

**Richard Davies**  
Chairman of the Council

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**Council meeting: Wednesday, 23 April 2014**

Notice is hereby given that an ordinary meeting of Warwick District Council will be held at the Town Hall, Royal Leamington Spa on Wednesday, 23 April 2014 at 7.00pm or the conclusion of the Joint meeting of the Finance & Audit the Overview & Scrutiny Committees whichever is the latter.

**Emergency Procedure**

At the commencement of the meeting, the Chairman will announce the emergency procedure for the Town Hall.

**Agenda**

1. **Apologies for Absence**
2. **Declarations of Interest**

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct. Declarations should be entered on the form to be circulated with the attendance sheet and declared during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

3. **Minutes**
4. **Communications and Announcements**

To confirm the minutes of the meeting of the Council on 26 March 2014 as set out on pages 1 to 4.

5. **Public Interest Debate**
6. **Petitions**
7. **Notices of Motion**
8. **Public Submissions**
9. **Questions to Committee Chairmen**
10. **Questions to Portfolio Holders**
11. **Leader's and Portfolio Holders' Statements**
12. **Questions to the Leader of the Council**
13. **Local Plan Submission Draft**

To consider a report from Development Services **(Item 13 / Page 1)**  
*(NB the Local Plan submission Draft is circulated and available as a separate document to the agenda)*

14. **Reports of the Executive**

To receive the reports of the Executive meetings of:

- 12 March 2014 (excluding minute 161 that was approved by Council on 26 March 2014) **(Item 14 / Pages 1 to 13)**
- 26 March 2014 (excluding minute 175 that was approved by Council on 26 March 2014) **(Item 14 / Pages 14 to 27)**

15. **Public and Press**

To consider resolving under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within the relevant paragraph(s), as set out in the item, of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

16. **Confidential Reports of the Executive**

To receive the reports of the Executive meetings of:

- 12 February 2014 **(Item 16 / Pages 1 to 7) (Not for publication)**
- 12 March 2014 **(Item 16 / Pages 8 to 15) (Not for publication)**
- 26 March 2014 **(Item 16 / Pages 16 to 20) (Not for publication)**

17. **Common Seal**

To authorise the affixing of the Common Seal of the Council to such deeds and documents as may be required for implementing decisions of the Council arrived at this day.



Chief Executive  
11 April 2014

General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.

Telephone: 01926 353362  
Facsimile: 01926 456121  
E-Mail: [committee@warwickdc.gov.uk](mailto:committee@warwickdc.gov.uk)

Enquiries about specific reports: Please contact the officers named in the reports.

Details of all the Council's committees, councillors and agenda papers are available via our website [www.warwickdc.gov.uk/committees](http://www.warwickdc.gov.uk/committees)

**Please note that the majority of the meetings are held on the first floor at the Town Hall. If you feel that this may restrict you attending this meeting, please call (01926) 353362 prior to this meeting, so that we can assist you and make any necessary arrangements to help you attend the meeting.**

**The agenda is also available in large print, on request, prior to the meeting by calling 01926 353362.**

# WARWICK DISTRICT COUNCIL

Minutes of the meeting held on Wednesday 26 March 2014, at the Town Hall, Royal Leamington Spa at 6.05pm.

**PRESENT:** Councillor Davies (Chairman); Councillors Barrott, Mrs Blacklock, Boad, Mrs Bromley, Mrs Bunker, Caborn, Copping, Cross, Ms Dean, Doody, Mrs Falp, Mrs Gallagher, Gifford, Gill, Mrs Grainger, Hammon, Mrs Higgins, Illingworth, Kinson, Kirton, Mrs Knight, MacKay, Mrs Mellor, Mobbs, Pittarello, Pratt, Rhead, Shilton, Mrs Syson, Vincett, Weber, Ms Weed, Wilkinson, Williams and Wreford-Bush.

Apologies for absence were received from Councillors Brookes, Coker, Dagg, Dhillon, Edwards, Mrs Goode, Guest, Heath and Mrs Sawdon.

## 109. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

## 110. **MINUTES**

The minutes of the meeting of the Council held on 26 February 2014 were approved as a correct record and signed by the Chairman.

## 111. **COMMUNICATIONS AND ANNOUNCEMENTS**

The Chairman informed Council they may have noticed a Councillor Davies has got in to trouble for comments passed on social media. The Chairman reassured Council that it was not him who had made the comments or who was in trouble.

The Chairman informed Council that there would be no business under items; 5, Public Interest Debate; 6, Petitions; 8, Public Submissions; 9, Questions to Committee Chairmen; and 10, Questions to Portfolio Holders.

## 112. **NOTICE OF MOTION**

Councillor Pittarello proposed and it was duly seconded that:

"This Council requests Officers to bring forward a consultation with a view to implementing a Late Night Levy in Warwick District.

*The costs of policing and management of drink-related incidents are significant. These include drafting in extra police officers into town centres on Friday and Saturday nights, expenses for street marshals and street pastors, clean-up services, safety awareness campaigns, and monitoring of routes heading out of town in the early hours. The Police and Social Responsibility Act 2011 enables licensing authorities to raise a contribution from late-opening alcohol suppliers towards policing the night economy. The Police Commissioner for Warwickshire, Ron Ball, has confirmed that he would support a consultation looking into such a scheme."*

Councillor Vincett proposed an amendment that was duly seconded so that the motion read:

“This Council requests officers to review the situation subsequent to Central Government’s current consultation on licensing matters and to bring forward an updated report at the earliest possible time on the implications of introducing a late night levy in Warwick District”.

On being put to the vote the motion was carried and became the substantive motion. On being put to the vote the substantive motion was

**RESOLVED** that this Council requests officers to review the situation subsequent to Central Government’s current consultation on licensing matters and to bring forward an updated report at the earliest possible time on the implications of introducing a late night levy in Warwick District

(Councillors Weber and Ms Weed left during this item)

### 113. **LEADER’S AND PORTFOLIO HOLDERS’ STATEMENTS**

- (A) Councillor Mobbs, Leader of the Council, informed the Council about his recent work as Leader.
  - (i) He informed them that on Monday the City Deal had been signed with the Minister Greg Clarke. A press release had been issued on this because it would provide greater power to help local firms and attract business to the area. For this he thanked Councillors Caborn and Doody along with officers for ensuring this could be achieved;
  - (ii) He informed Council that he attended a Local Enterprise Partnership meeting where all partners, including the County Council, had agreed to support the partnership and work to its targets;
  - (iii) He had attended the first meeting of the Sub-Regional Joint Committee which had been held at Riverside House;
  - (iv) He had delivered a key note speech in Kenilworth to launch the business rate relief for Small and Medium Enterprises in the District. He confirmed that these businesses had been sent the details of how to apply for this; and
  - (v) He had a one to one meeting with the Leader of the County Council and would be holding a similar meeting with the Leader of Stratford upon Avon District Council in the next 10 days;
- (B) Councillor Cross, Portfolio Holder for Cultural Services, informed Council that he had received a headline report on the first year of impact activities for everyone on the Forbes estate, in Warwick. There had been over 860 participants in over 390 sessions covering over 7478 contact hours. The team were now working on a project to make the work sustainable for post 2015;
- (C) Councillor Grainger, Portfolio Holder for Corporate and Community Services, informed the Council that the Council’s new website had now been launched. The new website was designed around customer feedback and in recognition of demand. Therefore it now rendered itself to mobile devices, it had an improved search engine, new websites pages

for the Pump Rooms and Spa Centre and improved usage of images with the use of galleries;

- (D) Councillor Shilton, Portfolio Holder for Neighbourhood Services, spoke to register the thanks of the Council to Ian Coker, who would retire on 27 March, for his excellent and dedicated work for the Council.

#### 114. **QUESTIONS FOR THE LEADER**

Councillor Boad asked the Leader what was happening with regard to the replacement of the audio system because at present it was unacceptable and was an embarrassment when members of the public were present at Planning Committee?

In response, Councillor Mobbs explained that he agreed the situation was unacceptable.

Councillor Mrs Bunker asked the Leader where the new curtains were for the Council Chamber?

In response Councillor Mobbs said that he would take this issue on board and look into it.

Councillor Barrott explained that he was interested in the meetings with other Council Leaders and as no other party was present he asked the Leader if the question of a unitary authority had been raised?

In response, Councillor Mobbs said that only important issues like improving the communities we served, reducing unemployment and working together to achieve these had been discussed. However in respect of the unitary authorities debate he referred to the statement in the House of Commons by Eric Pickles, Minister for Communities and Local Government that he had a pearl handled revolver waiting for anyone who approached him about Local Government reorganisation. On that basis the five District and Borough Councils would be writing to the minister expressing their dissatisfaction with the proposal from Warwickshire County Council.

#### 115. **REPORT OF THE EXECUTIVE**

The reports of the Executive meeting of 12 February, 3 March and minute 161 of 12 March 2014 were proposed by Councillor Mobbs, duly seconded and

**RESOLVED** that the report be approved.

#### 116. **REPORT OF THE EXECUTIVE – PETITION AGAINST HIGH SPEED RAIL (WEST MIDLANDS) BILL**

Minute 175, Petition Against High Speed Rail (West Midlands) Bill, of the Executive meeting on 26 March 2014 was proposed by Councillor Hammon, duly seconded and

**RESOLVED** that the report be approved.

Prior to the vote being taken it was proposed by the Chairman and duly seconded by two Councillors that a recorded vote should be taken on this item. The votes were recorded as follows:

For: Councillors Barrott, Mrs Blacklock, Boad, Mrs Bromley, Mrs Bunker, Caborn, Copping, Cross, Davies, Ms Dean, Doody, Mrs Falp, Mrs Gallagher, Gifford, Gill, Mrs Grainger, Hammon, Mrs Higgins, Illingworth, Kinson, Kirton, Mrs Knight, MacKay, Mrs Mellor, Mobbs, Pittarello, Pratt, Rhead, Shilton, Mrs Syson, Vincett, Wilkinson, Williams and Wreford-Bush.

There were no votes against or any abstentions.


117. **COMMON SEAL**

It was

**RESOLVED** that the Common Seal of Warwick District Council be affixed to such deeds and documents as may be required for implementing decisions of the Council arrived at this day.

(The meeting ended at 7.55 pm)

CHAIRMAN  
23 April 2014

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|--|--|-----------------|
|   | <b>FULL COUNCIL AND EXECUTIVE</b>  | Agenda Item No. |
|  | <b>23<sup>rd</sup> APRIL 2014</b>  | <b>13</b>       |
| <b>Title</b>   | Local Plan Submission Draft  |                 |
| <b>For further information about this report please contact</b>  | Tracy Darke/Dave Barber  |                 |
| <b>Wards of the District directly affected</b>   | All  |                 |
| <b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006</b> | No   |                 |
| <b>Date and meeting when issue was last considered and relevant minute number</b>  | Council and Executive 4 <sup>th</sup> June 2013<br>(Revised Development Strategy)<br>Minute 3  |                 |
| <b>Background Papers</b>   | <ul style="list-style-type: none"> <li>• Preferred Options 2012</li> <li>• Revised Development Strategy 2013</li> <li>• CIL Preliminary Draft Charging Schedule 2013</li> <li>• Village Sites and Settlement Boundaries 2013</li> <li>• Local Development Scheme 2014</li> <li>• Statement of Community Involvement</li> <li>• Sustainability Appraisal</li> </ul> |                 |

|  |                  |
|--|------------------|
| <b>Contrary to the policy framework:</b>                                   | No               |
| <b>Contrary to the budgetary framework:</b>                                | No               |
| <b>Key Decision?</b>   | Yes              |
| <b>Included within the Forward Plan? (If yes include reference number)</b> | Yes<br>(Ref 451) |

|  |             |                         |
|--|-------------|-------------------------|
| <b>Officer/Councillor Approval</b>   |             |                         |
| With regard to officer approval all reports <i>must</i> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s). |             |                         |
| <b>Officer Approval</b>  | <b>Date</b> | <b>Name</b>             |
| Chief Executive/Deputy Chief Executive   | 11/04/14    | Chris Elliott/Bill Hunt |
| Head of Service  | 11/04/14    | Tracy Darke             |



|   |          |                 |
|---|----------|-----------------|
| CMT   | 11/04/14 |                 |
| Section 151 Officer   | 11/04/14 | Mike Snow       |
| Monitoring Officer  | 11/04/14 | Andrew Jones    |
| Finance   |          | N/A             |
| Portfolio Holder(s)   | 11/04/14 | Cllr Les Caborn |
| <b>Consultation &amp; Community Engagement</b>  |          |                 |
| Please insert details of any consultation undertaken with regard to this report.  |          |                 |
| 2011: Issues and Growth Scenarios<br>2012: Preferred Options<br>2013: Revised Development Strategy<br>2013: CIL Preliminary Draft Charging Schedule<br>2013: Village sites and settlement boundaries<br><br>See Report of Public Consultations (Appendix 3) for further details |          |                 |
| <b>Final Decision?</b>  |          | Yes             |

## 1. **SUMMARY**

- 1.1 This report seeks the approval of Council for the Publication Draft Local Plan and Policies Map and sets in motion the publication process and period of representations leading to the submission of the Local Plan to the Secretary of State.
- 1.2 It also seeks approval for a number of associated recommendations to enable the progress of the Draft Local Plan and associated documents.

## 2 **RECOMMENDATIONS**

### **Council is recommended to resolve as follows:**

- 2.1 That the Local Plan as set out in **Appendix 1** and Policies Maps as set out in **Appendix 2** are approved for Publication under Regulation 19 of the Town and Country Planning Regulations 2012.
- 2.2 That the Publication Draft Local Plan, Policies Maps and Sustainability Appraisal be open to representations for a period of six weeks, starting during week commencing 12<sup>th</sup> May 2014, in accordance with a Statement of Representations Procedure to be made available in accordance with regulation 19 of the Town and Country Planning Regulations 2012
- 2.3 That approval of the Statement of Representations Procedure is delegated to the Chief Executive, in with the Deputy Leader of the Council.
- 2.4 That the Report of Public Consultations as set out in **Appendix 3** is noted.
- 2.5 That Council, following the six week consultation period, delegates authority to the Chief Executive, in consultation with the Group Leaders and the Deputy Leader of the Council, to submit a table of any proposed modifications that are deemed appropriate, to the Secretary of State for the purposes of Independent Examination and invite them to amend the Draft Local Plan and/or Policies Map as appropriate.
- 2.6 That, if no modifications are required or there is a need for amendments of a minor nature, authority is delegated to the Chief Executive, in consultation with the Group Leaders and the Deputy Leader of the Council, to submit the Local Plan to the Secretary of State, for Independent Examination.
- 2.7 That delegated authority is granted to the Head of Development Services, in consultation with the Deputy Leader of the Council, to add

a glossary and make any necessary non-material amendments to the Local Plan before the commencement of the consultation.

- 2.8 That a report on the Community Infrastructure Levy Draft Charging Schedule is prepared for Council to consider at its meeting on 25<sup>th</sup> June and that the Local Development Scheme is amended accordingly.

**Executive is recommended to resolve as follows;**

- 2.9 That the draft Local Plan has effect as an interim statement of the policy intentions of the District Council and be given weight in planning decisions accordingly
- 2.10 That Table 2 of the Statement of Community Involvement (SCI) be amended as set out in paragraphs 3.22 and 3.23 and that these revisions to the SCI are adopted.
- 2.11 That, as requested by the Coventry and Warwickshire Joint Committee at its meeting on 20<sup>th</sup> March, the Duty to Cooperate process for addressing housing need arising from outside the District's borders as set out in **Appendix 5** be agreed.
- 2.12 That the Draft Infrastructure Delivery Plan, as set out in **Appendix 4**, be approved as a supporting document for the consultation on the Draft Local Plan and as a basis for further work with infrastructure providers.
- 2.13 That, until such time as a Community Infrastructure Levy Draft Charging Schedule has been adopted, the tariff approach set out at paragraphs 3.30 -3.33 of this report is used as an aid to determining the appropriate level of Section 106 Contributions in relation to planning applications, subject to compliance with the tests set out in Section 122 of the Community Infrastructure Regulations 2010

**3 REASONS FOR THE RECOMMENDATION**

- 3.1 **Recommendation 2.1** – The Draft Local Plan set out in Appendix 1 puts forward proposals and policies to help support and shape the development that the District needs through until 2029. The Draft Local Plan is linked to the Policies Map, set out at Appendix 2, which shows how the Local Plan policies will be applied across different parts of the District.
- 3.2 The Town and Country Planning Regulations 2012 require the Local Plan and Policies Map to proceed through a number of key stages. This report brings to an end the "preparation" stage as set out in regulation 18 of the 2012 Regulations and commences the "publication" stage of the Local Plan as set out in Regulation 19.

- 3.3 **Recommendation 2.2** – Following approval for publication, Regulation 20 of the Town and Country Planning Regulations requires that the Draft Local Plan, Policies Map and Sustainability Appraisal are open to representations for a period of six weeks. The Regulations require that the following documents are published alongside the Draft Local Plan and Policies Map:
- the Sustainability Appraisal report of the Local Plan (this is available on the Council’s website),
  - a statement setting out—
    - (i) which bodies and persons were invited to make representations under regulation 18,
    - (ii) how those bodies and persons were invited to make such representations,
    - (iii) a summary of the main issues raised by those representations, and
    - (iv) how those main issues have been addressed in the Development Policy Document, and such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the Local Plan; and
  - a “statement of the representations procedure” specifying—
    - (a) the title of the Local Plan which the local planning authority propose to submit to the Secretary of State;
    - (b) the subject matter of, and the area covered by, the local plan;
    - (c) the date by which representations about the Local Plan must be received by the local planning authority, which must be not less than 6 weeks from the day on which the statement is published;
    - (d) the address to which representations about the Local Plan must be made;
    - (e) that representations may be made in writing or by way of electronic communications; and
    - (f) that representations may be accompanied by a request to be notified at a specified address of any of the following—
      - (i) the submission of the local plan for independent examination under section 20 of the Act,
      - (ii) the publication of the recommendations of the person appointed to carry out an independent examination of the local plan under section 20 of the Act, and
      - (iii) the adoption of the Local Plan.
- 3.4 It is proposed to commence the period during which the Draft Local Plan, Policies Map and Sustainability Appraisal are open to representations during the week commencing Monday 12<sup>th</sup> May. This will allow sufficient time to prepare the publication documents. The six week period will end during the week commencing 23<sup>rd</sup> June.
- 3.5 With regard to the preparation of the publication documents, the proposal is as follows:

Draft Local Plan: to be published as shown in Appendix 1 subject to amendments agreed by Council and the addition of a Glossary of Terms.

Policies Map: to be published as shown in Appendix 2 subject to amendments agreed by Council.

Sustainability Appraisal Report: the sustainability appraisal process has informed the preparation of the Draft Local Plan. A report on this was published on the Council's website on 11<sup>th</sup> April. It is proposed that this report be published for the period of representations.

Report of Public Consultation: the statement required to report on public consultations undertaken during the Regulation 18 preparation stage of the Local Plan will comprise of:

- the Report of Public Consultation shown in Appendix 3 of this report,
- Part 1 of the Preferred Options Report of Public Consultation (Appendix 5 of the report considered by the Executive (and Council) on 4<sup>th</sup> June 2013)
- the "Helping to Shape the District" Report of Public Consultation published in December 2011.

- 3.6 **Recommendation 2.3:** A Statement of Representations Procedure must be prepared prior to the commencement of the period during which the publication documents are open to representations. It is proposed that the authority to finalise and approve this statement is delegated to the Chief Executive, in consultation with the Deputy Leader of the Council.
- 3.7 **Recommendation 2.4:** The preparation stage of the Local Plan must ensure that the Local Plan is consistent with the National Planning Policy Framework (NPPF) and should take account of up to date evidence and any representations made during the consultations. These matters should therefore be taken in to account by Council in considering the Draft Local Plan and the Policies Map.
- 3.8 The Report of Public Consultations, at Appendix 3, sets out the material points raised during the following consultations:
- The Preferred Options Consultation 2012 - Part 2 (note that part 1 was reported to Executive (and Council) on 4<sup>th</sup> June 2013)
  - The Revised Development Strategy Consultation 2013
  - The consultation on the Preliminary Draft Charging Schedule for the Community Infrastructure Levy 2013.
  - The Village Sites and Settlement Boundaries consultation during 2013/2014.
- 3.9 **Recommendation 2.5:** As set out in recommendation 2.2 the period during which the Draft Local Plan will be open for representations will commence during the week commencing 12<sup>th</sup> May and will end during the week commencing 23<sup>rd</sup> June. The representations received during

this period will be carefully analysed and where these indicate that modifications to the plan can be justified, a table of proposed modifications will be submitted alongside the Local Plan.

- 3.10 It is proposed that if such modifications are required that the Chief Executive, in consultation with the Group Leaders and the Deputy Leader of the Council, is authorised to submit a table of the proposed modifications to the Secretary of State. The Secretary of State will then make the necessary arrangements for an Independent Examination, as they will have been invited to amend the Draft Local Plan and/or the Policies Map
- 3.11 **Recommendation 2.6:** In the event that no modifications are proposed or that any appropriate modifications are of a minor nature (for example, if further useful detail could be added to policies as a result of the representations received, slight updates made to policies from a revised evidence base, or factual errors needed to be corrected), then it is recommended that authority is again delegated to the Chief Executive, in consultation with the Group Leaders and the Deputy Leader of the Council, for the Draft Local Plan and Policies Map to be submitted to the Secretary of State as set out in this report (or with any minor amendments).
- 3.12 Whilst Recommendations 2.5 and 2.6 will enable the submission date to be brought forward, the exact submission date will still be dependent on the number of representations received, whether any modifications are required and, if so, the number of such modifications. However, it is estimated that submission could take place in late summer (July/August).
- 3.13 **Recommendation 2.7:** It is proposed that delegated authority is granted to the Head of Development Services, in conjunction with the Deputy Leader of the Council, to make minor non-material amendments to the Local Plan before the commencement of the consultation. The purpose of this recommendation is to ensure that any minor issues identified, such as typographical errors in the document, can be amended before the consultation stage for the Submission Draft.
- 3.14 **Recommendation 2.8:** At its meeting on 4<sup>th</sup> June 2013, Executive agreed to consult on a Preliminary Draft Charging Schedule for the Community Infrastructure Levy (CIL). The key points arising from this consultation are summarised in the Report of Public Consultations, set out at Appendix 3.
- 3.15 The Local Development Scheme approved by Executive in February 2014 set out the intention to put forward a Draft Charging Schedule for approval as part this report and for the period for representations to run in parallel with the Draft Local Plan. However, before this can be done, the CIL viability work needs to be revisited to ensure the points raised

through the consultation are properly addressed and to ensure that the CIL is set at a level which maximises the contributions to infrastructure without undermining the viability of development. This is particularly relevant in light of the recent upturn in the economy and housing market which means the previous viability work now needs to be updated.

- 3.16 For this reason it is now proposed that the Draft Charging Schedule be considered by Council at its meeting on 25<sup>th</sup> June and that the Local Development Scheme is amended accordingly.
- 3.17 The revised timetable for finalisation of the CIL Charging Schedule will therefore be:  
25<sup>th</sup> June: Draft Charging Schedule considered by Council  
4<sup>th</sup> July to 1<sup>st</sup> August: 4 week period during which the Draft Charging Schedule is open for representations  
29<sup>th</sup> August: Approximate date for submission of the Draft Charging Schedule to the secretary of State
- 3.18 It is hoped that this timetable will enable the Council to adopt a CIL scheme to commence alongside in the Local Plan in the spring of 2015.
- 3.19 **Recommendation 2.9:** This report marks the point in the Local Plan process between the 'preparation' stage of the Local Plan (during which the proposals are not formal Council policy) and the 'publication' stage. Once the publication stage has been reached, i.e. following Council and Executive approval of the recommendations within this report, the Draft Local Plan and Policies Map can be considered to be Council policy and can therefore be given due weight in planning decisions in line with paragraph 216 of the NPPF which states:  
*"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*
- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
  - *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
  - *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*
- 3.20 **Recommendation 2.10:** A full revision of the Statement of Community Involvement (SCI) will take place in 2015 to ensure it is consistent with the terminology in 2012 Planning Regulations. However, it is proposed to make minor amendments to the final paragraph of table 2 of the SCI at this stage, rather than await the full revision.

- 3.21 This is necessary as it is considered that the current wording of the final paragraph of the "submission" section of this table could be used to delay the Local Plan without reasonable cause. There have been a number of opportunities for alternative sites to be put forward during the preparation stages of the Local Plan, so it is not considered necessary to commence an additional period of 6 week consultation if any new sites are proposed at this stage, unless there is clear evidence that the new information would require major modifications, without which the Local Plan would be found to be unsound. The amendment is therefore needed to ensure that any submission of alternative sites following the publication of Draft Plan does not unduly delay the process between the publication of the Draft and submission to the Secretary of State.
- 3.22 For clarity it proposed to delete the words "*If, during the submission consultations, alternative sites are proposed, the Council will advertise these alternative sites and invite comments for a further period of six weeks*" from the SCI.
- 3.23 Table 2 also currently indicates that "*Amendments to the document prior to submission will require Council approval*" and it is also proposed to delete this sentence.
- 3.24 **Recommendation 2.11:** On 20<sup>th</sup> March 2014 the Coventry and Warwickshire Joint Committee agreed, subject to formal approval from each of the constituent authorities, a Duty to Cooperate process for addressing housing need arising from outside a District's borders. This process is set out at Appendix 5.
- 3.25 Members will be aware that there is a possibility that the Council will be asked to accommodate growth arising from outside the district. In such a scenario the Duty to Cooperate will apply and it would be necessary to ensure the matter is addressed through the application of an evidential approach.
- 3.26 Consequently, all the local authorities within the Coventry and Warwickshire sub-region have worked together to develop a Duty to Cooperate approach which can be applied by all the six local planning authorities in the event of one or more having a shortfall in its housing land availability, or one or more being asked to contribute to a shortfall arising from outside the sub-region. The agreed approach was endorsed by the Coventry and Warwickshire Joint Committee and it is therefore recommended that this Council agrees the Joint Committee's recommended approach, subject to all the other authorities agreeing to it, and to apply this approach should the described scenario arise.
- 3.27 **Recommendation 2.12:** Whilst Regulation 20 of the Town and Country Planning Regulations 2012 does not require the publication of



an infrastructure delivery plan, it is recognised that the provision of infrastructure is an important issue that is closely linked to the Draft Local Plan proposals. A Draft Infrastructure Delivery Plan (IDP) has therefore been prepared (attached as Appendix 4). This sets out the emerging infrastructure requirements along with costs and proposed sources of funding. To be found to be sound an IDP will require evidence of sound infrastructure delivery planning, confirmation that there are no regulatory or national planning policy barriers to delivery, that providers are, if possible, signed up to it, that it is coherent with the strategies of neighbouring authorities, and that it is sufficiently flexible and capable of being monitored.

- 3.28 It should be noted that the IDP will continue to evolve in the period through to Submission of the Local Plan to the Secretary of State as refined information and evidence is provided by Infrastructure Providers. At the point of submission, a key role of the IDP will be to demonstrate deliverability and viability of the Local Plan. However, the IDP will also continue to evolve beyond submission when it will also be used to inform CIL priorities and developer contributions associated with planning applications.
- 3.29 Its on-going evolution will need to take account of:
- any new evidence regarding requirements; for example, an sustainable transport assessment is currently being undertaken and this may provide evidence for changes to the transport proposals set out in the Draft Plan
  - any new evidence regarding costs; a number of infrastructure providers have provided indicative costs, but for these to be funded through planning obligations further work, currently being undertaken, is needed to confirm the evidence to justify these costs
  - any new funding opportunities; funding opportunities will continue to emerge and as they do these will need to be fed in to the IDP
  - any change to Council priorities; as community priorities change, the IDP will need to be adapted to reflect these.
- 3.30 **Recommendation 2.13:** Until such time as a Community Infrastructure Levy is formally adopted the Council will require a mechanism to ensure that appropriate financial contributions for infrastructure are available.
- 3.31 In considering a number of recent planning applications for significant housing developments, the Council has negotiated section 106 contributions on the basis of a “per dwelling contribution” to infrastructure requirements. It is now proposed to apply this approach more widely until such time that a CIL scheme has been adopted by:
- Developing a standard “Heads of Terms” for section 106 agreements which includes a “per dwelling” tariff based approach and which takes account of the established requirements in the Infrastructure Delivery Plan. This standard Heads of Terms will be used as a

starting point for negotiations. It will not be possible to apply this approach uniformly to all housing applications as this would not be CIL compliant.

- Applying the standardised Section 106 agreement and per dwelling contribution approach to proposals for all new dwellings where a contribution to infrastructure can be justified
- Providing a discount on affordable housing on a sliding scale ranging from 100% discount to 25% discount depending on the tenure of the affordable housing
- Ensuring that, when applying the standardised Section 106 agreement, consideration is also given to the overall viability of housing projects, particularly if there are abnormal development costs and/or the sites are small in size.

3.32 The main elements of the Draft Section 106 Heads of Terms are set out in Appendix 6.

3.33 The new approach to Section 106 Heads of Terms has a number of significant advantages:

- The application of a tariff based approach provides more clarity, consistency and certainty for developers;
- It provide more certainty for the Council and other infrastructure providers about the quantity and phasing of contributions;
- It can be extended to include specific conditions relating to area specific implementation agreements/programmes and matters such as land equalisation payments and any forward funding arrangements to enable the timely delivery of land use and supporting infrastructure.

#### **4. POLICY FRAMEWORK**

4.1 The Local Plan is a strategic development plan document that the Council has a statutory duty to provide, and will direct development in the district for the next 15 years. It will ensure that the Council meets its obligations in providing adequate land supply in the district, and set the framework for decision making in the future.

4.2 The Local Plan complies with the Council's vision in ensuring that Warwick District is and continues to be a great place to live, work and visit.

#### **5. BUDGETARY FRAMEWORK**

5.1 The next stage of the Local Plan process, following the six week consultation on the soundness of the Plan, will be to submit the document to the Secretary of State for examination. This will take place over a number of months and will include an Examination in Public. The

cost of this process is likely to be in the region of £100K and will be met from the Planning Appeals reserves.

- 5.2 It should be recognised that the Local Plan will bring significant financial benefits to the district, through infrastructure investment, increased business rates and New Homes Bonus.
- 5.3 In addition, the ability of the Plan to create employment growth, both in the construction industry and at the employment sites it will deliver will provide significant indirect benefits to the Council's Prosperity agenda, as well as providing a catalyst for further inward investment into the district

## **6. RISKS**

- 6.1 There are significant risks in not having a Local Plan in place. These include a loss of control over where future development is sited, funding gaps for the infrastructure needed to support new development, and the reputational damage to the Council arising as a result of it not having planned for the development necessary to support the local economy.
- 6.2 There is a specific risk register for the Local Plan and its significance is also recognised within the corporate Significant Business Risk Register. These documents have been regularly updated as the Local Plan has developed to ensure that risks are closely monitored and mitigated wherever necessary.

## **7. ALTERNATIVE OPTION(S) CONSIDERED**

- 7.1 In preparing a Local Plan, the Council is required to follow the Town and Country Planning Regulations 2012. Therefore, apart from applying different timescales, there are no alternative options regarding recommendations 2.1 and 2.2, and there is a requirement to provide a Statement of Representations Procedure as per recommendation 2.3.
- 7.2 With regard to recommendations 2.5 and 2.6, it would be possible to ask for the Local Plan to be considered again by Council prior to submission. However, it is felt that the recommendations allow for the adoption of the Local Plan in as short a time as possible.
- 7.3 With regard to recommendation 2.8, the Council has already resolved to develop a CIL scheme. Therefore the only alternatives are with regard to the timing of this. However due to the nature of the work required to set a sound and effective CIL charging schedule, it would be difficult to achieve this earlier than set out.
- 7.4 With regard to recommendation 2.9, this is in line with the NPPF and there are therefore no alternatives, although it should be stressed the

amount of weight to accord to the Draft Local Plan will be a matter for the decision takers in light of the specific circumstances of the application being considered.

- 7.5 With regard to recommendation 2.10, the Statement of Community Involvement could be left un-amended. However this would potentially lead to unnecessary delays to the Local Plan.
- 7.6 With regard to recommendation 2.11, it would be possible to choose not to support the Joint Committee's recommendation. However this would underline the Council's work on Duty to Cooperate and could put the soundness and timetable of the Local Plan at significant risk.
- 7.7 With regard to recommendation 2.12 there is no requirement to prepare and consult on a Draft Infrastructure Delivery Plan at this stage and it would be possible to view the IDP as a supporting document. However, as the IDP is so intrinsically linked with the Local Plan it is proposed to include this for representations even though it will continue to evolve
- 7.8 With regard to recommendation 2.13, there is no requirement to proceed as proposed as the Council could continue to use Section 106 agreements as it has done in the past. However this is not recommended for the reasons set out in paragraphs 3.30 – 3.33.

## **8. BACKGROUND**

- 8.1 The Local Plan and associated Policies Map have been based on two key sources:
  - The evidence base
  - Material matters raised through the consultation processes
- 8.2 The process has inevitably had to address a number of issues for which strongly held views have been expressed. The justification for the policies and proposals in the Local Plan will be set out in full in topic papers that will be prepared to support the Submission of the Local Plan. The section below provides a summary of the justification for a number of the policies and proposals that have attracted the most attention

### **8.3 The Housing Requirement**

- 8.3.1 The Housing Requirement of 12860 new homes between 2011 and 2029 (as set out in Policy DS2 of the Draft Local Plan), has been primarily derived from the Joint Strategic Housing Market Assessment (Joint SHMA). This study was undertaken in 2013 in conjunction with all the local planning authorities within the Coventry and Warwickshire Housing Market Area. It closely followed the methodology for assessing housing need set out in the National

Planning Practice Guidance. As well as providing the basis for the District's housing requirement, it also ensures the Duty to Cooperate has been addressed with regard to ensuring the housing provision within the District is aligned with the needs of the whole Housing Market Area.

- 8.3.2 Prior to the Joint SHMA, two studies had been undertaken regarding the District's Housing requirement. In March 2012, the Council published a Strategic Housing Market Assessment. This suggested a number of different scenarios based on trends and forecast employment growth. The trends based scenarios suggested around 600 houses per annum would be needed, whilst the employment based scenarios suggested around 569 to 715 per annum would be needed. On this basis, the 2012 Preferred Options indicated a preferred level of growth of 600 dwelling per annum. However it should be noted that this study was carried out independently from neighbouring local authorities and pre-dated the National Planning Practice Guidance
- 8.3.3 In December 2012, the Council published the Economic and Demographic Forecasts Study. This updated the 2012 SHMA to take account of census data and updated economic forecasts. It also looked at the possible housing impacts of the Gateway employment sites proposals. This study suggested a trend based housing requirement of 430 dwellings per annum. However as this looked at a period during which the Council had a housing moratorium, this figure was unlikely to be found sound. The employment driven forecasts indicated an annual requirement in excess of 720 dwellings per annum. As a result the Council proposed an interim level of growth of 683 dwellings per year in the 2013 Revised Development Strategy, pending the outcomes of the Joint SHMA.
- 8.3.4 This has been an aspect of the Local Plan that has come under considerable scrutiny, with a large number of representations suggesting that the requirement should be lower and a number also suggesting they should be higher. The outcomes of Issues and Options consultation undertaken in 2011 suggested that many local residents wanted to see lower levels of growth than that now being recommended with the Local Plan. However, it is worth noting that the Council's scope for planning for a lower number than indicated in the Joint SHMA is limited by the most recent National Planning Practice Guidance. It has not therefore been possible to prepare a Plan based on the preferences of many local residents.

## **8.4 Overall Distribution of Development**

- 8.4.1 In terms of where growth is located it has been the Council's ambition to:

- Focus on brownfield land first
- Distribute development across the District where possible
- Avoid coalescence
- Protect significant and valuable features of the District, ie. Areas of high landscape value.

8.4.2 The Local Plan has been developed with these ambitions in mind. However, essential to the achievement a sound Plan is the requirement that the allocation of sites is consistent with the NPPF and is backed up by evidence. For instance as around 80% of the District is within the Green Belt and sites within the Green Belt can only be allocated where exceptional circumstances can be evidenced. Therefore, if there are suitable site to meet outside the Green Belt, the NPPF requires that these should be considered first.

8.4.3 As a result of this, the main allocations are brownfield sites (around 23%) and greenfield sites outside the Green Belt (around 54% of allocated sites). However around 23% of sites are located within areas that are currently Green Belt. In each of these cases, exceptional circumstances have been put forward to justify the release of the sites from the Green Belt. This justification encompasses the following:

- Red House Farm and Campion Hills are justified as a result of their potential to support regeneration in Lillington which is the most deprived part of the District
- Sites adjacent to Kenilworth are justified as a result of their potential to meet the housing and employment needs of the Town which is otherwise severely constricted by Green Belt
- Sites adjacent and within village settlements are justified to help address local housing needs and the imbalance in the current housing markets, which given the demographic trends in these physically constricted settlements are likely to have an impact on the future of the local services and facilities.

8.4.4 A particularly controversial aspect of where to distribute development has been identifying the most appropriate sites to allocate on the edge of the urban area. The 2012 Preferred Options included major allocation at Kenilworth, north of Leamington and to the south of Warwick. The emerging justification for the Green Belt sites to the north of Leamington centred on the argument that other potential sites outside the Green Belt to the south of Warwick would:

- Place undue pressure on infrastructure – particularly transport
- Result in a lack of choice of location of new housing leading to uncertainty about the ability of the market to deliver this level of development within the Plan period.

- 8.4.5 Members will recall that the Preferred Options allocated approximately 2700 dwellings to the south of Warwick at the Myton Garden Suburbs and South of Gallows Hill/the Asps. It also allocated 1980 dwellings to the north of Leamington.
- 8.4.6 Subsequent work, particularly assessing transport impacts and delivery issues demonstrated that a significant quantum of development to the south of the towns could be delivered within the Plan period and that the transport infrastructure could reasonably accommodate this growth. This meant that the exceptional circumstances for the land north of Leamington could not be substantiated.
- 8.4.7 The 2013 Revised Development Strategy therefore did not include proposals for site allocations to the north of Leamington. This was partly compensated for by including 3420 dwellings to the south of Warwick/Leamington.
- 8.4.8 The proposals in the Draft Local Plan have continued retain the area to the north of Leamington as Green Belt (with no development proposed). However, the current plan focuses more development on brownfield sites, and whilst this means that this has enabled a different configuration of site to be brought forward in order to minimise the impacts of the proposed developments.

## **8.5 Allocation of Sites to the South of Warwick**

- 8.5.1 The paragraphs above describe how and why the quantum of development proposed to the south of Warwick/Leamington has changed during the preparation stages of the Local Plan. The configuration of sites in this area and the mix of uses within these sites has been the focus on much attention.
- **Land at the Asps and South of Gallows Hill:** this area was included in full for development in the Preferred Options and, in part, in the Revised Development Strategy. However it has been excluded from the Draft Local Plan. This is as a result of increasingly clear evidence that the landscape impacts and in particular the impacts on key heritage assets (such as Castle Park and Warwick Castle) are of such substance that it is inappropriate to allocate.
  - **Land South of Harbury Lane:** this area was not included for development within the Preferred Options due to concerns about perceptions of coalescence with Bishops Tachbrook. However, further work exploring landscape impacts and the potential for a Country Park to provide a substantial open space between the new development area and the village suggested that development in this area was preferable to the area at the Asps and South of Gallows Hill. So whilst the consultation responses

demonstrate that this area is a highly valued landscape by local residents, it has been included as a site for development within the both the Revised Development Strategy and the Draft Local Plan.

- **Land at Myton/West of Europa Way:** this area has been included for development in all stages of the Plan's preparation and is included in the Draft Local Plan. However, there has been detailed work on the most appropriate mix of uses to bring forward on this site. This has involved consideration of the following:
  - Education: detailed work has been undertaken to explore the need for and the viability of rebuilding Myton School. The Revised Development Strategy indicated that secondary education requirements could be met either through a new secondary school to the south of Harbury Lane or through expansion of existing schools. Further discussions the County Education Service and the local education providers have suggested that the preferred approach is to redevelop the Myton School campus to include both re-furbished and new school buildings to accommodate a forecast increase in pupil numbers. This campus will also include a new primary school.
  - Employment: the Employment Land review has identified the need for approx. 8 to 10 hectares of new employment land to the south of Warwick. The Preferred Options and the Revised Development indicated that this could be provided either within this area or to the south of Gallows Hill. However the landscape and heritage work described above has meant that the area south of Gallows Hill is longer being proposed for and development and that consequently, the employment area is best located on the Land at Myton/West of Europa Way. The represents an appropriate location being adjacent to both the Technology Park and Heathcote Industrial Estate. It is accessible from the motorway via Europa Way and as indicated by the Employment Land Review provides a good location to meet the needs of modern businesses.
  - Community Hub: the provision of local retail services; community facilities; community sports complex and complementary uses and a medical centre.
  - Other uses: this area has also been subject to discussion about providing land to assist with parking problems at Warwick Technology Park and to enable the relocation of Leamington Football Club. The potential for Leamington FC to relocate to this area remains a future prospect subject to land being made available through the detailed development proposals.

## 8.6 Traffic and Transport



- 8.6.1 There is widespread concern that the level of growth and the proposed location of the growth will result in significant levels of congestion with implications on quality of life and the economy of the towns. Of particular concern has been the impact of the proposals on already congested routes as a consequence of the limited number of river crossings in Warwick and Leamington.
- 8.6.2 There have been three separate Strategic Transport Assessments undertaken during 2012, 2013 and 2014. These have assessed the impacts of the development proposals set out in the Preferred Options, Revised Development Strategy and the Draft Local Plan. There are number of conclusions which can be drawn from these assessments:
- There will be more traffic on the roads as a result of the growth proposed in the Local Plan
  - Mitigation in the form of junction/road improvements and sustainable transport proposals is therefore required to support the level of growth
  - In general, locating a development to the south of Warwick/Leamington has lower impacts on congestion than locating development to the north of Leamington. This is because:
    - Many of the mitigation proposals can be concentrated on the section of the network closest to the motorway which provides the main routes southwards out of Warwick/Leamington and around Warwick.
    - The location of services such as food stores and employment is generally concentrated in the south of the towns and siting development close to these uses minimises the need to travel. However, it should be noted that this is partially balanced out by the location of the town centre north of the river and the location of employment centres in and around Coventry.
  - Even with the mitigation proposals congestion (as evidenced by forecast queue time and journey times) will deteriorate over the plan period, but that the modelling indicates this deterioration is at reasonable levels and that the network will continue to function effectively.
  - There are currently issues with the river crossings at Banbury Road, Warwick and Princes Drive, Leamington. However, through junction improvements these “pinch-points” can be reasonably mitigated. It should be noted, that in general congestion is not caused by the river crossings themselves, but by the junctions along those routes. This means effective mitigation is possible without increasing carriageway capacity on the bridges themselves.
- 8.6.3 The Strategic Transport Assessments have demonstrated that the level and location of growth proposed in the Draft Local Plan are justified in terms of traffic impacts. However, further work needs to

be (and is being) done to assess the optimum way forward for future transport arrangements.

- 8.6.4 To this end Warwickshire County Council, with input from Warwick District Council, are undertaking a study looking at alternative strategies. This study is based on improvements for sustainable transport modes for the towns and explores a range of scenarios which consider the impacts of measures such as limiting through traffic, implementing park and ride schemes, improving flows around the towns, speed restrictions and low emission zones.

## **8.7 Air Quality**

- 8.7.1 There are existing air quality issues within Warwick and Leamington. In some locations these have been sufficiently severe that Air Quality Management Areas have been declared. Understandably, there are further concerns that the proposed level of growth will result in more traffic on the roads, which in turn will exacerbate air pollution.
- 8.7.2 To consider this issue, the District Council commissioned an air quality assessment which looked at the likely impacts on air quality of the proposals modelled in the Phase 3 Strategic Transport Assessment. The Air Quality Assessment concluded that air quality would improve during the Plan period as a result of cleaner vehicle engines. It showed that, even with increases in vehicle movements, the improvements in air quality are forecast to be of a scale that would mean the maximum concentrations of particulates and nitrous oxides would not be exceeded by the end of the Plan period.
- 8.7.3 Although air quality is certainly an issue that needs to be considered, the evidence demonstrates that the Local Plan's development proposals cannot be considered unsound for this reason. It should also be noted that Policy TP2 in the Draft Local Plan requires significant developments that generate traffic should undertake an assessment against the Council's Low Emissions Strategy Guidance. This seeks to ensure that impacts on Air Quality Management Areas are mitigated.

## **8.8 Historic Environment**

- 8.8.1 Through the consultation process, concern has been raised about the impact of the level and location of growth on sensitive historic assets such as conservations area, listed buildings and registered parks and gardens. Particular concern has been expressed about the impact of development to the south of Warwick on the Castle Park, the Castle, the Banbury Road Bridge and Warwick Conservation Area.
- 8.8.2 As a result of these concerns, the Council has undertaken a Settings Impact Assessment for the sites South of Gallows and the Asps using

the English Heritage methodology. This work has demonstrated that that the significance of these heritage assets and particularly the Castle Park and the planned approach to Warwick, would be significantly and adversely impacted by development at those sites. This complements previous evidence prepared by landscape consultants which suggested that development at the Asps could not be mitigated.

- 8.8.3 Whilst the developers for both sites dispute the Council's findings on the Heritage Settings assessment, these sites are not proposed for development in the Draft Local Plan. This represents a significant change from the Revised Development Strategy which identified the area South of Gallows Hill for up to 630 houses and potentially some employment land.

## **8.9 Sub-regional employment site**

- 8.9.1 Members will be aware that the Gateway Planning Application is currently subject to a call-in inquiry. However the Draft Local Plan proposes a sub-regional employment site in the same as proposed in the current application.
- 8.9.2 Aside from the assessment of the Gateway Planning application, the Local Authorities within Coventry and Warwickshire have undertaken a Joint Employment Land Study. Part of this study considered whether:
- there is a need for a sub-regional employment site and, if so;
  - a location in the vicinity of Coventry Airport was the most suitable location.
- 8.9.3 The study has concluded that there is a need for sub-regional employment site over and above the local employment land needs. This site needs to provide for national/international scale businesses, an entirely different market to that provided for by local employment sites.
- 8.9.4 The study also concluded that the site in the vicinity of Coventry Airport was the most suitable location for the sub-regional employment site. This is backed up by the identification of this site in the Strategic Economic Plan submitted to the Government by the Coventry and Warwickshire Local Enterprise Partnership (CWLEP) on 30<sup>th</sup> March 2014 after endorsement by both the CWLEP Board and the Coventry and Warwickshire Joint Committee.

## **8.10 Dealing with housing need arising from outside the District's border**

8.10.1 The Joint Strategic Housing Market Assessment identified the housing need for all six local planning authorities in the Coventry and Warwickshire Area. For a number of these Councils, the next step is to identify available and suitable sites to deliver this need. This work is not complete in a number of authorities, including Coventry. As a result there is a risk that one or more of these authorities will not be able to meet their housing need in full within their boundaries. However, it should be stressed that, at this point in time, there is no clear evidence of a shortfall.

8.10.2 To address this issue, the Coventry and Warwickshire Joint Committee has endorsed a Duty to Cooperate approach to deal with any shortfall on a sub-regional basis. There are three main elements to the proposed approach:

- Preparing a Joint Evidence base covering issues such as site availability and green belt quality
- Developing a sub-regional strategic approach to deal with the shortfall, ensuring alignment with the strategic economic Plan and the taking account of the joint evidence.
- Should it be necessary to meet some or all of the shortfall within Warwick District, then the Local Plan will need to be reviewed to address this. (This would equally apply to other districts who commit to reviewing their respective Local Plans if any shortfall requirement impacted on their district).

This approach is set out in Policy DS14 of the Draft Local Plan

## **8.11 Justification for Green Belt sites**

8.11.1 The Draft Local Plan proposes to release a number of areas from the Green Belt as set out in paragraph 2.80 of the Draft Local Plan and as shown on the policies map.

8.11.2 The Council's policy with regard to the Green Belt is to apply the National Planning Policy Framework. This sets out a stringent test to justify exceptional circumstances for Green Belt Releases. The areas proposed for release are justified as follows:

- Red House Farm and Campion Hills: important for the regeneration of Lillington
- Thickthorn and Castle 6<sup>th</sup> Form, Kenilworth: important to meet the housing needs of Kenilworth which (apart from the Crackley Triangle) is encircled by Green Belt. This has restricted the natural growth of the town in recent years.
- Southcrest Farm, Kenilworth: important to enable the relocation and expansion of Kenilworth School to meet future capacity forecasts.
- University of Warwick: the area being removed from the Green Belt is covered by the University's masterplan. Significant parts of this area are built up and some of the remainder has planning permission for further development. The area therefore no longer fulfils the main purposes of the Green Belt.

- Land in the vicinity of Coventry Airport: an area of land, to the north and south of Coventry airport, to provide for a sub-regional employment site.
- Oak Lea Farm, Finham: a small area of land which has been assessed as not providing a strong role in maintaining the function and purpose of the Green Belt and it is proposed to amend the Green Belt boundary to exclude this area.
- Villages: important to help deliver housing growth and re-balancing in local housing markets. All the sites included in the plan will only have a modest impact on the fundamental aim and purposes of the Green Belt as independently assessed.

## **8.12 Note on 5 Year Supply of Housing Land**

- 8.12.1 Whilst the 5 year supply of housing land is not directly part of the Local Plan, the Local Plan is likely to help address the currently shortfall of housing land. At April 2013 the calculated position with regard to 5 year supply of housing indicated that the District had a 2.8 year supply of housing land. Since then a number of factors have changed, notably:
- The annual housing requirement has been reviewed through the Joint SHMA
  - A significant number of planning permissions for housing have been granted
  - The National Planning Practice Guidance has been published which clarifies what can and cannot be taken in to account in assessing 5 year supply
- 8.12.2 It is expected that when the position for April 2014 is calculated, the 5 year housing land supply position within the District will have improved in comparison with April 2013. Whilst it is too early to say with certainty whether this will mean the District has a 5 year supply, the likelihood remains that there will still be a shortfall. In this context the proposals in the Local Plan can help as more weight can be given to the Plan's proposals as it progresses. Once the Plan is sufficiently well advanced to give some certainty to the delivery of some sites within 5 years, these can be included within the supply. Officers will therefore monitor the position with regard to 5 year supply during 2014/15 with a view to resolving the shortfall as early as possible.

## **9 APPENDICES**

- Appendix 1: Submission Draft Local Plan
- Appendix 2: Policies Maps
- Appendix 3: Report of Public Consultations
- Appendix 4: Draft Infrastructure Delivery Plan
- Appendix 5: Report of the Coventry & Warwickshire Joint Committee

## Appendix 6: Heads of Terms/Section 106 schedule

# EXECUTIVE

Minutes of the meeting held on Wednesday 12 March 2014 at the Town Hall, Royal Leamington Spa at 6.00 pm.

**PRESENT:** Councillor Mobbs (Chairman); Councillors Caborn, Coker, Cross, Mrs Grainger, Hammon, Shilton and Vincett.

**ALSO PRESENT:** Councillor Barrott (Chair of Finance & Audit Scrutiny Committee), Councillor Mrs Blacklock (Chair of Overview and Scrutiny Committee), Councillor Boad (Liberal Democrat Group Observer), Councillor MacKay (Independent Group Observer) and Councillor Wilkinson (Labour Group Observer).

## 159. **DECLARATIONS OF INTEREST**

Minute Number 167 – Agenda Item 9B – Discretionary Rate Relief

During the course of this item Councillor Mrs Grainger declared a pecuniary interest because of her family connections to a local, independent retailer. She left the room whilst the discussions and decision took place.

## 160. **MINUTES**

The minutes of the meeting held on 12 February 2014 were agreed with an amendment to Minute Number 138, Car Parking - National Bowls Championships.

### **PART 1**

(Items on which a decision by Council is required)

## 161. **TREASURY MANAGEMENT STRATEGY PLAN FOR 2014/2015**

The Executive considered a report from Finance which detailed the strategy for 2014/15 that the Council would follow in carrying out its Treasury Management activities, including the Annual Investment Strategy and Minimum Revenue Provision (MRP) Policy Statement.

The Council was required to have an approved Treasury Management Strategy, including an Annual Investment Strategy and Minimum Revenue Provision Policy within which its Treasury Management operations could be carried out. The Council would be investing approximately £13.605 million in new capital in 2014/2015 and would have average investments of £48 million (2012/13 actual £47m). This level of investments had arisen from the Council's reserves and provisions, the General Fund and Housing Revenue Account balances, and accumulated capital receipts as well as cashflow.

The report advised that the Council's treasury management operations were also governed by various Treasury Management Practices (TMP's), the production of which was a requirement of the Chartered Institute of Public Finance and Accountancy (CIPFA) code and which must be explicitly followed by officers engaged in treasury management.

There had been some changes to various Treasury Management Practices (TMP's) and these were outlined in paragraph 3.2 of the report. The report asked Members to note these changes.

In addition, the report requested approval of the Treasury Management Strategy for 2014/15, attached as appendix A and approval of the 2014/15 Annual Investment Strategy attached as appendix B to the report. This document also included nine changes, outlined in recommendation 2.2 (b), which required approval.

Finally, approval was required for the Minimum Revenue Provision Policy Statement and the Prudential Indicators, detailed in appendices A and C of the report.

There were a few of alternative options available, detailed in section 7 of the report, however, the production of an annual strategy was a requirement of the CIPFA Treasury Management in the Public Services Code of Practice.

The alternatives outlined were to vary the counterparty limits and investment periods or not to introduce the new investment vehicles and reduce the minimum credit rating criteria instead.

The Finance & Audit Scrutiny Committee supported the recommendations in the report and thanked the officers for attending and presenting the report so comprehensively.

Having read the report and having heard the representation from the Scrutiny Committee, the Executive decided to;

**RECOMMENDED** to Council that

- (1) the changes to the various Treasury Management Practices are noted;
- (2) the Treasury Management Strategy for 2014/15, is approved;
- (3) the 2014/15 Annual Investment Strategy, is approved, including the following changes:-
  - a) that Variable Net Asset Value Money Market Funds, Corporate Bonds and Floating Rate Notes are added to the list of Specified Investments that the Council can use;
  - b) that the individual and overall counterparty limit for Variable Net Asset Value Money Market Funds for 2014/15 be £6 million;
  - c) that the individual counterparty limit for Corporate Bonds issued by Corporates for 2014/15 be £3 million;



- d) that the individual counterparty limit for Floating Rate Notes issued by Corporates for 2014/15 be £3 million;
  - e) that Corporate Bonds with maturities in excess of 364 days, Corporate Bond Funds and Regulated and Unregulated Property Funds ( CCLA Local Authority Property Fund only ) are added to the list of Non-Specified investments that the Council can use;
  - f) the current 40% portfolio limit and £9 million monetary limit on investments over 364 days be replaced by 60% and £15 million respectively;
  - g) Corporate Bond and Property Funds are limited to a maximum of £5 million per fund within an overall sector limit of £10 million and subject to the over 364 day overall investment limit of £15 million;
  - h) in respect of Local Authorities, the current maximum duration limit of 2 years be increased to 5 years;
  - i) in respect of Corporate Bond and Property Funds, the current maximum duration limit of 2 years be increased to 10 years;
- 4) the Minimum Revenue Provision Policy Statement, is approved; and
  - 5) the Prudential Indicators, are approved.

(The Portfolio Holder for this item was Councillor Mobbs)  
(Forward Plan reference 541)

## **PART 2**

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

### **162. HOUSING STRATEGY 2014-17 DELIVERY PLAN**

The Executive considered a report from Housing and Property Services which outlined a detailed delivery plan for the Council's new Housing Strategy which had been approved by Members in December 2013.

The report advised that following a substantial consultation exercise and an analysis of the local housing situation and the corporate policy environment, a new Housing Strategy had been approved by Executive in November, and ratified by Council in December 2014.

The strategy had set out the broad framework for the Council's housing and associated services for the three-year period from 2014-2017. It also included a

commitment to reporting a detailed delivery plan for approval and this was attached as an appendix to this report.

Approval of the strategy would enable officers to take forward work on housing and associated services in the strategic manner set out and approved in the Housing Strategy 2014 - 2017.

The alternative options were to not adopt a delivery plan at all or to adopt a different plan than the one proposed.

However, to not adopt a delivery plan would be contrary to the Housing Strategy approved in December 2013. In addition, since the strategy had been approved, the actions had been subject to discussion with relevant managers in terms of resources and timescales, so the plan represented what was considered as realistically achievable.

Changes could be proposed but these amendments would need to go back through the relevant processes and could result in significant delays.

The Overview & Scrutiny Committee welcomed the report and commended it to the Executive.

The Portfolio Holder for Housing and Property Services, Councillor Vincett, endorsed the report and thanked the Overview and Scrutiny Committee for its support.

Having read the report and having heard the representation from the Scrutiny Committee, the Executive decided to agree the recommendations as written.

**RESOLVED** that the Housing Strategy Delivery Plan 2014-17, be approved.

(The Portfolio Holder for this item was Councillor Vincett)  
(Forward Plan reference 565)

**163. HACKNEY CARRIAGE FARE INCREASE – REQUEST FROM DRIVERS**

The Executive considered a report from Health and Community Protection, following a request from 127 Hackney Carriage drivers to increase the current hackney carriage fares and for these fares to be reviewed on an annual basis.

The report advised that under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, this Authority was responsible for regulating fare and other charges in connection with the hire of hackney carriage vehicles in this area.

Hackney Carriage fares were last reviewed in Warwick District in February 2008 and the current fares were attached at appendix 1 to the report.

The report also included details from Private Hire and Taxi Monthly which showed the cost of a two mile journey, throughout Councils within the UK, and advised of Warwick District's current position in the table. Paragraphs 3.5 to 3.7 outlined the national average fare and neighbouring districts current

position, compared to Warwick District and details about their recent reviews if applicable.

The Licensing Department received a request from 127 drivers to consider increasing hackney carriage fares and outlining a suggested new tariff, detailed in paragraph 3.11 of the report.

The alternative options were to refuse the request or to agree an amended fare increase .

The Overview and Scrutiny Committee recommend that the Executive delayed any decision in respect of fare increases pending a complete review of the taxi drivers' code of conduct to improve standards of service and vehicles.

Members were concerned about the comments raised at Overview and Scrutiny Committee and were uncomfortable with the proposed new fares, considering the level of service currently being reported. In addition, it was felt that a 50% increase in the soiling charge was too high.

The Licensing Services Manager addressed the Executive and advised that a review of the policies and procedures in relation to taxi licensing was underway and assured Members that this would include a review of the code of conduct for drivers.

The Portfolio Holder for Health and Community Protection, Councillor Coker, thanked the Overview and Scrutiny Committee for its input and accepted its recommendation. He also proposed that the current fares be confirmed by Executive, to avoid any confusion with previous decisions taken by Regulatory Committee in previous years.

Councillor Coker also felt that further communication should take place between officers and the hackney carriage drivers, during the review of processes, to negotiate a more suitable fare increase, with a report to come back to Executive at a later date.

Having read the report and having and in light of the comments from Overview & Scrutiny Committee, the Executive refused the recommendations in the report.

**RESOLVED** that

- 1) the recommendations in the report be refused;
- 2) the existing fares be confirmed at their current rate;
- 3) the Executive fully supports the pending review of the policies and procedures relating to Taxi Licensing; and
- 4) as part of that review, officers be asked to negotiate with drivers about fare charges, and report back to Executive in due course.

(The Portfolio Holder for this item was Councillor Coker)

(Forward Plan reference 592)

164. **CORPORATE PROPERTY REPAIRS & IMPROVEMENTS PROGRAMME 2014/15**

The Executive considered a report from Housing and Property Services which provided the rationale for the proposed allocation of works against the budget for the Corporate Repairs and Improvement Programme for 2014/15.

The report advised that to ensure that the Council was spending the budget effectively in the current climate, it was considered that members needed to be aware of the principles underpinning the budget allocation to ensure the process was transparent.

The report requested approval of appendices A, B and C which identified the works proposed for 2014/15. The proposals were based on the data and recommendations from the stock condition surveys undertaken as part of the on-going assets review work. A further recommendation proposed that the Head of Housing and Property Services be authorised to procure the works as per the Code of Procurement Practice and in consultation with the Procurement Manager.

The total Corporate Property Repairs and Improvements budget for 2014/15 was £1,167,000 to which £1,298,000 was being requested from the Corporate Asset Reserve to bring the total budget to £2,465,000. Housing and Property Services managed the budget and would coordinate the proposed programme of works, which had been set following consultation with the Corporate Property Investment Board and the Strategic Asset Group.

The alternative options were to not apply the refreshed budget setting criteria and/or not to manage the budget centrally but instead let service areas decide priorities and allocation. These options had been rejected when the initial review was carried out in 2008.

A second alternative would be not to proceed with the current proposed programme of works as set out in appendices A, B & C to the report, but instead defer any or all of the prioritised projects to future years and accept the risks associated with deferring the recommended projects.

The Finance & Audit Scrutiny Committee recognised that the Council was moving to a more strategic approach to how it managed its portfolio and supported the recommendations in the report.

The Portfolio Holder for Housing and Property Services, Councillor Vincett, endorsed the report and thanked the report author for a detailed document. He also thanked the Finance and Audit Committee for its comments and support and moved the recommendations as laid out.

Having read the report and having heard the representation from the Scrutiny Committee, the Executive decided to agree the recommendations as written.

**RESOLVED** that

- (1) the proposed allocation of the Corporate Property Repair and Improvement Programme budget for 2014/15, as set out in table 1 of this report and Appendices A, B & C, is approved;
- (2) the Head of Housing & Property Services, in consultation with the Procurement Manager, is authorised to procure the works as per the Code of Procurement Practice;
- (3) up to a maximum of £1,298,000 is released from the Corporate Asset Reserve towards the 2014/15 Corporate Property and Repair and Improvement Programme;
- (4) the Head of Housing and Property Services and the Head of Finance, in consultation with their respective portfolio holders, are granted delegated authority to approve programme amendments (both additions and omissions) and revised budget allocations within the overall base budget of £2,465,000;
- (5) SAG (which is chaired by the Deputy Chief Executive) and the Section 151 officer, in consultation with the portfolio holders for Housing & Property Services and Finance, be given delegated authority to release monies for the Corporate Asset Repairs Reserve, ensuring that the monies are ring-fenced for the Stock Condition Plan and not to subsidise any Budget Shortfall on the Responsive Repairs or Warwick Plant Maintenance which will be reported and considered separately;
- (6) a further £20,000 is released from the Corporate Asset Reserve to fund the on-going Asset Review work; and
- (7) the refreshed budget setting principles as set out in section 8 of this report, are noted.

(The Portfolio Holder for this item was Councillor Vincett)

#### 165. **RURAL/URBAN CAPITAL IMPROVEMENT SCHEME CRITERIA**

The Executive considered a report from Finance which sought approval of the revised criteria for the Rural / Urban Capital Improvement Scheme (RUCIS).

Historically, there had been a steady volume of RUCIS applications throughout each year which on the whole had been approved if they met the scheme criteria; however, the budget for the scheme had usually been under spent with slippage being carried forward into the next financial year.

Within the current 2013/2014 financial year officers had seen a high level of interest in the RUCIS scheme and had experienced an increase in applications

for large amounts, as detailed in appendix 2 to the report, which had left the budget close to being fully spent for the first time since the scheme was introduced.

Officers felt there was potential that the budget for the 2014/15 financial year, including slippage from 2013/14, may run-out in the early part of the year with some large applications expected.

The report therefore recommended that the maximum award amount should be reduced from £50,000 to £30,000 for applications received from 1 April 2014 onwards.

Where RUCIS awards had been allocated but unspent and carried forward into future years, this had potentially prevented other, well-deserving, non-profit community organisations receiving funding support. A revised criterion was introduced in 2013/14 which established a condition whereby grants had to be used within 12 months of the offer being made unless there were exceptional circumstances. To further support this, the report suggested that organisations were limited to having one live RUCIS funded project at a time.

An alternative option was to continue with the current criteria but this was not deemed viable because of the concerns detailed by officers. Another alternative was to reduce the maximum value or to move to annual or quarterly decisions. However, this could cause delays for many organisations which were trying to secure funding.

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

Having read the report and having heard the representation from the Scrutiny Committee, the Executive decided to agree the recommendations.

**RESOLVED** that the revised criteria for the Rural / Urban Capital Improvement Scheme are agreed, with the proposed changes as follows:

- The maximum award amount is reduced from £50,000 to £30,000 for applications received from 1<sup>st</sup> April 2014 onwards
- A grant can only be considered if the applying organisation has no outstanding projects that have previously received funding from the RUCIS scheme

(The Portfolio Holder for this item was Councillor Mobbs)

#### 166. **RURAL/URBAN CAPITAL IMPROVEMENT SCHEME APPLICATION**

The Executive considered a report from Finance which detailed a Rural / Urban Capital Improvement Scheme application from Sherbourne Village Hall for up to £2,675.

The Council operated a scheme to award Capital Improvement Grants to organisations in rural and urban areas. The grants recommended were in accordance with the Council's agreed scheme and would provide funding to help the projects progress.

Sherbourne Village Hall had submitted an application to refurbish existing toilet facilities and install a new disabled toilet and baby changing unit. They had previously had a successful grant awarded in 1998/99 and therefore this application met the criteria of waiting for a minimum of two years before re-applying.

The Village Hall was not registered for VAT and they had committed £200 to the project from their limited cash reserves. In addition, Barford, Sherbourne and Wasperton Parish Council supported the project and had agreed to contribute £2,600.

The alternative options were to not approve the grant funding, or to vary the amount awarded.

**RESOLVED** that a Rural/Urban Capital Improvement Grant from the Rural cost centre budget, be approved, for Sherbourne Village Hall of 49% of the total project costs to refurbish existing toilet facilities and install a disabled toilet and baby changing unit, up to a maximum of £2,675.

(The Portfolio Holder for this item was Councillor Mobbs)

#### 167. **DISCRETIONARY RATE RELIEF**

The Executive considered a report from Finance which provided details of relief for businesses announced in the Autumn Statement and sought approval for adopting these measures through the discretionary rate relief scheme.

Section 47 of the Local Government Finance Act 1988 provided local authorities with discretionary powers to grant relief from non-domestic rates on property occupied by charities and other non-profit making organisations. Current policy for the determination of awards of relief and the guidelines that underpinned such awards had been reported to Executive in December 2010.

The Localism Act 2011 introduced an additional power for local authorities to award a local discretionary relief to any business, providing the granting of that relief could be deemed reasonable from the perspective of council tax payers in the local area.

It was announced in the Autumn 2013 Statement, that two temporary reliefs would be introduced but delivered through local authority discount powers (section 47 of the Local Government Finance Act 1988). Given that section 47 was a discretionary power, it was for each local authority to decide to adopt these changes although the Government expected local authorities to support the changes.

Local Authorities had been advised that Central Government would fully reimburse local authorities for the local share of the discretionary relief, however, the government had yet to respond formally to the question of

administration funding to compensate local authorities for the additional work required to implement the reliefs.

An alternative option was that the Council could choose not to adopt these initiatives if, for example, it was considered that awarding of relief would not be in accordance with the Authority's wider objectives. However, the Government had been quite clear in its guidance that its expectation was that local authorities would adopt these measures. Given that the cost of relief would be met by the Government, if the Council chose not to adopt these initiatives, it could send out the wrong message to the local business community.

The Finance & Audit Scrutiny Committee discussed this item in some depth and was concerned that the Government had yet to confirm whether it would meet the costs of this relief. In addition, there was no legislation covering this to date. Members discussed the possibility of recommending to the Executive that it did not implement these temporary measures. However, in order to try to give business some incentive to locate to the District, the Finance & Audit Scrutiny Committee recommended to the Executive that if it was minded to adopt the reliefs, it only pursued Option B as detailed under paragraph 8.4 of the report.

In response, the Leader and Portfolio Holder for Finance, Councillor Mobbs reminded the Executive that this was a temporary relief for two years and the indication from the Government had been clear regarding funding. In addition, officers were not aware of any other Warwickshire Councils that were not implementing the retail relief.

Councillor Mobbs explained that there were approximately 1000 properties that could benefit and denying them this relief would send out a significantly negative message to the local business community.

Members were also advised of comments from the Town Centre Manager, who considered that rates were one of the key reasons for high vacancy rates in high streets and this would deliver a much needed boost to local businesses.

The recommendation from Finance and Audit Scrutiny Committee was not accepted. In summary, this was because there had been a clear message from Central Government and the intention was that the award would be covered in its entirety, although officers were still waiting for confirmation that this would include administration charges. Also, the Executive recognised that the relief would provide a valuable support to the local business community.

Having read the report and having heard the representation from the Scrutiny Committee, the Executive decided to agree the recommendations as written.

**RESOLVED** that the reliefs as specified in this report and the guidance issued by the Department for Communities and Local Government, following announcement in the Autumn Statement on 5th December 2013, are adopted.

(The Portfolio Holder for this item was Councillor Mobbs)

168. **HISTORIC BUILDINGS GRANT APPLICATION FUNDING 2014/15**



The Executive considered a report from Development Services which advised Members of the enhancements made to the District by the Historic Buildings Grants for 2014/15 and requested approval of the allocation of the 2014/15 budget.

The District Council had for many years supported Historic Buildings Grants to help property owners to maintain/restore historic assets which were an important part of the environment of Warwick District. The report explained that, in this time of financial constraints, the maintenance of this type of grant was crucial to many owners of historic properties and recognised the contribution made by the historic environment to the economic and social wellbeing of the District.

Grants were offered in accordance with the Planning (Listed Building in Conservation Areas) Act 1990 which made provision for Local Authorities to make Historic Buildings Grants. Grants were offered normally at a level of 25% of the cost of works to an absolute maximum of £3,000 per property (£2,000 per property being the general ceiling figure).

A Grants Working Party comprising of four Elected Members together with Conservation Officers met in January 2014 to review the allocation of grants over the past year and to discuss and recommend the allocations for the coming financial year.

The report advised that the overall allocation for grants for 2014/15 had been agreed as £50,000 which was a reduction from £80,000 in 2013/14. Section 3 of the report detailed the pro rata allocations made for a number of schemes across the District.

An alternative option was to reduce the grant schemes or to abolish the grant scheme. However, to not have a Grant Scheme at all would significantly affect the Council's ability to assist in maintaining the Historic Environment for both residents of the District and visitors to the District.

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

Having read the report and having heard the representation from the Scrutiny Committee, the Executive decided to agree the recommendations as written.

**RESOLVED** that

- (1) the proposed allocations for the Historic Building Grants for 2014/15, are approved, as set out in appendix A to report; and
- (2) the slippage of unspent funds at year end to the grant allocation for 2014/15 is approved, as set out in appendix A to the report.

(The Portfolio Holder for this item was Councillor Hammon)  
(Forward Plan reference 595)

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

| Minute No.         | Para Nos. | Reason  |
|--------------------|-----------|---|
| 172                | 1         | Information relating to an Individual   |
| 172                | 2         | Information which is likely to reveal the identity of an individual   |
| 170, 171, 172, 173 | 3         | Information relating to the financial or business affairs of any particular person (including the authority holding that information) |

The full minutes of Minutes 170 to 173 would be contained within a confidential minute which would be considered for publication following the implementation of the relevant decisions. However, a summary of the decisions was as follows:

**170. LILLINGTON AREA ACTION PLAN**

The recommendations in the report were agreed.

(The Portfolio Holders for this item were Councillors Caborn, Hammon and Vincett)  
(Forward Plan reference 439)

**171. PROPOSED HOUSING DEVELOPMENT ON BOWLING GREEN STREET / THEATRE STREET, WARWICK**

The recommendations of the report were agreed.

(The Portfolio Holders for this item were Councillors Hammon, Shilton and Vincett)  
(Forward Plan reference 598)

**172. HOUSING AND PROPERTY SERVICES CONTRACTS UPDATE REPORT**

The recommendations of the report were agreed.

(The Portfolio Holders for this item were Councillors Mobbs and Vincett)  
(Forward Plan reference 545)

173. **USE OF CHIEF EXECUTIVES DELEGATED POWERS**

The recommendations of the report were agreed.

(The Portfolio Holder for this item was Councillor Mrs Grainger)

(The meeting ended at 6:58 pm)

# EXECUTIVE

Minutes of the meeting held on Wednesday 26 March 2014 at the Town Hall, Royal Leamington Spa at 5.00 pm.

**Present:** Councillor Mobbs (Chairman); Councillors Caborn, Cross, Mrs Grainger, Hammon, Shilton and Vincett.

**Also present** Councillor Barrott (Chair of Finance & Audit Scrutiny Committee), Councillor Mrs Blacklock (Chair of Overview and Scrutiny Committee), Councillor Boad (Liberal Democrat Group Observer), Councillor Ms Dean, Councillor MacKay (Independent Group Observer) and Councillor Weber (Labour Group Observer).

An apology for absence was received from Councillor Coker.

## 174. **Declarations of interest**

There were no declarations of interest made.

### **Part 1**

(Items on which a decision by Council is required)

## 175. **Petition against High Speed Rail (West Midlands) Bill**

The Executive considered a report from Development Services that sought consideration of whether, notwithstanding this Council's opposition to the principle of phase 1 of the High Speed 2 (HS2) Project, the Council should object to (petition against) specific aspects of that scheme in order to seek to reduce the impacts on communities; businesses and the environment within the District.

It was proposed that High Speed 2 (HS2) would be the UK's new high speed rail network. The proposed network would link London and the West Midlands (Phase 1) and would expand in the future to connect with Manchester and Leeds (Phase 2).

In January 2012, the Secretary of State for Transport announced the route of Phase One linking London to Birmingham.

HS2 was being authorised through Parliament by a Hybrid Bill ("the Bill"). This was a process used to deliver schemes of national importance such as key infrastructure projects previously including High Speed 1 (the channel tunnel link) and Crossrail. The Bill would grant planning permission for the works required to bring the railway into operation, subject to the approval of specific details of the scheme by Local Planning Authorities.

Amongst other things, the Bill would authorise:

- the principle of the construction of the railway through the District;
- the key infrastructure proposed for specific locations including for example the use of cuttings, tunnels, viaducts and bridges;
- the compulsory acquisition of land and; and

- major alterations to and interference with highways.

The Bill for HS2 Phase 1 between London and the West Midlands was deposited and given a formal first reading in the House of Commons on 25 November 2013. It was anticipated that the second reading of the Bill would take place in mid-May 2014.

It was during the second reading that the principle of the Bill would be debated. If approved by Parliament at this stage, the principle of the construction of a high speed railway between London and the West Midlands would be established and not capable of subsequent challenge.

It should be noted that the recommendations of the report to the Executive did not include actions relating to the second reading of the Bill. Rather, the resolutions were directed at the proposed subsequent actions to be undertaken by this Council should the principle of the construction of the railway be approved during the second reading of the Bill.

Following any approval of the principle of the construction of the railway at the second reading stage, individuals and organisations with sufficient interest (including Local Authorities whose areas were affected by the proposed railway) were able to submit "petitions" seeking changes to the Bill and to the detail of the scheme design. This petitioning process was the only means by which amendments to the Bill, along with additional mitigation or compensation measures could be secured.

It was understood that irrespective of their view on the principle of the HS2 project, various individuals, groups and organisations affected by the proposed route within Warwick District were proposing to submit such petitions. Officers were working closely with Warwickshire County Council, Parish and Town Councils and other groups and organisations in order to co-ordinate those actions as far as was possible.

Petitioning may result in the Bill being amended, or in additional mitigation or compensation being secured through legally binding "undertakings and assurances" given by the promoters of the Bill.

Prior to submitting any petition, this Council had to resolve to "oppose" the Bill under the provisions of Section 239 of the Local Government Act 1972. The term "oppose", in this context, did not mean that the Council was continuing to challenge the fundamental principle of the Bill. Rather it meant that the Council required changes to the Bill in order to reduce the impact on communities and the environment within the District.

A resolution to oppose the Bill could only be passed where at least 50% of all elected members had voted in favour of it, i.e. 50% of the total number of elected members, rather than of those attending the relevant meeting.

In order to work together as effectively as possible including the sharing of costs where appropriate, officers were collaborating with officers of the County Council in relation to the response to HS2 generally including the petitioning process. In that respect, both Councils had jointly procured Sharpe Pritchard to provide specialist advice and to act as Parliamentary Agents including to officially deposit each Council's petition in Parliament. Parliamentary Counsel

had also been provisionally briefed to act as both Councils advocate before the Select Committee.

Following the expiry period for their deposit, a House of Commons Select Committee would consider the petitions that had been submitted, during which there would be an opportunity for petitioners to appear before the Select Committee in person, to make representations and call evidence in support of their case.

The Select Committee process was similar to local Planning Inquiries in that evidence was presented and submissions made by and on behalf of petitioners in order to seek to persuade the Select Committee members that the Bill should be amended to address the issues raised.

After that process was complete, the Select Committee would produce a report setting out the amendments to the Bill that they considered were justified.

In advance of the Select Committee stage, there would also be an opportunity for potential petitioners to engage with HS2 Ltd in order to seek to secure undertakings and assurances from them that would resolve the potential petitioning issues and therefore obviate the need for the Council to petition on particular issues. It was anticipated that this process of negotiation would commence imminently and continue throughout the petitioning process.

Officers were in the process of identifying the areas to be included in any petition made by this Council. The potential areas identified to date were listed in Appendix 1. However, this was a work in progress such that potential areas could be added or removed as discussions with Warwickshire County Council; Parish and Town Councils; other groups and organisations and HS2 Ltd progress.

The Council had received legal advice from its Parliamentary Agents to the effect that the Council could resolve to submit a petition before the petition was drafted in its final form.

The Council was not obliged to submit a petition against the Bill. However, not doing so would effectively prevent the Council from having any influence over the key elements of the proposed scheme for the benefit of the communities; businesses and environment of Warwick District.

Alternatively it was open to the Council to resolve not to petition against the HS2 project. However, this would prevent the Council from seeking improvements to the scheme as indicated in 6.1 above and for that reason had been discounted by officers.

The Finance & Audit Scrutiny Committee considered the financial implications of the report and noted that funding for the petition would be made from the monies set aside to oppose HS2. One Member expressed the view that the petition should be funded separately. Members highlighted the point that if further funding were required in respect of HS2 in future, another request would have to be made to the Executive. Nevertheless, the Committee supported the recommendations in the report.

The Overview and Scrutiny Committee agreed with both recommendations in principle and recommended that the Council's representative on 51M was included in the named parties given delegated authority in recommendation 2.2. It also recommended to the Executive that all councillors see the final petition before it was submitted.

The Executive agreed with the comments from the Scrutiny Committee. Members accepted that they could not name Councillor Illingworth or the Council's 51M representative within the decision because they did not hold a formal position relevant to this matter. However the Executive provided assurance that Councillor Illingworth would be involved in the formulation of the response.

Having read the report and having heard the representation from the Scrutiny Committee, the Executive decided to;

**Recommended** to Council that

- (1) under the provisions of Section 239 of the Local Government Act 1972 it resolves that it is expedient for the Council to oppose the High Speed Rail (London-West Midlands) Bill deposited in the Session of Parliament 2013-14;
- (2) that the Head of Development Services in consultation with the Chief Executive and the Development Services Portfolio Holder, are authorised to determine the content of the Petition and to take all such other steps as considered necessary to carry the foregoing Resolution into effect, including the authorisation of Sharpe Pritchard (Parliamentary Agents) to sign the Petition of the Council against the Bill; and
- (3) all Councillors be sent a copy of the final petition document, for information, before it is submitted.

(The Portfolio Holder for this item was Councillor Hammon)  
(Forward Plan Reference number 596)  
(Councillor Mrs Grainger arrived during this item)

**Part 2**

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

**176. Relocation of the Council's HQ offices – Part A report**

The Executive considered a report from the Deputy Chief Executive (BH) regarding the potential for relocation of the current headquarters (HQ) for the Council from Riverside House to land adjacent to the Royal Spa Centre.

The Council's current HQ offices at Riverside House were too big, too expensive, and not well located for the public. Consequently, in December 2012 the Executive had agreed an 'in principle' decision to relocate the Council's HQ. Since then officers had explored a range of options for relocation to smaller,

more efficient and cost effective offices. In doing this they had undertaken detailed financial and operational appraisals of the options' deliverability.

The report sought approval for an innovative development package, to be delivered through the Limited Liability Partnership (LLP) established by the Council with its private sector partner Public Sector Plc (PSP) that would:

- deliver the proposed relocation of the Council's HQ offices;
- deliver a One Stop Shop (OSS) for Leamington within the new HQ building;
- deliver the revenue savings assumed within the Medium Term Financial Strategy;
- assist the Council to deliver its regeneration aspirations for Old Town;
- deliver brownfield housing development to assist in the overall delivery of the future Local Plan;
- bring forward new affordable housing within Royal Leamington Spa; and
- assist the Council to make better use of other assets; the Town Hall and Spa Centre.

The proposed development package envisaged development at three linked sites:

- new Council HQ offices on land next to the Spa Centre;
- new housing, on the existing Riverside House site; and
- new housing on land owned by either the Council or the LLP in Old Town.

The linkage between these sites would enable the development of the new HQ offices to be funded from the sale and development of the Riverside House and Old Town sites for new housing.

The development of new HQ offices also allowed the Council to consider how it might work differently in the future, in support of its Fit for the Future objectives. This report, therefore, updated members on the work currently being undertaken to identify 'different ways of working' and how these could be deployed to compliment and maximise the financial savings deliverable from the relocation and drive further improvements to service delivery.

The report was presented in two parts. The Part A report incorporated all of the information that was considered appropriate to place in the public domain in order to inform the decision of Members in relation to the recommendations. The Part B report included those elements which it was considered necessary to deal with on a confidential basis in order to maintain commercial confidentiality.

In considering the recommendations set out in this report it would be necessary for Members to have regard to information contained in both the public domain (Part A) and the private and confidential (Part B) elements of the report in order to arrive at their conclusions.

Since the December 2012 'in principle' decision to relocate the Council HQ, officers had been working on a project brief that envisaged:

- the new HQ offices should provide the significant revenue savings by being a smaller, more energy efficient building that was less costly to operate;
- the new HQ offices were delivered on capital cost neutral basis, with an ambition for the project to provide a capital surplus;
- the new offices would provide the opportunity to review and improve the Council's ways of working, to improve services for its customers;



- the project should aim to stimulate the regeneration of the Old Town area; and
- the new offices should be open in 2016 in order to deliver the £300,000 per annum savings already assumed within the Medium Term Financial Strategy (MTFS) from financial year 2016/17.

The initial view was that this brief could be delivered by developing the new HQ offices on the site of the Council owned car park and adjacent land at Court Street and to use the relocation as a means of stimulating wider regeneration of the Old Town area. However, the technical feasibility studies subsequently undertaken had shown that such a development would not be possible in the required timescale, would be difficult to deliver for massing/design reasons and could struggle to deliver an overall regeneration master plan for this area.

A number of alternative locations had therefore been appraised but, of these, it was clear that there was only one potentially cost neutral solution. This involved developing the new HQ offices on the open land adjacent to the Spa Centre and disposing of both the current Riverside House site and Council landholdings in the Court Street area for residential development in order to fund the relocation. This option effectively created a project that had 3 elements based on 3 discrete sites. These sites were shown on the location plans set out in appendices one to three of the report.

This solution had the potential to deliver all elements of the project brief including the regeneration of Old Town area. Officers were satisfied that a residential based regeneration strategy was a more appropriate solution for this area and was likely to be more deliverable. This was explored in more detail in the Part B report.

In December 2012 the Council had also approved the creation of a LLP as a vehicle for a joint venture between the Council and PSP. The proposals within this report assumed that the HQ relocation project and enabling residential developments would be delivered through the LLP (with the exception of the letting of the contract for the construction of the new offices). The LLP had been undertaking the detailed feasibility work that underpinned the project proposals, at its own risk and cost, with appropriate input from Council officers, including legal and financial scrutiny.

The LLP was specifically created as a vehicle to advance and unlock complex development projects and identify innovative ways to create added value to ensure their delivery. Integral to its establishment was the core principle that any project that was to be delivered through the LLP vehicle had to be independently validated and demonstrated to be better than any other potential delivery options open to the Council.

Such an independent valuation had been commissioned by the LLP (on terms agreed by the Council) but at the time of writing this report not all elements of the validation had been completed. An addendum report was issued prior to the Executive meeting with the outcomes of this validation.

This full validation was an essential element of the project passing the 'gateway' from Stage 1 to Stage 2 and comprised of a number of elements. Firstly, the

Council and LLP jointly agreed the potential delivery options that should be modelled and compared to a baseline 'do nothing' option:

- 'Do nothing' (i.e. Council stays in Riverside House as at present);
- the Council carries out the broad concept of the LLP's proposal itself;
- the Council deals with another private sector partner for scheme similar to the LLP's; and
- the LLP's proposal.

Each option had been modelled by the LLP's financial and technical feasibility work and formally reported to the LLP Operations and Members Boards as described in the Part B report.

Secondly, the LLP had commissioned various third party reports, on legal, procurement and commercial value aspects of the proposals, which informed the LLP evaluation process.

Thirdly, and finally, an independent validator would review these reports and the evaluation work undertaken to date, to test the proposals and deliver their view as to whether the LLP option was the best available to the Council.

The LLP was a separate legal entity from the Council, governed by a Members Board that had 50% representation from both the Council and PSP. The Council was represented on this Board by Councillors Mobbs, Cross and Hammon. The LLP Members Board had agreed that the proposals set out in this report represented a viable project for the LLP to undertake, having received detailed evaluation appraisals (discussed further in the Part B report). On that basis the LLP was prepared to release up to £673,940 to forward fund the next stage of the project, subject to the Council agreeing the recommendations in the Part A and Part B reports.

The forward funding would be used to engage an external specialist design team to develop the next phase of the project, which would involve:

- designing and specifying the new HQ offices, to enable planning consent to be obtained;
- procuring, on behalf of the Council, a design and build contract for the new offices;
- designing and obtaining planning consent for a residential scheme for the Riverside House site;
- procuring, on behalf of the LLP, a developer for the Riverside House site;
- designing and obtaining planning consent for a residential scheme for the Old Town area;
- procuring, on behalf of the LLP, a Registered Provider for the Old Town site;
- undertaking a full viability test for the overall project upon the completion of the above; and
- on completion of this phase of the project, anticipated in early 2015, a report would be brought back to Executive on the outcomes of the work, with recommendations on whether or not to commit to a fully costed project.

These tasks would be undertaken, as well as funded, by the LLP. The work would initially be undertaken at its own risk. If, following the detailed viability test the project proceeds these costs would be included in the overall project costs and taken into account as part of the agreement between the LLP and the

Council. However, if, following this test the project was deemed to be non-viable and unable to proceed, the costs would be treated differently (see Part B report for further details).

In addition to the forward funding available from the LLP, it was recommended that the Council established a separate, 'client' budget of up to £100,000 for this complex project. Officers had made contact with a number of local authorities and other organisations who had recently completed similar relocation projects, using a variety of delivery vehicles. All had had to commission a variety of unexpected additional work (e.g. technical, legal, design, consultation) to deliver their own projects and recommend that the Council allocated a broad and robust project budget at the outset of the project to cover such eventualities. In addition to externally commissioned work this budget would be used to procure additional project management support for the Senior Project Coordinator if this proved necessary.

It was proposed that the budget allocation was a maximum amount of contingency, spent only as required on items that could not legitimately be charged to the LLP forward funding, with a robust delegated authority arrangement put in place to monitor and control expenditure.

The proposed timetable for the project was set out at Appendix Four. It was envisaged that the project would develop in three distinct stages:

**Stage 1 – Proposal development and approval** (underway)

- Project proposals finalised
- Formal evaluation undertaken by the LLP Operations Board
- Formal sign off by the LLP Members Board
- Agreement of Head of Terms and any other appropriate legal agreements between the LLP and Council
- Formal approval of project by the Council

**Stage 2 - Design and Assessment**

- Preparation of detailed designs for the three sites
- Planning permissions sought and secured for each site
- Tenders sought for the construction of the new office building, and a suitable Design and Build contract let subject to satisfactory completion of the viability test
- Development partner procured by the LLP (subject to agreement of the Council) for the development of the Riverside House site
- Registered Provider partner procured by the LLP (subject to the agreement of the Council) for the development of the Old Town site
- Full and final scheme viability test undertaken
- Sign-off of the viability test by both the LLP and Council

**Stage 3 - Construction**

- Phase 1 of the residential development commences on the eastern part of the Riverside House site (visitors car park)
- Residential development commences at the Old Town site
- Office construction commences
- Phase 2 of the residential development of the Riverside House site commences once the Council occupies the new offices and vacates the site

Each stage had a distinct 'Gateway'. If the requirements to pass through the gateway were not met then the project would not proceed to the next stage. So, for example, if the Stage One proposals failed to gain Council support (or had failed to gain LLP Members Board support) the project would not proceed to Stage 2. Equally, unless both the Council and LLP were satisfied with the outcomes of the Stage 2 viability assessments and appropriate planning consents had been secured the project would not progress to Stage 3.

This 'gateway' approach was designed to ensure that both the Council and LLP did not commit to the project without full assurance as to the financial costs, viability and deliverability at each stage. The current financial projections would inevitably change as, for example, the construction costs of the new HQ offices were recalculated once the design and layout was firmed up, the layout and number of new homes was finalised and capital receipts could be projected etc., but this approach allowed both parties to keep all aspects of the project under review and make decisions to progress, with increasing degrees of commitment, based on a full understanding of costs and potential constraints.

The proposed governance structure for the project was set out at Appendix Five. The LLP had its own formal governance arrangements, previously described in the December 2012 report. These consisted of an Operations Board, comprising of Corporate Management Team (CMT), the s151 Officer and the Senior Project Coordinator and PSP officers and a Members Board of 3 Warwick District Councillors and 3 representatives from PSP and their funders. The members of the Operations Board attended the Members Board meetings in a non-voting capacity. Both PSP and WDC received their own legal advice as required and, if appropriate, the Council's legal representative would attend both the Operations and Members Boards.

Separate to the LLP structures, the Council had its own project management and governance arrangements. CMT acted as the Project Board, with the Deputy Chief Executive (BH) acting as Project Sponsor and leading the internal Project Team. Members of this team would oversee the various work strands associated with both the LLP project proposals for the three linked sites and the work that the Council needed to undertake to prepare for, or in conjunction with, the relocation. The Senior Project Coordinator and Deputy Chief Executive (BH) would also be responsible for day to day, operational liaison with the PSP and LLP as the project developed.

The initial, high level, Risk Register for the project was set out at Appendix Six. Further detailed risk registers would be developed for the various strands of the developing project. The project Risk Register would be owned by the Project Board and the project would also be included within the corporate risk register.

Whilst the relocation project was complex, with delivery dependent on the development of three linked sites, it was not simply a 'bricks and mortar' development project. The HQ relocation provided the Council with an opportunity to make a 'step change' in the delivery of its Fit for the Future programme to transform the organisation and deliver improved service delivery to its customers through different ways of working.

The Project Team would therefore be overseeing a number of other strands to the project which could collectively be described as 'different ways of working' (DWoW). The purpose of these diverse work strands was to deliver

improvements to service delivery through more efficient and effective ways of working. Some work strands were directly linked to the office relocation, for example, the planning application for the new offices would require a Green Travel Plan (GTP), setting out how the Council planned to reduce the reliance on the use of the car by those travelling to and from the new HQ offices. Equally, the proposed relocation site would not support an adjoining surface car park, equivalent to the current Riverside House staff and visitor car park and this would require new behaviours by staff, councillors and visitors.

The extensive work undertaken to date on the car parking issue, including staff and councillor surveys, had demonstrated that a viable solution to the issue could be developed as there was currently sufficient spare capacity in the Council's town centre car parks to accommodate the loss of car parking at the Riverside House site without impacting on car parking revenue. In addition, car parking provision could be created at or near the Spa Centre site for visitors' disabled parking, servicing and other urgent parking needs. However, further development of a car parking strategy and GTP would be one element of the DWoW directly linked to the office relocation.

Another such element was future ICT provision and how this was used to support those staff who worked at home, those who worked in the new offices and those who worked out in the field to deliver front line services. The Project Team would develop proposals and any that involved ICT considerations would require approval of the internal ICT Steering Group.

Another directly linked element would be a move to 'declutter' Council office space. Rigorous application of the existing document retention policy would enable the Council to free up existing storage space in order to give a clear idea of how much storage would need to be incorporated into the design of the new offices. Obviously, the less space needed, the more it would allow the Council to reduce the space requirement and in turn bring down construction and operating costs.

However, other elements of DWoW were less directly linked to the office relocation, in that they could be delivered independently of the move, but where it made good business sense to do so in tandem with the timetable for the move. Examples of such elements included the potential development of a 'self-serve' HR system with current paper based systems, such as holiday, sickness or travel records, being replaced by electronic recording or the further development of the staff engagement and communication strategies.

Finally, it was important to stress that the development of DWoW would not be 'HQ centric'. A large number of WDC staff did not currently work in Riverside House and would not, in future, work at a relocated HQ office. Other than a minority of the DWoW elements that directly related to the new offices, the majority of these work-strands (including the GTP) would apply Council wide to all staff.

A number of alternative options to the current relocation proposal had been considered but ultimately rejected.

The Council could have built a new (smaller) HQ office building on the site of the Court Street car park. This was the initial preferred option. However, the Project Team concluded that the complexities of delivery at this site (including

the need to assemble land, proximity to an operational railway, covenant/right of access issues, mitigating the impact of an office building on adjoining buildings) meant the building could not be delivered on the required timescale. Officers had also concluded that in the current market a wider office led regeneration scheme for the Old Town area was unlikely to proceed but that a housing-led regeneration package was more likely to be deliverable and viable.

The Council could have built a new (smaller) HQ office building in the grounds of Riverside House, then redevelop the remainder of the site (including Riverside House) for housing. This was rejected on the basis that it would not generate sufficient capital receipt to make the relocation capital cost neutral. A further consideration was potential reputational damage to the Council if it was seen to be developing a new office a few yards from its existing one and not achieving its previously stated aim of regeneration of Old Town.

The Council could have remained in the current Riverside House building, but scale back on the operating space required and let the surplus space (c.50%) to another organisation as commercial offices. This had been rejected on the basis that the Council had been advertising available space within Riverside House for a period of years without success and current market assessments were that there was no current demand for office space in the town. If such space could not be let the Council would continue to be saddled with the current costs of operating the whole building, and being unable to achieve the financial savings required.

The Council could have remained in the current Riverside House building, but scale back on the operating space required and let the surplus space (c.50%) to a housing provider. Exploratory talks were held with the University of Warwick and a Registered Provider but neither considered this option to be viable. More detailed discussions were held with a specialist developer of student accommodation who proposed to refurbish the entire building, lease back part to the Council for offices and convert the remainder into high grade, fully managed student accommodation. This option was ultimately discounted on financial viability grounds but would also have had the disadvantage (and cost) of the Council having to make a 'double move' into and out of temporary accommodation while the building was refurbished. Although the Council would have been operating from a smaller, refurbished building, there were also concerns that the reduction in operating costs would be significantly smaller than with a new build option.

The financial viability of alternative delivery options was considered in more detail in the Part B report.

The Finance & Audit Scrutiny Committee made a number of comments (detailed under the Part B element of the report) and supported the recommendations in the report subject to 2 proposed amendments as detailed below.

The Finance & Audit Scrutiny Committee recommended to the Executive the following changes to the recommendations:

- Recommendation 2.4 - that authority needed to be delegated in accordance with procurement procedures.
- Recommendation 2.6 – that this recommendation should include an assurance that there would be no contractor appointed until the report to the Executive in February 2015 had been approved.

The Overview and Scrutiny Committee recommended that the Executive delay the decision for a short period to confirm that the correct decision had been made on the relocation site.

In response to the recommendations from the Scrutiny Committees the Leader proposed the following amended and additional recommendations:

**Amended 2.4**

That Executive approves a WDC project budget of £100,000, separate from the LLP forward funding, to cover 'client' project costs, subject to any expenditure being compliant with the Code of Procurement Practice.

**Amended 2.6**

That Executive notes, the proposed Project timetable, as set out at Appendix Four, and that this will require the presentation of a further report in February 2015 seeking final approval for the project once the financial appraisals have been undertaken and all necessary planning approvals gained, subject to a revision to Appendix Four to ensure that the award of the contract to a development partner is not made until after the Executive decision.

**New 2.10**

That, in parallel with the LLP funded detailed financial and design appraisals of the Spa Centre site, Executive instruct officers to formally review the potential use of other WDC town centre landholdings as alternative relocation sites and to report back no later than May 2014.

**New 2.11**

That Executive agree to establish a sub-group to the existing Member Reference Group, made up of 1 member of each Group who is not a member of Planning Committee (and will also become ineligible to be a substitute for any Planning Committee meeting relevant to this project) to review, with officers, the design specification and car parking arrangements for the proposed new HQ offices at the Spa Centre site.

**Resolved that**

- (1) an independent validation of the LLP project proposals outlined in this report has been commissioned, be noted and that the outcomes will be available in advance of the Executive meeting;
- (2) subject to a satisfactory outcome to the independent validation exercise, Executive approves the project proposals to relocate the Council's HQ offices on open land adjacent to the Spa Centre (as shown in Appendix One); redevelop the Riverside House site (as shown in Appendix Two) for new housing; and also redevelop areas in vicinity of the Court Street (as shown in Appendix Three) for new housing;
- (3) the release funding, up to a maximum of £673,940, by the LLP, to forward fund the engagement of an

external design team to undertake detailed feasibility studies of the 3 elements of the project, be noted;

- (4) a WDC project budget of £100,000, separate from the LLP forward funding, to cover 'client' project costs, subject to any expenditure being compliant with the Code of Procurement Practice, be approved;
- (5) authority to incur expenditure from the WDC project budget, be delegated to the Deputy Chief Executive (BH) and Senior Project Coordinator (DE), in consultation with the s151 Officer, Leader of the Council and Development Portfolio Holder;
- (6) the proposed Project timetable, as set out at Appendix Four to the report, and that this will require the presentation of a further report in February 2015 seeking final approval for the project once the financial appraisals have been undertaken and all necessary planning approvals gained, subject to a revision to Appendix Four to ensure that the award of the contract to a development partner is not made until after the Executive decision, be noted;
- (7) the governance structure for this project as set out at Appendix Five to the report, be noted;
- (8) the initial Risk Register, set out at Appendix Six to the report, and that further detailed risk registers will be developed for the various strands of the developing project, be noted;
- (9) the proposals relating to 'different ways of working' (DWoW), be noted;
- (10) in parallel with the LLP funded detailed financial and design appraisals of the Spa Centre site, Executive instruct officers to formally review the potential use of other WDC town centre landholdings as alternative relocation sites and to report back no later than May 2014; and
- (11) a sub-group to the existing Member Reference Group, made up of 1 member of each Group who is not a member of Planning Committee (and will also become ineligible to be a substitute for any Planning Committee meeting relevant to this project) to review, with officers, the design specification and car parking arrangements for the proposed new HQ offices at the Spa Centre site, be established.



(The Portfolio Holder for this item was Councillor Hammon and Mobbs)  
(Forward Plan reference number 528)

177. **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 item by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

| Minute No. | Para Nos. | Reason  |
|------------|-----------|---|
| 178        | 3         | Information relating to the financial or business affairs of any particular person (including the authority holding that information) |

178. **Relocation of the Council's HQ offices – Part B report**

The recommendations of the report were agreed.

The full minute for this item will be set out in the confidential minutes of the meeting.

(The Portfolio Holder for this item was Councillor Hammon and Mobbs)  
(Forward Plan reference number 528)

(The meeting ended at 6.58 pm)