

Executive

Wednesday 1 July 2015

A meeting of the Executive will be held at the Town Hall, Royal Leamington Spa on Wednesday 1 July 2015 at 6.00pm.

Membership:

Councillor A Mobbs (Chairman)	
Councillor M Coker	Councillor P Phillips
Councillor S Cross	Councillor D Shilton
Councillor Mrs S Gallagher	Councillor P Whiting
Councillor Mrs M Grainger	

Also attending (but not members of the Executive):

Whitnash Residents Association (Independent) Group Observer

Labour Group Observer

Liberal Democrat Group Observer

Chair of the Overview & Scrutiny Committee

To be appointed

Chair of the Finance & Audit Scrutiny Committee

To be appointed

Emergency Procedure

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

Agenda

1. 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.

2. **Minutes**

To confirm the minutes of the meetings held on 11 March and 9 April 2015

(Item 2/Page 1)

Part 1

(Items upon which a decision by Council is required)

3. **Housing Allocations Policy Review**

To consider a report from Housing and Property Services

(Item 3/Page 1)

4. **Review of the Contaminated Land Inspection Strategy**

To consider a report from Health & Community Protection

(Item 4/Page 1)

Part 2

(Items upon which the approval of the Council is not required)

5. **St Michael's Leper Hospital Contract and Bond**

To consider a report from the Deputy Chief Executive (AJ)

(Item 5/Page 1)

6. **Authority to Sign Deeds of Easement**

To consider a report from Health and Community Protection

(Item 6/Page 1)

7. **The introduction of a Pre-application Charging Regime for development proposals**

To consider a report from Development Services

(Item 7/Page 1)

8. **Funding for Bishops Tachbrook Community Centre**

To consider a report from the Chief Executive

(Item 8/Page 1)

9. **Warwick Town Centre Action Plan**

To consider a report from Development Services

(Item 9/Page 1)

10. **Request for funding for improvements to King George's Playing Fields at Barford**

To consider a report from the Chief Executive

(Item 10/Page 1)

11. **General Reports**

(A) Housing Advisory Group - Terms of Reference

To consider a report from Democratic Services

(Item 11A/Page 1)

(B) Rural / Urban Capital Improvement Scheme (RUCIS) Application

To consider a report from Finance

(Item 11B/Page 1)

(C) Baginton, Bubbenhall, Stoneleigh & Ashow Neighbourhood Plan Designation

To consider a report from Development Services

(Item 11B/Page 1)

12. Public and Press

To consider resolving 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.

Item Nos.	Para Nos.	Reason
14	1	Information relating to an Individual
14	2	Information which is likely to reveal the identity of an individual
13, 14 & 15	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Part 1

(Items upon which a decision by Council is required)

13. Disposal of WDC owned land at Station Approach in Leamington Spa

To consider a report from Development Services

**(Item 13/Page 1)
(Not for Publication)**

Part 2

(Items upon which the approval of the Council is not required)

14. Discretionary Relief Application (Council Tax)

To consider a report from Finance

**(Item 14/Page 1)
(Not for Publication)**

15. Minutes

To consider the confidential minutes of 11 March and 9 April 2015**(Item 15/Page)
(Not for Publication)**

Agenda published Monday 22 June 2015

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

For enquiries about specific reports, please contact the officers named in the reports You can e-mail the members of the Executive at executive@warwickdc.gov.uk

Details of all the Council's committees, Councillors and agenda papers are available via our website 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.

Executive

Minutes of the meeting held on Thursday 9 April 2015 at the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Mobbs (Chairman); Councillors Caborn, Coker, Cross, Mrs Gallagher, Hammon, and Shilton.

Also present: Councillor Barrott (Chair of Finance & Audit Scrutiny Committee) and Councillor Mrs Falp (Chair of the Overview & Scrutiny Committee).

An apology for absence was received from Councillor Vincett.

155. Declarations of interest

There were no declarations of interest.

156. Minutes

The minutes of the meetings held on 14 and 28 January and 11 February 2015 were taken as read and signed by the Leader as a correct record.

Part 1

(Items on which a decision by Council is required)

157. Revisions to the Constitution

The Executive considered a report, from Democratic Services, that brought forward proposed changes to the officer scheme of delegation; provided clarification on public speaking procedures for Council, Executive, Committees and Sub-Committees; along with updated Guidance and Criteria for the call-in of Executive decisions.

The report included some minor updates to the scheme of delegation; many confirming the arrangements already approved by Council, such as the revised Service Areas and new legislation.

The changes to the public speaking arrangements were brought forward to provide clarification on the public speaking rights at Council, Executive, Committees and Sub-Committees. This provided a single reference point detailing how these arrangements could be utilised. These also provided improved rights for members of the public to speak at Council meetings.

The changes to the call-in procedures were brought forward to provide improved clarity on what matters could and could not be called-in along with clarifying the wording in Council procedure rules for calling-in an item.

The final recommendation of the report was included to ensure that no ambiguities or conflicts appeared in the Constitution as a result of these decisions.

An alternative option was that the Executive could choose to leave the Constitution as it was but the risks detailed at section 6 would apply or they could decide to approve some and not others

The Overview & Scrutiny Committee was surprised that clause A(3) did not state an indicative upper cost limit at which point consultation with the Portfolio Holder or the Leader would be required before going ahead.

The Overview & Scrutiny Committee recommended to Executive that:
Page 22 – MO (8) - the wording was altered to read "Appoint the membership of *any additional* Licensing & Regulatory Sub-Committees known as Licensing & Regulatory Panels"; and
Page 23 – MO (13) the wording was altered to read "*Initiate* reviews of the Members' Allowances Scheme". The words "in accordance with that Scheme" should be deleted.

The Democratic Services Manager & Deputy Monitoring Officer explained to the Executive that Overview & Scrutiny Committee had informally asked officers to look at DS4(ii) to ensure the wording was correct. Following discussions with the Head of Development Services, it was agreed that the Executive should be advised to remove this delegation as it was not required.

The Leader welcomed the comments from the Scrutiny Committee and recommendations in the report were agreed, subject to the changes they proposed along with the removal of delegation DS4(ii) being made. The Executive also asked the Monitoring Officer to consider the comments from the Scrutiny Committee regarding Counsel fees and provide advice on this ahead of Council in April 2015.

The Executive therefore

Recommended to Council that:

- (1) the proposed draft scheme of delegation be amended to: subject to MO (8) the wording is altered to read "Appoint the membership of *any additional* Licensing & Regulatory Sub-Committees known as Licensing & Regulatory Panels; MO (13) the wording is altered to read "*Initiate* reviews of the Members' Allowances Scheme". The words "in accordance with that Scheme" should be deleted and DS(4)(ii) – Page 24 – being removed;
- (2) the revised Scheme of Delegation as set out in Appendix 1 to the minutes be adopted,

- (3) it adopts the procedure rules for public speaking as set out at Appendix 2 to the minutes.
- (4) the document "PROCEDURE FOR PUBLIC SPEAKING AT COUNCIL MEETINGS" is removed from the Constitution;
- (5) the updated Call-in procedure is approved as set out at Appendix 3 to the minutes;
- (6) the Call-in explanation and guidance is adopted as set out at Appendix 4 to the report;
- (7) any consequential changes to the Constitution as a result of these decisions are made by the Deputy Chief Executive & Monitoring Officer.

(The Portfolio Holder for this item was Councillor Mobbs)
(Forward Plan references 682 & 683)

158. The way forward for scrutinising Health Issues at Warwick District Council

The Executive considered a report from the Overview & Scrutiny Committee in partnership with Councillor Coker, as Portfolio Holder for Health & Community Protection, that brought forward recommendations for a proposed Health Scrutiny Committee and sought approval from the Executive for the budget implication connected with the Chairman's allowance.

The changes to the health service introduced by the Health and Social Care Act 2012 meant that local authorities had an increased role in delivering health & wellbeing as a result of public health responsibility being transferred from the NHS to Local Government. In liaison with the County Council, through a nationally funded pilot scheme, the benefit of having a District based health scrutiny arrangement was established.

The pilot coincided with strategic changes within this Council to align its services to meet the new public health arrangements at county level. The new Health Scrutiny arrangement was therefore seen as key to ensuring that the Council delivered against its own strategic aims within the Sustainable Community Strategy and also met the requirements of the County Health & Wellbeing Board strategy.

The recommendation that the Committee handle pre-scrutiny work had been made so that there was limited overlap in responsibility with the other two existing Scrutiny Committees, which often do not get sufficient time to handle pre-scrutiny work in sufficient depth.

It was intended that the existing two Scrutiny committees continued to function as they always had and that the Health Scrutiny Committee concentrated on pre-scrutiny of reports concerning Health & Wellbeing issues and strategic health issues and health and wellbeing consultations only. This meant that the Health Scrutiny Committee did not have to meet on the same day as the other two Scrutiny committees or shortly after the agenda was published for meetings of the Executive. The impact of this split was that the committee could be staffed from existing staffing resources within Committee Services and Health & Community Protection, as had been the case with the Health Scrutiny Sub-Committee. Experience from running the Health Scrutiny Sub-Committee would indicate that meetings were not required each month, but obviously the option to call additional meetings remained in place should business needs require this.

The Health Scrutiny Committee would consider health and wellbeing issues only and as such would require the same powers to ask certain individuals and organisations to address them. Equally, since one of the aims of the Committee would be to improve health and wellbeing in the District, the Committee must be able to hear evidence from the Voluntary Sector and other public health bodies.

In pre-scrutinising reports, the committee must be assured that its comments were acted upon by report authors, or good reason given why this was impractical. This would ensure that the other two Scrutiny Committees did not have to repeat the process when they examined final reports.

There were a number of options detailed within the report that included the operation of a Health Scrutiny Committee in parallel to the current two Scrutiny Committees, the work of health scrutiny being merged into the work plan for Overview & Scrutiny Committee and the continuation of Health Scrutiny as a Sub-Committee of the Overview & Scrutiny Committee. Reasons for not progressing with these options were outlined in the report to the Executive.

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

Resolved that the Chairman's Allowance for 2015/16 be funded from the 2015/16 Contingency Budget and the additional cost be built into the Financial Strategy and future year's Budgets.

Recommended to Council that

- (1) a committee be formed to handle pre-scrutiny of selected Council reports, documents and policies, where health and wellbeing is an issue, and will select these from information on the Forward Plan, before they reach final stage, and from liaison with the Corporate

Management Team and the Senior Management Team. All members of the Council will also be able to suggest reports that require pre-scrutiny of health and wellbeing issues. The Committee will also deal with scrutinising strategic health issues and health related consultations;

- (2) this committee be named the Health Scrutiny Committee;
- (3) this committee should consist of at least 11 members and also substitute members (but this may be subject to change after the elections in May 2015 to ensure political proportionality);
- (4) the membership of the committee should be politically proportionate;
- (5) scrutiny of final reports for Executive will remain the responsibility of the two existing Scrutiny committees;
- (6) the Health Scrutiny Committee will be resourced from existing staff resources from within Committee Services and Health & Community Protection;
- (7) the terms of reference for the committee be framed by the Council's Health and Wellbeing Strategy, viz;
 - i. promoting Health & Wellbeing in its community;
 - ii. promoting Health & Wellbeing in its workforce; and
 - iii. as a scrutiny body for the local activities and performance of NHS bodies located within the District of Warwick and in other areas of Warwickshire, in liaison with and the County Adult Health & Social Care Overview and Scrutiny Committee
- (8) in order to assist the committee in its scrutiny arrangements, the powers will include the capability of inviting individuals and organisations to present evidence on particular health issues. Every meeting agenda will make provision for the involvement of the Voluntary Sector, and of Public Health Warwickshire,

representatives of which will be called upon to attend and to speak;

- (9) report authors will be required to take on-board any pre-scrutiny comments/recommendations in respect of their reports or give good reason why this is impractical;
- (10) the committee will run along the same procedure lines as the existing two Scrutiny committees where their functions coincide;
- (11) the Head of Service for Health & Community Protection will encourage officers to take their ideas to the Committee at an early stage through encouragement at senior management meetings;
- (12) meetings for the new committee be set in the Council's calendar every other month, with the option to call additional meetings if required for urgent business; and
- (13) the District Councillor who represents the Council on Warwickshire County Council's Adult Social Care & Health O & S Committee will serve as a member of the District Council's Health Scrutiny Committee.

(The Portfolio Holder for this item was Councillor Coker)

Part 2

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

159. IT Provision for Councillors from May 2015

The Executive considered a report that brought forward proposals for the provision of IT to Councillors after the Election in May 2015, which included improved security for confidential agenda paperwork.

The Executive was aware of an ongoing trial with members using iPads that started in the summer of 2014. Councillors Nick Pittarello, Moira-Ann Grainger, Richard Edwards, Richard Brookes, Norman Vincett, Alan Rhead, Felicity Bunker, John Barrott, Alan Boad, Alan Wilkinson, Cymone De-Lara-Bon, Judith Falp and Tony Heath had participated in the trial, whereas Councillors Doody and Mrs Sawdon returned their iPads and officers were unable to deploy them to two other Councillors.

Learning from the trial showed the main issues as:

- Storing and access to documents
- Storing of and managing emails
- Usability of committee papers and annotating them

- Access to the intranet
- Dual reading of Scrutiny & Executive papers

In addition to the learning points, printing was never resolved satisfactorily during the trial and typing on the iPad became an issue for some members. These issues could now be resolved by the option of providing a printer and the provision of Microsoft Office on the iPads.

In parallel to this trial, a group of officers had been trialling Microsoft Office365. This provided all the usual Microsoft products (Word, Excel and Outlook) but they could be accessed, securely from any device connected to the Internet.

Astech, the supplier of the Council's Committee Management System, had also developed an App for delivering its system on Apple, Android and Windows 8 based devices. The App for the Apple based system would be launched first.

The App for the Committee Management System would automatically, when connected to a Wi-Fi network, download the relevant /correct committee papers for a Councillor. These would be held in a secure area within the iPad which enabled Councillors to make their own annotations onto the document. It also prevented printing or emailing the document to another party, so reducing the risk of documents being passed to third parties, unintentionally or otherwise. Combined with this, the App would automatically delete the documents downloaded from the iPad, three months after the date of the meeting therefore reducing the storage needed.

Officers had assessed this information and, after informal discussions and demonstrations with the Leader and Group Leaders, had brought forward these proposals.

While Members could be dissatisfied about the proposal to stop the broadband allowance for them this enabled the provision of 3G connection on the iPad, so they would be able to access the Internet from any place at any time with a strong enough signal. This would improve their ability to work in a more agile manner, for example being able to access information while at surgeries. In addition to this, the iPad would still be able to connect to secure Wi-Fi networks, for example those at Riverside House and the Town Hall, but also those within a Councillor's home.

The cessation of paper copies would reduce costs and enable the allocated budget to contribute to the costs of providing 3G connectivity. By reducing the paper consumption and the need for posting documents in plastic envelopes, it would contribute towards reducing the environmental impact of the Council.

It was recognised that the Council would need to make provision for reasonable adjustments for any councillor with disabilities unable to adopt this approach, to meet its responsibilities under the Equality Act 2010. In

these instances the nature of the adjustments required would be discussed with the Councillor and appropriate officers.

The move to electronic rather than paper based systems would take a little longer to migrate to. While there were key members of staff who always attended meetings such as the Chief Executive, Deputy Chief Executives and Head of Finance, there were also those who attended meetings less frequently. This was where some further consideration needed to be made to roll out this process over the next 12 months.

The purpose of moving to iPads was to enable more agile working and also reduce the need for printing. That said, officers recognised that some members would still require a printer for Council business. Therefore, to further encourage members to print less information the proposal was to provide a suitable printer for use with an iPad but not the consumables, thus further reducing the overall cost to the Council.

It was felt appropriate that members should sign up to the same agreement as officers before being provided access to the Council's network and facilities. This was good practice to ensure members were aware of what was expected of them and highlighted what they could use the Council's IT for. Equally, this emphasised the point of members leading by example and of the Council being a single body with shared levels of expectation.

It was essential that appropriate training was provided for members at an early stage so that they could become effective and efficient as soon as possible. It should also minimise the risk of users being discouraged from using the technology if issues discovered early on were dealt with quickly. It was recognised that the skills base of members in relation to using iPads would be wide-ranging and therefore the training would cater to all needs within this range, however the Executive might wish to consider seeking some form of mandatory course, or simple test, to help inform Councillors' training needs on iPads.

Councillors should be mindful that the move to electronic agendas would impact on staffing requirements for printing and distribution. At present, these impacts were considered to be minimal and would be included as part of the Support Services Review and ongoing management of the relevant teams.

The Finance & Audit Scrutiny Committee discussed this item but was unable to question the report author. A number of issues were raised including existing trial users being unable to report back their experiences formally and the difficulties of juggling two agendas. However, there was also support for the project with a view that this was the way forward with new generations of Councillors.

The Overview & Scrutiny Committee recommended that all recommendations in the report were removed and replaced with:

- 2.1 That the Executive awaits a detailed update on the results of the iPad trial, and, if necessary, extends the trial.

- 2.2 That the Executive agrees that further work be undertaken to improve the system prior to the submission of a report to the Executive at a later date; and
- 2.3 That the Executive is assured that adequate IT provision arrangements are in place for new councillors.

The Leader recognised the proposals were the way forward for the Council and it did offer a number of benefits. That said, there were concerns from members with regard to this proposal and the Leader knew that before it progressed, a significant majority of members needed to be comfortable with the new technology.

In response to the comments from Overview & Scrutiny Committee, the Leader accepted the concerns of members of this Council and those of the Overview & Scrutiny Committee and therefore proposed that:

1. The Executive notes the concerns of members with regard to moving away from paper agendas and reports;
2. The Executive authorises the current trial of iPads to be continued;
3. The Executive receives a further report in the Autumn of 2015 detailing the progress of the trial and how the issues raised have been resolved and recommending a way forward; and
4. Officers make sufficient IT provision for Councillors after the election in May 2015.

The Leader also explained that any Councillor who did wish to take forward an iPad after the Election would be asked not to claim for a Broadband allowance in lieu of receiving a 3G iPad.

The Democratic Services Manager & Deputy Monitoring Officer explained to the Executive that because of the removal of any proposed change to the Members Allowances scheme this was now a matter for the Executive to determine and would not be a recommendation to Council on 22 April 2015.

Resolved that

- (1) the concerns of members with regard to moving away from paper agendas and reports, be noted;
- (2) the trial period of iPads, be continued; and
- (3) a further report be brought to the Executive in the Autumn of 2015; detailing the progress of the trial and how the issues raised have been resolved; and recommending a way forward; and
- (4) Officers make sufficient IT provision for Councillors after the Election in May 2015.

(The Portfolio Holder for this item was Councillor Mobbs)

160. **Use of Delegated Powers – Social Housing Mobility Fund**

The Executive considered a report, from the Chief Executive, that retrospectively reported on a decision made under the Chief Executive's delegated powers, in consultation with the Group Leaders, to submit a bid for the Government's Social Housing Mobility fund.

Provision CE(4) of the Scheme of Delegation, contained within the Council's Constitution provided for the Chief Executive (and in his absence the Deputies) to have authority to: *'deal with urgent items that occur between meetings, in consultation with the relevant Deputy Chief Executives, Heads of Service (if available) and Group Leaders (or in their absence Deputy Group Leaders) subject to the matter being reported to the Executive at its next meeting'*.

The Department for Communities and Local Government (DCLG) announced on the 5 February 2015 a Social Housing Mobility Funding Scheme; the scheme allowed Local Authorities to bid for up to £67,613 for schemes to improve mobility within social housing. The bid was required to be submitted to DCLG by the 5 March 2015, requiring the use of the delegated powers provision to meet the timetable, with this being the first available opportunity to retrospectively report to Executive. Successful bids would be announced by the DCLG at the end of March 2015 and if successful, funds would be paid in April 2015.

The application for funding would allow WDC to provide tenants of the Council and Registered Providers (RPs) working in the District with a more flexible allocation service. The resources offered by the Social Housing Mobility Scheme would allow the Council to recruit a Social Mobility Co-ordinator who would develop and implement new and innovative ways of working to improve social housing mobility within Warwick District. The Chief Executive consulted with Group Leaders who agreed their support for the bid

This was a retrospective report of action taken so no alternative options existed.

The Finance & Audit Scrutiny Committee supported the decision and noted that the funding bid had been successful. Members asked the Head of Housing & Property Services to circulate the bid document which detailed how the department hoped to allocate the money

The Executive endorsed the report, with the support of the Portfolio Holder for Housing and Property Services and

Resolved that the use of delegated power CE(4) by the Chief Executive to obtain Group Leaders' (or their Deputies') approval to support a bid for £67,613 from the Government's Social Housing Mobility fund.

(The Portfolio Holder for this item was Councillor Vincett)

161. Significant Business Risk Register

The Executive considered a report, from Finance, that set out the latest version of the Council's Significant Business Risk Register for review by the Executive. It had been drafted following discussions between the Leader of the Council, Chief Executive, Monitoring Officer, Section 151 Officer, and the Audit & Risk Manager.

The report was brought forward to assist members to fulfil their role in overseeing the organisation's risk management framework

The Finance & Audit Scrutiny Committee supported the recommendations in the report but was concerned that the document was not as accurate as it could be. Members were assured by the Leader that an additional risk would be added to deal with Infrastructure funding, separately from the Local Plan risk.

The Leader noted the comments of the Finance & Audit Scrutiny Committee and highlighted that this should be a matter for the new Leader of the Council to consider after the Election in May 2015.

Resolved that the Significant Business Risk Register, as attached at Appendix 1 to the report, be noted.

(The Portfolio Holder for this item was Councillor Mobbs)

162. Smoking etc. Policy

The Executive considered a report from Health & Community Protection, that sought approval for the Council's Smokefree Policy to take into account the use of e-cigarettes or Nicotine Containing Products (NCPs) on the Council's property.

Employment Committee approved the report's recommendations on 27 January 2015. The report was before the Executive because of the Policy's application to non-employees visiting Council premises and to its land and property.

A breath-operated nicotine device called the 'Voke' that looked and felt like a cigarette but contained no electronics, heat or combustion had received approval from the Medicines and Healthcare Regulatory Agency (*The Times*, September 13, 2014).

Its backers insisted it was not an electronic cigarette but a smoking cessation device intended to help addicts to quit smoking. The technology was said to be entirely different from an e-cigarette, in that there was no heat or electronics. It contained a pressurised aerosol and a propellant used in asthma inhalers.

Approval from the Medicines and Healthcare Regulatory Agency meant that eventually doctors could prescribe the devices to smokers. The Voke came in a box shaped like a cigarette packet, which contained 20 refills. Each one was sufficient for six to ten puffs — to simulate conventional smoking.

The use of alternatives to cigarettes ('Vaping') had surged over the past three years. One in five tobacco smokers and recent ex-smokers were said to use electronic inhalers from time to time.

Action on Smoking and Health, which campaigned against tobacco use, welcomed the device's approval because there were many electronic cigarettes already on the market that were popular with smokers who were trying to cut down or quit smoking, but none of them so far were licensed as medicines.

The alternative option was to allow the free use of e-cigarettes but this would be inconsistent with both the behaviour and image that the Council fostered with respect to Health & Wellbeing.

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

Resolved that Council's smoking policy be revised to prohibit the use of e-cigarettes on Council premises etc.

(The Portfolio Holder for this item was Councillor Coker)

163. **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 3 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
164, 165 & 166	1	Information relating to an Individual
164, 165 & 166	2	Information which is likely to reveal the identity of an individual

The full minute for the following items would be set out in the confidential minutes of the meeting.

164. Payroll Review

The Executive considered a report from the Chief Executive.

The Finance & Audit Scrutiny Committee supported the recommendation in the report subject to clarifying the wording of recommendation 2.2 and the potential costs involved.

In response to amendments requested by the Scrutiny Committee, the Executive

Resolved that the recommendations as set out, subject to the minor wording changes, be approved.

(The Portfolio Holder for this item was Councillor Mobbs)

165. Funding Green Space Development Post

The Executive considered a report from Neighbourhood Services.

The Finance & Audit Scrutiny Committee supported the recommendations in the report, subject to the Head of Service reporting back any savings achieved.

Resolved that the recommendations be approved.

(The Portfolio Holder for this item was Councillor Shilton)
(Forward Plan reference 691)

166. Minutes

The confidential minutes of the meetings held on 14 and 28 January and 11 February 2015 were taken as read and signed as a correct record.

167. Thanks

The Leader took the opportunity to thank all the Executive, Scrutiny Committee members, other Group Leaders, Committee Services and Senior Officers of the Council, for all their efforts in their work for this Council.

The Leader also took the opportunity to thank Councillors Caborn and Vincett for their work on the Executive and the Council, because they were not standing for election.

In response, Councillor Shilton thanked the Leader for his work since taking on the role.

(The meeting ended at 6.55pm)

Section 4 Scheme of Delegation

1. Introduction

The Chief Executive, his Deputies and Chief Officers (as detailed in Article 12 of the Constitution) shall have authority, subject to the requirements of the provisions of this Constitution and within approved budgets to:

- (i) Take any necessary steps for the day to day management and routine administration of the functions or services for which they are responsible;
- (ii) Exercise the powers delegated to them and to authorise such officers as they think appropriate to exercise on their behalf the powers delegated to them; and
- (iii) Carry out the responsibilities stipulated in the Code of Financial Practice and Code of Procurement Practice.

All members of staff have authority to act on behalf of the Council in accordance with duties set out in their job description and will carry identification as evidence of their authority duly signed by the Chief Executive. Officers will be authorised by the Chief Executive to enter premises lawfully at all reasonable hours for the purposes of carrying out such duties in line with appropriate legislation as set out on their identification badges.

2. General Conditions of Delegation

- a) In respect of all functions delegated to officers prior to this date and in the future, the delegation shall be deemed to extend to any statutory re-enactment thereof, in whole or in part, whether varied in extent and/or wording, for the time being in force and, in respect of past delegation, to have been so extended with effect from the date when the said re-enactment came into force, provided that any major variation made in pursuance of this General Condition shall be reported for information to the appropriate body. To also include the delegation to act upon, apply, enforce or otherwise put into effect any future legislation which falls within their areas of responsibility being of a similar nature to existing delegations.
- b) The delegation of any power or function includes the authority to take all steps and actions ancillary to, conducive to, or to facilitate the exercise of the power or function including authority to serve statutory notices and all necessary and/or consequential action arising as a result including the institution of legal proceedings (subject to prior consultation with the a solicitor acting for the Council) or other proceedings and shall include also power to determine the need to serve the notice as well as to arrange for its service.

- c) Where the delegations require the agreement of, or consultation with or other action by the Chairman and/or Vice Chairman of the Council or of any committee, such delegation shall provide for the substitution of another Member in the absence of any of the specified members.
- d) Subject to the foregoing, and without derogation from the powers or duties now or thereafter confirmed or imposed upon officers of the Council by statute or by any statutory instrument or regulation, authority to act for and on behalf of the Council without reference to the Council or any committee shall be delegated as otherwise set out in this Constitution.
- e) The power to sign documents on behalf of the authority shall be the Chief Executive, the Deputy Chief Executive & Monitoring Officer and Deputy Chief Executive.
- f) Revisions to the delegations to Committees as set out in the responsibility for Council functions automatically enact necessary revisions to the powers of officers to coordinate with the above and to bring other aspects up to date.
- g) In the absence of any member or officer specified in relation to any delegated power, authority to deal with matters following the invoking of the Emergency and/or Business Continuity Plans, authority is given to the officer or member's deputy (or where there is no named deputy, the next most senior officer or member in the Service Area) and shall have the like power subject to making a written report of the exercise of the power to the original specified officer or member. In circumstances where both the specified officer /member and the deputy (or next most senior officer / member) are absent the power may be exercised by the next most senior available officer / member in the Service Area (provided that in no circumstances shall this power be exercised by an officer below the level of grade C subject to a report as above and to the officer exercising the power certifying in writing that they are of the opinion (and giving reasons for that opinion) that the matter is of such urgency that the exercise of the power cannot await the anticipated return of the named officer / member or their deputy.

3. General Delegations to all Chief Officers as outlined in Article 12 of the Constitution

- G (1) Authority to place orders for the supply of goods materials or services within approved estimates and in accordance with the Council's rules with regard to quotations.
- G (2) Authority to settle all claims, excluding remedy for complaints made on the Council under £200.
- G (3) Authority to carry out day-to-day management of the parks, cemeteries, crematoriums, land and buildings under the control of the Executive.

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- G (4) Authority to authorise the installation of a telephone line in any employee's residence on terms approved by the Council.
- G (5) Authority to approve the attendance of staff at approved training courses.
- G (6) Authority to make appointments to posts on the approved establishment and in accordance with the Officer Employment Rules.
- G (7) Authority to agree remedies for a complaint at Stage 1
- G (8) Authority to Serve Notices requiring information for statutory purposes.
- G (9) Authority to accept suitable tenders for the execution of works or the supply of goods and services in accordance with the Codes of Procurement and Financial Practice.
- G (10) Authority, following consultation with a solicitor acting on behalf of the Council, to issue proceedings under Section 222 of the Local Government Act 1972.
- G (11) Authority to involve the Police to prosecute offenders where fraudulent or corrupt acts are discovered.
- G (12) Authority, following consultation with the relevant Portfolio Holder and Solicitor acting on behalf of the Council, to initiate proceedings in Courts subject to the results of prosecutions being reported to members via email.
- G (13) Make decisions under the provisions of the DPA 1998.
- G (14) Serve Notices requiring information for statutory purposes.
- G (15) Authority to write off debts under their control up to £1,000

4. **Chief Executive** (and in their absence their Deputies) shall have authority to:

- CE (1) Authorise such officers as they think appropriate to exercise on their behalf the powers delegated to any Head of Services in the absence of that Head of Service.
- CE (2) Settle all claims made on the Council over £200.
- CE (3) Agree:
 - (1) any proposed remedy at stage 2 includes compensation. This will be considered by the Chief Executive as part of the investigator's report; and
 - (2) any proposed compensation following an investigation by the Local Government Ombudsman in consultation with the Head of Service.
- CE (4) Deal with urgent items that occur between meetings, in consultation with the relevant Deputy Chief Executive, Head(s) of Service (if available) and Group Leaders (or in their absence Deputy Group Leaders) subject to the matter being reported to the Executive at its next meeting.
- CE (5) Issue authorisations under the Regulation of Investigatory Powers Act 2000 concerning juveniles.
- CE (6) Take appropriate action in the event of the District Council Emergency Plan being enacted.
- CE (7) Subject to consultation with the relevant Ward Councillor(s), site requests from the Police for the Council's agreement to the making of dispersal orders under section 4 of the Anti Social Behaviour Act 2003.
- CE (8) Execute vacating receipts on mortgages.
- CE (9) Authorise changes to the Council's establishment that do not result in an increase to the cost of approved establishments or the introduction of new posts.
- CE (10) Exercise the Council's powers relating to people management in accordance with the personnel handbook and the policies agreed by the Employment Committee.

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- CE (11) Approve advancement of increments to all staff.
- CE (12) Grant honoraria to staff in accordance with the National Scheme of Conditions of Service.
- CE (13) Grant all allowance or payment reviews which are automatically updated on an annual basis using either RPI or the National Pay Settlement.
- CE (14) SPARE
- CE (15) Apply market premiums for staff as considered necessary.
- CE (16) Approve severance payment which:-
- (i) are, in their opinion, in the Council's interests;
 - (ii) result in savings which recoup all initial costs of severance, subsequent staff regradings and any other consequential cost increases, within a period of 12 months of the severance; and
 - (iii) result in a post being deleted from the establishment though not necessarily the same post as the one from which the person was severed.
- CE (17)
- (i) Approve the grant of loans under Assisted Car Purchase Scheme.
 - (ii) Approve members of staff as essential car users.
 - (iii) Enter into car leasing arrangements in accordance with the Council's scheme.
 - (iv) Approve any changes to the contribution made by the Council in respect of a loan granted under the assisted car purchase scheme following a review of the car lease prices.
- CE (18)
- (i) Approve the payment of removal and relocation expenses in accordance with the scheme adopted by the Council.
 - (ii) Approve any changes to the relocation and mortgage subsidy when the schemes are reviewed.
- CE (19) Nominate first aiders in accordance with the First Aid at Work Regulations 1981.
- CE (20) Certify for the purposes of Section 3(2)(b) of the Local Government and Housing Act 1989 whether or not, in the Council's opinion, a post is politically sensitive by virtue of its duties falling within Section 2(3) of the Act.
- CE (21) SPARE
- CE (22) In liaison with the Monitoring Officer, provide appropriate practical and financial support to proceedings which employees who have suffered violence in the course of their employment might wish to bring.
- CE (23) The membership of the Panel(s) identified in the recruitment, disciplinary and grievance process be appointed by the Chief Executive in consultation with the Chairman of the Employment Committee.
- CE (24) SPARE
- CE (25) Arrange for a community referendum for a neighbourhood plan to be undertaken.
- CE (26) Issue Concessionary Travel Tokens in accordance with the Council Scheme.
- CE (27) implement national wage and salary awards and conditions of service, except where discretion is to be exercised on assimilation of revision of scales.

5. The Deputy Chief Executive (AJ) & Monitoring Officer shall have authority to:

- MO (1) Execute vacating receipts on mortgages.
- MO (2) Subject to consultation with Group Leaders, make appointments to outside bodies in accordance with the political balance already agreed.
- MO(3) SPARE
- MO (4) Subject to consultation with Group Leaders, set the calendar of meetings.
- MO (5) In consultation with Head of Development Services, settle the amount of compensation for damage to land which the Council is legally liable to pay in consequence of works carried out or other action taken on behalf of the Council up to a maximum of £1000 in any one case.
- MO (6) Respond and carry out consultations concerning the making of Public Footpath, Creation, Diversion and Extinguishment Orders and to confirm if no objections are made.
- MO (7) in consultation with the Chairman of the Standards Committee, shall have authority to appoint the membership of Standards Sub-Committees (Hearing Panels)
- MO (8) Appoint the membership of any additional Licensing & Regulatory Sub-Committees known as Licensing & Regulatory Panels.
- MO (9) The Monitoring Officer is authorised to issue grants agreed by the Community Forums so long as they do not breach any legislative requirements, agreed policy or exceed the budget for the specific community forum.
- MO (10) Authority to approve the attendance of the Leader and Chairs of committees and other elected members at appropriate conferences and seminars for the purpose of recognising such attendance as approved duty for travelling.
- MO (11) Act under the provisions of either the Public Health Act 1925 or Town Improvement Clauses Act 1847 to
 - (i) deal with the numbering and re-numbering of properties;
 - (ii) approve the naming of streets following consultation with the appropriate Parish or Town Council.
- MO (12) In consultation with the Deputy Leader, to take decisions on the operation of existing contract agreements within the VCS and the awarding of future service level agreements under the VCS in line with the Council's procurement process.
- MO(13) Initiate review of the Members' Allowances Scheme;

6. Head of Finance & Chief Finance (S151) Officer shall have authority to:

- F (1) Approve or refuse applications for advances for house purchase (in accordance with the scheme approved by the Council).
- F (2) Approve Determined and Variable Rates of Interest for housing advances.
- F (3) Approve individual schemes within the agreed principles of the loan underwriting agreement with the Nationwide Building Society.
- F (4) Appear in Court when legal action is taken against a person who has made a fraudulent claim for Housing or Council Tax Benefit, or Council tax Reduction or other fraudulent claims against the Council.
- F (5) SPARE
- F (6) Increase fees and charges by changes in national taxation or levies.
- F (7) Write off sundry debts, Finance function debts and all other debts.

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- F (8) In Consultation with the Head of Development Services, deal with offers by owners to convey property to the Council where such property is in the area of a Compulsory Purchase Order awaiting confirmation.
- F (9) Serve any necessary notices in connection with the review of rents payable to the Council under leases or tenancy agreements.
- F (10) Maintain Accounting Records and Control Systems and the production of all relevant accounts and claims in accordance with the Accounts and Audit Regulations.
- F (11) to add further bodies, in consultation with Group Leaders and Monitoring Officer, to the list of those for which attendance allowance may be paid.
- F (12)
 - (i) effect all necessary insurances to protect the Council's property and interests; and
 - (ii) settle all insurance claims made against the Council by third parties.
- F (13)
 - (i) manage the Council's cash flow (including the collection fund), placing short term investments and arranging loans in accordance with the approved Treasury Management Strategy; and
 - (ii) make such banking arrangements, including opening of banking accounts, as appear necessary for the proper management of the Council's finances.
- F (14)
 - (i) maintain an adequate and effective system of internal audit;
 - (ii) manage the Council's investments;
 - (iii) manage the Council's borrowing requirement; and
 - (iv) set the determined rate of interest and the variable rate of interest on housing advances.
- F (15) Take the following action under the NNDR and Council Tax Regulations:
 - (i) Applications for certificates and the sanction of appropriate relief (apportionment of rateable value of partly occupied hereditaments);
 - (ii) Granting and refusal of mandatory relief under the Council Tax and Rating Regulations;
 - (iii) Approve applications for discretionary rate relief.
 - (iv) Refunds of Council Tax, Business Rates and Council Tax;
 - (v) Institution of legal proceedings against ratepayers for recovery outstanding rates and Council Tax;
 - (vi) Authority under Section 223(1) of the Local Government Act 1972 to represent the Council in making formal complaint and taking the subsequent proceedings in the local Magistrates Court.
 - (vii) Authority to serve completion notices under the appropriate Council Tax and Rating regulations;
 - (viii) Authority to instruct Enforcement Agents to take control of goods, issue requests for information, apply Attachment of earnings Orders and deductions from Income Support, Charging Orders;
 - (ix) Selection and appointment of Enforcement Agents;
 - (x) Authority to quash penalties;
 - (xi) Authority to appeal against any Assessment of Council Tax banding or rating assessment;
 - (xii) Authority to represent the Council at Valuation Tribunals in connection with appeals against: liability to pay the Council Tax including discounts, exemptions and reductions , and the banding of a dwelling;
 - (xiii) Authority to represent the Council at Housing and Council Tax Benefit tribunals in connection with appeals against housing and council tax

- benefit.
- (xiv) Authority to write off irrecoverable Council Tax, Non-Domestic Rates and Housing Benefit Overpayments;
 - (xv) Authority to consider and determine applications for Hardship relief under Section 49 of the Local Government Finance Act 1988.
- F (16)
- (i) Decide upon all claims received for Housing, Council Tax Benefit or Council Tax Reduction including the exercising of all discretions under the general policy guidance from time to time given by the Council.
 - (ii) Assess overpayments under the Regulations and taking such steps as are appropriate to recover the amount overpaid.
 - (iii) Decide upon all claims for Discretionary Housing and Council Tax Payments.
7. **Head of Development Services** shall have authority to:
- DS (1) Object on environmental and other grounds to applications for goods vehicle operators licences, such objections to be reported to the Committee for instruction as to whether an appearance should be entered at any hearing which might take place into the objection.
- DS (2) Serve notices and where necessary, carry out works in default and recover costs in relation to the maintenance and improvement of watercourses under the Land Drainage Act 1976.
- DS (3) Serve any necessary notices in connection with the review of rents payable to the Council under leases or tenancy agreements.
- DS (4)
- (i) approve or reject plans deposited under the Building Regulations as amended from time to time and under related provisions of the Public Health Acts, Highways Acts and Building Act 1984;
 - (ii) SPARE;
 - (iii) require the carrying out of tests under Section 33 of the Building Act 1984;
 - (iv) take emergency measures to deal with dangerous buildings under Section 78 of the Building Act 1984;
 - (v) deal with intended demolitions under Section 80 of the Building Act 1984;
 - (vi) exercise powers contained in Section 2 of the Building Act 1984 (continuing requirements);
 - (vii) reject, or pass with conditions, plans deposited under Section 19(1) and (3) of the Building Act 1984 (use of short lived materials)
 - (viii) exercise powers contained in Section 25 of the Building Act 1984 (Provision of water supply);
 - (ix) exercise the powers contained in Section 25 of the Local Government (Miscellaneous Provisions) Act 1982 (approval of building plans provisionally or by stages).
- DS (5) In consultation with a solicitor acting on behalf of the Council, apply to Magistrates Court for an order under Section 77 of the Building Act 1984 (dangerous buildings).
- DS (6) Exercise powers contained in Section 78 of the Buildings Act 1984 (dangerous buildings - emergency measures).
- DS (7) Receive notices served on the Council under Section 80 of the Building Act 1984 (intended demolition).

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- DS (8) Serve notices in respect of the following Building Act 1984:-
- (i) Section 32 - lapse of deposit of plans
 - (ii) Section 35 - penalty for contravening the Building Regulations
 - (iii) Section 36 - removal or alteration of offending works
 - (iv) Section 47 - acceptance of Initial Notices
 - (v) Section 59 - drainage of buildings
 - (vi) Section 60 - use and ventilation of soil pipes
 - (vii) Section 71 - provision of entrances exits etc.
 - (viii) Section 72 - means of escape from fire
 - (ix) Section 73 - raising of chimneys
 - (x) Section 74 - cellar and rooms below sub-soil water level
 - (xi) Section 79 - ruinous and dilapidated buildings and neglected sites
 - (xii) Section 81 - demolitions
 - (xiii) Section 95/96 - power to enter premises
- DS (9) Pay Historic Building Grants under S.57 and 58 of the Planning (Listed Buildings & Conservation Areas) Act 1990.
- DS (10) Make payments in respect of town scheme grants, conservation areas partnership scheme and the Programme Town Scheme Grants from monies made available under and in accordance with S.57, 77 to 80 (inclusive) of the Planning (Listed Buildings & Conservation Areas) Act 1990.
- DS (11) Respond to preliminary consultations received from Warwickshire County Council on applications for the diversion, creation and extinguishment of public paths.
- DS (12) Serve notices and where necessary carry out works in default and recover costs in relation to the demolition of buildings.
- DS (13) Serve notices concerning the addition to deletions from or amendment to the list of buildings for special architectural or historic interest, as required by the Department of Culture, Media and Sport
- DS (14) Appoint an Officer for the authority to deal with the purposes of the Party Wall Act 1996.
- DS (15) Apply to the Magistrates Court for Warrant to enter land and/or buildings in accordance with powers provided in the Town and County Planning Act 1990, Planning and Compensation Act 1991, Planning (Listed Buildings and Conservation Area Act) Act 1990 and Building Act 1984.
- DS (16) Formulate operational details of the grant scheme established for any unmatched funding from the Council's contribution to the Conservation Area Partnership Scheme for Royal Leamington Spa, based on the terms and conditions of the existing historic buildings scheme of grants as constituted under Section 57 and 58 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to offer grants.
- DS (17) Serve notices and, where necessary to recover costs incurred in relation to:-
- (i) enforcement of liability to maintain un-adopted highways;
 - (ii) interference with highways and streets;
 - (iii) the undertaking of urgent repairs to private streets;
 - (iv) carriage crossings.
- DS (18) Deal with applications from market operators for change of trade.
- DS (19) Serve Notices to Quit in respect of shops and other accommodation provided under the Housing Acts.

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- DS (20) Following consultation with a solicitor acting for the Council, take appropriate action in the County Court in cases of unlawful trespass on Council property.
- DS (21) Following consultation with a solicitor acting for the Council, enter into miscellaneous agreements of a minor nature affecting any land and/or property not provided for elsewhere.
- DS (22) Following consultation with a solicitor acting for the Council, consent to assignment and other consents required under leases granted by the Council.
- DS (23) Following consultation with a solicitor acting for the Council, complete the purchase of property comprised in a confirmed Compulsory Purchase Order on the terms negotiated by the District Valuer and to make any relevant statutory payments in connection with acquisitions, such as well-maintained and home loss and disturbance payments.
- DS (24) In consultation with the Head of Finance, decline offers of property not recommended for acquisition.
- DS (25) Following consultation with the Leader, vary building control charges in order to meet the financial obligations placed on the service where such action is required outside the normal timescale for consideration of fees and charges by the Executive.
- DS (26) Grant wayleaves and easements across Council owned land to other public organisations.
- DS (27) Grant new leases on vacant properties, excluding HRA properties.
- DS (28) Following consultation with ward councillors and the relevant Head of Service of the service area owning the land, dispose of other interests in land including its sale where the consideration does not exceed £20,000 and also to accept the Surrender of leases where the value does not exceed £20,000.
- DS (29) Follow consultation with ward councillors and the relevant Head of Service of the service area owning the land to initiate, proceedings for forfeiture of Leases.
- DS (30) Agree rent reviews, for non HRA properties, where agreement on the new rent has been reached without recourse to arbitration.
- DS (31) Grant new leases, for non HRA properties, where statutory renewal rights exist.
- DS (32) Grant terminable licences, for non HRA properties, for access and other purposes.
- DS (33) Manage and control properties acquired by the Council in advance of requirements (other than those held under Part V of the Housing Act 1957 where consultation with the Head of Housing and Property Services is required).
- DS (34) Formulate and issue decision notices following consideration by the Planning Committee in accordance with the resolution of the Planning Committee.
- DS (35) Make observations on County Matter applications or applications submitted by Warwickshire County Council under Regulation 3 of the Town and County Planning General Regulations 1992.
- DS (36) Respond to all notifications for prior approval submitted under the Town and Country Planning (General Permitted Development) Order 1995.
- DS (37) Determine all applications to discharge conditions imposed on planning permissions and other forms of consent.
- DS (38) Determine all applications for minor amendments to planning permissions or other forms of consent.

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- DS (39) Determine all applications for Certificates of Lawfulness under Section 191 (Existing Use/Development) or Section 192 (Proposed Use/Development) of the Town and Country Planning Act 1990.
- DS (40) Determine applications for consent to lop or fell trees which are the subject of Tree Preservation Orders.
- DS (41) Respond to notifications for works to/the felling of trees in Conservation Areas.
- DS (42) Approve the making, varying and revoking of Tree Preservation Orders. In the case of making and varying (where new trees are added to an existing order) and if no objections are received, to confirm the orders.
- DS (43) Determine hedgerow removal notices, including the serving of hedgerow retention and replacement notices with regard to important hedgerows.
- DS (44) Respond to enquiries; complaints and appeals relating to high hedges; to issue and serve; vary and withdraw High Hedge Remedial Notices.
- DS (45) Confirm Tree Preservation Orders to which there are objections, following the authorisation of that confirmation by the Tree Preservation Order Sub Committee or the Planning Committee.
- DS (46) Serve Tree Replacement Notices; to respond to appeals made in respect of Tree Replacement Notices.
- DS (47) Issue screening and scoping opinions in respect of the need for, and content of, Environmental Assessments in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999.
- DS (48) Serve and withdraw notices in respect of the following: Town and Country Planning Act 1990 (TCPA) and Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCAA) as amended
- (i) Section 187A (TCPA) – Breach of Condition Notices.
 - (ii) Sections 183 to 187 (TCPA) – Stop Notices.
 - (iii) Sections 171A to 182 (TCPA) – Enforcement Notices in connection with Stop Notices.
 - (iv) Section 215 (TCPA) – Land adversely affecting the amenity of the neighbourhood.
 - (v) Section 172 – 173A (TCPA): Enforcement Notices, be authorised by the Head of Development Services following consultation with the Chair and Vice Chair of the Committee and the relevant ward member(s) except in the circumstances where the Head of Development Services considers it appropriate for that matter to be determined by Planning Committee.
 - (vi) Section 38(PLBCA): Listed Building Enforcement Notice, be authorised by the Head of Development Services following consultation with the Chair and Vice Chair of the Committee and the relevant ward member(s) except in the circumstances where the Head of Development Services considers it appropriate for that matter to be determined by Planning Committee.
 - (vii) Sections 171E – H (TCPA): Temporary Stop Notices.
 - (viii) Section 171C (TCPA): Planning Contravention Notices.
 - (ix) Section 187B (TCPA); 44A (LBCA) and 214A (TCPA): apply to the Court for injunctions directed at restraining actual or apprehended breaches of planning control; unauthorised work to Listed Buildings; and actual or apprehended damage to

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- Conservation Area Trees.
- (x) Section 48 (LBCA): Listed Building Repairs Notices.
- DS (49) Section 171BA (TCPA): the application to the court for a Planning Enforcement Order.
- DS (50) Section 171BB (TCPA): the issue of Certificates under this section confirming the date on which evidence of a breach sufficient to justify an application under Section 171BA was identified.
- DS (51) Section 172A (TCPA): the issue and withdrawal of assurances (by letter) to parties on whom an Enforcement Notice has been served concerning prosecution.
- DS (52) Section 201 4C (TCPA): the issue of Certificates confirming the date on which evidence sufficient to prosecute for non-compliance with a Tree Preservation Order came to the prosecutors knowledge.
- DS (53) Section 224 9 (TCPA): the issue of Certificates confirming the date on which evidence sufficient to prosecute for advertisement offences came to the prosecutor's knowledge.
- DS (54) Section 225A (TCPA): the removal of unauthorised structures used for advertisements displays.
- DS (55) Sections 225A (3-6) (TCPA): the service of removal notices in respect of unauthorised advertisement display structures.
- DS (56) Section 225A(7) (TCPA): the recovery of expenses incurred in the Council's removal of unauthorised advertisement display structures.
- DS (57) Section 225B (TCPA): the response to appeals made in respect of Notices served under Section 225A.
- DS (58) Section 225C (TCPA): the service of Action Notices in respect of persistent unauthorised advertisement displays.
- DS (59) Section 225C (TCPA): the undertaking of the requirements of Action Notices and the recovery of the costs incurred in doing so.
- DS (60) Section 225D (TCPA): the response to appeals made against Action Notices.
- DS (61) Sections 225F, G and H (TCPA): the remedy of the defacement of premises by means of the service a notice under these sections.
- DS (62) S225F, G and H (TCPA): the undertaking of the requirements of a notice issued under these sections and the recovery of costs incurred in doing so.
- DS (63) Section 225I (TCPA): the response to appeals made in respect of notices issued under sections 225F, G and H.
- DS (64) Section 225J: the remedy of the defacement of premises at the request of the owner/occupier and the recovery of reasonable costs incurred in doing so.
- DS (65) Section 225 (TCPA): to remove or obliterate placards or posters which are in contravention of the Advertisement Regulations.
- DS (66) To issue notices under S330 of the Town and Country Planning Act 1990 (Requisition for Information).
- DS (67) To instigate legal proceedings under the following provisions:
- i. Section 171D (TCPA): non compliance with Planning Contravention Notices;
 - ii. Section 171G (TCPA) non compliance with Temporary Stop Notices;
 - iii. Section 179 (TCPA) non compliance with Enforcement Notices;
 - iv. Section 187 (TCPA) non compliance with Stop Notices
 - v. Section 178A (TCPA) non compliance with Breach of Condition Notices;
 - vi. Section 43 (LBCA) non compliance with Listed Building

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- Enforcement Notices;
 - vii. Section 59 (LBCA) unauthorised work to Listed Buildings;
 - viii. Section 210 (TCPA) non compliance with Tree Preservation Orders;
 - ix. Sections 211 – 212 (TCPA): non - preservation of trees in Conservation Areas;
 - x. Sections 215 and 216 (TCPA) non compliance with Section 215 (Untidy Land) Notice;
 - xi. Section 224 (TCPA) unauthorised advertisement display;
 - xii. Section 97 (Environment Act 1995) contravention of the Hedgerow Regulations;
 - xiii. Section 75 (Anti-social Behaviour Act 2003) non compliance with high hedge remedial notices.
 - xiv.
- DS (68) Formulate the Council's response to consultations from neighbouring Planning Authorities relating to development proposals outside the Warwick District Council area.
- DS (69) Approve temporary stand structures under the Public Health Act 1890 (Section 37).
- DS (70) Determine all applications submitted to Warwick District Council as required by the Town and Country Planning Act 1990 (as amended), Town and Country Planning (Control of Advertisement) Regulations 1992, and Planning (Listed Buildings and Conservation Areas) Regulations 1990, with the exception of the following:-
- (i) Applications where a written request is received from a member of Warwick District Council within the specified consultation period i.e. 21 days. that Committee referral is required
 - (ii) Applications where 5 or more written objections (or letters of support) or a petition (including one of support) with 5 or more signatures has been received, where the recommendation is contrary to the representations that have been made.
 - (iii) Applications where the recommendation of the Head of Development Services i.e. Grant/Refuse is contrary to the representations made by a Parish/Town Council, i.e. Object/Support except in the following circumstances:-
 - the Head of Development Services is satisfied that the plans have been amended to address the concerns of the Parish/Town Council;
 - where the representations made by the Parish/Town Council raise issues which are not material to the planning assessment of the particular application; or
 - where the concerns of the Parish/Town Council have been previously considered as part of the assessment of an extant permission on the site and there has been no change in circumstances
 - (iv) Applications where the principle of development would represent a material departure from any policy within the Development Plan.
 - (v) Applications known to be submitted by or on behalf of a Warwick District Councillor, Warwick District Council employee or former employee of the Council, or the spouse/partner of any such person.
 - (vi) Applications submitted by Warwick District Council or Warwickshire County Council, other than for approval of routine minor developments.
 - (vii) Where applications are to be refused and enforcement action is being recommended, following consultation with the Chair and Vice Chair of

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- the Committee and the relevant ward member(s) except in the circumstances where the Head of Development Services considers it appropriate for that matter to be determined by Planning Committee.
- (viii) Applications where an Environmental Impact Assessment has been provided.
 - (ix) Any application which raises significant issues such that in the opinion of the Head of Development Services, it would be prudent to refer the application to Planning Committee for decision.
- DS (71) Decline to determine planning applications in accordance with the relevant provisions of the Town and Country Planning Act 1990 as amended.
- DS (72) Make representations on behalf of the Council as Local Planning Authority, on relevant applications under the Licensing Act 2003.
- DS (73) In consultation with the Planning Committee Chairman and relevant portfolio holder, issue a grant of permission without a Section 106 agreement first being signed, where the original committee resolution requires the prior completion of a Section 106 legal agreement or payment on Community Infrastructure Levy, but where a consultee who required the agreement no longer considers an agreement is necessary and a planning condition can be used to cover their requirements.
- DS (74) Agree to a Town or Parish Council proceeding with developing a Neighbourhood Plan under the terms of the Localism Act 2011 or to refuse permission to proceed where a proposal to undertake a plan does not conform with the provisions of the act.
- DS (75) Make changes to a Neighbourhood Plan in line with the independent examiners recommendations
- DS (76) Bring a Neighbourhood Plan in to force where it conforms to the provisions of the Localism act
- DS (77) Assess a Neighbourhood to ensure compliance with the Localism Act and supporting regulations and to refuse to proceed to independent examination where it does not
- DS (78) Appoint an independent examiner for a neighbourhood plan
- DS (79) In consultation with the Portfolio Holder for Development Services following recommendation from W² Project Board to grant 99 year leases of council owned land (general fund) to Waterloo Housing Group under the terms of the Joint Venture for the purpose of providing affordable housing
- DS (80) Maintain the List of Assets of Community Value and list of unsuccessful nominations; consider and decide the technical correctness of nominations for inclusion of assets on the list; and consider and decide, in consultation with the Development Services Portfolio Holder, the merits of nominations for inclusion of assets on the list

8. **Head of Health and Community Protection** shall have authority to:

- HCP(1) Following consultation with a solicitor acting for the Council, institute legal proceedings in the event of the service of an Emergency Prohibition Notice under the provisions of the Food Safety Act 1990.
- HCP(2) Serve notices under the following sections of the Building Act 1984:
- 59 – Drainage of buildings, including private sewers
 - 60 - Ventilation of soil pipes
 - 62 - Disconnection of drain
 - 64 - Provision of closets

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- 65 - Provision of sanitary convenience in workplace
- 66 - Replacement of earth closet
- 68 - Erection of public conveniences
- 69 - Provision of water supply in occupied house
- 70 - Provision of food storage
- 73 - Raising of chimneys
- 76 - Defective premises
- 84 - Paving and drainage of yards and passages

- HCP(3) Deal with the provisions of the Clean Air Acts relating to the installation of new chimneys, furnaces, boilers and other appliances.
- HCP(4) Serve notices under Clean Air Act 1993:-
- (i) Notice requiring information about air pollution (s36, s58),
 - (ii) Notification of offence concerning dark smoke and smoke control areas (s51).
 - (iii) Notice of intended entry (s56)
- HCP(5) Serve notices for the control of noise on construction sites under Section 60 of the Control of Pollution Act 1974.
- HCP(6) Environmental Protection Act 1990:-
- (i) issue variation and revocation notices under ss10 and 12
 - (ii) issue enforcement and prohibition notices under Sections 13 and 14
 - (iii) issue abatement notices under s80
 - (iv) issue statutory notices under s92 and to authorise works in default of any notices served under this section
 - (v) issue authorisation under Part I
 - (vi) issue notices requiring further information about scheduled processes (Schedule 1)
 - (vii) serve notice of intended entry in respect of nuisance (Schedule 3)
 - (viii) apply to a Magistrate's Court for a warrant to enter premises for the purpose of ascertaining whether or not a statutory nuisance exists, or for the purpose of taking any action, or executing any work authorised or required by Part III of the Environmental Protection Act 1990.
- HCP(7) Authority to the extent that those functions are discharged otherwise than in the Authority's capacity as an employer to -
- appoint and to terminate such appointments
- under –
- (a) The Health and Safety at Work etc Act 1974; and
 - (b) any Orders, or Regulations or other instruments (whether dated before or after the date of execution of this instrument of appointment);
 - (i) made thereunder or
 - (ii) having effect by virtue of the European Communities Act 1972 and relating to health & safety; and
 - (c) any modification or re-enactment of the foregoing.

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(i) Environmental Health Officers as Inspectors under Section 19(1) of the Health & Safety at Work Etc. Act 1974 (the 1974 Act) and empowered to exercise all the powers set out in Sections 20, 21, 22, 25 and 39 including the institution of legal proceedings; and

(ii) other suitably qualified and competent persons as Inspectors under Section 19(1) of the 1974 Act and empowered to exercise all or some of the powers as set out in Sections 20 and as may be specified in their authorization.

and an inspector shall in right of his appointment -

(a) be entitled to exercise only such of those powers as are so specified; and
(b) be entitled to exercise the powers so specified only within the field of responsibility of the Authority.

- relevant licences, registrations and approvals
- sign and serve notices including fixed penalty notices
- authorise and/or execute works in default
- Procure samples, seize equipment, records, goods and articles, and Obtain information
- Obtain and execute power of entry
- Engage specialist advisers/contractors
- Determine whether and in what manner to enforce any failure to comply with matters under legislation enforced under this scheme of delegation and to give effect to that determination, including the administration of cautions.

HCP(8) Appoint and to terminate such appointments –

under –

- (a) The Food Safety Act 1990; and
- (b) any Orders, or Regulations or other instruments (whether dated before or after the date of execution of this instrument of appointment);
 - (i) made thereunder or
 - (ii) having effect by virtue of the European Communities Act 1972 and relating to food safety; and
- (c) any modification or re-enactment of the foregoing.

(i) Environmental Health Officers to-

- enter premises whether within or outside the Council's area for the purpose of Sections 9, 10, 12, 29, 32 and 49 Food Safety Act 1990
- Inspection and Seizure of Food
- Signature of Notices
- Procurement of Samples, and
- Powers of Entry

(ii) other persons having suitable qualifications as Inspectors to - enter premises whether within or outside the Council's area for the purpose of Sections 10, 29, 32 and 49 Food Safety Act 1990.

- Signature of Notices
- Procurement of Samples, and

- Powers of Entry

and an inspector shall in right of his appointment –

(a) be entitled to exercise only such of those powers as are so specified; and
(b) be entitled to exercise the powers so specified only within the field of responsibility of the Authority.

- relevant licences, registrations and approvals

- Procure samples

- sign and serve notices including fixed penalty notices

- Authorise and/or execute works in default

- Procure samples, seize equipment, goods and articles, and obtain information

- Obtain and execute power of entry

- Engage specialist advisers/contractors

- Determine whether and in what manner to enforce any failure to comply with matters under legislation enforced under this scheme of delegation and to give effect to that determination, including the administration of cautions.

- HCP(9) Apply to the Magistrates Court for Warrant to enter land and/or buildings in accordance with powers provided in the Food Safety Act 1990, Health and Safety Act at Work etc Act 1974, Office, Shops and Railway Premises Act 1963, Housing Act 1985 and Public Health (Control of Disease) Act 1984
- HCP(10) After consultation with the relevant portfolio holder and a solicitor acting for the Council, under Section 6 of the Food Safety Act 1990, institute legal proceedings under the Act or any Regulations or Orders made under it
- HCP(11) SPARE
- HCP(12) SPARE
- HCP(13) Local Government (Miscellaneous Provisions) Act 1982. Additional controls on temporary markets on Sundays or otherwise - Section 37 of the Act. All Environmental Health Officers have been appointed to act as Inspectors.
- HCP(14) Serve notice of intention to make Closing or Variation Orders in respect of refreshment premises on receipt of complaints from neighbouring residents.
- HCP(15) Appoint officers, and terminate such appointments, under section 7 of the Sunbeds (Regulation) Act 2010, to enforce the provisions of section 2 of that Act and the Schedule to the Act.
- HCP(16) Grant but not refuse hazardous substances consents either unconditionally or subject to conditions.
- HCP(17) Invite tenders or allocation of work, in accordance with Standing Orders, for the carrying out of works in default of Statutory Notices.
- HCP(18) Deal with transfers of responsibility for enforcement between this authority and the Health and Safety Executive under Section 5 of the Health and Safety (Enforcing Authority) Regulations 1989.
- HCP(19) Enforce the requirements of the pesticides legislation contained in Part III of the Food & Environment Protection Act 1985 (as amended by the Pesticides (Fees & Enforcement) Act 1989) and the Control of Pesticides Regulations 1986, in relation to premises and work activities where there are Enforcement Officers under the Health and Safety at Work Etc Act 1974. (Council: 19th February 1992)
- HCP(20) Serve Statutory Notices under Section 80 of the Water Industry Act 1991

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- requiring improvements to private water supplies or the connection of premises to public supplies.
- HCP(21) Discharge the Council's dog control functions by enforcement of the relevant statutory provisions, under Section 149(1) of the Environmental Protection Act 1990.
- HCP(22) Discharge the Council's dog control functions under the relevant Warwick District Council Dog Control Orders 2011 and Clean Neighbourhood and Environment Act 2005 including issuing fixed penalty notices and requesting names and addresses of offenders
- HCP(23) Exercise powers under Part 1 of Schedule 2 of the Sunday Trading Act 1994.
- HCP(24) Issue notices of entry on land and sewers under s.159, 161(2) and 168 of the Water Industry Act 1991.
- HCP(25) Serve notices under Local Government (Miscellaneous Provisions) Act 1976:-
- (i) Section 16 requiring information,
 - (ii) Provision of sanitary appliances s20,
 - (iii) Obstructions in private sewers s35
 - (iv) Requiring payment of expenses of removal s35(3)
- HCP(26) Service notices under Prevention of Damage by Pests Act 1949:-
- (i) Notice to owner or occupiers s4,
 - (ii) Notice to occupiers of local authority's intention s6
- HCP(27) Serve notices under Public Health Act 1936:-
- (i) Notice to put defective closets into repair s45,
 - (ii) Notice with regard to cesspool s50,
 - (iii) Notice regarding filthy or verminous premises s83,
 - (iv) Notice to repair, maintain or cleanse a culvert s264,
 - (v) Notice to occupier of intended entry s287,
 - (vi) Notice regarding provision of water closets s44,
 - (vii) Notice regarding execution of work to unfit tents, vans and sheds s268,
 - (viii) Cleansing of filthy or verminous articles, persons or clothing ss84 and 85
 - (ix) apply to a Magistrate's Court for a warrant to enter premises for the purpose of:
 - a) ascertaining whether there is, or has been, on or in connection with the premises any contravention of the provisions of the Public Health Act 1936, or any byelaws or building regulations made thereunder, being provisions which it is the duty of the council to enforce;
 - b) ascertaining whether or not circumstances exist which would authorize or require the council to take any action or execute any work, under the provisions of the Public Health Act 1936, or any byelaws or building regulations;
 - c) taking any action or executing any work authorised or required by provisions of the Public Health Act 1936, or any byelaws or building regulations, or any order made under this Act, to be taken, or executed, by the council;

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- d) generally, for the performance by the council of their functions under the provisions of the Public Health Act 1936, or any byelaws or building regulations.
- HCP(28) Serve notices under Public Health Act 1961:-
 - (i) Notice requiring the cleansing of filthy or verminous premises s35,
 - (ii) Notice to remedy or renew stopped up drain or private sewer etc s17,
 - (iii) Disinfections of verminous articles offered for sale
- HCP(29) Serve notices in relation to:
 - (i) The drainage of existing buildings, including private sewers;
 - (ii) Insufficient or defective sanitary accommodation;
 - (iii) Leaking and overflowing cesspools;
 - (iv) Filthy or verminous premises or articles and verminous persons;
 - (v) Removal of noxious matter and accumulations of rubbish;
 - (vi) The provision of refuse containers.
 - (vii) Requiring owner or occupier to deal with rat or mouse infested land.
- HCP(30)
 - (i) Execute statutory powers under Part II(A) of the Environmental Protection Act 1990
 - (ii) Apply to the Magistrates Courts for a warrant in accordance with the above statutory powers
 - (iii) Authority to issue Remediation Notices
 - (iv) Authority to execute works following failure to comply with a Remediation Notice
- HCP(31) Deal with all matters relating to offensive trades.
- HCP(32) Arrange for the burial or cremation of the body of any person where no suitable arrangements for disposal have been made under Public Health (Control of Disease) Act 1984.
- HCP(33) Deal with applications for exemption from certain of the provisions of:-
 - (i) Health & Safety at Work Etc. Act 1974;
 - (ii) The Offices, Shops & Railway Premises Act 1963;
- HCP(34) Take necessary action to abate a nuisance and execute a statutory nuisance abatement notice under the Environmental Protection Act 1990
- HCP(35) Following consultation with a solicitor acting for the Council, seek an injunction to prevent a statutory nuisance.
- HCP(36) Make representations, on behalf of the Council as a relevant person and as the Authority by which statutory functions are exercisable in relation to minimising or preventing public nuisance or harm to human health and safety, on relevant applications under the Licensing Act 2003.
- HCP(37) Issue licenses, registrations and certificates in respect of:-
 - (i) Pet animals Act 1951 - licensing of establishments
 - (ii) Animals Boarding Establishments Act 1963 licensing of establishments
 - (iii) Breeding of Dogs Act 1973 - licensing of establishments
 - (iv) Removed
 - (v) Scrap Metal Dealers Act 2013 - licences
 - (vi) Riding Establishment Acts 1964 and 1970 - licensing of establishments
 - (vii) Dangerous Wild Animals Act 1976 - licensing of premises
 - (viii) Local Government (Miscellaneous Provisions) Act 1982

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registration of persons for the purposes of acupuncture,
ear piercing electrolysis and tattooing
(ix) Zoo Licensing Act 1981 - Licensing of premises and dispensations

- HCP(38) Apply to the Magistrates Court for Warrant to enter land and/or buildings in accordance with the powers contained in the Scrap Metal Dealers Act 2013.
HCP(39) Appoint, authorise and terminate appointments of-

Grade B Environmental Health Officers to act as 'proper officers' for and on behalf of the authority in matters arising under:

S47 National Assistance Act 1948 (not Health Protection Agency) -
Certificate that in the interests of any person suffering from grave chronic disease or, being aged, infirm or physically incapacitated, are living in insanitary conditions, and

- are unable to devote to themselves, and are not receiving from other persons, proper care and attention.
- or for preventing injury to the health of, or serious nuisance to, other persons
- it is necessary to remove any such person as aforesaid from the premises in which he is residing.

S48(1) Public Health (Control of Disease) Act 1984 – Certificate to enable a JP to order removal of a dead body and burial

The Health Protection (Notification) Regulations 2010 Rs2/3/6–

- to receive notifications of diseases etc in patients and dead persons from Registered Medical Practitioner
- to notify the HPA etc.

S8 Health Protection (Local Authority Powers) Regulations 2010 - Requests for co-operation for health protection purposes
Reg 5 Public Health (Aircraft) Regulations 1979 including all subsequent reference to Medical Officers.

- HCP(40) Appoint, authorise and terminate appointments of-

Grade B Environmental Health Officers to act as 'proper officers' for and on behalf of the authority in matters arising under:

Ss83/84/85 Public Health Act 1936 – filthy and verminous premises etc.
S47 National Assistance Act 1948 - Certificate that in the interests of any person suffering from grave chronic disease or, being aged, infirm or physically incapacitated, are living in insanitary conditions, and

- are unable to devote to themselves, and are not receiving from other persons, proper care and attention.
- or for preventing injury to the health of, or serious nuisance to, other persons
- it is necessary to remove any such person as aforesaid from the premises in which he is residing.

Ss59/61/S62 Public Health (Control of Disease) Act 1984

- Authentification of documents

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- Powers of Entry - to ascertain contraventions and take persons and equipment with him

S37 Public Health Act 1961 - Disinfestation or destruction of verminous articles

The Health Protection (Local Authority Powers) Regulations 2010 - Service of Notices to

- Keep a child away from school
- Provide details of children attending school etc

The Health Protection (Part 2A Orders) Regulations 2010 - Make applications for Part 2A Orders.

- HCP(41) Environmental Damage (Prevention and Remediation) Regulations 2009:
- (i) under regulation 31, appoint officers to carry out powers under the Regulations and in particular in relation to regulation 13, 14, 15, 18 and 32.
 - (ii) sign notices under regulation 20 of the Regulations
 - (iii) execute powers and works under regulation 23.
 - (iv) institute legal proceedings and to recover costs under the Environmental Damage (Prevention & Remediation) Regulations 2009
- HCP(42) Under the Environment Act 1995, appoint officers under section 108 (1)(a), (1)(b) and (1)(c) to exercise powers under section 108, sub-section (4).
- HCP(43) Serve notices in respect of removal of abandoned vehicles and other refuse under the Refuse Disposal (Amenity) Act 1978
- HCP(44) Issue Litter Control Notices under the Environmental Protection Act 1990.
- HCP(45) SPARE
- HCP(46) Deal with the provision of certain adequate and wholesome water supplies.
- HCP(47) Deal with all matters relating to moveable dwellings and tents, vans and sheds under Part XI of the Public Health Act 1936.
- HCP(48) Serve notices in relation to intention to enter premises (pursuant to a statutory power) for the purposes of inspection.
- HCP(49) Issue licences, permits and registrations in respect of the following:
- (i) street trading consents under the Local Government (Miscellaneous Provisions) Act 1982;
 - (ii) permits for amusements with prizes under the Gambling Act 2005;
 - (iii) track betting licences under the Gambling Act 2005;
 - (iv) taxi vehicle licences and private hire operators and vehicle licences under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions Act) 1976.
- HCP(50) Grant or refuse, applications for private hire vehicle, operator or Hackney Carriage vehicle licenses or suspend private hire or Hackney carriage vehicle licences under the Town Police Clauses Act 1847, and the Local Government (Miscellaneous Provisions) Act 1976, subject to the applicant having a right to be heard the Regulatory Committee in respect of any decision to refuse an application.
- HCP(51) (i) Issue street collection permits up to the allocation for Kenilworth, Royal Leamington Spa, Warwick town centres and other areas as defined by the Licensing & Regulatory Committee; and

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- (ii) Issue street collection permits, for special collections in addition to the above numbers, following consultation with and no objection from the Licensing & Regulatory Committee spokespersons.
- HCP(52) Ask for and accept Disclosure and Barring Service checks for Hackney Carriage and Private Hire Vehicles Drivers Licences under Section 47 of the Road Traffic Act 1991, and for any other licence for which they may be required
- HCP(53) Approve or refuse, in consultation with appropriate organisation as approved by the Licensing & Regulatory Committee, applications in respect of types of wheelchair accessible vehicles to be accepted as taxis in the case of new licences to be issued in the District.
- HCP(54) Following consultation with a solicitor acting for the Council and the Chair or Deputy Chair of the Licensing & Regulatory Committee to exercise the power under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 (as inserted by the Road Safety Act 2006), to suspend or revoke a private hire or hackney carriage driver's licence where it appears that the interests of public safety require such suspension or revocation to have immediate effect.
- HCP(55) Issue notices under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976
- HCP(56) Refuse applications for taxi and private hire drivers licences in respect of applicants who do not pass the knowledge test
- HCP(57) Refuse applications for taxi and private hire drivers licences, where the applicants have not attended disability awareness training, and obtained the appropriate certificate
- HCP(58) Approve applications under the Licensing Act 2003 in respect of:
- i) Personal licences if no objection received and premises licence/club premises certificate if no relevant representation made;
 - ii) for provisional statement if no relevant representation made;
 - iii) To vary premises licence/club premises certificate if no relevant representation made;
 - iv) To vary designated premises supervisor in all cases, where no Police objection received;
 - v) Request to be removed as designated premises supervisor all cases;
 - vi) Transfer premises licence – all cases where no Police objection received;
 - vii) For interim authorities, all cases where no Police objection received;
 - viii) Decide on whether a complaint is irrelevant, frivolous, or repetitious – in consultation with Chairman of Licensing & Regulatory Committee
- HCP(59) Approve applications under the Gambling Act 2005 in respect of:
- i) Applications for premises licence where no representations have been received or representations have been withdrawn
 - ii) Application for a variation to a licence where no representations have been received or representations have been withdrawn
 - iii) Application for a transfer of a licence where no representations have been received from the Commission
 - iv) Application for a provisional statement where no representations have been received or representations have been withdrawn

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- v) Application for a club gaming/club machine permit where no objections have been made or objections have been withdrawn
 - vi) Applications for other permits
 - vii) Cancellation of licensed premises gaming machine permits
 - viii) Consideration of temporary use notice
 - ix) Setting of fees
 - x) To make representations where appropriate
- HCP(60) Act as an authorised person in relation to the Licensing Act 2003 s.13(2)(a) and the Gambling Act 2005 s.304(1)(b)
- HCP(61) Act as an authorised person in relation to the Town Police Clauses Act and the Government (Miscellaneous Provisions) Act 1976 s.80
- HCP(62) Issue sex establishment licences under the 1982 Act where no objections are received.
- HCP(63) Determine applications for minor variations of premises licenses under sections 41A-41C of the Licensing Act 2003.
- HCP(64) Issue closure notices under Section 19 of the Criminal Justice and Police Act 2001
- HCP(65) Exercise powers under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982, including the serving of notice and where necessary, undertake works in default and to recover costs under Section 32 of the above Act
- HCP(66) Serve notices under the Land Drainage Act 1991 and any amendments thereof:
S14(A) – Notice to enter land and carry out works
s24 – Contraventions of prohibition on obstructions
s25 – Powers to require works for maintaining the flow of a watercourse
s64 – Powers of entry onto land
- HCP(67) Enter any premises at all reasonable hours for the purposes of the Building Act 1984 and/or the Public Health Act 1961
- HCP(68) SPARE
- HCP(69) Exercise all powers of local authorities under sections 19 to 28 of the Criminal Justice and Police Act 2001 including:
 - Serving and cancelling closure notices;
 - Making applications for closure orders;
 - Issuing certificates of termination of closure orders;
 - Defending applications for the discharge of closure orders;
 - Recommending appealing against the refusal to make closure orders;
 - Enforcing closure orders;
 - Recommending prosecuting for obstruction of authorised officers or for offences in connection with closure orders; and
 - authorising officers to exercise all or any of these powers.
- HCP(70) act as a responsible authority as designated under the Licensing Act 2003 as amended by the Policing Reform and Social Responsibility Act 2010
- HCP(71) suspend a premises licence on non-receipt of the Premises Licence Annual Fee within 3 days after the due day
- HCP(72) Refuse applications and revoke or suspend licences and undertake oral hearings as defined by the Scrap Metal dealers Act 2013.
- HCP (72) Apply to the Magistrates Court for Warrant to enter land and/or buildings in

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- accordance with the powers contained in the Scrap Metal Dealers Act 2013.
- HCP (73) invite tenders or allocation of work, in accordance with Standing Orders, for the carrying out of works in default of Statutory Notices
- HCP (74) issue notices of entry on land and sewers under S.159, 161(2) and 168 of the Water Industry Act 1991
- HCP (75) serve notices under Local Government (Miscellaneous Provisions) Act 1976:-
(i) Section 16 requiring information
(iii) Obstructions in private sewers S35
(iv) Requiring payment of expenses of removal S35(3)
- HCP (76) Serve notices under Public Health Act 1936:-
(i) Notice to repair, maintain or cleanse a culvert S264
(ii) Notice to occupier of intended entry S287
(iii) apply to a Magistrate's Court for a warrant to enter premises for the purpose of:
a) ascertaining whether there is, or has been, on or in connection with the premises any contravention of the provisions of the Public Health Act 1936, or any byelaws or building regulations made thereunder, being provisions which it is the duty of the council to enforce;
b) ascertaining whether or not circumstances exist which would authorise or require the council to take any action or execute any work, under the provisions of the Public Health Act 1936, or any byelaws or building regulations;
c) taking any action or executing any work authorised or required by provisions of the Public Health Act 1936, or any byelaws or building regulations, or any order made under this Act, to be taken, or executed, by the Council;
d) generally, for the performance by the council of their functions under the provisions of the Public Health Act 1936, or any byelaws or building regulations.
- HCP (77) serve notices under Public Health Act 1961:-
(i) Notice to remedy or renew stopped up drain or private sewer etc S17
- HCP (78) serve notices under sections 59, 60, 62 and 76 of the Building Act 1984

9. **Head of Housing & Property Services** shall have authority to:

- HS (1) issue licences to control the use of moveable dwellings under section 269 Public Health Act 1936 and caravan site licences required under the Caravan Sites & Control of Development 1960.
- HS (2) approve or refuse renovation grants, decent homes grants, disabled facilities grants and home repair assistance, the issue of approvals following the application of the test of financial resources and authorisation of payment upon satisfactory completion of the work. To recover, withhold or cancel payments.
- HS (3) deal with the letting of all dwellings when the Common Housing Register is applied. In cases of redevelopment authorise the delay in the letting of properties subject to approval of the relevant redevelopment scheme.
- HS (4) deal with sales of Council dwellings (freehold and leasehold) under the Right-to-Buy provisions (Housing Act 1985).
- HS (5) let residential properties to persons who are not eligible for accommodation

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- in accordance with the Council's policy in exceptional circumstances.
- HS (6) allocate tenancies to employees of the Council in accordance with Council's Relocation Scheme.
- HS (7) repair void properties.
- HS (8) allocate garages; to provide and allocate parking spaces; to approve the erection or provision, by tenants of individual garages and car parking spaces.
- HS (9) allocate tenancies and fix rents in respect of properties held under Part II of the Housing Act 1985.
- HS (10) determine the level of decorating allowance payable to tenants on allocation of tenancies.
- HS (11) approve payments authorised within the Tenants Incentive Grants Scheme to tenants transferred to smaller properties. Approve payments under the Resettlement Service to tenants accepting the tenancy of a low demand designated older persons property.
- HS (12) investigate and determine all homeless applications made to the Council under Part VII Housing Act 1996 including:-
- (i) Allocation of suitable accommodation:
 - (ii) Entering the usual or last place of residence of a homeless person at all reasonable times for the purpose of discharging the duties in connection with the storage of property and effects;
 - (iii) Guaranteeing where necessary in an emergency, the payment in whole or in part of any charges for basic accommodation provided. (iv) individual circumstances.
- HS (13) to determine applications for re-housing agricultural workers and ex-works pursuant to the Rent (Agriculture) Act 1976.
- HS (14) demand repayment of grant monies, together with interest, in appropriate cases on a breach of grant conditions.
- HS (15) following consultation with a solicitor acting for the Council, to instruct Bailiff's to enforce Warrants for Eviction.
- HS (16) to grant way leaves for telephone equipment, wireless relay, cable etc, for HRA properties/land.
- HS (17) to deal with applications for T.V. licences for warden controlled accommodation etc.
- HS (18) determine applications to run businesses, erect covered ways, verandas, conservatories and other and undertake other alterations to Council dwellings.
- HS (19) deal with the recovery of rent arrears including the instigation of legal proceedings to recover possession in appropriate cases and use of distraint.
- HS (20) write off former tenant arrears or credit balances up to £1000, greater than £1000 has to be agreed by Head of Finance.
- HS (21) operate the Secure Tenants of Local Housing (Right to Repair) Regulations 1994 (including service of Notices and acceptance or refusal of claims).
- HS (22) authorise routine repair, maintenance, improvement and new building work to be carried out.
- HS (23) waive, rechargeable repair costs.
- HS (24) authorise the negotiation and agreement of enhanced rates to existing contracts under the Local Government (Direct Services Organisation) (Competition) Regulations 1993 and the Council Directive 92/50/EEC.
- HS (25) approve of schemes for the adaptation of Council houses.
- HS (26) choose to refer adaptations to Council House dwellings for consideration for

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- a Disabled Facilities Grant (or similar).
- HS (27) determine application for ex-gratia payments of up to ,£200 in respect of legitimate landlord costs that have been incurred by tenants.
- HS (28) submit applications for planning permission for change of use from amenity land to private gardens, or from private gardens to amenity land in those areas where it is a solution to a perceived management problem, subject to consultation with appropriate local residents.
- HS (29) deal with applications for the assignment of tenancy or sub-letting of shops provided under the Housing Acts.
- HS (30) grant new leases, for HRA properties, where statutory renewal rights exist.
- HS (31) grant terminable licences, for HRA properties, for access and other purposes.
- HS (32) serve Notices, carry out works and recover monies in respect of securing buildings against unauthorised entry or to prevent buildings becoming a danger to public health (Section 29 of the Local Government and Miscellaneous Provisions Act 1982)
- HS (33) issue but not refuse certificates of fitness in respect of assured tenancies under the provisions of Part I of the Housing and Planning Act 1986.
- HS (34) award grants to tenants/tenants groups in accordance with the Council's Housing Strategy.
- HS (35) re-purchase former Council owned dwellings within the agreed criteria and with the assistance of an independent valuation subject to resources being made available and the Head of Housing & Property Services reporting back to the Executive on each decision made.
- HS (36) grant new leases on vacant HRA properties.
- HS (37) agree rent reviews, for HRA properties, where agreement on the new rent has been reached without recourse to arbitration.
- HS (38) serve Improvement Notices in respect of category 1 Hazards in relation to Section 11 of the Housing Act 2004
- HS (39) serve Improvement Notices in respect of category 2 Hazards in relation to Section 12 of the Housing Act 2004
- HS (40) Revoke or Vary an Improvement Notice in relation to Section 16 of the Housing Act 2004
- HS (41) serve notices of "Decision on Review" of a suspended Improvement Notice or suspended Prohibition Order in relation to Sections 17 & 26 the Housing Act 2004
- HS (42) revoke or vary a Prohibition Order when the Hazard(s) in respect of which the Order was made no longer exists or, in the case of an Order whose operation is suspended, so as to alter the time or event by reference to which the suspension is to come to an end; and the service of Notices in respect of revocation or variation of a Prohibition Order in relation to Section 25 & Part 2 of Schedule 2 of the Housing Act 2004.
- HS (43) serve Hazard Awareness Notices in respect of Category 1 and Category 2 Hazards in relation to sections 28 & 29 of the Housing Act 2004
- HS (44) serve Notices in respect of taking action when an Improvement Notice is not complied with in relation to Paragraph 4, Schedule 3 of the Housing Act 2004
- HS (45) agree that Emergency Remedial Action is taken in relation to section 40 of the Housing Act 2004
- HS (46) serve notices of Emergency Remedial Action in relation to section 41 of the Housing Act 2004.

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- HS (47) make an Emergency Prohibition Order in relation to sections 43 & Part 2 of Schedule 2 of the Housing Act 2004
- HS (48) serve notices in respect of the revocation or variation of an Emergency Prohibition Order in relation to section 43 & Part 2 of Schedule 2.
- HS (49) serve Temporary Exemption Notice in relation to section 62 of the Housing Act 2004
- HS (50) grant or refuse an HMO Licence in relation to section 64 of the Housing Act 2004
- HS (51) vary an HMO Licence in relation to section 69 of the Housing act 2004
- HS (52) Revoke an HMO Licence in relation to section 70 of the Housing Act 2004
- HS (53) carry out all procedures relating to the granting or refusal of an HMO Licence in relation to part 2 of the Housing Act 2004
- HS (54) apply to a RPT (Residential Property Tribunal) for a Rent Repayment Order and serve notice of intended proceedings in relation to section 73 of the Housing Act 2004
- HS (55) apply to a RPT for an Order authorising the local authority to make an IMO (Interim Management Order) or for an Order providing for an IMO or FMO (Final Management Order) to continue in force in relation to the Interim and Final Management Orders sections 102, 105 & 114 of the Housing Act 2004
- HS (56) vary or revoke an IMO or FMO in relation to sections 111, 112, 121 & 122 of the Housing Act 2004
- HS (57) take appropriate steps to protect the safety, health and welfare of occupiers and such other steps regarding the proper management of houses subject to IMOs and FMOs in relation to sections 106 & 115 of the Housing Act 2004
- HS (58) carry out all procedures relating to the service of notice and the consideration of representations in respect of making, varying or revoking (or refusing to vary or revoke) Management Orders in relation to schedule 6 of the Housing Act 2004
- HS (59) apply to a Magistrates' Court for an Order permitting works to be carried out when a Management Order is in force; authorise in writing any person to enter a house where a Management Order is in force for the purpose of carrying out works in relation to section 131 of the Housing Act 2004.
- HS (60) except for the actual making of Interim Empty Dwelling Management Orders (IEDMOs) and Final Empty Dwelling Management Orders (FEDMOs), have all powers and duties of the local authority in respect of IEDMOs and FEDMOs in relation to the Interim and Final Empty Dwelling Management Orders (IEDMO & FEDMO) Part 4, Chapter 2 of the Housing Act 2004
- HS (61) serve notice of consideration of making an IEDMO and make application to a RPT for authorisation to make an IEDMO in relation to section 133 of the Housing Act 2004
- HS (62) carry out all procedures relating to the making of Management Orders as they relate to IEDMOs and FEDMOs in relation to Schedule 6 Part 1 of the Housing Act 2004
- HS (63) take appropriate steps to ensure that a dwelling becomes or continues to be occupied, and for the proper management of the dwelling in relation to sections 135 & 137 of the Housing Act 2004.
- HS (64) carry out all procedures necessary for the operation of IEDMOs and FEDMOs, except in relation to variation or revocation of IEDMOs and FEDMOs in relation to schedule 7 of the Housing Act 2004
- HS (65) carry out all procedures necessary in respect of variation or revocation of IEDMOs and FEDMOs in relation to schedule 7 of the Housing Act 2004

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- HS (66) to serve, withdraw, revoke or vary an Overcrowding Notice in relation to Part 4 Chapter 3 Sections 139, 140 & 144 of the Housing Act 2004
- HS (67) serve notice requiring the production of documents in connection with Parts 1 – 4 of the Housing Act 2004
- HS (68) serve notice of intention to enter premises in relation to section 239 of the Housing Act 2004
- HS (69) to apply to a Magistrates' Court for a warrant to authorise entry in relation to section 240 of the Housing Act 2004
- HS (70) give notice of action taken under Parts 1 – 4 of the Housing Act 2004
- HS (71) serve or revoke an HMO Declaration in relation to sections 255 & 256 of the Housing Act 2004
- HS (72) Approve, refuse and recover grants and loans in accordance with the Rent Bond/Deposit Scheme
- HS (73) specify properties for which prospective tenants will be eligible to qualify for the Resettlement Service
- HS (74) issue Notices under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 (Disposal of uncollected property).
- HS (75) issue injunction proceedings under section 222 of The Local Government Act 1972.
- HS (76) issue injunction proceedings under the provisions of Chapter III of Part V of The Housing Act 1996 as amended by the Anti-Social Behaviour Act 2003 and the Police and Justice Act 2006 (injunctions in respect of anti-social behaviour affecting housing management, unlawful use of housing accommodation and breach of tenancy agreement).
- HS (77) address the district judge at hearings attended without a solicitor under s.60 of the County Courts Act 1984.
- HS (78) issue possession proceedings in order to obtain possession of temporary accommodation provided under section 188 of the Housing Act 1996, Part VII.
- HS (79) serve notice of Seeking Possession and Notice of Demotion under section 83 of the Housing Act 1985 in respect of Secure Tenancies in relation to enforcement action where tenants are in breach of the Council's Conditions of Tenancy
- HS (80) serve notice of Possession Proceedings and Notice of Extension under section 125 of the Housing Act 1996 in respect of Introductory Tenancies in relation to enforcement action where tenants are in breach of the Council's Conditions of Tenancy
- HS (81) serve closure notice under section 1 of the Anti-Social Behaviour Act 2003 in relation to enforcement action where tenants are in breach of the Council's Conditions of Tenancy
- HS (82) serve Family Intervention Tenancy Notice under the provisions of the Housing and Regeneration Act 2008 in relation to enforcement action where tenants are in breach of the Council's Conditions of Tenancy
- HS (83) issue Notices under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 (Disposal of uncollected property).
- HS (84) issue injunction proceedings under section 222 of the Local Government Act 1972.
- HS (85) issue injunction proceedings under the provisions of Chapter III of Part V of the Housing Act 1996 as amended by the Anti-Social Behaviour Act 2003 and the Police and Justice Act 2006 (injunctions in respect of anti-social behaviour affecting housing management, unlawful use of housing

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- accommodation and breach of tenancy agreement).
- HS (86) Authorise the use of Enforced Sale Procedure under Law of Property Act 1925 including service of notice under Section 103 of the Act, to Head of Housing & Property Services
- HS (87) To carry out the following delegated powers:
HCP(2) in respect of 59 and 76;
HCP(6) in respect of (iii)(vii)and(viii);
HCP(25)(i);
HCP(26) to HCP(28) inclusive;
HCP(29) in respect of (i)(ii)(iii)(iv) and (vii);
HCP(34) and HCP(35);
HCP(43)
- HS (88) Serve notices under Housing Act 1985 (as amended):-
S197 Notices before exercising power of entry. 337/340
S331 Notice to landlord that house is overcrowded.
S338 Notice to occupier to abate overcrowding
- HS (89) S. 77 Criminal Justice and Public Order Act 1994
In respect of persons residing in a vehicle or vehicles
i) on any land forming part of a highway;
ii) on any other unoccupied land; or
iii) on any occupied land without the consent of the occupier to give a direction that those persons are to leave the land and remove the vehicle or vehicles and any other property
- HS (90) in consultation with the Portfolio Holder for Housing & Property Services, to grant 99 year leases of Council owned land (HRA land) to Waterloo Housing Group under the terms of the W2 Joint Venture for the purpose of providing affordable housing
- HS (91) HS91 To determine applications for review made under Section 202 of the Housing Act 1996 and to take any steps that are necessary or incidental to the making of such a determination or complying with any requirements or procedure provided for in regulations made under S203 of Housing Act 1996.
- HS(92) Serve notices under Housing Grants Construction & Regeneration Act 1996 requiring owner to provide statement of occupation of property (s49 & s50).
- HS(93) (i) approve the terms to be incorporated in a Shared Ownership lease which will include 'staircasing' provisions enabling a lessee to acquire between a minimum of a 25% up to and including a 100% interest in the property with the right to request a transfer of the freehold interest on acquiring a 100% interest; and
(ii) Relax property size eligibility rules in the housing allocations policy for bidders for shared ownership properties if there is insufficient demand from households of the eligible size.

10. **Head of Cultural Services** shall have authority to:

- CS (1) Determine requests for the hire of rooms and/or facilities at the Town Hall.
- CS (2) Arrange lettings in respect of sporting entertainment and arts facilities.
- CS (3) Grant applications for organised visits to and bookings of parks, open spaces and buildings and for conference facilities where Committee approval has been given in previous years.
- CS (4) Engage performers and artists for events in accordance with the policy and within the approved budget.

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- CS (5) Following consultation with a solicitor acting on behalf of the Council, obtain licences under the Licensing Act 2003 for Council premises.
- CS (6) Grant hospitality during conferences in accordance with the policy agreed by the Council.
- CS (7) Determine grants to Sports and Cultural Organisations.
- CS (8) Determine opening hours of cultural services facilities including closures over public holidays

11. **Head of Neighbourhood Services** shall have authority to:

- NS (1) Serve notices under ss. 43 and 48 of the Anti-Social Behaviour Act 2003 and to recover expenditure under s. 49 thereof
- NS (2) Discharge the Council's litter control functions as set out in Sections 87 and 88 of the Environmental Protection Act 1990 including issuing fixed penalty notices
- NS (3) Notices in relation to intention to enter premises (pursuant to a statutory power) for the purposes of inspection;

All powers included in Part II of the Environment Protection Act 1990 granted to a Waste Collection Authority, including those listed below:

Section 13 and 14 of the Environmental Protection Act 1990

Section 33 and 34 of the Environmental Protection Act 1990, and subsidiary legislation, including Section 45 of Clean Neighbourhoods & Environment Act 2005

Sections 46 and 47 of the Environmental Protection Act 1990 and subsidiary legislation, including Section 48 of Clean Neighbourhoods & Environment Act 2005

Section 59 of the Environmental Protection Act 1990 and subsidiary legislation, including Section 50 of Clean Neighbourhoods & Environment Act 2005

- NS (4) All powers included in Part IV of the Environment Protection Act 1990 granted to a Principal Litter Authority, including those listed below: -

Section 88 of the Environmental Protection Act 1990 and subsidiary legislation, including Section 19 of Clean Neighbourhoods & Environment Act 2005

Section 92 of the Environmental Protection Act 1990 and subsidiary legislation, including Section 20 of Clean Neighbourhoods & Environment Act 2005

Sections 93 and 94 of the Environmental Protection Act 1990 and subsidiary legislation, including Section 21 and 22 of Clean Neighbourhoods & Environment Act 2005

Section 99 of the Environmental Protection Act 1990 and subsidiary legislation.

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- NS (5) All powers included in Part I of the Refuse Disposal (Amenity) Act 1978 granted to a District Council, including those listed below:
- serve notices in respect of removal of abandoned vehicles under the Refuse Disposal (Amenity) Act 1978
 Section 2 and 3 of the Refuse Disposal (Amenity) Act 1978 and subsidiary legislation, including
 Section 10 of Clean Neighbourhoods & Environment Act 2005
 serve notices requiring information for statutory purposes under
- Section 71 of Environmental Protection Act 1990
 - Section 90 of Environmental Protection Act 1990
 - Section 18 of the Clean Neighbourhoods and Environment Act 2005
 - Sections 35, 37, 38 & 39 of the Clean Neighbourhoods and Environment Act 2005
 - All powers within Part 4 of the Clean Neighbourhoods and Environment Act 2005
 - All powers within Part 5, Chapter 2 of the Clean Neighbourhoods and Environment Act 2005
- NS (6) Take action under Section 23 of the Local Government (Miscellaneous Provisions) Act 1976 (imminent danger from dangerous trees) and to serve notices under Section 23.
- NS (7) Carry out consultations concerning draft Off Street Parking Places Orders and to make the Orders in cases where no objections are received.
- NS (8) Institute legal proceedings against persons who fail to comply with the Pay and Display regulations contained in the Council's Off-Street Parking Places Orders.
- NS (9) Provide floral decorations in accordance with the policy agreed by the Council.
- NS (10) Implement any necessary changes in parking charges as specified by Council.
- NS (11) Conduct listing reviews and compensation reviews in respect of assets of community value; and consider and decide any review of listing, or compensation.

12. **Delegations to multiple but not all Chief Officers as set out in Article 12**

A(1)	Authority to seal Stock Exchange transactions.	Head of Finance and Deputy Chief Executive & Monitoring Officer (Chief Executive in absence of Monitoring Officer).
A(2)	Authority to affix the Common Seal where appropriate approval(s) have been given .	Chief Executive and Deputy Chief Executives (individually).
A(3)	Authority to authorise obtaining Counsel's Opinion and to brief Counsel.	Authority to authorise obtaining Counsel's Opinion and to brief Counsel. Chief Executive and Deputy Chief

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		Executives (individually) following consultation with a solicitor acting for the Council.
A(4)	Authority to approve Court proceedings in respect of anti-social behaviour orders in the district.	The Heads of Housing and Property Services; and Head of Health and Community Protection (as appropriate), individually, in consultation with a solicitor acting for the Council and Group Leaders.
A(5)	Authority to instigate applications for anti-social behaviour orders under the Crime and Disorder Act 1998.	Head of Housing and Property Services, the Head of Cultural Services, Head of Neighbourhood Services, Head of Health and Community Protection or the Community Safety Manager, following consultation with a solicitor acting on behalf of the Council.
A(6)	Authority to approve applications to waive repayment of grant paid under the town scheme of grants arrangements in cases of hardship.	Head of Finance and Head of Development Services in conjunction with the Leader of the Executive and Group Leaders.
A (7)	Authority to carry out the necessary procedure and make orders under Town Police Clauses Act 1847 for the temporary closure of roads.	Head of Neighbourhood Services and Head of Health and Community Protection, following consultation with a solicitor acting on behalf of the Council.
A(8)	Issue authorisations under the Regulation of Investigatory Powers Act 2000 in all cases except those concerning juveniles.	The Deputy Chief Executive & Monitoring Officer and Deputy Chief Executive
A(9)	exercise the powers contained within the Anti-social Behaviour Crime and Policing Act 2014 in relation to injunctions, orders, powers of dispersal, closure of premises, grounds of possession, service of notice and to authorise appropriate persons to carry out any of these powers.	The Heads of Health & Community Protection, Housing & Property Services and Neighbourhood Services individually.

Revision to Council procedure for public speaking

34. Public Speaking

The Council welcomes public participation at meetings and members of the public will be permitted to speak at meetings of Council, the Executive, Committee or Sub-Committee meeting as long as this is permitted by any local procedure adopted by the Committee.

The public will only be permitted to address the Council, Committees or Sub-Committees on confidential matters when they are specifically invited to do so. For example as an applicant for a Hackney Carriage/Private Hire Driver's licence.

(a) Council

You will be permitted to speak in relation to any of the following items included on the agenda: notice of motion, petition, report or minutes of another committee. Any request to speak on other items will be a matter of discretion for the Chairman.

You must register your wish to speak by telephoning Members' Services on 01926 456114 or emailing committee@warwickdc.gov.uk by 12 noon on the working day before the Council meeting.

A maximum period of 5 minutes is allowed for each speaker. If several people wish to speak on the same subject, they will be restricted to an overall total of 5 minutes. The time allowed for all speakers at any one meeting is limited to 20 minutes.

Speakers will be encouraged and helped to contact each other so that repetition can be avoided. This means that you may be given the names, addresses and telephone numbers of other speakers on the same issue and they may be given your details, but only with your permission. It may be helpful for a spokesperson to speak on behalf of all speakers. Where a number of speakers cannot agree on a spokesperson, they will be heard in the order in which they registered their intention to speak, until the 5 minute period ends.

(b) Executive

Apart from the members of the Executive who may both speak and vote, and officers advising as to who may speak, those persons who may speak but not vote are listed in Council Procedures Rule 23 (Members) and 8 (Petitioners).

Any request to speak on other items will be a matter of discretion for the Chairman.

(c) Committees

Planning Committee and the Licensing & Regulatory Committee

As defined in the local procedure rules adopted by the Committee.

Any request to speak on other items will be a matter of discretion for the Chairman.

Scrutiny committees

Overview and Scrutiny Committees may invite people to address them, discuss issues of local concern and/or answer questions. They may, for example, wish to hear from residents, stakeholders, members and officers in other parts of the public sector and shall invite such people to attend. Attendance is of course entirely optional.

Any request to speak on other items will be a matter of discretion for the Chairman.

Other Committees

In line with the procedures adopted by Council.

(d) Sub-Committees

Licensing & Regulatory Committee Panels

As defined within legislation and the procedures adopted by the Licensing & Regulatory Committee as its parent Committee

Standards Committee Hearing Panels

As defined within the procedures adopted by the Standards Committee, as its parent Committee.

Other Sub-committees

As defined within the procedures adopted by Committees parent Committee

21. Decisions of the Executive

Current	Proposed
(d) If during the Call-in period, the Chief Executive receives from three, or more, non-Executive members of the Council, an objection to a decision, the members must supply in writing their reasons for the objection. This can be in the form of a letter or email. The decision then becomes a 'called-in' decision.	If, during the Call-in period, the Chief Executive receives from three or more non-Executive members of the Council, an objection, including reasons, to a decision, as long as it meets the criteria (as defined at Appendix ? to these procedure rules) the decision then becomes a 'called-in' decision. The notification to the Chief Executive can be in the form of a letter or an email.
(f) The Overview and Scrutiny Committee will then decide whether the matter should be referred back to the Executive, on to Council or to take no further action. A flowchart explaining the Call-In Procedure is attached as Appendix B.	<p>The Overview & Scrutiny Committee can decide:</p> <ul style="list-style-type: none"> • to allow the decision to be implemented without further delay; • to refer the decision back to the Executive (irrespective of who the original decision-taker was) together with the observations of the Overview & Scrutiny Committee. The Executive will then take the final decision, and that decision may not be called-in; • to request the Executive to allow further time for the Overview and Scrutiny Committee to consider the issue and make observations at a later date; • to seek the advice of the Monitoring Officer and/or the Chief Finance Officer as to whether the decision is contrary to, or not wholly in accordance with, the policy framework or the budget and, if applicable, to refer the matter to the Full Council for a final decision.
(g) If all of the non-Executive members who called in the decision of the Executive, are dissatisfied with the decision of the Overview and Scrutiny Committee, they must give notice to the Chief Executive in writing, within three clear working days of the Overview and Scrutiny Committee, stating their reasons	Removed.

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for their dissatisfaction. This notice can be in the form of a letter or electronic mail. The Executive decision will then be referred to Council.	
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Call-in Explanation and Criteria

What is a call-in?

A call-in is simply the referral of a decision made, but not yet implemented, to the Overview & Scrutiny Committee. It is a key way of holding the Executive to account. A called-in decision cannot be implemented until it has been considered by the Overview & Scrutiny Committee, which can examine the issue and question the decision-taker on the actions taken.

What can be called-in?

Call-in powers relate to Executive functions. Subject to the exceptions listed below, any decision made by the Executive, or a *key decision* made by an officer with delegated authority from the Executive, may be called-in.

What can't be called-in?

The following categories of decision cannot be called-in:

- a decision which is not a key decision, and which has been taken by an officer under delegated powers. (*If, in the future, delegation to individual Members of the Executive is permitted, this exclusion will also apply to non-key decisions taken by the Leader or a Portfolio Holder under delegated powers*);
- a decision which the decision-taker has certified as urgent (giving reasons) in accordance with the Council's Rules of Procedure;
- a decision relating to a matter which has already been the subject of a call-in during the previous six months;
- any decision relating to a non-Executive function, whether taken by a Committee or an officer under delegated powers;
- a decision by the Full Council; or
- a decision taken at stage 4 of the call-in procedure (see below).

In particular, it should be noted that the Overview & Scrutiny Committee cannot scrutinise individual decisions made by, or on behalf of, the Regulatory Committees of the Council, e.g. decisions relating to development control, licensing, registration, consents and other permissions. Nor can it scrutinise decisions relating to individual members of staff taken by the regarding staffing appeals or officer appointments. Furthermore, although they may be key decisions (and included in the Forward Plan), decisions taken by the Executive when preparing annual budget or new policy proposals *for submission to the Full Council* will not be subject to call-in. In these circumstances, the Full Council is responsible for the final decision and, in any event, the Council's Rules of Procedure require that the Overview & Scrutiny Committees must be consulted by the Executive, even if they have been involved earlier in the process anyway.

When can a decision be called-in?

It is important that the call-in process is not abused, nor causes unreasonable delay; the main tool of the Overview & Scrutiny Committee to improve the delivery of policies and services, should be detailed reviews, rather than call-ins.

The Council Procedure Rules specify formal safeguards for the use of call-in. These include rules about the number of Members who must request a call-in

and a restriction that prevents any decision on the same matter being called-in on more than one occasion within a six-month period. Call-in of a decision should be reserved for exceptional circumstances. Broadly, a decision can be called-in when Members:

- believe it may be contrary to the normal requirements for decision-making;
- believe it may be contrary to the Council's agreed policy framework and/or budget; or
- need further information from the decision-taker to explain why it was taken.

Call-in checklist

The above rules and criteria can be brought together in the following checklist of questions (or tests) that can be used when a member is considering a call-in. Questions 2-5 can also be used by authors to test draft reports for Executive.

1.	Can the decision actually be called in?	
<i>If the answer to any questions 1 (a)-(g) is yes, then the decision CANNOT be called-in.</i>		
a)	Does it relate to a non-Executive function?	
b)	Was it a non-key decision taken by an officer under delegated powers?	
c)	Was it classified as an urgent decision?	
d)	Has this issue been called-in in the last six months?	
e)	Does the decision relate to an existing call-in (i.e. decisions taken in relation to a reference back)?	
f)	Does the decision relate to the formulation of a policy or budget matter that requires Full Council approval?	
g)	Was it a decision taken by Full Council?	

2.	Was the decision in accordance with the Council's policy framework?	
a)	What is the relevant policy or strategy?	
b)	Is the decision contrary to that policy?	
c)	If yes, how?	

3.	Was the decision in accordance with the agreed budget or budget procedures?	
a)	Is there funding for the proposal in an agreed budget/capital programme?	
b)	If no, have the rules for virement and supplementary estimates been observed?	
4.	Was the decision taken in accordance with the principles of good decision-making (Article 12 of the Constitution)?	
a)	Does the decision comply with the Council's constitution, i.e.:	
	• Articles of Constitution?	
	• Scheme of Delegation?	
	• Rules of Procedure?	
	• Codes and Protocols?	
b)	Was the decision reasonable within the common meaning of the word, i.e. rational, based on sound judgment?	
c)	Was the decision reasonable within the legal definition of 'reasonableness', i.e. was everything relevant taken into account, and was everything irrelevant disregarded?	
d)	Was the decision proportionate, i.e. is the action proportionate to the desired outcome?	
e)	Was the decision taken on the basis of due consultation?	
f)	Was the decision taken on the basis of professional advice from officers?	
g)	Were human rights respected and/or will the decision give rise to any human rights implications, i.e. without discrimination, the right of an individual to:	
	• liberty and security;	
	• the enjoyment of their property;	
	• a fair trial;	
	• respect for private and family life;	
	• freedom of thought, conscience and religion;	
	• freedom of expression; and	
	• freedom of assembly and association, etc.?	

h)	When the decision was taken, was there a presumption in favour of openness?	
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5.	Has the decision been well explained, i.e. do you need more information?	
a)	Was it clear what the reasons for the decision were?	
b)	Was it clear what the desired outcomes were?	
c)	Was it clear what alternative options (if any) were considered?	
d)	Was it clear why the alternative options were not chosen?	
e)	Do you need any more information/clarification?	

How does call-in work?

Every decision that is subject to potential call-in cannot be implemented until the end of the call-in period. The call-in period lasts for *five working days* after notice of the decision is published by Democratic Services.

Decision notices will normally be published on the next working day after the meeting. This means that the normal call-in period will expire at 5pm on the fifth working day after the meeting (adjusted for bank holidays as appropriate). The call-in procedure itself follows four stages.

Stage 1

A valid call-in request must be submitted in accordance with the current rules in the Constitution. The request must say who is making the call-in and to which decision it relates. It must also give reasons why the decision is being called in. Requests may also be submitted by e-mail. If the call-in is to be submitted by e-mail, only one Member need submit the actual form. However, individual e-mails (or letters) in support of the request must also be submitted by the other Members specified on the request form before the end of the call-in period.

Stage 2

When the Chief Executive has received a valid call-in request with respect to a decision, then that decision may not be implemented until that decision has completed the call-in procedure. Officers will refer the call-in to the next available meeting of the Overview & Scrutiny Committee. A special meeting may also be convened if appropriate, e.g. in cases of urgency or a meeting is not scheduled for more than six weeks. Members who have requested the call-in will have the right to address the Committee when it deals with the issue.

Stage 3

The Overview & Scrutiny Committee will consider the called-in decision and decide to take one of the following courses of action (the Overview & Scrutiny Committee's decision should not be adjourned or delayed without an exceptional reason):

- to allow the decision to be implemented without further delay;

- to refer the decision back to the Executive irrespective of who the original decision-taker was) together with the observations of the Overview & Scrutiny Committee. The Executive will then take the final decision, and that decision may not be called-in;
- to request the Executive to allow further time for the Overview and Scrutiny Committee to consider the issue and make observations at a later date;
- to seek the advice of the Monitoring Officer and/or the Chief Finance Officer as to whether the decision is contrary to, or not wholly in accordance with, the policy framework or the budget and, if applicable, to refer the matter to the Full Council for a final decision.

Stage 4

Reference back to Executive

Where the Overview & Scrutiny Committee decides to refer the decision back, the Executive must reconsider the decision in the light of any observations of the Committee. Where the Overview & Scrutiny Committee has requested more time to consider an issue, the Executive must have regard to the urgency, and to the Budget and Policy Framework Rules, when deciding whether to implement the decision.

Reference to Monitoring Officer and/or Chief Finance Officer

The Overview & Scrutiny Committee may refer any called-in decision to the Monitoring Officer and/or the Chief Finance Officer if it considers it to be contrary to the policy framework or budget. The officer(s) will then submit a report on the matter to the next meeting of the Executive. A copy of this report will be sent to all Members of the Council. No action may be taken in respect of the decision or its implementation pending that meeting.

If, in that report, the Monitoring Officer and/or the Chief Finance Officer is of the view that a decision referred to them by the Overview & Scrutiny Committee is not a departure from the policy framework or budget, the decision may be implemented immediately. A report to this effect will be submitted to the Overview & Scrutiny Committee for information. If, however, a referred matter is deemed to be a departure from the policy framework or the budget by the Monitoring Officer and/or the Chief Finance Officer, the Executive has two options.

Firstly, it may choose to adjust its decision to bring it within the policy framework or budget, in which case it can then be implemented. In these circumstances, the Executive would submit a report to the next meeting of the Overview & Scrutiny Committee explaining its actions.

Secondly, if the Executive does not wish to adjust its original decision, it must prepare a report for the Full Council. This report must include the views of the Overview & Scrutiny Committee. No action may be taken in respect of the decision or its implementation until the Council has met to consider the matter.

Reference to Full Council

Subject to the provisions above, the Overview & Scrutiny Committee may require that any called-in matter *which has been deemed to be (and remains)* contrary to the policy framework or budget is referred to the Full Council. The report to the Full Council will set out the views of the Executive and the Overview & Scrutiny Committee and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may:

- decide that the decision is within the existing policy framework and/or budget (in which case it can be implemented); or
- amend the financial regulations or policy concerned to encompass the decision (in which case it can be implemented); or
- agree that the decision is contrary to the policy framework or budget and require the cabinet to reconsider the matter in accordance with the advice of the officer(s).

Executive

Minutes of the meeting held on Wednesday 11 March 2015 at the Town Hall, Royal Leamington Spa at 7.00 pm.

Present: Councillor Mobbs (Chairman); Councillors Caborn, Coker, Cross, Mrs Gallagher, Hammon, and Vincett.

Also present: Councillor Barrott (Chair of Finance & Audit Scrutiny Committee), Councillor Boad (Liberal Democrat Observer), Councillor Mrs Falp (Chair of the Overview & Scrutiny Committee), Councillor Heath (Independent Group Observer) and Councillor Wilkinson (Labour Group Observer).

130. **Declarations of interest**

Minute Numbers 138 & 150 – Regeneration in Lillington

Councillors Caborn and Shilton declared pecuniary interests because they were Warwickshire County Councillors and left the room whilst the item was discussed.

Minute Number 152 – Strategic Opportunity Proposal

Councillors Caborn and Shilton declared pecuniary interests because they were Warwickshire County Councillors and left the room whilst the item was discussed.

Councillor Mrs Falp declared an interest because her son was a shareholder of Leamington Football Club.

131. **Minutes**

The minutes of the meetings held on 14 and 28 January and 11 February 2015 were unavailable and would be submitted to the April 2015 meeting.

Part 1

(Items on which a decision by Council is required)

132. **Updated Code of Financial Practice**

The Executive considered a report from Finance which presented an updated Code of Financial Practice for the Executive's consideration and approval. Subsequent to approval, the Code would be presented to Full Council for approval and adoption.

It had been two years since the Code of Financial Practice had been updated. During this period, there had been changes in working practice, notably the introduction of Procurement Cards from April 2014.

The new Transparency Code, to which the Council must comply, required authorities to publish information on their websites to re-enforce local accountability and openness. Much of this data was financial, for example, payments to suppliers above £500, Land and Assets and Senior Salaries as well as Procurement Card information. These had also been incorporated into the revised Code.

The report explained how the Code of Financial Practice was closely aligned with the updated Code of Procurement Practice and both underpinned the Council's Constitution. The amendments proposed in the report sought to ensure that procurement activity and the sections with the Code of Financial Practice were consistent.

Managers needed to consider their Budgets when procuring and managing their contracts and guidance was given about recording, raising orders and procuring supplies and services.

From a budgetary stance, the Council needed to identify and achieve circa £1 million on-going savings over the next 5 years to deliver balanced Budgets over the same period and the practices within the Code would promote good Financial Management.

An alternative option was that Members could choose not to have a Financial Code of Practice but this would contravene its Constitution and fail to protect its finances. In addition, not updating the Code would render it out of date and inconsistent with current practices within the Council.

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

The Portfolio Holder for Finance, Councillor Cross, endorsed the report and moved the recommendations as laid out.

The Executive therefore

Recommended to Council that the updated Code of Financial Practice, attached as Appendix 1 to the report, be approved.

(The Portfolio Holder for this item was Councillor Cross)
(Forward Plan reference 668)

133. **Procurement Strategy and Action Plan**

The Executive considered a report from Finance which presented a further update to the action plan, following the procurement issues raised in March 2014.

The Procurement Strategy and Action Plan were regularly reported to the Finance and Audit Scrutiny Committee and detailed the planned actions to be undertaken during the year.

The Code of Procurement Practice was a fundamental element of the Council's policy framework. Its purpose was to ensure that appropriate contracts were procured to meet service requirements and were subsequently properly managed. The Code of Procurement Practice also supported the ability of the Council to demonstrate that it was achieving value for money from its expenditure and that its contracts and services were being managed in an open and transparent manner, in line with the Council's Core Values.

The Procurement Strategy set out the responsibilities and actions to be undertaken to ensure that the Code of Procurement Practice was adhered to across the Council.

In March 2014 the Executive considered a report entitled "Housing and Property Services: Contracts Update". The report included a March 2014 Action Plan, bringing together the recommendations from investigations on which the original report was based. An interim report was submitted to Executive in November on progress on the actions, with a further update requested for March 2015 Executive.

The Action Plan had been updated for 2015/16 and detailed the planned actions to be undertaken during the year. These actions included all aspects of procurement, including actions by the Procurement Team and by officers across the Council with responsibility for specific contracts.

Most of the actions within the March 2014 Action Plan had been completed. However, the actions which had not been totally completed, or were on-going, were included within the new Procurement Strategy and Action Plan.

The alternative options were that Members could choose to make further observations or recommendations on the Actions Plans and updated Strategy, or consider alternative reporting arrangements.

An addendum was circulated prior to the meeting amending recommendation 2.4 and updating paragraph 3.8 of the report, to ensure that paragraph 12.5.2 of the Code was updated to reflect the updated Contract thresholds and the appropriate approvals process.

The Finance & Audit Scrutiny Committee supported the recommendations in the report. They asked that in future revisions of Code of Procurement Practice was cross referenced with the Code of Financial Practice. The Committee also asked that further consideration be given to page 6 paragraph 1.2 to ensure contracts remained controlled and within the appropriate controls and budgets.

The Portfolio Holder for Finance acknowledged the comments from Finance & Audit Scrutiny Committee and assurances were given that working practices would continue to be monitored.

Recommended to Council that

- (1) the report and the progress on addressing the actions within the March 2014 Action Plan (Appendix 1), are noted;
- (2) any further action in addressing the on-going issues within the March 2014 Action Plan is addressed as part of the updated Procurement Strategy and Action Plan, and this is monitored by the Finance & Audit Scrutiny Committee;
- (3) the Finance & Audit Scrutiny Committee consider the updated Procurement Strategy and Action plan; and
- (4) the Code of Procurement Practice is amended so that for Contracts Type 1, up to £4,999, the Head of Service will arrange contracts directly in consultation with the Procurement Manager. Regard must be given to best value and paragraph 12.5.2 of the Code should also be updated to reflect the updated Contract thresholds.

(The Portfolio Holder for this item was Councillor Cross)
(Forward Plan reference 667)

134. **Homelessness Strategy 2015-2017**

The Executive considered a report from Housing and Property Services which proposed that a short two year Homelessness Strategy be produced and a combined Housing and Homelessness Strategy be developed from 2017 onwards.

It was considered more efficient to bring the two strategies together into a single Housing and Homelessness Strategy so that only a single strategic process would be needed. In addition, Members would be able to take a considered view of the resources available to address all housing needs together rather than having to agree actions on homelessness separately.

The Council was required to have a Homelessness Strategy for the District by law and the existing strategy was due to expire on 31 March 2015. A new strategy was therefore required from 1 April 2015.

The objectives for the new strategy were to ensure accessible and effective homelessness, housing advice and support services; provide suitable accommodation for all homeless households; and prevent homelessness.

An Action Plan was included in the strategy and showed which actions could be undertaken within existing resources and which would require new resources. In addition, the strategy was directed towards the service

strand of Fit For The Future in that it sought to improve services for those who approached the council in need of help and support with their housing problems.

Doing nothing was not an option because the council was under a statutory obligation to prepare a Homelessness Strategy. However, members could choose to implement a strategy for longer than the proposed two years or amend the action plan if so desired. The report reminded Members, however, that a wide range of options for addressing the priorities had been considered as part of the consultation process and a manageable action plan had been produced on this basis. The Overview & Scrutiny Committee supported the recommendations in the report, but requested that officers and the Portfolio Holder note its view that during severe weather, the Council should aim to provide shelter to people who sleep rough after just one night, not three; and that these people be provided with both bed and breakfast. The Committee also asked that information be provided about the number of homeless who were ex-servicemen.

In response to the comments from Overview & Scrutiny Committee, the Portfolio Holder for Housing and Property Services, advised that the Council was working with voluntary sectors to incorporate their sentiments into the strategy.

In addition, he requested that an additional recommendation 2.3 be added to read "The Executive recognises the importance of the Homelessness strategy in alleviating homelessness and will pass this to the Housing Advisory Group to monitor progress."

Recommended to Council that

- (1) the actions taken in respect of homelessness and its prevention as set out on pages 4 and 9 of the strategy, be noted;
- (2) The proposal to produce a combined five-year Housing and Homelessness Strategy from 2017 onwards, be approved; and
- (3) the Homelessness Strategy, attached as an appendix to the report for the period 1 April 2015 to 31 March 2017, be approved.

(The Portfolio Holder for this item was Councillor Vincett)
(Forward Plan reference 673)

135. Establishing a Council Economic Development and Housing Company for Warwick District

The Executive considered a report from Housing and Property Services which set out the option for the Council to develop an additional

investment vehicle to deliver affordable housing and economic development by means of establishing a Council-owned Company.

In January 2013, the Council received a report from Price Waterhouse Coopers (PWC) advising that by establishing a Council-owned Housing Company the Council may be able to increase the rate and quantity of affordable housing it could develop.

As a result, in September 2014, the Executive approved a recommendation to develop further this proposition with a view to the entity being funded from within the General Fund (GF) or within the HRA.

A Council House Building Board (CHBB) was established made up of senior officers from across the Council, supported by regular liaison with the Portfolio Holder.

The report considered the opportunities and risks that applied to the local circumstances of Warwick District and the Council if this course of action was taken and sought approval to prepare for the establishment of a wholly owned Council Development a Company with a remit to support investment in social and economic development.

Section 3.14 outlined a list of what the Council Development Company would hope to achieve including providing an additional developer in the District to complement private sector investment, help clarify the financial risks and provide an opportunity to enter into joint ventures.

Members were advised that establishing a wholly owned company would require additional strategic, legal, financial and operational aspects and funding was available to undertake this work as approved by the Executive in September 2014. The technical development of the company would be commissioned by the CHBB from legal and financial experts and the Housing Advisory Group would provide additional oversight and advisory input to the project.

A formal proposal, summarising these details would be submitted to the Executive for approval in November 2015 and a project plan was attached as Appendix D to the report.

The alternative options were that the Council could abandon the idea of establishing a CHC or a CDC, however, having in place a vehicle able to operate at the behest of the Council alongside other investors, meant that the Council would be better placed to take advantage of opportunities that could not be delivered by other entities.

Members could establish an independent CHC/CDC with a funded Business Plan to deliver affordable homes, however, in the absence of any mechanism in place to provide subsidy funding, this was unlikely to be able to provide affordable housing in the short or medium term.

Finally, an Arms' Length Management Organisation (ALMO) could in itself act as developer of new homes funded outside of the HRA, however, this

may not help increase the rate at which affordable housing could be provided.

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

The Executive endorsed the report, with the support of the Portfolio Holder for Housing and Property Services and

Recommended to Council that

- (1) the proposal, in principle, as set out in this report, for the establishment of a wholly owned Council Development Company with a remit to support on a case-by-case basis investment in housing and economic development in Warwick District, is approved;
- (2) further work should be undertaken by Officers to develop a Formal Proposal to be presented to Executive in November for approval before the Company is set up; and
- (3) the Housing Advisory Group (HAG), subject to a separate report elsewhere on this agenda, will provide oversight over the development of the Formal Proposal.

(The Portfolio Holder for this item was Councillor Vincett)
(Forward Plan reference 675)

136. HRA Business Plan Review for 2015/16 to 2061/62

The Executive considered a report from Housing and Property Services advising that the Housing Revenue Account Business Plan (HRA BP) had been updated to reflect the most recent changes in performance and business assumptions.

The report explained that the revisions had, over the full period of the HRA BP, allowed the HRA BP to remain viable with increases in one area, balanced by savings in another area.

In April 2012 the Housing Revenue Account subsidy system was replaced with the Self Financing System. This required the Council to take on a loan of £136.2m to pay the Governments settlement figure. In March 2012, the Executive approved the HRA BP 2012/13 to 2061/62 which, based on the assumptions made at that time on income and expenditure, and the debt arrangements made by the Council, allowed the Council to maintain a viable role as a social landlord.

Performance of the HRA BP had since then been reviewed on a regular basis with reports being submitted on a six monthly basis to the Finance and Audit Scrutiny Committee.

The assumptions underpinning the HRA BP had been reviewed to make sure that the Business Plan could be effectively managed to remain viable. As a result of this, changes had been made to the Business Plan to maintain the viability of the Council's landlord service and the revised HRA BP was attached as an appendix to the report.

To provide scrutiny and oversight over the management of the HRA Business Plan, and to allow for any discrepancies or variations to be managed in a timely and proactive way, the HRA Business Plan would be continuously monitored and managed. This would include reporting any divergence from the agreed programme to Executive annually to make sure that the long term viability of the HRA Business Plan remained.

Performance of the Plan would also be monitored through the Housing Advisory Group on an annual basis and the Finance and Audit Scrutiny Committee on a bi-annual basis.

An alternative option was that the Housing Business Plan could remain as agreed by Executive in 2013. This would result in the plan not reflecting the most up to date policies, strategies and up-to-date research on the conditions of the local housing and land markets. The plan would therefore not be able to deliver services in a way that was viable, maintain services and service the debts taken on by the Council.

The Council could choose to agree alternative policies, service standards and investment options as part of agreeing the Business Plan. Provided these options were financially viable and deliverable, the Business Plan would be updated as a result.

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

The Portfolio Holder for Housing and Property Services endorsed the report and proposed the recommendations as laid out.

Recommended to Council that

- (1) the revised Housing Revenue Account Business Plan 2015/16 to 2062/63, is approved;
- (2) the performance of the Housing Revenue Account Business Plan will be continuously monitored and managed and any divergence from the agreed programme will be reported to Executive annually;

- (3) a standard maximum payback period for new developments of sixty years, is adopted as a benchmark; and
- (4) a budget of £120,000 for a full structural stock condition survey of the Council's seven tower blocks and circa 450 homes of non-traditional construction, is approved.

(The Portfolio Holder for this item was Councillor Vincett)
(Forward Plan reference 684)

137. **Playing Pitch and Outdoor Sports Strategy**

The Executive considered a report from Cultural Services which built on the work which had been ongoing since 2013, to inform the future plans for playing pitch and outdoor sports provision in Warwick District.

The report referenced several studies and assessments which could be drawn upon to provide evidence to support a strategic approach to the provision of these facilities. It also outlined the value of the evidence base and modelling which formed a key component of the Infrastructure Delivery Plan / Local Plan.

The National Planning Policy Framework (NPPF) stated that local planning authorities must ensure ".planning policies are based upon robust and up-to-date assessments of needs for open space, sport and recreation facilities and opportunities for new provision."

The evidence base prepared for Warwick District had been gathered in accordance with Sport England approved methodology and provided a robust analysis of provision in the district. In addition, the evidence base was a key component of the data supporting the Infrastructure Delivery Plan (IDP) which sat alongside the emerging Local Plan. These key documents would have a significant impact on the District over the long term and therefore the inclusion of comprehensive and current data and analysis of demands and needs was essential.

The report asked Members to note the evidence base and modelling undertaken and the Athletics Needs Assessment attached as appendix 2 to the report.

The Athletics Needs Assessment would be used to inform decisions on future athletics provision in the District. Further details about the athletics provision were provided in section 3.2 of the report and showed that the audit had found that based on demand and supply, there was a good argument for ensuring the retention of an athletics track in the District.

The report also recommended that Members approve the updated Indoor Sports and Leisure Strategy March 2014, attached as Appendix 3 to the report, which updated the strategy previously approved in October 2013, to address the Indoor Bowling Facilities. Furthermore, approval of the

Playing Pitch and Outdoor Sports Strategy 2014, attached as Appendix 1 to the report, was also required.

The Indoor Sport and Leisure Strategy and the Playing Pitch and Outdoor Sport Strategy provided a coordinated and long term approach to sports facility provision and planning across the District. They took into account the full range of providers including local authorities, schools, sports clubs, private sector provision, and other community organisations.

Alternative options were not considered because the development of a robust evidence base, gathered, modelled and calculated in accordance with NPPF and Sport England guidance was essential to ensure the Infrastructure Delivery Plan (IDP) stood up to scrutiny and challenge.

The Overview & Scrutiny Committee supported the recommendations in the report but asked the Executive to ensure that provision for hockey was given appropriate support. The Committee also noted that provision of sports facilities at school sites did not guarantee continuing use for the public; so this risk needed to be properly identified and managed.

Members raised concerns about the provision of Hockey in the District which it was agreed was an important part of sporting provision. However, Members were assured that any issues would be picked up as part of the quarterly review and the strategy revised if necessary.

The Portfolio Holder for Cultural Services, Councillor Mrs Gallagher, endorsed the report and advised that the first review would be undertaken in June 2015. Members were assured that clubs from all sporting backgrounds had been engaged in the process and the strategies reflected the challenges the District was faced with and how the Council was dealing with them.

Councillor Mrs Gallagher recognised the concerns of the scrutiny committee and agreed that additional wording be added to recommendation 2.4, referencing that the strategy would be reviewed on a quarterly basis.

Recommended to Council that

- (1) the comprehensive evidence base and modelling for playing pitches and outdoor sport which has been undertaken and published as part of the Council's Infrastructure Delivery Plan and ongoing preparation of the emerging Local Plan, is noted;
- (2) the Athletics Needs Assessment, attached as Appendix 2 to the report, is noted and this data will be used to inform decisions on future athletics provision in the District;

- (3) the updated Indoor Sports and Leisure Strategy March 2014, which updates the strategy approved by Executive in October 2013 to address Indoor Bowling Facilities, attached as Appendix 3 to the report, is approved; and
- (4) the Playing Pitch and Outdoor Sports Strategy 2014, attached as Appendix 1 to the report, is approved and this will be reviewed on a quarterly basis.

(The Portfolio Holder for this item was Councillor Mrs Gallagher)
(Forward Plan reference 655)

Part 2

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

138. Regeneration in Lillington

The Executive considered a report from the Deputy Chief Executive (AJ), Development Services and Housing and Property Services which considered regeneration opportunities in Crown Ward, both to support the renewal of community services in the centre of the community, and on the edge of Lillington. Specifically, it reported on work that was commissioned to understand the feasibility of potential regeneration proposals and specific engagement that had been carried out with stakeholders to date.

Members noted that there was also a related report on the private and confidential part of this agenda. That report did not consider the principle of whether to support the regeneration proposals, but considered some of the detailed financial and other matters arising from any recommendations within this report, including those relating to assets owned by Warwick District Council and Warwickshire County Council.

In March 2014, the Executive had considered a report which outlined a couple of potential regeneration opportunities in Crown Ward. It agreed that further feasibility work should be carried out to explore these in more detail, and asked that officers report back once this work was completed.

There were two regeneration opportunities identified in the report relating to (1) the allocation of land at Red House Farm as part of the Local Plan, and the opportunity this allocation might present to offer wider regeneration benefits within Crown Ward, and (2) the opportunity to renew and improve the provision of local health and community facilities within Lillington. Further details on the nature of the two opportunities were included in the "Background Information" section of the report.

The detailed feasibility study had been carried out for the Council by project management consultants Pick Everard, working in conjunction with Willmott Dixon Housing and BM3 architects. Other specialist advice had been sought where needed on specific technical matters.

The consultants submitted their Study (titled the "Lillington Regeneration: Masterplanning and Feasibility Study") to the Council in February. The main study was attached as appendix A to the report.

The consultants drew the following broad conclusions from the study: - a regeneration project in Crown Ward, incorporating the redevelopment of properties at The Crest and along Crown Way, would be feasible as a development project; and a regeneration project could have a wider impact on improving the environmental quality of the area.

The report advised that despite the significant amount of work that had already been done to establish whether such regeneration was technically feasible and financially viable, officers were of the view that given the scale and cost of such a proposal, three fundamental issues of principle would benefit from further detailed scrutiny.

The three issues were the socio-economic benefits that would derive from any physical regeneration; what other interventions, unrelated to the physical regeneration proposed in the consultants' report, could be adopted by the Council and its partners to seek to address the causes of deprivation in this locality; and whether other models of physical regeneration could still deliver the same (or better) socio-economic outcomes but in a less costly or disruptive manner.

If members wished to continue to move forward to explore regeneration opportunities in this area, officers considered that these issues needed to be further investigated. It was therefore recommended that this work could be funded from the General Fund Contingency Budget and a budget of £10,000 should be identified for this purpose.

Alongside this work, it was also recognised that more work needed to be done before the Council could formally consider whether to commit to any proposals.

There were a number of risks outlined in section 6 of the report relating to Housing Revenue Account (HRA) resources, the impact on the HRA and a lack of funding or support from key stakeholders. Additional risks included costs and delays to the development programme, the Local Plan being found unsound and not securing the cooperation of the owner and promoter of Red House Farm.

The Council could decide not to proceed with further investigation of any of the regeneration proposals set out in this report but to direct resources to community development initiatives, however, this was not supported.

In addition, the Council could decide to support a smaller scheme to that proposed, for example only focussing on Crown Way or only on The Crest. This option was not supported at the present time, however, neither was it discounted in the longer term. It was considered that both areas should remain the focus of further work.

The Council could decide to retain the tower blocks as part of any regeneration but this option had previously been considered and initially rejected, as not being feasible. The Council could decide to seek to deliver the community hub but in another location not involving the demolition of properties on Crown Way. This had also been explored but rejected.

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

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

The Liberal Democrat Group observer, Councillor Boad, addressed Members and highlighted that there had been a high level of misinformation circulating about the regeneration, including a petition relating to the demolition of a local primary school. The petition specifically named Councillor Boad and he wanted to take the opportunity to reiterate that these claims were entirely incorrect.

Resolved that

- (1) the outcome of the Lillington Regeneration Masterplanning and Feasibility Study (the Study) attached as appendix A to this report, including the identified regeneration benefits that the scheme would bring to this part of Crown Ward, is noted;
- (2) the consultants' conclusions on the feasibility and financial viability of a regeneration project in this location, and the comments of the Council's Head of Finance contained in paragraphs 5.1 to 5.3 of the report, are noted;
- (3) the Council's commitment to prioritise work in Crown Ward to support local communities and to address known deprivation, is affirmed and the role of the Study in outlining a potential way of addressing these, is recognised;
- (4) the potential opportunities that a regeneration project along the lines proposed by the Study would bring to the area are supported, and the work identified in paragraphs 3.15 and 3.16 of the report to further scrutinise the effectiveness of the proposals and consider alternative ways of delivering positive outcomes for communities in Crown Ward, is authorised;
- (5) £20,000 is allocated from the 2015/16 General Fund Contingency Budget for this work to be

carried out in accordance with paragraph 3.16 of the report;

- (6) further masterplanning work and community, tenant and stakeholder engagement should be carried out as described in paragraph 3.17 of the report;
- (7) £20,000 is authorised to support the community, tenant and stakeholder engagement and the Deputy Chief Executive (AJ) is authorised to seek to agree with the owners of Red House Farm how further technical and other work will be carried out and funded; and
- (8) Warwickshire County Council (WCC) be asked to formally endorse its own support for the opportunities that a regeneration project along the lines proposed by the Study could bring to the area and furthermore that the WCC commits to working with the District Council along the lines set out in paragraph 3.23 of this report as these proposals are taken forward.

(The Portfolio Holder for this item was Councillor Hammon)
(Forward Plan reference 672)

139. Housing Advisory Group – Terms of Reference

The Executive considered a report from Housing and Property Services which sought approval for the future working arrangements of the Housing Advisory Group, including the group's Terms of Reference.

The Housing Advisory Group would not make any formal decisions; these would be reserved to the Council, Executive and Officers as outlined in the Constitution of the Council.

A motion was presented to Council on 25 June 2014 which expressed regret, that under the current Committee structure, the provision of Housing Services had become remote from elected members. The motion went on to request that the Chairman allow measures to be brought forwards to enable the introduction of a new Housing Committee.

As a consequence a working group was established and recommended that Council establish a Housing Advisory Group with a remit to consider and advise on policy and practice relating to the way the Council designs and discharges its housing duties and responsibilities. This proposal was approved in November 2013.

The members of the Working Group had since met to develop a Terms of Reference for the Housing Advisory Group. Members were asked to

approve this document which was attached as Appendix A to the report. The role of the group was outlined in full in the appendix along with the operational processes.

The Housing Advisory Group would be chaired by the Housing & Property Services Portfolio Holder and membership would be made up of 10 Councillors, including the portfolio holder, with up to three tenant representatives.

The group would meet four times per year, with the inaugural meeting taking place in June 2015.

The report also recommended that the Interim Housing and Property Board (IHPB) be dissolved, and its remit absorbed within the Housing Advisory Group. The IHPB was set up following the implementation of Housing Revenue Account Self-Financing but officers felt that it was too narrowly focussed on financial matters, that its membership was not wide enough to facilitate effective engagement and involvement of Councillors with the Housing & Property Service and there were no links from this group to the wider Member body.

An alternative option was that the Executive could suggest an alternative terms of reference that it considered appropriate, however, the proposed Terms of Reference were felt to fulfil the agreed objectives. In addition, the Executive could decide that the IH&PB should be retained. However, it was being proposed that the Housing Advisory Group would absorb the functions previously delivered by the board thereby avoiding duplication and inefficiencies that retaining two boards could create.

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

The Portfolio Holder for Housing and Property Services, Councillor Vincett, endorsed the report and thanked the scrutiny committee for their support.

Members agreed that this was the correct direction for the Council to take and therefore

Resolved that

- (1) the Housing Advisory Group Terms of Reference (ToR), attached at Appendix A to the report, be approved; and
- (2) the Interim Housing and Property Board is dissolved, and its remit is absorbed within the Housing Advisory Group.

(The Portfolio Holder for this item was Councillor Vincett)
(Forward Plan references 615 & 656)

140. **Warwick District Council / Waterloo Housing Group Joint Venture (W2) State Aid Review**

The Executive considered a report from the Deputy Chief Executive (AJ) which updated Members on the due diligence undertaken following the previous Executive report of 2 July 2014 where it was noted that the Council's existing partnership with Waterloo Housing Group, known as W2, was being assessed by the Council's officers to ensure its compliance with state aid law.

Following expert legal advice it had been possible for Council officers to satisfy themselves that the existing arrangements with Waterloo Housing Group could be considered compatible with state aid law, and advisors recommended additional processes and documentation be put in place to ensure that any financial assistance from the Council to Waterloo remained within the permissible legal framework.

The report reminded Members that the Council had entered into a joint venture agreement with Waterloo Housing Group in November 2011. The joint venture agreement was a partnership intended to bring forward affordable housing schemes within the District where it was in both parties' interests to do so.

One of the central features of the joint venture was that the Council would offer financial assistance to Waterloo, where necessary, in order to make a proposed affordable housing project viable. The giving of financial assistance from a local authority to a third party organisation potentially engaged the legal rules relating to state aid. State aid was regulated by EU law and the essential principle was that it was unlawful to give public funding to an economically active organisation in such a way as to potentially distort competition amongst the market.

The Council's officers identified recently that, because of the nature of the function which was being supported by the financial assistance (social housing) it should be possible for the giving of financial assistance to Waterloo to fall within a specific legal exemption which the EC Commission had established. This exemption effectively acts as a "safe harbour" from the state aid rules: provided all the tests set out in the exemption could be met, then any financial assistance would be lawful.

The EC Commission required that the use of this exemption be actively monitored by the public authority which was seeking to rely on it. Therefore, the Council's officers needed to be vigilant to the need to stay within the terms of the exemption for as long as the W2 joint venture operated.

Guided by Counsel's advice, the Council and Waterloo had worked together to develop appropriate legal and financial documentation for each project where financial assistance was given by the Council.

On all the projects where financial assistance had already been given by the Council, the Council's officers (Deputy Chief Executive (AJ), Head of

Finance and legal adviser) had satisfied themselves that there had been no over-compensation, and the relevant binding agreements were now being put into place.

The only alternative option would be to discontinue the W2 joint venture altogether, or to withdraw all of the Council's financial assistance given to date. This option had been discounted as being a disproportionate response to a risk which could be managed with appropriate safeguards being in place.

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

The Executive agreed the recommendations in the report and officers were thanked for their due diligence in providing what Members had requested and for ensuring compliance. It was therefore

Resolved that the outcome of the due diligence work outlined in section 3 of the report is noted and the Deputy Chief Executive (AJ), in consultation with the Head of Finance and legal advisers, is authorised to enter into all agreements necessary to give effect to the continued operation of the W2 joint venture in compliance with relevant law.

(The Portfolio Holder for this item was Councillor Vincett)
(Forward Plan reference 646)

141. Corporate Property Planned Preventative Maintenance Programme 2015/16

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 Maintenance Programme for 2015/16.

To ensure that the Council was spending the budget effectively, it was considered that Members needed to be aware of the principles underpinning the budget allocation to ensure the process is transparent.

As part of the wider Corporate Assets Review and the transition to strategic asset management, the council completed a programme of surveys of the corporate asset stock which was split into three categories:

- Operational Assets
- Non Operational Assets
- Open Spaces

The survey data formed the basis of the annual programme of work. The data was continuously reviewed to ensure it remained current and the budgets defined in this report represented year 2 of the financial liabilities

associated with the Council's current corporate asset portfolio. This was first reported in the Assets Review report at the Executive meeting of 11 December 2013.

The planned preventative maintenance programme for 2015/16 is based on the data and recommendations from the stock condition data undertaken as part of the on-going assets review work.

The total base Corporate Property Repairs and Maintenance budget for 2015/16 is £1,203,300 to which £913,200 is requested from the Corporate Asset Reserve to bring the total budget to £2,116,500. Housing and Property Services manage the budget and coordinate the proposed programme of works, which has been set following consultation with the Corporate Property Investment Board and the Asset Strategy Group.

At this time all costs associated with the programme, were estimated and the actual cost to deliver the programme of work was liable to change as works were procured. Furthermore, the Assets Review work was on-going and it was possible that service area priorities and opportunities that emerged during the course of the financial year could lead the Council to re-profile the programme of work where doing so could secure better long term value.

An alternative option was 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 were 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, but instead defer the programme in part or in full to future years and accept the risks of properties and assets falling into disrepair and not being available to support services associated with deferring the recommended projects.

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

Resolved that

- (1) the proposed budget allocation for the 2015/16 Corporate Property Repair and Improvement Programme, as set out in table 2 at section 5.3 of the report, is approved;
- (2) up to a maximum of £913,200 is released from the Corporate Asset Reserve to support the 2015/16 Corporate Property and Repair and Improvement Programme;
- (3) the reduction of the 2014/15 budget by £162,800 for items that will now proceed in 2015/16 is approved and are therefore included

in the proposed 2015/16 budgets set out in this report;

- (4) 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;
- (5) 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 and revised budget allocations within the overall base budget of £2,116,500; and
- (6) the Section 151 officer and Deputy Chief Executive (BH), in his role as chair of the Asset Strategy Group, 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.

(The Portfolio Holder for this item was Councillor Vincett)
(Forward Plan reference 678)

142. Reinstatement of Land Kites Nest Lane, Beausale

The Executive considered a report from Development Services which provided a brief outline of the enforcement history of this site and current Council position and requested that Executive consider authorising work to reinstate the land in question.

The site at Kites Nest Lane had been the subject of longstanding planning enforcement proceedings over a number of years which in November 2013 resulted in the cessation of its unauthorised use as a residential caravan site.

The site extended to an area of approximately 0.9 hectares in the open countryside within the Green Belt, at the junction of Beausale Lane and Brownley Green Lane and was currently in the ownership of Gypsy/Traveller families. The site was adjoined by agricultural land on two sides with the nearest dwelling, Brownlow Green Farm, being located opposite it on Kites Nest Lane.

Over a Bank Holiday weekend in May 2010, travellers arrived on the site and overnight undertook substantive works to create hard standings and roadways to form residential caravan pitches some of which were then occupied on the following day. By way of response, Officers issued a Temporary Stop Notice (TSN) and were successful in obtaining a High Court Injunction preventing further development of the land.

The occupants vacated the site in November 2013 but without removing much of the hard standing and other material that had been imported to facilitate the unauthorised use. As a consequence, the site was left in a visually poor and unsuitable condition, contrary to some of the requirements of the Enforcement Notice and Injunction.

The reinstatement of the land to its former grassed condition was considered necessary because the current condition comprising substantive areas of hard standing, was detrimental to the visual amenities of the surrounding rural area and landscape. Following consultation with the Council's Procurement Manager the best value quote for the re-instatement of the land was circa £8,000.

The owner of the site had been repeatedly requested to reinstate the land to its former condition, most recently in January 2015 but it was unlikely that this approach would result in the resolution of the matter. The report therefore proposed that Warwick District Council undertake the work and seek to recover the cost by way of a charge on the land.

Placing a charge on the land had been discussed with the Council's solicitors. The land's title had been checked and the stated sale value (£37,000) exceeded the cost of the works (£10,000) and, as there was no mortgage on the title which may take priority over the charge, there was nothing in principle to prevent the Council from going down the route of a charging order and subsequent order for sale, should the Council not receive reimbursement of its costs.

An alternative option was to take no action and leave the land in its present condition. However, this had been discounted because there were not only concerns about the potential for continued deterioration to the site but also because the Council could be criticised for failing to protect the environment.

The Finance & Audit Scrutiny Committee agreed it was the Council's responsibility to act for the interests of local residents. That said, the Committee felt the need to recommend to the Executive that before this was considered, the complete budget, outlining all associated costs should be provided to the Executive and Finance & Audit Scrutiny Committee for due consideration.

In response to the recommendation from the Finance & Audit Scrutiny Committee, the Executive advised that they were content that the complete budget was sufficient and all associated costs would be provided to the Portfolio Holder and the Chairman of Finance & Audit for assurance.

Members were mindful that this had been a long standing issue and it was important to residents that this area was cleaned up. It was acknowledged that a substantial amount of legal work had already been carried out and officers were confident that the costs could be contained.

Resolved that

- (1) the cost of the reinstatement of the land, shown edged in red on the attached plan at Appendix 1A to the report, is agreed to a maximum cost of £10,000, to be funded from the Contingency Budget, using enforcement powers under Section 178 of the Town and Country Planning Act 1990 (as amended); and
- (2) the making of a charge on the land is agreed, in order to seek to recover the costs set out above.

(The Portfolio Holder for this item was Councillor Hammon)

143. Combined Authorities

The Executive considered a report from the Chief Executive which provided some background to the issue of potential membership of a Combined Authority and sought feedback from Members to help devise some parameters to assist the Leader and Chief Executive in discussions with other Councils in the Coventry and Warwickshire sub-region, and beyond, about a way forward, or not. The Leader and Chief Executive were required to feedback on such forthcoming discussions.

The report explained that the Council was already a member of the Joint Committee for Coventry, Warwickshire and South West Leicestershire. This was formed early in 2014 as the first stage in the commitment that all of the local authorities in the sub region gave as part of the sign up to the Coventry and Warwickshire City Deal in 2013. This commitment also extended to the participating Local Authorities agreeing to set up an Economic Prosperity Board (EPB) and to consider moving onwards to setting up a Combined Authority (CA).

More locally, in November last year the Black Country and Birmingham Local Authorities announced that they wished to consider setting up a CA and invited Solihull, Coventry and adjoining districts , including Warwick, to consider joining. As a consequence, discussions were spurred within the sub region, especially surrounding whether joining such an entity would conflict with the planned EPB. The discussion led to two meetings of Leaders and Chief Executives from the sub region on this issue. The first in December 2014, allowed for an economic analysis by local academics to be shared; the second, in January 2015, led to an agreement that all Local Authorities should take soundings on views towards establishing a CA, what they may be prepared to accept and what not and to then share that with the other Council's in the sub region in

order that a way forward could be planned. To that end another meeting of Local Authorities to further that discussion was planned for the 17 March 2015.

To enable this Council's Leader and Chief Executive to effectively participate in the discussions now planned for March 2015, the views of the Council were required and the Executive needed to agree parameters within which such discussions should be held.

A presentation for all Members was held on 23 February 2015 and all Groups had been asked to consider that presentation at their Group Meetings the same night and feedback directly to the Leader and Chief Executive.

An alternative option was to not participate, however, this was not recommended and the full reasons were set out in Section 6 of the report. In summary, the risk of not participating would result in an agenda being set out without this Council's input or agreement. In addition, funding may be awarded to those that did participate and not to those who did not. However, there was a variety of options in respect of the feedback that Members may wish to give and it was the purpose of this paper to clarify those issues and options.

The Finance & Audit Scrutiny Committee supported recommendation 2.4 in the report, which dealt solely with the funding issues.

Members were mindful that all options should be explored and Members views should be submitted in a timely manner.

The recommendations in the report were agreed with an amendment to recommendation 2.1 to ensure that all comments were received by the Chief Executive by 5.00pm on Wednesday 18 March 2015.

Resolved that

- (1) the Chief Executive receives feedback from the other political groups and the 2 scrutiny committees, by 5pm on Wednesday 18 March 2015, on possible parameters relevant to discussions on a way forward (or not) in respect of potential membership of a Combined Authority and agree what those parameters should be;
- (2) authority is delegated to the Leader and Chief Executive to discuss with other Local Authorities who are involved in the discussions about membership, or not, of a possible Combined Authority within the parameters agreed;

- (3) the Leader and Chief Executive will report back on the progress of those discussions at the earliest opportunity and then subsequently on a regular basis, seeking further authority if necessary as discussions/proposals develop; and
- (4) authority is delegated to the Chief Executive and Head of Finance, in consultation with the Leader and Finance Portfolio Holder, to expend up to £50,000 towards any necessary research required to take this matter forward, to be funded from the Contingency budget.

(The Portfolio Holder for this item was Councillor Mobbs)

144. Proposed Exemption from the Code of Procurement Practice

The Executive considered a report from Housing and Property Services which sought an exemption from the Code of Procurement Practice in order to extend the arrangements for electrical maintenance and repair services provided by EM&I Derby Limited, until 31 March 2016 during which time the on-going re-procurement exercise would be completed and new contracts awarded and mobilised.

The Council had a statutory responsibility under the Landlord and Tenant Act 1985 to ensure that the electrical installations in a property were safe when a tenancy began and remained safe for the duration of the tenancy. In order to discharge its duties in respect of the HRA stock and other corporate buildings, the council undertook periodical electrical safety inspections and responsive repairs through its electrical maintenance and repairs contract.

The current contract was due to expire on 31 March 2015. This had been clearly recorded in the Council's contract register but despite this, attempts by officers in Housing & Property Services and Finance to plan and manage the timely re-procurement of the contract had failed to progress as fast as anticipated or required, largely due to the evolving demands placed on both teams as a result of on-going commitments and new projects.

An alternative option was to undertake a procurement exercise for the proposed work using a Framework Agreement but this was not recommended due to the time it would take to procure temporary arrangement through a framework, train staff in the terms of the framework and mobilise the contractor. It was also noted that the electrical maintenance and repairs contract had proven to be an efficient, effective contract for the Council and retaining its current processes was considered to be in the Council's best interests.

In either scenario, if the Council were subject to a Health & Safety Executive (HSE) inspection and found not to have adequate electrical safety arrangements in place, it could be held to be in contravention of Health & Safety legislation which carries risks of fines and/or persecutory action; Under The Health and Safety (Fees) Regulations 2012, those who break health and safety laws are liable for recovery of HSE's related costs, including inspection, investigation and taking enforcement action.

The Finance & Audit Scrutiny Committee expressed strong disappointment about this matter because there was a contract register in place for which a main purpose was to bring forward early warnings and resolve any issues. It was of the view that it was not acceptable to carry on this way because this was a major contract especially because the contracts register identified that work had started on this contract. The Committee explained that this should have been recognised and mitigated against through the proper procurement and resources allocated or requested if they were short.

That said the Committee welcomed that the Procurement Team were looking at a new contract management system, planned in the next financial year which would provide the appropriate workflows and safeguards for contract management.

The Committee welcomed that benchmarking would be undertaken on this work before the extension agreement was signed to confirm that value for money was achieved.

With these views, the Committee accepted the recommendations of the report because it felt there was no real alternative.

Resolved that

- (1) an exemption to the Code of Procurement Practice to extend the current contract for the provision of electrical maintenance and repair services to 31 March 2016, is approved;
- (2) an OJEU compliant procurement exercise has been commenced for the re-procurement of the electrical maintenance and repair contract, the programme for which will allow a new contract to commence on 31 March 2016; and
- (3) the comprehensive actions that have been put in place to improve the way procurement is taken forward in the future, with particular reference to Housing and Property Services, are noted.

(The Portfolio Holder for this item was Councillor Vincett)
(Forward Plan reference 680)

145. Gypsies and Travellers – update on the progress of the Development Plan Document to allocate sites

The Executive considered a report from Development Services which informed members of the results of the public consultation regarding the Preferred Option site at Stratford Road, Warwick District Council and of the current position with regard to the preparation of the Draft Development Plan Document.

In addition, the report requested that members agree to a revised approach to the identification of the required land to meet the needs of Gypsies and Travellers as outlined in the Gypsy and Traveller Accommodation Assessment (GTAA) 2012; support a request to expressly talk to landowners of potential Green Belt sites and support a request to approach the Homes and Communities Agency (HCA) with regard to possible funding to assist delivery where this was needed.

In August 2014, a report was brought to the Executive requesting approval for officers to undertake public consultation on the 'Preferred Options, Land at Stratford Road, Warwick'. The report was approved and the consultation was subsequently carried out between 31 October 2014 and 12 December 2014. The results of the consultation had been summarised and attached to as Appendix 1 to the report and highlighted the main issues raised through the consultation. Many of the responses were generic with around 700 responses received along with a petition submitted by four Warwick Councillors with a total of 326 signatures.

The site at Stratford Road could not now be considered as a potential Gypsy and Traveller site due to the consultation responses received from the two landowners who own the relevant land and access to the site. Both landowners had now formally objected to the proposed Gypsy and Traveller site and had stated categorically that their land was not available for this use.

Officers now felt they had exhausted the potential supply of land for sites in the non-Green Belt area of the District, other than those already considered suitable to be taken forward i.e. Leamington Football Club, Harbury Lane and a transit site at Europa Way. The report, therefore, proposed that the Council considers potential sites within the Green Belt.

In addition, agreement was required for officers to approach landowners of any potential sites in the Green Belt and enter into a dialogue with regard to the possibility of using such land for this purpose.

It had also become clear that the costs of setting up sites for either Gypsies and Travellers themselves, social landlords or private landowners, were considerable. As the Homes and Communities Agency had funding available to assist with delivery, officers felt it would be useful to approach them and ascertain what level of funding was available and how it could be accessed and utilised.

An alternative option was to not allocate sites for Gypsies and Travellers, but this would be contrary to national policy and the Local Plan would be found unsound without a commitment to meeting the need demonstrated in the GTAA. The removal of this site from further consideration left a deficit in provision of 15 pitches when compared with a need for 31 pitches in the District over a 15 year period.

Another option would be to consider using Compulsory Purchase Order powers to purchase land outside the Green Belt, however, this was not considered a good option because there were many pitfalls. These included the length of time it would take to complete the process, the cost of doing so, the unpopularity amongst local residents of such an approach and the fact that no Gypsy and Traveller sites had been brought forward this way elsewhere.

Councillor Caborn endorsed the report and reminded Members that this had been a long difficult journey. He highlighted that the consultation feedback had been listened to and confirmed that the Stratford Road site was not suitable but would continue for employment use. However, in order to fulfil the statutory numbers, the Council needed to find another site. He therefore proposed the recommendations as laid out and the Executive

Resolved that

- (1) the results of the public consultation report on the 'Preferred Option' consultation for a site at Stratford Road, Warwick for Gypsies and Traveller attached at Appendix 1 to the report, are noted;
- (2) taking account of the consultation, the site at Stratford Road is not available for use as a Gypsy and Traveller site and the Executive will not be pursue this site for allocation through the Gypsy and Traveller Development Plan Document (DPD);
- (3) the recommended change of approach to the identification of suitable, sustainable, available and deliverable sites to meet the needs of Gypsies and Travellers as outlined in the Gypsy and Traveller Accommodation Assessment, 2012, to look at potential sites in the Green Belt, is agreed;
- (4) officers may approach landowners of any potential sites in the Green Belt and enter into a dialogue with regard to the possibility of using such land for this purpose; and

- (5) officers may approach the Homes and Communities Agency with a view to exploring the potential funding which may be available to assist in the delivery of suitable sites.

(6)

(The Portfolio Holder for this item was Councillor Hammon)
(Forward Plan reference 685)

146. **Proposed Creative Quarter**

The Executive considered a report from Development Services which followed on from a report submitted in December 2014 when Members had endorsed the outline concept for the creation of a new Creative Quarter, for creative industries and cultural activities, focussed on the Council's assets at the Royal Pump Rooms and in the Spencer Yard area.

This was to be part of a wider regeneration vision for the northern part of the Old Town area. Officers were now reporting back on their further work to develop a set of principles and parameters to underpin such a regeneration scheme, and a development brief and procurement process for its delivery.

The previous report set out an initial set of 'principles and parameters' to guide the drafting of a more comprehensive and formal 'Development Brief' for this potential new regeneration project. The report had also set out the rationale for the Council requiring the services of a specialist 'niche' commercial developer partner, with experience of successfully delivering similar cultural/creative schemes elsewhere.

Since then officers had been working up this Development Brief and had identified the most suitable procurement route. They had also been having discussions with many of key stakeholders and this work had culminated in the Development Brief which was attached as appendix one to the report.

Due to the complexities of this project, officers were proposing to carry out further market testing work before any formal competitive developer procurement process. This would be to scrutinise, challenge and inform our current regeneration vision and development brief.

To this end Officers therefore now recommend that the Council holds a Marketing Day where prospective developer partners could meet with Council officers. The detailed ways in which this was hoped to assist the Council and the developer market were laid out in paragraph 3.10 of the report, however, it was hoped that the day would provide clarity and understanding for all parties.

The feedback from the Marketing Day would also enable officers to have informed discussions with local stakeholders and key strategic stakeholders. An updated report would then be submitted to Executive.

An alternative option was that the Council could opt to do nothing. In this eventuality, its current financial liabilities for the Royal Pump Rooms would remain and any vision and potential for taking the Spencer Yard area and a creative industries and cultural quarter vision forward not realised.

The Council could decide to exclude the Royal Pump Rooms from any project proposal. By implication this also included the proposal to relocate the Library. However, the previous December Executive report set out the reasons why this would fundamentally prejudice and weaken any overall transformational approach to a Cultural Quarter, and the attractiveness of the potential project.

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

The Portfolio Holder for Development Services, Councillor Hammon, endorsed the report and hoped it would spur the regeneration of the area. He felt it was an exciting project and hoped Members would help the scheme to progress.

Resolved that

- (1) the provisional developers' Development Brief set out in Appendices One and Two to the report, are approved;
- (2) a pre-procurement developer partner Marketing Day, as detailed in Section 3 of the report, is approved. In addition, authority is delegated to the Deputy Chief Executive (BH) and Senior Projects Co-ordinator (DE), in consultation with the Development Services Portfolio Holder, to agree the details and implementation of these Marketing Days; and
- (3) commitment to this potential project is not being asked for at this early stage; and further consultations will continue with key stakeholders to inform and refine this outline regeneration vision. Officers will submit a further report back to Executive after concluding the next-stage work set out in this report.

(The Portfolio Holder for this item was Councillor Hammon)
(Forward Plan reference 648)

147. Historic Building Grants Allocations

The Executive considered a report from Development Services which sought approval for the proposed allocation of the 2015/16 budget

towards the historic building grants scheme as set out in section 3 of, and Appendix A to, the report.

The District Council had for many years supported Historic Buildings Grants to help property owners to maintain/restore historic assets which were a very important part of the environment of Warwick District. It was in this time of financial constraints that the maintenance of this type of grant was crucial to many owners of historic properties, which also 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. They were available for all Listed and Unlisted Buildings in the Conservation Areas and grants were offered normally at a level of 25% of the cost of works to an absolute maximum of £2,000 per property.

For the current year a total of £121,000 had been paid or allocated which had enabled a minimum of £484,000 of works to protect historic assets to proceed.

Separate historic building grants schemes operated for i) Leamington; ii) Warwick and iii) Kenilworth, Whitnash, and the rural conservations areas. Under scheme iii), grants were also available to individual listed buildings which were not located within a conservation area.

The report advised that in addition to the above, the Conservation Facilitation Fund was used for the funding of Heritage Open days with a proposed allocation of £3000 for 2015/16 and the Environmental Grant Scheme was used for public realm works, such as lamp post restoration within conservation areas, with a proposed allocation of £3,000 for 2015/16.

Finally, the Kenilworth Abbey Fund which had been almost entirely expended on the completion of the new roof for the Abbey Gatehouse was no longer proposed to be funded. A small slippage of £1,800 was proposed to be used for pointing works during 2015/16.

An alternative option was to reduce or abolish the grant scheme. However, it was considered that either of these options would impact upon the Council's ability to assist in maintaining the Historic Environment for both residents of and visitors to the district.

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

Resolved that the proposed allocations for the Historic Building Grants for 2015/16, as set out in Appendix A to the report, are approved.

(The Portfolio Holder for this item was Councillor Hammon)

148. **Rural / Urban Capital Improvement Scheme (rucis) Application**

The Executive considered a report from Finance which provided details of a Rural/Urban Capital Improvement Scheme grant application by Rowington Parish Council to improve the local playing field facility by replacing three old pieces of play equipment with three new modern pieces of equipment.

The Council operates a scheme to award Capital Improvement Grants to organisations in rural and urban areas. The grant recommended is in accordance with the Council's agreed scheme and will provide funding to help the project progress.

Rowington Parish Council has submitted a RUCIS application to improve the local playing field facility by replacing three old pieces of play equipment with three new modern pieces of equipment. The application is for 50% of the total project costs up to a maximum of £7,369.

Three quotes have been provided; the quote from Company A, the chosen supplier, is £4,738 more expensive (total cost of £14,738 excluding vat) than the cheapest quote (total cost of £10,000 excluding vat) provided by Company B. This was queried with the Parish Council and a full response was detailed in section 8.2 of the report. Ultimately, the Parish Council were satisfied that the company had supplied the original equipment and the quality and potential long life was a major consideration.

The RUCIS criteria states "Three separate written quotations must be supplied"; it doesn't explicitly state that the cheapest quotation must be accepted, however, it is our practice to question where it hasn't to satisfy ourselves that the rationale is sound. In this instance, officers were satisfied with the Parish Council decision to accept the Company A quote and recommend that the RUCIS application be considered against these project costs.

Rowington Parish Council has committed £7,369 to the project from their cash reserves. These funds have been evidenced through their annual accounts and the provision of a recent bank statement. In addition, the Parish Council had been successful in securing RUCIS funding in the past and a breakdown of these applications was provided at section 8.4 of the report. This application met the criteria whereby the organisation must wait for a minimum of two years before re-applying for a new grant.

A full explanation of the budgets involved was provided at section 5 of the report and advised that there was still £20,694 available to be allocated for Rural/Urban Capital Improvement Scheme Grants from the Rural Cost Centre budget in 2014/15. If the application within this report was approved, £13,325 would remain in the Rural Cost Centre budget.

The report therefore recommended that the Executive approve an award of a Rural / Urban Capital Improvement grant to Rowington Parish Council of 50% of the total cost of the project excluding vat subject to a maximum of £7,369.

The Council only had a specific capital budget to provide grants of this nature and therefore there were no alternative sources of funding if the Council was to provide funding for Rural/Urban Capital Improvement Schemes. However, Members could choose not to approve the grant funding, or to vary the amount awarded.

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

Resolved that a Rural/Urban Capital Improvement Grant from the Rural cost centre budget for Rowington Parish Council of 50% of the total project costs, to improve the local playing field facility, as detailed within paragraphs 1.1 and 3.2 of the report, up to a maximum of £7,369, is approved.

(The Portfolio Holder for this item was Councillor Cross)

149. **Public and Press**

Resolved that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following items by reason of the likely disclosure of exempt information within the 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
151	1	Information relating to an Individual
151	2	Information which is likely to reveal the identity of an individual
150 & 152	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)
153	5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

The full minute for the following items would be set out in the confidential minutes of the meeting.

150. **Regeneration in Lillington**

The Executive considered a report from the Deputy Chief Executive (AJ), Development Services and Housing and Property Services.

Members noted that there was a related report on the public part of this agenda which set out some detailed financial and other matters arising from any support that Executive may wish to give to the regeneration proposals.

The Finance & Audit Scrutiny Committee supported the recommendation in the report subject to the Executive receiving clarification of aspects of the funding.

In response, the Executive amended the wording of recommendation 2.2c.

Resolved that the recommendations be approved with an amendment to recommendation 2.2c.

(The Portfolio Holder for this item were Councillors Caborn, Hammon and Vincett)
(Forward Plan reference 672)

151. **Asset Management Redesign Update**

The Executive considered a report from Housing and Property Services.

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

Resolved that the recommendations be approved.

(The Portfolio Holder for this item was Councillor Vincett)
(Forward Plan reference 679)

152. **Strategic Opportunity Proposal**

The Executive considered a report from the Chief Executive.

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

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

Resolved that

(The Portfolio Holder for this item was Mobbs, Hammon and Caborn)

153. **SEV Task & Finish Group – Final Report**

The Executive considered a report from Committee Services and the Chairman of the SEV Task & Finish Group.

The Overview & Scrutiny Committee recommended some additional wording to recommendation 2.1.


Resolved that the recommendations be approved with an amendment to the wording of recommendation 2.1

(The Portfolio Holder for this item was Councillor Coker)
(Forward Plan reference 677)

154. **Minutes**

The confidential minutes of the meetings held on 14 and 28 January and 11 February 2015 were unavailable and would be submitted to the April 2015 meeting.

(The meeting ended at 8.55pm)

 Executive –1 July 2015		Agenda Item No. 3
Title	Housing Allocations Policy Review	
For further information about this report please contact	Ken Bruno Ext 6335	
Wards of the District directly affected	All	
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?	No	
Date and meeting when issue was last considered and relevant minute number	Not applicable	
Background Papers	Homechoice Allocation Scheme 2008 Rural Local Lettings Policy Feb 2011 Homelessness Strategy 2015-17 Tenancy Strategy 2015	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	Yes
Included within the Forward Plan? (If yes include reference number)	Yes (ref 607)
Equality Impact Assessment Undertaken	Yes

Officer/Councillor Approval		
Officer Approval	Date	Name
Deputy Chief Executive	15/6/2015	Bill Hunt
Head of Service	10/6/2015	Andy Thompson
CMT	15/6/2015	Chris Elliott
Section 151 Officer	15/6/2015	Mike Snow
Monitoring Officer	9/06/2015	Andy Jones
Finance	10/6/2015	Mark Smith
Portfolio Holder(s)	9/06/2015	Cllr Phillips
Consultation & Community Engagement		
Consultation undertaken with relevant staff, housing associations, councillors, tenants, neighbouring local authorities, local voluntary and statutory services through the Housing Sounding Board. (Fuller details are set out below.)		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		
Not applicable.		

1. **Summary**

- 1.1 This report proposes a number of changes to the policy that the council uses for the allocation of housing in its own stock and for putting forward potential tenants to housing associations.
- 1.2 The changes are proposed in order to update the policy in line with recent changes in legislation and central government guidance.

2. **Recommendation**

- 2.1 That the changes set out in Appendix Two of this report be made to the Homechoice Allocation Scheme.
- 2.2 That the revised policy takes effect from 1st April 2016.
- 2.3 That a review of the operation of the new policy be undertaken in April 2017.

3. **Reasons for the Recommendation**

- 3.1 The current Homechoice Allocation Scheme was adopted in 2008. Since that date there have been several changes in central government guidance in this area of policy and the introduction of the Localism Act has given the council some additional discretion. The proposed amendments are intended to respond to this changed framework.
- 3.2 There will be a number of operational and IT changes required in order to implement the proposals and a reasonable timescale needs to be allowed for the new system to be put in place.
- 3.3 The proposals represent a significant change in policy and it is therefore prudent to review the operation of the new system after the first twelve months of operation.

4. **Policy Framework**

- 4.1 The Homechoice Allocation Scheme (a copy of which is attached to this report as Appendix One) sets out how the council will determine priorities in allocating vacant council and housing association properties in the district. It therefore plays an important part in building sustainable communities.
- 4.2 The council's vision is to make Warwick district a great place to live, work and visit and its aspirations as regards sustainable communities are outlined in the Sustainable Community Strategy (SCS). Housing is one of the five key policy priority areas in the SCS and the Housing Strategy 2014-17, which was agreed by the council in February 2014, is set within the framework established by the SCS.
- 4.3 Under the objective of meeting the need for housing across the district, the Housing Strategy includes an action point to review the housing allocations policy. This report takes forward that action and is therefore consistent with the wider policy framework established by those two strategies.
- 4.4 Among the changes proposed are policies to:

- give council and housing association tenants greater opportunities to move to more suitable accommodation while still ultimately providing a vacancy for a non-tenant in housing need;
 - restrict access to the housing list to people with a local connection, albeit with a small number of exceptions.
- 4.5 These proposals should result in more tenants who are settled and satisfied with their accommodation and should ensure that more people with a connection to the area are rehoused. In both cases this should assist with the sustainability of local communities.
- 4.6 Housing allocations are a very visible customer service and refining the policies to assist local people more effectively contributes to the service strand of Fit For the Future.
- 4.7 The council is a signatory to the Warwickshire Tenancy Strategy 2015 and, in April 2015 also approved a new Homelessness Strategy with three priorities:
- Ensuring accessible and effective homelessness and housing advice & support services;
 - Providing suitable accommodation for all homeless households;
 - Preventing homelessness.
- 4.8 An Equality Impact Assessment of the proposals has been carried out and this shows that:
- giving tenants more opportunities to move could potentially indirectly discriminate positively in favour of any group that is disproportionately represented among tenants or conversely could discriminate negatively against any group that is disproportionately under-represented among tenants.
 - preventing most people with no local connection to the district from accessing social housing does create a barrier to accessing the allocations service for those people.
- 4.9 However both of these changes are specifically authorised by the Localism Act 2011 and in the second case the impact is upon people without a local connection rather than a protected group under the Equality Act. It is proposed that there will be a review of the new system after 12 months where the true effect of the changes in these regards can be considered.

5. **Budgetary Framework**

- 5.1 The main budget implications arising from this report are in terms of the resources required for implementation. As previously reported to Executive a bid has been made to the government's Social Housing Mobility Fund to enable the recruitment of a Social Housing Mobility Coordinator (SHMC) on a fixed term contract to implement the changes and this has been successful.
- 5.2 There may need to be some re-direction of internal resources in the short term to support the implementation of the changes but this is considered manageable given that the SHMC will undertake the majority of the work required.

6. Risks

- 6.1 There is a risk that the changes may not work as intended or may have unforeseen adverse consequences. This will be mitigated by the recommendation to review the workings of the new policy 12 months after implementation.
- 6.2 As housing allocations are a statutory function there is a risk of legal challenge to the policy. Legal Services was consulted and their advice was as follows:
- “Case law shows that the courts are reluctant to interfere with local authorities’ allocation schemes unless the schemes breach the requirements of Part 6 of the Act, which the proposals in this case do not appear to do, so the risk of these measures being judicially reviewed is low, provided that there is compliance with s.168(3) of the Act and reasonable measures are taken to bring the proposed changes to the public’s attention.”
- 6.3 The advice was followed and a three-month public consultation via the website was undertaken. This was in addition to more focussed consultations with specific stakeholders.
- 6.4 There is a risk that giving tenants more opportunities to move will result in an increase in rental losses on void periods and greater costs on void repairs. This will need to be monitored and considered as part of the 12 month review.
- 6.5 One of the proposals is to introduce a “transfer list” for council and housing association tenants enabling them to be rehoused ahead of those in greatest need in certain circumstances. Those in greatest need include the homeless. Rehousing existing tenants in this way should not significantly prejudice the ability to house the homeless in accordance with the Homelessness Strategy because the property vacated by the transferring tenant will be available for an applicant in need. However this will be monitored and considered as part of the 12 month review.

7. Alternative Option(s) considered

- 7.1 Over the course of the review various other suggestions for changes to the allocations policy have been put forward. The final list of changes recommended through this report represents the outcome of a process through which a number of options have been considered and consulted upon
- 7.2 The option of making no changes at all to the allocations policy has been considered. However some of the changes are a response to central government guidance, (to which the authority is required to have regard) and failure to address these could increase the risks of legal challenge to the policy. Furthermore the changes that are proposed that are discretionary are intended to improve the operation of the policy and provide greater choice for tenants and they have been consulted upon widely and received broad support.

8. Background

8.1 Legislative background

- 8.1.1 The allocation of local authority housing has, for many years, been subject to certain statutory requirements. The current legislation is contained in the Housing Act 1996, as amended by the Homelessness Act 2002, the Localism Act 2011 and regulations made under these acts.

8.1.2 Councils have to give a “reasonable preference” to certain defined categories of people in housing need. These categories have changed over time but the current requirements are as follows:

- (a) people who are homeless or are owed one of a number of duties by any local housing authority under homelessness legislation or who are occupying temporary accommodation secured by any authority;
- (b) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- (c) people who need to move on medical or welfare grounds (including any grounds relating to a disability); and
- (d) people who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others).

8.1.3 The local authority has discretion to give additional preference to descriptions of people within these categories if they are in urgent housing need and must give additional preference to certain classes of people with connections to the armed forces if they have a reasonable preference and an urgent housing need.

8.1.4 In addition to specifying the reasonable preference categories the legislation also requires local authorities to have an “allocations scheme” for determining priorities between applicants for housing and setting out the procedure to be followed when allocating housing accommodation or putting people forward for housing association vacancies. The council is required to have regard to its Tenancy Strategy and its Homelessness Strategy in setting out its allocations scheme.

8.1.5 The legislation contains provisions for the Secretary of State to issue guidance, which a local authority is required to have regard to in framing its allocations scheme. Current guidance is contained in three documents:

- Allocation of accommodation: guidance for local housing authorities in England, DCLG, 2012
- Providing social housing for local people, DCLG, 2013
- Right to Move: Statutory guidance on social housing allocations for local housing authorities in England, DCLG, 2015

8.2 Review process

8.2.1 The review commenced in February 2014 with first-phase consultation. A wide range of people and organisations that come into contact with the allocations scheme were asked for their views on how the scheme was working and for suggestions as to how it could be improved. Those consulted were:

- Allocations and lettings staff;
- Housing associations with housing in the district;
- Councillors;
- Neighbouring local authorities;
- Local voluntary and other statutory agencies.

8.2.2 A report was taken to the Interim Housing & Property Services Board to establish the vision, aims and objectives for the policy. These were agreed as follows:

Vision:

The council will provide a housing allocations service that: meets all legislative and regulatory requirements; is fair, open and transparent; and addresses the needs of all users of the service.

Aims and objectives:

- To help create and maintain mixed, balanced and sustainable communities;
- To make best use of scarce housing resources;
- To help those in greatest need and aid the prevention of homelessness;
- To give people the information they need to make informed choices over where they wish to live and to maximise their prospects of finding suitable housing;
- To enable affordable housing providers to manage their vacancies effectively and efficiently.

8.2.3 The results of consultation, the then current versions of the local Tenancy Strategy and Homelessness Strategy, and the new legislation and guidance were appraised against the vision, aims and objectives and a set of proposals for changes to the allocations policy were drawn up in consultation with the Housing & Property Services Management Team and agreed with the Portfolio Holder.

8.2.4 The council has a statutory duty to consult with local housing associations over specific changes to the allocations policy. Initially the intention was to undertake the statutory consultation from July to September and report to November Executive with a view to implementation from 6th April 2015.

8.2.5 However Corporate Management Team (CMT) requested a pause in the process to allow for additional member consultation. In view of the summer holiday period, the heavy workload of members at that time (in particular around the Local Plan), and the fact that a new Head of Housing & Property Services had been recruited and would be taking up post in September 2014 the process was delayed into the autumn.

8.2.6 Consultation was arranged with individual political groups of members and took place in November 2014. Members' views were incorporated into the proposals and statutory consultation with housing associations was then carried out. The proposed changes were put on the website and publicised to tenants for them to contribute their views in accordance with tenant consultation requirements under the Housing Act 1985.

8.2.7 As a result of the pre-election purdah period it was not possible to report the changes to Executive for approval prior to the local elections and the report was therefore moved on the Forward Plan to the current meeting.

8.3 Proposed changes

8.3.1 The proposed changes are set out in Appendix Two and a brief further explanation is included below.

Section 1 - A "transfer list" for council and housing association tenants

8.3.2 The first section is in response to the Localism Act: it is recommended that the council takes advantage of the new flexibilities offered with regard to existing tenants. This will mean that council and housing association tenants who do not have a reasonable preference will no longer have to compete directly against

non-tenants who do have such a preference. In the circumstances set out in section one of appendix two the council will be able to transfer the tenant to a suitable vacancy without that tenant bidding in competition with all non-tenants for the property.

- 8.3.3 The rationale for this is that it has become increasingly difficult for tenants to secure rehousing because the bidding system gives priority to those in greatest need which, by and large, precludes existing council and housing association tenants. Rehousing existing tenants should not significantly prejudice those in greatest need because the property vacated by the transferring tenant will become available for an applicant in need.
- 8.3.4 In the circumstances set out in section one of appendix two it is therefore considered appropriate to consider the option of transferring an existing tenant first, before advertising the property for those in need to bid on.

Section 2 – Qualification criteria

- 8.3.5 This again is a new Localism Act flexibility. With the exception of certain classes of people from abroad, who are statutorily excluded from an allocation of social housing, the council is able to decide whether to define other categories of people that should be excluded from an allocation of social housing.
- 8.3.6 Recent regulations have limited this power so that certain members of the armed forces and council and housing association tenants living in other areas with a need to move to the district for work must not be excluded.
- 8.3.7 The proposal in section two is to exclude from consideration people with no local connection to Warwick district unless they fall into the six categories set out there, two of which are in response to the regulations referred to in 8.3.6.

Sections 3 and 4 – Prioritisation and property eligibility

- 8.3.8 The changes in these two sections are in response to comments raised during the consultation and issues with the operation of the current system. These are largely self-explanatory however two of them require further explanation.
- “Property quotas” (section 3, bullet point 2). Current policy is that for each advert 50% of lettings should go to people in band one, 30% to people in band two and 20% to people in band three. However there are rarely enough properties on an advert to fulfil these quotas and the cumulative effect is that for band three in particular the quota is missed substantially. By applying the quota across the year and with regular monitoring it should be possible to get closer to meeting these targets.
 - “Best fit” (section 4, bullet point 2). With the current system applicants are shortlisted according to their banding and time on the list. However if two applicants have the same banding the time on the list criterion may be overridden: if the household that has been on the list a shorter time is of a size that better matches the number of bedrooms in the property they will be matched to the property.

Appendix One – Homechoice Allocation Scheme 2008

Appendix Two – Proposed changes to the allocation scheme

Section 1 Existing council/housing association tenants

Existing council and housing association tenants will be considered for rehousing outside of the bidding and banding system in the following circumstances:

a) Under-occupation

This will cover under-occupying tenants generally and also those being financially affected by the welfare reform policy of “removal of the spare-room subsidy”.

b) “Two for one” moves

A “two for one” move is where two tenants of social landlords wish to move in together therefore freeing up two vacancies in return for the one property available. There will be a number of conditions:

- Both properties must be within the Warwick District Council (WDC) boundary.
- Both landlords must be social landlords.
- Both resulting vacancies must be in demand. (The views of landlords and lettings staff will be sought prior to a two-for-one offer being made.)
- Both resulting vacancies must be advertised through Homechoice. (A Housing Association landlord will need to confirm this to the council before a two-for-one offer is made.)
- Both tenants must give vacant possession of their existing tenancies and sign a joint tenancy of the new property.
- Normal size entitlement rules will apply – i.e. no under-occupation.

c) Making best use of stock

This will cover situations where a tenant in an adapted property no longer needs the adaptations and is willing to move to an un-adapted property or conversely where an adapted property is available and a tenant needing the adaptations does not have priority under the banding system.

d) Like-for-like moves

Tenants wishing to move to a property of the same type and size as the one that they currently occupy will be considered where there are good housing management grounds or where the move would address exceptional problems caused by housing circumstances.

e) People with children in above-ground flats and maisonettes

Tenants with children under 16 years of age in flats/maisonettes above the ground floor will be considered for a transfer move. Where there is more than one applicant in this class the applicant on the highest floor will be prioritised.

f) Management moves

There are a number of exceptional circumstances that will be considered under this heading.

- Tenants who have succeeded to a Secure or Introductory Tenancy but cannot remain in the current property because this would lead to under-occupation or over-crowding
- Tenants who require accommodation that would allow a carer to live-in and their current property is not suitable.
- Where a property requires repairs that cannot be undertaken with a household in residence. Priority transfers in such circumstances are normally temporary until the property is ready for re-occupation but in appropriate circumstances may be made permanent. – While WDC may consider providing temporary accommodation for an RP tenant in this situation the option to make this permanent would only apply to WDC tenants.

- Where there is a significant threat of violence or other harm to an individual (including, but not limited to, domestic violence or racial harassment). The request for rehousing will need to be supported by the Police or a formally established body such as the Risk Assessment Management Panel under the countywide Multi-Agency Public Protection Arrangements (MAPPA), Multi Agency Risk Assessment Conference (MARAC) or the National Witness Support Scheme.

Section 2 Qualifying persons

The list will remain largely open but with local connection criteria (based upon the definition in homeless legislation) to limit access for people with no local connection at all. The following exceptions will be made:

- a) People needing to move to the district to receive support;
- b) Armed forces cases;
- c) Domestic violence/harassment cases (assessed in the same way as under homelessness legislation);
- d) Council and housing association tenants who have a reasonable preference because of a need to move to the district to avoid hardship and need to move because the tenant works or has been offered work in the district and has a genuine intention to take up the offer;
- e) Key workers who do not qualify under d) (see below);
- f) Cases where we have accepted a full homeless duty.

People seeking to move to the district to take up a confirmed offer of a key public sector post will be considered on a case-by-case basis and may be approved as a qualifying person at the discretion of the Head of Service. Issues to be taken into consideration will be: the nature of the service to be provided; an affordability assessment; and the efforts that have been made to recruit locally. Requests from private sector employers seeking key worker housing for employees who do not live in the district will be considered on an individual basis and if the Head of Housing & Property Services considers that there is a strong argument in favour of agreeing to the request it will be reported to the Executive for approval.

New government guidance requires local authorities to set aside a proportion of lets to enable tenants under category d) above to move to the district. This will be fixed at five for 2015/16 and will be reviewed and adjusted as necessary on an annual basis.

Section 3 Prioritisation

As regards the method of prioritising and banding applicants for housing:

- Applicants from outside the WDC area that meet the local connection criteria should be assessed and banded in the same way as all other applicants.
- Property quotas on allocations (50% to band 1, 30% to band 2, 20% to band 3) will be retained but will be applied across the whole year rather than to each advert.
- For households that include a pregnant woman the expected child will be taken into account for assessing the size of property needed from 25 weeks into the pregnancy. Where the gender is known this will be taken into account but otherwise the child will be assumed to have a gender that minimises the number of bedrooms required until the gender is confirmed.
- The definition of "welfare need" will include financial hardship.
- There will be flexibility to allocate property outside of the Homechoice system if it has not been let after two adverts.
- In accordance with legislation additional priority will be given to armed forces personnel who have reasonable preference and urgent housing needs.
- Debt Policy – The list of debts that may affect banding will not include mortgage arrears as these can arise in circumstances beyond the control of the client. It will include housing related debts that may impact on the risk assessment

landlords may wish to make when determining their approach to supporting tenants. Each landlord will have its own policy on letting properties to those with previous housing debt, which will need to be recognised and highlighted to applicants. A lower banding may be applied for those with housing related debts with the banding being raised once an agreed repayment plan has been adhered to. The Landlord sets the repayment plan with the customer. The customer has a reduced banding until they have brought the debt below a defined level or they have stuck to a payment plan for a defined period of time, once this has been done it is for the applicant to inform the Housing Advice team.

- Exemptions from the debt policy will be made for domestic violence victims where debts have been run up either by, or through coercion by, the partner. This should be linked to the homeless decision as we would take this into consideration at that point.
- To ensure consistency with the new transfer policy non-tenants with young children younger than 16 years of age living in flats above the ground floor will be in band three (currently it only applies to those above the first floor). In the event of there being two or more applicants with this need that express an interest in a property the applicant on the highest floor will be prioritised.

Section 4 Property eligibility

- Couples in bedsits will be classed as lacking a bedroom.
- We will remove the "best fit" of household to property that is currently overlaid upon the banding and time on the list.
- We will no longer offer one bedroom in excess of need.
- We will allow a bedroom for a live-in carer (defined to be consistent with Housing Benefit rules and case law).



Warwick District Council

Homechoice Allocation Scheme

2008

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1. INTRODUCTION

This Policy outlines Warwick District Council's HomeChoice Allocation Scheme for determining priorities for letting Council and Registered Providers (RPs) homes and in some instances accommodation in the Private Rented Sector.

This Policy has been drafted to comply with the requirements of Part VI of the Housing Act 1996, as amended by the Homelessness Act 2002, along with the accompanying Allocation of Accommodation, Code of Guidance issued in November 2002 and the Allocation of Accommodation Choice Based Lettings Code of Guidance for Local Housing Authorities published in January 2007.

Allocations of Council owned and RP properties will be made using the guidelines set out in this Policy.

The demand for housing exceeds supply and the register exists to enable us to prioritise those households who are in greatest need and to maximise their opportunities for rehousing. The Register provides an index of the level and the nature of housing need locally.

The changes in the HomeChoice Allocation Scheme will not change the fact that only a minority of people wanting social housing will be able to access it because of the growing gap between supply and demand. A key element of the Scheme will focus on alerting applicants to other options to deal with their housing issues, or to secure a move.

2. STATEMENT OF CHOICE

The Council is committed with its Partner RPs to offer the greatest choice possible in the letting of housing, whilst also ensuring that housing goes to those with the greatest need.

Applicants have the opportunity to bid for properties having regard to area, location, property type, household size, disability and eligibility.

The HomeChoice Allocation Scheme enables applicants seeking housing to identify their level of priority within the Allocation Scheme and to develop an awareness of the availability of accommodation suitable to their needs within the District.

Applicants can make an informed decision, balancing their need for accommodation with the availability of properties. It will also enable applicants to make an informed choice about whether they wish to seek alternative solutions to their housing needs such as privately rented or full or part ownership properties.

3. AIMS AND OBJECTIVES

The aims and objectives of the Warwick District Council's HomeChoice Allocation Scheme are:

- To provide people with as much choice and control as possible over where they live.
- Ensure that all properties are let fairly, transparently and fulfil the Council's legal obligations.
- To help fulfil the Council's responsibilities to people in housing need.
- To contribute to creating mixed and sustainable communities, social inclusion and minimise refusals by allowing people to choose where they live.
- To make the best use of existing and new affordable housing.
- Ensure that, where discretion is used, the decision reflects policy and is consistent and transparent.
- Commit to delivering a high quality service and set clear performance standard targets.
- To promote equality of opportunity in accessing housing.
- To aid the prevention of homelessness.
- To increase the housing options available.
- To maximise the participation of all applicants, including vulnerable applicants, in the lettings process.
- To ensure the widest possible choice of homes is available to people on the Warwick District Council's Housing Register, e.g. Shared Ownership and Privately rented accommodation.

4. EQUALITY AND DIVERSITY

Warwick District Council serves a diverse community and is committed to meeting the needs of that community in the provision of housing allocation and will:

- Ensure that customers are treated fairly and equally and will not use discriminatory practices when allocating housing.
- Monitor and analyse how effective the Allocations Scheme is at meeting the needs of District's diverse community and use the information obtained to develop future policies and services.
- Recognise that it is important that everyone who applies for rehousing understands the HomeChoice Allocations Scheme. The Council will produce an information leaflet and this will be made available in other formats, including large print, cassette tape, CD and other languages if required.

5. APPLYING FOR HOUSING

The Council operates a Common Housing Register which provides a unified approach to those wishing to be housed in the Warwick District.

The Housing Associations listed below all participate in Warwick District HomeChoice Allocation Scheme:

- Warwick District Council
- Ashram Housing Association
- Orbit Housing Group
- Jephson Housing Association
- Midland Heart
- Viridian Housing
- Bromford Housing Group
- RiversideECHG
- Housing 21
- Raglan Housing Association

By joining the Warwick District Housing Register those in housing need can be considered for vacancies which occur in properties owned or managed by the Local Authority or any of the Partner RPs. The aim is to make the task of applying for housing as simple as possible requiring only one form to be completed for all affordable housing opportunities:

- Any person over 16 can join the Housing Register. Applicants aged 16 and 17 years may not be offered a property until they are 18 or over, unless they:
 - Have been accepted as statutorily homeless.
 - Are subject of a Special Agency Referral

Tenancies to under 18's will only be granted in exceptional circumstances and may require a guarantor. Where ever possible appropriate supported accommodation for this age group will be sought.

- An applicant or joint applicant can have only one active application, or only be included in one application at any time.
- Anyone who wishes to apply to go on the Housing Register is required to complete an Application Form. This applies not only to new applicants seeking housing but existing tenants wishing to apply for a transfer. The forms are available from all partner organisations and can be downloaded from the Council's website at www.warwickdc.gov.uk.
- The information given on the form must be correct and be accompanied by two types of ID that show the applicant's current address; two types of ID that show the name and current address of the joint applicant if applicable; two types of ID for every other person moving with the applicant, including each child.

5.1 Local Connection

The Scheme will require the need to establish an applicant's Local Connection in meeting one of the following:-

- Has resided in the District through choice as their only or principal home for at least 6 months out of the last 12 months, or at least 3 years out of the last 5 years
- Employed in the District in permanent paid work, other than that of a casual nature
- Has a family connection in the District by virtue of a close family association, ie son, daughter, brother, sister, mother or father who are over 18 and have occupied accommodation in the Warwick District for at least the last 5 years as their only or principal home before the date of the application

All applicants with a local connection will be assessed as detailed in Section 6 according to their need and banded.

Applicants without a local connection but in housing need will be placed in Band 3.

If an applicant's local connection changes, their application will be amended accordingly.

5.2 Financial Resources

Home Owners will be accepted onto the Housing Register and placed in Band 4. Owner Occupiers will only receive additional consideration should they be deemed to have a reasonable preference under Section 167(2) Housing Act 1996 and have demonstrated that they have no financial means of assisting themselves.

Home Owners who are adequately housed or whose housing needs can be met through the sale or adaptation will be advised of their options and provided with advice and assistance.

Applicants who have an income and or capital that will enable them to access private accommodation will be encouraged and supported to take this option and may be given lesser preference in the scheme.

5.3 Introductory Tenancies

Introductory Tenants are allowed to join the Housing Register although are not eligible to bid for properties until the twelve month starter period has elapsed; unless the tenancy has already been terminated or is in the process of being terminated owing to unsatisfactory conduct or extended for a further period not exceeding six months.

If the tenancy has been terminated or is in the process of being terminated owing to unsatisfactory conduct the applicant will not be eligible to join the Housing Register, please see Eligibility 5.4 and their application will therefore be cancelled

5.4 Eligibility

Section 166 (3) of the Housing Act 1996 as amended by the Homelessness Act 2002, states that local housing authorities need to consider all applications made in accordance with the authority's Allocation Scheme. However, an allocation of housing accommodation cannot be made to a person who is statutorily excluded or deemed to be ineligible as defined in Section 160A. Therefore, all persons will be eligible to join the Housing Register, unless one of the following applies:

- Applicant is under 16 years of age;
- Applicants or members of their household who have been guilty of unacceptable behaviour serious enough to make them unsuitable to be a Council or RSL tenant will be treated as ineligible for an offer of accommodation and therefore will be excluded from the Housing Register.
- Unacceptable behaviour is defined as behaviour that had the applicant been a tenant the Council or RP would have been entitled to a Possession Order under Section 84 of the Housing Act 1985 in relation to any of the Grounds in Part I of Schedule 2, other than Ground 8. Unacceptable behaviour includes behaviour such as: -
 - Non payment of rent.
 - Breaking or not performing an obligation of a tenancy.
 - Conduct likely to cause a nuisance or annoyance to others.
 - Domestic violence.
 - Using a dwelling or allowing it to be used for immoral or illegal purposes.
 - Committing a serious arrestable offence in or in the vicinity of a dwelling.
 - Deliberate damage to home.
 - Knowingly or recklessly giving false statements in relation to a housing application.
 - Harassment.
- This decision will be based on the circumstances at the time of the application and the Council will consider all relevant circumstances in reaching its decision, for example, the health of the applicant, any dependants and reports from other agencies such as the Police and Environmental Services.
- An applicant who has, in the past, been deemed ineligible due to unacceptable behaviour may make a fresh application if he or she considers their behaviour should no longer be held against them due to changed circumstances. Applicants will be deemed ineligible for a period of 2 years unless he or she can show that his or her circumstances or behaviour has changed.
- Some classes of people travelling or living in the United Kingdom are not entitled to housing by the Local Authority on the basis of their immigration status as detailed in Section 160A of the Housing Act 1996 as amended. Where an application form indicates that this may be an issue, checks will be made to confirm the eligibility status of an applicant.

5.5 Cancelled Applications

An application will be cancelled in the following circumstances if the applicant:

- Accepts a tenancy with the Council or an RP.
- Becomes a joint tenant with an existing tenant of the Council or RP.
- Is assigned a tenancy.
- Is granted a new secure tenancy on the death of a successor or when no-one is eligible to succeed to a tenancy.
- Buys a property through the Help to Buy Scheme.
- If an Introductory Tenancy has been terminated or is in the process of being terminated owing to unsatisfactory conduct.
- Requests a cancellation.
- Does not respond to a review letter or other correspondence.
- Moves and does not tell the Council the new address.
- Status changes within the Asylum and Immigration Act currently in force
- Has supplied false or incomplete information connected with their registration.

Before removing a person from the Register, the Council will give him or her 21 days notice of this action. Where an applicant is removed from the Housing Register other than at his or her request, the Council will inform them in writing of its decision, the reason for it and the right to request a review.

5.6 Debts with Local Authority or Registered Providers (RPs)

Applicants can apply to go on the Housing Register if they owe monies to the Local Authority or any RP; however they may not be offered a property if they have rent arrears or any other housing related debt. Allocations will be at the discretion of the Council or RP. Debts may include:

- Rent Arrears
- Former Tenancy Arrears
- Housing Benefit Overpayment
- Council Tax
- Court Costs
- Repair Re-charge
- Supporting Charge
- Supporting Charge Overpayment

5.7 Deliberately Worsening Circumstances

If the Council considers that an applicant has acted unreasonably to make their housing circumstances deliberately worse than their previous accommodation without good reason or with the aim of qualifying for a higher banding, no additional priority will be awarded. Applicants will retain the Banding and priority they held before worsening their circumstances.

The applicant can request a review of this decision after 12 months. If on appeal the restriction is removed the application will be placed in the band that reflects their current circumstances.

5.8 Change of Circumstances

Changes of Circumstances should be notified to the Housing Advice Team as soon as possible, using the Change of Circumstances form. The form should be fully completed and be used for the following:

- Any confirmed pregnancy.
- Any member of the family or any other person on the application who has left the accommodation.
- Any changes of name.
- Any additions to the family (Proof of residence and ID will be required).
- Any change in income or savings.
- Changes in status of accommodation (e.g. Notice to Quit).

If an applicant has changed address a new application form should be completed. Providing that there is no break in the timescale, the date of application will be taken from the first application that was accepted by the Council; however the housing priority may be adjusted accordingly.

Where a register entry is amended following receipt of a completed Change of Circumstances form, the Council will notify the applicant concerned in writing.

5.9 False Statements and Withholding Information

Under Section 171 of the Housing Act 1996, it is a criminal offence for applicants to knowingly give false information or to withhold information relevant to their application. A fine of up to £5,000 may be imposed by the Court if the applicant is found guilty. An offence may be committed if an applicant knowingly gives false information, or knowingly withholds information which the Housing Advice Team has reasonably requested on the Housing Application form. An offence will be committed if the applicant allows a third party to provide false information on their behalf or at their instigation.

6. HOW THE SCHEME OPERATES

Lettings will be made in line with the Council's HomeChoice Allocation Scheme based on the greatest housing need, the best fit for the property advertised and time on the waiting list within the designated preference Band.

The Council will ensure that preference is given to the following applicant categories as set out in S167 (2) of the Housing Act 1996. The five groups of individuals who are entitled to reasonable preference are:-

1. People who are 'homeless', within the meaning of Part VII of the Housing Act 1996;
2. People who are owed a particular statutory duty by any local housing authority under certain provisions of homelessness legislation;
3. People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
4. People who need to move on medical or welfare grounds, including grounds relating to a disability; and
5. People who need to move to a particular locality in the District of the local housing authority, where failure to meet that need would cause hardship, to themselves or to others.

6.1 Banding

Each of the five categories of applicants entitled to reasonable preference requires detailed and careful consideration and applicants will be placed in bands as follows:-

Band 1
Applicants within the following categories would be included in Band 1:
1. Homeless applicants where the Council has accepted a duty under Part VII of the Housing Act 1996 as amended.
2. Medical Priority is granted in exceptional circumstances, when the applicant or a member of the applicant's household has an immediately life threatening or progressive condition which is seriously affected by their current housing. (Home owners who are adequately housed, or whose needs can be met through the sale or adaptation of the property will not be awarded medical priority but will be advised of their options and provided with advice and assistance).
3. People moving on from Supported Housing Projects under agreed referral arrangements between Supported Accommodation Providers and Warwick District Council.
4. Special Agency Referral such as Warwickshire County Council Adult Health and Community Services, Children, Young People and Families Services and Probation. Referrals will be made under agreement with the departments concerned.
5. Extraordinary cases.

All applicants in Band 1 will have this priority for up to 12 weeks. The 12 week period will commence from the date the applicant is registered in Band 1.

During this period only one reasonable and suitable offer of accommodation will be made to discharge any duty the Council owes.

The Housing Advice Team will at its discretion, be able to make bids on behalf of applicants for any suitable properties that become available. Should such a bid be successful any duty owed by the Council will be discharged.

If an applicant has a successful bid, they will be offered that property as long as they meet the criteria and it is considered reasonable and suitable for their needs. Once the offer has been made the applicant will no longer be able to bid for properties.

If in the event an applicant refuses the offer, notwithstanding any request for a review, their application will be reassessed and moved to the appropriate Band with their original date of registration being reinstated. The same is true if an applicant's circumstances change or they make alternative arrangements to meet their housing need.

If during this period an applicant has not been housed or been made an offer of suitable accommodation their case will be reviewed. In these circumstances either the time period will be extended or one final direct offer of suitable and reasonable accommodation will be made.

Band 2

Applicants within the following categories would be included in Band 2:

1. Medical and Welfare Priority may be awarded when an applicant or a member of the households current housing conditions are having a major adverse effect on their medical condition and welfare but whose need to move is less urgent.
(Home owners who are adequately housed, or whose needs can be met through the sale or adaptation of the property will not be awarded medical priority but will be advised of their options and provided with advice and assistance).
2. Households in priority need and threatened with Homelessness through no fault of their own (This priority will only be awarded where the applicant is co-operating with the Council to try to prevent homelessness).
3. Non-priority, unintentionally homeless applicants.

<p>4. Existing households who are Council and Housing Association tenants within the District and who are overcrowded.</p> <p>The following guide is used to determine whether or not a family meets the bedroom standard. The Council considers that each of the following require one bedroom:-</p> <ul style="list-style-type: none"> • An adult couple. • Any other person aged 16 or over. • Two children of the same sex under the age of 16 • Two children under the age of 10 regardless of their sex • Any other child whose main and principal home is with the applicant and they live there permanently
5. Households subject to a Demolition or Closing Order.
6. Existing Council and Housing Association tenants within the District who are under-occupying their current accommodation by more than 1 bedroom and would move to smaller accommodation that would be more suitable to meet their change in need, thereby vacating a larger social housing property for re-letting.
7. Armed Forces applicants with 3 years or more service and having lived in the District for 2 years prior to joining, within 12 weeks of their discharge date.
8. Succession Cases.
<p>Band 3</p> <p>Applicants within the following categories would be included in Band 3:</p>
1. Households in priority need who have been determined to have become homeless intentionally.
2. People who are neither an owner or tenant.
3. Families with young children under 16 years living on the second floor or above (ground and first floor are acceptable).
4. Applicants lacking or sharing more than one facility for example bath, toilet, kitchen, with another household.
5. Applicants in housing need without a local connection.
<p>Band 4</p> <p>Applicants within the following categories would be included in Band 4</p>
1. All applicants without a housing need with or without a local connection including transfers.
2. Home Owners.

6.2 Quotas and Monitoring

The Scheme will include quotas for allocations to Bands 1, 2 and 3; this will enable a greater spread of available properties to each Band, whilst ensuring there is sufficient properties for Band 1 in order for the Council to meet its statutory duties.

50% of the properties will be advertised for Band 1, 30% for Band 2 and 20% for Band 3.

Band 1 applicants will only be able to bid for properties advertised in Band 1.

This will not preclude applicants from the other Bands bidding for properties in Band 1 but the advert will clearly state that Band 1 applicants will be given priority.

Age restricted properties will not be included within the quotas. Bidding will take place in the normal way and preference will be given to the applicants with the highest priority.

Band 4 will be able to bid but will only be considered for low demand properties where no other bids have been successful.

Allocations will be monitored on a quarterly basis so that quotas can be altered should there be any risk that the reasonable preference requirements are not being met.

6.3 Property Size and Letting Guidelines

Property size and letting guidelines are provided to:-

1. Enable the Council and its Partner Landlords to make the best use of the housing stock.
2. Assist applicants in making informed choices from the properties available.
3. Help fulfil the Council's responsibilities to people in need.
4. Contribute to Sustainability and Social Inclusion.

For property size and type an applicant would be eligible to bid for see Appendix 1.

Eligibility for any vacant property will be specified within the advert.

Landlords will have the right to refuse to let properties which are considered unsuitable for the applicant.

Although applicants are permitted to bid for properties one bedroom in excess of their need, when letting preference will be given to the applicant who has the greatest need for that size of property.

Due to the scarce resource of 4 and 5 bed properties in the District, applicants with this need will be allowed to bid for 3 bed properties. The Landlord will reserve the right to refuse if the allocation would cause statutory overcrowding.

In some circumstances the Council may restrict the sort of property or area an applicant can apply for. It will do this if there are concerns about the risks the applicant poses or which are posed to the applicant in a specific location or property type. This decision may be part of a multi agency risk assessment.

6.4 Advertising

All landlords within the Scheme advertise their properties on a fortnightly cycle. The advert goes live every other Thursday and runs for a week, i.e. 12.01 am Thursday (week one), to 12:00 midnight the following Wednesday, (week 2).

Properties are advertised through:

1. The Council and Housing Association Offices.
2. Supported Housing Providers.
3. Website at www.warwickdc.gov.uk.
4. The local Observer newspaper.
5. Parish Council Notice Boards.
6. Community Centres.
7. Local Libraries and One Stop Shops.

The properties advertised will generally be accompanied by the following information:

1. Type of property.
2. Number of bedrooms or number of people suitable for the property.
3. Location.
4. Any adaptations and level of accessibility for people with mobility problems and wheelchair users.
5. Rent charges and Service Charges.
6. Any specific letting criteria ie age or number of children restrictions.
7. Landlord.
8. Property reference number.
9. If there are any age restrictions, for example if a property is only suitable for people aged 60+.

The advert will identify the relevant Band that will be given priority. If a bid is not received from the preferred Band, the letting will be made to the highest placed applicant bidding from the next Band.

6.5 Expressing an Interest (Bidding)

Applicants may only express an interest (bid) if they are eligible for the type of property advertised.

Applicants can express their interest in the following ways:

- In person at the Council Offices.
- By phone.
- On the website.

Applicants can apply for up to **5** properties in any one advert but will need to state their order of preference, successful applicants can only be considered for 1 property at a time. All adverts will carry a deadline by which expressions of interest will need to have been registered. Any expressions received after the closing date for the advert will not be considered.

The Council will offer support and assistance to applicants in making bids and can make bids on their behalf.

6.6 Shortlisting

Once the bidding round has closed properties will be offered to applicants on the basis of highest need:-

- If more than one person bids for a property, it will go to the applicant who matches the criteria for the property in the advertised Band and with the highest degree of need and the longest waiting time.
- Where two or more applicants expressing an interest in a vacant property have equal priority, preference will be given to the applicant who has been on the register the longest.
- Where two or more applicants with exactly the same level of priority and time waiting on the register express an interest in the same property, the allocation will be made to the applicant who expressed an interest first.

Properties will be allocated to the applicant who has the greatest need for the size of property advertised and has waited the longest in each Band.

Landlords will have the right to refuse to allocate properties which are considered unsuitable for an applicant. Reasons for refusal may for example include:

- Medical grounds,
- Where an applicant has bid for an adapted property for which they do not have a need
- Where an applicant poses a risk to the Community or the applicant is at risk in a specific location or property type.

The successful bidder will be notified in writing within a week of the bidding period closing and the application will be validated. The results of each bidding round are available on the Council's website www.warwickdc.gov.uk.

A property designated as over 60+ will be determined as low demand if after one advert no successful bids are received. In such cases a direct offer may be made by the relevant landlord on a first come first served basis.

7. MEDICAL AND WELFARE NEED FOR HOUSING

7.1 Medical Need

The Council gives medical priority depending on how unsuitable an applicant's current accommodation is in relation to their medical needs.

A medical condition can include a physical or mental illness, disability or incapacity. The information provided on the Self Assessment Medical form will form the basis of the medical assessment. Verification may be required by writing to a general practitioner, health professional or through a home visit. Information provided by general practitioners, health professionals and or other agencies will be taken into account but may not result in medical priority being awarded. Each case will be assessed on its individual merits based on independent medical evidence received.

Priority may only be awarded if repairs or adaptations to the property that will ease the medical condition cannot be reasonably carried out or enforced.

Medical Priority will be awarded as follows:

- Band 1 priority is granted in exceptional circumstances, when the applicant or a member of the applicant's household has an immediately life threatening or progressive condition which is seriously affected by their current housing. This would include for example, applicants who are discharged from hospital and their home is totally unsuitable for their needs or those who are completely housebound because of the type of accommodation they live in.
- Band 2 may be awarded when an applicant or a member of the households current housing conditions are having a major adverse affect on their medical condition but whose need to move is less urgent.
- No medical priority will be granted where the affect of housing conditions on health is moderate, slight or variable and there is no material impact on the health of an applicant and the accommodation is suitable for medical needs.
- No priority will be awarded if the applicant is not capable of independent living. These cases will be referred to the relevant Social Services team

Where an applicant is to be rehoused partly or wholly due to a medical assessment, the Council may consider a departure from the Council's Policy restrictions on type, size and location. Where priority is awarded it will only be for a property type that will resolve the housing need. For example, if an applicant is awarded priority for ground floor property because the stairs in their current home present a barrier, then they will only be considered for ground floor properties. They will not be considered for a house unless there are exceptional circumstances.

Home owners who are adequately housed, or whose needs can be met through the sale or adaptation of the property will not be awarded medical priority but will be advised of their options and provided with advice and assistance.

7.2 Welfare Need

Applicants may wish to apply for rehousing on welfare grounds. In such circumstances priority may only be awarded where housing or the domestic situation severely affects the welfare of the applicant. Examples of this may include:

- To give or receive care and support to a family member where no alternative support is available.
- Need for rehousing to avoid hardship to self or others as jointly assessed by the Housing Authority and another relevant professional agency.
- The applicant is living in such insanitary conditions that their health or welfare is severely prejudiced, and there are no remedies available to improve the conditions.
- Where a recommendation is made to transfer existing tenants of the Local Authority or RSLs due to being victims of violence or harassment, racial or other, in accordance with local Policy. Wherever possible appropriate remedies will be taken to resolve the situation rather than move the victim.
- Where children have been identified as vulnerable, following a joint assessment by the Housing Authority and Children, Families and Young People Services, and settled accommodation is essential.

8. EXTRAORDINARY CASES

An applicant may be considered for Extraordinary Case Priority if they have:-

- An urgent and immediate need for housing, the circumstances of which are unusual and are not covered by the Allocation Scheme.

Priority will only be given if the housing need/s cannot be resolved, or cannot be resolved quickly enough through the main Housing Register.

9. NOMINATION AGREEMENTS WITH SUPPORTED ACCOMMODATION PROVIDERS

Referral arrangements are agreed with the individual Supported Accommodation Providers for applicants leaving their accommodation. The Housing Advice Team will award priority if they are satisfied that the applicant is ready and able to live independently and a move on package is in place.

The Council's referral arrangements are with the following Providers with Supported accommodation in the district:-

- Mayday Trust
- Chapter1
- Salvation Army
- Fry Housing Trust
- South Warwickshire Plato Trust
- Orbit (YHP)

10. SPECIAL AGENCY REFERRAL

Referrals may also be received from:

- Warwickshire County Council Adult Health and Community Services and Children, Young People and Families Services
- Probation (no more than 5 a year)

Referrals will be made under agreements with the Departments concerned and applicants must generally meet the eligibility criteria. Children's Act responsibilities are also considered.

Examples of the groups of applicants who may be assisted under this arrangement are:

- Young People Leaving Care.
- Applicants with Mental Health issues.
- Applicants with Learning Disabilities.
- Referrals from Probation.

11. MULTI AGENCY PUBLIC PROTECTION ARRANGEMENTS (MAPPA)

MAPPA meetings are required by law. The Housing Strategy Service representative attends monthly meetings where multi agency information is shared in relation to the housing of high risk offenders. High risk offenders are able to apply to join the register and make bids for properties. However, before an offer of accommodation is made to a high risk offender, full consultation and a risk assessment will be undertaken with the relevant support agencies. Warwick District Council reserves the right not to offer a property to a high risk offender where they consider, on the basis of the information that is available to them, that the offer is likely to result in harm to either the victim or the offender themselves.

In some instances, depending on the nature and merits of an individual case, a direct offer of accommodation may be made to a high risk offender rather than a let through the HomeChoice Allocation Scheme.

12. MANAGEMENT LETS

In some very urgent circumstances the Council and RPs may reserve a property before it is advertised to offer it as a Management Let. Examples of such cases include:

- To provide emergency interim or temporary accommodation following a fire or flood.
- To provide a decant property for tenants affected by regeneration work.
- An urgent and immediate need for housing, the circumstances of which are unusual in nature and not covered by the Allocations Policy.

13. APPEALS AND REVIEWS

Applicants will be notified in writing of decisions taken on their application.

The notification will give clear grounds for the decision, which are based on the relevant facts of the case.

Under section 167 of the Housing Act 1996, an applicant has the right to request a Review on certain decisions. This right will be made clear in such decision letters.

The following decisions have a right of Review:

- Ineligible applicants due to immigration status or persons from abroad who have failed the habitual residence test;
- Not to accept an applicant on to the Housing Register or give an applicant any preference because of unacceptable behaviour serious enough to make him unsuitable to be a tenant;
- Not to give an applicant any preference because of the financial resources available to him or her;
- Not to make an allocation to an applicant, when it has been considered he or she would not be capable of independent living;

- The suitability of accommodation offered to an applicant in discharge of the Council's duty under the provisions of Part VII of the Housing Act 1996 (Housing the Homeless);
- The outcome of a request for welfare or medical priority.

Any request for a Review must be made within 21 days of the applicant being informed in writing of the Council's decision. The Review will be carried out by one of the following, Housing Advice Liaison Officer, Housing Advice Manager or a Senior Officer not involved in the original decision.

A person will be notified in writing of the outcome of a Review, within 28 days of receiving the request, detailing the reasons for the decision.

14. ADAPTED PROPERTIES

There are a number of properties which have adaptations and are suitable for applicants with disabilities. All adapted properties will be advertised through the HomeChoice Allocation Scheme, however, preference for such accommodation will be given to those people who have the appropriate level of need and clearly require this type of accommodation.

In some cases applicants may have a medical need for ground floor flats, bungalows and disabled persons properties. In such cases their registration details will be amended so they qualify to bid for them.

15. OTHER HOUSING OPTIONS

Warwick District Council is an area of high housing demand and need. In recognition of the extreme pressures on affordable housing in the District and in accordance with Section 166 of the Housing Act 1996, the Council will provide applicants with advice and assistance about a range of housing options available from itself and from partner landlords. Each partner may offer slightly differing schemes as part of their housing options and advice services. These may include the following:

15.1 Rent Deposit and Bond Schemes

The District Council provides homeless households or those threatened with homelessness with the deposit required by landlords to enable them to rent a property in the private sector.

Persons who may be eligible for assistance are those who are:

- Resident within Warwick District.
- Eligible for housing (see Section 5)
- Risk of becoming homeless.

Properties are inspected and safety checks are carried out prior to the tenancy commencing, the minimum period for a tenancy is twelve months.

15.2 Low Cost Home Ownership

The affordable housing on all new developments in the District both Rented and Shared Ownership are advertised through the HomeChoice Allocation Scheme.

Orbit Housing Association are the agents for a number of Help to Buy Schemes in the Warwick District Council area.

For more information on Help to Buy and to view properties available in the West Midlands please visit www.orbithelptobuy.co.uk.

15.3 Under Occupation Incentives

The Local Authority and RPs offer incentives for under-occupation, if an applicant is interested in participating they would need to contact their respective landlord for further information.

For Council Tenants the following incentives are available for under-occupation:-

A Resettlement Service will be offered to applicants on the Common Housing Register who successfully bid for a specified low demand property advertised under the Homechoice Allocation Scheme.

The Transfer Incentive Grant Scheme is a fixed incentive payment made to Secure Tenants of the Council who transfer from three or four bedroom family-sized general needs accommodation (houses, maisonettes or flats) to one or two bed roomed flats.

15.4 Mutual Exchanges

A Mutual Exchange is where two or more Council or Housing Association tenants swap their homes. It does not involve any property becoming empty. As the Housing Register becomes longer a Mutual Exchange is often the quickest way of moving.

There is a national scheme called Homeswapper which tenants can join free of charge if their Landlord subscribes to the Scheme, otherwise there is a small administration fee. The website address is www.homeswapper.co.uk.

The landlords consent is required before any Mutual Exchange can take place. Consent will not be unreasonably withheld. The grounds for refusal of consent would be:-

- Exchanges leading to overcrowding and or under occupation of one of the landlord's properties.
- Exchanges where recovery or legal action is being taken against either tenant because of rent arrears or other breaches of tenancy conditions.
- Exchanges to the landlord's special needs accommodation where this is not required by the applicant or a member of his or her household.
- Where the accommodation has been provided under S106 Housing Scheme and the incoming tenant does not qualify.
- Where the tenancy agreement does not permit exchanges between tenants.

16. OTHER CHANGES OF TENANCY

16.1 Succession

If an applicant dies while a tenant, the tenancy will pass to their husband, wife or partner, if they lived with them in the property at the time of the death. If the applicant does not have a spouse or partner, the tenancy may pass to another relative if they had been living with them continuously for the 12 months before their death. This is called 'Succession'.

If the tenancy passes to the applicants spouse or partner, the Council or RP may not move them if they want to stay in the property. If the tenancy passes to another relative and it is larger than they need, the landlord may require them to move to another suitable property.

Tenants should seek advice from their landlord regarding any Succession rights.

16.2 Assignments

Sections 91 and 92 of the Housing Act 1985 set out the circumstances in which a tenant may be able to assign their tenancy.

Whether or not an applicant can assign their tenancy depends on the type of tenancy they have and the suitability of the accommodation the tenant is looking to assign. Tenants should seek advice from their landlord regarding any rights they may have to assign their tenancy.

17. LOCAL LETTINGS POLICY

Local Letting Policies will be considered in addition to the HomeChoice Allocations Scheme for both urban and rural areas to make the best use of new and existing stock and to create sustainable communities. Our Partner landlords may choose to operate a local lettings policy for particular schemes or types of housing, giving preference to specific groups of applicants. Where this is the case, advertising will clearly indicate which applicants will be given preference.


APPENDIX 1

PROPERTY SIZE AND LETTINGS GUIDELINES

	Studio Flat/Bedsit	Bedsit Bungalow (Sheltered)	1 Bed Flat or Maisonette	1 Bed Bungalow (Sheltered)	1 Bed House	2 Bed Flat or Maisonette	2 Bed Bungalow (Sheltered)	2 Bed House	3 Bed Flat or Maisonette	3 Bed Bungalow	3 Bed House	4 Bed Flat or Maisonette	4 Bed House	5 Bed House
Single Person	✓		✓		✓	✓								
Partners (Couples)			✓		✓	✓								
2 or more Adults Sharing						✓			✓	✓				
Households with 1 dependent						✓		✓	✓	✓	✓			
Households with 2 dependents (who can share)						✓		✓	✓	✓	✓			
Households with 2 dependents (who need a bedroom each)									✓	✓	✓	✓	✓	
Households with 3 dependents (where 2 dependents can share)									✓	✓	✓	✓	✓	
Households with 3 dependents (who need a bedroom each)									✓	✓	✓	✓	✓	✓
Households with 4 dependents (where dependents can share)									✓	✓	✓	✓	✓	
Households with 4 dependents (where 2 dependents can share)									✓	✓	✓	✓	✓	✓
Households with 4 dependents (who need a bedroom each)									✓	✓	✓	✓	✓	✓
Households with 5+ dependents									✓	✓	✓	✓	✓	✓
Single Person 60+	✓	✓	✓	✓	✓	✓	✓							
Couple 60+			✓	✓	✓	✓	✓							

Under the HomeChoice Policy, a dependent child is classed as under 18 years of age.

Some properties have age and other restrictions. Please check property adverts for details.

 Executive 1 July 2015		Agenda Item No. 4
Title	Review of the Contaminated Land Inspection Strategy	
For further information about this report please contact	Grahame Helm (01926 456714) environment@warwickdc.gov.uk	
Wards of the District directly affected	All	
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?	No	
Date and meeting when issue was last considered and relevant minute number		
Background Papers	Email consultation responses from – Public Health England 07/04/15 Natural England 09/04/15 Coventry City Council 09/04/15 Head of Development Services 20/05/15	
Contrary to the policy framework:		No
Contrary to the budgetary framework:		No
Key Decision?		No
Included within the Forward Plan? (If yes include reference number)		No
Equality and Sustainability Impact Assessment Undertaken		No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	08/06/15	Chris Elliott
Head of Service	01/06/15	Richard Hall
CMT	08/06/15	Andrew Jones
Section 151 Officer	08/06/15	Mike Snow
Monitoring Officer	27/05/15	Andrew Jones
Finance	08/06/15	Mike Snow
Portfolio Holder(s)	09/06/15	Councillor Moira-Ann Grainger
Consultation & Community Engagement		
The following organisations have been consulted – Environment Agency Natural England Warwickshire County Council Warwickshire Public Health Public Health England		
Stratford upon Avon District Council Rugby Borough Council Nuneaton and Bedworth Borough Council North Warwickshire Borough Council Coventry City Council		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. **SUMMARY**

- 1.1 The report invites the Executive to adopt an updated Contaminated Land Inspection Strategy which will replace the original document published in 2001.

2. **RECOMMENDATION**

- 2.1 To adopt the updated Contaminated Land Inspection Strategy as contained in Annex 1.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Within the Constitution, any decision on a function relating to contaminated land must be taken by the Executive.
- 3.2 A recent Internal Audit of environmental protection functions, whilst recording a substantial assurance for the service, identified that the current strategy comes across as unduly elaborate and backward looking. The report recommended that the Contaminated Land Inspection Strategy should be revised to reflect the current approach to discharging the Council's obligations on contaminated land.

4. **POLICY FRAMEWORK**

- 4.1 **Policy Framework** – One of the strategic aims of the Sustainable Community Strategy is to protect and enhance the built and natural environment and the National Planning Policy Framework (NPPF) also presumes in favour of sustainable development. The Council's draft Local Plan contains a policy (NE5) which provides a basis for addressing contamination and pollution locally ensuring that where evidence of contamination exists, the land is made fit for its intended purpose and does not pose an unacceptable risk to sensitive receptors.
- 4.2 **Fit for the Future** – The Council's purpose is to improve the quality of life for everyone who lives in, works in or visits Warwick District. With our partners, we aspire to build sustainable, safer, stronger and healthier communities. Ensuring contaminated land is remediated before development will contribute to this objective.
- 4.3 **Impact Assessments** – Should enforcement action ever be required under Part 2A of the Environmental Protection Act 1990, costs to the landowner could be significant and adversely impact those in hardship. In this event, a case-specific impact assessment would be carried out and reported to the Executive for further consideration.

5. **BUDGETARY FRAMEWORK**

- 5.1 There are no budgetary implications arising from this report. Contaminated land investigation is contained within the core service provision.

6. **RISKS**

- 6.1 The current Contaminated Land Inspection Strategy gives a misleading impression about the Council's management approach.

7. ALTERNATIVE OPTION(S) CONSIDERED

- 7.1 The proposed new strategy reflects current good practice amongst other local authorities who have already updating theirs and, given the Internal Audit report, no alternative is proposed.

8. BACKGROUND

- 8.1 Regulations under Part 2A of the Environmental Protection Act 1990 require local authorities to produce a strategy to identify, inspect and remediate contaminated land within their area. The original strategy was adopted in 2001 and was some 71 pages in length which Internal Audit recognised could be much shortened by focussing on the current approach and following an essentially responsive regime linked to the planning process. This approach was adopted in 2011.
- 8.2 As well as external consultees listed above, The Head of Development Services has been consulted and her comments have been incorporated into the new document.
- 8.3 Currently there are approximately 150 sites across the district which have been identified as potentially contaminated but none have been prioritised as posing a significant risk to public health. It is therefore considered that all these sites could be reviewed as they come forward for re-development.



Contaminated Land Inspection Strategy

Warwick District Council

Update of Contaminated Land Strategy June 2001

Prepared by
Environmental Sustainability Manager
Health and Community Protection
Riverside House
Milverton Hill
Royal Leamington Spa
CV32 5HZ

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Introduction

Section 57 of the Environment Act 1995 created Part 2A of the Environmental Protection Act 1990 ("Part 2A") which establishes a legal framework for dealing with contaminated land in England. Part 2A defines contaminated land as

- any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land that
 - (a) significant harm is being caused or there is a significant possibility of such harm being caused; or
 - (b) significant pollution of controlled waters is being caused, or there is a significant possibility of such pollution being caused. (Section 78A(2)).

"Harm" means harm to the health of living organisms or other interference with the ecological systems of which they form part and, in the case of man, includes harm to his property (Section 78A(4)).

Under Part 2A the Secretary of State issues Statutory Guidance on how local authorities should determine which land is contaminated land. In April 2012 revised Statutory Guidance was published which supersedes the previous guidance which was published as Annex 3 of Defra Circular 01/2006. The aim of the new guidance is to simplify the contaminated land regime and provide greater clarity to regulators in deciding whether land is or is not contaminated land.

Land which has been determined can be further designated as a Special Site, from which point regulation becomes the responsibility of the Environment Agency. A Special Site is defined in the Contaminated Land (England) Regulations 2008 as one which is affecting controlled waters in certain specific circumstances, or where a particular range of activities have caused the contamination.

The Statutory Guidance also provides further information on the duty of local authorities to inspect their areas with a view to identifying contaminated land. It describes two broad types of "inspection" –

- (a) strategic inspection, for example collecting information to make a broad assessment of land within an authority's area and then identifying priority land for more detailed consideration; and
- (b) carrying out the detailed inspection of particular land to obtain information on ground conditions and carrying out the risk assessments which support decisions under the Part 2A regime relevant to that land.

Warwick District Council ("the Council") first published a Contaminated Land Inspection Strategy in June 2001. This document has been updated and simplified to reflect current guidance and context. In it, the Council sets out:

- its aims, objectives and priorities, taking into account the characteristics of its area;
- the relevant aspects of the Warwick district;
- its approach to strategic inspection, the prioritisation of detailed inspection and remediation activity;
- how Part 2A fits with its broader approach to dealing with land contamination, using other legislation, voluntary remediation or as part of wider regeneration work; and
- how in its approach to Part 2A and land contamination, the Council will seek to minimise unnecessary burdens on the taxpayer, businesses and individuals where it is reasonably practicable to do so.

In producing this strategy, the Council has consulted with the following bodies:

- Environment Agency;
- Natural England;
- Warwickshire County Council;
- Warwickshire Public Health;
- Public Health England CRCE;
- Stratford upon Avon District Council;
- Rugby Borough Council;
- Nuneaton and Bedworth Borough Council;
- North Warwickshire Borough Council;
- Coventry City Council.

The strategy will be reviewed again following any significant changes to legislation or guidance.

Source–Pathway–Receptor Terminology

Assessment of contaminated land requires recognition of three main components

- the **source** ie. the hazardous substances on, in or under the ground,
- the **receptor** ie. the specified entity which is vulnerable, or could be vulnerable, to the adverse effects of the hazardous substances,
- the **pathway** ie. the means by which a hazardous substance is able to come into contact with a receptor.

On any individual site there may be one or more of each of these components. However all three must be present with a clear relationship or linkage between them for a risk to exist. The degree of risk and whether it is sufficiently serious to warrant action depends primarily on the nature of the relationship between these components.

A risk-based “suitable for use” approach using the concept of source-pathway-receptor linkage reflects national policy on contaminated land. Under the Planning and Building Control legislative regimes, risk assessment is based on “suitable for next use” (eg. a change from industrial to residential and therefore a change in receptors). Under the contaminated land legislative regime, and the statutory definition of contaminated land, the risk assessment is based on “suitable for current use”.

The receptors recognised as being potentially sensitive in Part 2A are:

- human beings
- ecological systems or living organisms forming part of a system within certain protected locations
- property in the form of buildings
- property in other forms (eg. crops, livestock, etc)
- controlled waters (eg. rivers, lakes, streams, etc)

Warwick District Council's Aims, Objectives and Priorities

The Council's vision for Warwick District (which we share with our partners), as set out in the Sustainable Community Strategy is **"to make Warwick District a Great Place to Live, Work and Visit"**.

The Council and its partners are trying to deliver this vision together through the Sustainable Community Strategy. This sets out the approach to address 5 key priorities:

- Safer Communities
- Health and Wellbeing
- Housing
- Prosperity
- Sustainability

In support of these key priorities, the aims and objectives of this Contaminated Land Inspection Strategy are therefore:

- **To identify and remove unacceptable risks to human health and the environment**

The Council's starting point will be that land is not contaminated unless there is reason to consider otherwise. Only land where unacceptable risks are clearly identified after a risk assessment has been carried out in accordance with the Statutory Guidance, will be considered as meeting the Part 2A definition of contaminated land.

The Council may need to decide whether and how to act in situations where such decisions are not straightforward, and where there may be unavoidable uncertainty underlying some of the facts of the case. In so doing, the Council will use its judgement to strike a reasonable balance between:

- (a) dealing with risks raised by contaminants in land and the benefits of remediating land to remove or reduce those risks; and
- (b) the potential impacts of regulatory intervention including financial costs to whoever will pay for the remediation (including the taxpayer where relevant), health and environmental impacts of taking action, property blight, and burdens on affected people.

- **To seek to ensure that contaminated land is made suitable for its current use and all reasonable likely future uses of the land that would not require a new or amended planning permission.**

The Council will take a precautionary approach to the risks raised by contamination, whilst avoiding a disproportionate approach given the circumstances of each case. The aim will be to consider the various benefits and costs of taking action with a view to ensuring that the intervention produces net benefits, taking account of local circumstances in each case.

- **To ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development**

The Council will take a strategic approach to carrying out its inspection duty. This approach will be rational, ordered and efficient, and it will reflect local circumstances in the Warwick District. This Strategy, which has been formally adopted, will be kept under review to ensure it remains up to date, especially in the event of changes to the Statutory Guidance.

The Council will seek to minimise unnecessary financial burdens; for example by encouraging voluntary remediation to deal with land contamination issues as far as it considers reasonable and practicable. This will involve taking a broader approach to dealing with land contamination particularly through the planning (development control) system. The Council will seek to use Part 2A only where no appropriate alternative solution exists.

A Description of Relevant Aspects of Warwick District Council's Area

The Warwick District covers an area of 282 square kilometres lying in the heart of England, bounded by Solihull MBC and Coventry City Council to the north, Rugby Borough Council to the east, and by Stratford Upon Avon District Council to the south and west. The character of the district is inexorably linked to the character of the land, being predominantly rural with four main towns of Warwick, Kenilworth, Royal Leamington Spa and Whitnash. There are comparatively few sites of historic heavy industrial use and smaller scale sites where minerals have been exploited are scattered throughout the district.

Known former land uses that have the potential to cause contamination include gasworks, foundries, railway land, landfill sites, petrol filling stations and timber treatment yards.

'Background' and 'Normal' Levels of Contamination

Natural geology and common human activities have resulted in levels of contamination which can be considered as 'normal' or 'background' for a certain area. The British Geological Survey's project on Normal Background Concentrations of Contaminants suggests that the district is unlikely to contain areas of naturally metal enriched soils due to the solid geology underlying the district.

Pathways

Contamination pathways by which contamination can move in the subsurface are affected by the underlying soils, geology and hydro-geology. In the Warwick district, the geology can be broadly divided into:

- i. solid geology comprising sedimentary rocks ranging from Carboniferous to Jurassic in age;
- ii. superficial drift deposits comprising glacial and post-glacial clays, sands and gravels.

The rocks forming the solid geology generally dip at a shallow angle towards the southeast, the older rocks therefore being exposed in the north of the District. The drift deposits occur across most of the District and are generally fairly thin.

The oldest rocks belong to the Carboniferous Upper Coal Measures Tile Hill Mudstone Formation. These are overlain by Permian rocks of the Kenilworth Sandstone and Ashow Formation, although the precise age of the latter is uncertain. These rocks are generally found in the north-west of the District around Kenilworth and extend north towards Coventry. Following the deposition of the Carboniferous and Permian rocks, the region underwent a period of folding and faulting resulting in the formation of a syncline, gently plunging south-eastwards. A period of erosion followed before the deposition of Triassic and Jurassic rocks.

The Triassic rocks underlie the majority of the District and comprise the Sherwood Sandstone, Mercia Mudstone and Penarth Groups. The Jurassic rocks of the District comprise rocks of the Lower Lias and are only found as an isolated fault bound block just to the south-east of Whitnash.

The general deposition of superficial deposits consists of boulder clays predominating on higher ground and sands and gravels, river gravels and alluviums in the river valleys.

The Warwick District lies almost wholly within the catchment of the River Avon, which ultimately drains into the River Severn. Only the extreme north-western part of the District drains to the River Blythe, a tributary of the River Tame. The River Leam drains the eastern part of the District, whilst the remainder is drained by the River Avon and numerous small tributaries.

The Environment Agency's Groundwater Vulnerability Map for the area provides information on the groundwater beneath the District. This indicates that the majority of the District is underlain by non-aquifers, with much of the remainder classified as a minor aquifer with low to high vulnerability. There are, however, two small areas with major aquifer status within the District. Both of these comprise the exposed Triassic Sherwood Sandstone, just west of Kenilworth and a strip running north-east from Warwick to Bubbenhall and then north through Baginton towards Coventry.

Receptors

The main use of land in the District other than for residential use is for agriculture. Current industrial activity is generally restricted to a number of small-medium size estates.

Many uses of land are the responsibility of the Council, such as housing (approximately 6,000 properties) and open spaces. However, both the County Council and the District Council have limited land holdings in the District.

There are 2146 listed buildings (27 of which are listed as Grade 1), 41 scheduled ancient monuments and 29 designated conservation areas in the District. The District's biodiversity is also one of its major natural assets including

- 7 Sites of Special Scientific Interest (SSSI's)
- 50 Local Wildlife Sites
- 8 Regionally Important Geological sites
- 11 Registered Parks and Gardens (covering 4% of the district)

Severn Trent plc is responsible for supplying the majority of the District's drinking water but there are approximately 50 properties served by private supplies. The parts of the aquifers which are considered to form the catchments to public water supplies and certain private supplies have been defined as Source Protection Zones (SPZ's). All private supplies are regulated and

maintained in accordance with the Private Water Supply Regulations 2009 and, where relevant, have been subjected to risk assessments.

Sources

The Council holds some information on contamination in the District, primarily data submitted as part of the planning process but also records of some old landfill sites. If development is proposed on an area of land where past use may have resulted in contamination, the Council will request a site investigation as part of the planning conditions.

Future Development, Planning Context and Sustainable Development

The Council submitted its new Local Plan in January 2015 to the Secretary of State for examination. The Plan maps out the spatial vision for how the Warwick District will develop until 2029, seeking to maximise use of brownfield sites and only bring forward greenfield sites in sustainable locations. For example, strategic policy DS3 (Supporting Sustainable Communities) includes regenerating areas in need of improvement.

The new Local Plan makes provision for 12,860 new homes to be built between 2011 and 2029 and provide for 66 hectares of employment land to meet local need during the same period. When considering development proposals, the Council will take a positive approach that reflects presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). The Council will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Local Plan Policy NE5 – Protection of Natural Resources provides a planning policy basis for addressing contamination and pollution locally.

Health and Economic Status

Warwick District has a growing, ageing, ethnically diverse and highly skilled population. 90% of the 137,000 residents (2011 Census) live in the main urban areas of Kenilworth, Warwick, Whitnash and Royal Leamington Spa. The population has grown from 124,000 in 2000 – an 11% increase – and is forecast to continue to grow with potentially a 17% growth over the next 15 years. Relative to the West Midlands as a whole, the District has a strong local economy with higher than average levels of productivity and earnings compared with regional and national averages.

The District's relative prosperity masks some significant areas of deprivation. In particular, Lillington lies within the most deprived 20% of Super Output Areas nationally. Further, the changing needs of business means that some of the District's traditional industrial areas require regeneration, with many of these

areas located alongside the Grand Union Canal in Warwick and Royal Leamington Spa.

Strategic Inspection

Strategic inspection involves collecting information to make a broad assessment of land within the District and then identifying priority land for more detailed consideration. The Council will prioritise land which it considers most likely to pose the greatest risk to human health, or the environment, recognising that all soils contain substances which could be harmful to receptors, but in the significant majority of cases the level of risk is likely to be very low. For this purpose, “risk” will be taken to mean a combination of

- (a) the likelihood that harm, or pollution of water, will occur as a result of contaminants in, on or under the land; and
- (b) the scale and seriousness of such harm or pollution if it did occur.

If the Council identifies land where it considers there is a reasonable possibility of unacceptable risk, it will undertake a detailed inspection of the land to obtain sufficient information to decide whether it is contaminated land, subject to the Council’s prioritisation of sites for detailed inspection.

If at any stage the Council considers, on the basis of information obtained from inspection activities, that there is no longer a reasonable possibility that a significant contaminant linkage exists on the land, it will not carry out any further inspection in relation to that linkage. In some cases the process of strategic inspection, including prioritisation of detailed inspection activities, may give rise to property blight issues. The Council will seek to minimise or reduce such potential blight as far as it is considered reasonable. Notwithstanding the above, strategic inspection of sites will be reviewed where appropriate in the event of significant changes to legislation or guidance, or relevant new information becoming available.

When undertaking strategic inspection, the Council will consider potential sources, pathways and receptors in a rational, ordered and efficient manner. A repeatable, transparent and risk-based methodology will be used, based upon any identified pollution linkages and having regard to good practice guidance. Strategic inspection will form part of a robust decision-making process which complies with Part 2A and the Statutory Guidance. GIS systems will be used to document the process.

However the Council will not investigate potentially contaminated land solely using Part 2A. It is envisaged that the planning and building control systems will be used in the majority of occasions to ensure land is made suitable for use when it is redeveloped, and/or to encourage land owners to deal with problematic land as part of wider regeneration work. This broader approach may include encouraging developers of land affected by contamination to deal with the problems without the need for Part 2A to be used directly, for example through the use of planning conditions.

Progress with Strategic Inspection since Publication of the 2001 Strategy

Over the last 14 years, some 600 potentially contaminated sites were identified on the basis of their former land use. Desktop assessments resulted in 172 of these sites being prioritised for strategic investigation, the remainder either having already been remediated or noted as minor significance.

Strategic Inspection 2015 – 2020

There is a continued need to seek further information on potential pollutant linkages, in order to refine the prioritisation of sites for detailed inspection, until the point where it becomes clear that land is not contaminated. The Council will progress this work, in accordance with the principles outlined above, during the next five years.

Detailed Inspection and Remediation Activity

The Council will, directly or indirectly, undertake detailed inspection of land to obtain information on ground conditions and to carry out risk assessments to support decisions under the Part 2A regime. As with strategic inspection, the Council will focus on land which might pose an unacceptable risk and consider risk as the combination of:

- (a) the likelihood that harm, or pollution of water, will occur as a result of contaminants in, on or under the land; and
- (b) the scale and seriousness of such harm or pollution if it did occur.

The Council will use risk assessment to make robust decisions, having regard to good practice guidance and based on information which is:

- (a) scientifically-based;
- (b) authoritative;
- (c) relevant to the assessment of risks arising from the presence of contaminants in soil; and
- (d) appropriate to inform regulatory decisions in accordance with Part 2A, the Statutory Guidance and local circumstances.

The timing of detailed inspection will be subject to the Council's prioritisation following strategic inspection. If at any stage the Council considers, on the basis of information obtained from inspections, that there is no longer a reasonable possibility that a significant contaminant linkage exists on the land, it will not carry out any further inspection in relation to that linkage.

Where the Council carries out any intrusive investigation, it will do so in accordance with appropriate good practice technical procedures for such investigations.

When deciding whether a site meets the definition of Contaminated Land, the Council will also have regard to the financial costs to whoever will pay for remediation (including the taxpayer where relevant), health and environmental impacts of taking action, property blight, and burdens on affected people. All decisions made will be rational, ordered, efficient and fully documented.

Liaison with Landowners and Powers of Entry

The Council will consult the landowner before inspecting the land unless there is a particular reason why this is not possible, for example because it has not been possible to identify or locate the landowner. The Council will be open to moves by the landowner (or some other interested party) to help resolve the status of the land themselves. For example, the Council may decide that the land is, or is not, contaminated land on the basis of information provided by the landowner or other interested party, provided the Council is satisfied with the robustness of the information.

Where the owner refuses access, or the landowner cannot be found, the Council will consider using statutory powers of entry. Before doing so, the Council will first satisfy itself that there is a reasonable possibility that a significant

contaminant linkage may exist on the land and will comply with the requirements of the legislation and the Statutory Guidance.

Special Sites and Detailed Inspection by the Environment Agency

If the Council identifies land which it considers (if the land were to be determined as contaminated land) would be likely to be designated as a special site, it will consult the Environment Agency. Subject to the Agency's advice and agreement, the Council will arrange for the Agency to carry out any intrusive inspection of the land on its behalf. If necessary, the Council will authorise a person nominated by the Agency to exercise the powers of entry conferred by section 108 of the Environment Act 1995. The Agency will be expected to carry out any intrusive investigations in accordance with appropriate good practice technical procedures for such investigations.

It should be noted that where the Environment Agency carries out an inspection on behalf of the Council, the Council's regulatory functions under Part 2A and the Statutory Guidance remain the Council's sole responsibility. The Agency should advise the Council of its findings in order to enable the Council to carry out these responsibilities.

Using External Expertise during Detailed Inspection

The process of detailed inspection and risk assessment in complex cases may raise issues which are beyond the expertise of Council officers in which case the Council will consider whether to bring in external expertise. Selection of an appropriate consultant will depend on the circumstances of the land and the expertise required, and could include experienced practitioners from other local authorities, Natural England or specialist consultants from the private sector. The Council will endeavour to ensure that the person consulted is appropriately qualified and competent to carry out the work.

The Council will be mindful that although external experts may advise on regulatory decisions under the Part 2A regime, the decisions themselves remain the Council's sole responsibility.

Normal Levels of Contamination

The Statutory Guidance is clear that normal levels of contamination in soil should not be considered to cause land to qualify as contaminated land, unless there is a particular reason to consider otherwise. Therefore, if it is established that land is at or close to normal levels of particular contaminants, it should usually not be considered further in relation to the Part 2A regime. The Council will have regard to the relevant paragraphs of the Statutory Guidance when considering normal levels of contamination and local circumstances.

Recognising and Handling Uncertainty

The Council understands that all risk assessments of potentially contaminated land will involve uncertainty, for example scientific uncertainty over the effects of substances, or assumptions about exposure to substances. When undertaking

detailed inspection, the Council will recognise uncertainty and seek to minimise it as far as is relevant, reasonable and practical. Despite this, uncertainty is likely to remain and the Council will be aware of the assumptions and estimates that underlie the risk assessment, and the effect of these on its conclusions.

The Statutory Guidance states that:

'the uncertainty underlying risk assessments means there is unlikely to be any single "correct" conclusion on precisely what is the level of risk posed by land, and it is possible that different suitably qualified people could come to different conclusions when presented with the same information. It is for the [Council] to use its judgement to form a reasonable view of what it considers the risks to be on the basis of a robust assessment of available evidence in line with this Statutory Guidance'.

Remediation Activity

During detailed inspection, and when deciding whether land meets the definition of 'contaminated land', the Council may consider the likely direct and indirect health benefits and impacts on remediation. This could include any risks from contaminants being disturbed during the works, stress-related health effects, and whether the benefits would outweigh the social, financial and economic costs. The Statutory Guidance explains that such an assessment does not need to be a quantified or detailed cost-benefit or sustainability analysis. Rather the Council should make a broad consideration of factors it considers relevant to achieving the aims of Part 2A, the Statutory Guidance and this Strategy.

Once land has been determined, the Council must consider how it should be remediated and, where appropriate, issue a remediation notice to require such remediation. (If the land is deemed to be a 'special site', this action becomes the responsibility of the Environment Agency.)

The Council will have regard to the relevant provisions of Part 2A, the Statutory Guidance and its own aims and objectives within this Strategy when it is:

- (a) deciding what remediation action it should specify in a remediation notice;
- (b) satisfying itself that appropriate remediation is being, or will be, carried out without the service of a notice; or
- (c) deciding what remediation action it should carry out itself.

Progress with Detailed Inspection and Remediation since Publication of the 2001 Strategy

One site has been determined as 'contaminated land' and subsequently designated as a "special site". This has now been fully remediated, although there are several others which have been subject to works by the land owners, in consultation with the Council.

The majority of detailed inspections and, where necessary, remediation have been conducted as part of the planning (development control) process. Consultation on such sites certainly makes up the significant proportion of the contaminated land workload.

Detailed Inspection and Remediation 2015 – 2020

Based on current knowledge and evidence, the Council has no specific plans to undertake further detailed inspections. However, the Council will continue to review detailed assessment and remediation works undertaken voluntarily or through the planning (development control) process.

If at any stage the Council considers, on the basis of information obtained from inspection activities, that there is no longer a reasonable possibility that a significant contaminant linkage exists on the land, it will not carry out any further inspection in relation to that linkage. Notwithstanding the above, detailed inspection of sites will be reviewed where appropriate in the event of significant changes to legislation or guidance, or relevant new information becoming available.

Risk Summaries, Communication and Procedures

Part 2A Documentation

Part 2A and the Statutory Guidance require local authorities to produce a range of notices, documents and information at various stages in the process of dealing with land contamination. The Council will comply with these requirements when taking any action under Part 2A in consultation with Legal Services.

The most common piece of documentation, which was introduced by the 2012 revision to the Statutory Guidance, will be the Risk Summary. This must be produced for any land which, on the basis of a risk assessment, the Council may be likely to determine and must be understandable to the layperson. Risk Summaries are not required for land which will not be determined as contaminated land or land which has been prioritised for detailed inspection but which has not yet been subject to risk assessment. Notwithstanding this, the Council will seek to ensure that all decisions made on land contamination are accurately recorded and described. Risk Summaries should as a minimum include:

- (a) a summary of the Council's understanding of the risks, including a description of the contaminants involved, the identified contaminant linkages, the potential impacts, the estimated possibility that the impacts may occur, and the timescale over which the risk may become manifest;
- (b) a description of the Council's understanding of the uncertainties behind its assessment;
- (c) a description of the risks in context, for example relative to other risks that receptors might be exposed to in any case; and
- (d) a description of the Council's initial views on remediation

Consultation with Landowners

The Council will consult the landowner before inspecting any land unless there is a particular reason why this is not possible. In accordance with the aims of this Strategy, the Council will seek to ensure that Risk Summaries and all other information is produced in a timely fashion and bearing in mind the potential impacts of regulatory involvement including health impacts, property blight, and burdens on affected people. Specialist advice will be sought where necessary on the communication of risks and detailed technical information to the public.

Complaints and Notifications from Third Parties

The Council may also receive information about sites from interested parties other than the landowner, for example by complaints from neighbours, etc. Complaints will be dealt with in accordance with the Council's standard procedures for public health nuisances. It is normal Council policy that anonymous complaints will not be investigated. However in the case of contaminated land any information received will be recorded and evaluated to determine the need for further investigation.

Contaminated Land and Development Control

Officers from Health & Community Protection screen all planning applications that are received and validated by Development Services. Where an application relates to a site where contamination is known, or suspected, or is for a sensitive end use, officers will make appropriate comments to the planning officer. This could include requesting additional information prior to determination, proposing a suitable condition for any planning consent, or commenting on submitted reports. In accordance with the NPPF, officers will ensure that the development control process delivers sites that are suitable for their new use and, where appropriate, provides opportunities to incorporate features which are beneficial to wildlife and biodiversity. However responsibility for securing a safe development rests with the developer and/or landowner.

Contaminated Land Register

The contaminated land public register is held by the Environmental Sustainability section. The information placed on the register will be maintained in accordance with the legislation and the Statutory Guidance.

Providing Information to Third Parties

The Council receives enquiries from third parties requesting information about individual sites, or sites within a small radius (<500 metres) of a certain address. The Council will respond to any such written enquiries with any information available and in accordance with the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. The Council charges a set fee for these enquiries and the fee is reviewed annually.

For further advice please contact the Environmental Sustainability section at:

Warwick District Council
Health and Community Protection
Riverside House
Milverton Hill
Royal Leamington Spa
CV32 5HZ

Tel. 01926 456724

Email environment@warwickdc.gov.uk

Glossary


This document uses a number of terms which are defined in Part 2A of the Environmental Protection Act 1990 or in the DEFRA Contaminated Land Statutory Guidance (April 2012). The meanings of the most important of these terms are detailed below and, where appropriate, a reference to the relevant section of Part 2A has been included.

Contaminant	A substance which is in, on or under the land and has the potential to cause significant harm or significant pollution of controlled waters.
Contaminant Linkage	The relationship between a contaminant, a pathway and a receptor.
Contaminated Land	<p>Defined in section 78(A)2 as:</p> <p>'Any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land that:</p> <ul style="list-style-type: none">a) significant harm is being caused or there is a significant possibility of such harm being caused; orb) significant pollution of the water environment is being caused or there is a significant possibility of such pollution being caused.' <p>OR with respect to radioactive contamination it is defined as:</p> <p>'Any land which appears to the local authority in whose area the land is situated to be in such a condition, by reason of substances in, on or under the land, that:</p> <ul style="list-style-type: none">a) harm is being caused; orb) there is a significant possibility of harm being caused.'
Controlled Waters	Has the same meaning as in Part III of the Water Resources Act 1991, and includes relevant territorial waters, coastal waters, inland freshwaters and ground waters. Except that 'ground waters' does not include waters contained in underground strata but above the saturation zone.
Current Use	<p>Defined in the Statutory Guidance as:</p> <ul style="list-style-type: none">• The use which is being made of the land currently

	<ul style="list-style-type: none"> • Reasonable likely future uses of the land that would not require a new or amended grant of planning permission • Any temporary use to which the land is put, or is likely to be put, from time to time within the bounds of current planning permission • Likely informal use of the land, for example children playing on the land, whether authorised by the owners or occupiers, or not • In the case of agricultural land, the current agricultural use should not be taken to extend beyond the growing or rearing of the crops or animals which are habitually grown or reared on the land.
Detailed Inspection	This refers to obtaining information on ground conditions of particular land and carrying out the risk assessments which support decisions under Part 2A relevant to that land.
Ecological Systems	<p>Only the following ecological systems can be considered for the purposes of Part 2A:</p> <ul style="list-style-type: none"> • A site of special scientific interest • A national nature reserve • A marine nature reserve • An area of special protection for birds • A "European site" within the meaning of regulation 8 of the Conservation of Habitats and Species Regulations 2010 • Any habitat or site afforded policy protection on nature conservation • Any nature reserve established under section 21 of the National Parks and Access to the Countryside Act 1949.
Harm	<p>Defined in section 78A(4) as:</p> <p>'Harm to the health of living organisms or other interference with the ecological systems of which they form part and, in the case of man, includes harm to his property'.</p> <p>OR with respect to radioactive contamination is defined as:</p> <p>'Lasting exposure to any person being resulting from the after effects of a radiological emergency, past practice or past work activity'.</p>
Intrusive Investigation	An investigation of land (for example by exploratory

	excavations) which involves actions going beyond simple visual inspection of the land, limited sampling or assessment of documentary information.
Orphan Linkage	A significant contaminant linkage where no appropriate person can be found, or where those who would otherwise be liable are exempted by one of the relevant statutory provisions.
Pathway	A route by which a receptor is or might be affected by a contaminant.
Possibility of Significant Harm	<p>As it applies to human health, the risk posed by one or more relevant contaminant linkages relating to the land. It comprises:</p> <ul style="list-style-type: none"> a) the estimated likelihood that significant harm might occur to an identified receptor, taking account of the current use of the land in question b) the estimated impact if the significant harm did occur.
Property	<p>Only the following property can be considered for the purposes of Part 2A:</p> <ul style="list-style-type: none"> a) property in the form of buildings. For this purpose, "building" means any structure or erection, including any part of a building below ground level, but does not include buried services (sewers, water pipes, cables, etc) b) property in the form of: <ul style="list-style-type: none"> i) crops, including timber; ii) produce grown domestically, or on allotments, for consumption; iii) livestock; iv) other owned or domesticated animals; v) wild animals which are the subject of shooting or fishing rights.
Receptor	Something that could be adversely affected by a contaminant, for example a person, an organism, an ecosystem, property, or controlled waters.
Remediation	Removing identified significant contaminant linkages, or permanently disrupting them, to ensure that they are no longer significant and the risks are reduced to an acceptable level.
Risk	A combination of the probability/frequency of

	occurrence of a defined hazard and the magnitude (including the seriousness) of the consequences.
Source Protection Zones (SPZ)	<p>Zone 1 – The 50 day travel time from any point below the water table to the source.</p> <p>Zone 2 – The 400 day travel time from a point below the water table.</p> <p>Zone 3 – The area around a source within which all groundwater recharge is assumed to be discharged at the source.</p>
Special Site	This generally refers to sites where controlled waters are affected by contamination or where there is radioactively contaminated land.
Statutory Guidance	Issued by the Secretary of State for Environment, Food and Rural Affairs in accordance with section 78YA of the Environmental Protection Act 1990 and published in April 2012. The Guidance is legally binding on enforcing authorities and replaces Defra Circular 01/2006.
Strategic Inspection	This refers to collecting information to make a broad assessment of land within an authority's area and then identifying priority land for more detailed consideration.
Suitable for Use	<p>This approach recognises that the risks presented by any given level of contamination will vary greatly according to the use of the land. The 'suitable for use' approach consists of three elements:</p> <ul style="list-style-type: none"> a) ensuring that the land is suitable for its current use; b) ensuring that land is suitable for any new use before official permission is given for the development; and c) limiting requirements for remediation to the work necessary to prevent unacceptable risks to human health or the environment.
Unacceptable Risk	A risk of such a nature that it would give grounds for land to be considered contaminated land under Part 2A.

 EXECUTIVE 1st July 2015		Agenda Item No. 5
Title	St Michael's Leper Hospital Contract and Bond	
For further information about this report please contact	Andrew Jones (01926) 456830 Andrew.jones@warwickdc.gov.uk	
Wards of the District directly affected	Saltisford	
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?	No	
Date and meeting when issue was last considered and relevant minute number	Executive Meeting 12 th February 2014; Executive Meeting 18 th April 2012	
Background Papers	See above	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	Yes
Equality & Sustainability Impact Assessment Undertaken	No
Not applicable.	

Officer/Councillor Approval	Date	Name
Chief Executive	8 th June 2015	Chris Elliott
CMT	8 th June 2015	Chris Elliott, Bill Hunt, Andrew Jones
Section 151 Officer	8 th June 2015	Mike Snow
Monitoring Officer	21 st May 2015	Author
Legal Officer (WCC)	29 th May 2015	Barry Jukes
Portfolio Holder(s)	15 th June 2015	Cllr Mrs Gallagher
Consultation & Community Engagement		
N/A		
Final Decision?		Yes

1 SUMMARY

- 1.1 This report asks Executive to release Coventry Turned Parts Limited (CTPL) and HSBC Bank PLC from a Bond entered into by the aforementioned parties and Warwick District Council (WDC) which was agreed following a contract between CTPL and WDC. However, the contract cannot be traced by either party so there is no understanding as to the precise terms of that contract.
- 1.2 It is clear, however, that the Bond was only to be held whilst "refurbishment and redevelopment of the buildings and land known as The Leper Hospital Site Saltisford Warwick" took place and this work did not happen.
- 1.3 There would be no loss suffered by the Council in releasing CTPL and HSBC from the Bond.

2 RECOMMENDATION

- 2.1 That Executive agrees to release Coventry Turned Parts Limited and HSBC Bank PLC from a Bond (see attached at Appendix A and dated ??/??/2005 - actual date unknown) with Warwick District Council (WDC) in respect of The Leper Hospital Site, Saltisford, Warwick and that the terms of the release be delegated to Deputy Chief Executive (AJ) in consultation with Warwickshire County Council (WCC) legal services.

3 REASONS FOR THE RECOMMENDATION

- 3.1 Following Executive approval on 18th April 2012, officers have been working with various stakeholders, consultants and the landowner to determine whether there is a viable and sustainable future for The Leper Hospital site and the two buildings known as Master's House and St Michael's Chapel which sit on the land. English Heritage has 80% grant funded work to produce a comprehensive specification with drawings to facilitate the repair of the Master's House to make it structurally stable and weatherproof. This work is now being used by Arden Estate Partnerships, on behalf of WDC, to establish whether there is market interest in developing the site for extra-care housing, in line with the recommendation of E C Harris LLP who, again on behalf of WDC, undertook an options appraisal and high level feasibility study of the site's potential.
- 3.2 WDC has no legal or equitable interest in the site but as a community leader it does wish to see the site brought back into use as it is a historically significant landmark which is currently an eyesore.
- 3.3 The planning history of the site is long and varied but it would appear that an application made on 30th November 2004 (W04/2132) and granted on 1st February 2007, led to discussions between the applicant and the erstwhile Head of Planning & Engineering, whereby a contract was entered into between CTPL (the landowner) and WDC.
- 3.4 Regrettably, the substance of that contract is unknown. Despite extensive searches at these offices it cannot be located and the officer who led on the creation of the contract has long since retired. The former-employee has been contacted but he cannot recall the detail of the contract. Neither can the contract be traced at CTPL. The negotiations were undertaken by the owner of the company but he is not in good health and has no recollection of the contract. He has passed the day-to-day affairs of the business to his son-in-law, who was not a party to the discussions at the time.

- 3.5 What can be established from an e-mail on the planning history is that the contract required WDC's planning officers to be satisfied with the scheme envisaged by the planning application. However, the plans never moved to scheme development.
- 3.6 Officers have no understanding as to why a contract was agreed in the first instance. WDC has no interest in the land; did not provide a grant to the company to help with the proposed development; and there is no reference to any obligation to be entered into in the planning approval. Therefore in the normal scheme of things the failure to locate the contract whilst unsatisfactory would not be problematic. However, as a consequence of the contract a Bond was entered into whereby a sum of £125,000 jointly and severally bound CTPL and HSBC bank "to cover the cost of carrying out the terms of the contract".
- 3.7 From the limited information available it would seem that the Bond was put in place to cover the cost of refurbishment and redevelopment of the site's buildings and that if the work was not completed to the satisfaction of the Council's officers then the Bond would need to be paid to WDC. However, as stated earlier, the works were never undertaken.
- 3.8 CTPL has now approached the Council to see if it will release the company from the Bond as it wishes to change its banking arrangements but cannot do this whilst HSBC is still jointly and severally liable under the terms of the Bond. The Deputy Chief Executive (AJ) has spoken with the bank's representative to confirm this is the position which they have. They do not hold a copy of the contract either.
- 3.9 Officers have been working very closely with the landowner and his representative over the last three years and there is no reason to believe that there is any bad faith being displayed and so consequently it is recommended that WDC's legal officers are instructed to agree with the relevant parties for release from the Bond.

4 POLICY FRAMEWORK

- 4.1 There is no policy implication from the content of this report.

5 BUDGETARY FRAMEWORK

- 5.1 The Bond is not included in WDC's accounts as an asset and consequently releasing CTPL and HSBC from the Bond would have no impact on the Council's financial position.

6 RISKS

- 6.1 The risk with a release from the Bond is that the contract contained some potential financial benefit to the Council. Given the Council's lack of legal and equitable interest in the land and that it has not paid any grant to CTPL, it is difficult to argue that risk is anything other than extremely low.
- 6.2 If the Council does not agree to release the Bond, CTPL may seek some form of equitable remedy from the Court requiring the Council to release the Bond on the ground that it is reasonable to do so given the absence of the contract and there being no available evidence of its purpose. Such action would result in the Council incurring legal costs and possibly having to pay CTPL's legal costs if the application was successful.

7 ALTERNATIVE OPTIONS CONSIDERED

- 7.1 The only alternative option is not to agree the release but given the circumstances and risks involved this was not proposed as a reasonable way forward.

8 BACKGROUND

- 8.1 St Michael's Leper Hospital was founded by Roger, Earl of Warwick in the reign of Henry I (1100-1135) and is classified by English Heritage as a scheduled monument. The remains of two of the hospital buildings can still be seen – St Michael's Church, a chapel and the 15th century two-storey timber framed building known as Master's House. They are both grade II listed buildings but on English Heritage's *Buildings At Risk* Register.
- 8.2 Locally the site is known as the Lepers' Hospital. Such sites usually comprised of a church and individual shelters for the lepers and were often sited beyond the fringes of towns to minimise the spread of infection. Documented information on the history of the hospital exists from 1275.
- 8.3 An Archaeological Evaluation of the site was prepared in December 2004. Evaluation trenches located 13th century stone building remains belonging to either the early hospital or chapel. 13th century or earlier post holes and pits were also found and may relate to timber structures in the very early phase of the site. A definite later medieval phase was identified consisting of masonry wall foundations and a yard surface. Other boundary features were also located.
- 8.4 The site is one of a limited number of remaining leper hospital sites in England despite over a thousand such sites having existed in medieval times.
- 8.5 A planning application for the development of the site for offices was approved in 2009 and scheduled monument consent was granted. However, there is little prospect of the owner undertaking development himself and he is now keen to sell the land.

DATED

2006

COVENTRY TURNED PARTS LIMITED

- and

WARWICK DISTRICT COUNCIL

BOND

In respect of The Leper Hospital Site
Saltisford
Warwick

WHEREAS

(I) BY a Contract dated the day of

Two thousand and five made between COVENTRY TURNED PARTS LIMITED whose registered office is situate at Welton Road Warwick (hereinafter called the Purchaser) of the one part and the WARWICK DISTRICT COUNCIL of Riverside House Milverton Hill Leamington Spa (hereinafter called ("the Vendor ")) of the other part the Purchaser has agreed to carry out the work of refurbishment and redevelopment of the buildings and land known as The Leper Hospital Site Saltisford Warwick

(2) The said contract provides that the Purchaser shall arrange with HSBC BANK PLC of 3 CANADA SQUARE LONDON EC1A 3AG (hereinafter called ("the Surety")) to enter into a Bond with the Vendor to secure that a sum of money sufficient to cover the cost of the refurbishment and redevelopment works shall be paid by the Surety to the Vendor in the event of the Purchaser not carrying out the terms of the contract.

BY THIS BOND the Purchaser and the Surety acknowledge themselves to be jointly and severally bound to the Vendor in the sum of One Hundred and Twenty Five thousand Pounds (£125000.00p) to cover the cost of carrying out the terms of the contract and in the event of the breach by the Purchaser of any provision or provisions of the said contract or if the Purchaser shall fail to comply with the refurbishment and redevelopment specifications or shall fail to proceed with the works to the satisfaction of the Vendor or if the Purchaser shall be adjudged bankrupt or go into liquidation whether compulsory or voluntary (save for the purpose of amalgamation or reconstruction) or shall execute a Deed of Assignment for the benefit of creditors or otherwise compound with creditors or if a receiver shall be appointed to manage the affairs of the Purchaser the Surety shall pay to the Vendor the said sum within twenty eight days of service by recorded delivery upon the Surety and the Purchaser at their respective addresses hereinbefore mentioned of notice of the Vendors demand therefor any surplus between the amount paid by the Surety and the amount necessary fully to implement the terms o

the Contract including the Vendors costs of obtaining tenders preparing documents and supervising the work of refurbishment and redevelopment to be refunded to the Surety after the satisfactory completion of the works as provided in the contract

NOW THE ABOVE WRITTEN BOND shall be void when the Purchaser has completed the refurbishment and redevelopment works and has in all other respects faithfully performed and observed the stipulations and provisions of the said Contract otherwise the same shall remain in full force

PROVIDED ALWAYS and it is hereby agreed and declared by and between the parties hereto that the Surety shall not be released from the above written Bond by reason or on account of any arrangements made between the Vendor and the Purchaser varying the terms and conditions of the said Contract

EXECUTED by the Purchaser and the Surety this day of

Two thousand and five

EXECUTED AS A DEED BY
COVENTRY TURNED PARTS LIMITED
ACTING by a Director and its Secretary

ONE OF TWO ORIGINALS

IN WITNESS WHEREOF this document which is intended to take effect as a deed has been duly executed by a duly authorised Official of the Bank as Attorney of the Bank the day and year first above written.

SIGNED AND DELIVERED

by

A.E. WOOLLEY
16419

Attorney of
HSBC Bank plc


in the presence of:

A FERNANDES

Witness:

Address:

REF:-
102/190877

 Executive 1 July 2015		Agenda Item No. 6
Title	Authority to Sign Deeds of Easement	
For further information about this report please contact	Grahame Helm (01926 – 456714) environment@warwickdc.gov.uk	
Wards of the District directly affected	Stoneleigh & Cubbington	
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?	No	
Date and meeting when issue was last considered and relevant minute number		
Background Papers	None	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality and Sustainability Impact Assessment Undertaken	Yes

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	08/06/15	Chris Elliott
Head of Service	01/06/15	Richard Hall
CMT	08/06/15	Andrew Jones
Section 151 Officer	08/06/15	Mike Snow
Monitoring Officer	27/05/15	Andrew Jones
Finance	08/06/15	Mike Snow
Portfolio Holder(s)	07/06/15	Councillor Moira-Ann Grainger
Consultation & Community Engagement		
Sir Thomas White Charity and Thwaites Ltd as the respective landowners have been consulted by the District Valuer on behalf of the Council and have agreed the draft documents.		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. **SUMMARY**

- 1.1 To seek delegated authority for officers to sign deeds of easement with the respective landowners in order to protect the Cubbington Flood Alleviation Scheme.

2. **RECOMMENDATION**

- 2.1 That the Head of Health and Community Protection be given delegated authority to sign and register deeds of easement with the respective landowners in order to protect the Cubbington Flood Alleviation Scheme.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 To ensure that access for routine maintenance and repair is always available and to protect the culvert from development above it and unauthorised connections into it.

4. **POLICY FRAMEWORK**

- 4.1 **Policy Framework** – This report does not bring forward any changes to the policy framework.
- 4.2 **Fit for the Future** – The Council's purpose is to improve the quality of life for everyone who lives in, works in or visits Warwick District. With our partners, we aspire to build sustainable, safer, stronger and healthier communities. As this scheme has removed some 50 households from flood risk, it will contribute to these aims.
- 4.3 **Impact Assessments** – It is not considered that this report will impact on the equalities of any group or individual.

5. **BUDGETARY FRAMEWORK**

- 5.1 Legal costs associated with drawing up and negotiating the deeds of easement have been contained within the capital project budget.

6. **RISKS**

- 6.1 The main risks of not granting deeds of easement would arise from the Council being unable to ensure the effective operation of the flood alleviation scheme.

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


- 7.1 Each time access is required to private land for routine maintenance and repair, it can be achieved through the service of notices seven days beforehand. However without a deed of easement, there would be no formal provision for emergency access and no protection from future development immediately above the site.

8. **BACKGROUND**

- 8.1 Work on the Cubbington Flood Alleviation Scheme has now been essentially completed. The scheme was funded by a £1.2million grant from the Environment Agency together with £100,000 from Warwick District Council and £5,000 from Cubbington Parish Council. The project has seen the construction

of a large underground culvert to take water from a catchment area above Mill Lane in the village and to discharge into the Pingle Brook adjacent to Thwaites factory. It will now become the responsibility of this Council to maintain it.

- 8.2 To protect the Council's interests and ensure the effective operation of the scheme, deeds of easement are considered necessary. This would allow the Council ready access for maintenance and also ensure the land immediately above the culvert is protected from development. An easement width of 10 metres (5 metres each side of the culvert line) is proposed and Warwickshire Legal Services have drafted the documents which have now been agreed with the respective landowners – Sir Thomas White Charity and Thwaites Ltd.
- 8.3 Our solicitors have advised that there is no delegated authority to officers in relation to easements over private land and therefore Executive approval is required before they can formally be signed and registered.

 Executive: 1 July 2015		Agenda Item No. 7
Title	The introduction of a pre-application charging regime for development proposals.	
For further information about this report please contact	Gary Fisher	
Wards of the District directly affected	All wards	
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?	No	
Date and meeting when issue was last considered and relevant minute number	14 January 2015	
Background Papers		

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	Yes
Equality Impact Assessment Undertaken	N/A

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	7/6/15	Chris Elliott/Bill Hunt
Head of Service	7/6/15	Tracy Darke
CMT	7/6/15	
Section 151 Officer	7/6/15	Mike Snow
Monitoring Officer	7/6/15	Andy Jones
Finance	7/6/15	Jenny Clayton
Portfolio Holder(s)		Councillor Stephen Cross
Consultation & Community Engagement		
This report follows consultation with key external stakeholders; summarises the comments that have been received and where appropriate indicates where the proposals have been revised to incorporate those comments.		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. **Summary**

- 1.1 The purpose of this report is to seek authority to proceed with the implementation of a regime which introduces financial charges for the provision of pre-application planning advice following the consideration of the consultation responses received from key external stakeholders.

2. **Recommendation**

- 2.1 That Executive recommends to Council that Officers be authorised to:-
 - i. Plan and introduce an appropriate pre-application charging regime to be undertaken for an initial period of 18 months;
 - ii. Fund any shortfall of the initial resourcing of this proposal (arising from the level of income received) to provide the equivalent of an additional FTE Senior Planning Officer over that period from the Planning Reserve;
 - iii. In consultation with the Development Services Portfolio Holder and the Leader of the Council, review the operation of that regime after 12 months to determine whether to permanently retain it in its existing or a modified form, or whether to discontinue its operation.

3. **Reasons for the Recommendation**

- 3.1 Pre-application advice is increasingly becoming a key element in the provision of a rounded and effective development management service.
- 3.2 The provision of such advice is important in providing developers with an appropriate steer as to the acceptability of their proposals prior to the submission of a planning application. It is also useful in identifying at an early stage schemes where there is little or no prospect of success thereby potentially preventing significant expenditure on the part of an applicant directed at schemes which are not acceptable.
- 3.3 To date, unlike many other Local Planning Authorities across the sub-region including Warwickshire County Council, Stratford on Avon District Council, Solihull Metropolitan Borough Council, and Nuneaton and Bedworth Borough Council, this Council has resisted the introduction of pre-application charging essentially due to concerns about the extent to which potential users may be discouraged by the requirement to pay for such a service.
- 3.4 However, it is widely acknowledged that the benefits of effective pre-application services are generally welcomed within the development industry and that developers are willing to pay for that service subject to it being provided in a timely and transparent manner. In fact, many potential applicants have indicated that they would be willing to pay for such a service despite no schedule currently being in place.
- 3.5 As Members will be aware, this Council's Development Management Team provides an effective and speedy service in determining planning applications and in that respect is recognised as one of the top performing Local Planning Authorities in the country. However, the current level of resourcing within the Team is such that in many cases it has not also been possible to prioritise pre-application submissions and discussions to the extent to which the team aspires. As a consequence, it is acknowledged that the team currently under

performs in that area and misses opportunities to advise and influence proposals prior to a formal submission being made to the detriment of the provision of a fully rounded service and the reputation of the Council.

- 3.6 Drawing on the experience of other Local Planning Authorities, it is considered that the introduction of an appropriate pre-application charging regime including suitable safeguards to ensure that in particular householders wishing to extend their home and where appropriate other potential applicants are not disadvantaged, offers an opportunity to further enhance the quality of the development management service offered to our customers.
- 3.7 The proposed pre-application service incorporating a charging regime upon which key stakeholders have been consulted is included at Appendix 2 to this report¹. A summary of the responses received with any revisions included as a result of the consultation highlighted are also included in Appendix 1.
- 3.8 Members are asked to note that the proposed charging schedule has been drawn up on a sliding scale reflecting the complexity and scale of development proposals and that the level of charging proposed has been carefully considered taking into account the wide range of charging schedules currently operated across the country and within the sub region.
- 3.9 As part of this approach, we will be providing an enhanced service to householders by way of the introduction of a combined development management and building control drop in service on a regular basis. It is not proposed that any charge will be made for advice provided to householders, unless the service request includes the provision of written advice.
- 3.10 It is considered that initially, in order to resource the provision of an enhanced pre-application service, a further full time Planning Officer post is required within the Development Management Team as the current level of resourcing within the team does not build in sufficient capacity to ensure that pre-application work can be prioritised and undertaken in a robust and timely manner which will be crucial to the success of an enhanced service. For that reason, over the initial 18 month provision of that service it is also proposed to seek any funding required over and above the income received from the Planning Reserve.
- 3.11 Should the introduction of this service prove to be successful, it is anticipated that the level of income likely to be derived from it will be such that in the longer term it will become self-funded (see section 5 below).

Consideration of the Consultation Responses Received

- 3.12 The consultation responses received from regular users of the Council's Development Management Service including architects and Warwick University are in support of the introduction of a charging regime and welcome the potential improvements to the quality of service that will result. No responses were received which opposed the proposals.

¹ The consultation process involved comments on the proposed regime being invited from a sample of approximately 50 planning agents and architects practices who regularly submit planning applications to WDC; 20 internal and external partners and organisations who are regularly consulted on planning applications; and all ward Councillors.

- 3.13 Those responses identified the importance of the provision of a clear framework for a revised pre-application regime; the application of a proportionate charging framework; and the provision of responses within clear timescales, all of which are proposed to be the case.
- 3.14 One of the responses received suggested that the exemption from charging should be extended to include charitable organisations which is now proposed to be incorporated within the scheme.
- 3.15 Responses were received from 2 external and 2 internal statutory consultees, one of which identified the potential risk of the reduction in the level of pre-application requests which is discussed at paragraph 5.3 below.
- 3.16 Responses were received from 4 ward councillors which were supportive of the proposals except for one response which did not support the exemption from charging of projects supported by the Local Enterprise Partnership.
- 3.17 As part of its aim to drive economic growth and insodoing remove barriers to such growth, the Coventry and Warwickshire Local Enterprise Partnership has developed a planning protocol, a key element of which is the provision of pre-application advice by Local Planning Authorities without charge. It is therefore considered that in order to assist in the promotion of the economic development of the District it would not be appropriate to revise the regime to exclude projects supported through the LEP from the proposed exemption to charging².
- 3.18 The responses received from users of the development management service were very much as anticipated by your officers in highlighting the potential benefits of the introduction of a charging regime whilst identifying key elements of an enhanced service and insodoing reinforcing the proposals before members in this report.

4. **Policy Framework**

- 4.1 **Fit for the Future** – It is anticipated that the provision of an enhanced pre-application service will increase the quality of development schemes being delivered within the District and the service offered to our customers, and as such will contribute to the vision of making Warwick District a great place to live, work and visit as set out in the Sustainable Community Strategy and therefore be consistent with the Fit for the Future programme.

5. **Budgetary Framework**

- 5.1 The successful provision of this enhanced service carries with it a need to increase resourcing within the Development Management Team by 1 x FTE Planning Officer. The total cost of the post including overheads is approximately £40,000 per year which initially is proposed to be funded from the income received, with any shortfall provided from the Planning Reserve.
- 5.2 On the basis of the current level of demand for pre-application advice which during 2015 totalled in excess of 300 requests and the range of development projects in respect of which advice has been sought, it is anticipated that the income received would be likely to be commensurate with the additional cost of

² In reviewing this aspect of the proposals, officers also consider it to be appropriate that schemes brought forward to assist disabled people are exempt from the application of a charge.

providing the service such that in the longer term it will become self-funding. The income from charging should be initially used to replenish the Planning Reserve for the cost of the additional member of staff.

- 5.3 However, there is also a risk that the introduction of a charge for pre-application advice would result in a reduction in the level of demand for that service which would in turn impact upon the level of income derived from that service. For that reason, it will be important to review the financial position after 12 months in order that this can be monitored.

6. Risks

- 6.1 In addition to the risk identified at 5.3 above, there is also a risk that without sufficient resourcing, officers will be unable to respond to service requests for which a charge has been made in a proportionate and timely manner. The success of this proposal relies upon the effective provision of appropriate advice and the level of resourcing required to achieve that has therefore been carefully considered.
- 6.2 There is however considered to be a greater risk associated with the continued provision of pre-application advice without charge and without any increase in the resourcing available within the team. Such an ongoing position would in all likelihood result in a continued low level of customer service generating an increasing number of complaints and further lost opportunities to proactively influence development proposals at an early stage.
- 6.3 For that reason, it may also be necessary to consider whether the cessation of the provision of a pre-application service would be preferable to the provision of a poor service.

7. Alternative Option(s) considered

- 7.1 As set out at paragraph 6.2 above, it is considered that the continued operation of this aspect of the development management service in the current manner does not provide an appropriate level of customer service or contribute as effectively as it could to the delivery of increasingly good development across the District.
- 7.2 Consideration has also been given to the additional resourcing of the service without the introduction of a pre-application charging regime. However, in view of the annual cost of approximately £40,000 involved; the current financial climate including the need to make ongoing savings; and the potential opportunity for introducing a self-financing initiative, at this stage this has been discounted.

Appendix 1

Summary of Consultation Responses: Proposed Introduction of Pre Application Charging

Respondent	Summary of Response	Officer Comments
Robothams Architects	The proposals are in line with the approach of other authorities. The key factor is delivering a response within a known timescale.	It is intended that the service be resourced so as to ensure that responses are provided within clear timescales.
Martin Smith Architect	Access to a prompt and clear pre-application enquiry process is the key issue. The provision of charges is not unreasonable. Welcomes the opportunity to receive pre-application advice and improvements to the current level of service in that respect.	The proposed introduction of charging is to enable increased resourcing and improved service provision.
Andrew Grudzinski	Response within a specific time limit should be applied and adhered to, to avoid the current long delays with pre-application advice.	As above.
Craig Callingham Associates	It would be appropriate to charge a fee subject to the provision of a response within a realistic guaranteed timescale. This would put WDC back at the top of the league and providing it can be resourced properly would be a valuable tool for professional agents. It must also remain possible to have a quick phone call with an officer without a lengthy procedure in front of it.	It is not proposed that officers will cease to provide advice and guidance outside the scope of the charging regime for example by telephone.
Alfresco Design	Asks whether there will be a charge for telephone advice.	As above
The University of Warwick	Support for the introduction of fees provided that the fees are reasonable and proportionate and provide increased efficiency and quality of service. The information required; details of	The scheme will set out the minimum level of information required to be provided; the service that will be provided and the

	<p>the service to be provided and response timescale must be clearly given.</p> <p>Seeks clarification on the service level to be provided.</p> <p>Suggests that the exemption to charging should also be extended to charitable organisations.</p>	<p>timescale for response.</p> <p>It is proposed that charitable organisations be included in the exemption from charges.</p>
WDC Neighbourhood Services	Ask whether charges made by other Councils have been considered in setting the proposed charging levels.	The proposed charging regime has been carefully considered taking into account the wide range of charging schedules operated by other Councils.
WDC Health and Community Protection	Highlights that applicants often contact them directly for pre-application advice and that this needs to be factored into the proposals; identifies the need for clear service standards including response times to be provided; and advocates a one stop shop approach.	Subject to the decision of the Executive, the detailed operation of the proposed scheme including the involvement of internal and external consultees and the levels of service to be provided will be finalised as quickly as possible.
English Heritage	Notes that the proposals are similar to other Local Authorities and that the proposals do not specifically include proposals relating to Listed Buildings.	Proposals including works to Listed Buildings are not excluded from the proposed regime.
The Highways Agency	Notes that proposals to charge could result in reduced level of pre-application enquiries which would be of concern. Request involvement in appropriate pre-application submissions.	<p>It is anticipated that the enhanced quality of service proposed will encourage applicants to engage in pre-application discussions particularly those in which the Highways Agency may be involved.</p> <p>It is proposed that the charging regime is initially introduced for a period of 18 months in order that over that period its operation, including the</p>

		number of enquiries received can be monitored.
Former Councillor Elizabeth Higgins	Supports the proposed introduction of a charging regime.	
Former Councillor Eithne Goode	Supports the proposals and the scale of charges.	
Former Councillor Ann Blacklock	Supports the proposals including the drop in service for householders; the sliding scale of fees proposed and the exemption of certain types of organisation. Does not support the exemption of LEP related projects.	The exemption of projects supported through the LEP is proposed in order to assist in stimulating economic growth within the District.
Councillor Judith Falp	Asks whether the staffing capacity is available to introduce this proposal.	As set out in the report, this proposal includes the provision of an additional member of staff to ensure that it is sufficiently resourced.


Appendix 2:

Warwick District Council Proposed Pre-Application Service on which consultation is to be undertaken.

Tier 1: Self service advice via the WDC website.
Tier 2A: Request for a written response as to whether planning permission is required. Fee of £35 for a written response.
Tier 2B: Request for a written response as to the acceptability of a minor proposal: Fee of £50 for householders or £150 for other proposals.
Tier 2C: Introduction of regular Development Management/Building Control drop in sessions for householders. Provision of verbal advice: free of charge.
Tier 3: Provision of pre-application advice for small scale non-householder proposals which do not fall with tiers 4 – 6: Fee of £150 per meeting or written response; or £300 for both.
Tier 4: Provision of pre-application advice for proposals which fall within the “minor” development category: i.e. residential proposals of 1-9 dwellings or involving a site area up to 0.5 ha; commercial proposals involving less than 1,000 sq m of floor space or a site area of less than 1 ha: Fee of £300 per meeting or written response; or £600 for both.
Tier 5: Provision of pre-application advice for proposals which fall within the “small scale major” development category: i.e. residential proposals of 10 – 199 dwellings or involving a site area of 0.5 - 4 ha; commercial proposals involving between 1000 and 9999 sq m of floor space or a site area of 1 -2 ha: Fee of £600 per meeting or written response; or £1200 for both.
Tier 6: Provision of pre-application advice for proposals which fall within the “large scale major” development category: i.e. residential proposals of 200 or more dwellings or involving a site area of 4 ha or more; commercial proposals involving 10000 sq m or more of floor space or a site area of 2 ha or more: Fee of £900 per meeting or written response; or £1800 for both.

All fees are inclusive of VAT

A fee will not be charged for advice provided to **charitable organisations**, local community organisations including housing associations, and in respect of **schemes which are brought forward to assist disabled people**, and which are supported through the Local Enterprise Partnership.

 Executive 1st July 2015		Agenda Item No. 8
Title	Funding for Bishop's Tachbrook Community Centre	
For further information about this report please contact	Chris Elliott, Chief Executive 01926 456000 Chris.elliott@warwickdc.gov.uk	
Wards of the District directly affected	Bishop's Tachbrook	
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?	No	
Date and meeting when issue was last considered and relevant minute number	Executive Committee Meeting 30 th May 2012 Executive Committee meeting 5 th November 2014	
Background Papers	As above	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	Yes
Included within the Forward Plan? (If yes include reference number)	Yes
Equality Impact Assessment Undertaken	Yes/No (If No state why below)
None required for the provision of the Community Centre	

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive	11.06.15	Chris Elliott
Head of Service	11.06.15	Richard Hall,
CMT	11.06.15	Andy Jones, Bill Hunt
Section 151 Officer	11.06.15	Mike Snow
Monitoring Officer	11.06.15	Andy Jones
Finance	11.06.15	Mike Snow
Portfolio Holder(s)	11.06.15	Cllrs Peter Whiting, Cllrs Moira Ann Grainger
Consultation & Community Engagement		
The proposal has emanated from a significant amount of consultation undertaken by the Parish Council and the Trust.		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. **Summary**

- 1.1 This report, following an earlier one in November 2014, seeks a decision to agree a submitted business plan to provide funding and to underwrite other funding in order to allow the construction of a community centre in Bishop's Tachbrook village to proceed. The report also seeks to address other concerns that had been raised by some members of the local community.

2. **Recommendation**

- 2.1 That the Executive agrees to delegate to the Chief Executive, Heads of Finance and Health/Community Protection in consultation with the Portfolio Holders of Finance and Health/Community Protection to determine the submitted business plan ensuring and detailing how the future running costs will be met and how genuine community access is ensured (at Appendix 2).
- 2.2 That upon the business plan being agreed as provided for above, the Council makes £300,000 available for the Community Centre as a grant and that the underwriting of £150,000 is also made available in lieu of impending grant applications to allow construction to begin this summer.
- 2.3 That, following the completion of the community centre building, the St Chad's Trust submit to the District Council an annual report on financial and community usage performance for 3 years. The report should be reported to a Council Scrutiny Committee to monitor that the intent of the business plan and its delivery is being met. This is a condition of giving the grant in 2.2 above.
- 2.4 That the issues raised by members of the community and the responses are noted.

3. **Reasons for the Recommendation**

- 3.1 At its meeting on 5th November 2014 the Executive agreed in respect of the request for funding for a community centre at Bishop's Tachbrook the following:

"2.1 That the Executive determines whether it wishes to meet the request of St Chad's Trust with the support of Bishop's Tachbrook Parish Council to provide £300,000 of funding and to underwrite a further £150,000 in order to allow the construction of a community centre in the village of Bishop's Tachbrook.

2.2 In the case that the Executive does wish to meet the funding request then it is advised that it should agree that:

- 2.2.1 The funding is made available from the New Homes Bonus Scheme award received in 2015/16 and that no more than the requested will be forthcoming in the event of any cost overrun.
- 2.2.2 The funding is only available for 24 months (from the date of this Executive) before being drawn down in whole.
- 2.2.3 Payments are only to be made on supply of verified invoices of work in proportion to Council/overall funding.
- 2.2.4 It withdraws the current RUCIS funding commitment to the scheme of 27% of the overall project costs up to a maximum of £50,000, which should be returned to the RUCIS pot.
- 2.2.5 The funding is approved when it is agreed by the Parish Council and St Chad's Trust that public acknowledgement of the Council's

support for the scheme is given in publicity about the scheme at all stages.

- 2.2.6 The funding is approved only when a full acceptable Business Plan for the centre is received, detailing how the future running costs will be met and how genuine community access is ensured.
- 2.2.7 The funding is approved only when all other funding bids have been completed and determined so enabling confirmation of how the capital costs of the project will be met.

Items 2.2.5, 2.2.6 and 2.2.7 should be delegated to the Chief Executive, Head of Health and Community Protection and Head of Finance in consultation with the portfolio-holders for Finance and Health and Community Protection.

2.3 Officers give consideration to a process for determining funding requests for similar such schemes emanating in the context of the Local or Neighbourhood Plans.”

- 3.2 The reasons for the above recommendation at that time are attached at Appendix 1. There are two reasons why the agreed delegation has not been carried through.
- 3.3 Firstly, since November the Parish Council has agreed to all the conditions and a number of iterations of the business plan have been submitted and its most recent iteration is attached at Appendix 2. Officers are still scrutinising that version and there are at the time of writing issues that are still to be resolved or clarified. Hopefully, that will be the case by the time of the meeting but should it not be the case then delegated authority is sought as before to agree the business plan or to refuse funding if it is found to be unacceptable and is cannot or will not capable of be suitably amended.
- 3.4 Working with the representatives of the St Chad’s Trust, the proposed builder has agreed to hold his estimate for the works so reducing one of the risks of delaying the release of monies toward the scheme. However, some grant applications to a value of £100,000 have been made but are still to be determined and so the previous condition of requiring all decisions to be made on grant applications before the Council releases any of its money is suggested to be relaxed in order to allow construction to begin this summer and offset the risk that the contract value currently agreed expires and inevitably increases. This is not however, within the scope of the agreed delegation so needs to be a decision of the Executive. The underwriting element of the previous decision allows for this issue to be resolved although it runs the risk that the grant applications are unsuccessful and the Council does have to pay.
- 3.5 Secondly, a number of issues have been raised by some local residents about the scheme. I, as Chief Executive, came to the conclusion that given the nature of the issues raised, that people involved on all sides were also candidates at the most recent elections and taking into consideration the Council’s values, that the matter of the release of a significant amount of public money should be made openly and transparently in a democratic manner and certainly not on the eve of an election. Consequently I advised that the matter should be returned to the Executive for a decision. The issues raised are outlined and responded to in return at Appendix 3. The Executive is asked to note the issues and the response, none have an impact on the Council’s decision which is to allocate funds to the scheme or not.

4. **Policy Framework**

- 4.1 The proposal would contribute to helping to make Warwick District a great place to live, work and visit as set out in the Sustainable Community Strategy by significantly enhancing the local community facilities available in the village. In this respect it will assist with the key policy priority areas of Health and Well Being, Community Protection and Sustainability and the cross cutting theme of community involvement/cohesion.
- 4.2 The proposal will not have an internal impact on the Council in respect of the 3 strands of Fit for the Future - Service, People and Money.

5. **Budgetary Framework**

- 5.1 The total costs of the scheme are £649,468 of which £139,073 has been raised. This includes the £89,073 expended so far.
- 5.2 As the request is for use of public funds, it is important that the Council shows due diligence before agreeing to release any funds for the project. Accordingly, it was previously agreed that no funds should be released for the project until:-

- Full confirmed total funding for all the capital costs have been received.
- A full business plan has been received that demonstrates how the project will be financially sustainable into the future and that community access can be ensured.

Both are being are being scrutinised at the time of writing as explained in paragraph 3.2 above.

- 5.3 In considering the funding request, members should be aware of other known and potential demands upon the Council's resources which have all been subject to reports to the Executive. These include:-

- Equipment Renewals and ICT Reserves
- Maintenance liabilities for the current asset base of £4.29m to March 2018 and £22.79m for the 30 year period to March 2044.new ICT Reserve
- Maintaining the fabric of the Council's three multi storey car parks
- Funding for the Open Spaces Strategy
- Work on the Council's Play Areas

The Council currently does not have sufficient funds at present to finance all of these items but is developing plans to tackle these issues.

- 5.4 With the Council still needing to find over £1m to balance the Council's Medium Term Financial Strategy, it will not be possible to fund any of this work from revenue.
- 5.5 The Council will receive over £1m New Homes Bonus Scheme (NHBS) in 2015/16. The Council treats this as one off money as there is uncertainty as to whether the NHB will continue in future years. The sum requested has been provided for within the budget for 2015/16.

6. Risks

- 6.1 The main risks arising from this scheme is that in the event the Executive agree to fund the scheme include:-
- Its implementation is poor
 - The costs of the scheme escalate
 - Funding is not secured to complete the project
 - The project is not financially sustainable into the future
- 6.2 The Council's mitigation financially is to make it clear that cost over runs are the responsibility of the Trust and Parish Council not this Council, that it should only pay in arrears on the basis of verified invoices. The other conditions in the previous decision would mitigate the risks referred to.
- 6.3 The officer's assessment of the submitted business plan is that it is ambitious in its intent and whilst there is nothing against ambition, as there is no previous record in the village of running a community centre, then there must be the risk that the plan is too ambitious and so runs a risk that it may be able to attain everything the Trust intends and that may have a revenue implication. That itself has no impact on this Council as its not the responsibility of this Council to run such a facility, rather the onus is likely to fall on the Parish Council should there be a revenue shortfall. However, it would seem advisable that the Trust be asked to report annually for 3 years (i.e. the life of its current business plan) on its performance both financially and in terms of community usage, so that the Council can be reasonably assured that its capital investment is being properly utilised. This will also allow for learning to be shared with a wider audience.
- 6.4 There is a risk in that expectations will be raised by this decision amongst other communities and the Council may not be able to fund all or indeed any other similar proposals. The previously agreed recommendation to report back on how the Council may deal with such proposals resulting for the Local Plan and Neighbourhood plans will help to mitigate this risk. However, should a new Government decide to discontinue the NHBS, it would put at risk the Council's position.

7. Alternative Option(s) considered

- 7.1 The Executive may be minded not to support the Funding request in which case it may be some time before the local community can raise enough funds to build the community centre. This is an option before it.

Appendix 1 – Reasons for Recommendations in the Report on 5th November 2014.

- 3.1 St Chad's Trust with the support Bishop's Tachbrook Parish Council has been developing the concept of a new community centre over a period of time. A summary of the scheme is attached at Appendix A as are site location and related plans. A site adjacent to the Parish Church has been agreed and a lease issued; planning permission for the new centre has been given; the construction has been tendered and subject to an evaluation report; and indeed some works on site have been undertaken. The scheme costs are:

£89,073 on the professional fees (inc. VAT) to undertake the detailed design work and tender evaluation (already raised and spent):

£510,396 for construction of the scheme including further professional fees (inc VAT) (outcome of a tendering exercise and an evaluation report.

£50,000 for furniture, equipment and kitchen fit out.

The scheme needs a further £560, 396 (on top of the £89,073 raised and spent) in order to be completed and so far £50,000 has been raised toward it.

- 3.2 St Chad's Trust with the support of Bishops Tachbrook Parish Council has approached the District Council in respect of funding to help it construct this proposed new community centre in the village. The Council has previously awarded 27% of the overall project costs up to a maximum of £50,000 towards the scheme via its RUCIS grant scheme (this is not included within the £50,000 referred to in paragraph 3.1 above).
- 3.3 The Trust and the Parish Council estimate that construction could begin in April 2015 and the works be completed by November 2015. However, they cannot commit to that timetable at present without more confirmation of funding. A commitment by the Council to fund £300,000 and to agree to underwrite a further £150,000 (in case the other bids being made are not successful) would with the addition of the £50,000 already raised take the Trust and Parish Council to within £10,000 of what they need overall and that should be achievable if in the worst case all of the funding bids come to nought and the underwriting guarantee has to be called upon. The other funding bids being made are listed at Appendix B.
- 3.4 The Parish Council and the St Chad's Trust set up to manage the new centre, have sought to obtain funding from the developers for the housing scheme of 150 homes that has recently been granted planning permission. Regrettably this proved not possible under the current Section 106 regime. On the other hand, that new housing scheme will, if the New Homes Bonus Scheme (NHBS) continues, generate over £1 million for the District and County Councils over 6 years.
- 3.5 The District Council has taken the view that the NHBS should not be used to support the general running costs of the Council but should be used to reinvest in the community in a variety of ways. The new community centre at Chase Meadow in Warwick is one such example of community reinvestment. This scheme would be similar to that one, although the Council would not be involved in any form of project management for its implementation.
- 3.6 Bishops Tachbrook as a parish area will expand significantly, as planning permissions amounting to over 600 new homes have been granted within the

last year and the Local Plan if adopted in its current shape would envisage several hundred more. It should be noted however, that the parish is at the forefront locally of also developing a statutory Neighbourhood Plan (out to consultation at the moment) to help guide more locally the development of the Parish. It is not untypical that such plans would want to develop or create new community facilities and a Parish Council with an adopted Neighbourhood Plan would be entitled to 25% of any Community Infrastructure Levy (CIL) proceeds of development occurring in the Neighbourhood Plan area to use to fund them. However, a CIL charging regime cannot be put in place until a Local Plan is adopted and that is not anticipated now for Warwick District until later next year. This in turn means that even if the Parish had an adopted Neighbourhood Plan, it could not yet require its proportion of CIL to be paid over. As a result of this timing of permission being granted now before a CIL regime is in place, the parish will as a consequence lose out.

- 3.7 Community infrastructure provision or rather the lack of it is an underlying concern of local communities in response to the prospect of such large scale development. Whilst it is possible to ensure that developers will pay for most if not all of the necessary infrastructure even under the current Section 106 regime, it is also clear that the District Council also has an opportunity to help ensure some provision as well. Helping to fund the Community Centre would be a clear demonstration that the Council is sincere in its desire to ensure that new development is accompanied by appropriate community infrastructure and it accords with the Council's record on reinvesting NHBS back into community infrastructure.
- 3.8 Should the Executive be so minded to support the funding request then there are some practical questions that need to be addressed. These are as follows along with the answers:

Where will the funding actually come from?

The funding can be made available from the New Homes Bonus Scheme award for 2015/16.

How long is it available for?

The funding offer is only available for 24 months (from the date of this Executive) before being drawn down in whole.

How are payments to be made?

Payments are only to be made on supply of verified invoices of work in proportion to the Council's overall financial contribution;

Will the Council still pay via the RUCIS scheme as well?

To avoid double counting and to highlight that this is an exceptional scheme the Council should withdraw the current RUCIS funding commitment to the Scheme of 27% of the overall project costs up to a maximum of £50,000, which should be returned to the RUCUS pot.

Will the Council's role be acknowledged?

Public acknowledgement of the Council's support for the scheme should be given in publicity about the scheme at all stages and ought to be a condition of

any award.

How do we know that the building will be sustainable financially?

There is no absolute certainty but the Council can and should require a full business plan to be presented for approval before releasing any of its funds.

Where will the other capital money come from to fund the scheme?

A number of other funding bids have been made. The Council can withhold its funds until it has been demonstrated that the other bids have been made and the outcome known.

What happens if there is a cost overrun?

The Council should make it clear that it is the responsibility of the Trust and the Parish Council to deal with any cost overruns and not this Council. No further financial support should be made beyond that referred to in this report.

Will this set a precedent for this sort of schemes?

Probably it will, so officers need to give consideration to a process for determining funding requests for similar such schemes emanating in the context of the Local or Neighbourhood Plans.

8 June 2015

2015 Business Plan



St Chad's Centre

at the heart of Bishop's Tachbrook

St Chad's Centre Trust Company
Company Number 7989722 | Charity Number 1148234

www.bishopstachbrook.com/stchadscentre

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Executive summary

Our mission is to build and operate a Village & Church Hall facility located at the *heart* of community for the benefit of all ages of resident of the village and rural parish of Bishop's Tachbrook.

It has long been recognised that Bishop's Tachbrook needs a hall and community facility. Since 1945, as the village was expanded with successive new housing developments added, various community attempts were made to create this important amenity – *all* have failed.

It is worth noting that today Bishop's Tachbrook:

- Is the only Parish or Town Council area in Warwick District not to have the benefit of a village hall, or even a church hall.
- Is the only village in Warwick District with a population larger than 150 people, which is not able to use such an important facility to foster community life.
- Has the 3rd largest population of the Warwick District parish council areas (2,558 people recorded at the 2011 Census).

Over a decade ago the Warwick District Council commissioned research to determine what community facilities were needed in Bishop's Tachbrook. The report prompted members of the Parish Council to come together with the Parochial Church Council to establish a joint community facility, which would benefit all residents.

Extensive research and wider consultations were undertaken before an agreed plan was settled for a new building to be centrally located on land previously set aside for this purpose in the churchyard, adjacent to the village green.

In 2012, the St Chad's Centre Trust Company Ltd was established and registered as a charity. Trustees were nominated by the Parish Council and the PCC, as well as others from potential users of the new facility.

A 99 year peppercorn lease on the land was granted to the Trust and over £100,000 raised from personal donations and community fundraising, almost all of which has been expended completing the detailed design of the Centre and obtaining the consents for planning, listed building, ecclesiastical faculties and completing the necessary pre-commencement conditions. A short section of foundations was constructed to crystallise these various permissions.

In 2013 & 2014, Trustees worked closely with a Quantity Surveyor to complete a tendering process, which identified a preferred building contractor. It also confirmed that allowing for various contingencies, a further investment of at least £500,000 would be required to complete the building.

The Bishop's Tachbrook Parish Council have committed a grant of £50,000, the Warwick District Council have added a grant of £300,000 and further agreed to underwrite the additional fundraising for the remaining £150,000 required to complete the building.

It is planned that the construction phase will begin in Spring and run through until the end of November 2015, allowing time for commissioning and an official opening before the end of the year.

The creation of the St Chad's Centre will transform life in Bishop's Tachbrook. It will literally provide the beating heart for community life for residents of all ages, affording safe and comfortable facilities that encourage interaction and sustain interest in activities and events that directly enrich residents' lives.

This facility has had a long gestation and will meet a need that many have felt will never be met. For a rural community not to have a village or church hall, has crippled so many initiatives that have needed the simplest amenity such as toilets for events on the village green, or an operational base for the Community Payback Team, let alone the more established groups that have stoically managed using the mediaeval facilities afforded by our church building. Leaders of community groups in the parish realise that this facility will be transformational for their members who have for so long, made do with sparse, inappropriate facilities.

It is planned that the Centre will be fully operational by mid-2016. Trustees will judge if it a success if the St Chad's Centre is being used by a diverse range of groups of all ages who are coming together not just for their own benefit, but to also serve the wider community.

1. Business case

The 2001 & 2011 census identified that a significant proportion of all the residents of Bishop's Tachbrook are either 19 years old or younger, or are over the age of 65. Yet, our rural Parish does not have a village hall or any suitable facility in which to conduct community life and in particular, the needs of the non-working population who spend most of their time in the Parish. Bishop's Tachbrook is poorly served by public transport, which further isolates many residents from facilities in the nearby towns.

In 2002 the Warwick District Council commissioned a survey of existing community buildings in the Parish, which determined that none were suitable for conversion:

- The closest facility of this type is the Warwick Gates Community Centre, located in the neighbouring parish, some three miles away. There is poor provision of public transport to this facility.
- Otherwise, Bishop's Tachbrook benefits from a 13th Century church, which is used frequently, especially the Tower Room that can accommodate a meeting of 10 people (max), but has poor heating and limited kitchen facilities.
- There is a Sports and Social Club which is open to members providing snooker and pool rooms, bars and a cabaret room that is used for entertainment.
- The Primary School has a Hall, which is used heavily by the parents and pupils and the after-school club. Child protection requirements and the demanding schedule of school activities do not enable reliable community use.

CONSULTATION

Plans for the new Centre have evolved through an active consultation programme that has engaged potential user groups in the planning and fundraising activity.

• Inception

On 15 July 2002, an organising committee of local residents and representatives of user groups was formed to determine where a community facility could be established. Consideration was then given to sites which would provide good public access and it was decided that land set aside in the 1970's for a church hall in the churchyard would be the most suitable on which to build.

The group resolved from the outset that the new community facility would serve as a village and church hall and would be known as "The St Chad's Centre". A discussion paper was prepared and circulated to the St Chad's PCC, Bishop's Tachbrook Parish Council, Warwick District Council, Bishop's Tachbrook Primary School, Sports & Social Club, Pre-school, Parent & Toddler Group, Pop-in Group, Cross-stitch Group, Brownies, Cubs & Scouts, History Group, Women's Institute, Horticultural Society and Primary School PTA.

On 10 & 30 September and 18 November 2002 the St Chad's Centre Planning Committee met to review the feedback from the initial round of consultations and to update the brief, which was presented to the St Chad's PCC for approval on 27 January 2003.

A short-list of Architects was then invited to submit proposals to undertake a feasibility study for the Centre, to include design concepts for three alternative outline schemes. Following presentations and proposals from the short-listed firms, the Planning Committee recommended to the PCC that Brown Matthews architects of Warwick be appointed.

Work then began on the drafting of the “Statement of Significance” and the “Statement of Needs”. Consultations with potential user groups assisted in the completion of the draft statements.

On 22 February 2003 a ‘fact-finding’ tour of other similar facilities was conducted by representatives of potential user groups and members of the Planning Committee. In all, six community buildings were visited and reviewed. The findings were collated at a meeting on 24 February and reported back to the Architects.

• **Agreeing the preferred design**

On 10 March 2003, three different design schemes (options A,B,C) were presented by the Architects to a meeting of the planning committee and other user group representatives. The feedback provided enabled the Architects to prepare a fourth ‘preferred scheme’ (option D), which was smaller in scale with a connected access to the church.

On 3 April 2003 the Diocesan Advisory Committee (DAC), which included English Heritage representatives and Warwickshire County Council Archaeologists, conducted a site visit and met with the Planning Committee and user group representatives to review the four alternative schemes. Initial feedback from the DAC and further comments from user groups prompted the development of a fifth scheme (option E), which was detached from the church and further reduced in scale.

Meetings with the wider membership of user groups were held on 28 April and 8, 15, 22 June. At each of these meetings the users not only commented on the design of the Centre, but also began outlining when and how each would use the facilities. Those who were unable to attend a set meeting were contacted separately to ensure all had an opportunity to comment on the plans. On 22 July 2003, the Architects presented the sixth scheme (option F), which incorporated the input from these additional rounds of consultation.

• **Engaging the community**

The Planning Committee prepared an outline budget that detailed the projected costs of running the Centre. This information was then used to prepare a break-even, operating budget, based on conservative projections for use and allowing for concessional rates for community groups. The outline budget was circulated for comment from the potential users. Updates were issued as feedback was received.

During the Autumn 2003, a round of wider public consultation was then undertaken at open meetings of the Parish Council and PCC. Q&A sessions were also organised with the members of the planning committee. Immediate neighbours were personally invited to a Q&A meeting that was held on 13 October and was attended by 29 people.

A display was installed at the Church which provided information on the Centre and the current version of the building Plans. Updates were also published in the Parish Magazine, which is provided free monthly to every household in the Parish.

Public debate and comment was reflected at Parish Council meetings and in the local press. Residents located close to the site objected to the development because of the potential impact of the public use of an area that is presently a quiet churchyard. Others highlighted the wider community benefit that the new facility would provide.

In all, the following groups were consulted about the plans:

- Parish Council
- Sports & Social Club
- Primary School
- Mothers and Toddlers Group
- History Group
- Brownies
- Women's Institute
- Village Police Officer
- Football Club
- Youth workers
- Warwick District Council
- Warwickshire College
- St Margaret's Church
- Doctor's surgery
- Leopard pub
- Neighbours living in houses around the Church and Churchyard

GAINING PLANNING CONSENT

On 8 December 2003, the PCC resolved to instruct the Architects to apply for Planning Consent for the preferred design scheme (Option F) for the new Centre.

To meet the costs of designing the Centre and preparing a planning application, fundraising began in earnest with community groups organising events and activities to raise money. Individuals committed to regular pledged gifts and undertook challenge fundraising events, such as competing in the Two Castles 10km run. The initial costs were met from funds raised.

On 26 October 2004, the DAC completed a further site visit and recommended that an Archaeological Survey of the site be undertaken. In March 2005, a 2m wide strip of farmland was given to enable 'managed' pedestrian access through the lower churchyard to the car park of the Leopard pub, if required. In May 2005, the Archaeological Survey of the site was completed and found no items that required further examination.

On-going throughout this period, consultations with Planning and Conservation Officers at the Warwick District Council and English Heritage helped shape the form of the building design, which after various iterations was submitted for planning consent on 26 January. On 2 May 2007, permission was granted, despite a sustained campaign by neighbouring residents who were opposed to the location of the new Centre. In 2011, after further public consultations fresh Planning Consent was granted and detailed planning resumed.

RAISING FUNDS AND CREATING A NEW CHARITY

In June 2007, a fundraising Resources Study was completed by consultants who were commissioned to interview a range of community leaders about the plans for the Centre and undertake further research to determine where the funding for the Centre could be found. In parallel fresh consultations were undertaken with community groups to update the Business Plan.

The DAC conducted a final site visit on 27 July 2007 and recommended that a petition be submitted to the Diocese for a Faculty.

A written survey of PCC members was also conducted to determine views on these reports with the findings presented to a special meetings on 24 September 2007 and 21 January 2008. Concerns over the financial risks and viability of the project prevented the requisite 75% approval of the project by PCC members, so the matter was taken to the annual church meeting on 13 April 2008, which gave the necessary go-ahead.

In June 2008, a Fundraising Board was established to secure gifts and grants for the project. Information events were organised in homes across the Parish where a presentation was given on the plans for the Centre and the benefits to the community. People were encouraged to make pledged gifts to maximise the benefits of Gift Aid. Concerts, barn dances, Starbucks coffee mornings and other fundraising events were also organised. A logo was designed and printed on T-shirts and mugs, which were commissioned and sold. The Vicar was even sponsored to sleep up the church tower for 40 nights!

In April 2009, detailed consultations began with the Parish Council to secure its financial support for the project. Open meetings were conducted to address questions about the proposals. In January 2010, the Parish Council resolved to make a grant, subject to conditions, which ultimately translated into the creation of a new charity, The St Chad's Centre Trust, with independent Trustees nominated by the PCC, Parish Council and community groups.

Indeed, the Parish Council's grant to the Centre was not only the focus of a Parish Poll in late 2010, but figured as a key issue in the 2011 Parish Council elections, which won support from across the community with all supporting candidates being returned.

In November 2010, as part of the development of a Neighbourhood Plan the Bishop's Tachbrook Parish Survey was conducted with 350 responses received from the 1,100 households polled. The findings highlighted the need for new community facilities and the demand for activities such as adult education and a youth club.

Trustees continue to host update meetings with interested groups, most recently on 20 November 2012, 10 September 2013 and 3 December 2014 with all those who have made gifts or expressed an interest in the project.

2. St Chad's Centre

The St Chad's Centre will be a key community asset, being a place where all residents can meet to engage in community activities and events.

It is expected that the facilities will foster the creation of new community groups and enable those that already exist to enhance their operations. It will be the only facility in the Parish with a kitchen and suitable toilets that is properly heated and lit, so the experience of attending meetings and activities will be greatly enhanced.

The Centre will also enable the residents to meet informally through shared interest groups, coffee mornings and other social interactions. Trustees have had considerable interest in using the Centre for events such as family celebrations, birthday parties and the like. A Mobile post office and banking facilities would help those without a form of transport, the office area could be used for counselling services and drop-in sessions for Councillors and MP's. A lunch club and community cafe would bring residents together. With film nights for all ages of the community being extremely popular. Parts of the Centre could be used as exhibition space for local artists and musical showcases could be held in the main hall.

It is anticipated that the Centre will enable providers of adult education, childcare and exercise classes to establish viable programmes for the benefit of local residents, a requirement indicated in the Neighbourhood Plan survey.

BUILDING CHARACTERISTICS

The Architects were briefed to design a community building which:

1. Is built of materials and to a design that is sympathetic to the historic St Chad's Church and churchyard setting, adjacent to the village green.
2. Is located on open land to the West of the church tower.
3. Affords good access throughout.
4. Will accommodate 40-50 people seated for a meeting / 20-25 seated at tables for a meal or formal meeting / 20-25 people rehearsing a play or other performance. Does not require a dais, but is capable of being blacked-out for projection facilities.
5. Provides catering facilities for hot meals for up to 25 people and hot & cold drinks for up to 50 people.

SCHEDULE OF ACCOMMODATION

● Entrance / Foyer

- Connects with churchyard and village green.
- Acts as a crush space for Multi-Purpose hall.
- Access to toilets/cloakroom.
- Can be secured independently from the Multi-Purpose hall.
- Double doors for furniture removal.

- Disabled access throughout in accordance with the Disability Discrimination Act.
- Display space with feature lighting.
- Mat well and 'clean-off' carpet zone.
- Power for cleaning, telephone point and fire/security alarm panels.

● **Multi-Purpose Hall**

- Adaptable space capable with good sound attenuation (typically 46dB).
- Acoustics suitable for speech and presentation work.
- Variety of seating configurations including conference, seminar, dining and education.
- Direct link with chair store and kitchen servery, which can be locked off.
- Good natural lighting with black-out facilities. Maximise views of the churchyard.
- Good air change rate commensurate with use including securable natural ventilation.
- Interesting ceiling /roof scape to create a space with high quality architectural character.
- Power around all perimeters, IT socket, telephone, TV point and hearing induction loop.
- Low-pressure hot water heating from separate air source heat pump.
- Heavy-duty floor finish, hardwood joinery from sustainable sources, hard plaster finish walls and acoustic ceilings with dimmable low glare high efficiency lighting throughout.

● **Office**

- Two workstations plus filing cabinets and document safe.
- Links directly with Entrance with separate security.
- Two IT terminals with data containment linked to Multi-Purpose hall, including incoming Broadband connection.

● **Kitchen**

- Self contained room with security shutter.
- Modest catering facilities including hob, oven, preparation area, double wash-up sink, hand-wash basin, dry goods store, refrigerator, warming cupboard, tea boiler and servery with plenty of layout space for hot drinks and cold buffets.
- Single phase power, dish washer, gas hob and electric oven with domestic hot water provided from the heat pump.
- Extract ventilation hood and 15 air changes/hour by means of mechanical ventilation.

- Easy clean hygienic finishes with ceramic tiled floor and walls, sprayed plastic coated walls and Ceramaguard 100%RH suspended ceiling with sealed light fittings.

● **Toilets**

- Male, Female and Unisex disabled toilets with hand washing facilities, baby changing and good disabled access in accordance with the Building Regulations Part M.
- Toilets sized up to 60 people split 50%/50% Male/Female.

● **Cloaks**

- Definable space for cloaks directly off Entrance for loose fitted staff lockers and hat/coat hooks for 30 people.

● **Store**

- Internal lockable store with door and a half for equipment and decorations.
- Adjustable shelving along one wall and good access for trollies/sack truck.

● **Chair store**

- Access from the Multi-Purpose hall.
- Storage for up to 50 stacking chairs and 8 no. six person stacking tables.
- Double doors or door and a half.

● **Cleaner**

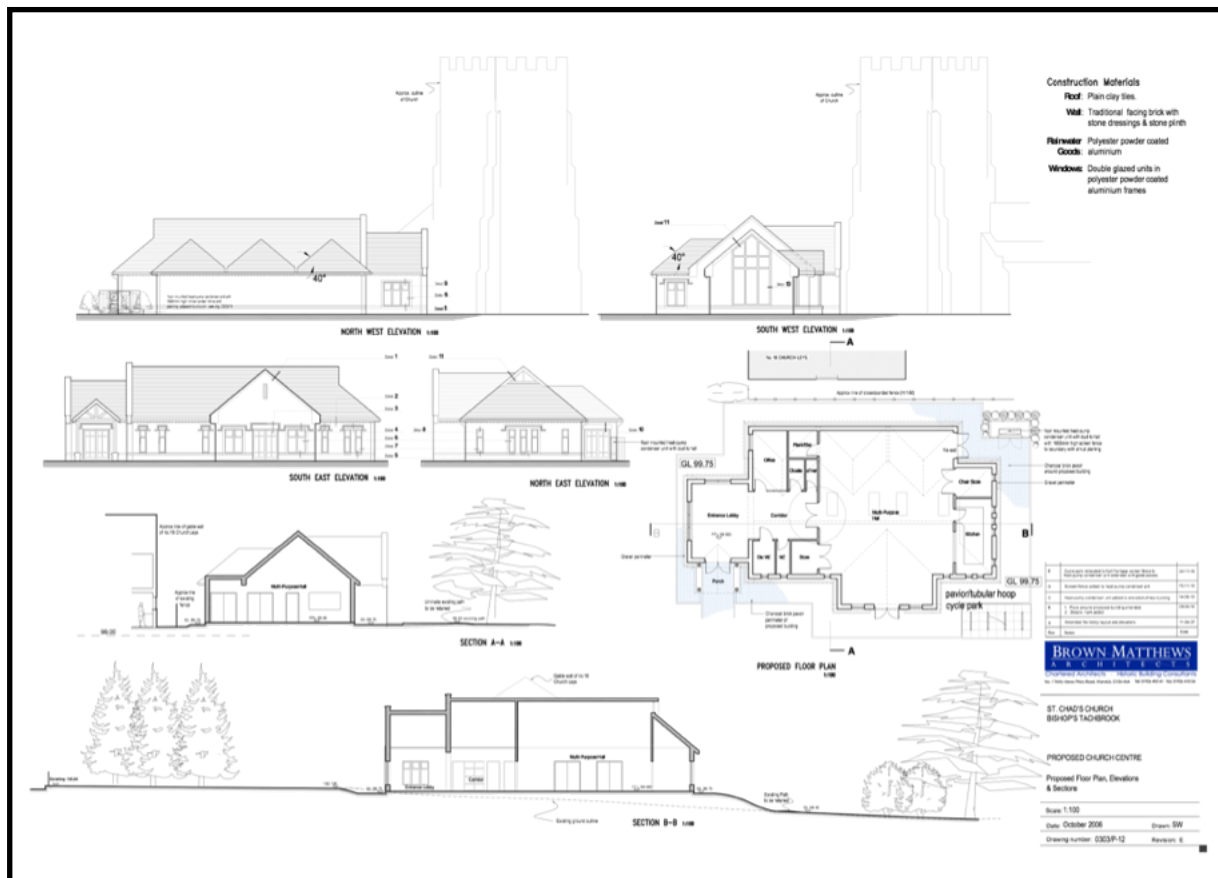
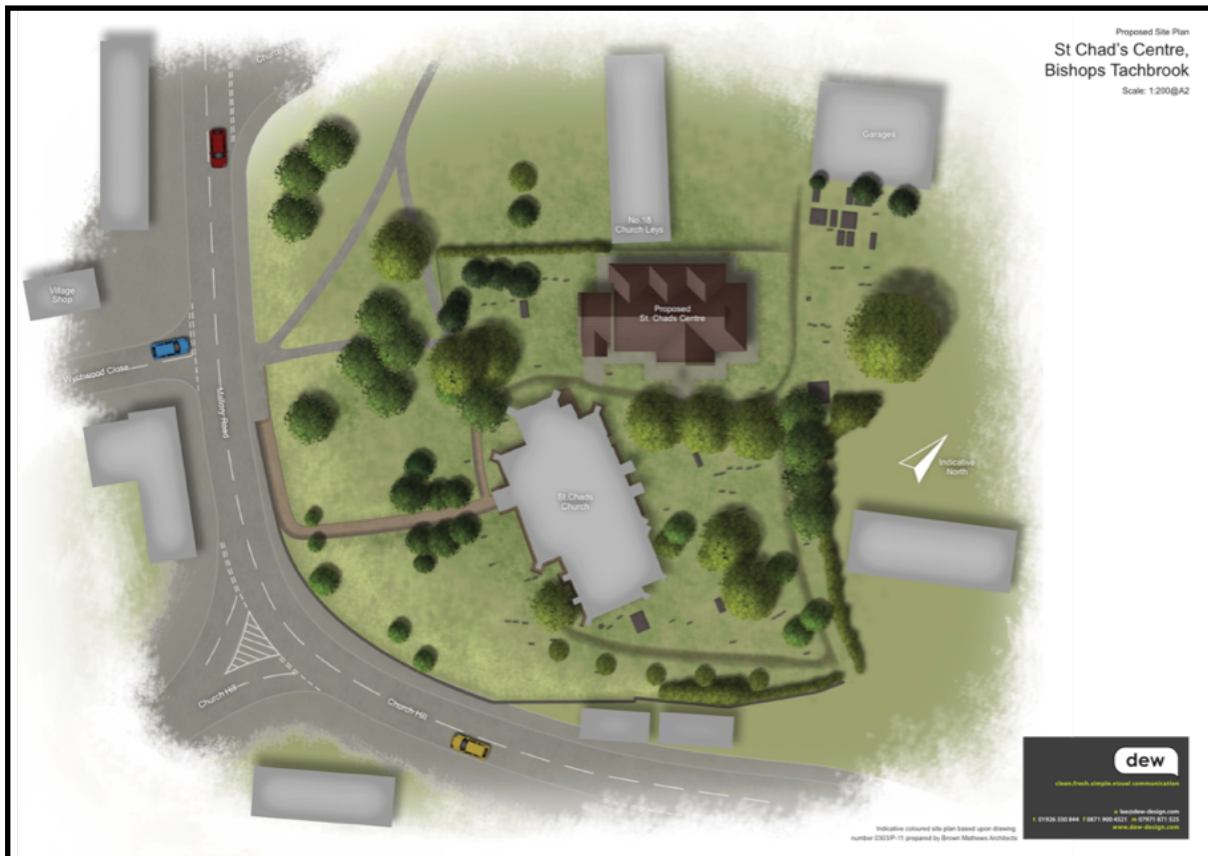
- Internal lockable store with janitors sink, adjustable shelving and space for cleaner's trolley.

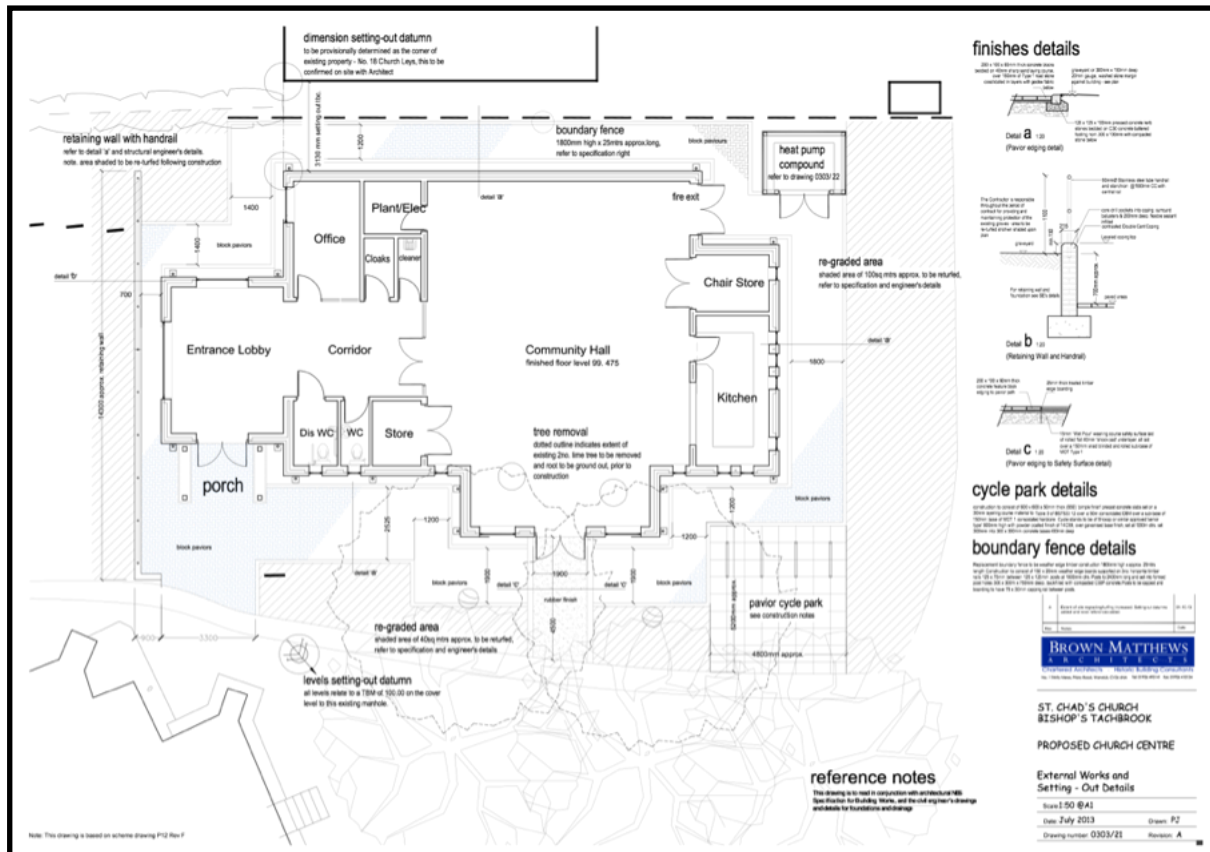
● **Refuse**

- Screened and lockable refuse storage area.
- Located away from natural and mechanical ventilation outlets and linked by pathway for collection from churchyard perimeter.

● **External works**

- New low maintenance drained pathways linking in with the brick paved Church path and grassed footways in the Churchyard.
- Provision for disabled access from Mallory Road and the Church.
- Consideration of improved visual and physical links with the existing village green, taking due account of the setting within the Bishop's Tachbrook Conservation Area.









PROFESSIONAL TEAM

- Brown Matthews Architects Ltd
No 1 Trinity Mews, Priory Road, Warwick CV34 4NA
- Starkey Button Chartered Quantity Surveyors
1a Highfield Terrace, Leamington Spa CV32 6EE
- GCA Consulting Engineers
The Georgian House, Saltisford, Warwick CV34 4TR
- Greenway and Partners Ltd Electrical & Mechanical Engineers
1 Bedford Street, Leamington Spa CV32 5DY
- Archaeology Warwickshire
The Butts, Warwick CV34 4SS
- BM CDM Health & Safety Co-ordinators
No 1 Trinity Mews, Priory Road, Warwick CV34 4NA
- Midlands Tree Surgeons Ltd
Lancaster Park, Newborough Rd, Needwood, Burton upon Trent DE13 9PD
- Wright Hassall LLP Solicitors
Olympus Avenue, Leamington Spa CV34 6BF

BUILDING PROCUREMENT

Architects were appointed early to give strategic definition to the creation of the preferred building layout. The design concept stage culminated in securing the necessary building consents from the Warwick District Council and the Diocese of Coventry.

Information was then gathered to clear pre-commencement conditions, including for environmental health, archaeology, ecology, and tree protection. Detailed design drawings were prepared and technical specifications agreed for the materials and finishes.

In March 2013, the QS prepared an initial Cost Plan of £400,000. Once the detailed design was completed, given the changes that had been made, the budget was increased to £500,000.

Trustees also obtained advice to confirm that there will be no VAT charged on the costs of building the Centre (excluding professional fees).

A Bill of Quantities was prepared and research completed to develop a short-list of potential construction companies best qualified to be invited to tender. The QS reported in February 2014 that five tender responses were received, with the Bill of Quantities for the three lowest-priced contractors being called-in for examination.

It was subsequently recommended that SPW Management Construction Ltd of Rugby be appointed to build the St Chad's Centre for an adjusted Contract Sum of £480,745.37. Remaining professional fees of £29,650.44 and utility connection fees will bring the total construction budget to **£517,232.26**.

To allow for ongoing fundraising, a phased building programme has been planned, budgeted costs for each element, including remaining professional fees. (See table at Appendix B).

Phase 1 covers the building of the shell; Phase 2 the fitting of external windows, doors, remaining drainage and the first fix of service installations; Phase 3 sees the completion of internal fit out and site works. It is planned that there will be no practical break in onsite building activity between each of these phases of construction.

CONSTRUCTION PROGRAMME

• Site access

Access to the site will be established across the village green. A license has been granted by the Parish Council. Protection will be installed for nearby graves and other sensitive areas in the churchyard.

• Tree protection

Detailed specifications for the installation of tree protection measures have been included in the construction contract. The Warwick District Council Tree Protection officer will be consulted to ensure these arrangements comply with the agreed Tree Plan, before construction access to the site is established.

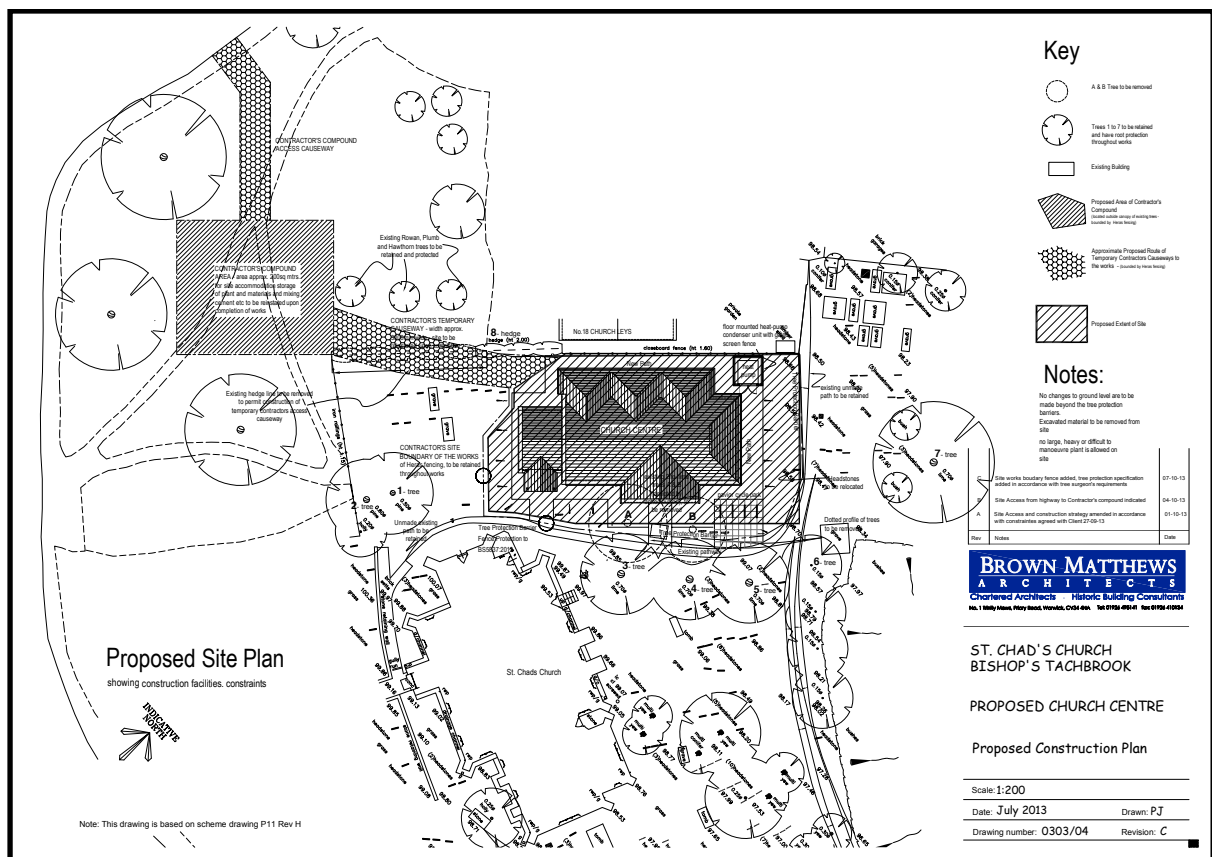
• Archaeology

Archaeology Warwickshire have been appointed to oversee the site excavation and ensure the agreed WSI is implemented.

• Timelines

Work on site is planned to begin in the Summer 2015 with the completed building due for handover in the Spring 2016.

• Site plan



3. Management

Trustees will conduct the day-to-day running of the Centre through regular meetings and written reports, with each agreeing to assume specific responsibilities for:

1. Building (construction, maintenance and repairs).
2. Bookings (application of Terms and Conditions of Hire, website co-ordination).
3. Operations (working with the Centre Administrator).
4. Communications (Parish magazine, website, direct marketing).
5. Finance (receipts and payments, Balance sheet, Banking).
6. Governance (regulatory returns, Trustee meetings, reports).

CENTRE ADMINISTRATOR

Trustees will recruit and supervise the work of a paid, part-time Centre Administrator who will be responsible for:

- Day-to-day management of all bookings, including access and security.
- Ensuring the building is kept clean.
- Overseeing the access of outside service contractors.

OPENING HOURS

The Centre will operate seven days a week, being available for bookings from 7am until 10pm. On special occasions the Trustees may agree to the closing hour being extended, but not later than midnight given the proximity of nearby homes.

BOOKINGS

All arrangements for bookings will be made through the Parish website, where details of the Terms and Conditions of Hire will be posted. It is planned that a forward bookings calendar will be posted on the site to indicate when the Centre is available.

• Personal and charitable use

Bookings will be concluded with a Hirer of at least 21 years old on the basis of a completed Hiring Agreement and payment of a deposit and refundable Bond. The Hirer is personally responsible for the event and its conduct according to the Terms and Conditions of Hire, including a declaration concerning the required condition of the Centre at the end of the hiring.

• Block bookings and other uses

Terms for regular and block bookings, and by corporate and other bodies for commercial use are by individual agreement depending on the frequency and nature of use. Regular and block bookings are provisional a) until payment is made and b) in any case for dates beyond a rolling period of three months ahead, unless otherwise agreed. In the event that a

provisional booking beyond three months ahead is cancelled by the Trustees, a full refund of any payments will be made.

- **Terms and Conditions of Hire**

The Terms and Conditions of Hire are based on the Model Conditions approved by the Charities Commission, which will be available on the Parish website. Attention will be particularly drawn to the following sections: Licences; Noise and nuisance; Heating; Care of the premises and contents; End of Hiring Declaration.

- **Rates and charges**

The Centre may be hired for personal use by individuals and for charities at rates per hour or per session. Tables and chairs are included in the hiring rates. If use of the kitchen is required (cooker, fridge, dishwasher, etc.), a fixed rate kitchen supplement is payable. If catering equipment is required (glasses, china, cutlery, etc.) a catering supplement is payable at a rate depending on the numbers and extent of use.

4. Marketing

The Trustees plan that the St Chad's Centre will first address the need for a community facility for those residents who live or work within the Parish of Bishop's Tachbrook. This includes those who are delivering activities or services into the Parish for the benefit of local people. If there is remaining capacity, a second priority will be to extend this amenity to the wider area, where local facilities are unable to meet demand or are unsuitable for specific uses and for which the St Chad's Centre would be more appropriate.

SERVICE OFFER

The Centre would provide a foyer area suitable for small meetings, a multi-purpose hall suitable for larger meetings and an office suitable for small private meetings. In addition, chairs, tables, kitchen and catering equipment will be available. Storage space will also be offered for rent to community groups.

MARKET DEFINITION

The 2011 census figures published by the ONS and detailed below, provide an overview of the age profile of the Parish population. Trustees have used this information to estimate that as many as 2,000 people could potentially book the Centre who presently live in the Parish.

Age (years)	Number
0-4	150
5-9	175
10-19	320
20-64	1,493
65+	420
Total	2,558

It is anticipated that a further 500 people will join this group when the 150 new homes planned to be built in the village are completed over the period to 2018.

Additional housing to be built elsewhere in the Parish during the new Local Plan period, have lead the Trustees to reasonably foresee that the potential number who might book the Centre will increase to **at least 4,000 people**.

Consideration has also been given to the trend experienced at other similar facilities, that new uses and demand are generated by the existence of the new

Centre. Trustees anticipate that the provision of the St Chad's Centre will in itself encourage new potential user groups to form and existing groups to grow to undertake activities:

- Parent and child 'stay and play' groups e.g. Tachbrook Tinies
- Parent and child activities/classes
e.g. Baby Sensory, Dandy Development, Monkey Music
- Uniformed groups e.g. Rainbows, Beavers, Cubs, etc
- Youth groups e.g. youth clubs
- Activity clubs e.g. table tennis
- Hobby or interest groups e.g. the History group, Stitch & Time sewing group, slimming club
- Community based organisations e.g. the Women's Institute or Mothers' Union

- Church events and meetings e.g. coffee mornings, after service gatherings
- Community events e.g. hosting an afternoon tea once a month in rotation with neighbouring parishes
- Consultation events e.g. on planning applications
- Providing a base for community activities e.g. facilities for the annual litter pick or the community payback team
- Business events e.g. meetings from businesses based on Heathcote Industrial Estate, Tachbrook Park or Spa Park
- Parish council meetings
- Community forum hosting
- Childcare e.g. crèches
- Adult education classes e.g. IT, languages
- Exercise classes e.g. Zumba, Yoga, Pilates
- Bands/gig nights
- Cinema nights
- Birthday parties/christenings/funerals etc

MARKET PENETRATION

Prior to opening, pre-launch marketing will take place within the parish and local businesses to raise awareness of the Centre, its facilities, its availability and how to book, including online bookings. Once the Centre is open the potential customers will be invited to special events (e.g. the Centre launch event, open days, sports/fun activities, cinema nights, Christmas carols, etc) hosted by Trustees to encourage future use of the Centre.

The communication channels for marketing the Centre have been identified and include:-

- Bishop's Tachbrook Parish magazine
- Bishop's Tachbrook Parish website www.bishopstachbrook.com
- Social media pages e.g. the Bishop's Tachbrook Facebook page, Twitter
- Local press and media e.g. Courier and Observer
- Posters in the local corner shop, the doctors' surgery, the Leopard and Parish Council noticeboards on Mallory Road and Othello Avenue.
- St Chad's Church via services and networking
- A leaflet drop in the parish
- Third party websites e.g. local council links, Mums Know Best Warwickshire, Netmums etc

- Direct contact e.g. email, letters phone etc. with commercial groups such as children's classes, slimming clubs, exercise classes
- Direct contact with local business who may wish to hire the Centre for meetings
- Networking with existing groups e.g. the History group

TARGET AUDIENCE

1. The commercial under 5's category is a competitive market with numerous activities offered for babies and toddlers with their parents. Activity leaders are often requesting recommendations from local parents for new venues and could provide an excellent opportunity for regular bookings. These would be during the daytime sessions, mornings, lunchtimes and afternoons.
2. Groups for primary school-aged children include the uniformed groups e.g. Rainbows, Beavers, Cubs, Brownies etc as well as youth groups and activity clubs. An interest in setting-up new uniformed groups at the Centre has already been expressed and existing groups operate a waiting list system as they are over subscribed. This age of child would be using the Centre after school, in the evenings and at weekends.
3. 'Tween' and teenaged groups also include the older uniformed groups e.g. Scouts, Guides, Rangers as well as youth groups and activity clubs. A previous issue within the parish of low level but frequent anti-social behaviour identified as including people from this age group has diminished in recent years. However, the hosting of activities targeted at this age would provide positive pastimes and help reduce the risk of issues recurring.

Reductions in youth services due to budget cuts opens up the possibility of introducing volunteer-led services based on the Centre. These young people would be using the Centre after school, in the evenings and at weekends.

4. The 20-64 year olds or 'working age population' spend the greater part of the day and week out of the parish, returning in the evenings and being around at the weekends. This indicates their likely usage of the Centre for social or leisure purposes. However, they may be interested in hiring the Centre to hold business meetings or work events during office hours. The leisure purposes could include exercise, adult education classes or hobby based groups.
5. Over 65's are likely to have a higher propensity to be in the Parish during the day. Given the population in this age group is growing, this will be a key group to target market. They may have a higher level of disposable income to use to pursue leisure activities requiring a hall venue?

They may also have limited access to services outside the parish, as the rural transport links can be restrictive, and so rely on walking to leisure activities, which could be based in the Centre? Because they could potentially be in and around the parish all day, every day the marketing opportunities are widest with this group.

COMPETITION

Trustees do not anticipate that the Centre will compete directly with any other venues, as it offers facilities unique to Bishop's Tachbrook.

● Within the village

Bishop's Tachbrook Primary School has a hall, which is used heavily by the parents and pupils and the after-school club making it inaccessible during working hours. Child protection requirements and the demanding schedule of school activities do not enable reliable community use. Evening and weekend access is possible but limited.

The Bishop's Tachbrook Sports and Social Club has function rooms, which are available to members at a reduced hire charge. The Club is a licensed premises making it unsuitable for some user groups e.g. the Parish Council.

The Leopard public house has a private room for hire or has larger open areas suitable for holding more informal meetings. However, it is also a licensed premises making it unsuitable for some user groups. The private room is smaller than the foyer area of the Centre and may require food to also be purchased. The open areas are more flexible but are unsuitable for certain activities, such as exercise classes.

St Chad's Church has a Tower Room that can accommodate a meeting of 10 people (max), but has poor heating, limited kitchen facilities and no public toilets.

● Within the local area

The closest facility of this type is the Warwick Gates Community Centre, located in the neighbouring parish, two miles away. It has a number of spaces suitable for a variety of uses including sports, activities, parties and private meetings. It also has higher than average hire costs when compared with other similar venues in the local area and no online booking facility.

Further afield, Barford Memorial hall built in the 1930's, is four miles away and has one large meeting room (capacity 70 with tables; 90 theatre style). Other halls can be found in Whitnash approximately three miles away. St Margaret's Centre, St Joseph's Parish Centre and the Methodist Church Hall provide a variety of facilities.

The potential benefit of all these facilities is significantly constrained by their distance from Bishop's Tachbrook and the extremely limited public transport that is available.

● Within the District

Trustees have discovered that many mid-sized venues in the area are already at capacity. Local service providers report difficulty in booking suitably-sized, modern facilities in which to host their classes, activities or groups. Also few venues offer online booking facilities.

The location of Bishop's Tachbrook, 3 miles from Leamington town centre, 4 miles from Warwick town centre, 1 mile from the M40 and within easy reach of Stratford, Banbury and Coventry, makes it an appealing location to hold a class, activity or group.

5. Finances - capital

INVESTMENT

Trustees, working closely with the Quantity Surveyor, have estimated the total cost of creating the St Chad's Centre will be **£615,401**, including construction costs, professional fees and other related expenses, which are being found from:

Previous fundraising	£ 98,169
Funds and confirmed pledges in-hand	£ 17,232
Grants (WDC & BTPC)	£350,000
Further fundraising (underwritten by WDC)	£150,000
Total	£615,401

In due course, additional capital investment of will be required to complete the furnishing of the Centre with suitable chairs, tables, kitchen and other equipment.

FUNDRAISING

To raise the £150,000 needed to secure the balance of the capital investment required, grant applications are being made to Biffa and Wren landfill tax credit schemes, plus other Trusts.

Trustees are investigating the provision of furniture items and plan to raise this investment during the construction phase of the project, through local fundraising and grants from selected charitable trusts and foundations.

6. Finances - operations

The procurement of funds to build the St. Chad's Centre was a key marker on the road to achieving the aims and objectives of the Trust. However, it is important to note that this was but one step in the journey and that, in reality, the key challenge is to ensure that the activities of the charity in operating the Centre ensure the long-term sustainability of this project.

One of the key drivers behind such success will be the operation of an appropriate and fundamentally sound financial model. This section of the business plan considers the key aspects of the model the Trustees intend to operate and is split into four key sections:

- Revenues;
- Costs;
- Surplus, Deficit and Cash management; and
- Financial Governance.

REVENUES

The Centre will primarily be available to the general public for hire on an ad hoc or regular basis. The Trustees believe that this will be the main source of income for the Centre and are optimistic that through careful management of pricing, occupancy levels and costs the Centre should be cash sustainable from its first year of operation (see Appendix C).

In addition to revenues received from the operation of the Centre, it is also envisaged that the Trustees will continue to raise charitable gifts and grants to supplement this income.

Revenue from operations will be determined by two factors:

1. the number of hours that the Centre is let for; and
2. the price charged for each hour the Centre is let for.

• Occupancy

The Trustees are aware that ultimately the success of the Centre - both in terms of its aim to stand out as an asset which benefits the community at large and from a financial sustainability perspective, is hinged on ensuring that the Centre is utilised and occupied as much as possible.

With no comparable competitor to the Centre in the village it is not difficult to assume that demand exists (anecdotal research has long established this); however, the lack of similar business to model demand on, does present an issue when trying to accurately forecast occupancy. The Trustees have therefore used local anecdotal evidence, as well as research of other local village centres (Chase Meadow, Warwick Gates and Ratley Village Hall – making adjustments for where the nature of the hall or profile of the village differs) to estimate occupancy. In the first full financial year of the business the intention is to appropriately price and market the Centre to encourage **35 hours per week** of occupancy.

Clearly this level of demand is unlikely to arise without a clear and focused marketing strategy prior to the opening of the Centre. The Trustees therefore intend to develop and

implement a strong marketing plan that sets the Centre on the right path from day one. The primary focus of the marketing will be to create awareness of the Centre and encourage prospective bookings so that from the point the Centre is commissioned it is used. The Trustees hope to encourage this by offering preferential terms and rates to early adopters, it is hoped that this will create a real buzz in the parish around the Centre, raising its profile and thus further increasing the occupancy rate.

Once the Centre is up and running and begins to build a reputation, it is hoped that occupancy may increase to an average of 40 hours per week and the Trustees believe that, with carefully managed pricing, this level of occupancy would ensure its long term success.

• Pricing

Key to the principle of running the Centre as a sustainable business is to operate a smart and effective pricing system that encourages usage of the hall at a fair and sympathetic price, but at the same time recognises where demand and commercial drivers facilitate the opportunity to generate additional income for the Centre and community.

As noted above, the Trustees key focus for the commencement of operations at the Centre will be to encourage demand and consequently increase occupancy to a level which ensures the Centre is sustainable and meets its wider community objectives.

The link between price and demand has long been established and given at present it is difficult to predict the level of demand in total, it would be very difficult at this time to determine the price elasticity of such demand. Some groups e.g. commercial ventures or charity groups are likely to be more price sensitive than others e.g. Birthday parties and one off events; therefore the Trustees are keen to recognise this through an advanced pricing structure, which reflects favourably on repeat and block bookings as well as the type of activity the Centre is being used for, the time of the day and the alternate demand for the booking slot.

The Trustees have many ideas and plans to flex the pricing in a way that ensures a healthy demand for the Centre, but at the same time ensures that a sustainable return is made from its operations.

The Trustees have initially prepared this business plan on the basis that the Centre will secure an **average rate of £12 per hour** in its first full year of operation. Clearly at first, as part of the marketing approach, the average rate may be lower than this target value, but as the business progresses this provides a good target price for the Trustees to achieve.

• Fundraising

Trustees also plan to conduct regular fundraising events and activities which will engage the whole Parish in making unrestricted gifts to the Centre. The ongoing fundraising activity will also help promote the Centre and provide a way of widening reach across all age groups and parts of the Parish, not just to those residents who live nearby.

Additional grant applications will also be made to charitable Trusts & Foundations for equipment and other capital improvements, as and when they are identified.

• Revenues - Summary

Generating sufficient income to fund the aims and activities of the Centre is key to its viability; the above sections set out the themes on which the Trustees intend to achieve this and should they meet their objectives income would arise as follows:

Income	2016-17	2017-18	2018-19
Turnover (note 1)	21,840	26,000	27,040
Fundraising (note 2)	4,000	4,000	4,000
Total income	25,840	30,000	31,040

Note 1: Year 1 assumed to be an average occupancy of 35 hrs per week at an average rate of £12 per hour. Year 2, rising to 40 hrs per week and £12.50 average rate. Year 3 staying at 40hrs per week, but the average rate increasing to £13 per hour.

Note 2: Trustees have agreed to raise £4,000 a year and have collectively undertaken to personally underwrite this sum each year through to 2018-19.

COSTS

Once the Centre is brought into use there will be a number of costs associated with its existence that will immediately begin to accrue (fixed costs). In addition, the operations of the Centre will clearly result in additional costs arising (variable costs).

The Trustees have, through both research and detailed consideration, identified the costs that they believe are likely to arise in the early years of operations. Of course it is possible that some of the actual expenditure may differ from the estimates set out below and also that some unforeseen costs may arise; however the Trustees believe that the estimates they have identified represent a reasonable and prudent view of the initial costs.

The management of costs will be a key focus of the Trustees, so as to ensure that the Centre can continue to be utilised by the community at competitive rates, and any surplus funds maximised to be redeployed beneficially.

• Fixed costs (administrative expenses)

Fixed cost	2016-17	2017-18	2018-19
Business rates (note 1)	300	308	315
Insurance	2,000	2,050	2,101
Music licence	120	123	126
DVD / Film licence	175	179	184
Internet, telephone	400	410	420
Waste management	800	820	841
Centre Administrator (honorarium)	5,000	5,125	5,253
Intruder alarm maintenance	600	615	630
Fire alarm maintenance	500	513	525
Lightning protection	250	256	263

Fixed cost	2016-17	2017-18	2018-19
Accountancy (honorary)	100	103	105
Sundry	500	513	525
Sub-total administrative expenses	10,745	11,015	11,288

Note 1 - Assumption that business rates relief of 80-100% will be available on the property.

• **Variable costs** (cost of sales)

Variable costs	2016-17	2017-18	2018-19
Electricity	4,000	4,100	4,203
Water (meter)	300	308	315
Cleaning - labour	3,000	3,075	3,152
Washroom consumables	500	513	525
Maintenance, servicing & repairs	2,000	2,050	2,101
Sub-total cost of sales	9,800	10,046	10,296

Unlike the fixed costs, the variable costs set out above will mainly be driven by the occupancy of the Centre. This highlights two key points:

1. Should occupancy be higher/lower than expected, these costs are likely to be equally affected and so this should be taken into consideration when comparing the above to the actual figures; and
2. These costs represent the marginal cost of operating the business, it is therefore important that these are considered in conjunction with the Centre's pricing strategy, as the price paid per hour by any user of the Centre should never (unless specifically agreed) fall below the marginal cost of their occupancy.

• **Total operating costs**

Summary	2016-17	2017-18	2018-19
Cost of sales	9,800	10,046	10,296
Administrative expense	10,745	11,015	11,288
Total operating costs	20,545	21,061	21,584

• **Costs - Summary**

From these calculations the Trustees have a clear indication as to the level of cash costs they need to be able to fund in the first three years. The cost of sales will be primarily driven by occupancy and the pricing strategy noted earlier, will evolve based on the necessity to exceed the variable costs and contribute to covering all the fixed costs.

SURPLUS, DEFICIT AND CASH MANAGEMENT

The previous two sections outline the strategy of the Trustees in managing the financial operations of the Centre. There will be a focus on growing occupancy to allow for the management of costs and sympathetic pricing. Using the figures set out in the revenue and costs sections the Trustees have forecast the surplus/deficit from operations calculations for the first three full years of operations.

Forecast	2016-17	2017-18	2018-19
Income (note 1)	21,840	26,000	27,040
Cost of sales	(9,800)	(10,046)	(10,296)
Gross surplus	12,040	15,954	16,744
Administrative expense	(10,745)	(11,015)	(11,288)
Operational surplus / (deficit)	1,295	4,939	5,456

Note 1 – All fundraising is excluded from the above forecast.

From the above it is clear to see that, even in the absence of any fundraising activities, the Centre is expected to deliver a operational surplus.

As noted throughout this business plan, whilst the Trustees will always work to ensure that the Centre remains a commercially viable operation, the Trust will not seek to amass funds surplus to those required to ensure the long-term viability of the Centre. Therefore the Trustees intend to review the annual financial performance of the Centre and split any annual surplus into two distinct funds:

- A reserve to cover unforeseeable costs of the Centre that may arise from time to time e.g. significant repairs over the life of the property; and
- A community fund which would seek to make small grants to community and charitable organisations in line with the aims of the Trust.

Of course, should the annual surplus prove too high, the Trustees could review their pricing strategy to ensure that the charges remain at a fair level that encourage community use.

FINANCIAL GOVERNANCE

The sums of money noted elsewhere in this section are not small; one of the key responsibilities of the Trustees will be to safeguard the funds raised by the Centre and ensure that they are used as intended. Financial risks such as human error, mismanagement, theft and even fraud will exist and it is important that controls are put in place prior to the commencement of operations to ensure that such risks are managed appropriately.

The trustees are satisfied that between them they have the capability to appropriately manage and account for the finances of the Centre. In addition, during the construction phase the Trustees intend to develop a financial governance charter that will bind anyone involved with the operations of the Centre now or in the future, to a strict code of conduct designed to manage any foreseeable financial risks. Some of the key themes will be:

- joint signatories for all material costs;

- segregation of financial duties;
- the preparation of monthly and more detailed quarterly accounts;
- annual review of the financial records and systems of the Centre; and
- rotation of roles for any persons holding cash responsibilities.

The Trustees are confident that with such safeguards in place financial risks will be appropriately managed.

• Financial Operations – Summary

The Trustees have set out in this section how they intend to run the financial aspects of the Centre, from revenue and cost management through to financial governance. Accordingly, it should be clear from the above that the financial aspects of operating the Centre have been taken seriously and that the Trustees are confident that they will be able to make the Centre a financially viable operation.

Appendix A | SWOT analysis

STRENGTHS

- Large village population (2558)
- Several pieces of research over past decade identified and reiterated need for Centre
- Strong support from Parish Council and Parochial Church Council
- Central village location
- Statements of intent to use Centre from several village/potential groups
- 99 year peppercorn land lease
- £100k already raised from donations alone - shows strong support
- Solid fundraising base to support sound financial plans
- Modern and sustainable design
- Design led by informed predicted usage
- Strong existing volunteer focus in Parish
- Widely skilled Trustees board e.g. professional fundraiser, chartered accountant, programme manager, retired primary education teacher and churchwarden, operations manager and parish councillors.

OPPORTUNITIES

- Increase the local skills capacity through holding adult education classes
- Starting up new groups who have been unable to find a local venue e.g. cubs
- Expanding existing small groups who meet in homes and would then need a venue the size of the Centre to hire
- Broaden the involvement of local people through offering a wide range of activities and services, including social, leisure and education events
- Offering a local alternative to the licensed premises
- Link ups with local businesses to offer meeting space
- Provide base for wider community work e.g. facilities for Community Payback team

WEAKNESSES

- Centre will have an operational surplus but may show an accounting deficit (through recognition of depreciation of the leasehold property which is required under general accounting principles given the company's interest in the land has a finite period). It is hoped that the lease will be renewed early in the next century.
- Occupancy does not increase to sufficient levels to fund depreciation charges
- No dedicated car parking may limit marketability
- Size of venue may affect marketability
- Possible limited storage space

THREATS

- General and local elections may disrupt planning
- Less popular time slots may need to be discounted under the £12 average rate
- Management are all volunteers which could impact management input
- New halls/centres may take away business
- Unexpected expenditure when the Centre is up and running
- Delays in confirming funding
- Failure to establish contact with preferred builder, due to delays in confirming funding.

Appendix C | Cost & fees by Phases

St Chads Church
Main Summary

Construction		Total	Pre-Construction	Phase 1	Phase 2	Phase 3
Bill	1 Preliminaries	£ 28,200.00	£ -	£ 20,100.00	£ 2,650.00	£ 5,450.00
Bill	2 Preambles	£ -	£ -	£ -	£ -	£ -
Bill	3 Building Works	£ 283,297.33	£ -	£ 178,821.17	£ 28,400.82	£ 76,075.34
Bill	4 External works	£ 42,398.04	£ -	£ 8,605.57	£ 8,249.05	£ 25,543.43
Bill	5 M & E	£ 86,310.00	£ -	£ -	£ 39,281.00	£ 47,029.00
Bill	6 Prov Sums & Contingency	£ 40,540.00	£ -	£ 15,526.00	£ 6,166.00	£ 18,848.00
		£ 480,745.37	£ -	£ 223,052.74	£ 84,746.87	£ 172,945.77
Fees & Charges						
Architect	Brown Matthews	£ 6,300.00	£ 1,800.00	£ 2,087.88	£ 793.27	£ 1,618.85
CDM-C	Brown Matthews	£ 1,800.00	£ -	£ 1,710.00	£ -	£ 90.00
M&E	Greenway & Partners Ltd.	£ 1,740.00	£ -	£ -	£ -	£ 1,740.00
SE	GCA (UK) Ltd.	£ 6,360.00	£ -	£ 5,688.00	£ 672.00	£ -
QS	Starkey Button	£ 13,450.44	£ 3,354.78	£ 4,014.95	£ 1,525.44	£ 4,555.26
Mains Electric	Western Power	£ 6,836.45	£ -	£ 6,836.45		
		£ 36,486.89	£ 5,154.78	£ 13,500.83	£ 2,990.71	£ 8,004.11
Totals		£ 517,232.26	£ 5,154.78	£ 236,553.56	£ 87,737.58	£ 180,949.88

Appendix B | Comparable facilities

This business plan is based on an average of £12 per hour hire charge and 35 hours of hire in Year 1. The rates achieved by comparable facilities have been researched and summarised:

- comparable by size of potential hiring population,
- comparable because of similar facilities e.g. square footage, kitchen available, facilities suiting smaller scale needs & limited parking and,
- comparable by location e.g. local competing venues.

As such, Trustees believe an average of £12 per hour, with some premium rate slots costing more and some community subsidised slots costing less, is realistic and achievable.

Hours of occupancy achieved is more commercially sensitive information and has been more difficult to research. However, Trustees have persuaded some venues to share this information and believe a Year 1 forecast of 18% rising to 20% when the Centre is more established is comparable with a 21% occupancy rate for another venue in their first year.

COMPARATOR VILLAGES BY POPULATION

Parish council area	Population	Full hourly rate	Discounted rate (if known)	Additional info
Cubbington	3929	£10.00		120/150 people
Stoneleigh	3636	£12.00	£8.00	
Bishops Tachbrook	2558	£15.00	£12.00	
Hatton	2319	£15.00	£13.50	30 people seated
Radford Semele	2012	£11.00	£9.00	80/120 seated

OTHER COMPARATOR VILLAGES BY SIMILARITIES OF FACILITIES

Parish council area	Population	Full hourly rate	Discounted rate (if known)	Additional info
Budbrooke	1863	£13.00	n/k	No car park – on street parking 60 people
Lapworth	1828	£50 9am-1pm £50 1pm-6pm £60 6pm-12am £75 on Sat	Local rate available Kitchen £30 flat rate	127sq m similar size to St Chad's
Barford	1336	£12.00		100/60 seated
Leek Wootton & Guy's Cliffe	1017	£17.00	Kitchen £10 flat rate	120 people
Shrewley	870	£13.00	n/k	100 people
Weston under Wetherley	468	£20.00	£10.00	100 seated 160sq m

Offchurch	250	£8.00	n/a	70 meeting/50 tables 70sq m 16 parking spaces
Eathorpe (and Wappenbury)	190	£7.00	n/a	90sq m

LOCAL COMPARATOR VENUES

Parish council area	Population	Full hourly rate	Discounted rate (if known)	Additional info
Warwick Gates Church Hall	n/a	£18.00	£24 for 1.5 hrs £27.50 for 2 hrs	
Warwick Gates Foyer and kitchen	n/a	£16.00	n/k	
Warwick Gates Sports Hall	n/a	£20.00	n/k	
St Margaret's Egford Hall	n/a	£20.00	n/k	120 capacity
Egford Hall Kitchen	n/a	£30.00		Flat rate
St Margaret's Old School Rooms	n/a	£17.00	n/k	50 capacity Small kitchen
Small meeting room	n/a	£10.00	n/k	5 capacity
St Joseph's Church Hall	n/a	n/k	n/k	
Whitnash Methodist Church Hall	n/a	£10.00	n/k	
Bishop's Tachbrook Sports & Social Club	n/a	£50.00	£40.00	Flat rate
The Leopard	n/a	£50.00		Flat rate
Bishop's Tachbrook Primary School	n/a	c.£85 full weekend day		Only available after 6pm & weekends

It is expected that the St Chad's Centre will offer tiered rates depending on the hirer and their connection with the village. Commercial businesses, such as those offering baby classes/ childcare will be charged a commercial rate, with incentives for long term block bookings. Local users will be charged a local rate, again with incentives for long term block bookings. This is in line with advice provided by existing venues who we have consulted with. Holiday bookings will be maximised to make use of the space vacated by term time only bookings. These and all ad hoc bookings will be negotiable depending on the purpose of hire and will require a deposit commensurate with the level of risk associated with the purpose of hire. Charging an additional flat rate fee for the use of the kitchen will be a further revenue source.

As well as the main hall, the foyer and office will also be available for hire at a reduced rate to the main hall. The design of the building has been carefully considered to allow separate access to the foyer room and office, and the main hall, providing an opportunity to hire out the hall and the foyer/office separately over the same time period. The balance between main hall and smaller rooms being booked would be monitored to ensure the larger space, with the higher hire charge, is being maximised.

OCCUPANCY LEVELS


There would be a mixture of usage types:

- Weekday mornings/afternoons – Trustees will be aiming for one morning and one afternoon booking a day. More sessions may be possible depending on the timings of the sessions.
- Weekday evenings – Trustees will be aiming for one booking for each weekday evening. For uniformed groups, for example, it may be that two sessions can be run on the same evening; one early and one later.
- Premium evenings (Fri/Sat) – Trustees will be aiming for one booking on either a Friday or a Saturday night to be charged at a premium rate. Trustees will be aiming for Saturday nights to be an ad hoc booked session, with Friday nights potentially being a regularly block booked session (cinema nights for example).
- Weekend days – Trustees will be aiming for one long or two short bookings on each weekend day. Sunday mornings will be block booked by St Chad's Church and the afternoons will be available for ad hoc bookings such as parties. On weekends the Centre can command a premium rate.

There is likely to be a pattern of usage differing between term time and holiday time, which Trustees will monitor and look for opportunities to maximise usage in gap periods.

- The main hall will be available between 7am and 10pm 6 days a week and 1pm to 10pm 1 day a week (Sunday). This generates 99 potential hours for it to be hired per week.
- The foyer and/or the office will be available between 7am and 10pm, 6 days a week and 1pm to 10pm 1 day a week (Sunday). Between them they have the potential to offer an additional 99 hours of capacity to be hired. In total this provides 198 hours per week of hiring capacity.
- Trustees are forecasting 35 hours a week at an average rate of £12 so are predicting a 18% capacity in Year 1, rising to 40 hours (equating to 20% capacity) when the Centre is more established.

These capacity percentage predictions are in line with research conducted amongst venues who have been willing to share with Trustees their occupancy levels.

 Executive 1 July 2015		Agenda Item No. 9
Title	Warwick Town Centre Action Plan	
For further information about this report please contact	Lorna Coldicott lorna.coldicott@warwickdc.gov.uk T. 01926 456505	
Wards of the District directly affected	Saltisford, Woodloes, Aylesford, Myton & Heathcote, Emscote	
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?	No	
Date and meeting when issue was last considered and relevant minute number	Executive meeting 10 July 2013 Minute no: 32	
Background Papers	None	
Contrary to the policy framework:	No	
Contrary to the budgetary framework:	No	
Key Decision?	Yes	
Included within the Forward Plan? (If yes include reference number)	No	
Equality Impact Assessment Undertaken	No	
Not required for this decision		
Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	08.06.15	Chris Elliott
Head of Service	08.06.15	Tracy Darke
CMT	08.06.15	Andy Jones, Bill Hunt
Section 151 Officer	08.06.15	Mike Snow
Monitoring Officer	08.06.15	Andy Jones
Finance	08.06.15	Mike Snow
Portfolio Holder(s)		Cllr Stephen Cross
Consultation & Community Engagement		
The last consultation to be carried out was the Options and Preferred Options which finished on 14 December 2012		
Final Decision?	Yes	
Suggested next steps (if not final decision please set out below)		

1. Summary

- 1.1 Work on the Warwick Town Centre Area Action Plan has been held in abeyance since it cannot proceed until the Warwick District Local Plan has been adopted.
- 1.2 This work ceased in 2013 and events have overtaken the proposals put forward through the Plan process, including the development of many of the sites which were considered through the Plan
- 1.3 The remaining work to complete the Plan would be in writing policies. The Local Plan which is at an advanced stage, contains all the policies needed for the town centres within the district. In spite of a setback to the programme for the Local Plan, these policies will be taken into account when planning applications are considered, along with those saved in the previous Plan.
- 1.4 Additional work and resources spent on a Plan which is clearly now outdated would seem wasteful, especially when an application for a Neighbourhood Plan Area designation is expected from Warwick Town Council in the near future; this now being a more appropriate vehicle to carry town centre proposals through and meets the objectives of the Localism Act 2011.

2. Recommendation

- 2.1 That Executive notes the results of the 'Options and Preferred Options' Consultation
- 2.2 That Executive approves the cessation of work on the Warwick Town Centre Area Action Plan

3. Reasons for the Recommendation

- 3.1 Area Action Plans were introduced in 2004 as part of the Local Development Framework by the Planning and Compulsory Purchase Act. The Framework replaced Structure Plans, Local Plans and Unitary Development Plans in an attempt to speed up the adoption of development plans across all local authority areas. Area action plans are an optional development plan document aimed at establishing a set of proposals and policies for the development of a specific area (such as a town centre or an area of new development) of a district authority.
- 3.2 Work commenced on the Warwick Town Centre Area Action Plan in 2009. The plan was considered initially to be the best vehicle to carry out work on securing the future use of a number of sites within the town centre, the majority of which were to become surplus to the requirements of public bodies as a result of rationalisation. There were also a number of buildings, some of which are Listed Buildings, which were vacant or about to become so and in need of revitalisation and renovation

- 3.3 The work was undertaken by a partnership comprising members of Warwick District Council, Warwickshire County Council, Warwick Town Council, the Warwick Society and Warwick Chamber of Trade, assisted by district council officers and chaired latterly by Deputy Chief Executive (AJ), Warwick DC. As a large number of people constituted the Partnership, a Core Group of members; one from each organisation, was set up to undertake research and submit ideas to the Partnership as a whole with officer support. This work was then presented and agreed by consensus of the Partnership before moving forward to the next stage.
- 3.4 The first exhibition was held in March 2010 to raise awareness of the plan and to identify the issues needing to be addressed within the town centre. Following that, work was undertaken on Options and Preferred Options and the Sustainability Appraisal with the accompanying public consultation stage on both taking place in October, November and December 2012. The results of this most recent consultation can be found by following this link to the website
http://www.warwickdc.gov.uk/downloads/download/730/warwick_town_centre_plan
- 3.5 Inevitably and as recognised as a potential outcome by the partnership, the development of sites has run in tandem with the work on the Plan. Indeed, to a major extent, development has overtaken the proposals in the Plan and schemes are under way or have gained planning permission whilst work on the Plan has been proceeding. This demonstrates that Plan preparation has been a catalyst to solving some of the outstanding issues within the town centre.
- 3.6 In addition, work on the Local Plan to review the policies relating to the town centres of the district, now reflect current national policies and have been updated in line with a review of the retail reports. It is difficult to see how new policies relating to Warwick town centre alone would add to these revisions. The Local Plan provides policies for individual town centres where they apply. The adoption of the Local Plan is necessary to allow further work to take place on the town centre plan and since that is now subject to delay, work on a Neighbourhood Plan is likely to supersede any further work on this Plan.
- 3.7 Work undertaken as part of the town centre plan will provide an excellent basis and an evidence base for the commencement of work on a Neighbourhood Plan, therefore, although money has been spent on the Plan, it will not have been wasted, especially when identified sites have come forward for development as a result of this work. Further expenditure however will not be required from this budget.

Progress made within the Town Centre:

- 3.6 A total of 20 sites were examined for their development potential. These were then considered as part of the public consultation with suggestions for

each put forward for comment. A table showing the progress made is attached at **Appendix 1**

- 3.7 In addition to this, Warwickshire County Council has rationalised its workforce into the larger Warwick based buildings in its ownership, releasing some buildings in the town centre and satellite locations within the rest of the County. Progress made on all Warwickshire County Council land holdings in the town centre is attached at **Appendix 1**

4. **Policy Framework**

- 4.1 **Policy Framework** – Formal policies will be best met with a Neighbourhood Plan approach. This means that the Town Centre Plan in its current form will be superseded by this process, but since its objectives have been largely met, it has satisfied these policies up to the point at which it will end.
- 4.2 **Fit for the Future** – The objectives of this strategy would best be met with an up to date approach through the opportunities raised through a Neighbourhood Plan and in accord with the Localism Act.
- 4.3 **Impact Assessments** – There are no impacts on new or significant policy changes proposed in respect of Equalities.

5. **Budgetary Framework**

- 5.1 Work to date has been undertaken within the Council's budgetary framework with a dedicated town centre budget and some small contributions from others within the Partnership to assist with consultation events. Much work undertaken by the Partnership has been achieved by volunteers, particularly with regard to the research on which the Plan has been evidenced. The cessation of work on this Plan would negate the need for further financial commitment from this particular dedicated budget.

6. **Risks**

- 6.1 The main risk would be if work on a Neighbourhood Plan did not commence, however the production of such appears as part of the job description for the post of Warwick Town Clerk; a vacancy currently advertised and is therefore a firm proposal. It is understood that there is strong support for such a plan locally. Additionally, the Town Centre Plan has already contributed much to the future of sites within Warwick and has largely therefore fulfilled its initial objectives. The outstanding policy element will be effectively covered through the Local Plan. Much of the research carried out for the Town Centre Plan could be drawn upon by the authors of a Neighbourhood Plan.

7. Alternative Option(s) considered

- 7.1 The Council could carry on with the production of the Warwick Town Centre Area Action Plan but this would not seem to present a sustainable use of time and resources given the stage reached by proposals for the majority of the sites and the progress at examination of the Local Plan. Additionally, there are indications that Warwick Town Council are preparing to submit the area for designation for Neighbourhood Plan status. If this is the case, the Neighbourhood Plan would quickly outdate the Area Action Plan and although it would not have the same status, the Local Plan assures that town centre policies are put in place to control and develop that area. A Neighbourhood Plan is therefore considered to be the preferable approach at this stage, supporting the objectives of the Localism Act 2011.

Appendix 1

Progress on Proposed Sites

Site	Suggestion	Progress
Market Street/Theatre Street	Residential on Theatre Street and above Market Street retail units	Planning permission granted for the demolition of the former print works, garage and one retail unit and replacement with an apartment block of 37 flats with parking (September 2014)
Linen Street/Lammas Court	Residential with car park beneath	WDC has plans to upgrade and update the existing car park. Local residents have parking permits and other businesses have purchased season tickets. The new flats opposite will also have access to the car park, therefore the continued use of the existing car park is considered to be the best option
Barrack Street	Car park beneath a mixed use scheme	WCC has moved a proportion of its personnel and operations into this building and is not currently considering the sale of the site
Northgate Street	Restore town houses including archaeology store and former court buildings to the rear, for residential use and demolition of 1930's additions to rear of town houses to provide gardens/parking	Scheme to provide 18 residential units by conversion and alteration with gardens and parking granted planning permission (January 2013)
Former Police Station	Health facility	Current planning application for the demolition of the existing building
Cape Road	Residential and car park	Needs to be co-ordinated with plans for former police station proposal above as part of bigger scheme
Gas Works/Fire Station	Residential	Planning permission was granted to alter and refurbish the Gas Works (listed building) to provide 11 apartments in July 2013. Scheme to provide 9 affordable houses and 2 apartments on

		the site of the former fire station, granted planning permission (December 2013)
St Michael's Chapel and Master's House (the Leper Hospital)	Renovate for heritage centre or residential if not viable	A grant from Historic England has been secured to procure expert services and establish the full cost of repairing and refurbishing the Master's House. In tandem with this work a soft-market exercise is being undertaken to determine interest in the site for extra-care housing provision.
St John's retail parade	Redevelop with commercial at ground floor and residential above and parking to rear	Too many land owners involved to enable a co-ordinated redevelopment of the whole site as necessary. Some owners keen, others not
St John's House	Retain and add other museum collections	WCC plans to replace temporary storage buildings with more substantial structures on land which would have been required to expand the existing building to house the additional collections. The Court House has also been refurbished to accommodate one such collection. It is therefore not considered possible to implement this plan
Court House	Finance in place for work to refurbish in place with new museum rooms and disabled access	Refurbishment complete
The Butts car park	Retain parking but improve streetscape and highlight existence of footpath to St Mary's church	Signage in place for footpath. Streetscape improvements out of WDC hands
Small car parks on Castle Street and Castle Lane	Development of one car park and improve public realm. Make 'gateway' to town centre opposite	Car parking space loss deemed too controversial. No public support for the scheme in spite of proposed improvements to the Castle gate area and formation of a more inviting town access

	Castle gate to encourage visitors into the town	
New Street car park	Retain as car park, or retail, market, employment, mixed use	Well used car parking space loss deemed too controversial in very central location. No public support for the scheme
Adjacent Bus station	Further retail or residential	Excluded as bus station is working well. Car park adjacent to existing retail units is popular and well utilised. Not carried forward
West Rock car park	Low level car park beneath residential	Planning application for 13 dwellings (3 houses and 10 apartments), all affordable housing, refused planning permission (April 2015) on grounds of loss of car parking
Priory Road/Chapel Row car park	Residential with car parking beneath	Loss of car parking spaces, particularly popular for school pick-ups. No public support
Castle Stables	Hotel with two levels of underground car parking	Castle owners pursuing plans for visitor accommodation within the Castle grounds therefore this would not be needed. Would need to be designed carefully to take account of sensitive historic setting and location. Potential for archaeology on site once development commenced. Complicated access. No public support
Market Hall	Covered market forming commercial centre piece to improved Market Place	WCC decided to retain existing museum use. Market Place needs to be clear for Mop Fair. Recent consultation on retention of the fair in this location or removal to location outside town centre was narrowly in favour of retention in current location
Eastgate	Public realm improvements to reduce clutter and improve setting of Landor House and Eastgate	Out of WDC hands
Pedestrian route	Direct route for	Misunderstood by many at public consultation as meaning


	pedestrians from Warwick Castle to town centre	pedestrianisation, the highway works completed on Jury Street/High Street has provided a crossing place which leads directly from Castle Street
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Warwickshire County Council – Warwick Corporate Assets

Update for Warwick District Council June 2015

1	Northgate House	Creation of conference centre complete and in operation
2	Court Office (Northgate South)	Sold as part of Northgate Street and Butts disposal to Ash Mill Northgate LLP in July 13. Redevelopment in progress
3	Warwickshire Museum Store & Offices , The Butts	Sold as part of Northgate Street and Butts disposal to Ash Mill Northgate LLP in July 13. Redevelopment in progress
4	Northgate Street	Sold as part of Northgate Street and Butts disposal to Ash Mill Northgate LLP in July 13. Redevelopment in progress
5	Old Shire Hall & Courts	Currently out to Tender for an operator, tender return due 1 st July 2015, anticipate operations commence from April 2016
6	Shire Hall / Council Offices 1930's Block & Members Area	Office refurbished increasing occupancy density completed Sept 14, including adoption of agile working standards
7	Barrack Street	Library relocated to GF of Shire Hall, vacated space being used as office accommodation whilst long term future of asset is considered
8	Saltisford	All in use as corporate office space, increased density in Saltisford 2 completed with Building 1 & 3 to follow
9	Shire Hall Frontage / Facade	Library relocated to GF of Shire Hall including the addition of ramped access to main doors creating one front door for public services. No plans, at this time, to make changes to facade
10	Pageant House / The Old Clink / Swan Street	Pageant House – used by Registrars as wedding venue only, Registrars now

		located in Shire Hall GF The Old Clink – used as base for Coventry & Warwickshire LEP Swan Street – leased surrender Jan 2010, staff relocated to Barrack Street
11	One Stop Shop	One stop Shop – Warwickshire Direct in place on GF of Shire Hall
12	Post Office	Post Office in operation on GF Shire Hall
13	Former Coffee Tavern, 16 Old Square	Currently under offer anticipate disposal / completed in early autumn 15
14	Market Hall Museum	Market Hall Museum to become a "flagship site" for the county's heritage allowing greater access to collections. Supported by a recent Heritage Lottery Fund grant , works will commence shortly and complete in late summer 2016

 Executive – 1st July 2015		Agenda Item No. 10
Title	Request for funding for Improvements to King George's Playing Fields at Barford	
For further information about this report please contact	Chris Elliott Tel 01926 456000 E-mail chris.elliott@warwickdc.gov.uk	
Wards of the District directly affected	Budbrooke	
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?	No	
Date and meeting when issue was last considered and relevant minute number	Not applicable	
Background Papers	Request as set out at Appendix 1	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	Yes
Included within the Forward Plan? (If yes include reference number)	No
Equality & Sustainability Impact Assessment Undertaken	No
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Officer/Councillor Approval		
Officer Approval	Date	Name
Deputy Chief Executives	11.06.15	Bill Hunt, Andy Jones
Heads of Service	11.06.15	Rose Winship, Robert Hoof, Richard Hall, Tracy Darke,
CMT	11.06.15	Chris Elliott, Andrew Jones, Bill Hunt
Section 151 Officer	11.06.15	Mike Snow
Monitoring Officer	11.06.15	Andy Jones
Finance	11.06.15	Mike Snow
Portfolio Holder(s)	11.06.15	Cllr Whiting, Cllr Grainger, Cllr Shilton, Cllr Gallagher, Cllr Cross,
Consultation & Community Engagement		
The proposed improvements have been subject to extensive public consultation and engagement undertaken by the Parish Council. This Council only needs to consider whether it wishes to assist the early implementation of a significant improvement of a playing field area in one of its villages so there are no additional consultation stages it needs to go through.		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. SUMMARY

- 1.1 This report sets out an exciting proposal developed by the local community within the joint parish of Barford, Wasperton and Sherbourne for a near half a million improvement to the King George Playing Fields in Barford village. The report seeks a decision from the Council to fund the remaining gap of £96,000 which would allow a contract to be entered into allowing for the completion of the works by the end of the year (2015).
- 1.2 The funding could be provided by advancing money that is to be forthcoming to the Council via a Section 106 agreement tied to a development in Barford of 60 homes, and by allocation of New Homes Bonus Scheme (NHBS) money also to be generated from the development in Barford. This approach is consistent with national policy about the purpose of NHBS and this Council's own policy of reinvesting in the communities that have accepted development.

2. RECOMMENDATIONS

- 2.1 That Executive support the scheme set out in Appendix 1; noting the extent of public involvement and fund raising, and, agree to fund the necessary sum by:
 - Forward funding £85,000 from reserves against a provision of £85,000 that is due via a S106 agreement for the development of 60 homes in Barford (noting that the parish council has accounted for £40,000 of this as having been received but has not);
 - forward fund £71,000 from reserves against an expected sum of £403,000 over 6 years of this Council's share of New Homes Bonus Scheme money to be generated by the development of 60 homes in Barford.
- 2.2 That the existing commitment of £30,000 from the Council's RUCIS scheme is withdrawn and returned to be used elsewhere.

3. REASONS FOR THE RECOMMENDATION

- 3.1 The Council has received a request from the Joint Parish Council of Barford, Sherbourne, and Wasperton to fund a gap of £96,000 to allow the Parish Council to engage contractors and complete the whole scheme by the end of this year. The proposal is set out in Appendix 1 attached. As can be seen the Parish Council and the local community have been very successful in raising a significant amount of funds – almost £400,000 though the Parish Council still has one or two applications for funding that remain to be determined. However, it is also at risk of losing some of the money allocated as it has to be spent within a certain amount of time which is running out. However, it is in the position whereby having tended the works and secured prices within budget it could, if the £96,000 gap can be filled now, undertake the works within the allocated time.
- 3.2 Planning Permission for 60 homes (W/14/0693) was granted recently in Barford to Taylor Wimpey Ltd and part of that permission involved a Section 106 agreement which provided for just over £85,000 to be allocated for outdoor play facilities, 50% payable on the completion of 50% of the development and the remainder upon completion of 90%. The Parish Council has already accounted for £40,000 of this sum in the monies raised which is premature so in fact they need more than £96,000; £136,000 is needed.

- 3.3 It is recognised in the Council's Playing Field Pitch Strategy that the King George's playing fields in Barford are in need of improvement and that the Section 106 money should go to that location. As the payment is dictated by the speed of construction rather than a calendar date when the payment will be made is uncertain but it is reasonable to assume that since work has started and given the construction rate in the area is expanding that it ought not to be in the very distant future. However, the Council could advance that sum from reserves to the Parish Council knowing that in a relatively short space of time it will be made up by the S106 monies owed with little impairment.
- 3.4 Similarly, if the New Homes Bonus Scheme (NHBS) continues then the 60 home scheme will over 6 years generate roughly £504,000 of which this Council will get 80% - roughly £403,000. Consequently, the Council could forward fund £40,000 from reserves against that expected receipt the first part of which would be payable to the Council in 2016/17 with little impairment.
- 3.5 The Council has already committed £30,000 toward the scheme from its RUCIS (Rural and Urban Capital Investment Scheme). Normally contributions are limited and so this suggestion would exceed the Council's existing policy. However, as it has done with its decision on funding toward the Bishop's Tachbrook Community Centre in November 2014, the Council could choose to fund the scheme wholly from reserves, by turning the agreed £30,000 to the RUCIS budget and then funding an overall £70,000 as an advance against New Homes Bonus Scheme receipts. This is recommended.

4. **POLICY FRAMEWORK**

- 4.1 The Council's Sustainable Community Strategy (SCS) seeks to help make Warwick District a great place to live, work and visit; and it has 5 priority policy areas – Prosperity, Housing, Sustainability, Health and Well Being and Community Safety. The policy case for the scheme almost speaks for itself as it will contribute toward the health and well-being of the local community, environmental sustainability and safer communities, all key priorities within the Council's Strategy. It will also contribute toward the cross cutting theme of tackling rural isolation.
- 4.2 The location is specifically referenced in the Council's recently adopted Playing Field Strategy and in the Draft Barford, Sherbourne and Wasperton Neighbourhood Plan. Rewarding communities that have accepted development has also been the broad theme of the way this Council has used the NHBS monies it receives.
- 4.3 In relation to the Council's Fit for the Future Programme (FFF), the proposals could assist in respect of 2 of the 3 strands:

Services – by improving or maintaining a range of the services to the local community – in this case a significant recreational area; **Money** – by attracting additional financial resources to help address the local sports and community facilities; the impact on the **People** strand is at this stage anticipated to be neutral.

5. **BUDGETARY FRAMEWORK**

- 5.1 The details of the scheme show the total scheme cost is £486,000, against which £390,000 funding has been secure, leaving £96,000 shortfall. However,

an accounted for £40,000 from S106 has not yet been paid but is still owed so the shortfall is in fact £136,000.

- 5.2 The application for funding states that £105,000 funding is time limited and needs to be spent by the end of December 2015. This funding comprises £75,000 from Sport England, and £30,000 from the District Council's Rural Urban Capital initiatives Scheme (RUCIS).
- 5.3 The RUCIS funding was approved by the Executive in December 2014. Within the RUCIS scheme it states "If funding is being sought from other District Council sources, the total funding from the District Council, whatever source, will not normally exceed 50%". If additional funding is agreed, it will be an exception to the RUCIS scheme. In addition, it should be noted that the District Council has the discretion to extend the period for the completion of the RUCIS grant offer before the funding is approved. It is proposed therefore that the existing agreed commitment from RUCIS is withdrawn and the provision from reserves is increased to £70,000 to match that withdrawal.
- 5.4 As discussed in Section 3, it is suggested that the project can be funded from future S106 and New Homes Bonus receipts. Until this funding is received, it will be necessary to fund it initially from other sources. It is possible to initially utilise the Capital Investment Reserve. Once the S106 funding and the 2016/17 New Homes Bonus are received, these will replenish the Capital Investment Reserve.
- 5.5 There are no revenue implications as the on-going maintenance of the playing field and equipment is the responsibility of the Parish Council. Under the terms of the concurrent services scheme, the Parish Council would not be able to claim any additional funding for the enhanced facilities.
- 5.6 Members are reminded of the future funding shortfalls facing the Council. These include the shortfall in the Medium Term Financial Strategy (£980,000 reported to February Executive), Asset Review work (requiring approximately £1m per annum to maintain the Council's corporate assets in future years), and funding needed to secure the ICT and Equipment needed for the provision of services. The Council does have flexibility over how it utilises New Homes Bonus funding, which means it may be used towards these funding shortfalls.

6. **RISKS**

- 6.1 The risks to this Council are very limited as the Parish Council holds responsibility for the scheme. The Parish Council makes it clear that it will not come back again to ask for more funds for the scheme. If the remaining funding applications are rejected they can make provision to slightly reduce the scheme or to phase it until other funds are raised.
- 6.2 There are risks that the housing development within Barford does not reach the threshold for making the S106 payments to the Council but this is unlikely. Also, there is the risk that the New Homes Bonus does not continue. In either case it will be necessary to consider how the proposed contribution to the scheme is funded, and whether it will be appropriate for this to remain from the Capital Investment Reserve.

7. ALTERNATIVE OPTION(S) CONSIDERED

- 7.1 The Council has the option of putting no further funding into the scheme the consequence of which will be to delay the scheme which in turn may lose the scheme some of its existing funding. Given that the funding the Council can put forward is in effect forward funding it should be able to make good the impact on its reserves in a short period of time and allow significant community benefit to be realised this option was not recommended but could be a course of action that the Council could take.

**Barford, Sherbourne & Wasperton Joint Parish Council (JPC) – King George’s Field
Scheme (BLIS)**

Warwick District Council – Funding Request

1.0 Brief History

- 1.01 JPC own and maintain the existing Playing Fields. The improvement of the Playing Fields was identified in the development of the Barford Parish Plan 2005 and it is now a key part of the Barford Draft Neighbourhood Development Plan.
- 1.02 Over the last 18 months much work has been undertaken and a scheme evolved after nine consultations with the Barford, Sherbourne and Wasperton communities.
- 1.03 The final evolved Plans have been completed, ten Play facility specialist providers have each been invited to pitch a scheme and after further community consultation a final three options were presented to the Communities at the 2014 August Bank Holiday Barford Show resulting in the Miracle Play Scheme being selected.
- 1.04 In parallel and after wide consultation with providers and contractors a detailed specification for the remainder of the King George’s Fields was drawn up and five preferred contractors were invited to provide detailed quotations. Four final prices are now available and the final selection criteria will include the most economically advantageous quotation, the best technical proposal including the most realistic overall acceptable time scale.
- 1.05 Currently the nearest sport and active leisure facilities are either Warwick or Wellesbourne, both car dependent.

2.0 Aims, Objectives & Advantages

- 2.01 The Playing Fields being adjacent to Barford St Peters Primary and Pre-School will enable all attending pupils to have first class sport and active leisure facilities available;
- 2.02 School attendance is not only from the JPC communities but also from the wider areas of Bishop Tachbrook, Hampton Lucy, Warwick Charlecote and Wellesbourne;
- 2.03 Facilities will include for disabilities including wheel-chair, pram and push chair accessibility;
- 2.04 The Facilities are designed for all age groups to encourage healthy living and activity;
- 2.05 The scheme has both environmental and sustainability advantages. The scheme will significantly reduce car dependency and significantly increase the Communities’ cohesion encompassing the legacy of the 2012 Olympics legacy;
- 2.06 The use will be free (apart from specialised groups who can hire at nominal fee) so as to encourage the maximum participation;
- 2.07 The JPC will continue to be fully responsible for the entire administration and maintenance of the improved Playing Fields;
- 2.08 Health & safety Considerations will continue to be paramount. The JPC has a continuing commitment with ROSPA for annual and exceptional inspections;
- 2.09 The Scheme directly addresses Warwick District Council’s Sustainable Strategy of which one of its strategic aims is: *“Everyone is able to enjoy a healthy lifestyle and sense of well-being”*;
- 2.10 There are considerable economies of scale associated with the scheme provided a single installation period is implemented;

3.0 Funding/Fundraising

- 3.01 To date over 1,500 recorded voluntary hours have been committed to the project;
- 3.02 The ‘Funding Overview’ is attached as **Attachment No.1**; currently the Funding Gap is c. £96,000.00 provided all ‘Pending/Potential’ sources are materialised. This Funding Request is for £96,000.00 to address that Funding Gap and the JPC assure the District Council that they will NOT return for additional funds. Should any of the other Pending/Potential sources fail to materialise then the JPC will reduce the Scheme’s facilities accordingly;
- 3.03 At least two of the funding elements are TIME-LIMITED (WDC Rural Fund £30k, and Sport England £75K) and must be spent before 31st December 2015, hence the need to award the contracts in the very near future. By providing £96,000 WDC would enable the project to be completed FIFTEEN MONTHS ahead of programme and safeguard £105K of the secured funding which otherwise would be lost to the Communities.
- 3.04 The Local Communities have themselves raised over 25% of the required funds (£149K); the Communities have a great record of raising funds for its sustainability (the Community Shop being a magnificent example) with further activity ongoing for equipment etc.
- 3.05 **Attachment No.2** sets out the significant number of Participating Organisations/Partners/Sponsors;

**Barford, Sherbourne & Wasperton Joint Parish Council (JPC) – King George’s Field
Scheme (BLIS)**

Warwick District Council – Funding Request

3.06 **Attachment** **No.3** sets out the Scheme’s plans.

Barford, Sherbourne & Wasperton Joint Parish Council (JPC) – King George’s Field Scheme (BLIS)
Warwick District Council – Funding Request – ATTACHMENT No.1 – FUNDING OVERVIEW


A	Funding Achieved		B	Budget Costs			C	Most Competitive Quotation	
			B.1	Play Area					
A.1	WDC Rural Grant	£30,000.00	B.1.1	Play Equipment	£100,000.00		C.1	Total Quote	£299,625.00
A.2	Barford Community Charity - 1st Bid	£30,000.00	B.1.2	Fencing	£10,000.00		C.2	Services Connection Fees	£5,000.00
A.3	WDC Sports Grant	£500.00	B.1.3	Total:	£110,000.00	£110,000.00	C.3	Seating	£10,000.00
A.4	Joint Parish Council Contribution	£30,000.00	B.2	MUGA & Tennis Court			C.4	Miracle Play Equipment	£110,000.00
A.5	Taylor Wimpey S.106 - Initial Payment	£40,000.00	B.1.1	SDC1 Statutory Development Costs	£44,850.00		C.5	Signage	£2,000.00
A.6	Barford St Peters School Trust - 1st Bid	£8,000.00	B.1.2	OS7 Two Tennis Courts	£125,000.00		C.6	Fees	£15,000.00
A.7	Barford Community Charity - 2nd Bid	£22,000.00	B.1.3	Q6 5-a-side Football Pitch	£80,000.00		C.7	Sub Total	£441,625.00
A.8	Anonymous Family Donation	£2,589.00	B.1.4	SNG1 Sport England Signage	£150.00		C.8	10% Contingency	£44,162.50
A.9	Local Fundraising Event	£19,375.00	B.1.5	Total:	£250,000.00	£250,000.00	C.9	Total Cost:	£485,787.50
A.10	Sport England Grant	£75,000.00	B.3	Track/Pathway					
A.11	WCC - W.Rural West Comm Forum	£3,000.00	B.3.1	Track/Pathway	£50,000.00				
A.12	Barford St Peters School Trust - 2nd Bid	£17,000.00	B.3.2	Perimeter Path	£40,000.00				
A.13	Barford WI Donation	£600.00	B.3.3	Picnic Tables, Furniture, Entrance Path	£10,000.00				
A.14	Total:	£278,064.00	B.3.4	Total:	£100,000.00	£100,000.00			
	Pending / Potential Additional Fund Sources		B.4	Total Budget Cost:	£460,000.00				
A.15	Wren Landfill Contribution	£45,000.00							
A.16	Veolia Landfill Contribution	£45,000.00							
A.17	Further Local Fundraising Events	£12,000.00							
A.18	Sponsorship/Subscription of 10 Benches	£10,000.00							
A.19	Total:	£112,000.00							
A.20	Potential Total Funds Currently Available (A.14 + A.19)	£390,064.00							
Current Funding Shortfall (A.20 - C.9)		-£95,723.50							

- Warwick District Council;
- Warwick County Council;
- Joint Parish Council (Barford, Wasperton & Sherbourne);
- Barford St Peters School Trust
- Barford Community Charity;
- Barford Women’s Institute;
- Taylor Wimpey;
- Sport England;
- The Football Association;
- Big Lottery;
- WREN/BIFFA/Veolia/NFU Charitable Trust;
- Cooper Solutions;
- First Industrial;
- The Glebe hotel;
- Poundland PLC;
- VDL Steelweld;
- Tulip;
- Addington Fund Charity;
- Barford Exchange;
- Barford Village Community Shop;
- Country Eggs;
- Warburtons Bakers;
- Warwickshire Coffee Company



Barford, Sherbourne & Wasperton Joint Parish Council (JPC) – King George’s Field Scheme (BLIS)
Warwick District Council – Funding Request
ATTACHMENT No.3 – THE SCHEME’S PLANS



 Executive 1 July 2015		Agenda Item No. 11A
Title	Housing Advisory Group – Terms of Reference	
For further information about this report please contact	Graham Leach – Democratic Services Manager & Deputy Monitoring Officer Telephone: 01926 456114 Email: graham.leach@warwickdc.gov.uk	
Wards of the District directly affected	All	
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?	No	
Date and meeting when issue was last considered and relevant minute number	Council Meeting 25 th June 2014 - Minute Number 14 Council Meeting 19 th November 2014 – Minute Number 54 Executive 11 th March 2015 – Minute Number 135	
Background Papers	None	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	8/6/2015	Chris Elliott
Head of Service	15/06/2015	Andrew Jones
CMT	8/6/2015	
Section 151 Officer	8/6/2015	Mike Snow
Monitoring Officer	10/6/2015	Andrew Jones
Finance	15/06/2015	Mike Snow
Portfolio Holder(s)	15/06/2015	Councillor Mobbs
Consultation & Community Engagement		
Councillor Barrott, Boad, Mrs Falp and Mobbs were consulted as group Leaders by the Chief Executive, prior to him taking his urgent decision under delegated authority.		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. Summary

- 1.1. The report informs the Executive of an urgent decision taken by the Chief Executive to increase the size of Housing Advisory Group by one Warwick District Councillor so that it is politically proportionate to the Council.

2. Recommendations

- 2.1. That the Executive notes the urgent decision taken by the Chief Executive, on 4 June 2015, under delegated authority CE(4), to amend the Housing Advisory Group Terms of Reference, from 10 Warwick District Councillors to 11 Warwick District Councillors.

3. Reasons for the Recommendation

- 3.1. The Terms of Reference for the Housing Advisory Group were approved by the Executive in March 2015. This proposed a membership of the Group as 10 Warwick District Councillors.
- 3.2. Following the Warwick District Council election, 10 members did not truly reflect the political proportionality of the Council and would exclude one of the recognised Political Groups on the Council from the Housing Advisory Group.
- 3.3. This was recognised by officers, but could not be acted upon without a notice of motion from 10 members (or more) seeking the decision to be amended. This is because the decision on the original terms of reference was within the past six months.
- 3.4. A notice of Motion was received from Councillors, Mobbs, Illingworth, Boad, Mrs Gallagher, Gifford, Shilton, Mrs Cain, Howe, Cain and Mrs Stevens. The Notice of Motion stated:

"That, we the undersigned Councillors, ask the Executive to amend the membership of the Housing Advisory Group so that it comprises of 11 Councillors allocated by the group leaders on a proportionate basis (including the portfolio holder)"
- 3.5. The Executive was not due to meet to consider formal business until 1 July and officers were keen to get the new Housing Advisory Group up and running as soon as possible. It was for this reason that the Chief Executive looked to take this as an urgent decision.
- 3.6. Under the Scheme of Delegation the Chief Executive has delegated authority (CE(4)) to *"Deal with urgent items that occur between meetings, in consultation with the relevant Deputy Chief Executive, Head(s) of Service (if available) and Group Leaders (or in their absence Deputy Group Leaders) subject to the matter being reported to the Executive at its next meeting"*.
- 3.7. The Chief Executive consulted with Group Leaders on the proposal and no objection was received. Therefore, the Chief Executive determined it was the best approach to enable membership to be appointed and to allow the work of the Housing Advisory Group to start.

4. Policy Framework

- 4.1. This does not affect the Policy Framework for the Council.

5. Budgetary Framework


- 5.1. There will be no budgetary implications in increasing the size of the Housing Advisory Group.

6. Risks

- 6.1 By failing to include all political groups within the Housing Advisory Group, the Council would be considered to be acting in an unfair manner and could lead to accusations of political bias.

7. Alternative Option(s) considered

- 7.1 No alternative options have been considered because the decision has already been taken and the report is for information only.

 Executive – 1st July 2015		Agenda Item No. 11B
Title	Rural/Urban Capital Improvement Scheme (RUCIS) Application	
For further information about this report please contact	Jon Dawson Finance Administration Manager 01926 456204 e mail: jon.dawson@warwickdc.gov.uk	
Wards of the District directly affected	Cubbington	
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?	No	
Date and meeting when issue was last considered and relevant minute number	N/A	
Background Papers	Rural/Urban Capital Improvement Scheme details. Rural/Urban Capital Improvement Application file no. 203 onwards; correspondence with Applicant.	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality Impact Assessment Undertaken	Yes

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	15.6.15	Chris Elliott
Head of Service	15.6.15	Mike Snow
CMT	15.6.15	Chris Elliott, Bill Hunt and Andy Jones
Section 151 Officer	15.6.15	Mike Snow
Monitoring Officer	15.6.15	Andy Jones
Finance	15.6.15	Mike Snow
Portfolio Holder(s)	15.6.15	Cllr Whiting
Consultation & Community Engagement		
Community Partnership Team and Manoj Sonecha (Active Communities Officer); Copy of report forwarded 4 th June 2015.		
Final Decision?		Yes/No
Suggested next steps (if not final decision please set out below)		

1. **Summary**

- 1.1 This report provides details of a Rural/Urban Capital Improvement Scheme grant application by Cubbington Village Hall to renovate and extend the hall to achieve a more substantial, safe, warm and welcoming building which will enable more usage all-year round and will require less maintenance.

2. **Recommendation**

- 2.1 It is recommended that the Executive approves a Rural/Urban Capital Improvement Grant from the rural cost centre budget for Cubbington Village Hall of 50% of the total project costs to renovate and extend the hall, as detailed within paragraphs 1.1, 3.2 and 8.1, up to a maximum of £7,640 inclusive of VAT.

As supported by appendix 1.

3. **Reasons for the Recommendation**

- 3.1 The Council operates a scheme to award Capital Improvement Grants to organisations in rural and urban areas. The grant recommended is in accordance with the Council's agreed scheme and will provide funding to help the project progress.
- 3.2 This project contributes to the Council's Sustainable Community Strategy; renovating this facility will enable more usage of the hall in winter months as it will be warmer and better insulated therefore increasing opportunities for the community to participate in physical activities, arts and cultural activities. If the hall isn't maintained and progressively becomes unusable it will potentially increase anti-social behaviour and obesity, both in adults and children, as there will a vast reduction in opportunities within the community to participate in these activities. Additionally, the loss of this facility could also potentially disengage and weaken the community; the hall is managed and run by a wide range of volunteers from across the community and is also well used by the community as a whole.

4. **Policy Framework**

- 4.1 The Rural and Urban Capital Improvement Scheme supports the Sustainable Community Strategy and the cross cutting themes which form the priorities for funding areas as follows:-
- Community Engagement & Cohesion (including Families at Risk)
 - Targeting disadvantaged rural locations
 - Narrowing the Gaps

5. **Budgetary Framework**

- 5.1 The budget for the Rural/Urban Capital Improvement Scheme applications for 2015/16 is £150,000 (£75,000 for rural projects and £75,000 for urban projects).
- 5.2 The unallocated budget from 2014/15 of £131,040 will be requested to be considered as slippage as part of the June Final Accounts Report. This budget

will sit within a separate cost centre budget so as to be added to either rural or urban schemes once the 2015/16 budget has been used.

- 5.3 There is £75,000 available to be allocated for Rural/Urban Capital Improvement Scheme Grants from the rural cost centre budget in 2015/16. If the application within this report from Cubbington Village Hall of 50% of the total project costs, up to a maximum of £7,640 is approved, £67,360 will remain in the rural cost centre budget.
- 5.4 There is £75,000 available to be allocated for Rural/Urban Capital Improvement Scheme Grants from the urban cost centre budget for 2015/16.

6. Risks

- 6.1 There are no main risks for this proposal.

7. Alternative Option(s) considered

- 7.1 The Council has only a specific capital budget to provide grants of this nature and therefore there are no alternative sources of funding if the Council is to provide funding for Rural/Urban Capital Improvement Schemes.
- 7.2 Members may choose not to approve the grant funding, or to vary the amount awarded.

8. Background

- 8.1 Cubbington Village Hall has submitted a RUCIS application to renovate and extend the hall to achieve a more substantial, safe, warm and welcoming building.

The committee room and kitchen is currently a wooden framed structure with a flat roof and little insulation:

- The rear and side elevation of the committee room will be replaced with block/brick cavity walls, insulated and built in accordance with current building regulations
- The building will be extended at the rear to incorporate a room for storing chairs and tables
- New UPC double glazed windows and doors will be fitted
- The ceiling will be insulated and new lighting will be installed

In the existing extension to the main hall:

- The wooden framed windows will be replaced with UPC double glazed windows
- The fire exit doors which open onto the car park will be replaced to ensure they remain compliant to Health & Safety requirements
- Carpet tiles will be replaced

- 8.2 The application is for 50% of the total project costs up to a maximum of £7,640.
- 8.3 Cubbington Village Hall is not vat registered; they will not be reclaiming vat in connection to this project therefore the award will be inclusive of vat.
- 8.4 Cubbington Village Hall has committed £640 to the project from their cash reserves. These funds have been evidenced through their annual accounts and the provision of a recent bank statement.
- 8.5 Cubbington Parish Council have agreed to contribute £7,000 towards the project
- 8.6 Cubbington Village Hall has previously had a successful RUCIS application:
 - £8,000 (20% of the total project costs) for improvements to the hall in 2001/02

This application meets the criteria whereby after a successful grant award an organisation must wait for a minimum of 2 years before re-applying for a new grant.

It is therefore recommended that the Executive approves an award of a Rural / Urban Capital Improvement grant to Cubbington Village Hall of 50% of the total cost of the project including vat subject to a maximum of £7,640.


RURAL/URBAN CAPITAL IMPROVEMENT GRANTS APPLICATION FOR 1st JULY 2015 EXECUTIVE :

Applicant :	Cubbington Village Hall			
Description of scheme:	<p>The project to renovate and extend the hall to achieve a more substantial, safe, warm and welcoming building.</p> <p>The committee room and kitchen is currently a wooden framed structure with a flat roof and little insulation:</p> <ul style="list-style-type: none">• The rear and side elevation of the committee room will be replaced with block/brick cavity walls, insulated and built in accordance with current building regulations• The building will be extended at the rear to incorporate a room for storing chairs and tables• New UPC double glazed windows and doors will be fitted• The ceiling will be insulated and new lighting will be installed <p>In the existing extension to the main hall:</p> <ul style="list-style-type: none">• The wooden framed windows will be replaced with UPC double glazed windows• The fire exit doors which open onto the car park will be replaced to ensure they remain complaint to Health & Safety requirements• Carpet tiles will be replaced			
Evidence of need:	Visit to the village hall completed (photo's taken); visually there is evidence as window frames and lower panel frames are rotten and room temperatures also make the need obvious as in winter months and during unseasonal weather periods the committee room is virtually unusable due to the cold caused by lack of insulation and the rotten window frames.			
3 years accounts received?	2012 - 2014 accounts have been received, along with recent bank statements covering the period March to April 2015; this evidences sufficient cash reserves to meet the contribution stated on the application form.			
Financial Performance; minus figure = deficit	Year ended 31/12/14	Year ended 31/12/13	Year ended 31/12/12	Year ended 31/12/11
	-£3,751	£1,574	£9,692	£750
Available Funds (cash and reserves)	Year ended 31/12/14	Year ended 31/12/13	Year ended 31/12/12	Year ended 31/12/11
	£15,925	£19,387	£16,714	£12,981
Details of membership, fees etc:	There are no membership fees, however, there is a hall hire charge of £10 per hour for both regular and ad-hoc bookings.			
Details of usage:	<p>Cubbington Village Hall provides a venue for people in the village and the wider community to regularly meet and take part in activities which cover all age groups. The hall is used daily providing a location for the following activities (Key:- w = weekly m = monthly q = quarterly, approx. numbers of participants are given in brackets):-</p> <ul style="list-style-type: none">• w - Musical ABC for pre-school children (11 adults, 13 children)• w - Fit 2 Dance for older children (10-25)• w - Brownies (30)• w - Cubbington Players Amateur Drama Group (30-40)• w - Rainbows (17)• w - Pilates Fitness Class (8-16)• w - Yoga (10-11)• w - Extend exercise class (17)• w - Healthy Heart exercise class (8-16)• w - Karate (2)• w - Guides and Rangers (12-17)• m - OAP Bingo (40-50)• m - OAP Day Club (30-40)• m - Lady's Club (34)• m - Village Hall Trust meeting (13)• m - Parish Council meeting (12-20)• m - Bonsai Society (10-11)• q - Neighbourhood Watch (8-16)• q - Blood Donors			
Details of Organisations equalities policies:	<p>A copy of the equality policy has been provided; Cubbington Village Hall Trust is committed to eliminating discrimination and encouraging diversity, to that end the purpose of their policy is to provide equality and fairness for all members and not to discriminate on grounds of gender, gender reassignment, marital status (including civil partnerships), race, ethnic origin, colour, nationality, national origin, disability, sexual orientation, religion or age. Cubbington VH oppose all forms of unlawful and unfair discrimination.</p>			
3 quotes provided:	Yes - three quotes have been received for all aspects of the project work (6 quotes in total).			
Which of the Council's Corporate Priorities are met?	Evidence			
Reduce anti-social behaviour	<p>The Village Hall provides regular activities such as:</p> <ul style="list-style-type: none">• Musical ABC for pre-school children and Fit 2 Dance for older children• Rainbows, Brownies, Girl Guides and Rangers• Cubbington Players Amateur Drama Group• Karate club <p>Ad Hoc bookings include:- Children’s parties, Warwick District Council sports activities during school holidays</p> <p>Provision of these activities helps towards reducing anti-social behaviour; if the hall isn’t maintained and becomes unusable there is a risk that activities will cease and that anti-social behaviour will potentially increase.</p>			

Reducing obesity, particularly in children	<p>The hall is used by various age groups for activities that involve an element of exercise, for example:</p> <ul style="list-style-type: none"> • Musical ABC for pre-school children and Fit 2 Dance for older children • Pilates, Yoga, Healthy Heart and Extend exercise classes • Karate classes • Rainbows, Brownies, Girl Guides and Rangers • Cubbington Players Amateur Drama Group • Warwick District Council sports activities during school holidays <p>Provision of these activities helps towards reducing obesity, particularly in children.</p>	
Increase opportunities for everyone to enjoy and participate in sports, arts and cultural activities	<p>The improvements that the project will deliver will ensure that the facility is better insulated and therefore warmer allowing all-year round usage which increases opportunities for the local community to participate in activities or to book ad-hoc events.</p>	
Engaging and strengthening communities	<p>If the hall isn't maintained and becomes unusable there is a risk that activities will cease which will potentially disengage and weaken the community.</p> <p>The facility is managed and run by a wide range of volunteers from the local community and the activities that are available also bring together a wide range of people from the community, this all helps to engage and strengthen the community.</p>	
Targeting disadvantage in rural / urban areas:	<p>If the village hall isn't maintained and became unusable all of the activities listed would cease to be available to the local community. It would necessitate a journey to a venue outside of Cubbington.</p>	
Total cost of scheme (including VAT where appropriate)	£15,280	
Funded by:	Status	
Parish Council	£7,000	
Own Funds	£640	
Total RUCIS	£7,640	
equates to	50.0%	

RURAL/URBAN CAPITAL IMPROVEMENT SCHEME - 1st JULY 2015 EXECUTIVE**APPENDIX 2****Summary of Financial Impact of Approving Scheme**

Scheme Description	RURAL	URBAN	SLIPPAGE	TOTAL
<u>Original 2015/16 Budget</u>	£75,000	£75,000	£0	£150,000
<u>Resources brought forward from 2014/15 to 2015/16</u>				
Total Slippage from 2014/15 to 2015/16	£0	£0	£294,562	£294,562
Rural/Urban Capital Improvement Grants already approved 2014/15	£0	£0	-£163,522	-£163,522
Rural/Urban Capital Improvement Grant unallocated balance 2014/15	£0	£0	£131,040	£131,040
				£281,040
 <u>1st July 2015 Executive</u>				
Cubbington Village Hall (proposed)	-£7,640			-£7,640
 <u>Projects Closed - Underspends and Withdrawn 2015/16</u>				
Kenilworth Town FC (withdrawn - no longer required)			£13,250	£13,250
Whitnash TC - Measured Mile - Third Party Payment (underspend)			£28	£28
 Remaining Budget	£67,360	£75,000	£144,318	£286,678

 Executive 1 July 2015		Agenda Item No. <h1>11C</h1>	
Title		Baginton, Bubbenhall, Stoneleigh and Ashow Neighbourhood Plan Designation	
For further information about this report please contact		Lorna Coldicott lorna.coldicott@warwickdc.gov.uk T. 01926456505	
Wards of the District directly affected		Stoneleigh and Cubbington	
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?		No	
Date and meeting when issue was last considered and relevant minute number		Executive 5 November 2014 Minute number 75	
Background Papers		Baginton, Bubbenhall, Stoneleigh and Ashow Joint Parish Council Neighbourhood Area Designation Application.	
Contrary to the policy framework:			No
Contrary to the budgetary framework:			No
Key Decision?			Yes
Included within the Forward Plan? (If yes include reference number)			No
Equality & Sustainability Impact Assessment Undertaken			No (If No state why below)
These impact assessments are not required for a neighbourhood plan area designation.			
Officer/Councillor Approval			
Officer Approval	Date	Name	
Chief Executive/Deputy Chief Executive	05.06.15	Chris Elliott	
Head of Service	05.06.15	Tracy Darke	
CMT	05.06.15	Andrew Jones, Bill Hunt	
Section 151 Officer	05.06.15	Mike Snow	
Monitoring Officer	05.06.15	Andy Jones	
Finance	05.06.15	Mike Snow	
Portfolio Holder(s)	05.06.15	Cllr Stephen Cross	
Consultation & Community Engagement			
<p>In compliance with the Neighbourhood Planning (General) Regulations 2012 Part 2 Sections 6(a) – (c), the neighbourhood area application has been subject to a 6 week period of public consultation. Representations were invited on the application. The consultation also involved a public notice appearing on Warwick District Council's website, a public notice in the relevant local newspaper, as well as the local community notice-boards. In addition, notification was sent via e-mail to stakeholders and interested parties via the LDF consultation system. Seven representations were received, three in support of the area designation, one objecting to a specific area included and three mixed responses. The objection will be dealt with further in this report.</p> <p>A summary of representations is at Appendix 2 of this report, full representations are publicly</p>			

available on the LDF consultation system at: <https://warwickdc.jdi-consult.net/localplan/adminsc/>

Final Decision?

Yes

1. **SUMMARY**

- 1.1 This report sets out the process for the formal designation of a new neighbourhood plan area. This neighbourhood plan area relates to the parishes of Baginton, Bubbenhall, Stoneleigh and Ashow. This joint parish plan area would replace the previously approved neighbourhood plan area for Stoneleigh and Ashow, refused by Executive on 5 November 2014 but replaced and approved as a revised neighbourhood plan boundary at that meeting, conforming to the new parish boundaries approved by the Boundary Commission in January this year.

2. **RECOMMENDATION**

- 2.1 That Executive approves designation of the new neighbourhood plan area as submitted in the joint application by the parishes of Baginton, Bubbenhall, Stoneleigh and Ashow attached at **Appendix 1** having regard to the representations made and replacing the previously designated Stoneleigh and Ashow neighbourhood plan area.
- 2.2 That Executive notes the funding available from the Department for Communities and Local Government for the financial year 2015/16 as set out in the Budgetary Framework section of this report.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Nine Neighbourhood Plan Areas have been designated to date: Bishop's Tachbrook (October 2012), Whitnash (January 2013) and Old Milverton and Blackdown (January 2013), Lapworth (January 2014), Barford (August 2014), Stoneleigh and Ashow (November 2014 – subject of re-designation through this report), Burton Green (November 2014), Leek Wootton and Guy's Cliffe (November 2014) Budbrooke (November 2014). The parish councils covering the parishes detailed under paragraph 1.1 of this report have submitted a joint application for designation of a neighbourhood area, under the provisions of the Neighbourhood Planning (General) Regulations 2012, which followed the enactment of the Localism Act 2011.
- 3.2 A joint application was received from Baginton, Bubbenhall, Stoneleigh and Ashow Parish Councils dated 21 November 2014 in accordance with the Town and Country Planning England: Neighbourhood Planning (England) Regulations 2012 and under the statutory regime for neighbourhood planning, introduced by the Localism Act 2011. Baginton, Bubbenhall and Stoneleigh and Ashow Joint Parish Councils are the "relevant body" for the purposes of Section 61G of the Town and Country Planning Act 1990 for the preparation of a Neighbourhood Plan, being the only organisations which can be so designated when the area for the Neighbourhood Plan consists of the whole area of these Joint Parish Councils.
- 3.3 A public consultation held for a period of six weeks ended on 27 March 2015. Details of the application and how to respond to the consultation were given by public notice on the Council's website, in the local press and on local community notice boards in the parishes involved. Additionally, statutory consultees and those stating an interest in this topic from our consultation database, were also informed by email and invited to participate.

- 3.4 As a result of the public consultation a total of 7 comments were received. Of these 3 were in favour and 1 against with 3 being mixed responses. The objections received were against the inclusion of Stoneleigh Park in the Neighbourhood Plan Area; considering instead that it should be designated a 'business area'. It was also suggested that Coventry Airport also be removed as a 'business area'. The response to this is that the statement submitted by the parish councils is sufficient to justify a neighbourhood plan area for the entirety of its collective administrative areas. It is deemed unnecessary to specify why individual areas should specifically be included. Whilst commercial uses at Stoneleigh Park and around Coventry Airport are significant, the parishes of Baginton, Bubbenhall and Stoneleigh and Ashow are not wholly or predominantly business areas in nature. There is an obligation to consider whether the whole area should be a business area under s61H, however the overall area is mixed, with residential, commercial and other land uses and is broadly within a rural and rural fringe setting.
- 3.5 Other comments include that account should be taken of the proposed route of Phase One of HS2 which passes through the Neighbourhood Plan area. The Coal Authority has pointed out that the area has a deep coal resource of a defined coalfield to the east and has confirmed that the proposed area falls within the 'development low risk' category and does not therefore form a case for specific comment. Additionally, Network Rail expresses concern that some development not requiring planning permission could take place affecting its operational land without it having the opportunity to assess the safety and operational implications. These comments have been duly noted but cannot be taken into consideration as development not requiring planning permission is unlikely to come to our notice and is not under our control.

4. **POLICY FRAMEWORK**

- 4.1 The Basic Conditions for neighbourhood plans are specified by law. These are they:
- Must be appropriate having regard to national planning policy;
 - Must contribute to the achievement of sustainable development;
 - Must be in general conformity with the strategic policies in the local plan / core strategy for the local area;
 - Must be compatible with human rights requirements, and
 - Must be compatible with EU directions.
- 4.2 The Local Planning Authority (LPA) will need to work closely with the various neighbourhood plan working parties to ensure that emerging neighbourhood plans are in general conformity with the strategic policies in the emerging new Local Plan.
- 4.3 At a strategic level, neighbourhood planning is reflective of the changing policy and legal environment in which the local authority works and the need to be responsive to customer demands. This is in line with the Council's 'Fit for the Future' Strategy', as is the end result of neighbourhood planning, which is about contributing towards the vision for the district as a great place to live, work and visit. Neighbourhood plans have the potential to bring forward local proposals to improve prosperity, housing, health and wellbeing, community protection and sustainability.
- 4.4 **Impact Assessments:** there are no significant policy changes arising from this report that have an impact on equalities

5. BUDGETARY FRAMEWORK

- 5.1 Within Warwick District Council's Development Services, staff resources are being used to provide some support for neighbourhood plans in line with the requirements of the regulations. Funding for this resource is covered within existing budgets
- 5.2 The LPA can make a financial claim with the Department for Communities and Local Government for up to 20 designations. The first payment of £5,000 will be made following designation of a neighbourhood plan, recognising the officer time spent supporting and advising the community in taking forward a neighbourhood plan. The current funding round is from the 1 April 2015 to 31st March 2016.
- 5.3 A second payment of £5,000 is available per neighbourhood plan, when the LPA publicises the plan prior to examination and a third payment of £20,000 on successful completion of the neighbourhood plan examination.

6. RISKS

- 6.1 The most effective way of enabling progress on neighbourhood plans to be made is to allow boundaries to follow those existing for either parish or town councils. Not to allow this change would deny this group of parish councils to work together to develop a plan which would support the Local Plan and allow local people to have a say in the more detailed aspects of bringing forward development suitable to their joint area.

7. ALTERNATIVE OPTION(S) CONSIDERED

- 7.1 Executive could decide not to designate this new neighbourhood area, but this would leave a designated area inconsistent with new parish boundaries and would not allow these four parishes to work together as they wish, which would be contrary to the spirit of the Localism Act 2011. The Council more importantly has a duty to designate in accordance with 61G(5) and 61G(4) of that Act thus:

"In determining an application the authority must have regard to—

- (a) the desirability of designating the whole of the area of a parish council as a neighbourhood area, and
- (b) the desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas.

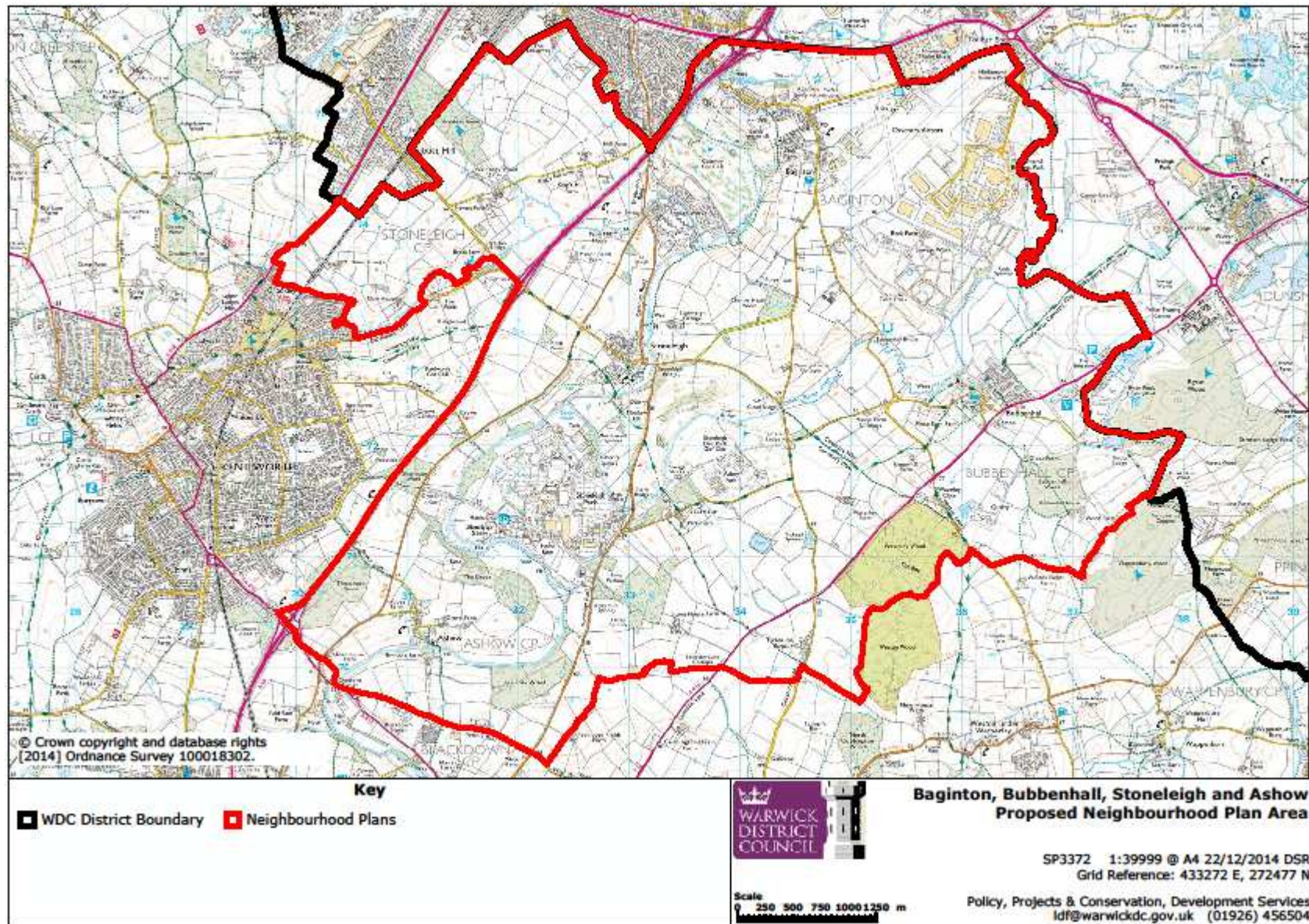
(5) If—

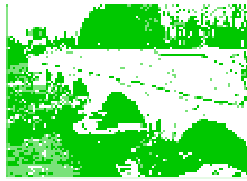
- (a) a valid application is made to the authority,
 - (b) some or all of the specified area has not been designated as a neighbourhood area, and
 - (c) the authority refuse the application because they consider that the specified area is not an appropriate area to be designated as a neighbourhood area,
- the authority must exercise their power of designation so as to secure that some or all of the specified area forms part of one or more areas designated (or to be designated) as neighbourhood areas."

- 7.2 The request to remove Stoneleigh Park and Coventry Airport from the designation area as they are business areas could be considered and these

parts of the parishes could be excluded. However National Guidance states that when designating a neighbourhood area a local planning authority should not make assumptions about the neighbourhood plan or order that will emerge from developing, testing and consulting upon the draft plan. The statement submitted by the parish councils involved justifies the neighbourhood plan area for the entirety of its collective administrative areas. It is deemed unnecessary to specify why individual areas should specifically be included.

Appendix 1





Stoneleigh & Ashow Joint Parish Council

Clerk: Mrs P. A. Maddison.

Warwick District Council
Riverside House
Milverton hill
Leamington Spa
Warwickshire
CV32 5HZ

21st November 2014

APPLICATION FOR THE DESIGNATION OF A NEIGHBOURHOOD PLAN

In accordance with the Statutory Instrument, Town and County Planning England: Neighbourhood Planning (England) Regulations 2012, Baginton, Bubbenhall and Stoneleigh and Ashow Parish Councils jointly makes formal application to Warwick District Council for the designation of the land which will constitute the area in the Neighbourhood Plan being prepared by these Parish Councils under the statutory regime for neighbourhood planning, made under the Localism Act 2011.

In accordance with Part 2 of The Neighbourhood Planning (General) Regulations 2012, paragraph 5(1), this application submits:

- (a) a map identifying the area to which the area application relates, being the parish boundaries of the Parishes of Baginton, Bubbenhall and Stoneleigh and Ashow.
- (b) that, in considering the development of a Neighbourhood Plan for the plan period of 15 years, recognising both the rural nature of the parish and the needs of the villages and commercial parts of the parishes, it is essential to balance demand of all parts so that the most appropriate development plan is produced for the whole of the parishes.
- (c) that, Baginton, Bubbenhall and Stoneleigh and Ashow Joint Parish Councils are the relevant body for the purposes of the Town and Country Planning Act 1990, section 61G of the Act for the preparation of a Neighbourhood Plan, being the only organisations which can be so designated when the area for the Neighbourhood Plan consists of the whole area of these Joint Parish Councils. Also recognising our duty to cooperate with neighbouring parishes and wards.

The Parish Councils request that you commence processing this application as set out in paragraph 6 of part 2 of the said Regulations to designate the Neighbourhood Plan Area.

Would you please acknowledge receipt of this application and advise on the likely timescales for designation.

Yours sincerely

Baginton, Bubbenhall and Stoneleigh and Ashow Parish Councils

Appendix 2

Consultation Responses

Consultation Documents (**Mixed**)

Response:

Duly noted.

Summary:

As an employment site of strategic importance Stoneleigh Park should be excluded from the Neighbourhood Plan Area.

It will introduce an unnecessary and undesirable layer of planning policy.

The position of Stoneleigh Park is already set out in the existing and proposed Warwick District Local Plan as well as the Outline permission granted in November 2012 for approximately 28% expansion of floorspace.

Considered not 'desirable' (Section 61G of Localism Act) to include Stoneleigh Park as it is predominantly a business area.

It is not considered that the Parish Councils' justification for its area is a proper explanation of why Stoneleigh Park should be included within the plan.

There is the potential for unnecessary duplication of policy.

Given that NPs must also have regard to existing policy it is also suggested that it would have limited influence.

Suggest that other business areas are excluded such as Coventry Airport given the different character and function to residential areas.

Alternatively, suggest that if included within the plan area it constitutes a business area. Consequently, non domestic rate payers should also have the opportunity to vote in any referendum on the Neighbourhood Plan's adoption.

Consultation Documents (**Object**)

Response:

Legislation, national planning policy and guidance is clear in its support for local communities to have the opportunity to prepare neighbourhood plans. National policy also states that a neighbourhood plan should support the strategic development needs set out in the Local Plan and plan positively to support local development. National guidance goes on to say that when designating a neighbourhood area a local planning authority should not make assumptions about the neighbourhood plan or order that will emerge from developing, testing and consulting on the draft plan. (NPPG ID: 41-035-20140306).

It is considered that the statement submitted by the parish councils is sufficient to justify a neighbourhood plan area for the entirety of its collective administrative areas. It is deemed unnecessary to specify why individual areas should specifically be included.

Whilst commercial uses at Stoneleigh Park and around Coventry airport are significant, the parishes of Baginton, Bubbenhall and Stoneleigh and Ashover are not wholly or predominantly business areas in nature. The overall area is mixed, with residential, commercial and other land uses and is broadly within a rural and rural fringe setting.

Summary:

As an employment site of strategic importance Stoneleigh Park should be excluded from the Neighbourhood Plan Area.

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The position of Stoneleigh Park is already set out in the existing and proposed Warwick District Local Plan as well as the Outline permission granted in November 2012 for approximately 28% expansion of floorspace.

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Given that NPs must also have regard to existing policy it is also suggested that it would have limited influence.

Suggest that other business areas are excluded such as Coventry Airport given the different character and function to residential areas.

Alternatively, suggest that if included within the plan area it constitutes a business area. Consequently, non domestic rate payers should also have the opportunity to vote in any referendum on the Neighbourhood Plan's adoption.

Changes to Plan:

Remove Stoneleigh Park from Neighbourhood Area.

Also suggest LPA consider either removing Coventry Airport from area or designate both commercial areas as 'business areas'.

Consultation Documents (Mixed)

Response:

Duly noted.

Summary:

There are no specific comments to make on the proposed designation. Furthermore it should take account of the proposed Phase One line of route of HS2 which passes through this Neighbourhood. Further advice is provided in paragraphs 22-27 of the guidance for Local Planning Authorities.

Consultation Documents (Mixed)

Response:

Duly noted.

Summary:

The proposed neighbourhood plan area is located within the deep coal resource area of the defined coalfield. However no surface coal resource is present and there is no 'high risk' mining legacy features present in the plan area. The eastern side of the proposed area falls in the 'development low risk'. Consequently The Coal Authority has no specific comments to make on the Neighbourhood Plan.

Consultation Documents (Support)

Response:

Duly noted

Summary:

no objection to the neighbourhood plan boundary
Natural England provide a wide range of advice and support in preparing a neighbourhood plan [Further information in the full submission]

Consultation Documents (Support)

1. **Response:**

Duly noted.

2. **Summary:**

English Heritage has no objection to this proposal.
The proposed neighbourhood plan area contains a varied range of designated and undesignated heritage assets including five grade I listed buildings and five listed at II*. There is one very extensive grade II* Registered Park and Garden and the Parish also hosts five scheduled monuments. Due account should be taken of the conservation of all of these assets and their settings in formulating the neighbourhood plan proposals. Consideration should also be given to the protection of undesignated heritage assets and archaeological remains (both known and potential) within the Parish. Many of these will be recorded in the Warwickshire County Council Historic Environment Record (HER).
English Heritage offers advice on preparing neighbourhood plans

Consultation Documents (Support)

Response:

Duly noted

Summary:

no objections to neighbourhood plan boundary

Drawing up a neighbourhood plan is an opportunity to think about improving a local environment. General opportunities for neighbourhood planning include:

- New green spaces
 - manage the risk of flooding
 - promote the use of wood and recycled materials in construction and encourage energy efficiency measures
- To assist in the preparation of any document and sustainable development we have identified information to help you maximise environmental gain from future development and to reduce its environmental impact.