

Executive

Minutes of the meeting held remotely on Monday 24 August 2020, which was broadcast live via the Council's YouTube Channel.

Present: Councillors Day (Leader), Cooke, Falp, Grainger, Hales, and Rhead.

Also present: Councillors: Boad (Liberal Democrat Group Observer), Davison (Green Group Observer), Mangat (Labour Group Observer) Milton (Chair of Overview & Scrutiny Committee) and Nicholls (Chair of Finance & Audit Scrutiny Committee).

Apologies for absence were received from Councillor Matecki.

23. **Declarations of Interest**

There were no declarations of interest.

24. **Minutes**

The minutes of the meetings held 13 July and 30 July 2020 were taken as read and signed by the Chairman as a correct record.

Part 1

(Items upon which a decision by Council was required)

25. **Minimum Energy Efficiency Standards Enforcement Process – Private Sector Housing**

The Executive considered a report from Housing bringing forward an enforcement process to enable officers to apply penalties for breaches of the Minimum Energy Efficiency Standards (MEES) regulations.

These regulations were the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015, as amended (most recently by the Energy Efficiency (Private Rented Property) (Amendment) (England and Wales) Regulations 2019).

The regulations set out that from 1 April 2020, the minimum level of energy efficiency for all private rented domestic property in England and Wales was an energy performance certificate (EPC) rating of band E. Therefore, from that date, landlords of properties with EPC ratings of F or G would no longer be able to legally let them, subject to certain exceptions that were set out in Appendix 1 to the report.

Although the powers were within the regulations, for officers to be able to use them, the Council needed to formally adopt a process to do so. The Council also had the discretion to set a schedule of penalties for the various offences.

The regulations allowed the Council to determine any level of financial penalty, for each offence, up to the maximum amounts set out in recommendation 2.2 in the report.

The proposed approach of using the maximum penalties for the various offences was arrived at following consultation with colleagues in the West Midlands. The intention was to be as consistent as possible across the region, in terms of both the level of the penalties and the process for applying them.

So that the policy could be applied quickly and efficiently, once adopted, it was proposed that the Head of Housing Services should be granted the authority to decide on the serving of compliance notices and imposing penalties.

In terms of alternative options, not adopting this process would limit the Council's options in its role as a regulator of private sector housing. It could also affect community confidence in the Council's ability and ambition to deal with poor management and to raise housing and energy efficiency standards.

The Overview & Scrutiny Committee supported the recommendations in the report and agreed it would monitor their implementation. In agreement with the Portfolio Holder for Housing & Property Services, the Committee agreed that its Chair and the Portfolio Holder would liaise with Democratic Services to review whether ongoing reporting could be done using a dashboard within the Business Intelligence Portal.

The Overview & Scrutiny Committee agreed to add a review of the process to its Work Programme after it had been operational for a minimum of 12 months.

Councillor Rhead proposed the report as laid out.

Recommended to Council that

- (1) the penalties of the Warwick District Council's MEE's scheme be as follows:
 - i. £2,000 for renting out a non-compliant property for less than 3 months;
 - ii. £4,000 and a publication penalty for renting out a non-compliant property for 3 months or more;
 - iii. £1,000 and a publication penalty for providing false or misleading information on the PRS Exemptions Register; and
 - iv. £2,000 and a publication penalty for failure to comply with a compliance notice;
- (2) the Constitution be updated to reflect the changes to the Head of Housing Services delegations as below;

Resolved that

- (1) subject to Council on 2 September agreeing the proposed penalties above, Appendix 1 to the report for the enforcement of the MEES regulations be adopted, to come into force from 3 September 2020; and
- (2) authority be delegated to the Head of Housing Services to enforce the MEES regulations as set out within the approved penalties process.

(The Portfolio Holder for this item was Councillor Matecki)

Forward Plan Reference 1,124

Part 2

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

26. Minor Amendment to the Canal Conservation Area

The Executive considered a report from Development Services seeking authority from the Executive to remove a property, known as Clinton House, and its curtilage from the Canal Conservation Area (the CCA).

Following the adoption of the Canal Conservation Area in January 2019, a resident alleged that their property was included within the designated area, without having the opportunity to make representations.

The boundary map that formed the basis of the consultation exercise, which ran over a seven-week period between July-September 2018, did not include Clinton House. The owner of Clinton House indicated that had this property been shown as within the Conservation Area on the consultation map, then he would have responded to the 2018 consultation objecting to its inclusion.

The character area referred to as *Length 1: Rowington* in the Canal Conservation Area appraisal, which included the land subject to this recommendation, made no reference to the particular reasons for the property's inclusion.

The owner of Clinton House submitted a report providing evidence that the property and its curtilage was not of sufficient architectural or historic interest to warrant inclusion in the Canal Conservation Area. The Council's Principal Conservation Officer agreed with its findings.

The property in question dated from the 1920s and was considered to be of little architectural and historic interest to warrant inclusion in the Conservation Area. The property did not feature within medium to longer range views associated with the canal and there was no evidence to suggest any historical or functional relationship between the site and the canal. Architecturally, the Edwardian house was relatively unremarkable and was an example of common domestic architecture that was not linked with the canal's architectural interest or historical development.

There was a requirement under paragraph 186 of the National Planning Policy Framework that when considering the designation of conservation areas, local planning authorities should ensure that an area justified such status because of its special architectural or historic interest, and that the concept of conservation was not devalued through the designation of areas that lack special interest.

The Council ran a consultation process proposing to remove this area of land from the designated Canal Conservation Area. No comments were received during the process.

On adoption, the duties of formal designation required an advertisement in a local paper and the London Gazette, together with a letter to the property owner affected within the boundary, as this was a land charge, and notification to the Secretary of State.

An alternative option would be to retain the property within the Canal Conservation Area. This would present the potential risk of a legal challenge as highlighted above.

Councillor Cooke proposed the report as laid out.

Resolved that the minor amendment to the Canal Conservation Area, as defined in Appendix 1 to the report as shown on the boundary map, be agreed.

(The Portfolio Holder for this item was Councillor Cooke)

Forward Plan Reference 1,125

27. **Article 4(1) Direction for Sherbourne Conservation Area**

The Executive considered a report from Development Services seeking approval from the Executive to make an immediate Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, resulting in the removal of certain permitted development rights, outlined in Appendix D to the report, in the Sherbourne Conservation Area, and to undertake the related public consultation. A further report would be submitted within six months of the service of the Notice recording public consultation and recommending confirmation or otherwise of the Direction.

It was a requirement under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that local planning authorities determined which parts of their area were areas of special architectural or historic interest, the character or appearance of which it was desirable to preserve or enhance, and to designate these areas as Conservation Areas. This resulted in additional planning controls and considerations to protect the historic and architectural elements which made the place special. Local Planning Authorities also had a duty under Section 72 of the same Act, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area when exercising planning functions.

Single dwellings within Conservation Areas did nonetheless have certain permitted development rights, meaning that no planning permission was required to undertake a range of works, including replacing windows, removing and replacing roofing materials, installing panels on roofs (such as solar panels) and removing or replacing boundary walls. The cumulative impact of these small alterations could result in the gradual erosion of the appearance and character of the District's Conservation Areas.

The Council had been made aware that certain changes which were benefitting from permitted development rights, such as use of modern materials when replacing historic windows and removal of original boundary walls to facilitate parking, had taken place in Sherbourne Conservation Area. The Direction sought to prevent further changes that detracted from the Area's special characteristics.

The making of Article 4(1) Direction was a mechanism available to Local Planning Authorities, which offered a level of protection to prevent such alterations that could detrimentally change the character of the Conservation Area.

The Direction was made immediately for a temporary period of up to six months and further consideration was given to making it permanent after consultation with residents affected.

The Notice under Article 4(1), together with an explanatory letter and information sheet, was served upon the owners of single dwellings in the streets listed in Appendix A to the report. Upon receipt of the Notice, permitted development rights were removed for six months and any works listed in the schedule accompanying the Notice during that period required planning permission.

The recipients of the Notice were invited to make comments on the possibility of the Notice becoming permanent or not. During the six-month period, it would therefore necessary to bring back a report to the Executive with the findings of the consultation and a recommendation or otherwise of the confirmation of the Notice. If the Notice was not confirmed within six months, then it would expire and a temporary need for planning permission for the items listed in the schedule would also expire.

An alternative option was to not serve the Notice. This however, meant that the Conservation Area only benefitted from limited protection and therefore a gradual erosion of the character of the Conservation Area could continue.

Another option was to consider a non-immediate Direction; however, this posed the risk that work may have been implemented during this period prior to making the Direction.

A further option was to consider a blanket Article 4 Direction across the whole of Sherbourne Conservation Area. This could, however, result in an unnecessary level of planning control to properties that did not necessarily contribute positively towards the appearance and character of the Conservation Area.

The Overview & Scrutiny Committee noted the recommendations. In discussion it welcomed officers' proposals to check and update guidance on the Council's website but expressed concerns that changes to the regulations should not impede people from fitting equipment into their property, in line with the Council's Climate Emergency ambitions.

Councillor Cooke proposed the report as laid out.

Resolved that

- (1) the immediate making of a Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 to remove the permitted development rights outlined in Appendix D to the report, and serve Notices upon all owners and occupiers of such properties with an explanatory letter and the undertaking of the associated consultation and publicity, be authorised; and
- (2) a report with the findings of the consultation and recommendations for the confirmation or otherwise of the Article 4 Direction (which must be confirmed or otherwise within six months from the period of the service of the Notice), be presented to the Executive.

(The Portfolio Holder for this item was Councillor Cooke)
Reference number 1,127

28. The Outcome of a Local Government Ombudsman (LGO - Investigation into the Consideration of a Planning Application

The Executive considered a report from Development Services that summarised the recent outcome of an investigation by the LGO and set out the actions that were taken in response to that.

In their final report dated 15 June 2020, the Ombudsman found fault causing injustice in respect of the consideration of a planning application for a residential development in Barford.

The decision on that application was made on 14 September 2017 following consideration by Planning Committee and the subsequent completion of a legal agreement.

In summary, the Ombudsman found that:

- i. The decision was made without sufficient information about how the development would impact upon protected species. This was because the application was determined prior to the undertaking of any protected species survey work and therefore before there was sufficient baseline data on the impact on such species contrary to national guidance;

- ii. The Committee report was insufficiently detailed in the way that the law and guidance on protected species and the response of the County Council's Ecology team was summarised;
- iii. In presenting the application to Planning Committee, no reference was made to the Council's differing view of the ecological advice received from the County Council;
- iv. Those omissions therefore had the potential to mislead Planning Committee and resulted in a significant material planning matter not being properly considered;
- v. Whilst detailed protected species survey work was undertaken following the grant of planning permission, site clearance work had begun by then and it was therefore not possible to know the extent of any impact from the outset or consider possible alternative means of ameliorating any such impact;
- vi. Whilst the Council intended to require the developer to provide compensation and/or offsetting for biodiversity loss arising from the development through a legal agreement, in error this did not happen and there had therefore been harm to the environment as a result; and
- vii. Contrary to the complainant's assertion, the Council had not failed to properly protect their privacy.

As a result of those findings, the Ombudsman recommended that within three months of the date of the report, the Council had to take the following actions:

- i. Apologise to the complainant for failing to properly protect the environment;
- ii. Provide details (to the ombudsman) of a review of its procedures for the undertaking of legal (Section 106) agreements;
- iii. Remind Officers and Members involved in planning matters:
 - That planning decisions should not have been made until they have all of the information necessary to make their decisions;
 - That reports should include sufficient details about significant material planning considerations, so that it was clear from council records that decision-makers were properly informed, and decisions properly made;
 - That when planning officers disagreed with the recommendations and advice of statutory consultees or others with relevant expertise, that they would ensure there was a record of their reasons for disagreement on the planning file and in their report; and;
 - Of the details of its revised section 106 procedures to ensure that decisions and intentions were carried through into decisions and planning obligations.

- iv. Pay £1,000 to the Warwickshire Bat Group to enhance or promote the environment for bats; and
- v. In consultation with the ecology service, provide 8-10 suitable hibernation boxes for bats on land it controlled.

From the outset of the receipt of the complaint into the above matters, which were investigated internally first prior to being considered by the Ombudsman, officers had acknowledged the error in respect of the omission of an ecological offsetting requirement from the legal agreement in this case.

Revised procedural measures were in place to ensure that no such requirements were omitted again in error moving forward.

Officers responded in detail to the Ombudsman during the course of the investigation and commented at length on the issues that had been raised.

Prior to the publication of the outcome of the investigation, the Ombudsman's findings and recommendations were accepted and were progressed with the intention that they would all be completed and reported to the Ombudsman within three months of the decision on the complaint.

In that respect, Members were requested to note that the headline matters identified in bullet point iii. of the list of recommendations were never in dispute, and that the learning points identified by the Ombudsman in this case were matters of interpretation and detail rather than principle.

With regard to the undertaking of the ecological survey work which formed one of the Ombudsman's main criticisms of the Council, Members were also requested to note that in this particular case, officers made a judgement as to the appropriateness of the timing of that work with which the Ombudsman had disagreed.

The drafting of the committee report and the manner in which the application was presented to Planning Committee were, of course, undertaken with the intention of ensuring that the Committee had all of the information that they needed to make a decision in respect of which the Ombudsman had made recommendations.

However, it was essential that in striving to continually improve and fine tune its procedures, the Council was open to criticism and feedback in cases such as this and in that respect, the Ombudsman's findings were welcomed and as indicated above, taken on board and actioned within the timescales indicated.

Finally, the LGO report was shared with the Internal Audit team in order that they could monitor progress in completing the recommendations included therein.

As indicated above, as part of continual service improvement, it was important to reflect on feedback such as this and therefore it would not be appropriate to consider the alternative option of not doing so.

Councillor Cooke proposed the report as laid out, emphasising that lessons had been learnt from this experience.

Resolved that

- (1) the report and the recommendations of the LGO report (included at Appendix 1 to the report, be noted; and
- (2) the actions being taken as set out at paragraph 3.4 of the report; be endorsed.

(The Portfolio Holder for this item was Councillor Cooke)

Part 1

(Items upon which a decision by Council was required)

29. Park Exercise Permits

At the beginning of this item, the Leader informed Members that, following advice from officers, this report was, in fact, a Part 1 item, due to the fees and charges proposals in recommendation 2.2.

The Executive considered a report from Cultural Services. In 2018, the Council implemented its first test process for the use of parks, to help monitor the use of parks and open spaces. 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 report sought approval for a formal policy to replace the informal process which was currently in place. By introducing fees and charges within the new policy, the Council would have a more effective monitoring system, as well as being able to generate some limited income.

The policy was recommended because it would encourage more park users to enjoy a healthy, active lifestyle and use the Council's parks and open spaces to do so.

Rangers would check on exercise groups in the parks, and groups would be asked to show their pdf permit on a phone, or a paper permit if a mobile version was not possible. This would be issued by Cultural Services when the organisation applied for a permit with the Council. The Parks Exercise Policy was based on similar policies and charges set by other Councils around the UK, to ensure Warwick District Council was in line with other areas. It allowed the Council to fully monitor the usage of its parks and open spaces, as well as making some income when issuing the permits.

Having this policy would also enable officers to monitor the activities and behaviours of groups using the parks. Any misuse of the parks or the trees, ecology or equipment within them could be more easily connected to a particular group, and the misuse stopped.

The draft policy at Appendix A to the report showed proposed prices to charge the various groups and organisations. It was intended that these charges would apply from the implementation of the policy until the annual Fees and Charges review in January 2021. Prices were set with reference to charges in similar authorities and on the Council's own view of the market for this service. Any annual permit allocated to a group would apply for 12 months from the time of allocation.

An annual review by Cultural Services allowed the Council to update the policy and the charges when necessary. Updates would be based on market conditions and would also consider any feedback from groups using the permits. This annual review would take place as part of the wider review of charges undertaken by the Council each year.

In terms of alternative options, the Council could choose not to propose the Parks Exercise Policy and continue without a formal policy and without charging users. However, the current informal system was not effective and the lack of groups using it did not allow the Council to fully monitor the usage of the parks or generate any income from the current users.

An addendum circulated prior to the meeting advised Members that in consulting on the content of the report, it had become clear that there might be other Parks and Open Spaces that served as unofficial venues for outdoor fitness classes, apart from those listed in the proposed Policy. It was also considered possible, although unlikely, that existing classes might move from those areas covered by the Policy, in order to avoid the requirements of the Policy. It had thus been decided to propose that the Portfolio Holder for Culture and the Head of Cultural Services be delegated the authority to add other areas of the Council's Parks and Open Spaces to the Policy from time to time, if it is considered appropriate to do so.

The addendum advised Members of an additional recommendation 2.4, to read:

2.4 That Members delegate authority to the Head of Cultural Services in consultation with the Portfolio Holder for Culture the decision as to the future inclusion of new areas of the Council's Parks and Open Spaces within the remit of this policy.

Officers also provided reasons for the additional recommendation in the addendum. The Policy was currently proposed to apply to the larger Parks and Open Spaces within the Council's ownership. This was because it was believed that these were the main areas where these activities currently took place. However, if it became clear that other areas within the Council's ownership were being used for activities of the nature covered by the Policy, it might be necessary to include additional areas into the Policy at a later date.

It was also possible, although it was not considered likely, that existing groups might move from the major parks to smaller open spaces in order to deliberately evade the requirements of the Policy.

It was therefore proposed that authority should be delegated to the Portfolio Holder for Culture and the Head of Cultural Services to add additional Parks and Open Spaces to the Policy if required to maintain consistency. This could be done as part of the annual review of the Policy, or at other times if necessary.

Following the meetings of the Scrutiny Committees, a second addendum was circulated prior to the meeting, advising of the following amendments to the recommendations in the report agreed by the Portfolio Holder for Culture and Neighbourhood.

Amended Recommendations

2.2 That the Executive recommends to Council for approval the prices shown in Appendix A to this report for the period of time between the implementation of the policy and 1st January 2021 with a delegation to the Head of Cultural Services, in consultation with the Portfolio Holder for Culture, to apply discount prices as deemed appropriate for the purpose of launching the scheme; and

2.3 That Members instruct officers to review the Park Exercise Policy after the first 6 months of operation and then on an annual basis, with charges being included as part of the annual review of fees and charges.

Additional Recommendation

2.5 That members ask officers to update the relevant pages on the Council website to promote the new policy and to list those organisations who have registered as part of the scheme.

The Overview & Scrutiny Committee noted the recommendations in the report and agreed it would monitor their implementation.

The Head of Cultural Services and Portfolio Holder for Culture agreed to explore if a method to allow new licence holders to upgrade easily from monthly to annual payments would be feasible.

The Overview & Scrutiny Committee agreed to add a review of the permit scheme to its Work Programme after it had been operational for six months.

Councillor Boad, the Liberal Democrat Group Observer, pointed out that for consistency reasons, the word **designated** should be added at Paragraph 6, page 11 – Pricing Policy, to read: "*The following prices are for the use of all **designated** Warwick District Council parks.*"

Councillor Grainger reminded Members of the revised recommendations. In addition, she informed Members that the policy would include Mill Gardens in the list of designated parks, as detailed in Appendix A to the report, and was happy to take on board the addition of the word **designated** as suggested by Councillor Boad. She then proposed the report as laid out, subject to the amendments above and additional recommendations as laid out in the update reports.

Recommended to Council that the prices shown in Appendix A to the report be approved for the period of time between the implementation of the policy and 1st January 2021, with a delegation to the Head of Cultural Services, in consultation with the Portfolio Holder for Culture, to apply discount prices as deemed appropriate for the purpose of launching the scheme.

Resolved that

- (1) the Park Exercise Policy shown as Appendix A to the report, be approved, and officers be instructed to implement the policy as soon as possible;
- (2) officers be instructed to review the Park Exercise Policy after the first six months of operation and then on an annual basis, with charges being included as part of the annual review of fees and charges;
- (3) delegated authority be given to the Head of Cultural Services in consultation with the Portfolio Holder for Culture, for the decision as to the future inclusion of new areas of the Council's Parks and Open Spaces within the remit of this policy; and
- (4) officers update the relevant pages on the Council website to promote the new policy and to list those organisations who have registered as part of the scheme.

(The Portfolio Holder for this item was Councillor Grainger)

Forward Plan Reference 1,145

Part 2

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

30. Quarter 1 Budget Report

The Executive considered a report from Finance providing an update on the current financial position as at 30 June 2020, both for the current year 2020/21 at the end of Quarter 1, and for the medium term through the Financial Strategy. Key variances and changes were highlighted to inform Members, with some recommendations also being put forward for their consideration.

Variations had been identified by the Accountancy Team in conjunction with the relevant budget managers, giving an adverse variance of £1,233,000 as at 30 June, with a forecast adverse variance for 2020/21 of £5,676,000. A summary of this was provided below:

2020-21				
Service	Variation Description	Q1 Variation £'000	Forecast Full Year Variation £'000	Rec / Non-rec
General Fund	Staffing	£271 F	£500 F	Non-rec
Business (Development Services)	Town centre road closures	£16 A	-	Non-rec
	Market and Events Income	£4 A	£6 A	Non-rec
	Event Savings	-	£36 A	Non-rec
Cultural Services	Closure of Concessions	£146 A	£578 A	Non-rec
	Arts staff Furlough	£22 F	£31 F	Non-rec
	Leisure Centre Concession	£233 A	£940 A	Non-rec
	Leisure Centre Expenditure	£111 A	£943 A	Non-rec
Development Services	Building Control Income	£19 A	£334 A	Non-rec
	Planning Fee Income	£95 A	£567 A	Non-rec
Finance	Investment Interest	£50 A	£200 A	Rec
	Court Fee Revenue		£208 A	Non-rec
Neighbourhood Services	Bereavement Activity Increased	£70 F	£100 F	Non-rec
	Car park closures	£692 A	£1,820 A	Non-rec
	Additional waste collection	£190 A	£600 A	Non-rec
Strategic Leadership	Apprenticeship scheme	£13 F	£25 F	Non-rec

	COVID-19 Other Costs	£85 A	£100 A	Non-rec
TOTAL		£1,233 A	£5,676 A	

Vacancies across a number of teams had resulted in staffing costs being underspent by £271,100 during Q1. Key drivers of the underspend included vacancies within Neighbourhood Services for waste management and green space development, Finance for Revenues and customer contact services, Health and Community Protection for a Community Safety Officer and Strategic leadership within ICT. Vacancy durations had increased caused by delays to recruitment as a result of COVID-19 and remote working. It was anticipated that vacancies would continue through the second quarter. Any savings were likely to be offset with the agreement of the latest pay award for staff which was at the time still in negotiation.

In terms of Business, Leamington and Warwick High Streets had been closed to traffic as part of town centre social distancing measures. Traffic Stewards had been appointed to manage the closures. These additional costs (£16,300 to date) would be reimbursed by Warwickshire County Council in due course.

Income from events and room bookings at sites including the Royal Spa Centre, Royal pump Rooms and Town Hall were significantly down due to cancelled events as a result of the national lockdown. These sites had been closed for the duration of Q1. The income lost had been offset by a reduction in expenditure costs, such as bar supplies and Art booking Fees. However, the decision to continue to pay all substantive staff 100% pay had resulted in £250k of staffing costs on services which were not at the time operational, leading to a net adverse position of £146,100. While the Council had supported casual staff as part of this, the decision was made to furlough them from May, resulting in WDC receiving Grant payments for Q1 totalling £22,100. Furlough grants would continue to be claimed (estimated £60k in total) to cover most of these costs while awaiting further guidance and decisions on the reopening of sites.

A support package had been agreed to support the Leisure Centre concession provider. Payments had been made for each of the months in Q1 totalling £111,000, to cover costs not covered by other Government schemes, such as staff pay through furlough. This support package would continue throughout 2020/21, and would be received by Everyone Active in conjunction to them not paying Warwick District Council any concession this financial year. More details on the agreed arrangements could be found in section 3.9 of the report.

Building Control income was adversely impacted by COVID-19 during April. While this had shown signs of recovery in subsequent months, it was anticipated there would be a reduction of income in the region of 40% over the financial year.

There had been increased Bereavement activity, with levels of burials and cremations being driven by COVID-19 related deaths, giving rise to some additional income. It was forecast that this would stabilise as COVID-19

deaths reduced across the District, but at a level higher than originally budgeted for.

Car parks had been free to use since the start of lockdown, resulting in £692,200 of forecast lost income during Q1. Car parks were to remain free to use until 1 August, to support the high streets by encouraging people to head back to shops and restaurants. After this date, the previously agreed charges would recommence. However, it was forecast that car park use would be down significantly against budget, with anticipated levels being 50% of usual income.

Waste collections had increased in cost as a result of more people being at home rather than at work, which had generated more waste requiring collection through the waste management contractor, at a level of approximately £15k per week. It was anticipated that this level of service would need to continue beyond the first quarter as more people continue to remain in their homes.

The apprenticeship scheme was at the time, underspending due to a lack of recruitment during the first quarter as a result of COVID-19. It was anticipated that this was likely to continue until September when a number of apprentice schemes commenced.

A number of other COVID-19 specific costs had been incurred during the first quarter of the year, including the purchase of specific Hardship Fund and Business Rates software, the distribution of a Council newsletter to all households in the District, and the costs incurred with establishing and running the Shielding Hub. As the focus turned to recovery, it was likely more costs would be outlined in future reports.

Variations had been identified by the Accountancy Team in conjunction with the relevant budget managers, giving a favourable variance of £883,000 as at 30 June, with a forecast favourable variance for 2020/21 of £381,000. A summary of this was provided below:

2020/21				
Service	Variation Description	Q1 Variation £'000	Forecast Full Year Variation £ '000	Rec / Non-rec
HRA	Staffing	£228 F	£400 F	Non-rec
	Council Tax vacant properties	£19 A	£19 A	Non-rec
	Housing Repairs	£674 F	-	Non-rec
TOTAL		£883 F	£381 F	

There were a significant number of vacancies across the HRA, within Estates supervisors, Housing Strategy and Development, Tenancy Management, William Wallsgrove House and Lifeline services. Some of these vacancies had remained vacant following the recent Housing restructure, with COVID-19 presenting further recruitment challenges.

There had been an increase in void properties during the first quarter, as Housing Services were not able to re-let properties during the lockdown period, because work could not be guaranteed to ensure properties were up to the necessary standard, or to ensure the properties were clean. When a property became void, the HRA had to bear the cost of the Council tax, until a new tenant commenced occupancy. This was resolved as lockdown restrictions eased, and so there was not forecast a rise in vacant properties as the year progressed.

Housing repairs, both major and responsive, had suffered from delays due to COVID-19, presenting issues with contractors being available to work, and with getting the necessary access to properties. It was anticipated that there would be a catch up on these works later in the year.

As it was early in the financial year, and owing to the fact that many external factors, predominately related to COVID-19, were continually evolving, it was possible that the forecast outturn position could change substantially. Work was on-going by officers to assess to what extent this net forecast deficit position could be accommodated within the overall budget.

The proposed funding of these pressures was discussed as part of the Medium Term Financial Strategy in Section 3.5 of the report.

It was noted from the above that many of the significant additional costs falling on the Council and reduced income were as a result of the current pandemic.

In response to much lobbying by local government, the Government had announced some packages of support to local authorities. The Council had received the following grants which were non-ring-fenced:

	Total Local Authority support	Warwick District Council support
	£	£
Tranche 1	1,600,000,000	60,705
Tranche 2	1,600,000,000	1,423,355
Tranche 3	500,000,000	199,729
Total	3,700,000,000	1,683,789

These grants were allocated to go towards the overall revenue deficit projected for the year.

It could be seen from the significant variances detailed in paragraph 3.1.1 in the report, that the most significant drivers of the Council's shortfall in the current year were income reductions, mainly from fees and charges. This was in common with most District Councils.

The Government had recently announced an income loss scheme. From the initial details:

- the local authority would absorb the first 5% of the loss;
- the Government would fund 75% of the loss thereafter;
- the losses were in respect of sales, fees and charges that were not recoverable;
- rents, commercial income and interest receipts were excluded; and
- it was understood that the concession that the Council was due to receive from Everyone Active (c£940k in 2020/21) was eligible as a loss of income.

It was expected that claims for the support would need to be made retrospectively, based on the actual losses against the Council's budgeted income for the year; further details were at the time awaited.

Within the Medium Term Financial Strategy, estimated income in respect of this scheme of £3.1m had been included for 2020/21. Until the definitive details of the scheme were made available alongside the Council losses, the actual amount that could be claimed would remain uncertain.

All the funding packages announced were in respect of the current year. Whilst local authorities would undoubtedly continue to incur additional costs and reduced income as a consequence of the pandemic, the Government had not intimated that any further funding would be available.

With regards to Commonwealth Game Funding, in July 2019 the Executive agreed a funding package to support a bid for funding from Coventry and Warwickshire Local Economic Partnership (CWLEP). That bid was successful, with the Council being awarded £1,798,255 to be spent by 31 March 2021.

Following the sign-off of the original bid, it became apparent that not all schemes within the overall bid were deliverable within the CWLEP timescales. The CWLEP project cost plan was included as Appendix A to the report.

More recently, in April 2020, as a consequence of the pandemic and concerns about its impact on project deliverability, CWLEP requested that Warwick District Council would review and amend its bid again, to ensure that any projects that would be majority grant-funded could, despite COVID-19, be completed by March 2021.

Following a review of the original bid, the following projects were removed from the delivery plan due to the high-risk of being unable to achieve completion of these projects by March 2021:

- Bike Hub Facilities;
- Electric bus services; and
- Access bridge across River Leam.

The removal of these projects from the delivery plan reduced grant-funded capital costs amount by £971,975 and overall project costs (excluding professional fees and contingencies) to £4,194,152.

Given the reduced claim for grant-funding, a proportionate reduction in the match-funding contribution towards the projects was considered appropriate when resubmitting the bid. Consequently, the project programme was further reviewed and the following projects were considered appropriate to remove from the CWLEP delivery agreement:

- Lighting in Victoria Park;
- Commonwealth Park proposals for development; and
- Branded car parking and signage for Leamington Town Centre.

The removal of these projects from the programme reduced the total capital project costs to £3,137,478 and total project costs allowing for fees and contingency to £3,733,219 (48% of which was to grant funded through CWLEP and 52% of which was match-funding from Warwick District Council and other partners). The amended bid was submitted in April 2020 and agreed by CWLEP in May 2020.

As a result of the successful bid, the Council needed to provide match funding of £1,934,964. Most of this funding would come from pre-agreed budgets. It was proposed that the following sources of match funding were agreed:

	£
WCC Contribution	60,000
PPM budget 2020/21	392,410
Capitalisation of WDC Project Support	350,000
WDC Grant - paid to Sustrans	50,000
Royal Priors - wayfinding (2018) as match	2,000
B'ham 2022	15,000
Community Project Reserve	280,000
Car Park Displacement Reserve	484,824

Commonwealth Games (Bowls) reserve	47,911
CIL - "wayfinding in Leamington"	32,000
Pavilion café (completed)	20,000
Service Transformation Reserve	200,820
Total	1,934,964

Specific points relating to changes in funding were detailed below:

- The Pre-Planned Maintenance (PPM) funding was allowed for within the PPM Programme agreed in February;
- The Community Projects Reserve funding was agreed by Executive in July 2019, as part of agreeing the CWLEP bid, as funding the installation of charging infrastructure for an electric bus scheme. This scheme was not now progressing due to the project being undeliverable before the end of March 2021 – the deadline for defrayment of grant funding from CWLEP. The funding was still required as part of the match funding;
- Within the Bid the Car Park Displacement Reserve was to fund £225,800 Blue badge holder car parking in Victoria Park and improve parking in Archery Road and Princes Drive. The sum requested to be used from the Car Park Displacement Reserve was £484,824. This represented the unallocated balance on that reserve on the basis that the other projected originally intended to be funded to support the proposed temporary closure of Covent Garden Car Park were not required; and
- For the Council to come up with the overall match funding, a further £200,820 was required. This was proposed to come from the Service Transformation Reserve. The balance and use of this reserve was discussed in more detail within paragraph 3.4.3 of the report.

With the intention for the LEP funding to be all spent by 31 March 2021, the LEP funding projects had to take priority. It was, therefore, intended that the Council funding was primarily used for the projects in 2021/22. It was therefore, necessary for some expenditure on schemes and funding thereof, to be pre-profiled within years within the Council's Budgets.

Appendix B to the report set out the unallocated balances on the General Fund Reserves. Each of these reserves had been allocated for specific purposes.

The Business Rate Retention Volatility Reserve was one of the Council's most significant reserves. Much of this reserve had been agreed to support the General Fund in forth-coming years, pending the Council securing revenue budget savings. With changes planned to the Business Rate Retention Scheme, and the difficulties many businesses could have in forthcoming years, it was not considered prudent to allocate further sums from this reserve.

Within the February 2020 Budget report, the Service Transformation Reserve was shown as having an unallocated balance of £916k. This was on the basis of the Council Tax Referendum taking place and having a successful outcome. With the Referendum not taking place, it had meant the Council had not incurred the cost of the ballot (estimated £300k), but had to fund the cost of council tax re-billing (estimate £63,000). The latest unallocated balance on the Service Transformation Reserve was shown below:

Service Transformation Reserve	£000
Balance Executive February 2020	916
Net previous allocations returned	101
Less Allocation agreed in main Budget Report	-707
Add allocation in alternate Budget Report	189
Add Referendum funding not required	300
Reduced cost of re-billing	137
COVID-19 £15k 120 RSA Tokens	-15
Kenilworth Leisure additional funding. July 13 Exec	-391
£48k for HR support June Exec	-48
HS2 Bridge - CE delegated	-60
Racing Club Warwick	-60
CWRT loan - underwriting - July 20 Exec.	-250
Kenilworth Rugby Football Club £3k - June 20 Exec.	-3
NS Project Officers - 3 years at £30.4k	-91
Current Unallocated Balance	18

The Final Accounts 2019/20 report was considered by the Executive in July 2020. This showed a General Fund surplus of £782.4k, with £490.7k agreed to be returned to the Corporate Assets Reserve, leaving an unallocated net surplus of £291.7k. It was proposed that this balance was allocated to the Service Transformation Reserve to meet forth-coming funding requests that were anticipated in future months.

Taking into account the above appropriation, the proposed funding of the Commonwealth Games (£200,820) and other recently approved allocations, the unallocated balance on the Service Transformation Reserve would be £60,000, as set out below:

Service Transformation Reserve	£000
Current Unallocated Balance	18
General Fund Surplus 2019/20	292
New Balance	310
Newbold Comyn Masterplan - CE delegated	-14
Commonwealth Games	-201
Local Government Review	-35
Balance	60

It was noted that some of the reserves were forecast to be over-committed within the following five years, based on expected commitments. If these commitments were to be met, funding would need to be found to be allocated to these reserves. In recent years, some of the Council's allocations of New Homes Bonus had been allocated to specific reserves. The future of New Homes Bonus remained uncertain, with expectations that from the following year, allocations would reduce considerably, or potentially cease altogether. More details were expected as part of the Local Government Settlement in December.

The Covent Garden Multi Storey Car Park Reserve was set up to fund the income losses whilst the car park was redeveloped and the debt charges until the income stream re-commenced. With this project on hold, it was possible for this funding to be used for alternative purposes. This would be considered as part of a future Budget report to Executive.

Within 2020/21, £370k was allocated to the Leisure Options Reserve. This was to fund the cost of the operator and initial debt charges whilst Kenilworth Leisure Centres were re-developed. It was planned for a further £370k to be similarly allocated to this reserve in 2021/22. This project was planned to be paused once it reached RIBA 4, as reported to Executive in July 2020. Consequently, it was possible for the £370k allocated to this reserve to be re-directed to alternative uses. This should be considered as part of a future Budget report to Executive. If this project was eventually funded from capital receipts as reported to Executive, it would still be necessary to find funding to compensate the leisure centre operator during the closures.

In addition to the various reserves, the Council also held a Contingency Budget for unplanned items of expenditure. At the start of the year, £200k was allocated here. To date, the unallocated balance was £192.5k. As discussed in paragraph 3.8.2 of the report, £30k was proposed to be allocated for a comprehensive analysis of Stratford Road depot options and infrastructure requirements, and £26.5k for Lone Workings. This would reduce the balance on the Contingency to £136k.

The Medium Term Financial Strategy (MTFN) was last formally reported to members in February as part of the 2020/21 Budget setting. At that stage to profile of revenue savings to be found was as follows:

	2020/21	2021/22	2022/23	2023/24	2024/25
	£'000	£'000	£'000	£'000	£'000
Deficit-Savings Req(+)/Surplus(-) future years	0	0	522	1,868	1,762
Change on previous year		0	522	1,346	-106

This profile of savings reflected net £6.245m contribution from the Business Rate Retention Volatility Reserve to support the General Fund over the period 2020/21 to 2024/25.

In addition to the Quarter 1 variations, and their full year forecasts presented in section 3.1 of the report, there had been further changes to the Strategy.

While negotiations were ongoing with the contractor regarding an extension for 2021/22, it had become clear the additional budget requirements identified in the February MTFS would not be sufficient. Therefore, an additional £1.863m had been allocated on a recurrent basis, and one-off costs in the current year of £528k. The waste contract was discussed in further detail in section 3.6 of the report.

Whilst the procurement of these contracts was still taking place, figures received suggested it was possible to reduce the budget for these works by £127k; this had been included as a recurrent saving from 2021/22 within the MTFS. There was the potential for greater savings. Members would be informed of the outcome of the tender process in due course.

Car parking income had been reduced for future years by £750k p.a. to reflect the reduced demand for parking in the district expected as a consequence to the COVID-19 crisis, as people were expected to change their travel and working arrangements in future years.

Following the two changes introduced in March, interest rates were reduced from 0.75% to 0.1%. This had impacted the expected yield from the Council's financial investments during the year. Reserve balances were invested in money market and equity funds to maximise their return while they were not being utilised. It was anticipated that this would reduce income by £200k recurrently from 2020/21.

Budgeted Council Tax income for 2020/21 was £107.7m, with the majority of this due to WCC, and the District Council's element being £9.6m. The Council tax expected to be collected in the current year was impacted in several ways as a result of the pandemic:

- Council Tax Support - The level of Council Tax Support was estimated to be around £7m for the year within the tax base calculations. With increased claimants, this had increased to £8m. This figure was expected to increase further in forthcoming months as unemployment increased as a result of the ending of the furlough scheme;
- Growth in new properties - With house moves having been put on hold for some of the year and due to broader economic impacts of the pandemic, the number of new properties had not increased in the year to date as originally estimated, and was unlikely to increase at the expected rate for the rest of this year; and
- Non-payment - Many council tax payers had opted to shift their instalments from April - January to June - March. At the time of the report, there had not been evidence of significant non-payment, although this remained a possibility.

Taking into account all these factors, it was estimated that there may be a deficit in Council Tax for the current year of approximately £2.4m. This would be shared between the County Council, the Police and Crime Commissioner and the District Council. This Council's share was estimated at £300k. Normally, this balance would need to be recovered in the subsequent year. However, due to the magnitude of the balances expected by local authorities, the Government had announced that these balances could be spread over three years. This had been reflected within the MTFS, with £100k being charged to each year 2021/22 to 2023/24.

With the increase in Council Tax support and delays to new properties, the council tax base was significantly below the estimated figure for the year of 55,851 by over 1,000. This would impact on the tax base for 2021/22 and future years. Previously within the MTFS, the tax base had been forecast to increase by 2% each year. This had been re-based further downwards to reflect the current position. Consequently, the forecast tax base for 2021/22 was below that for 2020/21. This meant that the Council Tax income due to the District Council, based on forecast Council Tax levels would be approximately £200k less than previously estimated for 2021/22, and increasing thereafter. This reduction was carried through each year of the MTFS. The tax base for 2021/22 was due to be formally agreed in the Autumn of 2020.

Taking into account the above two paragraphs, there was a net cost to the MTFS of £650k in 2021/22 to 2023/24, and £550k per annum thereafter.

The MTFS still relied upon £6.245m support from the Business Rate Volatility Reserve, as referred to in paragraph 3.5.2 of the report. However, in view of the increased financial pressures being incurred by the Council in 2020/21 and 2021/22, it had been necessary to bring forward the use of this reserve. Whilst the Business Rate Retention Volatility Reserve had previously allowed the Council to have some time to get savings initiatives in place, this was no longer the case. It was by the use of this reserve that the Council was able to maintain its going concern status. Without this, the Council may have been in the position of having to consider S114 notices, as some authorities

had encountered in recent months, as a consequence of the financial impact of the pandemic. The use of this reserve was enabling the Council to show a balanced budget for the current year, taking into account all the changes discussed within sections 3.1 and 3.5 of the report.

Taking into account the above changes, the savings to be found within the Medium Term Financial Strategy were as follows:

	2020 /21	2021/ 22	2022/ 23	2023/ 24	2024/ 25	2025 /26
	£'000	£'000	£'000	£'000	£'000	£'000
Deficit-Savings Req(+)/Surplus (-) future years	0	3,190	6,139	5,701	5,355	5,306
Change on previous year		3,190	2,949	-438	-346	-49

It was noted that 2020/21 presented a balanced position. This took into account of all the budget pressures detailed in section 3.1 of the report, the Covid funding from the Government, the one-off costs of the waste contract and the additional payments to Everyone Active. With the re-profiling of the use of the Business Rate Retention Volatility Reserve to support 2020/21, it had been possible to accommodate these significant budget pressures so as to give the neutral position shown in the table for this year. For 2021/22, without the use of the Business Rate Retention Volatility Reserve, the deficit for that year would have been far greater.

The figures in the above table were the estimated level of savings that the Council needed to find out of its General Fund revenue account. The gross expenditure on the General Fund, excluding recharges, benefits and capital charges, over which the Council had control, was estimated at £35m. It was noted that £3.2m savings needed to be secured to enable the Council to be able to set a balanced budget for 2021/22.

Appendix C to the report detailed proposed projects and savings which would assist the Council to reduce the above deficit. It was noted that the savings in Appendix C to the report, if they all materialised at the levels quoted, would not be sufficient to remove the forecast deficit. Further projects and initiatives needed to be agreed in forthcoming months to seek to enable the budgeted deficit to be eradicated. Members were asked to agree these proposals within Appendix C to the report, for officers to progress as soon as possible. It was noted that some savings related to the Council working with Stratford on Avon District Council. Work was already on-going in terms of sharing some heads of service. Green waste charges had been included on the basis that if the Council jointly re-procured for the waste service with Stratford, it would be necessary for the service provisions to be closer aligned.

With such a significant saving to be found for 2021/22, and increasing thereafter, it would be wrong for the Council to commit future resources to any project that had limited prospect of payback, or with the potential to be a further draw on the Council's finances. The reserves referred to in paragraphs 3.4.6 and 3.4.7 of the report, were held back to support the General Fund in the 2021/22 Budget, if necessary.

With effect from the 31st March 2021, the Council's contracts for its major public realm contracts were due to end. These contracts covered many of the services that were most visible to the District's residents and therefore preparation for the Official Journal of the European Union (OJEU) compliant tender processes commenced over 18 months ago. The tenders were broken down into three lots:

- Waste collection (lot 1);
- Street cleansing (lot 2); and
- Grounds Maintenance (lot 3).

The process for lots 2 and 3 had gone relatively smoothly and the remaining timeline for the process saw final tender submissions by 31 August and tender evaluation completed and contract awarded by 30 September. Based on the information received from bidders thus far, it was anticipated that the bids would be within budget and that no further Executive approvals were required.

With regard to lot 1 for the reasons described in the confidential note (Minute Number 34), officers had worked closely with a Leader established Councillor Working Party (Councillors Grainger, Hales and Matecki) to determine the next steps. Concluding that it was untenable to continue the lot 1 procurement process, officers were asked to request a contract extension of 18 months (with the option of a further year) from the current service provider Suez.

Prior to Councillors making this decision, the erstwhile Head of Neighbourhood Services had requested a contract extension quote from Suez as a contingency, should the procurement process be hampered by the pandemic. Suez had provided a quote of £5,290,610 which was £1,768,407 greater than in the Council's indicative budget for 2021/22. Whilst this amount would bring significant challenges to the Council's finances for the period of the extension, it was felt that it would be sensible to recommence the procurement process afresh and revisit the parameters upon which the process was launched to determine whether a less expensive long-term contract could be achieved. Councillors were keen to use the contract extension period to explore options around co-mingling, Materials Recovery Facilities (MRFs) options, a joint contract with Stratford and service redesign. Officers had already commenced this work.

Discussions had concluded with Suez and the cost of a contract extension would be £5.823m. There was no alternative other than to accept this offer as the procurement process for lot 1 had ended, and there would be no time to commence and conclude a new process in time for the new contract period

from April 2021. Councils were able to deliver waste collection services themselves but with no relevant in-house experience and the limited time left before the current contract ends, it was just not feasible to have a service up-and-running. Under the new contract the Council would retain the income from the sale of recyclables, estimated at £315k per annum, making the net cost to the Council of £5.507m. However, this figure would vary as the values of the recyclables could be highly volatile.

Under the contract, the Council would need to agree to £328k works to Stratford Road depot and other one-off costs of £200k.

Within the tender documents for lots 2 and 3, there was a request for bidders to provide costs for delivery of services with electric vehicles up to 3.5 tonnes in weight. To enable an objective tender evaluation to take place, bidders had been asked to provide a pricing schedule A, where there was no requirement for electric vehicles and schedule B, where electric vehicles were included. Following discussions with the bidders, the following issues were identified which had since been discussed with the Working Party:

- 3.5t vehicles were available but bidders were not confident in their reliability and performance;
- concerns about contractual and reputational risk if the Council specified 3.5t electric vehicles from contract start; and
- capacity of electrical supply to Council's depot was unknown and bidders might struggle to put together a comprehensive proposal in time for tender submission.

Bidders requested a phased approach to introduction of electric vehicles and the Working Party therefore concluded that there should be two costed bids:

- Schedule A - standard fleet; and
- Schedule B - electric fleet up to and including 3.5t vehicles. Schedule B would allow a phased approach with introduction of electric vehicles from 1 April 2024.

The final bids were not available before 31 August. Having considered the detail of those bids, it may be the case that if the Council was to finance the purchase of vehicles above 3.5t, there could be a cost saving. Should the Council go down this route, then there would need to be capital financing. As the extent of that potential financing was not known at this point, it was recommended that authority was delegated to the Head of Finance, in consultation with the Portfolio Holder for Finance, to determine whether it was appropriate and if so, to amend the capital programme accordingly with the Executive updated in a subsequent report.

Within Warwick District Council's Local Plan 2011-2029, there was a land allocation off Stratford Road, Warwick, for employment use. The land was owned in various parcels by this Council, Severn Trent and a private individual. The parties had been discussing over a period of time how to bring the land forward for development. Among other issues was the fact

that part of the land housed a depot for the Council's waste and ground maintenance contractors. Despite best efforts by bidders and officers to find an alternative site from which the contractors could operate, this did not prove possible. It had therefore been necessary to give a commitment to the bidders that Stratford Road would be available as a depot for the life of the new contract.

The location of the depot was at the entrance to the site, which in land value terms was the most attractive. Officers were therefore working with Severn Trent to appraise various options for relocating the depot on the site. This work would feed into the overall master planning of the site and given the Council's climate change commitment and desire to see the contractors using electric vehicles where possible, the planning work would have needed to consider the electric infrastructure requirements. To undertake this master planning work and potential negotiations, it was estimated that a budget of £30,000 was required, which was proposed to be funded from the Contingency Budget.

Members noted from the information contained in Appendix D to the report that since the Government imposed its lockdown measures in response to the pandemic, the Council's leisure operator had been unable to generate any income as service delivery had to cease. As soon as the measures came into force, officers started discussions with Everyone Active, to consider what steps could be taken to ensure that when the lockdown was either relaxed or removed, Everyone Active was in a position to recommence the delivery of the service. Initially, Group Leaders agreed that payments of £37,000 per month should be made to ensure that the buildings did not need to be mothballed and that when the measures were relaxed, the leisure centres could reopen as soon as possible.

The Government announced in the week commencing 13 July that it would allow gym and fitness classes, swimming and other indoor leisure activities to recommence from 25 July. Due to the initial financial support that the Council had provided, Everyone Active had been able to thoroughly prepare for the reopening of the leisure centres within a "covid-safe" environment with effect from 25th July in respect of gyms and sports halls and from 1 August for indoor swimming pools. To reopen the buildings, Everyone Active required a further subsidy of £245,465 for the period 1 July to 31 August which was agreed with Group Leaders under the Chief Executive's emergency powers.

During the lockdown period, not only had officers been working with Everyone Active on the practicalities of reopening the leisure centre, but also on the financial business plan, which would be needed to support the recommencement of the service. A cross-Council project team, led by the Deputy Chief Executive Andrew Jones, was established to oversee the negotiations, whose work ultimately led to a draft variation of the underlying contract between this Council and EA. The variation was commercially sensitive but could be found at Appendix E to the report.

During the course of the negotiations, officers discussed the situation with Executive Members to get a steer on what outcomes the Council was looking

for. It was clear that having just invested approximately £16m in new facilities at Newbold Comyn and St Nicholas Park, Members wanted to reopen the facilities right across the District as soon as possible, but also wanted to do this in a way that limited the cost to the taxpayer as much as possible.

Therefore, the following principles of negotiation were summarised by the Council Leader:

- That the Council recognised that EA and WDC had shared values, with both valuing the public service ethos each brought to their service delivery, and that this underlying ethos should govern how negotiations were conducted;
- That the Council recognised that the situation was fast changing and that if the relationship was to endure, then there needed to be complete transparency from each party;
- That the Council recognised that it was not impossible that Everyone Active could go insolvent and therefore there had to be due diligence of its financial status, with officers drawing-up a framework for Plan B, should Everyone Active cease trading;
- That the Council recognised that to support Everyone Active, it would require a significant financial subsidy and so financial monitoring of the contract had to be on an open book basis and that subsidy had to not include any element of profit;
- That the Council would require weekly performance management information to be provided by EA;
- That whilst negotiations were ongoing, officers had to continue to talk with other Councils to ensure that by-and-large, they were in-step with what the sector was doing and to be alive to any evidence to suggest that Everyone Active might be in financial difficulty that could ultimately threaten the survival of the parent company; and
- That specifically, the Head of Service ensured that she was aware of how negotiations between Everyone Active and Stratford District Council (SDC) were progressing.

In line with these parameters, officers continued their negotiations with Everyone Active, and were able to recommend the business plan at Appendix F to the report. This business plan would require a Council subsidy of up to £1,049,194 for the period 1 April 2020 up to 31 March 2021, although it was important to note that this was a capped figure and should Everyone Active perform better than anticipated, then it would require less subsidy.

Officers had also undertaken the following activities:

- Ensured that the Council's negotiations had been supported by Warwickshire Legal Services;

- Ensured that Everyone Active's financial position was properly understood by reference to a Creditsafe enquiry;
- Drawn-up a framework for Plan B which had been approved by the Council's Leader and Deputy Leader;
- Had put processes in place to monitor EA's financial performance on a monthly basis and activity performance on a weekly basis through an open-book approach;
- Maintained regular liaison with Councils throughout the County and further afield including with Stratford District Council; and
- Continued to lobby the Local Government Association and other bodies for a comprehensive financial rescue package for the leisure industry.

Members were reminded that the Government had produced an income compensation scheme for Councils, which should allow the Council to recover an element of the concession fee it was due from Everyone Active. Whereas the Council was due to receive £940k, the scheme should enable it to recover £669k in 2020/21.

The Medium Term Financial Strategy was based on Everyone Active being able to pay the Council the full concession, as within the original contract. The position here would be kept under review, with there being a risk that this would not be possible.

Following the Government's instruction that the country went into "lockdown", officers considered all the practical and financial support the Council could potentially provide for local residents. Among many initiatives, an Emergency Response Fund was established, following Group Leader approval to support various organisations who were providing financial support to vulnerable residents. The fund was established through the aggregation of budgets from Community Forum Grants (£21k), Sports Grants (£17.3k), Arts Grants (11.7k), Rural / Urban Capital Improvement Scheme (RUCIS) Grants (£169.9k), VE Day 75th Anniversary Grant Fund (£8k). The future of the scheme was at the time being reviewed to consider its effectiveness.

Following a review of the Council's lone working procedures that had taken place, it was identified that the current system was outdated and no longer met the needs of the Council. As a result, research of the available systems on the market, including product trials, had taken place. This allowed the Council to identify a specification which met the needs of the various lone worker employees. Subject to agreement of the budget, purchase of the lone worker system would be subject to a procurement exercise. Accordingly, it was recommended that a £26.5k recurring budget was agreed from 2020/21 to fund this, funded in the current year from the Contingency Budget, and future years to be included within the Medium Term Financial Strategy.

Hill Close Gardens Trust ran a well-regarded facility on a lease from the Council. The Trust had benefitted in previous years from a grant from the Council, but this expired at the end of the previous financial year. The Trust

had sought a renewed grant from the Council of £20,000, especially in the context of the impact on visitor numbers from the COVID-19 emergency. Given the risk that should the Trust fold, then the job and the cost of maintaining the Gardens would fall to the Council, at a cost greater than £20,000 per year, it was suggested that from within the existing St Mary's Lands project budget, £20,000 would be reallocated as a one off grant to the Trust, on condition that before the end of the calendar year, the Trust would submit a robust three-year business plan upon which the Council could then consider any ongoing financial support in the form of a Service Level Agreement.

The development of the Tach Brook Country Park had progressed, working with a consultant to an agreed budget. This work had been varied to accommodate proposed additions to the project and was continuing.

Two elements of the project had altered since the original specification for the project work was agreed:

- the development of a school adjacent to the country park was on-going and a planning application was required to be submitted for the school in spring 2021. In parallel, a planning application for the country park would need to be submitted at the same time as that for the school to ensure that links between the sites were properly considered and approved; and
- at the outset of the project, it was not anticipated that a full planning application would be required for the country park. However, the Planning Authority had now confirmed that a full planning application would be required. The completion of all the necessary supporting information and development of the full planning application was therefore a new and unplanned element to the Tach Brook Country Park project.

Costs had been estimated following soft market research and information from previous similar activity procured by the Council. The final figure would be subject to the completion of a procurement exercise in accordance with the Council's Code of Procurement Practice. The costs were proposed to be funded from S106 receipts, which at the time, totalled in excess of £1.2m. This funding was specifically for the delivery and maintenance of the Country Park and the obligations set out in the Agreement.

No alternative options were presented for consideration. Members might choose to not accept all of the recommendations within the report.

The Finance and Audit Scrutiny Committee noted that whilst the report was a snapshot in time and still a work in progress, there had been a significant impact on the Council's budget, showing a considerable deficit which needed to be addressed. The underlying deficit issue prior to Covid-19 had been exacerbated by the loss of income due to Covid-19. The Committee acknowledged that the Council had a legal requirement to set a balanced budget, which had to take priority. With that in mind, Members felt that there were difficult decisions and choices to be made, for example how to

fulfil the Council's Climate Emergency Action Plan in the changed financial situation it now faced.

The Finance & Audit Scrutiny Committee wished to comment to the Executive about the desirability of including a wider group of Members when it came to reviewing what the Council would do in terms of the proposed savings or alternatives and the impact they may have. The Committee agreed with the Portfolio Holder for Finance and Business that there were some choices to be made by the Council in order for it to be able to set a balanced budget in February 2021. As a result, Members suggested arranging a different meeting involving a larger number of, or all, Councillors where they could consider the savings options and the income generating options, so that the right choices were made for residents, based on cross-party support and collaboration.

An addendum circulated prior to the meeting provided Members with the "to follow" details from paragraph 3.9.6 of the report, to read: *"In line with these parameters, officers have continued their negotiations with EA and are able to recommend the business plan at Appendix F (**now available online**). This business plan will require a Council subsidy of up to **£1,049,194** for the period **1 April 2020** up to 31 March **2021** although it is important to note that this is a capped figure and should EA perform better than anticipated then EA will require less subsidy"*.

Councillor Hales, the Portfolio Holder for Finance, informed Members of an amendment to recommendation 2.4, to read: *"That the Executive notes the impact of both current year and future years ongoing and forecast changes will have upon the Medium term Financial Strategy (MFTS), how these changes are expected to be accommodated, and where further savings / income generation need to be achieved to mitigate the deficit position to enable it to set a balanced budget for 2021/22 **and the 2020/21 Budget is duly updated to reflect the changes in Sections 3.1 and 3.5**"*. He then proposed the report as laid out, subject to the amendment above and the additional information to paragraph 3.9.6, as laid out in the update report.

Resolved that

- (1) the latest current year Financial position for both Quarter 1 (General Fund £1,233,000 Adverse and Housing Revenue Account £833,000 Favourable) at forecast for the year (General Fund £5,676,000 Adverse and Housing Revenue Account £381,000 Favourable), with the key variations that drive these positions, be noted;
- (2) the match funding for the CWLEP Bid as detailed in section 3.3 of the report, be agreed, and budgets be amended and re-profiled between years to ensure the Council's requirements as part of the LEP funding can be fulfilled;

- (3) the unallocated net General Fund surplus of £291,700 be appropriated to the Service Transformation Reserve;
- (4) the impact of both current year and future years ongoing and forecast changes will have upon the Medium term Financial Strategy (MFTS), how these changes are expected to be accommodated, and where further savings / income generation need to be achieved to mitigate the deficit position to enable it to set a balanced budget for 2021/22, be noted;
- (5) progressing the savings proposals, detailed in Appendix C to the report, be agreed;
- (6) entering into a contract extension with Suez for the provision of refuse, green waste and recycling collection services, be agreed, and thereby agreed that the budget shortfall for the service in the current Medium Term Financial Strategy (MTFS) will increase by £1.863m, noting the steps that officers are now taking in preparation for a new tender process, with a further one-off sum required in 2020/21 of £528k;
- (7) noting the timeline for the conclusion of the tender process for the street cleanings (lot 2) and grounds maintenance (lot 3) contracts, authority be delegated to the Head of Finance, in consultation with the Portfolio Holder for Finance, to determine whether it would be more advantageous for the Council to purchase the vehicles necessary to deliver those contracts and that if this is the case, the capital programme be amended accordingly and reported to a subsequent Executive Committee;
- (8) releasing funding of £30,000 from the Contingency budget to enable a comprehensive analysis of Stratford Road depot options and infrastructure requirements to be undertaken, be agreed;
- (9) the request by the Chief Executive, in accordance with his constitutional authority CE (4), and approved by the Group Leaders, as detailed in Appendix D to the report, to provide financial subsidy of £245,465 for the period 1July to 31 August to Sports Leisure Management (trading as Everyone Active and hereafter referred to as EA), be noted, further noting that emergency

payments for the period 1 April to 30 June of £37,000 per month had already been agreed, and agrees that the Council should provide further financial subsidy to EA for the period 1 September to 31 March 2021 in accordance with the principles set out at paragraph 3.9 in the report and so the WDC/EA contract variation at Appendix E to the report, be agreed;

- (10) the funding for this financial support be dealt with as part of the overall funding shortfalls for 2020/21 funded from the Government COVID support and the use of the Business Rate Retention Volatility Reserve;
- (11) in accordance with the Chief Executive's emergency authority CE (4), approval given for the creation of a pandemic Emergency Response Fund financed by budgets appropriated from Community Forum Grants (£21k), Sports Grants (£17.3k), Arts Grants (11.7k), Rural / Urban Capital Improvement Scheme (RUCIS) Grants (£169.9k), VE Day 75th Anniversary Grant Fund (£8k), be noted;
- (12) funding for lone working facilities of £26.5k per annum, with the current year funded from the Contingency Budget and future years included within the Medium Term Financial Strategy, be agreed;
- (13) 20,000 being reallocated from the St Mary's Lands project budget to provide a one off grant to Hill Close Gardens Trust for a year, be agreed, and by Christmas 2020, the Trust be required as a condition of that grant to submit a robust business plan for the financial years 2021/22 to 2023/24 to help the Council consider any further financial support; and
- (14) a sum of £250,000 be allocated from the s106 receipts for Tach Brook Country Park to support the submission of a full planning application for the country park.

(The Portfolio Holder for this item was Councillor Hales)

31. **WDC Post Covid-19 Recovery Strategy – Back to the Future**

The Executive considered a report from the Chief Executive setting out and seeking support for the high level Warwick District Council Post Covid-19 Recovery Strategy for the Council – Back to the Future, based on the three

threads: Organisational Recovery, Economic Recovery and Community Recovery.

The report also focused on the implementation steps for the Organisational Recovery thread around the operations based at Riverside House, and sought approval for funding for those steps.

The report also suggested further reports on the progress of the three threads at regular intervals.

In preparing for the recovery phase of the Covid-19 Emergency, a strategy was prepared, as set out in Appendix 1 to the report, which was based on the three threads of Organisational Recovery, Economic Recovery and Community Recovery. The first of these threads was necessarily internally focussed, while the other two related to the support the Council could give economically and socially to the wider community in the District.

The Strategy reflected the experience as an organisation and as individuals, that the Council was going through. The experience had changed the organisation and as individuals and it meant that there was not a situation that the organisation could return to; they could not unlearn or undo the experience, nor should they try to. Rather, as the Council restored its services, it recognised the learning points, including the many positive lessons, and sought to incorporate them into the future pattern of service delivery and ways of working. This meant that what the Council delivered going forward was and would be different in many ways compared to the pre Covid-19 period.

Throughout the lockdown period, Riverside House, which represented the main work place for WDC staff, had only 20 members of staff working there on a regular basis. On average, another 20 per day had dropped in for specific items. Most Riverside House staff had been able to work at home, albeit some under difficult circumstances.

Officers worked up an implementation plan for Riverside House as part of the Organisational Recovery thread, having been informed by dialogue with the Executive and the Leaders Coordinating Group; it was also based on an assessment of all staff, of their needs, experiences, etc. This plan was attached at Appendix 2 to the report. The key elements of it were:

- i) that given the continued uncertainty over the pattern of infection, to ensure the health and safety of staff, the emphasis was to support staff being able to continue to work at home where and if they could;
- ii) that circa 40 existing staff members overall had been identified who were unable to continue to work at home for a variety of reasons and needed therefore to be able to work at Riverside House (RH);
- iii) that in order to be able to accommodate those members of staff working at RH safely, taking account of social distancing, a radical reorganisation of the layout of office furniture was required, as were measures to further control entry and exit. This would also enable the mothballing of Floor 4 of RH;

- iv) that further minor alterations would be required to enable safe but inevitably limited public access; and
- v) that future provision for some occasional use, staff meetings and so on would be catered for.

There were other locations used by the Council as workplaces and these needed to be assessed in greater detail.

This process had to be communicated in advance to members of staff, and the message and a FAQ was attached at Appendix 3 to the report.

The cost of the capital proposals totalled £286,300, with a revenue proposal of £6,300, and was made up of:

- £237,300 for ICT provisions (mainly laptops) to support people working at home;
- £26,000 for desks and chairs for people working at home;
- £23,000 minor alterations to RH to help make it safe for those people working there;
- £6,300 annually for Remote Desktop Services Licences.

To offset this cost, Floor 4 could be mothballed for a year, which would save the Council approximately £100,000. It was envisaged that the mothballing would commence from 1 October 2020, so saving £50,000 for current financial year which could be used to cover part of the abovementioned costs.

The work to date only took the Council up to a certain point in time and only on certain fronts. Work was being done on the other elements which would need reporting and considering by Members, perhaps involving the new Programme Advisory Boards, before being formally considered by the Scrutiny Committees and the Executive. In particular, there was a stage 3 to the future for Riverside House.

In terms of alternatives, not adopting this strategy would require the Council to recommence work on a new strategy and would require Councillor guidance on what that should be, if the one proposed was not acceptable.

Not adopting or funding the implementation plan would leave the Council unable to do much to help staff in the short term who were not able to continue to work at home and would therefore leave the Council exposed on health and safety matters.

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

An addendum circulated prior to the meeting provided Members with a further update to the total estimated cost of the implementation steps of the

Back to the Future Strategy, which was previously outlined in Section 5 of the original report, as follows:

"The total costs were proposed to be funded as follows:

Funding of Proposals	Service	Contingency	2020/21	Business	Total
	Transformation Reserve	Budget	Business Rates saving on Riverside House	Rate Retention Volatility Reserve	
	£000	£000	£000	£000	£000
Desks /Chairs	26				26
Minor Alterations/equipment	23				23
ICT Provision	31	73	50	83	237
RDS CALs		6			6
Total	80	79	50	83	292
Funding available	80	136	50	-	
Balance carried forward	0	57	0	-	

The use of the Business Rate Retention Volatility Reserve was considered as part of the Q1 Budget report on the Executive agenda for this meeting.

The latest General Fund Capital Programme could be found at Appendix A to the report, with Appendix B to the report outlining the Financing requirements. This included the proposals outlined above.

The addendum also advised of the following change to paragraph 3.7 of the original report, to read:

"The cost of the proposals totals £286,300, with a revenue proposal of £6,300, and are made up of:

- £237,300 for ICT provisions (mainly laptops) to support people working at home;*
- £26,000 for desks and chairs for people working at home;*
- £23,000 minor alterations to RH to help make it safe for those people working there.*
- £6,300 annually for Remote Desktop Services Licences".***

In addition, the addendum advised of an amendment to recommendation 2.3 in the report, to read:

"2.3 The Executive agrees to fund the total estimated cost of the implementation steps of £292,600, to be funded as detailed in Section 3."

Officers also advised of an additional recommendation 2.5 in the addendum, to read:

"2.5 The Executive agrees to the latest version of the General Fund Capital Programme, last agreed by Executive as part of the 2020/21 General Fund Budget and Council Tax Report".

During the meeting, the Chief Executive advised Members that for flexibility purposes, the word **vacating** should replace the word **mothballing** in recommendation 2.2 of the report, to read: *"The Executive agrees to the broad implementation steps set out in Appendix 2 to this report, including **vacating** Floor 4".*

Councillor Day, the Portfolio Holder for Strategic Leadership, supported the amendment. He then proposed the report as laid out, subject to the amendments above, additional recommendation and the additional information as laid out in the update report.

Resolved that

- (1) the Back to the Future Recovery Strategy attached at Appendix 1 to the report, be supported;
- (2) the broad implementation steps set out in Appendix 2 to the report, including vacating Floor 4, be agreed;
- (3) the total estimated cost of the implementation steps of £292,600 to be funded as detailed in Section 5 of the report, be agreed;
- (4) further reports be brought to the Executive on the three threads of the Recovery Strategy; and
- (5) the latest version of the General Fund Capital programme, last agreed by Executive as part of the 2020/21 General Fund Budget and Council Tax Report, be agreed.

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

32. **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.

Minute Nos.	Para Nos.	Reason
33, 34, 35	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

33. **Purchase of a Footbridge in Royal Leamington Spa**

The Executive considered a confidential report from Housing.

The recommendations in the report were approved.

(The Portfolio Holder for this report was Councillor Matecki)

Reference number 1,134.

34. **Confidential Note and Confidential Appendix to Agenda Item 8 - Quarter 1 Budget Report**

The Executive noted a confidential appendix and a confidential note from Finance in relation to Agenda Item 8, Minute Number 30 – Quarter 1 Budget Report.

35. **Minutes**

The confidential minutes of 13 July 2020 were approved and signed by the Chairman as a correct record.

(The meeting ended at 6.53pm)

CHAIRMAN

1 October 2020

Appendix 1 to Minute Number 25

Penalties Process

This process follows the general principles set out in the Council's Enforcement Policy and the Government guidance.

In summary where the Council believes that a property has been let in breach of the Minimum Energy Efficiency Standard Regulations (MEES) it will serve a compliance notice requesting information. If the Council are then satisfied that a breach has occurred, they can serve a notice on the landlord imposing financial penalties. The landlord may ask for the penalty notice to be reviewed. Following the outcome of the review the landlord still has the option to appeal the penalty notice to the First Tier Tribunal.

Compliance Notice

Where the Council believe that a landlord is letting a property in breach of the MEES Regulations or has registered false or misleading information on the Private Rented Sector (PRS) Exemptions Register a compliance notice will be issued.

A compliance notice requests information to help the Council decide whether a breach has occurred. The Council may serve a compliance notice up to 12 months after the suspected breach occurred.

A compliance notice may request information on:

- the Energy Performance Certificate (EPC) that was valid for the time when the property was let
- the tenancy agreement used for letting the property
- information on energy efficiency improvements made
- any Energy Advice Report in relation to the property
- any other relevant document

Penalties

If it is confirmed that a property has been let since April 2020 in breach of the regulations, and the landlord is not working with the Council to comply with the regulations, a penalty notice will be served with the maximum applicable penalty.

The maximum penalty amounts that apply per property and per breach of the regulations are:

- £2,000 for renting out a non-compliant property for less than 3 months
- £4,000 and a publication penalty for renting out a non-compliant property for 3 months or more.
- £1,000 and a publication penalty for providing false or misleading information on the PRS Exemptions Register
- £2,000 and a publication penalty for failure to comply with a compliance notice

In total the maximum amount a landlord can be fined per property is £5,000.

A publication penalty means that the Council will publish some details of the landlord's breach on a publicly accessible part of the PRS Exemptions Register.

Right of Appeal

The landlord can ask for the decision to serve a penalty to be reviewed by writing to Head of Housing Services within 28 days of the penalty notice being served, giving their reasons for the review request.

The Council must withdraw the penalty notice if:

- new evidence shows a breach has not occurred.
- a breach has occurred, but the evidence shows that the landlord took all reasonable steps to avoid the breach.
- It is decided that because of the circumstances of the case, it was not appropriate to issue a penalty.

The Council can also decide to vary the level of penalties following representations from the landlord.

If a local authority decides to uphold the penalty notice, a landlord may appeal to the First-tier Tribunal. The landlord has 28 days to submit an appeal from the date of the local authority's decision.

The First-Tier Tribunal may quash the penalty notice or confirm the penalty notice in its original form. If the penalty notice is quashed, the Local Authority must repay any amount paid by the landlord in carrying out the notice.

If a landlord does not pay a financial penalty imposed on them, the Local Authority may take the landlord to court to recover the money.

Exemptions

If a property meets the criteria below the landlord, or an agent for the landlord, will be able to let it once they have registered an exemption in the Government's PRS Exemptions Register:

- **All relevant improvements have been made exemption (valid for 5 years)**

Where a property is still below an EPC rating of E after improvements have been made up to the cost cap (£3,500 incl VAT) or where no relevant improvements can be made

- **High cost exemption (valid for 5 years)**

Where no improvement can be made because the cost of installing even the cheapest recommended measure would exceed £3,500 (including VAT).

After the exemption expires the landlord must try again to improve the property's rating to meet the minimum level of energy efficiency. If this still cannot be achieved, then a further exemption may be registered.

- **Third-party consent exemption (valid for 5 years)**

Where the relevant improvements for the property need consent from another party, and the landlord can evidence that despite their best efforts consent cannot be obtained, or is given subject to conditions that they could not reasonably comply with.

- **Property devaluation exemption (valid for 5 years)**

Where the landlord can evidence that making energy efficiency improvements to the property would devalue it by more than 5%.

- **Temporary exemption due to recently becoming a landlord (valid for 6 months)**

Where a person recently becomes a landlord, under certain circumstances they will not be expected to take immediate action to improve your property to an EPC rating of E. They may claim a 6 months' exemption from the date that they became the landlord for the property.

Any exemptions which are registered on the Private Rented Sector Exemptions Register may not pass over to a new owner or landlord of a property upon sale, or other transfer. If a property is sold or otherwise transferred with an exemption registered, the exemption will cease to be effective and the new owner will either need to improve the property to the minimum standard at that point, or register an exemption where one applies, if they intend to continue to let the property.



Parks Exercise Permits Usage & Charging Policy for Warwick District Council Parks & Open Spaces



Written by:

Meg Smith, Cultural Services – Warwick District Council

Please contact the Business Support Team on culturebst@warwickdc.gov.uk or 01926 456207 if you wish to discuss the policy any further.

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Introduction

This policy has been introduced in order to ensure that the parks and open spaces within Warwick District are accessible to everyone. Increasingly, businesses are choosing our parks and open spaces to host various activities, which need regulating and should be in some cases chargeable.

In order to ensure everyone gets to enjoy our parks and open spaces it is important that we achieve a balance between the various users.

Over the last few years there has been a change in the usage of some of our parks and open spaces which has seen them used not only for informal recreation such as dog walking and more formal sports such as football, but for a wider range of group fitness activities – Boot Camps, Park Run, Buggy Fit, Circuit Training, Personal Training and Running Groups etc.

1. Aims and Objectives

This Policy aims to ensure the following:

- That our Parks and Open Spaces can be used by a wide range of clubs, organisations and individuals for formal and informal recreation
- To encourage and support activities which align with Warwick District Council's Fit for the Future Strategy

The key objectives of the Policy are:

- To support local community groups and charitable organisations in delivering healthy activities for our residents
- To promote a varied programme of activities and events
- To ensure the health and safety of activities, attendees and the wider public
- To encourage activities which promote local community participation and have strong community benefit
- To continue to maintain the parks and open spaces to a high standard ensuring their long term sustainability

2. Parks and Open Spaces

The following Parks and Open Spaces are covered by this policy:

- Harbury Lane Recreation Ground
- Newbold Comyn
- Castle Farm Recreation Ground

- St Mary's Lands
- St Nicholas Park
- Victoria Park
- Jephson Gardens
- Mill Gardens
- Pump Room Gardens
- Abbey Fields
- Priory Park

3. Organisations and Individuals covered by this Policy

Organisations that utilise the areas in section 3 to conduct their business activities will be subject to paying a hirers fee, these organisations include:

- A Company Limited by Guarantee
- Sole Traders
- Self Employed coaches/trainers
- Any individual or company seeking to make commercial gain from the use of the above open spaces

4. Exemptions

If you or your organisation meets one of the following criteria, then it will be exempt from charges and issued with a permit stating that the organisation is exempt:

- A Registered Charity
- A fully constituted Not for Profit Organisation where any surplus is reinvested directly into the organisation
- School/Educational Establishment

The above list is not exhaustive and the Council will consider each request for use of the parks on its merits and reserves the right to waive charges for certain events that address key Council priorities.

5. Pricing Policy

The following prices are for the use of all Warwick District Council parks. Annual permits are available and should be paid as one payment at the beginning of the permit year. Monthly permits can be paid by direct debit.

This policy does not limit the amount of sessions per week.

1-3 Sessions Per Week	Monthly	Annual
Groups up to 5	£30.00	£310.00
Groups of 6 or more	£75.00	£760.00
4 or More Sessions Per Week	Monthly	Annual
Groups up to 5	£50.00	£510.00
Groups of 6 or more	£125.00	£1260.00

**Numbers in table exclude the trainer themselves any staff member of the organisation. Warwick District Council has established that these charges are exempt from VAT.*

The Council reserves the right to undertake head counts at activities without prior notice. If circumstances change and the initial permit is deemed incorrect by either party, then this can be amended through discussion with Warwick District Council. One calendar months' notice will be required for permit changes.

The booking entitles an organisation to non-exclusive use of parks and open spaces and does not include access to buildings.

Before being issued with a permit the individual or organisation will need to provide a risk assessment for the activity taking place and a copy of their £5m public liability insurance, although Warwick District Council reserves the right to request a higher level of cover. Once a booking has been confirmed the organisation will be issued with a confirmation email and an attached pdf permit, this must be available for inspection by Council staff when the activity is taking place. In situations where an email is not possible a permit card will be issued to the organisation.

6. Activities in Parks and Open Spaces

Warwick District Council wishes to encourage a wide range of uses and activities within our parks.

However, we reserve the right to reject any applications on the grounds of the activity being damaging to the parks directly or the environment, mis-use of equipment, spoiling the enjoyment for other park users or in direct conflict with other businesses.

All organisations using the parks and open spaces will be subject to the usual booking terms and conditions.

Note: Sports clubs such as football and cricket clubs hiring the pitches and pavilions, do not form part of this policy as they are required to book the facilities to guarantee the pitches and changing facilities along with appropriate equipment.

Please contact the Business Support Team on culturebst@warwickdc.gov.uk or 01926 456207 if you have any queries regarding the policy

Implementation Date – This policy will be implemented on 1st October 2020.

Review Date (Annually) – This policy will be reviewed as part of the Council's annual Fees and Charges review