

Executive

Minutes of the meeting held on Wednesday 9 January 2019 at the Town Hall, Royal Leamington Spa, at 6.00 pm.

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

Also present: Councillors; Boad (Liberal Democrat Group Observer), Mrs Falp (Chairman of Overview & Scrutiny Committee); Quinney (Chair of Finance & Audit Scrutiny Committee); and Naimo (Labour Group Observer).

Apologies for absence were received from Councillor Phillips.

During the meeting, Councillor Mobbs advised Members of the sad news of the recent passing of a former Councillor, Roger Copping. Members requested that their condolences were passed to his family.

113. **Declarations of Interest**

Minute 117 – Centenary Fields Request

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

114. **Minutes**

The minutes of the meeting held on 28 November 2018 were taken as read and signed by the Chairman as a correct record.

Part 2

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

115. **Leisure Development Programme – Phase 2, Kenilworth**

The Executive considered a report from Cultural Services regarding Phase 2 of the Leisure Development Programme in Kenilworth.

The current focus of the Leisure Development Programme was the two leisure facilities that the Council owned in Kenilworth, these being Castle Farm Recreation Centre and Abbey Fields Swimming Pool.

In September 2018, the Executive gave permission to officers to begin a Royal Institute of British Architects (RIBA) stage 1 stakeholder and public consultation exercise on a number of specific options for each of the two sites. It was further agreed at the September meeting of the Executive that another report would be provided to the Executive in December 2018 to report back on the consultation, to detail the financial position on the project and to identify the proposed design option to be taken forward into the RIBA stage 2 design process for each site. As there was no

meeting of the Executive in December 2018, this report was therefore presented to this meeting.

The report to Executive in September 2018 laid out the reasons for the development project for Kenilworth's sports and leisure facilities and described the progress made to date on this work. It proposed a stakeholder and public consultation exercise on the options agreed by the Executive as the next stage of the process and this took place between 22 October and 19 November. The consultation methods used were described in section five of Appendix A to the report and included stakeholder identification, consultation programme, advanced notification (letters and letter drop, press release, leaflets & posters and social media), public engagements events / sessions and other engagement activities.

As part of the public consultation, 522 responses were received to the on-line questionnaire. This figure included respondents who took up the option to fill in a paper copy of the survey, as these were later entered into the electronic system by hand. The answers received in response to the consultation were summarised within Appendix A to the report.

Prior to the start of the public consultation, a local group formerly known as 'Save Our Outdoor Pool' changed their name to 'Restore Kenilworth Lido'. They also changed their proposal. They had previously been campaigning to retain the existing outdoor fun pool and paddling pool at Abbey Fields Swimming Pool. At this time, they changed their proposal to comprise the removal of the existing outdoor fun pool and paddling pool and the installation of a 25 metre outdoor rectangular swimming pool or lido.

Representatives of the Restore Kenilworth Lido group addressed the meeting of the Overview and Scrutiny Committee on 25 September and the meeting of the Executive on the following day to present their new proposal for a 25 metre lido. The Executive noted the content of these presentations. The Executive decided that the proposal for a 25 metre lido would not be presented to the public as an option for public comment as part of the consultation, but advised the Restore Kenilworth Lido group that they should include their option in their feedback to the consultation.

By agreement with officers and the Portfolio Holder for Culture, representatives of the Restore Kenilworth Lido group attended all but one of the public consultation sessions in order to present their proposals to the public.

In order to inform the evaluation of the options being considered, officers appointed an independent consultant to consider the financial viability of three design options at the Abbey Fields Swimming Pool:

- Option One - to build a new indoor family and teaching pool which could be opened to an outdoor terrace during hot weather;
- Option Two – to refurbish and retain the existing fun pool and paddling pool; and

- Additional proposal – to build a new 25 metre rectangular outdoor swimming pool or lido.

The results of this financial viability exercise were shown as Appendix B to the report. It was noted that the report had concluded that it was not possible to assess the financial viability of Option Two, the retention of the existing fun pool and paddling pool, due to there being too many undefined variables, particularly with regard to utility consumption data. The report therefore concentrated on the assessment of Option One and the additional proposal.

The report had concluded that the consultants were unable to find an outdoor swimming pool in the country that was financially self-sustaining. Some pools appeared to operate at better than break-even, but this was only where a separate facility such as a town centre car park or a high-end restaurant was used to cross-subsidise the operating loss of the outdoor pool itself. In the context of Abbey Fields, ignoring capital costs, the report concluded that the construction of a 25 metre lido would offer a reduction in the net operating costs of around £14,000 per annum. The proposal to construct a new family pool would offer the more significant reduction in net operating costs of around £62,000 per annum.

In order to decide which of the options should be presented for further development by this report, it had been necessary to consider a number of factors. These included the results of the stakeholder and public consultation, the affordability of the various options, the design and planning implications of the designs, the strategic demand for sport and the operational considerations of running the facilities in the future.

As was noted in the previous report to Executive in September 2018, it was not considered appropriate to refurbish the existing Castle Farm Recreation Centre. The existing facility would create too many constraints on the future design, and would not be substantially cheaper than the option to re-build. It was therefore proposed to demolish the existing Centre and construct a new 'dry-side' sports centre on the site. A 'dry-side' sports centre was one that did not include a swimming pool in the facility mix. The centre would have a sports hall big enough to accommodate six badminton courts, an 80 station fitness gym and two studios for exercise and fitness classes, along with all the appropriate changing rooms, reception areas and other ancillary facilities. The responses to the public consultation had proposed a number of additional features for this site, and these would be appraised by the design team at the next stage.

In terms of strategic need, the increase in the size of the sports hall from four to six badminton courts fulfilled the local requirement for additional courts, as identified by the Sport England Facility Planning Model.

The demolition of the existing Castle Farm Recreation Centre would mean that the Scouts and Guides who were accommodated on the first floor of the existing building would need to be re-housed in new accommodation.

The Council had a responsibility to re-house the Scouts and Guides as they had contributed to the cost of the construction of the existing Castle Farm Recreation Centre. The District Council had been looking across Kenilworth for an alternative home for the Scouts and Guides that currently met at Castle Farm, but had been unable to find an appropriate venue so far. This meant that it was likely that the new accommodation for the Scouts and Guides would need to be provided on the Castle Farm site.

It was therefore proposed in recommendation 2.3 of the report to proceed with Option Two from the stakeholder and public consultation exercise for the Castle Farm Recreation Centre site. This was the demolition of the existing centre and the construction of a new sports centre, with the Scouts and Guides accommodated in a separate building on the same site.

Both of the options for Abbey Fields Swimming Pool provided as part of the public consultation exercise included the retention and enhancement of the existing indoor 25 metre swimming pool. Both options also included the remodelling and significant improvement of the general circulation areas in the building, including changing rooms, reception, café and other ancillary facilities. This remodelling would make it possible to relocate the pool plant building and therefore to open up views down the lake from the external terrace. The external terrace could also act as a café area, allowing both café customers and swimmers using the external terrace to have views down the lake. The security of the facility in this area would be preserved with the use of a transparent screen. Both options also included the replacement of all mechanical and electrical equipment and installations that had reached the end of their useful life. Both options also sought to find a new use for the old bowls pavilion in the children's playground next to the Swimming Pool, and to improve the tennis courts in Abbey Fields. The differences between the options related to the use to be made of the area currently occupied by the outdoor fun pool and paddling pool.

The responses to the consultation process for Abbey Fields Swimming Pool had been analysed carefully, and the results were shown in detail in Appendix A to the report. In the public consultation process, question eleven asked respondents to select either Option One, Option Two, or to select 'no preference'. 38% of all respondents to the survey selected Option Two - to retain the existing outdoor fun pool and paddling pool. 30% selected Option One - to install an indoor family/teaching pool. 33% expressed no preference or did not respond to this question. Questions 12 and 13 were open questions that asked "What are your reasons for your answer to the question above" (Question 11) and "Other than the facilities being proposed, what other leisure or family facilities would you like to see at the swimming pool site?" Within the responses to these two questions, a number of respondents referred to the proposal offered by Restore Kenilworth Lido, for a 25 metre outdoor pool. Every response to questions 12 and 13 had been read and every response that mentioned a larger lido positively had been identified. Respondents mentioning a larger lido represented 25% of all respondents. It should be noted that all of these

respondents would have already been counted within either the 38% selecting Option Two, or the 33% that expressed no preference.

It should also be noted that this stakeholder and public consultation exercise was never intended to be undertaken as a scientific process with the use of specialist consultants and a randomised control group to verify the responses received. Nor was it a referendum where respondents were asked to vote for a particular option, and where the most popular option would be selected. It was an opportunity to ask the residents of Kenilworth for their views on a number of options available. These aspects were made clear to the Executive in recommending the consultation process to follow. In these circumstances, it should be remembered that the presence of Restore Kenilworth Lido at all but one of the public consultation sessions, with their strong lobbying for a new 25 metre lido and rejection of the two presented options, was likely to have skewed the responses received in favour of the 25 metre lido proposal.

Alongside the public element of the consultation, officers had contacted a number of key stakeholders to ask their opinion of the two options presented for consultation. Most stakeholders were also aware of the additional proposal from Restore Kenilworth Lido. The responses from all stakeholders were contained within sections eight to eleven of Appendix A to the report. Selecting some representative responses from stakeholders, they responded as below:

- Sport England expressed support for the District Council's drive to improve their facilities and the strategic approach being taken to inform the programme of improvements, but did not express a preference for either option;
- Swim England were the national governing body for the sport of swimming in England. They said: "our view is that design Option One, which introduces an indoor learner pool...would be the best option as this type of pool provides the best return on investment of any water space and would enhance the swimming experience most profoundly.... Obviously, the success of the outdoor pool depends entirely on the weather. I appreciate that there is always an ardent lobby to build outdoor pools, and these people are consistent users, however the level of use does not necessarily provide a sustainable model.";
- officers held a meeting with the majority of the swimming clubs that currently use the facility. A very useful exchange of information took place. All the clubs present supported Option One, for the creation of the family pool, as this would be most useful to them in terms of providing space for the teaching of swimming. The Junior Triathlon Club said that they would use a 25 metre lido, but that it was unlikely that this would represent the best investment in this building, due to constraints on the use of outside water;
- it proved difficult to engage with schools during the consultation period, as it was a busy period of the school year. A detailed

interview was undertaken with St John's Primary School. They strongly supported Option One, as it would give them much more flexibility in terms of programming their swim teaching. It would mean that on occasions, they could bring mixed ability groups, as beginners could go in the family pool, leaving the main pool for better swimmers to swim lengths. The school did not currently bring better swimmers to swimming lessons, as they could not swim lengths with the shallow end full of beginners. On other occasions, the family pool would enable them to bring twice as many beginners at the same time, which would save on travel costs and school programming issues. They also favoured the arrangements for changing rooms, as this would make their management of swimming sessions much easier. Officers would continue to engage with schools throughout the design process to ensure that their needs were met within the new designs; and

- the National Association for Swimming Clubs for the Handicapped (NASCH) also favoured Option One, as being the option that would provide suitable facilities for people living with a disability who wished to learn to swim. They stressed the importance of making sure that all aspects of the design of the new facilities considered the needs of swimmers with a disability.

Another element to be considered in selecting an option for Abbey Fields Swimming Pool was the report by SLC (Sports, Leisure, Culture Consultancy) into the two options proposed and the additional proposal. This report concluded that the indoor family pool would improve the financial performance of the Swimming Pool building over four times more effectively than the additional proposal to construct a 25 metre lido. It was particularly interesting to note that, according to the predictions made by SLC about the uplift created by the family pool and the income projections from Everyone Active over the life of the contract, it was possible that this site would break even by year ten of the contract. This would be a very beneficial situation, as it would remove any subsidy from the site before the end of the current management contract, which would help to secure the site's unquestioned future.

In terms of strategic need, the option to build an indoor family and teaching pool would meet Sport England's strategic assessment that the District required additional water space equivalent to 1.8 lanes of a 25 metre swimming pool. This was the increase in provision predicted by the Sport England Facilities Planning Model as being required in order to provide for the increased population expected to be resident in Kenilworth and surrounding areas by the end of the current Local Plan period in 2029. The Facilities Planning Model included an allowance for all existing swimming pools in the area. It also allowed for all planned swimming pools for the area in the future, including the new swimming pool that had been constructed at Warwick University which would open in Spring 2019. The option to retain the existing outdoor pools and the additional proposal to provide a 25 metre lido did not meet this strategic need as Sport England did not count outdoor swimming water within its Facilities

Planning Model, as the facility was usually only available in the summer months.

Taking account of the reasonably even spread in public response between the two options at Abbey Fields and the expression of no preference or missing the question, and the slightly lower response for the 25 metre lido proposal, it could be argued that the public element of the consultation showed a general support across each of the options, with no one option or proposal significantly more popular than any other. The report from SLC made it clear that Option One represented the most financially beneficial alternative. The view of Sports and Leisure Management Ltd (trading as Everyone Active) was also that Option One represented the best solution, both in terms of the financial performance of the building and the number of people that could use the pool and participate in swimming activities. The strategic need for sports facilities would support Option One at Abbey Fields, as it provided sufficient additional water space to fulfil the additional need created by new residents moving to the area during the period of the current Local Plan.

In view of paragraphs 3.13 to 3.19 of the report, it was proposed in recommendation 2.4 of the report to proceed with Option One at Abbey Fields Swimming Pool. This was the construction of an indoor family and teaching pool which could be used throughout the year, but which also had the capacity to open up access to an outdoor terrace during hot weather. This design would be developed during the next stage, taking on board many of the comments received from the public during the consultation exercise. Within this design concept, there was always a conflict between opening up the facility on a hot day in summer, and making a construction that was robust and sealed enough to provide appropriate atmospheric control during the winter. The architect had been set the task of opening the building as much as possible in summer, whilst being able to seal the area sufficiently in winter to ensure a pleasant atmosphere would be provided by appropriate and cost-effective mechanical and electrical systems.

If the Executive agreed to move forward with the two options proposed in recommendations 2.3 and 2.4 of the report, the next step of the project would be to continue the design process through RIBA stage two and up to the end of RIBA stage three. In order to do this work, it would be necessary to make funds available to employ the design team. There was current funding available within the Leisure Options Reserve to continue this design work for the remainder of the current financial year. This roughly equated to the completion of RIBA stage two. The source of the additional funding required to continue the project to the end of RIBA stage three was not currently identified. This was discussed further in paragraph 5.1 of the report.

The Council had already procured a contract for the project management and design of this project. Mace Ltd and their project partners secured this contract through the Crown Commercial Services framework, which was an appropriate procurement process for this work. The nature of the contract was such that Mace and the project management and design

team had been retained for the whole of the project process from the beginning of RIBA stage one to the end of RIBA stage seven. However, there were break clauses at the end of each RIBA stage. It was therefore fully appropriate to instruct Mace and their colleagues to take this project forward to the end of RIBA stage two at the present time, as sufficient funds existed to cover this work. Recommendation 2.5 in the report sought to identify additional funds in the Budget Report in February 2019 to carry this work through to the end of RIBA stage three. The report sought authority to proceed to RIBA stage three without referring back to Executive, if funding could be found, as RIBA stage two would be completed during the 'purdah' period for the forthcoming local elections in May 2019.

The Council considered that it was very important to ensure that all new constructions should seek to minimise their impact on the environment as much as possible. Although it might not be possible, for a number of valid economic and practical reasons, to achieve carbon neutrality in all cases, it was important that any deviation away from environmental optimisation should be considered carefully before being approved.

The design team would therefore be instructed to study what options were available to maximise the environmental performance of the building, both in terms of construction and operation. They would need to present a report to the officers on the project team which identified what these options were, what they would cost or save in capital and revenue terms, and what alternatives there were that would have different impacts. In some cases, it might be necessary to accept a less than optimal environmental solution, when other factors were considered, but the presumption should be that environmental performance was maximised in each case.

One of the intended benefits of the redevelopment of the two Kenilworth facilities was to improve the financial performance of the facilities in the future. This improvement in financial performance would mean that it would be possible to negotiate with Sports and Leisure Management Ltd (trading as Everyone Active) to discuss how they might be able to change the concession fee they paid to the Council, the capital they might invest in the facilities and the length of the management contract between the company and the Council.

It had not been possible to commence these negotiations until the decisions contained in recommendations 2.3 and 2.4 of the report had been taken, as there were too many variables involved in the calculations. If Executive approved recommendations 2.3 and 2.4 of the report then it would be appropriate to begin these discussions with Sports and Leisure Management, with a view to bringing a further report back to Executive with the results of such negotiations and recommending future actions in this regard.

It was not possible at the current time to clearly identify all of the funding for these works. As well as the need to begin negotiations with Everyone Active, as shown in paragraphs 3.25 and 3.26 of the report, there was

also uncertainty over the S106 funding to come from various developments, as well as uncertainty over the Government's approach to pooling in the future. It was also not clear if any grants might be achievable for these works, until a thorough review was undertaken. It was therefore proposed that officers continue their existing work to resolve these issues and obtain greater clarity and certainty on the funding available, in order to report back to Executive at a later date.

It was good practice to regularly review the risks contained in any capital project of this kind. The updated Risk Register for this project was therefore contained at Appendix D to the report and the Executive was asked to note the content of this Register. Furthermore, all capital projects at Warwick District Council had a Project Programme to indicate how long the project would take to deliver. The current Project Programme was attached as Appendix E to the report.

In terms of alternative options, it would be possible to not undertake any improvements to the facilities at Castle Farm and Abbey Fields. If this decision was to be made, Kenilworth would not have the same sort of aspirational, successful and modern facilities as the Council had provided at Newbold Comyn and St Nicholas Park. The community in Kenilworth would not be encouraged by such excellent facilities to adopt an increasingly healthy lifestyle. Income from the contract with Everyone Active would not be increased because attendance and income would not be enhanced. The opportunity would be lost to bring the buildings up to modern design standards and to make them more environmentally friendly and cheaper to run. The buildings would not be prepared for use for another 30 years.

An addendum circulated prior to the meeting advised of an incorrect diagram being included on page six of Appendix A, and provided a correct version of this diagram.

The following people addressed the Executive:

- Ms Jane Green, on behalf of Restore the Kenilworth Lido; and
- Mr Simon Cockwell, resident of Kenilworth and user of the pool.

The Finance & Audit Scrutiny Committee considered requesting a deferral of the decisions, but, on balance, supported the recommendations in the report.

The Overview & Scrutiny Committee supported recommendations 2.1 and 2.3 in the report and noted recommendation 2.2.

In respect of recommendation 2.4 in the report, the Overview and Scrutiny Committee recommended to the Executive that it deferred its decision to allow further work on a full evaluation of a lido option as a facility to benefit the whole District.

The Executive were required to vote on this because it formed a recommendation to them.

During the robust debate, a number of Councillors addressed the Executive and expressed their views on the item.

In response, Councillor Coker, the Portfolio Holder, highlighted that Members appreciated and had every confidence in the officers leading Phase Two of the Kenilworth Leisure Development Programme, as well as in the entire team involved. The decisions taken so far were based on the recommendations received from the very experienced team leading the project, and the success of the other two leisure centres within the District were a testimony to the team's expertise. If another consultation was to be held, Councillor Coker could not see how the results would be any different from the one already conducted, and failed to see what else could be done in order for the public to be able to express their opinions.

It was therefore proposed by Councillor Coker and seconded by Councillor Butler that the recommendation from the Overview & Scrutiny Committee was rejected on the basis that:

- despite the lido option not being part of the consultation, it had been fully evaluated by officers and an independent, well-respected consultancy; and
- consequently, there was no merit in holding a further consultation as Members were comfortable that all the material issues had been examined both in preparation for the report of September 2018 and report of January 2019.

The Executive, therefore,

Resolved that

- (1) the recommendation from the Overview & Scrutiny Committee be rejected on the basis that:
 - despite the lido option not being part of the consultation, it was fully evaluated by officers and an independent well-respected consultancy; and
 - consequently, there was no merit in holding a further consultation as Members were comfortable that all the material issues had been examined both in preparation for the report of September 2018 and report of January 2019;
- (2) the outcome of the recent stakeholder and public consultation exercise on the options for the development of the Castle Farm Recreation Centre and the Abbey Fields Swimming Pool, as

described in Appendix A to the report, be noted;

- (3) the conclusions made in the report from the consultants The Sport, Leisure and Culture Consultancy (SLC) into the viability of various options at Abbey Fields Swimming Pool as shown as Appendix B to this report, be noted;
- (4) selecting Option Two for the development of the Castle Farm Recreation Centre site, being the construction of a new sports and leisure centre at Castle Farm, with a new facility for the Scouts and Guides, be agreed in principle, and officers are instructed to work with the design team to prepare this option up to the end of RIBA stage three, funding permitting, with a further report to Executive at the conclusion of that design stage;
- (5) selecting Option One for the development of the Abbey Fields Swimming Pool site, being the refurbishment of the whole building and the construction of a new indoor family pool with access to an external terrace with views of the lake, along with refurbishing the pavilion and tennis courts, be agreed in principle and officers are instructed to work with the design team to prepare this option up to the end of RIBA stage three, funding permitting, with a further report to Executive at the conclusion of that design stage;
- (6) £200,000 is released from the Leisure Options Reserve in order to progress the two design options identified in Recommendations 2.3 and 2.4 of the report for the remainder of this financial year, and the balance of up to £550,000 be sought within the Budget Report in February 2019, once the financial settlement from Central Government is known, in order to progress the designs to the end of RIBA stage three, be agreed;
- (7) the services of Mace Ltd and the rest of the design team are retained on the existing appointment and contract up to the end of RIBA stage two at least and also up to the end of RIBA stage three if a balance of up to £550,000 is identified within the Budget Report in February 2019;

- (8) the design team be instructed to fully explore how the building and running of the two facilities can be as close to carbon neutrality as reasonably possible and this matter will be carefully addressed in subsequent reports to Executive;
- (9) negotiations with Sport and Leisure Management Ltd (trading as Everyone Active) commence with regard to changes in the annual concession fee, any capital investment arrangements and the length of the contract in relation to the proposed redevelopment of Castle Farm Recreation Centre and Abbey Fields Swimming Pool with a view to reporting back to a subsequent meeting of the Executive on any changes proposed;
- (10) officers are instructed to continue the existing work on identifying funding for the project, including researching and applying for appropriate grants, in order to present a further report to Executive on the funding of this project; and
- (11) the updated Risk Register for this project as shown as Appendix D to the report and the Project Programme shown as Appendix E to the report, be noted.

(The Portfolio Holder for this item was Councillor Coker)
Forward Plan reference 968

116. Approval of Canal Conservation Area

The Executive considered a report from Development Services following public consultation, proposing to designate a Canal Conservation Area as indicated in the draft boundary maps enclosed as Appendix Two to the report. The Canal Conservation Area would assist conservation of the waterside, inform heritage-lead regeneration, and other waterside development opportunities across the District.

Warwick District Council's Local Plan had identified that Waterways could be used as tools for place making and place shaping and contributed to the creation of sustainable communities (Warwick District Local Plan NE7). The historic environment was a shared resource everyone should be able to participate in. Understanding the significance of places was vital to sustaining the historic environment and canals through Warwick District were significant places that should be managed to sustain their values.

The Grand Union canal (including the former Warwick and Birmingham Canal and Warwick and Napton Canal), and Stratford on Avon Canal

served as a major heritage asset that strengthened Warwick District's overall economy and tourism offer and enhanced the quality of life for the 66,000 residents who lived within one kilometre or ten minutes' walk of a canal.

An appraisal had been undertaken to explore the physical context, to understand, analyse and articulate exactly how the eighteenth century landscape had changed and evolved and would continue to do so; why the waterway corridor was special and what elements within the area contributed to this special quality and which did not; and how to preserve and enhance what was significant. Decisions about change needed to be reasonable, transparent and consistent. Documenting and learning from decisions was essential.

It was in the public interest for the Council to work with the Canal & River Trust and owners in the surrounding area to:

- sustain the existing heritage assets;
- manage change to preserve and enhance the canals and their settings;
- promote access and usage that would enhance quality of life for the District's residential population; and
- strengthen the local economy and tourism offer.

Formal Public Consultation extended over a seven-week period and included press reports, a public meeting and events with local societies, as well as two days' informal consultation at the Leamington Canal festival. The notice to registered interests followed the procedure in Council's Statement of Community Involvement adopted in January 2016. Two responses were received from the formal procedure; one supportive, one suggesting the Development Plan Document (DPD) should be adopted at the same time. As a result of the publicity, 62 responses were almost universally welcoming, some wanting greater area to be included. As a result, the boundary map had been moderated internally.

On adoption, the duties of formal designation required an advertisement in a local paper and the London Gazette, together with letters to all property owners affected within the boundary, as this was a land charge.

In terms of alternative options, it would be possible for the Council to ignore this opportunity to work with the Canal & River Trust and others in the stewardship of this asset. However, this would fail to recognise the foresight and belief of Warwick's eighteenth century citizens, in creating this enduring legacy, and the interest that local residents and business people had in canal-related heritage. Not to designate would accept that this was a lost opportunity to build on that enterprise, and thus to miss out on the regeneration, investment and improved quality of life that recognition of this asset through designation and guidance brought.

The Portfolio Holder, Councillor Rhead, thanked the officer for all his hard work and amount of detail covered in the report and its appendices. Councillor Grainger also expressed her support and commented that this was a great piece of work, which she welcomed.

The Executive, therefore,

Resolved that a Canal Conservation Area as defined in the appraisal in Appendix One to the report and as shown on the boundary map at Appendix Two to the report, be adopted.

(The Portfolio Holder for this item was Councillor Rhead)
Forward Plan reference 934

117. **Centenary Fields Request**

The Executive considered a report from the Chief Executive setting out the proposed response to a request for this Council to apply to designate St Mary's Lands in Warwick under the Centenary Fields initiative to commemorate those who lost their lives in World War I.

'Fields in Trust' was a national charity that operated throughout the UK to safeguard recreational spaces. Their mission was to ensure that everyone, young or old, able bodied or living with a disability, and wherever they lived, should have access to free, local outdoor space for sport, play and recreation, advocating that these spaces were vital to building happy and healthy communities.

The Centenary Fields programme was launched in 2014 by Fields in Trust President HRH the Duke of Cambridge. It aimed to protect at least one green space in every local authority area across England, Wales, Scotland and Northern Ireland to commemorate the centenary of World War I (WWI). Safeguarding these sites would create a living UK wide legacy in commemoration of the sacrifice made by those who lost their lives in WWI.

Fields in Trust was working in partnership with the Royal British Legion to deliver the programme. This would commemorate the significant milestone in our history and create a tangible local legacy that would be valued by communities for generations to come.

The main benefits of taking part in the initiative were:

- contributing to a UK initiative to commemorate those involved with World War I;
- raising awareness of both the initiative and the Council's commitment to providing open space for public access and recreation; and
- raising the profile of the nominated sites.

The initiative also aimed to safeguard valued public spaces for the future. However, as most of these green spaces were already safeguarded through other means, this was not necessarily an additional benefit.

In July 2018, the Executive agreed that applications should be made for the following open spaces in the District, as each had significant connections with World War I.

- Abbey Fields, Kenilworth – there was a war memorial in the form of an obelisk which was unveiled in 1922. It commemorated those who died in World War I, World War II and the Korean War. It was located at the top of Abbey Fields near the junction of Abbey End and Abbey Hill;
- St. Nicholas Park, Warwick –this had an avenue of trees central to the park. At the base of some of the trees, there were small stone cairns on which there were plaques mounted, commemorating various individuals from both world wars. More recently, a new war memorial had been erected, dedicated to those involved in World War I.
- The Pump Room Gardens – soldiers from across the country as far afield as Gateshead and Exeter came to Leamington Spa Pump Rooms to receive special treatment for their war wounds during WWI. The Turkish baths and radical radiant treatments were the main attraction. Approximately more than 7,000 treatments were given to injured soldiers at the Pump Rooms over the four years of WWI.
- Royal Air Force Centenary Park (Tapping Way open space) in Warwick – this site had been discussed with The Fields in Trust and even though there was a less strong link with WWI, there was a link with Royal Air Force (RAF), Warwick. RAF Warwick was a former Royal Air Force relief landing ground and was opened on a large grass field called Tournament Field, in December 1941. Due to the 100th Anniversary of the founding of the RAF, the Fields in Trust had said they would consider an application for this site. This was a new open space which was about to be adopted by the Council from the developer Taylor Wimpey. Locally, the open space had been known as Tapping Way open space. Council officers had discussed the new name with the Chase Meadow Residents Association, who supported the proposed name of RAF Centenary Park.

The applications had been made and accepted as eligible by Fields in Trust. It was not necessary for the green spaces involved in the programme to change their names. Each of these green spaces already had names that were instantly recognisable within the community through their long usage. These green spaces would acquire Centenary Fields status, and would receive and display signage associated with this, which would ensure there was no requirement for any actual name change.

As each of the green spaces was accepted as a Centenary Field, the legal process then started and green spaces would be protected via a Deed of Dedication. Fields in Trust would draw up the draft deed and the Council then had the opportunity to make amendments. When all parties were satisfied with the deed, it would be signed and registered with the Land Registry.

Once the green spaces had been dedicated, each green space would receive a Centenary Fields commemorative plaque. The requested funding would ensure that the plaques were sensitively located within each green space and interpreted specific to each of them.

At the end of October 2018, the Friends of St Mary's Lands wrote to the Council asking that St Mary's Lands was applied for as a Centenary Field. Officers made contact with the Fields in Trust to establish its eligibility which resulted in the response to the original letter as shown in Appendix One. There were clear issues with the extent and type of land being requested and the evidence of the historic relationship with WW1.

Further enquiries indicated that the Northern Enclosure – an area of woodland might have been the site of a building used as a hospital in WW1 and so might be suitable for the Centenary Field designation. In addition, the Field in Trust also administered other programmes of protection for open spaces, but which were not connected to WW1. A programme called 'Green Spaces for Good' was one such programme and the nature reserve area could be eligible. The implications for the land were the same as for the Centenary Fields initiative. It was suggested that applications for these areas of land be made and that delegated authority be provided to secure the deed of dedication, should the applications be accepted. Both areas of land were proposed to be improved but had no development proposals on them arising from the Master Plan that was approved in 2017.

In terms of alternatives, as Fields in Trust had indicated that the Friends original request was not appropriate, there was no real option to agree to the Friends request.

The Executive could decide not to apply for any further designations and this was an option open to Members.

The Executive, therefore,

Resolved that

- (1) the progress made on securing Centenary Field designation for Abbey Fields Kenilworth, St. Nicholas Park Warwick, Pump Room Gardens Royal Leamington Spa and RAF Centenary Park (Tapping Way Open Space) Warwick as Centenary Fields, be noted;
- (2) the response by the Fields in Trust to the request from the Friends of St Mary's lands to have St Mary's lands designated as a Centenary Field, be noted;
- (3) officers are asked to make an application for the Northern Enclosure of St Mary's lands as a Centenary Field and the Nature Reserve Area

as a Green Space for Good designation, on the understanding that if successful with these applications, a deed of dedication will be agreed for each of these green spaces; and

- (4) authority be delegated to the Head of Neighbourhood Services, in consultation with the Portfolio Holder for Neighbourhood Services, to agree and sign the terms of a Deed of Dedication for the areas of land referred to in recommendation 2.4 of the report and as shown on Plans 1 and 2 to the report.

(The Portfolio Holders for these items were Councillors Butler and Grainger)
Forward Plan reference 948

Part 1

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

118. General Fund Base Budgets 2019/20

The Executive considered a report from Finance setting out the latest projections for the General Fund revenue budgets in respect of 2018/19 and 2019/20, based on the current levels of service and previous decisions. There were further matters that would need to be reviewed in order to finalise the base position as part of the 2019/20 budget setting process as set out in paragraph 8.3 of the report.

The 2018/19 latest budgets showed a forecast surplus of £3,800. The proposed 2019/20 Base Budget currently forecasted a surplus of £19,100.

The Council was required to determine its budget requirements in order to set the Council Tax for 2019/20.

The proposed Base Budgets for 2019/20 and the Latest Budgets for 2018/19 were included in section 3.2.1 of the report. The figures included all financing charges, which were dealt with in paragraph 3.5 of the report. Paragraph 3.3 of the report considered the 2019/20 Base Budget, with paragraph 3.4 looking at the Latest 2018/19 budget figures.

In preparing the 2019/20 Base Budget, the over-riding principle was to budget for the continuation of services at the existing level. Several adjustments needed to be made to the 2018/19 Original Budget, such as the removal of any one-off and temporary items, the addition of inflation, the addition of previously agreed Growth items, the addition of unavoidable Growth items and the inclusion of any identified savings.

A table included in section 3.3.2 in the report and Appendix A to the report provided more details regarding how the 2019/20 base budget had been calculated.

No inflation had been applied to most expenditure budgets. The only exception was in respect of the major contracts at 2.5% (£128,400) and Business Rates 2.4% (£26,900).

Staffing costs were also forecasted to increase in 2019/20 and the main changes were presented in Section 3.3.4 of the report.

Only previously committed growth and unavoidable changes had been included in the Base Budget. This totalled £804,100 of which £651,900 related to increased expenditure and £152,200 related to reduced income. Appendix B to the report listed the main items, the largest being additional corporate repair and maintenance costs including water features and fountains (+£134,000); net increase in Housing Benefits costs (+£89,500) and an increased costs of major contracts growth (+£71,400).

Various savings or increased income had been allowed for within the Budget. These totalled £2,448,900, which comprised £989,500 reductions in expenditure and £1,459,400 increases in income. Appendix B listed the main items, the largest being the removal of time limited items (-£638,200); concession fees from Leisure contractor (-£635,400); increased Crematorium income (-£118,600); and additional Homelessness Prevention grant (-£364,800) etc.

Having taken the above into account, there was a forecast reduction of £1,644,800 in net service expenditure which was mainly the falling out of one-off and reserve funded items. There was no overall change in the level of service provision budgeted for, other than any previously agreed changes.

The large reduction in non-service specific contributions to reserves (-£3.4m) was mainly due to a reduced contribution to the Business Rates Retention Volatility Reserve (-£2.3m), no contribution from the Leisure Options Reserve (+£1.1m), a reduced contribution to the Community Projects Reserve (-£1.4m) and changes in other reserve funding (+£1.2m), plus no allocations from New Homes Bonus to reserves at this stage (-£2.3m).

In addition to the above, there were also various other general financing adjustments required to arrive at the demand for Council Tax. Taking all these items into account produced a forecast surplus of £19,100.

However, as outlined in section 8 of the report, the final Government Finance Settlement and other unforeseen events meant the final position would not be confirmed until early 2019.

Appendix B to the report was broken down into two parts – Appendix B1 and Appendix B2. Both appendices provided details of service expenditure and income in portfolio order. Appendix B1 was a summarised version of Appendix B2. The analysis in Appendix B2 was divided into two sections – expenditure and income under the direct control of the budget manager (e.g. salaries, fees and charges income, etc.) and those items for which

they had little or no control over (support service allocations and capital financing charges). Explanations were provided where significant variations had been identified.

Under the current Budget Review process, amendments to budgets were presented to Members for approval on a regular basis, rather than waiting until the report was published. Consequently, many changes had already been reported and approved by Members. This report continued that process and provided details of the latest budgets for the current year.

The Latest Budgets totalled £19,428,500, which was an increase of £686,300 compared with the originally approved budget for 2018/19 of £18,742,200.

The main reasons responsible for the decrease in service income and expenditure were included within Appendix B and summarised in a table at section 3.4.3 of the report. The first part of the table showed that the total net expenditure on services had reduced by £243,800.

The 2018/19 budget had been reviewed in order to set the 2019/20 base budget. This would be reviewed again in February 2019.

The Quarter 2 Budget Review to the Executive on 28 November 2018 identified, and reported on, a budget deficit totalling £90,600. The inflation contingency budget (£50,000) had been removed for 2018/19. Also, the Apprenticeship Scheme contingency budget had been reduced by £60,000 to reflect the likely spend for the remainder of the year. Taking these factors into account, there was now a forecast surplus of £3,800.

The comments made in paragraph 3.3.11 of the report concerning the content of Appendix B were equally applicable to the information provided in respect of the Latest Budgets for 2018/19.

In order to arrive at the position for the Council's overall net expenditure, it was necessary to take account of the effects of the Council's capital financing arrangements and any transfers to and from reserves. These were summarised in Section 3.4.8 of the report, with additional details in Appendix C to the report.

Most of the changes to the Capital Financing and Reserves figures reflected changes in specific items within the cost of General Fund service expenditure, whereby many increases in service expenditure were met by a contribution from a specific reserve which would be included here.

These figures were still being updated to reflect the latest Capital Programme and use of reserves. Any further changes would be detailed in the February 2019 Budget report.

Depreciation, Intangible Assets and Capital Financing Charges in Service Budgets were non-cash charges to services that did not impact on the Council's overall external funding requirement (primarily council tax, retained business rates and Government grant). By including these

charges, the full cost of the respective services provision was apparent. Variations between years had occurred, which reflected new schemes and slippage between years of schemes as reflected within the Council's capital programmes.

In terms of the loan repayments, revenue contributions and interest paid, there were no changes in the 2018/19 budgets at present. There was an increase in 2019/20 of £89,000 for a loan from the Public Works Loan Board (PWLB) in respect of the Europa Way development costs.

No changes regarding the Revenue Contributions to Capital had been included in the budgets at this stage.

The 2019/20 original budget showed a reduction in contributions to / from reserves of £3,383,000 when compared to the 2018/19 original budget. The 2018/19 latest budget showed an increase in contributions to / from reserves of £45,000. The changes were categorised in a table in Section 3.4.13 in the report.

No changes to the 2018/19 budgets had been factored in at this stage in terms of the External Investment Interest. Changes for 2019/20 were an additional £239,000 in gross interest receipts due to rate changes. These figures would be updated in the February Budget Setting report.

The Housing Revenue Account balances formed part of the Council's investment portfolio and as a result of the factors described above, the investment interest to be credited to the Housing Revenue Account was expected to increase in 2019/20 by £105,000.

IAS 19 required an authority to recognise the cost of retirement benefits in the net cost of services when they were earned by employees, rather than when the benefits were eventually paid as pensions. However, the charge that was required to be made against council tax was based on the cash payable in the year, so the real cost of retirement benefits was reversed out. The figures included in the budgets were based on the latest figures from the Pension Fund actuary.

In line with the decisions made at the February 2018 Executive meeting as part of the 2018/19 Council Tax Setting, £310,200 was transferred from 2017/18 to 2018/19 via the General Fund balance. The Budget Review Report to the November 2018 meeting allocated the 2017/18 surplus £850,000 to 2018/19 and £64,000 to 2019/20. Additional details were provided in Appendix C to the report.

In order to complete the picture, the general grants position also needed to be considered.

The Revenue Support Grant reduced to zero for 2019/20 based upon the four-year settlement confirmed in January 2016. Should this change, which was believed to be most unlikely, the revised figure would be reported in the February 2019 Budget Setting Report.

Gross Business Rates income figures showed an increase of £0.99m in 2018/19, and it was estimated to reduce by £1.71m in 2019/20 from 2018/19. The income for 2018/19 was higher due to primarily one-off adjustments in respect of the appeals provision. This reduction in Business Rates income would be matched by an increased contribution from the Volatility Reserve so as to smooth the net income to the General Fund. Movements in business rates were explained in a table in Section 3.5.3 of the report.

At this stage, no New Homes Bonus had been included in respect of 2019/20.

The Government had announced a grant in respect of Homelessness Prevention work of which £301,000 had been received in 2018/19. Following a change in accounting treatment, this grant was now shown within the revenue budgets. Pending a decision on the programme of work, these resources had been transferred to a new reserve.

The Council Tax element of the Collection Fund would be calculated in January 2019, with the Major Preceptors being notified of their share of any surplus or deficit, and would be included within the February 2019 Budget report with any balance to be distributed / recovered in 2019/20.

As reported in the Quarter 2 Budget Report, the Council Tax Base for 2019/20 had now been calculated. The Base had increased by £2,188.20 from £53,388.87 to £55,577.17. This change would result in an increased Council Tax yield of £354,200. Increasing the Council Tax Band D charge by the previously agreed £5 would produce a further yield of £277,900.

The net results of all these movements were shown below:

	BASE BUDGET 2018/19 £'000	LATEST BUDGET 2018/19 £'000	BASE BUDGET 2019/20 £'000
TOTAL ESTIMATED NET EXPENDITURE	18,742	19,429	14,538
Less: Revenue Support Grant	(307)	(307)	-
Less: Business Rates Income	(6,976)	(7,968)	(5,268)
Less: General Grants:			
- New Homes Bonus	(2,482)	(2,482)	-
- New Homes Bonus Returned Funding	(4)	(4)	-
- Homelessness Prevention Grant	(301)	-	-
- Self & Custom Build New Burdens Grant	(30)	(30)	(15)
Collection Fund (Surplus) / Deficit	-	-	-
Council Tax	(8,642)	(8,642)	(9,274)
	<u> </u>	<u> </u>	<u> </u>
(Surplus) / Deficit	<u> </u> -	<u> </u> (4)	<u> </u> (19)

This showed that there was a forecast surplus of £3,800 in 2018/19 and £19,100 in 2019/20.

The purpose of the report was to produce budgets as determined under the requirements of the Financial Strategy, in line with current Council policies. Any alternative strategies would be the subject of separate reports.

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

The Portfolio Holder for Finance, Councillor Whiting, reminded Members that optimising revenue and reducing cost should be the lens through which Members should look at the future, and that there were significant savings the Council would need to achieve in the future.

The Executive, therefore,

Recommended to Council that

- (1) the base budget for the General Fund services in respect of 2019/20 as outlined in Appendix B be approved; and
- (2) the updated budget for the General Fund services in respect of 2018/19 as outlined in Appendix B, be approved.

(The Portfolio Holder for this item was Councillor Whiting)
Forward Plan reference 959

119. Housing Revenue Account (HRA) base budgets 2019/20

The Executive considered a report from Finance presenting the latest projections for the Housing Revenue Account (HRA) in respect of 2018/19 and 2019/20, based on current levels of service and previously agreed Executive decisions. There were further matters that would be reviewed in order to finalise the base position as part of the 2019/20 budget setting process, to be reported to Executive in February 2019, as set out in paragraph 3.6 of the report.

The 2018/19 latest budgets showed a forecast reduction in the transfer to the HRA Capital Investment Reserve (HRA CIR) of £687,200.

The proposed 2019/20 Base Budget forecasted a reduction in the transfer to the HRA CIR of £803,000.

Appendix A to the report summarised the adjustments from 2018/19 base budgets to the 2017/18 latest budgets and 2018/19 base budgets.

This report considered the current year's budget, and included details of proposed updates to the 2018/19 Budget. The report also recommended the base budget requirements that would be used in the setting of the HRA budgets for 2019/20. These figures reflected the costs of delivering an agreed level of service, and any unavoidable changes in expenditure

(for example, where the Council was contractually or statutorily committed to incur additional expenditure).

Any recent changes that needed to be resolved that had not been included in the budgets at this stage would be fed into the February report. In February, the Council would be in a position to agree the 2019/20 Budget for the year as part of the HRA rent setting report, following confirmation of the housing rents and communal utility recharges (Forward Plan Ref 971).

In agreeing the latest 2018/19 budgetary position, managers had reviewed their current and forecast financial requirements. Some changes had already been reported to Members as part of the Quarterly Budget Review Report in August 2018, with further amendments being identified during the budget setting process to determine next year's base position.

A review of the 2018/19 budget had been carried out in order to establish the latest budget for the current year. This then informed the base position for 2019/20.

The following table summarised how the latest 2018/19 HRA budget had been calculated:

	£
Original Approved Net HRA Surplus 2018/19	(28,500)
Increase in Expenditure	735,600
Increase in Income	(67,800)
Pension adjustment changes	19,400
Reduction in contributions to reserves	(687,200)
LATEST NET HRA SURPLUS 2018/19	(28,500)

Key drivers of the increase in Expenditure budgets included:

- an increase in Housing Repairs Supervision to reflect cost of agreed service £29,400;
- an increase in HRA Repairs and Maintenance to reflect amendment to the Cyclical Painting and Decorating programme £200,000;
- reduced contributions to provisions (£54,800);
- an increase in Supervision & Management £234,900, through a number of interim posts to oversee the introduction of Universal Credit

- and management of fire safety inspections / works, and the increase in support service charges recharged to the HRA; and
- an increase in depreciation charged to the HRA £298,700 due to a change from using the MRA as a proxy, to componentisation depreciation.

Key drivers of the increase in Income budgets included:

- an increase in service charges to reflect increased cost of utility provision, and inclusion of Sayer Court service charges (£115,300); and
- a reduction in expected income from Lifeline following review of service £47,500.

Appendix A attached to the report provided a more detailed breakdown of key variances.

As a result of the above variations to the 2018/19 HRA budgets, the forecast contribution to the HRA Capital Investment Reserve for the year would be £4.2m, a reduction of £417,900 from the original budget.

At this moment in time, there were no changes to the HRA element of the Housing Investment Programme that had not already been reported to and approved by the Executive. A full revision of the Housing Investment Programme would be presented to Council in February 2019.

In determining the 2019/20 Base Budget, the over-riding principle was to budget for the continuation of services at the agreed level. The following adjustments needed to be made to the 2018/19 Original Budgets:

- removal of any one-off and temporary items;
- addition of inflation (contractual services and pay only);
- addition of previously agreed growth items;
- addition of unavoidable growth items; and
- inclusion of any identified savings;

The table below summarised how the 2019/20 HRA base budget had been calculated.

	£
Original Approved Net HRA Surplus 2018/19	(28,500)
Increase in Expenditure	645,200
Reduction in Income	146,700
Pension adjustment changes	10,200

Reduction in contributions to reserves	(803,000)
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BASE NET HRA SURPLUS 2019/20	(29,400)
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Key drivers of the change in Expenditure budgets included:

- an increase in Housing Repairs Supervision to reflect cost of agreed service £29,400;
- reduced contributions to provisions (£54,800);
- an increase in Supervision & Management £369,500; and
- an increase in depreciation charged to the HRA £298,700 due to a change from using the MRA as a proxy, to componentisation depreciation.

Key drivers of the change in Income budgets included:

- a reduction in social housing rents by 1% £250,300;
- an increase in service charges to reflect increased cost of utility provision, and inclusion of Sayer Court service charges (£115,300);
- a reduction in expected income from Lifeline following review of service £47,500; and
- 5% increase in garage rents (TBC in rent setting report) (£33,100).

Appendix A provided a more detailed breakdown of key variances.

A number of assumptions had been made in setting the budgets for 2019/20.

No inflation had been applied to budgets, apart from those where the Council was legally contracted to do so. 2% had been applied for the agreed pay award.

The base rent budget in the report was a baseline calculated from the rental assumptions presented in the 2017 HRA Business Plan.

The actual rents to be charged in 2019/20 and the Council's rent policy would be decided by Council in February 2018, and budgets would be updated to reflect those decisions.

The base 2019/20 budgets presented in the report allowed for housing rents being reduced by 1% on the rent charged in 2018/19, to comply with the Government's policy on rents for social housing. In the case of void properties, the base rent would be:

The assumed rent rate which should be what the previous tenant paid if that was already above Target Social Rent (Formula Rent), then reduced

by 1% in the first relevant year and again by 1% for each successive year; or

The formula rent for 2018/19, minus 1% in 2019/20 rent year and so on until the recently agreed change from 2020.

Rent budgets included the projected effect of void homes being moved to Target Social Rent (Formula Rent) when re-let.

2019/20 would be the final year of the rent reduction policy, following the announcement that providers would be permitted to increase their rents by up to CPI+1% each year, for a period of at least five years.

Shared ownership properties were not governed by the national Policy. The Council adopted the Homes and Communities Agency (HCA) template lease agreement which included a schedule on rent review. Schedule 4 of the lease agreement determines that the rent would be increased by RPI + 0.5% from April 2018. At October 2018, the increase had been forecast at 3.8%.

Unavoidable and previously committed growth had been included in the Base Budget.

Any HRA surplus above that required to maintain the appropriate HRA working balance was transferred into the HRA Capital Investment Reserve to be used on future HRA capital projects. The 2019/20 Base Budget allowed for a £4.4m contribution to the reserve.

Notional interest had been charged to the HRA within the Capital Charges. This represented the cost of tying up resources in the asset. This had been charged against HRA garages and shops at their Existing Use Value (EUV). HRA housing had not been included in this calculation due to the assured nature of tenancies, restricting the council's ability to sell occupied housing assets.

The purpose of this report was to produce budgets as determined under the requirements of the Financial Strategy. Any alternative strategies would be the subject of separate reports.

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

The Executive, therefore,

Recommended to Council that

- (1) the latest revenue budget for Housing Revenue Account Services in respect of 2018/19 as outlined in Appendix A to the report, be approved; and
- (2) the base budget for Housing Revenue Account Services in respect of 2019/20 as outlined in Appendix A, be approved.

(The Portfolio Holder for this item was Councillor Phillips)
Forward Plan reference 960

120. Changes to the Scheme of Delegation and Council Procedure Rules

The Executive considered a report from Health & Community Protection which brought forward proposals to amend the Officer Scheme of Delegation following legislative changes, providing clarity of delegation and a minor change to Council Procedure Rules for clarification.

Following a full review of the legislation used by Health & Community Protection and in light of changes to legislation, the proposed changes as outlined in Appendix One to these minutes updated the Scheme of Delegation to reflect the current legislative landscape for the Service Area.

Recommendation 2.1 of the report was proposed in order to ensure transparency and clarity on the delegation of powers, duties and requirements under the relevant legislation within the Officer Scheme of Delegation to the Head of Health and Community Protection. It also aimed to remove all outdated or superseded powers, duties or requirements delegated to the Head of Health and Community Protection under the Officer Scheme of Delegation.

The proposed removal of the delegation under Recommendation 2.2 of the report was requested because this delegation was contained within the Housing Allocations Policy and the Head of Housing had delegated authority to take decisions in line with the Housing Allocations Policy.

The proposed change in Recommendation 2.3 of the report to the general wording within the Scheme of Delegation was proposed so that it reflected the current operation of identification badges within the Council and had been in operation for over ten years. This was with the exception of the revision to remove the need for a signature on the ID badge which after review, ahead of the introduction of new ID Badges was no longer considered necessary.

Members were reminded that the decisions made at Warwick District Council were, by law, either Council decisions or Executive decisions. These included the delegations made to officers and therefore, for the sake of clarity, it was proposed that all officer delegations should be identifiable as Council or Executive decisions (in line with the rest of the Constitution).

Members were also reminded of the Government regulation in 2014 (Openness of Local Government Regulation 2014) with regard to the public recording of Council, Executive, Committee or Sub-Committee meetings. The Plain English Guide could be accessed on-line. It was considered appropriate that reference be made to this within Council Procedure Rules for ease of reference.

There were no alternative options considered for this because the revisions to the Scheme were to clarify and not add new delegations.

The Executive, therefore,

Recommended to Council that

- (1) the Head of Health & Community Protection scheme of delegation be amended as set out at Appendix One to these minutes;
- (2) the Scheme of Delegation be amended to remove Delegation HS(5) from the Head of Housing to let residential properties to persons who are not eligible for accommodation in accordance with the Council's policy in exceptional circumstances, as it is no longer required;
- (3) the scheme of delegation be amended to read as follows:

All members of staff have authority to act on behalf of the Council in accordance with duties set out in their job description and will carry identification as evidence of their authority to enter premises lawfully at all reasonable hours for the purposes of carrying out duties in line with appropriate legislation; and

- (4) Council Procedure Rule 33, recording of meetings be amended to include the following statement:

The Council will ensure that all parties present at its meetings which it is recording are notified that they are being recorded and that in line with the Openness of Local Government Regulation 2014 members of the public are entitled to record the meeting as well.

The filming, videoing, photographing or recording of any meetings of the Council, Executive, Committees or Sub-Committees of the Council, which are open to the public and press, is allowed, providing it does not disturb the conduct of the meeting.

Anyone visually recording a meeting will be expected to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting.

The Chairman of the meeting will have the power to rescind this permission for

individuals(s) if, in their opinion, it is disruptive or distracting to the good order and conduct of the meeting.

If a meeting passes a motion to exclude the press and public then, in conjunction with this, all rights to record the meeting are removed.

Resolved that the Monitoring Officer updates the Scheme of Delegation so that it identifies the matters which are Executive or Council functions and the updated Scheme to Council is submitted to Council in due course.

(The Portfolio Holders for this item were Councillors Phillips, Mobbs and Thompson)
Forward Plan reference 980

121. **Local Council Tax Reduction Scheme 2019/2020**

The Executive considered a report from Finance which provided Members with details of the Council Tax Reduction consultation which ended on the 4 November 2018.

The current scheme for Council Tax Reduction was largely based on the previous Council Tax Benefit scheme which was assessed alongside Housing Benefit. Housing Benefit for new working age applicants was no longer available in Warwick District and instead a claim had to be made for Universal Credit. Whilst Housing Benefit was the main provider of housing support for working age people, it was logical to maintain a Council Tax Reduction scheme that mirrored the approach. Now that Universal Credit was being rolled out, it gave the Council the opportunity to significantly simplify what was, in effect, a Council Tax Discount.

In August 2018, the Executive agreed for the consultation on the proposed changes to the Council Tax Reduction Scheme. All claimants in receipt of the reduction had been written to tell them about the proposed changes. 63 responses were received, representing approximately 2% of the caseload and details of these were included within Appendix A to the report. Just over half of the responses supported retaining the scheme unchanged.

The current scheme compared income to an applicable amount which was determined based on the claimant's circumstances. Calculating the income to be used in the assessment was extremely complex, earnings were calculated using gross pay less tax and national insurance deductions and 50% of any contribution to a personal pension. Other incomes were taken into account in full whilst others were disregarded, or partly disregarded and then further disregards were applied depending on a claimant's circumstances. As people were moving onto Universal Credit, their income was assessed by the Department for Work and Pensions. However, this could change on a monthly basis as earnings would increase and

decrease. Under the current scheme, entitlement to council tax reduction could potentially need re-assessing every month as income would fluctuate changing the amount of council tax a claimant had to pay. The banded scheme would help to provide some stability to claimants, ensuring that their payments remained the same, unless their income changed to put them into another band. This would also be easier to administer and should be easier to claimants to understand. There could be some individuals who were worse off, however, this would be managed through a discretionary hardship fund. Applications to the fund would be closely monitored throughout 2019 so that the income bands could be adjusted if necessary in 2020.

The new proposals would still be based on a claimant's net income, but the net pay would be calculated by increasing the disregard for personal pension contributions to 100%. Payments of child benefit and incomes paid for a disability of the claimant, partner or child would continue to be disregarded for the purpose of calculating net income.

Based on the current case-load, there were 3,353 working age claimants in receipt of council tax reduction, of these 2,158 were in receipt of a pass-ported benefit which automatically entitled them to the full eligible council tax reduction of 85% and this would continue to apply under the banded scheme. An Income Grid was included in the report.

From April 2017, the Government made amendments to all income related benefits for new claimants, including council tax reduction for pensioners, so that only two children were taken into account when determining entitlement, aside from a few exceptions. This was replicated in the Council's council tax reduction scheme. However, existing claimants were protected from this change, provided their entitlement remained continuous. Prior to this change, a child premium was added to the claimant's applicable amount for each child, under the new scheme, the number of children a claimant had was only used to determine which band on the grid should be used to determine entitlement. This change would ensure all claimants were dealt with in the same way.

Under the current scheme, a non-dependant deduction was made from any council tax reduction entitlement unless the claimant or partner received certain disability benefits. The level of deduction was assessed based on the non-dependant's income and capital. This meant that information had to be obtained about their circumstances, as well as the liable people for council tax. Under Universal Credit, the Department for Work and Pensions (DWP) would provide information to the Council in respect of the claimant and partner, but not non dependants. One of the aims of the new scheme was to make the scheme simpler, enabling us to use information already obtained by the DWP. Removing non dependant deductions from the scheme would reduce some of the administrative burden for both our claimants and the Authority.

Under the current scheme, claimants must complete an application and provide proof of all income and capital of everyone in the household. This meant that someone who claimed Universal Credit had to provide the

same details to both the DWP and the local authority. Experience from other local authorities suggested that Universal Credit claimants were failing to apply for local council tax reduction either because they believed it would be paid with Universal Credit or because they were not aware of the availability. As the DWP had verified the same information that was required for an assessment of council tax reduction, and notified us of the outcome, it would be easier for claimants if we were able to use the information provided by the DWP, and with the claimant's permission, treat this as a claim. This would save the claimant having to complete a further application and providing the same information to the Council.

The current scheme provided for various earnings disregards from income depending on a claimant's circumstances, ranging from £5.00 to £25.00 and in some cases an additional £17.10 may be disregarded. This would make the scheme simpler to administer and would be more generous to some applicants on low incomes, particularly single claimants and couples with no children. It should be noted that those with children would be placed on a higher income band within the grid scheme.

Under the existing scheme, carers allowance was taken into account as an income, and an additional carer premium was added to the applicable amount. However, the premium was less than the amount of carers allowance paid and this effectively meant that some of this allowance was currently taken into account in the assessment of reduction. Disregarding the income in total would ensure that the scheme was more generous to those with caring responsibilities.

Under the current scheme, four weeks' additional reduction was given when a claimant's entitlement to a pass-ported benefit ended and they moved into work. The original proposal was to remove the four week run on from the scheme. However, in response to the consultation, it was now recommended that this was retained for claimants who moved from a pass-ported benefit into work who did not qualify for Universal Credit.

Council tax was a daily charge, however any changes to the council tax reduction scheme were currently administered on a weekly basis and entitlement was not awarded until the Monday following the date a new claim was made. This would bring the scheme into line with how the tax was charged and allow for council tax to be awarded on the day that the application was made.

The current capital limit was £16,000 and claimants who had over £16,000 were automatically excluded from receiving council tax reduction. The council tax reduction scheme was designed to help the poorest within the District. It was not considered unreasonable for residents who had cash at their disposal to pay their council tax bill.

The current scheme was more generous to claimants or their children who received disability benefits by adding a premium onto their applicable amount and disregarding the disability income. In order to ensure the new scheme continued to be more generous to those who were sick and living

with a disability, disability benefits would be ignored when calculating income and an additional disregard of £50.00 applied.

Although the assistance to some claimants would reduce from current levels, the intention was to protect as many customers as possible. Where a customer experienced exceptional hardship, they would be able to apply for additional support from the Council under the proposed Exceptional Hardship Payment Scheme, the criteria of which to be agreed by Head of Finance and the Finance Portfolio Holder. This scheme would operate similar to the Discretionary Housing Payments Scheme (which applied in respect of rent as part of the Housing Benefits Scheme), whereby the customers would need to apply and demonstrate hardship. It was proposed that £20,000 was initially allocated to this scheme, with that cost shared between the precepting authorities.

The amended scheme would be closely monitored, along with the Discretionary Hardship Fund, to be reported back to Members in the Autumn of 2019. This would be ahead of the scheme needing to be formally agreed by Members, annually, in January.

In terms of alternative options, the Council could agree to retain the existing Council Tax Reduction Scheme. However, this would not enable further efficiencies to be made, and would result in some inconsistencies between the scheme and Universal Credit.

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

The Executive, therefore,

Recommended to Council that

- (1) the following changes to the Council's Council Tax Reduction Scheme, effective from 1 April 2019 for Universal Credit customers and 1 April 2020 for the remaining working age customers only, be accepted:
 - (a) replacing the current means test with an income 'grid' scheme for all working age applicants;
 - (b) limiting the number of dependent children used in the calculation of reduction to two;
 - (c) removing non dependant deductions;
 - (d) simplifying the claiming process for all Universal Credit applicants;

- (e) removing the current earnings disregard and replacing with a standard £25.00 disregard;
 - (f) disregarding Carer's allowance as an income;
 - (g) retaining the extended payment provision;
 - (h) make changes to reduction on a daily basis rather than weekly;
 - (i) reducing the capital cut off limit to £6,000; and
 - (j) replacing the current premium for disabled children and applicants with an equivalent amount of income disregard;
- (2) the creation of a Discretionary Hardship Fund of £20,000, as discussed in paragraph 3.3 of the report, with the criteria of awards to be agreed by the Head of Finance in consultation with the finance portfolio holder, be agreed; and
 - (3) Council Tax Reduction Scheme be closely monitored, together with the Discretionary Hardship Fund, to be reported back to Members in Autumn 2019, be agreed.

(The Portfolio Holder for this item was Councillor Whiting)
Forward Plan reference 968

Part 2

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

122. Adoption of a Business Charter

The Executive considered a report from Health and Community Protection seeking the Council's adoption of a business charter covering a range of the Council's regulatory services.

The Business Charter sought to outline how the Council's Enforcement Officers worked with local businesses in order to support economic growth, which was both a local and national priority and a statutory duty on Councils and their Enforcement Officers. Business Support Organisations had been consulted regarding the policy. These included the Chamber of Commerce, Federation of Small Businesses, BID Leamington, Leamington Chamber of Trade, Warwick Chamber of Trade and Kenilworth Chamber of Trade.

Business Support Organisations which indicated their willingness to sign up to the Business Charter with the Council were: Warwick Chamber of Trade, Leamington Chamber of Trade and Federation of Small Businesses (FSB).

The other local Business Support Organisations were still in the process of signing up to the Charter. None of the Council's partners had declined.

An alternative option was that the Council did not adopt the proposed Business Charter.

If the Business Charter was not adopted, the Council might be indirectly integrated into compliance with the proposed West Midlands Combined Authority Business Charter, which might not fully represent the voice of the businesses within the District.

The Executive, therefore,

Resolved that the Business Charter as set out in Appendix 1 to the report, be adopted.

(The Portfolio Holders for this item were Councillors Grainger, Philips, Rhead and Thompson)

Forward Plan reference 958

123. **Supplementary Planning Documents – request to consult**

The Executive considered a report from Development Services requesting approval to consult on Supplementary Planning Documents relating to a variety of matters, including Public Open Spaces and Custom & Self-build.

The Warwick District Local Plan 2011-2029 was adopted in September 2017 and contained commitments to bring forward Supplementary Planning Documents (SPDs) on a variety of matters, including Public Open Spaces included in Appendix 1 and Custom & Self-build attached as Appendix 2 to the report.

A further commitment was made in the Local Development Scheme to produce relevant SPDs on emerging planning issues that had developed since the adoption of the Local Plan, such as Purpose Built Student Accommodation (Appendix 3 to the report).

The provision of suitable and sufficient Public Open Space (POS) as a requirement of development was an integral part of ensuring that the District was a great place to live, work and visit.

The Public Open Spaces SPD refreshed and updated the previous Open Spaces SPD adopted in 2008, ensuring that the evidence base and subsequent requirements were robust and appropriate, whilst adapting to changes in the National Planning Policy Framework (NPPF), case law and other legislation.

The SPD had been the result of collaborative work with the Green Spaces team, to ensure that the guidance was deliverable and desirable.

Policy H15 (Custom and Self-Build Housing Provision) of the Local Plan encouraged the provision of plots suitable for custom and self-builders, and also stated that the Council would produce an SPD to assist in the delivery of self and custom build dwellings.

The authority was obliged to maintain a Register of demand for custom and self-build plots in the District in order to assist with formulating policy, and produced an annual Progress Report to provide information on the current demand.

The purpose of the SPD was not to allocate specific land parcels for custom and self-build, but rather to simplify the delivery of plots both individually and as part of larger developments by providing extra clarity on the requirements.

Royal Leamington Spa was home to 5782 students, principally in Houses of Multiple Occupancy (HMOs) in the south of Leamington. The benefits of students to the local economy, and to the district as a whole, had recently been acknowledged by Executive in the Student Strategy.

However, concerns had been raised by local residents regarding the negative impact of a concentration of HMOs, and an Article 4 Direction was in place in Leamington to prevent HMOs coming forward without specific planning permission. Further, Policy H6 of the Local Plan (Houses in Multiple Occupation and Student Accommodation) set out the criteria for assessing such applications. Policy H6 did not explicitly refer to Purpose Built Students Accommodation (PBSA).

In response to these issues, and in order to accommodate the planned growth in the size of the University of Warwick, it was the position of the Council that more PBSA should be encouraged in order to alleviate the pressures on HMOs to the point where some were returned to mainstream housing. The PBSA SPD set out the criteria where PBSAs could come forward to help deliver this aspiration, whilst also ensuring that any current concentration issues were not exacerbated.

The SPD was the result of collaborative work with the Housing Strategy team who had been leading on the Student Strategy work. Furthermore, there had been several cross-party member briefings that had helped shape the SPD.

As an alternative option, the Executive could decide not to pursue publication of a Public Open Spaces SPD. However, this would be contrary to the commitments made in the Local Plan and would not provide officers with a solid policy basis for the calculation of open space requirements.

The Executive could decide not to pursue publication of a Custom & Self-build SPD. However, this would be contrary to the commitments made in

the Local Plan and not help facilitate the delivery of custom and self-build plots.

The Executive could decide not to pursue publication of a Purpose Built Student Accommodation SPD. However, this would not provide officers with a suitable policy basis for determining relevant applications and lose the opportunity to proactively plan for the provision PBSAs.

During the Members' briefings, the potential to restrict the development of PBSA in specific areas of the District was proposed. Officers took legal advice, which concluded that such a restriction might be deemed discriminatory and as such, policies that sought to do this had not been pursued.

An addendum circulated prior to the meeting provided two additional appendices to the report providing a Draft Management Plan.

The Overview & Scrutiny Committee noted the report.

The Executive, therefore,

Resolved that

- (1) the content of Appendices 1-3 attached to the report be noted and approved for a six-week public consultation, in accordance with the Council's adopted Statement of Community Involvement (SCI); and
- (2) following the public consultation, a final version of each of the SPDs will be brought before the Executive and if they are approved, they will subsequently be a material consideration in the determination of planning applications.

(The Portfolio Holder for this item was Councillor Rhead)
Forward Plan reference 964

124. Adoption of the Air Quality and Planning Supplementary Planning Document

The Executive considered a report from Development Services regarding the adoption of the Air Quality and Planning Supplementary Planning Document.

The Warwick District Local Plan 2011 – 2029, adopted in September 2017, required relevant applications to provide an air quality assessment (Policy TR2). These assessments were, in turn, required to use guidance, currently the Low Emission Strategy Guidance, published in 2014. Working with authorities in the sub-region, this Guidance had been reviewed and revised, and it was now being put forward as a

Supplementary Planning Document (SPD) to give it greater weight in the planning process.

The draft version of the Air Quality and Planning SPD was subject to a period of consultation between 6 September and 17 October 2018. This report set out the outcome of the consultation and recommended the adoption of an amended SPD.

The draft SPD had been jointly prepared with partners in Warwickshire and Coventry. It represented an evolution of the Low Emission Strategy Guidance for Developers published in 2014, and would directly supplement policies in the adopted local plan.

As a result of the recent public consultation, several representations were received in relation to the document. Some minor changes had therefore been made, and these were outlined in the statement of public consultation attached as Appendix 1 to the report. The most notable amendments were summarised in Section 8 of the report.

The draft SPD gave clear criteria for applicants to follow and also demonstrated the types of mitigation required, dependant on the air quality issues caused by the development. This was an evolution of the guidance in the Low Emission Strategy Guidance for Developers published in 2014, and adoption of this document as an SPD would give it greater material planning weight in decision making than the existing guidance.

As an alternative option, the Executive could decide not adopt the Air Quality and Planning SPD, but this would have a detrimental affect overall on the quality of development and the health and wellbeing of residents by depriving officers of the support required to ensure that developments were designed with appropriate air quality mitigation.

The Executive, therefore,

Resolved that

- (1) the statement of community consultation attached as Appendix 1 to the report, be noted;
- (2) the revised Air Quality SPD for adoption attached as Appendix 2 to the report, be approved; and
- (3) the adopted Air Quality SPD will be used in the determination of planning applications.

(The Portfolio Holder for this item was Councillor Rhead)
Forward Plan reference 988

125. **Significant Business Risk Register**

The Executive considered a report from Finance, setting out the latest version of the Council's Significant Business Risk Register for review by the Executive. It had been drafted following a review by the Council's Senior Management Team and the Leader of the Council.

The report sought to assist Members fulfil their role in overseeing the organisation's risk management framework. In its management paper, "Worth the risk: improving risk management in local government", the Audit Commission set out clearly the responsibilities of Members and officers with regard to risk management:

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

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

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

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

The report was not concerned with recommending a particular option in preference to others.

The Finance & Audit Scrutiny Committee noted the report but requested that officers provide a briefing on the recent emergency evacuation at Riverside House, the robustness of the business continuity plan and any lessons learnt.

Councillor Quinney thanked the Chief Executive Officer for promptly providing feedback on the recent emergency evacuation at Riverside House and Councillor Mobbs was happy to take the comments from the Finance & Audit Scrutiny Committee on board.

The Executive, therefore,

Resolved that

- (1) the Significant Business Risk Register attached at Appendix 1 to the report, is noted and
- (2) the emerging risks identified in section 10 of the report, be noted.

(The Portfolio Holders for these items were Councillors Mobbs and Whiting)

(Councillor Mrs Falp left the room before the following item was discussed)

126. Rural / Urban Capital Improvement Scheme (RUICS) Application

The Executive considered a report from Finance providing details of two Rural / Urban Capital Improvement Scheme grant applications:

- Whitnash Town Council to install a height restrictor barrier at Washbourne Playing Fields to prevent traveller encampments; and
- Avenue Bowls Club, in Royal Leamington Spa to install LED lighting and rewire the clubhouse to resolve current health & safety issues.

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

The Whitnash Town Council project would provide a security measure which would help prevent traveller encampments which, when they had previously occurred, caused costly and labour intensive works to clear the mess and destruction that had been left behind, which disengaged and weakened the community. The project would ensure that the playing fields remained available all year round and would therefore maintain opportunities for the community to enjoy and participate in physical activity, particularly children using the play area, which helped to reduce anti-social behaviour and obesity. A well-used playing field and play area

also enabled social interaction with children, their parents, grandparents, carers and friends, which helped to engage and strengthen the community.

Without the Avenue Bowls Club, there would be fewer opportunities for the community to enjoy and participate in sport/physical and social activities which could potentially result in an increase in anti-social behaviour, an increase in obesity and disengage and weakening the community. The project would resolve current health & safety issues with the electrical wiring and would ensure that the clubhouse remained open for use by home and away bowls teams, darts/crib players and social members. The project would also install LED lighting, which would reduce running costs and help the club retain membership fees at the lowest level possible, which was vital to those on low incomes and pensions.

The budget for the Rural/Urban Capital Improvement Scheme applications for 2018/19 was £150,000 (£75,000 for rural projects and £75,000 for urban projects).

Anticipated future applications within the 2018/19 financial year would exceed the remaining budget. Considering this, at the 28 November 2018 Executive meeting, an additional £50,000 budget was agreed; this was from the 2017/18 surplus and had thus reduced the allocation to the Community Projects Reserve.

This now meant there was a total of £69,338 available to be allocated for Rural/Urban Capital Improvement Scheme Grants from the urban cost centre budget in 2018/19. If the applications from Whitnash Town Council of 80% of the total project costs up to a maximum of £1,473 (excluding vat), and Avenue Bowls Club of 80% of the total project costs up to a maximum of £6,854 (including vat), were approved, £61,011 would remain in the rural cost centre budget.

£6,904 were available to be allocated for Rural/Urban Capital Improvement Scheme Grants from the rural cost centre budget in 2018/19.

£828 were available to be allocated from project underspends in 2018/19.

In terms of alternative options, the Council had only a specific capital budget to provide grants of this nature and therefore there were no alternative sources of funding if the Council was to provide funding for Rural/Urban Capital Improvement Schemes.

Members might choose not to approve the grant funding, or to vary the amount awarded.

The Executive, therefore,

Resolved that

- (1) a Rural/Urban Capital Improvement Grant from the urban cost centre budget for

Whitnash Town Council of 80% of the total project costs to install a height restrictor barrier at Washbourne Playing Fields, as detailed within paragraphs 1.1, 3.2 and 8.1 of the report, up to a maximum of £1,473 excluding vat, and supported by Appendix 1 to the report, be approved; and

- (2) a Rural/Urban Capital Improvement Grant from the urban cost centre budget for Avenue Bowls Club of 80% of the total project costs to install LED lighting and rewire the clubhouse, as detailed within paragraphs 1.1, 3.2 and 8.2 of the report, up to a maximum of £6,854 including vat, subject to receipt of the following:

- a. written confirmation from Leamington Town Council to approve a capital grant of £200 (if the application is declined or a lower amount agreed, Avenue Bowls Club will cover the budget shortfall with funds from their cash reserves; these funds have been evidenced through their annual accounts and the provision of a recent bank statement); and
- b. proof of ownership of the land,

as supported by Appendix 2 to the report, be approved.

(The Portfolio Holder for this item was Councillor Whiting)
(Councillor Mrs Falp re-joined the meeting)

127. **Public and Press**

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

Minute Nos.	Para Nos.	Reason
129	1	Information relating to an Individual
	2	Information which is likely

		to reveal the identity of an individual
128, 130, 131, 132	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The items below were considered in confidential session and the full details of this were included in the confidential minutes of this meeting.

128. Maintenance of the Area Previously Newbold Comyn Golf Course

The Executive considered a private and confidential report from Cultural Services seeking approval to extend the contract with the contractor responsible for the grounds maintenance at Newbold Comyn old golf course for a further 12 months.

The recommendations in the report were approved.

(The Portfolio Holder for this item was Councillor Coker)
Forward Plan reference 993

129. Urgent Decision Made under Delegation CE(16)i & CE(4)

The Executive considered a private and confidential report from Human Resources informing Members of an urgent decision taken by the Chief Executive under delegated authority CE(4) following a decision by him under delegation CE(16)(i).

The recommendations in the report were approved.

(The Portfolio Holder for this item was Councillor Mobbs)
Forward Plan reference 992

130. Update on Action Plan following Review of Closure of Accounts

The Executive considered a private and confidential report from the Deputy Chief Executive (AJ) setting out the progress on the action plan that was agreed in the report on the Review of the Closure of 2017/18 Accounts in October 2018.

An addendum circulated prior to the meeting advised of an additional appendix to the report.

The Finance & Audit Scrutiny Committee noted the report

The recommendations in the report were approved.

(The Portfolio Holder for this item was Councillor Whiting)

131. Purchase of Premises in Royal Leamington Spa

The Executive considered a private and confidential report from Housing seeking authority to purchase a property and undertake works to convert it into flats available at social rents for those on the Council's Housing Register.

The Finance & Audit Scrutiny Committee supported the recommendations in the report and made further comments which would be detailed in the confidential minutes of the meeting.

The four recommendations in the report were approved, which included two recommendations to Council on 23 January 2019.

(The Portfolio Holder for this item was Councillor Phillips)
Forward Plan reference 981

132. Minutes

The confidential minutes of 28 November 2018 were approved and signed by the Chairman as a correct record.

(The meeting ended at 8.00pm)

9. **Head of Health and Community Protection** shall have authority under the:

- HCP(1) Food Safety Act 1990 and any Orders, or Regulations or other instruments (whether dated before or after the date of execution of this instrument of appointment),
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act. s 6
(ii) to authorise appropriate named individuals to act as Food Safety Officers to:-
s 9 - Inspection and seizure of suspected food
s 10 - Service of hygiene improvement notices
s 12- Services of emergency prohibition notices
s 29 - Procure samples
s 32 - Powers of entry
s 49 - Form and authentication of documents
- HCP(2) Building Act 1984,
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act. S 61, 62, 63 & s 113
(ii) to act under Part III Other Provisions about Buildings as follows
Drainage
s 59 – Serve notice, drainage of buildings, including private sewers
s 60 – Serve notice, ventilation of soil pipes
s - 62 - Disconnection of drain
Provision of Sanitary Conveniences
s 64 – Serve notice, provision of closets
s 65 – Serve notice, provision of sanitary convenience in workplace
s 66 – Serve notice, replacement of earth closet
s 68 – Serve notice, erection of public conveniences
Buildings
s 70 – Serve notice, provision of food storage
s 73 – Serve notice, raising of chimneys
Defective premises, demolition etc
s 76 – Serve notice, defective premises
Yards and passages
s 84 – Serve notice, paving and drainage of yards and passages
Part IV General
Entry on premise
s 95 & 96 – Powers of entry to inspect
Execution of works
s 97- Power to execute works
s 99- Serve notice requiring works, execute/recover costs
- HCP(3) Clean Air Act 1993,
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act. Part I (Dark Smoke), Part 2 (Smoke, grit and fumes), Part 3 (Smoke Control Areas), Part 4 (Cable burning), Part 7 (Miscellaneous and general))
(ii) to:-
s 6 – Approval of furnaces and grit and dust arrestment plants

- s 10, 11, 12 & 56 – Powers of entry, inspection, issue notice and apply for warrant
- s 15 & 16 – Approval or refusal of chimney height
- s 18 – Make smoke control order
- s 24 – Require adaptation of fireplaces in private dwellings
- s 26 – Make grants
- s 31, 32, 33 & 34 – Power to investigate
- s 35, 36 & 58 – Power to require information and associated powers of entry
- s 45 – Power to issue exemption notices
- s 51 – Power to serve notice
- HCP(4) Clean Neighbourhoods and Environment Act 2005,
 - (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act(ii) to:-
 - Make a gating order (inserted into the Highways Act s 129)
 - s 73 – Issue FPN (alarms)
 - s 78 – Apply for a warrant
 - s 77 & 79 – Powers of entry
- HCP(5) Control of Pollution Act 1974,
 - (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act, Part V
 - (ii) to:-
 - s 9 – Supervision of licensed activities
 - s 60 – Serve notice, to control noise on constructions sites
 - s 61 – Consent for works
 - s 62 – Take action in respect of loudspeakers in the street
 - s 91 – Powers of entry
 - s 93 – Powers to obtain information
- HCP(6) Environmental Protection Act 1990,
 - (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act.
 - (ii) to:-
 - Part 1- Integrated Pollution Control
 - s 6 - Issue authorisation
 - s 10, 11 & 12 - issue variation and revocation notices
 - s 13 & 14 - issue enforcement and prohibition notices
 - s 19 – Power to require information
 - Part II - Waste
 - s 33 – prohibit unauthorised/ harmful treatment/disposal of waste.
 - s 33ZA and 34A – power to issue fixed penalty notices
 - s 34 – Investigation of duty of care and issue fixed penalty notice for failure to furnish documentation
 - ss 46A to 47ZB – powers to issue written warnings and fixed penalty notices with respect to receptacles for waste
 - s 59 – Power to require removal of unlawful waste deposits
 - Part IIA - Contaminated land
 - s 78 B – Notice, identification of contaminated land
 - s 78 C – Notice, Designation of special site
 - s 78 D – Referral of special site
 - s 78 E – Remediation notice
 - s 78 N – Power to carry out works
 - Part III – Statutory Nuisance

- s79 – duty to inspect and to investigate statutory nuisances
 - s 80 & 80A - issue abatement notices
 - s 80ZA – Fixed penalty notice
 - s 81(3) - Power to authorise works in default
 - s 81(7) & Sched 3 – Powers of entry
 - Sched 3 – Warrant of entry
 - s 81A – power to issue notices in respect of recoverable expenses
 - Part IV – Litter etc
 - s 88 – Fixed penalty notice
 - Part VIII – Miscellaneous
 - s 149 – Seizure of stray dogs
 - s 150 – Facilitate stray dogs
 - s 151 – Enforcement in respects of collar and tags
- HCP(7) The Local Authorities (Functions and Responsibilities) (England) Regulations 2000
- to the extent that those functions are discharged otherwise than in the Authority's capacity as an employer) under –
- (a) The Health and Safety at Work etc Act 1974; and
 - (b) any Orders, or Regulations or other instruments (whether dated before or after the date of execution of this instrument of appointment);
 - (i) made thereunder or
 - (ii) having effect by virtue of the European Communities Act 1972 and relating to health & safety; and
 - (iii) any modification or re-enactment of the foregoing,
- to make and to terminate appointments as follows:
- (a) Environmental Health Officers as Inspectors under Section 19(1) of the Health & Safety at Work Etc. Act 1974 (the 1974 Act) and to empower them to exercise all the powers set out in Sections 20, 21, 22, 25 and 39 including the institution of legal proceedings; and
 - (b) other suitably qualified and competent persons as Inspectors under Section 19(1) of the 1974 Act and empowered to exercise all or some of the powers as set out in Sections 20 and as may be specified in their authorisation and an inspector shall in right of his appointment -
 - (i) be entitled to exercise only such of those powers as are so specified; and
 - (ii) be entitled to exercise the powers so specified only within the field of responsibility of the Authority.
- relevant licences, registrations and approvals
 - sign and serve notices including fixed penalty notices
 - authorise and/or execute works in default
 - Procure samples, seize equipment, records, goods and articles, and obtain information
 - Obtain and execute power of entry
 - Engage specialist advisers/contractors
 - Determine whether and in what manner to enforce any failure to comply with matters under legislation enforced under this scheme of delegation and to give effect to that determination, including the administration of cautions.
- HCP(8) The Environmental Damage (Prevention and Remediation) Regulations 2009 (as amended),
- (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act Reg 34
 - (ii) to:-

	Reg 13, 14, 20 - Serve notice to prevent further damage
	Reg 23 - Undertake works in default
	Reg 24 & 25 -Recover costs
	Reg 31 – Powers of authorised person
	Reg 32 - Require information
HCP(9)	Food Safety and Hygiene (England) Regulations 2013, (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act. Regulation 19 (ii) to:- Reg 5, Enforcement of hygiene regulations Reg 6, Hygiene improvement notices Reg 8, Hygiene emergency prohibition notices Reg 9, Remedial action Reg 10, Detention notices Reg 14 & 15, Samples Reg 16, Powers of entry Reg 29, Certification of food
HCP(10)	Contaminants in Food (England) Regulations 2013, Following consultation with a solicitor acting for the Council and relevant portfolio holder, institute legal proceedings under the Regulations.
HCP(11-12)	SPARE
HCP(13)	Local Government (Miscellaneous Provisions) Act 1982, (i) Following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act (ii) to:- Part II – Control of Sex Establishments Sched 3, 6-18 - grant, renew, and vary licences of persons and premises where no objections are received make any minor grammatical or minor wording amendments to the Sex Establishment Policy, so long as it they do not alter the meaning/spirit of the policy Part III – Street Trading Schedule 4, paragraphs 3 - 7, Street Trading licences and consents, grant, renewal and variation Part VIII – Acupuncture, Tattooing, Ear-piercing and Electrolysis 13 – 17. Part XI Public Health, etc 27, 29, 32
HCP(14)	The Environmental Permitting (England and Wales) Regulations 2010 & 2016 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act (ii) to:- 2010 Act Part 2, Chapter 2(13) Grant permit, Chapter 3 (20 Vary permit, 21 Transfer permit, 22 & 23 Revoke permit, 24 Surrender, Chapter 4 (26 Consultations, 29 Revocation of standard rules, 30 Variation notifications Part 4, Reg 36 Enforcement notices, Reg 37 Suspend notices. Part 6, Reg 57 Power to prevent or remedy pollution, Reg 60 Power to require information
HCP(15)	Sunbeds (Regulation)Act 2010

- (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
s 4 – Power to restrict use, sale or hire
s 7 – Enforcement and powers of entry
- HCP(16) Planning (Hazardous Substances) Regulations 1992 (as amended by the Planning (Control of Major-Accident Hazards) Regulations 1999 & 2015) and associated Regulations.
act under and delegated authority to authorise appropriate named individuals:
to grant but not refuse hazardous substances consents either unconditionally or subject to conditions.
- HCP(17) Health Act 2006
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
Sched 2 – Powers of entry
s 9 – Issue fixed penalty notices
- HCP(18) Health and Safety (Enforcing Authority) Regulations 1989
deal with transfers of responsibility for enforcement between this authority and the Health and Safety Executive under Section 5
- HCP(19) Food & Environmental Protection Act 1985
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
Part I – Contamination of food
s 3 & 4 Investigation and enforcement
Part III – Pesticides Etc. - Inspection and enforcement
Including Regulation (EC) 852/2004, (EC) No. 853/2004, Regulation (EC) No. 854/2004 of the European Parliament and Food Safety and Hygiene (England) Regulations 2013
- HCP(20) Water Industry Act 1991
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
s 77 – 83, including service of Notices under s 80
s 84 & 85, power of entry and to obtain information
- HCP(21) Noise Act 1996
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
s 3 – Serve warning notice
s 8 – Require name and address
s 10 – Seizure and retention
Consent to use loudspeaker (COPA 74 – s 62)
- HCP(22) Pollution Prevention and Control (England & Wales) Regulations 2000
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under s 32 the Act
(ii) to:-
Part I General
Reg 6 – Notices

	Reg 7 – Applications
	Part II Permits
	Reg 10 – 22
	Part III Enforcement
	Reg 24 – Enforcement notice
	Reg 25 – Suspension notice
	Reg 26 – Prevent or remedy pollution
	Part V Information and Publicity
	Reg 28 – Require information
	Reg 29-31 – Maintain a public register
	Sch 3, 4, 7, 8 & 10
HCP(23)	Sunday Trading Act 1994
	exercise powers under Part 1 of Schedule 2
HCP(24)	Pollution Prevention and Control Act 1999 (as amended)
	(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
	(ii) to:-
	Sched 1 – Grant, revoke, vary, transfer, suspend and condition permits and carry out enforcement activities.
HCP(25)	Local Government (Miscellaneous Provisions) Act 1976
	(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
	(ii) to:-
	Part 1 General
	Land
	s 16 – Require information
	Places of Entertainment
	s 20 – Provision of sanitary facilities at places of entertainment
	Miscellaneous
	s 35 – Service of notice and works in default provisions
	Part II Hackney carriages and Private Hire Vehicles
	s 47 – Licensing of hackney carriage (conditions, vehicle design, appearance)
	s 48 – Licensing of private hire vehicles
	s 49 – Transfer of hackney carriages and private hire vehicles
	s 50, 53 & 56 – production of information in relation to hackney carriages
	s 51 – Licensing of drivers of private hire vehicles
	s 53 – Drivers licences for hackney carriages and private hire vehicles
	s 54 - Issue driver badges
	s 55 – Licensing of operators of private hire vehicles
	s 57 – Power to require information
	s 58 – Return of plates
	s 60 - Suspension & revocation of vehicle licence
	s 61 – Suspension of operator licence
	s 62 – Suspension and revocation of operator’s licence
	s 64 – Prohibition of other vehicles on hackney carriage stands
	s 68 – Inspection and testing of hackney carriage
	s 70 – Set fees
	s 73 – Powers in relation to obstruction
HCP(26)	Prevention of Damage by Pests Act 1949
	(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act

- (ii) to:-
 s 4 – Notice to owner or occupier
 s 6 – Notice across several properties
 s 22 – Power of entry
- HCP(27) Public Health Act 1936
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 s 45 - Notice to put defective closets into repair
 s 48 - Power to examine and test drains
 s 50 - Notice with regard to cesspool
 s 52 - Powers in relation to care of sanitary conveniences used in common
 s 78 - Scavenging of common courts and passages
 s 79 - Notice regarding noxious matter
 s 83 - Notice regarding filthy or verminous premises
 s 84 - Destruction of articles
 s 85 - Persons and clothing with associated work and agreement, works in default
 s 140 - Power to close, restrict use of water from polluted source of supply
 s 141 - Power to deal with insanitary cisterns,
 s 259 - Nuisance in connection with water courses etc
 s 264 - Notice to repair, maintain or cleanse a culvert
 s 268 - Notice regarding execution of work to unfit tents, vans and sheds
 s 275 - Power of local Authority to execute certain work on behalf of owners or occupiers
 s 287 - Notice to occupier of intended entry (warrant)
- HCP(28) Public Health Act 1961
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 s 17- Power to remedy stopped and defective drains
 s 22 – Power to cleanse or repair drains
 s 35 - Notices in respect of filthy and verminous premises or articles
 s 36 - Power to require vacation of premises during fumigation
 s 37 - Prohibition of sale of verminous articles, disinfection or destroy
 s 287- powers of entry
- HCP(29) Private Security and Industry Act 2001
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
- HCP(30) s 19 – 22 – Powers of entry, inspection and information
 The Private Water Supplies Regulations 2009
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under s 20 of the Act
 (ii) to:-
 Part 2
 s 7 – Monitoring
 s 11 - Sampling and analysis
 Part 3
 s 16 & 17 - Authorisation
 Part 4
 s 18 - Service of notice

- HCP(31) The Trade in Animal and Related Products Regulations 2001
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 Reg 33 – Powers of entry
 Reg 34 – Powers of authorised officers
- HCP(32) Public Health (Control of Disease) Act 1984
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 s 46 – Burial and cremation
 s 48 – Removal of dead bodies (warrant)
 s 61 & 62 – Powers of entry
- HCP(33) Spare
- HCP(34) The Transmissible Spongiform Encephalopathies Regulations 2010
 Following consultation with a solicitor acting for the Council and relevant portfolio holder, institute legal proceedings under the Act.
 to act under and delegated authority to authorise appropriate named individuals to perform duties under the act including: powers of entry, inspection, sampling, detention and seizure, service of notice.
- HCP(35) The General Food Regulations 2004
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 act under and delegated authority to authorise appropriate named individuals to exercise powers under Regulation (EC) No. 178/2002; Inspection in accordance with Regulation (EC) No. 178/2002, Regulation (EC) No. 852/2004, Regulation (EC) No. 853/2004, Regulation 845/2004, Regulation (EC) 2073/2005 and the Food Information for consumers Regulations (EC) 1169/2011
- HCP(36) Licensing Act 2003
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 act under and delegated authority to authorise appropriate named individuals to take appropriate action subject to any relevant representations, policy and statutory duty
 Part 3 Premises licences
 s 18 - Determine an application
 s 23 & 25a - Grant or reject
 s 35, 36, 37, 38, 39, - Variation determination
 s 41A-C – Minor variation
 s 44 – Transfer determination
 s 51 to 53 – Review determination
 s 55A – Suspension, failure to pay fees
 s 56, 57 - Require production of a licence
 s 59 - Powers of entry
 Part 4 Clubs
 s 63 – Determination
 s 72 – Determination application
 s 77 – Grant or reject subject to any relevant representations, policy and

statutory duty.

s 85 & 86b – Determination of variation

s 94 - Require production of a licence

s 96 & 97 – Powers of inspection & entry

Part 5 Permitted Temporary Events

s 102 - Acknowledge notice

s 103 – Withdraw notice

s 104, 105, 107 – Counter notices

s 108 – Right of entry

s 109- Require production of a licence

Part 6 Personal licences

s 120 - 122 – Determination

s 132 – Offences

s 134 & 135 – Require production of licences

Part 9 Miscellaneous and Supplementary

s 179 & 180 – Rights of entry

make representations, on behalf of the Council as a relevant person and as the Authority by which statutory functions are exercisable in relation to minimising or preventing public nuisance or harm to human health and safety, on relevant applications under the Licensing Act 2003

following conviction or a relevant offence, foreign offence or immigration penalty to notify the licence holder of the intention to suspend or revoke their Personal Licence under the Licensing Act 2003 and refer all cases to a Licensing and Regulatory Sub-Committee

Decide on whether a complaint is irrelevant, frivolous, or repetitious – in consultation with Chairman of Licensing & Regulatory Committee

HCP(37) Animal Welfare & Animal Licensing

(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act

(ii) to:-

act under and delegated authority to authorise appropriate named individuals to right or entry, inspection, requirement information, take samples, seize animals, issue and refuse licenses, make amendments and vary licences in respect of:-

- The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
- Animal Welfare Act 2006
- Dangerous Wild Animals Act 1976
- Zoo Licensing Act 1976

HCP(38) Scrap Metal Dealers Act 2013

(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act

(ii) to:-

act under and delegated authority to authorise appropriate named individuals to inspect, licence, suspend, revoke licences.

Apply to the Magistrates Court for Warrant to enter land and/or buildings in accordance with the powers contained in the Scrap Metal Dealers Act 2013.

HCP(39) Health Protection (Local Authority Powers) Regulations 2010

(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act

- (ii) to:-
act under and delegated authority to authorise appropriate named individuals to:
- Reg 2/3/6– Receive notifications of diseases etc in patients and dead persons from Registered Medical Practitioner and to notify the HPA etc.
Reg - 8 - Requests for co-operation for health protection purposes
Service of Notices to keep a child away from school - Provide details of children attending school etc
The Health Protection (Part 2A Orders) Regulations 2010
Make applications for Part 2A Orders.
- HCP(40) Public Health (Aircraft) Regulations 1979
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
act under and delegated authority to authorise appropriate named individuals to exercise powers under:-
Part II, Regulation 5, appointment and duties of authorised officers and provisions of services by responsible authorities.
- HCP(41) Noise Act 1996
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
act under and delegated authority to authorise appropriate named individuals to exercise the powers in ss2 to 9 in relation to the summary procedure for dealing with noise at night and entry and seizure under s10
- HCP(42) Environment Act 1995
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
Part IV Air Quality
s 82 - Undertake Air Quality monitoring
s 83 - Designate AQMA
s 84 - Carry out duties in relation to designated areas,
Part V Miscellaneous
s 108 (1)(a),(1)(b) and (1)(c) to exercise powers under section 108, sub-section (4)(a-m)
s 110 - Offences
- HCP(43) Anti-Social Behaviour Crime and Policing Act 2014
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
Part I injunctions
s 5- Make applications for injunctions
Part 2 Criminal Behaviour Orders
s – Make application for an order
Part 4,
Chapter 1 Community Protection Notices
s 43 - Power to issue notices
s 47 - Remedial action & power of entry
s 51- Seizure
s 53 - Issue Fixed Penalty Notice
Chapter 2 Public Spaces Protection Orders

- s 68 -Issue Fixed Penalty Notice (Dogs and ASB)
- Chapter 3 Closure of premises associated with nuisance or disorder
- s 76 - Closure notice
- s 78 - Vary or cancel closure notice
- s 79 - Power of entry
- s 85 - Enforcement
- HCP(44) The Official Feed and Food Controls (England Regulations 2009
 - (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 - (ii) to:-
 - act under and delegated authority to authorise appropriate named individuals to: powers of entry, serve notices, procure and analyse samples.
- HCP(45 to 48) SPARE
- HCP(49) Gambling Act 2005
 - (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 - (ii) to:- Inspect and issued licenses ,
 - a) Application for a variation to a licence where no representations have been received or representations have been withdrawn
 - b) Application for a transfer of a licence where no representations have been received from the Commission
 - c) Application for a provisional statement where no representations have been received or representations have been withdrawn
 - d) Application for a club gaming/club machine permit where no objections have been made or objections have been withdrawn
 - e) Applications for other permits
 - f) Cancellation of licensed premises gaming machine permits
 - g) Consideration of temporary use notice
 - h) Setting of fees
 - s.304 (1)(b) - Make representations where appropriate
- HCP(50) Town Police Clauses Act 1847
 - Grant or refuse, applications for Private Hire Vehicle, Operators or Hackney Carriage vehicle licenses or suspend private hire or Hackney carriage vehicle licences under the Town Police Clauses Act 1847, and the Local Government (Miscellaneous Provisions) Act 1976, subject to the applicant having a right to be heard by the Regulatory Committee in respect of any decision to refuse an application.
- HCP(51) Police, Factories etc (Miscellaneous Provisions) Act 1916, as amended by section 251 and Schedule 29 to the Local Government Act 1972
 - (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 - (ii) to:-
 - (a) Issue street collection permits up to the allocation for Kenilworth, Royal Leamington Spa, Warwick town centres and other areas as defined by the Licensing & Regulatory Committee; and
 - (b) Issue street collection permits, for special collections in addition to the above numbers, following consultation with and no objection from the Licensing & Regulatory Committee spokespersons.

- HCP(52) Road Traffic Act 1991
to ask for and accept Disclosure and Barring Service checks for Hackney Carriage and Private Hire Vehicles Drivers Licences under Section 47, and for any other licence for which they may be required.
- HCP(53) Local Government Miscellaneous Provision Act, Section 47, 48, 51, 55
impose such conditions as considered reasonably necessary:-
- a) approve or refuse, in consultation with appropriate organisation as approved by the Licensing & Regulatory Committee, applications in respect of types of wheelchair accessible vehicles to be accepted as taxis in the case of new licences to be issued in the District
 - b) refuse applications for taxi and private hire drivers licences in respect of applicants who do not pass the knowledge test
 - c) refuse applications for taxi and private hire drivers licences, where the applicants have not attended disability awareness training, and obtained the appropriate certificate
 - d) refuse the licence of a hackney/carriage private hire driver person who fails or refuses to attend the prevention of child sexual exploitation course
 - e) make any minor grammatical or minor wording amendments to the Policies for Hackney Carriage / Private Hire Drivers & Operators, so long as it they do not alter the meaning/spirit of the Policy.
- HCP(54 to 65) SPARE
- HCP(66) Land Drainage Act 1991 (and any amendments thereof)
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
s 14(A) – Notice to enter land and carry out works
s 24 – Contraventions of prohibition on obstructions – notice to abate nuisance
s 25 – Powers to require works for maintaining the flow of a watercourse
s 64 – Powers of entry onto land
- HCP(67 & 68) SPARE
- HCP(69) Criminal Justice and Police Act 2001
exercise all powers of local authorities under sections 19 to 28 of the including:
- Serving and cancelling closure notices;
 - Making applications for closure orders;
 - Issuing certificates of termination of closure orders;
 - Defending applications for the discharge of closure orders;
 - Recommending appealing against the refusal to make closure orders;
 - Enforcing closure orders;
 - Recommending prosecuting for obstruction of authorised officers or for offences in connection with closure orders; and
 - authorising officers to exercise all or any of these powers.
- HCP(70 to 76) SPARE
- HCP (77) The Legislative and Regulatory Reform Act 2006
following consultation with a solicitor acting for the Council and relevant

Portfolio Holder, to make any minor grammatical or minor wording amendments to the Enforcement Policy, so long as it they do not alter the meaning/spirit of the policy

HCP (78
to 80)

SPARE

HCP (81)

Associated Acts and Regulations above:
to grant a Private Hire Operators licence or Hackney Carriage/Private Hire Drivers Licence of reduced duration following consultation with the Chair/Vice Chair of the Licensing and Regulatory Committee and a representative of Legal Services.

HCP (82)

Microchipping of Dogs Regulations 2015,
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
(a) serve on the keeper of a dog which is not microchipped a notice requiring the keeper to have the dog microchipped within 21 days;
(b) where the keeper of a dog has failed to comply with a notice under paragraph (a), without the consent of the keeper— (i) arrange for the dog to be microchipped; and (ii) recover from the keeper the cost of doing so;
(c) take possession of a dog without the consent of the keeper for the purpose of checking whether it is microchipped or for the purpose of microchipping it in accordance with sub-paragraph (b)(i).