

Alan Boad
Chairman of the Council

Council meeting: Wednesday, 15 November 2017

Notice is hereby given that an ordinary meeting of Warwick District Council will be held at the Town Hall, Royal Leamington Spa on Wednesday, 15 November 2017 at 6.00pm.

Emergency Procedure

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

Agenda

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

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

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

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

3. **Minutes**

To confirm the minutes of the meeting of the Council held on 20 September 2017. **(Pages 1 to 9)**

4. **Communications and Announcements**

5. **Petitions**
6. **Notices of Motion**
7. **Public Submissions**
8. **Leader's and Portfolio Holders' Statements**
9. **Questions to the Leader of the Council & Portfolio Holders**
10. **Executive Report**

To consider the report of the Executive meetings on:

- (a) 31 August 2017 (excluding minutes 40 to 41 that were considered by Council on 20 September 2017) **(Page 1 - 94)**
- (b) 20 September 2017 **(Page 1)**
- (c) 27 September 2017 **(Page 1 to 12)**
- (d) Excerpt of 1 November 2017 **(Page 1 to 5)**

11. **Standards Committee for Warwick District**

To consider a report from Democratic Services **(Page 1- 10)**

12. **Community Infrastructure Levy Adoption**

To consider the report from Development Services
(Pages 1- 9 and Appendices 1 to 4))

13. **Appointment to Committees**

- (a) To appoint Councillor Wright to Finance & Audit Scrutiny Committee in place of Councillor Murphy;
- (b) To appoint Councillor Murphy as a substitute for Finance & Audit Scrutiny Committee
- (c) To appoint Councillor Wright as a substitute for Planning Committee.

14. **Director of Public Health for Warwickshire Health Annual report**

To receive the presentation from the Director of Public Health Warwickshire regarding their Annual report.

15. **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 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.

Item Nos.	Para Nos.	Reason
16	1	Information relating to an individual
16	2	Information which is likely to reveal the identity of an individual.
16	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information).

16. **Confidential Employment Committee Report**

To consider the confidential report of the Employment Committee meeting on 13 September 2017. **(Page 1- 2)**

17. **Common Seal**

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



Chief Executive
Published Tuesday 7 November 2017

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

Telephone: 01926 456114
E-Mail: committee@warwickdc.gov.uk

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

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

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) 456114 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 456114.

WARWICK DISTRICT COUNCIL

Minutes of the meeting held on Wednesday 20 September 2017, at the Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT: Councillor Boad (Chairman); Councillors Ashford, Bromley, Mrs Bunker, Butler, Cain, Mrs Cain, Cooke, D'Arcy, Davies, Davison, Day, Doody, Edgington, Mrs Evetts, Mrs Falp, Gallagher, Gifford, Gill, Miss Grainger, Grainger, Heath, Hill, Howe, Illingworth, Mrs Knight, Margrave, Mobbs, Morris, Murphy, Naimo, Noone, Parkins, Phillips, Quinney, Mrs Redford, Shilton, Mrs Stevens, Thompson and Weed.

32. **Recording of the Meeting**

At the start of the meeting the Chairman proposed that considering the importance of the issues to be considered at the meeting including the public interest in them, it would be appropriate that the meeting should be recorded, as set out within Council Procedure Rule 33.

This was duly seconded and

Resolved that the meeting of Council on 20 September 2017 be recorded.

The Chairman informed the meeting that he would be taking the agenda in an amended order so that after apologies for absence and declarations of interest he would take Public Submissions followed by the Local Plan Adoption.

33. **Apologies for Absence**

Apologies for absence were received from Councillors Barrott, Coker, Cross and Whiting.

34. **Declarations of Interest**

There were no Declarations of Interest.

35. **Public Submissions**

The Chairman informed Council that he had agreed to permit the five registered speakers to address the Council for up to four minutes each. Whilst he was mindful that each wanted to address regarding the Local Plan Adoption, each wished to outline concerns about different aspects of the Plan.

The following addressed the Council regarding the Local Plan Adoption:

- Mr P Langley from CPRE;
- Mr R Flyer;
- Councillor R Davies from Finham Parish Council;
- Councillor A Taylor from Burton Green Parish Council; and
- Mr Kirby.

36. **Local Plan Adoption**

The Executive considered a report that sought to adopt the Local Plan 2011 – 2029, for Warwick District, subject to the Main Modifications put forward by the Inspector in his report, as set out at Appendix 2 to the report, and encompassing a number of minor modifications set out in Appendix 3, to the report. The report also sought agreement to adopt the Policies Map to accompany the Local Plan as shown in Appendix 4, to the report.

The recommendations in the report were proposed and duly seconded.

At the request of the Chairman, the Chief Executive reminded Members that the decision to be taken was either to adopt the Local Plan or not to adopt the Plan and the risk associated with these decisions. There was not an option to accept part of the proposed plan.

Councillors; Grainger, Cooke, Mrs Bunker, Thompson, Gifford, Davison, Doody, Illingworth, Mrs Redford, Morris, Heath, Quinney, Mobbs and Rhead.

Resolved that the

- (1) Warwick District Local Plan 2011-2029 is adopted in accordance with Section 23 of the Planning and Compulsory Purchase Act 2004 and that this Local Plan supersedes the earlier policies as set out in Appendix C of the report, of the Schedule of Main Modifications;
- (2) adopted Warwick District Local Plan 2011-2029 is the Submitted Local Plan - 28 January 2015 (as shown in Appendix 1 to the report) as amended by:
 - a) the schedule of Main Modifications recommended by the Local Plan's Inspector as set out at Appendix 2 to the report; and
 - b) the schedule of minor modifications as set out Appendix 3 to the report;
- (3) adoption statement and the final sustainability appraisal report is issued on or before Friday 29 September 2017 in accordance with regulations 17 and 26 of the Town and Country Planning (Local Planning) Regulations 2012 (as amended);
- (4) authority is delegated to the Head of Development Services to make minor modifications to the Plan prior to it being published, where these modifications are confined to the correction of typographical errors, amendments to policy or paragraph reference numbers, and consequential cross referencing; and
- (5) Policies Map is amended, in accordance with Appendix 4 to the report, to reflect the new Local Plan 2011-2029.

37. **Minutes**

The minutes of the meeting of the Council held on 9 August 2017 were taken as read and were duly signed by the Chairman as a correct record.

38. **Communications & Announcements**

The Chairman offered Councillor Hayley Grainger the congratulations and best wishes for the future following her wedding earlier in the month.

The Chairman informed Council that there was no business to be conducted under Item 5 Petitions.

39. **Notices of Motion**

- (1) Councillor Quinney proposed, and it was duly seconded that the Council ring fences the remaining Right to Buy receipts held on reserve in the general fund solely for investment in new affordable and social housing.

Councillors Quinney, Bromley, Gifford, Grainger, Butler and Phillips spoke on this item.

On being put to the vote the motion was lost.

- (2) Councillor Quinney proposed and it was duly seconded that the Council should offer overnight accommodation to rough sleepers for every night once the temperature is predicted to drop to zero or below.

Councillor Naimo proposed an amendment to the Motion, that was duly seconded so that it read:

"that the Council recommends to the Executive that it should offer overnight accommodation to rough sleepers for every night once the temperature is predicted to drop to zero or below."

Councillor Phillips asked the proposer of the amendment that it be amended so that in referring the matter to the Executive, the Council also asked for a report on the matter. This was accepted by the proposer and seconder. The Motion was therefore revised to read:

"That the Council asks officers to bring a report to the Executive for them to consider offering overnight accommodation to rough sleepers for every night once the temperature is predicted to drop to zero or below".

On being put to the vote the motion was carried to become the substantive motion, for which there was no debate. It was therefore put to the vote and

Resolved that officers bring a report to the Executive for them to consider offering overnight accommodation to rough sleepers for every night once the temperature is predicted to drop to zero or below.

40. **Leader's and Portfolio Holders' Statements**

The Leader informed Council that Kuala Lumpur had withdrawn from the bidding process for the 2022 Commonwealth Games which left Birmingham in the key seat for delivering the Games. Officers would be looking at this opportunity with a view to bringing forward the maximum benefit for the District if the Games went to Birmingham.

The Leader informed Council that the current administration brought forward responsible plans. It was important the Council worked together and reflected the views of the community it represented. The role of opposition was easy because it could bring forward ideas without the need to consider the bigger picture. He took the opportunity to thank his colleagues on the Executive for their work including achieving savings each year without detriment to the services provided by the Council. In addition, plans had been approved to invest in services where it was required, for example pre application advice and HMOs. He reflected that when he became Leader, Jaguar Land Rover had a significant sub regional influence but no sites within Warwick District. They now had sites at Fen End, Whitley and Warwick Tech Park. There was also the investment in the District from Tata and Vitsoe. Overall high tech engineering was thriving in the District but more sites were required. The Council was leading on the Leamington Town Centre Vision along with the Creative Quarter. As a result this District was the motor of the sub-region.

The Leader informed Council that the adopted Local Plan sought to provide a balanced housing market for the District, and whilst the Council was committed to affordable housing, the challenge was finding the right position and delivering the right types. The Council was delivering affordable housing through new schemes like Sayer Court with 971 new affordable homes delivered and 1363 with permission but yet to be completed. This level of development was supported with equal investment in open spaces like the Tachbrook Country Park and Whitley South. The Council was committed to its current parks and was proud in its achievements in attaining Green Flag Status for its flagship parks. The Council was leading on investment in St Mary's Lands in Warwick, had secured funding over £1million for the Royal Pump Rooms and had appointed a Conservation Officer to work on making the historic canal network within the District a conservation area. He concluded that this administration was responsible and caring.

The Portfolio Holder for Development, Councillor Rhead, updated the Council following the recent Gypsy and Traveller briefing with Parish and Town Councils. He reminded Members that the aim was to help educate about the communities the Council was required to find a home for. The meeting had been positive and as a result a number of potential sites had been identified that had not previously been considered and these were being actively investigated. He reminded Council that there was a need to work together to resolve this.

Councillor Grainger, on behalf of Councillor Coker who was unable to attend, reminded Council that St Nicholas Park was due to reopen on Thursday 21 September 2017.

41. **Questions to the Leader of the Council & Portfolio Holders**

Councillor Naimo asked the Portfolio Holder for Development, if he could confirm what percentage affordable housing was expected to be delivered from

the redevelopment of the Riverside House site, because the submitted planning application was unclear?

In response to the question and supplementary question, Councillor Rhead confirmed that there would be an independent overview of the site and the matter should be one that the Council left for Planning Committee to determine without the risk of prejudicing it.

Councillor Davison asked the Portfolio Holder for Neighbourhood Services, if, as part of the work of Warwickshire Waste Partnership to work together on the refuse and recycling contract, was work being undertaken to synchronise the end of current contracts, so that these did not make any proposal unviable?

In response to this question and a supplementary question Councillor Grainger explained that this was a major piece of work and the contracts dates were being looked at but this process was only just starting.

Councillor D'Arcy asked the Leader, if he was aware that 2018 was the 100th Anniversary of women winning the right to vote and because two leading figures in this movement Mary Louise Vellacott and Mary Dormer Harris lived in Leamington Spa, what would this District be doing to celebrate this?

In response the Leader thanked Councillor D'Arcy, agreed this was something we should look at and asked Councillor D'Arcy to send her ideas and aspirations for such an event to him, so consideration could be given as to what could be achieved.

Councillor Parkins asked the Portfolio Holder for Development what if any plans were being developed to improve sustainability and energy saving within properties in Warwick District, for example the fabric first principle?

In response Councillor Rhead explained that he and the Head of Development Services had met with a developer who had agreed to build a new show home to demonstrate that renewable energy was economically sound. The developer had concerns because in their view potential owners would struggle to get a mortgage for the additional costs. This view had been challenged by the Council which had also agreed to help market the property.

Councillor Quinney asked the Portfolio Holder for Development if the Executive would be reconsidering the refusal to adopt the minimum space policy recommended by central government in 2015, to which 60% of builds in Warwick District failed to meet?

In response Councillor Rhead replied that they would not be reconsidering this.

Councillor Quinney asked the Leader, if he could confirm that for each year since 2011 it was correct that the Council had come no closer than 50 short, of the target number of affordable houses that need to be built each year to meet the targets the Council had set itself within the Local Plan that had been adopted earlier in the evening?

In response the Leader reminded Councillor Quinney of the statement he had made earlier in the evening about the number of affordable homes that had been built in the District and would ask for officers to send round these figures to all Councillors.

Councillor Quinney asked the Leader, that because of the concerns about the level of affordable housing that would be delivered as part of the HQ relocation project, would the Executive commit to considering different options to the proposal with a view to delivering the sites as affordable house?

In response the Leader explained that it was easy for the opposition to provide ideas without consideration of the bigger picture. There would be an independent evaluation of the applications that would be determined by the Planning Committee. This was part of a significant investment in Leamington Town Centre including a new car park and HQ for the Council that would be cost neutral and result in significant revenue savings.

Councillor Mrs Falp asked the Leader if Warwick District Council would be making a budget available, as part of the budget setting process, for each town to hold events commemorating the 100th Anniversary of the end of the First World War in 2018?

In response the Leader confirmed that was something the Council did to mark the 100th anniversary of the start of the First World War and there should be no issue in a budget being allocated for each towns in the District to enable them to mark the 100th anniversary of the end of the First World War.

Councillor Gifford asked the Portfolio Holder for Development if he would look into a new policy for all new housing to have electric vehicle charging points?

In response Councillor Rhead agreed that he would look into this.

Councillor Heath asked the Portfolio Holder for Development if he was aware that even if the Council had a temporary site available for Gypsies and Travellers and this was able to accommodate six-eight caravans the Police would be unable to move Gypsy and Travellers onto the site if the number of caravans was greater than the space available?

In response Councillor Rhead explained that he did not understand this to be the case but that the Police would be able to require those which could be accommodated on site to move to the site and require any remaining caravans to be move on.

Councillor Parkins asked the Leader that in light of the Local Plan decision earlier and the Notices of Motion that this showed the opposition could look at the bigger picture and the Council should put personal matters aside and work together?

In response the Leader agreed and offered Councillor Parkins the opportunity to join the Conservative Group.

Councillor Mrs Knight asked the Leader if he shared her concern that while the Council had a policy of 40% affordable housing on housing developments this was not always achieved and therefore should the Council have a Policy similar to Oxford where the aim was to achieve 60% affordable housing with a minimum level of 30%?

In response the Leader confirmed that the Council had a Policy of 40% affordable housing but this was subject to viability of each site. This was a

matter that Councillor Rhead was looking at along with the information on each case. However the Leader was mindful that Labour controlled Coventry City Council had set a level of 10% affordable housing and that the Executive cared about the community and looked to ensure a mix of housing within developments.

42. **Report of the Executive**

The reports of the Executive meetings were proposed duly second

Resolved that the Executive reports as follow, were approved:

- (1) 28 June 2017 (excluding minutes 13 to 17 that were considered by Council on 9 August 2017);
- (2) 26 July 2017 (excluding minutes 25 to 28 that were considered by Council on 9 August 2017); and
- (3) Excerpt of 31 August 2017.

43. **Review of Warwick District Council Ward Boundaries**

The Council received a report that brought forward the draft submission from this Council to the Local Government Boundary Commission for England (LGBCE) regarding the size of the Council as part of the review of Warwick District Council Wards.

The Licensing & Regulatory Committee had met earlier in the afternoon to consider this report and had made the following comments:

Recommendations 2.1 – Was supported by the Committee

Recommendation 2.2a – A recommendation from the Committee that all the Council size should increase from 46 to 48 due to the increase in electorate and the retention of responsibility for services.

Recommendation 2.2b – Was agreed subject to revisions to the document to provide reasoning for the small increase which was recognised would need to be provided by Councillors.

Recommendations 2.3 to 2.6 – Were supported by the Committee.

Councillors Illingworth, Mobbs, Mrs Knight, Gifford, Quinney and Mrs Falp spoke on this item.

Resolved that

- (1) the timetable for the review of its Wards as set out at Appendix 1 to the report, be noted;
- (2) the Council proposes an small increase in the number of Councillors to 48 recognising the usual tolerance of plus or minus one Councillor;
- (3) the Chief Executive, in consultation with the Leader and the Chairman of the Licensing & Regulatory Committee, be authorised to finalise the wording of

the submission, so long as it does not alter the proposed size of the Council;

- (4) the electorate forecasting methodology and forecast up to 2023, be delegated to the Chief Executive, in consultation with the Leader and the Chairman of the Licensing & Regulatory Committee;
- (5) officers make the submissions to the LGBCE as statements of fact as outlined in Paragraph 3.12 of the report; and
- (6) a report be brought to Council setting out the proposed Warding arrangements once the LGBCE has accepted the proposed size of the Council.

44. **Appointment to Finance & Audit Scrutiny Committee**

It was proposed, seconded and duly

Resolved that Councillor Murphy be appointed as a member of the Finance & Audit Scrutiny Committee.

45. **Public & 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 Nos.	Para Nos.	Reason
46	1	Information relating to an Individual
46	2	Information which is likely to reveal the identity of an individual
46	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

46. **Confidential Executive report**

The Chairman had agreed to the confidential report of the Executive on 31 August 2017 report being taken as an urgent item because of the need for the Council to consider an aspect of the Minute relating to Mallory Grange affordable housing to enable a proposal to proceed.

Resolved that the confidential Executive report of 31 August 2017 be approved.

45. **Common Seal**

It was

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

(The meeting ended at 8.49 pm)

Chairman
15 November 2017

Executive

Minutes of the meeting held on Thursday 31 August 2017 at the Town Hall, Royal Leamington Spa, at 6.00 pm.

Present: Councillor Mobbs (Leader); Councillors Butler, Coker, Grainger, Phillips, Rhead, Thompson and Whiting.

Also present: Councillors; Boad (Liberal Democrat Group Observer); Mrs Falp (Chair of Overview & Scrutiny Committee and Whitnash Residents' Association (Independent) Group Observer); Naimo (Labour Group Observer); and Quinney (representative of Finance & Audit Scrutiny Committee).

At the start of the meeting Councillor Mobbs reminded Councillors about the information circulated after the agenda had been published including the minutes of 28 June and 26 July; addendums to the Car Parks Fees and Charges, Budget Review to 30 June, Disposal of the Land off the Holt and Housing related Support Services; and comments made by the Scrutiny Committees.

38. **Declarations of Interest**

Minute 44 - 12 Month Waste Container Charging Update

Councillor Mrs Falp declared a personal interest because her son worked in the department.

Minute 46 and 52 - Disposal of WDC land off The Holt / Cubbington Road, Lillington, Leamington Spa

Councillor Boad declared a personal interest because the church organisation was known to him.

Minute 47 - Procurement Exemption for WDC VCS Commissioned Contracts 2015/2018

Councillor Boad declared a personal and prejudicial interest because he was the Chair of one of groups that received funding and left the room when this item was considered.

Minute 48 - Delivery of the proposed Hotel forming part of the St Mary's Lands Masterplan, Warwick

Councillor Grainger declared a personal interest because she was a member of the St Mary's Lands Working Party.

Minute 51 - Neighbourhood Services Redesign

Councillor Mrs Falp declared a personal and prejudicial interest because her son worked in the department and she left the room when this item was considered.

39. **Minutes**

The minutes of 28 June and 26 July 2017 were taken as read and signed by the Leader as a correct record.

Part 1

(Items on which a decision by Council on 20 September 2017 was required)

40. **Proposed Housing Financial Assistance Policy**

The Executive considered a report from Housing Services that sought support for the revised Housing Financial Assistance Policy.

On the 1 April 2017 Warwick District Council entered into a partnership agreement with the four other Warwickshire District and Borough Councils, Warwickshire County Council and Public Health to participate in the countywide HEART service (Home Environment Assessment and Response Team) for the delivery of home adaptations and related services.

The review into the Housing Financial Assistance Policy had been undertaken as a result of the creation of HEART and the increase in Disabled Facilities Grant funding.

In 2013 the Government introduced a single pooled budget for health and social care services, known as the Better Care Fund (BCF) which included Disabled Facilities Grant funding. The BCF required the NHS and local authorities to agree a joint plan to demonstrate how the funding would be best used within social care to achieve the best outcomes for local people. The funding included financial incentives to deliver services which prevented the need for: residential care; emergency admissions to hospital; or acute services.

The aims and objectives of the new Housing Financial Assistance Policy were:

- Create consistent types of financial assistance across Warwickshire for delivery by the HEART partnership.
- Align the policy with the objectives of the Better Care Fund which were to: assist with the prevention of admissions to hospital and social care; support hospital discharge; and reduce the need for social care interventions. (A summary of the proposed financial assistance was included in appendix one of the report.)
- Make effective use of the increased budgets from the Disabled Facilities Grant allocation to meet the Better Care Fund objectives.

The increase in Disabled Facilities Grant funding had created the opportunity to increase the amount and types of financial assistance available to local residents to help address conditions within the home environment. The council's Housing Financial Assistance Policy therefore needed amending to take advantage of this opportunity.

The revised policy would deliver consistent financial assistance across Warwickshire aligned with the Better Care Fund objectives.

It would support HEART to deliver a more holistic service and to be able to take advantage of the opportunity to assist with the prevention of, and reduction in the need for, health and care interventions.

It would further enable HEART to adapt and respond quickly to future needs and opportunities as it was proposed that delegated authority was given to the Head of Housing Services, in consultation with the Housing Portfolio Holder, to authorise minor changes to the policy which were in keeping with the objectives of the Better Care Fund. Major changes would be reported to Executive for approval in the usual way.

Alternatively, the Council could review the Council's current 2006 policy in isolation, without linking this to the countywide HEART service but this would miss an opportunity to provide an enhanced and consistent Housing Financial Assistance Policy throughout the county, linked to the objectives of the Better Care Fund.

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

Recommended that

- (1) Council approves of the Housing Financial Assistance Policy, attached at appendix one to the minutes, to run concurrently with the agreement to participate in the countywide HEART service until 31st March 2022; and
- (2) any future minor changes to the policy that maintain the alignment with the Better Care Fund objectives are delegated to the Head of Housing Services in consultation with the Housing Portfolio Holder.

(The Portfolio Holder for this item was Councillor Phillips.)
Forward Plan reference 658

41. Car Park Fees and Charges 2018

The Executive considered a report from Neighbourhood Services which brought forward the proposed Council Car Park Fees and Charges for 2018.

There were significant challenges on the horizon for car parks in Warwick and Leamington and the increases to car park charges took in to account the individual towns parking needs and forthcoming car parking issues.

The changes to car park fees and charges detailed in this report were estimated to increase overall car park income by 2%. The additional income was to be generated from a review of season ticket rates,

increases to the pay & display rates in the Kenilworth car parks, Old Town Car Parks and the overnight charge.

Consultation on the proposed increases to car park charges had been undertaken by officers. Support for the proposed charges had been received from Royal Leamington Spa Town Council and Kenilworth Town Council. The comments from Warwick Town Council and local business Groups were received after the publication of the agenda and were circulated to all Councillors by way of an addendum.

The Comments received were as follows:

Warwick Town Council also supported the *move to bring parking charges in Kenilworth in line with Warwick. Councillors would like to see a joined-up strategy, WCC & WDC working together, with on and off-street parking reviews.*

Members of the Chamber of Trade had no issues with the proposed charges however expressed concerns over the situation at Linen Street MSCP and the potential loss of parking to the town centre.

The Council was required to update its Fees and Charges in order that the impact of any changes could be reflected in the setting of the budget for April 2018. Discretionary Fees and Charges for the forthcoming calendar year had to be approved by Council.

The provision of off-street car parking was an important service that Warwick District Council provided as it supported residents, town centre businesses and tourism.

The car park stock required substantial funds on an ongoing basis to maintain and improve it. All the costs of operating, maintaining and supporting the car park service had been brought together in a car parking Memorandum Account. This demonstrated that the car parks were operating at a substantial deficit. With continued financial restraint by Central Government upon Local Authorities there was a requirement for Warwick District Council to recover the full costs of the service. Charges for this year had been devised to take into account the need to reduce the net cost of the service whilst understanding the parking needs associated with each town.

The proposed Riverside House move would result in the closure of Covent Garden multi storey and surface car parks in late 2018, also the structural condition of Linen Street car park was under constant review and this car park could potentially close at any time. Both of these closures would have significant impacts on parking within Leamington Spa and Warwick. Ergo, there was ongoing work in relation to car park displacement planning which could necessitate the need for further changes to charges. This had been factored in to the new car park charges resulting in only minor changes to Warwick and Leamington Spa car parks rates.

All three towns were utilising the linear charging regime and, whilst this type of charge gave greater flexibility for customers, it limited the ability to increase prices. With nearly 55% of ticket sales being two hours or under, the option to increase the up to two hours off-street parking

charges was considered. This option had been discounted due to the District not being able to increase these lower band charges without the County Council increasing their up to two hours on-street charges.

During the consultation process, the increase of the overnight charge by 50p was considered high by the Town Councils. Officers looked at a lower increase to the overnight charge of 20p which would increase the charge to 70p for overnight parking and was estimated to generate £10,000. However, this option had been discounted because stakeholders accepted that the original 50p increase was still low in comparison to the charges on offer in the car parks.

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

The Executive recognised the work from the Task & Finish Group that had been undertaken and while it would be considered for inclusion within the Fees and Charges for 2019, this could not be guaranteed because of the reduction in car parking spaces, due to Convent Garden being closed, in that time period.

The Executive also highlighted that the car parks managed by the Council were not a 'cash cow' used to support other services but that charges set by this Council were at a level to encourage a vibrant and viable town centre.

Recommended that

- (1) Council approves the increases to car park fees and charges as detailed in Appendix 2 to the minutes from 1st January 2018; and
- (2) the Head of Neighbourhood Services, in consultation with the Portfolio Holder for Neighbourhood Services, implements the car park fees and charges, in accordance with the Off-Street Parking Order Process.

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

Forward Plan reference number 862

(Councillor Rhead arrived during this item)

41. Budget Review to 30 June 2017

The Executive considered a report from Finance that provided an update on the Council's budget for 2017/18/.

Since the Budgets were set in February of this year, various changes had been identified and were presented for their approval and informed of the latest financial position for both 2017/18 and in the medium term. The Medium Term Financial Strategy had subsequently been reported to the Executive in June 2017, as part of the Fit for Future Report.

There were various other sections within the report, covering exemptions to the Code of Procurement Practice, revised arrangements for the Enterprise Reserve, and proposals for other funding adjustments.

The latest variances to Budgets were shown in Appendix A to the report, which totalled a £31,200 favourable variance.

There were several stages to the Europa Way project which would be subject to a future Executive report. It had already been approved that the project costs of taking this forward would be funded from the Community Projects Reserve. This would not impact on the Council's overall finances for 2017/18. However, the purchase of the land and any further Capital Expenditure and subsequent purchase of the Football site would be funded in the short term from internal borrowing. For 2017/18 the "cost" in lost Investment interest was originally estimated at £13,600, although this would be reviewed to reflect the actual date of completion.

This had been factored into the Medium Term Financial Strategy along with assumed external borrowing costs should the project proceed to the next stages.

In the current year, this Council received a refund on the Business Rates for Newbold Comyn Leisure centre of £24,000. Other sites had one off increases of £23,000 which resulted in a £1,000 favourable variance. The 2017 Revaluation had increased costs of business rates on the Council's property on a recurrent basis by £45,100 for the General Fund, there had been some small HRA reductions amounting to £300. There would be further costs in future years as the transitional relief was phased out. This had been factored into the Financial Strategy.

Neighbourhood Services had forecasted the impact of property growth on the Council's Major Contracts. An additional £65,900 had been factored into 2017/18 Budgets.

Appendix B to the report detailed the allocations from this budget with a balance of £77,900, at 30 June, left for the rest of the year. The other contingency budgets had the following balances:-

Contract Cleaning	£22,300
Price Inflation	£64,500

With effect from 25 May 2018, the General Data Protection Regulations would apply to all businesses and public bodies in the UK. There would be a legal requirement for a specific officer to be responsible for adherence to the regulations. It would not be possible for the preparation, implementation and compliance work to be delivered from within current resources. It was therefore proposed that a new Data Protection Officer (DPO) post was shared with Stratford DC. The post could be funded from the Contingency Budget, with the likely cost to be £40,000. Members were asked to approve this, leaving a balance of £37,900 for the rest of the year. This was before any other requests, agreed by the August Executive.

Revenue slippage from 2016/17 had been added into the 2017/18 budget, totalling £288,600 for the General Fund, Appendix C to the report, as reported to Executive in July as part of the Final Accounts Report. This would be monitored separately and reported to Executive on a quarterly basis. As at the end of June £57,700 (20%) had been spent to date. In addition, £163,900 of revenue slippage was approved for the HRA and these could also be seen in Appendix C.

Appendix D to the report, detailed income against budget for the last three years for major income budgets. This included details of the income to date, and projected outturn. These figures were being closely monitored. Changes were factored into the Budget and Medium Term Financial Strategy.

Within the Housing Revenue Account (HRA) the Communal Safety Checks contracts required additional, ongoing, funding of £15,000. The budget was reduced in September 2015, but it was no longer sufficient for the works needed.

There were also minor variations within the HRA with an adverse variance from business rates of £2,400 (A) and Warwickshire Safeguarding Children Board - HRA contribution £1,500 (A). There were also the following favourable variances:

HRA Salary Variations	£
Head of Housing vacancy	20,000 (F)
H & PS Service Improvement - vacancies to date	5,600 (F)
Warwick Response - service under review.	7,000 (F)
H&PS Business support - recruitment ongoing	9,600 (F)
	42,200 (F)

The total of all these variances resulted in a net saving of £23,300. It was proposed these budgets were amended, resulting in an additional contribution to the HRA Capital Investment Reserve.

It was proposed that the Capital budget of £318,200 for the Leamington Spa One Stop Shop be deleted from the Capital Programme. It was no longer required due to the forthcoming office move to the new premises. This would result in additional funding being available within the Capital Investment Reserve.

It was proposed to increase the Play Area Improvements Budget by £1,100 for the Castle Farm access point which would be funded from Section 106 monies.

The Public Address System in Council Chamber, £45,000, was agreed as part of the February 2017 Budget report. Whilst it was funded from revenue, the scheme was now classed as capital, and so had now been included within the Capital Programme.

It was agreed to fund the St Nicholas Park Tennis Courts refurbishment, £30,000, from the Equipment Renewal Reserve. The latest estimated cost was £25,100. Any underspending would be returned to the Reserve.

Work on the refurbishment of Newbold Comyn and St Nicholas Park Leisure Centres was currently on-going following approval by Council to the project in November 2015. The total budget agreed within the Capital Programme for these works was £15,259,800. Both sites had experienced significant disruption to the construction programme as a result of delays and errors of utility companies and their contractors. Officers had instructed Warwickshire Legal Services to examine the history and documents relating to these matters and consequently Counsel's advice had been sought on the next steps the Council should take. The Portfolio Holder for Culture and more broadly the Executive were being kept up to date on an ongoing basis.

The delayed programme meant that currently the estimated cost of the works stood at £16,537,864, being £1,278,065 over budget. The vast majority of this amount (£1,237,158) had been caused by the aforementioned delays and disruption. At this point it must be emphasised that this revised budget was not agreed between the Council and its contractor, Speller Metcalfe. On the Council's behalf, Mace, the project manager, was challenging the claims made by Speller Metcalfe. This was normal process for a construction contract. However, it was clear that there would be a substantial amount that Speller Metcalfe would be able to claim under the terms of its contract with the Council.

As a result of the above, it was necessary to recommend that Members increase the Capital Budget for the refurbishments by £1.3m. This was proposed to be funded from the usable Right to Buy Capital Receipts. Currently the Council held £5.1m for which there were no specific plans for their use. As previously advised, other than the One for One element of these receipts, which was excluded from the figures quoted, the Council had total freedom as to how these receipts were used to fund the capital programme. Currently these receipts were invested to receive an investment return of approximately 0.5%. Alternatively, the Council could increase the borrowing already agreed for the leisure centres. With rates likely to be in excess of 2.5%, it was recommended that the use of the Right to Buy Receipts be agreed.

The Medium Term Financial Strategy (MTFS) was last presented to Members as part of the June Fit for the Future Report. This forecast a £536,000 Deficit by the end of 2022/23.

It had been updated to incorporate the rest of the variations outlined above, with the exception of the ICT Salary Top slice, Salary variations in Development Services and Finance. These had not been reflected in the Strategy as managers were not certain that these would change. The positions would be monitored as part of the Budget Review process.

The most significant changes since June were the incorporation of the increase in Member Allowances (£26,000) which was approved by Council in June 2017. This was being funded from the Contingency Budget for 2017/18, but would impact on future years.

The impact on the Council's Major Contracts from new property growth had been fully assessed and a trajectory produced until 2022/23. The full

impact on the forecast was an additional £288,000 including the £40,000 additional growth from 2016/17.

The additional savings required were partly mitigated by a greater increase in the Council Tax Base than forecasted in February of the year reflecting the increased housing developments across the District. In 2022/23, there was an increase in income approaching some £550,000.

The impact on the General Fund's Business Rates budget for the rates due on the Council's municipal properties from the 2017 Revaluation was included in the report. However, this year's increase was tapered by transitional relief. When this was phased out, there would be a further ongoing impact of £162,000.

It had been established that a lot of the land within the General Fund's Grounds Maintenance Budgets was HRA land. Approximately £82,600 was built into General Fund Budgets for this work. At the time of writing this report, Officers were confirming the full amount within the General Fund to enable these costs to be transferred to the HRA. General Fund Budgets would then be reduced. The HRA expenditure would be funded from Capital Investment Reserve. The Strategy included this estimate for now and both the Strategy would be updated in due course. It had not been included in the variations reported above.

The MTFS currently included 1% per annum for pay awards in line with Government expectations. With the National Living Wage due to increase in forthcoming years, there was a national review of spinal column points on-going. The impact of this had not been reflected in the MTFS but it was expected to present an additional pressure as pay differentials were sought to be maintained.

From January 2018, organisations were no longer able to pass on the Credit Card Surcharges onto their customers. The amount recovered currently was £16,500 per annum. A proportion of this related to Council Tax (circa 8%). By January, the majority of this would have been paid, so the first quarter's impact would not be so great. Also, the £16,500 included the Leisure Centres. However, once the surcharge was abolished some customers currently paying by Debit Card, may then use their Credit Cards instead. Until the system was introduced the full impact could not be accurately assessed. This would be closely monitored and a prudent approach taken when the 2018/19 Budgets were set.

Having factored in all these changes, the MTFS forecasts an ongoing deficit of some £385,000 unless further savings could be identified and delivered. The Profile of these savings was

	2017/ 18	2017/18 Latest	2018 /19	2019 /20	2020 /21	2021/ 22	2022 /23
	£'000	£'000	£'00 0	£'00 0	£'00 0	£'000	£'00 0
Deficit-Savings Required(+)/Sur plus(-) future years	0	-15	203	203	-546	212	385

Change on previous year	0	-15	218	0	-749	758	173
Current Year Surplus(-) Deficit (+)							

The 2017/18 forecast differed from that in the report and Appendix A to the report. Some of the Salary Variations reported were estimated and at this point in the year, it was considered prudent to report them but not as yet factor them into budgets until they were more definitive. A reconciliation of the two Surpluses was:

	£'000's
Surplus 2017/18 in Strategy	-15
Remove Grounds Maintenance Transfers to the HRA	82.6
Development Salaries	-9.1
Finance Salaries	-39.7
ICT Top slice	15.6
Housing Advice Salaries	-18
Building Surveying Salaries	-34.8
Property/Estates Salaries	-13
Rounding	0.2
Quarter One Report	-31.2

With substantial savings still to be agreed for 2018/19 and future years, it was proposed that a further Fit For the Future report would be presented to Executive ahead of the Budget setting process for 2018/19.

Spencer Yard, Althorpe Enterprise Centre and Court Street Arches Spencer Yard (West Wing and North Hall), Althorpe Enterprise Centre and Court Street Arches were all schemes partly funded by grants from Advantage West Midlands. The grant conditions included the condition that any surplus on the operating costs be re-invested in employment initiatives. The surpluses on these projects (excluding support services and capital charges) were allocated to the Enterprise Reserve.

26 Hamilton Terrace was funded by the Local Enterprise Partnership. In July 2014 Executive had agreed that 12% of the gross rental income for this scheme was used for sector specific business support initiatives. This allocation method was at variance to the AWM funded schemes. It was proposed that in future, 26 Hamilton Terrace was brought under the same regime as the other schemes, with the net surplus being allocated to the Enterprise Reserve. The net impact of this on budgets would be minimal (£100 based on 2017/18 Budget).

The Enterprise Reserve was originally created to "smooth" any surpluses and deficits on the Enterprise projects. The balance on the Reserve was £81,000, having built up over several years. It was proposed that in future the reserve was used to also fund specific business support initiatives. To enable this to happen, it was proposed that the Head of Development Services was granted authority to agree initiatives up to £20,000. Above this, funding requests would need to be determined by the Executive.

As part of the Final Accounts Process, annual contributions had been made to this Reserve from the surpluses from the Enterprise schemes; this had never been built into the Budgets. This would be redressed within the base budgets presented in November.

87.5% of the gross rental income from 26 Hamilton Terrace was being contributed to the Capital Investment Reserve. Due to the revised arrangements (subject to member Approval) this would no longer be appropriate.

Following consideration of a report in November 2016, it was agreed that the Council opted in to the appointing person arrangements made by Public Sector Audit Appointments (PSAA) for the appointment of external auditors from 2018/19 for a five year period. PSAA had now awarded the contracts under this tender process, with Grant Thornton, the Council's current auditors. Headline figures suggested that there would be a reduction of approximately 18% in the scale fees. The PSAA had recently proposed that Grant Thornton would continue as Warwick District Council's external auditors from 2018/19. It was recommended that Members accept this appointment.

Following the abolition of the Audit Commission, the Department for Communities and Local Government (DCLG) delegated statutory functions for the certification of Housing Benefit (HB) subsidy claims to PSAA for a temporary period. This included responsibility for the appointment of auditors to the local authorities (LAs). This temporary period would end in March 2018.

From the 2018/19 Housing Benefits Subsidy Audit, local authorities needed to appoint their own external accountants. The Department for Work and Pensions (DWP) would be responsible for the HB assurance framework instructions, and the control of grant payments based on the assurance reports supplied under the new arrangements.

Consequently, the arrangements for the appointment of auditors, by PSAA, did not include the HB Subsidy Audit, for which local authorities would need to make their own appointment. DWP needed to be notified of the selected auditors by 28 February 2018.

The annual value of the Benefits audit was approximately £10,000.

The audit needed to be carried out by a provider registered with the Institute of Chartered Accountants of England and Wales (ICAEW). However, given the detailed and technical nature of the work, only the auditors that had carried out recent local authority audits were likely to hold the required expertise that was limited to seven firms across the country. Based on how the contracts had been awarded geographically, different firms had greater representation in certain areas.

Discussions had been held with the other Warwickshire district/borough councils to consider a collaborative approach to the appointment of the auditors. Assuming this was to be for a five year period, the value would require a full EU procurement which did not find favour with all parties.

Given the value of the contract, it was believed the most pragmatic way, was that when the Council had been notified of the 2018/19 auditor, discussions were held with them with a view to agreeing their appointment for the HB audit. Given the synergies that should exist with the auditors carrying out the main audit also carrying out the HB audit, this approach was likely to present best value. The appointment was proposed to be initially for one year, with the arrangements reviewed annually.

It was therefore recommended that an exemption to the Code of Procurement be agreed to enable the Head of Finance, in consultation with the Finance Portfolio Holder, to agree the appointment of the Council's auditors for the Housing Benefits Subsidy from 2018/19.

In accordance with the Code of Procurement Practice exemptions granted to the Code of Procurement Practice were recorded within Appendix E to the report. The first part of the table primarily related to exemptions granted under paragraph 6.5.1 of the Code. These related to the renewal of software licenses. The other exemptions listed were those below £20,000 which could be agreed by the Head of Finance under paragraph 6.2 of the code.

The 2017 revaluation of all non-domestic rate properties came into force on 1 April 2017. Following the revaluation, the rateable value of businesses in the borough had gone up by 3.9% although nationally this figure was 9.6%. As with previous revaluations, the Government had introduced a five year transitional scheme to phase in increases and decreases in rates payable.

In the Spring Budget the Chancellor announced three measures to help reduce the impact of business rate increases from April 2017:

1. Supporting Small Business Relief (SSBR) - SSBR would help those ratepayers who, as a result of the revaluation, were losing some or all of their small business or rural rate and, as a result, were facing large increases in their bills. SSBR would ensure that the increase per year in the bills of these ratepayers was limited to the greater of:

- A percentage increase per annum of 5%, 7.5%, 10%, 15% and 15% from 2017/18 to 2021/22, or
- A cash value of £600 per year (£50 per month)

Initial investigations had shown that this would only affect 16 Businesses. Due to the complex nature of this relief, specific software enhancements were required to both identify cases and apply the relief. The DCLG had recognised this and new burdens would be given to software providers to meet the cost of these changes. Any relief awarded would be recompensed via a Section 31 grant from the Government.

2. Public House Relief Scheme - This was a new relief scheme that provided a discount of £1,000 for pubs with a rateable value of less than £100,000 subject to state aid limits. The scheme was for 2017/18 only. Government guidance as to what constituted an eligible

pub had been made available and it was estimated there would be approximately 100 properties eligible. This would require software changes that were currently being tested. Any relief awarded would be recompensed via a Section 31 grant from the Government.

3. Discretionary Rate Relief Scheme – The Government had made available a four year funding package to Each Billing Authority in order to set up its own local Discretionary Rate Relief Scheme (DRRS). The purpose of the fund was to provide support to some ratepayers facing an increase in their bills because of the revaluation. The DRRS would require software changes to implement the scheme and would be subject to consultation with Warwickshire County Council. The five Warwickshire billing authorities had been in close contact regarding each other's schemes and whilst it was recognised that there were differences between authorities it was anticipated that there would be a consistent approach across the county.

With all of the above the Government had announced its intention that it would not be altering legislation in order to effect these changes. Instead, local authorities were to use their discretionary powers (under section 47 of the Local Government Finance Act 1988) to implement these changes.

The Housing Services and Assets teams currently used the MIS ActiveH system for their day to day activities. While the ActiveH system was modular, MIS Limited did not provide a Choice Based Lettings module. This was because, apart from Warwick District Council, all their other ActiveH customers were housing associations who were not required to provide a Choice Based Lettings solution.

In the absence of an ActiveH Choice Based Lettings module, Warwick District Council developed a fully integrated in-house solution, to administer its HomeChoice policy.

Currently there was only one developer within ICT Services who had a complete understanding of the coding in HomeChoice and the business processes in Housing Services. Consequently there was a business resilience issue and a risk to the allocations and lettings service because of the over-reliance upon a single officer. Furthermore, ICT Services now required the officer concerned to work on other aspects of the council's digital inclusion strategy and, as a result, support on HomeChoice would no longer be possible.

This meant that it might not be possible to make changes required as a result of recommendations, changes to legislation, or corrections to policy/process errors discovered during day-to-day operations. Hence, a new support provider was required and a tender process was currently underway.

While Housing Services initially considered purchasing an 'off the shelf' Choice Based Lettings solution, they discovered that this functionality was only available if they procured a replacement for the entire ActiveH system, which was neither practical nor required.

Housing Services briefly considered the standalone Abritas system, which initially looked promising. However, Abritas had now been acquired by Civica plc to integrate directly with their own housing software.

It was proposed to secure a company to provide ongoing support and future development of our HomeChoice software solution. One major advantage of providing the successful company with our existing in-house solution was that this software was fully integrated with our MIS ActiveH system.

The upfront development costs were anticipated to be in the range £35,000-£50,000, with ongoing revenue implications of £28,000. Most of the one off costs could be funded from the 'RSL contributions towards advertisements' reserve where there was currently an unallocated balance of £35,000, with further funding available from the HRA. It was proposed that the on-going running costs from 2018/19 be included in the Medium Term Financial Strategy.

Alongside the Grounds Maintenance works on HRA Land, a further £17,500 of works relating to Gypsy and Traveller to Encampments was approved to be funded from the Community Projects Reserve by the Executive in June.

In total £182,700 (£174,000 plus a 5% contingency) of work was approved to come from this Reserve. However, the HRA element would need to be funded from the HRA Capital investment Reserve in order to abide by the ring-fencing regulations relating to GF/HRA charges. £17,500 could therefore be returned to the Community Projects Reserve.

It had been established that the General Fund element was now forecast to be £152,500, so a further £12,700 could also be returned to the Community Projects Reserve, a total reduction of £30,200.

There were no proposed alternative options to the recommendations because monitoring expenditure and income and maintaining financial projections was good financial management and part of good governance. Accordingly, to propose otherwise was not considered

Following the publication of the agenda, an addendum to the report was published that brought forward a proposed Discretionary Rate Relief Scheme using four year funding agreed by the Government. It had been planned to bring details of the proposed scheme to September Executive, with a view to it being subsequently agreed by Council in November. However, it had been possible to bring the proposed scheme to Members now. By bringing the scheme now, the scheme should be able to be actioned following September Council.

The Finance & Audit Scrutiny Committee supported the recommendations in the report, including those detailed in the addendum.

The Executive highlighted that the report detailed a modest surplus after Quarter 1 which was a reasonable place to be at for the time of year. The report overall was good financial housekeeping but recognised that next year the Council anticipated a deficit and therefore officers were encouraged to come forward with further ideas to mitigate against this.

They reminded Councillors that even if the general fund budget was balanced the Council would need to fund the capital works. They also highlighted that it would be dangerous for any Council to believe that there would be a net benefit from Business Rate retention proposals from central government.

Recommended that:

- (1) Council approves the Capital Programme, the use of Right to Buy Receipts and other funding adjustments as detailed in the report;
- (2) authority be delegated to the Head of Development Services to draw down up to £20,000 from the Enterprise Reserve, and for amounts above this to do so in conjunction with the Development Portfolio Holder, beyond this threshold;
- (3) that it approves the proposed Local Discretionary Business Rate Relief, as detailed at Appendix 3 to the minutes, for those businesses adversely impacted by the 2017 revaluation; and
- (4) The scheme should be reviewed in year, for each of the 4 years of the scheme, by the Section 151 Officer in consultation with the Finance Portfolio Holder to ensure that the maximum amount of funding is spent.

Resolved that

- (1) the latest variances for the General Fund budget, the projected outturn on budget be noted and approves the budget changes detailed in paragraph 3.1 of the report;
- (2) the latest variances for the Housing Revenue Account and the projected outturn be noted and approves the budget changes detailed in paragraph 3.5;
- (3) a Data Protection Officer (DPO) post, to be shared with Stratford District Council (SDC), be funded for two years from the Contingency Budget, noting that the post will sit on SDC's staffing establishment operating as a shared service;
- (4) the spend to date on Earmarked Reserves brought forward from 2016/17, be noted;

- (5) the savings required as shown within the Medium Term Financial Strategy be noted and that a further Fit For the Future report be brought to them recommending how these savings can be made;
- (6) 26 Hamilton Terrace be accounted for in the same way as the other enterprise schemes, with the allocation to the Enterprise Reserve being the net surplus (excluding support services and capital charges) on the scheme;
- (7) Grant Thornton (UK) LLP, be appointed, as the Council's external auditors for the five year period commencing from 2018/19;
- (8) an exemption to the Code of Procurement Practice to enable the Head of Finance, in conjunction with the Finance Portfolio Holder, to agree the appointment of the Council's auditors for the Housing Benefits Subsidy from 2018/19, be approved;
- (9) the use of the Council's local discretionary powers to introduce the Business Rate Relief scheme for Pubs from 01 April 2017, be approved;
- (10) the use of the Council's local discretionary powers to introduce the supporting Small Businesses Relief scheme from 01 April 2017, be approved;
- (11) the Government announcement of a package of Funding which local authorities are to use to implement a local discretionary business rates relief scheme, be noted and; that this scheme is currently under design and will require software updates to implement. The scheme will be subject to consultation and will require member approval. A further report will follow in due course;
- (12) the funding of the Home Choice system support as detailed in paragraph 3.12 of the report, be approved;
- (13) the changes to the Gypsy and Travellers Site Works discussed in Section 3.13, be noted.

Part 2

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

42. Corporate Asset Management Strategy – Update Report

The Executive considered a report from the Deputy Chief Executive (BH) which updated them on the Corporate Asset Management Strategy.

The Council's Medium Term Financial Strategy (MTFS) was considered in detail as part of the Fit for the Future Update report approved by Executive in June 2017 with a further update being provided in the Budget Review report elsewhere on this agenda. When considering the MTFS the Council's S151 Officer always stressed that there were a number of financial liabilities that were not fully funded in the medium term, including the maintenance and improvement of corporate assets.

The Council had made significant strides towards the creation and adoption of an integrated and funded corporate asset management strategy to address this issue and this report provided the latest progress update.

It was intended that a final report, presenting a strategy for approval, would be brought to Executive in February 2018 as part of the budget setting process.

Officers had been working on the development of a Corporate Asset Management Strategy for all of the assets owned by the Council other than those held in the Housing Revenue Account (HRA) for a number of years. This would set out the Council's strategic approach to the consideration of the alternative uses, future improvements and the funding of all maintenance liabilities for the corporate asset base, issues that were dealt with in respect of the HRA assets through the HRA Business Plan.

The corporate assets which the strategy would cover could be categorised as:

- Operational assets – required to deliver the services that the Council provided to the public, e.g. HQ offices, Leisure Centres, Art Gallery & Museum, Spa Centre, Jubilee House, Edmonscote Track, Crematorium and cemeteries etc.
- Car Parks – multi-storey and surface car parks, which were separated from the other operational assets above due to the relationship between car park charge income and car park maintenance.
- Non-operational assets – the buildings and structures owned by the Council that were held for community benefit or income generation e.g. offices, shops, club buildings and other community facilities, public conveniences, memorials etc.
- Land assets – Parks, gardens, open spaces, sustainable drainage schemes and other parcels of land held in the General Fund.

Since an initial Asset's Review in 2012, a range of initiatives had been developed to improve and enhance the corporate asset base including the:

- HQ relocation project
- Creative Quarter project
- Leisure Development programme
- St. Mary's Lands strategic programme
- Town Hall alternative use project
- Pump Room Gardens 'Parks for People' improvement scheme
- Development of the Enterprise Assets, including the creation of 26HT
- Multi-storey car park improvement programme, including Linen Street and Covent Garden re-provision
- Projects to support the delivery of the new Local Plan, including the Europa Way project and the relocation of sports clubs to enable the Thickthorn housing development schemes
- Security enhancements to open spaces
- Spa Centre improvement scheme
- Pump Rooms and Museum/Art Gallery foyer improvement scheme
- Crematorium improvement project

These initiatives had addressed, or had begun to explore, many of the issues affecting the operational, land and car park assets including how the future maintenance liabilities of high cost assets such as the HQ building, Covent Garden multi-storey car park, St. Nicholas & Newbold Comyn Leisure Centres could be funded. Whilst not all of these initiatives had been completed and the issues relating to one category of asset, the non-operational properties had yet to be fully explored, significant progress had been made towards the development of a fully funded and integrated corporate asset management strategy.

The current year's programme of activity in respect of the corporate assets was set out in the 2017/18 Asset Management Plan, attached as Appendix One to the report. All the works included within this Plan were fully funded. In future, it was proposed that an annual report setting out the Asset Management Plan for the corporate assets for the forthcoming financial year be brought to the March Executive, incorporating and replacing the current Corporate Property Repair and Planned Maintenance programme report.

It was now proposed to engage an external partner to explore the issues relating to the non-operational asset base, focussing initially on the properties listed at Appendix Two to the report. A number of other Council's had developed programmes to utilise this category of asset to deliver an enhanced revenue stream and officers believed that the development of a programme of disposals and acquisitions within this category of assets could be used to minimise future (non-funded) asset maintenance liabilities and generate additional revenue returns to support the asset management strategy across all four categories of the corporate asset base. However, the Council lacked the internal expertise and detailed understanding of the commercial property market within the District to undertake this work and its private sector partner within the Limited Liability Partnership, Public Sector Plc, whilst potentially possessing the expertise, was fully committed to delivery of the HQ Relocation Project but lacked the capacity to do so in the short to medium term.

Soft market testing had identified that it should be feasible to secure the proposed work for a maximum cost of £30-40,000. The proposal to release funding of this level would allow a fully compliant procurement exercise to be undertaken under delegated authority. Completion of this exercise and the establishment of actual costs would allow any non-required funding to be returned to the Capital Investment Reserve. The appointment of an external partner to undertake the proposed work would allow the final element of the staged approach towards the development of the corporate asset management strategy to be completed. A final, fully integrated strategy, complete with proposals for the future funding of all known liabilities would then be brought to the February 2018 Executive so that it could be considered in conjunction with the 2018/19 Budget report.

A considerable amount of work had gone into the development of a comprehensive asset management strategy. Members could decide not to pursue the recommended approach of exploring how the Council's non-operational property base could be reconfigured but this had been discounted because it would detract from the ambition of having a strategy that encompassed all elements of the corporate asset base.

The Executive could choose not to receive and approve an annual Asset Management Plan but this was not recommended as the intention of producing one was to ensure that Council was aware of the totality of the work being undertaken in relation to the corporate assets and for this knowledge to inform future decision making.

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

The Executive thanked officers for the report that identified and quantified the maintenance not captured within the budget setting process. The work on this would ensure improved financial planning for this area of work. It also outlined those non-operational assets and this in turn helped the Council to consider what could be done with them. This was the starting block for the next steps in effective asset management.

Resolved that

- (1) the contents of the report and the progress made in developing a corporate asset management strategy, be noted;
- (2) the Asset Management Plan for 2017/18, as set out in Appendix One to the report, be approved;
- (3) from 2018/19 an annual Asset Management Plan be presented to Members for approval, replacing and incorporating the current annual Corporate Property Repair and Planned Maintenance programme report;

- (4) the release of a maximum of £40,000 from the Capital Investment Reserve, be approved, to allow the engagement of a partner to develop a tailored programme of disposals and acquisitions that reconfigures the Council's non-operational asset base, generates additional revenue returns for the General Fund and enables the Council to ensure its assets liabilities are fully funded in the medium term;
- (5) authority is delegated to the Deputy Chief Executive (BH) and Interim Asset Manager and Business Manager – Projects, in consultation with the Business and Finance Portfolio Holders, to procure a partner for the proposed work, in compliance with the Code of Procurement Practice; and
- (6) a Corporate Asset Management Strategy Property be presented to the Executive in February 2018 for approval.

(The Portfolio Holder for this item was Councillor Butler)
Forward Plan reference 641

43. Development Brief – East of Kenilworth

The Executive considered a report from Development Services that set out the proposals to prepare a Development Brief for land to the east of Kenilworth and sought to draw down funds from the Local Plan Delivery Reserve to support this work.

The Local Plan allocated land for the development of 1400 dwellings, a secondary school and eight hectares of employment land on land to the east of Kenilworth (sites H06, H40, E2, ED2). Policy DS15 of the Plan required that applications for these allocations be brought forward in the context of comprehensive development proposals, either through a Development Brief or a Layout and Design Statement.

Kenilworth Town Council was preparing a Neighbourhood Plan to support development across the Town. Consultation on the pre-submission Plan closed earlier in August. This draft of the Plan included policy (KP4) which sought to support the comprehensive master-planning of this area and included a number of key principles that should underpin this work.

The Local Plan and the emerging Neighbourhood Plan together provided a clear, strong framework for the preparation of a more detailed Development Brief to address the following:

- Access and configuration of key roads through the sites
- Pedestrian and cycle routes through the site including linkages to the wider network and other local facilities
- Strategic approach to landscaping
- Approach to green space and ecological corridors, including where appropriate retention of existing features

- High level flood alleviation measures
- Approach to addressing heritage issues, including the Scheduled Ancient Monument of the Glasshouse Roman Settlement
- How different uses across the site interlink, including the housing, employment, secondary school and existing uses (such as the Woodside Conference Centre)
- Infrastructure requirements including primary school(s), open space, local centre and community facilities
- Linkages with existing communities and facilities including routes to the town centre
- Linkages with adjacent areas including open Countryside and the Golf Course
- Issues relating to potential development phasing

The process for preparing the Development would draw on the following:

- The Local Plan and emerging Neighbourhood Plan policies
- An evidence base taking account of key environmental constraints and opportunities and strategic infrastructure requirements
- Collaborative working with Kenilworth Town Council (linked to the Neighbourhood Plan)), the emerging Kenilworth Forward Partnership, developers (including Kenilworth School) and infrastructure providers
- Representations made during a period of public consultation

The work would be led by the Policy and Projects Section in Development Services and specifically by the newly appointed Kenilworth Site Delivery Officer.

The Development Brief would need to draw robust evidence regarding infrastructure, constraints and opportunities. The evidence base prepared for the Local Plan provided a high level starting point for this. However, it was likely that more local and detailed evidence would be required to support the development brief. This could include:

- Access and localised traffic generation studies
- Environmental constraints and opportunities (such as heritage, noise, flooding, ground conditions, ecology etc.)
- Layout and design proposals
- Infrastructure requirements and costs

Until the work commenced, the likely costs associated with these studies could not be fully appraised. However, based on experience of similar work from elsewhere in the District, design parameters work was likely to cost in the region of £15,000. On top of that, in this case, it was likely to be necessary to fund a number of specialist studies around constraints. Together these may well cost £10-15,000. It was therefore proposed that £30,000 be made available from the Local Plan Delivery Reserve to support the preparation of the development brief, including consultations and expert advice, but that authority was delegated to Deputy Chief Executive (AJ), in consultation with the Development Portfolio Holder, to draw down further funding should it be required. This would ensure that the process could move along at speed without the need for a further report to Executive and any studies not currently anticipated could be commissioned as the work progressed.

One alternative option would be to leave the preparation of the framework for the comprehensive development of the area to developers through the preparation of a comprehensive layout and design statement. Whilst this option would reduce the costs to the Council it had significant disadvantages, notably difficulties in coordinating work between different development interests all of whom could be working to different timescales and different objective. The recommendations would ensure the Council led the process to take account of all interests. The approach also ensured momentum towards delivery was generated.

Another alternative would be to broaden the scope of the brief to include the redevelopment of the school sites and/or the development of land at Warwick Road and/or the provision of the sports facilities. Each of these development proposals was interlinked with the land east of Kenilworth and the development brief would certainly need to be brought forward with an understanding of the position associated with these proposals. However, by broadening the scope, there would be a significant risk of delay resulting from the Development Brief having to specifically address some complex issues such as the relocation of the sports clubs to Castle Farm and Warwick Road and the redevelopment of the existing school sites. In addition, this scope would go beyond the scope of the Policy DS15 in the Local Plan and Policy KP4 in the emerging Neighbourhood Plan. For these reasons this alternative was not recommended.

The Executive explained that this would put the Council in a strong position with a co-ordinated strategy for a number of pieces of land. This would also mirror the work of Kenilworth Neighbourhood Plan. The Executive also noted that the development brief would also cover design standards along with mix and type of housing.

Resolved that

- (1) a Development Brief of the land east of Kenilworth, detailed at Appendix I to the report, is prepared to support the development of the proposed housing, education and employment allocations to the east of Kenilworth; and
- (2) £30,000 is made available from the Local Plan Delivery Reserve to enable relevant studies and consultations to be undertaken but with authority delegated to Deputy Chief Executive (AJ), in consultation with the Development Portfolio Holder, to draw down further funding should it be required to deliver the brief and/or associated work considered essential by officers.

(The Portfolio Holder for this item was Councillor Rhead)
Forward Plan Reference 891

44. **12 Month Waste Container Charging Update**

The Executive considered a report from Neighbourhood Services that updated them on the first 12 months of charging for waste containers.

On 6 June 2016 Warwick District Council (WDC) introduced a new policy to charge households for the provision of waste containers. Prior to this, WDC was spending £165k per annum on waste container provision and there was a significant budget shortfall.

This report provided an update on the first 12 months of the policy using information gathered from the Council's customer relationship management (CRM) system and other sources.

The first 12 months of the charging scheme had generated £77k to contribute to the cost of waste container provision. In addition, the contribution required from WDC's General Fund had reduced dramatically due to reduced container demand and more effective procurement of containers. In effect, this meant that the cost of waste container provision was almost being covered by the contribution from residents.

A recommendation from Legal Services at Warwickshire County Council was that the policy should have a level of flexibility to ensure it was operated fairly and with equality in mind. A criteria was therefore required to ensure a clear and transparent framework on which decisions were made.

The alternative was to revert back to the previous free provision of waste containers; however, this had been discounted due to the impact on the Council's Medium Term Financial Strategy.

The Overview & Scrutiny Committee supported the recommendations in the report. In addition, Councillor Mrs Falp highlighted there was some concerns that; the recycling rate had decreased; street bins were overflowing and that the waste containers were about to become life expired.

The Executive thanked the Scrutiny Committee for their discussion the previous evening and welcomed the work that Councillors would be taking back to their communities. They reassured the Committee that work would continue in challenging the contractor to ensure they met the requirements of the contract, to this end mapping work was being undertaken to spot any recurring themes in the standard of service provided when waste/recycling was collected. It was noted that some people were unhappy but it had stopped people just applying for bags and boxes. The Executive were mindful that the green bins were most likely to become life expired soon. There was, however, the positive that most developers were buying the green and grey bins along with two boxes and bags for each new property. The largest reduction in recycling was due to the change in habit with less people buying a daily newspaper.

Resolved that

- (1) there is no change to the waste container charging policy;

- (2) the Head of Neighbourhood Services in consultation with the Portfolio Holder for Neighbourhood Services agrees a criteria for waiving the replacement waste container charge where there are special personal circumstances such as financial hardship;
- (3) as part of the fees and charges report in September 2017, the fees for waste container charging be amended to enable them to be waived in line with (2).

(The Portfolio Holder for this item was Councillor Grainger)
Forward plan 857

45. **Leisure Development Programme – Extension of Temporary Contracts**

The Executive considered a report from Cultural Services that sought approval to extend the fixed term contracts of the Programme Manager and the Project Officer associated with the Leisure Development Programme. The extension was required as a result of the delays to the construction works at Newbold Comyn and St Nicholas Park leisure centres. It would ensure the effective completion of Phase I (Newbold Comyn and St Nicholas Park leisure centres) and also allow work to commence on the feasibility of Phase II of the Leisure Development Programme i.e. the improvements to leisure provision in Kenilworth.

In March 2016, the Executive approved the extension of the Programme Manager post to March 2018. At this point it was anticipated that the leisure centre construction works would be completed in late 2017 and that the extension would allow for completion of the construction phase and the inevitable “snagging” that would follow. The construction works, as previously reported had been delayed and the works at Newbold Comyn and St Nicholas Park were scheduled to be completed in late Spring 2018. The March 2016 report committed to further reports being brought to the Executive should they be necessary as the Programme developed.

Both officers referred to in the report had been essential in the progress made on the two elements of the Leisure Development Programme i.e. the complex issues faced in the construction works and the appointment of the external partner to manage the District’s leisure centres on behalf of the Council. The officers had led on development of the new dual use site agreements with Myton and Kenilworth schools, and were ensuring that the Sport England grant conditions were met to allow the Council to draw down the £2 million at the earliest opportunity.

Looking ahead, the Programme Manager and Project Officer’s involvement with the construction projects would continue through to completion in Spring 2018, undertaking the following:

- Client role for Mace project management on both sites
- Coordination of WDC actions as required from various service areas (Neighbourhood, Development, Property, Finance, and Warwickshire Legal Services)
- Management of scheduled project meetings and ad hoc meetings as required.
- Liaison between the construction projects and leisure centre operator
- Monitoring of spend against budget and regular reporting with Finance

The retention of the Project Officer role would allow a continued day to day link between Mace Ltd and the Council, enabling the Programme Manager to focus on Phase II. It was therefore considered essential to retain the post to work alongside the Programme Manager to the end of September 2018.

The Executive report in November 2015 which approved the appointment of the Programme Manager, referred to Phase II of the Leisure Development Programme which would focus on leisure provision in Kenilworth. Work on Phase II had yet to commence, as all efforts had been focussed on Phase I, and this further extension of the Programme Manager contract would provide the professional input into the scoping, planning and feasibility of this work which was expected to start in late summer 2017. The work on Phase II would need to recognise the key findings that emerge from the update of the Indoor Facilities Strategy and Playing Pitch Strategy. Members had approved the appointment of NAA to undertake this work which would commence in September 2017 with a refresh of the Sport England Facilities Planning Model (FPM) for the north of the district, which would have a specific relevance to Phase II of the Leisure Development Programme. An outline timeline for Phase II was detailed in the report.

As identified above, a further report would be brought forward in early summer 2018 with recommendations for Phase II. This report would include any requirement for project management resources to progress Phase II to delivery.

Alternatively, the Executive could chose not to extend the contracts or just extend one of the posts and consider alternative solutions to the management of any over-run of Phase I and the work required for Phase II.

The Executive highlighted that work had not started on Phase II and when it did, consideration would need to be given to a number of factors including what was required, what could be afforded and what could be accommodated. There were currently three sites in Kenilworth and all three presented challenges, for example Abbey Fields was a scheduled ancient monument and any alterations needed to take this into consideration and have appropriate approvals. Therefore, any ground work would be challenging but with the project officer being involved the Ground work would be able to be started.

The Executive also confirmed that with any proposals that came forward, there would be consultation but it was important that the Council had proposals in place to enable discussions to take place and at this time there were no proposals to be considered.

Resolved that subject to Employment Committee agreement to the extension of the Programme Manager and Project Officer posts to the end of September 2018, the release of £55,800 from the Leisure Options Reserve, be approved, to ensure the posts are fully funded.

46. **Disposal of WDC land off The Holt / Cubbington Road, Lillington, Leamington Spa**

The Executive considered a report from the Chief Executive's Office that sought approval for the disposal of a parcel of Council owned land off The Holt, Lillington, Royal Leamington Spa.

The piece of land in question was owned by Warwick District Council (WDC), and hatched on Plan 1 as appended to the report, and covered an area of approximately 1,356 square metres, or 0.35 acres.

The site previously accommodated a local Scout Hut. This hut was removed in the late 1980's due to a decline in the numbers of scouts using the facility, combined with its overall poor condition. The poor condition of the hut had attracted instances of vandalism that had occurred as a consequence of its location (being hidden away from public surveillance by the neighbouring Church and residential development).

Since then, the site had been absorbed into (and now formed part of) the current wider area of open space. It should be noted that, as a consequence of its particular location, it had periodically been subjected to fly tipping and the location for occurrences of anti-social behaviour. This element of the open space was an ongoing liability as it had cost implications to WDC as part of the Council's Grounds Maintenance contract. In the context of its value to the overall public open space, it was considered as an underutilised / marginal element of the land available to the local population for play and recreation.

The land immediately to the south of the land in question was currently the subject of a planning application W/17/0823 by Lillington Free Church. This planning application was still to be determined. The proposal comprised of the development of 25 affordable homes, for Orbit Housing Association (OHA) and a new (replacement) Church/ Community Hall for the Lillington Free Church.

More recently OHA had approached WDC with a view to purchasing the land that was the subject of this report to enable its addition to their development proposal. Subject to planning approval, this would enable them to deliver additional affordable housing units. Discussions with WDC's 'Development Services' and 'Neighbourhood Services' teams had concluded that the inclusion of the land in question in the proposed OHA development site would make good use of an otherwise underused site.

This was considered a good rationalisation of the site whilst also assisting WDC in its ambition to assist in the delivery of affordable homes in the District.

Terms & conditions for the sale of the land in question had been negotiated between WDC and OHA. These were private & confidential as they fell within the provision of information that related to the financial or business affairs of any particular person, including the authority holding that information. Consequently, they were set out in full in the Private & Confidential Appendix One.

The area of land in question was of marginal operational value in the context of the wider parcel of important open space, known as 'The Holt Play Area', and was considered to add little in terms of quality to the overall open space that was available to the public.

In this context, the proposed disposal of this area of open space was deemed appropriate, as the attainment of seven additional affordable dwellings could be delivered and achieved without prejudicing the overall functionality of what would be the residual area of open space.

The land sale would be predicated on the receipt of a proportionate s106 contribution from the additional OHA development towards enhancement projects that were already itemised to improve the enjoyment and utilisation of what would be the remaining area of open space at The Holt Play Area (after disposal of this parcel).

A footpath connecting The Holt residential area to The Holt Play Area would be incorporated in the future development in order to retain the connection that was currently in place.

This disposal was seen to be appropriate in the context of Policy HS2 (Protecting Open Space, Sport and Recreational Facilities) of the emerging Local Plan as this particular proposal was considered to be of sufficient benefit to clearly outweigh the loss of this underutilised element of the open space.

The only caveat to the recommendation and hence the "in principle" element, was that South Warwickshire Clinical Commissioning Group had also expressed an interest in acquiring the land in question, this time for a surgery, and would want to discuss with OHA and the Council whether a mixed development scheme could be brought forward.

Whilst this was late in the day, officers considered the approach should be explored but did not wish to stymie OHA's ambitions should the discussions come to nought.

Alternatively, WDC could refuse the proposal, leaving the current landscaped open space in place over which WDC would need to pay the annual grounds maintenance costs.

The Overview and Scrutiny Committee accepted the recommendations in principle but formally recommended that these were subject to a public

consultation if it transpired this was a legal requirement when disposing of open space public land.

An addendum circulated at the meeting explained that the land in question was currently held by this Council as 'Open Space' (as defined in the 1972 Local Government Act). Therefore, prior to completing the sale of the land, this Council would be required to serve notice to the General Public of its intention to do so (to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land was situated) and consider any objections to the proposed disposal which may be made to them. The costs of carrying out this Public Notice would be paid for by the potential purchaser of the land. As a result of which, it was proposed that the recommendation in the report should be amended to reflect this.

The Chairman of the Overview & Scrutiny Committee welcomed this and supported the amendment.

The Executive welcomed the revised recommendation and thanked the Scrutiny Committee for highlighting this matter. They were in agreement with the proposed terms and conditions of the sale as set out within the confidential report on the agenda.

The revised recommendation was proposed by Councillor Grainger, duly seconded and

Resolved the disposal of land, "in-principle", as set out on the terms contained in the Private and Confidential Appendix One, with agreement to the ultimate sale of the land being delegated to Deputy Chief Executive (AJ), in consultation with the Portfolio Holder for Neighbourhood Services who will, among other things, ensure that Section 123 of the Local Government Act 1972 is adhered to.

(The Portfolio Holder for this item was Councillor Grainger)

47. Procurement Exemption for WDC VCS Commissioned Contracts 2015/2018

The Executive considered a report from Health & Community Protection that sought approval for an exemption to the Code of Procurement Practice to allow the extension of the Voluntary & Community Sector (VCS) contracts for three months.

Following approval by the Executive in March 2017, officers set out to procure consultants to project-manage the re-commissioning process and review of VCS spend. Unfortunately this first attempt proved unsuccessful at finding someone appropriately qualified and experienced to meet requirements, specifically identifying social return on investments and achieving savings targets.

Having gone through a second procurement process, Inspira Consulting had now been appointed and inception meetings had taken place. However this delay had meant the re-commissioning process was now

three months behind where it should be. As it stood the re-commissioning process had been constricted as far as practicable in order to minimise the required time period for extension.

An alternative option would be to go out to tender in October 2017 and terminate the contracts as originally planned on 31 March 2018. However this would not allow time for full stakeholder consultation and pre market engagement which was essential to inform the re-commissioning process and to develop a tender specification that was going to deliver the Council's objectives and meet community needs.

Another option was to terminate the current contracts on 31 March 2018, whilst conducting the full re-commissioning process, but that would leave a gap in service provision of three months until the new contracts commenced on 1 July, thus having a negative impact on both the voluntary and community sector organisations and the service recipients.

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

The Executive noted the support from the Scrutiny Committee because it was aware of the important and specific situation for requiring an exemption at this time.

Resolved that Executive agrees to an exemption to the Code of Procurement Practice to allow the extension of the VCS Contracts until 30 June 2018

(The Portfolio Holder for this item was Councillor Thompson)

48. **Delivery of the proposed Hotel forming part of the St Mary's Lands Masterplan, Warwick**

The Executive considered a report from the Chief Executive that sought approval for the process and funds to help the Council deliver the proposed hotel forming part of the adopted Masterplan for the St Mary's Lands area of Warwick. In addition, an exemption from the Code of Procurement was sought to procure the services needed to conduct the process.

The process required the preparation of a constraints brief for the site and for discussions to be undertaken and concluded on the relationship, if any, with the Jockey Club.

At its meeting on 28 June 2017, the Executive had agreed to recommend to Council that the Masterplan for St Mary's Lands should be adopted as policy. This was then confirmed by Council at its meeting on 9 August 2017. The Masterplan contained within it a proposal for a hotel at the southern end of the Grandstand area on Hampton Road, Warwick. The Masterplan formed part of the Council's planning policy framework used for determining planning and related applications as well as providing a framework for investment decisions by the Council and its partners.

The hotel proposal had been supported by the research that the Council had commissioned on the need and demand for a hotel in the Warwick area. This research had been presented to the Council at its meeting on 28 June to accompany the report on the Masterplan. Following a procurement exercise, GL Hearn and Bridget Baker Consulting had been jointly appointed to undertake that research work. Their research demonstrated very clearly that there was a significant gap in the hotel market for Warwick which a hotel on the St Mary's Lands area could fill. The research further demonstrated that there would be a significant economic benefit locally from such a proposal.

However, bringing forward a hotel on the site would not be straight forward. A land use allocation within a Masterplan did not of itself guarantee delivery of the proposal. It was agreed by the Executive at its meeting on 28 June that a report be brought back to the Executive on how the hotel proposal could be brought forward for implementation.

A proposal was set out at Appendix 1 from Bridget Baker Consulting (BBC) (which had had the proposed costs redacted on the grounds of commercial sensitivity) and GL Hearn on how this could be achieved. In summary:

- The first part of the next steps would be to turn the previous report into a market demand and financial feasibility study which would show the impact of the new supply, and we could include the above project. It would also have financial estimates for the first five years of operation. This report could then be presented to interested parties (developers, hotel groups, investors). If done relatively soon it would reduce the time it would take as there would be no need to have to do additional research in the local market.
- Based on the needs assessment report for the site, prepare a market demand and financial feasibility study, this would be a re-ordered report but would also include more information on recommended facilities and would take out some of the references to 'need'. It would also have a section on the likely revenue and costs for the first five years of operation to EBITDA level.
- GL Hearn would provide planning advice on any issues that may impact the location, size, design of the hotel etc.
- BBC would then prepare a summary document of the report that could be used as a 'taster' for hotel companies/operators, investors, developers etc. The full report would be given to interested parties subsequently.
- BBC could assist in identifying potential developers/operators and approach them to gauge their interest, this may include site visits.
- BBC could assist in the selection process to identify the most suitable developer/operator/brand and then provide support to bring the hotel to completion.

- The proposal would include assessing the option of the Council funding the construction of the hotel.

This process set out at Appendix one to the report for bringing the Hotel forward, would cost £15,000 plus VAT as rounded and allowing for a small contingency element. If the approach was successful then a further £18,000 would be payable plus VAT and reasonable expenses. It was suggested that the first element was funded from the Contingency Budget. The latter would be funded from the proceeds of a successful outcome.

An exemption from the Council's Code of Procurement Practice, was required, under Clause 6.4. The Procurement Manager had been consulted and agreed that in this case additional services were required which were not included in the original contract and which were strictly necessary to continue the process. Given that the original award was the outcome of a tendering process officers were aware that the cost proposal was reasonable from a market perspective. In addition it was probable that to go out to the market would be likely to cost the Council more as any other company would need to undertake the steps the Council had already paid for. Therefore, the Council would in that respect pay for the same work twice. Whilst with hindsight it would have been better to seek a commission for this element of work at the beginning given the contentious nature of the hotel proposal, officers did not want to give any impression of a presumption about whether a hotel proposal could in fact be justified, especially as it was not known at that stage that it would be.

The proposal would also need a constraints development brief to illustrate the capabilities and limitations of the site to integrate. This was already proposed to be done and the Council had already agreed to fund this work from Plincke.

Part of the proposed hotel site was subject to a lease with the Jockey Club and it hosted facilities that formed part of its operation. This would need to be considered and provided for discussions/negotiations were undertaken with the Jockey Club. The Jockey Club was aware of the proposal and viewed it favourably but detailed discussions and agreements would be necessary. A further report on the proposed agreement would be necessary.

There was the "interesting" legal situation regarding the leases applying to St Mary's Lands arising from the Warwick District Council Act 1984. A summary of the situation was set out at Appendix 2 to the report. It would be against this legal background that discussions with the Jockey Club and the market at large would need to be conducted.

The Council could decide not to pursue the hotel proposal further but that would be contrary to its own policy adopted in the form of the Masterplan and of its revised FFF Strategy of supporting a more enterprising approach.

The Council could decide to put the supporting process out to tender. This was likely to cost the Council more since it would of necessity repeat work already undertaken and paid for. Since the original work was subject to

tendering exercise officers were aware that the companies involved provided good quality service at a good value price. Part of any fee was entirely dependent on the success of the project.

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

The Executive took the opportunity to thank the Chief Executive and Portfolio Holder for their work on this.

The Portfolio Holder posed the recommendations as laid out with an amendment to recommendation 2.1 so that after the word "forward" it read "and that further reports be brought back to the Executive at the end of 1-2 and 3".

Resolved that

- (1) the proposal at Appendix 1, to the report, is agreed as the way to bring the hotel proposal forward and that further reports be brought back to the Executive at the end of 1-2 and 3;
- (2) the cost of the proposal (as rounded up and allowing for a small contingency) of £15,000 be agreed, to be funded from the Contingency Budget;
- (3) an exemption from the Code of Procurement Practice under clause 6.4 be agreed;
- (4) a constraints development brief is prepared for the proposed hotel site; and
- (5) discussions/negotiations are undertaken with the Jockey Club.

(The Portfolio Holder for this item was Councillor Butler)

49. **Public and Press**

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

Minute Nos.	Para Nos.	Reason
51 & 53	1	Information relating to an Individual
51 & 53	2	Information which is likely to reveal the identity of an individual
50 & 52	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

(The details of the following items will be recorded within the confidential minutes of the meeting.

Part 1

(Items on which a decision by Council on 20 September 2017 was required)

50. Mallory Grange affordable housing

The Executive considered a report from Housing Services.

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

Resolved that the recommendations in the report be approved.

(The Portfolio Holder for this item was Councillor Phillips)

Part 2

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

51. Neighbourhood Services Redesign

The Executive considered a report from Neighbourhood Services.

Resolved that the recommendations in the report be approved.

(The Portfolio Holder for this item was Councillor Grainger)

52. Disposal of WDC land off The Holt / Cubbington Road, Lillington

The Executive considered Appendix One to Agenda Item 10.

Resolved that the proposed terms and conditions be approved.

(The Portfolio Holder for this item was Councillor Butler)

53. **Housing Related Support Restructure – Potential Redundancy Costs**

The Executive considered a report from Housing Services.

Resolved that the recommendations in the report be approved.

(The Portfolio Holder for this item was Councillor Phillips)

(The meeting ended at 6.57pm)



Date of Issue :	30/6/2017	Next Review : 1/7/2019	Last Review: N/A	Updated to reflect board comments from 26 th May 2017 plus comments From WDC 3 rd June 17	
Last Reviewed by	David Baxendale / Paul Coopey				
Policy Owner	Housing Authorities / HEART Management Board			Page 2 of 64	
Approval Date	To be confirmed				
Author	David Baxendale				
Version Control	v 1.01				
Document ID.	HEART MB - HFAP				

Index

Key definitions, References and abbreviations

1. Introduction
2. Context
3. Priorities and capital resources
4. Assistance types – details
 - Mandatory DFG (disabled facilities grant)
 - Discretionary DFA (disabled facilities assistance)
 - Hospital discharge support
 - Home Safety Check Scheme and 'Handyperson' minor works
 - Hazard reduction support
 - Energy efficiency support
 - Other forms of assistance - empty homes, conversions, downsizing
5. Assistance process, and access
6. Assistance conditions, and advice
7. Fees and Ancillary Charges
8. HEART Contractors
9. Prioritisation
10. Enforcement Policies
11. Complaints
12. Appeals and out-of-policy cases
13. Service standards, Key Performance Indicators and Targets
14. Policy implementation plan
15. Signatories and key date

<appendices>

- a Contacts for HEART service and partner organisations
- b1 – b5 – schedules of local variations
- c Regulatory Reform Order 2002 – articles 3 & 4
- d1 narrative summary of financial assistance measures
- d2 tabulated summary of financial assistance measures

Key definitions, references and abbreviations

RRO – Regulatory Reform (Housing Assistance) (England and Wales) Order 2002

<http://www.legislation.gov.uk/ukxi/2002/1860/article/3/made>

The 'Act' (1996) – Housing Grants, Construction and Regeneration Act 1996

<http://www.legislation.gov.uk/ukpga/1996/53/contents>

The 'Guidance' (2003) – Circular 05/2003 from the Office of the Deputy Prime Minister (ODPM)

<http://webarchive.nationalarchives.gov.uk/20120919132719/www.communities.gov.uk/documents/corporate/pdf/145088.pdf>

DFG – Disabled Facilities Grant.

DDFA – Discretionary Disabled Facilities Assistance

BCF – Better Care Fund

WCC – Warwickshire County Council

NBBC – Nuneaton & Bedworth Borough Council

NWBC – North Warwickshire Borough Council

RBC – Rugby Borough Council

SoADC – Stratford on Avon District Council

WDC – Warwick District Council

HEART – Home Environment Assessment and Response Team

DBEIS – Department for Business, Energy and Industrial Strategy

HHSRS – the Housing Health & Safety Rating System, the prescribed system under the Housing Act 2004 for measuring hazards associated with housing conditions

ECO – Energy Company Obligation

Certified Date – the date certified by the service on behalf of the Council as that on which the execution of eligible works is completed to the Councils (HEART) satisfaction. In this instance being the works complete date.

Dwelling – a building or part of a building occupied or intended to be occupied as a separate dwelling, together with any yard, garden, outhouse and appurtenance belonging to it or usually enjoyed with it.

Exempt disposal – a disposal or transfer of the whole or part of the premises to a person whose main residence is the property and who is (a) one of the joint owners of the dwelling, or (b) the wife, husband or partner (including same sex) of the owner or one of the joint owners of that property.

Relevant disposal – a conveyance of the freehold or an assignment of the lease, or the granting of a long lease (one of over 21 years, otherwise than at rack rent)

Member of family – a person is a member of the applicant's family if they are the spouse of the applicant or living together as partners, or is the grandparent, parent or dependent child of the applicant or their spouse or partner (inclusive of same sex partners, step-children, adopted and foster children).

Owner-occupier – whilst this term is self-explanatory, where appropriate it will include certain tenants with repairing type leases (sometimes called FRI or Full Repairing and Insuring Leases, of a suitable duration) who would otherwise be unable to insist their 'superior landlord' undertake renovations. Repairing lease tenants would qualify for DFG in their own right, with permission.

1 Introduction

1.1 HEART is a delivery body, a partnership between Warwickshire County Council (the 'welfare' authority) and the five District and Borough Councils of Warwickshire (the 'housing' authorities);

Nuneaton and Bedworth Borough Council
North Warwickshire Borough Council
Rugby Borough Council
Stratford on Avon District Council
Warwick District Council

1.2 Each of the five District & Borough Councils are obliged, under the 2002 RRO, to publish a policy addressing any non-mandatory forms of private sector housing assistance, and only to deliver assistance in accordance with that policy.

1.3 Each Council developed local policies independently, though there will have been consultation between neighbours. Policies were then revised in different directions and at different times, being delivered in a variety of ways and with a distinct local focus. Not surprisingly, though the general aims of many policies may have similar roots, in practice they look quite different.

1.4 However, the HEART partnership is the delivery body for many of the forms of assistance which Councils can offer, and in order to do so effectively it is necessary to harmonise the aims and some of the details of those partner Councils.

1.5 This policy is being prepared by all five Councils for them to consider mutual adoption and consistent delivery through HEART. Once appropriate approvals have been given and delegated, the HEART service will act on behalf of the partner Councils and will take decisions on matters within this policy on their behalf. A decision by HEART will be a decision of the partner Council in that regard, and the HEART service will be responsible and accountable to the partner Councils and other authorities for the decisions and actions it takes. In this policy, therefore, unless stated otherwise any reference to a Council or Councils includes or means HEART.

1.6 The policy has been prepared as much as possible in accordance with withdrawn government guidance ODPM Circular 05/2003 ('the guidance'), which was not replaced but which still reflects best practice and thinking on the subject.

2 Context

2.1 Housing is in short supply, with a backlog of unmet demand exceeding supply, and first time buyers facing competition against buy to let investors in a harsh lending environment with slow wage growth. This has contributed to an increase in private rented accommodation which now stands as the second largest tenure in England, with social housing in third place. Property values (prices) and rents have also risen, increasing pressure on domestic finances. Changes in benefits rules are also contributing to an increase in the development of smaller shared accommodation. Central public funds for the renovation of private sector housing were cancelled in 2010, with limited local provision.

2.2 A changed definition of fuel poverty reduced the number of households falling into that group (without affecting the circumstances of those no longer counted), but whilst domestic SAP (the energy efficiency) ratings gradually improve, increasing fuel costs offset some of that progress and some families continue to struggle to achieve affordable warmth. Public investment in domestic energy efficiency including that required from utility companies has reduced, though ECO funding has been further extended to late 2018. Being 'hard to heat' is a feature of many older and solid-wall type properties and those not on mains gas networks, some of which are rented and/or occupied by vulnerable people who may be retired or with young children and few resources or choices. Some families find themselves overcrowded, whilst other older couples or single people find themselves in under-occupied homes which may be expensive to heat and difficult to clean, decorate and maintain, but are unwilling or unable to downsize.

2.3 With an ageing population, and people living longer with illness, disabilities and frailty, many homes are in need of some form of adaptation such as a stair-lift or wet room (level access shower) to reduce social care costs and the risks of unnecessary GP visits, expensive hospitalisation or supported care.

2.4 Nationally, housing legislation and finance has leaned towards new build for private sale and rent, and away from public provision, with little attention to the condition of existing privately owned homes as evidenced by the recent housing White Paper. Some other recent and current developments are looking to try to improve the rental market and specifically to address the most extremely inefficient homes in energy terms. Resources for joined up health based housing projects via the Better Care Fund has recently increased, with recognition of the true value of spend-to-save intervention measures in health, home safety and adaptations.

2.5 At a local level:

2.5.1 Nuneaton and Bedworth Borough Councils Housing Strategy plays a vital role in determining the council's vision and priorities for housing in the future. The current Housing Strategy covers 2017-2022 and consists of a number of pledges, namely:-

To rise to the challenge of the changing legislation and maximise its use to improve housing conditions

To make best use of the capital resources available to address poor housing conditions or personal needs

To complete a Council Housing stock condition survey of all of our properties

To build more Council homes on Housing Services land to add to our social housing stock

To review and monitor housing needs in the Borough in order to keep our stakeholders informed and enable the appropriate delivery of housing types for our current and future population of the Borough

To continue to work in partnership with our statutory and third sector colleagues to deliver housing and housing related support to those vulnerable residents of our borough that require it

To endeavour to maximise the resources available to deliver these services by ensuring close and ongoing liaison with all partner agencies

2.5.2 North Warwickshire Borough Council is looking to adopt a Housing Strategy that complies with the vision required for the Borough and which fits in with our Sustainable Community Strategy 2009-2026.

Rural North Warwickshire is a community of communities. A place where people want to live, work and visit, now and in the future, which meets the diverse needs of existing and future residents, is sensitive to the local environment and contributes to a high quality of life. A place which is safe and inclusive, well planned, built and run and which offers equality of opportunity and good services to all. With this in mind, we are working towards the following aims:

- Encouraging the development of housing that meets the needs of our future population. Therefore making sure that there is a mix of open market, shared ownership, starter homes and affordable/social rent.
- Looking at where we can regenerate properties to bring them up to a good standard and in some cases, bring empty properties back into use.
- To help reduce/prevent homelessness by looking at triggers and seeing if there is any support that can bring about preventative measures.

2.5.3 Rugby Borough Council's private housing priorities are to improve:

- The quality of the private sector.
- Access for households to live in private-sector properties

Sitting under this are the following themes:

- Bring empty homes back into use
- Improved private-sector housing conditions (both private-rented and owner-occupied)
- Working more closely with private-sector landlords
- Increased support and housing options for potentially vulnerable home-owners and tenants.

The Strategy will help to meet the strategic objectives of the Council. The overall objective of the council is to achieve a *borough that is clean, green and safe*. Our priorities are to achieve outcomes for: People, Business, The environment, and how the council operates.

The outcomes which are sought by the Corporate Strategy that are most relevant to the private-sector housing strategy are:

- High standards of existing and future housing stock
- Regeneration of our priority neighbourhoods
- Improved health and wellbeing for all age groups

2.5.4 Stratford-on-Avon District Council has adopted a Housing Strategy that has a vision of being “a District of sustainable communities offering more people the opportunity to live in good quality housing of their choice”. As part of this, three key aims have been developed:

1. To support communities including the supply and choice of good quality affordable homes for local people
2. To improve existing housing and help people to live as independently as possible
3. To prevent homelessness and reduce the harm caused by it.

The Council’s financial assistance is primarily focused on the second of these, but does help support the other objectives too. The Council employs an Independent Living Officer, who signposts people to grant assistance. The Council also has an Empty Property Officer, who calls upon grant funding to deliver the Council’s aims.

2.5.5 The key objectives for Warwick District Council's Housing Strategy are:

- Providing suitable accommodation, information and advice for the homeless in an effort to prevent and reduce homelessness
- Meeting the need for housing across the District by addressing the need for new home provision
- Improving the management and maintenance of existing housing
- Ensuring people are supported to sustain, manage and maintain their housing

Our vision is to make Warwick District a great place to live, work and visit.

2.5.6 HEART Business Case

The HEART Business Case was adopted by all partner Councils during 2016. The business case can be found on each Council's web site within the Council report sections. The following aims were included within the document:

- A. To enable customers with multiple and complex conditions to maximise their potential and live in their chosen home environment.
- B. To reduce pressure on other expensive services e.g. residential homes, hospitals, and home care by postponing the need or reducing the amount of care and support required.
- C. To improve quality of life for older and disabled people and their carers (improved dignity, less stressful, empowering, and improved flexibility in daily tasks).
- D. To be proactive and avoid where possible, crisis situations for customers and carers in regards to managing in their chosen home environment.
- E. To promote positive health and well-being styles of living, prevention of falls, and reduce hypothermia in older people.
- F. To improve living conditions by reducing hazards in the home.
- G. To reduce demand elsewhere in the housing, health and care system.
- H. To prevent hospital admissions and/or facilitate timely hospital discharges.
- I. To develop practitioners with the skills and capabilities that enables them to provide the appropriate intervention, to minimise risk to their customers and carers, be outcome focussed and able to 'get it right first time'.
- J. To contribute to the following strategic drivers:
 - § Integration & Partnership working.
 - § New legislation – Care Act.
 - § Safety, Well-being & Prevention.
 - § Preventing & Facilitating hospital discharges.
 - § Better outcomes for customers & carers in their home environment (Public Health, Social Care & NHS Outcomes Frameworks for 2015-16).
 - § Maximising capacity to meet demand within existing or less resources, e.g. Avoidance of growth in Non-Elective Admissions.
- K. Potential for strategic thinking and planning in building accessible new homes, refurbishment programmes, and best use of stock with registered social landlords.

2.5.7 Better Care Fund Principles

The £5.3bn Better Care Fund was announced by the Government in the June 2013 spending round, to ensure a transformation in integrated health and social care.

The Better Care Fund (BCF) is one of the most ambitious programmes across the NHS and local government to date. It creates a local single pooled budget to incentivise the NHS and local government to work more closely together around people, placing their wellbeing as the focus of health and care services, and shifting resources into social care and community services for the benefit of the people, communities and health and care systems

National conditions are applied the BCF. In 2016/17 these conditions were:

NHS England will also require that Better Care Fund plans demonstrate how the area will meet the following national conditions:

- Plans to be jointly agreed;
- Maintain provision of social care services;
- Agreement for the delivery of 7-day services across health and social care to prevent unnecessary non-elective (physical and mental health) admissions to acute settings and to facilitate transfer to alternative care settings when clinically appropriate;
- Better data sharing between health and social care, based on the NHS number;
- Ensure a joint approach to assessments and care planning and ensure that, where funding is used for integrated packages of care, there will be an accountable professional;
- Agreement on the consequential impact of the changes on the providers that are predicted to be substantially affected by the plans;
- Agreement to invest in NHS commissioned out-of-hospital services, which may include a wide range of services including social care;
- Agreement on local action plan to reduce delayed transfers of care.

As DFG is allocated through the BCF then Housing authorities are included in agreeing the local plans and using the funding to work towards delivery of BCF metrics.

For Housing this included where feasible:

Contributing to the transfer of care from the NHS to Social Care – delayed discharge.

Contributing to preventing admissions to hospital – through prevention of accidents and ill health from unsuitable housing conditions.

2.6 Councils are obliged, under the 1996 Housing Grants, Construction and Regeneration Act, to facilitate the delivery of the last remaining mandatory grant for private housing assistance – the Disabled Facilities Grant (DFG). However, if they wish to go further, they are required to do so under an adopted and published policy via the 2002 RRO (see above). Whilst reference to the mandatory DFG is not required in this policy, it provides useful context through which some of the other forms of assistance can be framed and understood.

2.7 The context of this policy is therefore to deliver safer and appropriate housing which is affordable to heat, and which reduces the risks of ill health, accidents and the costs of their impacts on residents and wider society. Further, it is to do so in a county-wide consistent and harmonised way, through a joint delivery partnership – HEART.

3 Priorities and capital resources

- 3.1 The following capital financial resources are available to apply and deliver through this policy:

Capital grants from central government distributed through the Better Care Fund or otherwise.

Where capital monies are provided through the BCF they will be allocated for spending in line with decisions regarding capital expenditure agreed with the Warwickshire Cares Better Together Board and the Capital Annex of the HEART partnership agreement.

Local capital from the Boroughs and Districts which each Council may provide for any specified purpose.

Monies from national schemes such as energy company obligations.

Money provided from partners or other public sector organisations to address specified problems.

Money obtained from charitable or other sources on behalf of customers.

- 3.2 The above will be targeted in accordance with the following priorities;

Local Housing Authorities are obliged first and foremost to deliver mandatory DFGs either via the 1996 Act route or an equally effective parallel pathway. Alternative discretionary assistance should not normally be promoted at the expense of delays to the statutory grant. They may then consider measures which will prevent injury or ill health, and/or limit harmful effects, reduce risks, reduce care costs and negative impacts etc., to promote recovery and improve quality of life and support carers.

- 3.3 In addition to mandatory DFGs, Councils will therefore determine their local priorities to offer;

- Discretionary Disabled Facilities Assistance (DDFA)
- Relocation assistance
- Hospital discharge support
- Home Safety Check Scheme
- Warm and Safer Homes (WaSH) Grant
- Energy efficiency support

- 3.4 Not all of the above forms of financial aid can or will be delivered or deliverable via HEART, and some partner Councils may pick and choose from the discretionary menu to suit

their local circumstances, priorities and resources. However, those partner Councils wishing to deliver assistance outside of HEART and not contained in this policy will need their own local policy to do so. Partner Councils may choose to NOT offer any of the assistance types detailed in this policy – with the exception of mandatory DFG – or to modify conditions, criteria, limits etc. ONLY IF they have provided a codicil to this policy if they require the HEART service to act differently in their local area.

3.5 Budgets will be set for each form of assistance based on available resources and some forms of assistance may not be funded in any particular year. To ensure the delivery of mandatory DFGs and maximum impact of resources the budgets for each form of assistance will be transferrable. Each Councils funding will be ring fenced for spending within their local areas.

4 Assistance types – details

4.1 Mandatory Disabled Facilities Grants (included for context and for a small number of variable options)

4.1.1 The Council will award mandatory Disabled Facilities Grant (DFG) according to the governing legislation – principally the 1996 Act and subordinate Regulations and Orders as amended - and guidance issued by central Government, and which details amongst other matters the types of work that are to be funded, the maximum grant payable (currently £30,000), and the test of financial resources where applicable. A more detailed information leaflet is available on request, along with online materials.

4.1.2 Qualifying criteria – all owner-occupiers and tenants, licensees or occupiers who are able to satisfy the criteria in sections 19-22 of the 1996 Act are eligible to *apply* for DFG, but applicants must be aged 18 or over (this does not apply to the disabled person, who may be younger). Tenants of Council and other Social Housing are also eligible to apply, but Councils and some social landlords (Registered Providers) may have parallel and equally effective systems which can be no less effective or generous than DFG. Being eligible to apply does not automatically confer approval – some cases will not meet statutory tests as described below, and others may have significant means tested contributions in excess of the cost of works. Other (private) landlords may also apply for mandatory DFG on behalf of their disabled tenants.

4.1.3 As a part of the application process, the Councils will require certificates relating to property ownership and future occupation, and will request permission from the owner as standard legislation does not specify owner's permission for grant aided works to tenanted property. The Council would reasonably want to ensure the tenant has the right to carry out the works and that the landlord would not object or attempt to reinstate the property and evict the client. The Council can also waive the owner's certificate requirement if it is considered 'unreasonable in the circumstances'.

4.1.4 Qualifying works – eligible works for mandatory DFG are set out in section 23(1) of the 1996 Act, as amended. These are;

- (a) facilitating access by the disabled occupant to and from the dwelling, qualifying houseboat or qualifying park home, (now including the garden) or
- (b) making the dwelling, qualifying houseboat or qualifying park home safe for the disabled occupant and other persons residing with him;
- (c) facilitating access by the disabled occupant to a room used or usable as the principal family room;
- (d) facilitating access by the disabled occupant to, or providing for the disabled occupant, a room used or usable for sleeping;

- (e) facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a lavatory, or facilitating the use by the disabled occupant of such a facility;
- (f) facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a bath or shower (or both), or facilitating the use by the disabled occupant of such a facility;
- (g) facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a wash hand basin, or facilitating the use by the disabled occupant of such a facility;
- (h) facilitating the preparation and cooking of food by the disabled occupant;
- (i) improving any heating system in the dwelling, qualifying houseboat or qualifying park home to meet the needs of the disabled occupant or, if there is no existing heating system or any such system is unsuitable for use by the disabled occupant, providing a heating system suitable to meet his needs;
- (j) facilitating the use by the disabled occupant of a source of power, light or heat by altering the position of one or more means of access to or control of that source or by providing additional means of control;
- (k) facilitating access and movement by the disabled occupant around the dwelling, qualifying houseboat or qualifying park home in order to enable him to care for a person who is normally resident and is in need of such care;

4.1.5 The Councils will include as part of the mandatory DFG the cost of a maintenance agreement for a period of five (5) years from the certified date for stair lifts, through-floor lifts, Clos-o-mat type toilet, step-lifts and similar equipment installed with the assistance of that grant. Where installing a reconditioned stair lift, any unspent warranty will be increased to a full 5 years if possible and affordable.

4.1.6 A DFG will only be made if the works are both 'necessary and appropriate' and 'reasonably practicable', where the housing authority has consulted the welfare authority or its agents. Where an applicant prefers a different scheme of works to that approved by the Councils, the Council may offer to 'offset' the value of the original scheme towards those greater works with appropriate safeguards. This is at the discretion of the Council (HEART).

4.1.7 Works which have been commenced prior to the approval of an application will not be eligible for financial assistance without prior written consent from the Local Authority/HEART by a person authorised to give such consent.

4.1.8 Unexpected works which arise during the carrying out of eligible works will be considered for assistance if the works could not have been reasonably foreseen before commencement and if they are vital to the completion of a safe and effective scheme. Unforeseen works carried out without prior approval of the Council will not be eligible for assistance. Approval should always be sought in writing, timed and dated with details of the

extra items and costs. Where unforeseen works are necessary these will be added to the grant up to the specified maximum for mandatory DFG. Costs above the mandatory grant maximum may be supported as discretionary DDFA in accordance with this policy. Care must be taken when agreeing to schemes of works on third-party property such as tenanted accommodation, that the property owner is fully engaged with the decision process. This is also particularly important where an architect or similar is acting on the customers behalf, and where issues such as planning permission, building control and other regulation are involved. Specialist advice from a private occupational therapist may be necessary to ensure that the objectives of the original scheme are being effectively met.

4.1.9 Councils are funding the HEART service in part through agency fees which have been harmonised at 12.5%. Where those fees take the cost of works above the specified maximum, then these will be paid as Discretionary DFA. HEART fees have no impact on an applicant's assessed contribution – the applicant does not contribute towards the fees. An applicant's actual costs may exceed their assessed contribution if the works cost exceeds the maximum, or the applicant has arranged for a wider scope or better quality of works or product, or has chosen a more expensive contractor.

4.1.10 The Council's DFG award is for a sum of funding only, and is not inclusive or exclusive of using particular contractors or products. Customers may specify and choose their own contractors, agent, products and design – but take responsibility for those choices which may fall outside of the remit of any HEART contractors, as long as the result meets the Council's and Occupational Therapist's requirements.

4.1.11 Financial Assistance - Mandatory DFG will be subject to a means test in accordance with the regulations made under the 1996 Act, as amended. The maximum mandatory DFG award is £30,000 minus any contribution required by a 'means test' (test of financial resources). Successive applications may be awarded for those persons whose condition is degenerative, or they develop additional needs, or the delivered scheme fails to meet the needs. Where successive applications are awarded, the applicants contribution to the first grant award will be taken into account if within the time period of the contribution originally calculated (10 years if owner, 5 years if tenant). NOTE: where an applicant is in receipt of a recognised, qualifying, means tested benefit they will not be further means tested and they will have no calculated contribution to make. Where works are for the benefit of a child or young person of 19 years age or younger at the date of application – they too will be exempt a means test.

4.1.12 Where works are being carried out to Council properties, the Council will carry out or arrange those works directly without a formal DFG application based on the recommendation of the welfare authority directly or through HEART). Local policies and procedures will determine whether that recommendation can be approved and how.

4.1.13 Public and private DFG applications or recommendations will usually be processed in chronological order, excepting in emergency circumstances at the discretion of the Council or HEART service. Enquiries for DFG will initially be assessed to determine if alternative services, equipment, support or advice are more appropriate as well as or initially instead of more significant works. The purpose of the screening assessment is to support residents to improve or maintain their capability and to reduce, delay or otherwise avoid creating dependency where independence is a viable, healthier and better long-term option.

4.1.14 Recovery of Assistance Awarded – Some mandatory DFG may be recoverable in accordance with permitted values. Where the customer is an owner-occupier and not a tenant, a sum of up to £10,000 may be recovered for works in excess of £5,000. This sum would only be recovered if the property was sold or title otherwise transferred within 10 years of the certified (completion) date of works, subject to the Council's discretion to reduce or waive in the case of financial hardship. NOTE: this is separate and different to the potential repayment of grant in the event of a breach of occupancy conditions or detected fraud. Also, Councils are entitled to recalculate grant awards in limited circumstances, such as for example if any relevant insurance claims are pending, and to cease making payments and to seek repayment in some cases as detailed in sections 40-42 of the 1996 Act.

4.1.15 The Council will also impose a standard condition that it may recover specialised equipment, such as stair lifts, where no longer required. For clarity – the equipment is the property and responsibility of the customer, both during and after any warranty period, but in the event it is no longer required for the customer the Council have an automatic first right to recovery for re-use, subject to the condition of the equipment and any making-good costs. Such equipment recovery, assessment, repair, refurbishment, cleaning, storage and reinstallation is at the Councils discretion, cost and risk, and not at the customers. The customer or their family, executor or heirs should notify the Council in such circumstances, and the Council will endeavour to provide a swift assessment and decision. The Council may also waive this recovery requirement if it considers it appropriate to do so, and is not obliged to remove or dispose of unwanted equipment.

4.1.16 Conditions relating to Contractors, Standard of Works and Invoices –

- In approving an application for financial assistance, the Council will require as a condition that the eligible works are carried out in accordance with any specification it has decided to impose.
- An applicant must take all reasonable steps to pursue any relevant legal or insurance claim (e.g. medical negligence or accident) which can be made in relation to the eligible works and must notify the Council of the outcome of such a claim and repay the equivalent financial assistance so far as is appropriate, in the Councils view.
- The eligible works must be carried out by the contractor(s) upon whose estimate the financial assistance is based, or if two estimates were submitted, by one of

those contractors. The Council's consent must be obtained prior to the works if a contractor who did not submit an estimate is to carry out the works, and if an agreement is given, an estimate from the new contractor must be submitted to the Council (this does not automatically convey a difference in revised grant award – any additional costs must be separately financed by the client).

- An invoice, demand or receipt will not be acceptable if it is given by the applicant or a member of the applicant's family. Where works are carried out by the applicant or a member of their family, only the cost of materials used will be eligible for financial assistance.
- It is a condition of the financial assistance that the eligible works are carried out within 12 months of the date of approval of the application. This period may be extended by the Council if it thinks fit, particularly where it is satisfied that the eligible works cannot be completed for good cause – requests for additional time must be made in writing before the 12 month period ends, and approved extra time will be confirmed in writing by the Council.
- The payment of the financial assistance to the applicant will be dependent upon the works being carried out to a standard that is satisfactory to the Council and upon receipt of a satisfactory invoice, demand or receipt for the works and any preliminary or ancillary services or changes.
- The Council will usually make payments direct to the contractor on behalf of the client, and not usually to the applicant. Where the applicant disagrees with a payment made direct to a contractor, no payment shall be made until any dispute is resolved. Legislation permits the Council to make payment by delivering to the applicant an instrument of payment in a form made payable to the contractor, OR by making payment direct to the applicant in accordance with information provided prior to grant approval. NOTE: Contractors receiving direct payment may be required to provide sufficient information to be set up on the Council's financial systems – BUT this should not frustrate the client's choice, as the mandatory DFG grant (only) is an award of funds and not an award tied to a specific contractor with additional financial conditions. Other discretionary awards and forms of assistance may allow different rules on payment in kind etc.

4.1.17 Recovery of compensation – it is a condition of the grant that the applicant must take all reasonable steps to pursue any relevant claim for personal injuries which caused the applicant to apply for a DFG or related assistance, and to repay to the Council the grant or assistance, so far as is appropriate, out of the proceeds of any claim, or to use that award directly to fund the adaptations work.

4.1.18 Future occupation of the dwelling – it is a condition of the grant that throughout the grant condition period (that is 5 years from the date of certification) the dwelling is occupied in accordance with the intention stated in the certificate of owner occupation or availability for letting, or intended tenancy. NOTE: There are no provisions regarding the possible

repayment of a mandatory DFG in the event of an exempt disposal of the property. No conditions apply in respect of future occupation of a dwelling where a DFG is approved for works to the common parts of a dwelling.

4.1.19 Recovery of specialised equipment –

- Where a mandatory DFG is approved for the installation of a stairlift, or a through-floor lift, or other specialist equipment the applicant shall notify the Council if, and as soon as, the equipment is no longer needed within a period of 5 years after the certified date.
- The Council, HEART service or its agents shall be entitled upon reasonable prior written notice given to the applicant or their representative either following the giving of notification above, or at any time during the 5 year period after the certified date, to inspect the equipment and to remove it at their discretion.
- The Council agrees, within a reasonable time following an inspection of the equipment, to:
 1. notify the applicant in writing whether the equipment is to be removed, and
 2. if the equipment is to be removed, to remove it or arrange for it to be removed and forthwith make good any damage caused to the property by its removal by the Council or its agents,
- the Council agrees that where the applicant has contributed to the cost of installing equipment which the Council intends to remove, to pay him/her within a reasonable time of that removal the proportion of the reasonable current value of its original cost (residual value – at time of removal) which represents the proportion of their contribution to the cost of the installation.
- Subject to the Council giving prior written notice in accordance with the above, the applicant agrees, within their power, to give reasonable access to the property to the Council and its agents for the purposes of inspection and removal of equipment, and will not act to prevent, delay, prohibit or frustrate such activity.

4.1.20 Where a charge (repayable grant or loan) is due for recovery, on receipt of a written request from the responsible person the HEART or Private Sector Housing Manager will consider the options to reduce or waive repayment in particular circumstances to be determined in accordance with the following criteria;

- (i) the extent to which the recipient of the grant would suffer financial hardship were he to be required to repay all or any of the grant;
- (ii) whether the disposal of the premises is to enable the recipient of the grant to take up employment, or to change the location of his employment;

- (iii) whether the disposal is made for reasons connected with the physical or mental health or wellbeing of the recipient of the grant or of a disabled occupant of the premises;
- (iv) whether the disposal is made to enable the recipient of the grant to live with, or near, any person who is disabled or infirm and in need of care, which the recipient of the grant is intending to provide, or who is intending to provide care of which the recipient of the grant is in need by reason of disability or infirmity.

If that initial decision is not accepted and further appealed, details of that appeal will be determined by the Head of Home Environment Services as the head of the HEART service, together or in consultation with the appropriate Head of Housing from the Council for that address or area.

4.1.21 Where funds are repaid, they will return to the home Council for that property who may determine to redirect back into their local HEART capital resources, or otherwise.

4.1.22 All recoverable charges will be recorded as local land charges. Any Council wishing to record charges on the national Land Registry may do so directly themselves, either at their expense or added to the repayment cost ONCE HAVING INFORMED THE LIABLE PARTY. Residents will need to seek permission from their mortgage provider and potentially seek independent financial advice prior to agreeing to charges placed against their property.

4.2 Discretionary Disabled Facilities Assistance (DDFA)

4.2.1 The Council will consider applications for discretionary Disabled Facilities Assistance (DDFA), subject to terms and conditions. A means test of financial resources similar to that applied to mandatory DFG will be applied to all applications for DDFA, excepting applications where the works are for the benefit of a disabled child or young person as defined by the relevant regulations.

4.2.2 DDFA may be awarded and will be subject to the availability of resources. An extra £10,000 may be available as a top-up to owner occupiers* with sufficient equity (works costing £30-40,000). A further £10,000 may be available as a 0% repayable loan (charge) for when works cost £40-50,000 and there is no viable alternative such as relocation support.

*tenant cases depending on particular circumstances – as tenants have no equity and landlords may decline charges, Registered Social Landlords (RSL's) may be requested to accept charge against property. Whilst tenants should not be disadvantaged, nor should their landlords be rewarded with improved properties with no security of tenure for the tenant. Offers should represent good value, but be prudent and low risk.

Where the landlord is a private landlord or Registered Social Landlord, options will be explored with the owners of the property depending on circumstances.

4.2.3 DDFA will be registered as a local land charge against the property and any sum over £40,000 will be recovered on the sale or transfer of the property, subject to rules regarding exempt sales. Note – this is separate to the £10,000 recoverable DFG which expires at 10 years from certification of works completion.

4.2.4 Councils are required first to consult the ‘welfare authority’ to consider what assistance would be necessary and appropriate for the client, and then apply a test of what is reasonable and practicable in the circumstances of the property (as at 4.1.6). The service must consider viable alternative solutions which appear more cost effective. Such solutions may include contributions towards alternative house purchase and moving costs to an adapted or more economically adaptable and suitable property.

Moving and house purchase finance will be determined on a case by case basis determined by:

- the tenure and location of the original and new properties,
- the residual equity and any increased mortgage debt,
- whether moving within the District/Borough, or the County, or beyond,
- whether the original property is unadaptable, unaffordable or poor value to adapt,

or that moving is purely an occupier choice or as a result of a landlords refusal to permit adaptation – see examples at 4.2.14.

DFG of up to £30,000 is available for adaptations in properties residents have moved to (within the local or County area only), but may be reduced by any contributions to moving costs and purchase contributions.

DDFA is available to owner-occupiers with sufficient equity, but also to tenants subject to individual determination and equitable opportunities dependent on the attitude of RSL or private landlords as regards repayable charges as above. Note – neither tenants nor owner occupiers will be disadvantaged and the system will be equitable as far as possible, to be ‘tenure blind’. Tenants, however, with works projected to cost in excess of £30,000 will be encouraged or required to consider housing options such as relocation in priority to actual works to their rented home. Case workers may have similar options conversations with owner-occupiers.

As there are too many variables to set a fixed policy on awards for moving or buying property, each case will be determined on its merits subject to resources by recommendation from the Case Officer to the HEART Manager with sufficient discretionary authority to approve works of that value.

4.2.5 Qualifying criteria – these are the same as for mandatory DFG.

4.2.6 Qualifying works – applications within this heading will be considered for the following purposes;

To top up the financial assistance for adaptation works where the reasonable cost of the required work exceeds the set maximum for mandatory DFG (currently £30,000). The amount of DDFA in such circumstances shall be reasonable. The Council reserves the right to consider alternative solutions where they appear more cost effective, reasonable, practicable or appropriate. NOTE: Welfare Authorities (Warwickshire County Council) also have resources and responsibility for adaptations and equipment under other legislation, e.g. the Care Act. HEART service staff may also assist with charitable applications.

Assist the disabled person to move to a more suitable property where it is impracticable to adapt or more cost effective than adapting the current home of a disabled person to make it suitable for his or her present or future needs, even though the new property may need some adaptation.

4.2.7 Rehousing options include trying to identify and offer suitable accommodation in the social rented sector. The Council will, however, bear in mind that for many disabled people the location of their home is a key consideration – often they have an established support system and network of friends, family and local organisations that, understandably, they will wish to maintain.

4.2.8 Works which have been commenced prior to the approval of an application, and unforeseen works – the same conditions apply to DDFA as to DFG.

4.2.9 Financial Assistance – all DDFA will be subject to a means test the same as that for mandatory DFG, including the exemptions for young people. DDFA to meet the difference between the maximum mandatory grant that can be awarded and the total eligible cost of the qualifying works, inclusive of HEART fees, will not incur any interest charges to maintain or increase its value over time (i.e. the liability will not grow).

4.2.10 Unless specified below, where properties are owner occupied the DDFA awarded will be placed as a charge on the property and will be recoverable on the sale or transfer of the property title, subject to the rules regarding exempt sales.

4.1.11 Circumstances where DDFA it may be considered NOT to be registered as a charge against the property;

- Applicants for DDFA who are not owner occupiers will be referred for a financial assessment for a commercial loan. If it is not possible for the applicant to obtain affordable loan finance, then the DDFA may be in the form of a grant award, subject to conditions.
- Applicants who have transferred ownership of a property to others within the previous 10 years or where the transfer did not involve a sale at market value, or those who are not owners but who are living with family, then the family will be

asked to register the DDFA loan as a charge which may or may not be a viable option depending on the family circumstances.

4.2.12 Conditions relating to contractors, standards of work and invoices – as for mandatory DFG

4.2.13 Conditions restricting future use and ownership of the property – the following additional conditions will apply where the Council has made an award of DDFA;

- The owner will notify the Council in writing if a relevant disposal of the property is proposed.
- The owner of the property will provide, within 21 days of a written notice from the Council, a statement confirming the ownership and occupancy of the dwelling. If the property has been sold or transferred the statement will include the date of transfer of ownership.
- DDFA will be registered as a charge against the property and will be repayable on sale or transfer of the property, subject to exempt sales. The charge will be binding on successors in title.
- It is a condition of DDFA that where an owner makes a relevant disposal of the dwelling, other than an exempt disposal, the DDFA shall be repayable subject to above.
- If a relevant disposal takes place after a period of 5 years after the certified date of completion of works, no amount shall be recovered which, after repayment of all charges registered against the property, results in owner(s) having a residual equity of less than £10,000. No account will be taken by the Council of charges subsequent to the charges registered by the Council.
- If the property is transferred, or the sale price does not reflect the market price, the Council will have the right to seek an independent valuation of the market value, which will be binding on both parties, in order to recover the grant repayable.

4.2.14 Criteria for consideration in cases of help-to-buy/move; (this is not an exclusive or exhaustive list, as other factors may become apparent with experience):

- The disabled person may wish or need to move to give or receive care, or to receive medical treatment.
- The disabled person may wish or need to move to maintain or gain employment.
- The cost of works to the property may exceed the benefit to the client.
- The cost of works may exceed the available grant and loan maximum and any available client or third party contribution.
- The client's calculated contribution may be unaffordable and moving/buying is a better financial solution.

- The client may need to move to reduce rent and/or release spare bedrooms which they can no longer afford (e.g. benefits cap and/or the spare room subsidy).
- A different property may provide a greater benefit for the client for the funds.
- The current property may not be adaptable, and another property may be more amenable to adaptation.
- The current property may contain hazards or defects which would not be sufficiently addressed by the works or otherwise by the client or owner.
- The property owner (landlord) refuses to permit the adaptation.
- The property is for sale, or pending foreclosure, bankruptcy (as security against debt) or repossession.
- The tenancy is due to end and not be renewed, or is otherwise unstable.
- Relationship breakdown.
- The client wishes to downsize and/or release equity (some of which could be used towards adaptation and moving costs).
- The client wishes to move to or purchase in another Council area and may be entitled to mandatory DFG in addition to support to move or buy (this may be within or outside of Warwickshire).

4.3 Hospital Discharge Grant

4.3.1 Hospital Discharge Grant (HDG) of up to £10,000 will be payable where housing defects or adaptation works are preventing discharge from hospital as assessed by professionals attached to either Social Services, Acute or Primary Care Trust, or a senior officer working in the recognised hospital discharge process, or to reduce the risk of re-admission or address significant difficulties in providing safe and dignified home based care. Works may include adapting the living environment to accommodate a disability, remedying defects including safety hazards including security, and thermal comfort measures (insulation, heating).

4.3.2 Hospital Discharge Grants will NOT be subject to a test of applicant's financial resources (i.e. NOT means tested) where it facilitates rapid discharge and the release of a hospital or care bed resource. In such cases, clients may be assessed ahead of date order and as a priority – which will impact on other less urgent cases. Contractors may also be asked to prioritise or re-schedule works to accommodate the need for a rapid adaptation, and may charge a premium for such. Additional works that may assist with reducing re-admission may also be included within the considered works, or other forms of assistance included within this policy.

4.3.3 Conditions;

The works must be necessary in order to facilitate discharge from hospital or care or reduce readmission, to save or reduce hospitalisation or residential care costs or to facilitate safe and dignified home care and avoid or reduce the cost of a care package,

Assessment for HDG will take priority over other casework at the discretion of the HEART Team Manager or Head of Home Environment Services.

The Council reserve the right to refuse this award if there is doubt or another form of assistance is more appropriate, or where the primary responsibility lies with an alternative organisation.

All other conditions e.g. relating to repayment, contractors, standards of work and invoices etc. that apply to DFG will apply to HDG.

4.3.4 HEART and Councils will work with other agencies including Health and Social Care to provide a flexible and rapid offer for genuine and needy cases where other assistance types are likely to be ineffective. This will include exchange of information, getting approval of the customer and family / carers, access to the property for assessment, completion of appropriate records, liaison with contractors and the conduct of work. The form of this flexible package cannot be prescribed in greater detail – each case will have its own merits and opportunities, some of which may be fluid in any event.

4.4 Home Safety Grant and ‘Handyperson’

4.4.1 A free home safety check (inspection) will be offered to any qualifying resident assessed by HEART for other services or as a stand-alone request or referral. Qualifying criteria defining the vulnerable target group are; available to those of any tenure aged 55 or over, or a household containing a disabled person.

4.4.2 Assessment may indicate a need below the level that qualifies for statutory intervention through Social Care, for equipment (aids), and/or minor works or adaptations (half step, grab rail, ramp, key safe, smoke and CO alarms etc.). Assessed minor works are not means tested, up to financial limits.

4.4.3 If NO Care Act need is assessed but preventative works are strongly indicated, equipment and minor works of up to £500 can be funded, reimbursed if agreed prior to works being commenced or otherwise provided via any approved ‘handy-person’ scheme or directly purchased by or on behalf of the customer if suitability is agreed. This can fund both labour and materials – see examples at 4.4.7. Fees on the value of each works / equipment will be applied by HEART and in addition to the maximum award where necessary. Cases costing more than the maximum sum may be referred if eligible for DFG, or WaSH grant and subject to means test. Provision of assistance is a *spend-to-save* measure intended to reduce more expensive accidents and their consequences.

4.4.4 HEART processing fees for handy-person type works and services will be 12.5% (2017) or whatever standard fee rate applies.

4.4.5 To facilitate a better service, it is proposed to explore the options to establish, procure or contract one or more Handy-person services. To fully explore the opportunities

would delay the agreement of the principal tools of this policy, and thus will be addressed retrospectively.

4.4.6 The service will make award(s) to a maximum of the £500 of Home Safety Grants within a 3 year period. The awards are per household, not per person.

4.4.7 The safety check aims to provide a free Home Environmental risk assessment to identify potential hazards, such as -

- Falls Prevention; Advise on safe clear floor pathways, ill-fitting carpets, trailing electrical wires, uneven floors, furniture obstructions, garden paths and shed / garage access, access to main doors (front, side, rear), bins etc.
- Mobility and use of facilities; Freedom of movement within home, identify ill-fitting doors and windows, stair & grab rails, steps, lighting, switches and sockets, changing a lightbulb, putting up or adjusting curtains / blinds and fittings,
- Hazards from hot surfaces and materials; Radiators, gas fires, hot water cooker arrangements,
- Warm Home Assessment; Identify damp & mould, insulation (cavity & loft), lack of central heating, draught proofing, water cylinder jacket, fuel poverty assessment, tariff/supplier choice, meter position and readability
- Security checks; Window & door locks, fitting key safes,
- Fire Safety; Smoke alarms, carbon monoxide detectors.

Provision of remedial work once agreed by the Service User

- Grab rails
- Stairs rails
- Internal ramps (half steps)
- Refitting and/or easing doors
- Easing windows
- Key safes
- Fit smoke alarms
- Door safety chains
- Access to property (minor trip hazards)
- Change & fit light bulbs
- Tack loose fitting carpets
- Re-route trailing wires
- Fixing loose floor boards (or refer on to others)
- Relocate small items of furniture
- Remove minor slip trip or fall hazards within the home or garden.

4.5 Warm and Safer Homes (WaSH)

4.5.1 The Decent Homes Standard contains four elements, that dwellings¹;

1. meet the current statutory minimum standard for housing (that a property is free of category 1 hazards as identified by an appropriately trained professional under the Housing Health and Safety Rating System - Housing Act 2004)
2. are in a reasonable state of repair
3. have reasonably modern facilities and services
4. provide a reasonable degree of thermal comfort

4.5.2 Further detail is available at section 4 of the linked document;

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7812/138355.pdf. This standard was originally introduced for social housing, then adopted as an aspirational target for private housing – but not as an enforceable standard excepting the first element.

4.5.3 All partner Councils agree that reducing category 1 HHSRS hazards is a key aim along with element 4 on thermal comfort, which has significant crossover with fuel poverty and health risks particularly to vulnerable groups. Elements 2 and 3 are important but less vital, and in the context of existing budgets, staffing and priorities there is no intention to include them in any current discretionary scheme as stand-alone items (i.e. excepting where they also meet element 1, HHSRS hazard). Element 4, thermal comfort, would be treated under the separate Energy Efficiency support (details following) except where it also constitutes a category 1 hazard which takes priority. Offers may be combined at the discretion of the service. NOTE: at the discretion of HEART, a category 2 hazard that will deteriorate over time or adversely affect the occupant due to health conditions will be considered for assistance. See 4.5.6 below for an indicative list of HHSRS hazard categories and circumstances which should be recognisable to Housing Assessment Officers, and circumstances suggesting escalation to more experienced surveyors.

4.5.4 For **owner-occupiers** partner Councils will award SUBJECT TO RESOURCES a discretionary sum for works identified or agreed by the service, as follows;

1. Grant of up to £10,000 for works agreed by service.
2. Full costs awarded if a member of the household is in receipt of a qualifying means tested benefit, otherwise
3. where the applicant has a qualifying health risk (to be agreed and varied as appropriate by HEART Board members) which can be alleviated or improved by works to the home, subject to the DFG test of financial resources – an

¹ excludes certain mobile homes, houseboats as defined in legislation (Housing Act 2004)

applicant's calculated contribution is offset against the cost of works. Where Board members agree to provide assistance based on designated health conditions such as dementia, then they will agree the specific details and criteria of any assistance under this section.

4. Minimum property ownership period of 3 years before award, no repeat application or further award within 3 years of certification (completion)
5. An expectation of reasonable care, not due to deliberate or negligent damage, use of insurance award

Qualifying means tested benefits;

- Income Support
- Income-based Jobseeker's Allowance
- Income-related Employment and Support Allowance
- Support under Part IV of the Immigration and Asylum Act 1999 (? or perhaps not)
- The Guarantee element of State Pension Credit
- Child Tax Credit (provided you are not also entitled to Working Tax Credit, and your annual gross income does not exceed £16,190 as assessed by Her Majesty's Revenue and Customs)
- Working Tax Credit run-on (paid for 4 weeks after you stop qualifying for Working Tax Credit)
- Universal Credit (during the initial roll-out of this benefit) – or equivalent

4.5.5 For **private sector landlords**, there is not just an expectation but a legal obligation for their properties to be free of category 1 HHSRS hazards. Action on category 1 and relevant category 2 hazards will be referred to local private sector housing teams for enforcement consideration in accordance with their policies.

4.5.6 The Housing Health & Safety Rating System classifies 29 hazard types, split into four broad groups; physiological, psychological, protection against infection, and protection against accidents. Within each hazard profile (see HHSRS Operating Guidance), properties are allocated an average risk rating dependent - in some cases - on property age, tenure, HMO or non-HMO, house or flat. Certain hazard profiles identify a 'vulnerable client group', based on age. The top four hazards, by average HHSRS score, are excess cold, falls on level surfaces, falls on stairs and entry by intruders. The remaining 25 hazards score on average very low, and conditions would have to be severe to escalate towards a category 1 score. A numerical score is calculated by a function of the probability of an incident occurring within the next 12 months (based on observable or reported data), together with the severity of harm types resulting from the incident, and range from zero to several thousands. The cut-off between category 2 hazards and the more severe category 1 hazards is a score of 1000

points or more. Councils have discretion to act on category 2, but MUST act on category 1 hazards, and can do so regardless of tenure – but not in the Council’s own stock.

The other 25 hazards are;

- Damp and mould growth
- Excess heat
- Asbestos and manmade fibres (MMF)
- Biocides
- Carbon monoxide, Nitrogen Dioxide and Sulphur Dioxide
- Lead
- Radiation, including Radon
- Un-combusted fuel gas (asphyxiation, not explosion of fire)
- Volatile Organic Compounds (VOCs)
- Crowding and Space
- Lighting
- Noise
- Domestic hygiene, pests and refuse
- Food safety
- Personal hygiene, sanitation and drainage
- Water supply
- Falls with baths
- Falls between levels
- Electrical hazards
- Fire
- Flames and hot surfaces
- Collision and entrapment, including low architectural features
- Explosions
- Position and operability of amenities
- Structural collapse and falling elements

Housing Assessment Officers may consider the following to be likely category 1 hazards;

1. Excess cold - ineffective or lack of heating systems, occupier(s) unable to maintain comfortable temperatures, lack of radiators or central heating to commonly used rooms, sole means of heating to a room is electric on-peak fires or convector heaters, uncontrollable draughts, exacerbating factors such as broken window(s), windows which cannot be closed, lack of insulation (loft, cavity wall or hot water tank).
2. Slips, trip, falls - Very uneven or unstable flooring or external yards/pathways, holes and/or rot to floorboards, dangerous changes in level, poor slip resistant surfaces to external steps, missing balustrading/guarding to stairs or external steps.
3. Lack of security - Insecure windows and doors, faulty/broken locking mechanisms or glazing, if high crime rate area.

4. Electrical hazards – live bare wires at accessible level, water/moisture ingress to electrical fixtures and fittings, damaged lighting/power fixtures or fittings, missing blanking plates or circuit breakers to consumer units.
5. Lack of electric supply.
6. Lack of hot and cold water to washing and bathing facilities or other disrepair.
7. Smell of natural gas, signs of incomplete combustion to gas appliances, gas appliances marked as do not use by gas safety engineers, open flue gas fires within sleeping rooms.
8. Lack of food storage, preparation areas and water supply available for preparing/cooking food.
9. Fire risk within properties where occupier exhibits behavioural problem leading to high fire loading – such as hoarding.
10. Structural collapse – falling brickwork, defective chimney stacks/pots, other building elements either at risk of falling from height or being heavy (window frames etc.).
11. Falls on stairs - no handrail, handrail not extending to full length of flight, steep stairs, narrow stairs, twisting stairs, gaps in balustrades / spindles, poor lighting.

Housing Assessment Officers may also consider the following cases likely category 2 hazards that need to be rectified, as they will deteriorate over time:

1. Damp and mould - Extreme condensation and mould growth, resulting from lack of natural or mechanical extract ventilation, inadequate heating or insulation, penetrating dampness from holes in the roof etc.
2. Toilets blocked due to defects or other defective foul or surface water drainage such as gullies, pipework, guttering etc.
3. Operation of windows/doors - difficult to open/close, external doors swollen, missing door/window handles
4. Collapse of internal elements such as falling plasterwork, fixtures and fittings etc.

4.6 Energy efficiency support

4.6.1 Fuel poverty, or ‘affordable warmth’, is a key health issue as it impacts severely and directly on the most vulnerable sections of our communities – from the very young to the oldest. Around 30,000 excess winter deaths are attributed to cold related illness annually. These can include flu, pneumonia and chest infections as well as strokes and heart attacks. It can also contribute to increased risk of falls. Those impacts which are not fatal may nonetheless be debilitating with severe and permanent effects, and all may bear upon stretched medical and social care services. Increases in allergies and asthma from exposure to mould spores from condensation and damp are also harmful, and in the very young can

develop into whole lifetime conditions which can affect educational achievement and employment prospects. NICE guidelines advocate action to address fuel poverty and excess cold.

4.6.2 Funding for domestic energy efficiency improvements via national schemes like ECO (Energy Companies Obligation) and the Green Deal have lacked stability and are under review or early stage implementation. Phase 2 of ECO was due to expire on 31.3.2017 but is being extended in a modified form until September 2018. Exact details of modifications and guidance are awaited from the Department of Business Energy and Industrial Strategy. Energy companies are still delivering schemes, in some cases nationwide and in others bespoke with local partners such as Councils.

4.6.3 Councils can play an important role in delivering schemes, particularly in partnership with energy companies, as they have a track record of delivery along with local data, knowledge and networks of connections and communications, and can act as a trusted brand and bridge between communities and the private sector. Councils can generate publicity and capture potential leads for onward referral, and also act as intermediaries and ambassadors of their constituents in dealings with other funders or providers. Councils can also 'top up' energy company offers and fill gaps where certain customers, properties or works may not be covered by ECO-type schemes.

4.6.4 As schemes and relationships with funders and their delivery infrastructure may change on a rapid cycle – and it would not be possible or prudent to re-write this policy every time such a change occurred – only a generic description of the types of assistance which may be offered can be given at this point. This policy may be supplemented by codicils from time to time which capture more specific offers, but in general the service will offer appropriate grants and/or loans, materials and the provision of works directly or otherwise with partners to the criteria, limits and terms & conditions as are negotiated and agreed to provide maximum impact and benefit. This is likely to include a Statement of Intent under new ECO2 rules to target flexible eligibility provision and declare households as qualifying under Fuel Poor (FP) or LVC (living on a low income and vulnerable to the effects of cold housing), and any solid wall in-fill insulation scheme, pending DBEIS guidance.

4.7 Other forms of assistance

4.7.1 Councils may from time to time wish to consider grants or other financial and non-financial assistance for purposes not aligned to the Better Care Fund, or to address local issues, either directly or via HEART. These matters may include; empty homes, conversions / HMOs, assistance to down-size and release larger family housing.

4.7.2 As those issues are not directly associated with the HEART harmonisation agenda, they are not explored here further and await development at the discretion of the Councils or HEART Management Board.

NOTE: If a Council is going to offer or deliver any RRO qualifying assistance directly or through HEART, it should be included either in their own stand-alone policy or in this policy as an appendix/codicil.

5 Assistance process, and access

5.1 Customers may refer themselves or be referred to the HEART service either directly or indirectly by all appropriate channels – telephone, email, regular mail (post) or at appropriate offices (main office at Town Hall, Nuneaton – satellite offices at Bedworth and partner Councils offices and satellites). Satellites, partners and switchboards will have been briefed to channel all relevant enquiries to the HEART duty desk at Nuneaton Town Hall (for the North – NBBC, NWBC and RBC) and Warwick District Council HEART duty desk at Riverside House, Leamington Spa for the South (WDC/SoADC), which serve to screen incoming contacts to either immediately signpost or redirect or to conduct initial enquiries for processing onwards. Other District/Borough Council offices and sites may be used by staff as drop-in offices and for occasional meetings.

5.2 The HEART duty desk operates from 0900-1700, Monday to Friday excluding Bank and Public holidays. There is no emergency out of hours service or contact (messages can be left), but staff will sometimes have to arrange home or other visits or make contact with customers outside of those hours by agreement to deliver better and more effective service. Enquiries will usually be addressed in chronological order as received, excepting cases as detailed further under prioritisation (section 9).

5.3 All information received and processed will be treated in accordance with confidentiality and data protection rules, as agreed in the HEART Data Sharing Protocol.

5.4 Staff have all had additional training in equalities and diversity, and on the safeguarding of both adults and children. In appropriate circumstances, staff may be legally obliged or directed by a supervisor to refer cases of ‘concern for welfare’ to other appropriate agencies for investigation in line with agreed policies.

5.5 Once initial screening has occurred, unless referred to other services, each case will be allocated to an Occupational Therapist, Housing Assessment Officer, or Home Improvement Officer as appropriate to the needs and circumstances. Those staff will normally make contact by telephone or otherwise as directed, and will then usually arrange for a home visit to view the property and discuss the customer’s wishes and needs. The outcome of that visit will inform any schedule or specification of works, and the staff will provide and assist the customer to complete any necessary application documentation. Customers may be asked to sign a customer agreement for some types of work, but HEART fees for financially assisted works are all grant aided and are not paid by the customer.

5.6 Once customers have been supported to apply for assistance, they should receive written notification of a decision in due course. Prior to that, the HEART service can arrange for contractors to visit and view the property and quote for the identified works, and can also engage a design professional who may draw plans and assist with the process for more major, complex and expensive adaptations which may require planning permission and which may need refinement from an initial brief. An asbestos testing contractor may also be engaged to check if works require special protection. Other professionals such as structural engineers etc. may also be necessary from time to time. The value of some works may dictate that two or even three different quotes are obtained to compare value. (Note- see section 8 – contractors are a customer choice, customers may choose contractors other than those working with the HEART service, and are not obliged to use the least cost contractor but may be liable for additional costs outside of any award).

5.7 The customer's key worker will contact the customer regularly with updates, and will visit during works and on completion as appropriate. Some cases require one or more pre-start meetings, as some customers may have to make temporary arrangements to facilitate the works.

5.8 During and on completion of works, contractors may make requests for interim or final payments, which will be checked by the service before approval with the customer's permission only. In the case of dispute over value, work quality or otherwise, the HEART service will mediate towards mutual satisfaction and a fair outcome for all. After completion and final payment, customers should receive any appropriate warranty, guarantee, certificate or similar. If customers have any contribution to pay towards works, for extra works or other purposes, the customer should pay the contractor directly and up front i.e. before Council funds, and in any event for works outside of grant scope. The Council is not responsible for chasing applicants for money and receiving it and then paying it out to a contractor. Contractors should be responsible for obtaining the money owed to them by clients

5.9 Stairlifts and similar are usually provided with a standard 5 year warranty. Whilst the lift becomes the property of the customer, if the customer no longer requires it or can no longer use it, the HEART service has 'first call' to survey and remove any reusable lift for other customers. 'Make good' works will be offered (or compensation to the value of any decor), together with the proportional residual value of any original customer contribution. See 4.1

5.10 Customers are able to make repeat or successive applications if their needs change and within the specific assistance type conditions. If customers are concerned or unhappy with any issue and wish to speak with a supervisor, they may ask for the Senior Housing Assessment Officer or Senior Occupational Therapist, and may then escalate to the HEART Team Manager as appropriate in advance of options to appeal or complain.

5.11 ALL applicants for and beneficiaries of financial assistance must have a valid UK National Insurance number, a UK address and the right to reside in the UK and to receive the benefit of public funding. Grants and assistance will be provided for works to Warwickshire properties only, but relocation support (costs) may be provided for moves outside Warwickshire County.

6 Assistance conditions, and advice

6.1 Assistance conditions will be particular to each assistance type and will be provided in writing with any application form, paperwork, and approval or otherwise. Customers may ask their key worker for clarification or further detail as necessary.

6.2 Approvals of grant or loan will usually relate to a sum of money and not be specific to a particular contractor or set of contractors the customer must use. However, the Council must have received and be satisfied with quotes from alternative contractors in advance of works.

6.3 An approval may be for less than 100% of the cost of the works, and the customer should be informed of their contribution or shortfall and should not instruct the commencement of works until that sum can be covered. Customers should also be aware of the possibility of unforeseen works which may fall outside of the scope of further financial aid, and may require a reasonable contingency.

6.4 Customers may be assisted by their key worker to seek charitable finance for any shortfall or assessed contribution, but should seek professional independent financial advice for any commercial loan or equity release type product.

6.5 Certain assistance types may require a minimum period of occupation or ownership to avoid the partial or complete repayment of funds. Some assistance types may have a non-expiring obligation to repay funds, and unless otherwise stated will usually be in the form of a zero-interest loan or charge not requiring periodic repayment, but terminal settlement. Mandatory DFGs may require up to £10,000 to be repaid if circumstances are triggered within 10 years of the certified (completion) date.

7 Fees and Ancillary Charges

7.1 The Council will consider reasonable fees for financial assistance. The following fees will be eligible for financial assistance if they have been properly incurred in making an application or seeking approval for the proposed works, or to ensure the satisfactory completion of works assisted under this policy;

- Confirmation, if sought by the Council, that the applicant has a relevant owners interest
- Relevant legal fees
- Technical and structural surveys

- Design and preparation of plans and drawings
- Preparation of schedules of relevant works
- Assistance in completing forms
- Advice on financing the costs of the relevant works which are not met by grant
- Applications for building regulations approval (including application fee and preparation of related documents), planning permission, listed building consent and conservation area consent (and similar)
- Obtaining of estimates
- Advice on contracts
- Consideration of tenders
- Supervision of the relevant works
- Disconnection and reconnection of utilities where necessitated by relevant works
- Payment of contractors
- In a case where the application is for DFG or DDFA, the reasonable services and charges of a (private) occupational therapist in relation to the relevant works

7.2 HEART fees – The HEART service charge fees for the services they provide which are in excess of the statutory minimum necessary to approve the grant application. Currently the fees are set at 12.5% of cost of grant / loan funded works. This can be amended by the agreement of the HEART Management Board.

7.4 In order to streamline the process, these fees will be deducted at source by HEART. Any HEART fees will be excluded from any repayable element of financial awards, and in any case these fees will be in addition to the maximum amounts specified for any particular award. The fees will be based on the maximum grants amount.

Examples

DFG Grant	(£30,000 Max)	Home Safety Grant	(£500 max)
Cost of works	£10000	Cost of Works	500
Fee	£1250	Fee	62.5
Total Award	£11250	Total Award	£562.5
10 year charge for works between £5000 and £15000	£5000		
Amount excluded from charge	£1250		

7.5 Where the Council / HEART service is not assisting the works with grant or financial award, but the customer still requires technical or professional services to support their project, the customer will be responsible for paying HEART fees accordingly. Customers will

need to sign an appropriate customer agreement form. Dispute resolution will be between customers and their chosen contractors, but with appropriate support from HEART staff.

7.6 The HEART Management Board will set the level for technical and professional services for privately funded customers.

8 HEART Contractors

8.1 The HEART service currently operates an open list of contractors which can be joined on successfully meeting the requirements of the contractor's standards and code of conduct. In addition some contractors may be accessed through framework agreements provided by external organisations.

8.2 All Councils are keen to promote the economy within their local areas and as such capital spending can contribute towards this objective. Where feasible and not to the detriment of the service provided then local contractors will be given the opportunity to tender for works.

8.3 HEART has a number of types of contractors and specialist services within its supply chain. These include

- Architects
- Structural engineers
- Asbestos surveying companies
- Stair lift manufacturers and installers
- Bathroom installers
- General builders
- Specialist builders
- Gas and electricity contractors

As HEART effectively links contractors and suppliers with grant applications it is recognised that a responsibility and relationship exists between the contractor and HEART. It is therefore the commissioning intention of HEART to procure and manage the supply chain through a series of appropriate tenders and frameworks. Some of these frameworks may be national public sector frameworks that the Council can access. Further commissioning may be necessary to create more local frameworks where effectively contractors are working for HEART and HEART is making its own contractors available to customers. Procurement will seek to ensure a suitable legal relationship between HEART and contractors where each body is responsible for their work and actions and suitable arrangements are in place to ensure poor performance is rectified.

8.4 Each job that is intrusive will be subject to an asbestos survey to determine if specialist removal or precautions are necessary to complete the job. This survey will be paid

via the capital grant irrespective of whether work progresses as will other specialist survey or design works where the grant works do not progress.

9 Prioritisation

9.1 Where possible the Council will commence consideration of an enquiry for assessment for financial support or other services within this policy in chronological order of receipt of enquiry, subject to the following provisions;

- With the agreement of HEART senior supervisor, an enquiry must be considered as urgent if the customer would be unable to remain in their home safely unless the works are expedited, notwithstanding that care in the home is provided, OR that required works are necessary to facilitate discharge from hospital or nursing or residential care,
- Any priority scheme agreed for DFGs
- The property subject of the enquiry is in such a condition as to present an immediate and significant danger to the occupants or visitors.
- For the purposes of budgetary control a category of financial assistance may be given priority over another, or sums may be switched between categories but NOT to the detriment of mandatory DFGs
- For the purposes of policy or project implementation a category of financial assistance may be given priority over another
- Where staff resources are employed to work in a specialist area e.g. Home Improvement Officers dealing with complicated WaSH grants, then the enquiries generated for those specific work areas will be considered within their own chronological priority order, irrespective of the wider enquiries dealt by the wider team.
- NOTE: devolved budgets are NOT pooled – if a budget for an area is fully committed, budgets from other areas will not be transferred but sub-budgets for different assistance types in that local area may be reallocated at the discretion of the home partner Council. This means that some enquiries or applications may be suspended pending identification of local funds, whilst later cases from other areas go ahead.

9.2 Where resources (financial, staffing or other) are limited, those services which are provided for vulnerable groups or most vulnerable individuals will take priority over other types of assistance or cases.

9.3 Where a property, case, customer or category of service is to be considered outside of chronological order the Head of Service or HEART Team Manager / Private Sector Housing Manager or Team Leaders will sanction the action and a written record will be retained on file in justification of that decision.

10 Enforcement Policies

10.1 Although this Financial Assistance Policy is designed to support and encourage the co-operation of owners and landlords to maintain and improve their homes, it must be borne in mind that the Council may have to resort to statutory action. This may be necessary:

- To comply with legislation compelling the Council to act, as a mandatory duty or statutory function
- To protect the living conditions of private tenants, particularly those living in shared accommodation or houses in multiple occupation (see separate local HMO licensing policies)
- To protect the conditions of owner occupiers where necessary and appropriate, or those of their neighbours affected by poorly maintained property

10.2 Each Council has adopted its own enforcement policy to ensure that their actions are carried out with clearly understood principles, practices and standards, in a consistent way, proportional to the issues being addressed, and with a courteous and helpful approach by the Council staff involved. Councils will seek to act with an open, transparent and honest approach. Each Council's policies and actions should reflect the principles of the Regulators Code; <https://www.gov.uk/government/publications/regulators-code>.

10.3 A copy of each Council's housing enforcement policy will be available online and at each principal office of the Councils at reasonable time and without charge. Printed copies can be provided for a nominal charge, but free copies will be available on request to voluntary organisations and partners, particularly those representing customer groups who may receive assistance under this policy, Warwickshire County Council Social Services (Adult and Children's Social Care), the Library Service and the National Health Service.

10.4 Each Council's policy may be updated from time to time.

11 Complaints

11.1 Whilst each partner Council has its own separate formal complaint process, HEART has a process which should be used regardless of the location of the service provided or requested, or the particular employing organisations involved.

Note – if Councils have opted to provide any assistance within this policy directly and outside of HEART then their own process should be followed – details via their individual websites, main offices or contact centres which can be referred onwards by HEART or for which HEART can give details.

11.2 Any member of the public who is dissatisfied with the performance of the HEART service in administering this policy may make a formal complaint through the HEART procedure. However, we would encourage both the public and the staff (and their

supervisors) to try to address any misunderstandings or disagreements by mutual agreement – within the jurisdiction of the staff to do so – to avoid the need for a matter to escalate to formality. Staff should still make supervisors and managers aware of such issues even if resolved, in order to facilitate learning and service improvement.

11.3 Complaints that amount to a disagreement with the Council about its decisions, or the Policy, rather than the way in which the decisions or policies have been implemented, cannot be considered under this (HEART) Complaint Procedure:

https://www.nuneatonandbedworth.gov.uk/info/19999/feedback/201/customer_feedback

Where appropriate an appeal can be made to the Appeals Panel to consider the merits of a decision on whether a case outside of policy should receive assistance – see ‘Appeals and out of policy cases’ – section 12.

11.4 Examples of the type of complaint that will come within this complaints procedure are:

- Failure of HEART to provide the service to an appropriate level or standard as described in this policy
- Unhelpful attitude of a HEART service employee
- Neglect or delay in answering a query or responding to a request for service outside of that which is reasonable
- Failure to follow the services agreed policies, rules or procedures
- Failure to take account of relevant matters when coming to a decision
- Failure to inform people of their rights
- Malice, bias or the non-application of Equal Opportunities policies or principles

11.5 Complaints, compliments and feedback are made through the NBBC web site as above.

11.6 The complaints procedure is not a substitute or alternative to any person’s right to complain to their elected representatives or to the appropriate Ombudsman, but the latter will usually insist on the customer using the service complaints process first.

12 Appeals and out-of-policy cases

12.1 The appeals process has been designed to incorporate the following key principles:

- Accessibility
- Simplicity and clarity
- Promptness of action and speed of resolution
- Objectivity and independence
- Confidentiality
- Comprehensiveness

12.2 There are two forms of appeal which may occur:

- a. Issues of a professional or technical nature, e.g. where an applicant disagrees with the assessment of conditions or needs,
- b. 'special case' issues where the works, social or financial circumstances of the applicant or type of assistance required are not accounted for within the policy or where the customer believes the policy to be wrong or unfair.

12.3 In order to properly consider appeals, there will be two levels of escalation: The Supervisors Panel (Private Sector Housing Manager and Heart Service Manager), and the Senior Management Panel (Head of Home Environment Service and the local Head of Housing or equivalent).

12.4 Technical / professional appeals may be in relation to:

- Hazards determined under the HHSRS
- The perceived condition of any building element
- The remedial works determined by the Council

12.5 Special Case Appeals – where the works, social or financial circumstances of the applicant or type of assistance requested for are not accounted for within the policy, the applicants will be able to appeal.

12.6 Where the Supervisors Panel declines an appeal then the appellant (client, disabled person or applicant – directly or via an advocate or agent) may escalate to the next level (Senior Management).

12.7 Appellants will be eligible to appeal where it is argued that their special circumstances are not adequately reflected through the existing policy. The claim can only be successful if they establish to the satisfaction of the Panel that their case falls within the following criteria:

- Failure to carry out works will place the applicants or existing family's health and safety at immediate risk
- The applicant or member of their family has a specific and serious medical condition or disability – including mental health – which is being aggravated by the existing condition of the property and the provision of assistance would significantly improve the condition
- The condition of the house will imminently prevent the ability of the existing family to continue to live together
- The condition of the property will lead to the intervention of other statutory services, thereby causing additional expenditure from other public sources e.g. children being taken into care

- The work would be of wider benefit than to the applicant and their family e.g. where other properties are affected.

12.8 In all of the above cases:

- The applicant has no means by which they could reasonably be expected to fund the work, either privately or with 'welfare' assistance, and
- The assisted works must significantly reduce the problems under the above criteria, described by the applicant or identified by the Council

12.9 Where the applicant does not fulfil the above criteria, they will be notified and they may then appeal to the Senior Management Panel to decide their case. Where a Panel agrees that the case fulfils the above criteria, then the assistance may be agreed.

12.10 Initial assessments – a form will be provided to the applicant in order for them to document their case, along with the criteria listed above. It will be for the applicant to provide sufficient detail concerning their case. Where the applicant requires support to make an appeal submission, the HEART service may assist with the form.

12.11 Initial assessments will be carried out by the Supervisors Panel based on the evidence provided on the form. Clients will not be requested to attend an initial hearing, but submit written representations only. If the Supervisors Panel require further information from the client, they will make appropriate arrangements.

12.12 Written notification of the Supervisors Panel decision will be given to the applicant along with information concerning their legal rights or how the claim will progress.

12.13 The initial assessments will be recorded along with reasons for the decision.

12.14 Where the medical criterion is being used it may be appropriate for independent medical advice to be sought which may require revenue funding.

12.15 Upon escalation, the Supervisors Panel will provide reasons for refusing the appeal and will provide information regarding the implications of a positive decision and further information required, and will act to keep the applicant informed of progress.

12.16 The appellant will provide any additional information requested and may be invited to attend or address a **hearing** of the Senior Management Panel if appropriate, or to provide further information to clarify their case. The appellant may bring with them a representative to help or present their case if invited. The Panel will listen to the available evidence and will be able to question both Officers and the Appellant, if in attendance. The applicant may also request a written hearing of the Senior Management Panel and to make representations in person.

12.17 Written notification of the Panel decision will be given to the applicant and where the decision is negative or conditional information concerning their legal rights will also be given.

12.18 The Panels although acting independently are advised that the guidelines described at paragraphs above may also be used to determine any case, however they may also want to consider any individual circumstances that do not fall within the guidelines.

12.19 Decisions to grant appeals and continue an application will then be dealt with in date order from initial enquiry unless the Panel decides to deal with the case urgently, i.e. the appeal will not delay the process excepting for the unavoidable time taken to hear and determine the matter.

12.20 Due to the personal nature of the appeals process, none of the reports will be published unless all methods of identifying the applicant including their address have been removed from the report.

12.21 Outcomes – if the Panel finds in favour of the appellant then it may decide to:

- Offer one of the standard forms of assistance contained in this policy or as so modified, or
- Decide a special form of assistance which would address the issues raised, imposing any terms and conditions as thought appropriate, which nonetheless comply with the spirit of legislation and Council policies.

13 Service standards, Key Performance Indicators and Targets

13.1 There is no national standard for aspects of the above matters excepting a statutory requirement for Councils to determine valid and fully made applications for mandatory DFG within six months. This does not account for pre-application activities such as the screening process and the 'application support' and administration including occupational therapy assessment, means testing, producing specifications, finding contractors etc. In practice, when an application is received by the HEART service it is practically complete and ready for an almost instant decision. In a few cases there may be details to pursue, such as proof of property ownership, landlord or owner's permission etc., and if there are alternative schemes under consideration or issues to do with financing the customers contribution. However, the service records all key activities and dates and can report on a variety of measures, including date enquiry received, date application submitted, date determined, date works started, value of works and contributions, date works finished, and completed as in signed-off.

13.2 There is also a national standard for giving 12 months for works to be completed, but this can be extended by negotiation if there are valid reasons to do so, such as the customer receiving care or wanting works deferred, occasional changes in contractor or specification,

complex snagging etc. Generally, for most cases not involving additional building or conversions e.g. level access showers and straight stairlifts, works are complete within one week of starting (time between approval and start is dependent upon outside factors). Curved stair lifts have a longer manufacturing lead time, but a short installation time once produced. Conversions and extension buildings take longer but usually within 4 months from start. All key dates and any delays, and the reasons for them, are recorded on a case by case basis. Cases with delays are individually considered to identify any causes which could be avoidable or to pass on any service improvement learning. General Service process times on an officer by officer and HEART wide basis are also considered for any variable factors affecting efficient delivery, as all front line service staff are supervised and monitored frequently.

13.3 Locally, the service aims to apply the funding it receives fully each year with minimal waiting lists and with maximum benefit to customers. All HEART KPIs and measures have been agreed through the partnership agreement which are reported on a quarterly basis to the Management Board. Other forms of assistance may require the development of further KPIs which will be agreed via the HEART Management Board. HEART Partnership Agreement Measures and Indicators are set out below in 3.15 but may be subject to change as the partnership develops.

13.4 Minor changes to this policy will be made by the Head of Housing or equivalent within each authority whereas more substantial changes will be made in consultation with relevant elected members of each partner authority.

3.15 HEART Partnership Measures and Indicators

	Outcomes – number of instances where the service has helped customers to:
KPI 1	Managing and maintaining nutrition and hydration
KPI 2	Maintaining personal hygiene
KPI 3	Managing toilet needs
KPI 4	Being appropriately clothed
KPI 5	Being able to make use of the home safely
KPI 6	Maintaining a habitable home environment
KPI 7	Developing and maintaining family or other personal relationships
KPI 8	Accessing and engaging in work, training, education or volunteering
KPI 9	Making use of necessary facilities or services in the local community, including public transport, and recreational facilities or services
KPI 10	Carrying out any caring responsibilities the adult has for a child.
	Major Adaptations
KPI 11	Number of Private Sector DFG's Approved within the quarter
KPI 12	Number of Private Sector DFG's where works are completed within the quarter
KPI 13	Number of Private Sector DFG's where the case was closed in the quarter
	Demand
KPM 1	Number of enquiries within the quarter

KPM 2	Total number of Telephone Assessments in period	
KPM 3	Total enquiries on Intake list with no telephone assessment at period end	
KPM 4	Total number on list waiting for face to face visit at period end	
KPM 5	Total number that had face to face visit at period end	
KPM 6	Total number closed within period	
KPM 7	Number of cases closed within period that had received a visit	
	Interventions – the number of instances that the service delivers the activities.	
KPI 11 a	Finance Support	Charity support
KPI 11 b		Direct payment – social care
KPI 11 c		Maximising income - Benefits
KPI 12 a	Energy Efficiency	Energy efficiency survey
KPI 12 b		Energy efficiency referral
KPI 13 a	Falls and Safety	Falls prevention assessment
KPI 13 b		Falls prevention works carried out
KPI 13 c		Home safety survey
KPI 13 d		Home Safety works carried out
KPI 14 a	Housing Hazards (statutory)	Full Housing Hazards Assessment
KPI 14 b		Housing Hazards Identified
KPI 14 c		Housing hazards removed – grants / loans
KPI 15 a		Housing hazards removed – other means
KPI 15 b		Social housing repairs
KPI 15 c		Social Housing Fast Track
KPI 16 a	Advice	Information & Advice – Health promotion / prevention
KPI 16 b		Information & Advice – Housing related
KPI 16 c		Information & Advice – general
KPI 17 a	Activities of Daily Living	Major Adaptations – Disabled Facilities Grant
KPI 17 b		Major Adaptations – Social Housing
KPI 17 c		Minor Adaptations – ICESS
KPI 17 d		Minor Adaptations – other
KPI 18 a	Alternative Accommodation Support	Rehousing support
KPI 18 b		Suitability of property assessment
KPI 18 c		Specialist Professional support – self funding adaptations
KPI 19 a	Referrals	Referral to Social Care
KPI 19 b		Referral to Health
KPI 19 c		Referral to Housing – Private Sector
KPI 19 d		Referral to Housing - Allocations
	Council Housing Major Adaptations	
KPM 8	Total number of Major Adaptation Assessments for Council Housing referred within quarter per authority.	
	Average costs of Major Adaptations	

KPM 9	Average cost of a private sector major adaptation within the quarter per local authority area.
	End to End Time and Key Stage Times (for major adaptations closed within the quarter)
KPM 10	Time from enquiry to the service to completion of building works.
KPM 11	Enquiry to Telephone Assessment (all cases)
KPM 12	Telephone Assessment to Face to Face Assessment (all cases)
KPM 13	Face to Face Assessment to Contractor visit
KPM 14	Contractor visit to Quotation
KPM 15	Quotation to DFG Approval
KPM 16	DFG Approval to Start of Works
KPM 17	Start of Works to Completion of works
	Timeframe (enquiry to works complete) & Cost for Each type of Major Adaptation (north / south split)
KPM 18	Type
KPM 19	Number
KPM 20	Average duration
KPM 21	Best time
KPM 22	Poorest time
KPM 23	Average cost
	Drop out rate
KPI 20	Customers who are identified as requiring a major adaptation but the case is closed without it being delivered.
	Compliments and Complaints (north / south split)
KPI 21	Number of compliments received by the service within the quarter.
KPI 22	Number of formal complaints received by the service in the quarter.
KPI 23	Number of times the service was found to be at fault following a formal complaint.
	Customer Satisfaction Survey (percent of customers reporting the service performance at good or better on the agreed satisfaction survey under the following themes)
KPM 24	Respect and Dignity
KPM 25	Communication
KPM 26	Responsiveness
KPM 27	Reliability
KPM 28	Contractors
KPM 29	Overall experience

14 Policy implementation plan

14.1 The policy will be implemented from a date to be agreed by Partner Councils and the Service once it has received the necessary political approvals. HEART is already delegated to approve and vary financial assistance offers on behalf of partner Councils, and – where budgets have been devolved – to make and claim payments for such. Systems will be in place to record at each Council each transaction which may require recording as a Local Land Charge, which could trigger notification of liability for repayment, recovery of specialised equipment, or similar including the appropriate legal authority to pursue such claims if any and to write-off, waive or reduce any unrecoverable claims or those accepted as inappropriate or hardship cases.

14.2 This policy will be reviewed no less frequently than five years from commencement, with interim annual reports to partner Councils and KPI reports on a more frequently agreed basis as per the agreed HEART partnership agreement and as directed by the Management Board.

14.3 Notwithstanding the above, if circumstances require the policy to be reviewed then the HEART service will report to the Management Board or each partner authority may request the Management Board to review the policy.

15 Signatories and key dates

This document must be ratified by each partner Housing Authority by its own process, and duly minute as agreed and adopted. The effective date of the policy is that of each partner Council.

Minute reference number Date

Representing (organisation) **Nuneaton & Bedworth Borough Council**

Minute reference number Date

Representing (organisation) **North Warwickshire Borough Council**

Minute reference number Date

Representing (organisation) **Rugby Borough Council**

Minute reference number Date

Representing (organisation) **Stratford on Avon District Council**

Minute reference number Date

Representing (organisation) **Warwick District Council**

Appendix A

Contacts for HEART service and partner organisations

HEART

- Main office base – Town Hall, Coton Road, Nuneaton, Warwickshire CV11 5AA
- Telephone – 02476 376294
- Email – customer.services@nuneatonandbedworth.gov.uk
- Website - https://www.nuneatonandbedworth.gov.uk/info/21036/heart/353/heart_%E2%80%93_helping_you_live_independently_at_home

Warwickshire County Council

- Main office base – Shire Hall, Warwick CV34 4RL
- Telephone – 01926 410410
- Email - customerservicecentre@warwickshire.gov.uk
- Website - <http://www.warwickshire.gov.uk/>

Nuneaton & Bedworth Borough Council

- Main office base - Town Hall, Coton Road, Nuneaton, Warwickshire CV11 5AA
- Telephone – 02476 376376
- Email – customer.services@nuneatonandbedworth.gov.uk
- Website - <https://www.nuneatonandbedworth.gov.uk/site/>

North Warwickshire Borough Council

- Main office base – Council House, South Street, Atherstone, Warwickshire CV9 1AD
- Telephone – 01827 715341
- Email - customerservices@northwarks.gov.uk
- Website - <https://www.northwarks.gov.uk/site/>

Rugby Borough Council

- Main office base – Town Hall, Evreux Way, Rugby, Warwickshire CV21 2RR
- Telephone – 01788 533533
- Email - contact.centre@rugby.gov.uk
- Website - <https://www.rugby.gov.uk/site/index.php>

Stratford on Avon District Council

- Main office base - Elizabeth House, Church Street, Stratford-upon-Avon, Warwickshire, CV37 6HX
- Telephone – 01789 267575

- Email – info@stratford-dc.gov.uk
- Website - <https://www.stratford.gov.uk/index.cfm>

Warwick District Council

- Main office base - Riverside House, Milverton Hill, Leamington Spa, CV32 5HZ
- Telephone – 01926 450000
- Email - contactus@warwickdc.gov.uk
- Website - <https://www.warwickdc.gov.uk/site/>

Service Contacts:

Contact Details – To help us deal with your enquiry please choose the correct team to contact for your property address.

Residents of **Rugby, Nuneaton and Bedworth and North Warwickshire Borough Councils** – contact:

HEARTNorth@nuneatonandbedworth.gov.uk 02476376294

Residents of **Warwick District and Stratford on Avon District Councils** – contact:

southhat@warwickdc.gov.uk 01926 456422

For informal Service Complaints, Press and Partner Enquiries, Councillor and MP Enquiries contact:

HEART@nuneatonandbedworth.gov.uk

Formal complaints, compliments and comments can be made through NBBC web site at:

https://www.nuneatonandbedworth.gov.uk/info/19999/feedback/201/customer_feedback

Appendix (b1) – Local Scheme of Policy Variation – North Warwickshire Borough Council

Appendix (b2) – Local Scheme of Policy Variation – Nuneaton & Bedworth Borough Council

Appendix (b3) – Local Scheme of Policy Variation – Rugby Borough Council

Appendix (b4) – Local Scheme of Policy Variation – Stratford on Avon District Council

Appendix (b5) – Local Scheme of Policy Variation – Warwick District Council

Appendix (C) - Articles 3 & 4 of The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002

Power of local housing authorities to provide assistance

3.—(1) For the purpose of improving living conditions in their area, a local housing authority may provide, directly or indirectly, assistance to any person for the purpose of enabling him—

- (a) to acquire living accommodation (whether within or outside their area);
- (b) to adapt or improve living accommodation (whether by alteration, conversion or enlargement, by the installation of any thing or injection of any substance, or otherwise);
- (c) to repair living accommodation;
- (d) to demolish buildings comprising or including living accommodation;
- (e) where buildings comprising or including living accommodation have been demolished, to construct buildings that comprise or include replacement living accommodation.

(2) The power conferred by paragraph (1)(a) may be exercised to assist a person to acquire living accommodation only where the authority—

- (a) have acquired or propose to acquire (whether compulsorily or otherwise) his existing living accommodation; or
- (b) are satisfied that the acquisition of other living accommodation would provide for that person a benefit similar to that which would be provided by the carrying out of work of any description in relation to his existing living accommodation.

(3) Assistance may be provided in any form.

(4) Assistance may be unconditional or subject to conditions, including conditions as to the repayment of the assistance or of its value (in whole or in part), or the making of a contribution towards the assisted work; but before imposing any such condition, or taking steps to enforce it, a local housing authority shall have regard to the ability of the person concerned to make that repayment or contribution.

(5) Before a local housing authority provide assistance to any person, they shall—

- (a) give to that person a statement in writing of the conditions (if any) to which the assistance is to be subject; and
- (b) satisfy themselves that that person has received appropriate advice or information about the extent and nature of any obligation (whether financial or otherwise) to which he will become subject in consequence of the provision of assistance.

(6) A local housing authority may take any form of security in respect of the whole or part of any assistance.

(7) Where any such security is taken in the form of a charge on any property, the local housing authority may at any time reduce the priority of the charge or secure its removal.

(8) This article is subject to articles 4 and 5.

(9) Nothing in this article affects any power of a local housing authority under Part 14 of the 1985 Act (loans for acquisition or improvement of housing).

Provision of assistance: supplementary

4. A local housing authority may not exercise the power conferred by article 3 in any case unless—

(a) they have adopted a policy for the provision of assistance under that article;

(b) they have given public notice of the adoption of the policy;

(c) they have secured that—

(i) a document in which the policy is set out in full is available for inspection, free of charge, at their principal office at all reasonable times; and

(ii) copies of a document containing a summary of the policy may be obtained by post (on payment, where a reasonable charge is made, of the amount of the charge); and

(d) the power is exercised in that case in accordance with that policy.

Appendix D1 –Assistance Measures – summary

Mandatory: Disabled Facilities Grant (DFG) - Maximum £30,000 grant, partial repayable element (owner occupiers), means tested except children's cases and/or qualifying means tested benefits, stairlift recovery, no limit on repeats.

Discretionary:

Discretionary Disabled Facilities Assistance (DDFA) – Further grant of up to £10,000 and loan of up to £10,000 for works exceeding maximum mandatory DFG or for removal costs and/or purchase cost difference to move to more suitable property. Extra loan element repayable. Means tested INCLUDING child cases.

Hospital Discharge Grant (HDG) – Maximum up to £10,000 to overcome delayed hospital discharge, reduce (re)admission risk enabling safe and dignified home based care. NOT means tested where facilitating rapid hospital discharge, else may be referred for DFG.

Home Safety Grant / Handy-person (HSG) – Free home safety check for those 5+ or with disabled person in household. Minor aids, equipment and adaptations / works of up to £500 (cumulative in 3 years) for non Care Act cases, and £1000 for Care Act assessed needs (via Community Care <Delayed Discharges etc.> Act 2003 funding stream). Not repayable.

Warm & Safer Homes Grant (WaSH) – Maximum up to £10,000 for removal of HHSRS category 1 and key category 2 hazards for owner occupiers, not further/repeat means tested for those already on a qualifying means tested benefit (i.e. passported), OR vulnerable (agreed medical need) and then subject to DFG test of financial resources. Owner occupiers 3 year minimum ownership, no repeat award for 3 further years.

Energy Efficiency Support – not specified, in accordance with offers from utility companies and national schemes which change from time to time, such as the ECO Energy Companies Obligation initiative.

Other – The service may from time to time amend the above offers, including revocation and/or additional measures, along with LOCAL schemes which may be applied directly by relevant Councils in their own areas (see appendices b1 – b5 above).

Appendix D2 – Assistance Measures – tabulated

Assistance Name	Mandatory (M) / Discretionary (D)	Value (max. £)*	Purpose(s)	Criteria	Repayable / other notes
Disabled Facilities Grant – DFG	M	£30,000 Means tested except for child cases <19 years, otherwise means tested benefit passported qualification)	Specified purposes in 1996 Housing Grants Construction & Regeneration Act, section 23 (as amended)	Owner occupier, landlord or tenant, for disabled person. Necessary & appropriate, reasonable & practicable.	Up to £10,000 for works over £5,000 if disposal within 10 years – owner occupiers only. Repeat applications OK.
Discretionary Disabled Facilities Assistance (DDFA)	D	£10,000 grant £10,000 loan / charge (means tested including child cases)	Top-up to DFG, plus and relocation assistance (purchase and move costs)	DFG costs in excess of £30,000 plus agreed move value on case by case basis	Grant not repayable, loan repayable (0%, charge against property – not time expiring)
Hospital Discharge Grant (HDG)	D	£10,000 (not means tested)	Facilitate rapid hospital discharge, prevent or reduce risk of (re)admission	Agreed as urgent, cost saving, best option given alternatives	Not repayable
Home Safety Grant / Handy-Person (HDG)	M/D	£500 over 3 years Not means tested	Minor aids, equipment, repairs and adaptations	Over 55 or disabled person in household	Not repayable
Warm and Safer Home Grant (WaSH)	D	£10,000 <u>Either</u> qualifying means tested benefit OR vulnerable (agreed medical need) with DFG means test	Removal of HHSRS category 1 and key category 2 hazards	Owner-occupiers, 3 years minimum ownership	Not repayable, no re-award for 3 years
Energy Efficiency Support	-	n/a – tba (ECO etc.)	Reduction in fuel poverty, improve domestic energy efficiency	n/a	n/a
Other – revisions, revocations, additions and local schemes as indicated	D	n/a	Tba – including local		

- NOTE: all above for owner-occupiers and private tenants only except where detailed, notwithstanding £500 Home Safety Grant for equipment and minor aids also available to Council tenants.

Detailed Season Ticket Table

Area	Car Parks	Maximum Permits Available	Current Annual Charge	Proposed New Charge	Current Monthly Charge	Proposed New Charge
Leamington, Warwick and Kenilworth	District wide Long Stay Car Parks (includes Adelaide Bridge, Rosefield Street, Court Street, Packington Place, Bath Place, West Rock, St Nicholas Park, St Marys Lands Area 2 & 4, Myton Fields, Abbey End and Square West)	25	£735.32	£787.50	£76.60	£81.00
Royal Leamington Spa	St Peters multi-storey car park	170	£592.34	£607.50	£66.38	£72.00
	Covent Garden multi-storey car park	250	£357.44	£330.00	£49.02	£48.00
	Royal Priors multi-storey car park	50	n/a	n/a	£112.34	£128.00
	Adelaide Bridge	10	£482.55	£495.00	£56.17	£72.00
	Rosefield Street	20	£482.55	£495.00	£56.17	£72.00
Leamington Old Town	Packington Place, Court Street and Bath Place	45	£375.83	£495.00	£40.85	£72.00
Warwick	St Nicholas Park	100	£428.94	£495.00	£45.96	£72.00
	West Rock	40	£428.94	£495.00	£45.96	£72.00
	St Mary's Lands Area 2 - (The Racecourse)	150	£199.15	£110.00	£20.43	£16.00
	St Mary's Lands Area 4	60	£428.94	£495.00	£45.96	£72.00
	Linen Street multi-storey car park	100	£674.04	£607.50	£81.70	£72.00
	Priory Road	10	£428.94	£495.00	£45.96	£72.00
Kenilworth	Square West	75	£375.32	£440.00	£40.85	£64.00
	Abbey End	75	£375.32	£440.00	£40.85	£64.00
	Abbey Fields	30	£375.32	£440.00	£40.85	£64.00

Proposed Pay and Display Tariff Tables for 2018

CAR PARK	Tariff Structure for Leamington Car Parks								
	Linear charge of £0.10 for 6 minutes								Over night
	12 mins	24 mins	30 mins	1 hour	2 hours	3 hours	4 hours	All Day	
ROSEFIELD STREET	n/a	n/a	£0.50	£1.00	£2.00	£3.00	£4.00	£4.50	£1.00
ADELAIDE BRIDGE	n/a	n/a	£0.50	£1.00	£2.00	£3.00	£4.00	£4.50	n/a
ST PETERS (MSCP)	n/a	n/a	£0.50	£1.00	£2.00	£3.00	£4.00	£4.50	£1.00
COVENT GARDEN (MSCP)	n/a	n/a	£0.50	£1.00	£2.00	£3.00	N/A	£3.00	£1.00
COVENT GARDEN (SURFACE)	n/a	n/a	£0.50	£1.00	£2.00	£3.00	£4.00	n/a	£1.00
CHANDOS STREET	n/a	n/a	£0.50	£1.00	£2.00	£3.00	£4.00	n/a	£1.00
BEDFORD STREET	n/a	n/a	£0.50	£1.00	£2.00	£3.00	£4.00	n/a	£1.00
BATH PLACE	n/a	n/a	£0.30	£0.50	£1.00	£1.50	£2.00	£4.50	£1.00
PACKINGTON PLACE	n/a	n/a	£0.30	£0.50	£1.00	£1.50	£2.00	£4.50	£1.00
COURT STREET	n/a	n/a	£0.30	£0.50	£1.00	£1.50	£2.00	£4.50	£1.00
STATION APPROACH (LOWER ROAD)	n/a	n/a	£0.30	£0.50	£1.00	£1.50	£2.00	£4.50	£1.00

CAR PARK	Tariff Structure for Kenilworth Car Parks						
	Linear charge of £0.10 for 10 minutes						Over night
	30 mins	1 hour	2 hours	3 hours	4 hours	All Day	
ABBAY END	£0.30	£0.60	£1.20	£1.80	£2.40	£4.00	£1.00
SQUARE WEST	£0.30	£0.60	£1.20	£1.80	£2.40	£4.00	£1.00
ABBAY FIELDS	Free	Free	Free	£1.80	£2.40	£4.00	£1.00

CAR PARK	Tariff Structure for Warwick Car Parks								
	Linear charge of £0.10 for 6 minutes								Over night
	12 mins	24 mins	30 mins	1 hour	2 hours	3 hours	4 hours	All Day	
LINEN STREET	n/a	n/a	£0.50	£1.00	£2.00	£3.00	£4.00	£4.50	£1.00
CASTLE LANE	n/a	n/a	£0.50	£1.00	£2.00	£3.00	£4.00	£4.50	£1.00
THE BUTTS	n/a	n/a	£0.50	£1.00	£2.00	£3.00	£4.00	£4.50	£1.00
PRIORY ROAD	n/a	n/a	£0.50	£1.00	£2.00	£3.00	£4.00	£4.50	£1.00
WEST ROCK	n/a	n/a	£0.50	£1.00	£2.00	£3.00	£4.00	£4.50	£1.00
ST NICHOLAS PARK	n/a	n/a	£0.50	£1.00	£2.00	£3.00	£4.00	£4.50	n/a
WESTGATE	n/a	n/a	£0.50	£1.00	£2.00	£3.00	n/a	n/a	£1.00
NEW STREET	n/a	n/a	£0.50	£1.00	£2.00	£3.00	n/a	n/a	£1.00
MYTON FIELDS	n/a	n/a	n/a	n/a	n/a	n/a	£3.00	£4.50	£1.00
ST MARYS LANDS AREA 2	n/a	n/a	£0.50	n/a	n/a	n/a	n/a	£1.00	£1.00
ST MARYS LANDS AREA 3	Free	Free	Free	Free	Free	£2.00	£3.00	n/a	n/a
ST MARYS LANDS AREA 4	n/a	n/a	£0.50	£1.00	£2.00	£3.00	£4.00	£4.50	£1.00
BARRACK STREET	n/a	n/a	n/a	£0.70	£1.20	£2.00	£2.80	£4.00	n/a

Warwick District Council – Local Discretionary Business Rate Relief
Scheme 2017/18-2020/21

The following document sets out the Council's Local Discretionary Relief Scheme 2017/18 – 2020/21 arising from the March 2017 Budget targeting those ratepayers financially impacted by the 2017 business rates revaluation.

Background

- 1.1 In March 2017, Central Government announced that it would make available a discretionary fund of £300 million over 4 years from 2017-18 to support those businesses that face the steepest increases in their business rates bills as a result of the revaluation. Government determined that Councils would be best placed to determine how this fund should be targeted and administered to support those businesses and locations within their area that are in the greatest need.
- 1.2 Every authority within England is to be provided with a share of a £300 million fund to support local businesses. This is to be administered through billing authorities' discretionary relief powers under section 47 of the Local Government Act 1988.
- 1.3 The funding is not provided equally over the 4 year period but in the following approximate proportions;
- Year 1 (2017/2018) 58%
- Year 2 (2018/2019) 28%
- Year 3 (2019/20) 12%
- Year 4 (2020/21) 2%
- 1.4 The Government have granted Warwick District Council funding up to £469,000 as profiled in the table below and it is expected that Authorities must use their annual allocation within each year as they will not be allowed to carry forward any unspent allocation.

Year	2017/18	2018/19	2019/20	2020/2021	Total
Funding	£273,000	£133,000	£55,000	£8,000	£469,000

- 1.5 Councils will be compensated for any relief granted under section 31 of the Local Government Act 2003.

Consultation

- 2.1 A key criteria of reimbursement will be that all Billing Authorities will consult with their major precepting authority.
- 2.2 The Council has consulted with Warwickshire County Council and has taken their comments into account when determining the eligibility criteria.
- 2.3 It has been ascertained via discussions with the County that all 5 Warwickshire billing authorities are proposing very similar schemes ensuring a degree of consistency across the County.

Criteria for granting relief

- 3.1 The Council has proposed that relief under the scheme will be awarded using the following criteria:
 - a) The scheme is designed to assist ratepayers who have suffered significant increases in rate liability due to the revaluation and the subsequent increase to their rateable value.
 - b) In assessing any potential entitlement to an award under this scheme, the Council will compare the following:
 - i) the rate liability of the ratepayer at 31st March 2017 after any reliefs and reductions; and
 - ii) the rate liability of the ratepayer at 1st April 2017 taking into account any transitional relief or any other discretionary relief.
 - c) Relief will be awarded where the calculation in b) above would result in an increase of more than £100 per annum.
 - d) Relief will not be awarded where the rateable value of the property at 01st April 2017 is greater than or equal to £100,000.
 - e) Relief will only be given to premises which are liable for occupied rates. No relief within this scheme will be granted for unoccupied premises.
 - f) Relief will only be granted to ratepayers who were in occupation at 31st March 2017 and in occupation on 1st April 2017. Ratepayers taking up occupation on or after 1st April 2017 will not be eligible for relief on the basis that new ratepayers would not have suffered from increases due to a revaluation.
 - g) Relief will be apportioned on a daily basis where ratepayers subsequently vacate a property after 01 April 2017.

h) Relief may be awarded for more than one premises as long as all other criteria are met

i) Increases and reductions in rateable values subsequent to 01 April 2017 will be ignored for the purposes of the relief awarded however relief will be adjusted to ensure that relief is not granted in excess of the new liability.

Amount of relief

4.1 The amount of relief is tapered and percentages used seek to maximise the available funding. The amount per year is calculated as follows:

2017/18 – Award = Increase in rate liability (as calculated in 3.1b) x 40%

2018/19 – Award = Increase in rate liability (as calculated in 3.1b) x 20%

2019/20 – Award = Increase in rate liability (as calculated in 3.1b) x 8%

2020/21 – Award = Increase in rate liability (as calculated in 3.1b) x 1%

4.2 At the outset of the scheme the amount of relief awarded will match the available funding. However during the year typically ratepayers will vacate premises and relief will be apportioned accordingly and, as a consequence, an underspend is likely to occur. Given that the Government have said that underspent money cannot be rolled into the following year the Section 151 officer, in consultation with the Finance Portfolio holder, will review the scheme in year, for each year, and increase the relief percentage accordingly to ensure total funding is spent.

Application and state aid

5.1 In order to ensure relief is efficiently targeted and ratepayers do not lose out, the relief will be automatically awarded and letters issued advising of the relief given. Ratepayers therefore will not be required to complete an application form.

5.2 The award of relief is considered likely to amount to state aid. However, it will be state aid compliant where it is provided in accordance with the De Minimis Regulations EC 1407/2013. The De Minimis Regulations allow an undertaking to receive up to €200,000 'de minimis' aid over a rolling three year period. In writing to ratepayers advising them of their relief a reminder will be included of their state-aid obligations in that they should contact and notify the Council immediately if they should be excluded from relief because they breach the 'de –minusus' threshold.

Executive

Minutes of the meeting held on Wednesday 20 September 2017 at the Town Hall, Royal Leamington Spa, at 5.19 pm.

Present: Councillor Mobbs (Leader); Councillors Butler, Grainger, Phillips and Thompson.

Also present: Councillor Mrs Falp (Chair of Overview & Scrutiny Committee and Whitnash Resident's Group Observer)

Apologies for absence were received from Councillors Coker, Rhead and Whiting.

54. **Declarations of Interest**

There were no declarations of interest.

Part 2

(Items on which a decision by Council is required)

55. **Council Agenda (Non Confidential Items and Reports) – Wednesday 20 September 2017**

The Executive considered the non-confidential Item 11 'Local Plan Adoption' on the Council agenda of 20 September 2017.

The report sought agreement from the Council to adopt the Local Plan 2011 – 2029, subject to the Main Modifications put forward by the Inspector in his report, as detailed at Appendix 2 to the report, and encompassed a number of minor modifications set out in Appendix 3 to the report. The report also sought agreement to adopt the Policies Map to accompany the Local Plan as shown in Appendix 4.

The Executive could recommend that Council did not to adopt the Local Plan, however, this was not recommended due to the detrimental impact it would have on the Council in the long term. The longer the authority operated without a Local Plan in place, increased the risk of decisions being challenged.

Following their meeting on Monday 18 September 2017, the Joint Finance & Audit and Overview & Scrutiny Committees agreed with the Local Plan as set out and supported the Plan going forward.

The Executive therefore

Resolved that the recommendations in the report be supported.

(The meeting ended at 5.24 pm)

Executive

Minutes of the meeting held on Wednesday 27 September 2017 at the Town Hall, Royal Leamington Spa, at 6.00 pm.

Present: Councillor Mobbs (Leader); Councillors Grainger, Phillips, Rhead, Thompson and Whiting.

Also present: Councillors; Mrs Falp (Chair of Overview & Scrutiny Committee and Whitnash Residents' Association (Independent) Group Observer); Naimo (Labour Group Observer); and Quinney (representative of Finance & Audit Scrutiny Committee).

55. **Declarations of Interest**

Minute 58 - Business Improvement District (BID) Leamington – Renewal Process

Councillor Naimo declared a personal interest because she worked for BID Leamington.

Minute 60 - Shared Environmental Enforcement with Rugby Borough Council (RBC)

Councillor Mrs Falp declared a personal interest because her son worked in Neighbourhood Services.

56. **Minutes**

The minutes of 31 August 2017 were taken as read and signed by the Leader as a correct record.

Part 1

(Items on which a decision by Council on 20 September 2017 was required)

57. **Fees & Charges 2018/19**

The Executive considered a report from Finance that detailed the proposals for Fees and Charges in respect of the 2018 calendar year. It detailed the latest Fees and Charges income 2017/18 budgets, initial 2018/19 and the actual out-turn for 2016/17.

The Council was required to update its Fees and Charges in order that the impact of any changes could be fed into the setting of the budget for 2018/19. Discretionary Fees and Charges for the forthcoming calendar year had to be approved by Council.

In the current financial climate, it was important that the Council carefully monitored its income, eliminated deficits on service specific provisions where possible and therefore minimised the forecast future General Fund revenue deficit.

Some additional fees had been created to generate additional income for the service areas concerned and others in response to new legislation. These were highlighted in Appendix A. Other charges had been deleted due to legislation changes or changes in the way the service was provided. A 2% increase in Fees and Charges income had been allowed for in the Medium Term Financial Strategy (MTFS). Estimates suggested that the changes recommended in the report would increase the related income by 3.25%.

The Regulatory Manager had to ensure that licensing fees reflected the current legislation. The fees charged should only reflect the amount of officer time and associated costs needed to administer them.

New cremation fees were proposed to meet potential new or differing customer requirements.

Land Charges and Building Control fees were ring fenced accounts: Income levels for Land Charges were high and it was recommended that fees should not increase to avoid creating a large surplus on the Building Control Account, which should break even. Building Control was subject to competition from the private sector and had to set charges that were competitive otherwise they would lose customers.

A report was submitted to August's Executive detailing proposals for the Parking Service and the findings from that report had been incorporated into this report.

Management of the Council's Leisure Centres was handled by Everyone Active. The contract required Everyone Active to review the core products and prices in September of each year and submit any proposed changes to the Authority for approval. The revised prices were shown at Appendix B, to the report.

The various options affecting individual charges were outlined in the main body of the report, sections 8 to 16.

Fees and Charges for 2018/19 remained static i.e. remained at the same level as for 2017/18, which would increase the savings to be found over the next five years unless additional activity could be generated to offset this

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

Recommended to Council that

- (1) the Fees and Charges proposals set out in Appendix A to the report, to operate from 2 January 2018 unless stated otherwise;

- (2) it approves any resident who is unable to pay for waste containers shall have the charges waived if they were eligible for maximum council tax reduction as well as being in receipt of either Attendance Allowance, Disability Living Allowance or Personal Independence Payment'. This will be subject to any request being limited to one every two years. Outside of this, charges may only be waived where the Council is satisfied that the household would experience exceptional financial hardship; and
- (3) it approves Everyone Active's request to increase 'Core' fees and charges by 2% in the 2018 calendar year.

(The Portfolio Holder for this item was Councillor Whiting.)
Forward Plan reference 849

Part 2

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

58. Business Improvement District (BID) Leamington – Renewal Process

The Executive considered a report from Development Services that updated it on the process for the renewal ballot for the Business Improvement District (BID) within Leamington town centre and to seek delegated authority to deal with elements of the process.

BID Leamington Ltd was initially established in 2008 with Warwick District Council (WDC) acting as the billing authority. The current term concluded in June 2018. The Board of BID Leamington had decided it to proceed with a renewal ballot and would notify WDC and the Secretary of State accordingly in November. This was in line with the mandatory notice period of 126 days before the ballot date.

The Board of BID Leamington Ltd was currently developing a new business plan that would be presented to the business community and other occupiers in 2018. This would be for another five year term (running 2018 – 2023). Appendix One to the report showed the timeline for the renewal process for the BID.

The BID Regulations (2004) required every BID to have a Baseline Agreement with the local authority for the area that set out the services that the Council would deliver. This Agreement ensured that the BID Levy was used to provide 'additional value' services for the business community and was not used to pay for core services provided by the Council. The Baseline Agreement put in place for the 2013 renewal covered the provision of street cleansing, Christmas Lights and grounds maintenance. It was proposed that a broader Baseline Agreement, covering the full range of council services, was put in place at this time. The proposed

Baseline Agreement was set out at Appendix Two but delegated authority was requested in the event that there was a need to make any minor changes prior to the commencement of the ballot process.

Electoral Reform Services (ERS) was an independent supplier of ballot and election services. It was the contractor for printing of Electoral Registration and elections materials (e.g. ballot papers and postal votes) for this Council and was the supplier that was used in 2008 for the original vote that created BID Leamington Ltd, albeit on behalf of the Council as the electoral authority for which it remained. The Chief Executive would remain the Returning Officer.

Previously, BID Leamington Ltd reimbursed the District Council for all costs incurred by ERS being retained to deliver the voting process. This was not in line with BID Legislation (2004) Regulation 20, which stipulated that the Local Authority must pay for the voting costs.

The BID Legislation (2004) required that the proposal document and Business Plan must be submitted to the local authority (as the Accountable authority) for sign-off, ensuring the Plan was compliant with the respective legislation.

The Operating Agreement had been reviewed by Warwickshire County Council (WCC) Legal Services and amended to reflect the actual steps of the BID levy process. The Operating Agreement formed part of the BID Business Plan and, although good progress had been made, it was not yet agreed and there was insufficient time to bring the Operating Agreement to Executive for separate approval prior to needing to be incorporated into the Business Plan. As such, delegated authority was sought to approve the Operating Agreement.

A final report would be brought to Executive in January 2018 with the completed Business Plan, a review of the completed milestones and a recommendation regarding the Council's voting position.

The Executive could alternatively decide not to approve the renewal. This was not considered because of the significant impact on the business community and the Council's reputation.

The Executive recognised the need to support BID Leamington as it provided a key link to its vision for Town Centres and contribution to supporting business.

Resolved that:

- (1) BID Leamington Ltd will serve notice of its intention to seek a renewal ballot to the Secretary of State and Warwick District Council (WDC) in November 2017, triggering the proposed process and timelines set out at Appendix One, be noted;

- (2) the proposed Baseline Agreement, set out at Appendix Two to the report, be approved and delegates authority to the Heads of Development Services and Neighbourhood Services, in consultation with the Business and Neighbourhood Portfolio Holders, to agree any minor changes to the Agreement;
- (3) the Chief Executive is the Returning Officer for the ballot, is noted, the cost of which will be borne by the Council, and approves the engagement of the Electoral Reform Services (ERS) to carry out the renewal ballot on behalf of the Council in accordance with the BID Regulations (2004);
- (4) the principle of Council acting as the collection authority for the BID levy in the event of a yes vote, is approved subject to the future agreement of an Operating Agreement with the BID;
- (5) the Deputy Chief Executive (BH), be delegated authority, in consultation with the Business Portfolio Holder, to agree an appropriate Operating Agreement with the BID; and
- (6) a further report be presented to the January 2018 Executive providing details of BID Leamington's proposal document and Business Plan.

(The Portfolio Holder for this item was Councillor Butler)
Forward Plan reference 899

59. Weston Close Parking

The Executive considered a report from Housing Services that set out the results of a survey of residents in Weston Close, Warwick following concerns raised about parking in the Close and in particular about parking bays adjacent to the highway that were owned by Warwick District Council and managed by Housing Services.

Over the past two years Warwick District Council had received a number of complaints from residents about the parking in Weston Close. The County Council had added some double yellow lines on corners to improve the situation. Warwick District Council had improved signage on its land.

Officers from Warwick District Council had been working with officers from Warwickshire County Council and had met with them on a number of occasions to discuss the situation and options for improvement.

Checks had been undertaken earlier this year to count the availability of spaces in the parking bays over a two week period, this checked availability on different days and different times of the day. The survey of available parking spaces indicated that there were on average 4.4 available spaces in Weston Close parking bays during the mornings and on average 8.1 spaces in the evening. This would be in addition to any space available for parking on the road. This would indicate that although the parking could be difficult and on some occasions very difficult, on average there were usually spaces to park in the street. The Council was aware of other locations where the parking situation was more severe.

Following the meetings with Warwickshire County Council and the survey of available spaces; Warwick District Council commissioned a survey of residents of Weston Close. This was to seek residents' views and three options were put to residents. The options for improvement were considered deliverable and could improve the parking situation. However, the option of no works required as the suggested works that we could undertake could have a negative effect in that any restriction on the use of the parking bays could lead to more parking on street and overall make matters worse.

The options that were included in the survey were as follows:

Option1: Improved signage and marking of the parking bays.

Option2: Introduce a controlled parking scheme in the parking bay areas

Option3: No works are required

The full results of the survey were attached in appendix 2 to the report. In summary, 53 survey forms were sent out, to all residents of Weston Close. 23 residents completed the survey and a further six residents refused to complete the survey saying that they supported an alternative action.

Warwick District Council also had a sheltered scheme at James Court in the street; these residents had their own parking facilities. Only one resident of the scheme currently had a car. Plans to improve the marking and signage in Weston Close would also include improved parking signage to the scheme.

Of the 23 respondents to the survey, 20 responded to the options question.

Option 1	Improved signage and marking of the parking bays	15	75%
Option 2	Introduce a controlled parking scheme in the parking bay areas	3	15%
Option3	No works are required	2	10%
Total		20	100%
Skipped this question		3	

Given that 75% of respondents to the survey supported improved signage and marking of the parking bays it was recommended to move ahead with this option.

Six residents sent in letters saying that they would not complete the survey. This followed a long correspondence with two residents of Weston Close who had argued that the parking bays should solely be used by the residents of the properties that were directly adjacent to the parking bays. Whilst this approach would benefit a small number of residents, some of whom did not have a car nor had visitors with a car, it would mean that other residents of Weston Close would not be able to find a parking space. This suggestion would also leave Housing Services with the enforcement of the parking bays and Housing Services would have difficulties to police parking in the area. Therefore, one of the options, option 2, proposed a controlled parking scheme where Warwick District Council's parking enforcement team could control the parking with permits and enforcement with fines as part of a parking control order. From the survey results this was only supported by three residents. If the six residents who sent in letters were added, then this was still many less than supported option 1.

All residents had been sent the survey results and had been advised that the results would be considered by Executive at its next meeting. Housing Services would write again to all residents with the decision by Executive.

Once approved the Council would look to complete the works this financial year.

A range of actions had been considered and these had been discussed with Warwickshire County Council. The concerns and opinions of residents had been sought and considered. Three options had been suggested to residents and the Council was recommended to accept the majority opinion, believing that the proposal would improve matters and responded proportionately to the problems identified

Resolved that

- (1) the results of the survey carried out in Weston Close, be noted; and
- (2) the preferred option 1, to improve the signage and marking of three parking bays in Weston Close, be approved.

(The Portfolio Holder for this item was Councillor Phillips)

60. Shared Environmental Enforcement with Rugby Borough Council

The Executive considered a report from Neighbourhood Services that set proposals for a shared service approach, the indicative cost, the time scale, and the scope of the enforcement activities.

The proposed shared service would be a trial for 18 months up until April 2019, with a further report provided to Executive in October 2018, provided an update on actions, costs etc. alongside a proposed way forward. The proposal allowed for the shared service to start almost immediately pending approval.

A report entitled "Environmental Enforcement Service Delivery Options" was presented to the July 2017 Executive. The report stated that it was clear, that following a review of the legislation actively used within Warwick District Council (WDC), the areas dealing with waste offences were not presently actively enforced and recent increases in the levels of these incidents had prompted a review of this position.

The Executive agreed that the preferred option to be pursued was a shared service with a neighbouring local authority.

The option of a shared service with Rugby Borough Council (RBC) would enable enforcement activities within WDC to commence in a shorter period of time and was cost effective as it enabled services to be called upon when required. The shared service could be trialled without any long term commitment to allow other options to be considered if it was unsuccessful. The collaborative approach between WDC and RBC would be formalised through a signed Service Level Agreement (SLA).

The legislation allowed WDC to arrange for functions to be discharged by another authority, therefore with this delegation RBC would have the ability to undertake environmental enforcement within Warwick District. Through this delegation RBC would enforce on behalf of WDC and make recommendations in line with the "Regulators Code." This code was referred to by both RBC's and WDC's Enforcement Policy and allowed for consistency of approach across both Councils.

A Fixed Penalty Notice (FPN) was a means to give a person who had committed a relevant offence the opportunity to pay a fine and in so doing discharge their liability to conviction. The FPN legislation enabled local authorities the flexibility to set the level of a fixed penalty charge. RBC already had agreed penalty charges for FPN's and for clarity and consistency it was appropriate that Warwick District Council approved the same level of charges for the relevant FPN's. This allowed RBC to issue the same notices and payment options without developing a bespoke process for WDC that would come at a cost.

If the recommendations were approved, there was an expectation that the shared service with RBC would start immediately. The requested budget was an estimate based on discussions with RBC, its hourly rate and an anticipation of the potential workload. It included an amount for set up costs and legal fees. Every investigation that RBC carried out would be different and the approach was to monitor the value of money that WDC was receiving and report back to the Executive in October 2018. The payment of fines associated with FPN's would be managed by RBC and payments would be deducted from the charge for delegation, which was £75 per hour.

Guidance by DEFRA, entitled "Fixed Penalty Notices – Guidance on the Fixed Penalty Notice Provisions of the Environmental Protection Act 1990, the Clean Neighbourhoods and Environment Act 2005 and other legislation", recommended that "authorities considering issuing fixed penalty notices for the first time allow a well-publicised lead-in period before any notices were issued. This should help ensure public support for fixed penalties. During this time, when an offence was committed, enforcement officers should not issue any fixed penalties; if the offence was serious they should report the offender with a view to prosecution; in other cases they should issue a warning that in future similar offences might lead to fixed penalty notices (or prosecution) This would help raise awareness within the community and should help to manage the public perception." This approach would be reflected in the proposed Communication Strategy.

The resource available from RBC would be limited and therefore any enforcement would need to be targeted and intelligence led. There would be regular liaison meetings between the two authorities to agree the way forward.

The issue of fly-tipping and untidy alleyways/front yards had been identified as the priority for the delegated enforcement to RBC and this would be led by the number of complaints received by Neighbourhood Services. The approach to these issues was detailed in section 7 of Appendix A to the report. Although these were the priorities, the nature of such infringements could include other offences, such as breaches of the waste duty of care. Table 2 in Appendix A, to the report, reflected this possibility in covering other FPN's that potentially could be served during this trial period.

The confidence to delegate the appropriate enforcement powers to RBC was based on the fact that the enforcement policies of both authorities were based on the Regulators Code and as such any investigation and/or enforcement on issues was based on nationally recognised standards. Approval was sought on reflecting the same level of Fixed Penalty Notice (FPN's) that RBC had into the WDC statute and this again provided continuity in enforcement and allowed the same levels of fines and notices to be issued.

Any charges raised as a result of FPN's would be deducted from the routine delegation payments.

Alternative options considered were set out in the previous Executive Report entitled "Environmental Enforcement Service Delivery Options" dated 26 July 2017; at this stage no alternative options were therefore considered.

The Overview & Scrutiny Committee supported the recommendations in the report but proposed that the Communication Strategy should include consultation with letting agents, local businesses, Town and Parish

Councils (possibly via Warwickshire Association of Local Council's), and residents in social housing.

The Committee also sought assurance that in practice, officers in consultation with Legal, would ensure that the most appropriate individual/organisation would be served with any notice.

The Executive welcomed the report and the proposals within it. It thanked the Scrutiny Committee for its considered comments and debate on the previous evening. It recognised that the communications strategy should be amended as proposed.

Resolved that

- (1) the Council enters into an agreement with Rugby Borough Council (RBC) for an 18 month period to undertake a range of enforcement activities, with the power to undertake investigations delegated to that Council, under the terms of section 1 of Local Authorities (Goods and Services) Act 1970 RBC can contract with WDC to provide, among other things, administrative, professional or technical services;
- (2) the fines for the appropriate Fixed Penalty Notices (FPN's) as set out in Table 2 of Appendix A to the report as recommended to Council as part of minute 57, be noted;
- (3) the cost of the shared service of £62,000 for the 18 month period, be noted, which can be accommodated within existing budgets for the remainder of 2017/18 and would be built into an increased base budget for 2018/19 as set out in paragraph 5.5 of the report;
- (4) a further report will be presented in October 2018 to review effectiveness of shared service to date and making recommendations as to future arrangements from April 2019 when it is due to end; and
- (5) the Communication Strategy be amended to include consultation with letting agents, local businesses, Town and Parish Councils (possibly via Warwickshire Association of Local Council's), and residents in social housing.

(The Portfolio Holder for this item was Councillor Grainger)
Forward plan 893

61. **Risk Management Annual Report 2016-17**

The Executive considered a report from Finance that updated the Risk Management Strategy, as set out at Appendix A to the report, for implementing and embedding risk management throughout the organisation.

The report also contained details of an external review that was performed during the year. The review provided an independent assessment of the Council's risk management arrangements leading to the identification of areas for improvement that provides the basis of an action plan.

The responsibilities of the Finance and Audit Scrutiny Committee included consideration of the effectiveness of the Authority's risk management arrangements.

An alternative option was not given in the report because this report was not concerned with recommending a particular option in preference to others, so this section of the report was not applicable.

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

Resolved that

- (1) the report be noted, in particular that which sets out members' responsibility for risk management;
- (2) the Council's Risk Management Strategy as set out at Appendix A to the report be confirmed; and
- (3) the progress being made in embedding risk management in the Council, noting the progress made to date in completing the current Risk Management Strategic Action Plan, as set out at Appendix B to the report, and supplementary activities undertaken during the year that help to embed risk management, as set out at Appendix C to the report be endorsed.

(The Portfolio Holders for this item were Councillors Mobbs and Whiting)

62. **Public and Press**

Resolved that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following items by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local

Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Minute Nos.	Para Nos.	Reason
63	1	Information relating to an Individual
63	2	Information which is likely to reveal the identity of an individual
63	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

(The details of the following item will be recorded within the confidential minutes of the meeting.

63. Confidential Minutes

The confidential minutes of 31 August 2017 were taken as read and signed by the Leader as a correct record.

(The meeting ended at 6.12pm)

Executive

Excerpt of the minutes of the meeting held on Wednesday 1 November 2017 at the Town Hall, Royal Leamington Spa, at 6.00 pm.

Present: Councillor Mobbs (Leader); Councillors Coker, Grainger, Phillips, Thompson and Whiting.

Also present: Councillors; Barrott (Chair of Finance & Audit Scrutiny Committee); Boad (Liberal Democrat Group Observer); Mrs Falp (Chair of Overview & Scrutiny Committee and Whitnash Residents' Association (Independent) Group Observer); and Councillor Quinney (Labour Group Observer).

Apologies for absence were received from Councillors Butler and Rhead.

64. **Declarations of Interest**

There were no declarations made in relation to Minute Number 66.

65. **Minutes**

The minutes of the meetings held on 20 and 27 September 2017 were taken as read and signed by the Leader as a correct record.

Part 1

(Items on which a decision by Council on 15 November 2017 was required)

66. **Revisions to the Constitution**

The Executive considered a report from Democratic Services which brought forward proposals to amend the Officer Scheme of Delegation, following revisions to the staffing structure and also sought to provide clarity regarding appointments to Sub-Committees.

Following the restructure of Housing & Property Services, the Deputy Chief Executive (BH) reviewed the Scheme of Delegation to officers and brought forward amendments to reflect the revised structure. These amendments moved delegations from the Head of Housing to the Chief Executive.

The report proposed to amend the wording of former delegation HS(98) to proposed delegation DCE(4). This enabled the deletion of delegation HS(16) which was a near duplicate. In addition, a minor change to the wording of HS(101) now DCE(6) was proposed to bring the wording in line with other similar delegations where consultation was required.

There were proposals to revise the wording of HS(2), (9), (86) (94), (95) and (96). This was because the wording within each of these delegations was out of keeping with the rest of the officer scheme of delegation in that it named the Head of Service rather than taking the lead from the heading.

It was proposed to amend delegation HS(11) so that it referred to the revised resettlement policy, previously approved by the Executive. HS(15) was to be revised to remove the reference to consulting with a solicitor for the Council and reflected current working practice. The proposal to amend HS(35) was included to remove any ambiguity from within the delegation.

DCE(10) was a new delegation to allow for consideration because the Council had a small number of shop premises which fell into this category.

It was proposed to move DS(19) and DS(21) to DS(24) from Development Services to the Deputy Chief Executive to reflect this work moving into the new Assets team.

It was proposed to move DS(20) to a general delegation available to the Chief Executive, two Deputy Chief Executives and all Heads of Service thus allowing them to individually take action for any incursion or trespass on Council land.

Following recent questions from Members, the Monitoring Officer considered it appropriate to provide clarity within the Constitution regarding membership of Sub-Committees and remove any ambiguity.

At present, the Council only operated Sub-Committees to the; Employment Committee, Standards Committee, Licensing & Regulatory Committee and Overview & Scrutiny Committee. These were all classed as the parent Committee to the Sub-Committee.

To be appointed to a Sub-Committee, the Councillor must be a Member of the parent committee. Therefore, equally to be a substitute on a Sub-Committee the Councillor must be a Member (not a substitute nominated by Council) of the parent Committee.

In all cases, the appointment to a Sub-Committee had to be made by the parent Committee. This is unless a delegation arrangement had been put in place as was the case for additional Licensing & Regulatory Committees and Standards Committee Hearing Panels.

The exemptions to this process were that co-optees could be appointed to Sub-Committees by their respective parent committee, but unless these were Sub-Committees of a Scrutiny committee, the individual(s) appointed are non-voting.

An alternative option was to leave the Constitution as at present. However, it was felt that for the sake of clarity and transparency the Constitution should be amended.

An addendum was circulated at the meeting that explained delegation HS(99) needed to be available to the Head of Development Services because of the work of the Business Enterprise Team.

Therefore, it was proposed that current delegation HS(99) instead of becoming DCE(5) becomes A(11) delegated to both the Deputy Chief Executive (BH) and Head of Development individually.

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

Recommended to Council that

- (1) the scheme of delegation is amended as set out at Appendix 1 to the minutes to reflect the changes as a result of the restructure of Housing & Property Services; and
- (2) Council procedure rules are amended, to include a reference confirming the requirements that to be appointed to a Sub-Committee (as either a member or a substitute) the Councillor must be a member of the parent Committee, with exception to this the appointment of Co-opted members who in all cases (less Scrutiny Sub-Committees), would have no voting rights.

(The Portfolio Holders for this item were Councillors Mobbs and Phillips)

Section 4 Scheme of Delegation

That the following delegation be deleted as it is a duplicate:

- HS (16) to grant way leaves for telephone equipment, wireless relay, cable etc, for HRA properties/land.

Within delegations HS(2), (9), (86) (94), (95) and (96) remove the wording Head of Housing & Property Services is authorised to because this is covered by the heading for these delegations

That the following delegations be amended (amendments in strikethrough or bold):

- HS (11) ~~approve payments authorised within the Tenants Incentive Grants Scheme to tenants transferred to smaller properties.~~ Approve payments under the Resettlement Service to **qualifying new** tenants accepting the tenancy of a ~~low demand designated older persons property.~~
- HS (15) ~~Following consultation with a solicitor acting for the Council,~~ to instruct Bailiff's to enforce Warrants for Eviction.
- HS (29) deal with applications for the assignment of **a residential** tenancy ~~or sub-letting of shops~~ provided under the Housing Acts
- HS (35) Re-purchase former Council owned dwellings within agreed criteria and with the assistance of an independent valuation subject to resources being made available and ~~at the Head of Housing & Property Services reporting back to Executive on each~~ **purchase** decision made.

That the following delegations be amended (amendments in bold) and delegated to the Deputy Chief Executive (BH):

- ~~HS (21)~~ operate the Secure Tenants of Local Housing (Right to Repair) Regulations
~~DCE(1)~~ 1994 (including service of Notices and acceptance or refusal of claims).
- ~~HS (24)~~ authorise the negotiation and agreement of enhanced rates to existing
~~DCE(2)~~ contracts under the Local Government (Direct Services Organisation) (Competition) Regulations 1993 and the Council Directive 92/50/EEC.
- ~~HS (29)~~ deal with applications for the assignment of tenancy or sub-letting of shops
~~DCE(3)~~ provided under the Housing Acts.
- ~~HS (98)~~ Grant wayleaves and easements across Council owned land to other public
~~DCE(4)~~ organisations **for both HRA and non HRA properties.**
- ~~HS (100)~~ Following consultation with ward councillors and the relevant Head of
~~DCE(5)~~ Service of the service area owning the land, dispose of other interests in land including its sale where the consideration does not exceed £20,000 and also to accept the Surrender of leases where the value does not exceed £20,000.
- ~~HS (101)~~ ~~Follow~~**in** consultation with ward councillors and the relevant Head of Service
~~DCE(6)~~ of the service area owning the land, to initiate proceedings for forfeiture of Leases.
- ~~HS (102)~~ Agree rent reviews, for non HRA properties, where agreement on the new
~~DCE(7)~~ rent has been reached without recourse to arbitration.
- ~~HS (103)~~ Grant new leases, for non HRA properties, where statutory renewal rights
~~DCE(7)~~ exist.


HS (104) DCE(8)	Grant terminable licences, for non HRA properties, for access and other purposes.
HS (105) DCE(9)	Manage and control properties acquired by the Council in advance of requirements (other than those held under Part V of the Housing Act 1957 where consultation with the Head of Housing Services is required).
DCE(10)	<i>Deal with applications for the assignment of a tenancy or the sub-letting of a shop, provided under the Housing Acts</i>
DS (19) DCE(11)	Serve Notices to Quit in respect of shops and other accommodation provided under the Housing Acts.
DS (21) DCE(12)	Following consultation with a solicitor acting for the Council, enter into miscellaneous agreements of a minor nature affecting any land and/or property not provided for elsewhere.
DS (22) DCE (13)	Following consultation with a solicitor acting for the Council, consent to assignment and other consents required under leases granted by the Council.
DS (23) DCE (14)	Following consultation with a solicitor acting for the Council, complete the purchase of property comprised in a confirmed Compulsory Purchase Order on the terms negotiated by the District Valuer and to make any relevant statutory payments in connection with acquisitions, such as well-maintained and home loss and disturbance payments.
DS (24) DCE(15)	In consultation with the Head of Finance, decline offers of property not recommended for acquisition.

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

DS (20) GE(16)	Following consultation with a solicitor acting for the Council, take appropriate action in the County Court in cases of unlawful trespass on Council property.
------------------------------	--

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

HS (99) A(11)	Grant new leases on vacant properties, excluding HRA properties.	The Deputy Chief Executive (BH) and Head of Development
-----------------------------	--	---

 Council 15 November 2017		Agenda Item No. 11
Title	Standards Committee for Warwick District	
For further information about this report please contact	Graham Leach, Democratic Services Manager & Deputy Monitoring Officer 01926 456114 graham.leach@warwickdc.gov.uk	
Wards of the District directly affected	None	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	18 April 2016 Minute 13 27 June 2016 Minute 6 5 July 2017 Minute 6	
Background Papers	Localism Act 2011	

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

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	7/11/2017	Andrew Jones
Head of Service		
CMT		
Section 151 Officer	6/11/2017	Mike Snow
Monitoring Officer	7/11/2017	Andrew Jones
Finance	7/11/2017	Jenny Clayton
Portfolio Holder(s)	7/11/2017	Michael Coker
Consultation & Community Engagement		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. **Summary**

- 1.1 This report brings forward proposals on the future operation of Warwick District Council's Standards Committee.

2. **Recommendation**

- 2.1 The Council notes the outcome of the consultation with all Parish & Town Councils in Warwick District and Warwickshire Association of Local Councils (WALC) as set out at Appendix 1 to the report.
- 2.2 That Warwick District Council does not to proceed with a Joint Standards Committee with all Parish & Town Councils.
- 2.3 That the Constitution be amended to reflect that the Standards Committee will be a body of Warwick District Council made up of 11 Warwick District Councillors with a remit as set out below:
- i. To promote and maintain high standards of conduct by Members of the Council.
 - ii. To ensure Members of the Council observe the Council's Code of Conduct.
 - iii. To advise the Council on the adoption or revision of a Code of Conduct.
 - iv. Monitor the operation of the Code of Conduct.
 - v. To provide advice and training (or arrange training) for Members on matters relating to the Code of Conduct.
 - vi. To recommend to the Council on the appointment of Independent persons for the Council and of the Code of Conduct adopted by the Parish and Town Councils in the District.
 - vii. To consider and determine requests for dispensation from requirements relating to the adopted Members' Code of Conduct;
 - ix. To grant dispensations, as it considers appropriate, if so requested.
- 2.4 Warwick District Council will commit, so long as it is reasonably practicable, that at least three Members of its Standards Committee will be both District and Parish/Town Councillors (dual hatters) so they are aware of the nature of this role.
- 2.5 Warwick District Council commits that any revisions to the Code of Conduct or associated processes will be consulted on with all District Councillors and Parish & Town Councils in Warwick District for at least 6 weeks. In addition the proposals will also be presented to a meeting of the WALC Warwick Area Committee for discussion. Following the consultation, a response will be provided to each of the comments made and circulated to all Parish/Town Councils in Warwick District and all comments made will be considered by the Standards Committee before any amendments are approved.
- 2.6 That all Parish & Town Councils be sent a copy of the agenda for the Standards Committee meeting and will be alerted (via email) as soon as the draft minutes are available on line.
- 2.7 That the Chair of any Code of Conduct hearing Panel involving a Parish/Town Councillor will attend the relevant Parish/Town meeting that considers any proposed sanction from the Hearing to respond to questions from the relevant Council.

- 2.8 The Council notes that in line with Council procedure rule 35, the Committee has considered a refresh of its procedures for handling complaints about the conduct of councillors and, subject to approval of 2.2, these will now be consulted on as set out above.

3. **Reasons for the Recommendation**

- 3.1 Warwick District Council had sought to form a Joint Standards Committee for Warwick District with all the Parish & Town Councils. This has never formally come into being and following a review by Officers it was agreed at the Standards Committee in July 2015 to consult on ending this proposal.
- 3.2 The responsibility under the Localism Act is for the District Council to have sufficient arrangements in place. There is no requirement for this to involve Parish/Town Councils.
- 3.3 The benefit of having a joint Committee with the Parish & Town Councils would be in a single primary area. This would be to enable them to sit and vote at a hearing concerning the conduct of Councillors. However, this would only be possible for the cases where each Council has agreed to be part of the Joint Committee. All other cases would have to be considered by a separate Standards Committee solely made up of Warwick District Councillors. All other matters would need to remain within the remit of Warwick District Council i.e. the procedures for considering complaints and revising the Code of Conduct for the District Council.
- 3.4 Baddesley Clinton Parish Council, Weston-Under-Wetherley Parish Council, Leek Wootton Parish Council and Radford Semele Parish Council indicated they would like to join the Committee but they are yet to pass the resolution to join the Standards Committee of Warwick District and amend their standing orders to reflect this.
- 3.5 Eathorpe, Hunningham, Offchurch and Wappenbury Parish Council has declined to join the Standards Committee of Warwick District.
- 3.6 Officers also sought to ensure each Parish/Town Council understood the power they were delegating to the Joint Committee and for this reason they had provided a template report for them to use.
- 3.7 During the subsequent review of the proposal it was clear Officers had not taken into consideration, and therefore not provided guidance to Members, regarding the liability for decisions taken by the Joint Committee, support costs for the joint committee, or expenses for Members and how these should be shared. The District Council needs to take these issues into consideration because if a Joint Committee was established for those who wished to participate it would also need to appoint its own Standards Committee as well to consider all other cases from authorities not participating in the Joint Committee as well as the administrative functions outlined earlier.
- 3.8 The District Council would also need to be mindful, if the two Committees were established, of ensuring clarity on the role of each Committee both for Councillors and the public, along with ensuring consistency of training and decision making. Most of these could be overcome by ensuring the District Council appoints the same Councillors to both Committees and training is held at the same time.

- 3.9 There is a question on the representation of the Parish/Town Councils on the Joint Committee. At present, the proposal is for a Committee of 15. This would be 11 District Councillors and 4 Parish/Town representatives. While no Parish or Town Council has questioned this, there is a question of legitimacy of the Joint Committee if all parties are not represented by individual membership and this could lead to a challenge on decisions of a Joint Committee. This is because, to the best of officers' knowledge, no other Joint Standards Committee has been introduced with Parish & Town Councils at any other District authorities.
- 3.10 In addition to these points, officers recognise the low workload of the Standards Committee and it is felt to be a disproportionate time and effort to establish a Joint committee to the level of detail required.
- 3.11 The Standards Committee, in approving the Consultation, was aware that there was likely to be dissatisfaction with the revised proposal from Parish & Town Councils. The Committee had noted the limited number of code of conduct complaints that have been made since 2015 and that none of these have progressed to an investigation.
- 3.12 This Council is committed to engaging with Parish and Town Councils and the proposal continues to ensure a strong voice for the Parish & Town Councils as part of the consultation process.
- 3.13 The consultation started on 29 September and ran until midday on 13 November 2017. The District Council has received 3 responses to date about consultation. One in favour of the proposal from Kenilworth Town Council; and two against the proposal from Warwick & Whitnash Town Councils. These are set out at Appendix 1 to the report. Any responses received after the publication of the agenda on 7 November 2017 will be reported in an addendum to the Council.
- 3.14 The response from Whitnash Town Council was very detailed and for this reason officers, after consultation with Councillor Davies as Chairman of the Standards Committee, provided a response to this. This response is attached as Appendix 2 to the report.
- 3.15 While the majority of respondents to the consultation are against the proposal it there is a very low response (three from 24). Therefore it is recommended that the Joint Committee proposal should cease.

4. Policy Framework

4.1 Fit for the Future (FFF)

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/productivity of local economy Increased employment and income levels
Impacts of Proposal		
Nil	Nil.	Nil
Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
Impacts of Proposal		
Nil	Nil	If accepted there is a small saving through a reduction in the number of co-optees allowances previously paid to the Parish/Town Council representatives.

4.2 **Supporting Strategies** – This report does not relate to any of the supporting strategies within Fit for the Future.

4.3 **Changes to Existing Policies** – The report brings forwards amendments to the Constitution to ensure the Council has a Committee in place to consider appropriate case work if required by the Monitoring Officer.

4.4 **Impact Assessments** – An equality impact assessment has not been undertaken because the proposals are in relation to governance and operation of the Council and not amendments to Council Policy.

5. **Budgetary Framework**

- 5.1 The report does not impact on the Budgetary Framework of this Council.
- 5,2 If agreed there would be a saving of circa £800 (in total) that had previously been paid to the four Parish & Town Council representatives. However if the joint Committee approach is taken the Council would need to reconsider this payment as it, along with the Chairman's allowance, should be considered for an equal contribution to the payments from those authorities which joined the joint Committee.

6. Risks

- 6.1 The main risk associated with this report is continuing with the current position of the District Council to clearly identify that it had the necessary arrangements under the Localism Act 2011 in place if a case was to come forward.

7. Alternative Option(s) considered

- 7.1 The Council could decide that it wishes to proceed with a Joint Standards Committee but this is considered not a best use of resources for the reasons stated above.
- 7.2 The Committee could consider asking officers to look at alternative options for the Committee structure of District Council to see if they could be remodelled to provide a different structure.

The view from Warwick Town Council is leave well alone - it feels that this is correct group to deal with complaints.

Kenilworth Town Council, unanimously, fully supports the setting up of a Standards Committee of Warwick District Councillors, of which at least three would be dual hatted members who were also either on a Parish or Town Council.



WHITNASH TOWN COUNCIL

Franklin Road
Whitnash
Warwickshire
CV31 2JH

Telephone and Fax: 01926 470394

Town Clerk

Mrs J A Mason
Email: jenny.mason@whitnashtowncouncil.gov.uk

23rd October 2017

Mr Graham Leach
Democratic Services Manager and
Deputy Monitoring Officer
Democratic Services
Warwick District Council
Riverside House
Milverton Hill
Royal Leamington Spa
CV32 5HZ

Dear Mr Leach

Warwick District Joint Standards Committee

Members of Whitnash Town Council discussed the proposal for the Joint Standards Committee for Warwick District at the Town Council meeting last week.

Our Members do not agree with this proposal.

Town and Parish Councils, which have signed up to the District Code of Conduct, are being penalised because of the few Town and Parish Councils that have not signed up.

Town Councillors have the right, and the clear expectation that they will be judged by other town councillors. It is not correct to expect 'double hatted' District and Town councillors to be 'Town councillors' at a district meeting when they are operating in their capacity as district councillors.

If the Joint Standards Committee want 'twin hatted' District councillors, clarity is needed about which hat they going to be wearing when adjudicating a specific case.

The District Councillors often follow party political lines and in the past the Parish / Town councillors have tended to operate independently in each case.

Separating Town / Parish councillors from District Councillors gives Town / Parish councillors a clearer voice on matters.

The District Council signed up to work in partnership with Town / Parish Councils and this would be a step against it.

The approach to the Joint Standards Committee has worked well in the past, so if it isn't broken why fix it for the few councils which have not signed up to the District Code of Conduct?

Yours sincerely

A handwritten signature in black ink, reading "Jenny Mason". The signature is written in a cursive style, with the first name "Jenny" and the last name "Mason" clearly distinguishable.

Jenny Mason
TOWN CLERK

From: Graham Leach
Sent: 06 November 2017 11:18
To: 'jenny.mason@whitnashtowncouncil.gov.uk'
Cc: Richard Davies; Andrew Jones
Subject: Warwick District Standards Committee

Dear Mrs Mason,

Thank you for your letter on behalf of Whitnash Town Council regarding the Warwick District Joint Standards Committee.

I feel it is important to provide a few points of clarification.

The proposal not to proceed with the Joint Standards Committee does not relate to the adoption of the Code of Conduct by a Parish or Town Council. The matter relates to the Councils agreeing to be members of the Joint Standards Committee and confirming they have amended their procedure rules to show they have delegated authority to appoint to the proposed Joint Committee. As not all Council's had agreed to this, and/or demonstrated they had put these arrangements in place, the District Council was left in the position of either changing the approach (to the proposal as consulted on) or having two standards committees.

In the scenario of having two Standards Committees, the first would be responsible for handling cases which related to Councillors from those Councils who had agreed to be part of the Joint Committee. This would be formed of 11 District Councillors plus potentially four representatives for the Parish/Town Councils. There would have to be a second committee comprising of just District Councillors to consider those cases for Members of those Councils who had not agreed to join the Committee or put the necessary arrangements in place.

The legislation for the Localism Act, which these arrangements are brought forward under, requires the District Council to have arrangements in place for determining complaints – however, they do not state what these should be. The current arrangements for a holding a hearing within Warwick District are as follows:

"The Panel will comprise of 5 members of the Standards Committee. It will consist of Councillors drawn from at least 2 different political parties. For complaints against District Councillors there will be at least one Parish/Town Councillor on the Panel and for complaints against Town/Parish Councillors there will be at least one District Councillor on the Panel."

These arrangements, therefore, only guarantee that there should be a Parish/Town Councillor for hearings regarding the conduct of a Parish or Town Councillor.

The Councillors on a hearing Panel, would need to be considering the case on its merits and the evidence in front of them and not on political grounds. It should be noted that of those members nominated to represent the Parish/Town Council, two of the three were members of registered political parties. The key to having dual hatted members on the proposed Committee is to enable Councillors to bring forward their knowledge and experience of being a member of a Parish or Town Council.

The District Council has considered the impact for those Councils who had agreed to join the Joint Committee, and whilst it notes the Whitnash Town Council statement of "if it ain't broke don't fix it", there are other considerations which suggest issues exist that have not previously been considered or resolved and which are hard to mitigate against.

The District needs to be confident that the arrangements in place are robust and cannot be challenged. On reviewing the last four years, officers did not think this was the case. Officers also considered that if there was a joint Committee, an option existed to share a cost of the Committee. At present, the cost of this is at least £2750 per annum, minus officer time and the potential costs of hearings, and that this expenditure could be shared between the Council's on the Joint Committee. Thought was also given to the sharing of risk and liabilities

for the Joint Committee (because it would not just be District Councillors taking a decision) and how this could be shared between the participating authorities. This was combined with the remaining need for the District Council to have a second Committee as set out above, where the District Council would take all liability. In addition, having these two committees would remove clarity for all parties about the responsibility.

Therefore it was considered, in these circumstances, that the best approach would be to have a single Committee which Warwick District Council took all responsibility for including both cost and liabilities.

This said Warwick District Council is still committed to working with Parish & Town Council's which is why it decided to consult on the proposals before taking a decision and also sought to enhance its consultation process for any future proposed revisions. This enhancement would enable all Council's (less Kenilworth Town Council who are not members of WALC but support these proposals) to have an informed discussions on changes proposed and participate in the discussions, rather than limiting this to four representatives.

Yours sincerely


Graham Leach

Democratic Services Manager and
Deputy Monitoring Officer

Democratic Services, Warwick District Council, Riverside House,
Milverton Hill, Royal Leamington Spa, CV32 5HZ

Tel: 01926 456114 www.warwickdc.gov.uk

*Please do not print this email unless you really need to.

 EXECUTIVE / COUNCIL 15th November 2017		Agenda Item No. <div style="font-size: 2em; text-align: center;">12</div>
Title	Adoption of the Community Infrastructure Levy (CIL) Charging Schedule	
For further information about this report please contact	Dave Barber Policy and Projects Manager Development Services 01926 456065 Dave.barber@warwickdc.gov.uk	
Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	Full Council 12 th April 2017, item 13 Executive 05 th Jan 2016, Item 6 Full Council 28 th Jan 2015, Minute Number 67 Executive 4 th June 2013, Item 4	
Background Papers		
Contrary to the policy framework:	No	
Contrary to the budgetary framework:	No	
Key Decision?	Yes	
Included within the Forward Plan? (If yes include reference number)	Yes	
Equality Impact Assessment Undertaken	Yes	
Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		Bill Hunt
Head of Service		Tracy Darke
CMT		Chris Elliott/Bill Hunt/Andy Jones
Section 151 Officer		Mike Snow
Monitoring Officer		Andy Jones
Finance		Mike Snow
Portfolio Holder(s)		Cllr Alan Rhead
Consultation & Community Engagement		
Public consultation on the Draft Charging Schedule took place in January and February 2017. Further consultation on the proposed Charging Schedule took place in July and August 2017.		
Final Decision?	Yes	
Suggested next steps (if not final decision please set out below)		

1. **Summary**

- 1.1 This report seeks resolution to formally adopt the Community Infrastructure Levy (CIL) Charging Schedule following on from the approval of the Draft Charging Schedule by the independent Examiner appointed by the Planning Inspectorate.
- 1.2 Once adopted, it is intended that the CIL charging process will commence between 20th November and 18th December 2017.

2. **Recommendations**

- 2.1 That Executive notes the content of the Inspector's report attached at appendix 1 to this report.
- 2.2 The Executive recommends to Council that the CIL Charging Schedule attached at appendix 2 to this report is adopted, in accordance with section 213 of the Planning Act 2008 (as amended).
- 2.3 The Executive recommends to Council that the CIL Charging Schedule takes effect from a date to be determined by the Head of Development Services in consultation with the Portfolio Holder for Development Services. The date will not be earlier than 20th November 2017 but no later than 18th December 2017.
- 2.4 The Executive informs Council that, once the Charging Schedule is adopted, authority rests with the Executive to approve the establishment of formal governance arrangements in relation to the distribution of CIL monies and to approve the infrastructure priorities for the first and subsequent financial years.
- 2.5 The Executive recommends to Council that the Head of Development Services is authorised to take any steps deemed appropriate for the purpose of implementing recommendation 2.2, including publication of the Charging Schedule, implementation of the processes required to administer CIL, the use of CIL to cover administrative expenses incurred in connection with CIL (in accordance with regulation 61 of the 2010 CIL Regulations) and the correction of any "correctable errors" in accordance with Regulation 26 of the CIL Regulations 2010 (as amended) .
- 2.6 That the Executive approves the CIL Instalments Policy, attached at appendix 3 to this report, and that the policy comes into force on the date of the CIL Charging Schedule takes effect.
- 2.7 That the Executive agrees that, other than the exemptions and reliefs required by the CIL Regulations 2010 (as amended), such as developments in relation to affordable housing and those used for charitable purposes, the Council's policy is only to apply discretionary relief or exemptions where exceptional circumstances can clearly be demonstrated. Authority to apply discretionary relief for exceptional circumstances is delegated to the Head of Development Services in consultation with the Portfolio-holder for Development Services.
- 2.8 That the Executive agrees the Regulation 123 list attached at appendix 4 for CIL monies received prior to the end of March 2018 and notes that a separate report will be presented to the Executive in February or March 2018 to establish formal governance arrangements in relation to the distribution of CIL monies and to gain approval for the following financial year's infrastructure priorities and Regulation 123 list for the forecast CIL income.

3. Reasons for the Recommendations

- 3.1 The Council is committed to introducing a CIL Charging Schedule which, in addition to other funding mechanisms such as Section 106, will support the delivery of the infrastructure required for the level of growth proposed in the recently adopted Local Plan. It is intended to complement rather than replace other funding streams and to promote development rather than hinder it.
- 3.2 The Draft Charging Schedule and Modifications have undergone extensive consultation, viability assessment and independent examination. The independent Examiner has concluded that the proposed charging rates would not threaten the viability of sites and the scale of development identified in the Local Plan.
- 3.3 In April 2017, Council resolved the approval of the Draft Charging Schedule (DCS) and its subsequent submission to the Planning Inspectorate as required by the Community Infrastructure Regulations 2010 (as amended).
- 3.4 The formal examination hearing took place on 24th July 2017. The Examiner raised a few points of clarification regarding the DCS submitted by the Council and as a result the DCS was altered to address them.
- 3.5 A further period of public consultation was then held during July and August. In total, six representations were made during this period and they were submitted to the Examiner in September 2017 for his consideration in preparation for the issue of his final report.
- 3.6 On the 23/10/2017, the Inspector issued his final report approving the Charging Schedule for Warwick District Council, subject to three modifications and stating that the rates contained therein will not in his opinion hinder the viability of development in the area going forward.
- 3.7 The three modifications recommended by the Inspector are set out in appendix A of his report. Two of the recommendations (relating to retail charges and the retail zoning map), are simply points of clarification that are required to prevent ambiguity. The other recommendation is that Hampton Magna should be in the lower value Zone A rather than Zone D – a position that the Draft Charging Schedule originally proposed but which was changed following the consultation in January/February this year.
- 3.8 It has always been the intention to adopt the CIL Charging Schedule in conjunction with the Local Plan. As the Local Plan has now been formally adopted, it is envisaged that this will result in an increase in planning applications most of which will be liable for CIL if the Charging Schedule is in place when the applications are approved.
- 3.9 It is for these reasons that it is prudent to approve and adopt CIL by the end of December to ensure that we capture the anticipated influx of planning applications and therefore to maximise the level of CIL revenue available to facilitate the provision of necessary infrastructure in support of the Local Plan.
- 3.9 There are a few internal procedures being developed to enable the administration of CIL and these will be managed and approved at officer level,

with the overall responsibility resting with the Head of Development Services in consultation with the portfolio holder. The regulations allow the Council to use up to 5% of CIL receipts to cover the administrative costs of CIL. CIL is likely to have some significant resource implications in determining planning applications and working with infrastructure providers. It is therefore recommended that the Head of Development be authorised to draw on the potential to use a small proportion of CIL receipts for administrative costs. However, bearing in mind the need to maximise the amount of CIL that contributes directly towards infrastructure, it is intended to keep this to the minimum necessary.

- 3.10 The legislation allows for the Charging Authority to operate an instalments policy which is designed to allow developers to spread the cost of CIL particularly those facing the highest liabilities. The instalments policy is included in appendix 3 to this report.
- 3.11 The instalments policy has been extensively modelled to ensure it is in line with the regulations, supports viability and is an affordable model for the Council. It is envisaged that an effective instalments policy will enable CIL payments to be made without the requirement to introduce costly and cumbersome enforcement options. In general, it is proposed that the Council's policy should be not to apply discretionary reliefs and exemptions. However there may be a small number of cases where genuine exceptional circumstances apply in accordance with regulation 55. This regulation allows relief for exceptional circumstances where the Council:
- considers that to require payment of the CIL would have an unacceptable impact on the economic viability of the development, and
 - is satisfied that to grant relief would not constitute a State aid.
- One example is for sites which have outline planning permission with section 106 agreements approved prior to the adoption of CIL. Where reserved matters applications for these permissions are considered after the adoption of CIL, it is proposed that these will be exempt from CIL if it is clear that the section 106 agreement was laid out on the basis of there being no CIL liability. If CIL were applied in these circumstances it would be likely that the Section 106 agreement would need to be renegotiated.
- 3.12 The Regulation 123 list sets out those items of infrastructure which the Council intends to spend CIL monies on. Appendix 4 shows a simplified Reg. 123 list for allocating CIL money to during the remainder of the financial year 2017/18. These items are drawn from the list that was considered by Council in April 2017. This curtailed list takes account of the fact that the receipts during this period are likely to be negligible as no payments will be made until 60 days after commencement on site. In this context, the Reg. 123 list set out in Appendix 4 should be understood as a temporary position ahead of the completion of the detailed and thorough infrastructure planning work that is currently underway with infrastructure providers. This will enable officers to bring forward robust proposals for a revised Reg. 123 list to be considered by Executive in February or March 2018. This revised list will form the basis for allocating CIL receipts during 2018/19 when a more substantial level of funding is expected. The Reg. 123 list will then be reviewed annually.
- 3.13 Alongside the Charging Schedule and the Instalments Policy set out in this report, it is common practice to establish a recovery and enforcement policy to set out how surcharges will be applied where applicants do not comply with the regulations and how overdue payments will be recovered. Given that there will not be any circumstances requiring enforcement for several months it is proposed that officers include this policy in the report to Executive in

February/March 2018. In principle it is proposed that this policy sets out an expectation that applicants should adhere to the regulations and that failure to do so will have consequences. This firm approach seeks to minimise the additional resources and costs that the Council could incur where regulations are not followed.

4. Policy Framework

4.1 Fit for the Future (FFF)

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and Anti-Social Behaviour (ASB)	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/productivity of local economy Increased employment and income levels
Impacts of Proposal		
Will help co-ordinate the timely provision of infrastructure such as schools, community spaces, medical facilities that are essential to enable the growth required in the Local Plan	Will help co-ordinate the timely provision of infrastructure such as new parks, play areas and open spaces that are essential to enable the growth required in the Local Plan	Will help co-ordinate the timely provision of infrastructure such as roads that are essential to enable the growth required in the Local Plan
Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u> All staff are properly trained All staff have the	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting

appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	our processes Increase the digital provision of services	Continued cost management Maximise income earning opportunities Seek best value for money
Impacts of Proposal		
None	None	None

4.2 **Supporting Strategies**

Each strand of the FFF Strategy has several supporting strategies. The Local Plan is one of the key strategies, cutting across many of the FFF strands. The CIL scheme ensures the delivery of appropriate infrastructure to enable the growth required through the plan period.

5. **Budgetary Framework**

- 5.1 There are no costs directly incurred because of the formal adoption of the CIL Charging Schedule, and the legislation allows for a proportion of the monies collected to be used towards the ongoing costs of administering the levy.
- 5.2 As referred to in Section 3, the adoption of CIL is an important charging mechanism to generate funding towards many of the infrastructure costs resulting from the Local Plan, with these items being included in the Regulation 123 list.
- 5.3 The CIL Charging Rates set out in Appendix 2 will be indexed annually in accordance with Regulation 40 of the CIL Regulations 2010 (as amended). The level of charge applied to each development will be the rate applicable at the time planning permission is granted (or in the case of outline applications, at the time reserved matters permissions are granted).
- 5.4 CIL will not fund the entire 123 List, which will mean that the relevant authorities will need to continue to seek alternative funding to supplement it, such as the submission of bids for Central Government grants.
- 5.5 It should also be noted that infrastructure contributions will continue to be sought from Section 106 agreements where these are compliant with the CIL regulations and where the infrastructure project is not included within the Reg. 123 list. Section 106 agreements will therefore be used alongside CIL to deliver the Infrastructure Delivery Plan.

6. **Risks**

- 6.1 Members may recall from the previous report regarding CIL presented to Council in April 2017 that it is likely that CIL will be amended or replaced with a new regime at some point in the future. It has recently been announced that the future of CIL and its likely replacement will form part of the Autumn Budget Statement.
- 6.2 Although it is likely that changes to the funding regime will be announced, these will take some time to take effect and may require primary legislation.

As such it remains important and practical to continue to adopt CIL as it currently stands so that infrastructure funding is realised in the transition period for any replacement scheme.

- 6.3 Should CIL not be adopted, there is a risk that the significant growth expected within the District will not contribute fully to the infrastructure that is needed (for example, the development spike likely to follow the release of Green Belt land with the adoption of the Local Plan). This would leave a financial deficit that would need to be met from other sources, or not be met at all. Further, the restriction on pooling more than five Section 106 contributions towards one infrastructure project means that major infrastructure is now more difficult to fund from the use of Section 106 Agreements alone.

7. Alternative Option(s) considered

- 7.1 The Council could choose not to pursue the adoption of the CIL Charging Schedule and the CIL scheme. This course of action would undermine the options the Council has to providing the funding needed to deliver the Infrastructure Delivery Plan. In seeking approval from Council to adopt the CIL scheme, it is considered essential that this coincides with the recent adoption of the Local Plan. This is because there is now likely to be a significant increase in housing planning applications accompanied by additional sites being released for development.

8. Background

General information about CIL

- 8.1 The Community Infrastructure Levy (CIL) was introduced under the Planning Act 2008 and is a tariff system that enables local authorities to make a charge on new development to fund infrastructure needed to support development. The CIL Regulations came into effect in April 2010 and minor amendments were made to the Regulations in April 2011. Further Regulations were published during 2012.
- 8.2 CIL is a charge on new development; it is charged per square metre on net additional floor-space of development. CIL is not charged on social housing and developments used for charitable purposes. The amount payable will be set at the time planning permission is granted and payment will be linked to the commencement of development. Larger amounts will be payable in instalments over fixed time periods.
- 8.3 CIL is intended to complement rather than replace other funding streams and is intended to promote development rather than hinder it. Its main advantages are that:
- It is modest representing around 2-5% of total development costs and is not charged on types of development that cannot sustain it.
 - It is a fixed, non-negotiable charge and is therefore transparent and predictable.
 - It is less time-consuming and complicated than Section 106 planning obligations, with less need for protracted negotiations with applicants and the drawing up of legal agreements (although these will still be required to secure affordable housing and addressing site specific mitigation).
 - Local communities will be able to influence how a proportion of CIL receipts are spent in their areas, so that communities can benefit from

development in their area. In areas where a Neighbourhood Plan is in place, 25% of CIL receipts arising from developments in that area will be controlled by local neighbourhoods. Elsewhere, neighbourhoods will control 15% of CIL receipts relating to developments in each area.

- 8.4 Unlike funding from Section 106 agreements, CIL funds can be spent on a wide range of infrastructure to support development without the need for a direct geographical or functional relationship with the development. Section 106 agreements will still be used, but in a more focused way to directly provide both 'off-site' infrastructure, (through financial contributions), and 'on site' improvements through site specific obligations.
- 8.6 To adopt a CIL Charging Schedule, we will need to demonstrate that there is a funding gap which exceeds the likely receipts from other sources. This is set out in a live and evolving document called a Regulation 123 List, included at appendix 4 to this report. The Regulation 123 list is drawn from the Infrastructure Delivery Plan which was considered during the Local Plan Examination in Public that ended in December 2016.

Preparation to adopt CIL and the collection process

- 8.7 As part of the preparations to introduce the CIL scheme, an extensive engagement exercise has been undertaken. This exercise was carried out in conjunction with the major infrastructure providers in the District as well as Town and Parish Councils so that the most effective process to distribute CIL monies to these key stakeholders could be agreed.
- 8.8 The key infrastructure providers in addition to Town and Parish Councils include:
- Warwickshire County Council – Education, Transport and Highways, Infrastructure Delivery
 - Warwickshire Police Place Partnership
 - South Warwickshire Clinical Commissioning Group
 - South Warwickshire Foundation Health Trust
- 8.9 Because of this level of engagement and joint working, there are now effective processes in place to distribute CIL money and to agree the infrastructure priorities with these key infrastructure providers. It is the responsibility of the Charging Authority to make the ultimate decision on those priorities considering the appropriate levels of engagement and consultation with major stakeholder such as those listed above.
- 8.10 As part of this process, a report will be brought to the Executive in the early part of 2018 which will include recommendations for those major infrastructure projects that are recommended as most suitable to be funded through CIL receipts for the following financial year.
- 8.11 This process will be repeated annually so that the Executive approves how CIL is allocated to infrastructure going forward
- 8.12 It should be noted that the payment of CIL is a legal requirement governed by the CIL Regulations 2010 (as amended). Once a liability has been determined, a bill will be issued to the liable party and payment must be made in line with the terms of the demand notice – this may be in full or through the instalments policy depending upon the size of the liability.

- 8.13 The responsibility for determining liability, issuing the liability notice and the subsequent billing and collection of CIL will be the responsibility of the Development Management Team, part of Development Services.
- 8.14 There are a range of enforcement powers available to the council if payment is not made in line with the requirements of the bill. These include planning enforcement powers as well as debt recovery options such as the use of bailiffs. If and when any of these enforcement options are required, the most appropriate course of actions will be decided upon through joint liaison between Development Services and Finance with appropriate legal advice and support.

Rationale behind the latest changes to the Charging Schedule

- 8.15 Members will note that there are some changes to the proposed DCS when compared to the one that Council approved in April 2017.
- 8.16 These amendments are principally in the format of the Schedule, to aide legibility and clarity because of comments from the Examiner. It should be noted that a Council may only approve its charging schedule if it has had regard to the examiner's recommendations and the reasons for them, and it has made modifications sufficient to remedy any defects or non-compliance with the statutory requirements.
- 8.17 The only amendment not covered in the above is the zoning of Hampton Magna. Following Examination, the Council has agreed to place Hampton Magna in Zone A, as it had been in the original DCS submitted for consultation in January 2017.

APPENDIX 1: Examiner's Report on the Examination of CIL

APPENDIX 2: CIL Charging Schedule

APPENDIX 3: Instalments Policy

APPENDIX 4: Regulation 123 List November 2017 to March 2018



Report to Warwick District Council

By Michael J Hetherington BSc(Hons) MA MRTPI MCIEEM

an Examiner appointed by the Council

Date: 23 October 2017

PLANNING ACT 2008 (AS AMENDED)

SECTION 212(2)

REPORT ON THE EXAMINATION OF THE DRAFT WARWICK DISTRICT COUNCIL COMMUNITY INFRASTRUCTURE LEVY (CIL) CHARGING SCHEDULE

Charging Schedule submitted for examination on 28 April 2017

Examination hearing held on 6 July 2017

File Ref: PINS/T3725/429/6

Non Technical Summary

This report concludes that the Warwick District Council Community Infrastructure Levy Charging Schedule provides an appropriate basis for the collection of the levy in the area. The Council has sufficient evidence to support the schedule and can show that the levy is set at a level that will not put the overall development of the area at risk.

Three modifications are needed to meet the statutory requirements. These can be summarised as follows:

- Clarification of the application of retail charging rates.
- Inclusion of Leamington Prime Retail Zone on the zoning map.
- Inclusion of Hampton Magna within residential charging zone A, as originally proposed in the draft charging schedule.

The specified modifications recommended in this report are based on matters discussed during the public hearing session and do not significantly alter the basis of the Council's overall approach or the appropriate balance achieved.

Introduction

1. This report contains my assessment of the Warwick District Council Community Infrastructure Levy (CIL) Charging Schedule in terms of Section 212 of the Planning Act 2008. It considers whether the schedule is compliant in legal terms and whether it is economically viable as well as reasonable, realistic and consistent with national guidance.
2. To comply with the relevant legislation the local charging authority has to submit a charging schedule which sets an appropriate balance between helping to fund necessary new infrastructure and the potential effects on the economic viability of development across the district. The basis for the examination, for which a hearing session was held on 6 July 2017, is the submitted schedule of 28 April 2017 together with modifications that were the subject of a post-submission consultation exercise between 19 May and 16 June 2017. To be clear, it is the schedule as proposed to be modified in the Statement of Modifications issued in May 2017 that is the subject of this examination.
3. The May 2017 post-submission modifications included a number of changes to the document that was published for public consultation in January 2017 under regulation 16(2) of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). In summary these are as follows:
 - § Listing the strategic housing sites within which a specific charge will be levied for residential development.
 - § Amending the zoning map to identify the strategic housing sites.

- § Amending the zoning map to include land to the west of the A46 at Hampton Magna within zone D rather than zone A. Although this change had been included in the submission charging schedule and zoning map as a change from the January 2017 version, it had not itself been subject to consultation before May 2017.
4. In terms of residential development outside five designated strategic sites the Council proposes three charging rates as follows: zone A ('Warwick, East Leamington and lower value rural') £70/square metre (sqm); zones B & D ('much of Leamington, Whitnash and high value rural') £195/sqm; and zone C (Kenilworth) £140/sqm. Residential development in the five strategic sites is proposed to be charged separately, with charges ranging from nil (site HO3 East of Whitnash) to £55 (site H42 Westwood Heath and site H43 Kings Hill). A single charge of £100/sqm is proposed to be applied to student housing across the whole District.
 5. A charging rate of £105/sqm for 'convenience based supermarkets, superstores and retail parks' is proposed across the whole District. Within the prime retail area of Leamington, a charge of £65/sqm is proposed for retail development. Outside that area, a nil charge is proposed for retail development other than 'convenience based supermarkets, superstores and retail parks' as already stated. A nil charge is also proposed for hotels, offices, industrial and warehousing and all other uses across the whole District.
 6. The Council accepts, first, that the prime retail area of Leamington should be identified on the zoning map – as it represents a separate charging area – and, second, that the descriptions of the above-noted retail uses require amending in order to remove ambiguity about their application. I recommend modifications accordingly **[EM1-2]**, to which I return below. These changes were the subject of further consultation period between 24 July and 28 August 2017, during which time other new information prepared by the Council was also available for comment. I have taken the responses to that consultation exercise into account, along with subsequent correspondence on specific issues discussed below, in preparing this report.

Is the charging schedule supported by background documents containing appropriate available evidence? Are the charging rates informed by and consistent with the evidence?

Infrastructure planning evidence

7. The Warwick District Local Plan (LP) has been recently examined and was adopted in September 2017. This sets out the main elements of growth that will need to be supported by further infrastructure in the District. An updated Infrastructure Delivery Plan (IDP) was published in May 2017, containing the key infrastructure requirements needed to support the LP along with the anticipated sources of funding. Following my questions on this matter, the Council clarified its position in a pre-hearing written exchange¹, with updates to both the IDP and the Regulation 123 list.
8. Several key infrastructure elements, notably a number of major road

¹ Notably documents PC1 and PC1B.

improvements on the A452 Europa Way and Leamington to Kenilworth Corridors and significant expenditure on new schools (for example at Kings Hill and the south of Warwick), are not expected to be funded through CIL. The main funding sources for these are anticipated as being section 106/section 278 agreements together with external funding.

9. Nevertheless, the overall infrastructure package – which includes other transport works (for example in Leamington South and town centre strategies in Leamington, Warwick and Kenilworth), various sustainable transport schemes, other educational provision, health services, recreational and cultural provision, the emergency services, community facilities and green infrastructure – clearly exceeds the likely levels of funding. A total funding gap of £102,923,100 to 2029 has been identified, against which it is anticipated that the proposed CIL charge would yield some £60,950,000.
10. In the light of the information provided, the proposed charge would therefore make a significant contribution towards filling the likely funding gap. The figures demonstrate the need to levy CIL.

Economic viability evidence – Residential

11. The Council has commissioned a number of viability assessments, the most significant being the CIL Viability Study 2016 Update (the 2016 VS) and the Local Plan Additional Site Options Viability Assessment (November 2015) – the 2015 ASOVA. As set out below, additional assessments have been undertaken during the course of this examination. The assessments use a residual valuation approach, incorporating standard assumptions for a range of factors such as residential and commercial sales values, profit levels and building costs (including where appropriate, an allowance for sustainable design). Sales values are based on evidence of transacted properties in the area and properties on the market at the time of the relevant assessment.
12. Development costs are sourced from the RICS Building Cost Information Service (BCIS), with a weighting applied to adjust the costs to reflect local circumstances and an additional allowance made for external works (15% of base cost). Unit sizes appropriately accord with the Nationally Described Space Standard. A 6% allowance is added to meet sustainability requirements: however, this exceeds actual costs following the review of housing standards. A further 5% allowance is added for contingency. The adoption of allowances for professional fees of 10% for general housing sites and 12% for strategic sites appear to be conservative.
13. Although some of these assumptions have been challenged, I consider them to be reasonable and adequately justified. In particular, I agree with the Council that there is no need for abnormal costs to be assumed in such generalised appraisals: such costs are, by definition, not a normal expectation in developments and it is therefore reasonable for them to be reflected in the land value. I also agree that the assumed developer profit levels (of 20% on private housing and 6% on affordable housing) are in line with other similar exercises, including CIL and Local Plan viability testing.
14. The Council's general approach has been to test the residual value of a range of sites against the existing benchmark value plus a premium. The 2016 VS

adopts a range of benchmark land values² and applies a blanket 20% premium as an 'average'. In principle this approach accords with normal practice and is in line with national policy guidance. However, concern has been raised by several representors about the benchmark land values that have been adopted by the 2016 VS in respect of residential development. In particular, it is argued that the benchmark land values that have been applied to greenfield land are unrealistic for strategic sites within the district.

15. In response, the Council states that the relevant assumptions are derived from DCLG research on land values. The two ends of the resulting range have been adopted for the appraisals. The Council comments that these figures represent an uplift of some 11-16 times existing agricultural land values. As already noted, an additional 20% premium has been applied.
16. I note the evidence that has been supplied about recent land transactions in the district. However, market values may well build in unrealistic future expectations – for example in respect of the need to make contributions towards CIL or affordable housing. National planning practice guidance is clear that estimated land values should reflect such policy requirements, as well as providing a competitive return to willing developers. While the Harman Report³ accepts that market values can provide a useful 'sense check' on the threshold values that are being used in valuation models, it does not recommend that these are used as the basis for inputs to such models. I see no reason to depart from this approach.
17. Taking these matters together, and bearing in mind the degree of uplift over agricultural land values, I am satisfied that the benchmark land values that have been adopted in the 2016 VS are appropriate and suitably robust for this exercise. While there is also criticism that this assessment has not taken into account varying land values across the district, it seems to me that a proportionate approach has been followed that recognises the likely limitations on available data.
18. Allowance is made for £1,500 per unit on residential developments to address any residual Section 106 costs. This figure rises to £13,000 in respect of those strategic sites that were tested in the 2016 VS. The derivation of these figures is not clearly explained within the 2016 VS and, following the hearing session, the Council has submitted additional evidence in this regard⁴. This reviews the direct financial costs associated with Section 106 agreements that have been drafted since 2011 for proposals involving class C3 dwelling houses. Contributions relating to affordable housing are excluded. The Council has excluded Section 278 contributions from this analysis on the grounds that these relate to site specific works that are necessary to release the development potential of any particular site. In the Council's view, these should therefore bear upon the land value of the site. I have no reason to disagree with this approach. Furthermore, the scale of such costs depends very much on the particular circumstances of the development concerned.

² These are: commercial sites - £1.05m/ha; former community sites - £0.5m/ha; greenfield (high end of range) - £0.37/ha; greenfield (low end of range) - £0.25m/ha.

³ Local Housing Delivery Group: *Viability Testing for Local Plans: Advice for planning practitioners* (June 2012).

⁴ Documents CIL21, CIL21a and CIL21b.

19. The above evidence shows that Section 106 costs associated with strategic sites range from £8,696 to £25,119 per dwelling with an average cost of £16,643 per dwelling. Taking into account those matters identified in the Regulation 123 list, I am satisfied that, subject to my comments below about the Kings Hill site, the estimate of residual Section 106 costs of £13,000 per dwelling for strategic sites is soundly based if highways and education costs are included in full – which can be anticipated given the likely scale of on-site infrastructure associated with such proposals. In response to my questions, the Council has provided further clarification about its intended split between CIL and section 106 funding for strategic and non-strategic sites⁵.
20. Particular concern in this regard has been voiced in respect of the largest of the strategic sites (Kings Hill, up to 4,000 units). The Council has clarified its position on this site in an exchange of documents subsequent to the hearing⁶. Notwithstanding its earlier written comments, it now explains that the viability of the Kings Hill site was tested with an assumption of residual section 106 contributions (i.e. excluding CIL payments) of £60,450,000 – equivalent to £15,135 per dwelling, rather than the £13,000 assumed in the 2016 VS for other strategic sites. Adding in the likely yield from CIL (at £55/sqm) gives a total infrastructure contribution assumption of £73,080,000 for the site – which the study shows to be viable.
21. Subsequent to the examination hearing, the Council and the site's developer agreed a list of infrastructure cost assumptions⁷ totalling £69.2m to £72.2m – the uncertainty relating to the scale of highway contributions likely to be required by the neighbouring authority (Coventry City Council). Excluding CIL payments this equates to a residual section 106 contribution of, at most, £14,350 per dwelling. These figures do not exceed the assumptions that were subject to viability testing. As such, I am satisfied that the £55/sqm charging rate for that site, which represents a reduction from the figure originally proposed, is adequately justified.
22. Actual Section 106 costs for smaller housing sites (below 300 dwellings) have been extremely variable – ranging from nil to £17,359 per dwelling. After taking off those items that would be covered by CIL, the Council's analysis suggests that the £1,500 per unit estimate is likely to be an overestimate of the actual residual Section 106 costs for sites below 50 dwellings. As such, their viability may be stronger than initially suggested. For schemes between 50 and 100 dwellings, it is assumed that education contributions and most highway contributions (excluding those related to localised improvements) are likely to be covered by CIL. As such, it concludes that the £1,500 per unit estimate is also soundly based. I agree with both of these assessments.
23. Assessing historical data on residual costs associated with larger residential developments (between 100 and 300 dwellings) has proved more complex, as an assessment is needed of how such costs would have been met had CIL have been in place. The Council's figures show that the £1,500 figure is well within the range of actual contributions if highways and education costs are excluded, but would be a significant underestimate if such costs are included.

⁵ Document CIL24c.

⁶ Documents CIL24, CIL24a-d.

⁷ Document CIL24c, paragraph 10.

On balance, I consider that the combination of Regulation 123 schemes and the effect of pooling restrictions is likely to limit the requirement for any such contributions to addressing localised impacts. Nevertheless, it is likely that some contributions could exceed the £1,500 figure. As such, some caution should be applied to the relevant outputs in respect of these schemes. However, it is noted that relevant policies allow for flexibility in the negotiation of such agreements in respect of matters including scheme viability.

24. The 2016 VS tested nine residential development typologies, the largest being greenfield schemes of 75 houses and an urban site of 100 flats. Five specific strategic sites were tested, ranging from 319 to 1,165 dwellings. Concern was raised by various representors that this effectively resulted in an absence of viability testing for sites between 100 and 319 units in size, particularly as different assumptions had been made for the strategic sites, as already discussed.
25. At the hearing session, the Council acknowledged this concern. It has now prepared additional appraisals for residential schemes of 150 and 250 units on greenfield and brownfield sites⁸. Inputs have remained broadly similar to those in the 2016 VS, with changes being made only in respect of build periods and unit mixes. In summary, these appraisals show that the capacity of sites on that scale to absorb the proposed CIL rates is no different to other site typologies that were previously tested.
26. In both the 2016 VS and the more recent work on larger residential sites, the respective typologies were tested over five areas across the four benchmark land values already discussed. Subject to my comments below about the definition of zones A and D at Hampton Magna, I am satisfied that this provides an adequately fine-grained approach in respect of assessing development viability in the various zones. In particular, the evidence in respect of the differential in residential sales values is sufficient to justify the adoption of three separate charging areas for residential development. Although two zones (B and D) set the same rate for such development – and could therefore in practice be combined – I recognise that this relates to the way in which the schedule has evolved over time. It is not necessary for this to be changed in order to meet the statutory requirements.
27. Some concern has been raised that the differentials between proposed residential charging rates in different zones do not mirror the degree of difference in sales values between such zones. However, there is no requirement in the Regulations for rates to achieve a particular degree of correlation with sales values. As already described, the requirement is (in summary) for the charging authority to set an appropriate balance between the desirability of funding infrastructure from CIL (in whole or in part) and the potential effects of the imposition of CIL on the economic viability of development in its area.
28. Prior to the submission of the charging schedule for examination, the Council proposed an amendment to the zoning map to include land to the west of the A46 at Hampton Magna within zone D rather than zone A. This was included in the post-submission statement of modifications (May 2017). The

⁸ Documents CIL22, CIL22a and CIL22b.

amendment, which was made following representations from the Parish Council, is based on a view that premium values have been achieved wherever land has been made available for development, although such opportunities have been restricted by the presence of Green Belt land. In its written statement, the Council quotes a sales value figure of 'up to £3,898 per sqm' for second hand units.

29. This assumption has been challenged by a number of representors. Sales value data for Hampton Magna, which have not been substantively challenged by the Council, have been supplied which give a range of £2,066/sqm to £2,917/sqm. It is clear that the maximum value quoted by the Council represents an unusual case rather than a typical one. I note in this context that the use of a maximum sales value figure to justify this boundary change is inconsistent with the Council's reliance on average sales values in the 2016 VS (table 4.4.3).
30. Following the hearing, the Council produced an expanded version of table 4.4.3⁹ containing the range of achieved sales values for the identified zones. This enables a comparison to be made with the submitted figures for Hampton Magna. The result of this comparison is that sales values in Hampton Magna align more closely with those in Warwick and East Leamington Spa (zone A) than the higher value rural areas (zone D). Indeed even the maximum value cited by the Council is somewhat less than the lowest value in zone D.
31. I accept that the change from zone A to zone D has strong local support. Nevertheless, there is a requirement that the setting of CIL rates takes into account the potential effects on the economic viability of development. As such, it is essential that zone boundaries are set with regard to, and consistent with, economic viability evidence. I recommend a modification accordingly **[EM3]**.

Economic viability evidence - Commercial

32. The 2016 VS appraises a series of hypothetical commercial developments including hotels, offices, industry/warehouses and retail. In respect of retail, three separate appraisals have been undertaken, relating to developments in the Prime Retail Area of Leamington Spa, developments elsewhere in the District and superstores/retail parks. I am satisfied that the assumptions underlying these assessments¹⁰ are reasonably based.
33. As already noted, the Council proposes a clarification to the definition of the suggested retail charging rates, replacing the definition of 'convenience-based supermarkets, superstores and retail parks' – which had been the subject of some criticism – with the adoption of 2,500 sqm threshold, which is broadly consistent with the 30,000 square feet (2,787 sqm) size of the larger retail category ('retail – superstores, retail parks') that was subject to viability testing. This change has been recommended above to provide clarification.
34. However, I agree with a representor that the intended addition of further 'definitions and notes' is unnecessary in the light of the clarification provided

⁹ Document CIL22.

¹⁰ Summarised in table 4.41.1 of the 2016 VS.

by the amended table – which sets out differential charging rates based on floor area and location. Specifically, it is not necessary to state what retail development 'will include' as the terms of Use Class A1 are already clear. This additional wording, which was proposed by the Council in the post-hearing consultation, has not been included within my recommended modification.

Conclusion

35. The draft charging schedule is supported by detailed evidence of community infrastructure needs and economic viability justification. On this basis, and subject to the modifications that I recommend above, I conclude that the charging schedule is supported by background documents containing appropriate available evidence and that the charging rates are informed by and consistent with the evidence.

Does the evidence demonstrate that the proposed charging rates would not put the overall development of the area at serious risk?

Residential Development - general

36. As already noted, three charging rates are proposed for residential development excluding the strategic sites. In the majority of the site typologies that were tested in the 2016 VS and the additional work noted above, the studies showed that a higher charging rate (£220-£300/sqm) could be achieved than the maximum that is now proposed (£195/sqm in zones B and D). In general terms, this provides an indication that the respective charges are not being set at the margin of viability. I am satisfied that the variation in charging rates between the different charging areas is justified by the differentials in output between the various appraisals. Concerns in respect of affordable housing delivery are discussed later in this report.
37. Viability testing in respect of the strategic sites indicates that charging rates on the above levels are likely to prove challenging. In respect of site HO3 (East of Whitnash) a nil rate is proposed. Higher rates (£25/sqm) are justified for two strategic sites at Kenilworth, while a rate of £55/sqm has been shown to be viable on sites south of Coventry at Westwood Heath and, as already discussed, Kings Hill.
38. Several parties express concern that the proposed residential charging rates, notably those for zones B and D, would be in excess of the CIL rates that are proposed or presently charged by other nearby local authorities. However, there is no legislative or policy requirement for Councils to set rates that are consistent with those of their neighbours: it is for each authority to set its own charge based upon the particular circumstances of its area and the viability evidence. In the present case I note that Warwick District achieves markedly higher house values than many other authorities in the Midlands. As already described, the proposed charging rates have been subject to viability testing. I have therefore seen no substantive evidence that differentials in charging rates between Warwick District and its neighbours would in themselves be likely to preclude developments from coming forward.

Affordable Housing

39. LP policy H2 (as adopted) seeks the provision of a minimum of 40% affordable housing in residential developments on sites of 11 or more dwellings or where the combined gross floorspace is more than 1,000 sqm. It adds that the amount of affordable housing, the form of provision, its location on the site and the means of delivery of the affordable element of the proposal will be subject to negotiation at the time of a planning application, stating that viability of the development will be a consideration in such negotiations.
40. The 2016 VS tested site viability based upon a range of affordable housing proportions (0% to 40%). These appraisals show that schemes in Leamington Spa and the higher value rural area (zones B and D) can generally sustain a CIL charge of at least the £195/sqm set out in the charging schedule, while maintaining 40% affordable provision. However, the study shows that this is more challenging in the lower value zones (A and C). In Warwick and the surrounding lower value rural areas (zone A), a more modest charging rate of £70/sqm has been set. For most site types, the appraisals show that this would be able to support affordable housing provision of some 20-30%. However, it is important to note that the appraisals also demonstrate that, in many cases, 40% affordable housing would not be viable even with a nil CIL rate. For these reasons, it does not seem to me that the proposed CIL rate would materially threaten the delivery of affordable housing in this zone.
41. In the Kenilworth area (zone C) the appraisals show that most schemes can provide 30% affordable housing at CIL charging rates of £180 to £200/sqm. The proposed rate £140/sqm would therefore not significantly affect the delivery of affordable housing in this zone. But in any event, as already discussed, the relevant LP policy allows for negotiation to take place on viability effects, as has been recognised by the examining Inspector. I am satisfied that the Council's approach in this regard is adequately justified.

Specialist Housing for the Elderly

42. Concern has been raised that the potential effects of the proposed charging rates on the viability of developments suitable for older people have not been adequately tested. In the light of these comments, I asked the Council to undertake further appraisals. These were prepared after the examination hearing and, like all of the later documentation that has been presented by the Council, were the subject of further consultation.
43. The appraisals relate to schemes of 30 and 50 units of a type provided by developers such as McCarthy & Stone and Churchill Retirement Living. The results¹¹ show retirement housing schemes to be marginally more viable than general purpose flatted developments¹². While there are some circumstances where appraisals have shown general housing to be unable to sustain 40% affordable housing provision, I have already commented on the relevant policy framework, including the scope for negotiation in appropriate circumstances. Accordingly, I am satisfied that this evidence before me does not justify the setting of a separate charging rate for this type of accommodation.

¹¹ Documents CIL22 and CIL22b.

¹² Table 6.7.9 of the 2016 VS – document CIL7.

Student Housing

44. An appraisal has been undertaken of student housing assuming a hall of residence type development with en-suite bathrooms and communal kitchens/living space. Rents charged by the University of Warwick have been assumed. The appraisal indicates that such developments could achieve a maximum CIL rate of £148/sqm. The proposed charging rate of £100/sqm, which would apply across the District, therefore includes a clear margin for viability. I have seen no substantive evidence that this would preclude such developments from coming forward. Furthermore, the 2016 VS comments that such charges would not apply to accommodation developed by the University itself, as it would benefit from exemption under Regulation 43.

Commercial Uses

45. The appraisals demonstrate that the majority of commercial uses tested would be unlikely to be able to absorb any level of CIL payment. I have seen no evidence that would cause me to take a different view. The exceptions relate to retail development in the Prime Retail Zone of Leamington Spa and to the larger retail schemes already discussed¹³. In respect of Leamington's Prime Retail Zone, the development appraisals indicate that, in viability terms, a charging rate of up to £133/sqm could be achieved at the highest current use value. The proposed charging rate of £65/sqm represents approximately half of this figure, and is therefore a conservative estimate. Nevertheless, the 2016 VS accepts that a significant proportion of development activity in this area involves the re-use of existing units. As such, it is unlikely that CIL revenues will be high from this source.
46. The effect on the viability of larger retail schemes has been tested on the basis of a 30,000 square foot development (2,787 sqm). The floorspace threshold of 2,500 sqm that the Council proposes to add to the charging schedule **[EM1]** is therefore broadly consistent with the evidence base. In addition it equates to the default floorspace threshold that the National Planning Policy Framework adopts for retail impact assessments¹⁴.
47. In terms of viability, the development appraisals indicate that a charging rate of up to £151/sqm could be achieved at the highest current use value¹⁵. While this conclusion has not been substantively challenged, concern has been raised that the charging rate set out in the draft charging schedule (£105/sqm), which represents an increase from the rate that was originally suggested, represents a higher proportion of the appraisal output figure than the figure for Leamington's Prime Retail Zone discussed above. Clearly, this would represent a smaller viability 'buffer'. However, the resulting charging rate would still be well within what the appraisals suggest could be achieved without adversely affecting scheme viability. Furthermore, the resulting proportion would not be dissimilar to that adopted for other uses by the 2016 VS – for example student housing, as discussed above. It does not therefore

¹³ The 2016 VS lists student housing under 'commercial uses'. However I have grouped this use with my consideration of residential developments.

¹⁴ National Planning Policy Framework, paragraph 26.

¹⁵ The Council has confirmed that the reference to 'lowest' current use value in paragraph 6.40 of the 2016 VS represents an error.

seem to me that the proposed charging rate for larger retail developments would be at the margins of viability.

Conclusion

48. I conclude that the evidence demonstrates that, subject to the recommended modifications, the proposed charging rates would not put the overall development of the area at serious risk.

Other Matters

49. All of the written representations in respect of the draft charging schedule have been considered. Some of these relate to matters that are not within the scope of this examination, including comments about the draft Regulation 123 list of infrastructure to be funded by CIL.

Conclusion

50. In setting the CIL charging rates the Council has had regard to detailed evidence on infrastructure planning and the economic viability evidence of the development market in Warwick District. The Council has tried to be realistic in terms of achieving a reasonable level of income to address an acknowledged gap in infrastructure funding, while ensuring that a range of development remains viable across the Council area.

LEGAL REQUIREMENTS	
National Policy/Guidance	The Charging Schedule complies with national policy and guidance.
2008 Planning Act and 2010 Regulations (as amended)	The Charging Schedule complies with the Act and the Regulations, including in respect of the statutory processes and public consultation, consistency with the Local Plan and Infrastructure Delivery Plan and is supported by an adequate financial appraisal.

51. I conclude that subject to the modifications set out in Appendix A the Warwick District Council Community Infrastructure Levy Charging Schedule satisfies the requirements of Section 212 of the 2008 Act and meets the criteria for viability in the 2010 Regulations (as amended). I therefore recommend that the Charging Schedule be approved.

M J Hetherington

EXAMINER

This report is accompanied by:

Appendix A (attached) – Modifications that the examiner specifies so that the Charging Schedule may be approved.

Appendix A

Modifications specified by the examiner so that the Charging Schedule may be approved

These modifications apply to the Draft Charging Schedule (CIL1) as modified by the Statement of Modifications (May 2017).

Modification EM1

Delete table titled 'Type of Development: Retail' and replace with the following:

Type of Development: Retail	
Retail Floorspace	Charge per square metre
Retail development up to 2500 square metres floorspace within Leamington Prime Retail Zone	£65
Retail development up to 2500 square metres floorspace outside Leamington Prime Retail Zone	Nil
Retail Development 2500 square metres floorspace or over - whole District	£105

Modification EM2

Add zoning map showing the Leamington Prime Retail Zone as defined in document CIL23.

Modification EM3

Amend zoning map at Hampton Magna to include the "white area" shown on the version of the zoning map dated 6 April 2017 and Local Plan housing allocation H51 within Zone A rather than Zone D.

Warwick District Draft Charging Schedule

Draft Charging Schedule (£s per square metre)

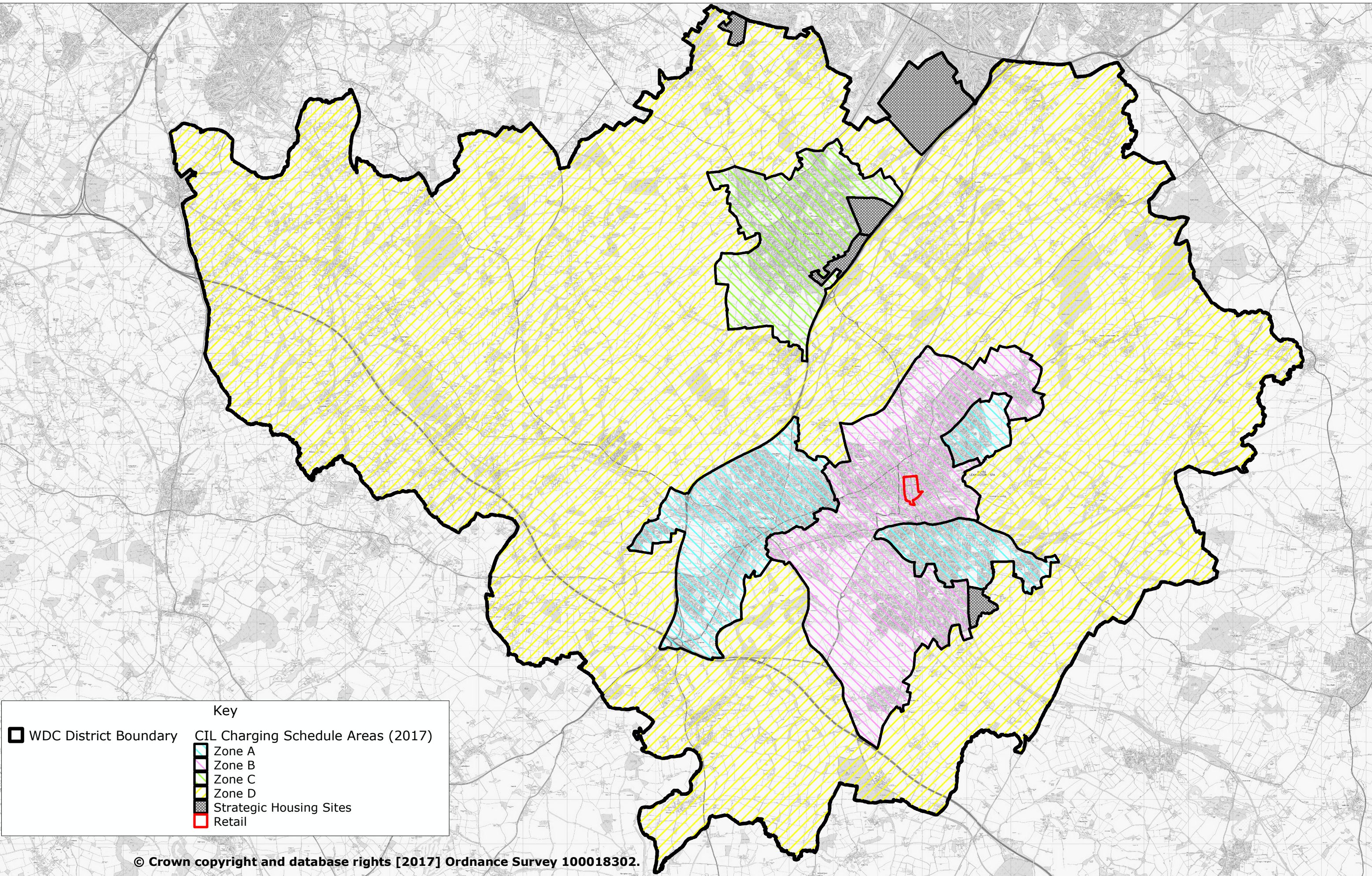
Type of Development: Residential Development (general) – see zoning map		
Zones B and D (much of Leamington, Whitnash and high value rural)	Zone C (Kenilworth)	Zone A (Warwick, East of Leamington and lower value rural)
£195	£140	£70

Type of Development: Residential (identified strategic Local Plan housing sites over 300 dwellings)	
Local Plan Housing Site	Charge per square metre
H03 East of Whitnash (500 dwellings)	£0 (Nil)
H06 East of Kenilworth (Thickthorn) (760 dwellings)	£25
H40 East of Kenilworth (Crewe Lane, Southcrest Farm and Woodside Training Centre) (640 dwellings)	£25
H42 Westwood Heath (425 dwellings)	£55
H43 Kings Hill (up to 4000 dwellings)	£55

Type of Development: Retail	
Retail Floorspace?	Charge per square metre
Retail development up to 2500 square metres floorspace within Leamington Prime Retail Zone	£65
Retail development up to 2500 square metres floorspace outside Leamington Prime Retail Zone	Nil
Retail Development 2500 square metres floorspace or over - whole District	£105

Type of Development: Student Housing	
Whole District	Charge per square metre
Student Housing	£100

Type of Development: Other Development	
Whole District	Charge per square metre
Hotels	£0 (Nil)
Offices	£0 (Nil)
Industrial and warehousing	£0 (Nil)
All other uses	£0 (Nil)



WDC District Boundary

Zone A

Zone B

Zone C

Zone D

Strategic Housing Sites

Retail

Key

CIL Charging Schedule Areas (2017)

© Crown copyright and database rights [2017] Ordnance Survey 100018302.

Warwick District Council

CIL Instalments Policy

This Policy has been prepared in accordance with Regulation 69B of the CIL Regulations 2010 (as amended)

The Council will allow payment of CIL by instalments according to the total amount of liability as follows:

Amount of Liability	Number of Instalments	Payment Periods and Amounts
Less than £50,000	1	<ul style="list-style-type: none"> • Total amount payable within 60 days of commencement
£50,001 to £150,000	2	<ul style="list-style-type: none"> • £50,000 payable within 60 days of commencement • Balance payable within 120 days of commencement
£150,001 to £300,000	3	<ul style="list-style-type: none"> • £50,000 payable within 60 days of commencement • Balance payable in a further two instalments of equal amount within 120 and 240 days
£300,001 to £600,000	4	<ul style="list-style-type: none"> • £50,000 payable within 60 days of commencement • Balance payable in a further three instalments of equal amount within 120, 240 and 360 days
More than £600,000	4	<ul style="list-style-type: none"> • £50,000 payable within 60 days of commencement • Balance payable in a further three instalments of equal amount within 180, 360 and 480 days

The instalments policy only applies in cases where the persons liable for paying CIL have complied with all the relevant regulations. Regulation 70 of the CIL Regulations 201 (as amended) sets out that a CIL instalments policy will only apply in the following circumstances:

- 1 Where the Council has received CIL Assumption of Liability Form prior to commencement of the chargeable development, and;
- 2 Where the Council has received a CIL Commencement Notice prior to the commencement of the chargeable development

If either of these requirements are not complied with, the instalments set out above will not apply and the total liability will become payable within 60 days of the commencement of the chargeable development.

In the event that development is completed prior to the date payments are required of the instalments, full CIL payment should be made on completion.

N.B. For outline applications which permit development to be implemented in phases, each phase of the development is a separate chargeable development. In such cases the instalments policy will apply to each separate chargeable development.

Date of effect: This policy comes in to effect on 20th November 2017.

DRAFT CIL REGULATION 123 LIST November 2017

Introduction

The purpose of the list is to set out the broad range and type of infrastructure that it is likely the Council will seek to spend CIL funds upon. This is a 'living' document and will be the subject of on-going update and monitoring.

CIL Regulation 59 states that the Council "must apply CIL to funding the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area."

The levy is intended to provide infrastructure to support the development of an area, rather than making individual planning applications acceptable in planning terms. As a result, some specific impact mitigation will usually still be necessary in order for a development to be granted planning permission, such as greenspace, drainage, directly related education facilities and some highways improvements. A Section 106 planning obligation can only be taken into account when determining a planning application if it is; necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

Regulation 123 List for 2017/18

CIL Regulation 123 restricts the use of planning obligations for infrastructure that will be funded in whole or in part by the Community Infrastructure Levy, to ensure no duplication between the two types of developer contributions. Regulation 123(2) of the Community Infrastructure Levy Regulation 2010 states, 'A planning obligation may not constitute a reason for granting planning permission for the development to the extent that the obligation provides for the funding or provision of relevant infrastructure'.

A CIL charging authority is expected to publish a list of infrastructure that it intends will benefit from CIL on its website. The Council can review this list at least once a year as part of its monitoring of CIL collection and expenditure.

The inclusion of a project or type of infrastructure in this list does not signify a commitment from the Council to fund either in whole or in part the listed project or type of infrastructure through CIL. Nor does the order of the table imply any order of preference or weighting of one project as opposed to another.

This list has been derived having taken into account the background supporting evidence that has been prepared in association with the Local Plan. This evidence has been used to prepare the Infrastructure Delivery Plan. The IDP provides further details about the overall infrastructure requirements including other sources of funding such as Section 106, the external grants etc.

Category	Description Infrastructure Project	Percentage of CIL Receipts 2017/18
Education	SEN Educational Provision	50%
Cultural and Community Facilities	Kenilworth Public Service Centre	50%

Everyone in Warwickshire Counts: Valuing the Vulnerable

Director of Public Health Annual Report 2017



Dr John Linnane, Director of Public Health

15th November 2017

Introduction

- Statutory requirement for the DPH to produce an independent annual report on the health and wellbeing of the population.
- The report includes:
 - progress on the 2016 DPH recommendations
 - the picture of health and wellbeing in Warwickshire
 - focus on vulnerability and its impact on health and wellbeing
 - 2017 DPH recommendations

Progress on 2016 recommendations

Some great progress has been made in a relatively short period of time, for example:

- A focus on prevention/maximising wellbeing has been ratified by the Health and Wellbeing Board (HWBB)
- The HWBB have endorsed a new placed based approach to delivery of the Joint Strategic Needs Assessment,
- Community hubs are in development,
- A refreshed Making Every Contact Count (MECC) training programme has been produced which is a key part of the 'Proactive and Preventative' workstream of the STP.



The picture of health and wellbeing in Warwickshire

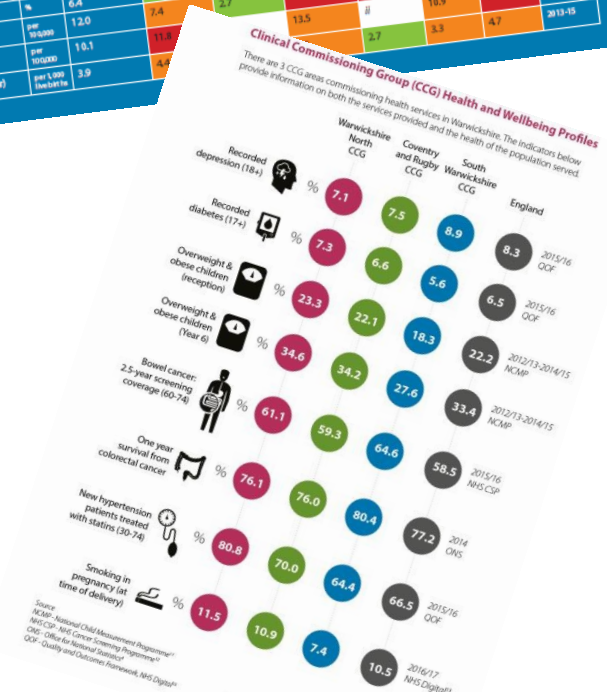
- Health and wellbeing is generally reported as good compared to England. This is to be **celebrated** - however it does mask **significant variation** in different areas across the county (*see pages 8,9 and 10 of the report*).
- Warwickshire is ranked in the **20%** least deprived local authorities in the country - some of our health outcomes do not reflect this relative affluence.

Warwickshire Health Profile 2017

Table 1: This shows the current health measures for the Warwickshire population and allows comparisons between the districts and boroughs. The values are colour to indicate statistical significance compared to England. This is the published data as of 1st August 2017.

Legend: Better (Green), Similar (Orange), Worse (Red)

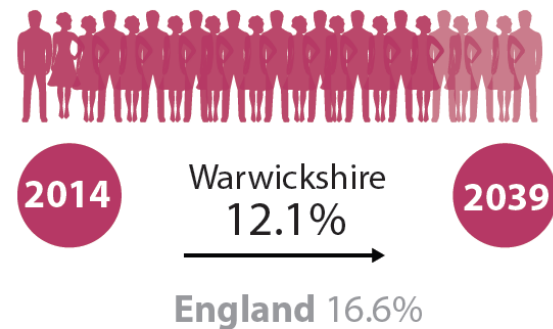
Indicator	Unit	England	Warwickshire	North Warwickshire	Nuneaton & Bedworth	Rugby	Stafford-on-Avon	Warwick	Period
Under 18 conceptions	per 1,000	20.8	19.5	20.6	25.4	18.8	11.5	16.2	2015
Low birth weight of term babies	%	2.8	2.7	2.8	2.7	3.1	1.9	2.9	2015
Breastfeeding initiation	%	74.3	72.1	67.2	71.1	82.2	74.3	86.1	2014/15
Smoking prevalence in adults	%	15.5	14.5	6.4	76.6	62.5	11.1	15.6	2016
New sexually transmitted infections	per 100,000	750	574	580	745	589	80.4	72.8	2014/15
5 year olds free from dental decay	%	75.4	73.7	78.5	74.5	21.7	19.1	20.8	2015/16
Overweight & obese children (reception)	%	22.1	21.3	23.6	21.9	35.0	26.6	28.3	2015/16
Overweight & obese children (Year 6)	%	34.2	32.6	34.2	37.5	127.8	118.3	123.1	2015/16
Hospital admissions for unintentional and deliberate injuries in children (aged 0-14 years)	per 10,000	104.2	124.7	115.5	101.1	66.9	63.7	58.5	2013-15
Excess weight in adults	%	64.8	65	71.3	68.7	62	5.4	5.4	2014/15
Recorded diabetes (aged 17+)	%	6.4	6.1	6.5	2.3	12.4	10.4	8.1	2015-15
Incidence of TB*	per 100,000	12.0	7.4	2.7	12.4	11	10.9	14.4	2015-15
Suicide rate (aged 10+)	per 100,000	10.1	11.8	13.5	13.5	2.7	3.1	4.7	2015-15
Infant mortality (under 1 year)	per 1,000 live births	3.9	4.4	4.4	4.4	2.7	3.1	4.7	2015-15



Population and Life Expectancy

- Population is increasing and life expectancy is **rising**
- While it is good that we are living longer, much of the additional time is spent in **poor health** - around **12 years for men** and **16 years for women**
- Years spent in poor health impact on families and workplaces, and increase pressure on health and social care services

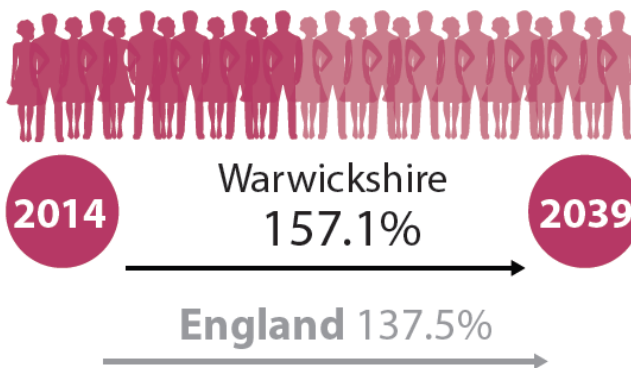
Population increase



Life expectancy at birth



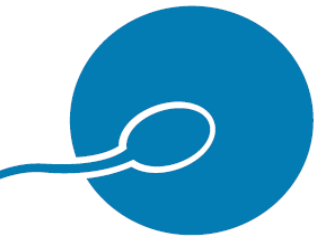
85+ population increase



Healthy life expectancy at birth



Warwickshire continues to face a number of public health challenges



The conception rate in females aged 15-17 is **19.5 per 1,000**

England: 20.8 per 1,000 2015



of adults are classified as overweight or obese

England: 64.8%

2013-15



adults will experience a mental health problem in any given year

1 in 4

594 people per 100,000

were admitted to hospital for alcohol-related conditions

England: 647 per 100,000

2015/16

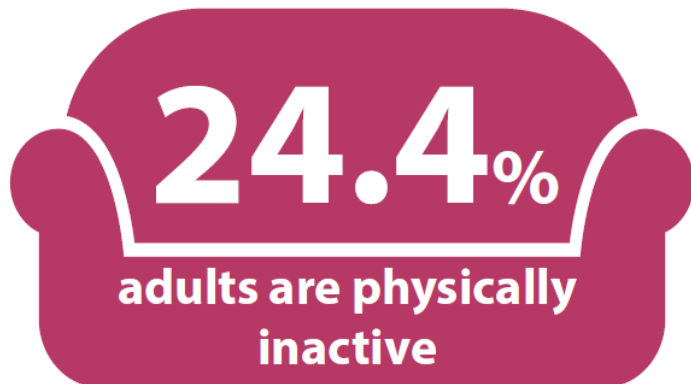
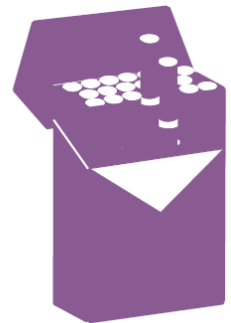


14.5%

of adults smoke

England: 15.5%

2016



2015

England: 28.7%

510.7 per 100,000

10-24 year olds were admitted to hospital for self-harm

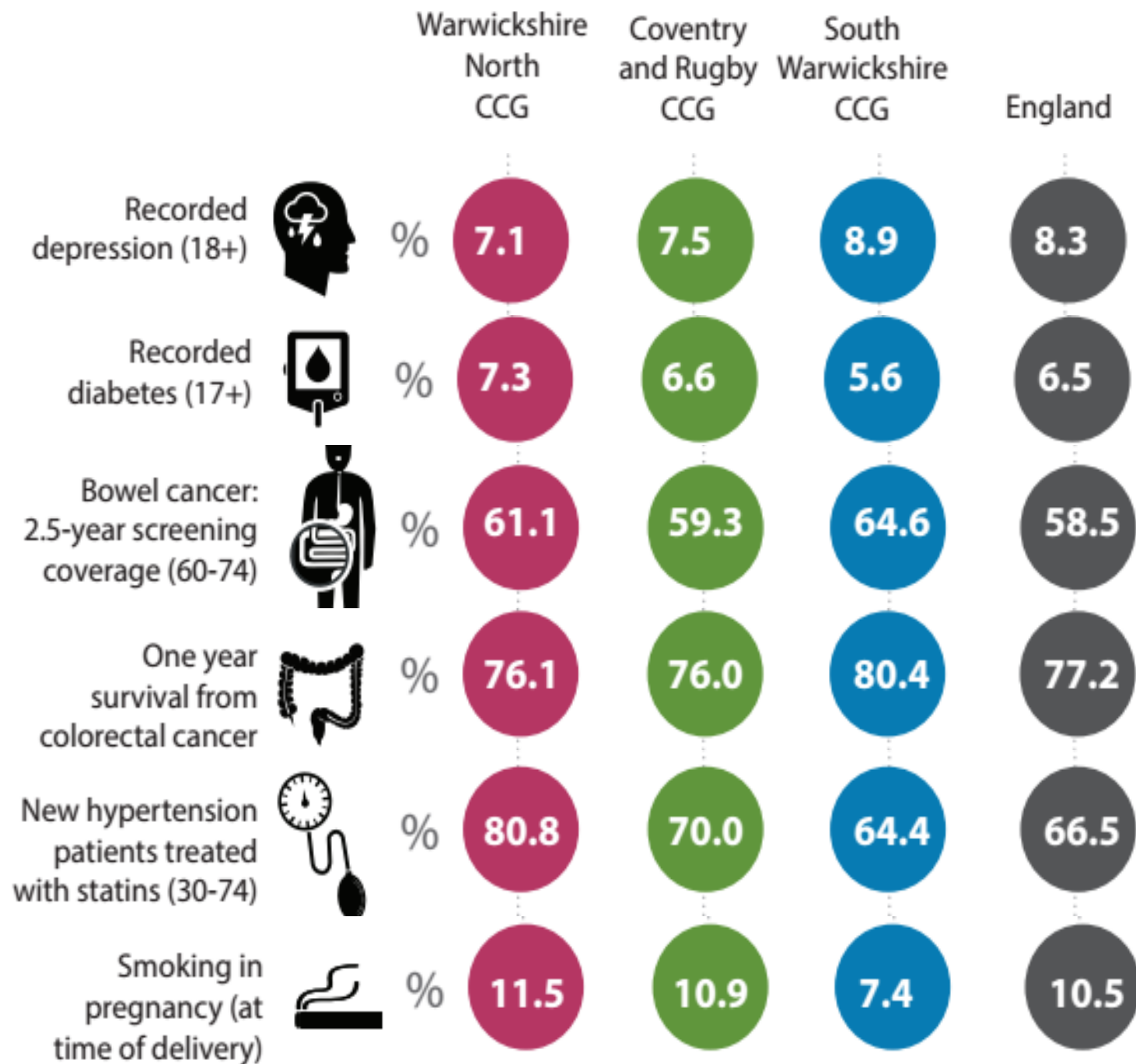
England: 430.5 per 100,000

2015/16.



Indicator	Unit	England	Warwickshire	Warwick District
Breastfeeding Initiation	%	74.3	72.1	69.1
5 year olds free from dental decay	%	75.4	73.7	72.8
Hospital admissions for unintentional & deliberate injuries in children (0-14)	Per 10,000	104.2	124.7	125.1
Incidence of TB iii	Per 100,000	12.0	7.4	8.1
Under 75 mortality rate: Cancer	Per 100,000	130.6	130.6	126.1

Indicator	Unit	England	Warwickshire	Warwick District
Suicide rate (aged 10+)	Per 100,000	10.1	11.8	14.4
Emergency hospital admissions for intentional self harm (all ages)	Per 100,000	196.5	196.5	173
Hip fractures (65 and over)	Per 100,000	589	645	657



Wider factors influencing health and wellbeing

Just over
500

people in Warwickshire are long-term unemployed¹⁰

June 2017



61.9%



of pupils achieved
5 or more GCSEs
at grades A*-C
(including English &
Maths)

England: 57.8%
2015/16

14%

of Warwickshire
children are in
low-income families

England: 20.1%



2014

10.7%

of Warwickshire households
experience fuel poverty

2014

England: 10.6%



18

local areas in Warwickshire
are in the top 20% most
deprived areas nationally
(Index of Multiple Deprivation 2015)

Vulnerability and the impact on health and wellbeing

Play the animation -

<https://www.youtube.com/watch?v=sfG-gcO9U0U>

2017 DPH Recommendations

1. All commissioners should:
 - a) Adopt the **Social Value Act (2012)** to secure economic, social and/or environmental benefits for vulnerable groups through procurement processes.
 - b) Expand the statutory **Equality Impact Assessment** processes for services to include, where relevant, additional vulnerable groups e.g. the homeless or Child Looked After, along with the defined 'protected groups'.
2. We need to ensure the current approach to community resilience and community hub developments across Warwickshire includes an explicit **assessment of the impact** of hubs, and their reach, on vulnerable groups. E.g. an evaluation should include an assessment of the impact of hubs on access to services and/or outcomes for vulnerable individuals or groups.
3. Commissioners and providers should consider **opportunities to reduce vulnerability** among key groups, for example, schools should be encouraged to work towards achieving the Warwickshire Young Carers School Award and frontline staff working with Gypsies and Travellers should be provided with community engagement training where appropriate.

Feedback:

www.surveymonkey.co.uk/r/dphannualreport2017

Access the report and animation online:

warwickshire.gov.uk/publichealthannualreport

For more information:

phadmin@warwickshire.gov.uk