

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	£44.00	4.7%
Leamington Market	£48.00	£53.00	£50.00	4.2%
Leamington Covent Garden Market	£48.00	£53.00	£50.00	4.2%
Leamington and Warwick	£42.00	£46.00	£44.00	4.7%
Kenilworth Market	£33.00	£35.00	£33.00	0%
Leamington Autumn	£55.00	No fee listed.	£65.00	18.2%

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

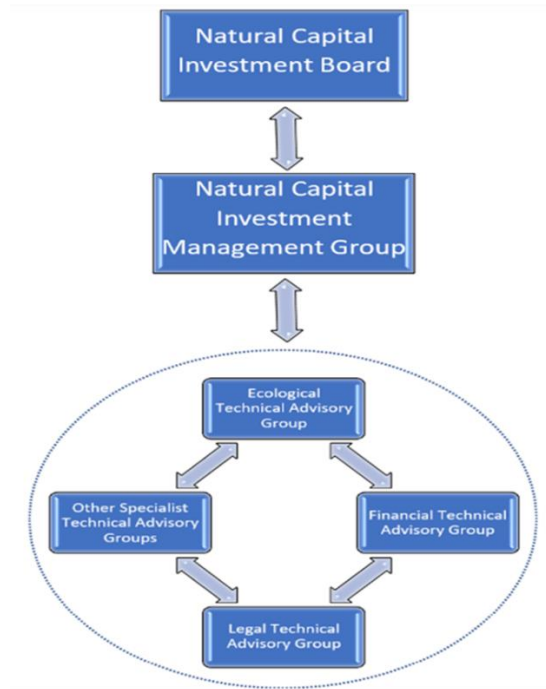
Taking a sub-regional approach to natural capital investment had many advantages:

- 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 th Mile	£3.40	£5.10	£6.80
Subsequent Distance 1/10 th 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.

Position in National table (As of Feb 24)	Local Authority	two-mile fare (in the day)	Last HC fare increase
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.

Position in National table (As of Jan 24)	Local Authority	two-mile fare (in the day)
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