

# Cabinet

Minutes of the meeting held on Wednesday 20 September 2023 in the Town Hall, Royal Leamington Spa at 6.00pm.

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

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

## 28. **Apologies for Absence**

Apologies were received from Councillor Roberts.

## 29. **Declarations of Interest**

There were no declarations of interest.

## 30. **Minutes**

The minutes of the meeting held on 9 August 2023 were taken as read and signed by the Chairman as a correct record.

### **Part 1**

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

## 31. **Policy & Budgetary Framework Procedure Rules**

The Cabinet considered a report from Governance Services which brought forward a proposal to amend the Budget & Policy Framework Procedure Rules to enable changes to these to be made in a timely fashion.

In reviewing the Constitution for the delivery of the new Corporate Strategy, it was identified that significant time was provided from initial proposals to the final document being adopted by Council.

This was not in-line with the desire of the Council to deliver a new Corporate Strategy for the Council to enable the Council to identify and start delivering on its corporate priorities as soon as possible after the election.

Officers were asked to look at the CIPFA nearest neighbours Policy & Budgetary Frameworks for comparison to Warwick District Council. The CIPFA nearest neighbours to Warwick District Council were Rugby, Cheltenham (no less than four weeks), North Hertfordshire District Council, Mid Sussex District Council (six weeks), Test Valley, Maidstone, Charnwood, Chelmsford, Winchester, Huntingdonshire, East Hertfordshire, Tunbridge Wells, Basingstoke and Dene and the former authority of Harrogate. In addition, officers also looked at Stratford-on-Avon District Council's Constitution.

It became clear from this review that most Councils had a time frame defined by the Cabinet (along with draft principles of any Policy with the Policy Framework to be adopted) at the relevant time. The remaining few had a time scale no greater than two months.

With this in mind, and the desire from Council to bring forward a new Corporate Strategy at the earliest opportunity, it was considered reasonable to seek an exemption to the adopted procedure rules, as set out at Appendix 1 to the report, with a wider review of these rules being undertaken as part of the review of the Constitution.

The finalised 2023 to 2030 Corporate Strategy would set out the Council's corporate aims and ambitions for the next seven years, in the same way the current business strategy did. It would underpin every project and initiative developed and implemented by the Council's Service Areas that set out how to deliver services over the next seven years.

The draft strategic goals were currently subject to consultation with, the consultees listed at Appendix 2 to the report. The timetable for the delivery of the new Corporate Strategy was proposed in the table at 1.8 in the report.

The intention was for the final version of the new Strategy to be considered by Cabinet on 2 November for them to make a recommendation to Council on 15 November.

In terms of alternative options, the Cabinet could consider not applying for the exemption to the Policy & Budgetary Framework Procedure Rules but this would have delayed the delivery of the new Corporate strategy. This though, could have allowed for further and wider community engagement in the proposed strategy. That said, the Corporate Strategy was an expression of the priorities of a new administration which had only recently been elected via significant amount of community participation.

The Cabinet could seek to amend the Policy & Budgetary Framework Procedure Rules at this time, however as reported to Cabinet in July 2023 there would be a review of the Constitution being undertaken and it was advised the Procedure Rules were reviewed as part of this.

The Overview & Scrutiny Committee held a good discussion on a draft Corporate Strategy for this Council.

The Committee considered that the Corporate Strategy report (in its draft stage) was difficult to scrutinise as a "Strategy" document because the document did not have either the structure or framework to understand the direction the Council wished to take, and whether the areas of focus listed in the report would help to achieve that. It made the following points that it wished Cabinet to bring more detail to in the Corporate Strategy:

1. The Committee encouraged Cabinet to "be brave" in setting out what it wished to achieve, particularly around climate ambitions.

2. There was a need for “smart objectives” showing what the Council intended to do, building on what it had already achieved in respect to its aims and there should be an indication of a timeframe.
3. The strategy should focus more on people and the different segments of people living or coming into the District such as new communities, visitors to the District, people who work here. It should seek to be “People first”.
4. A more holistic view on finances should be taken, not just the profit and loss but also the balance sheet.

The Committee suggested that how the Council intended to support new communities, local enterprise and town centre regeneration should be added to the Strategy.

Parish Councils should be added to the list of consultees.

In response to the comments from the Overview & Scrutiny Committee regarding the strategy focusing more on people, Councillor Davison stated that this was a point well made; if the vision was to stay the same as it currently was, that Warwick District be a great place to live – ie residents, work – including people who might commute, and visit, these were distinct groups of people which perhaps had not been considered enough. It was important that when the strategy was next looked at this would need to be thought about.

Councillor Davison also clarified that the Head of Governance & Monitoring Officer would email Parish/Town Councils directly as opposed to via the Warwickshire Association of Local Councils (WALC), and that Warwickshire Wildlife Trust would also be included as part of the Consultees. He then proposed the report as laid out.

**Recommended** to Council that decisions outside of the Policy & Budgetary Framework Procedure Rules can be taken: to not provide 5 months notification of the initial proposals and timeline for adoption of the new Corporate Strategy; and the timeline as set out at Paragraph 1.8 of the report, be approved.

**Resolved** that

- (1) the Consultation work underway on the draft strategic goals as set out at Appendix 2 to the report, with the partners listed at Appendix 3 to the report, be noted; and
- (2) officers’ work in comparing the Warwick District Council Policy & Budgetary Framework with its CIPFA nearest neighbours and asks officers to be mindful of this when reviewing the Constitution, be noted.

(The Portfolio Holder for this item was Councillor Davison)

## **Part 2**

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

### **32. Packmores Centre**

The Cabinet considered a report from Housing which sought agreement to explore land within or adjacent to Priory Pools Park, Warwick, shown at Appendix 2 to the report, as the potential location for a new centre for the Packmores area of Warwick. The report also sought agreement to draw down funds of up to £25,000 from the sum already allocated from the Council's budget towards the Packmores Community Centre Project for survey work of the proposed location.

In 2005, the Packmores area was identified as an area of need by Warwick District Council. As a result, with the community consultation and plan linked to the then Sustainable Community Strategy, a proposal was included to develop a new build community centre, but due to issues around availability of land and funding issues this could not be progressed.

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

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

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

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

It had been an aspiration of The Gap to bring about a new multi-use area for the Packmores to address some of the issues outlined in paragraph 1.4 in the report. As a result of a presentation to the South Warwickshire Place Delivery Group on the work of The Gap in the Packmores Area, the County and District Council's offered support to The Gap to develop a Business Case for the development of a new centre. In addition, within the Packmores Area there was a challenge of location of a Polling Station where the school St Mary Immaculate Primary School had been used previously but was problematic going forward. The proposed new centre might present an opportunity to resolve the current polling station challenges for the area.

There were no other locations in the vicinity realistically to serve the community. Therefore, it was proposed to look at the fringes of Priory Pool Park and adjacent WDC owned land to assess the opportunity to be used for a new centre. Both the park and the adjacent land were both WDC owned though some was Housing Revenue Account (HRA). Until more detailed surveys were done, it was not possible to be sure which land would be appropriate to propose to use.

A working group was set up in January 2023, funds were provided by the District and County for The Gap to employ a consultant to develop the business case. However, to help make progress with the Business Case, specific surveys need to be undertaken to help clarify where the building exactly should be, taking account of a lot of site-specific issues bearing in mind the sensitivity of the area. This work would then feed into the business case.

To help co-ordinate the work on the Packmores Centre Project, a partnership had come together to deliver the facility. It was proposed to apply a project management approach and as a result the governance arrangements for the project outlined in Appendix 1 to the report were proposed reflecting the partnership and the need for open and transparent governance.

The next steps for the projects were:

- Completion of the surveys.
- Completion of the Business Case.
- Agreement to a funding strategy.
- Agreement to how the facility would be managed going forward.

All of the above steps, plus public consultation, would need to be undertaken before an application for planning permission could be made and before WDC was able to give formal consent as a landlord and to drawdown the rest of the allotted funds for this scheme.

In terms of alternative options, the Cabinet could decide not to allow the draw down of funds. This would prevent any progress being made to develop a community facility for the Packmores Community who had been waiting the development of a new centre for a number of years. The Gap would also have to continue to operate in a centre that was not fit for purpose as outlined in paragraph 1.4 in the report.

In response to a comment from Councillor Falp, the Chief Executive explained that in the Business Case which was expected to be brought back, it was expected that the governance arrangements and who would run the project would be made very clear.

Councillor Sinnott proposed the report as laid out.

**Resolved** that

- (1) the Packmores Project be supported in principle, and a business case will be produced for further consideration by Cabinet;
- (2) as part of the production of the Business Case, the work to identify match funding for the project, be supported;
- (3) the proposed partnership and governance arrangements for the project outlined in Appendix 1 to the report, be approved;
- (4) exploration work be undertaken, including technical surveys to assess the suitability of a site identified within or adjacent to Priory Pools Park (shown on Appendix 2 to the report) as a potential location for a new Centre for the Packmores area in Warwick; and
- (5) up to £25,000 by way of a grant to The Gap, funded from the Councils New Homes Bonus Allocations, be agreed, to carry out exploratory survey work including: Geointegrity, CCTV, drainage & condition, arboriculture, ecological appraisal, Landscape Architect, topographical, site infrastructure and utilities and tree surveys.

(The Portfolio Holder for this item was Councillor Sinnott)  
Forward Plan Reference 1,394

**33. Local Visitor Economy Partnership Agreement for Coventry & Warwickshire**

The Cabinet considered a report from Place, Arts & Economy. The Government had proposed a new national structure for Destination Management Organisations to be grouped into Local Visitor Economy Partnerships (LVEPs). The LVEP for Warwick District would be one which covered all of Coventry and Warwickshire. The report sought to agree the approach that the Council took towards agreeing a partnership agreement as a first step towards forming this new LVEP.

As the timetable in Appendix 1 to the report indicated, the Council was required to sign the agreement by 30 September. At the time of preparing the report, officers and the Portfolio Holder had not seen a draft of this agreement, and so could not include it for approval. It was fully anticipated, however, that it would simply include an agreement to

continue to work in partnership together to develop the LVEP and to seek to do this in accordance with the timetable set out by VisitEngland. It was therefore recommended that authority be delegated to the Head of Place, Arts and Economy in consultation with the Leader and the Portfolio Holder for Arts & Economy to progress discussions with SE, Destination Coventry and the wider partnership, and to sign the agreement.

Whilst a new LVEP would replace SE as the DMO covering Warwick District, the "Shakespeare's England" brand would remain. (It would also be expected that the "Visit Coventry" and "Conference Coventry & Warwickshire" brands operated by Destination Coventry would remain as well.) These brands were well-established and there was no intention to dismantle them. The LVEP structure would sit behind these brands, helping to promote and maximise their effectiveness, whilst delivering economies of scale for the DMO as a whole.

In terms of alternative options to supporting the LVEP proposal, alternatives were considered in the July 2023 Cabinet meeting and support was given for SE and Destination Coventry to apply for accreditation to become a LVEP. They were successful in this bid. Had the bid not been successful the other less favourable options would have had to have been explored.

Councillor Billiald proposed the report as laid out.

**Resolved** that

- (1) the paper "Local Visitor Economy Partnerships (LVEP) programme" attached as Appendix 1 to the report, and in particular the indicative timeline, be noted;
- (2) continued support be given for Shakespeare's England in the formation of a Local Visitor Economy Partnership with Destination Coventry covering Coventry & Warwickshire; and
- (3) authority be delegated to the Head of Place, Arts and Economy in consultation with the Leader and Portfolio Holder for Arts & Economy to agree the terms of any partnership agreement, noting that any final decisions about how Warwick District Council will work within the new LVEP, including any financial contributions that the Council will make to it, will be brought to Cabinet for approval in due course.

(The Portfolio Holder for this item was Councillor Billiald)  
Forward Plan Reference 1,395

34. **Serious Violence Duty**

The Cabinet considered a report from Safer Communities, Leisure & Environment which set out the requirements on the Council in meeting the  
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Serious Violence Duty and to sign up to the Partnership Agreement to discharge the Duty in the form of a countywide, and local delivery plan.

On 31 January 2023, a new duty on the Council came into effect – the Serious Violence Duty. The Police, Crime, Sentencing and Courts Act 2022 set out the new duty on 'specified authorities', including Warwick District Council, to conduct a Strategic Needs Assessment, develop a Serious Violence Prevention Strategy and develop and implement a Serious Violence Delivery Plan for the local area.

The Duty required specified authorities to work together to share information, target their interventions, collaborate and plan to prevent and reduce serious violence within their local communities.

The Act also introduced Serious Violence Homicide Reviews which required specified authorities to carry out a Review into the circumstances of certain homicides where the victim was aged 18 or over, and the events surrounding their death involved, or were likely to have involved the use of an offensive weapon. These Reviews would be similar to Safeguarding Serious Case Reviews or Domestic Homicide Reviews.

In terms of alternative options, one would be to reject the proposed approach and put in place local arrangements and resources, however this would negatively impact on partnership working, information sharing and collaboration and would not be meeting the requirements of the duty.

Councillor Sinnott proposed the report as laid out.

**Resolved** that

- (1) the proposed approach set out in the Partnership Agreement (Appendix A to the report) to discharge the duty, be approved; and
- (2) scrutiny of delivery of the duty is included and reported to the Overview & Scrutiny Committee under the Council's duty to scrutinise Crime & Disorder in accordance with the Police and Justice Act 2006, be noted.

(The Portfolio Holder for this item was Councillor Sinnott)  
Forward Plan Reference 1,390

**35. Abbey Fields Management Plan**

The Cabinet considered a report from Safer Communities, Leisure & Environment which set out the Abbey Fields Management Plan and the Abbey Fields Management Plan Executive Summary for approval.

By approving the Abbey Fields Management Plan, the Council would demonstrate the vital importance of Abbey Fields as one of Warwick District premier green spaces. Its significance to the local community was reflected in the interest and feedback received from various stakeholders and the wider public made during the consultation process.

Despite its popularity and importance, Abbey Fields lacked a clear vision. The park meant different things to different people, and that could often result in a piecemeal approach to management, maintenance, and investment, with different groups sometimes coming into conflict over what was viewed as best for the green space. This resulted in a status quo being maintained, but also in a lot of missed opportunities for the green space to live up to its potential.

Abbey Fields was considered one of the District's 'destination parks', attracting visitors from the local area and from further afield. It was a complex green space that needed investment and interpretation. There were significant constraints on the site including Grade 1 listed buildings, significant archaeological remains, flood zone 3 areas and the whole site was designated as a scheduled monument.

It had many historical features that varied in condition and required further conservation and interpretation and included the abbey ruins, the churchyard, abbey barn, gatehouse, the Mound, and the monastic slab. The management plan would help in conserving these historic features.

The park also had range of important natural qualities with acidic grasslands, veteran trees, a stream and a pond at the centre of the site. The views towards Kenilworth Castle were a significant attraction which had historical and landscape quality. The management plan would help in conserving these historic features and landscape quality of this site.

The aim of the Management Plan was to outline how Warwick District Council would develop, maintain, and manage Abbey Fields over the next ten years, as well as adapting to Climate Change and all the pressures expected over the coming years.

The plan detailed a greater understanding of the site with regards its rich heritage, its abundance of wildlife, its landscape, and its ever-increasing recreational needs to serve the community. The plan recognised each of these and how best to manage them.

The plan set out a long-term vision for the green space, being "*Abbey Fields is a green space rich in wildlife and steeped in history that protects, conserves and sensitively adapts to the needs of the changing climate and increasing population, whilst providing a high-quality welcome and inclusive experience for all users to enjoy the benefits that Abbey Fields has to offer, now and in the future.*" It then set a number of aims and objectives and then detailed a number of actions with timescales, responsibilities and resource requirements.

The plan provided a focus for partnership working and help bring the community together. Abbey Fields was special in having so many interested community groups and stakeholders, and this was reflected in the variety and diversity of the actions in the management plan. The implementation of the plan would be undertaken in collaboration with all key stakeholders and the local population to create a green space that was truly embedded into the local community engendering a sense of local pride and ownership.

The approval of the management plan would also aid in sourcing various funding opportunities beyond the funding available through the Council. The plan recognised the need to seek additional resources and funds for conservation and heritage enhancements which could include National Heritage Lottery Funding Feasibility Study, HS2 and CIL funding.

The management plan would support any future application for Green Flag and Green Heritage Award for quality. This was a key requirement for any application.

In December 2022, the Council agreed a Notice of Motion which included a commitment to take practical action for safe cycling by:

“including students cycling to various schools through Abbey Fields within the remit of the current investigations being carried out as part of the new Abbey Fields Management Plan and Sustainable Transport work which will include relevant consultation with all affected”

Subsequently, in March 2023, the Cabinet agreed to further design work on a preferred route for cycling through the park, as the basis for a consultation. As these decisions were taken after the Abbey Fields Management Plan was drafted, it was proposed that the Management Plan be amended as follows:

- (a) That an additional aim for Abbey Fields is included (page 33 of the Executive Summary and Page 196 of the Management Plan) to read:

Subject to further consultation, to create a safe, designated cycle route through Abbey Fields to link existing cycle routes and to encourage cycling.

- (b) That action 7 within the Action Plan (page 36 of the Executive Summary and page 204 of the Management Plan) be amended to read:

Action No	Character Area	Relates to issues and Opportunity Areas	Objectives	Implementation / Task	Responsibility	Resources
7	Areas 1-6	1e 1t 10a 10f	Encourage safe cycling within Abbey Fields cycling on designated routes	Work with Sustrans, Warwickshire County Council Transport Planning to bring forward proposals for consultation for safe cycle routes through Abbey Fields that connects with existing off road cycling provision through Kenilworth.  Should the cycle route be implemented, enable safety, by restricted cycling to designated	Climate Change Team; WCC Transport Planning	Subject to separate approval

				routes and entrance points.		
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It should have been noted that these amendments were in line with the outcome of the consultations which showed support for cycling within Abbey Fields and could be accommodated without changing other elements of the Management Plan.

In terms of alternative options, the Cabinet could consider not to approve the plan and to continue without one. The consequence of this decision was that there would be a lack of focus on managing and maintaining Abbey Fields, while missing out on potential funding and accreditation opportunities. For this reason, this option had not been recommended.

Another was to have a different type or style of management plan. The management plan had been developed following best practice as recommended by the Heritage Lottery Fund Management and Maintenance Plan guidance (2012) and the format and content provided in "Raising the Standard", The Green Flag Award guidance manual (updated in 2016). For this reason, this option had not been recommended.

Another option was to have a management plan reduced in years and size. Ten-year management plans were common amongst many nationwide parks management plans and again followed best practice. This ten-year covered short-, medium- and long-term actions. An Executive Summary had been produced which was smaller than the full document and was common practice when the full document was so large. For this reason, this option had not been recommended.

Councillor Kennedy stated that he understood Councillor Roberts was already working to arrange a briefing for Kenilworth Town Council as a beginning of engagement with people across Kenilworth on how the management plan could be taken forward.

Councillor Chilvers proposed the report as laid out.

**Resolved** the Abbey Fields Management Plan and its Executive Summary, as laid out in Appendix 1 and Appendix 2 to the report, and subject to the amendments set out in paragraph 1.12 in the report, be approved.

(The Portfolio Holder for this item was Councillor Roberts)  
Forward Plan Reference 1,392

### 36. **Leamington Town Centre Transformation**

The Cabinet considered a report from the Chief Executive which sought approval for the release of resources in order to support work to further the transformation of Leamington Town centre, focussed principally around the parade, and which sought the release of resources to support the progression of an SPD for the old Town area.

The Leamington Transformation Board (LTB) was set up in 2020 with a remit to bring all three tiers of Local Government relevant together to

drive forward the regeneration of Leamington town centre. The original brief and constitution of the LTB was attached at Appendix 1 to the report.

The LTB had been reviewing its work and priorities and had concluded that its focus over the next year or so should be on:

- refreshing the overall vision for the town centre which was last done in 2018 given how much the world had changed since then.
- focusing on delivering real transformation for the town centre by focusing on the Parade and adjoining area as a priority in the context of a clear strategic vision for movement. (The latter would be drawn from the mini-Holland work already undertaken by WCC, the Local Transport plan of WCC and the second stage mini-Holland work that WCC was commissioning separately); and
- whilst the LTB would need to be cognizant of other proposals in the town centre it should not have sought to cover them all; it needed to focus on the above bullet points.

In addition, the LTB charged WDC and WCC senior officers to identify resources that could deliver these priorities. In summary, the relevant officers from both Councils had agreed that to take these priorities forward, each Council would:

- have a joint commission of work covering the items above – for which each authority would commit £50k each; and
- agree to contribute half an FTE post each toward driving this work forward.

WCC had confirmed its money and the post and so WDC needed to do the same presuming that Cabinet was supportive of the LTB's focus of work. The Community Projects Reserve could fund the £50k contribution for WDC. However, WDC did not have any existing spare staffing to reallocate to this work so it would be necessary to create a new post. A new project officer on a part time basis would cost circa £25k per annum but as it was also suggested that there was work required to be done to support the Old Town work as well that it would make a more attractive position if it was full time though split between the two projects. A whole cost of £50k per annum was therefore estimated and it was suggested that this was for three years. It was proposed would be funded from the Service Transformation Reserve.

Both the WDC and the WCC posts would be part of a joint Council Project team which would include other WDC/WCC staff currently working on town centre projects. This "virtual" team would also include the Town Clerk of Leamington Town Council. WDC's CEO would act as Project Sponsor for WDC and WCC's Director of Place and Economy likewise for WCC. Cllr King as the Place Portfolio Holder would act for WDC as the political lead.

It was suggested that the brief for the work to be commissioned was to go via the WCC procurement process, but that approval of the brief be delegated to the Chief Executive in consultation with the Programme Director for Climate Change and the Head of Place, Arts and Economy and the Place Portfolio Holder.

When the Leamington Transformation Board was originally set up its  
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Constitution allowed for the WDC Leader and the Group Leaders of the other groups covering Leamington Town to have places on the Board. However, the outcome of the 2023 elections means that two of the Council's political groups were no longer represented on the LTB. This was contrary to the spirit of what was originally intended that all the Council's political group be involved and represented. It was proposed therefore that this be addressed by inviting all the Council's Group Leaders to become members of the Board. This could be done under the Chief Executive's delegated powers, but given that it did have a political implication it felt appropriate for the Cabinet to indicate its support on this matter.

The Council had previously agreed in December 2022 that in its formal Local Development Scheme that an SPD for the Old Town area should be prepared. The report at that time justified undertaking the work as follows:

Leamington's Creative Quarter was a long-established regeneration partnership initiative which had recently made significant progress with its first development on the ground at Spencer Yard, supported the by Future High Street Fund (FHSF). The second development, also supported by the FHSF, was utilising WDC building assets at Stoneleigh Arms on Clemens Street and Old School on Court Street. To maximise the catalyst for further regeneration in the surrounding area of the Old Town, a Supplementary Planning Document (SPD) was proposed covering Althorpe Street, Court Street, Wise Street, Bath Place Car Park and linking up to Spencer Yard and the Old Post Office / Sorting Office.

The LDS proposed that work between Council officers and appointed architects on developing this regeneration framework would continue at the end of 2022, through to Spring 2023. In Summer 2023, it was proposed to consult on the SPD with a view to assessing the responses and amending the document where appropriate and then seeking adoption of the document by the end of 2023.

A significant amount of the preparatory work to produce this SPD would be undertaken by Council staff outside of the Policy team, with support from their appointed consultants.

Work on this SPD did start last year initially looking at the Court Street/Althorpe Street area but was somewhat expanded to provide a more comprehensive geography incorporating the scheme devised by WCC that was submitted last year for the Levelling Up Round 2 funding opportunity (see link to the Round 2 bid). It was suggested that the overall thrust of the SPD would be to help shape the area as a low carbon neighbourhood. This would accord with the emerging ambitions of the new Corporate Strategy and set out to be an exemplar for sustainable development. If this was supported in principle and in the light of the proposal below to undertake further consultation it was proposed that the Ward Members be briefed and that the release of any monies only followed that briefing and was otherwise delegated to the Chief Executive in consultation with the Programme Director of Climate Change and the Head of Place Arts and Economy.

That work had progressed with the aid of external consultancy but to

progress further some further funding was required and some staffing resource was required to support the work and was proposed as set out in paragraph 1.3.1 in the report. The additional funding necessary was £70k which included all of the necessary documentation and analysis necessary to deliver speedily an SPD for this area.

However, it was felt appropriate that the Council undertake an outreach to the local community/business to ascertain their views on the future for the area was needed rather than to start off with proposals from the Council. This would be relatively low key and pitched to reflect the different communities in the area.

In 2022, the Council made a bid under the Levelling Up Round 2 scheme for capital funding for works in Old Town. The feedback suggested that the bid should be re-submitted but as a regeneration scheme rather than as a transport one. Round 3 of that scheme was approaching (precise timescales were not yet known though) and given that the Government usually only gave short notice it was appropriate for officers to ask Cabinet for its inclination on whether to submit a bid or not. The risk in applying was that a bid required effort for no promise of a return but if successful the money could help fulfil the ambition for the Transformation of Leamington Town Centre.

In terms of alternative options, the Cabinet could choose to decline all these recommendations or vary them but unless there was commitment to provide resources then WDC would not be able to make any headway on the items for which the LTB had agreed were priorities nor would the Council be able to deliver the SPD for Old Town as agreed in the LDS in December 2022. It was hard to see therefore what other options there were for the Council to consider.

Councillor King proposed the report as laid out.

**Resolved** that

- (1) the focus of the Leamington Transformation Board's work over the next year on updating the 2018 Vision and undertaking master planning work for the Parade and the immediately adjoining area, be supported. As these are developed, consideration of movement within the town will be reviewed to support the ambitions of these two elements of work;
- (2) the release of £50,000 from the Community Projects reserve to match the same level of funding as WCC to jointly commission work covering the areas listed in recommendation 1, be agreed;
- (3) authority be delegated to the Chief Executive in consultation with the Programme Director of Climate Change and Head of Place, Arts and Economy and the portfolio holder for Place to

conclude with WCC the brief for the joint commission;

- (4) all WDC's Group Leaders should be represented upon the Leamington Transformation Board, be agreed;
- (5) the Local Development Scheme agreed in December 2022 included a commitment to prepare an SPD for the Old Town area, be noted;
- (6) authority be delegated to the Chief Executive in consultation with the Programme Director of Climate Change, Head of Place, Arts and Economy, and the portfolio holder for Place following a consultation with the Brunswick Ward Councillors to:
  - a. to the release of £70,000 from the Community Projects Reserve for the completion of the Old Town SPD work;
  - b. agree to the release of £150,000 over 3 years from the Service Transformation Reserve or other Reserve as the Head of Finance deems appropriate to finance a project officer to spend 50% of time on Parade area and 50% on Old Town area;
  - c. agree to commence a consultation with local community and business groups in the Old Town area as an input into the proposed SPD; and
- (7) authority be delegated to the Chief Executive in consultation with the Portfolio Holder for Place based on feedback from Leamington Transformation Board to determine whether a Round 3 Levelling Up bid for funds should be made and the content of that bid.

(The Portfolio Holder for this item was Councillor King)

### 37. **Kenilworth Wardens**

The Cabinet considered a report from the Chief Executive which sought approval to allocate and fund £2.5m of CIL and £450,000 of S106 contributions toward securing the land, access and early infrastructure to enable Kenilworth Wardens Sports Club (KWSC) to relocate from their current home (off Glasshouse Lane Kenilworth) to a new site at Castle Farm (Kenilworth). This would enable the land at Glasshouse Lane which was allocated as part of a comprehensive strategic housing allocation to come forward for approximately 110 dwellings.

The report also sought approval for a range of measures to be funded and implemented to support KWSC to progress with the planning and delivery of the new sports facility. This included:

- a review of the latest Playing Pitch Strategy evidence and emerging housing growth to provide current and forecast demand for all-weather pitches in the District;
- a business plan review to reflect the outcome of work above;
- officers working with the Club to apply for grant funding from the Football Foundation;
- the Council to appoint and fund a part time Project Manager to oversee the day-to-day management of the project; and
- the Council to release £300,000 already committed to in September 2022, subject to the terms of the revised Project Agreement.

Kenilworth Wardens Sports Club (hereafter referred to as KWSC) proposed to relocate from its current site off Glasshouse Lane, Kenilworth to land partly owned by the Council at Castle Farm thereby freeing-up its current site for housing. This would enable the land at Glasshouse Lane which was allocated as part of the Local Plan's comprehensive strategic housing allocation to come forward for approximately 110 dwellings. The intended site for relocation was also a Local Plan policy proposal.

Milverton Homes Limited (MHL) and Vistry Linden Limited (Vistry) under the auspice of the Crewe Lane (Kenilworth) Joint Venture (JV) LLP were in the process of drawing up Heads of Terms to purchase the Glasshouse Lane site and updated cost appraisals were underway for the proposed relocation of the sports club.

The funding revenue generated from the land receipts was insufficient to fully fund the relocation of KWSC to Castle Farm and the club was therefore reliant on CIL funds and S106 contributions to secure and prepare the site for development. There were a number of projects within the District also vying for CIL funding and this wider issue would come forward at the November Cabinet to be considered. However, it was not possible to wait until November for this project as without certainty that this funding could be secured KWSC felt that it would be unable to proceed with their current plans and so it would be unlikely that they would move from their current site thereby undermining the ability for the site at Glasshouse Lane to be developed for housing. Timing was therefore critical on this project and delay increased the risk of project failure significantly.

To date, the Club had faced a number of challenges including finding a buyer for their current site, the complex nature of land assembly and gaining access to their new site, as well as the ongoing impact of inflation to the project given the delays caused by the above. There was now a further challenge to the Club's business plan caused by Kenilworth School and Sixth Form taking the decision to make their second all-weather pitch available for community use despite advice to the contrary from Sport

England; the club were of the view that the relocation was unviable revenue-wise without a 3G pitch.

Given that the housing market private sector providers had shown that they could not deliver the proposal, the only option available now was the one outlined in the report. Hence, without certainty of funding being in place the club would not be able to proceed with the relocation to Castle Farm. This would result in a lost investment opportunity for the Council as forward funding provided to-date was only recoverable if the land at Glasshouse Lane was sold, and without the delivery of housing on the site no additional income could be generated from the JV involvement in forward funding and developing the site. There would be a missed opportunity to improve sporting facilities for the residents of Kenilworth and the wider District. In addition, if this scheme did not progress, the Council might be required to invest itself to improve the Council owned pitches at Castle Farm. Therefore, the paper sought to agree to allocate CIL and S106 to this scheme and to offer a range of measures to support the club to allow the scheme to become a reality. It should be noted however, that the funding referred to was not needed immediately and before any of that was drawn down the other issues that the report highlighted would need to be addressed – i.e. the playing pitch strategy and the business plan review.

KWSC's existing site on Glasshouse Lane formed part of the Local Plan's strategic allocations for land east of Kenilworth, allocated under policy DS11 and further defined by DS15 of the adopted Warwick District Local Plan (2017). It fell within parcel reference H06 and formed part of the wider strategic housing allocation allocated for comprehensive development. Overall, land east of Kenilworth was expected to deliver an integrated scheme of over 1,400 new dwellings, 40% of which would be affordable, eight hectares of employment land, new schools, a local centre, community centre, a network of active travel corridors and well-connected green infrastructure providing habitat connectivity and new public open spaces for the community to access. The adopted Land East of Kenilworth Development Brief (SPD) provided more detailed guidance on the delivery of these allocations in East Kenilworth.

Much of the land within the wider strategic allocation already had planning permission with development under construction including the new Kenilworth School and Sixth Form which had opened in September 2023. KWSC was the only parcel of land within the wider strategic allocation that had yet to progress to a planning application.

The site identified in the Local Plan for KWSC to relocate to was at Castle Farm, Kenilworth. This was allocated within policy DS23, Land for outdoor sports and recreation in Kenilworth site reference SP1 of the Local Plan but would remain within the Green Belt.

The site comprised three fields, two of which were in the ownership of the Council (Appendix 1 to the report). It should be noted that fields 1 and 2 would remain in the ownership of the Council to be leased to KWSC whilst the club would develop and maintain the facilities for sporting and recreation use. Initial work had been undertaken on draft lease

agreements, but these would be developed further as the application progressed. The proposed new site was larger than that currently occupied by KWSC on Glasshouse Lane and was allocated in the Local Plan based on the evidenced need identified in the Playing Pitch Strategy (updated 2019). The site was not only expected to off-set the loss of the playing pitches at Glasshouse Lane but would provide quantitative and qualitative improvements to sport provision to meet the needs of both the existing and predicted population in the town.

The proposed site at Castle Farm had a number of constraints that made delivery of a sporting facility in this location complex. The project would require three separate land acquisitions, the construction of an access bridge over a small river and an access road into the site before development of the pitches and clubhouse could commence. The fields were also prone to surface water flooding with land immediately adjoining the narrow river forming part of the floodplain, therefore sustainable drainage measures would need to be incorporated into the scheme to increase playability of the pitches and to address any impact the development of the clubhouse, car park and access road might have. For the club there were also additional costs associated with the disposal of their current site on Glasshouse Lane.

There was now an additional challenge that the club faced as Kenilworth School and Sixth Form had taken a decision to make available their second all-weather pitch for community use despite advice to the contrary from Sport England. The Warwick District Playing Pitch Strategy (2019) did not identify the need for a second pitch at the school for community use, instead it identified that population growth in the District could support the delivery of an all-weather pitch at Castle Farm as part of the KWSC relocation. However, as this need was likely to be met by the school's pitch there would be no evidenced need for an all-weather pitch at Castle Farm therefore Sport England and the Football Foundation were unlikely to support any application for grant funding to assist in the delivery of this. The KWSC's business plan (at Private and Confidential Appendix 2 to the report) supported the Club's view that the 3G artificial pitch was critical to their longer-term success.

To assist KWSC, the Council had to-date provided significant financial (£712,000) and officer support over a number of years to progress planning and cost development work. Initial forward funding was agreed in 2019 and increased in 2020 totalling £712,000. This funding had been secured with two separate charges on their current site, although this could not be recovered if the club remained at their existing site. This funding had enabled KWSC to progress planning documents to RIBA stage 3 (prepared by IDP Group) and produced a cost plan based on the stage 3 design although this was now being revisited in light of inflation.

In September 2022 the Council agreed to provide KWSC with an additional £300,000 subject to a number of conditions, to be released from either Reserves or Council Balances to enable them to continue to prepare and submit a planning application and to conclude costs work. Progress toward meeting the conditions was still underway therefore this funding had yet to be released. The intention was for this funding to also be secured by way of a legal charge on the land, but should KWSC never relocate, this money, and the forward funding already provided, would not be

recoverable.

It was stated in the September 2022 report that as part of the way forward the Council's housing company, Milverton Homes Limited (MHL), and its Crewe Lane Kenilworth JV LLP partner Vistry Linden Ltd (Vistry) would take a leading role in delivering housing development at Glasshouse Lane and overseeing the planning application process for the sports club's relocation to Castle Farm. Negotiations were currently underway to draw up Heads of Terms between the JV and KWSC to secure the purchase of the Glasshouse Lane site. The intention was that the work toward the submission of the planning application for the relocation of the Sports Club to Castle Farm site was undertaken alongside starting on the designs and surveys necessary to produce a planning application for the Glasshouse Lane site.

It was critical that any scheme proposed at Castle Farm was viable and deliverable. As KWSC were a long-term leaseholder at Glasshouse Lane rather than a freeholder they had needed to agree terms with the freeholder to purchase the land to then be able to sell it. This had impacted the process causing delay and had contributed to the challenge of delivering a financially viable scheme. Costs work completed in 2021 now needed to be updated to reflect inflation, as the potential to achieve a financially viable scheme had become more challenging in the current market. Therefore, both KWSC and Vistry were undertaking updated costs appraisals alongside the Heads of Terms negotiations. Any further delay to preparing and submitting a planning application would lead to increased costs in the longer term.

Subject to a Castle Farm planning permission being granted for a viable and deliverable scheme and Glasshouse Lane being granted planning permission for residential development, the JV would then purchase KWSC's site, lease it back to the Club and provide forward funding toward the construction of the sporting facilities at Castle Farm. Once constructed KWSC could then relocate, and its current site would be available for housing development. As new pitches needed to be laid for two growing seasons before they could be played upon, this prevented KWSC being able to vacate their site immediately. Therefore, delays to securing funding sources and submitting a planning application would impact when both schemes could be delivered.

The JV's agreement to undertake this work was predicated on a funding model based on the principles the Council had agreed for the Crewe Lane site whereby the JV entered into a facility agreement for the draw-down of a loan from the Council; the Council then benefitted from loan interest. An illustration of the potential financial benefits was set out in the Private and Confidential Appendix 3 to the report.

Before a facility arrangement was entered into there was obviously a further due diligence that would be required to ensure that a Council loan had the appropriate security in place. Achieving permission to enter into a facility agreement would necessitate a further report to Cabinet.

KWSC had over the last few months become increasingly disillusioned by the challenges they had faced in bringing this project forward. They had invested years of volunteer hours in developing a scheme that they would

wish to see at Castle Farm but perceived that the barriers were too difficult to overcome on their own. They had threatened to walk away from the relocation altogether unless the Council could successfully intervene and help to drive the project forward. As a matter of urgency, they requested that the Council set out how they saw the future of the project, including how and when it would be delivered, what funding, support and resources would be available to the Club, along with any caveats associated with these ahead of their AGM in September 2023. The proposals in the report had been discussed with the Club who had expressed their willingness to work with the Council to relocate subject to the measures proposed being secured and all caveats being understood. To this end it was important to establish whether the Council supported the allocation of CIL and S106 to this scheme to allow it to become a reality and to set out clearly the other areas in which the Council could assist the Club.

Due to Government mandated requirements, overseen by Sport England, KWSC could not develop its current site for housing and receive a capital receipt until its new facilities at Castle Farm had been constructed. This therefore meant that significant up-front funding was required to enable construction of the new sporting facilities.

KWSC had been clear that the relocation to Castle Farm would require more than the land receipts from the site at Glasshouse Lane and their project budget was reliant on a number of grants and public money including CIL, S106 and Football Foundation grants. As such, the Council had previously identified the KWFC as one of the CIL Projects in the CIL Project List. It had featured in the Council's CIL Project List since 2021. The 2022/2023 list identified that KWFC would require £2.5m to purchase land, enable site access and to provide essential supporting site infrastructure thereby enabling KWSC to relocate from its current site.

CIL was collected on commencement of development, but on larger schemes it was collected in instalments over an 18-month period from commencement. CIL was collected from developments throughout the District, although the amount varied by location and type of development, however there was no restriction on where CIL could be spent within the District and it did not have to be spent on infrastructure directly related to the development it was collected from (except for the Neighbourhood Portion of CIL income). Generally, each year the Council agreed spending priorities for CIL receipts and produced an updated CIL projects list. However, the process had been delayed this year and was now programmed to come to the Cabinet on 2 November to consider. For the reasons set out above, this project could not wait until then for a decision.

S106 contributions were different and could only be collected to mitigate the impacts of development to make it acceptable in planning terms. They must be directly related to the development and fairly and reasonably related in scale and kind to the development. Therefore, where permitted developments in Kenilworth triggered an outdoor sporting contribution the S106 agreement specified that money would go toward a number of named outdoor sporting facilities in Kenilworth including the KWSC. It had been identified that £450,000 of such S106 funding would be allocated to the KWSC relocation. These contributions were collected from each individual scheme with the triggers for payments usually being 50% of the

contribution prior to occupation of 50% of the dwellings, and the remaining 50% of the contribution on completion of the scheme.

Therefore, on larger permissions, for example the 620 permitted at Crewe Lane/ Glasshouse Lane, the Council would not be in receipt of this money for approximately eight years.

Given the purpose of the CIL and S106 funding was to unlock the land and provide access it was needed early in the development process as close to the point of a planning application being granted so that work could commence on the site as soon as possible. Where the Council was not already in receipt of the CIL or S106 contributions it might be necessary to draw down funds from reserves or previously collected CIL contributions to facilitate this funding. This was an approach the Council had successfully deployed on other projects.

A critical path was being developed for site delivery in collaboration with the JV so that KWSC understood how and when they would be in receipt of funds to deliver the sporting facilities at Castle Farm and for the JV to understand when they would get access to the land at Glasshouse Lane for residential development. This work would inform the estimated timings of the release of CIL and S106.

As highlighted above, updated costs for the relocation of KWSC were being sought and some further value engineering might be required to achieve a viable scheme, but this would not negate the need for CIL or S106 funding. The funding revenue generated from the land receipts was insufficient to fully fund the relocation of KWSC to Castle Farm and the club was reliant on CIL funds and S106 contributions to secure and prepare the site for development.

Members were aware that there were a number of other projects within the District vying for CIL funding. Without certainty that this funding could be secured, KWSC would be unable to proceed with their current plans and it would be unlikely that they would move from their current site thereby jeopardising the ability for the site at Glasshouse Lane to be developed for housing.

The paper sought to identify whether Members were supportive of funding KWSC £2.5m CIL and £450,000 S106 toward securing land, access and early infrastructure to enable KWSC to relocate from their current home off Glasshouse Lane to a new site at Castle Farm. This would enable the land at Glasshouse Lane which was allocated as part of a comprehensive strategic housing allocation to come forward for approximately 110 dwellings and for the Council's £712,000 of forward funding to be released back to the Council through a charge on the land.

The paper also sought support for a number of measures to support the Club to include:

- (a) a review of the latest Playing Pitch Strategy evidence and emerging housing growth to provide current and forecast demand for all-weather pitches in the District. This would be undertaken as a priority to establish whether there was sufficient demand to justify the

inclusion of a 3G pitch and prior to the submission of a planning application for development at Castle Farm. Some cost might be incurred for this work through the instruction of external consultants, and this funding would be sourced from the Community Project Reserve;

- (b) a business plan review to reflect the outcome of work above would be undertaken by officers to understand the future viability of the proposals. This might result in negotiations and revisions to the Club's proposals at Castle Farm. Depending on the outcome, further reports to Cabinet might be necessary;
- (c) officers to work with the Club to apply for grant funding from the Football Foundation and other sources when appropriate;
- (d) the Council to appoint and fund a part time Project Manager to oversee the day-to-day management of the project. This was likely to cost approximately £30,000 per annum for at least three years and would be sourced from the Community Project Reserve; and
- (e) the Council to release £300,000 already committed to in September 2022 subject to the terms of the revised Project Agreement. The exact timing of this release would be down to officer judgement for when the work outlined at 1.9.11. (a) and (b) in the report was progressing sufficiently to give confidence that any concerns could be mitigated. This would be a careful balancing exercise to prevent unnecessary delay to submitting a planning application against the risk of forward funding without the certainty of reimbursement.

The relocation of KWSC would bring about the following benefits:

- Provide improved sports facilities for Kenilworth and the District as a whole on land allocated in Local Plan Policy DS23 Land for outdoor sports and recreation in Kenilworth. By providing access to cricket, football and various other physical activities through the provision of a Multi-Use-Games-Area (MUGA), although it should be noted that this was a private sports club.
- Help to secure the longer-term sustainability of an important sports club thereby encouraging community cohesion.
- Enable the delivery of approximately 110 dwellings (including at least 40% affordable homes).
- Delivery of affordable homes would help to meet housing need, support households affected by the cost-of-living crisis, which was predicted to continue forwards, support Kenilworth young families to obtain housing which was affordable at a time when private rents were moving out of reach of many.
- Deliver approximately 110 net zero carbon homes.
- Allow for the comprehensive development of Land East of Kenilworth as required by Local Plan Policy DS15 and the Land East of Kenilworth Development Brief, e.g. active travel connections from north to south and interconnected green infrastructure.

- Release £712,000 of Council funding already invested in the site back to the Council through a charge on the land.
- Generate a financial return from the loan interest accrued by the Council loaning the JV funds to purchase the land at Glasshouse Lane for the duration of the loan.

As indicated, this was a very complex project with many facets and there did remain several matters that the Council would want to satisfy itself about before it released any additional funding to the KWSC. The JV would need to be satisfied that a deliverable scheme was being proposed before the Council gave its agreement to KWSC occupying its land at Castle Farm and a facility agreement being entered into.

The £300,000 committed in 2022 would not be released unless various conditions were met and unless the Council was supportive of allocating CIL and S106, as without this the scheme would be unviable and undeliverable in its current form.

The Club had expressed their willingness to work with the Council to relocate subject to the measures proposed being secured and all caveats being understood. Therefore, it was important that the Council respond swiftly to the KWSC's request for clarity over the future of the project, which in the first instance was to provide clarity over what funding and support would be available to the Club. To this end it was important to establish whether the current administration support the allocation of CIL and S106 to this scheme to allow it to become a reality and for the proposed support measures to be implemented.

In terms of alternative options, KWSC had given the opportunity to a number of private sector housing developers who had not been able to develop an acceptable scheme that addressed the complexity of this scheme. This meant the option of a wholly private sector funded approach had been tried and had not been proven to work.

Consequently, there was realistically only one other option available to Members which was to do nothing and stop the Council's involvement any further. In all probability that would mean that the scheme would not proceed at all. While that approach had the benefit of taking away the particular risks of the scheme to the Council as recommended and as set out in section 10 in the report, it also had the following negative impacts, demonstrating that doing nothing also had risks which ought not to be ignored:

- Result in the loss of £712,000 of forward funding invested by the Council in the project to date. This was only recoverable if KWSC vacated their existing site as it was secured by way of a legal charge on the land. It was unlikely that the club would have any appetite to move in the short mid-term future if this move did not materialise.
- Result in the loss of 110 new dwellings, including at least 40% affordable homes on a strategic site allocation (allocated under policy DS11 and further defined by DS15 of the adopted Warwick District Local Plan (2017)). This had the potential to have implications for the

authority's ability to demonstrate a five-year housing land supply which was currently 5.08 years.

- Loss of at least 44 affordable homes at a time when demand for such accommodation was increasing.
- Create severance of the allocation of land east of Kenilworth, with development to the north being separated from development in the south, undermining the aims of achieving an integrated and comprehensive development.
- Result in an inability to meet the growing sporting requirements for Kenilworth through increased pitch provision without the Council investing in pitch improvements (including drainage) and possible land acquisition at Castle Farm to accommodate growing demand.
- Failure to deliver a site allocated within the adopted Warwick District Local Plan (2017), policy DS23, Land for outdoor sports and recreation in Kenilworth site reference SP1.
- Result in a lost opportunity to generate a financial return from loan interest from the Council no longer being required to loan the JV funds to purchase the land at Glasshouse Lane.
- Loss of Housing Revenue Account monies from rental income of affordable homes.

Contrast that to the benefits of proceeding with the scheme which were the reverse of all the negative impacts above. Of course, there were risks which would need to be managed to the proposed approach but then the recommended approach was the only one that delivered any benefits for the wider community. On this basis there was no justification for not proceeding with the scheme.

The Overview & Scrutiny Committee held a good discussion on the project reflecting on the fact that it had taken a considerable amount of time to reach this stage and noting the complexity of the project.

The Committee recommended that as well as reviewing the financial case, that a best practice audit of governance of the club including confidence in the continuity of its management be carried out by officers. This should include how it planned to engage new communities and new members into the club to ensure its continued running.

The Cabinet was required to vote on this because it formed a recommendation to it.

The Chief Executive explained that he had received an email from the Chair of the Club following the Overview & Scrutiny Committee meeting, which he was happy to share with the Cabinet and the Chair of the Overview & Scrutiny Committee to show how positive the reaction was from them in response to the comments by the Committee.

Councillor King proposed the report as laid out and subject to the recommendation from the Overview & Scrutiny Committee.

**Resolved** that

- (1) the latest position regarding the relocation of Kenilworth Wardens Sports Club, be noted;
- (2) the allocation of £2.5m of CIL be confirmed, and £450,000 of S106 contributions toward securing land, access and early infrastructure to enable Kenilworth Wardens Sports Club (KWSC) to relocate, be agreed. The precise timing of the release of any funding will take account of the provision of CIL and S106 funds to WDC and will be subject to the Playing Pitch Strategy work being completed, the KWSC being able to demonstrate a business case for their proposals, and after planning permission for viable development has been approved at Castle Farm;
- (3) £25,000 be funded from the Community Project Reserve and authority be delegated to the Chief Executive to review the latest Playing Pitch Strategy evidence and emerging housing growth to provide current and forecast demand for all-weather pitches in the District;
- (4) that officers (and others if necessary) undertake a review of the Wardens' business plan to reflect the outcome of work in recommendation 3, be agreed;
- (5) officers will work with the Club to apply for grant funding from the Football Foundation and other sources, be noted;
- (6) part time Project Manager to oversee the day-to-day management of the project, of up to £30,000 per annum for 3 years, funded from the Community Project Reserve, be agreed;
- (7) authority be delegated to the Chief Executive/Deputy Chief Executive, in consultation with the Head of Finance and Portfolio Holders for Place and Resources to release £300,000 already committed to in September 2022 subject to the terms of the revised Project Agreement;
- (8) appropriate finance and legal due diligence steps are taken in respect of supporting a Joint Venture involving Milverton Homes Limited and Vistry Linden Limited with a report back to the Cabinet (and if needed Council) for consideration, be agreed;
- (9) a project specific risk register is prepared and reported to Cabinet and Overview and Scrutiny

to be able to assist with managing the risks associated with this scheme; and

- (10) as well as reviewing the financial case, a best practice audit of governance of the club including confidence in the continuity of its management be carried out by officers. This should include how it plans to engage new communities and new members into the club to ensure its continued running.

(The Portfolio Holder for this item was Councillor King)

### 38. **Urgent Item – Earmarked Reserves 2023/24**

The Cabinet considered an urgent item from Finance which requested that that a limited number of budgets which underspent in 2022/23 be carried forward into 2023/24 as earmarked reserve budget. These budgets related to ongoing expenditure not included in the original budget setting report approved in February 2023.

All budgets had been accessed by the Strategic Finance Manager and Head of Finance and were underspends within the 2022/23 Financial year. EMR Budgets and a full annual forecast of these would be included in the Quarter 2 Budget Monitoring report.

As part of the Final Accounts process, requests had been approved under delegated authority by the Head of Finance for Revenue Earmarked Reserves. These were for previously agreed projects where it had not been possible to complete as budgeted within 2022/23 and would therefore need to carry forward budget to 2023/24.

These totalled £0.940m for the General Fund and £0.440m for the HRA, and were outlined in detail in Appendix 1 to the report. Requests were considered against budget outturn within the specific projects and services, with requests approved only where there was sufficient budget available.

Members would note these were considerable sums. Key Earmarked approvals for the General Fund included the Joint South Warwickshire Local Plan, the Trees for the Future scheme, work relating to the Newbold Comyn Cycle Trails and options appraisal for an alternative use of the Linen Street Multi-Storey Car Park site following its closure. For the HRA, the main approval was for delayed major repairs relating to the Housing Investment Programme (HIP), and consultancy budget to support ongoing housing development projects and the continuation of stock condition surveys.

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

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

An addendum circulated prior to the meeting advised that the wording of Paragraph 1.1.5 in the original report was incomplete and is set out below:

- 1.15 This report is brought to the Cabinet as an urgent item for agreement as, due to already committed expenditure in most of the requests detailed in this report, it is essential that these budgets are approved now rather than later. Traditionally this approval would have been contained within the annual Final Accounts report, which for 2022/23 was scheduled on the Forward Plan for September. However, due to the ongoing delays linked to the audit of the 2021/22 statement of accounts, we made the decision to delay publication of the draft 2022/23 statement of accounts in May 2023, to avoid complications if material adjustments were required, as this becomes more challenging to deliver once the statements are out in the public domain. This in turn has delayed the Final Accounts Report to a later Cabinet. The approval will provide certainty to officers delivering these schemes, and ensure that these do not remain unfunded further into the 2023/24 financial year.

The Overview & Scrutiny Committee remarked on the late publication of the report which did not provide adequate time for proper scrutiny. The Committee would have preferred more time to undertake better scrutiny.

Councillor Chilvers proposed the report as laid out.

**Resolved** that the Earmarked Reserve (EMR) requests of £0.940m General Fund and £0.444m HRA (Appendix 1), with the requests having been reviewed under delegated authority by the Head of Finance, be approved.

(The Portfolio Holder for this item was Councillor Chilvers)

### 39. **Public and Press**

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

Minutes Numbers	Paragraph Numbers	Reason
40,41,42	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

40. **Associated Costs for the Purchase of Fifty One s106 Dwellings at The Asps, Banbury Road, Warwick**

The Cabinet considered a report from Housing.

The recommendations in the report were approved.

41. **Associated Costs for the Purchase of Twenty s106 Dwellings at Thickthorn, Kenilworth**

The Cabinet considered a report from Housing.

The recommendations in the report were approved.

42. **Minutes**

The confidential minutes of the meeting held on 5 July 2023 were taken as read and signed by the Chairman as a correct record.

(The meeting ended at 7.00pm)

CHAIRMAN  
2 November 2023