

# Executive

Wednesday 16 April 2014

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A meeting of the Executive will be held in the Town Hall, Royal Leamington Spa on Wednesday 16 April 2014, at 6.00pm.

Membership:

Councillor A Mobbs (Chair)	
Councillor L Caborn	Councillor J Hammon
Councillor M Coker	Councillor D Shilton
Councillor S Cross	Councillor N Vincett
Councillor Mrs M Grainger	

**Also attending (but not members of the Executive):**

<b>Independent Group Observer</b>	Councillor MacKay
<b>Labour Group Observer</b>	Councillor Edwards
<b>Liberal Democrat Group Observer</b>	Councillor Boad
<b>Chair of the Overview &amp; Scrutiny Committee</b>	Councillor Mrs Blacklock
<b>Chair of the Finance &amp; Audit Scrutiny Committee</b>	Councillor Barrott

## Agenda

### 1. **Emergency Procedure**

At the commencement of the meeting, the emergency procedure for the Town Hall will be announced.

### 2. **Declarations of Interest**

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

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

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

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

### 3. **Minutes**

To confirm the minutes of the meetings held on 3, 12 and 26 March 2014

**(Item 3/ Page 1)**

## **Part 1**

(Items upon which a decision by Council is required)

None.

## **Part 2**

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

### **4. Local Air Quality Management**

To consider a report from Health and Community Protection **(Item 4/Page 1)**

### **5. Henley Road & Bourton Drive Garage Sites**

To consider a report from Housing Strategy **(Item 5/Page 1)**

### **6. Renewal of Allpay Contract**

To receive a report from Corporate and Community Services **(Item 6/Page 1)**

### **7. Procurement of Rural Housing Enabler**

To consider a report from Housing Strategy **(Item 7/Page 1)**

### **8. General Reports**

#### **(A) Significant Business Risk Register**

To consider a report from Finance **(Item 8A/Page 1)**

#### **(B) Local List of Historic Parks and Gardens - Confirmation of Boundaries – Part 1**

To consider a report from Development Services **(Item 8B/Page 1)**

### **9. 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
12	1	Information relating to an Individual
12	2	Information which is likely to reveal the identity of an individual
10, 11 & 12	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

10. **Fetherstone Court Development Scheme Update**

To consider a report from the Deputy Chief Executive (BH) **(Item 10/Page 1)**  
**(Not for Publication)**

11. **Racing Club Warwick & West Midlands Reserve Force & Cadets Association**

To consider a report from the Deputy Chief Executive (AJ) **(Item11/Page 1)**  
**(Not for Publication)**

12. **Minutes**

To confirm the confidential minutes of the meetings held on 12 February and 26 March 2014 **(Item12/Page 1)**

Agenda published Monday 7 April 2014

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You can e-mail the members of the Executive at [executive@warwickdc.gov.uk](mailto:executive@warwickdc.gov.uk)

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**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 Monday 3 March 2014 at the Town Hall, Royal Leamington Spa at 6.00 pm.

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

**ALSO PRESENT:** Councillor Barrott (Chair of Finance & Audit Scrutiny Committee), Councillor Mrs Blacklock (Chair of Overview and Scrutiny Committee), Councillor Brookes, Councillor Mrs Falp and Councillor Mrs Sawdon.

Apologies for absence were received from Councillors Coker and Cross.

## **157. DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **158. CALL-IN OF EXECUTIVE ITEM – GYPSY & TRAVELLER PREFERRED OPTIONS FOR SITES CONSULTATION**

The Executive considered a report from Civic and Committee Services following the call-in of the Assets Review report, which had been considered at the Executive meeting on 12 February 2014.

The decision was called into the Overview and Scrutiny Committee for consideration and subsequently referred to Council on 26 February 2014.

The decision had been called in by Councillors Mrs Bromley, Mrs Falp, Heath, Kirton and Mrs Mellor because they did not feel the six weeks consultation period was sufficiently long enough. In addition, they had concerns that only eight sites were being consulted on, that one site was in the Green Belt and Members were unhappy with the proposal to use Compulsory Purchase Orders.

On 16 February 2014, Councillor Mrs Higgins also called-in the report because the proposed sites were all to the south of the four towns rather than being evenly spread around the District.

At the Council meeting on 26 February 2014, Members debated the proposals and referred the decision back to the Executive for consideration without any comments.

The report advised that the Executive now had the option of either confirming or amending the original decision made on 12 February 2014.

There were no alternative options available because the call-in of a decision required that a set procedure be followed.

Councillor Mrs Sawdon addressed Members in her capacity as Ward Councillor for Budbrooke. She advised that she was not predetermined in her views and was prepared to listen objectively to all points of view.

Councillor Mrs Sawdon outlined her resident's concerns, with specific reference to the Oaklands Farm, Birmingham Road site. She gave a brief description of the surrounding area and of the planning history of the application site, which was located in the Green Belt. She reminded Members of the recent refusal of planning applications, using the site's location in the Green Belt as one of the main refusal reasons, and referred to the Inspector's comments regarding a similar site at Kites Nest Lane.

In addition, Councillor Mrs Sawdon explained the concerns raised in relation to the sites located in Barford and she praised the affected communities for coming together and showing true localism. She asked the Executive to give careful consideration to the sites discussed above before including them in the process any further, or to discount them altogether if possible.

Councillor Brookes addressed Members in his capacity as Ward Councillor for Bishops Tachbrook. He made reference to the 'country park' in Bishops Tachbrook, which could result in having gypsy and traveller sites located right in the middle of it. He advised Members that Stratford District had identified a site in the Green Belt and queried if a joint assessment would have suited Warwick District's needs better.

Councillor Brookes also asked if it was necessary to publish all alternative sites because many were large and close to village boundaries, which resulted in some communities feeling targeted. He also felt that the use of Compulsory Purchase Orders (CPO's) was extreme and requested a caveat that these would only be used as a last resort. He asked Members to reflect on the advice from the DCLG (Department for Communities and Local Government) which had advised against using CPO's. In summary, he requested that the Executive consider withdrawing the alternative options, a longer consultation period and only using CPO's as a last resort.

In response, the Executive stated that recommendation 2.3 of the original report had stated that the 'Executive commits in principle to invoke its use of Compulsory Purchase Orders' and this had been agreed as acceptable wording during the debate at Council.

Councillor Barrott reminded Members that the Council had a duty to comply with the Housing Act and supply gypsy and traveller sites and although there were five preferred sites, thirteen were being consulted on in total.

Members were mindful that although Compulsory Purchase Orders did not seem democratic, some sites may not come forward and the Council had to prove its intent. In addition, they were mindful that this was only the second stage of consultation and no final decisions were being made on sites at this meeting.

Councillor Mrs Grainger encouraged all interested parties, Councillors and members of the public to engage in the consultation process.

The Leader, Councillor Mobbs reminded the meeting that the Council needed to have a sound and robust Local Plan, and this report would make up part of that. He stated that the Local Plan was key to help the District cope with growth, future employment and housing, and a weak plan could lead to developers building wherever they wanted to.

### **Item 3**

Councillor Mobbs gratefully accepted the Ward Councillors' comments and assured them that their concerns would be included in the consultation process and given due weight and consideration.

The lead Councillor for the Local Plan, Councillor Caborn, addressed Members and reminded them that the Council had struggled to find gypsy and traveller sites for a number of years but the authority also had a responsibility to meet this accommodation need. In addition, he stated that any site would need to go through the full planning process and this report would in no way circumvent this process.

Councillor Caborn supported the original recommendation in the report of 12 February 2014 and reminded the Parish and Town Councils to let officers know if they needed extra time to submit their comments into the consultation.

Having read the report and having heard the representations from the Scrutiny Committees, the Executive decided to agree recommendation 2.1(i) and

**RESOLVED** that the decision made by the Executive on 12 February 2014, be confirmed.

Councillor Hammon, Portfolio Holder for Development Services, abstained from the vote.

(The meeting ended at 5.44 pm)

# **EXECUTIVE**

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

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

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

## 159. **DECLARATIONS OF INTEREST**

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

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

## 160. **MINUTES**

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

### **PART 1**

(Items on which a decision by Council is required)

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

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

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

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

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

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

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

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

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

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

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

**RECOMMENDED** to Council that

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



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

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

**PART 2**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**RESOLVED** that

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

(The Portfolio Holder for this item was Councillor Coker)

(Forward Plan reference 592)

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

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

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

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

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

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

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

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

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

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

**RESOLVED** that

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

(The Portfolio Holder for this item was Councillor Vincett)

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

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

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

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

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

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

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

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

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

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

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

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

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

(The Portfolio Holder for this item was Councillor Mobbs)

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

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

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

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

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

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

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

(The Portfolio Holder for this item was Councillor Mobbs)

167. **DISCRETIONARY RATE RELIEF**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(The Portfolio Holder for this item was Councillor Mobbs)

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



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

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

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

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

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

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

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

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

**RESOLVED** that

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

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

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

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

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

**170. LILLINGTON AREA ACTION PLAN**

The recommendations in the report were agreed.

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

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

The recommendations of the report were agreed.

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

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

The recommendations of the report were agreed.

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

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

The recommendations of the report were agreed.

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

(The meeting ended at 6:58 pm)

# **EXECUTIVE**

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

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

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

An apology for absence was received from Councillor Coker.

## **174. Declarations of interest**

There were no declarations of interest made.

### **Part 1**

(Items on which a decision by Council is required)

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

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

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

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

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

Amongst other things, the Bill would authorise:

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

- major alterations to and interference with highways.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Recommended** to Council that

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

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

**Part 2**

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

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

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

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

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

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

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

The proposed development package envisaged development at three linked sites:

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Stage 2 - Design and Assessment**

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

**Stage 3 - Construction**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Amended 2.4**

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

**Amended 2.6**

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

**New 2.10**

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

**New 2.11**

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

**Resolved that**

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

- external design team to undertake detailed feasibility studies of the 3 elements of the project, be noted;
- (4) a WDC project budget of £100,000, separate from the LLP forward funding, to cover 'client' project costs, subject to any expenditure being compliant with the Code of Procurement Practice, be approved;
  - (5) authority to incur expenditure from the WDC project budget, be delegated to the Deputy Chief Executive (BH) and Senior Project Coordinator (DE), in consultation with the s151 Officer, Leader of the Council and Development Portfolio Holder;
  - (6) the proposed Project timetable, as set out at Appendix Four to the report, and that this will require the presentation of a further report in February 2015 seeking final approval for the project once the financial appraisals have been undertaken and all necessary planning approvals gained, subject to a revision to Appendix Four to ensure that the award of the contract to a development partner is not made until after the Executive decision, be noted;
  - (7) the governance structure for this project as set out at Appendix Five to the report, be noted;
  - (8) the initial Risk Register, set out at Appendix Six to the report, and that further detailed risk registers will be developed for the various strands of the developing project, be noted;
  - (9) the proposals relating to 'different ways of working' (DWoW), be noted;
  - (10) in parallel with the LLP funded detailed financial and design appraisals of the Spa Centre site, Executive instruct officers to formally review the potential use of other WDC town centre landholdings as alternative relocation sites and to report back no later than May 2014; and
  - (11) a sub-group to the existing Member Reference Group, made up of 1 member of each Group who is not a member of Planning Committee (and will also become ineligible to be a substitute for any Planning Committee meeting relevant to this project) to review, with officers, the design specification and car parking arrangements for the proposed new HQ offices at the Spa Centre site, be established.



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

177. **Public and Press**

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

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


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

The recommendations of the report were agreed.

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

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

(The meeting ended at 6.58 pm)

 <b>Executive – 16<sup>th</sup> April 2014</b>		<b>Agenda Item No. 4</b>
<b>Title</b>	Local Air Quality Management	
<b>For further information about this report please contact</b>	Richard Hall (01926 – 456700) Grahame Helm (01926 – 456714) <a href="mailto:environment@warwickdc.gov.uk">environment@warwickdc.gov.uk</a>	
<b>Wards of the District directly affected</b>	All wards but primarily towns	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>		
<b>Background Papers</b>	Email responses to consultation as summarised below.	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	Yes Ref 562
<b>Equality and Sustainability Impact Assessment Undertaken</b>	Yes

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive	17/03/14	Chris Elliott
Head of Service	14/03/14	Richard Hall
CMT	25/03/14	Andrew Jones
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)		
<b>Consultation &amp; Community Engagement</b>		
Department for Environment, Food and Rural Affairs (DEFRA) Warwickshire County Council Public Health Warwickshire Leamington Town Council (re Station House) Neighbouring District Councils Warwick University (re Station House) GSP Construction (re Station House) Developers and architects associated with major development sites in the district		
<b>Final Decision?</b>	Yes	
<b>Suggested next steps (if not final decision please set out below)</b>		

## 1. **SUMMARY**

- 1.1 To seek Member approval for an amendment to the Council's Air Quality Action Plan to include new air quality planning guidance and also to approve an extension to the Leamington air quality management area.

## 2. **RECOMMENDATION**

- 2.1 That the Council's Air Quality Action Plan 2008 be amended to include the guidance attached at Annex 1 of this report.
- 2.2 That the area covered by the Leamington Air Quality Management Area be extended to include Station House as shown at Annex 2 of this report.

## 3. **REASONS FOR THE RECOMMENDATION**

- 3.1 To ensure that the impact on local air quality from new development is properly considered in the development control process following the replacement of planning policy statements/guidance by the National Planning Policy Framework.
- 3.2 To deliver the actions identified in the annual progress reports on local air quality.

## 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. Ensuring that effective steps are taken to improve local air quality and promote healthier lifestyles will contribute to these aims.
- 4.3 **Sustainable Community Strategy** – The improvement of air quality contributes towards the Health & Wellbeing and Sustainability priority themes within the Sustainable Community Strategy.

## 5. **BUDGETARY FRAMEWORK**

- 5.1 There are no budgetary implications arising from this report.

## 6. **RISKS**

- 6.1 The main risks of not adopting the proposals would arise from the potential loss of achieving effective mitigation to address the impact on air quality from new developments in the district.

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

- 7.1 It is not necessary to adopt planning guidance and air quality impacts could be addressed through planning conditions requiring a pre-commencement assessment. However the proposed recommendations are aimed at shifting the emphasis from air quality modelling to implementing physical mitigation measures.

## 8. BACKGROUND

8.1 In March 2012, Planning Policy Statement 23 (planning and pollution control) was replaced by the National Planning Policy Framework (NPPF). This reflected Government's intention to make the planning system less complex by simplifying the number of policy pages. One of the 12 core planning principles in the NPPF therefore just stated that a contribution should be made to conserving the natural environment and reducing pollution.

8.2 However, paragraph 124 of the NPPF goes on to state that "*planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from industrial sites in local areas. Planning decisions should ensure that any new development in Air Quality Management areas is consistent with the local air quality action plan.*" Therefore by including planning guidance in the air quality action plan, developers would need to have regard to it when submitting a planning application.

8.3 Government has recently published revised and updated planning practice guidance. The air quality guidance advises that –

*"Drawing on the review of air quality carried out for the local air quality management regime, the Local Plan may need to consider..... ways in which new development would be appropriate in locations where air quality is or likely to be a concern and not give rise to unacceptable risks from pollution. This could be through, for example, identifying measures for offsetting the impact on air quality arising from new development including supporting measures in an air quality action plan or low emissions strategy where applicable".*

The guidance goes on to advise that planning conditions and obligations can be used to secure mitigation where the relevant tests are met. Examples of mitigation include contributing funding to measures identified in air quality action plans and low emission strategies, designed to offset the impact on air quality arising from new development.

8.4 The proposed guidance attached at Annex 1 is similar in content to documents produced in other parts of the country including Yorkshire and the West Midlands. If agreed, it would apply to all new development irrespective of whether or not it is within an existing AQMA. The concept is that planning applicants should accept that their proposed development will have an impact on local air quality so in many cases avoiding the need to engage a consultant to carry out an air quality modelling exercise. The money saved could then contribute to funding mitigation measures which would be mutually agreed with the applicant on a site-specific basis. It has been circulated for comment to key stakeholders and architects/planning agents who have recently submitted applications for major development in the district. Responses were received from the following –

Organisation	Summary of Comments
DEFRA	Positive advice
Public Health Warwickshire	We welcome the draft guidance and believe this document highlights many

	<p>strong mitigation measures.</p> <p>Type 3 mitigation mentions sustainable transport solutions but we consider this should be considered during all three stages of mitigation.</p> <p>Whilst the guidance alludes to bike hire schemes, in addition WDC might want to consider the benefits of incorporating cycle paths into any new development.</p> <p>Other methods of mitigation which has not been mentioned is encouraging people to walk and exploring pedestrianisation schemes.</p>
Warwickshire County Council	<p>The idea of a monetary value being put to Type 3 mitigations makes sense in isolation. However the total value of contributions from a development will be determined by viability and any money extracted for this air quality calculation will reduce the amount available for other things My view of the items listed as mitigation suggestions on page 12 is that they will not deliver very useful outcomes for air quality with the risk that this money will be procured at the detriment of more beneficial things.</p>
Morton Wykes Kramer Architects	<p>This policy is going to achieve absolutely nothing other than to make more work for your already stretched officers and generate fees for another group of consultants. You already have the pollution problem and adding to this requirement to new development will not solve the problem.</p>

8.5 The current Leamington air quality management area (AQMA) is centred on High Street, Clemens Street and Bath Street due to public exposure to levels of nitrogen dioxide from vehicle exhausts which can exceed national objectives. All local authorities are required to carry out an annual review of progress being made in delivering their air quality action plans. Part of this process is to consider implications arising from new developments on existing AQMAs and this identified the building of a large block of student halls of residence (Station House) immediately adjacent to the junction of Tachbrook Road and Old Warwick Road and just outside the current AQMA.

8.6 The Progress Report concluded that the AQMA should be extended to include the Station House development once occupied. Members should note that the

planning system has already been used to ensure non-opening windows and mechanical ventilation for affected rooms. This proposal was also circulated to interested parties for comment. One response has been received from Royal Leamington Spa Town Council who were fully supportive of this proposal.



## **Warwick District Council**

### **Air Quality Action Plan (Addendum)**

#### **Low Emission Strategy Guidance for Developers**

April 2014

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## **Rationale**

In compliance with Part IV of The Environment Act 1995, Warwick District Council's ongoing assessment of air quality in its District has identified air quality exceedences of Nitrogen Dioxide (NO<sub>2</sub>) above the EU Limit Value due to road traffic emissions. These areas of poor air quality are particularly focused within congested town centre locations within Warwick, Leamington Spa and Kenilworth.

While concentrations of PM<sub>10</sub> in the District are below the EU Limit threshold, ongoing research into ultra-fine particulates shows that reductions in concentrations below EU Limit Value levels will still bring significant health benefits to the District population. In 2012, the World Health Organisation (WHO/IARC) classified diesel emissions as carcinogenic, providing a 40% increased risk of lung cancer in at risk populations, including truck drivers<sup>1</sup>.

In view of the air quality issues identified within the District, and the withdrawal of general planning guidance on air quality (Planning Policy Statement 23: Planning and Pollution Control) as part of the new National Planning Policy Framework (NPPF), there is a need for local planning guidance on air quality. The Environmental Health department has developed this guidance to assist developers. The guidance document establishes the principle of Warwick District as an 'Emission Reduction Area' and requires developers to use 'reasonable endeavours' to minimise emissions and, where necessary, offset the impact of development on the environment. The guidance sets out a range of locally specific measures to be used to minimise and/or offset the emissions from new development, and requires the cumulative impact of developments to be considered as part of the planning application process.

## **Introduction**

This air quality planning policy guidance forms part of Warwick District Council's Air Quality Action Plan and is based on the principles of the DEFRA good practice guidance – 'Low Emission Strategies: Using the Planning System to Reduce Transport Emissions'. The document was published in January 2010 as part of the Local Air Quality Management (LAQM) Technical Series. The Low Emission Strategy approach can be summarised as follows:

- Integrated, evidence based approach to residual, road transport emission reduction via the simultaneous assessment and mitigation of both regulated air quality pollutants and Greenhouse Gases (GHG);
- Improve residual road transport emissions via the accelerated uptake of cleaner fuels and technologies;
- Recognition of road transport emissions creep, due to the aggregated impact of development schemes, and the need to improve assessment methods for establishing impact and options for mitigation;
- Recognition of the incremental benefits of individual development schemes and residual road transport emissions improvement, aggregated across an area;

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<sup>1</sup> <http://www.bmj.com/content/344/bmj.e4174.full>

- Pro-active, integrated approach to land-use planning with other key, local authority low emission strategies to reduce road transport emissions i.e. transport plans, community/social fleet emission improvement strategies, economic development and procurement strategies;
- Achieve development scheme acceptability through the implementation of reasonably practicable on and off-site low emission mitigation measures, including the consideration of compensatory damage costs, required by a combination of planning conditions and obligations;
- Consideration of the use of Community Infrastructure Levy, where adopted, or in situations where it is likely to be triggered, for the implementation of low emission, road transport infrastructure.

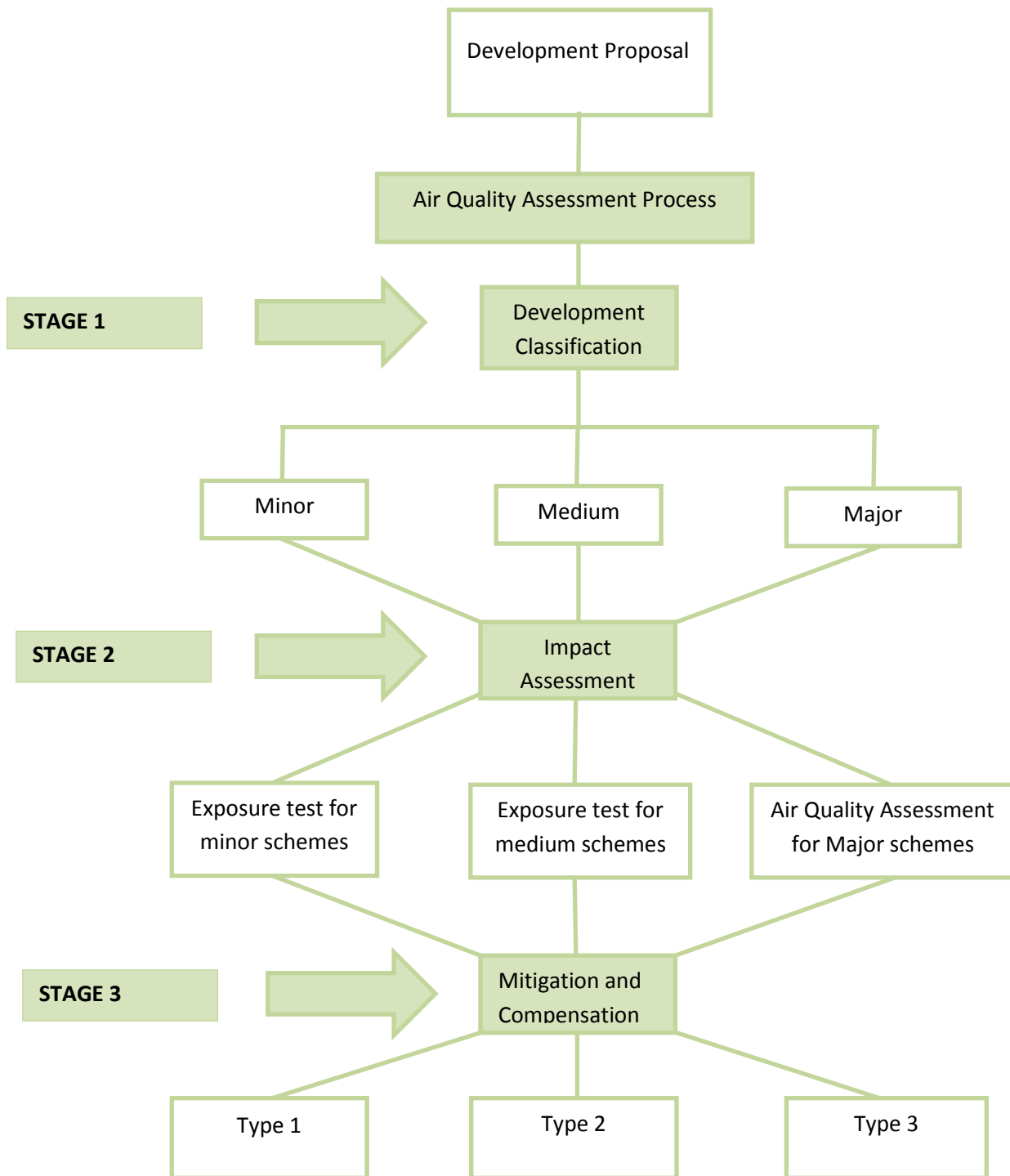
The guidance provides a template for integrating air quality considerations into land-use planning and development management policies that can influence the reduction of road transport emissions and to be used to update air quality action plans.

The air quality assessment process follows a three stage process:

1. Determining the classification of the development proposal;
2. Assessing and quantifying the impact on local air quality;
3. Determining the level of a mitigation required by the proposal to meet Local Development Plan requirements.

The assessment process is summarised in the flow chart below (figure 1).

### Air Quality Assessment and Mitigation Flow Chart



## **National Planning Policy Framework and Air Quality**

The National Planning Policy Framework<sup>2</sup> (NPPF) encourages the development of sustainable transport modes and reducing the need to travel, emphasising the importance of local development plans in achieving this. One of its 12 Core Planning Principles states that planning should:

*“contribute to conserving and enhancing the natural environment and reducing pollution” by “preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability”.* (Paragraph 109)

The NPPF also states in Paragraph 124 that:

“Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with local air quality action plans”.

Paragraph 35 states:

Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to:

- accommodate the efficient delivery of goods and supplies;
- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities; create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
- incorporate facilities for charging plug-in and other ultra-low emission vehicles; and consider the needs of people with disabilities by all modes of transport.

## **National Planning Guidance**

The Government has produced National Planning Practice Guidance to assist planning authorities when implementing NPPF principles and policies<sup>3</sup>. This guidance is in line with National Guidance and incorporates key issues, including the requirement that damage costs are assessed as part of scheme determination and necessary mitigation for scheme acceptability should be in line with local authority AQAP and Low Emission Strategies. The Guidance also suggests that where mitigation is not feasible, consideration should be given to off-setting the scheme’s impact by funding measures identified within an AQAP or Low Emission Strategy.

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<sup>2</sup> <http://www.planningportal.gov.uk/planning/nppf>

<sup>3</sup> <http://planningguidance.planningportal.gov.uk/>

## **WDC Local Plan**

Sustainable development is a core principle that runs at the heart of strategic planning in Warwick District, placing an emphasis upon creating sustainable economic growth and locally accessible services and employment. This approach ensures the vitality of the District to support healthy and vibrant communities and promotes more sustainable transport modes by reducing the need to travel and enabling people to make low emission transport choices. This framework is central to the economic, environmental and social prospects of the region. This guidance seeks to build on the air quality and sustainability policy headings within Local Plans, by providing clarity as to what is required to make schemes sustainable in air quality terms. It should be read in conjunction with relevant planning policies as set out in Annex 6.

## **Air Quality Action Plans & Travel Plans**

Warwickshire County Council provides extensive guidance on when a Travel Plan is needed and what it should include<sup>4</sup>. Travel Plans can be effective in reducing trips and encouraging modal shift, particularly where the implementation of the Travel Plan is monitored. Mitigation measures to discourage the use of high emission vehicles or encourage the use of low emission vehicles, including the provision of infrastructure, may be included in Travel Plans.

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<sup>4</sup>[http://www.warwickshire.gov.uk/Web/corporate/wccweb.nsf/Links/637AF374332C345880257840003DA62A/\\$file/PractiseNoteforDevelopers\\_April09.pdf](http://www.warwickshire.gov.uk/Web/corporate/wccweb.nsf/Links/637AF374332C345880257840003DA62A/$file/PractiseNoteforDevelopers_April09.pdf)

## **Protocol for Development Scheme Assessment, Mitigation & Compensation**

It is recognised that development will typically increase road transport emissions, both during the construction and operational phases. However, it is also recognised that sustainable development can be a positive force for change. The approach in this guidance seeks to minimise road transport emissions wherever practicable to sustainable levels, while also seeking to counter the cumulative impacts arising from the aggregation of incremental emissions arising from each development scheme.

### **Stage 1: Development Type Classification:**

Three levels of development classification are determined using the Department for Transport Criteria for Transport Assessments and Travel Plans<sup>5</sup> (Table 1 below).

<b>Stage No.</b>	<b>Scheme Type</b>	<b>Minor</b>	<b>Medium</b>	<b>Major</b>
1	Threshold	Below DfT Threshold Criteria for Transport Assessment and Travel Plan (TA/TP) <sup>6</sup>	Meets DfT Threshold Criteria for Transport Assessment and Travel Plan (TA/TP)  Or where the development is for any B2 or B8 use falling below the major classification	Medium type development which also trigger any of the following criteria:  i) Where the development requires an EIA  ii) Where development is likely to increase traffic flows by more than 5% on roads with >10,000 AADT or change average vehicle speeds by >10kph or likely to cause increased congestion  iii) Where a development requires a transport assessment and HGV movements are =/> 10% of total trips

**Table 1 - DfT Criteria for Transport Assessments**

<sup>5</sup>

<http://webarchive.nationalarchives.gov.uk/20100409053417/http://www.dft.gov.uk/adobepdf/165237/202657/guidanceontaappe/ndixb>

<sup>6</sup> DfT Criteria for Travel Plans and Transport Assessments is provided in Annex 1

## **Stage 2: Air Quality Impact Assessment**

By incorporating mitigation measures into scheme design as standard, it is envisaged that this approach will help counteract the incremental emission creep, inherent with most development schemes.

Once the development has been classified as minor, medium or major, Table 2 determines when an Air Quality Assessment is required and the associated mitigation type:

<b>Development Classification</b>	<b>Assessment Required</b>	<b>Mitigation</b>	<b>Compensation</b>
<b>Minor</b>	None (other than exposure test)	Type 1	-
<b>Medium</b>	None (other than exposure test)	Type 1 and 2	-
<b>Major</b>	Full AQ Assessment in line with Council Guidance, including evaluation of emission and concentration changes	Type 1 and 2	Type 3

**Table 2 - Criteria for Air Quality Assessment requirement**

It can be seen from the table above that no assessment is required for minor and medium impact schemes except for the need to consider whether the development will expose future occupiers to unacceptable levels of NO<sub>2</sub> and Particulate Matter. Advice is provided below where exposure is likely to be an issue and possible ways in which this may be mitigated. An air quality assessment is required for all major developments and an air quality assessment protocol is provided in Annex 5.

### **Assessment where Exposure may arise**

Exposure may be identified where residential accommodation is proposed and there is likely to be exposure to concentrations above EU Limit Values, as identified by Warwick District Council's Air Quality Management Areas. The determination of AQMA exposure should be ascertained through reference to Warwick District Council's latest review and assessment of air quality (the position of residential units may be crosschecked against local authority AQMA exceedence maps).

Where no modelling data exists and relevant accommodation is proposed next to roads with an AADT (annual average daily traffic flow) of greater than 10,000, the developer may be required to undertake monitoring for a limited period to ascertain pollutant levels. On agreement with the local authority about the relevant parameters, a developer may refer to the Defra UK Ambient Air Quality Interactive Maps<sup>7</sup>.

Where relevant exposure has been identified then refusal of an application should be expected unless WDC has a specific and justifiable policy for placing residential accommodation within an AQMA or effective mitigation measures can be agreed. It is important that wherever appropriate,

<sup>7</sup> <http://uk-air.defra.gov.uk/data/gis-mapping>

noise aspects are integrated into air quality considerations. For example, where road transport emissions are concerned it is common for developers to suggest noise mitigation in the form of suitable acoustic insulation (e.g. acoustic glazing, sealed units and ventilation) that may introduce or exacerbate exposure to poor air quality via the introduction of active ventilation. Warwick District Council, in considering policies on exposure, may give weight to the following mitigation measures:

- Can the residential building envelope be pushed back beyond the pollutant exceedence zone?
- Can the scheme be designed to place residential units at the rear of the development or on higher floors?
- Can vegetative barriers, including appropriate tree species, offer some degree of separation from the road? (While several reports<sup>8,9</sup> have highlighted some potential for certain vegetation species to reduce particulate concentrations, they also indicate a limited effectiveness in reducing exposure in the urban area?)
- Can design of built forms avoid the creation of canyons, allowing a greater degree of pollutant dispersal?
- Mechanical ventilation should not automatically be seen as providing effective mitigation against exposure and should be scrutinised carefully, not only in terms of the acceptability of providing living conditions in what could be described as a hermetically sealed unit, but also in terms of the increase in energy requirements and maintenance that is incurred and the attendant secondary noise effects that can arise.

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<sup>8</sup> <http://www.es.lancs.ac.uk/people/cnh/docs/UrbanTrees.htm>

<sup>9</sup> <http://www.woodlandtrust.org.uk/en/planting-woodland/why-plant-trees/environmental-benefits/Pages/default.aspx>



### **Stage 3: Mitigation and Compensation**

The outcome of Stage 2 (Assessment) identifies the level of air quality impact and this is then used to determine the level of mitigation required to negate the potential effects upon health and the local environment.

Where mitigation is not integrated into a proposal, the Local Planning Authority will require this through planning conditions. The NPPF (paragraph 152) suggests that “where adequate mitigation measures are not possible, compensatory measures may be appropriate”. If on-site mitigation is not possible then the Local Planning Authority will seek compensation for the identified air quality impacts through a section 106 agreement.

#### **TYPE 1 (Minor) Proposal Mitigation:**

A key theme of the NPPF is that developments should enable future occupiers to make “green” vehicle choices and (paragraph 35) “incorporate facilities for charging plug-in and other ultra-low emission vehicles”. Therefore, an electric vehicle recharging provision rate is expected in addition to mitigation arising from the exposure assessment. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority and include the standard mitigation listed below.

	<b>Residential</b>	<b>Commercial/Retail</b>	<b>Industrial</b>
<b>Provision Rate</b>	1 charging point per unit (house with dedicated parking)	10% of parking spaces (this may be phased with 5% provision initially and a further 5% trigger)	10% of parking spaces (this may be phased with 5% provision initially and a further 5% trigger)
	1 charging point per 10 spaces (unallocated parking)		
	<i>To prepare for increased demand in future years, appropriate cable provision should be included in scheme design and development in agreement with the local authority.</i>		

**Table 3 - Provision rate of electric vehicle recharging points**

#### **TYPE 2 (Medium) Proposal Mitigation:**

The NPPF recommends that where a development scheme requires a **Travel Plan** then all road transport mitigation measures may be included within the Plan. For medium and major development categories, **Type 2 mitigation** should be incorporated into scheme design where appropriate, in addition to Type 1. A list of typical **Type 2 mitigation** measures is provided in the table below:

## Type 2 - Mitigation for Scheme Sustainability

<b>Mitigation Suggestions</b>	<ul style="list-style-type: none"><li>• Travel Plan (where required), including mechanisms for discouraging high emission vehicle use and encouraging the uptake of low emission fuels and technologies</li><li>• Designation of parking spaces for low emission vehicles</li><li>• Differential parking charges depending on vehicle emissions</li><li>• All commercial vehicles should comply with either current or previous European Emission Standards from store opening, to be progressively maintained for the lifetime of the development</li><li>• Fleet operations should provide a strategy for considering and reducing emissions, including possibilities for the take up of low emission fuels and technologies</li><li>• Use of ultra-low emission service vehicles</li></ul>
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Table 4 - Mitigation suggestions for type 2 proposals

## TYPE 3 (Major) Proposal Mitigation

For development schemes that have the potential for major detrimental impact on air quality, an assessment procedure is specified to evaluate the likely change in relevant concentrations and emissions arising from the scheme. As part of the assessment procedure a simple calculation is proposed to allow the quantification of any emission changes – the pollution impact of a scheme can then be monetised using the pollutant **damage costs** (per tonne) specified by the **Defra Inter-Governmental Department on Costs and Benefits (IGCB)**<sup>10</sup>. By establishing the damage costs arising from development scheme emission changes it is possible to assess the scale and kind of any additional mitigation or compensation that is required to make the scheme acceptable.

### Figure 1 - Road Transport Emission Calculation

$$\text{Road Transport Emission Increase} = \sum[\text{Estimated trip rate for 5 years} \times \text{Emission rate per 10 km per vehicle type} \times \text{Damage costs}]$$

Note – Trip Length extrapolated from DfT National Travel Surveys

The road transport emission increase should be annualised and totalled for a period of 5 years, as it is understood that pollution levels will remain unacceptably elevated for at least the next 5 years. A trip length of 10 km should be used which is derived from the DfT National Travel Surveys<sup>11</sup> estimation of average trip length.

A table of the damage costs per tonne of air quality pollutants is provided in Annex 2 and an example of the Emissions Assessment Calculation is provided in Annex 4.

<sup>10</sup> <http://www.defra.gov.uk/environment/quality/air/air-quality/economic/damage/>

<sup>11</sup> Extrapolated from The National Travel Survey :2011, Statistical Release, 13th December 2012  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/35738/nts2011-01.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/35738/nts2011-01.pdf)

A suite of mitigation/compensation measures termed **Type 3 mitigation** is provided in the table below:

**Type 3 – Scale of Additional Mitigation and/or Compensation Required for Scheme Acceptability**

<b>Mitigation / Compensation Suggestions</b>	<ul style="list-style-type: none"> <li>• On-street EV recharging</li> <li>• Contribution to low emission vehicle refuelling infrastructure</li> <li>• Car clubs</li> <li>• Low emission bus/mini-bus service provision</li> <li>• Low emission waste collection services</li> <li>• Bike/e-bike hire schemes</li> <li>• Contribution to renewable fuel and energy generation projects</li> <li>• Incentives for the take-up of low emission vehicle technologies and fuels</li> <li>• Contributions to subsidised public transport for staff or residents</li> <li>• Air Quality Monitoring programmes</li> </ul>
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**Table 5 – Mitigation/compensation suggestions for type 3 proposals**

Where **Type 3** mitigation is required, the planning authority and developer will agree measures that are appropriate and in scale and kind to the development. Such measures may be taken forward by condition, where possible, or through the use of a Section 106 Agreement<sup>12</sup>. Each development will require a brief mitigation statement which must include those identified mitigation/ compensation measures to be equivalent to the value of emissions calculation.

The planning authority will need to take account of any Type 3 mitigation measures that are included on a Community Infrastructure Levy (CIL)<sup>13</sup> list.

<sup>12</sup> Section 106 of the Town and Country Planning Act 1990 (as amended)

<sup>13</sup> <http://www.legislation.gov.uk/ukxi/2011/987/made>

## Annex 1

### Department for Transport Criteria for Transport Assessments (Adapted for this guidance)

Land Use	Description	TA Required
Food Retail (A1)	Retail sale of food goods to the public – supermarkets, superstore, convenience food store	>800 m <sup>2</sup>
Non-Food Retail (A1)	Retail sale of non-food goods to the public; but includes sandwich bars or other cold food purchased and consumed off site	>1500 m <sup>2</sup>
Financial and professional services (A2)	Banks, building societies and bureaux de change, professional services, estate agents, employment agencies, betting shops.	>2500 m <sup>2</sup>
Restaurants and Cafes (A3)	Use for the sale of food for consumption on the premises.	>2500 m <sup>2</sup>
Drinking Establishments (A4)	Use as a public house, wine-bar for consumption on or off the premises.	>600 m <sup>2</sup>
Hot Food Takeaway (A5)	Use for the sale of hot food for consumption on or off the premises.	>500 m <sup>2</sup>
Business (B1)	(a) Offices other than in use within Class A2 (financial & professional). (b) Research & development – laboratories, studios. (c) Light industry	>2500 m <sup>2</sup>
General industrial (B2)	General industry (other than B1).	>4000 m <sup>2</sup>
Storage or Distribution (B8)	Storage or distribution centres – wholesale warehouses, distribution centres & repositories.	>5000 m <sup>2</sup>
Hotels (C1)	Hotels, boarding houses & guest houses	>100 bedrooms
Residential Institutions (C2)	Hospitals, nursing homes used for residential accommodation and care.	>50 beds
Residential Institutions (C2)	Boarding schools and training centres	>150 students
Residential institutions (C2)	Institutional hostels, homeless centres.	>400 residents
Dwelling Houses (C3)	Dwellings for individuals, families or not more than six people in a single household.	>80 units
Non-Residential Institutions (D1)	Medical & health services, museums, public libraries, art galleries, non-residential education, places of worship and church halls.	>1000 m <sup>2</sup>
Assembly and Leisure (D2)	Cinemas, dance & concert halls, sports halls, swimming, skating, gym, bingo, and other facilities not involving motorised vehicles or firearms.	>1500 m <sup>2</sup>

Thresholds based on other considerations	TA Required
1. Any development generating 30 or more two-way vehicle movements in any hour	
2. Any developments generating 100 or more two-way vehicle movements per day	
3. Any development proposing 100 or more parking spaces	
4. Any development generating significant freight or HGV movements per day, or significant abnormal loads per day	
5. Any development proposed in a location where the local transport infrastructure is inadequate	
6. Any development proposed in a location within or adjacent to an Air Quality Management Area (AQMA)	

**Annex 2 - IGCB Air Quality Damage Costs per Tonne, 2010 prices**

	<b>Sensitivities</b>		
	<b>Central Estimate (1)</b>	<b>Low Central Range (2)</b>	<b>High Central Range (2)</b>
NO <sub>x</sub>	<b>£955</b>	£744	£1,085
SO <sub>x</sub>	<b>£1,633</b>	£1,320	£1,856
Ammonia	<b>£1,972</b>	£1,538	£2,241
PM	<b>£28,140</b>	£22,033	£31,978
Domestic PM	<b>£9,703</b>	£7,598	£11,027
Agriculture PM Waste	<b>£20,862</b>	£16,335	£23,708
PM Industry	<b>£25,229</b>	£19,753	£28,669
PM ESI	<b>£2,426</b>	£1,900	£2,757
PM Transport Average	<b>£48,517</b>	£37,987	£55,133
PM Transport Central London	<b>£221,726</b>	£173,601	£251,961
PM Transport Inner London	<b>£228,033</b>	£178,540	£259,129
PM Transport Outer London	<b>£148,949</b>	£116,621	£169,261
PM Transport Inner Conurbation	<b>£117,899</b>	£92,309	£133,975
PM Transport Outer Conurbation	<b>£73,261</b>	£57,362	£83,252
PM Transport Urban Big	<b>£87,332</b>	£68,377	£99,241
PM Transport Urban Large	<b>£70,351</b>	£55,081	£79,944
PM Transport Urban Medium	<b>£55,310</b>	£43,305	£62,853
PM Transport Urban Small	<b>£34,932</b>	£27,351	£39,696
PM Rural	<b>£15,041</b>	£11,776	£17,091

### Annex 3 – Vehicle Emission Factors

#### Light Duty Diesel Vehicle Emission Factors per Euro Standard

Vehicle category	NOx Emission factor, g /veh-km	
	Diesel cars	Diesel LGVs
Euro 1	1.24	1.70
Euro 2	1.28	1.70
Euro 3	1.16	1.43
Euro 4	0.90	1.16
Euro 5	0.65	0.83
Euro 6	0.29	0.37

#### Heavy Duty Vehicle Emission Factors per Euro Standard (based on 2010 UK fleet)

Vehicle category	NOx Emission factor, g /veh-km		
	Buses and coaches	Rigid HGV	Articulated HGV
Pre Euro	23.3	16.4	26.8
Euro 1	16.6	11.5	19.5
Euro II	18.5	12.7	21.4
Euro III	19.1	11.0	17.9
Euro IV	10.1	6.7	11.1
Euro V EGR	6.1	4.0	6.6
Euro V SCR	15.6	11.8	19.0
Euro VI	2.5	2.3	3.0

Note – emissions at speed of 11 kph

## Annex 4

### Example Emissions Assessment Calculation

The calculation utilises the current Emissions Factor Toolkit (EFT)\* to determine the transport related emissions from a development proposal. If the proposal is to include alternative fuels or technology i.e. LPG, EV etc, then there are “advanced options” within the EFT to accommodate this.

\*<http://laqm.defra.gov.uk/review-and-assessment/tools/emissions.html#eft>

A screen shot of the input and output pages are shown below:

#### Input Screen

SourceID	Road Type	Traffic Flow	%HDV	Speed(kph)	No of Hours	Link Length (km)
Emissions calc	Urban (not London)	2.7	0	50	24	10

#### Output Screen

Source_Name	Pollutant_Name	All Vehicle (Annual Emissions (kg/yr except CO2 tonnes/yr))	All LDV (Annual Emissions (kg/yr except CO2 tonnes/yr))	All HDV (Annual Emissions (kg/yr except CO2 tonnes/yr))
Emissions calc	NOx		3.255	3.255
Emissions calc	PM10		0.380	0.380

The output is in kg of specified pollutant per year and requires converting to tonnes per year. This is then multiplied by the IGCB damage costs for the specified pollutant.

The following example demonstrates the calculation based on a development with 10 domestic properties<sup>14</sup>.

**EFT Input:**

10 household (urban not London) (NO<sub>x</sub> and PM<sub>10</sub>)

X 27 (trip/traffic ratio for 10 houses)

X cars only (0% HGV)

X 50kph (avg. speed)

X 10km (NTS UK avg.)

**EFT Output = 32.55kg/annum (NO<sub>x</sub>) & 3.795kg/annum (PM<sub>10</sub>)**

= 0.0325tonnes/annum (NO<sub>x</sub>) & 0.003795tonnes/annum (PM<sub>10</sub>)

X £955/tonne (NO<sub>x</sub>) + £48,517/tonne (PM<sub>10</sub>)

= £31.08 = £184.15

X 5 (years)

= £155.42 = £920.76

**Total = £1,076**

**Notes:**

1. Trip Rates are sourced from the Transport Assessments and local authority where available.
2. Trip Length uses the National Travel Survey<sup>15</sup> - (UK average = 10km).
3. The IGCB damage costs are the central estimates (currently NO<sub>x</sub> = £955/tonne & PM<sub>10</sub> transport average £48,517).

<sup>14</sup> Sussex Air Quality Partnership "Air Quality and Emission Mitigation Guidance for Sussex Authorities 2013"

<sup>15</sup> <https://www.gov.uk/transport-statistics-notes-and-guidance-national-travel-survey>



## **Annex 5**

### **Air Quality Assessment Protocol for Determining the Impact of Vehicle Emissions Arising From Development**

The purpose of any air quality assessment is to quantify changes in pollutant concentrations and/or exposure to poor air quality at relevant receptors resulting from the proposed development. Impacts must be assessed in the context of relevant national and international objectives and targets and any local planning or other policies.

The assessment must take into account the cumulative air quality impacts of committed developments and schemes (i.e. proposals that have been granted planning permission at the time the assessment is undertaken).

This ensures that 'with development' and 'without development' scenarios are represented as accurately as possible.

The assessment should involve the completion of an air quality modelling study, although from time to time specific pollutant monitoring may also be required. Modelling can be carried out once the information to be used has been agreed with the Local Authority.

Typically, this would include:

- Traffic data used for the assessment including the trip rates associated with the development, the frequency of the trips, the length and route of the trips and the nature and types of vehicles being used.
- Emission data source;
- Meteorological data source and representation of area;
- Baseline pollutant concentration including any monitoring undertaken;
- Background pollutant concentration;
- Choice of base year;
- Basis for NO<sub>x</sub>: NO<sub>2</sub> calculations

Modelling should be carried out using a recognised local scale dispersion model to be agreed with the Local Authority prior to commencement of work. The study normally comprises four simple steps:

1. Assessment of the existing air quality situation in the study area for the baseline year and agreement of specific receptor points with the Local Authority prior to commencement. The model should be validated against council (or other) monitoring data which can usually be supplied on request.
2. Prediction of future air quality without the proposed development in place.

3. Prediction of future road transport emissions and air quality with the proposed development in place.

4. An assessment of the effect(s) the proposed development will have on road transport emissions air quality including the proposed mitigation measures.

Note: for Stages 2 and 3 above, the future scenario year(s) will need to be agreed in advance with the Local Authority prior to commencement of work.

The assessment will also need to include:

- The relevant details of the proposed development
- Details of the relevant air quality standards and objectives
- Details of the agreed assessment method
- An assessment where appropriate of construction related air quality impacts
- Details of the modelling software and its validation
- Results of the modelling exercise including uncertainties, errors, adjustments and verification
- A sensitivity test which assumes that there will be no reduction in traffic related emission factors from the baseline year
- Summary of the assessment results and air quality impacts arising
- Mitigation measures to be taken to protect air quality

## **Annex 6**

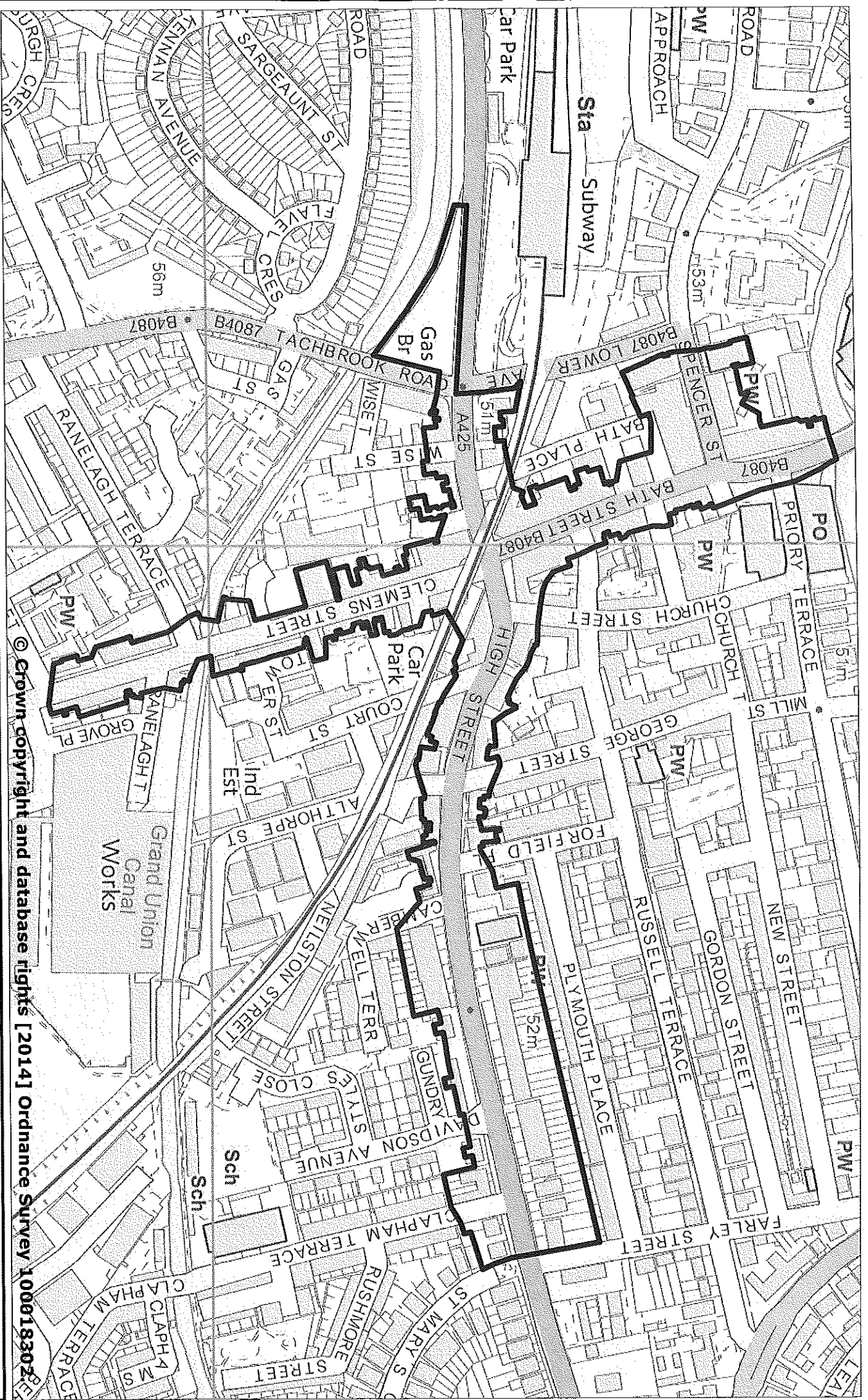
### **Warwick District Council Planning Policy – TP2 Traffic Generation**

All developments which result in:

- a) the generation of significant traffic movements
- b) negative impacts on air quality within identified Air Quality Management Areas
- c) negative impacts on the health and wellbeing of people in the area as a result of pollution, noise or vibration

should be supported by a Transport Assessment and where necessary an Air Quality Assessment and a Travel Plan, to demonstrate practical and effective measures to be taken to avoid the adverse impacts of traffic.

These measures should take full account of the cumulative impact of all development proposed in this Local Plan (and any other known developments) on traffic generation and air quality.



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**Air Quality Management Area - Leamington Spa - Annex 2.**



Scale: 1:3750 @A4 Drawn By: MB  
 Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire. CV32 5HZ

Date: 25 February 2014  
 Tel: 01926 410410



 <b>Executive 16<sup>th</sup> April 2014</b>		<b>Agenda Item No.</b> <b>5</b>
<b>Title</b>	Henley Rd & Bourton Drive garage sites	
<b>For further information about this report please contact</b>	Ken Bruno	
<b>Wards of the District directly affected</b>	Brunswick	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>		
<b>Date and meeting when issue was last considered and relevant minute number</b>	None.	
<b>Background Papers</b>	W2 Joint Venture Agreement and Constitution	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	This depends whether the valuation is over £50k
<b>Included within the Forward Plan? (If yes include reference number)</b>	Yes. Ref 602
<b>Equality and Sustainability Impact Assessment Undertaken</b>	No
This proposal contributes to delivery of the adopted Housing Strategy for the district, which was subjected to an EIA.	

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive	17.03.14	Andrew Jones
Head of Service	17.03.14	Andrew Jones
CMT	17.03.14	Chris Elliott/Bill Hunt
Section 151 Officer	25.03.14	Mike Snow
Monitoring Officer	17.03.14	Andrew Jones
Finance	17.03.14	Mark Smith
Legal	18.03.14	Peter Endall
Portfolio Holder(s)	25.03.14	Cllr Norman Vincett
<b>Consultation &amp; Community Engagement</b>		
A public consultation event was held in April 2013 for local residents and garage tenants. The results are appended to this report but in summary while a small number of issues were raised all but one attendee supported the proposal.		
<b>Final Decision?</b>	Yes	
<b>Suggested next steps (if not final decision please set out below)</b>		

## 1. **SUMMARY**

- 1.1 Following approval by Executive in 2011 of the W2 Joint Venture between the council and Waterloo Housing Group a detailed review of potential housing sites was undertaken, including council-owned housing-related garage sites.
- 1.2 As a result two sites, Henley Road and Bourton Drive, were identified for further investigation, have been taken forward through public consultation and have now been granted planning consent.
- 1.3 This report seeks approval to terminate the remaining council-owned garage tenancies on the two sites and to dispose of the land to Waterloo Housing Group for the development of new affordable housing through the W2 Joint Venture.

## 2. **RECOMMENDATION**

- 2.1 That Executive approves the disposal of the two garage sites, shown on the plan attached as appendix two to this report, at Henley Road and at Bourton Drive to Waterloo Housing Group on 99 year leases with payment at full market value in equal instalments from years 3 to 11 in accordance with the W2 Joint Venture agreement.
- 2.2 That subject to agreeing recommendation 2.1 Executive authorises the termination of the remaining garage tenancies on the two sites.
- 2.3 That subject to agreeing recommendations 2.1 and 2.2 Executive gives delegated authority to the Sustaining Tenancies Manager in consultation with the Portfolio Holder and the Section 151 Officer to conclude any miscellaneous lease matters in connection with the garage tenancies.

## 3. **REASONS FOR THE RECOMMENDATION**

- 3.1 In June 2011 Executive approval was given for Warwick District Council (WDC) to enter into a Joint Venture (known as "W2") with Waterloo Housing Group (WHG) with the objective of increasing the amount of affordable housing in the district.
- 3.2 Under the terms of the constitution the following matters (inter alia) are reserved to WDC:
  - To identify sites on council-owned land and put these forward for consideration;
  - To instruct the District Valuer;
  - To grant 99 year leases to WHG in relation to sites;
  - To agree any pre-conditions that WHG need to meet before the lease is granted.
- 3.3 Following the commencement of the Joint Venture a review of land holdings was undertaken. In particular all of the housing-related garage sites owned by the council were assessed in terms of occupancy rates, current usage, recent repair costs and rights of access. Their suitability for housing development was also considered in terms of site capacity, access and other planning issues.
- 3.4 As a result of this work two garage sites, one at Henley Road and one at Bourton Drive, were identified as potentially suitable and put forward for more detailed investigations.

- 3.5 At both sites the Lettings Team had already stopped letting vacant garages due to a number of break-ins and a view that many garages were being used for personal storage rather than cars. At present there are 39 out of 47 garages vacant at Henley Road and 35 vacant out of 40 at Bourton Drive.
- 3.6 A public consultation event for garage tenants and local residents was held in April 2013 and the feedback is included as appendix one to this report.
- 3.7 Detailed scheme design work was undertaken and planning applications were submitted by WHG in December 2013. The application for Bourton Drive was approved by Planning Committee on 4<sup>th</sup> February 2014. The application for Henley Road was approved by Planning Committee on 18<sup>th</sup> March 2014. Together the sites can provide 12 new units of affordable rented accommodation: five at Bourton Drive (3no. two-bed houses and 2no. two-bed bungalows) and seven at Henley Road (5no. two-bed houses and 2no. one-bed maisonettes).
- 3.8 Some of the adjoining premises have access rights over the land and the scheme layouts have been designed to accommodate these.
- 3.9 This report now seeks approval to dispose of the Bourton Drive garage site and the Henley Road garage site. The sites for disposal are shown on the plan attached as appendix two to this report. A valuation has been commissioned by the District Valuer and it is hoped that the values will be available for the Executive by the time of the meeting.
- 3.10 Legal advice is that the disposal of the sites is in accordance with the general consents regime for the disposal of Housing Revenue Account land as set out in the Housing Act 1985 and consequent regulations.
- 3.11 Under the terms of the Joint Venture agreement the disposal of land is on a 99 year lease with payments deferred until the third year and then made in equal instalments from years three to 11.
- 3.12 If Executive is minded to agree to this disposal then to enable the land transfer to go ahead it will be necessary for the council to terminate the remaining garage tenancies. This can be achieved by serving seven days' notice to quit upon the tenants. The second recommendation therefore seeks Executive approval to pursue this course of action.
- 3.13 In order to treat the garage tenants fairly they have been given advance notice that if Executive approves the disposal they will be receiving notice to quit. In practice they have therefore been given a notice period of around one month although the legal notice will be for seven days in accordance with the contractual agreement.
- 3.14 The final recommendation is that delegated authority be granted to the Sustaining Tenancies Manager in consultation with the Portfolio Holder and the Section 151 Officer to deal with any matters arising as a consequence of seeking to terminate the garage tenancies.

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

- 4.1 **Policy Framework** – The report does not amend any of the following policies:
- Development Plan Documents

- Fit for the Future
- Food Law Enforcement Service Plan
- The plan and strategy which comprise the Housing Investment Programme

4.2 The recommendations are consistent with the current Housing Strategy which includes the following action: "Creatively using the council's assets and finance to deliver further new homes working in partnership with Waterloo Housing Group through the W2 Joint Venture."

4.2 **Fit for the Future** –The proposals are entirely consistent with the "Fit For the Future" programme as they will make better use of an existing council asset, providing much needed affordable housing for people in need and in due course generating capital receipts. Furthermore new affordable housing is a key priority for the Sustainable Community Strategy. If the scheme can be completed prior to 31 March 2015 WHG will be able to claim grant funding in the region of £280,000 from the Homes & Communities Agency thus leveraging external investment into the district.

## 5. BUDGETARY FRAMEWORK

5.1 There will be a loss of income to the Housing Revenue Account as a result of the demolition of the garages. However as indicated above a high proportion of the garages are already vacant and have been for some time, reducing the annual loss of rent to £3,800. The impact of this loss has already been factored into the Housing Revenue Account business plan and 2014/15 budgets.

5.2 Furthermore the proposal will in due course generate a capital receipt thus having a positive impact upon the financial position of the council. As referred to in paragraph 3.11, under the terms of the Joint Venture with Waterloo, the capital receipt will be deferred so as to be received in years 3 to 11. This receipt will need to be used for affordable housing or regeneration purposes, but cannot be so allocated until it has been received in full. Also, the receipt will be abated to reflect the "interest foregone".

## 6. RISKS

6.1 In appraising the sites the major development risks have already been assessed and either resolved, mitigated or been logged and in any event such risks will transfer to Waterloo Housing Group upon disposal of the site.

6.2 The principal risks to the council and mitigating actions are as follows.

Risk	Mitigation
Local opposition to the schemes	Public consultation
Failure to obtain best value for the sites	Disposals will be at full market value assessed by the Valuation Office
A better alternative use for the site	Affordable housing is a council priority

6.3 The risk in not adopting the proposal is that the garage sites would continue to deteriorate and action would have to be taken by the council, with cost implications, to bring them up to standard and seek to relet them. However it is not clear at this stage how much demand there would be for them if they were made available again as there does not appear to have been any public outcry over the garages standing empty. Furthermore the public consultation did not uncover significant unmet demand for car parking.

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

- 7.1 The following alternative options have been considered.
- 7.2 The “do nothing”/retention as garages option is not considered viable for the reasons set out in 6.3 above.
- 7.3 There is an option to seek to dispose of the sites on the open market to a private developer. However this would still only yield market value for the site but would miss the option to deliver affordable housing and the latter is a priority for the council.
- 7.4 The council could have sought to develop the land itself for council housing. However by the time that the council became self-financing the site was already being investigated through the W2 Joint Venture. Furthermore the landlord service is not yet in a position to start developing new housing.



## **Appendix One – Consultation feedback**

### **Comments received for Henley Road proposals**

Are there any important features on the site that need to be kept?

Very nice large Oak Tree  
Oak Tree

Are there any problems with the site at the moment?

ASB  
Burnt out car  
Burnt out car  
Vandalism  
Fly tipping

Do you think the proposals for the site are good or bad?

Good  
Good – do it!  
Bad – don't want it to happen "will fight this"  
Fully behind scheme subject to right of access being resolved (46 Prospect Rd)

Do you think the proposals fit in with the surroundings?

Yes  
Alternative layout provided by resident to maintain his access

Do you have any other comments?

Would like red brick as the finish for the new houses.  
Elderly parents who keep classic cars in two of the garages – what other garages do you have  
Parking down Henley Road is already a problem  
What about the cars that are being displaced  
Can we have a local lettings policy  
Impact on the price of my house  
Concern re overlooking and privacy  
I bought my house because it was not overlooked  
Worried about disturbance from building process  
Garage site used to be larger and land has been gifted to properties in Prospect Rd

No of residents invited – 28 plus existing garage tenants

No of attendees - 6

Five in favour and one against

## Comments received for Bourton Drive proposals

Are there any important features on the site that need to be kept?

None x 2

Are there any problems with the site at the moment?

No real problems x 2

ASB

Fly tipping x 2

People throw rubbish from garages into my back garden

Do you think the proposals for the site are good or bad?

Generally supportive provided adequate security for back garden

Don't want to be overlooked

Good – get on with it

Good – provided no higher than 2 storey houses

Happy to have development provided rear access is maintained (6 Redland)

Do you think the proposals fit in with the surroundings?

Do you have any other comments?

Concerned that the existing drains will not cope with the new development – already been flooded twice drains are only 6" combined storm and foul

Could the grassed 'island' be converted into parking x 3

Don't want grassed 'island' be converted into parking

Concern about increased traffic x 3

Concerned about access for construction traffic

Who will we be putting into the new houses

Very high conifers in my rear garden (10 Redland) will this cause a problem

Parking is already a problem

May be interested in selling part of garden (13 Bourton)

Don't want flats

Currently have rear access – this is not shown on proposed plans

Concerned about security of garden during when garages are demolished.


No of residents invited – 34 plus existing garage tenants

No of attendees - 9

All in favour

**Appendix two – site locations**



	<b>Executive</b>	<b>Agenda Item No.</b>
	<b>16<sup>th</sup> April 2014</b>	<b>6</b>
<b>Title</b>	Renewal of Allpay Contract	
<b>For further information about this report please contact</b>	Fiona Clark	
<b>Wards of the District directly affected</b>	All	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	N/A	
<b>Background Papers</b>	N/A	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	Yes
<b>Included within the Forward Plan? (If yes include reference number)</b>	No
<b>Equality and Sustainability Impact Assessment Undertaken</b>	Yes/No (If No state why below)

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive	19/3/14	Andrew Jones
Head of Service	19/3/14	Andrew Jones
CMT	21/3/14	Chris Elliott, Bill Hunt
Section 151 Officer	21/3/14	Mike Snow
Monitoring Officer	21/3/14	Andrew Jones
Finance	21/3/14	Mike Snow
Portfolio Holder(s)	21/3/14	Cllr Mrs Grainger
<b>Consultation &amp; Community Engagement</b>		
None		
<b>Final Decision?</b>		Yes
<b>Suggested next steps (if not final decision please set out below)</b>		

## 1. **SUMMARY**

- 1.1 This purpose of this report is to seek approval to renew the cash collection contract with Allpay.net Ltd (Allpay).

## 2. **RECOMMENDATION**

- 2.1 That Executive approves an exemption to the council's Code of Procurement Practice to renew the cash collection contract with Allpay for a period of three years without seeking tenders.
- 2.2 That Executive agrees to discontinue the practice of issuing plastic cards for payments.

## 3. **REASONS FOR THE RECOMMENDATION**

- 3.1 The Council's Code of Procurement Practice permits senior managers to dispense with the usual procurement procedure and not seek tenders "where there is some...genuine and valid reason why competitive tenders should not be sought." (5.2 refers).
- 3.2 Officers have explored alternative options to the Allpay payment network and currently there is no other cash collection supplier who provides the range of choice for the customer.
- 3.3 Allpay has offered to renew the contract on the same terms as present. Following the conclusion of the new agreement between Allpay and the Post Office, the current cost of the contract is estimated to be between £57,000 and £58,000 in 2014/15. This is subject to any potential increase in costs arising from changes in RPI and any further saving achieved in reducing the number of new and replacement cards currently being issued as discussed in paragraph 5.1.
- 3.4 All payments to the council using Allpay can be made using barcoded stationery. For example, Council Tax, Business Rates, Parking fine payments, sundry debtor invoices and Housing rents. However significant numbers of Allpay payment cards for the payment of Housing rents are still being issued. Each card currently costs £1.22 including postage to issue. In the period March 2013 to February 2014 1,149 cards were issued, many of them repeat replacements resulting in a cost of £1,402 to the council. By issuing barcodes on Housing letters this amount will be an annual saving.

## 4. **POLICY FRAMEWORK**

- 4.1 **Policy Framework** – the decision to award the contract to Allpay is not in conflict with the policy framework.
- 4.2 **Fit for the Future** – awarding the contract to Allpay is in line with the Fit for the Future objectives.

## 5. **BUDGETARY FRAMEWORK**

- 5.1 Allpay has recently concluded a new agreement with the Post Office which should reduce the current Post Office transaction cost by 1p per transaction.

This should result in a saving of approximately £700 per year. Appendix 1 refers to the Allpay charges.

## **6. RISKS**

- 6.1 There are no risks associated with awarding the contract to Allpay for a further three years. Allpay successfully processes in the region of 120,000 Warwick District Council transactions via their network annually.
- 6.2 As there is no competition for this service the risk of a challenge is therefore minimal.

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

- 7.1 There are currently no alternative suppliers who offer the same functionality that Allpay offer and our customers use.
- 7.2 This contract was last tendered for in May 2010. At that time there were potential competitors to Allpay, e.g. Co-operative Bank Plc, however those companies now no longer offer this over the counter payment solution.

## **8. BACKGROUND**

- 8.1 In May 2004 the council took the strategic decision to close its cashier service and enter into a contractual relationship with a private sector partner for the collection of statutory and discretionary payments.
- 8.2 The contract was subsequently awarded to Allpay. The original contract was for a period of three years.
- 8.3 Following an open tender process in April 2010, Allpay were successful in winning the contract.
- 8.4 A team of officers, including Procurement Manager, Customer Contact Manager and Principal Accountant, have been working together to identify any other companies in the market place for an over the counter payments solution. At this point in time there are no suitable alternatives.
- 8.5 The council has a separate contract with Capita to provide electronic payments. This contract is 'in perpetuity'. However, the transactions costs have been reviewed against the transaction charges by Allpay to ensure the council is still achieving value for money. The charges by Allpay are significantly more than is currently paid to Capita. Appendix 1 refers.
- 8.6 Capita have indicated that they will have a competitor product to Allpay which is likely to be launched in approximately two years' time.
- 8.7 In retaining the current arrangement the authority would:
  - Protect its investment to date;
  - Continue with a process it understands and can explain to customers;
  - Build on the good relationship it has developed with the supplier.



<b>Title: Procurement of Rural Housing Enabler.</b>	
<b>For further information about this report please contact</b>	<i>Ken Bruno ext 6335</i>
<b>Wards of the District directly affected</b>	<i>All rural areas</i>
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	Yes. It includes commercial information.
<b>Date and meeting when issue was last considered and relevant minute number</b>	N/A
<b>Background Papers</b>	N/A

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	Yes (606)
<b>Equality &amp; Sustainability Impact Assessment Undertaken</b>	No

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive	6/3/14	Andrew Jones
Head of Service	6/3/14	Andrew Jones
CMT	6/3/14	Chris Elliott
Section 151 Officer	20/3/14	Mike Snow
Monitoring Officer	6/3/14	Andrew Jones
Finance	7/3/14	Susan Simmonds
Portfolio Holder(s)	7/3/14	Cllr N Vincett
<b>Consultation &amp; Community Engagement</b>		
None		
<b>Final Decision?</b>		Yes
<b>Suggested next steps (if not final decision please set out below)</b>		

## **1 SUMMARY**

- 1.1 This report seeks agreement to re-commission Warwickshire Rural Community Council (WRCC) to provide the Rural Housing Enabler service for 12 months from 1<sup>st</sup> May 2014 without a procurement exercise.

## **2. RECOMMENDATION**

- 2.1 That Executive approves an exception to the Code of Procurement Practice to enable Warwickshire Rural Community Council to be commissioned to provide the Rural Housing Enabler service for a further 12 months.

## **3. REASONS FOR THE RECOMMENDATION**

- 3.1 The council has for a number of years used external consultants to provide a Rural Housing Enabler (RHE) service for the district. This has been, and is currently being, delivered by the Warwickshire Rural Community Council on a 12 month contract that runs from 1<sup>st</sup> May 2013 to 30<sup>th</sup> April 2014.
- 3.2 Although the project is procured on a twelve-monthly basis it is in practice an ongoing project. The principal roles of the RHE are to:
- Advocate for small affordable housing schemes in rural areas and gain the support of parish councils and rural communities;
  - Carry out housing needs surveys in parishes, analysing, collating and reporting the results; and
  - Identify and progress development sites to meet the identified needs, maintaining dialogue with the parish council and local community to retain local support for the scheme as it progresses.
- 3.3 This is a time-consuming process: to first persuade a local community to support an affordable housing project and then to maintain that support all the way through to completion is clearly a long-term proposition where continuity of supplier is extremely important. A scheme at Cubbington that has just been granted planning consent relates back to a needs survey that was undertaken by WRCC in November 2009 and the work to engage the parish would have started even earlier.
- 3.4 There can also be a lot of abortive work involved in cases where local support cannot be achieved or sustained throughout the process.
- 3.5 The WRCC is a locally-based organisation, operating from Warwick Enterprise Park near Wellesbourne, working solely in Warwickshire and Solihull and has relationships with the local parish councils as it has, over time, approached most if not all of them with a view to carrying out a needs survey and in many cases has actually worked with them on a survey. It also works on other projects in and with the local rural communities.
- 3.6 The advantage of using WRCC is therefore that they are seen by parishes as being independent of the district council and "on the side" of rural communities in Warwickshire while also being overtly pro-affordable housing.



- 3.7 The results of housing needs surveys are important for both housing strategy and planning policy deliberations.
- 3.8 The cost of the service in 2013/14 was £8,000 for 9.5 hours per week over 12 months.
- 3.9 It is not known whether there would be another contractor locally who could perform the function. There may be service providers from further afield who could tender for the work but outreach and travel are significant and integral parts of the service and the costs of these are likely to be higher for companies that are not local. For a fixed hours contract, the more of the officer's time that is spent travelling the less time is available for productive work.
- 3.10 Furthermore a new service provider would have to start from scratch and build relationships with the local communities and parish councils so in terms of quality of bids WRCC would have a substantial inbuilt competitive advantage.
- 3.11 Permission is therefore sought to procure WRCC for a further twelve months without the requirement to obtain three quotations.
- 3.12 The intention is that this will then be considered again as part of the review of contracts in Housing & Property Services to decide how to handle this in future.

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

- 4.1 **Policy Framework** - No changes to Council policies. The report is seeking an exemption to the Procurement Policy.

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

- 5.1 The cost of the service for 2014/15 will be £8,080 and has been budgeted for.


#### **6. RISKS**

- 6.1 The main risk from this proposal is that there is an alternative contractor who could provide a similar level of service at a cheaper cost. However for the reasons set out in section 3 above this is felt to be unlikely. Furthermore given the relatively low cost of the service any savings are unlikely to be substantial and would be offset by the long lead-in time that a new contractor would have in becoming established with the parish councils in the district.

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

- 7.1 There is an option to cease to have a RHE service at all in the district. However this would result in rural housing schemes becoming even more difficult to progress and housing strategy and planning policy would not be able to be based upon identified needs.
- 7.2 The second option is to provide the service in house. However this would mean that identifying rural housing needs would have to be done by internal staff who do not have the knowledge and expertise to do so and no internal resources are available.

7.3 Alternatively three quotations could be sought for the service. This may identify other potential providers. However the procurement criteria would need to take account of quality as well as cost and the WRCC would have a significant inbuilt advantage for the reasons set out in section 3 above which would almost certainly outweigh any cost savings that could be achieved on an £8,080 contract.

 <b>EXECUTIVE</b> <b>15 APRIL 2014</b>		<b>Agenda Item No.</b> <b>8(A)</b>
<b>Title</b>	Significant Business Risk Register	
<b>For further information about this report please contact</b>	Richard Barr Tel: (01926) 456815 E Mail: richard.barr@warwickdc.gov.uk	
<b>Wards of the District directly affected</b>	Not applicable	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	8 <sup>th</sup> January 2014 Executive	
<b>Background Papers</b>	Minutes of Senior Management Team	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No
<b>Equality &amp; Sustainability Impact Assessment Undertaken</b>	No (N/A: no direct service implications)

<b>Officer/Councillor Approval</b>		
With regard to officer approval all reports <i>must</i> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive	31/03/2014	Chris Elliott / Andrew Jones
Head of Service	26/02/2014	SMT
CMT	31/03/2014	CMT
Section 151 Officer	31/03/2014	Mike Snow
Monitoring Officer	31/03/2014	Andrew Jones
Finance	31/03/2014	As S151 Officer
Portfolio Holder(s)	31/03/2014	Councillor Mobbs
<b>Consultation &amp; Community Engagement</b>		
Senior Management Team review of Significant Business Risk Register.		
<b>Final Decision?</b>	Yes	
<b>Suggested next steps (if not final decision please set out below)</b>		

## 1 **SUMMARY**

- 1.1 This report sets out the latest version of the Council's Significant Business Risk Register for review by the Executive.

## 2 **RECOMMENDATIONS**

- 2.1 That Executive should review the Significant Business Risk Register attached at Appendix 1 and consider if any further actions should be taken to manage the risks facing the organisation.

## 3 **REASON FOR THE RECOMMENDATIONS**

- 3.1 To assist members fulfil their role in overseeing the organisation's risk management framework (see section 7, below).

## 4 **POLICY FRAMEWORK**

- 4.1 The Significant Business Risk Register is based on the Council's corporate priorities and key strategic projects that are reflected in Fit for the Future.

## 5 **BUDGETARY FRAMEWORK**

- 5.1 Although there are no direct budgetary implications arising from this report, risk management performs a key role in corporate governance including that of the Budgetary Framework. An effective control framework ensures that the Authority manages its resources and achieves its objectives economically, efficiently and effectively.
- 5.2 The risk register sets out when the realisation of risks might have financial consequences. One of the criteria for severity is based on the financial impact.

## 6 **RISKS**

- 6.1 The whole report is about risks and the risk environment. Clearly there are governance-related risks associated with a weak risk management process.

## 7 **ALTERNATIVE OPTIONS CONSIDERED**

- 7.1 This report is not concerned with recommending a particular option in preference to others so this section is not applicable.

## 8 **RESPONSIBILITY FOR RISK MANAGEMENT**

- 8.1 In its management paper "Worth the risk: improving risk management in local government", the Audit Commission sets out clearly the responsibilities of members and officers with regard to risk management:

"Members need to determine within existing and new leadership structures how they will plan and monitor the council's risk management arrangements. They should:

- decide on the structure through which risk management will be led and monitored;

- consider appointing a particular group or committee, such as an audit committee, to oversee risk management and to provide a focus for the process;
- agree an implementation strategy;
- approve the council's policy on risk (including the degree to which the council is willing to accept risk);
- agree the list of most significant risks;
- receive reports on risk management and internal control – officers should report at least annually, with possibly interim reporting on a quarterly basis;
- commission and review an annual assessment of effectiveness: and
- approve the public disclosure of the outcome of this annual assessment, including publishing it in an appropriate manner.

The role of senior officers is to implement the risk management policy agreed by members.

It is important that the chief executive is the clear figurehead for implementing the risk management process by making a clear and public personal commitment to making it work. However, it is unlikely that the chief executive will have the time to lead in practice and, as part of the planning process, the person best placed to lead the risk management implementation and improvement process should be identified and appointed to carry out this task. Other people throughout the organisation should also be tasked with taking clear responsibility for appropriate aspects of risk management in their area of responsibility."

## 9 **SIGNIFICANT BUSINESS RISK REGISTER**

- 9.1 The Significant Business Risk Register (SBRR) records all significant risks to the Council's operations, key priorities, and major projects. Individual services also have their own service risk registers.
- 9.2 The SBRR is reviewed quarterly by the Council's Senior Management Team and then, in keeping with members' overall responsibilities for managing risk, by the Executive.
- 9.3 The latest version of the SBRR is set out as Appendix 1 to this report.
- 9.4 A summary of all the risks and their position on the risk matrix, as currently assessed, is set out as Appendix 2.
- 9.5 The scoring criteria for the risk register are judgemental and are based on an assessment of the likelihood of something occurring, and the impact that might have. Appendix 3 sets out the guidelines that are applied.
- 9.6 In line with the traditional risk matrix approach, greater concern should be focused on those risks plotted towards the top right corner of the matrix whilst the converse is true for those risks plotted towards the bottom left corner of the matrix. If the matrix were in colour, the former set of risks would be within the area shaded red, whilst the latter would be within the area shaded green; the mid-range would be seen as yellow.

- 9.7 Any movements in the risk scores over the last six months are shown on the risk matrices in Appendix 1.
- 9.8 Within the SBRR, five risks are currently in the "red zone", as discussed below:

1. Risk of corporate projects and organisational change not being managed effectively

The score here reflects the problems experienced with some recent projects such as the Bowls England Project where a significant overspend against the original budget is anticipated.

To help ensure that projects in the future are managed better, specifically that projects are managed realistically and Members given confidence in the estimated costs associated with those projects, Executive at its meeting on 11 September resolved that, in the future, all projects will be drawn up within an adopted standard framework.

2. Risk of service quality reducing

The score here reflects the current financial pressures facing the Council, and the need to make further significant savings, there is increased likelihood of the savings impacting upon services. Whilst the impact may not be great, the worst case scenario may be for a significant impact upon a service or services. The work underway as part of Fit For the Future is seeking to make the savings whilst protecting and improving services should reduce the potential impact on service quality should changes in service be necessary.

6. Risk of insufficient finance to enable the Council to meet its objectives (including insufficient reduction in operational costs)

This risk links with Risk 2, above. The risk rating has increased since the last review due mainly to the greater anticipation of a poor Revenue Support Grant Settlement and the concern that FFF Projects do not achieve sufficient savings. Various mitigations and controls are in place, with the identification of some new ones since the last review, but these do not counter sufficiently the likelihood of the risk materialising, nor its impact should it occur.

8. Risk of significantly reduced income

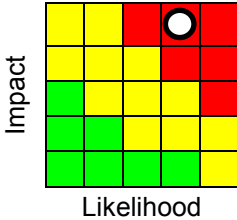
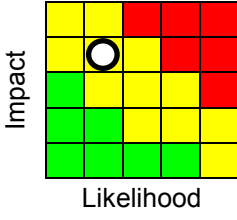
Again, this risk links with Risks 2 and 6. above in that there is a risk of reduced income, for example, by way of government grant, or from income from services, impacting upon services. In addition to the risk controls stated in the risk register, the Fit for the Future programme is seeking to ensure that services are maintained.

16. Risk of Local Plan being unsound or delayed

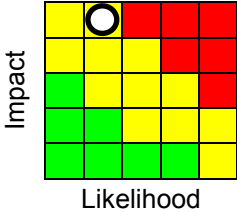
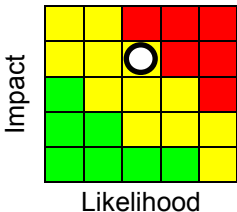
Until the new local plan is agreed the authority is exposed to the possible consequences detailed in the risk register. Accordingly, it is imperative that officers and members work to ensure the local plan is agreed in accordance with the agreed timetable.

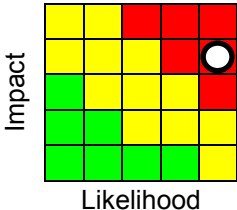
## Significant Business Risk Register

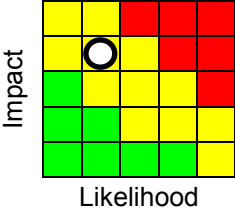
Risk Description	Possible Triggers	Possible Consequences	Risk Mitigation / Control / Future Action (in bold)	Residual Risk Rating
<b>Performance Management Risks</b>				
<p>1. Risk of corporate projects and organisational change not managed effectively.</p>	<p>Poor organisational communication.</p> <p>Conflicting priorities and priorities increasing in number.</p> <p>Unable to dedicate appropriate resources due to the impact on existing services.</p> <p>Poor management.</p> <p>Ineffective use of project management or systems thinking.</p> <p>Lack of funding.</p>	<p>Reduced service levels.</p> <p>Non or reduced achievement of objectives.</p> <p>Adverse financial impacts.</p> <p>Reputational damage.</p> <p>Demoralised and demotivated staff.</p>	<p>New OD team in place. (HoC&amp;CS)</p> <p>Project prioritisation. (SMT)</p> <p>SMT are Programme Board. (SMT)</p> <p>Fit for the Future change programme and associated governance arrangements. (SMT)</p> <p>Budget monitoring process. (HoF)</p> <p>Clear communications, staff focus group. (SAMS)</p> <p>People Strategy Action plan. (SMT)</p> <p>Additional training for staff involved with project management. (HoC&amp;CS)</p> <p>Strong leadership to ensure priorities are managed to a deliverable level. (SAMS)</p> <p>Securing additional resources to support existing service provision. (CMT)</p> <p><b>All projects to be drawn up within an adopted standard framework. (CMT)</b></p>	<p style="text-align: center;">Likelihood</p>

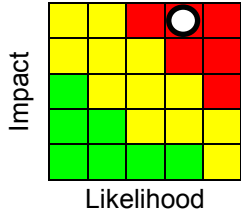
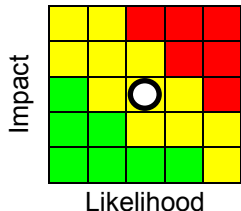
Risk Description	Possible Triggers	Possible Consequences	Risk Mitigation / Control / Future Action (in bold)	Residual Risk Rating
<p>2. Risk of service quality reducing.</p>	<p>Shortage of staff skills and knowledge.  Staff skills and resources diverted to service redesign proposals as part of delivering Fit For the Future and other emerging corporate priorities.  Cannot afford cost of maintaining service quality.  Partners such as WCC make service cuts.  Pandemic.</p>	<p>Poor customer service and reductions in income.  Lack of direction with critical projects and services being compromised  Public lose confidence in Council's ability to deliver.  Demoralised and demotivated staff.</p>	<p>Effective Management of Change Programme. (CMT)  Agreeing additional resources where service quality is reduced. (CMT)  Strong leadership to manage priorities to a deliverable level. (SAMS)  Effective vacancy control. (SAMS)  Service Reviews. (SAMS)  Workforce Planning. (SAMS)</p>	
<p>3. Risk of major contractor going into administration.</p>	<p>Poor procurement of contractor.  Poor contract management.  Poor management of company.  External factors.  State of economy.</p>	<p>Reduced service levels.  Non or reduced achievement of objectives.  Adverse financial impacts.  Reputational damage.</p>	<p>Properly procured contracts. (SAMS)  Active contract management. (SAMS)</p>	

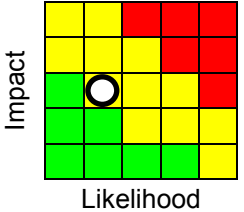
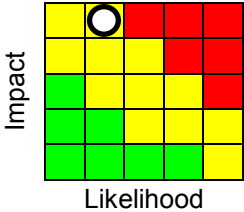


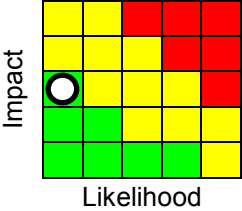
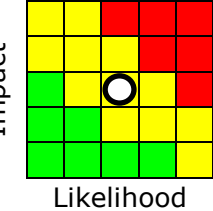
Risk Description	Possible Triggers	Possible Consequences	Risk Mitigation / Control / Future Action (in bold)	Residual Risk Rating
<b>Corporate Governance Risks</b>				
<p>4. Risk of corporate governance arrangements not maintained effectively.</p>	<p>Ineffective management and leadership. Complacent attitudes. Delays in making, or failure to make, key decisions by Council Members. Changes to political leadership.</p>	<p>Breakdown in internal controls leading to: non-achievement of objectives; high volumes of staff, customer, and contractor fraud; and loss of reputation.</p>	<p>Council’s constitution. (DCE(AJ)) Council’s strategies and policies, including Code of Financial Practice. (SMT) Strong scrutiny arrangements. (SMT) Effective internal audit function. (HoF) Annual Governance Statement. (DCE(AJ))</p>	
<b>Human Resources Risks</b>				
<p>5. Risk of staff not developed effectively.</p>	<p>Ineffective workforce strategies. Not managing staffing resources efficiently and effectively.</p>	<p>Disruption to Council services – staff cannot undertake level or volume of work to meet all priorities. Poor customer service. ‘Industrial’ action.</p>	<p>People Strategy. (SMT) Management development programme. (HoC&amp;CS) Succession planning. (SAMS) Prioritisation of work. (SAMS) Appropriate use of external resources. (SAMS)</p>	

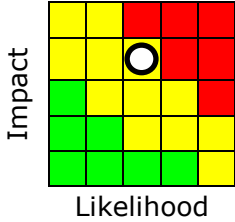
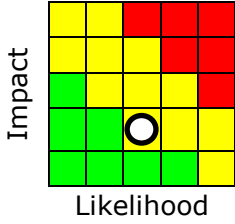
Risk Description	Possible Triggers	Possible Consequences	Risk Mitigation / Control / Future Action (in bold)	Residual Risk Rating
<b>Financial Management Risks</b>				
<p>6. Risk of insufficient finance to enable the council to meet its objectives (including insufficient reduction in operational costs).</p>	<p>Poor financial planning. Unexpected loss of income and/ or increase in expenditure. FFF Projects do not achieve sufficient savings. Risk of poor Revenue Support Grant Settlement. Business Rate Retention. Council Tax income base reducing.</p>	<p>Forced to make large scale redundancies. Forced to make urgent decisions without appropriate planning. Forced to make service cuts. Increased costs. Fines/penalties imposed.</p>	<p>Codes of Financial Practice and Procurement Practice. (HoF) Effective internal audit function. (HoF) External audit of financial accounts. (HoF) Effective management of FFF Projects. (SAMS) All projects accompanied with robust financial appraisals and programme forecasts that allow the Council to understand projected funding requirements. (HoF) Council's constitution. (DCE(AJ)) Financial training. (HoF) Robust financial planning and a Medium Term Financial Plan that can accurately forecast income and expenditure. (HoF) Regular review of Financial Strategy. (HoF/SMT)</p>	 <p>Impact</p> <p>Likelihood</p>

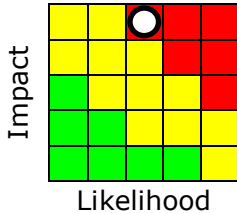
Risk Description	Possible Triggers	Possible Consequences	Risk Mitigation / Control / Future Action (in bold)	Residual Risk Rating
<p>7. Risk of additional financial liabilities.</p>	<p>Risk of revenue implications of capital schemes not being fully identified.</p> <p>Risk of loss or delay of capital receipts.</p> <p>Risk of increase in superannuation fund contributions.</p> <p>Uninsured loss.</p> <p>Risk of Medium Term Financial underestimating future revenue income and expenditure (including capital)</p> <p>Legal challenge e.g. relating to a planning development.</p>	<p>Greater level of savings to be sought.</p> <p>Forced to make sub-optimum and short term decision without proper planning.</p> <p>Reduced levels of service.</p> <p>Payment of compensation.</p> <p>Failure to deliver service.</p>	<p>Fit for the Future change programme. (CMT)</p> <p>Project Risk Registers. (SAMS)</p> <p>Project Management. (SAMS)</p> <p>Asset Management. (HoH&amp;PS)</p> <p>More effective financial planning and scenario analysis. (HoF)</p> <p>Regular monitoring of Fit for the Future. (SMT)</p> <p>Legal advice on projects. (SAMS)</p>	 <p>Impact</p> <p>Likelihood</p>

Risk Description	Possible Triggers	Possible Consequences	Risk Mitigation / Control / Future Action (in bold)	Residual Risk Rating
<p>8. Risk of significantly reduced income.</p>	<p>National Economy declines. Local economy declines Tightening of Government fiscal policy. Changes to Government Policy. Reduced Government grants. Demographic changes. Focus on FFF priorities which compromise existing service delivery. Weak financial planning and forecasts. External competition.</p>	<p>More loss making services. Reduced income for the Housing Revenue Account that could compromise banking covenants.</p>	<p>FFF Programme. (SMT) Introduce Investment Strategy for Local Economy. (HoDS) Introduce effective Local Plan. (HoDS) Effective fees and charges schemes. (HoF) Communications &amp;Marketing Strategy. (SAMS) Regular review of financial forecasts to ensure income projections are up to date. (HoF) Secure additional resources to ensure existing services are not impacted as a result of a focus on FFF/corporate priorities. (HoF)</p>	
<p><b>Procurement Risks</b></p>				
<p>9. Risk of improper procurement practices and legislative requirements not being complied with.</p>	<p>Weak governance arrangements. Ineffective procurement. Poor procurement function.</p>	<p>Reduced levels of service provision. Increased costs. Fines/penalties imposed.</p>	<p>Codes of Financial Practice and Procurement Practice. (HoF) Training of staff. (HoF/SAMS) Monitoring of procurement function. (SMT) Procurement Strategy (incl. action plan). (HoF)</p>	

Risk Description	Possible Triggers	Possible Consequences	Risk Mitigation / Control / Future Action (in bold)	Residual Risk Rating
<b>Partnership Risks</b>				
10. Risk of partnerships not delivering stated objectives.	<p>Poor management. Failure to apply a robust process for entering into partnerships. Lack of framework governing partnerships.</p>	<p>Required outcomes not achieved. Increased costs. Reduced level of service or failure to deliver service.</p>	<p>Ongoing scrutiny of partnerships. (DCE(AJ)) Normal management arrangements. (SAMS) Partnership checklists. (DCE(AJ))/SAMS) Annual healthcheck completed by senior officers. (DCE(AJ))/SAMS) Scrutiny committee regular review. (DCE(AJ)) Audit of partnership arrangements. (DCE(AJ)) Project Groups for significant services. (SAMS)</p>	
<b>Legal Risks</b>				
11. Risk of not complying with key legislation or legal requirements, including failure to protect data.	Breakdown in governance.	<p>External censure. Financial loss. Litigation. Financial sanctions/penalties Damage to reputation.</p>	<p>Constitution. (DCE(AJ)) External legal advice. (DCE(AJ)) Monitoring officer review of all Executive recommendations. (DCE(AJ)) Ongoing professional training. (SMT)</p>	

Risk Description	Possible Triggers	Possible Consequences	Risk Mitigation / Control / Future Action (in bold)	Residual Risk Rating
<b>Information Management Risks</b>				
<p>12. Risk of ineffective utilisation of information and communications technology.</p>	<p>Poor management of IT function. Lack of specialist staffing. Lack of finance. Lack of trained staff.</p>	<p>Costly services. Inefficient services. Poor customer service. Data disclosures.</p>	<p>ICT Strategy. (HOC&amp;CS) Fully-resourced, effective and secure IT function. (HOC&amp;CS) Training for staff. (HOC&amp;CS)</p>	
<b>Asset Management Risks</b>				
<p>13. Risk of failing to provide, protect and maintain Council-owned property.</p>	<p>Poor management. Lack of finance. Ineffective asset management. Incomplete data on asset conditions. Lack of effective asset management planning. Insufficient resources to maintain assets.</p>	<p>Lack of a suitable and safe living or working environment for residents, staff and visitors. Sub optimum asset decisions that are poor value for money. Building closure.</p>	<p>Complete end to end systems intervention of the Property Service. Develop new Asset Management Strategy for Council approval linked to Asset Database. (HoH&amp;PS) Overall strategic decisions regarding Council's corporate assets managed by multi-disciplinary Strategic Asset Management Group (SAG) – chaired by Deputy Chief Executive. (HoH&amp;PS) The operational management of the corporate repairs budget is overseen by the Corporate Property Investment Board (CPIB) – chaired by Property Manager. (HoH&amp;PS) Improvements made to end to end systems to manage electrical testing, asbestos and gas servicing. (HoH&amp;PS) Condition survey currently being undertaken. (HoH&amp;PS)</p>	

Risk Description	Possible Triggers	Possible Consequences	Risk Mitigation / Control / Future Action (in bold)	Residual Risk Rating
<b>Emergency Response and Business Continuity Risks</b>				
14. Risk of a major incident not responded to effectively.	Numerous causes including terrorism, natural disaster and pandemic such as bird flu.	Partial or total loss of resources such as staff, equipment, systems. Major media engagement. Major disruption to all Council services. Possible legal action for damages.	Emergency plan reviewed every 6 months. (HoH&CP) Business continuity plan reviewed every 6 months. (HoH&CP) Training for SMT –exercises and reviews. (HoH&CP)	
<b>Environmental Risks</b>				
15. Risk of climate change challenges not responded to effectively.	Lack of expertise. Lack of finance. Failure to reduce carbon footprint.	Budgetary impacts. Service changes required if long recovery phase. Loss of reputation and external censure. Disruption to services. Public health issues.	<b>Climate Change Strategy. (HoH&amp;CP) (When completed.)</b>	

Risk Description	Possible Triggers	Possible Consequences	Risk Mitigation / Control / Future Action (in bold)	Residual Risk Rating
<b>Planning Risks</b>				
16. Risk of Local Plan being unsound or delayed.	Developer challenge before local plan complete. Local Plan found unsound. Political procrastination. Lack of involvement of external key players.	Non or reduced achievement of objectives. Adverse financial impacts such as failure to set the Community Infrastructure Levy. Reputational damage. Possible legal action for damages. Development not where required. Increased costs. Additional work.	Published timetable. (HoDS) Plan based on robust evidence. (HoDS) Project management. (HoDS) Local Plan Programme Board. (HoDS) Local Plan Risk Register. (HoDS)	



**Key:**

New narrative

Narrative being transferred

~~Deleted narrative~~

ϕ = Current risk score

etc = Previous risk scores

Æ etc = trail (direction) of changes

CMT : Corporate Management Team

SMT : Senior Management Team

DCE(AJ) : Deputy Chief Executive – Andrew Jones

HoC&CS : Head of Corporate & Community Services

HoF : Head of Finance

HoDS : Head of Development Services

HoH&CP : Head of Health & Community Protection

### Summary of Significant Business Risks

Consequences	Probability of Occurrence				
	Low	Low-Medium	Medium	Medium-High	High
High		Risks 4, 9 & 11	Risks 1 & 16	Risks 2 & 8	
Medium-High		Risks 3 & 7	Risks 5, & 14		Risk 6
Medium	Risk 12	Risk 10	Risks 9 & 13		
Low/Medium			Risk 15		
Low					


## Methodology for assessing risk: Criteria for scoring residual risk rating

### Probability of Occurrence

Estimation	Description	Indicators
<b>5: High (Probable)</b>	Likely to occur each year (defined as more than 25% chance of occurrence in any one of the years covered by the assessment).	<ul style="list-style-type: none"> <li>Potential of it occurring several times within the specified period (for example - ten years).</li> <li>Has occurred recently.</li> </ul>
<b>4: Medium to High</b>	Apply judgement	Apply judgement
<b>3: Medium (Possible)</b>	Likely to occur during a 10 year period (defined as between 2% and 25% chance of occurrence in any one of the years covered by the assessment).	<ul style="list-style-type: none"> <li>Could occur more than once within the specified period (for example - ten years).</li> <li>Could be difficult to control due to some external influences.</li> <li>Is there a history of occurrence?</li> </ul>
<b>2: Low to Medium</b>	Apply judgement	Apply judgement
<b>1: Low (Remote)</b>	Not likely to occur in a 10 year period (defined as less than 2% chance of occurrence in any one of the years covered by the assessment).	<ul style="list-style-type: none"> <li>Has not occurred.</li> <li>Unlikely to occur.</li> </ul>

### Consequences

Estimation	Description
<b>5: High</b>	<ul style="list-style-type: none"> <li>Financial impact on the organisation is likely to exceed £500K</li> <li>Significant impact on the organisation's strategy or operational activities</li> <li>Significant stakeholder concern</li> </ul>
<b>4: Medium to High</b>	Apply judgement
<b>3: Medium</b>	<ul style="list-style-type: none"> <li>Financial impact on the organisation likely to be between £100K and £250K</li> <li>Moderate impact on the organisation's strategy or operational activities</li> <li>Moderate stakeholder concern</li> </ul>
<b>2: Low to Medium</b>	Apply judgement
<b>1: Low</b>	<ul style="list-style-type: none"> <li>Financial impact on the organisation likely to be less than £10K</li> <li>Low impact on the organisation's strategy or operational activities</li> <li>Low stakeholder concern</li> </ul>

 <b>Executive</b> <b>16 April 2014</b>		<b>Agenda Item No. 8(B)</b>
<b>Title</b>	<b>Local List of Historic Parks and Gardens – Confirmation of Boundaries – Part I</b>	
<b>For further information about this report please contact</b>	Alan Mayes	
<b>Wards of the District directly affected</b>	All	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>		
<b>Background Papers</b>	Local Plan Policy DAP 11	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	Yes
<b>Equality &amp; Sustainability Impact Assessment Undertaken</b>	Not relevant

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive	27.3.14	Bill Hunt
Head of Service	27.3.14	Tracy Darke
CMT	27.3.14	
Section 151 Officer	27.3.14	Mike Snow
Monitoring Officer		
Finance	27.3.14	Jenny Clayton
Portfolio Holder(s)	27.3.14	Councillor John Hammon
<b>Consultation &amp; Community Engagement</b>		
Public consultation was approved by the Executive on 11 September 2013 on boundaries for the Locally Listed Parks and Gardens as approved under Local Plan Policy DAP 11.		
<b>Final Decision?</b>	Yes/No	
<b>Suggested next steps (if not final decision please set out below)</b>		
Part II boundaries will be brought forward after further public consultation.		

## 1. **SUMMARY**

- 1.1 The report is to seek Executive confirmation for boundaries - Locally Listed Historic Parks and Gardens as defined in Appendix A .

## 2. **RECOMMENDATION**

- 2.1 That the Council approve the boundaries for the Locally Listed Parks and Gardens as named under Local Plan Policy DAP 11 ( the Local Register ) and as defined in Appendix A and the publication of the boundaries contained in Appendix A as appropriate.
- 2.2 That a second report be brought back following the results of re-consultation for those parks and gardens on Appendix B.
- 2.3 That authority be delegated to the Conservation Officer in consultation with the Head of Development Services and the Portfolio Holder for Development Services to define boundaries where clarification is required( for those boundaries defined in Appendix A) and to add to the historical information relating to each park and garden , as appropriate .

## 3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Warwick District Local Plan contains a policy which supports the establishment of a Local List of Historic Parks and Gardens, together with their protection. Local Plan Policy DAP 11 contains a list of local parks and gardens and also makes provision for additions to be made to this list. At the time the original list was established, boundaries were not provided to the parks and gardens.
- 3.2 Since the establishment of the list, two additional gardens have been added and at the time of their approval, boundaries were established. In order to fully administer the policy within the Local Plan, the provision of boundaries to define the extent of the historic park or garden is needed.
- 3.3 Following research and public consultation boundaries have now been defined for parks and gardens on the List in Policy DAP 11 and these are contained in Appendices A . As a result of the public consultation changes have been suggested to certain boundaries which will require additional research and public consultation, these are set out in Appendix B, or will not be approved as part of this report. The results of the public consultation for parks and gardens in Appendices A and B are contained in Appendix C.
- 3.4 A further report will be brought back to the Executive following further research and public consultation on those parks and gardens in Appendix C.

## 4. **POLICY FRAMEWORK**

- 4.1 The establishment of boundaries is within the confines of Policy DAP 11 of the Local Plan.
- 4.2 **Fit for the Future** – as the establishment of boundaries is directly in line with the Local Plan Policy, this would accord with the Council’s Fit for the Future Policies.

5. **BUDGETARY FRAMEWORK**

- 5.1 There are no direct budgetary implications by providing boundaries to Locally Listed Parks and Gardens.

6. **ALTERNATIVE OPTION(S) CONSIDERED**

- 6.1 The alternative option would be to continue without boundaries to the parks and gardens. This would not be in accordance with the long term recommendations of the Local Plan and the appropriate Local Plan Policy. A further alternative would be to wait until re-consultation has taken place on parks and gardens in Appendix C, however without the establishment of boundaries as soon as possible, the Council is vulnerable in cases where the boundaries of Locally Listed Parks and Gardens are at question either as part of the planning process or as part of a planning appeal process.

**Register of Locally Listed Parks and Gardens, Warwick District Council**

**Boundaries to be approved**

Barford House, Barford

Old Manor House, Bishops Tachbrook

Bushwood Hall, Bushwood

Hatton House, Hatton

Abbey Field, Kenilworth

North Chase (Rudfyn Manor), Kenilworth

Parliament Piece, Kenilworth

Christchurch Gardens, Royal Leamington Spa

Clarendon Square Gardens, Royal Leamington Spa

Former Arboretum, Wych Elm Drive, Royal Leamington Spa

Lansdowne Crescent and Circus, Royal Leamington Spa

The Dell, Royal Leamington Spa

Wootton Court and Arboretum, Leek Wootton

Friends Meeting House Garden, Warwick

Longbridge Manor, Warwick

Mill Garden, Warwick

Pageant House Garden, Warwick

Priory Park, Warwick

St. John's House and Allotments, Warwick

St. Nicholas Park, Warwick

Wappenbury Hall, Wappenbury

Greys Mallory, Bishops Tachbrook (boundaries already agreed)

Wantage, Castle Hill, Kenilworth (boundaries already agreed)

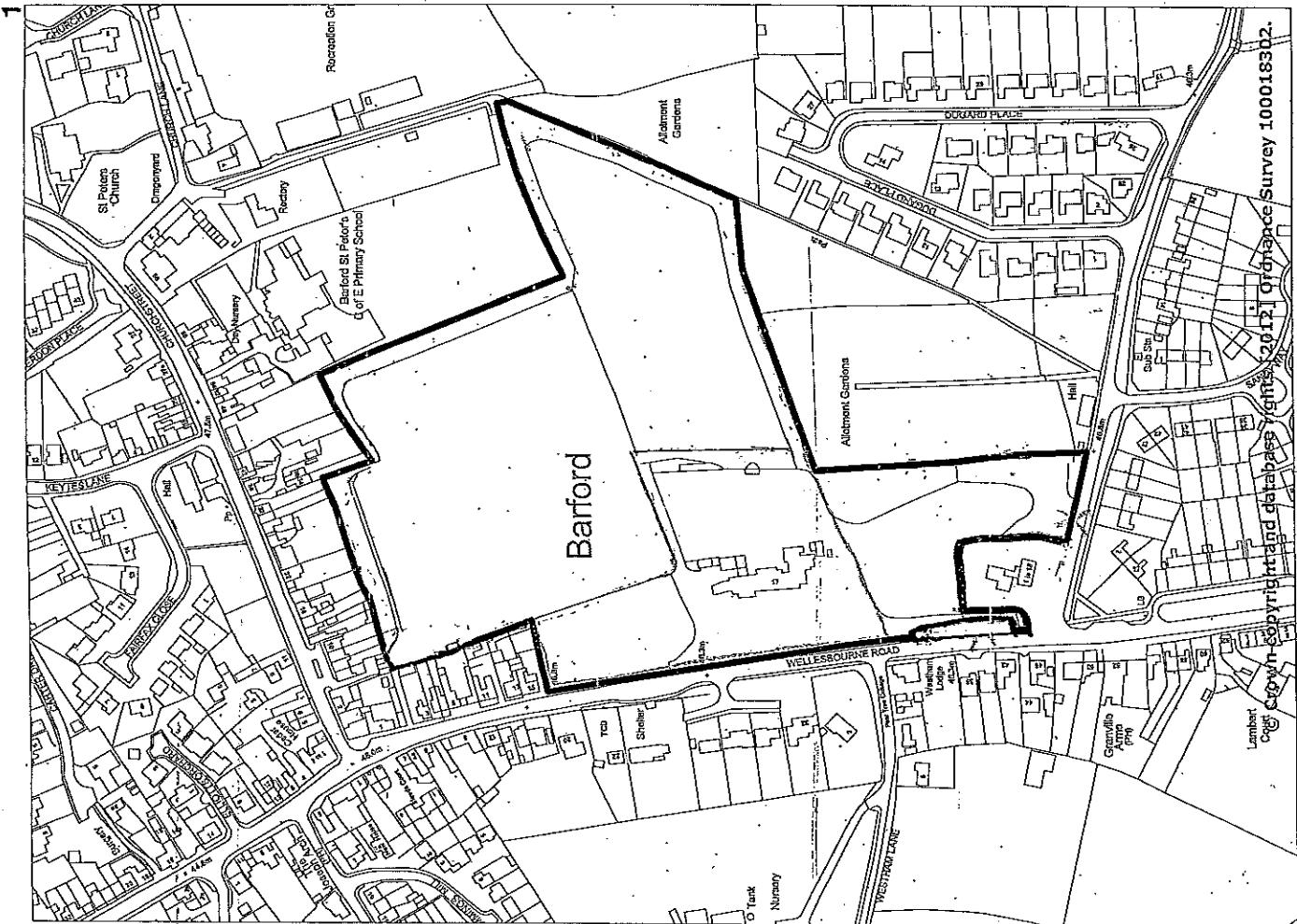
I:\Development\Planning\Alan Hayes\Appendix A - List Parks & Gardens - Boundaries to be Approved.docx

**1. Barford House, Barford**

The present house was built between 1806 and 1811 (see CR1886 and CR556/743) when the property was described in some detail and comprised the house and two fields adjoining the main road. The land to the rear was acquired later. The property is again described, for a proposed sale in 1827 (see CR556/743). The first plan of the property accompanies the sale particulars of 1871 (see CR634/8/7+8). This shows that the landscaped part of the property, as described in 1811 and 1827, was the house and the land to its north fronting the main road. The orchard to the rear was not laid out in the traditional manner and appears to have been planted so as to provide, or protect, a view over the adjoining countryside. All belts of trees were planted by c. 1887 (see the first edition of the Ordnance survey map) to the south, east and north boundaries, in these fields (and the orchard) and other, small works were also carried out.

The tree belts which includes redwoods were planted during the ownership of Mr Brook Robinson MP for Dudley, which together with brick walls on three sides of the property created a small park around Barford House. Other late 19<sup>th</sup> Century developments included a croquet lawn and kitchen and nursery gardens. The layout of paths to the southern one indicate kitchen garden use, there are also in this are remnants of a rock garden possibly constructed in early 20<sup>th</sup> Century during the ownership of the Graham family. The pond within the formal garden to the east of the house was added by the Grahams and is referred to in Evelyn Waugh's diaries. Land was added to the west of Wellesbourne Road by Mr Brooke Robinson in 1882-3 - the road frontage of this land was subsequently developed for housing in the 1950s onwards.

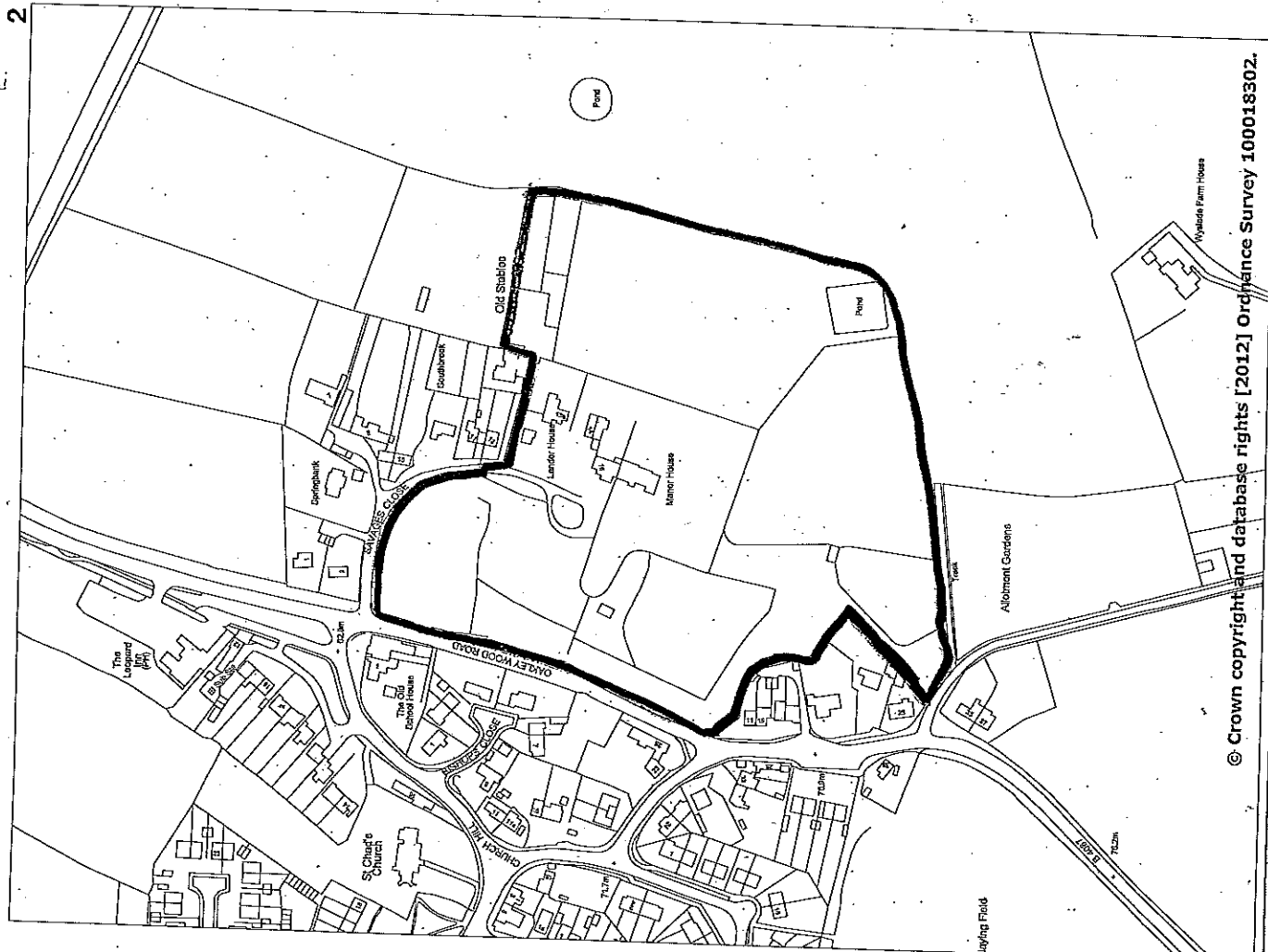
The boundaries have been drawn to take in all the land to the north and east surrounded by the tree belts and the land in the south all enclosed on three sides by a brick wall (reduced on east side to 2/3 courses of brickwork). The south west corner of the original estate was developed as flats in the 1970s and this has been omitted from the boundary (research based in submissions for Appeals ref: APP/T3725/A/12/2184225).







**2. Savages House, Bishops Tachbrook**

This was the ancestral home of the Savage family and was bought by Henry Eyres Landor in the 1830's, when it was tenanted. He occupied the property from about 1840 and was a respected land agent, a brother of Walter Savage Landor, and was a bachelor the whole of his life. A plan of this year shows a proposed public footpath diversion, to take the paths away from the front of the house (CR1908/199/12) which was finally implemented in 1842 (QS32/2). The land at this time was in two principle ownerships, namely himself and the Earl of Warwick, and was divided into various parcels, including three dwellings, the pound and the stocks. He bought various parcels of land from the Earl in 1836 and 1846, and the final pieces to make the grounds shown on the 1887 Ordnance Survey map in 1852 (CR1908/139/15). An additional (unlocated) piece of land was bought in 1859 from another person. Since he died in 1866, aged 86, it can be assumed that the landscaping of the grounds was completed by that date, the work having started in 1846 and been extended in 1852. The boundaries shown on the 1887 Ordnance Survey map should therefore be taken as the historic garden boundaries as these boundaries have not been affected as, after his death, the house was occupied by his (elderly) sisters.



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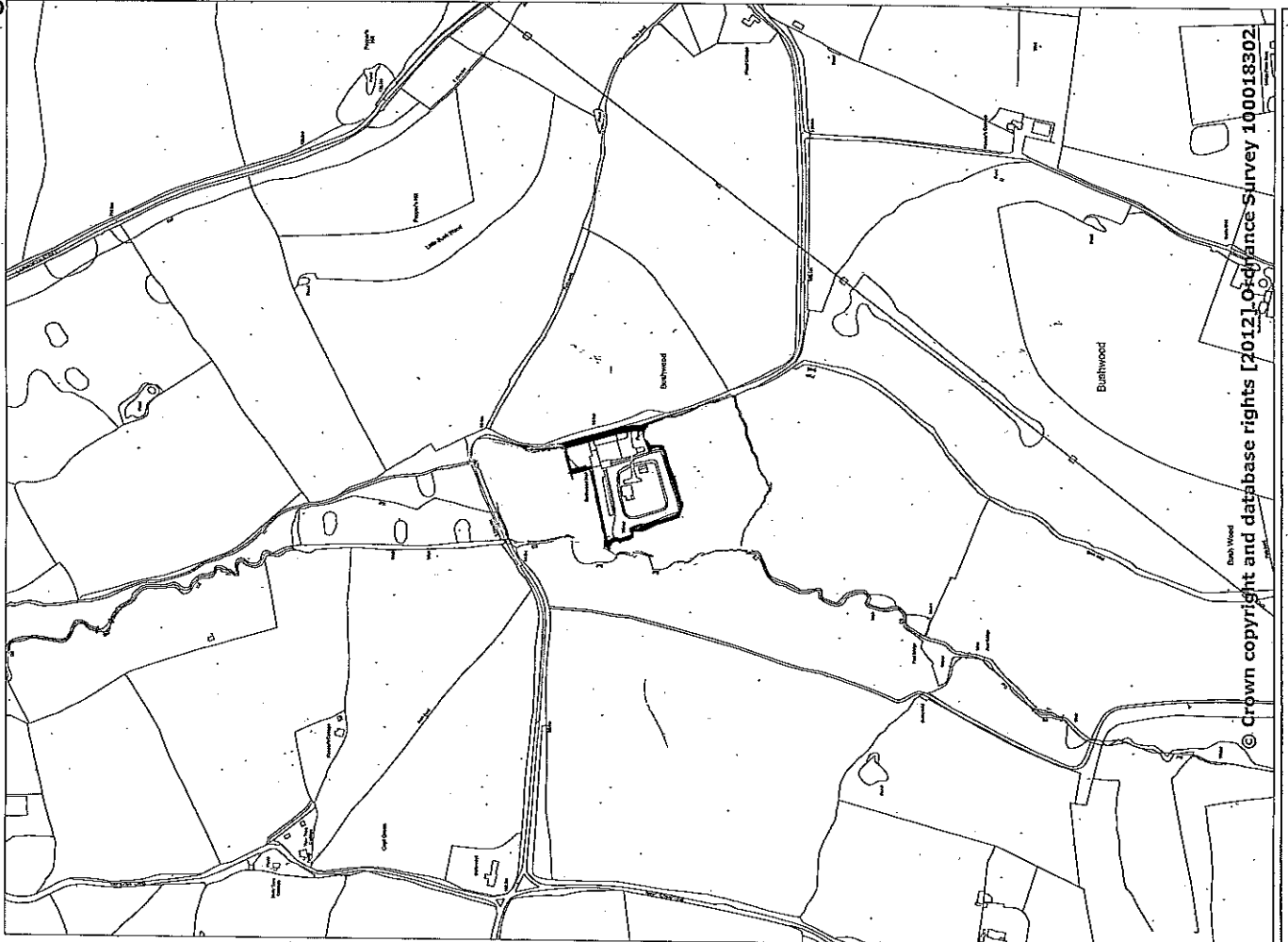

**WARWICK DISTRICT COUNCIL**  
 Scale: 1:2500  
 Date: 01 May 2012  
 North 

Old Manor House, Bishops Tachbrook

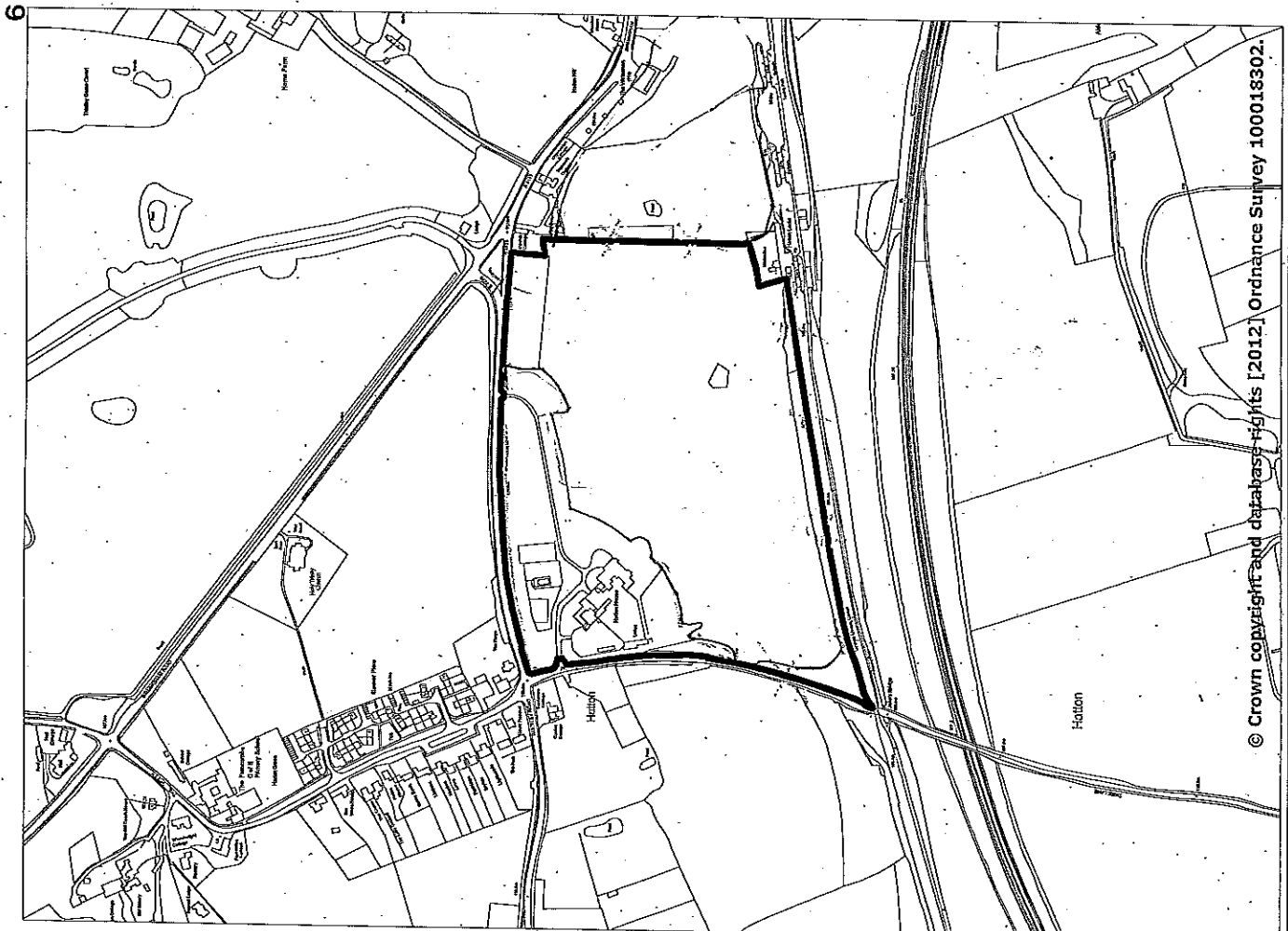
### Bushwood Hall, Bushwood

Bushwood (= Bishops Wood) was originally a detached part of the Bishop of Worcester's Stratford-upon-Avon estate (The Place Names of Warwickshire). The most prolific period for constructing homestead moats was the thirteenth century, when they were probably seen as a 'defensive' structure forming a status symbol (The History of the Countryside, by Oliver Rackham, 2000) and, in the present case, probably represents the dwelling of the first holder of Bushwood as a separate estate, being an isolated site in the middle of woods and pastures. The present house is of later construction, but an earlier drawbridge was found during mechanical cleaning of the moat (Moated Sites, Shire Archaeology Series, 1985), and the character is still that of an isolated site surrounded by a moat.

3.



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WDC Park and Garden - Hatton House

Scale: 1:5000

Date: 16 February 2012

North



**Hatton House, Hatton**

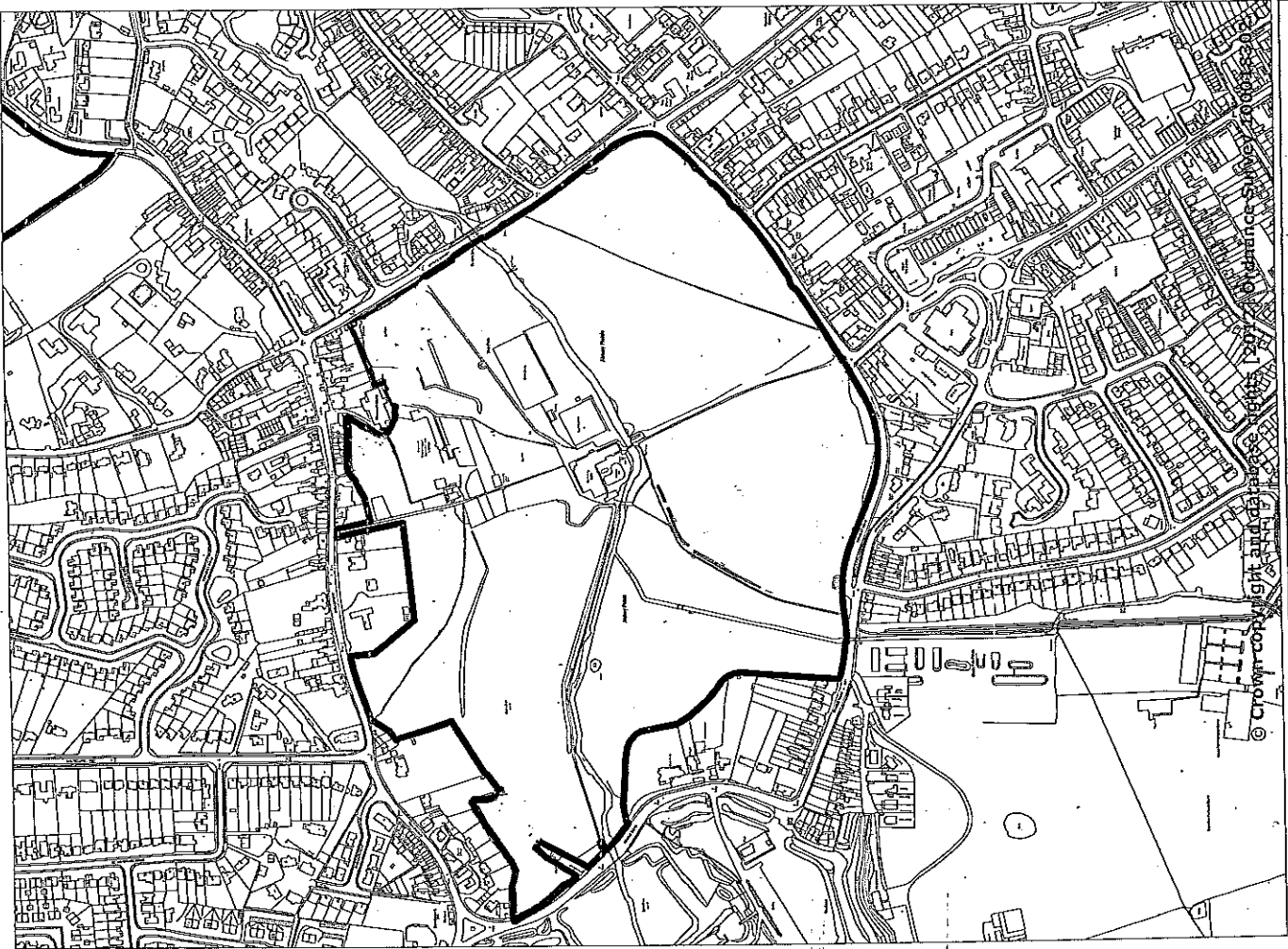
The house appears to have been erected by Sir Edmund Antrabus, as a replacement dwelling for one of his tenants (but on a new site (CR569/126) in 1842-3 (CR863/82/38+739) and was then sold to Edward Arkwright Esq. in 1844/5, with adjoining land (CR863/40). The property was occupied by John T Arkwright. Additional land was acquired in 1849/50 (CR863/82/45+/46) to make the estate shown on the 1887 Ordnance Survey map, all the field boundaries being removed to create a 'parkland' view for the house. Most of the trees within this parkland have now gone, leaving the house and its garden, with screening tree belts to the north and west. These landscaped garden grounds can be readily identified on the 1887 map, and have only changed slightly since that time.


6.

### Abbey Fields, Kenilworth

This site forms the remains of the original abbey park, as shown on the estate map of 1628 (Z150(U)) and the more detailed map of 1692 (CR143A) and originally had a boundary wall, which had mostly been taken away by 1831 (MI 295(LR2/185) f.49). In the late 19<sup>th</sup> Century and early 20<sup>th</sup> Century the edges of the area, fronting Castle Road and Forrest Road, were developed, with most of the remaining area being dedicated as public open space. The boundaries, therefore, are the surrounding roads, except for the parts that have been developed, this area including the churchyard since the parish church lay within the abbey grounds.


8.



North  


**WDC Park and Garden - Abbey Fields**  
 Date: 16 February 2012

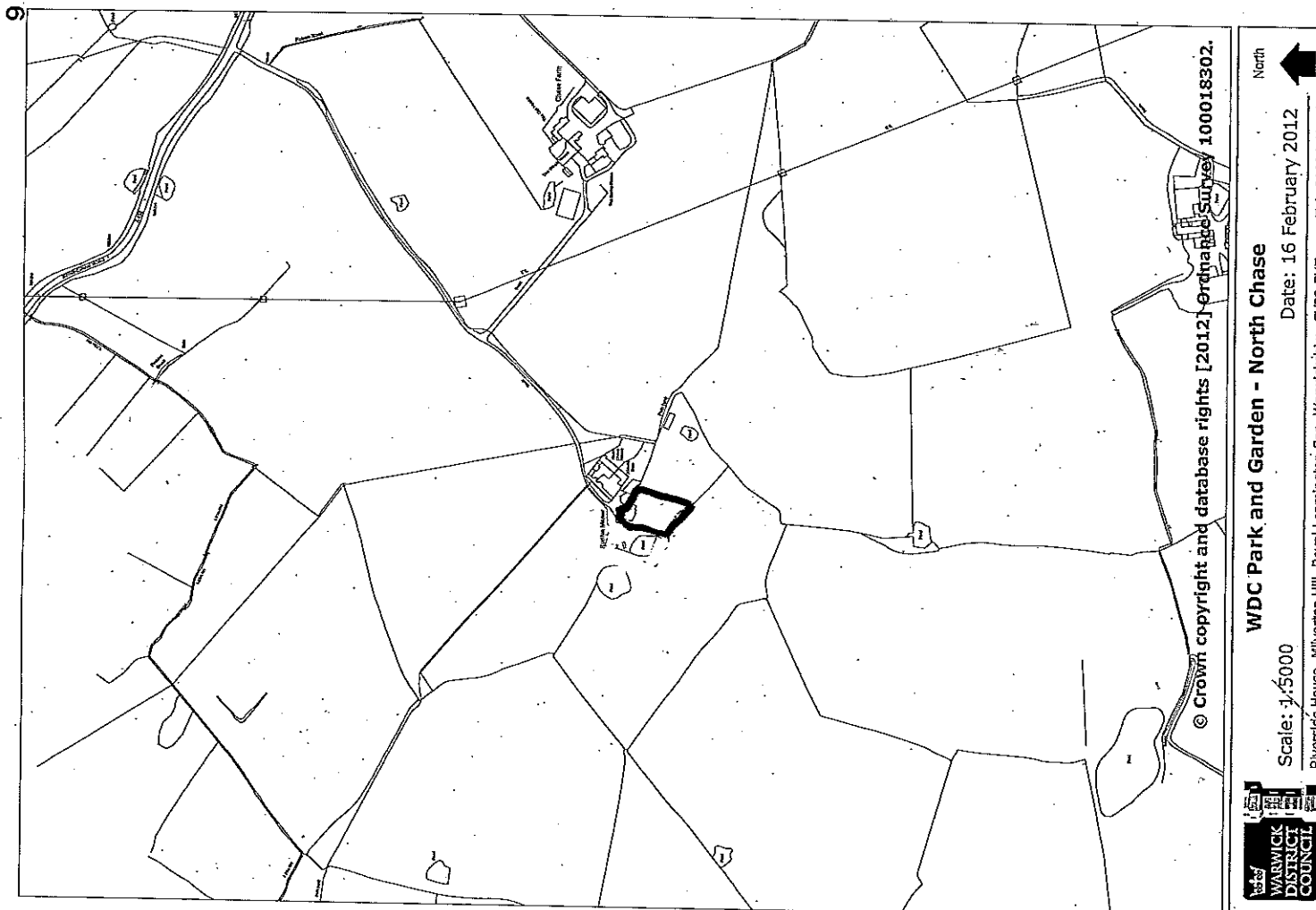
Scale: 1:5000  
 Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ. Tel: 01926 410410

  
**WARWICK DISTRICT COUNCIL**

**Rudfyn Manor, Birmingham Road, Kenilworth**

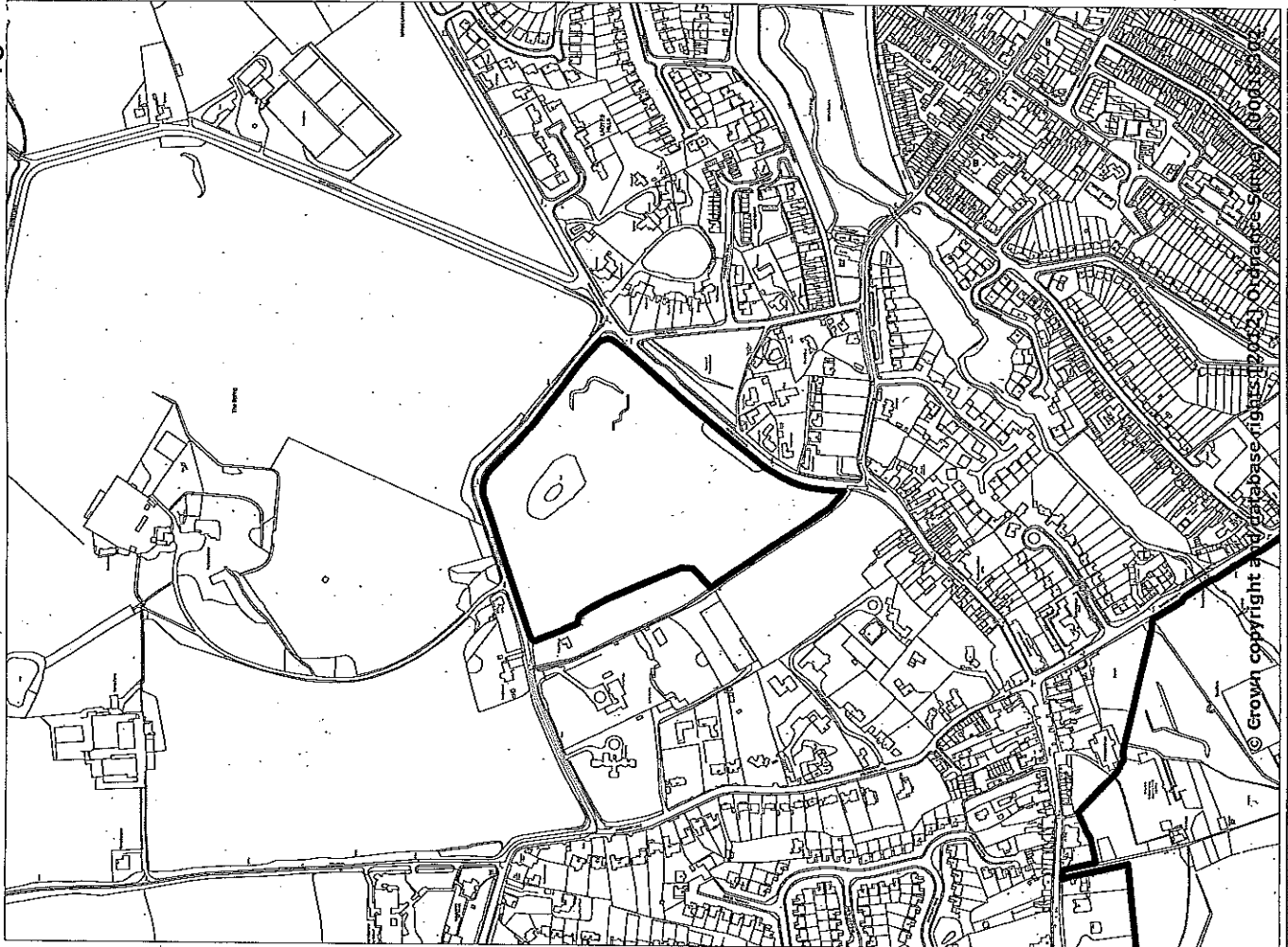
The earliest part of the house (the east wing) was built in the late 15<sup>th</sup> Century as a small, three storey, hunting lodge or viewing tower in the deer park belonging to the abbey of Kenilworth (the Timber-Framed Buildings of Kenilworth, p.10). After the dissolution of the abbey the land was made into a farm, with some farm buildings being erected in the late 16<sup>th</sup> Century. In the 1660's the house was substantially extended (Kenilworth 1086-1756, in chapter on The Manor of Rudfyn) and, by 1692 (CR143A), had an orchard to the south. By 1885 the northern part had been made into a garden and it is this which is referred to in the Listed Building description as an 'old fashioned style garden on a hill top with fine views. The boundaries to the garden have not changed.

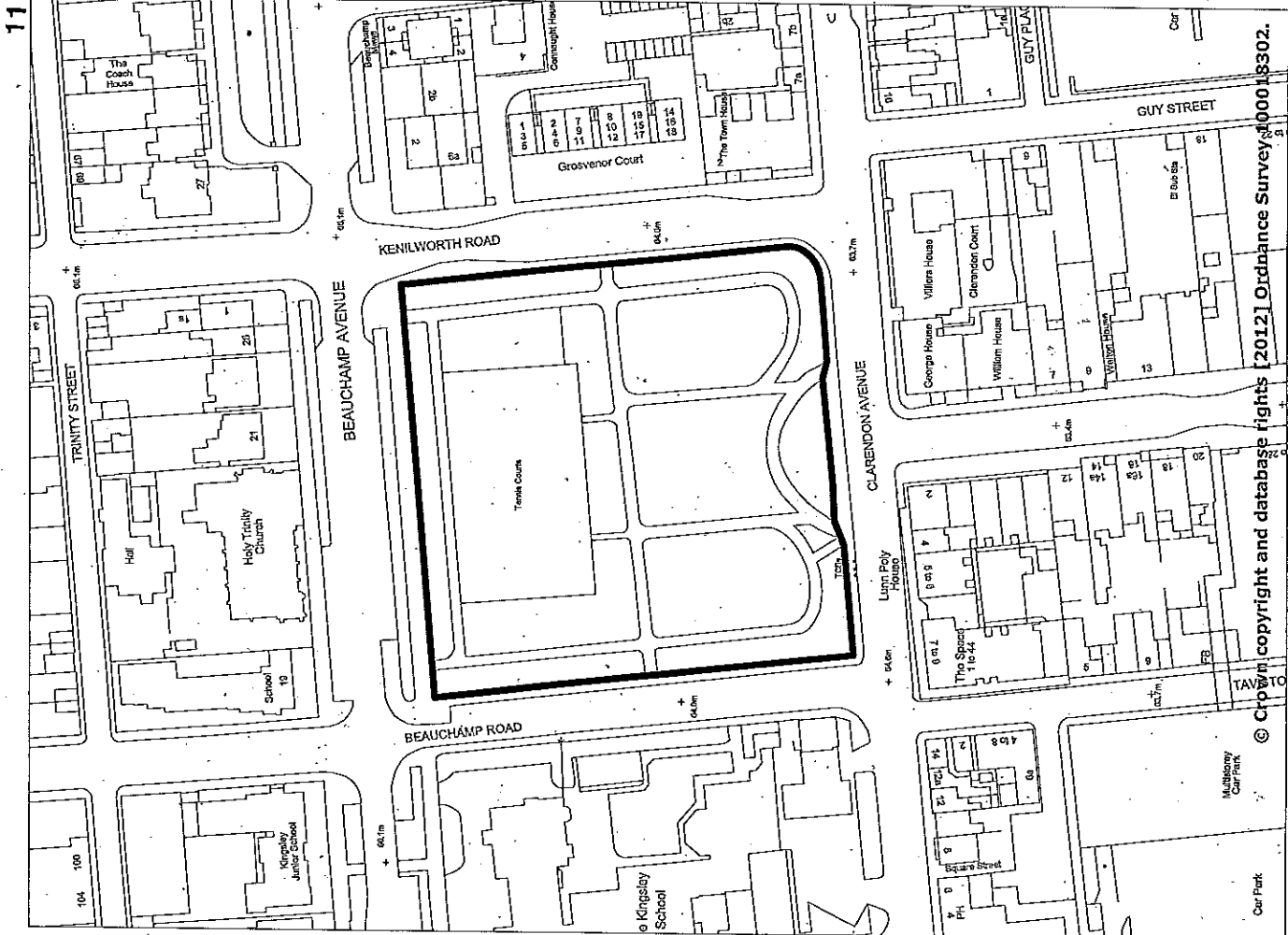
9.



**10. Parliament Piece, Kenilworth**

This field was originally part of a large area of common land called Great Adibarne Heath on the 1628 state map (Z150(U)) and was only created as a separate enclosure by the 1756 Enclosure Award (QS75/63). Its name is a matter of local folklore, and is said to refer to the parliament held at Kenilworth in 1266. There is, however, no documentary evidence for its use (A Kenilworth Chronology, H Sunley 1989).





**11. Christchurch Gardens, Leamington Spa**

The site started with the erection of an Episcopal Chapel in 1825, which was subsequently renamed Christ Church in 1856, and formed a feature at the top of the Parade. The surrounding land was laid out as gardens in 1829 (Royal Leamington Spa, The Courier Press, 1947). The church was demolished in 1959 (Royal Leamington Spa, Lyndon F Cave, 1988). The boundaries of the site have always been determined by the surrounding roads.

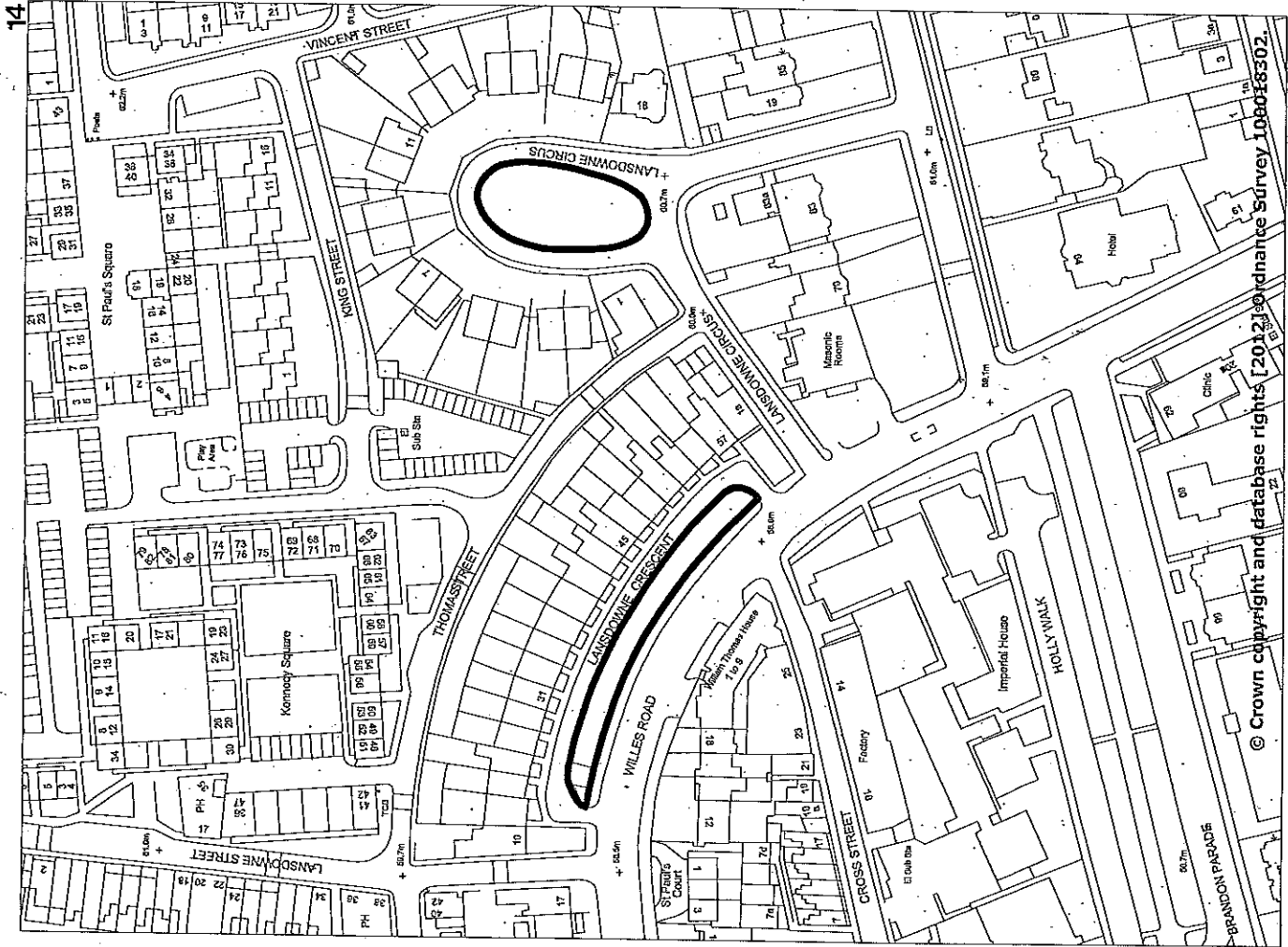






**13. Former Arboretum, St. Helen's Road, Royal Leamington Spa**

An Arboretum and Pinetum was laid out on the Tachbrook Road by Dr Hitchman by 1852 (Board of Health map) which had free admission (1856 Beck's Guide). In 1862 the nursery stock was sold and a large hydroponic treatment complex built (report by Warwickshire Gardens trust). After this death in 1867, the management of the treatment facilities was carried out by other doctors, with St. Helen's Road being laid out by 1869, until, in 1883, the site was purchased for the Midland Counties Home for Incurables (report by Warwickshire Gardens Trust) with further buildings being erected. The site was developed for housing following a planning permission of 1994 and 1995, with the more densely planted parts being retained as open space.



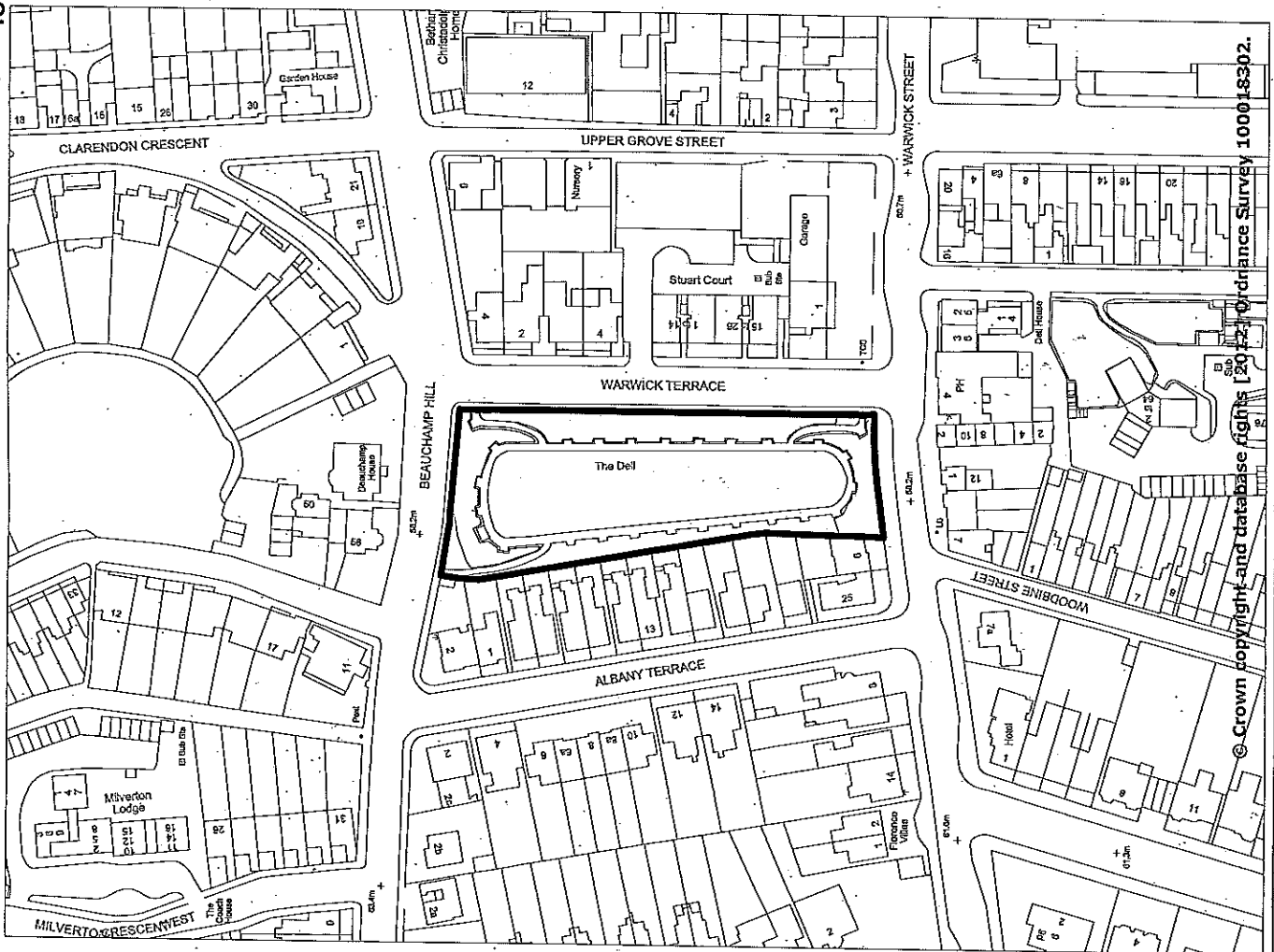
14

**14. Lansdowne Crescent and Circus, Royal Leamington Spa**

This area was designed in 1835 by William Thomas, architect and surveyor (Royal Leamington Spa, Lyndon F Cave, 1988, p.57), and both parts are shown on the town map of 1843 (Royal Leamington Spa, The Courier Press, 1947, p.72-3). The boundaries of both open spaces are defined by the surrounding roads.

### 15. The Dell, Royal Leamington Spa

This piece of public open space is a narrow, steep sided, valley which originally had a stream at its bottom which formed the parish boundary between Leamington Priors and Milverton. It is shown on the early town maps of 1834 and 1843 still with the stream (Royal Leamington Spa, The Courier Press, 1947, p.56/7 + 72/3) but by the 1880's Ordnance Survey map it had been culverted and houses built to the west. At this time, the open space was divided into two parts, the larger northern part being laid out with paths. The whole site was acquired by the Borough Council and opened as a public park in 1948, after being laid out with gravel paths and rose beds. The site is defined by the surrounding roads and the brick retaining wall on the west side (at the back of Albany Terrace).



North

**The Dell, Leamington Spa.**

Date: 01 May 2012  
Scale: 1:1250

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Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire. CV32 5HZ  
Tel: 01925 410410



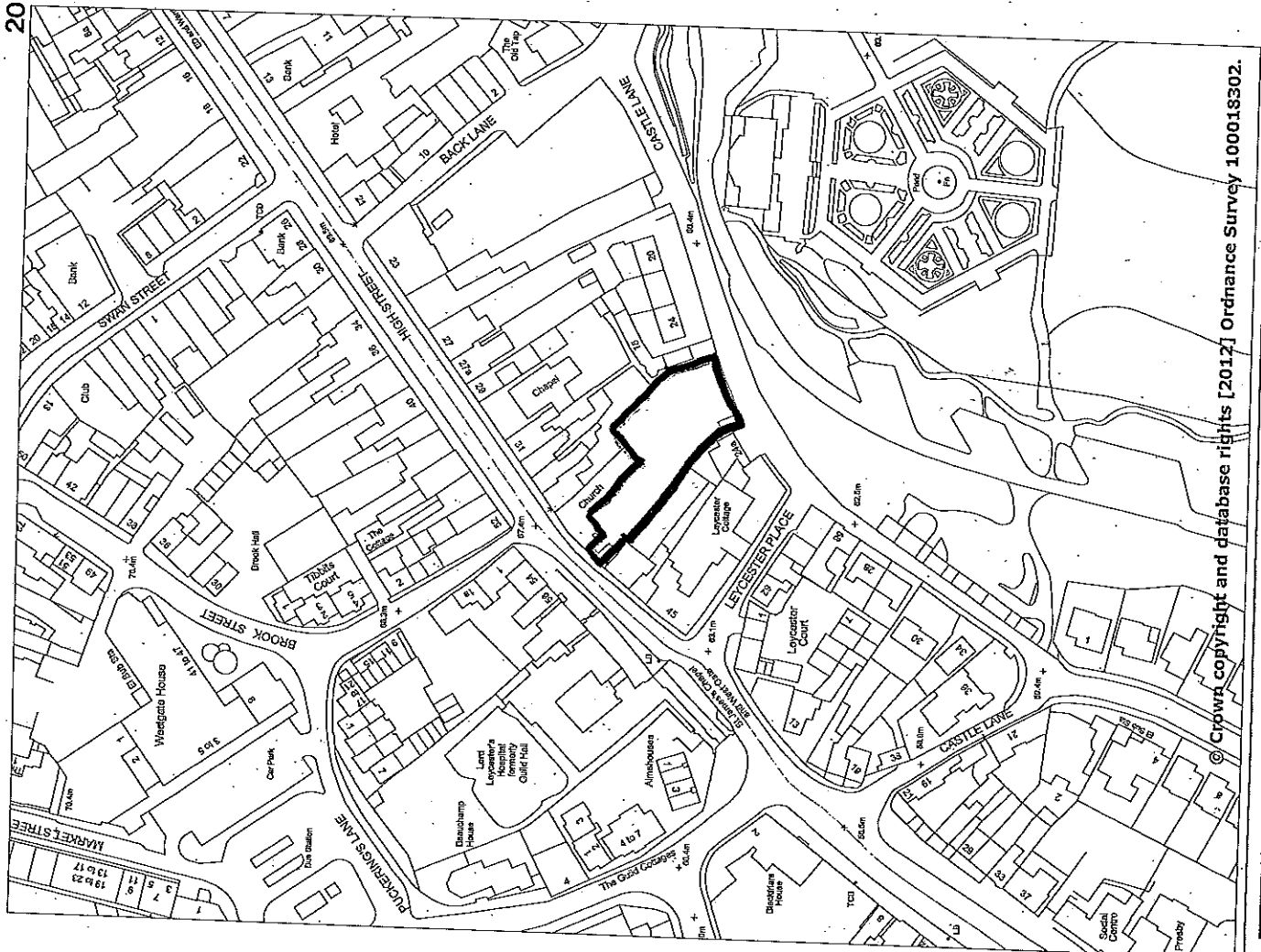
**17. Wootton Court, Leek Wootton**

The house was built in 1842, by Edward King, as a farmhouse, and was sold to Carl (Charles) Treplin in 1862. He laid out several acres with paths and conifers to form a garden and arboretum setting. In 1882 it was sold to Francis Bereford Wright, who created a lake, lily pond, bog garden, rockeries, and a rose pergola, with family members planting trees on the east side of the tennis court (local newspaper article 8 February 1973). The brick pergola features in a 1902 issue of 'The Garden', which praised the taste and horticultural knowledge of the owner (Historic Gardens of Warwickshire, Timothy Mowl and Diane James, 2011, p.213). The property was sold to Aubrey Jones in 1952 and then to Mike Smith, the Warwickshire cricketer, in 1972, who developed it into a Country Club. The laying out of The Warwickshire Golf course removed much of the southern part of the side garden, including a small lake, and part of the rear garden, with a road being constructed between the house (now divided into flats) and the arboretum.



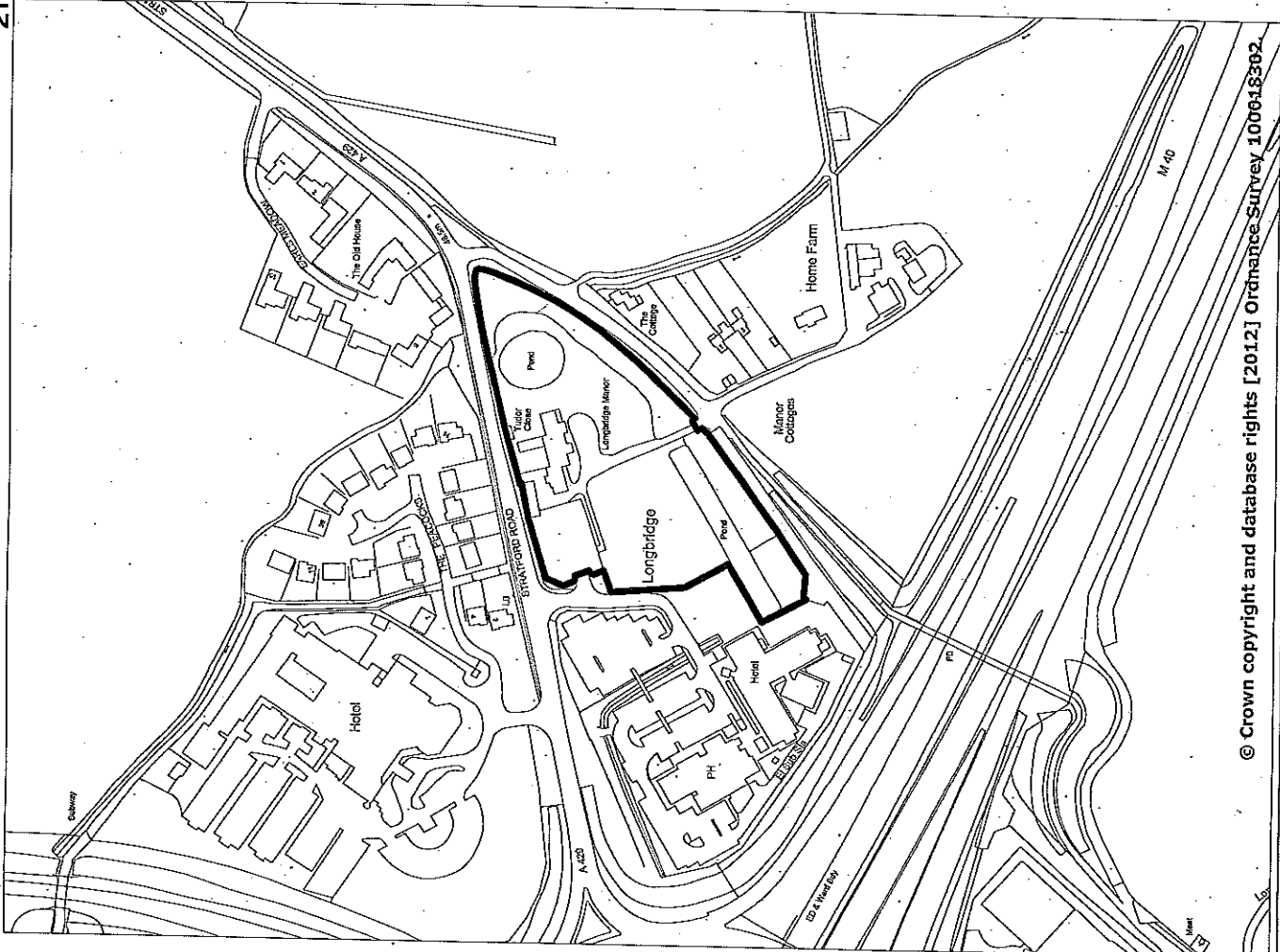
20. Friends Meeting House, High Street, Warwick

The boundaries of this site are defined by the existing boundary walls, which can be traced back to the 18<sup>th</sup> Century through cartographic evidence, the Meeting House being founded in 1671.



**21. Longbridge Manor, Warwick**

The area shown on the first edition of the Ordnance Survey map indicates the historic landscaped garden shown on earlier estate maps (see the Heritage Statement for the recent planning application and the unpublished report by S G Wallsgrove). What it does not indicate is that the south west boundary was an open fence giving views into the adjoining paddocks (now developed as a hotel, restaurant, and associated car parks). This relationship is supported by the tree screen from the end of the wall on the northern boundary and along the southern boundary (to Barford Road). The historic, landscaped, garden that needs protection is that now existing and shown on the modern plan (i.e. excluding the access and the developed paddocks).



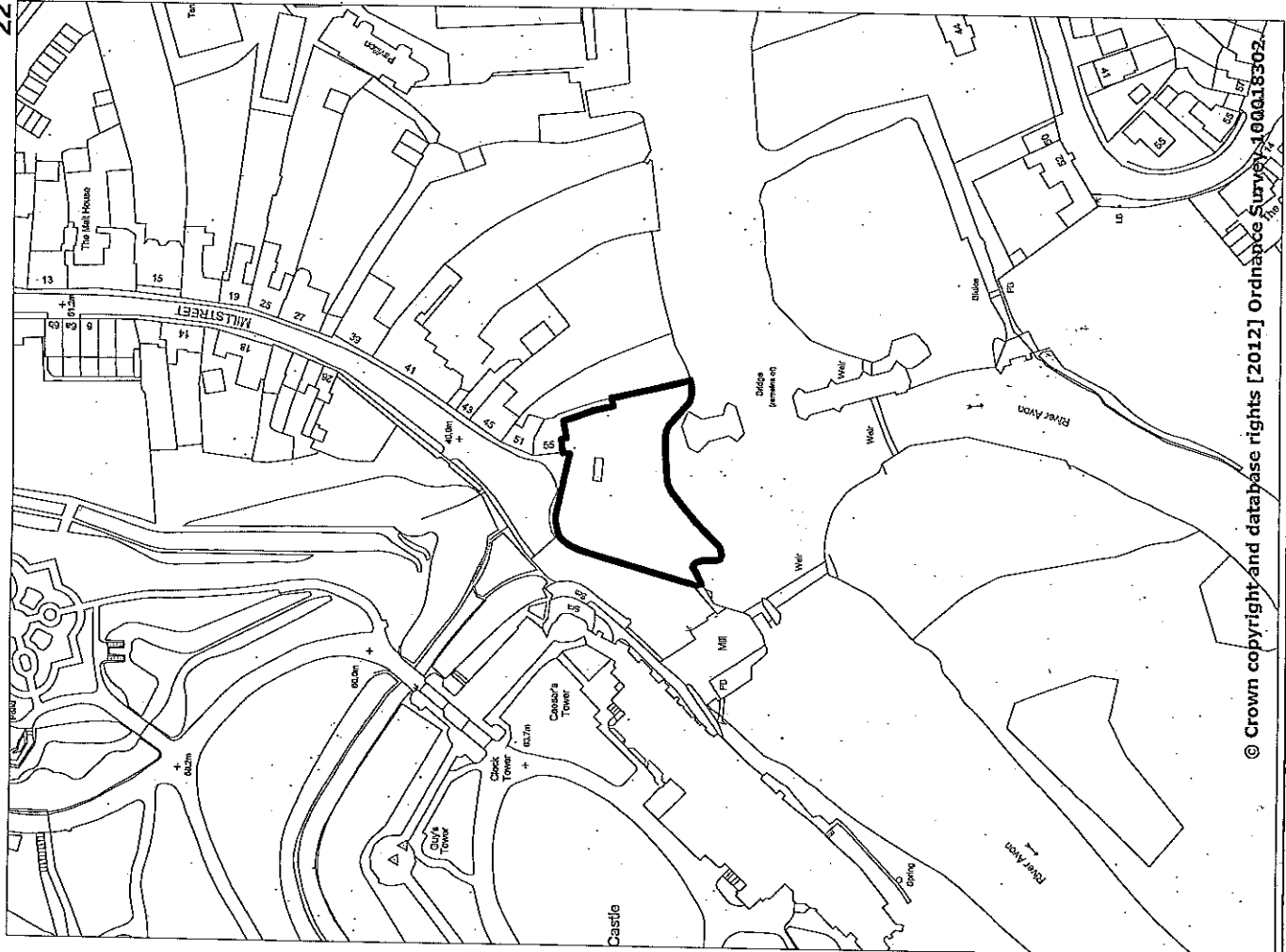
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**WDC Park and Garden - Longbridge Manor (OS 1843-1893)**  
 Scale: 1:2500  
 Date: 07 February 2012  
 North

22. Mill Garden, Mill Street, Warwick

The present garden is an extension of the original house garden and includes the line of the old Banbury Road (closed at the end of the 18<sup>th</sup> Century) and land to the west of the old road. The site is a modern creation and, therefore, is defined by the present day boundaries.

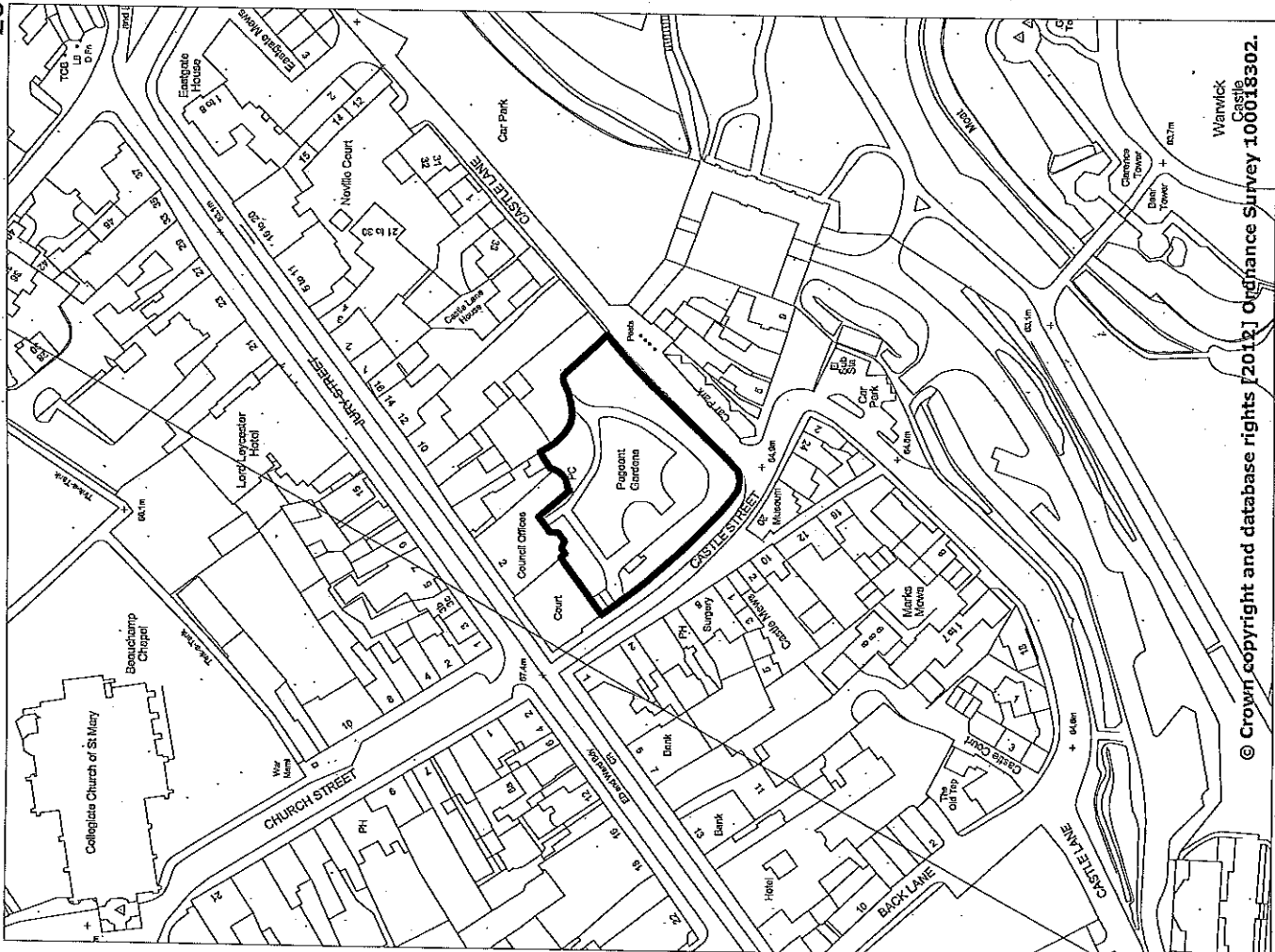


WARWICK DISTRICT COUNCIL  
WDC Park and Garden - Mill Gardens  
Scale: 1:1250  
Date: 16 February 2012  
Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ  
Tel: 01926 410410

North

23. Pageant House Garden, r/o Jury Street, Warwick

The present garden, which lies behind the Court House, the pageant House, and adjoining properties on the south side of Jury Street. It was created by the owner of 2 Jury Street (The pageant House) acquiring houses and the sites of houses which fronted Castle Street and Castle Lane and demolishing them in the later 19<sup>th</sup> Century. The resulting garden, and adjoining yard, have high boundary walls to these two streets. The garden is clearly shown on the 1880's Ordnance survey map.



Scale: 1:1250  
 Date: 16 February 2012  
 WDC Park and Garden - Pageant House  
 Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire. CV32 5HZ Tel: 01926 410410  
 North

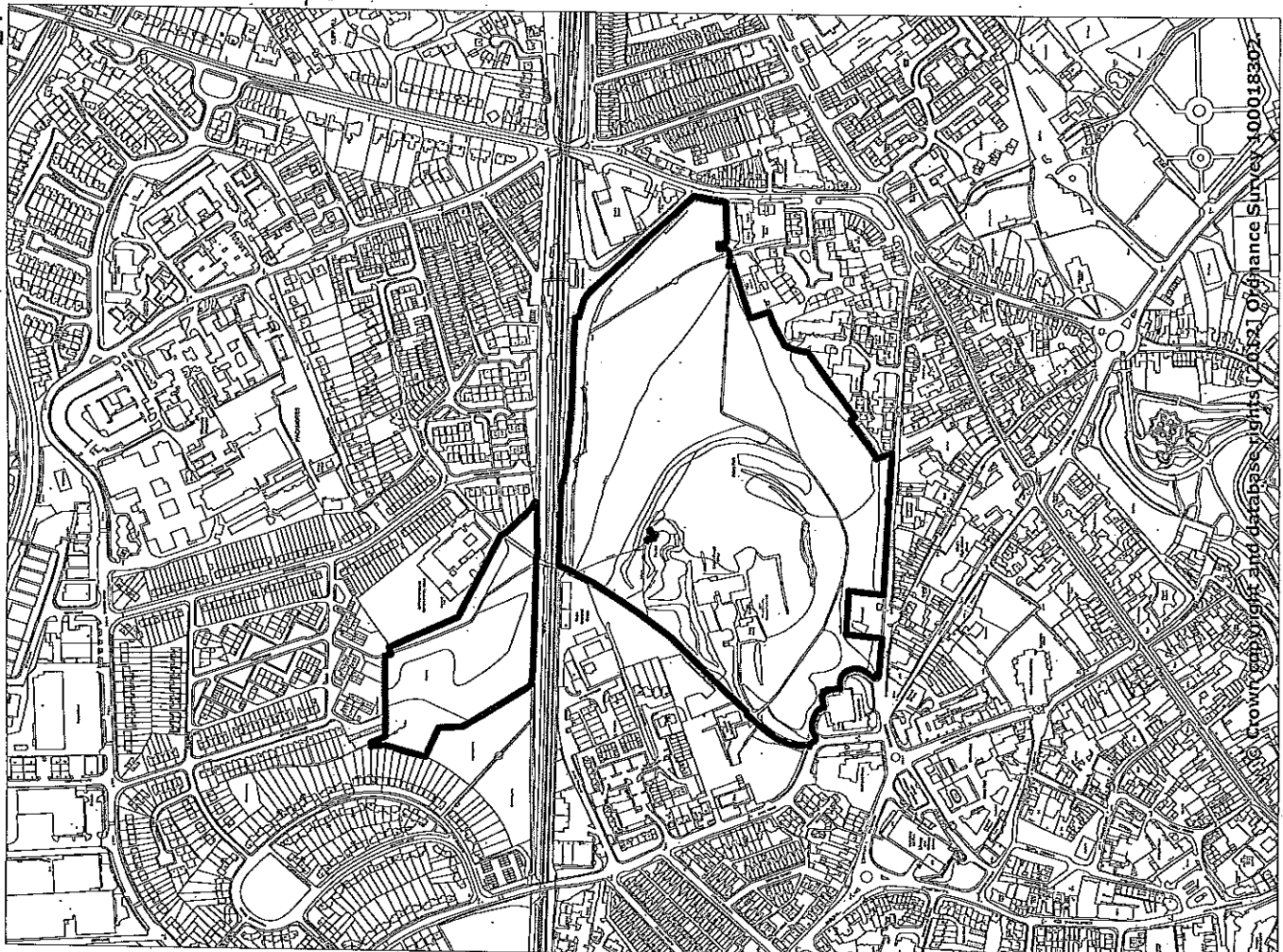


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**24. Priory Park and Priory Pools, Warwick**

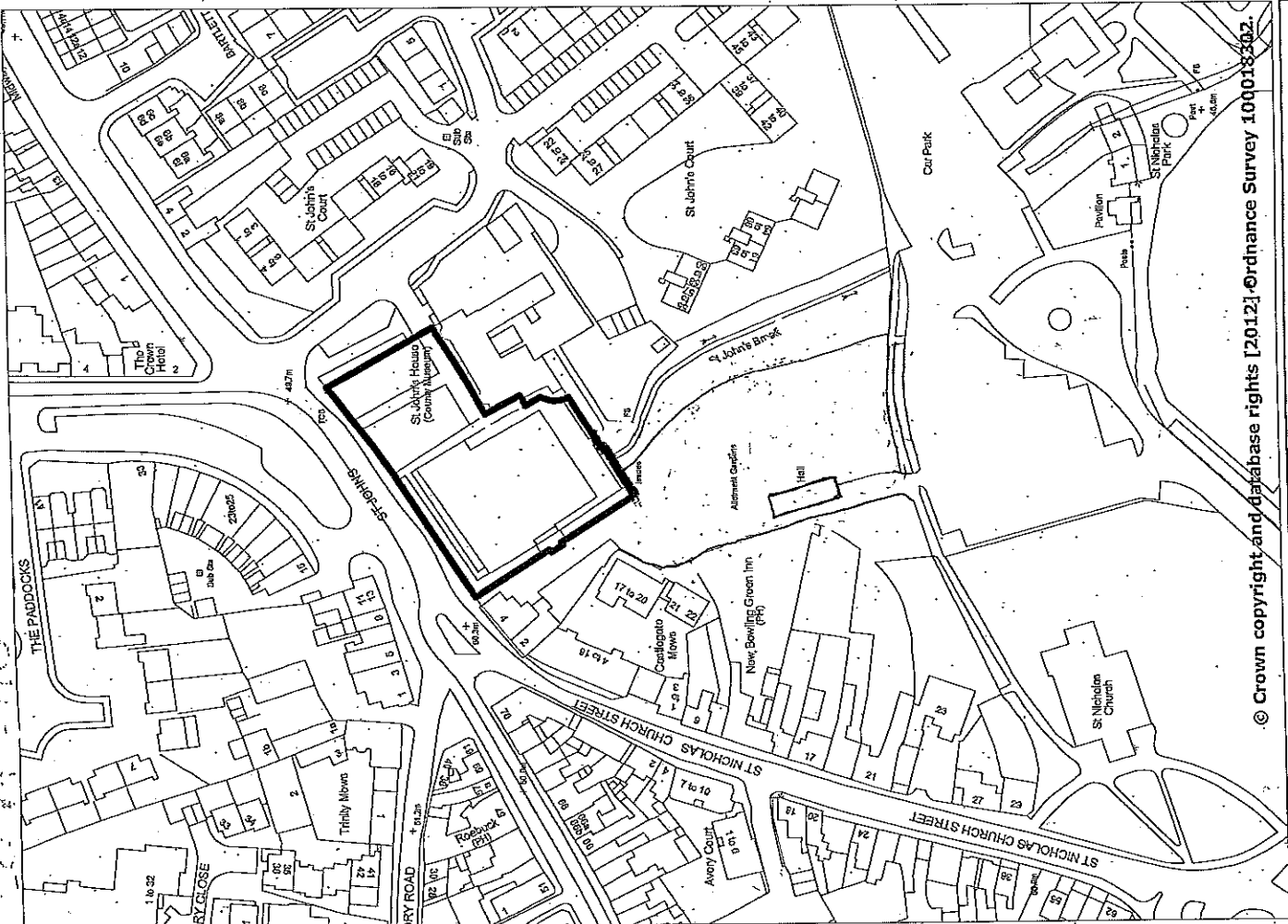
The present Priory Park, as a public park, is a creation of the 20<sup>th</sup> Century, being bought in 1935 (VCH vol. viii, p.440), and is therefore defined by the present boundaries, including the railway along its north side. The ownership, however, is complicated since the whole site is not owned by the District Council. The internal landscape has been substantially changed from the earlier parkland and fields of the 18<sup>th</sup> and 19<sup>th</sup> Centuries, and includes the lying out of a central footpath. The area to the north of the railway (Priory Pools) is centred on the earlier pools and mill site and, again, is a creation of the 20<sup>th</sup> Century, the land being acquired under the Warwick Corporation Act 1928 for recreation purposes. The last parts of the pools were drained and levelled in 1965 (VCH vol. viii, p.441).



**WDC Park and Garden - Priory Park**  
Scale: 1:5000  
Date: 16 February 2012  
North   
Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire. CV32 5HZ. Tel: 01926 410410

25. St. John's House, Warwick

The gardens to the front and side of the house have their origins in the conversion of the medieval hospital into a dwelling, and its replacement in the mid-17<sup>th</sup> Century (Warwickshire History, vol. XI, No. 4). The gardens were redesigned on various occasions, including with a bowling green in the 19<sup>th</sup> Century, but have always been contained by the present high, stone, walls.



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**WARWICK DISTRICT COUNCIL**

WDC Park and Garden - St John's House

Scale: 1:1250

Date: 16 February 2012

North

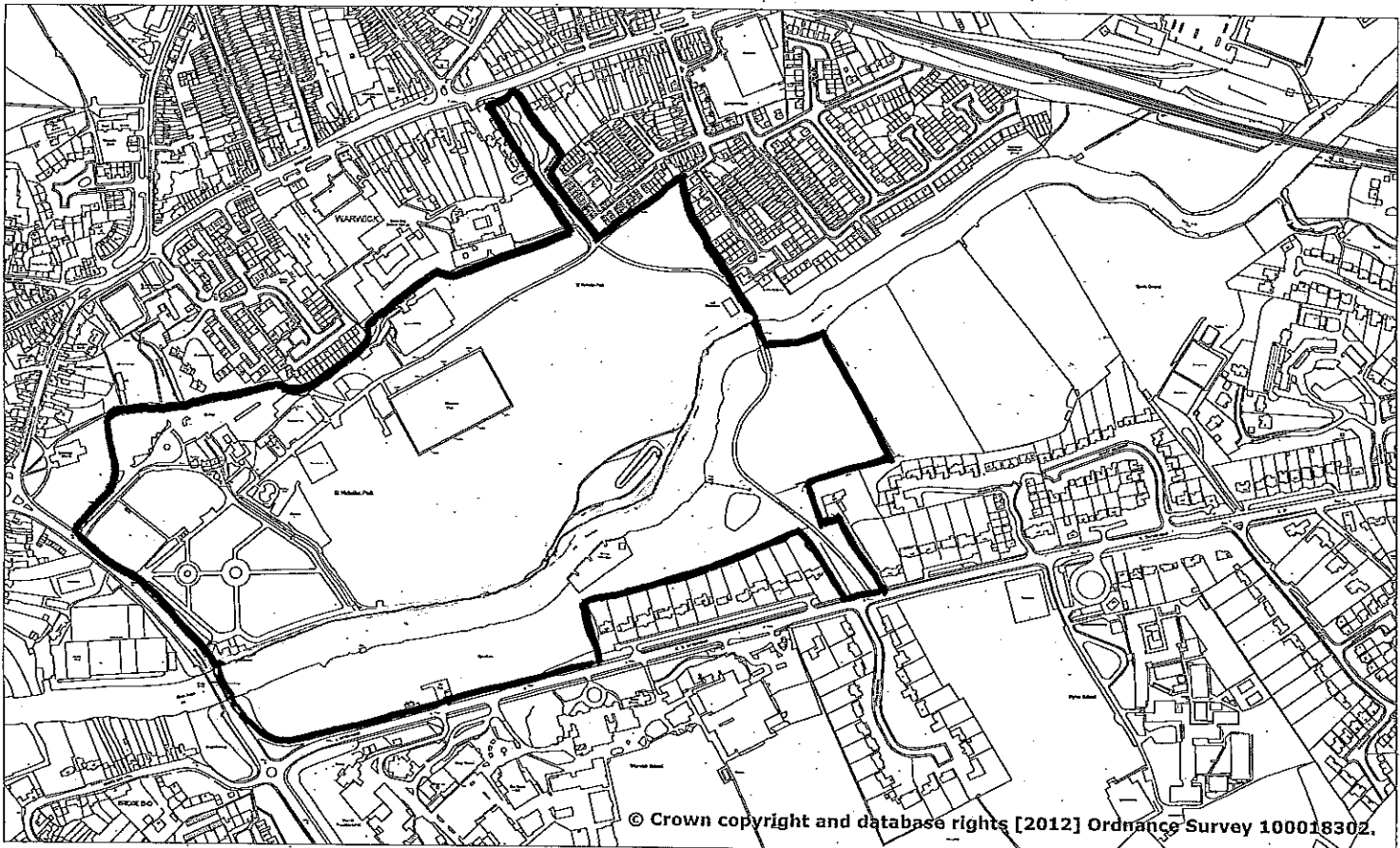
Warwick House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ Tel: 01926 410410

**26. St. Nicholas Park, Warwick**

The park is a creation of the 20<sup>th</sup> Century and is based on the acquisition of St. Nicholas Meadow and the abolition of rights of pasture under the Warwick Corporation Act 1928, the area to be acquired being defined in a schedule. The boundaries are shown on a plan in a separate document (CR1618/W6/45 + QS111/528), with the access onto Emscote Road being created following land purchases of 1931 and 1932 (WDC deeds). The Act of Parliament included a clause limiting the use of the land to recreation. A plaque at the main entrance states that the park was officially opened on 31 August 1933.

The area known as Myton Fields to the south of the river was added in the 1950's at public open space by the Earl of Warwick.

26



Scale: 1:5000

Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ

**St Nicholas Park, Warwick**

Date: 01 May 2012

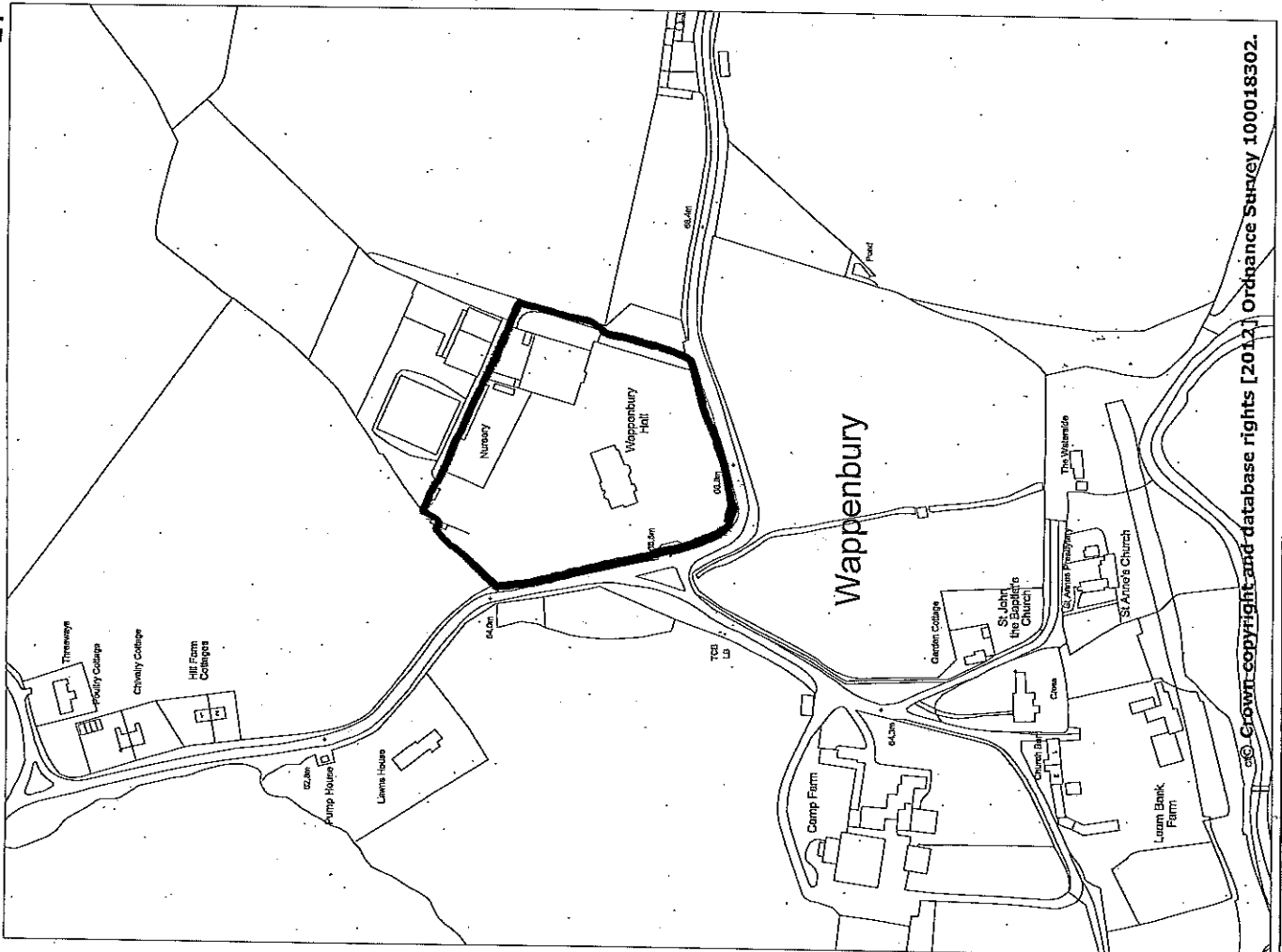
Tel: 01926 410410

North



27. **Wappenbury Hall, Wappenbury**

In 1819 William Umbers purchased a farm from Lord Clifford, which was subject to a Land tax value of £15 (QS77/236/42), and was described as a 'house and land' in 1826 (QS77/236/49). He was still a tenant of other land, and another house, under Lord Clifford. Thomas Ward, in his notes for a continuation of Dugdale (British Library Add. Ms 29,264), stated that Umbers had 'erected a very good Farm House upon it with handsome Parlours the whole of Brick + with sash windows + Offices Barns + Stables answerable thereto and ornamented with a verge of Fir Trees before the House'. The estate is shown on a map of 1850 (CR410/M208), which shows the same arrangement of buildings and gardens as on the 1880's Ordnance Survey map. The stables and outbuildings to the front of the house were replaced with a stable and garage block by Sir William Lyons (EAC 389), and the gardens have been redesigned, but the main boundaries (brick walls) still mark the garden boundary, with mature trees adjoining the road.



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Wappenbury Hall

Scale: 1:2500

Date: 01 May 2012

Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ Tel: 01926 410410



## **Appendix B**

### **Register of Locally Listed Parks and Gardens, Warwick District Council**

#### **Boundaries to be re-consulted**

Eathorpe Hall, Eathorpe

Haseley Manor, Haseley

Honiley House/Hall, Honiley

Woodcote, Leek Wootton

Offchurch Bury, Offchurch

Sherbourne Park, Sherbourne

**Local List of Historic Parks and Gardens  
Résumé of Public Consultation Response**

**1. Barford House, Barford**

**Comments**

Mr Roberts, Barford House – suggested changes relating to detail of north, west and Wellesbourne Road boundaries. Also should include location of wall on site of old person flats formerly part of the grounds.

Cotswold Archaeology – describe the history of the site and state either only garden amenity attached to Barford House itself or whole site proposed by WDC plus the nursery site to west to rear of and including housing from Westham Lane northwards, that was also originally part of the grounds together with the old person flats on the corner of Wasperton Lane. Some minor boundaries also commented on to north and west as covered by Mr Roberts

WDC Comment – minor boundary changes to north and west accepted. Original grounds to west side of Wellesbourne Road as suggested by Cotswold Archaeology are now degraded beyond restoration by 1950/60s housing and to corner of Wasperton Lane by old person's flats; there would be no merit including these areas as the interconnection with the original house has now been lost. Responding to Cotswold Archaeologies comments that former areas of garden are now pasture does not exclude restoration.

The importance of the area proposed by WDC has been recognised by the inclusion within the Conservation Area since 1969 and by the Appeal decisions APP/T3725/A/12/2184225

**Proposal**

To include boundaries as per consultation document with minor changes only as pointed out by Mr Roberts and Cotswold Archaeology.

**2. Old Manor House, Bishops Tachbrook**

**Comments**

Ms Lynn Waters, Mr David Allandyce - Landor House, Savages Close, Bishops Tachbrook – fully support definition of boundaries.

Mr & Mrs A Day – Savages House, Savages Close, Bishops Tachbrook – it is our view that the proposed boundary covers land that once formed the boundary of the Old Manor.

Mr Bullen (Bishops Tachbrook Parish Council) – supportive, suggested further area of field to stream be considered.

### **Proposal**

To include boundaries as per consultation. To extend into adjacent fields does not appear to have historical precedent.

### **3. Bushwood Hall, Bushwood**

#### **Comments**

Mrs Meakin, Bushwood Hall – the property is now in two ownerships.

Mr N McDermott, Bushwood Barns – the woodland never historically formed part of the Bushwood Hall estate.

#### **Proposal**

Further research has not defined the pasture or woodland historically as part of the Bushwood Hall estate and therefore the boundaries will be redrawn to include only the moated site and barns.

### **4. Eathorpe Hall, Eathorpe**

#### **Comments**

Warwickshire Gardens Trust – recommend land to north between two tree belts and to south which in 1955 shows as parkland be included.

Mr Woodings, The Lodge, Eathorpe – land to north between tree belts should be included.

#### **Proposal**

As there is some historical evidence for including the additional fields **re-consultation** is proposed based on extended boundaries.

### **5. Haseley Hall, Haseley**

#### **Comments**

Warwickshire Gardens Trust – considers that the extent of the 19<sup>th</sup> Century park should be included which is shown on the 1925 OS map. This would include agricultural land to the south and north of the current proposal.

#### **Proposal**

Re-consultation.

### **6. Hatton House, Hatton**

#### **Comments**

No comments received.

### **Proposal**

To include boundaries as per the consultations.

## **7. Honiley Hall, Honiley**

### **Comments**

Warwickshire Gardens Trust – Turtle Wood to the south of Honiley Hall should be included. Possible further research needed into concentric arrangement of landscape around the Hall.

Mrs S J Cole, The Malthouse, Honiley – some concerns about boundaries which were resolved at a meeting.

### **Proposal**

To carry out further research into inclusion of Turtle Wood and possibly further lands relating to the Hall – it is therefore proposed to **re-consult**.

## **8. Abbey Fields, Kenilworth**

### **Comments**

Kenilworth Town Council – include the car park.

Mr G Cain, The Kenilworth Society – include the car park, the War Memorial and the bus shelter on Abbey Hill.

Mrs J Illingworth – supports Kenilworth Civic Societies comments.

### **Proposal**

To include the car park, bus shelter and War Memorial as all part of original Abbey Fields boundaries.

## **9. North Chase (Rudfyn Manor)**

### **Comments**

Warwickshire Gardens Trust – possibly include shrub surrounded pool to north.

### **Proposal**

To include as original proposal as no historical evidence relating to pool.

## **10. Parliament Piece, Kenilworth**

### **Comments**



None.

**Proposal**

To include as original proposal.

**11. Christchurch Gardens, Leamington Spa**

**Comments**

None.

**Proposal**

To include as original proposal.

**12. Clarendon Square, Leamington Spa**

**Comments**

None.

**Proposal**

To include as original proposal.

**13. Former Arboretum, Wych Elm Drive, Leamington Spa**

**Comments**

Warwickshire Gardens Trust – referred to report prepared by them when arboretum redeveloped.

**Proposal**

To include as original proposal.

**14. Lansdowne Crescent and Circus, Leamington Spa**

**Comments**

None.

**Proposal**

To include as original proposal.

**15. The Dell, Leamington Spa**

**Comments**

None.

### **Proposal**

To include as original proposal.

## **16. Woodcote, Leek Wootton**

### **Comments**

Warwickshire Gardens Trust – recognise that the grounds were much larger and that part has now been compromised by the Golf Course. Suggest including woodland called the Linch and Lower Linch, Long Meadow Spinney and area of land to east of Woodcote and Woodcote Lane.

Leek Wootton Parish Council – generally in agreement but state there are various proposals for development at Woodcote and if these leave an additional area adjacent to the boundaries shown on your plan it would be desirable to add further to the grounds of the house to further improve its setting.

Simon Bell, Broome House, Woodcote Drive, Leek Wootton – considers that the area of land to the east of Woodcote adjacent to Woodcote lane should be included – he refers to a TPO report which highlights this area as the setting of Woodcote.

### **Proposal**

To consider extending the boundaries to take account of comments relating to historical boundaries and to **re-consult**.

## **17. Wootton Court, Leek Wootton**

### **Comments**

Leek Wootton Parish Council – are pleased that the Wootton Court and Arboretum have protection as it enhances the property and the environment of the community.

### **Proposal**

To include as originally proposed.

## **18. Offchurch Bury, Offchurch**

### **Comments**

Warwickshire Garden Trust – suggest a much wider boundary as the parkland character remains to the east to the river and to the west beyond flood gate spinney.

Mr A S Goldie of Margetts on behalf of Mr Johnson of Offchurch Bury – Question the inclusion of Offchurch Bury and request its removal from the register unless WDC can provide sufficient historical evidence and if such evidence is forthcoming the boundaries be reduced (plan included with response).

**Proposal**

As there is difference between the advice provided by Warwickshire Gardens Trust and the owner of Offchurch Bury it is proposed to carry out further research and **re-consult**.

**19. Sherbourne Park, Sherbourne**

**Comments**

Mr R Smith-Ryland, Sherbourne Park – two small areas of land should be excluded which are not in the ownership of Sherbourne Park.

Councillor Mrs A Gorden for Sherbourne Joint Parish Council – considers that the boundaries should be extended to the woodland/tree belt along Barford Road and Fulbrook Lane and behind the houses in Church Road.

Warwickshire Gardens Trust – suggest inclusion of parkland to tree belts and also the pond garden to the west of the Church and Avenue to the south of the house created in the 1960s.

**Proposal**

To consider further the historical development of the park and garden and to **re-consult**.

**20. Friends Meeting House Garden, Warwick**

**Comments**

None.

**Proposal**

To include as originally proposed.

**21. Longbridge Manor, Longbridge, Warwick**

**Comments**

None.

**Proposal**

To include as originally proposed.

**22. Mill Garden, Mill Street, Warwick**

**Comments**

None.

**Proposal**

To include as originally proposed.

**23. Pageant House Gardens, Warwick**

**Comments**

None.

**Proposal**

To include as originally proposed.

**24. Priory Park, Warwick**

**Comments**

None.

**Proposal**

To include as originally proposed.

**25. St. John's House Gardens, Warwick**

**Comments**

Warwickshire Gardens Trust – agree with boundary but consider there is justification for including land to the south.

**Proposal**

The land to the south is now allotments and has a hall built on it therefore include boundaries as originally proposed.

**26. St. Nicholas Park, Warwick**

**Comments**

Warwickshire Gardens Trust – Myton Fields should be included.

Myton Road residents – include Myton Fields which were given a public open space by the Earl of Warwick in the 1950's.

Warwick Town Council – to include Myton Fields.

Councillor Mrs L Bromley – to include Myton Fields.

**Proposal**

To include the boundaries as originally proposed together with Myton Fields.

**27. Wappenbury Hall, Wappenbury**

**Comments**

None.

**Proposal**

To include as originally proposed.

**28. Greys Mallory, Bishops Tachbrook**

Previously consulted upon and not part of this consultation – boundaries already agreed.

**29. Wantage, Kenilworth**

Previously consulted upon and not part of this consultation – boundaries already agreed.