

**Responses from the meeting of Cabinet 15 November and Council 15
November on the O&S Committee's Comments
from its meeting 14 November 2023**

Item 3 – Participation in the West Midlands Investment Zone

The Overview & Scrutiny Committee supported the recommendations in the report and thanked Officers for their work on the report and also for ensuring that what is a complex matter was explained in understandable terms.

The Committee recognised the potential benefits to the District as a whole and its residents. The necessity of a no detriment provision on an ongoing basis throughout the lifetime of this arrangement was clearly understood and supported.

Cabinet Response:

The following recommendations were approved:

Recommended to Council that an application for membership of the WMCA as a Non-Constituent member be made in the light of the recent enactment of the Levelling Up and Regeneration Act (LURA).

(The above will form a recommendation to Council on 15 November 2023)

Resolved that

- (1) the aspirations of, and supports the principle of participation in, the West Midlands Investment Zone (WMIZ) proposed to cover the WMCA area and Warwick District, conditional upon there being agreed without detriment position in respect of business rates income, be noted;
- (2) as a condition of agreeing to participate in the WMIZ there is a full commitment from partners to net zero carbon emissions from the proposed Gigafactory and related development, and to full commitment to bio-diversity net gain provisions, as set out in legislation as a minimum, within the WDC area, be agreed;
- (3) the governance arrangements for the WMIZ as set out in Appendix 1, being based on either a Joint Committee of the Cabinet or as part of an Investment Zone Board following attaining membership of the WMCA as a Non-Constituent member, using the principles set out in the report, be agreed in principle, but subject to:
 - (i) the Joint Committee/Investment Zone Board is based on one Council one vote;
 - (ii) decisions of the Joint Committee/Investment Zone Board are based on consensus only with any unresolved matters being referred for further discussion;
 - (iii) a further report being received on the full details of the constitutional arrangements before final commitment and agreement.

- (4) the local delivery arrangements as set out at Appendix 2 to the report, be agreed;
- (5) an agreement in principle to enter a Memorandum of Understanding (MoU) regarding business rates and their retention across the WMCA area and the Warwick District Council (WDC) area based on the principles in the report, subject to:
- (i) Confirmation from Department of Housing, Levelling Up and communities (DHLUC) providing legislative assurance (or amendments) that enables WDC to share its business rates outside of the District;
 - (ii) the Business Rates Retention (BRR) site is as shown on the map at Plan 1, excluding the UKBIC premises;
 - (iii) written assurance from the WMCA that the proposed Investment Plan for the Investment Zone will fully take account of WDC Strategy and requirements as a principle;
 - (iv) the other principles for determining the BRR spend, set out in the report are amended to reflect a fairness of distribution vis a vis the generation of business rates, after the contribution to initial infrastructure investment in the WMIZ, to deliver visible benefit for and within the District, and without detriment;
 - (v) the following paragraph is applied in practice, according to a more detailed definition of no detriment, to be agreed before final agreement and commitment:

'The allocation of retained business rates to be allocated by the WMCA through the established governance arrangements will be subject to a robust investment plan to be developed and approved by the IZ governance body. There will be a requirement within the investment plan that, over an agreed accounting cycle (not greater than 5-years), sufficient investment will be in projects in those authorities who would otherwise be benefitting from alternative business rate regimes, to ensure that they are no worse off than if they had not agreed to participate in the WMIZ. This will also reflect agreement between WMCA and Government that up until the point of a reset of business rates baselines, Government will allow relaxation of spending requirements within the Investment Zone business rates retention site to allow those rates retained to be invested in local growth.'
 - (vi) written assurance is provided from the WMCA that the BRR funding will only be used for additional expenditure schemes and not be a replacement for any current plans or proposals of the WMCA or its constituent members;
 - (vii) a further report being received on the full details of the financial arrangements before final agreement and commitment;

- (6) provision to be made within the budget for 2024/25 and up to a subsequent 4 years for project management, development management, highways and environmental team and support costs, as referred to in paragraph 1.7.7 of the report financed by up front provision from the Investment Zone government funding (£80m over 5 years) to deliver a prompt and responsive project management, development management, highways, environmental and related support services;
- (7) the Overview and Scrutiny Committee and the Audit and Standards Committee undertake an annual review of the scheme to assess the costs and benefits to the WDC area and report to Cabinet;
- (8) officers consider the financial impact of the amended BRR and of a no detriment position is considered when updating the MTFS; and
- (9) authority be delegated to the Chief Executive in consultation with the Section 151 Officer, Monitoring Officer, and the Leader of the Council to continue negotiations on all the matters above, to enable further reports to be brought forward where required; and
- (10) the no detriment clause needs to be as robust as possible and officers continue to negotiate on this basis.

Council Response:

The recommendations from Cabinet were approved.

Item 4 – Future High Streets Fund Update

Scrutiny Comment:

The Overview & Scrutiny Committee supported the recommendations in the report.

The Committee stressed the importance of pursuing a balanced eco system and offers that complimented each other through the Future High Streets Fund.

The remainder of the comment is in the confidential Summary of Comments document.

Cabinet Response:

The following recommendations were approved:

Resolved that

- (1) a request be made to DLUHC for the extension of time to spend the FHSF funds to September 2024, be agreed;
- (2) the progress being made in respect of the projects being funded through the FHSF, be noted;
- (3) the principal of the proposed approach being progressed in respect of the Stoneleigh Arms project outlined in confidential Appendix 1 to the report, be agreed;

- (4) officers be supported to continue discussions and bring back a final proposal for Cabinet consideration in relation to the information set out in confidential Appendix 1 to the report;
- (5) the approach in respect of the confidential site outlined in confidential Appendix 2 to the report, be supported;
- (6) authority be delegated to the Chief Executive, in consultation with Section 151 Officer, Group Leaders, the Arts and Economy Portfolio Holder to progress the proposals as set out in confidential Appendix 2 and to then provide a further report to approve the final details of the proposal; and
- (7) £287,000 is provided as a contribution to the scheme outlined in confidential Appendix 2 to the report, to be funded from WDC reserves, be agreed.

Urgent Item – Asset Compliance Committee & Resources

Scrutiny Comment:

The Overview & Scrutiny Committee supported the recommendations in the report and thanked Officers for their hard work.

Members expressed some concern about deliverability of the work required and the potential impact on other services. The Committee has requested that a report is provided to it in the New Year to understand how the work will be effectively resourced and how the impact of this will be managed across the Council and its assets.

Scrutiny Recommendation:

The Overview & Scrutiny Committee recommended to Cabinet that:

1. an appraisal report explaining how the situation the Council now finds itself in arose is prepared before the end of the year and should be presented to Overview & Scrutiny Committee at the first opportunity; and
2. a more detailed Action Plan is progressed as soon as possible.

Cabinet Response:

The following recommendations were approved:

Recommended to Council that:

- (1) the establishment of an Assets Compliance Committee with the remit as set out at Appendix 2 to the report, be agreed; and
- (2) the revision to the Constitution to include the role of Vice-Chair of Overview & Scrutiny Committee, be agreed.

(The above will form a recommendation to Council on 15 November 2023)

Resolved that:

- (1) the Governance Structure set out at Appendix 1 to the report, be noted;
- (2) the terms of reference of the Compliance Board (Social Housing Stock) as set out at Appendix 3 to the report, be noted;
- (3) the notification letter to Housing tenants as set out at Appendix 4 to the report, be noted;
- (4) the action plan for responding to the report, as set out at Appendix 5 to the report, be endorsed;
- (5) the use of £11,000 from the Service Transformation Reserve for 2023/24 for the employment of a Scrutiny Officer for this year and £47,290, per annum, be included within the budget for the next four years for this role, be agreed;
- (6) the expenditure with Pennington of £62,000 for consultancy work support & training, be noted;
- (7) an appraisal report explaining how the situation the Council now finds itself in arose is prepared at the first reasonable opportunity and should be presented to Overview & Scrutiny Committee at the earliest opportunity; and
- (8) a more detailed Action Plan is progressed as soon as possible.

Council Response:

The recommendations from Cabinet were approved with an amendment that the membership of the proposed Committee was two Councillors from each Group with either the Chair or Vice Chair of Overview & Scrutiny Committee attending as an observer.