present at any establishment that falls within the scope of the Seveso III Directive. Establishment means '*any installation or collection of installations which are within an area of land under the control of the same person or body*'.
- 5.0 Exemptions**
- 5.1 The exemptions to these requirements are set out in Schedule 2 to the Planning (Hazardous Substances) Regulations 2015.
- 6.0 Roles and responsibility**
- 6.1 Warwick District Council is the hazardous substances authority (as the local planning authority) and determines hazardous substances consent applications as well as enforces the controls.
- 6.2 Where the hazardous substances authority is itself applying for hazardous substances consent it must apply to the Secretary of State.
- 6.3 The COMAH competent authority (Health and Safety Executive (HSE)/Environment Agency (EA)) advises Warwick District Council on the nature and severity of the risk to persons in the vicinity and the local environment arising from the presence of a hazardous substance.
- 6.4 The COMAH competent authority is a statutory consultee and must be consulted by Warwick District Council before hazardous substances consents are granted.
- 6.5 The COMAH competent authority for most cases is the Health and Safety Executive and Environment Agency, acting jointly.
- 6.6 For nuclear sites, the COMAH competent authority is the Office of Nuclear Regulation and the Environment Agency, acting jointly.
- 7.0 Other regimes**
- 7.1 Where there is development associated with the storage or use of hazardous substances, a separate planning permission may also be necessary.
- 7.2 In some cases, an environmental permit may also be required.
- 7.3 To avoid confusion, detailed control over the manner in which a hazardous substance is to be kept or used is best addressed by hazardous substances consent conditions.

## **8.0 Fees**

- 8.1 For applications where no one substance exceeds twice the controlled quantity, currently the fee is £250.
- 8.2 For proposals involving the presence of a substance in excess of twice the controlled quantity, currently the fee is £400.
- 8.3 Where an application is for the removal of conditions attached to an existing consent or for the continuation of a consent upon partial change in ownership of the land, the fee is £200.
- 8.4 If an application crosses local authority boundaries, one fee is paid to the authority whose area is the largest part of the site.

## **9.0 Timescales**

- 9.1 Warwick District Council should provide applicants with a decision within 8 weeks from receipt of a valid application. Alternatively, a decision should be given within any extended period agreed in writing between the applicant and Warwick District Council.

## **10.0 New development close to existing HSC sites**

- 10.1 Warwick District Council must consult the COMAH competent authority and other expert bodies on development proposals where the presence of hazardous sites is relevant.
- 10.2 When the Health and Safety Executive (HSE) are consulted on a new application, it creates a three-zone map and will issue advice to Warwick District Council for or against the granting of the HSC. If granted, the three-zone map will be issued to Warwick District Council who must then consult the HSE on any future planning applications within the consultation distances.

## **11.0 Abandoned consent**

- 11.1 If the substances with consent have not been present for 5 years, Warwick District Council may revoke the consent without needing to pay compensation.

## **12.0 Change of person in control**

- 12.1 If there is a change to the person in control of part of the land, the consent is automatically revoked unless an application for continuation has been made.

## **13.0 Revocation or modification**

- 13.1 Warwick District Council can revoke or modify a consent. This requires confirmation by the Secretary of State, and the council would be liable to pay compensation. Applications for revocation that are subject to confirmation by the Secretary of State should be sent to the Planning Casework Unit.
- 13.2 There are specific circumstances where a consent can be revoked. These are set out in Section 14 of the Planning (Hazardous Substances) Act 1990.

13.3 Where a consent has not been relied on for five years, or the use of the land has changed materially since the consent was granted, it may be revoked without compensation being payable.

#### **14.0 Appeals**

14.1 An appeal can be made to the Secretary of State if Warwick District Council:

- refuses to grant consent;
- refuses an application for a continuation of consent upon change in ownership of part of the land;
- refuses to grant any consent, agreement or approval required by a condition imposed on a consent;
- refuses an application to vary or remove conditions attached to a previous grant of consent;
- grants consent but imposes conditions which are unacceptable to the applicant; or
- fails to reach a decision within the statutory time limit of 8 weeks, or any longer period agreed with the applicant.

14.2 Hazardous substances consent appeals may be made at any time within six months of the decision or, if no decision has been made, within six months from when a decision should have been given.

#### **15.0 Surrendering HSC**

15.1 If an operator wants to give up their consent or reduce the maximum quantity of hazardous substances for which it has consent, it should discuss this with the hazardous substances authority.

15.2 There is no procedure for giving up consent set out in legislation; however, alternative arrangements may be made (e.g. the hazardous substances authority may revoke the consent and make a separate agreement with the operator to waive compensation).

#### **16.0 Enforcement**

16.1 Enforcement of hazardous substances controls is the responsibility of Warwick District Council.

16.2 Warwick District Council must liaise with the COMAH competent authority where contraventions give rise to health and safety or environmental concerns. The COMAH competent authority may consider whether action is also appropriate under Control of Major Accident Hazards Regulations 2015 or other relevant health, safety, or environmental legislation.

#### **17.0 Contacts**

Health and Safety Executive (COMAH competent authority)

Hazardous Substance Consents  
Health and Safety Executive

CEMHD5  
1.2 Redgrave Court  
Merton Road  
Bootle  
Merseyside  
L20 7HS

Email: HazSubCon.CEMHD5@hse.gov.uk

## **18.0 Minor changes/variations to existing HSC**

For changes to an existing consent, an application should be made to the hazardous substances authority to vary or revoke any conditions on a previous consent.

A change in location is not a minor change.

Consent is not required for a minor change where:

- the hazardous substances authority receives written notice from the COMAH competent authority (copied to the person in control of the relevant land) confirming:
- details of the minor change, including details about how substances are to be kept and used;
- that the minor change will not result in a change to consultation zones; and
- that the minor change will not result in a change to the status of the establishment under the Seveso III directive; and
- that any hazardous substances that are held without hazardous substances consent in reliance on this exemption are kept and used in accordance with the details set out in the notice from the COMAH competent authority.

In considering applications the hazardous substances authority can only consider the conditions; it cannot overturn the original decision by refusing consent outright. If the hazardous substances authority decides that the conditions should be varied or removed, it will grant a new consent. If it decides that the conditions should not be changed, the application will be refused, but the original consent will still stand. The same publicity procedures will apply as for applications for a new consent.

### **Step 1 Public notification/advertisement by applicant**

1.0 Before submitting a HSC application, the applicant must inform the public during the 21 day period immediately preceding the submission of an application. Three steps are needed:

- A notice of the application should be published in a local newspaper or by electronic media where it would bring the notice to the attention to the public better than a local newspaper notice would. This must be published within the 21 days before the date on which the application is made.
- A copy of the notice should be published at the application site. This should be easily legible for people without needing to go onto the land. The notice should be displayed for at least 7 days of the 21 day period.
- When the application is made, the applicant will need to certify that this publicity has happened by providing a copy of the notice (verifying that it has been published). A certificate (Form 1 in regulations) should confirm that the site notice was displayed as

required. If the site notice was not displayed through no fault of the applicant, an explanation should be given

- 1.1 The required content of this public notice is set out in Regulation 6 of the Planning (Hazardous Substances) Regulations 2015.
- 1.2 Applicants do not need to own the application site in order to make an application for consent. However, owners should be given the opportunity to comment on the application. Every application must therefore also be accompanied by a signed certificate relating to ownership.
- 1.3 Hazardous substances authorities should not consider applications for hazardous substances consent if they are not accompanied by evidence of the public notification.

#### Step 2 Application submitted to Warwick District Council

- 2.0 Applicants must apply to Warwick District Council for hazardous substances consent.
- 2.1 The application must provide all the relevant information set out in Regulation 5 of the Planning (Hazardous Substances) Regulations 2015.

A template application form has been created by the Health and Safety Executive and is available at: <https://www.hse.gov.uk/landuseplanning/application-forms-hazardous-consent.htm>

#### **ACTIONS REQUIRED**

1. Application form to be adapted and branded for Warwick District Council
2. Process for submitting and receiving applications via the Warwick District Council website needed
3. Application fees need to be published and payment solutions implemented
4. Validation criteria list to be made to reflect requirements of Regulation 5 of the 2015 Regulations.
5. Warwick District Council planning code system to be created e.g. W/HSC/22/0000 or W/22/0000/HSC

#### Step 3 Warwick District Council consults on application

- 3.0 Applications need to be made available to members of the public for inspection and making representations for at least 21 days after the application is received/validated.
- 3.1 Warwick District Council Planning department will send a copy of the application to the COMAH competent authority via the Health and Safety Executive, or in the case of nuclear installations, the Office for Nuclear Regulation. They in turn will forward it to the Environment Agency, the other party that makes up the COMAH competent authority.

- 3.2 The Health and Safety Executive, Environment Agency and Office for Nuclear Regulation will respond separately to consultations.
- 3.3 The Health and Safety Executive advises on risks to people.
- 3.4 The Environment Agency leads on risks to the environment.
- 3.5 For nuclear installations, the Office for Nuclear Regulation advises on risks to people and the Environment Agency leads on risks to the environment.
- 3.6 Other consultees as required by legislation:
- Fire and civil defence authorities,
  - Other relevant planning authorities and public utilities
  - Natural England should be consulted where it appears that an area of particular natural sensitivity or interest may be affected. These include Special Areas of Conservation and Special Protection Areas, Ramsar sites, Sites of Special Scientific Interest (SSSI) or priority habitats.
- 3.7 Warwick District Council must give consultees at least 28 days to comment.
- 3.8 The details of the application will need to be placed on a register of HSC applications which shall be available to anyone who wants to see it.

#### **ACTIONS REQUIRED**

1. Mechanism needed to publish HSC application on Warwick District Council website (confidential information redacted as necessary)
2. Mechanism to receive public and statutory consultee comments on the proposed application, and to be published on the Warwick District Council website.
3. Mechanism needed to notify consultees of an application
4. A public register of HSC applications to be created and made available for inspection
5. Optional – Warwick District Council to place additional notice at/near application site to increase public awareness and ability to comment.

#### **Step 4 Review consultation comments**

- 4.1 Warwick District Council will weigh up all the comments received, including those from the COMAH authority. It will need to take account of local needs and conditions, the local plan, and any other material considerations.
- 4.2 Any advice from the COMAH competent authority that hazardous substances consent should be refused should not be overridden without the most careful consideration.
- 4.3 Where Warwick District Council is minded to grant consent against the COMAH authority's advice, it should notify the COMAH authority and allow an additional 21 days for the competent authority to give further consideration.

- 4.4 During that period the COMAH competent authority will consider whether to request the Secretary of State for Communities and Local Government to call-in the application for determination.

Step 5 Determining the application

- 5.0 Warwick District Council may grant consent, either with or without conditions, or may refuse it.
- 5.1 If it refuses consent or grants it subject to conditions, it should provide full reasons for the decision. This will help the applicant to decide whether or not to contest the decision.
- 5.2 The requirements for making a decision are set out in Section 9 of the Planning (Hazardous Substances) Act 1990 and Regulation 11 of the Planning (Hazardous Substances) Regulations 2015.
- 5.3 Warwick District Council can impose conditions, including how and where substances are kept and the times substances may be present, or requiring permanent removal within a certain time.
- 5.4 Conditions on how a substance is to be kept or used may only be imposed if the Health and Safety Executive (or in the case of nuclear sites, the Office of Nuclear Regulation) has advised that such conditions should be imposed.
- 5.5 Where the COMAH competent authority is considering imposing a condition that restricts the location of a substance within a site, it should try to avoid imposing undue restrictions on relatively small amounts of that substance being located elsewhere in the establishment.
- 5.6 The Secretary of State has the power to call-in an application for his own determination. This will be very much the exception, for example where an application raises issues of more than local importance. Where an application is called-in, the hazardous substances authority must inform the applicant.

# The Town and Country Planning (Development Management Procedure) (England) Order 2015

[Previous: Schedule](#) | [Next: Schedule](#)

## SCHEDULE 4

### Consultations before the grant of permission

Articles 18, 19 and 20

**Table**

<i>Para</i>	<i>Description of Development</i>	<i>Consultee</i>
(a)	Development likely to affect land in a National Park	The National Park authority concerned
(b)	Development likely to affect land in Greater London or in a metropolitan county other than land in a National Park	The local planning authority concerned
(c)	Development likely to affect land in a non-metropolitan county other than land in a National Park	The district planning authority concerned or, where there is no district planning authority in relation to the land, the county planning authority concerned
(d)	Development, in relation to which an application for planning permission has been made to the Secretary of State under section 293A of the 1990 Act (urgent Crown development: application)(a), where that development is likely to affect land in the area of a parish council	The parish council
(e)	<p>Development within an area which has been notified to the local planning authority by the Health and Safety Executive for the purpose of this provision because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances (otherwise than on a relevant nuclear site) and which involves the provision of—</p> <p>(i) residential accommodation;</p> <p>(ii) more than 250 square metres of retail floor space;</p> <p>(iii) more than 500 square metres of office floor space; or</p> <p>(iv) more than 750 square metres of floor space to be used for an industrial process,</p> <p>or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area</p>	The Health and Safety Executive
(f)	<p>Development within an area which has been notified to the local planning authority by the Office for Nuclear Regulation for the purpose of this provision because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances on a relevant nuclear site and which involves the provision of—</p> <p>(i) residential accommodation;</p> <p>(ii) more than 250 square metres of retail floor space; or</p> <p>(iii) more than 500 square metres of office floor space; or</p> <p>(iv) more than 750 square metres of floor space to be used for an industrial process,</p>	The Office for Nuclear Regulation

(a) 1990 c. 8. Section 293A was inserted by section 82(1) of the 2004 Act.

	or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.	
(g)	Development other than minor development, likely to result in an adverse impact on the safety of, or queuing, on a trunk road	The highway authority for the trunk road
(h)	Development likely to prejudice the improvement or construction of a trunk road	The highway authority for the trunk road
(i)	Development which consists of or includes the construction, formation or laying out of access to or from a trunk road	The highway authority for the trunk road
(j)	Development which is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway	The operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport
(k)	Development likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a classified road or proposed highway	The local highway authority concerned
(l)	Development likely to prejudice the improvement or construction of a classified road or proposed highway	The local highway authority concerned
(m)	Development involving—	
	(i) the formation, laying out or alteration of any means of access to a highway (other than a trunk road); or	The local highway authority concerned
	(ii) the construction of a highway or private means of access to premises affording access to a road in relation to which a toll order is in force	The local highway authority concerned, and in the case of a road subject to a concession, the concessionaire
(n)	Development which consists of or includes the laying out or construction of a new street	The local highway authority
(o)	Development which involves the provision of a building or pipeline in an area of coal working notified by the Coal Authority to the local planning authority	The Coal Authority
(p)	Development involving or including mining operations	The Environment Agency
(q)	Development of land involving the demolition, in whole or in part, or the material alteration of a listed building which is classified as Grade I or Grade II*	Historic England <sup>(a)</sup>
(r)	Development likely to affect the site of a scheduled monument	Historic England

(a) See section 32 of the National Heritage Act 1983 (c. 47). This body is also known as the Historic Buildings and Monuments Commission for England.

(s)	Development likely to affect any battlefield, garden or park of special historic interest which is registered in accordance with section 8C of the Historic Buildings and Ancient Monuments Act 1953 (register of gardens)(a)	(a) Historic England in relation to any battlefield, and any garden or park which is classified as Grade I or Grade II*; and (b) the Garden History Society in relation to all registered gardens or parks
(t)	Development involving the carrying out of works or operations in the bed of, or within 20 metres of the top of a bank of, a main river which has been notified to the local planning authority by the Environment Agency as a main river for the purposes of this provision	The Environment Agency
(u)	Development for the purpose of refining or storing mineral oils and their derivatives	The Environment Agency
(v)	Development relating to the use of land as a cemetery	The Environment Agency
(w)	Development in or likely to affect a site of special scientific interest	Natural England
(x)	Development involving any land on which there is a theatre	The Theatres Trust
(y)	Development which is not for agricultural purposes and is not in accordance with the provisions of a development plan and involves—  (i) the loss of not less than 20 hectares of grades 1, 2 or 3a agricultural land(b) which is for the time being used (or was last used) for agricultural purposes; or  (ii) the loss of less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes, in circumstances in which the development is likely to lead to a further loss of agricultural land amounting cumulatively to 20 hectares or more	Natural England
(z)	Development which—  (i) is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or  (ii) is on land which has been—  (aa) used as a playing field at any time in the 5 years before the making of the relevant application and which remains undeveloped; or	Sport England(c)

(a) 1953 c. 49; section 8C was inserted by paragraph 10 of Schedule 4 to the National Heritage Act 1983 (c. 47).  
(b) See Natural England publication for the agricultural land classification system. TIN049 edition 2 – Agricultural Land Classification: protecting the best and most versatile agricultural land available from <http://publications.naturalengland.org.uk/publication/35012?category=9001>.  
(c) Sport England is also known as the English Sports Council.

- (bb) allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement; or
- (iii) involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface

(za)	Development likely to affect—	The Canal & River Trust
	<ul style="list-style-type: none"> <li>(i) any inland waterway (whether natural or artificial) or reservoir owned or managed by the Canal &amp; River Trust; or</li> <li>(ii) any canal feeder channel, watercourse, let off or culvert,</li> </ul> <p>which is within an area which has been notified for the purposes of this provision to the local planning authority by the Canal &amp; River Trust</p>	
(zb)	Development falling within any of the following descriptions—	<ul style="list-style-type: none"> <li>(a) The COMAH competent authority;</li> <li>(b) where it appears to the local planning authority that an area of particular natural sensitivity or interest may be affected, Natural England; and</li> <li>(c) in the case of development falling within paragraph (iii), any person who according to— <ul style="list-style-type: none"> <li>(i) the register held by the hazardous substances authority under regulation 20 of the Planning (Hazardous Substances) Regulations 2015(b), or</li> <li>(ii) a notice submitted under regulation 32(1)(b) of those Regulations where the local authority has been notified under regulation 32(3) of those Regulations,</li> </ul> </li> </ul> <p>is the person in control of the land on which any establishment is located.</p>
	<ul style="list-style-type: none"> <li>(i) development involving the siting of new establishments;</li> <li>(ii) development consisting of modifications to existing establishments covered by Article 11 of Directive 2012/18/EU of the European Parliament and of the Council on the control of major-accident hazards involving dangerous substances(a); or</li> <li>(iii) new developments including transport routes, locations of public use and residential areas in the vicinity of establishments, where the siting or development may be the source of or increase the risk or consequences of a major accident.</li> </ul>	

(a) O.J.L. 197, 24.7.2012, p. 1.  
(b) S.I. 2015/627.

(zc)	Development, other than minor development, which is to be carried out on land—  (i) in an area within Flood Zone 2 or Flood Zone 3; or (ii) in an area within Flood Zone 1 which has critical drainage problems and which has been notified for the purpose of this provision to the local planning authority by the Environment Agency	The Environment Agency
(zd)	Major development which does not use the services of a sewerage undertaker for the disposal of sewage	The Environment Agency
(ze)	Major development with surface water drainage	The Lead local flood authority
(zf)	Development involving the boring for or getting of oil and natural gas from shale	Any water or sewerage undertaker in whose area of appointment the development is proposed and, in the case where the development is likely to affect water resources in the area of appointment of another water or sewerage undertaker, that undertaker

#### Interpretation of Table

##### 1. In the above Table—

- (a) in paragraph (e)(iv), “industrial process” means a process for or incidental to any of the following purposes—
  - (i) the making of any article or part of any article (including a ship or vessel, or a film, video or sound recording);
  - (ii) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or
  - (iii) the getting, dressing or treatment of minerals in the course of any trade or business other than agriculture, and other than a process carried out on land used as a mine or adjacent to and occupied together with a mine (and in this paragraph, “mine” means any site on which mining operations are carried out);
- (b) in paragraph (g), “minor development” means—
  - (i) development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse, for any purpose incidental to the enjoyment of the dwellinghouse as such;
  - (ii) the extension of an existing building used for non-domestic purposes where the floor space created by the development does not exceed 250 square metres; and
  - (iii) the alteration of an existing building where the alteration does not increase the size of the building.
- (c) in paragraph (j), “network” and “operator” have the same meaning as in Part 1 of the Railways Act 1993 (the provision of railway services)(a);

(a) 1993 c. 43; see section 83.

- (d) in paragraphs (k) and (l), “classified road” means a highway or proposed highway which—
- (i) is a classified road or a principal road by virtue of section 12(1) of the Highways Act 1980 (general provision as to principal and classified roads)(a); or
  - (ii) is classified for the purposes of any enactment by the Secretary of State by virtue of section 12(3) of that Act;
- (e) in paragraph (m), “concessionaire”, “road subject to a concession” and “toll order” have the same meaning as in Part 1 of the New Roads and Street Works Act 1991 (new roads in England and Wales)(b);
- (f) in paragraph (n), “street” has the same meaning as in section 48(1) of the New Roads and Street Works Act 1991 (streets, street works and undertakers), and “new street” includes a continuation of an existing street;
- (g) in paragraph (r), “scheduled monument” has the same meaning as in section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979 (schedule of monuments)(c);
- (h) in paragraph (t), “main river” has the same meaning as in section 113 of the Water Resources Act 1991 (interpretation of Part 4 – flood defence)(d);
- (i) in paragraph (x), “theatre” has the same meaning as in section 5 of the Theatres Trust Act 1976 (interpretation)(e);
- (j) in paragraph (z)—
- (i) “playing field” means the whole of a site which encompasses at least one playing pitch;
  - (ii) “playing pitch” means a delineated area which, together with any run-off area, is of 0.2 hectares or more, and which is used for association football, American football, rugby, cricket, hockey, lacrosse, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo;
- (k) in paragraph (zb)—
- (i) expressions appearing both in that paragraph and in Directive 2012/18/EU have the same meaning as in that Directive;
  - (ii) “COMAH competent authority” has the meaning in regulation 2(1) of the Planning (Hazardous Substances) Regulations 2015; and
- (l) in paragraph (zc)—
- “Flood Zone 1” means land which has a less than a 1 in 1000 annual probability of river or sea flooding(f);
- “Flood Zone 2” means land which has—
- (i) between a 1 in 100 and 1 in 1000 annual probability of river flooding; or
  - (ii) between a 1 in 200 and 1 in 1000 annual probability of sea flooding;
- “Flood Zone 3” means land which has—
- (i) a 1 in 100 or greater annual probability of river flooding; or
  - (ii) a 1 in 200 or greater annual probability of sea flooding; and
- “minor development” has the same meaning as in paragraph (g).

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(a) 1980 c. 66.

(b) 1991 c. 22.

(c) 1979 c. 46.

(d) 1991 c. 57.

(e) 1976 c. 27.

(f) Maps showing the various Flood Zones are available from the Environment Agency at <http://www.environment-agency.gov.uk>.

# The Town and Country Planning (Development Management Procedure) (England) Order 2015

[Previous: Provision](#) | [Next: Provision](#)

## Consultations before the grant of permission

18.—(1) Before granting planning permission for development which, in their opinion, falls within a category set out in the Table in Schedule 4, a local planning authority must consult the authority or person mentioned in relation to that category, except where—

- (a) the local planning authority are the authority so mentioned;
  - (b) the local planning authority are required to consult the authority so mentioned under paragraph 7 of Schedule 1 to the 1990 Act (local planning authorities: distribution of functions)<sup>(1)</sup> or article 24;
  - (c) the authority or person so mentioned has advised the local planning authority that they do not wish to be consulted;
  - (d) the development is subject to any standing advice published by the authority or person so mentioned in relation to the category of development; or
  - (e) the development is not EIA development and is the subject of an application in relation to which article 20 applies.
- (2) The exception in paragraph (1)(c) does not apply where, in the opinion of the local planning authority, development falls within paragraph (zb) of the Table in Schedule 4.
- (3) The exception in paragraph (1)(d) does not apply where—
- (a) the development is EIA development; or
  - (b) the standing advice was published more than 2 years before the date of the application for planning permission for the development and the guidance has not been amended or confirmed as being current by the authority or person within that period.
- (4) The Secretary of State may give directions to a local planning authority requiring that authority to consult any person or body named in the directions, in any case or class of case specified in the directions.
- (5) Where, by or under this article or article 20, a local planning authority are required to consult any person or body (“consultee”) before granting planning permission—
- (a) they must, unless an applicant has served a copy of an application for planning permission on the consultee, give notice of the application to the consultee; and
  - (b) subject to paragraph (6), they must not determine the application until at least 21 days after the date on which notice is given under sub-paragraph (a) or, if earlier, 21 days after the date of service of a copy of the application on the consultee by the applicant.
- (6) Paragraph (5)(b) does not apply if before the end of the period referred to in that sub-paragraph—
- (a) the local planning authority have received representations concerning the application from all consultees; or
  - (b) all consultees give notice that they do not intend to make representations.
- (7) The local planning authority must, in determining the application, take into account any representations received from any consultee.

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(1) Paragraph 7 of Schedule 1 was substituted by section 118(1) of, and paragraphs 1 and 16 of Schedule 6 to, the 2004 Act, and was amended by paragraph 3 of Schedule 5 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20) and paragraph 1 of Schedule 8 and Schedule 25 to the 2011 Act.

Title: Procurement Exercises over £150,000

Lead Officer: Rebecca Reading, Strategic Procurement & Creditors  
Manager

Portfolio Holder: Councillors Chilvers & Davison

Wards of the District directly affected: All

<b>Approvals required</b>	<b>Date</b>	<b>Name</b>
<b>Portfolio Holder</b>		Councillors Chilvers
<b>Finance</b>		Steven Leathley
<b>Legal Services</b>		Kathryn Tebbey
<b>Chief Executive</b>		Chris Elliott
<b>Director of Climate Change</b>		Dave Barber
<b>Head of Service(s)</b>		Andrew Rollins, Graham Leach
<b>Section 151 Officer</b>		Andrew Rollins
<b>Monitoring Officer</b>		Graham Leach
<b>Leadership Co-ordination Group</b>		
<b>Final decision by this Committee or rec to another Cttee / Council?</b>	Yes	
<b>Contrary to Policy / Budget framework?</b>	No	
<b>Does this report contain exempt info/Confidential? If so, which paragraph(s)?</b>	Yes, Appendix 1 confidential due to Paragraphs 3, as set out of the report.	
<b>Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?</b>	Yes, Forward Plan item exemption.	
<b>Accessibility Checked?</b>	Yes	

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## Summary

The report seeks approval to begin the procurement exercises identified in this report, in line with the agreed Procurement Code of Practice, with details set out in the Confidential appendix to the report.

## Recommendation(s)

That Cabinet notes the commencement of the procurement exercises of the following and provides Key decision approval where indicated. Please view in conjunction with the Confidential appendix 1 to the report, for the items listed below:

Procurements requiring key decision approval:

- Rural footway lighting
- Minor Civil Engineering Works
- Door Entry systems
- General Day to day repairs and Voids for HRA Stock
- Supply of liquified petroleum gas (LPG) to Oakley wood

Procurements for advisory purposes:

- Cladding and fire improvement works
- Country Park Construction contractor
- Victoria Park Paddling Pool refurbishment
- Myton footpath construction consultant
- Consultant/ project manager for Athletics track relocation
- Contractor for Athletics track relocation

---

## 1 Reasons for the Recommendation

- 1.1 The report brings forward all proposed procurement exercises ready to be sourced, some of which form key decisions as they are over £150,000; others are provided for advisory purposes. As explained in the report to Cabinet in March 2024 a gap was identified within procurement governance process at WDC which was clarified by Cabinet and Council to confirm that any proposed procurement activity above £150,000 needs to be considered by Cabinet.
- 1.2 These exercises are set out in the Confidential appendix (due to the values associated and the Council not wanting to declare the anticipated budget) to the report for consideration. These items and the reason for their procurement are set out within the confidential appendix to the report, so as not to disclose the Council's position in respect of the Anticipated cost
- 1.3 It should be noted that these exercises are early stages of the procurement process.

## 2 Alternative Options

- 2.1 In respect of recommendation the Cabinet could decide not approve some or all of the identified procurement activities, however some of these relate to the provision of core or statutory services, and to pause or stop at this stage would significantly delay some of these activities were new contracts are required.

## 3 Legal Implications

- 3.1 There are legal implications when determining the financially sensitive Appendix to the report to the extent that the discussions on those appendices should be treated as confidential under (paragraph 3 under Local Government Act 1972 - Schedule 12A After the Local Government (Access to Information) (Variation) Order 2006). Following completion of any procurement each of the contracts for these products will be detailed on the Council's public contracts register.

#### **4 Financial Implications**

- 4.1 The anticipated values of the contracts sought for procurement are built into the budget of the Council as agreed in February 2024. Where no budget is in place specific separate Cabinet reports will be brought for consideration.

#### **5 Corporate Strategy**

- 5.1 Warwick District Council has adopted a Corporate Strategy which sets three strategic aims for the organisation. The delivery of good procurement is a key aspect in in Delivering valued, sustainable services in order that the Council can continue to focus its efforts and activities on the needs of its residents, communities and businesses.

#### **6 Environmental/Climate Change Implications**

- 6.1 The environmental implications of the proposal in relation to the Council's policies and Climate Emergency Action Plan will be considered at early stage of procurement in line with the Council's current procurement code and with appropriate advice from officers.

#### **7 Analysis of the effects on Equality**

- 7.1 There are no direct Equality implications of the report and each procurement exercise will be required to complete Equality Impact Assessment as part of the procurement exercise.

#### **8 Data Protection**

- 8.1 There are no specific data protection implications of the proposals as set out, but any procurement activity which will result in a change of how the Council handles personal data or security of personal data will be subject to a Data Protection Impact Assessment being approved before the final contract is awarded.

#### **9 Health and Wellbeing**

- 9.1 There are no direct health and wellbeing implications of the proposal.

#### **10 Risk Assessment**

- 10.1 There are minimal risks associated directly with the report as the report introduces improved equity of speaking at Planning Committee and improved governance for procurement as an interim measure.

**Background papers:** None

**Supporting documents:**

Warwick District Council Constitution [Article 13](#) & [Code of Procurement Practice](#)  
[Warwick District Council Cabinet March 2023](#)

Title: Parking Service Development – Strategy and NPP  
 Lead Officer: Neil Bridges (neil.bridges@warwickdc.gov.uk)  
 Portfolio Holder: Councillor Will Roberts  
 Wards of the District directly affected: All

<b>Approvals required</b>	<b>Date</b>	<b>Name</b>
<b>Portfolio Holder</b>	12/06/24	Will Roberts
<b>Finance</b>	18/06/24	Andrew Rollins
<b>Legal Services</b>		
<b>Chief Executive</b>	11/06/24	Chris Elliott
<b>Director of Climate Change</b>	11/06/24	Dave Barber
<b>Head of Service(s)</b>	11/06/24	Steve Partner
<b>Section 151 Officer</b>	18/06/24	Andrew Rollins
<b>Monitoring Officer</b>	12/06/24	Graham Leach
<b>Leadership Co-ordination Group</b>		
<b>Final decision by this Committee or rec to another Cttee / Council?</b>	Yes	
<b>Contrary to Policy / Budget framework?</b>	No	
<b>Does this report contain exempt info/Confidential? If so, which paragraph(s)?</b>	No	
<b>Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?</b>	Yes 1,442	
<b>Accessibility Checked?</b>	Yes	

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## Summary

Warwick District Council's Parking Service wishes to continue further improvements to the provision of its car parking services throughout the district. The purpose of the report is to seek funding to support the development of a new Car Parking Strategy and to join the National Parking Platform (NPP).

There is a need for a new Parking Strategy, as car parking is a critically important service the Council provides to residents, businesses, and visitors. A strategy is needed to ensure that future car parking provision takes into account future needs, sustainability, changes in technology, approach to charging and infrastructure.

The report also seeks approval to join the National Parking Platform (NPP), which would offering a wider customer choice of Parking App providers for Council car parks.

## Recommendations

- (1)** That Cabinet agrees to create a new Parking Strategy to span 5 years 2025-2030.
- (2)** That Cabinet agrees to the provision and expenditure for a budget of up to £50,000, funded from the Service transformation reserve, to procure a specialist parking consultant to support the development of the Parking Strategy.
- (3)** That Cabinet agrees that WDC should join the NPP, as soon as possible but no later than August 2025, to offer a wider choice of parking payments for our customers, and delegates authority to the Head of Neighbourhood and Assets, in consultation with the Portfolio Holder for Neighbourhood and Head of Finance, to set the joining date and inform all Councillors of this.
- (4)** That Officers undertake a review of the impact of NPP membership after 12 months of operation and report it back to Cabinet, along with necessary actions.

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## 1 Reasons for the Recommendation

- 1.1 This report covers two initiatives: developing a new car parking strategy and joining the NPP. As these two initiatives have a link it has been treated as one report and not two.
- 1.2 The previous car parking strategy expired in 2012. The report seeks approval and funding to develop a new car parking strategy for the district, that will provide a strategic framework to ensure consistent and evidence-based decision making.
- 1.3 The report also seeks permission to become a full member of the NPP, as this will not only make app payments much easier for customers, support the Council's MTFS but also provide opportunities that could be considered as part of the strategy development.
- 1.4 **Develop a new Parking Strategy and agree the budget.**
  - 1.4.1 The current Parking Strategy is twelve years old, and a new strategy is now needed, that will take into account the changes in car usage and demand in this time. To develop good governance and oversight of a new Parking Strategy a

cross-service project team will be needed to oversee its development and take on board the consultant advice. This would be a corporate piece of work, it is proposed that services directly connected with Parking such as Safer Communities, Leisure and Environment, Place, Arts and Economy, Climate Change and Finance are needed to inform the approach regarding the following themes:

- Environmental considerations.
- Infrastructure e.g. transport developments such as the current widespread uptake of EVs
- Future parking provision.
- Modelling of parking patterns and income.
- Investment.
- Charging (fees and tariffs, permits, enforcement, appeals) – in line with the current Commercial Gov consultation to fit in with the wider parking strategy.
- The local town centre economies, Leamington Transformation Board proposals and stakeholder needs.
- Risks.
- Technology.
- Customer service delivery.

1.4.2 To develop a new Parking Strategy a specialist consultant will need to be procured to work alongside the Neighbourhood and Assets team to support this work. It is estimated that the consultancy cost to develop a parking strategy would be up to £50,000. Once a consultant is appointed, the strategy development is anticipated to take between 6 to 12 months to complete.

1.4.3 The broad baseline specification will include:

- To review parking provision from an income generation, climate emergency and active travel perspective.
- To understand, document and provide indicative costings for required car park maintenance.
- To review areas of under and overcapacity in parking provision and analyse the feasibility of additional parking provision or means to achieve modal shift to sustainable modes of travel.
- To undertake stakeholder engagement to understand the views and needs of all stakeholders (including as examples WCC, Town/Parish Council's and BID Leamington) and to develop options for the district's parking strategy which support the town centres economy and sustainability.
- To provide a data driven and evidenced based parking strategy that meets the needs of all stakeholders.

## 1.5 **The National Parking Platform (NPP)**

- 1.5.1 The NPP is a new national parking pay by phone service supported by the Department of Transport. It is a data hub and open marketplace that can broker parking transactions between numerous payment service providers (e.g. RingGo) and parking providers (WDC).
- 1.5.2 The NPP intention is that if the motorist is charged the convenience fee, it will stimulate competition between the payment (app) providers who will lower their rates to gain more customers. This will drive cheaper rates than the current contract-based system and improve resilience giving more options to pay if one app payment system fails. Those payment providers charging excessive convenience fees will put their market share at risk; whilst cutting costs may give them an edge over their competitors.
- 1.5.3 NPP provide a series of standardised ways to share important data about our parking sites and the vehicles that use them. It is likely to expand and incorporate more features such as parking permits, EV charging, resident parking and possibly permits.
- 1.5.4 Currently 60% of the Council's customers pay through RingGo and by joining the NPP will allow customers that use different car parking payment apps to pay online without the need to download additional other car parking apps. This makes the digital journey for customers easier and quicker.
- 1.5.5 The NPP pilot scheme started in Manchester in September 2021. Standardised contracts were subsequently created, and further authorities joined such as Oxfordshire, Cheshire West, Coventry, and Walsall last year. A full platform private beta is to be trialled with several operators in July 2024 and it is anticipated going fully live in the Autumn 2024. Early access operators will be invited to join from November 2024, which is when the Council would look to join as a full member.
- 1.5.6 The Council is already an associate member and have expressed an interest to becoming a full member and in doing so, as well as complying with other requirements has mitigated the need to pay a £10,000 joining fee. Associate membership allows joining without immediate usage. It is suitable to operate alongside our existing RingGo contract.
- 1.5.7 The membership agreement will be a rolling 12-month contract which renews automatically. There are no annual membership charges other than the proposed 2.5% transaction fees charge that also handles the financial flows and governance communications. This is slightly cheaper than the current contract with RingGo at 3% transaction fees, which will bring forward a small saving to WDC, £13.2k pa based on last year's fees. The Council will be able to leave at any time, with 1 months' notice, which provides WDC with flexibility and de-risks this initiative.
- 1.5.8 Other than a likely cost to replace the car park 'NPP location code' signage in all WDC car parks there should be no further expenditure. This will entail replacing or overlaying the existing RingGo signs and perhaps the further addition of NPP signage for added customer clarity that we offer multi-vendor payments through the NPP.

1.5.9 The RingGo convenience fee (the cost paid by the driver) has been absorbed since March 2022 following an operational decision by the Parking Service falling in line with the on-street provision by WCC who also use RingGo and at a time when the Council went fully cashless in all our car parks. Competition law means this is not possible in a multi-vendor environment, instead, the NPP sets up a competitive market, where each participant makes a choice about the fee, they charge allowing the customer to select the provider they wish to use.

1.5.10 The benefits of NPP to car parking customers are:

- It is intended as a national scheme that will be available in all publicly owned car parks.
- Visitors can use the app of their choice and preferences that best suits their needs. This saves customers from having to enter their vehicle and payment details every time they visit a new area.
- Would introduce multiple payment providers offering a wider choice to our parking customers.
- Competition between suppliers for customers enables customers to choose the supplier that best meets their needs.
- Payment resilience by giving more options to pay if one payment system fails.
- The NPP does not seek to remove existing payment machines, such as pay-and-display machines, they intend to help integrate their systems into the NPP.
- It will provide scope to create new methods of payment such as vouchers to display in a window.
- Develop new services related to parking, road access and other value added. services such as guidance to spaces, frictionless parking, uniting EV charging and parking options,
- It lays the groundwork for future vehicles to handle parking payments for themselves.

1.5.11 The benefits to the Council of joining the NPP are:

- More opportunities to be considered as part of the development of the Car Parking Strategy
- Reduce contract management administration and reduce contract overheads with a lower transaction charge.
- The Council no longer absorb convenience fee charges, and this would be passed onto the customer e.g. £0 to £0.20 per transaction, which is estimated to save up to £76,000 per year and support the Medium-Term Financial Strategy.

1.5.12 Officers have liaised with WCC and Parking colleagues at other District/Borough Councils in Warwickshire. It is anticipated they will all join the NPP at a mutually agreed time within the next two years. However, to get maximum benefit for WDC it is considered more appropriate to join as soon as possible.

1.5.13 This process currently only brokers pay by phone parking payment services and does not include ticket machine charges at present. The NPP does not seek to remove existing payment systems (pay-and-display ticket machines). We will explore our options for our current supplier Metric, to integrate their

systems into the NPP and join up a full picture of occupancy and availability data.

## **2 Alternative Options**

- 2.1 The Cabinet could decide to continue without an up-to-date Parking Strategy, would mean decisions could be made without an evidence base, opportunities missed, resources deployed in an ineffective way as well not meeting expectations of customers.
- 2.2 This is not a recommended as the Council may miss the benefit of additional advice at a time when car parking provision needs to continue to evolve. A strategy provides an opportunity to consider the art of the possible, the evidence base and engagement and consultation with key stakeholders.
- 2.3 The Cabinet could decide not to join the NPP at this time, but the opportunity impact of not doing so would mean:
  - The NPP provides future possibilities to inform the Car Parking Strategy
  - Continuing to procure a sole pay by phone payment provider rather than adhere to a national administration fee that the NPP offer.
  - Miss out on the benefits of DfT backed data standards that may support automation of individual location parking income into the finance system.
  - Future app payment process innovation that the pay by phone providers may implement to compete with each other, which may reduce convenience fee charges to the motorist/customer.
  - The Council would continue to absorb the annual £76,000 convenience fee charges against a sector wide financial pressure.
  - Continue to minimise customer payment choice to one pay by phone provider. This may impact the customer with higher convenience fees that the NPP process would otherwise be able to drive down, with its competitive market between the pay by phone providers themselves in order to retain and gain a larger market share of the parking income.

## **3 Legal Implications**

- 3.1.1 There are no legal implications identified as part of this report in developing a new Car Parking Strategy. Any legal implications around potential changes to car parking provision would be addressed as part of the strategy development.
- 3.1.2 NPP Membership Agreement is a 12-month contract that renews automatically. The Council would not be locked in as it allows members to leave at any time with a short notice period.
- 3.1.3 The current contract with RingGo is due to be replaced by a new contract in August. The new RingGo 1 year plus 1 year contract is anticipated to start 10<sup>th</sup> August 2024 and this Gcloud contract allows us to end it with 30 days' notice allowing WDC to migrate from a sole vendor to a multi-vendor open-market solution via the NPP.

## **4 Financial Services**

- 4.1 It is estimated that the consultancy cost to develop a car parking strategy would be up to £50,000. This would be funded from Service transformation reserve With better enforcement coverage in all our car parks and despite the

increase in their visibility, the last 12 months has seen a notable increase in the PCN income. Clearly indicating the amount of parking income that would otherwise have been lost had not been for an enforcement presence.

- 4.2 A procurement exercise will be undertaken to procure the specialist consultant in line with the Council's financial procedure rules, it is anticipated this will start once approved, the completion time will vary depending on the most appropriate route chosen and available to use.
- 4.3 With full NPP membership the Council would no longer absorb the convenience fee, which has been in place since March 2022. The payment data indicates this has cost the Council approximately £76.5k over the last financial year and has grown over as more customers use RingGo. This change would provide a financial benefit to support the Council's MTFS under Priority 1 of the Corporate Strategy.

## **5 Corporate Strategy**

- 5.1 The creation of a Car Parking Strategy and joining the NPP supports Priority 1 of the Corporate Strategy: Delivering valued, sustainable services:
  - "Our medium-term financial strategy will set out the steps we will take to ensure we continue to be financially sustainable and can continue to invest across the district. This will include making better use of existing resources and consider how we can increase income generating opportunities".
  - "By reviewing how Council services are delivered and measuring performance will help ensure high quality services are being delivered across the Council".

## **6 Environmental/Climate Change Implications**

- 6.1 The review of the Parking Strategy will take account of the Council's climate change ambitions by exploring the potential for the strategy to encourage alternatives to combustion engine vehicles and by incorporating potential for extended EV charging, car clubs and cycle parking.

## **7 Analysis of the effects on Equality**

- 7.1 An Equality Impact Assessment will be undertaken as part of the development of the Car Parking Strategy. An EQIA was last undertaken when the Council introduced cashless parking for the start in March 2022.

## **8 Data Protection**

- 8.1 There are no Data Protection implications linked to the Car Parking Strategy element of this report.
- 8.2 The NPP will operate by default as a data processor, using numberplates rather than personal data. This is set out in their Membership Agreement. By becoming a member, a service provider or parking provider (WDC) commissions the NPP to process data on its behalf. This will require the Council to enter in to specific agreements with the NPP which will be considered by the Information Governance Team and will be completed as part of the implementation plan.

## **9 Health and Wellbeing**

9.1 There are no health and wellbeing implications as a result of this report.

## **10 Risk Assessment**

10.1 There are no risks identified with the Car Parking Strategy element of this report. A full risk assessment will be undertaken as part of any future draft parking strategy report.

10.2 The NPP is a Department for Transport (DfT) backed service and data hub that brokers parking transactions between numerous payment providers and has Councils already in use as part of the polit. As part of a risk-based consideration around this initiative meant waiting until now to consider joining.

10.3 The NPP is deemed to be low risk for the following reasons.

- The contract term has flexibility, and the Council is tied for 12 months and gives an opportunity to test and review its impact on parking services.
- The impact of the moving the convenience charge back to the customer: Currently, Nuneaton & Bedworth BC, Rugby, Coventry (already in NPP) and Birmingham do not absorb the convenience fee. However, this will not prevent a potential negative public reaction to this change, and we anticipate the size of this fee reducing as payment vendors vie for the market share of our customers.
- A risk has been considered if joining the NPP would impact on the current providers contract, – This is covered through the introduction of a new contract with the current provider as set out in 3.3 above.
- There is an opportunity risk of not taking forward membership of the NPP for the reasons already set out in this report.

## **11 Consultation**

11.1 The development of a new Car Parking strategy will include a consultation and engagement plan to help inform and shape the way forward.

11.2 Regarding joining the NPP, this recommendation will make app payments more accessible and so consultant was not required.

11.3 Car parking charges will be consulted upon as part of the annual planned review of fees and charges.

### **Background papers:**

#### **Supporting documents:**

'NPP-decision-makers-guideweb.pdf'

'National-Parking-Platform-introduction-for-LAs.pdf'

'Parking Consultant Pricing comparison – Cabinet Report.pdf'

<https://npp.org.uk/>

<https://npp.org.uk/faq/>

<https://myringgo.co.uk/>



# National Parking Platform

## Introductory pack

# Executive summary

## A better service

The National Parking Platform is a hub linking together parking sites and parking apps. Local authorities and others that join can offer their parking to motorists on all participating apps, ending the current system of monopoly contracts.

This saves frustration, cuts paperwork and rebuilds the current market around customer service and innovation.

## Easy to access

The NPP is built so it is easy for local authorities to join. We have reshaped the market, so the running costs of the NPP are well below procurement thresholds; and have created a membership model that ensures LAs long-term influence. This means LAs should be able join the NPP without procurement.

And this is done in a way that leaves local authorities firmly in control of their policies and revenue streams.

## Proven

The National Parking Platform has been piloted in Manchester, Cheshire West and Chester, Coventry and Oxfordshire, and already handles 125,000 transactions a month.

This means links to the parking industry are already well-established, with the four largest parking apps already connected. The system also automates several back-office tasks.

## Action needed

Participation in the NPP is voluntary. But until Easter 2024 we are waiving joining and membership fees for local authorities who indicate they are willing to join.

LAs can do this now, even if they have existing contracts – and the NPP will be ready to take them onboard when current contracts end.

This is a costless and risk-free step, as councils are free to leave the NPP at their discretion.

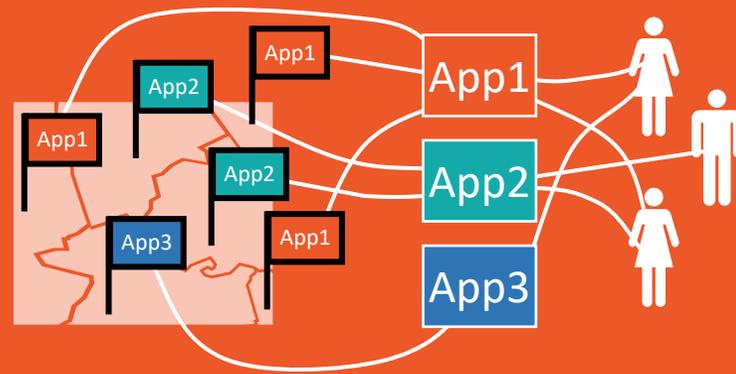
# What is the National Parking Platform?

Pay-by-phone and pay-by-app services have been a growing part of the parking ecosystem since the 2000s. Users appreciate the opportunity to pay without cash, and without having to visit a machine.

However, when these services first emerged, no effort was made to organise how they worked together. As a result, the system continues to be organised through a series of procurements by local authorities and others. Each authority is tied to a single app for the length of its contract; and any user travelling around the country must contend with multiple apps.

The National Parking Platform (NPP) is being built to fix this. The NPP is not an app itself, but by creating a hub between parking providers and apps, all participating apps can offer parking in all locations. As a result, users can use their preferred app everywhere; and local authorities get access to all participating providers.

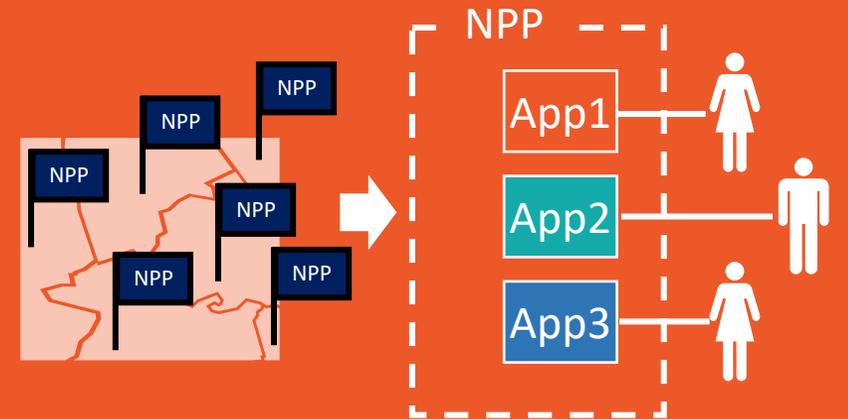
## Now



Each area contracts an app on a monopoly basis

Users are forced to use a particular app to park in an area. So they must use many different apps to park everywhere

## Future



Many areas are on the NPP

The apps are all on the NPP

Users pick their app of choice

# Key benefits

The NPP is designed to join up different parts of the existing parking system, bringing benefits to all.

## For Local authorities

- Lower costs
- Procurement no longer required
- Better service to the public
- Data to support wider policy

## For App-providers

- Reliable access to the whole market
- Competing for individual users on service quality and price

## For Users

- Ability to use their preferred app everywhere
- Apps compete for their business
- More services targeting special users (e.g. less digitally confident users)

The NPP will remain a neutral digital platform, ensuring fair dealing between the different participants. The governance of the NPP will ensure impartiality and trustworthiness.

# Existing pilots

The NPP has been undergoing real-world trials since late 2021. This took the underlying concepts and standards, and united them into a working technical system.

Having started in Central Manchester, the pilot has now rolled out to a further three locations, confirming that the concept is able to scale up. Over 125,000 parking transactions are handled through the pilot every month, using four existing apps. More authorities are coming onboard at present.

The announcement that the NPP is expanding to work nationally means we are now building the infrastructure so systems tested in the pilot can operate at the scale required to manage the nation's parking payments.



# Growing ecosystem

The NPP pilots have built and tested the links necessary to make the NPP function. This began with integrating a number of existing parking apps into the system; and now covers all of the key functional interfaces that are necessary to manage the situation on-street.

The architects of the NPP include the former Chair of the British Parking Association and current President of the European Parking Association. This means that the links with the rest of the parking system have been crafted by experts, with buy-in from the top management of relevant companies.

Many in the parking industry, including both large and small app providers, have been pushing for an open market and are firmly in favour of the NPP.

## NPP

### **App providers**

The four largest parking apps are hooked up. More want to join

### **Enforcement providers**

Three main providers are already connected; two more are committed to join

### **Equipment manufacturers**

Integrating to enable pay on arrival and departure

### **Data analysts**

Looking to use the feeds from the pilots to create new dashboards and toolkits

# Potential to evolve

The NPP creates a joined-up system to pay for parking. However, the way it is built means that it has the potential to do more. In the future, it has the capacity to join up payments for:



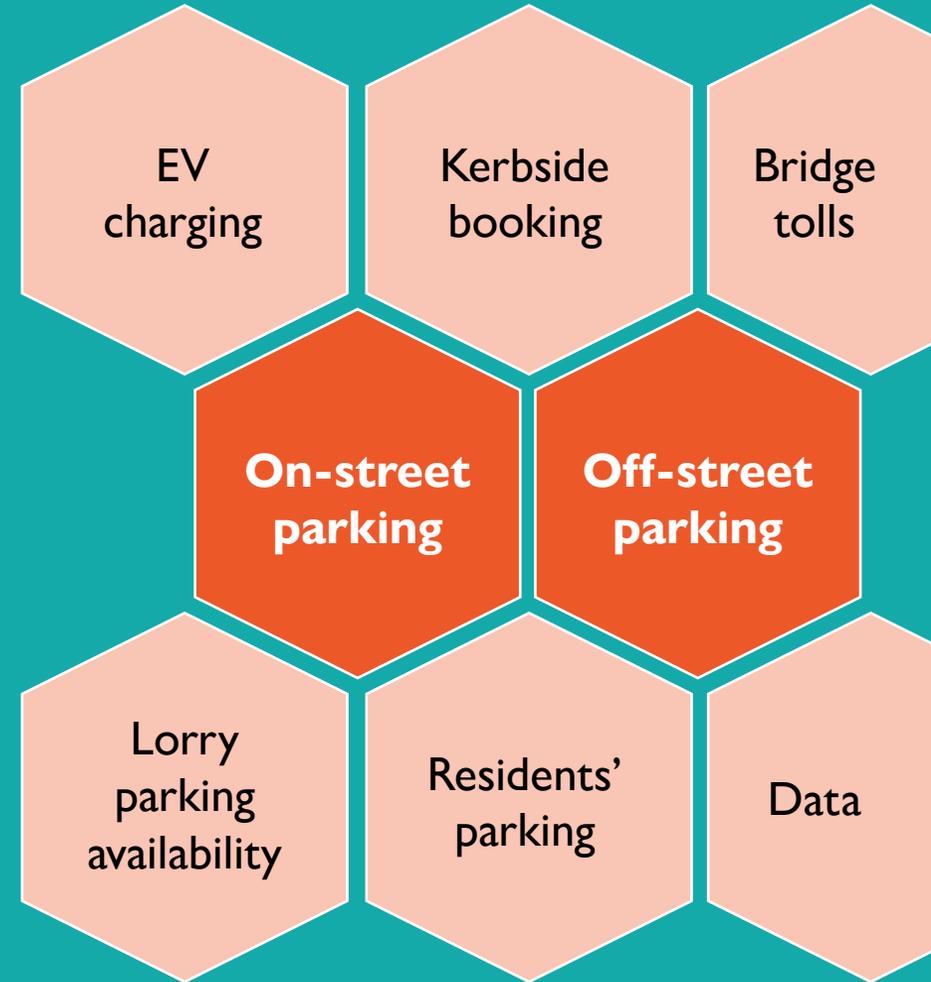
Electric vehicle charging points

Longer-term parking (e.g. residents' parking)

(Existing) charges and bridge tolls

Once the main NPP platform is established and in wide use, NPP should continue to develop, and bring these features onboard.

The NPP brings data and information together, which can support local traffic management functions and provide live information on matters such as parking availability.



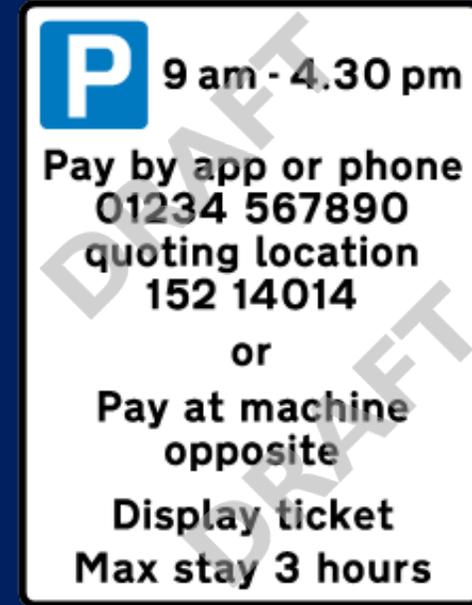
# What happens on the street?

## Very little will change on the street

Users will simply use their favourite app to pay for parking in any participating area. The arrival of the NPP will not affect the availability of conventional parking meters (which remain the responsibility of the parking provider).

Most people who park by app use the geolocation functions on their phone to identify where they are. This means they automatically take advantage of the NPP where available

To help those who park using the parking codes on signs or notices, the NPP will ultimately create a central set of codes for parking bays. This will be implemented over a period of time, and changes to signs will be limited.



## ...But links to new technology are built in

The NPP's design makes it easy to connect the latest generation of parking sensors and ANPR.

Barrierless parking, automated payment, online booking and other features are available as soon as the relevant equipment is installed at the site.

# What happens behind the scenes?

Currently, parking providers (such as local authorities) connect to a single service provider (app). Under the NPP, parking providers connect to the NPP, which then connects to all the participating service providers.



Behind the scenes, the NPP uses the internationally recognised APDS data standard to relay key information about parking sites to apps:

- Price
- Availability

Parking providers can update this online, whenever they need to.

Using this information, apps broker parking agreements for their users, which are recorded through the NPP.

The NPP organises regular billing across the sector so that service providers pay the right sums to parking providers.

# How are revenues shared?

Currently, contracts for pay-by-app services fix how much each local authority and service operator can make from each parking transaction. The move to the NPP replaces this direct relationship with an open market.

Based on conversations to date, the NPP team understand the top priority of local authorities is control and stability of revenue. The new model is built to provide that certainty.

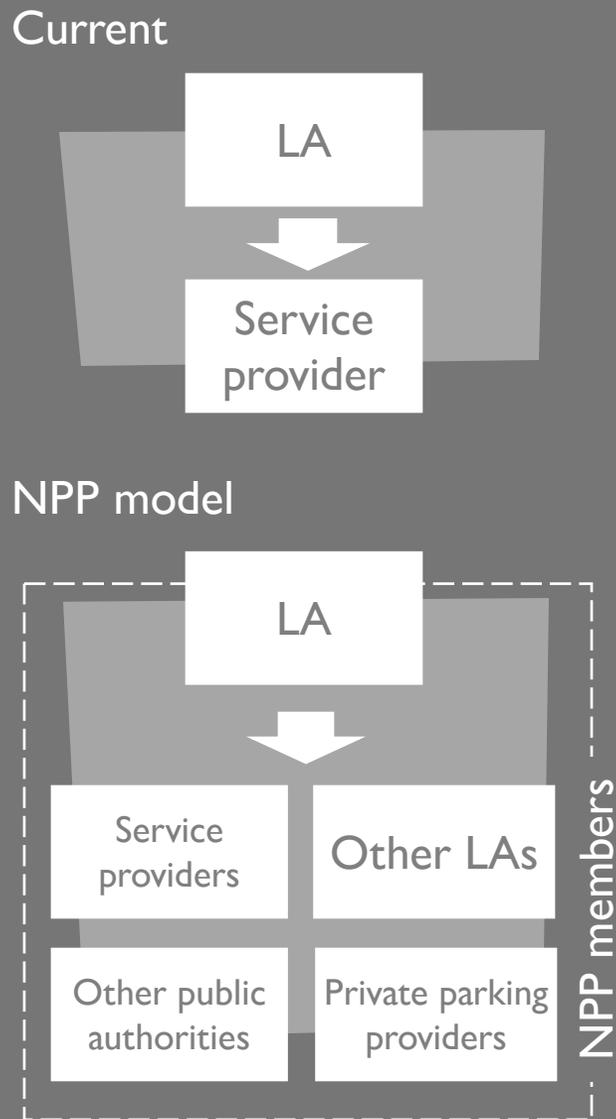
The NPP records the numbers and values of transactions and manages payments. Local authorities get their revenues in a regular single payment consolidating what different service providers owe.

## How are prices set?

- Local authorities set a 'wholesale price' that all apps must pay to use the parking. The question of how this relates to an on-street price would be for the local authority to decide.
- The NPP charges a small fixed fee to cover its costs
- Apps charge a convenience fee to their customers as they judge fit, in the context of a competitive market.



# Getting onto the NPP



The NPP will change the way in which local authorities get access to pay-by-app services. **There will no longer be a need to procure the services of a single company** – instead, authorities join the NPP simply by signing up.

**Authorities do not need to wait for existing contracts to end before becoming NPP members.** Once existing contracts expire, they are able to go to multi-operator arrangements automatically.

Members of the NPP will get access to all participating apps as soon as the system goes live in their area and existing contracts lapse. Those already on the pilot projects will also switch by default.

Membership lasts indefinitely, although a local authority is free to leave at their discretion.

The relationship is still governed by a formal contract, and therefore fully accountable. Members also have a dedicated route through which to make their views heard about the long-term direction of the NPP.

# Becoming a member

**Nothing stops you joining the NPP now**

**Until Easter 2024  
joining is free**

Membership of the NPP is designed to be a no-barriers, no-regrets choice.

- ▶ Becoming a member of the NPP does not compel you to use it immediately. That means existing contracts can expire without creating legal problems, but you have the NPP waiting for you as your next option when those contracts expire.
- ▶ The NPP provides its services on standard terms, meaning there are few legal hurdles to jump before using the platform.
- ▶ Members can leave at their discretion.

Until Easter 2024 we are waiving joining fees for all those who tell us they intend to become members\*. There are no annual fees for local authorities.  
**So authorities on the 'early bird' list will pay no fees.**

# Types of membership

We recognise many local authorities are currently in contracts that have years left to run. We still want to make it possible to join the NPP now, and get access to at least some of the benefits. One way of doing this may be through having different tiers of membership.

## **Full membership**

- Using the NPP for all pay-by-app parking services,
- Multiple vendors
- Live data on the platform

## **Associate membership**

- Parking data included in the platform;
- Finishing existing contracts
- Ready to switch to full membership when the contract ends

Membership will also be open to non-local authority parking providers, in both the private and public sector.

# The joining process

**Intention to join**

**Membership**

**Information gathered**

**Ready to go**

**Live**

## **Onboarding**

With more than 300 local authorities in the UK with an interest in parking, we cannot bring everyone onto the NPP overnight.

We expect to prioritise those authorities whose existing contracts are expiring. After that, it is likely the first priority will be those authorities that join first.

Onboarding will require support from parking managers in the member authority, to convert data about parking in your area into the formats used by the NPP.

# Next steps

## Timeline

- 
- October 2023 – NPP announced
  - December 2023 – LA briefing
  - Early 2024 – 1<sup>st</sup> batch of new members on-boarded
  - Easter 2024 – last date for early bird registration
  - Mid 2024 – pilots incorporated into main system
  - Late 2024 – Target date for NPP full operation

## Learning more

The NPP team plan to hold an online briefing session for local authorities in December. This will be a chance to run through more detailed questions of how the platform works, and how it might interact with your local circumstances.

There are also existing groups for interested authorities at the BPA, and also at the Traffic Technology Forum. Trade events such as Highways UK also expect to have sessions on the NPP.

Register your interest for events, or ask the project team detailed questions via [npp@dft.gov.uk](mailto:npp@dft.gov.uk)

Email [npp@dft.gov.uk](mailto:npp@dft.gov.uk) to begin the process

# FAQS

Is the NPP England-only? LA only?

The NPP is designed to accommodate all types of parking, everywhere. Authorities outside of England have already been discussing joining the pilots.

It is also designed to handle both publicly-run and privately-run parking. This means it can bring together a uniquely powerful set of parking data.

Do I get parking data from the NPP?

Yes. Baseline data similar to what LAs receive from existing contracts will be automatically available. We also want to enable more sophisticated data via third-party analysts.

Can I mandate a particular price?

The NPP creates a competitive market, so it cannot fix prices. However it will allow LAs to set a 'recommended' price, if e.g. they wish to match prices to on-street rates.

Do I need to replace signs?

We aim to reuse existing signage and location codes where possible, at least in the short term. Any necessary changes will be through stickers rather than new signs where possible.

Will this reduce the ability to pay in cash?

The NPP will improve the customer experience for those who choose to pay by app; it does nothing to reduce access to cash-based services. We also hope that it will allow innovators to create previously-impossible services for those who prefer to pay by cash.

Will the NPP have its own app?

No. The NPP works through existing apps.



**National  
Parking  
Platform**

# **The National Parking Platform**

## **A guide for decision-makers**

### **Contents**

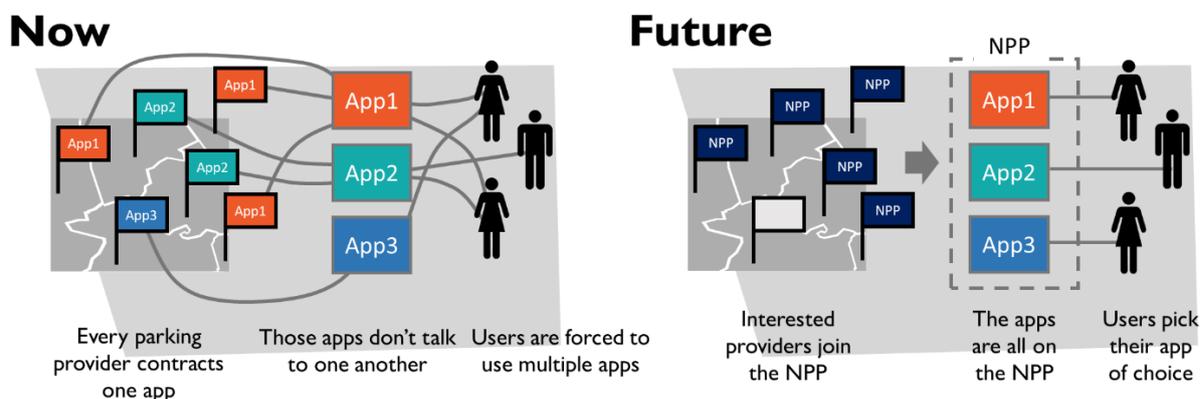
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## What is the NPP?

The National Parking Platform is a hub, connecting together parking providers (organisations that allow people to park on their land in return for payment or subject to other conditions) with service providers (people who help users to arrange parking – such as parking apps).

Under the old market model, parking providers sign contracts with individual service providers, most of which tie the parking provider to a single service provider for a fixed period. This means that users trying to park are required to use a range of different apps to pay cashlessly, depending on area or provider. It also reduces the opportunities to tailor services to people – as every app is designed to be one-size-fits-all.

The NPP creates a system that sits between parking providers and service providers, so they can all connect to one another.



### This reshapes how users pay for parking:

- Users can choose to pay for parking through any participating app, across a wide range of sites and operators
- Service providers no longer look to secure market share by winning procurement exercises, but by competing directly for users' business through a better service
- There is a viable market for serving special groups of users within the market, such as disabled motorists
- There is the potential to link parking services up with other kinds of transport advice, such as mobility as a service apps

### It also changes how parking works on a practical level:

- Local authorities can typically put their parking online without needing to run through a procurement exercise
- Parking data becomes much more plentiful and sophisticated, able to integrate into satnavs and mapping apps as standard
- Enforcement providers increasingly plug into a single system
- Back-office functions can be centralised and automated
- Every participant resolves all their payments in a single transaction.

The NPP is being set up to simplify cashless parking. By creating the infrastructure to handle this, we are also creating a powerful tool capable of handling similar challenges. We therefore expect the NPP to develop to handle other services, such as orchestrating payments for EV charging; managing residents' parking; or providing a platform to pay for existing tolls or charges – all through the same interface.

**Q - Is it an app?**

No – the NPP isn't an app. It's a system that sits behind the apps, linking all of them up to a larger range of parking sites.

**What the NPP does**

The NPP:

- Brokers parking transactions between service providers (working on behalf of users) and parking providers.
- Delivers the legal and technical arrangements needed to allow these transactions to take place.
- Reconciles financial payments between members – particularly from service providers to parking providers.
- Provides data on parking sessions to enable back-office functionality.
- Manages and organises data relating to parking.
- Develops new services related to parking and road access.

## Membership of the NPP

The nature of the NPP changes the relationship between the parking provider and service providers. Previously, the relationship was built around contracts between one parking provider and one service provider. The NPP remakes this market, so that everyone connects to the NPP in the middle of the system – so everyone gets access to everyone else’s services. That way, users can pay for *all* participating parking through *any* participating app.

### The membership agreement

All participating parking and service providers sign a document called the Membership Agreement (MA). This sets out what all the participants agree to do so they can work together through the NPP, including:

- The general responsibilities of any organisation on the NPP – e.g. due diligence requirements; data handling responsibilities
- The specific way in which individual NPP services operate. For cashless parking, this means setting out how data flows and what different participants are expected to do at different stages of the process.

The MA is designed to be a standard, simple set of terms and conditions, which all participants agree to. This reduces the complexity of joining – as standard terms reduce the need for legal review and as a result simplify the process of signing up. This is particularly aimed at helping smaller parking providers join the system, aiming to maximise the coverage of the system (and the quality of the joined up data that results).

Each member joins by signing a Registration Form, which agrees to the terms of the MA, and which notes the preferences (e.g. frequency of account payment) for an individual member.

The MA is a rolling 12 month contract, which renews automatically. A member can leave at any time, subject to a short notice period.

#### **Q – what is a member expected to do?**

In broad terms, the key membership obligations are:

- To agree to arrange parking between users and parking providers on an agreed minimum set of terms, open to all service provider members. (This does not preclude separate bilateral arrangements).
- To provide the NPP with information necessary to ensure the effective operation of the system, in a consistent way; as well as appointing the NPP as a data processor for the purposes of GPDR.

- To handle financial flows and communicate pricing information in a consistent way. This includes requirements for service providers to hold funds in dedicated funds, and governs how they take their fees during the transaction process,
- To keep information up to date, so the NPP remains accurate and other members can trust the quality of its data.
- To accept a standardised approach to handling back-office tasks such as managing complaints and refunds across the system.
- To make users aware that the NPP is in operation, particular through nationally-consistent branding, notices and signage.
- To meet all technical requirements and not to introduce vulnerabilities into the platform.

In addition:

- Service providers must demonstrate their financial viability
- Private parking providers must confirm their right to charge for a given site.

## **What kind of membership – parking providers**

For cashless parking, there are three types of membership currently on offer to parking providers:

- Early access membership – designed for parking providers who want to join right away, especially if an existing contract is coming to an end. Early access means NPP services (including multi-vendor payment) can be unlocked immediately, through the existing technical systems and contractual structures. This system will automatically convert to full membership once it is available, and will operate without transaction costs until that point.
- Full membership – designed for parking providers who want to offer multi-vendor cashless parking through the NPP, from late 2024 onwards. This provides all the cashless parking services of the NPP.
- Associate membership – designed for parking providers locked into an exclusive contract, but who are still keen to take advantage of some NPP features, and have the platform ready to take them on as full members. Associate members:
  - Share their parking data through the NPP (e.g. with enforcement providers, mapping apps)
  - Receive standard national location codes for parking sites
  - Are 'ready to go' for full membership, and can move across without further technical setup
  - But DON'T handle actual payments through the NPP

Under current arrangements, local authority parking providers would not expect to pay any costs for either early access or associate membership, provided they have registered their interest in the NPP before 31/3/24.

### **Q – why would I wait for full membership?**

Early access membership is the fastest way onto the NPP, and provides a fully-functional cashless parking system. However, full membership will mean:

- Legally simpler membership arrangements, as the MA will reduce the complexity of signing up
- Easier onboarding, with more of the work automated through a portal
- More features available – e.g. all service provider payments resolved through a single bill.

### **What kind of membership – service providers & equipment providers**

The NPP opens up the parking market in an unprecedented way, and as a result we have a number of organisations looking to join as service providers. For those organisations not already in the system as service providers under early access arrangements, we are looking to onboard new service providers in time for the full platform going live.

Equipment providers also have an enduring role with the NPP, helping to make new functionality available on the ground. Membership will provide a route through which equipment providers to receive technical support, and help shape the ongoing development of the platform. The intention is to have arrangements in place for this soon after the full platform is operational.

We currently expect there to be one kind of membership for service providers, and another for equipment providers. We will be providing more information about fees later in the year.

### **Costs of membership**

The NPP is largely funded through transaction fees, reflecting the actual costs of running the platform.

Membership fees, where they exist, are intended to reflect the fixed costs of having a particular member on the NPP. This primarily relates to due diligence, carried out to ensure that a member really is who they say they are.

As the risk of ID fraud is extremely low for a local authority or other public body, we do not expect to carry out NPP-specific due diligence checks. As such, we expect there to be no membership fees for UK local authorities or other UK public bodies.

We will be sharing fees for other bodies later in the year.

**Typical costs for a UK local authority as a full member of the NPP**

**Joining fee - £0** if registered interest before 31/3/24, otherwise £10,000

**Membership fee - £0/yr**

**Transaction fee – approx. 2p/transaction** which is expected to be offset against wider market efficiencies

## User experience & services

When the NPP goes live in an area, the transitional issues for users are expected to be minimal. Unlike when one monopoly contract gives way to another, there is no need for users to register for an alternative app and set up a new account – existing arrangements will continue to work. Similarly, geolocation functions on phones will pick up any changes to location coding automatically, without the need for user consideration.

General information to users about the ability to use the NPP is expected to primarily come through local media and communications, with signs and notices playing a secondary role. Again, as there is full backwards-compatibility with any previous system, removing outdated signage is a lower priority than at any traditional handover.

### What signs will be on the road?

A revised parking sign is under development for use alongside the full national platform, noting the ability to pay by any participating app; and providing a location code for doing so. Roll-out of this sign will be voluntary, and is being designed to be deliverable by sticker rather than a full sign replacement.

Over time, notices from existing providers would ideally be removed or replaced with new notices explaining the existence and operation of the NPP. Standard patterns for notices, with the NPP logo, are being developed with the parking industry and will be available before the full system goes live.

#### **Q – does the NPP sign include all service provider logos?**

Parking providers can put up whatever notice they think best serves users. However the NPP's preferred option makes use of a recognisable sign demonstrating multi-vendor payment, and the logo of the NPP itself, as a way of communicating that it is possible to pay through many apps. Given the range of service provider uptake, we expect that users will soon expect all apps to be on the system and will not need directing towards member service providers.

### What non-app options will be available?

The overall options for payment are a matter for the parking provider. This is especially true for a local authority, where decision-makers are democratically accountable for their choices.

However, the way that the NPP joins up a wider market and makes payment more efficient helps a number of different non-app payment channels work better. It can also enable payment options that would otherwise lack the necessary scale to be commercially viable.

**Payment machines** – The NPP does not seek to remove existing payment machines, such as pay-and-display machines. Makers of this equipment are able to integrate their systems

into the NPP, and there are significant benefits in doing so in terms of joining up occupancy and availability data.

**Other cash payments** – some local authorities already accept payments from companies such as PayPoint. We expect this to naturally integrate with the NPP and provide a reliable second route to cash-based payments.

The way the NPP reorganises the market also creates opportunities for people to create new methods of payment, including those based around cash. We look forward to exploring these options further with service providers.

**Telephone** - Currently, local cashless parking procurements frequently bundle in a telephone service. This is no longer possible under a competitive market. The limitations of signage also means that it is not possible to point users towards multiple phone payment providers.

To ensure that telephone services remain in place, the NPP expects to set up a national telephone payment line for NPP-compatible parking, with a single number, and with the management of the service subcontracted to an existing service provider or a third party.

### **Can the system incorporate free parking for residents?**

Some local authorities offer a free parking session, or a free hour of parking to local residents. Early technical assessments suggest the NPP can accommodate arrangements like this, as the existing enforcement infrastructure already handles the necessary information.

Successful implementation will require the relevant local authority to maintain and share a list of eligible people/vehicles.

#### **Q – must parking providers work with all service providers?**

All member parking providers are expected to offer their parking to all member service providers, other than in exceptional circumstances (mainly where service providers cannot handle particular payment/tariff options).

The NPP acts as gatekeeper to the whole system, and can pick up any issues on behalf of parking operators or service providers. Failure to play by the rules of the system can lead to suspension or termination of membership.

### **Online presence**

The NPP will maintain a webpage explaining how the system works and who is participating. However there are no plans for a standalone NPP app.

## User fees and payments

Historically, the cost paid by a driver has been fixed by a contract between the parking provider and the service provider. Competition law means this is not possible in a multi-vendor world. Instead, the NPP sets up a competitive market, where each participant makes a choice about the fee they charge.

- Local authorities and other parking providers set the price for parking.
- Local authorities and other parking providers make a small allowance for transaction costs (commission). This matches current practice, and will be set at the discretion of the parking provider.
- The NPP sets a transaction fee, based on its costs.
- The service provider sets a service fee, reflecting the cost of using their app.

All these fees are set independently; although the service provider's fee is set in the context of a competitive market. In the Netherlands, where a system similar to the NPP has existed for many years, service fees are lower than they are in the UK. We already have one app on the NPP that does not charge a convenience fee for parking, because it expects to make its revenue in other ways; and over time we expect to have more.

Payments flow from the user to the parking provider through three steps.

- The user pays the service provider
- The NPP bills the service provider on behalf of participating parking providers. The service provider pays the requested sum to the NPP, keeping its service fee.
- The NPP takes its transaction fee, and then distributes the parking fees to the individual parking providers through a single payment.

We expect parking providers will be able to be credited daily, weekly or monthly depending on their particular circumstances – but more frequent resolution may carry additional costs.

### Setting parking fees

Parking providers set their parking fees and publish them to Service providers through the NPP's main portal, which we expect to be fully self-service. This should be as simple as filling in the existing spreadsheets that form the bedrock of cashless parking systems.

Once a parking provider hits 'send', the new rates will be uploaded, and brought into effect from the live date you set.

#### **Q – can the cost of parking in the NPP differ from the posted tariff?**

In practice, some authorities already charge a different price in apps compared to on the road. This is a matter for local authority discretion, and the NPP will continue to make this possible.

A policy of total discretion creates a risk of parking providers setting costs in the app substantially above the posted tariff. The NPP reserves the right to monitor, analyse and flag such discrepancies, and in the event of severe differences to suspend parking providers.

**Q – can an LA make the Service Provider charge only the posted tariff?**

The NPP cannot force a particular price on multiple service providers in a nationwide service without breaking competition law.

However we recognise that some authorities actively wish to ensure that the online price matches the posted tariff. For these cases, we are creating a mechanism so **LAs can be confident that users can park for the posted tariff**. This price includes the full parking fee, the NPP transaction fee, and an allowance for a service fee (see below).

Service providers are not obliged to sell parking at/below the posted tariff in these situations, but the NPP will record those that do and make the data publicly available.

**What is the NPP’s transaction fee?**

The NPP’s cashless parking service is designed to run on a cost-recovery basis. This means that we need to know more about expected uptake before we can give a definitive view about the price of the platform. However, based on our early calculations, we think that the transaction fee will be around 2p, worth 0.6% of a typical transaction.

The costs that the NPP recovers have been worked out in consultation with local authority experts. It includes core operational costs, such as software maintenance and back office staff. It also provides for the ongoing development of the platform to ensure new services become available.

Transaction fees are never paid directly by the local authority/parking provider, but are taken from the money paid by users before final reconciliation.

**Q – is the NPP a new, extra cost?**

The NPP has been operating for nearly two years in its pilots. In these areas, it has not been accompanied by a rise in prices.

With the switch to the NPP, the NPP fee becomes one of a number of unavoidable costs of cashless parking, similar to card acquisition fees or PCI certification costs – all of which are conventionally covered by the concept of ‘commission’ (see below). Some of these costs are reduced by the move towards the NPP, meaning that the NPP costs are balanced by savings elsewhere. Service providers will make a decision about whether or not to directly absorb the NPP fee within their existing cost structure.

In NPP trial areas, service providers are already actively competing on price. We therefore expect that typical users will be able to get prices that are the same, or lower, through the NPP. Over the long term, we expect service fees to go down as a result of competition.



### **Real-world competition in Coventry**

NPP does not comment on or endorse any statements made

## **Commission fees**

Historically, service providers have collected two fees for cashless parking –

- A convenience fee – normally set as a fixed amount per transaction, and explicitly shown to users as an additional part of their bill.
- ‘Commission’ – normally charged by service providers to local authorities, and deducted from the posted tariff. This is normally held to cover procedural costs of transactions – for example fees to organisations such as VISA or WorldPay, payment processing or certification costs.

Commission means that local authorities do not receive 100% of the posted tariff (as is the case with all other types of revenue collection). The NPP pilot has made a standard 2.5% allowance for commission costs, which broadly matches market practice.

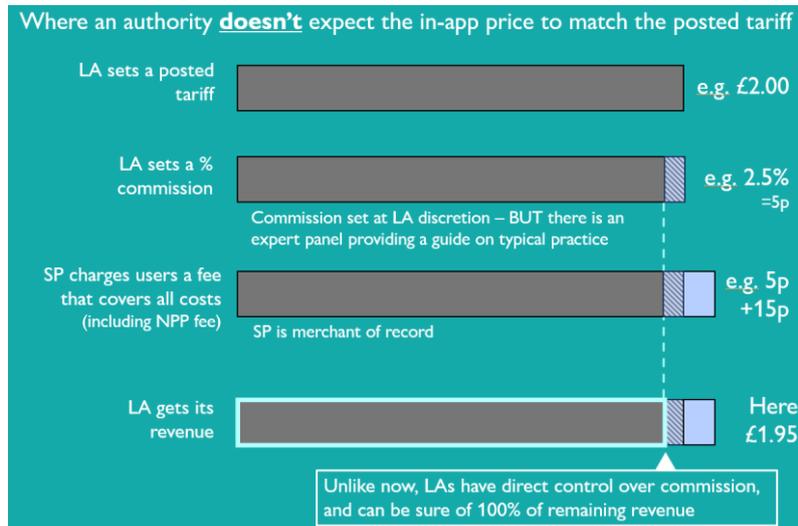
Under the full NPP, parking providers will set a standard commission rate, which will apply to all service providers. This is at the parking provider’s discretion, but the NPP will periodically make available advice on prevailing transaction costs to help make an informed judgment.

In order to make this work, this is accompanied by a standardisation of payment structures, with the service provider becoming the merchant of record consistently across the NPP.

This shift has two important consequences for parking providers:

- Parking providers are no longer at-risk for changes to transaction costs. After deducting the commission (which they set) local authorities will retain 100% of revenues.

- Parking providers are not responsible for NPP fees, and are not liable for any changes (unless they are seeking to encourage a particular price for users – see below).



**Q – as a parking provider, what if I set commission at zero?**

Parking providers can set commissions at whatever level they choose. However, service providers will independently decide how costs are passed on to users. Where parking providers depart substantially from preexisting practice, this is likely to result in increased costs for users.

For local authorities, we consider that local democracy provides a particularly strong basis for accountability. For the wider parking sector, competition between parking sites will depend on the price to users – so changing commission should have much the same effect as changing the price. Given that the NPP will be the fastest way to compare the cost of nearby parking options, we expect competition to be a powerful safeguard.

**Q – what if I (as a parking provider) am currently merchant of record?**

One of the key lessons we have learned from looking at existing multi-vendor parking payment systems around the world is that there is a real benefit to standardising how transactions work. In the Netherlands, this has led to service provider fees that are about a quarter to a third lower than typical UK practice. It also gives those same service providers much more scope to innovate their product, meaning that users get ways of paying that are better-tailored to their needs (e.g. monthly subscriptions).

Few local authorities act as merchant of record at present. Were they to continue to do so in the NPP, they would need to manage and update Merchant IDs for every service provider – creating a much larger workload than currently exists.

We expect to standardise the merchant of record as the service provider. This ensures the simplest and most innovative approach across the system. The commission mechanism should ensure that this does not disadvantage any affected local authority.

## Matching the in-app price to a posted tariff

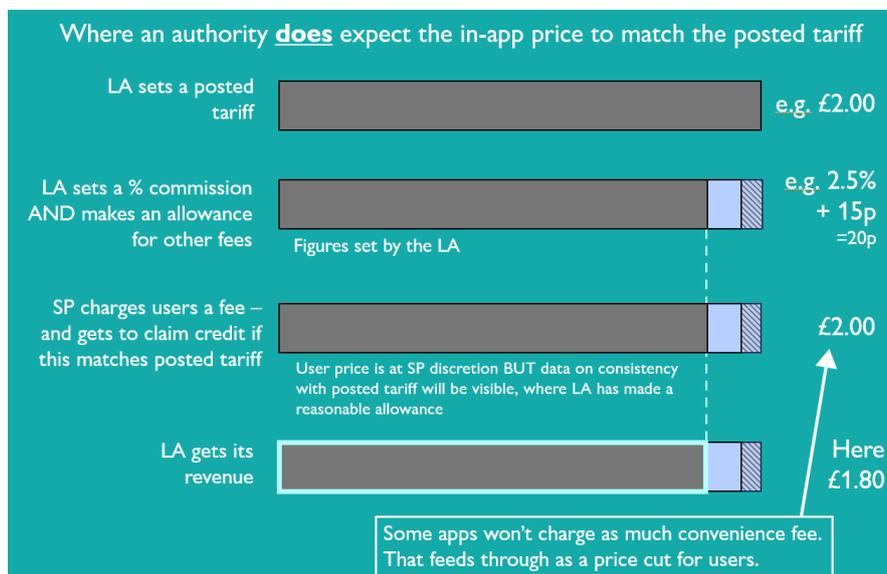
Many local authorities aim to ensure that the in-app price matches the posted tariff for a location, and historically have absorbed the costs of a service provider’s convenience fee in order to ensure parity.

Competition law prevents direct setting of the price in a multi-vendor system. However local authorities can use the systems on the NPP in such a way as to be confident that users can secure parking for the posted tariff or even less.

In order to achieve this:

- The local authority sets a commission rate that aims to cover all likely costs of cashless parking – both the traditional ‘commission’ costs associated with costs of transactions, and the more-visible convenience fee. It may choose to follow general advice provided by the NPP to help achieve this in their specific circumstances.
- Service providers choose whether or not to match the posted tariff.
- The NPP records which service providers do match the posted tariff, and makes this information available to the relevant local authorities, as well as to others interested in making price comparisons.

Based on the current range of pricing policies among service providers, it is likely that typical users will be able to secure parking at the posted tariff, and some may be able to secure it for less. In the latter case, the saving goes directly to the user as a price cut.



### Q – will all service providers be measured on how they match the posted tariff?

Where local authorities are actively trying to match in-app prices to the posted tariff, and making reasonable allowances for relevant costs in order to achieve this, we expect the NPP to monitor whether service providers have made the match.

Elsewhere, we expect to focus on more general data to help people make price comparisons.

## Revenue-shares

Some authorities have arrangements with service providers that see parts of the convenience fee shared, or contributions made towards other causes.

The financial structure of the NPP is designed to be simple, without unnecessary charge-backs or side-flows. Instead, the core tools for setting the parking charge allow you to achieve the same outcomes. Both can be duplicated through setting either a) the main parking charge; or b) the commission rate per transaction.

## Other parking revenues

Some authorities currently realise revenue from parking through payments that are not part of the main charge - such as a share of fees generated by a service provider from reminder texts. These fees are usually relatively small in the context of wider parking revenue, but can play an important role in the financial situation of a local authority's transport team.

The biggest source of revenue for a local authority parking team comes from getting people to park at their sites, and our analysis suggests that one new parking session for a parking provider is typically worth more than dozens of reminder texts. The NPP is designed to focus on increasing the use of parking sites, by making them more attractive, more accessible, and easier to use. By driving up revenue, it maximises an authority's opportunity to make money.

This is especially true for early adopters of the NPP, who will have a significant advantage over other parking sites in their area – as the extra person they can attract could easily be the existing user of another nearby car park.

### **Q – what controls are there on a service provider setting their fees?**

The primary control on service providers and their fees is that they operate in a competitive market. Charging users excessive amounts will put their market share at risk; while cutting costs may give them an edge over their competitors. In the Netherlands, where a similar system has operated for over a decade, service fees are significantly lower than the UK.

In order to ensure transparent pricing, the NPP will also set procedural requirements for service providers:

- They must maintain a transparent pricing policy, available online.
- They must inform users when relevant service fees are changing.
- They cannot price discriminate based on e.g. what car a person is driving.

Pricing information will be available for consumer affairs advocates and price comparison websites, and we aim to make good use of the UK's existing suite of market and price comparison services.

**Q - how can users compare service fees / prices?**

The UK is a world-leader in terms of price- and service-comparison websites. We are building the NPP to take advantage of this.

We are already talking with organisations like Transport Focus about how we can help them to bring their skills on product comparison to this new marketplace.

We are also aware that by creating an open market we are making it easy for people to offer live price comparison services between different app providers. Indeed, we recognise that some service providers will actively wish to make such comparisons available to show how their apps are cheaper than the competition.

If this is not enough, the NPP will take further steps to help people compare the market.

## Financial reconciliation

One consequence of setting up the NPP is that it consolidates financial payments between different members. We expect that service providers will only need to make one payment to the NPP to resolve all accounts; and that parking providers will only deal with one payment from the NPP per period.

### Timescales

The timescales around reconciliation are based on the desire for some larger parking providers to arrange frequent payments. It also recognises that for other parking providers this may be an unhelpful and expensive way to handle transactions.

Parking providers currently reconcile on a variety of timescales – monthly, weekly or daily. We expect to be able to offer similar reconciliation windows, but the NPP may pass costs of frequent transactions (e.g. banking transaction fees) on to the parking provider.

The reconciliation periods of service providers and the NPP will need to reflect the wider speed at which the market clears. We expect to confirm the precise mechanics of this as the software platform is completed.

### Reconciliation data

The NPP automatically records the split of payments between different service providers and different parking providers. Parking providers will be able to access reports on the breakdown of parking sessions and revenues by service provider. Service providers will be able to access reports on the breakdown of parking sessions and revenues by parking provider.

This information is commercially sensitive, and NPP members agree to handle it with appropriate care. The NPP will not disclose service provider shares of the overall market without prior consent.

## Data flows

The NPP provides a central report-generation system that provides the following services:

- Basic information about parking sites, such as prices, terms and the number of spaces
- More sophisticated information (where available) such as occupancy levels

In order to allow the auditing of payments between members, it also keeps a record of parking transactions that have been undertaken.

### Live data

The NPP also provides live data about parking sites that can be used by providers of journey information and others. By doing so on a consistent basis, we expect to make this useful and attractive to satnav providers, major technology companies and more.

The NPP expects to provide live information on:

- The size and capacity of parking sites
- Live occupancy (where equipment allows)
- Exceptional closures and other key information

### DPIA

The NPP avoids the use of personal data where possible, focusing instead on a vehicle's numberplate. This minimises data protection issues. Personal data is held by either the service provider (on behalf of the user) or the parking provider (normally to confirm eligibility for a particular parking right).

We hope to provide a template DPIA later in the year.

### GPDR

The NPP operates by default as a data processor, using numberplates rather than personal data. This is set out in the Membership Agreement. By becoming a member, a service provider or parking provider commissions the NPP to process data on its behalf.

## Joining the NPP – parking providers

The precise process for getting a parking provider onboard the NPP varies slightly depending on the type of membership; but generally follows a similar pattern:

### Stage 1 – registering interest

All interested organisations should register their interest with the NPP, by emailing [npp@dft.gov.uk](mailto:npp@dft.gov.uk). UK local authorities registering their interest before 31/3/24 will have NPP joining fees waived (and are not required to join the NPP to secure this discount).

Following this email, the NPP team will be in touch with a short survey, designed to ensure effective communications and to allow for work-planning.

### Stage 2- choosing a membership type and signing a membership agreement

As discussed in the ‘Membership’ section, there are three types of NPP membership. An organisation will need to decide which it seeks to make use of – early access, full, or associate.

With this decision made, the organisation will need to secure any necessary internal agreement to proceed.

#### **Q – as a UK Local Authority, what internal agreement do I need to join the NPP?**

Each LA makes its own choices about it handles decision-making. However, experience to date suggests that a typical decision-making process involves:

- Internal discussions at a working level to confirm that the service provided by the NPP is desirable on policy grounds, and is financially acceptable.
- A governed decision within the organisation confirming readiness to be a member

LAs joining the pilot have not needed to go through procurement, and we expect this to continue to be the case as we move to the full platform as a result of the way in which services are organised. In particular, a) the NPP’s services are a cost to users not to the LA; b) the NPP is built on a non-exclusive basis, meaning that it qualifies as a concession agreement; and the NPP’s total transaction fees fall well below the baseline thresholds set by local government; c) the NPP provides a technically unique service.

However the final assessment of the need for procurement is a matter for the individual LA.

With this agreed, the organisation usually signs a Registration Form, signing up to the NPP Membership Agreement. The exception to this is early access membership, where a series of standardised bilateral contracts with participating services providers will need to be signed.

With this complete, the parking provider is formally a member of the NPP.

### **Stage 3 – coming onboard**

Once a parking provider is a member, a target onboarding date will be set. Where relevant (and in particular when an existing contract is due to end), the NPP onboarding team can arrange a target date ahead of membership, and begin working through the technical steps in this stage in advance of formal membership.

Technical onboarding revolves around the assembly of relevant data about relevant parking sites and the terms, conditions and tariffs that apply. In most cases, this will work from existing cashless parking data; in some cases it will require this information to be assembled for the first time.

In particular, the onboarding team will require:

- A list of the relevant parking sites and their key characteristics (number of spaces; type of payment in use)
- Tariffs live at these sites, and the conditions under which these apply
- Existing parking location codes (which the NPP can normally obtain centrally from an existing service provider)

For full or early access membership, the onboarding team will also require the following types of financial information:

- Banking information
- A commission rate through which the parking provider allows for basic transaction costs

A full breakdown of relevant information is available as part of the Membership Agreement

In some cases, it may be necessary to recode some sites where the existing code is in use elsewhere. The parking provider can also decide if it wishes to recode its other sites to create consistency for the user. The NPP and parking provider will agree a recoding list on this basis; and the NPP will allocate a stock of location codes to the parking provider.

Once the relevant data has been assembled, the onboarding team will begin the technical task of bringing the parking provider's sites onto the system. In early access, this process has typically taken 8-12 weeks, but this is expected to increase as the full platform (with its streamlined onboarding process) becomes available.

The onboarding team will enable the necessary arrangements for live access to the system, including:

- Providing logins for staff,
- Providing an API key for enforcement operations

They will also provide staff training to prepare for the platform coming into use.

During this time, the parking provider may wish to begin to prepare arrangements for going live in stage 4. In particular, they may wish to plan out any changes to signage or notices taking place at go-live.

This stage ends when the onboarding team and the parking provider both confirm that the NPP is ready to go live for this parking provider.

#### **Stage 4 – going live**

With the necessary arrangements confirmed as ready to go, the NPP and the parking provider will confirm a go-live date.

At this point:

- Service provider members are informed of the go-live date
- Any on-street alterations (e.g. replacement of location codes, alterations of signs or notices) take place
- Communications plans to explain changes to local people begin – in particular press notices for local media, and any communications information for posting at affected parking sites.
- For local authorities, local councillors and/or MPs are notified of the go-live date, using a standard form letter.

On the go-live date,

- The NPP activates the relevant payment arrangements.
- Service providers and the relevant enforcement operators confirm that the system is working online and on the street.
- Parking providers confirm that reporting functions are working effectively.

At this point, the NPP contacts the parking provider to confirm the system is in operation. This is confirmed following the first financial reconciliation.

#### **Special circumstances – early access members**

Early access members join the NPP using different legal arrangements to the full platform. They will need to confirm their acceptance of the NPP membership agreement in order to continue using the NPP once the full platform is in operation.

**Parking Consultant Pricing comparison - Cabinet Report**

Cost option banding	Consultant 1	Consultant 2	Consultant 3	Consultant 4	Consultant 5
<b>Option 1</b>	<p><b>£14,950</b></p> <p>(including x2 days surveys, data collection/surveys, car park charges, permits, payment methods, benchmarking and future forecasting )</p> <ul style="list-style-type: none"> <li>On-site car park occupancy &amp; duration survey every two hours with the first beat starting at 7am and last beat at 7pm.</li> <li>The surveys will be conducted on a mid-weekday and a Saturday for each of the district car parks.</li> <li>The team will be recording last three vehicle registration marks to gather occupancy and duration results.</li> <li>Review current car park charges and provide recommendations.</li> <li>Review the current permits (staff, evening, and season tickets).</li> <li>Review current payment methods alongside available payment methods.</li> <li>In order to assess the current market approach, in order to carry out a benchmarking exercise against comparable towns, this will include tariff levels and website information.</li> <li>Assessment of potential demand by mode of transport, we use the Government TEMPRO database model to assist us in predicting future trip requirements for the specific area over specific periods, e.g. for the next 5 - 10 years.</li> <li>Report to be submitted as a PDF format including appendices of full survey results.</li> </ul>	<p><b>£20,000</b></p> <p><b>Baseline Strategy</b> Excludes any focus group or survey days – and assumes any councillor engagement will be done by WDC staff.</p>	<p><b>£25,000</b></p> <p><b>Baseline Report</b> Consider the baseline position including site usage revenue by site, c£10,000</p> <p><b>Tariff Review</b> Baseline and benchmark tariffs, propose new tariffs and model potential income change c£10,000</p>	<p><b>£23,443.75</b></p> <p>Desk based research Primary stakeholder engagement Field Trip Data analysis Audit existing parking experience and customer journey Identify opportunities to implement change to support town centre prosperity and modal shift Final strategy and recommendations</p>	<p>Nil</p>
<b>Option 2</b>	<p><b>£18,975</b></p> <p>(all of option 1 including additional sections, optimisation and technology, user friendly/safe space, user feedback, income generation opportunities, reducing costs)</p> <ul style="list-style-type: none"> <li>Optimisation of current car park resources, ideas, and successes of other town centre car parks.</li> <li>Assessment of better use of technology and innovation to help better manage car parking.</li> <li>Undertake condition surveys to check current health of each car park. this includes, vehicles access, pedestrian access, special bays, bay markings, lighting, CCTV. A scoring system will be provided with recommendations.</li> <li>Car Park user questionnaire to understand type of customer, trip end for user, and purpose.</li> <li>Review income generation opportunities for consideration.</li> <li>Provide scenarios against pricing model (increase vs decrease).</li> </ul>	<p><b>£30,000</b></p> <p><b>Mid-Range Strategy</b> Includes 3 x focus group session and 3 survey days ( 1 in each town) this would gather data from shop customers and the focus groups would engage with businesses.</p>	<p><b>£35,000</b></p> <p>Managed Surveys services Manage on your behalf; beat, occupancy or length of stay services in car parks £3-5000 + survey costs.</p> <p><b>Consultation surveys</b> Map based or simple opinion surveys for local people and stakeholder £2-6000</p> <p><b>Delivery Model review and advice</b> Compare the relative strengths of delivery models for management and enforcement within your local context and advise c£10,000</p> <p><b>Technology and equipment advice</b> Advice on equipment renewal, contract type and technology requirements c£10,000</p>	<p><b>£25,000 - £43,181</b></p> <p>Offering optional extras to add on as required:</p> <p><b>Residential engagement £2,525</b> Online survey development, promotion, survey analysis and results presentation</p> <p><b>Business engagement £2,525</b> Online survey development, promotion, survey analysis and results presentation</p>	<p>Nil</p>
<b>Option3</b>	<p><b>£22,815</b></p> <p>(all of option 1 &amp; 2 including additional sections, support active travel, climate emergency, supporting town centre economy, supporting open space/leisure users)</p> <ul style="list-style-type: none"> <li>Support from other departments will be required for this option to understand the council's current plans, this includes climate emergency, regeneration plans and various policies that would have an impact.</li> <li>Review current active travel plans and the impact or changes required for the future.</li> <li>Assess how parking within the district can support the town centre's economy with options for consideration.</li> <li>Assess ways the district can support open space and leisure facility users.</li> </ul>	<p><b>£40,000</b></p> <p><b>Full Parking Strategy</b> Includes all of details in the mid-range strategy plus the 3 additional survey days (1 in each town to gather more customer feedback a larger sample size than the mod rage option) This strategy would also include a follow up review of the Strategy post 5 years.</p>	<p><b>£20,000 - £50,000+</b></p> <p>Investment strategies on top of the other options.</p> <p><b>Full Parking Strategy</b> Fully managed parking strategy project to all of the above (depending upon level of consultation and surveys) £25,000 - £35,000</p> <p><b>Investment Strategies</b> With our trusted architecture and land agent partners, consider feasibility and business case for land disposals and new or enlarged parking sites £20,000 - £40,000</p> <p><b>Specific Site design and feasibility</b> RIBA stage 0 – 1 feasibility and design with our land, design and engineering partners Highly variable</p> <p>Contract and procurement advice Advice on service delivery, CPE and equipment Variable</p>	<p><b>Optional Extra 2 £6,750</b> Specialist consultant attendance to develop maintenance schedule and indicative costs for each car park. Including client attendance at start.</p> <p><b>Optional Extra 3 £1,575</b> High-level review of car park wayfinding signage within each of the towns</p> <p><b>Optional Extra 4 £3,750</b> Feasibility analysis of additional parking capacity including attendance at client meeting</p> <p><b>Expenses Travel and subsistence £1,000</b></p>	<p>Nil</p>

Title: Risk Management Policy & Significant Risk Register  
 Lead Officer: Darren Knight, Deputy CEO & Ian Davy, Audit & Risk Manager  
 Portfolio Holder: Councillor Jonathan Chilvers  
 Wards of the District directly affected: All

<b>Approvals Required</b>	<b>Date</b>	<b>Name</b>
<b>Portfolio Holder</b>	24.05.2024	Cllr Jonathan Chilvers
<b>Finance</b>	10.06.2024	Andrew Rollins
<b>Legal Services</b>		N/A
<b>Chief Executive</b>	12.06.2024	Chris Elliott
<b>Director of Climate Change</b>	10.06.2024	Dave Barber
<b>Head of Service(s)</b>	10.06.2024	Andrew Rollins
<b>Section 151 Officer</b>	24.05.2024	Andrew Rollins
<b>Monitoring Officer</b>	24.05.2024	Graham Leach
<b>Leadership Co-ordination Group</b>	13.06.2023	LCG
<b>Final decision by this Committee or rec to another Cttee / Council?</b>	Yes	
<b>Contrary to Policy / Budget framework?</b>	No	
<b>Does this report contain exempt info/Confidential? If so, which paragraph(s)?</b>	Yes - appendix 3.	
<b>Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?</b>	Yes	
<b>Accessibility Checked?</b>	Yes	

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## Summary

Every organisation needs to consider how it identifies, assesses, and manages risk. Risk can be both negative (a threat) and positive (an opportunity).

The purpose of the report is for Cabinet to consider and approve the new Risk Management Policy and review the updated Significant Business Risk Register (SRR).

The purpose of the risk management policy is to set the framework, which will be used to underpin risk throughout the organisation. The purpose of the SRR is a management tool that's used to identify and assess significant and strategic risks that could affect the Council achieving its objectives.

Effective risk management contributes to the Council's Corporate Governance arrangements by ensuring that there are effective management and internal control systems in place to support decision making.

## Recommendation(s)

- (1)** That Cabinet reviews and approves the Risk Management Policy.
  - (2)** That Cabinet reviews the updated Significant Risk Register.
  - (3)** That Cabinet approves for a risk maturity assessment to be undertaken by Internal Audit in two years' time.
- 

## 1 Reasons for the Recommendation

- 1.1 Effective risk management contributes to the Council's Corporate Governance arrangements by ensuring that there are effective management and internal control systems in place to support decision making.
- 1.2 The Council's existing risk management framework is due for review and the new Policy sets out the basis for how risk management will be taken forward. A risk management policy is a critically important document as it contributes to the corporate governance arrangements of the Council.
- 1.3 The 2023 Local Government Association Corporate Peer Challenge (CPC) also made recommendations that there would be benefit of increasing the robustness of the Council's approach to risk management. The CPC report references risk management in recommendations 3, 6 and 7 of their findings.
- 1.4 The draft Risk Management Policy is in Appendix 1.
- 1.5 As part of the review of risk management, a new interim SRR template has also been developed following Officer and Member feedback. It has moved away from themes to capturing specific significant and strategic risks and asks for more information to be provided for each risk assessed.
- 1.6 The SRR is in Appendix 2 and the confidential SRR is in appendix 3.
- 1.7 It's also recommended that that a risk maturity assessment is undertaken in two years' time to assess 'how good are we'. The purpose of the risk maturity assessment model is to enable an organisation to determine their level of risk management maturity against a set of criteria.

## **2 Alternative Options**

- 2.1 No other options have been considered, as the Council should have a risk management policy and strategic risk register as part of its corporate governance arrangements.
- 2.2 Moving the SRR from MS Word to MS Excel is an improvement but not the end game. Longer term, there are better technology solutions that will be considered.

## **3 Legal Implications**

- 3.1 There are no legal implications identified as a result of this report.

## **4 Financial Services**

- 4.1 There are no financial implications identified as a result of this report.

## **5 Corporate Strategy**

- 5.1 Warwick District Council has adopted a Corporate Strategy, which sets three strategic aims for the organisation. The purpose of risk management is to identify and assess significant and strategic risks that could affect the Council achieving its objectives. Therefore, risk management plays a critical role in the implementation of all of the Council's Corporate Strategy objectives.

## **6 Environmental/Climate Change Implications**

- 6.1 There are no environmental or climate change implications identified as a result of this report.

## **7 Analysis of the Effects on Equality**

- 7.1 An EIA is not required as part of this report.

## **8 Data Protection**

- 8.1 There are no Data Protection implications identified as a result of this report.

## **9 Health and Wellbeing**

- 9.1 There are no health and wellbeing implications identified as a result of this report.

## **10 Consultation**

- 10.1 The draft policy was consulted on with the following stakeholders – Cabinet, SLT, Audit & Standards Committee, Chair of O&S and some members of the Council's project management community.
- 10.2 The risk management policy is based on principles set out in Management of Risk (MoR).

## **11 Next steps**

- 11.1 These changes are part of a wider set of actions to further develop the Council's approach risk management and risk maturity.
- 11.2 During 2024, there will be a rollout of risk management training for members and officers, as well as other actions to embed the new policy and framework.

### **Background papers:**

[Everything about M o R in less than 1000 words | Axelos](#)

2023 Local Government Association Corporate Peer Challenge Report - [LGA Corporate Peer Challenge: Warwick District Council | Local Government Association](#)

**Supporting documents:**

Appendix 1: Draft Risk Management Policy.

Appendix 2: SRR.

Appendix 3: SRR confidential.

## Risk Management Policy 2024

### Introduction:

The Council believes that risks need to be managed, rather than avoided and that a rigorous approach to all aspects of risk management is an integral part of good management and corporate governance.

Through having a sound risk management process, we will ensure:

- That the Council continues to achieve its objectives and outcomes and sustainable improvement in services and improvements in the district.
- That the Council is developing and maintaining a safe and healthy environment for the public, and for its employees.
- That the Council reduces the number and cost of insurance claims.
- That by mitigating risk, the Council will make processes safer and more effective which in turn will reduce costs and make the Council more efficient.
- That identifying and assessing risk will ensure that time and resources are focused and effectively deployed.

Risk management is linked to and informs all decision-making across the Council. This policy sets out how the Council; will identify, assess and manage risks; report risk and support risk management.

### Definition of risk:

Management of Risk (MoR) define risk as ***"an uncertain event or set of events that, should it occur, will have an effect on the achievement of objectives. A risk is measured by the combination of the probability of a perceived threat or opportunity occurring and the magnitude of its impact on objectives"***

Risk Management is defined as *"the culture processes and structures directed towards realising opportunities whilst managing adverse effects"*.

From these definitions, it's clear that risk management is focused on the risk to meeting objectives. The Council will use the MoR definition for the basis of its policy framework.

### Difference between a 'risk' and an 'issue':

People identifying risks need to understand the difference between a 'risk' and an 'issue'. The key difference is that an 'issue' has already occurred, and a 'risk' is a potential event that may or may not happen and can impact the project, service or activity, positively or negatively. A risk can become an issue, but an issue is not a risk as it has already happened.

## Risk Perspectives:

Types of risk can be broken into four perspectives, which are defined as:

1. **Strategic Risk** – defining where the organisation wants to go, how it plans to get there and how it can ensure survival.
2. **Operational Risk** – failure to achieve business or organisational objectives due to human error, system failures and/or inadequate procedures or controls.
3. **Programme Risk** – transforming high level strategy into new ways of working to deliver benefits to the organisation.
4. **Project Risk** – deciding if the project is worth progressing, or how risk is resolved to achieve the project objective and then enabling the successful completion of a project.

Risk can be both negative and positive, but it tends to be the negative side that is focused on and scored. This is because some things can be harmful, such as putting lives at risk or a cost to an individual or the organisation in financial terms.

Negative and opportunity risk can be defined as:

- **Negative risk** is represented by potential events that could harm what we are trying to achieve. In general, these risks are to be avoided and can be measured in terms of impact and likelihood.
- **Opportunity risk**, on the other hand, refers to risk that we initiate because we see a potential opportunity, along with a potential for failure.

There are two types of opportunity risks: the risk could either be a positive experience, or the reason for taking the risk has rewards that are well worth it.

For example: the risk could make the Council enhance its performance or reputation, or by taking a different option it could improve/exceed corporate objectives, improve efficiency, reduce costs or improve income by a greater amount than was originally identified.

Risk analysis is "*The activities required to identify and control exposure (negative risk) to uncertainty which may impact on the achievement of objectives*". Or/and "to use Positive risks to help us exceed our objectives". From these two definitions, we can see that risk management is focused on the risk to meeting our objectives.

## **Policy expectations and commitments:**

Everyone has a role to play in risk management. Combining shared leadership with a team approach will help contribute to the success of integrated risk management.

### Principles:

- The SRR will be aligned to the Council's Corporate Strategy and its priorities.
- All committee reports that require a decision should be accompanied by a risk assessment which should reflect risks on the operational or SRR risk registers.
- Any operational, strategic or project risk that has a score of 15 or more, or is bordering 15, will be referred to the SLT for consideration for the potential inclusion on the SRR.
- All risk registers will be in the corporate format as detailed in this policy and be created and managed via the corporate template.
- Partnership working is part of our risk management approach; with all partnerships identifying the risks to achieving their objectives and the Council will document the risks to working in partnerships.

### Roles:

- The Senior Leadership Team (SLT) will own and maintain the Significant Risk Register (SRR) which will be reviewed on a regular basis and updated as appropriate.
- CEO, DCX, CCD, Heads of Service and Managers will ensure that there is an operational risk register for each operational area which will be reviewed on a regular basis and updated as appropriate, through the service area plan (SAP) (or other software solutions).
- Heads of Service and Service Managers will document risks to meeting their team objectives and these will be included on the relevant SAP.
- All project and programme managers will assess the strategic and operational risks associated with the programme or project, incorporate these on a risk register which will be reviewed on a regular basis by the relevant project governance arrangements and updated as appropriate.

The aim of this policy is to set out the Council's approach to risk and the management of risk. It covers several themes:

- The approach to risk management.
- Outlines the process for risk management.
- Roles and responsibilities.

## **Approach to risk management:**

The Council believes that risk needs to be managed, rather than avoided and that a rigorous approach to all aspects of risk management is an integral part of good management practice and part of the underlying culture of how the Council does business.

Given the definitions, the Council will assess, monitor and manage risks to the achievement of its objectives, including:

- Our corporate objectives – as set out in the Corporate Strategy.
- Service plan objectives.
- Project and programme objectives.

## **Identifying, assessing and managing risks:**

The Council will take a rounded view on what constitutes a risk. The starting point is that a risk could be anything, from an internal or external source, that poses a threat or opportunity to the achievement of our objectives.

In terms of external sources, changing circumstances can have a significant impact on our ability to deliver our objectives. The environment local government operates in is not stable and is in constant flux.

Good risk management is about trying to anticipate these changes and put in place actions to respond to the resulting risks by minimising the likelihood and/or impact.

The source of external risks could include the following:

- Local and national political change.
- Local and national economic circumstance.
- Social change.
- Technological change.
- Climate change.
- Legislative change.
- Environment.
- Complying with equality considerations.
- Change in the organisational structure for local government.
- Changing expectations/needs from customer/citizens/residents.
- Change in how the Council is resourced.
- Recommendations from assessments or reviews.
- Cyber threats.

In terms of internal source of risks, the ability of the Council to continue to deliver its objectives is dependent on the following:

- Organisational operating environment in terms of organisation priorities, clear objectives and manageable level of complexity
- Finance - sufficient finances in place to deliver services.
- Human resource - enough appropriately skilled, competent, experienced, motivated staff in the right place at the right time to deliver the service.

- Premises - the most appropriate environment from which to deliver the service.
- Technology – the most appropriate form of technology to support service delivery.
- Procurement – the most appropriate service/resource provider in place to deliver the service objectives (if service out-sourced).
- Legal/Contractual – the most appropriate form of contract to guide service delivery.
- Partners – commitment from appropriate other partners (both internal and external) to deliver the service.
- Clear priorities – a stable environment in terms of organisation priorities, clear objectives and manageable level of complexity.
- Information – an exchange of reliable information (internal and external) that is accurate and timely on which decisions can be fairly and correctly based.
- Safety and security of assets.

It is worthwhile noting that the Council has some alternative delivery models, and these arrangements are included within the risk management processes. These risks should be included in the registers as appropriate.

When it is necessary to the achievement of an initiative or project to procure products and services, the risk(s) to the objective if the procurement process fails should also be identified and managed. When these ownership and management mechanisms have been defined, risk owners need to ensure that effective monitoring and governance controls are in place to protect Council assets.

When the delivery of a service or entering into a shared service/inter authority agreement is commissioned, providers are required to have risk management processes in place in accordance the Council's requirements. Should they identify a significant risk that may have an impact on the Council they must advise the Client Officer. The Client Officer will then decide on the best course of action e.g. raise with SLT and include the relevant risk register(s).

All programme and project managers will assess the strategic and operational risks associated with the programme or project objectives before the project is selected and approved. This assessment should ensure:

- An appropriate sign off process has been undertaken prior to commencement.
- The appropriate governance is in place to manage the project/programme.
- All roles including that of Project/Programme Manager, Senior Responsible Owner and other Project Team members are understood and fulfilled by individuals with the relevant technical skills.
- Everyone within the team understands the importance of raising/escalating risks as soon as they are identified.
- Risks are reviewed with the Programme/Project Board on a regular basis.
- Key Project/Programme Risks should be added to the Significant Risk Register as appropriate and reviewed by SLT on a regular basis.
- Operational and business as usual factors have been addressed.

All committee reports that require a decision should contain a description of the options available and a risk assessment. These risks must relate to the objectives of the report topic. Where appropriate, for more significant projects, programmes or decisions, risk registers should be included as an appendix to the report.

Risk management should not be seen as a separate management function; it is a core part of good management.

The Council acknowledges the importance of Health and Safety and the risks associated with safe working practices. There is a separate Health and Safety policy that provides advice about how these types of risks should be identified and managed and this can be found on the intranet.

Fraud is a key risk to public service organisations with financial and reputational consequences. The Council has a responsibility to manage any risks associated with fraud, bribery and corruption effectively and ensure mitigating controls are in place. The Council has a dedicated Corporate Counter Fraud resource (currently working in partnership with Oxford City Council).

The Council is defined as 'Category 1 Responder' having a statutory duty to prepare for and respond to emergencies, support the emergency services and provide assistance to those affected. Therefore, as part of its emergency planning obligations there is also a risk register held by the Emergency Planning Officer to assess and prepare for emergencies.

**Risk appetite:**

Risk appetite is the amount of risk the Council is willing to take, or subset of it, it is willing to accept. When considering risk appetite, it should be considered against four perspectives:

<b>Perspective:</b>	<b>Definition</b>
Strategic	Concerned with overall business success, vitality and viability.
Programme	Concerned with transforming business strategy into new ways of working that deliver measurable benefits to WDC or the community.
Project	Concerned with delivering defined outputs to an appropriate level of quality within agreed scope, time and cost constraints.
Operational	Concerned with the maintaining appropriate levels of business services to existing and new customers.

It provides a framework which enables the Council to make informed decisions about risk, by clearly setting out the risk position it is willing to tolerate in the pursuit of its objectives.

The benefits of adopting a risk appetite include:

- Supporting informed decision-making
- Reducing uncertainty
- Improving consistency across governance mechanisms and decision-making
- Supporting performance improvement
- Focusing on priority areas within an organisation
- Informing spending review and resource prioritisation processes.

Risk appetite scales are defined as follows:

<b>Appetite</b>	<b>Definition</b>
Averse	Avoidance of risk and uncertainty in achievement of key deliverables or initiatives is a key objective. Activities undertaken will only be those considered to carry virtually no inherent risk
Minimalist	Preference for very safe delivery options that have a low degree of inherent risk with the potential for benefit/return not a key driver. Activities will only be undertaken where they have a low degree of inherent risk.
Cautious	Preference for safe options that have low degree of inherent risk and only limited potential for benefit. Willing to tolerate a degree of risk in selecting which activities to undertake to achieve key deliverables or initiatives, where we have identified scope to achieve significant benefit and/or realise an opportunity. Activities undertaken may carry a high degree of inherent risk that is deemed controllable to a large extent.
Open	Willing to consider all options and choose one most likely to result in successful delivery while providing an acceptable level of benefit. Seek to achieve a balance between a high likelihood of successful delivery and a high degree of benefit and value for money. Activities themselves may potentially carry, or contribute to, a high degree of residual risk.
Eager	Eager to be innovative and to choose options based on maximising opportunities and potential higher benefit even if those activities carry a very high residual risk.

The Council's risk appetite levels will vary. In some areas risk tolerance will be cautious whilst, in others, it will be open/eager for risk and willing to carry risk in the pursuit of important objectives.

The Council will always aim to operate organisational activities at the levels defined below. Where activities are projected to exceed the defined levels, this must be highlighted through appropriate governance mechanisms.

## **How to identify and define risks:**

Identifying risks is about asking:

- What could happen that would impact on the objective?
- When and where could it happen?
- How and why could it happen?
- How can we prevent or minimise the impact or likelihood of this happening?

What risks are identified and who you involve in the process will depend on whether you are looking at a specific team area or at a more strategic, organisational level.

It is best practice to involve others in identifying risk as this gives you different perspectives on the same situation. Those involved must be clear about what objective is being risk assessed.

Approaches to identifying risks can include:

- Brainstorming on possible risks in a facilitated session;
- Mapping out the processes and procedures; asking staff to identify risks at each stage;
- Drawing up a checklist of risks and asking for feedback.

### **Risks should then be defined using the 'if ..... then ....' (or the cause and effect or likelihood and impact) approach.**

Risks should be specific and worded carefully and concisely and should not consist of a single word.

Risks should be outcome based and if one cause creates several impacts, each impact should be identified separately. This is because each might result in a different score and control.

## **Defining and scoring risk:**

Once risks have been identified they should be defined in a consistent way using the "cause and effect" approach. The Council has a matrix to help risk owners score the risk by assessing impact and likelihood (effect & cause).

**Impact** - To help assess the impact (effect), the Council has identified a scale of impact from 1 to 5;

### **1 - Negligible**

For example: An event that, if it occurred, would have no effect.

### **2 - Minor**

For example: An event that, if it occurred, would cause only a small cost and schedule increase. Requirements would still be achieved.

### **3 - Moderate**

For example: An event that, if it occurred, would cause moderate cost and schedule increases, but important requirements would still be met.

### **4 - Major**

For example: An event that, if it occurred, would cause major cost and schedule increases. Secondary requirements may not be achieved.

### 5 - Catastrophic

For example: An event that, if it occurred, would cause failure (inability to achieve minimum acceptable requirements).

Risks will be scored for impact and likelihood using the risk scorecard (The risk score is the multiplication of impact and likelihood). A 5 x 5 scoring matrix will be used to assess risk.

<b>Impact</b>	5	Catastrophic	5	10	15	20	25
	4	Major	4	8	12	16	20
	3	Moderate	3	6	9	12	15
	2	Minor	2	4	6	8	10
	1	Negligible	1	2	3	4	5
<b>Score</b>			Rare	Unlikely	Possible	Likely	Very Likely
			1	2	3	4	5
			<b>Likelihood</b>				

To help the risk owner assess the likelihood score (cause), there are 5 categories of likelihood that the risk will occur during the lifetime of the objective. These are:

Score	Likelihood	Probability – guidance	
1	Rare	0-9%	Less than 10% chance of occurrence
2	Unlikely	10-34%	10% to 34% chance of occurrence
3	Possible	35-64%	35% to 64% chance of occurrence
4	Likely	65-89%	65% to 89% chance of occurrence
5	Very Likely	90-100%	90% or greater chance of occurrence Risk score

The risk score is a multiplication of impact and likelihood.

On occasion it is possible to have a risk that proposes more than one score of impact, e.g. a single cause that could have minimal cost implications, maximum cost implications or anywhere in between. In this instance the score and management of the risk will be based on the most likely scenario. Using the areas of tolerance may also help.

The initial score will be based on there being no controls in place and referred to as the 'raw' score. After controls have been actioned, the risk will be scored again. This score will be referred to as the 'current' score.

### Tolerance and response:

The scored risk can then be assessed against the Council's tolerance levels. The Council has three levels which set out the attitude to that particular risk. The three tolerance levels are coloured red, amber and green. Risks that are scored in the red and amber areas will require action.

Score	Colour	Action/need to apply control	Responsibility
1-6	Green	Acceptable, subject to monitoring.	Risk Owner
7-14	Amber	Needs active management	Risk Owner

15-25	<b>Red</b>	Requires close attention	SLT/Risk Owner
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The decision on how to control the risk will be made by the risk owner or an appropriate senior officer depending on where the score falls in the tolerance areas and the costs associated with the control.

The Council then has eight options on how to respond to the risk:

<b>Response</b>	<b>Description</b>
<b>Reduce the risk.</b>	This option chooses definite action now to change the probability and/or impact of the risk. The term mitigate is relevant when discussing reduction.
<b>Accept the risk.</b>	The Accept option means that WDC 'takes a chance' that the risk will occur, with its full impact if it did
<b>Transfer the risk to a third party.</b>	Transfer the risk is an option that aims to pass part of the responsibility to a third party. Insurance is the classic form of transfer.
<b>Avoid the risk.</b>	Avoid a threat is about making the uncertain situation certain by removing the risk. This can be achieving by removing the cause of a threat.
<b>Prepare a contingent plan.</b>	This option involves preparing contingent plans now, but not taking action now. Accept but make a plan for what we will do if situation changes.
<b>Share the risk.</b>	Share is different to transfer as it seeks for multiple partners to share the risk on a pain /gain basis.
<b>Enhance the risk.</b>	Making the opportunity more likely to occur.
<b>Exploit the risk.</b>	Exploit an opportunity to gain positive impacts from the risk.

The decision on how to respond to the risk will be made by the risk owner or an appropriate senior officer depending on where the score falls in the tolerance areas and the costs associated with the control. Depending on the risk it may be a decision for Council or Cabinet with an officer recommendation.

When considering the response to any given risk, the risk owner must also be mindful of the Council's defined risk appetite framework in relation to the category of risk. For example, if the appetite for a particular type of risk is Cautious, yet the residual risk score is Red or Amber, accepting the risk would not be an appropriate choice. Instead, the response must be avoid, mitigate, transfer, share, or prepare a contingent option to bring the residual risk, in time, to within a tolerable level.

### **Monitoring and managing risk:**

As risk management is an integral part of good management all identified risks should be recorded and managed through the appropriate risk register.

Any risks that have a score of 15 or greater and those approaching 15 will be referred to SLT for consideration for inclusion on the SRR. SLT will consider the significance of the risk to determine its inclusion.

The SRR is available to all elected Members and employees through MS Teams site and is collectively monitored and managed by SLT.

## **Recording risk:**

Risk registers should be used to inform decision making, resource allocation and to assist in performance management. They should be updated if the risk changes and as required to meet agreed monitoring arrangements.

Service Area Plan (SAP) Risk Registers are the responsibility of Heads of Service with the individual risks being assigned to officers within departments where appropriate.

Any member of staff identifying a risk should report it to their SLT lead to consider for inclusion in the relevant risk register(s), but any high scoring risks should be added and discussed with the relevant Service Manager and/or Head of Service immediately to ensure relevant controls can be put in place.

## **Reporting risks:**

### **The SRR, SAP and project/programme risks:**

- SLT will own and maintain the SRR and associated actions which will be considered on a regular basis (at least every quarter) and updated by them as appropriate.
- A copy of the updated SRR risk register will be provided informally to Cabinet Members following review by SLT so that they can discuss the risks with the risk owners or managers.
- A report on SRR will go to Audit and Standards Committee and Cabinet quarterly.
- Overview and Scrutiny committee will have access to the SRR as required. The committee will have the opportunity to select risks for a 'deep dive'.
- Any confidential risks will be recorded on the confidential section of the SRR.
- The SRR will provide the necessary assurance for the annual governance statement.
- Each Service Area and Team will take a proactive approach to risk management making sure that it is embedded as a part of the good management of the area, compiling and maintaining an SAP risk register that captures the risks to the delivery of its objectives and services. These risk registers should be reviewed regularly by teams.
- Each Project/programme will have a risk register, which capture risks to their respective objectives. These risks should be formally reported to the project/programme governance structure on a regular basis.

## **Supporting risk management:**

### **Risk management co-ordination:**

The risk management policy, including any guidance notes, will be reviewed at least every three years by the Lead Officer for Risk at the Council (Audit and Risk Manager), SLT and the Audit and Standards Committee. This will be updated to incorporate further development in risk management processes and/or organisational change. Where the Council has established groups who have responsibility for risk, they should include detail about their role in the terms of reference for the group.

### **Training:**

The requirement for risk management training (which will ensure that elected Members and officers have the skills required to identify, evaluate, control and monitor the risks associated with the services they provide or govern) should be identified through the appraisal process and through Member induction.

Risk Management training for staff and elected Members will be delivered through a number of tools including specialist training, eLearning, induction and teams meetings.

Where required, training in corporate governance, of which risk management is a part, should be identified through the induction process for all new employees and members.

### **Communication:**

The risk management culture within the Council must support open and frank discussion on risks to the Council. Risk Owners and Risk Control Owners must provide opportunities to employees and members not normally involved with risk management with the opportunity for comment and challenge.

Risk should be considered on a regular basis by SLT and all team meetings as part of good management practice. When necessary, new and emerging risks, significant change and where control actions are significantly succeeding or failing should be discussed.

It is the responsibility of the risk owners to communicate and discuss risk and control actions with other relevant officers, including those from other departments.

If the cause of a risk or the failure of an objective or activity has the potential to impact on another objective or activity, it is the duty of the responsible officer to communicate that cause or failure to the owner of the effected objective or action.

Information and guidance on risk management will be available to all employees with computer access via the intranet and shared drive. Employees without computer access should speak to their manager for a printed copy.

Employees will be kept up to date on risk management progress and good practice through appropriate communication channels including, training, team meetings and briefings, news updates to all staff and the intranet.

## Monitoring and managing risk:

As risk management is an integral part of good management, so all risks should be reviewed by SLT and revised as and when actions prove to be successful or unsuccessful and when new information becomes available.

Progress of action	Further action
High	Current action successful – redirect resources
Medium	Current action not as effective as first hoped make changes or think of new action.
Low	Current action unsuccessful need new action

The identification of risk may raise the question not to pursue a course of action. If this decision is made, it must be clearly documented.

The identification of risk may raise a success or positive learning point. This should be communicated to those who may benefit.

Actions to mitigate the risk need to be identified early and the monitoring must consider if they are being effective. If they are not, then it is imperative to identify new mitigating actions.

## Risk registers:

Significant risks to the achievement of the Council's objectives will be recorded on the SRR. Other risks will be recorded on service area plans or project / programme risk registers.

A risk register will record:

- Risks identified - to an objective, including a reference code and specified using "if...& then...";
- Original risk assessment and score based on impact and likelihood;
- Risk owner;
- Date raised;
- Controls & actions to control the risk;
- The officer responsible for the controls and actions;
- An indication as to whether the mitigating actions are on target
- The action status including progress notes;
- Current risk assessment and score once the action has been implemented.
- The date the risk was last reviewed

## Confidential Risks:

Advice on the wording and inclusion of any confidential risks within the SRR can be sought from the Monitoring Officer or Deputy CEO.

## **Roles and Responsibilities**

Everyone has a role to play in our risk management process. Combining shared leadership with a team approach will help contribute to the success of integrated risk management.

### **Elected members:**

All elected members have risk management responsibility; they promote the desired culture essential for successful risk management, acknowledging risk management as a strategic and operational tool to further the Council's objectives. All should feel secure that, by identifying risk in their area, they are doing so within a corporate framework that is robust and easily understood.

The risk assessment included in all reports, that require a decision, that are brought to Council, Cabinet and committees should be used to inform decision making and should be revisited to ensure the risks are being managed. They will also participate in training workshops to maintain an up-to-date understanding of how WDC manages risk.

### **Audit and Standards Committee:**

Audit and Standards Committee will endorse the Council's risk management policy, and at least annually as part of its function to "Consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements", monitor and review the effectiveness of risk management systems and its contribution to corporate governance arrangements. Audit and Standards Committee will also seek assurance from the Internal Audit team that risks are being managed in an appropriate manner and by the terms of this policy.

### **Overview and Scrutiny:**

The Overview and Scrutiny Committee may request to review the SRR at any time and scrutiny task groups may want to examine any risks relating to a particular project or risk. Any recommendations from scrutiny would be made to the Audit and Risk Manager, SLT, Cabinet or Council as appropriate.

### **Cabinet and Council:**

Cabinet and Council, as decision-making bodies, will be made aware of risks associated with any decision taken to them. They will have the responsibility to ensure that any risks to a report or project they sign off are managed and should request a revision of previously identified risks as and when necessary.

The SRR is provided informally to Cabinet Members so that they can monitor the risks included and the progress of mitigating action.

The Cabinet Member for Resources has risk management identified as part of their portfolio. They have responsibility to ensure that their Cabinet colleagues consider risk when setting policy and making decisions. These risks should be revisited to identify how they are being managed.

Individual Cabinet members should seek assurance that the risk management process is being met in reference to their respective portfolios through discussions with Heads of Service on a regular basis.

Cabinet Members can suggest new risks and discuss the management of any risk with the appropriate CEO, DCX, CCD, Audit & Risk Manager, Head of Service or Risk Owner.

## **Officer responsibilities**

### **CEO & SLT**

The Chief Executive and SLT have strategic responsibility for the risk management policy and collectively oversee the Council's effective management of risk. In their role as 'coach', they will advise and support Managers and Programme and Project Managers to ensure that risk is managed consistently and in line with this policy. SLT are collectively responsible for the management of risks recorded on the SRR.

SLT are responsible for setting tolerance levels. The risk owner is empowered by SLT to make decisions about the control of the risk, depending on the risk score and what tolerance area it falls within. They will consider corporate risk as part of developing and implementing the Council business plan and corporate strategies, projects and programmes.

Heads of Service are responsible for managing risks to the delivery of the objectives of their own department, jointly with their service managers. These risks will be managed in accordance with this policy, using the risk register template in the SAP.

The Chief Executive is responsible for monitoring the implementation and effectiveness of this risk management policy and for reviewing compliance with controls introduced by all other Heads of Service to collectively manage risks through SLT. Any responsibilities delegated to Internal Audit will be covered in the annual internal audit programme.

SLT is consulted on proposed amendments to the Risk Management Policy and the SRR. SLT can review and challenge any risk or group of risks to ensure that they are being recorded, scored and monitored correctly. This additional review process, which can be found on the intranet, relates to confidential risks and is designed to provide additional assurance to Leadership Team and the risk owners that they are being managed correctly.

### **Audit and Risk Manager**

The Audit and Risk manager is to support the Council and its departments and services in the effective development, implementation, and review of the risk management approach. Their role is to provide advice, guidance and challenge. Working with SLT they have the responsibility to maintain and update the SRR.

The Audit and Risk Manager is responsible for ensuring that where corporate risks are identified in the Annual Audit Plan they are cross referenced to the risk registers.

## **Client Officers**

The Client Officer will ensure that any external organisation's risk management process will include the process for that organisation to inform the Council of any risk that either impacts or could impact on the Council.

The Client Officer will make the appropriate SLT member aware of any risk that would have a significant risk to WDC's finances or reputation.

The Client officer for Shared or Commissioned Service(s) will be responsible for ensuring that any external organisation that provides a service(s) for the Council will have a documented Risks Management Process that is appropriate for the size and complexity of that organisation.

## **Risk Champion**

The Risk champion is to champion the cause of risk management within the Council, particularly at the strategic level; to take personal responsibility for ensuring that the risk management objectives as set out in the policy are achieved. The Risk Champion is the Deputy CEO.

## **Counter Fraud Service**

The Counter Fraud Service (currently provided by Oxford City Council) is responsible for the prevention, detection and deterrence of fraud, bribery and corruption across the Council.

## **Programme and Project Managers**

Programme and Project Managers ensure there is a process for identifying, managing and communicating risks to programme and project objectives and benefits and will ensure that programme and project teams carry out regular risk assessment. They are also responsible for ensuring that any significant risks are escalated to SLT and are considered for inclusion on the SRR. Project or Programme Managers have the discretion to bring to the attention of their Head of Service, Sponsor or Risk Owner any risk if they consider that there is a need for SLT to be made aware of it.

## **Service Managers**

Service managers are responsible for identifying and managing risks to the objectives of their service team in line with this policy. The Council encourages managers to identify, understand and manage risk, and learn how to accept risk within the applicable tolerance level. They should ensure that their teams carry out risk assessments, where appropriate, as a routine part of service planning and project management, including reporting to Members.

The are also responsible for ensuring that any risks where appropriate are escalated to SLT to be considered for inclusion on the SRR. Managers have the discretion to bring to the attention of their Head of Service or Risk Owner any risk if they consider that there is a need for SLT to be made aware of it.

## Risk Owners

A Risk Owner is the owner of a risk and will manage that risk accordingly. This will involve maintaining awareness of how control actions are progressing. All actions identified to control a risk will be assigned to an individual officer who will be called the 'Risk Control Owner'.

## Document Control:

<b>Version:</b>	6
<b>Author:</b>	Deputy Chief Executive
<b>Consultees:</b> <ul style="list-style-type: none"><li>• Monitoring Officer</li><li>• CEO</li><li>• S151 Officer</li><li>• Internal Audit Manager</li><li>• Audit &amp; Standards</li><li>• SLT</li><li>• CoPMP</li><li>• Portfolio Holder</li><li>• LCG</li></ul>	Changes made following feedback from consultees
<b>Date approved by Cabinet:</b>	
<b>Policy Status:</b>	<b>Draft</b>
<b>Review date:</b>	
<b>Policy owner:</b>	Deputy CEO and Audit & Risk Manager

Title: Banking Services Exemption  
 Lead Officer: Richard Wilson  
 Portfolio Holder: Councillor Chilvers  
 Wards of the District directly affected: All

<b>Approvals required</b>	<b>Date</b>	<b>Name</b>
<b>Portfolio Holder</b>	12/06/24	Councillor Chilvers
<b>Finance</b>	12/06/24	Steven Leathley
<b>Legal Services</b>		
<b>Chief Executive</b>	12/06/24	Chris Elliott
<b>Director of Climate Change</b>	12/06/24	Dave Barber
<b>Head of Service(s)</b>	12/06/24	Andrew Rollins
<b>Section 151 Officer</b>	12/06/24	Andrew Rollins
<b>Monitoring Officer</b>	12/06/24	Graham Leach
<b>Leadership Co-ordination Group</b>		
<b>Final decision by this Committee or rec to another Cttee / Council?</b>	Yes	
<b>Contrary to Policy / Budget framework?</b>	No	
<b>Does this report contain exempt info/Confidential? If so, which paragraph(s)?</b>	No	
<b>Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?</b>	No	
<b>Accessibility Checked?</b>	Yes	

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## Summary

The current Banking contact with HSBC is to expire in on 28 February 2025. A two year extension is requested to the existing contract, which takes the total contract value over delegated officer responsibility and requires Cabinet approval.

## Recommendation(s)

- (1) The Cabinet to approve contract extension and Procurement Wavier to the current Banking contract of two years from February 2025 to 28 February 2027.
- 

### 1 Contract Wavier

- 1.1 The original contract was a 'five plus five' year agreement, awarded in 2014 and commencing on 1 March 2015. The initial contract period ended on 29 February 2020, with the potential to extend to 28 February 2025. This extension was approved by the Head of Finance under delegated authority in September 2019.
- 1.2 With the implementation of the new financial system from Technology One called Ci Anywhere (CiA) in November 2021, considerable work had been completed to ensure the current banking system interfaces worked accurately and efficiently. To move to a new bank would result in a major project to re-configure the finance system at a significant cost to the Council, both in officer time and budget for Technology One consultancy.
- 1.3 The Government is working on a new banking Framework for local government, but this is not yet available, and it is proposed to wait until this has been completed before starting a new procurement of a banking provider.
- 1.4 Our current supplier, HSBC, can facilitate a 2-year extension to 28 February 2027 to ensure continuity of their services, and the interfaces with CiA.
- 1.5 If the extension is approved officers will then develop a timetable and plan for the procurement of a new contract for it to be implemented in 2027.

### 2 Alternative Options

- 2.1 If we commence with a framework now, it may not achieve the best options until the Government framework for procuring banking services has been launched. We are awaiting an updated timeframe for this to be completed and expect this to be completed within the extension period request.
- 2.2 The time needed to integrate a new banking system into CiA would require planning and additional financial and officer resources. The current priority of the Accountancy team is the audit backlog therefore the extension would allow time to plan resources to achieve the optimum outcome.

### 3 Legal Implications

- 3.1 The proposals are in line with current legislation where applicable.

### 4 Financial Services

- 4.1 Bank charges in 2023/24 were £16,048.12. With the 2025 charge increases at current BACS payment levels the additional cost would be approx. £6,350 per annum, making a total of around £22,400. The additional cost will be met from within existing budgets.

## **5 Corporate Strategy**

- 5.1 Warwick District Council has adopted a Corporate Strategy which sets three strategic aims for the organisation.
- 5.2 Delivering valued, sustainable services. A banking service is essential to providing all Council services, underpinning the ability to make payments and receive income.
- 5.3 Low cost, low carbon energy across the district. Minimal carbon output.
- 5.4 Creating vibrant, safe and healthy communities of the future. Banking services are integral to supporting all services provided to the community and employees.

## **6 Environmental/Climate Change Implications**

- 6.1 Not relevant. No change to services currently provided.

## **7 Analysis of the effects on Equality**

- 7.1 Not relevant. No change to services currently provided.

## **8 Data Protection**

- 8.1 Not relevant. No change to services currently provided.

## **9 Health and Wellbeing**

- 9.1 Not relevant. No change to services currently provided.

## **10 Risk Assessment**

- 10.1 The requirement for external auditors is part of the assurance framework under which all local authorities operate. The audit of the accounts and associated grant claims seeks to provide assurance to all stakeholders that the Council's finances, as reported in the Accounts, are being properly managed.

### **Background papers:**

Title: Changes to the Parking Standards and Residential Design Guide  
SPD's and additional delegation to Head of Service  
Lead Officer: Amit Bratch (Principal Planning Officer)- 01926 and Rob Young (Business Manager- Development Management)-01926 456535  
Portfolio Holder: Councillor: Councillor Chris King (Place)  
Wards of the District directly affected: All

<b>Approvals required</b>	<b>Date</b>	<b>Name</b>
<b>Portfolio Holder</b>		Cllr Chris King (Place)
<b>Finance</b>		Andrew Rollins
<b>Legal Services</b>	14.06.24	Sue Mullins
<b>Chief Executive</b>	12.06.2024	Chris Elliott
<b>Director of Climate Change</b>	13.06.2024	Dave Barber
<b>Head of Service(s)</b>	14.06.2024	Philip Clarke
<b>Section 151 Officer</b>		Andrew Rollins
<b>Monitoring Officer</b>	12.06.2024	Graham Leach
<b>Leadership Co-ordination Group</b>		
<b>Final decision by this Committee or rec to another Cttee / Council?</b>	No as the proposals are subject to public consultation if Cabinet approves them.	
<b>Contrary to Policy / Budget framework?</b>	No	
<b>Does this report contain exempt info/Confidential? If so, which paragraph(s)?</b>	No	
<b>Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?</b>	Yes, Forward Plan item – Ref. 1472	
<b>Accessibility Checked?</b>	Yes	

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## Summary

The report seeks approval to consult on the specific changes proposed to the Parking Standards, Residential Design Guide Supplementary Planning Documents and additional delegation to be given to Head of Place, Arts and Economy.

## Recommendation(s)

- (1) That the Cabinet endorses the proposed changes to the Parking Standards SPD and the Residential Design Guide, as set out in Appendix 1 and 2 to the report.
- (2) That the Cabinet agrees to the Council undertaking a statutory six-week consultation on the changes to the Parking Standards SPD and the Residential Design Guide that have been put forward in the report.
- (3) That Cabinet agrees that, subject to the consultation responses not requesting significant further changes beyond those outlined in this report, delegated authority be given to the Head of Service for Place, Arts & Economy, in consultation with the Portfolio Holder for Place to make the necessary minor amendments to the Parking Standards SPD and Residential Design Guide and approve the updated versions of the two SPDs. If any adverse comments are received in response to the consultation, a further report will be brought back to Cabinet for consideration.
- (4) That Cabinet recommends to Council that the scheme of delegation is amended to delegate authority to the Head of Place, Arts and Economy to approve the designation of Neighbourhood Development Plan Areas.

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## 1 Reasons for the Recommendation

- 1.1 The Council adopted both the Parking Standards Supplementary Planning Document (SPD) and the Residential Design Guide (SPD) in June 2018. This report seeks authority to undertake consultation on proposed changes to both documents. These minor changes to the Residential Design Guide are considered to be necessary to provide clarity on matters that have arisen in appeal decisions and in a ruling by the Local Government and Social Care Ombudsman in respect of a complaint made about this Council. The proposed changes to the Parking Standards SPD will provide clarity on the way parked cars are counted to ensure that there is consistency in the methodology used when assessing compliance with the Parking Standards SPD.
- 1.2 It should be noted that this consultation will be seeking representations solely on the matters that are set out in this report. The consultation will not be seeking views on any other aspects of the adopted documents, and no significant alterations to the adopted documents are being proposed at this time. For this reason, recommendation 3 is proposing that authority is delegated to the Head of Service for Place, Arts & Economy, in consultation with the Portfolio Holder for Place to make any necessary minor amendments to the Parking Standards SPD and Residential Design Guide following the consultation process and to approve the updated versions of the two SPDs, where no adverse comments are received from the consultation. It is likely that further and wider changes will be proposed during the public consultation. If it is considered that wider changes should be made at this time to either of these documents, these will be brought back to Cabinet for consideration and decision.

1.3 There is currently no process in place for the designation of Neighbourhood Plan Areas. The additional delegation will make the process for the designation of NDP areas quicker.

#### 1.3.1 **Residential Design Guide SPD**

1.3.2 The changes to the Residential Design Guide are set out in Appendix 2. They are:

- to clarify that the 45 Degree Guideline measurement is taken from the nearest window in an extension where a neighbouring property has been extended, rather than the original rear window of the neighbouring property;
- to clarify that a Unilateral Undertaking is required where joint extensions are proposed that would breach the 45 Degree Guideline if only one of the extensions was to be constructed; and
- to omit Appendix B on refuse and recycling storage requirements.

1.3.3 The proposed changes to the 45 Degree Guideline will not alter the way in which the policy is implemented. Rather, they clarify how the policy has always been implemented.

1.3.4 The omission of Appendix B is necessary because the provisions in relation refuse and recycling storage requirements are out of date following the implementation of the new waste contract. There is a more up to date version of this document entitled Refuse and Recycling Storage Requirements published on the Council's website that will be referred to instead.

#### 1.3.5 **Parking Standards SPD**

1.3.6 The proposed changes to the Vehicle Parking Standards are set out in Appendix 1. They are:

1.3.7 to add 2 columns to each of the tables on pages 43 and 44 headed "No. of cars parking outside of PHB bays" and "Total parking stress %"; and

1.3.8 to change the parking space size referred to in the last paragraphs on pages 43 and 44 to 6m from 5m.

1.3.9 The proposed changes to the Vehicle Parking Standards relate to the methodology for undertaking parking surveys. This will not alter the way in which the policy is implemented. Rather, it provides clarity on the way that the policy has always been implemented.

1.3.10 This proposed change is considered to be necessary to address elements of the parking survey methodology that have a degree of ambiguity. This ambiguity could affect the ability to ensure strict compliance with the methodology.

#### 1.3.11 **Designation of Neighbourhood Plan Area**

1.3.12 Under the Town and Country Planning Act 1990 and Planning and Compulsory Purchase Act 2004, Local Planning Authorities have a statutory duty to advise or assist communities in the preparation of Neighbourhood Development Plans (NDP).

1.3.13 The requirement to advertise NDP area applications based on Parish boundaries is set out in the Neighbourhood Planning (General) Regulations 2012 (as amended). Following amendments, an application for an NDP area based on the Parish boundary can be immediately written-up for approval by the Council rather than having to be publicised for six weeks.

1.3.14 Warwick District Council did not receive any requests for the designation of the

NDP area as most of the NDP areas were already designated. Stoneleigh and Ashow had a unique situation whereby they were designated a Neighbourhood Area in 2014. This was then replaced by a joint Neighbourhood Area for Baginton, Bubbenhall, Stoneleigh and Ashow in July 2015, which in turn was superseded by an area designation for Baginton and Bubbenhall in September 2016. This left Stoneleigh and Ashow without a Neighbourhood Plan Area designation.

1.3.15 The Council received an NDP area designation for Stoneleigh and Ashow on 20th December 2022 based on the Parish boundary.

1.3.16 As this was the first time the Council had to designate a Neighbourhood Plan Area and without any agreed protocol, the legal Team advised that it should be done with the approval of the Portfolio Holder and the Leader of the Council. It was also acknowledged that, in future, to save time and to streamline the process, authority should be delegated to the Head of Service to designate NDP areas. It should also be noted that many authorities across the country have delegated this power to the appropriate Head of Service.

## **2 Alternative Options**

2.1 Cabinet could decide not to undertake the required consultations. This will mean that there is out of date information contained within the Residential Design Guide. Furthermore, a decision has been received from the Local Government and Social Care Ombudsman that directed the Council to rectify this issue.

2.2 Acknowledging that both documents are now a few years old an alternative option is to undertake a comprehensive review of either or both SPDs. However, it is felt that a review of the documents would be better timed upon adoption of the emerging South Warwickshire Local Plan and furthermore such comprehensive reviews would involve a significant amount of staff resource, which is not available at the current time because of other existing workstreams, most notably work on progressing the South Warwickshire Local Plan.

3 Cabinet could decide not to delegate power to the Head of Service to approve the designation of Neighbourhood Development Plan Areas. This would mean that all such designations would need to be approved by Leader of the Council and Portfolio Holder for Place in consultation with the Head of Service.

## **4 Legal Implications**

4.1 There are some specific legal implications associated with the changes suggested to the Residential Design Guide. As stated earlier in the report the Local Government and Social Care Ombudsman has directed the Council to rectify this issue. This is because there is a degree of ambiguity in the way in which the 45-Degree Guideline refers to situations where an affected neighbour has an existing extension.

## **5 Financial Services**

5.1 There are no financial implications for undertaking the consultations as the consultations will be undertaken by the members of the planning team.

## **6 Corporate Strategy**

6.1 Warwick District Council has adopted a Corporate Strategy which sets three strategic aims for the organisation. Each proposed decision should set out how the report contributes to the delivery of these strategic aims. If it does not

contribute to these aims or has a negative effect on them the report should explain why that is the case.

- 6.2 Delivering valued, sustainable services – The changes to the documents will lead to improved services as Council will not receive further appeals in terms of residential design guide. For parking standards SPD, the Council will be able to make consistent and timely decisions as the need for lengthy discussions and arguments around the number of parked cars will be minimised. The additional delegated powers will help deliver quicker and better service.
- 6.3 Low cost, low carbon energy across the district - The suggested changes will not have any significant environmental impact. It should also be noted that these changes will not have any implications in terms of the recently adopted Net Zero Carbon DPD.
- 6.4 Creating vibrant, safe and healthy communities of the future - – The changes to the documents and additional delegation will not have any impact on health, homes and communities. The changes will provide more clarity on how the 45 degree rule is implemented.

## **7 Environmental/Climate Change Implications**

- 7.1 The changes to the documents will not have any specific implications in relation to the Council’s policies and Climate Emergency Action Plan.

## **8 Analysis of the effects on Equality**

- 8.1 Consultations will be conducted in line with the Council’s adopted Statement of Community Involvement (SCI).
- 8.2 There are no further equality impacts associated with the proposals in this report.

## **9 Data Protection**

- 9.1 There are no Data Protection implications associated with the recommendations in this report.

## **10 Health and Wellbeing**

- 10.1 The proposed changes will not have any implications on the health and wellbeing of the District’s residents.

## **11 Risk Assessment**

- 11.1 Failure to make the suggested changes will most likely lead to more complaints and delays in issuing timely decisions to planning applications due to lengthy discussions to agree car parking methodology with the applicants and legal decisions from the Local Government Ombudsman.

## **12 Consultation**

- 12.1 The changes proposed to the SPD’s will be subject to a six-week statutory public consultation.

**Background papers:**

- Appendix 1: Changes to Parking Standards SPD
- Appendix 2: Changes to Residential Design Guide
- Appendix 3: Supporting Document entitled Decision Notice

**Supporting documents:**

[Parking Standards SPD \(Adopted June 2018\)](#)

[Residential Design Guide \(Adopted June 2018\)](#)

Decision Notice attached as Appendix 3

## Appendix 1: Changes to Parking Standards SPD

Table on p43:

STREET NAME	TOTAL LENGTH (M) OF PARKING SPACES	NO. OF PHB SPACES	NO. OF CARS PARKED IN PHB BAYS	NO. OF CARS PARKED OUTSIDE OF PHB BAYS	PHB PARKING STRESS (%)	TOTAL PARKING STRESS (%)
A	350	58	58	3	100	105.2
B	250	41	31	0	75.6	75.6
C	150	25	10	17	40	108
TOTAL	750	124	99	20	79.8	96

### Last para. p43:

The distance between crossovers should be measured in units of 6m. For example, if the distance between two crossovers or a crossover and another obstruction is 14m, then only 12m should be counted in the survey, and any space between crossovers measuring less than 6m should be discounted from the calculation. For reasons of highway safety, the first 10m from a junction should also be omitted from the calculation.

### Table on p 44:

STREET NAME	TOTAL LENGTH (M) OF KERB SPACE	LENGTH OF UNRESTRICTED PARKING (M)	NO. OF PARKING SPACES	NO. OF CARS PARKED ON UNRESTRICTED LENGTH OF ROAD	NO. OF CARS PARKED OUTSIDE OF UNRESTRICTED LENGTHS OF ROAD	UNRESTRICTED PARKING STRESS (%)	TOTAL PARKING STRESS (%)
A	400	350	58	58	0	100	100
B	300	250	41	31	7	75.6	92.7
C	200	150	25	15	14	60	116
TOTAL	900	750	124	104	21	83.9	100.8

**Last para. p44:**

Note that stress levels of over 100% stress (or 100% occupancy level) are possible. This is because small cars may need less space than 6m to park, meaning that additional cars can be accommodated.

## **CHANGES TO RESIDENTIAL DESIGN GUIDE SPD**

### **Appendix C – The 45 degree guideline – pages 88 and 89**

#### Joint extensions

Where two or more residents wish to extend their premises together, then this will generally be acceptable, even though both may not comply with the 45° guideline when drawn from the other property. The 45° guideline will, however, still apply from the windows of other adjoining premises. A Unilateral Undertaking from both neighbours will be required to ensure that the extensions will be constructed together.

#### Neighbouring extensions

Where a neighbouring property has an existing extension, the 45° line will be taken from the nearest window in the front or rear elevation of that extension, rather than the original front or rear elevation of the property.

### **Appendix B – Refuse and recycling storage requirements**

Delete this Appendix. Change any references to this Appendix in the remainder of the SPD to refer to the “most up-to-date refuse and recycling storage requirements guidance note published by the Council”. Renumber other Appendices accordingly.

# APPENDIX 3: Decision Notice

## **The Ombudsman's final decision**

Summary: X complained the Council failed to protect their amenity when it approved a planning application for an extension to their neighbour's home. X said this will lead to a loss of light and an overbearing impact on their home. We found fault in the way the planning decision was made that might happen again. The Council agreed to carry out a review to consider whether changes are needed for its working practices and procedures.

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## **The complaint**

1. The person that complained to us will be referred to as X.
1. X complained that the Council failed to protect his amenity when it approved their neighbour's planning application.
2. X said this failure has caused loss of light and overbearing impact to the rear of X's home.

## **The Ombudsman's role and powers**

3. We investigate complaints about 'maladministration' and 'service failure'. In this statement, I have used the word fault to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. If there has been fault which has caused significant injustice, or that could cause injustice to others in future we may suggest a remedy. (Local Government Act 1974, sections 26(1) and 26A(1), as amended)
4. If we are satisfied with an organisation's actions or proposed actions, we can complete our investigation and issue a decision statement. (Local Government Act 1974, section 30(1B) and 34H(i), as amended)

## **How I considered this complaint**

5. I read the complaint and discussed it with X. I read the Council's response to the complaint and considered documents from its planning files, including the plans and the case officer's 'tick-box' report. I discussed the case with one of the Council's planning managers.
6. I gave the Council and X an opportunity to comment on a draft decision and took account of the comments I received.

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## What I found

### Planning law and guidance

7. Councils should approve planning applications that accord with policies in the local development plan, unless other material planning considerations indicate they should not.
8. Planning considerations include things like:
  - access to the highway;
  - protection of ecological and heritage assets; and
  - the impact on neighbouring amenity.
9. Planning considerations do not include things like:
  - views over another's land;
  - the impact of development on property value; and
  - private rights and interests in land.
10. Councils may impose planning conditions to make development acceptable in planning terms. Conditions should be necessary, enforceable and reasonable in all other regards.
11. Some councils issue guidance on how they would normally make their decisions and how they generally apply planning policy. The guidance is issued in supplementary planning documents (SPD) and can be found on council websites.
12. Planning guidance and policy should not be treated as if it creates a binding rule that must be followed. Councils must take account of their policy along with other material planning considerations.
13. Amongst other things, SPD guidance will often set out separation distances between dwellings to protect against overshadowing and loss of privacy.
14. Although SPD can set different limits, typically councils allow 21 metres between directly facing habitable rooms (such as bedrooms, living and dining rooms) or 12 metres between habitable rooms and blank elevations or elevations that contain only non-habitable room windows (such as bathrooms, kitchens and utility rooms). An 'elevation' plan is a plan showing the facing or side view of a building or structure.
15. Planning officers may consider the loss of light or overbearing impact a new development is likely to have on existing buildings. They often use a rule of thumb, known as the '45-degree rule'.
16. To do this, they imagine a 45-degree line from the mid-point of the nearest habitable room window on the neighbour's property and any development above and beyond the line is in breach of the 'rule'. If a large area of the new development is in breach of the 'rule', it is likely to indicate an unacceptable, overbearing impact. Some councils include this test, or versions of it, in their published Supplementary Planning Guidance, which shows how they apply policy to protect amenities.
17. Details of how a council considered an application are usually found in planning case officer reports. The purpose of the case officer's report is not merely to facilitate the decision, but to demonstrate the decisions were properly made and due process followed. Without an adequate report, we cannot know whether the

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council took proper account of the key material planning considerations or whether judgements were affected by irrelevant matters.

18. However, the courts have made it clear that case officer reports:
  - do not need to include every possible planning consideration, but just the principal controversial issues;
  - do not need to be perfect, as their intended audience are the parties to the application (the council and the applicant) who are likely to be well versed of the issues; and
  - should not be subject to hypercritical scrutiny, and do not merit challenge unless their overall effect is to significantly mislead the decision maker on the key, material issues.
19. The Openness of Local Government Bodies Regulations 2014 require that certain decisions and their background papers are publicised on council websites, as soon as is practicable after the decision is made.
20. The regulations apply to a decision that has been delegated to an officer, if it:
  - grants a permission or licence;
  - affects the rights of an individual; or
  - awards a contract or incurs an expense that materially affects the council's financial position.
21. The regulations require that any such decision should be made available to the public:
  - at the council's offices;
  - on the council's website, if it has one; and
  - by any other means the council considers appropriate.
22. The written records should include the following information:
  - the date the decision was made;
  - the record of the decision and its reasons;
  - details alternative options, if any considered and rejected; and
  - a record of any relevant conflict of interest.

### **What happened**

23. X's neighbour applied for planning permission for a rear extension above an existing ground floor rear extension. The original plans also included a loft conversion and changes to the shape of the roof.
24. Amended plans removing works to the roof were submitted before the application was decided.
25. X has a conservatory at the rear of their home, which is not as deep as their neighbour's existing ground floor extension. X has a living room with French doors on the original rear building line of their home which open up into the conservatory.
26. The Council has a design guide published as a supplementary planning document on its website. The design guide includes details of how the Council apply the 45-degree rule in different circumstances. It says:

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- for two storey extensions, the 45-degree line is drawn from the  $\frac{1}{4}$  point of the nearest ground floor habitable room window in the adjoining property, towards the proposed development;
  - the 45-degree line is taken from the original face of the adjoining property;
  - where a neighbour already has an extension that does not comply with the 45-degree rule, an applicant will normally be allowed to build an extension to the same depth as the neighbour. The guidance does not specify whether the two extensions should also be of similar height.
27. The plans for the proposed rear first floor extension show a 45-degree line drawn from the edge of the corner of the proposed extension, back towards the middle of the French doors in X's home.
28. If the 45-degree line from the neighbour's storey extension had been drawn from the  $\frac{1}{4}$  point, as required by the Council's guidance, about a metre of the proposed extension would be in breach of the rule.
29. The Council uses 'tick-box' site visit forms for simpler 'householder' proposals. The form includes:
- the application reference number;
  - address and date the application was valid;
  - case officer initials and site visit date;
  - publicity arrangements;
  - questions about planning considerations, which the officer answers by inserting either 'Y' or 'N'.
30. The questions on the form are as follows:
- Not Heritage Asset;
  - Green Belt;
  - Not Flood Zone;
  - No trees of amenity value affected;
  - Minor extension with limited visual and spatial impact which appears in keeping with the character and appearance of the streetscene complies with Residential Design Guide SPD and complies with NP, LP and NPPF;
  - Complies with Vehicle Parking Standards;
  - No material harm to living conditions of neighbouring properties;
  - Objections received on material planning considerations suitably overcome through amendments;
  - Ecology notes required.
31. I discussed the case with a planning manager and asked why the assessment form said the proposal complied with the design guidance, when the 45-degree line was drawn from the middle of X's French doors, instead of the  $\frac{1}{4}$  point as required in the guidance.
32. The planning manager told me:
- the Council's usual practice in these situations is to take the 45-degree line from the window most affected. In this case the most affected window is X's

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conservatory window, and so the line was not drawn from the original building line as stated in the design guidance;

- that a two-storey extension which is in breach of the 45-degree rule would normally be allowed in situations like this, as X already has an extension (their conservatory) in breach of the 45-degree rule when measured from the nearest window on the original building line of the applicant's house.

### **My findings**

33. The Council did not produce a case officer report to record consideration of the planning issues but instead it relied on a 'tick-box' assessment form. Tick-box forms can include enough information to show that the material planning considerations have been taken into account, before a decision is made. But in this case, I am not satisfied there is sufficient evidence to show the decision was made properly.
34. I consider there is fault here, because:
  - The Council's 45-degree guidance shows the line should be taken from the  $\frac{1}{4}$  point of the ground floor window on the original building line, but this did not happen here. If the Council had a reason not to follow its guidance, there should be a record that explains why this was appropriate, but there is none.
  - The planning manager told me that in situations like this, Council practice is to measure the 45-degree line from the window affected, in this case the rear window in X's conservatory. If this is Council practice, it should be set out in the design guidance, but it is not
  - The planning manager said, the design guidance allows development like this proposal, because X already has a conservatory which is in breach of the 45-degree guidance. If this was indeed the reason the case officer found the proposal acceptable, we would expect a record explaining how this conclusion was reached, but there is none.
35. When we find fault, we have to decide whether it caused an injustice to the complainant that should be remedied.
36. X has provided photographs taken from inside their home and I have considered these along with approved plans. While there will be some overbearing impact from the new extension, I cannot say that it is so significant that any reasonable authority, who considered the plans alongside the Council's design guidance, would have refused this application.
37. However, I am concerned that in other circumstances, the fault I have found might have resulted in injustice, so I recommended the Council reviews its practices and procedures. The Council has agreed to my recommendations.

### **Agreed action**

38. To avoid recurrence of the faults I have found, the Council will:
  - a) review its working practices and procedures against its published design guidance. It should make any necessary changes to ensure a clear and consistent approach to 45-degree rule matters and that it keeps good evidence in its records of reasons and analysis of its consideration of planning issues; and
  - b) report the outcome of its review to the Ombudsman within three months from the date of this decision.

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39. The Council will provide us with evidence it has complied with the above actions.

### **Final decision**

40. I found fault that might recur and cause significant injustice. I completed my investigation because the Council accepted my recommendations.

### **Investigator's decision on behalf of the Ombudsman**

Title: Masterplan for the Fusilier’s Way development

Lead Officer: Chris Elliott / Pdraig Herlihy

Portfolio Holder: Councillors Jonathan Chilvers and Chris King

Wards of the District directly affected: Warwick Myton and Heathcote

<b>Approvals required</b>	<b>Date</b>	<b>Name</b>
<b>Portfolio Holder</b>	04/06/24	Councillors Jonathan Chilvers and Chris King
<b>Finance</b>	30/05/24	Richard Wilson/Betty Gong
<b>Legal Services</b>	30/05/24	Kathryn Tebbey
<b>Chief Executive</b>	30/05/24	Chris Elliott
<b>Director of Climate Change</b>	30/05/24	Dave Barber
<b>Head of Service(s)</b>	30/05/24	Darren Knight
<b>Section 151 Officer</b>	30/05/24	Andrew Rollins
<b>Monitoring Officer</b>	30/05/24	Graham Leach
<b>Leadership Co-ordination Group</b>	13/06/24	Councillors Davison, Harrison, Boad, Day and Falp.
<b>Final decision by this Committee or rec to another Cttee / Council?</b>	No	
<b>Contrary to Policy / Budget framework?</b>	Yes	
<b>Does this report contain exempt info/Confidential? If so, which paragraph(s)?</b>	No	
<b>Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?</b>	No	
<b>Accessibility Checked?</b>	Yes	

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## Summary

This report seeks the support of Cabinet for an updated Masterplan to cover a group of inter-related projects in the Myton Green area, alongside Fusiliers Way. The strategic aims of this group of projects are to:

- Place shape to create a new community heart for a new sustainable community (20 minute neighbourhood).
- Deliver on a proposal in the Local Plan to construct a Community Stadium in this area and to relocate the current athletics track provision.
- Provide the final major schemes of the Leisure Development Programme
- Help achieve other Council objectives, including-
  - Exemplar Net Zero development
  - Deliver local community facilities
  - Delivery of a Gypsy and Traveller site
  - Improve Bio-diversity
  - Enhance ability to travel on foot or cycle
  - Improve traffic management of the area
  - Deliver more affordable housing
  - Support the local economy

The updated Master plan for the Myton Green area includes proposals for: a new primary school; a new alternative provision school; an extension to Evergreen Special Educational Needs school; improvements to the school sports provision at Myton School; changes to the sports provision at Warwick School; a new neighbourhood centre; a nursery; an opportunity for a community church/space; other commercial/employment generating activities; a significant new footpath/cycleway to connect Myton Road and Fusiliers Way; an additional footpath/cycling access into the Technology Park; and for the construction of a new athletics facility to replace the current facility at Edmondscote. This area in turn is proposed to become a new park and an area for enhanced biodiversity.

The Masterplan proposal would enable the relocation of Leamington FC to the new Stadium which is an established Local Plan proposal and opens the opportunity to secure a Gypsy and Traveller site for the district by using their existing site.

The Masterplan proposal is therefore as much an active travel, economic and a place making project as it is an educational, sport and leisure one.

A separate report to this meeting of the Cabinet details the proposals for a new athletics facility and the Myton Path. Other specific reports will be presented on the proposed Community Stadium and on the provision of neighbourhood/community facilities at the September meeting of the Cabinet.

The WDC projects forming part of these Masterplan proposals are proposed to be considered as part of the Local Growth Initiative Investment Plan in relation to the West Midlands Investment Zone MoU arrangements.

## **Recommendations**

- (1)** That Cabinet supports the revised Masterplan shown as Appendix 1 to this report as the basis for the development of a group of inter-related projects in the Myton Green area, fronting Fusiliers Way.
  - (2)** That Cabinet notes the programme of all the various projects as set out in the Table at Appendix 2 and that the prioritisation of the WDC led projects is in the following order: the Myton Road/Fusiliers Way footpath/cycleway; the relocation of the athletics facilities; the neighbourhood/community provision; and the Community Stadium.
  - (3)** That Cabinet agrees that detailed reports are brought forward on the WDC priority projects and in the meantime, officers continue with discussions and negotiations necessary to bring those priority projects forward to the next decision making step as follows:
    - a. Myton Road/Fusiliers Way Footpath/Cycleway – July 2024
    - b. Relocation of Athletics Facilities – July 2024
    - c. Neighbourhood Centre/Community Facility – September 2024
    - d. Community Stadium – Autumn 2024
  - (4)** That Cabinet agrees to establish a Project Board for the Masterplan and the constituent WDC projects and a Masterplan Local Community Liaison Group with agreement to the membership of both delegated to the Chief Executive in consultation with the Resources and Place portfolio holders.
  - (5)** That Cabinet approves the expenditure of Circa £50k per annum (circa £200k in total) for a four year extension to the existing Project Officer post to be funded from the agreed capital receipt to be generated from the sale of the site at the junction of Fusiliers Way and Gallows Hill.
  - (6)** That Cabinet agrees to the Masterplan proposals forming part of the Local Growth Initiatives Investment Plan required under the terms of Memorandum of Understanding (MoU) relating to the West Midlands Investment Zone.
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## **1 Reasons for the Recommendations**

### **1.1 Recommendation 1**

- 1.1.1 The area to the south of Warwick, Whitnash, Leamington and around Bishop's Tachbrook has seen extensive development since 2015 as envisaged by the current Local Plan. In the region of 5 to 6 thousand new homes are anticipated with many thousands already built. This extent of development is also accompanied by new schools or extensions thereto; new neighbourhood shopping centres; public open spaces; a country park; community centres; and new or enhanced transport infrastructure. It has been a challenge to ensure that the new housing areas which are and will develop as new communities have their supporting infrastructure. Thus far the Council has not invested directly using any of its own resources in new infrastructure in this area other than the new community centre at Bishop's Tachbrook and towards the new civic centre at Whitnash. It has to date relied upon CIL and Section 106 to fund initiatives.
- 1.1.2 The Myton Green area is one of the new neighbourhoods being created in this wider area. When fully developed it will have circa 1200 homes with another 600 nearby south of Gallows Hill. It has developed rapidly and presently has no local shops, nor primary school or community space though phase 1 of a new

park is in place. There are though proposals to meet those social infrastructure demands within the Masterplan.

- 1.1.3 Earlier versions of the Masterplan have been before Cabinet a few times before but not in the lifetime of the current administration. It was first developed after the Council purchased land here in late 2018 and has been updated a few times since to take account of various changes in circumstances and information. The Masterplan as now shown at Appendix 1 has been further updated and Cabinet's support, as now updated since last being updated in April 2021, though some details have come forward. Context to the masterplan is provided by the maps at Appendices 1A and 1B relating to the surrounding cycleway network and the wider parking opportunities respectively. They demonstrate the opportunity to better integrate the Myton Green area with the existing Myton area and indeed with the wider Warwick, Whitnash and Leamington urban area and to help make Myton Green a 20 minute neighbourhood.

### **Recommendation 2**

- 1.1.4 The Masterplan contains several elements as shown in the Table in Appendix 2. Each element is indicated on the Masterplan with a letter or number and a colour, both of which are shown in the Table in Appendix 2. Note that the phasing shown under the project description for WDC schemes refers to the order in which the facilities are proposed to be developed. The Table sets out a summary of all the projects that various organisations are leading upon to deliver the Masterplan. Cabinet is asked to note this Table and for those which are WDC led that the following prioritisation is agreed and adopted:

- the Myton Road/Fusiliers Way footpath/cycleway.
- the relocation of the athletics facilities.
- the neighbourhood/community provision; and,
- the Community Stadium.

- 1.1.5 This prioritisation reflects the degree of urgency, need and the practical differences in lead in times for preparation and completion. This prioritisation does not mean that these are all directly sequential timing wise. In practical terms there will be overlaps. For example, even if they start together the Myton Road/Fusiliers Way footpath and cycleway will take a shorter period to deliver than the Community Stadium. On the other hand, we know that the new athletics facility will require the footpath/cycleway to be in place before it can open but we also know that it is required quickly owing to the current athletics facility being damaged and will need investment to keep it going if it is not replaced. Residents have given a clear indication that the neighbourhood centre and community facility is required given the extent of housebuilding that has taken place.

### **Recommendation 3**

- 1.1.6 It follows from Recommendation 2 that following that prioritisation of the WDC led projects that the reporting on them in detail as to the next steps in each of those projects should reflect that prioritisation. The timing of the next steps reports on the key WDC led projects is set out in Recommendation 3 above of this report.

### **Recommendation 4**

- 1.1.7 This significant series of projects will need to be supervised with appropriate project governance. It is proposed that a Masterplan Project Board should be established with membership from Councillors Chilvers and King, appropriate

officers, and representative(s) of Leamington Football Club. It is also proposed to establish a Local Community Liaison Group. Membership of the latter group would consist of the local District and County Ward Members and a representative of Warwick Town Council with updates also provide to the local MP. Details of membership is proposed to be delegated to the Chief Executive in consultation with the Resource and Place portfolio holders.

### **Recommendation 5**

- 1.1.8 To ensure that the Council's project team has sufficient resources to complete the complex and inter-related tasks shown in this report and elsewhere, it will be necessary to ensure that it has sufficient resources. This will require a 4 year extension to the current Project Officer post – due to expire in September 2024. It will also be important to ensure that any vacancies created by the future departure of any project team members are quickly and effectively filled. This cost – circa £50k per annum including oncosts (circa £200k overall) can be funded from the expected capital receipt from the sale of land at the Junction of Fusiliers Way and Gallows Hill reported and agreed in March 2024.

### **Recommendation 6**

- 1.1.9 Funding for the delivery of the WDC projects will be addressed in each of the specific reports proposed but will come from a blend of sources including, capital receipts for sale proceeds on and in this vicinity, CIL, Section 106 contributions and access to funding that will be available to the Council under the Local Growth Initiatives Investment Plan related to the Memorandum of Understanding (MoU) developed under the West Midlands Investment Zone proposal,

## **2 Alternative Options**

- 2.1 Throughout the long duration of this project, several editions of the Masterplan have evolved. The editions have come forward as elements and opportunities have developed and been incorporated. The proposed Masterplan represents the current optimum set of options for the development of the area. The progression of the development of this area will therefore be taken forward based on this Masterplan, if Recommendation 1 of this report is approved. However, it is likely that new issues and opportunities will continue to arise in the future, and these will be assessed carefully to assess whether they represent an improvement in either the income generated, or the community benefit produced. If any improved options are identified in the future, a revised Masterplan will be presented to Cabinet for consideration.
- 2.2 This series of projects will create a significant demand on time, money, and staff resources within the District Council. If it is agreed that the Masterplan will now be progressed toward implementation it will be necessary to ensure that there are sufficient staff in resources available. It is not considered therefore to be a practical option to not extend the existing Project Officer post.

## **3 Legal Implications**

- 3.1 The specific legal implications of the various elements will be addressed in the project specific reports that it is proposed will be brought forward.

## **4 Financial Services**

- 4.1 The specific financial implication of this report is Recommendation 5, which seeks Cabinet approval for the sum of £200,000 to be made available from the proceeds of the sale of Plot 9 whose sale was agreed at the March 2024 meeting of the Cabinet.

- 4.2 The proposed specific project reports will address the specific financial implications of each element. However, as a matter of principle it is proposed that the WDC Masterplan proposals as a group will be included within the Local Growth Initiatives Investment Plan which is required under the MoU connected with the West Midlands Investment Zone.

## **5 Corporate Strategy**

- 5.1 Warwick District Council has adopted a Corporate Strategy which sets three strategic aims for the organisation.
- 5.2 **Delivering valued, sustainable services** – the provision of the projects contained in this Masterplan will contribute to this strategic aim by providing a range of high-quality services for local people that will be responsive and accessible to local needs.
- 5.3 **Low cost, low carbon energy across the district** – the projects listed here will contribute to this strategic aim by ensuring that the design of all facilities on the site embrace Net Zero design such that these buildings are net zero carbon in operation. The Council will carefully review the design of the refurbishment of the farmhouse and outbuildings to ensure that they are low carbon energy, consistent with the restrictions that will exist due to this being a Grade Two listed building. Furthermore, the Council will work with other organisations that are developing buildings on the site to encourage them to employ low carbon energy designs.
- 5.4 **Creating vibrant, safe, and healthy communities of the future** – the overall approach to the Masterplan has vibrant, safe, and healthy communities at its core. Combining potential residential accommodation with a range of retail, sport, leisure, community, and educational opportunities next to several significant employment hubs will help provide '20-minute neighbourhoods' for some residents where community, economic and housing needs can be met in the same locale. The installation of the Myton Path and the new route into the Technology Park will provide a key link in the local sustainable transport system and this will therefore help facilitate a better and more sustainable balance to allow the local communities to choose sustainable travel options.

## **6 Environmental/Climate Change Implications**

- 6.1 To comply with the Council's policies on sustainability and its Climate Emergency Action Plan the Project Team will consider all aspects of the sustainability of the design of each building to ensure that each design reaches Net Zero standards. The only possible exception will be the refurbishment of the farmhouse. This is a Grade Two listed structure, and this may limit the ability to achieve Net Zero status. Nonetheless, the project team will ensure that this facility is as sustainable as possible.
- 6.2 The Project Team will also continue to monitor developments in this field as the project develops, if the decision is taken to continue, to ensure that any building constructed utilises all appropriate new technologies.
- 6.3 Biodiversity impacts of these proposals will be given careful consideration as part of the design process with a view to minimising on site impacts. Where biodiversity impacts (including net gain) cannot be fully mitigated on site, the proposals will ensure that funding is set aside to enhance biodiversity at the new Elizabeth Park to deliver the requirements of Biodiversity Net Gain as a minimum.

## **7 Analysis of the effects on Equality**

- 7.1 An Equality Impact Assessment for the project and for the designs for the facilities will be completed at an early stage in the design process of project. This will be made available to Councillors on request when it has been completed. The schemes will contain several design features aimed at members of the community with a disability or other access needs.

## **8 Data Protection**

- 8.1 There are no specific Data Protection implications of the proposal.

## **9 Health and Wellbeing**

- 9.1 The project will make a significant contribution to the health and wellbeing of the residents of the district and the wider area. The presence of Leamington Football Club, subject to negotiation, will inspire local young people to take up football. The community programme run by the Leamington Football Club and others at the stadium will involve people of all ages in choosing a more active lifestyle. The facilities will offer good quality facilities for the sport of football on a year-round basis, contributing to the health and wellbeing of many people. The athletics facility will have the same positive and catalytic effect on local people and their engagement in the sport of athletics.
- 9.2 The facilities at both the Community Stadium and the athletics facility will encourage local people to take part in a wider range of sports than just the two core sports. The Myton School proposals and those already implemented at Warwick School as well as the sports provision intended with the new schools will add in total to a very significant quantum of sports and leisure opportunities on the doorstep of a new community.
- 9.3 The Myton Path and the other active travel linkages proposed will encourage people to make healthier transport choices which will also enhance their health and wellbeing. The community activities offered across the site will encourage social participation and tackle social isolation.
- 9.4 The provision of a wide range of education, sports, leisure, and community facilities close to a significant new housing area will support the physical and mental health and well-being of the local and wider District community.

## **10 Risk Assessment**

- 10.1 The Risk Register is included as Appendix 3 to this Report. The report is divided into project risks and operational risks. At this stage the Risk Register covers the delivery of the Masterplan, but project specific Risk Registers will be developed for each project as it begins its development.
- 10.2 The series of projects are complex and inter-related. There are a significant number of variables and many of the projects are dependent on the movements in the cost of construction and the resale value of properties to remain viable. Planning Permission will be required for each built element of the projects and may be difficult to achieve, or potentially onerous conditions may be imposed. A significant number of legal agreements need to be agreed and signed in a timely manner to deliver some elements of the projects. Programming of projects will be key if construction processes are to be dove-tailed wherever possible.

## **11 Consultation**

- 11.1 The various elements of the delivery of this Masterplan mean that public and stakeholder consultation will need to be planned carefully. The first piece of public consultation may well relate to the proposal to construct a Business Centre

on 'Plot 9' as the developer is keen to get underway with this development as soon as possible.

- 11.2 The Planning Application for the Myton Path will be submitted in advance of other elements, given its importance to other elements of the scheme and to sustainable transport routes in the local area. Public consultation will therefore be undertaken on this at the appropriate time.
- 11.3 Each element of the area will be subject to public consultation, and steps will be taken to ensure that these consultation events cover as many elements of the site as possible each time, to avoid lots of events one after another and consequent 'consultation fatigue' over the coming time.
- 11.4 The project team is already in fortnightly meetings with the Leamington Football Club and quarterly meetings with the athletics clubs that use the current facility at Edmondscote, to keep both groups closely involved in both the process and the design of the new facilities. The team is also in contact with the Football Association and England Athletics.
- 11.5 The team is in monthly contact with the project teams working on the educational projects on the site and the Myton and Warwick Schools. The team is in regular contact with the sustainable transport team at the County Council about the Myton Path.
- 11.6 The team is also in fortnightly contact with the Warwickshire Property Development Group who are bringing forward the commercial developments in the centre of the site.
- 11.7 Regular briefings are provided for the District Councillors from the Ward containing the various sites and their support and advice is greatly valued by the project team.

**Background papers:**

None

**Supporting Papers:**

None

**Appendices**

Appendix 1 – A revised Masterplan for the site

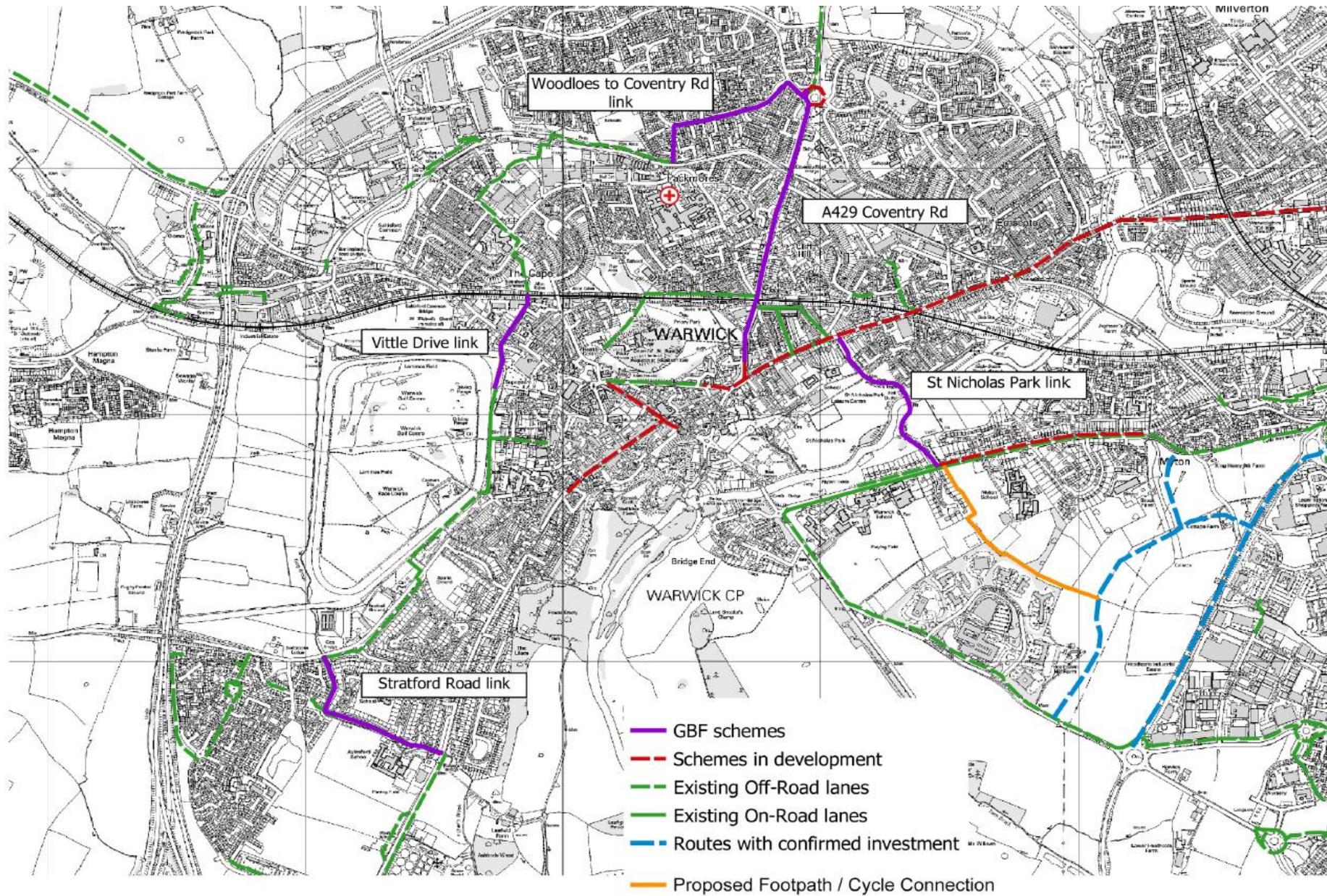
Appendix 1A – The role of the Myton Path in the wider sustainability transport network

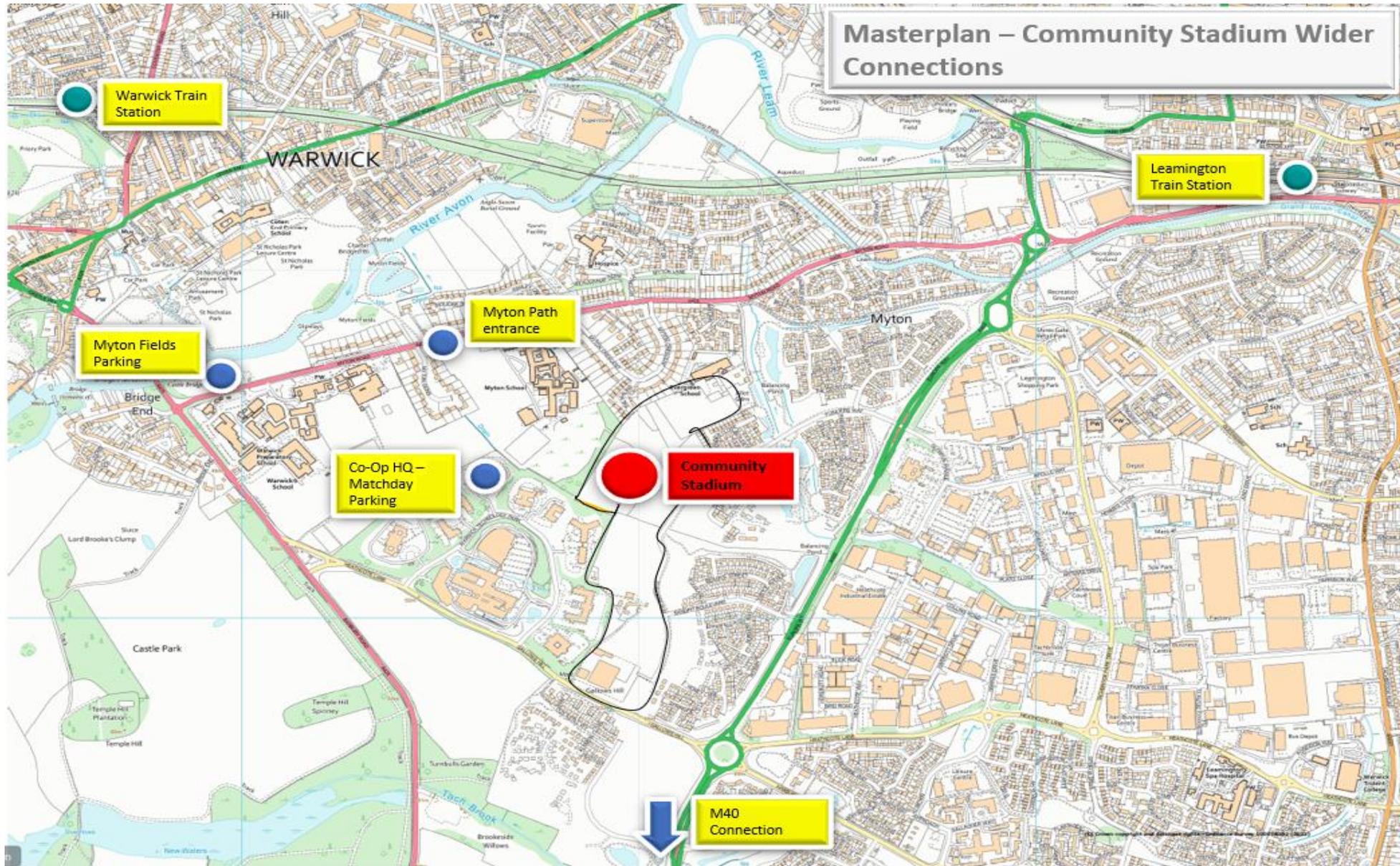
Appendix 1B – A map of the wider context of other developments in the local area

Appendix 2 – Table of the Various Elements of the Masterplan

Appendix 3 – Risk Register for the delivery of the Masterplan

## Appendix 1A - The role of the Myton Path in the wider sustainability transport network







**MYTON SCHOOL**

- Key-
- A** Site for Potential 60 Bed Care Home
    - Indicative 2/3 storey layout shown
    - 1.65 Acres (6,700m<sup>2</sup>)
  - B** Redeveloped Myton School Entrance
    - Bus drop off
    - Access to Potential Care Home Site
  - C** Proposed 6th Form Centre
  - D** Proposed Myton School Car Parking
  - E** Former Building Demolished
  - F** School Playing Fields
    - 2nr Full-size / Senior Football Pitch (100m x 64m)
    - Junior Football Pitch (91m x 55m)
    - Cricket Pitch
    - Rounders Pitch
    - 400m Athletics Track & Field Events Space
    - Junior Rugby Pitch (70m x 43m)
  - G** Existing All Weather Pitch Resurfaced
  - H** Proposed Rugby Pitch
    - Full-size / Senior Rugby Pitch (106m x 68m)
  - I** Proposed MUGA (Multi-Use Games Area)
    - 1nr Basketball Court
    - 3nr Netball Courts
    - 4nr Tennis Courts
  - J** School Garden & Proposed Landscaping
  - K** Proposed Myton School Entrance Hub
    - Gates, Entrance Plaza & Landscaping
    - Car Parking & Cycle Store Building
  - L** Pedestrian / Cycle Connection
    - Myton Road to Fusillers Way

**EVERGREEN SCHOOL**

- Key-
- A** Proposed School Building
  - B** Proposed Evergreen School Entrance
    - New Entrance & Landscaping
    - Car Parking & Drop off
  - C** School Playing Fields
    - 1nr Full-size Football Pitch (100m x 60m)
    - Junior Football Pitch (40m x 30m)

**COMMUNITY STADIUM DEVELOPMENT**

- Key-
- 1** Primary School
    - Dual-form entry mainstream Primary School and Nursery
  - 2** Alternative Provision (AP) School
    - Dual-form entry AP School
  - 3** Athletics Facility
    - 400m 8-lane athletics track
    - Changing pavilion / sports hall & separate spectator stand
  - 4** Community Football Stadium
    - Full-size 3G pitch
    - 4000 capacity
    - Two/three storey main stand with associated facilities
    - Standing Terraces
    - Associated Commercial / Residential Development
  - 5** Local Centre
    - Grade 2 listed farmhouse building and associated barn redeveloped - potential office / commercial use
    - Mixed-use retail and residential
    - Day Nursery
    - Convenience Store
    - High-quality public spaces and landscaping
    - Retained orchard as amenity space
  - 6** Commercial Development Opportunity
    - Indicative commercial building with associated facilities
  - 7** Commercial Development Opportunity
    - Indicative commercial building with associated facilities
  - 8** Car Showroom
    - Indicative 4,000m<sup>2</sup> building with associated facilities
  - 9** Self-Storage Facility
    - Indicative two/three storey self-storage building and associated facilities

**WARWICK INDEPENDENT SCHOOLS FOUNDATION**

- Key-
- 1** Warwick Junior School
  - 2** Warwick School
  - 3** Warwick Hall & The Bridge House Theatre
  - 4** Warwick Preparatory School
  - 5** Kings High School
  - 6** Junior School Pitches
  - 7** Proposed WISF Entrance Hub
    - Gates, Entrance Plaza & Landscaping
  - 8** School Playing Fields
    - 9nr Full-size / Senior Grass Pitches
    - 2nr Junior Grass Pitches
    - Cricket Pitches
    - 400m Athletics Track & Field Events Spaces
  - 9** Astro-Turf / All Weather Pitches
  - 10** Tennis & Netball Courts
    - Grass & All Weather Surfaces
  - 11** Proposed Sports Pavilion

## Appendix 2

**Table - elements of the Masterplan**

<i>On plan</i>	<i>Title</i>	<i>Description</i>
L Red	<b>The Myton Path</b> Phase 1	Footpath and cycleway between Myton Road and Fusiliers Way. Important link in sustainable travel network (see Appendix 1A to this report). Reduces traffic on Myton Road. Vehicular, cycle and pedestrian access to new athletics facility. Pedestrian and cycle rear entrance to Warwick School. Vehicular, cycle and pedestrian rear entrance to Myton School. Pedestrian and cycle access to Warwick Technology Park.
<i>Project Owner</i>	<i>Financing</i>	<i>Current situation</i>
WDC	CIL/Local Growth Initiative	Project Managers appointed. Surveys underway. Design commenced. Informal discussions with County and Myton School re land transfers. Separate report to this meeting of Cabinet.
<i>On plan</i>	<i>Title</i>	<i>Description</i>
3 Green	<b>New athletics facility</b> Phase 1	Replacement facility for Edmondscote site. That site becomes Queen Elizabeth II Park. New location better for access, parking, lack of flooding, school use, visitors. No detriment to existing facility. Primarily training but competition as well. Local Clubs involved in design. Field sports particularly important. 50 parking spaces. Event parking elsewhere on site. Pavilion and changing facility.
<i>Project Owner</i>	<i>Financing</i>	<i>Current situation</i>
WDC	CIL/Capital receipts and Local Growth Initiative	Project Managers to be procured. Then Design Team to be procured. Draft Heads of Terms now being subject to negotiation with WCC on land transfer taking place. Surveys underway. Separate report to this meeting of Cabinet.
<i>On plan</i>	<i>Title</i>	<i>Description</i>
5 Blue	<b>Neighbourhood Centre</b> Phase 2	Local services including shops. Priority is a sub-post office. Possible hotel above shops. Children's Nursery. Possible offices. Access link to Warwick Technology Park to support active travel and widen customer access to facilities to employees on the Tech Park.
<i>Project Owner</i>	<i>Financing</i>	<i>Current situation</i>

WDC/ County Council	Commercial with potential public sector support	Land owned between County and WDC. Informal discussions commenced. Negotiations will be complicated due to the inter-relationship between land-ownership areas in the centre of the site. Report will be brought to Cabinet in September.
<i>On plan</i>	<i>Title</i>	<i>Description</i>
5 Pink	<b>Farmhouse, outbuildings, and orchard</b> Phase 2	Grade Two listed farmhouse, outbuildings and orchard were purchased by WDC in 2020. The Emmanuel Church in Leamington is interested in constructing a church on the site and using the farm and outbuildings as meeting spaces. Weddings etc. Orchard will serve as public open space for the site. Possible café and craft shops for Courtyard area. Opportunity to provide community space to be explored.
<i>Project Owner</i>	<i>Financing</i>	<i>Current situation</i>
WDC	Emmanuel Church with potential public support	Discussions with Church ongoing. Also discussing other potential uses with County. Area will be included in report to Cabinet in September on the Neighbourhood Centre.
<i>On plan</i>	<i>Title</i>	<i>Description</i>
4 Yellow	<b>Community Stadium and enabling development</b> Phase 3	High specification and quality standard. Proposed for the relocation of Leamington Football Club. Club will run facility. Current ground would be Gypsy and Traveller site. 4000 capacity in first phase with an extension to 5000 possible. The pitch would be an artificial grass pitch. A wide range of community uses is anticipated– fitness, parent and toddler, community education, community health. Community access agreement. Sustainability key to design. Net Zero Carbon in operation. Enabling development of commercial and housing proposed around the Community Stadium - Function and design to be agreed. Car parking for these developments on site but also as part of a wider parking plan for the facility
<i>Project Owner</i>	<i>Financing</i>	<i>Current situation</i>
WDC	Capital Receipts/CIL/Local Growth Initiative	Included in Local Plan. Designed to RIBA Stage 2 but changes likely. Work continuing on enabling development options. Report to the September Cabinets to report on funding, facility mix and design.
<i>On plan</i>	<i>Title</i>	<i>Description</i>
8	<b>BMW dealership</b>	Land purchased by WDC from County and sold to Opus, who

Purple	Completed	now lease to Rybrook BMW.
<i>Project Owner</i>	<i>Financing</i>	<i>Current situation</i>
Opus	Generated Capital Receipts for WDC	Opened in 2021. New access to site from Gallows Hill via Fusiliers Way now open.
<i>On plan</i>	<i>Title</i>	<i>Description</i>
9 Orange	<b>Plot 9</b> External project	Site next to BMW dealership. Purchased from County and now agreed to be sold to Opus. Use will be for a business centre and self-storage facility. Prominence of site requires a gateway building with a high quality of finish.
<i>Project Owner</i>	<i>Financing</i>	<i>Current situation</i>
WDC/ Opus	Generated Capital Receipts for WDC	Report to March 2024 Cabinet approved the sale of this land to Opus. Negotiations being concluded. Planning Application expected later this summer.
<i>On plan</i>	<i>Title</i>	<i>Description</i>
6 + 7 Grey	<b>Commercial developments</b> External project	These plots are owned by the County Council. They are proposed as commercial developments and there are strong interested in both.
<i>Project Owner</i>	<i>Financing</i>	<i>Current situation</i>
WCC	Commercial developments	WDC officers have regular update meetings with County colleagues and so are kept up to date with progress on these developments. Planning Applications are expected later this year.
<i>On plan</i>	<i>Title</i>	<i>Description</i>
1 Lilac	<b>Myton Gardens Primary School</b> External project	Increased population in the area requires a new primary school to be built by the County Council. Will provide access to playing fields for competitors for weekend athletics competitions to relax and warm-up.
<i>Project Owner</i>	<i>Financing</i>	<i>Current situation</i>
WCC	County Education budget	Originally planned for Sept 24 – target now Sept 25 opening. Interim arrangements may be required. Regular liaison between District and County teams.

<i>On plan</i>	<i>Title</i>	<i>Description</i>
2 Brown	<b>The Talenton Academy, Warwick</b> External project	An alternative provision free school, located next to Myton Gardens Primary School. It will support learners who are experiencing difficulties with or have been excluded from mainstream education. Security and privacy key elements of design.
<i>Project Owner</i>	<i>Financing</i>	<i>Current situation</i>
Dept for Ed.	Govt. funding	Being delivered by the Department for Education. Work is delayed – currently aiming for Sept 25 opening. Regular liaison with District and County colleagues.
<i>On plan</i>	<i>Title</i>	<i>Description</i>
A, B, C Silver	<b>The Evergreen School</b> External project	Evergreen School is currently accessed off Brittain Lane. Plan is to create a Sixth Form Centre so school can offer education to pupils with special needs right through to those who are 18 years old. Also to create a new entrance off Fusiliers Way. Better connectivity and reduces traffic on Myton Road.
<i>Project Owner</i>	<i>Financing</i>	<i>Current situation</i>
WCC	County Education budget	The current situation is unknown, but it is believed that this project is currently not as advanced as the other two education projects on the site.
<i>On plan</i>	<i>Title</i>	<i>Description</i>
A – K Sand	<b>Myton School</b> External project	Proposal to radically change the campus layout. However, the School has been badly affected by Reinforced Autoclaved Aerated Concrete (RAAC) and so school has had to build a modular village to house pupils. Changes to the campus will have to await a solution to the RAAC issue, which may take 5 years.
<i>Project Owner</i>	<i>Financing</i>	<i>Current situation</i>
Myton School	Myton School budgets including land sale receipts	Modular village is under construction.

Title: The Myton Path and the New Athletics Facility  
 Lead Officer: Chris Elliott / Pdraig Herlihy  
 Portfolio Holder: Councillors Jonathan Chilvers and Chris King  
 Wards of the District directly affected: Districtwide, but especially  
 Warwick Myton and Heathcote

<b>Approvals required</b>	<b>Date</b>	<b>Name</b>
<b>Portfolio Holder</b>	04/06/24	Councillors Jonathan Chilvers and Chris King
<b>Finance</b>	30/05/24	Richard Wilson/Betty Gong
<b>Legal Services</b>	30/05/24	Kathryn Tebbey
<b>Chief Executive</b>	30/05/24	Chris Elliott
<b>Director of Climate Change</b>	30/05/24	Dave Barber
<b>Head of Service(s)</b>	30/05/24	Darren Knight
<b>Section 151 Officer</b>	30/05/24	Andrew Rollins
<b>Monitoring Officer</b>	30/05/24	Graham Leach
<b>Leadership Co-ordination Group</b>	13/06/24	
<b>Final decision by this Committee or rec to another Cttee / Council?</b>	Yes	
<b>Contrary to Policy / Budget framework?</b>	No	
<b>Does this report contain exempt info/Confidential? If so, which paragraph(s)?</b>	Yes – Appendices X to Z inclusive are exempt by virtue of Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)	
<b>Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?</b>	No	
<b>Accessibility Checked?</b>	Yes	

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## Summary

The proposal to construct the Myton Path, which will be a footpath and cycleway between Myton Road and Fusiliers Way, is a vital element of the planned sustainable transport network in the District and is strongly supported by a number of stakeholders. The proposal will also provide a pedestrian rear access to Warwick School and a vehicular access from Fusiliers Way to the new athletics facility and a new vehicular rear entrance to Myton School.

The proposal to construct a new athletics facility on land to the west of Fusiliers Way is part of the Leisure Development Programme that the Council has been pursuing since 2014. The facility is designed to replace the existing athletics facility at the Edmondscote site.

This report seeks to confirm funding for these two proposals and to seek permission to progress these two proposals to the next stage of development and enabling officers to submit a subsequent report to Cabinet to seek permission to begin construction at the appropriate time.

The Masterplan that shows how these two proposals fit in with the other facilities proposed in the Fusiliers Way area is attached as Appendix A to this report.

## Recommendations

- (1)** That Cabinet agrees to fund the Myton Path and Relocation of Athletics Facilities on land west of Fusiliers Way for a sum not exceeding the sums as set out in Section 4 of this report from a mixture of Community Infrastructure Levy (CIL); use of capital receipts from the sale of Riverside House; and from the Local Growth Initiatives Investment Plan provided for under the Memorandum of Understanding connected to the West Midlands Investment Zone proposal, with the mix reported back to Cabinet in a future budget report for information.
- (2)** That Cabinet confirms its expectation that the construction of the Myton Path and the New Athletics Facility should be delivered to the Net Zero design standard.
- (3)** Subject to approval of Recommendation 1 and 2 above, that Cabinet approves the submission of a Planning Applications for the proposed Myton Path between Fusiliers Way and Myton Road; and for the proposed new athletics facilities on land West of Fusiliers Way; along with any necessary applications or licences for any other consents to implement these proposals.
- (4)** That Cabinet approves the procurement to provide a new athletics facility and the Myton Path, in accordance with new procurement legislation and, for the construction of the Myton Path and the new athletics facility subject to a further report to Cabinet to seek approval for proceed with the construction of the path and the new facility in due course.
- (5)** That Cabinet approves the draft Heads of Terms as set out in Private and Confidential Appendix G to this report as the basis for the transfer of land from the County Council to the District Council to accommodate the proposed new athletics facility and part of the Myton Path and delegates authority to the Chief Executive in consultation with the Finance, and Place portfolio holders to conclude the transfer with the County Council.
- (6)** That Cabinet delegates authority to the Chief Executive in consultation with the Portfolio Holders for Finance and Place to prioritise and progress the following negotiations and then bring each final agreement back to Cabinet for approval at a later meeting: –
  - a.** with Myton School with a view to preparing draft Heads of Terms for the

transfer of land from the School to the District Council in order to develop the Myton Path.

- b.** with appropriate landowners and site managers of the Warwick Technology Park in order to be able to install pedestrian and cycle links between the Myton Path and the Warwick Technology Park.
- 

## **1 Reasons for the Recommendations**

### **1.1 Recommendation 1**

#### **Myton Path**

- 1.1.1 The Myton Path and the relocation of the athletics facility are two key projects that form the Masterplan reported to this Cabinet under item 12.
- 1.1.2 The Council is seeking to construct the Myton Path between Myton Road and Fuseliers Way. The Myton Path will be an important link in the district's active and sustainable travel network. It will connect the area to the National Cycle Network, to St Nicholas Park, to Warwick Town Centre and to the railway stations in Warwick and Leamington. It will also connect the footpath/cycleways that run alongside Fuseliers Way and Myton Road, which would otherwise be substantially disconnected. The vital role of the Myton Path in the wider sustainable transport network in this area of the district is demonstrated by the map shown as Appendix B to this report. The route is an important strategic link in the local sustainability communications network and is a priority by the County Council.
- 1.1.3 The Myton Path will also provide a rear entrance for both Myton and Warwick Schools. This will help reduce traffic on Myton Road by providing an alternative pick up/drop off. It will also provide access to the proposed relocated athletics facility and to the existing shared sports facility at the John Atkinson Sports Centre. It will provide pedestrian and cycle access to the Warwick Technology Park from both Myton Road and Fuseliers Way. It will also facilitate pedestrian access to the Community Stadium from the Warwick Technology Park on match days.
- 1.1.4 The budget cost for this facility is included in the Private and Confidential Appendix H to this report. The budget proposed here is higher than previous estimates. This is because it is known that there is substantial inflation in the construction industry locally at the present time. It is hoped that the figure agreed with the preferred contractor, if Recommendation 1 is agreed, will be below this figure.

#### **Relocated Athletics Track**

- 1.1.5 The Council is also seeking to construct a new athletics facility on land to the west of Fuseliers Way. The new facility is intended to be a replacement and an improvement upon the existing facility at the Edmondscote site. The site at Edmondscote has served the district well for many years, but it is subject to regular flooding and the track surface has therefore had to be repaired on a regular basis. The site is in an edge of town centre location away from schools and access is along residential roads where parking for any events causes conflict with local residents.
- 1.1.6 In contrast to the position of the existing site, the new site off Fuseliers Way offers the following locational advantages:

- 1.1.6.1 A site which will not be at the same risk of regular flooding and so will avoid constant damage and cost of repair.
- 1.1.6.2 A site that is easily accessible on foot, by cycle, bus and car with good connections to the road and rail network for matches against other clubs.
- 1.1.6.3 There will be five schools within traffic-free walking distance, which will substantially increase the amount of use made of the facility during school hours and for after school clubs.
- 1.1.6.4 Parking will be available close to the track for all club use, and additional parking will be available elsewhere on the wider site for larger events.
- 1.1.6.5 Brand new athletics facilities and clubhouse will ensure the future provision for the sport for many years to come.
- 1.1.6.6 Moving to the new site will enable the current Edmondscote site to be used as the location for a new park. This will provide enhanced linkages with riverside walks through the District.
- 1.1.7 The existing facility would need a significant investment in refurbishment in the next 2 to 3 years to continue. Just to replace the track would be expected to cost between £650,000 and £700,000 soon, as well as other regular maintenance costs over the rest of its remaining lifetime. These costs though would be substantially increased if the pavilion was to be refurbished or replaced. Although no costings have been done, it is not unreasonable to expect that a new pavilion would cost in the order of £1.5 million to £2 million, based on cost estimates for the Newbold Comyn football pavilion. Taken together there is potential cost range of £2.15 to £2.7m just to update the existing facilities not considering other costs likely to be incurred through repeated flood events. There is no identified funding for this significant refurbishment so any costs that would be incurred in this way would need to be found within the Council's Medium Term Financial Strategy. It is a more effective use of resources to construct a new facility on a better-located site than to spend money on the existing site.
- 1.1.8 It is considered more likely that the schools will contribute revenue income to the project by way of hire fees, rather than contributing capital towards the construction costs, as local schools have other demands at the present time on any capital resources that they may possess.
- 1.1.9 Moving from Edmondscote also allows that site to become a new park and to open riverside walks from Warwick to the centre of Leamington and beyond via the National Cycle Route eastwards.
- 1.1.10 The budget cost for this facility is included in the Private and Confidential Appendix H to this report. The budget proposed here is higher than previous estimates. This is because it is known that there is substantial inflation in the construction industry locally at the present time. It is hoped that the figure agreed with the preferred contractor, if Recommendation 1 is agreed, will be below this figure.

## 1.2 **Recommendation 2**

- 1.2.1 The Council declared a Climate Emergency in June 2019 and is working hard, amongst other things, to improve the sustainability of the designs of its buildings. It is therefore appropriate for the Council to require the Myton Path and the athletics facility to be a Net Zero design and being carbon-neutral in operation. Although the Myton Path is not a building it is still possible to insist on a design that is carbon-neutral in operation. The Council will budget to allow

8% additional funding for the requirements of sustainability. The Council may also choose to make off-site contributions to carbon-neutrality at the proposed Queen Elizabeth II Country Park.

### 1.3 **Recommendation 3**

#### **Myton Path**

- 1.3.1 If Recommendations 1 and 2 are approved, the next step will be to prepare a design for the Myton Path with a view to preparing to submit a Planning Application for the new facility. Cabinet gave their approval on 6<sup>th</sup> July 2022 to begin the development of this project. The Council has appointed Pick Everard as the Project Managers for the project, and work has started in earnest. Ecological and topographical surveys have been undertaken in recent months, and the results are awaited. Design has commenced and the size and location of the site required is being prepared.
- 1.3.2 Negotiations for the transfer of land from the County Council and Myton School have also begun, and these are discussed in more detail in below.
- 1.3.3 Once the transfer of land is agreed and the design is complete, the next step will be to begin the procurement of a preferred contractor to construct the Myton Path. This process can begin before Planning Permission has been obtained.
- 1.3.4 A proposed programme for the work on the Myton Path is shown as Appendix C to this report.

#### **Relocated Athletics Facility**

- 1.3.5 If Recommendations 1 and 2 are approved, the next step will also be to procure a project management company to manage this project. The athletics clubs have been assured that the new design will be 'no detriment' in comparison to the current facility. Specialist accredited project managers and designers will be procured for this specialist facility. It will be designed primarily as a local track to facilitate the training of local athletes, but capable of staging competitions as well. England Athletics will be advising on the design, and local clubs will be closely involved with this process as well. It is noted that field sports are particularly important to local clubs, and this element of the design will be carefully considered. Vehicle access will be from Fusiliers Way and parking will be provided. Parking for larger events can be provided elsewhere on the site. Pedestrian and cycle access will be facilitated by the Myton Path. There will be a modern pavilion provided which will provide enhanced facilities for athletes in multi-use spaces.
- 1.3.6 Once a project management company has been procured then it will be possible to appoint other members of the design team and to begin the design of the facility. Some of the surveys that will be required for the site, such as topographic and ecological, are being conducted at the same time as the same surveys for the Myton Path to reduce costs and ensure a wider coverage.
- 1.3.7 A proposed programme for the work on the athletics facility is shown as Appendix D to this report.

### 1.4 **Recommendation 4**

- 1.4.1 The Procurement Regulations for local authorities have recently been amended. It is now a requirement that a Procurement Initiation Document (PID) is completed by a local authority and formally approved before a project is procured. This is also good practice to ensure that the project remains targeted on its initial goals. The PIDs for both the Myton Path and the athletics facility

are shown as Private and Confidential Appendix F to this report. These documents are contained for Member's information within a Private and Confidential Appendix as they contain the budget for the projects, and it would not be appropriate for these budgets to be public knowledge before the procurement of the contractors has taken place.

- 1.4.2 For both projects once Planning Permission has been obtained and a preferred contractor has been identified for each project, with a price agreed between the parties, then it will be possible to submit a further report to Cabinet to seek approval for a contract to be signed with the contractor and for work to start.

## 1.5 **Recommendation 4**

- 1.5.1 The District Council has been in discussion with the County Council regarding the transfer of land from the County Council to the District Council in order to construct the first section of the Myton Path and the new athletics facility. The County Council has now provided the District Council with the proposed draft Heads of Terms for the transfer of this land from the County to the District. These are shown in Private and Confidential Appendix G to this report. The District Council has made a number of comments on these draft Heads of Terms, and these are also shown in the same Appendix. A response from the County Council is awaited. It is proposed that the Chief Executive should proceed with the transfer on the basis of these draft Heads of Terms and the responses shown.

## 1.6 **Recommendation 6**

- 1.6.1 To deliver the remainder of the Myton Path it will be necessary for Myton School to transfer land to the District Council. This transfer will also need the approval of the Department for Education. The School and the District Council have begun discussions on these draft Heads of Terms. It will be important to conclude these discussions in a timely manner as it is anticipated that the approval from the Department for Education may take a relatively long period of time to be agreed.
- 1.6.2 To provide links from the Warwick Technology Park estate roads and walkways to the Myton Path, it will be necessary to construct one or more connections between the Technology Park and the Path. These will go across land owned by a few different organisations, and access rights will have to be negotiated in each case. These discussions have already begun, but they will also need to be concluded in a timely manner.

## 2 **Alternative Options**

- 2.1 The proposed Myton Path represents the only feasible way of connecting Myton Road with Fusiliers Way and represents an important link in the sustainable transport chain. The only alternative would therefore be to not install this link. In that scenario the active travel network in the area would remain disconnected and be much less effective in offering sustainable and active travel choices to local people.
- 2.2 The alternative option to the construction of a new athletics facility would be to refurbish the existing facility at the Edmondscote site. As stated in paragraph 1.3.3 above, it would be expensive to refurbish the existing site, whether a decision was made to just replace the track surface or to replace the track surface and also replace or refurbish the existing pavilion at the Edmondscote site. However, the track at this site has been subject to flooding over the years and requires much higher levels of maintenance than would be expected for a track of this type in a drier location.

- 2.3 Similarly, the pavilion on the existing site has reached the end of its useful life. Whilst still functioning it lacks the facilities that might be expected from a modern changing facility and social space. It would be possible to refurbish the building, but this might prove to be an expensive exercise based on experience elsewhere in the District.
- 2.4 Furthermore, the location of the Edmondscote site, as discussed in paragraph 1.3.1 above, is less appropriate than the new site off Fusiliers Way for a number of reasons. It has therefore been concluded that the preference should be to proceed with the new site off Fusiliers Way.
- 2.5 The complex series of projects in this area will create a significant demand on time, money and staff resources within the District Council. If it is agreed that the project will now be progressed to the next level, it will be necessary to regularly undertake a gap analysis to identify the current resources available and the level of resources required. Alternative options for the closing of any gaps identified can be evaluated and implemented at that time.

### **3 Legal Implications**

- 3.1 If the recommendations in this report are agreed, it will be necessary to agree several leases, licences, contracts and other legal arrangements for the activities to be developed in this location. A specification is being prepared of all the advice that will be needed for these projects. The Council will ensure that it has adequate support for all the elements of this specification.
- 3.2 The confidential Appendices contains financial and/or contractual information which might prejudice the Council's position in respect of forthcoming procurement activities.

### **4 Financial Services**

- 4.1 The current forecast cost for the Myton Path and the new athletics facility are in the Private and Confidential Appendix H to this report. The appendix breaks down the costs and the funding sources by project.
- 4.2 One key funding source will be from the Local Growth Initiative Investment Plan under the Memorandum of Understanding (MoU) connected with the West Midlands Investment Zone. The Masterplan report also on this Cabinet agenda proposes that the WDC Masterplan proposals of which these both are part should form part of the Local Growth Initiatives Investment Plan from which some of the funding for these schemes will be required. It is important that both schemes are fully funded at this stage in their development to ensure that they can come to fruition and to assist with long-term financial planning. Another report on this agenda also relates to the overall Local Growth Initiatives Investment Plan.
- 4.3 The estimated total costing of the two schemes ranges from £6m to £8.1m. The funding proposed to cover this cost involves:
- The use of £2.5m capital receipts from the sale of Riverside House as agreed by Cabinet in February 2023.
  - The use of £3.180m CIL previously agreed toward both projects.
  - The use of up to £2.420m Local Growth Initiative funding. This will reduce if the actual cost is at the lower end of the cost range.

- 4.4 The Head of Finance will want to take a view on what if any borrowing is needed to facilitate these projects and about what source of funding is used, when.
- 4.5 Not included in the CIL sum above is £150k and £225k already agreed for these projects to enable them to be progressed to the planning stage. £1.605m has been agreed earlier this year for the Myton Path scheme with £1m this year (24/25) and the remainder for the following year (25/26). £1.575m has been identified in the CIL scheme for the athletics track over the period 24/25 to 28/29.
- 4.6 The £2.5m capital receipt is part of the agreement for the redevelopment of the Riverside House sale and is due upon planning permission being granted. Homes England has submitted a planning application and so it is reasonable to assume that this will be determined before the end of the calendar year. It was agreed by the Cabinet in early 2023 that this sum should go towards this project.

## 5 Corporate Strategy

- 5.1 Warwick District Council has adopted a Corporate Strategy which sets three strategic aims for the organisation.
- 5.2 **Delivering valued, sustainable services** – the provision of the Myton Path and the new facility for athletics will both contribute to this strategic aim by providing high-quality facilities for local people that will be responsive and accessible to local needs. The Myton Path will contribute significantly to the local sustainable transport network by linking Myton Road, Fusiliers Way and the Warwick Technology Park. The new athletics facility will offer a high-quality, modern facility which will provide for the sport of athletics for many years to come.
- 5.3 **Low cost, low carbon energy across the district** – the two projects covered in this report will contribute to this strategic aim by ensuring that the designs embrace Net Zero design, as stated in Recommendation 4 of this report, such that these facilities are net zero carbon in operation. This will apply to the Myton Path as well as the athletics facility, as both are consumers of energy in operation.
- 5.4 **Creating vibrant, safe and healthy communities of the future** – the overall approach to the project to develop a Community Stadium and related projects in the area between Fusiliers Way and Gallows Hill has vibrant, safe and healthy communities at its core. Combining these two facilities with a range of retail, sport, leisure, community and educational opportunities next to a few significant employment hubs will help provide '20-minute neighbourhoods' for some residents where community, sport, economic and housing needs can be met in the same locale. The installation of the Myton Path will provide a key link in the local sustainable and active travel network, and this will therefore also help facilitate a greater opportunity to allow the local communities to choose sustainable options.

## 6 Environmental/Climate Change Implications

- 6.1 It should be noted that the environmental target for The Myton Path and the athletics facility is shown as Recommendation 6 to this report, putting environmental and climate change implications at the centre of the work on these related projects.
- 6.2 The creation of the Myton Path will be a boost to the promotion of active

travel choices for local people and will greatly assist in helping the Myton Green area become a 20 minute neighbourhood.

- 6.3 To comply with the Council's policies on sustainability and its Climate Emergency Action Plan the Project Team will consider all aspects of the sustainability of the design of each facility to ensure that each design reaches Net Zero standards.
- 6.4 The Project Team will also continue to monitor developments in this field as the project develops, if the decision is taken to continue, to ensure that any building constructed utilises all appropriate new technologies.
- 6.5 Biodiversity impacts of these proposals will be given careful consideration as part of the design process with a view to minimising on site impacts. Where net gain biodiversity impacts cannot be fully mitigated on site, the proposals will ensure that funding is set aside to enhance biodiversity at the new park to meet the requirements of Biodiversity Net Gain as a minimum.

## **7 Analysis of the effects on Equality**

- 7.1 An Equality Impact Assessment for the project and for the designs for the facilities will be completed at an early stage in the design process. This will be made available to Councillors on request when it has been completed. Both facilities will contain several design features aimed at customers with a disability or other access needs.

## **8 Data Protection**

- 8.1 There are no specific Data Protection implications of the proposal.

## **9 Health and Wellbeing**

- 9.1 The project will make a significant contribution to the health and wellbeing of the residents of the district and the wider area.
- 9.2 The Myton Path and the other active travel linkages proposed will encourage people to make healthier travel choices which will also enhance their health and wellbeing. The community activities offered across the site will encourage social participation and tackle social isolation.
- 9.3 The facilities at the athletics facility will encourage local people to take part in the sport of athletics, which has many different disciplines, and which is a very easily accessible sport.

## **10 Risk Assessment**

- 10.1 The Risk Register for each facility is included as Appendix E to this Report. Each Register is divided into project risks and operational risks.
- 10.2 The series of projects in this area are inter-related. There are a significant number of variables and many of the projects are dependent on the movements in the cost of construction and the resale value of properties to remain viable. Planning Permission will be required for each built element of the projects and may be difficult to achieve, or potentially onerous conditions may be imposed. A significant number of legal agreements need to be agreed and signed in a timely manner to deliver some elements of the projects. Programming of projects will be key if construction processes are to be dove-tailed wherever possible.

## **11 Consultation**

- 11.1 The various elements of the Masterplan and the individual WDC led projects

mean that public and stakeholder consultation will need to be planned carefully. The first piece of public consultation may well relate to the proposal to construct a Business Centre on 'Plot 9' as the developer is keen to get underway with this development as soon as possible. The project team will work with this developer to begin the public consultation on the Myton Path and possibly the new athletics facility at the same time, which will be Summer 2024.

- 11.2 The Planning Application for the Myton Path will be submitted in advance of other elements, given its importance to other elements of the scheme and to sustainable transport routes in the local area. Public consultation will therefore be undertaken on this at the appropriate time, more than the minimum required by planning legislation.
- 11.3 Each element of the area will be subject to public consultation, and steps will be taken to ensure that these consultation events cover as many elements of the site as possible each time, to avoid lots of events one after another and consequent 'consultation fatigue' over the coming time.
- 11.4 The project team is already in and quarterly meetings with the athletics clubs that use the current facility at Edmondscote, to keep both groups closely involved in both the process and the design of the new facilities. The team is also in contact with England Athletics.
- 11.5 The team is in monthly contact with the project teams working on the educational projects on the site and the Myton and Warwick Schools. The team is in regular contact with the sustainable transport team at the County Council regarding the Myton Path.
- 11.6 Regular briefings are provided for the District Councillors from the Ward containing the various sites and their support and advice is greatly valued by the project team.

**Background papers:**

None

**Supporting Papers**

None

**Appendices:**

Appendix A – Masterplan for the Fusiliers Way site and surroundings

Appendix B – The role of the Myton Path in the wider sustainability transport network

Appendix C – A proposed programme for the construction of The Myton Path

Appendix D – A proposed programme for the construction of the new athletics facility

Appendix E – Risk Registers for The Myton Path and for the Athletics Facility

Appendix F – Private and Confidential – Procurement Initiation Documents (PIDs)

Appendix G – Private and Confidential – Draft Heads of Terms for the transfer of land for the athletics facility and part of the Myton Path and commentary

Appendix H – Private and Confidential – Budget costs for The Myton Path and the new athletics facility

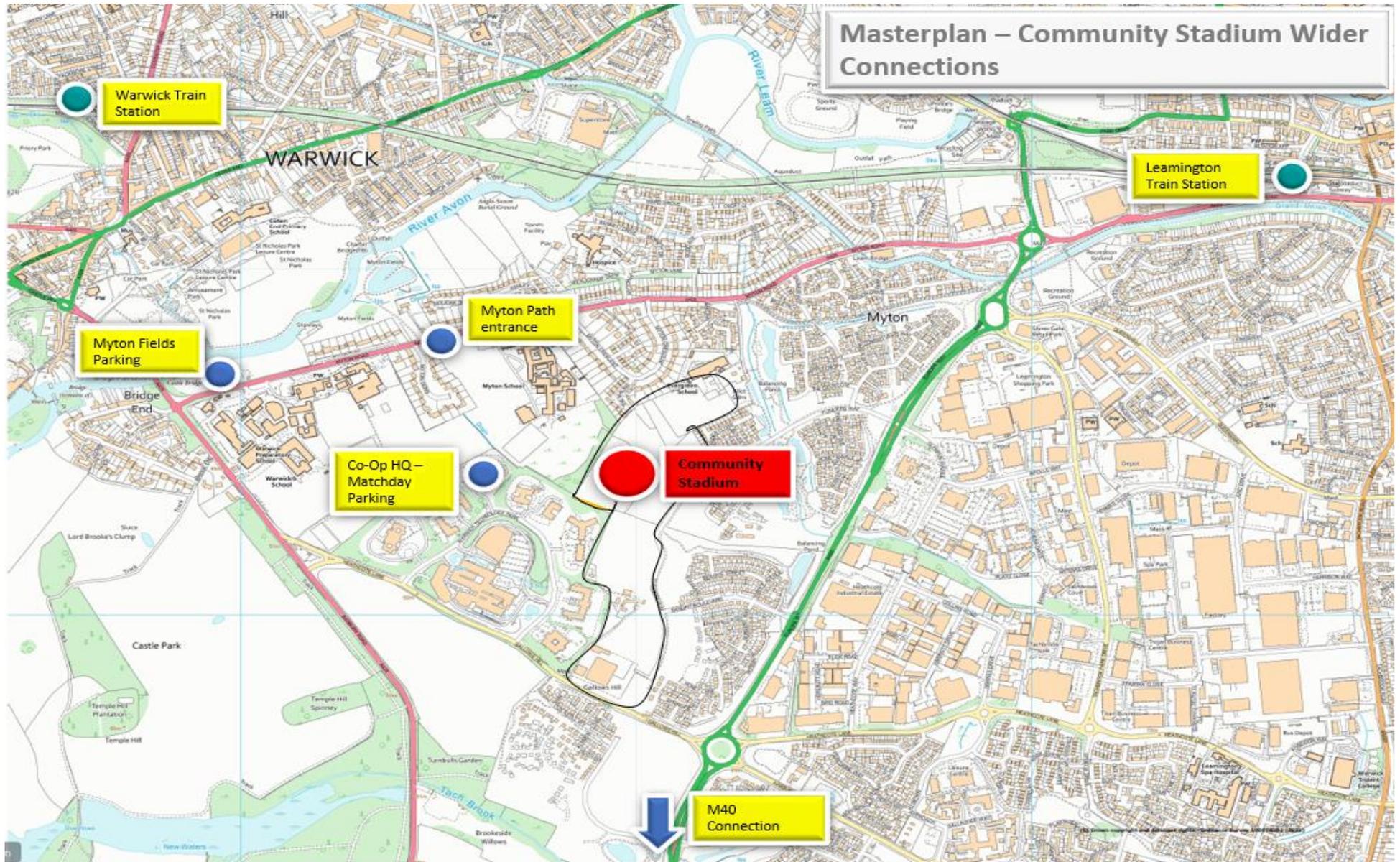


- MYTON SCHOOL**  
Key-
- A** Site for Potential 60 Bed Care Home  
- Indicative 2/3 storey layout shown  
- 1.65 Acres (6,700m<sup>2</sup>)
  - B** Redeveloped Myton School Entrance  
- Bus drop off  
- Access to Potential Care Home Site
  - C** Proposed 6th Form Centre
  - D** Proposed Myton School Car Parking
  - E** Former Building Demolished
  - F** School Playing Fields  
- 2nr Full-size / Senior Football Pitch (100m x 64m)  
- Junior Football Pitch (91m x 55m)  
- Cricket Pitch  
- Rounders Pitch  
- 400m Athletics Track & Field Events Space  
- Junior Rugby Pitch (70m x 43m)
  - G** Existing All Weather Pitch Resurfaced
  - H** Proposed Rugby Pitch  
- Full-size / Senior Rugby Pitch (106m x 68m)
  - I** Proposed MUGA (Multi-Use Games Area)  
- 1nr Basketball Court  
- 3nr Netball Courts  
- 4nr Tennis Courts
  - J** School Garden & Proposed Landscaping
  - K** Proposed Myton School Entrance Hub  
- Gates, Entrance Plaza & Landscaping  
- Car Parking & Cycle Store Building
  - L** Pedestrian / Cycle Connection  
- Myton Road to Fusilliers Way

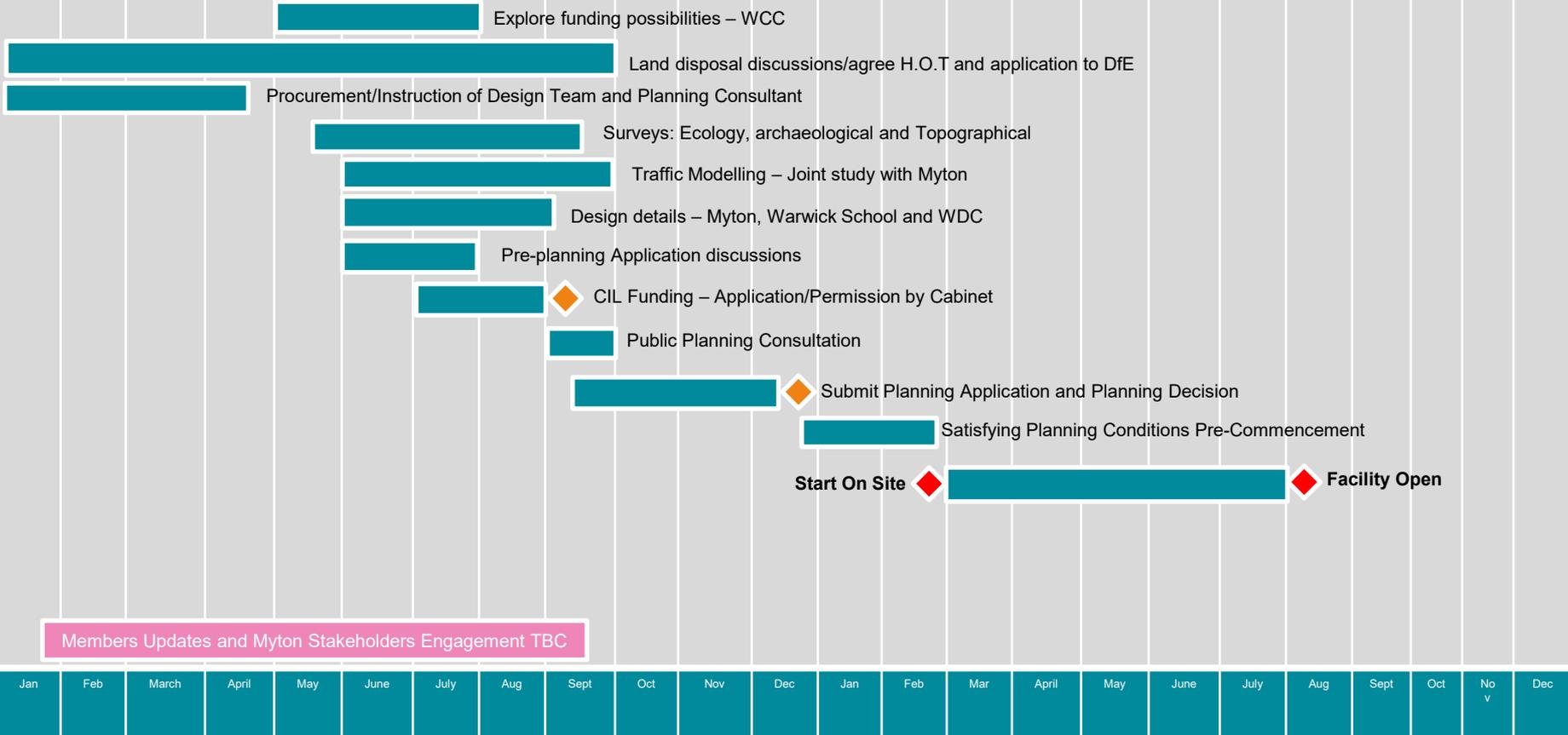
- EVERGREEN SCHOOL**  
Key-
- A** Proposed School Building
  - B** Proposed Evergreen School Entrance  
- New Entrance & Landscaping  
- Car Parking & Drop off
  - C** School Playing Fields  
- 1nr Full-size Football Pitch (100m x 60m)  
- Junior Football Pitch (40m x 30m)

- COMMUNITY STADIUM DEVELOPMENT**  
Key-
- 1** Primary School  
- Dual-form entry mainstream Primary School and Nursery
  - 2** Alternative Provision (AP) School  
- Dual-form entry AP School
  - 3** Athletics Facility  
- 400m 8-lane athletics track  
- Changing pavilion / sports hall & separate spectator stand
  - 4** Community Football Stadium  
- Full-size 3G pitch  
- 4000 capacity  
- Two/three storey main stand with associated facilities  
- Standing Terraces  
- Associated Commercial / Residential Development
  - 5** Local Centre  
- Grade 2 listed farmhouse building and associated barn redeveloped - potential office / commercial use  
- Mixed-use retail and residential  
- Day Nursery  
- Convenience Store  
- High-quality public spaces and landscaping  
- Retained orchard as amenity space
  - 6** Commercial Development Opportunity  
- Indicative commercial building with associated facilities
  - 7** Commercial Development Opportunity  
- Indicative commercial building with associated facilities
  - 8** Car Showroom  
- Indicative 4,000m<sup>2</sup> building with associated facilities
  - 9** Self-Storage Facility  
- Indicative two/three storey self-storage building and associated facilities

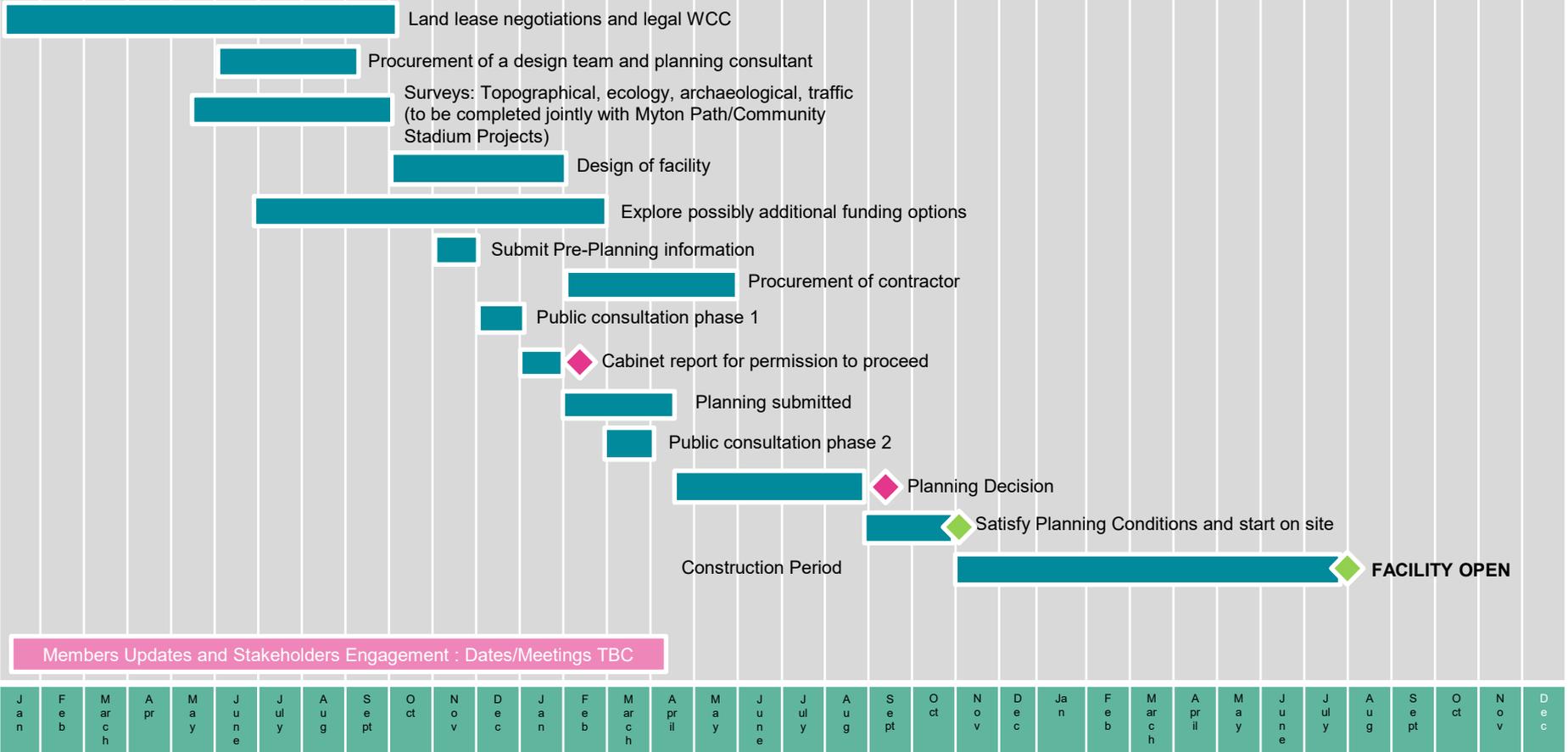
- WARWICK INDEPENDENT SCHOOLS FOUNDATION**  
Key-
- 1** Warwick Junior School
  - 2** Warwick School
  - 3** Warwick Hall & The Bridge House Theatre
  - 4** Warwick Preparatory School
  - 5** Kings High School
  - 6** Junior School Pitches
  - 7** Proposed WISF Entrance Hub  
- Gates, Entrance Plaza & Landscaping
  - 8** School Playing Fields  
- 9nr Full-size / Senior Grass Pitches  
- 2nr Junior Grass Pitches  
- Cricket Pitches  
- 400m Athletics Track & Field Events Spaces
  - 9** Astro-Turf / All Weather Pitches
  - 10** Tennis & Netball Courts  
- Grass & All Weather Surfaces
  - 11** Proposed Sports Pavilion



# Myton Path



# Athletics Facility Relocation





# The Myton Path Risk Register

RISK IDENTIFICATION				RISK ASSESSMENT - POTENTIAL RISK			COUNTERMEASURE/ MITIGATION	RISK ASSESSMENT - RESIDUAL RISK				COMMENTS
Ref	Date recorded	Risk	Impact	Prob.	Severity	Risk Score	Countermeasure	Prob.	Severity	Risk Score	Action Date	
<b>1 Project Risks</b>												
1	May-24	The Council fails to support the project	Project will cease	2	3	6	Report to Cabinet in July 2024 to gain support for project	1	3	3	Jun-24	Needs the support of the Council at this stage, although it has been approved previously
2	May-24	The Council fails to secure sufficient funding for the project	Project will cease or be severely restricted in scope	2	3	6	Various funding sources will be sought as advised in the Cabinet report in July 2024	1	3	3	Jun-24	Rising prices will make it important to retain affordability through the project
3	May-24	Planning Permission for the Myton Path is refused	The project would be halted until a revised application could secure permission	2	2	4	Detailed pre-application advice should ensure that the project is likely to secure permission before an application is submitted	1	2	2	Aug-24	Planning Consultants to be employed to reduce this risk
4	May-24	It does not prove possible to agree the terms of the land transfer from Myton School and/or the County	A failure to agree would mean that the Myton Path could not be constructed	2	2	4	A detailed series of discussions need to be held with the Club and its legal representatives to ensure that agreement is reached	1	2	2	Dec-24	Existing agreement needs to be revised so agreement should be possible
5	May-24	The School or the Department for Education refuses permission for the transfer of land to construct The Myton Path.	The Myton Path could not be built.	2	3	6	Regular meetings and detailed discussions will be held with both parties to ensure compliance.	1	3	3	Oct-24	Discussions ongoing until agreement reached.
6	May-24	It is not technically and/or financially possible to make The Myton Path Net Zero in operation.	The Council would fail in its strategic objective to make the whole site Net Zero in operation.	2	2	4	The importance of Net Zero construction will be made clear to the Design Team and additional budget will be provided	1	2	2	Oct-24	This matter should be relatively easy to resolve as The Myton Path will not use much energy.
7	May-24	The topography of the site makes the route of The Myton Path uneconomic.	The Myton Path project would become unaffordable	2	3	6	Detailed design work and the recent topographic survey will ensure that this issue is assessed early in the design process.	1	3	3	Dec-24	Progress will be regularly reported to Board
8	May-24	Inflation in the local construction industry makes the construction unaffordable	The project would have to cease or more resources would need to be found	2	3	6	The design will be costed at various stages throughout the design development to ensure affordability	1	3	3	Dec-24	Progress will be regularly reported to Board
9	May-24	Councillor supervision of the project is not sufficient to ensure accountability	The Project would not be sufficiently accountable to Members	2	2	4	A Project Board and a Community Stadium (and related projects) Members' Liaison Group will both be set up promptly	1	2	2	Jun-24	Meetings will be commenced in the summer of 2024
<b>2 Operational Risks</b>												
10	May-24	The project development costs become greater than the budget allowed.	Project development activities would not be possible without funding	2	2	4	Project development costs will be closely monitored and reported regularly to Board	1	2	2	Dec-24	Early warning will be provided if funds run short
11	May-24	Myton School or the Department for Education does not agree to the transfer of land for the Myton Path	The delivery of The Myton Path could not continue.	2	3	6	Regular meetings will be held with Myton School and a request made to the Department of Education in good time	1	3	3	Dec-24	Progress will be reported to Board and proposed Heads of Terms will be reported to Cabinet
12	May-24	The Warwick Technology Park does not agree to the installation of pedestrian and cycle links from the Park to the Myton Path	The delivery of the pedestrian and cycle links could not continue	2	2	4	Regular meetings will be established with appropriate landowners to secure permission	1	2	2	Dec-24	Progress will be reported to Board and proposed Heads of Terms will be reported to Cabinet
13	May-24	Other landowners do not agree to any agreements for transport links necessary to deliver the project	Alternative routes or accesses would need to be implemented	2	1	2	Any other landowners will be identified as early as possible in order to begin negotiations	1	1	1	Dec-24	Progress will be reported to Board and proposed Heads of Terms will be reported to Cabinet
14	May-24	The need for appropriate radii at the bends in the middle of the Myton Path means it is not possible to achieve County Council design guidance.	The design would have to have tighter curves than are permitted in the County Council design guidance, which could reduce County Council support for the project	2	2	4	The design of this element of the path will be considered early in order to redress any issues.	1	1	1	Oct-24	Progress will be reported to Board as the design progresses.
<b>3 YY Risks</b>												



## Mitigation/Countermeasure

Sometimes known as mitigation, the countermeasure is what we plan to do to prevent the risk from happening. Generally, Countermeasures fall into one of 6 types:

**Prevention:** steps are taken that removes the threat or completely stop it from happening.

**Reduction:** steps taken reduce the chances of the risk developing or limit the impact.

**Acceptance:** it is decided to accept the risk and do nothing. This is almost always taken in the belief that the risk will not occur or the impact negligible. It is particularly important to record that this is the approach being taken.

**Contingency:** actions are planned to come into force only if the risk occurs.

**Transference:** Usually a specialist form of risk reduction where the impact is passed to someone else. e.g. insuring against a risk, or invoking penalty clauses against suppliers.

## Probability Categories

Description		Probability	Scale Value
H	Probable	>70%	3
M	Could happen	30-70%	2
L	Improbable	<30%	1

## Severity Categories

Description		Guide Scenario	Scale Value
H	Critical	Failure that involves significant rework, modification or reassessment	3
M	Serious	Failure or setback that causes additional work and reassessment but containable	2
L	Marginal	Impact has some effect causing rework or reassessment but easily handled	1

## Risk Category & Action

	<b>Key/ Critical Risks - closely monitor, manage &amp; develop fallback plans</b>
	<b>Intermediate Risks - monitor and manage to mitigate/ include specific risk allowances in cost es</b>
	<b>Minor Risks - general allowance in base cost estimate &amp; programme</b>

## Risk Scoring Matrix

<b>Severity</b>	<b>High/ Critical</b>	<b>3</b>
	<b>Medium/ Serious</b>	<b>2</b>
	<b>Low/ Marginal</b>	<b>1</b>

# New athletics facility Risk Register

RISK IDENTIFICATION				RISK ASSESSMENT - POTENTIAL RISK			COUNTERMEASURE/ MITIGATION	RISK ASSESSMENT - RESIDUAL RISK			Action Date	COMMENTS
Ref	Date recorded	Risk	Impact	Prob.	Severity	Risk Score	Countermeasure	Prob.	Severity	Risk Score		
<b>1 Project Risks</b>												
1	May-24	The Council fails to support the project	Project will cease	2	3	6	Report to Cabinet in July 2024 to gain support for project	1	3	3	Jul-24	Needs the support of the Council at this stage, although it has been approved previously
2	May-24	The Council fails to secure sufficient funding for the project	Project will cease or be severely restricted in scope	2	3	6	Various funding sources will be sought as advised in the Cabinet report in July 2024	1	3	3	Jul-24	Rising prices will make it important to retain affordability through the project
3	May-24	Planning Permission for the new athletics facility is refused.	The project would be halted until a revised application could secure permission	2	2	4	Detailed pre-application advice should ensure that the project is likely to secure permission before an application is submitted	1	2	2	Dec-24	Planning Consultants to be employed to reduce this risk
4	May-24	It does not prove possible to agree the terms of the land transfer from the County Council.	A failure to agree would mean that the new athletics facility could not be constructed	2	2	4	A detailed series of discussions need to be held with the County Council and its legal representatives to ensure that agreement is reached	1	2	2	Dec-24	Heads of Terms have been received and are generally acceptable, so agreement should be achieved.
5	May-24	It is not technically and/or financially possible to make the new athletics facility Net Zero in operation.	The Council would fail in its strategic objective to make the whole site Net Zero in operation.	2	2	4	The importance of Net Zero construction will be made clear to the Design Team and additional budget will be provided	1	2	2	Oct-24	Progress will be regularly reported to Board
6	May-24	The topography of the site makes the creation of a flat site uneconomic.	The new athletics facility project would become unaffordable	2	3	6	Detailed design work and the recent topographic survey will ensure that this issue is assessed early in the design process.	1	3	3	Dec-24	Progress will be regularly reported to Board. The site currently has a varied topography so achieving a flat site will be expensive and challenging.
7	May-24	Inflation in the local construction industry makes the construction unaffordable	The project would have to cease or more resources would need to be found	2	3	6	The design will be costed at various stages throughout the design development to ensure affordability	1	3	3	Dec-24	Progress will be regularly reported to Board
8	May-24	Councillor supervision of the project is not sufficient to ensure accountability	The Project would not be sufficiently accountable to Members	2	2	4	A Project Board and a Community Stadium (and related projects) Members' Liaison Group will both be set up promptly	1	2	2	Jul-24	Meetings will be commenced in the summer of 2024
<b>2 Operational Risks</b>												
9	May-24	The project development costs become greater than the budget allowed.	Project development activities would not be possible without funding	2	2	4	Project development costs will be closely monitored and reported regularly to Board	1	2	2	Dec-24	Early warning will be provided if funds run short
10	May-24	Other landowners do not agree to any agreements for transport links necessary to deliver the project	Alternative routes or accesses would need to be implemented	2	1	2	Any other landowners will be identified as early as possible in order to begin negotiations	1	1	1	Dec-24	Progress will be reported to Board and proposed Heads of Terms will be reported to Cabinet
11	May-24	Local athletics clubs may make demands after the design period that will be expensive to change at that stage.	If the Clubs' proposed changes after the design process was complete this would cost money and possibly time to the project.	2	2	4	The Clubs will continue to be closely involved in the design process for the new facility, in order to obtain their feedback at an appropriately early stage.	1	1	1	Oct-24	Progress will be reported to Board as the design progresses.
12	May-24	England Athletics may seek changes to the design after the design period that will be expensive to change at that stage.	If the requests from England Athletics were made after the design process this would cost money and possibly time to the project.	2	2	4	The project team will continue to work closely with England Athletics to obtain the benefit of their advice throughout the design process.	1	1	1	Oct-24	Progress will be reported to Board as the design progresses.
<b>3 YY Risks</b>												
<b>4 ZZ - Risks</b>												



## Mitigation/Countermeasure

Sometimes known as mitigation, the countermeasure is what we plan to do to prevent the risk from happening. Generally, Countermeasures fall into one of 6 types:

**Prevention:** steps are taken that removes the threat or completely stop it from happening.

**Reduction:** steps taken reduce the chances of the risk developing or limit the impact.

**Acceptance:** it is decided to accept the risk and do nothing. This is almost always taken in the belief that the risk will not occur or the impact negligible. It is particularly important to record that this is the approach being taken.

**Contingency:** actions are planned to come into force only if the risk occurs.

**Transference:** Usually a specialist form of risk reduction where the impact is passed to someone else. e.g. insuring against a risk, or invoking penalty clauses against suppliers.

## Probability Categories

Description		Probability	Scale Value
H	Probable	>70%	3
M	Could happen	30-70%	2
L	Improbable	<30%	1

## Severity Categories

Description		Guide Scenario	Scale Value
H	Critical	Failure that involves significant rework, modification or reassessment	3
M	Serious	Failure or setback that causes additional work and reassessment but containable	2
L	Marginal	Impact has some effect causing rework or reassessment but easily handled	1

## Risk Category & Action

	<b>Key/ Critical Risks - closely monitor, manage &amp; develop fallback plans</b>
	<b>Intermediate Risks - monitor and manage to mitigate/ include specific risk allowances in cost es</b>
	<b>Minor Risks - general allowance in base cost estimate &amp; programme</b>

## Risk Scoring Matrix

<b>Severity</b>	<b>High/ Critical</b>	<b>3</b>
	<b>Medium/ Serious</b>	<b>2</b>
	<b>Low/ Marginal</b>	<b>1</b>

**Draft Heads of Terms**  
**for**  
**Transfer of Running Track site at Fuseliers Way, Leamington**

**Subject to Contract & WCC Cabinet Approval**

**Date – 18.04.2024**

**1.0 Seller**

Warwickshire County Council (**WCC**)  
Shire Hall,  
Market Place,  
Warwick  
CV34 4RL

For the attention of: Mark Evershed  
Tel: 07787 957172  
Email: markevershed@warwickshire.gov.uk

**2.0 Sellers Solicitors**

Warwickshire Legal Service (WLS)  
Shire Hall,  
Market Place,  
Warwick  
CV34 4RL

For the attention of: Peter Endall  
Tel: 01926 412986  
Email: peterendall@warwickshire.gov.uk

**3.0 Purchaser**

Warwick District Council (**WDC**)  
Riverside House  
Milverton Hill  
Leamington Spa  
CV32 5HZ

For the attention of: Chris Elliot  
Tel: TBC  
Email: chris.elliott@warwickdc.gov.uk

#### **4.0 Purchasers Solicitors**

TBC

For the attention of: TBC  
Tel: TBC  
Email: TBC

#### **5.0 Proposal**

The Parties are to enter into an Agreement for the acquisition by the Purchaser of the freehold land specified in Clause 6.0 below for the construction of an Athletics track and appurtenant ancillary buildings, Car Parking and Access Road. The Agreement will be subject to the Conditions detailed in clause 10.0 below and be made in accordance with these Heads of Terms.

#### **6.0 Site**

The Site (shown outlined in red below for identification purposes only) forms part of Title Number **WK519488**. At the extreme Eastern boundary the land adjoins The Estate Road known as Fusiliers Way and enjoys full rights of access at all times and for all purposes until such times as the Estate Road shall be confirmed as Adopted Public Highway.

The land was originally transferred to WCC by the former Freehold Owner under a S106 Agreement to be used only for Education purposes for which a Restrictive Covenant is in place.

#### **7.0 Price**

The land value for the site is £1.

#### **8.0 Deposit**

No deposit will be paid on exchange of the Agreement. Once the Conditions have been satisfied or waived the purchase price will be deemed to be paid at completion.

#### **9.0 Development**

**“The Development”** will comprise the laying out of an Athletics track, and any other ancillary buildings and facilities considered strictly appurtenant to such use including car parking together with an Access Road which also provides an additional access to Myton School which adjoins the Western boundary. **NO FURTHER DEVELOPMENT SHALL BE PERMITTED WITHOUT THE PRIOR CONSENT OF THE SELLER.**

## **10.0 Conditions for Site Acquisition**

The following section sets out the conditions precedent that are to be satisfied to acquire the freehold interest in the Site.

These Conditions can be waived in part or full at any time by agreement between the Parties.

### **1) Planning**

- a) The Purchase is subject to receipt of a detailed Planning Consent for The Development (together with any additional signed S106 Agreement that may be required) which shall take effect after the expiry of the Challenge period.
- b) Within 6 months of the date of this signed Agreement The Purchaser shall deliver a detailed Planning application to The Seller for the Seller's Approval (such approval not to be unreasonably withheld or delayed). Within 28 days of the receipt of such Approval, the Purchaser shall formally submit the Application to the LPA Director of Planning.

### **2) Access to adjoining Land**

Within 6 months of the date of the Transfer the Purchaser shall construct at its own expense the Access Road (specification TBC) between points A and B shown on the plan and shall grant full rights of access at all times and for all purposes and at no cost to the Owners for the time being of the Myton School and any successors in Title.

- 3) The Restrictive Covenant mentioned in Clause 6.0 above specifies that the land should only be used for Educational purposes and The Purchaser will indemnify the Seller against any claims or issues resulting from the Purchasers proposed use of the site as defined by Clause 9.0

### **4) Corporate Approval**

WCC Cabinet Approval to enter into this Agreement with the terms as agreed herein

### **5) Title**

The Title being sufficiently clear to enable The Development as proposed to proceed.

### **6) Surveys**

The Purchaser will have the right to undertake any surveys of ground condition, ecology and utilities / services together with sufficient access to undertake these surveys.

### **7) Miscellaneous**

Any other issues arising from Third Party requirements are adequately resolved.

## **11.0 Planning**

In accordance with Clause 10.1(b) above The Purchaser will submit a detailed planning application for the scheme such planning application having been approved by the Seller

The planning condition in Clause 10.1(a) will be considered satisfied on the issue of the Planning Decision Notice, signing of any Section 106 agreement and the expiry of the Challenge Period whichever is the later.

The Challenge Period shall be the time taken for any legal challenge to the award of Planning permission for the Development to be dispensed with.

The Challenge Period condition can be waived at any time by agreement between the Parties.

Both the Purchaser and the Seller shall retain the right to approve the Conditions of the final consented scheme. Such written approval shall be issued by each party within 14 days of the expiry of the Challenge Period.

If both parties agree that the Planning Consent so granted is acceptable the Seller shall serve on the Purchaser 28 days' Notice to complete the Transfer

#### **12.0 Licence**

The Parties intend that the Agreement shall implicitly contain licence for the Purchaser and its agents and contractors to be able to enter the Site to undertake Surveys at a time to be agreed with the Seller subject to the submission of any RAMS or other documentation as appropriate.

#### **13.0 Estate Management/Income and Security**

The Sellers are responsible for estate management and security of the Site from the date of exchange of Agreement up to completion of the Transfer

#### **14.0 Long Stop Date**

The Long Stop Date for the Transfer shall be 2 years from the date of the Agreement.

The Parties may agree to extend the Long Stop Date by a further 12 months if there is a planning appeal or until any challenge has been dispensed with.

#### **15.0 Legal Costs**

Each party to be responsible for their own legal costs.

#### **16.0 VAT**

The current position as to the VAT Status of the land is being assessed.

**Signed For WCC:**

**Signed For WDC**

In response to these proposed Heads of Terms, WDC will reply to the County Council with the following queries –

- We are concerned by paragraph 9 – “**The Development**” will comprise the laying out of an Athletics track, and any other ancillary buildings and facilities considered strictly appurtenant to such use including car parking together with an Access Road which also provides an additional access to Myton School which adjoins the Western boundary. NO FURTHER DEVELOPMENT SHALL BE PERMITTED WITHOUT THE PRIOR CONSENT OF THE SELLER. We intend to use the pavilion at the track for some community activities which may not be “strictly appurtenant to such use”, assuming that “such use” refers to the sport of athletics.
- In paragraph 10.0 1 b) WDC only has 6 months from signing the agreement to prepare the Planning Application for the athletics facility and to submit it to the seller. In paragraph 10.0 2) WDC only has 6 months from the transfer to construct the access road. Both these timescales are restrictive and would be hard to achieve.
- Furthermore, WDC only has 28 days from agreeing the Planning Consent is acceptable to complete the transfer, which may also be challenging for both parties.
- In paragraph 10.0 6) the County are granting access to the site to do some surveys, but there may be others that we need to conduct. We would therefore suggest that the wording should be “to undertake any appropriate survey including, but not restricted to....”

Title: Authority to sell properties developed at The Paddocks Cubbington. Authority to sell further percentages of shared ownership properties up to 100% and to offer lower initial equity stakes for shared ownership homes.

Lead Officers: Will Anstey (Ext. 6044 will.anstey@warwickdc.gov.uk) and April Knapp (Ext. 6237 april.knapp@warwickdc.gov.uk)

Portfolio Holder: Councillor Paul Wightman

Wards of the District directly affected: All wards

<b>Approvals required</b>	<b>Date</b>	<b>Name</b>
<b>Portfolio Holder</b>		Paul Wightman
<b>Finance</b>		Charlie Griggs
<b>Legal Services</b>		Katherine Tebbey
<b>Chief Executive</b>		Chris Elliott
<b>Director of Climate Change</b>		Dave Barber
<b>Head of Service(s)</b>		Lisa Barker
<b>Section 151 Officer</b>		Andrew Rollins
<b>Monitoring Officer</b>		Graham Leach
<b>Leadership Co-ordination Group</b>		
<b>Final decision by this Committee or rec to another Cttee / Council?</b>	Yes/ No Recommendation to: Cabinet / Council ..... Committee	
<b>Contrary to Policy / Budget framework?</b>	No/Yes	
<b>Does this report contain exempt info/Confidential? If so, which paragraph(s)?</b>	No/Yes, Paragraphs:	
<b>Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?</b>	No/Yes, Forward Plan item – scheduled for ..... (date)	
<b>Accessibility Checked?</b>	Yes/No	

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## Summary

This report seeks delegated authority for Officers to complete sales of open market homes and partial sales of shared ownership homes at The Paddocks, Cubbington and for all future Council delivered housing sites. Agreement is also sought for alterations to the Head of Housing's authority relating to shared ownership staircasing and initial sales.

## Recommendation(s)

- (1) That Cabinet approve delegated authority to the Head of Housing, in consultation with the Portfolio Holder for Housing and Assets, to sell open market homes and part sale of shared ownership homes on Council delivered housing sites, and asks Council to amend the Constitution to reflect this.
- (2) That Cabinet approve delegated authority to the Head of Housing, in consultation with the Portfolio Holder of Housing and Assets, to sell further percentages of shared ownership properties to allow staircasing up to 100%, and asks Council to update the Constitution to reflect this
- (3) That Cabinet amends delegated authority HS(93)(i) to reduce the minimum equity a shared ownership lessee may acquire from 25% to 10%, to align with the new Homes England model lease, and asks Council to update the Constitution to reflect this

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## 1 Reasons for the Recommendation

### Recommendation 1

- 1.1 This matter has arisen as the Council prepares to sell new homes developed at The Paddocks, Cubbington. This is a Council led development of 17 new homes comprising:
  - 10no. open market homes
  - 5no. rented affordable homes
  - 2no. shared ownership homes
- 1.2 All of the homes have been developed within the Housing Revenue Account (HRA). The rented affordable homes will remain in the HRA and will be let to households on the Council's housing register; however, the open market homes are to be sold with the revenue being returned to the HRA.
- 1.3 The shared ownership homes are to be partially sold; buyers will purchase part of the property from the Council and pay rent to the Council on the unowned part. The Council retains the freehold to the property unless and until the resident buys more shares in the property in the future to reach 100% ownership (this process is known as staircasing). Again, the revenue from the sale and rent of the shared ownership units will be returned to the HRA.
- 1.4 Details of the scheme have been previously approved by Cabinet, including purchase of the site and the development build costs.
- 1.5 The development has now reached an advanced stage of construction and the Council has received offers on 5 of the 10 homes for open market sale. However, in order to proceed to exchange the Head of Housing requires

authority to sell the homes. Without this the units cannot be sold and the Council cannot collect its return on investment.

- 1.6 To allow for future developments and those in the pipeline, the request is for the authority to extend to all Council developments in addition to the Paddocks.

### **Recommendation 2**

- 1.7 Purchasers of shared ownership homes buy an initial proportion of a property based on what they can afford to buy. They will then pay rent on the remaining portion of the property. The initial proportion they can buy ranges from 10% of a property to 75%.
- 1.8 During their ownership, residents may find their financial position improves and they can buy additional shares in their property. This is known as staircasing. As a resident increases the amount of their home that they own, the rent they pay decreases. In most case owners can purchase up to 100% of their home but in some cases ownership is restricted to 80%. The right to purchase additional shares is set out in the lease along with the maximum amount that can be purchased.
- 1.9 Though the right to purchase additional shares is set out in the lease, currently the Head of Housing does not have authority to process requests from residents to purchase additional shares in their home. To provide good customer service and expedite resident requests, authority is sought for the Head of Housing to authorise the sale of extra shares in accordance with the lease. Income from the sale of additional shares would be returned to the Housing Revenue Account.

### **Recommendation 3**

- 1.10 At present, under the scheme of delegation (HS(93)(i)), the Head of Housing has authority to:  
*approve the terms to be incorporated in a Shared Ownership lease which will include 'staircasing' provisions enabling a lessee to acquire between a minimum of a 25% up to and including a 100% interest in the property with the right to request a transfer of the freehold interest on acquiring a 100% interest;*
- 1.11 For many years the minimum percentage equity stake a shared ownership purchaser could buy was 25%. However, the government has introduced a new model for shared ownership which lowers the initial minimum equity stake to 10%. This reduces the cost of initial purchase which reduces the level of deposit a buyer must save for to be able to access a shared ownership home. This can make it easier for households to access shared ownership homes as less capital is required up front although it is important to note that the rental cost increases when a lower proportion of a property is bought.
- 1.12 Providers of shared ownership homes now have to offer initial equity stakes from 10%. This amendment would ensure we are consistent with the current shared ownership model. Therefore, an amendment to the scheme of delegation to replace reference to 25% with 10% is requested.

## **2 Alternative Options**

### **Recommendation 1**

- 2.1 The alternative option is for Cabinet to require the sale of each property to be approved directly by Cabinet. This would place additional administrative burdens on both Officers and Cabinet and would significantly delay the sale process which may result in sales falling through. This would be detrimental to

the Council's financial position and could cause reputational damage. As such this option is not preferred.

- 2.2 It is not considered a viable alternative for Cabinet to refuse to agree to disposal of the properties as this would be especially damaging to the Council's financial position and reputation.

### **Recommendation 2**

- 2.3 The alternative option is to require all requests for staircasing to be brought before Cabinet for approval. This would place additional administrative burdens on both Officers and Cabinet and would significantly delay the staircasing process. This would be contrary to providing good customer service for our residents and is not therefore a preferred option.

### **Recommendation 3**

- 2.4 In respect of lowering the initial equity stake available to purchasers of shared ownership homes, the alternative option is to maintain the current minimum of 25%. This option would provide less flexibility for residents and may affect the Council's ability to seek grant funding on schemes from Homes England. A condition of current Homes England funding is that shared ownership homes are offered from a minimum share of 10%. As such this alternative is not a preferred option.

## **3 Legal Implications**

- 3.1 The Council has power to acquire land and properties for housing purposes pursuant to the provisions of part 2 of the Housing Act 1985. Section 32 of the 1985 Act prohibits the disposal of land or buildings acquired for housing purposes without first obtaining the consent of the Secretary of State (S of S). The S of S has power, pursuant to section 34 of the 1985 Act, to give individual or general consents to all local authorities for the disposal of land and/or buildings acquired for the purposes of part 2 of the 1985 Act. The General Housing Consent A of 2013 permits the sale of properties including sales on shared ownership terms. Disposals falling within this general consent must be for sums equal to market value.
- 3.2 For grant funded Shared Ownership, the rights and obligations of both the landlord and the shared owner are set out in the Shared Ownership lease. Homes England has published model leases for houses and flats, and although not a requirement, the model form of lease should be adopted as it is considered as a widely accepted route to providing the necessary protection and comfort to providers, leaseholders, lenders and others. Providers can amend the model leases to suit circumstances without the consent of Homes England. However, Homes England's consent is required if providers wish to vary one of the fundamental clauses.

## **4 Financial Services**

- 4.1 In respect of the first recommendation, agreement to the proposal will allow the properties to be sold which will have a significant positive impact on the Housing Revenue Account. If the recommendation is refused this would have a significant negative impact on the HRA.
- 4.2 For the second recommendation there are no significant financial implications for the Council. However, if the recommendation is refused this may be detrimental to the Council's reputation and may make shared ownership homes harder to sell.

- 4.3 With regard to the third recommendation, allowing a lower initial equity would result in a lower initial return from our developments, though this would be somewhat balanced by higher rental levels. Each scheme is assessed for viability at the outset and this would factor in the potential for lower initial equity amounts and allow the risk of lower initial returns to be mitigated.

## **5 Corporate Strategy**

- 5.1 Warwick District Council has adopted a Corporate Strategy which sets three strategic aims for the organisation. Each proposed decision should set out how the report contributes to the delivery of these strategic aims. If it does not contribute to these aims or has a negative effect on them the report should explain why that is the case.
- 5.2 **Delivering valued, sustainable services** – Securing the sale of the properties at The Paddocks is crucial to securing the anticipated financial return on this development. As such the recommendation is consistent with this strategic aim. Furthermore, the scheme involves the Council providing new homes to meet the needs of our residents. The second two recommendations will improve our service to shared ownership buyers and residents and are therefore consistent with this aim.
- 5.3 **Low cost, low carbon energy across the district** – The new homes at The Paddocks have been designed to be very energy efficient. They have an EPC A rating and have air source heat pumps, solar PV panels, mechanical ventilation and heat recovery (MVHR) and electric vehicle charging points. To realise the benefits of these features the homes need to be sold and therefore the recommendation is consistent with this strategic aim. The second two recommendations have no bearing on this aim.
- 5.4 **Creating vibrant, safe and healthy communities of the future** – Sale of the open market and shared ownership properties is central delivering low-cost new homes for our residents and sustaining healthy communities. The recommendation will allow the sales to proceed and is therefore consistent with this strategic aim. The second two recommendations will help to meet the housing needs of our residents and are therefore also consistent with this aim.

## **6 Environmental/Climate Change Implications**

- 6.1 The properties at the Paddocks benefit from significant energy performance improvement measures as set out in para 5.3. The second two recommendations are not considered to have any material impact on the environment or climate change.

## **7 Analysis of the effects on Equality**

- 7.1 The recommendations do not introduce any new or significant policy changes and is not considered to have any material impact on equalities. An Equality Impact Assessment is not required.

## **8 Data Protection**

- 8.1 The recommendations are not considered to have any material impact on data protection.

## **9 Health and Wellbeing**

- 9.1 The sale of the properties is key to delivering new housing for our residents and

in the case of the shared ownership units, new affordable homes. Provision of high-quality new homes will be beneficial to the health and wellbeing of the new residents.

## **10 Risk Assessment**

- 10.1 There are not considered to be any additional risks pertaining to the first recommendation above and beyond those normally involved in property transactions. Cabinet has previously agreed the mixed tenure nature of the scheme and therefore the intention to sell the open market and shared ownership units was inherent in that decision.
- 10.2 The main risks in for the first recommendation stem from not being able to sell the units. Primarily this is a financial risk with the Council having borrowed to fund the development. However, there is also a reputational risk if we have built homes which we cannot sell due to internal procedural matters. Further, on properties where we have accepted an offer there is also risk for those buyers if their sale falls through and they are unable to move home.
- 10.3 In respect of the second recommendation, as this is an administration matter and the right for shared ownership residents to staircase is already written into their leases, there are no significant risks with proceeding with this recommendation.
- 10.4 For the third recommendation, the primary risk of lowering the initial equity stake is on scheme viability. However, this will be assessed on a case by case basis as part of the viability calculations. If this recommendation is not proceeded with, we may find it difficult to secure grant funding from Homes England and may also find it harder to sell new shared ownership homes.

## **11 Consultation**

- 11.1 The first recommendation is a business matter for the Council and therefore public consultation is not required.
- 11.2 The second recommendation concerns internal administration and therefore again, public consultation is not required.
- 11.3 The third recommendation introduces additional flexibility for shared ownership buyers and would be beneficial for the public. As such public consultation is not considered necessary.

### **Background papers:**

- None

### **Supporting documents:**

- None

Title: Interim Consultancy Support  
 Lead Officer: Lisa Barker, Head of Housing, Health and Communities  
 Portfolio Holder: Councillor Paul Wightman  
 Wards of the District directly affected: None

<b>Approvals required</b>	<b>Date</b>	<b>Name</b>
<b>Portfolio Holder</b>		Cllr P Wightman
<b>Finance</b>		Charlie Griggs
<b>Legal Services</b>		Kathryn Tebbey
<b>Chief Executive</b>		Chris Elliott
<b>Director of Climate Change</b>		Dave Barber
<b>Head of Service(s)</b>		Author
<b>Section 151 Officer</b>		Andrew Rollins
<b>Monitoring Officer</b>		Graham Leach
<b>Leadership Co-ordination Group</b>		
<b>Final decision by this Committee or rec to another Cttee / Council?</b>	Yes	
<b>Contrary to Policy / Budget framework?</b>	No	
<b>Does this report contain exempt info/Confidential? If so, which paragraph(s)?</b>	Yes, Confidential appendix within paragraph 3 of the Local Government Act 1972 - Schedule 12A After the Local Government (Access to Information) (Variation) Order 2006)	
<b>Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?</b>	No	
<b>Accessibility Checked?</b>	Yes	

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## Summary

To seek approval to extend an interim support consultancy placement in excess of procurement threshold.

## Recommendation(s)

- (1) That the current Consultant brought in to support Housing Development be retained until recruitment of Housing Development Partnerships Manager is achieved.
  - (2) That an exemption from the procurement code of practice be agreed to enable ongoing Housing Development Management, specifically awarding a contract for the value and length as set out in Confidential Appendix 1
- 

## 1 Reasons for the Recommendation

- 1.1 A consultant was initially brought in March 2023 to provide interim management support to the Housing Development Team pending a redesign of the service. The redesign has taken longer than initially anticipated and the procurement value has now been exhausted.
- 1.2 The Housing Development programme has grown rapidly in size over the last few years with a desire to create 2030 high quality, energy efficient properties by 2030. The Council has also created Milverton Homes Limited, a company wholly owned by the Council and entered a Joint Venture with Vistry Partnerships.
- 1.3 It is crucial that relationships are forged with Developers and contractors to bring this programme together. With this scale of programme, it is critical that sufficient management oversight and leadership is provided to this programme.
- 1.4 The previous structure was for one senior manager to oversee both Housing Strategy & Enabling and the Housing Development functions. The manager asked to work on a part time basis and elected to cover the Housing Strategy and Enabling function. A consultant was appointed to cover the period whilst a review and redesign of the Management structure could be undertaken. The process took longer than initially foreseen and as a result the means of procurement used to bring in the consultant reached its optimum value. In December 2023, Cabinet approved a proposal to extend the arrangements.
- 1.5 Whilst the redesign was completed at Christmas, the appointment of a new manager for the Housing Development Team has experienced some delays and whilst advertised, with interest being shown, having someone in place could still be some months away given there is a recruitment process to go through and, taking into account notice periods of any potential new starter. The need for this resource is further compounded by other vacancies in the team, leaving the area exposed. Retaining this consultant will provide some stability to the team and to the Council, enabling the current programme to be maintained.

## 2 Alternative Options

- 2.1 End the current consultancy placement and leave posts vacant. This is not recommended due to adverse implications for the building programme outlined in part 1.

## 3 Legal Implications

- 3.1 Under the Code, a contract of this value would ordinarily require public advertisement and a minimum of three quotes/tenders unless let through a purchasing consortium or framework agreement. At the time the consultancy contract was let (without competition), the value was clearly not at or approaching the threshold for quotations/tenders. However, with the ongoing need in the service and the desire to retain the consultant for a longer period, that threshold has now been reached and the absence of competition needs to be approved through the exemption process. The total contract value now meets the threshold in the Code of Procurement Practice where an exemption (if required) can only be granted by the Cabinet.
- 3.2 The report includes a confidential appendix defining the length and value of the proposed contract which is commercially sensitive information. Therefore, it is confidential under paragraph 3 of the Local Government Act 1972 - Schedule 12A After the Local Government (Access to Information) (Variation) Order 2006).

#### **4 Financial Services**

- 4.1 The costs for this are covered by the vacant post and other vacant posts in the team which are also being recruited to. This means there will be no requests for additional funding from other budgets.

#### **5 Corporate Strategy**

- 5.1 Warwick District Council has adopted a Corporate Strategy which sets three strategic aims for the organisation. Each proposed decision should set out how the report contributes to the delivery of these strategic aims. If it does not contribute to these aims or has a negative effect on them the report should explain why that is the case.
- 5.2 Delivering valued, sustainable services  
This process will help the service to attract the right people with the right skills the Council needs.
- 5.3 Low cost, low carbon energy across the district  
This post is central to ensuring new housing developments are net zero in operation and meet the climate emergency and other challenges.
- 5.4 Creating vibrant, safe and healthy communities of the future –  
This position is fundamental to the delivery of the ambition to increase the volume of high quality, low carbon, affordable and social housing. This will help meet demand for housing and help tackle rough sleeping and homelessness.

#### **6 Environmental/Climate Change Implications**

- 6.1 There are no other specific Environmental/Climate Change Implications from this proposal.

#### **7 Analysis of the effects on Equality**

- 7.1 At this stage, officers do not deem an Equality Impact Assessment necessary.

## **8 Data Protection**

8.1 There are no data protection issues within the proposal.

## **9 Health and Wellbeing**

9.1 The Health and Wellbeing of staff within the existing Housing Development Team are positively impacted by having experienced leadership during this busy time.

## **10 Risk Assessment**

10.1 The risk of not approving the funding for the interim management consultant will undoubtedly impact on the Housing Development Programme with the Council being forced to significantly curtail the number of new affordable homes that it is able to develop or acquire.