

Council meeting: Wednesday 26 July 2023

Notice is hereby given that a meeting of Warwick District Council will be held at the Town Hall, Parade, Royal Leamington Spa, on Wednesday 26 July 2023 at **6.00pm**.

Agenda

1. Apologies for Absence

2. Declarations of Interest

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

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

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

3. Minutes

To confirm the minutes of the meeting of the Council held on 15 May 2023.

(Pages 1 to 3 and Appendices 1 to 5)

4. Communications and Announcements

5. Petitions

To receive the petition of 2318 signatures as follows

"Built in 1814 to be Leamington Spa's main attraction for residents and visitors and very successful as it is

The new WDC have not yet abandoned the plan to locate customer services of WDC Housing Department in the space currently occupied by VIC shop selling local arts and crafts. There is an empty room for this in the Town Hall - where it belongs."

This item is continued on the next page.

For Councillors information of the 2318 signatures 47.5% were from within Warwick District as follows:

CV8	56	2.40%
CV31	458	19.80%
CV32	342	14.80%
CV33	12	0.50%
CV34	216	9.30%
CV35	16	0.70%
Total WDC	1100	47.50%

In addition 1047 signed between 13 and 24 February 2023 and 1271 signed between 28 June and 15 July 2023

The Council will be addressed by Chris Bowen, on behalf of the petition organiser, for a maximum of 5 minutes. Council will then have 15 minutes to debate the petition.

The petition relates to an Executive Function therefore Council can decide how to respond to the petition. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the Council's Executive is required to make the final decision, the Council will decide whether to make recommendations to inform that decision.

6. Notices of Motion

7. Leader and Portfolio Holders' Statements

8. Questions to the Leader of the Council & Portfolio Holders

9. Cabinet Report

To consider a report from the Cabinet meeting of 5 July 2023.

(Pages 1 to 13 and appendices 1 & 2)

10. Item From Councillor Boad under Council Procedure Rule 7 – Advisory Committee.

Four years ago all members, from all parties, met in response to the climate emergency, at the time when wild fires were spreading across the world, to agree and personally pay to finance a referendum to raise £5 per household on the Council Tax to be spent on tackling the Climate Emergency locally. The CAN (Climate Action Now) campaign was formed using outside consultants to develop the necessary referendum campaign. Unfortunately the presence of Covid over two years resulted in the momentum being lost, and the campaign folded since a positive result was then unlikely to be achieved.

CAN has been shelved, but now we have the opportunity to step up a gear in our commitments.

The election in May resulted in a change of control and returned 50% of newly elected members. Given that half of the new council did not vote for the declarations of either the Climate Change or the Biodiversity Emergencies it is

important that the Council should reaffirm, or otherwise, its continuing support for the declarations of the Emergencies.

The Council itself, both in operations and properties, has set a target of being a Net Zero Carbon Council by 2025. The challenge is that we will have failed if we have to default to carbon offsetting to achieve our target.

Following other Councils leading the way, this Council should consider giving higher priority to our Declarations of both the Climate Change and the Biodiversity Emergencies by the setting up of a fully serviced advisory committee for Climate Change and Biodiversity.

The Advisory Committee will conduct research and advise the Climate Change Portfolio holder on what technologies and solutions, both emerging and current, are best placed for us to achieve our aims. Its outcomes will also be available to local residents and businesses.

The proposed Advisory committee would be timetabled, would meet in public, be minuted, and able to call on expert evidence and advice. It will demonstrate that this Council takes seriously our commitment to taking real action on our declared emergencies. A dedicated Advisory Committee would be a 'working committee' where members can give the time for research and enable a clear focus to the Council on its declared emergencies.

Recommendations

1 This Council reaffirms its continuing support for the previous Council's declarations of Climate Change and Biodiversity Emergencies.

2. The setting up of a fully serviced and timetabled Climate and Biodiversity Advisory Committee (CBAC) to be investigated with the final recommendations and Constitutional Changes presented for decision no later than the 15th November Council meeting

10. Appointments to Committee & Outside Bodies

- a) To appoint Councillor Sullivan in place of the Labour vacancy on the Audit & Standards Committee
- b) To appoint Councillor Browne in place of the Labour Vacancy on Overview & Scrutiny Committee
- c) To appoint Councillor Sinnott in place of Councillor Kang on Overview & Scrutiny Committee
- d) To appoint Councillor Kang as a substitute for the Overview & Scrutiny Committee;
- e) To appoint Councillor Redford to Overview & Scrutiny Committee in place of Councillor Hales
- f) To appoint Councillor Hales as substitute for Overview & Scrutiny Committee;
- g) To appoint Councillor Phillips to Planning Committee in place of Councillor Day;
- h) To appoint Councillor Day as a substitute for Planning Committee in place of Councillor Phillips.
- i) To note the appointments to outside bodies as made by the Monitoring Officer under delegated authority from Council on 15 May 2023.

(Pages 1 and 2)

11. Common Seal

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



Chief Executive
Published Tuesday 18 July 2023

For enquiries about this meeting please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ

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WARWICK DISTRICT COUNCIL

Minutes of the Annual meeting of Warwick District Council held at Town Hall, Parade, Royal Leamington Spa, on Wednesday 17 May 2023, at 6.30pm.

PRESENT: Mrs M K Mangat (Chair); Councillors Aizlewood, Armstrong, Barton, Billiald, Boad, Browne, Chilvers, Cron, Davison, Day, K Dickson, R Dickson, Dray, Falp, B Gifford, C Gifford, Gorman, Hales, D Harrison, J Harrison, Hunt, Kang, Kennedy, King, Kohler, Luckhurst, Margrave, Matecki, Milton, Noonan, Payne, Phillips, Redford, Roberts, Rosu, Russell, Sinnott, Sullivan, Syson, Tangri, Williams, Wightman and Yellapragada.

1. **Election of Chairman**

It was proposed by Councillor B Gifford, seconded by Councillor Roberts and

Resolved that Councillor Syson be elected Chairman of Warwick District Council for the municipal year 2023/24.

Councillor Syson made the Declaration of Acceptance of Office for Chairman of the Council and thanked Council for her election.

2. **Appointment of Vice-Chairman of the Council**

It was proposed by Councillor Falp, seconded by Councillor Barton and

Resolved that Councillor Margrave be appointed Vice-Chairman of Warwick District Council for the municipal year 2023/24.

Councillor Margrave made the Declaration of Acceptance of Office for Vice-Chairman of the Council and thanked Council for his election.

3. **Vote of Thanks for the Retiring Chair**

It was proposed by Councillor Hales, seconded by Councillor Day and

Resolved that the appreciation of the Council be placed on record for the excellent services rendered by the retiring Chair, Mrs Mangat, during the past year.

Mrs Mangat acknowledged the vote of thanks.

4. **Apologies for Absence**

Apologies for absence were received from Councillor Collins.

5. **Return of Councillors Elected and Political Proportionality**

The recommendations in the report were proposed by Councillor Davison, seconded by Councillor King and

Resolved that

- (1) the details of those Councillors elected on 4 May 2023, as set out at Appendix 1 to the minutes be noted; and
- (2) the Political Proportionality of the Council, be noted, as follows:

Group	Number of Councillors	Percentage of Council
Conservative	6	13.64
Green	14	31.82
Labour	11	25.00
Liberal Democrat	10	22.73
Whitnash Residents Association	3	6.82

6. **Minutes**

The minutes of the meeting of the Council held on the 15 March 2023, were proposed, duly seconded, and taken as read and signed by the Chairman as a correct record.

7. **Appointment of the Leader**

It was proposed by Councillor King, seconded by Councillor Kennedy and

Resolved that, in accordance with Council Procedure Rule 19, Councillor Davison be appointed as Leader of the Council.

8. **Membership of the Cabinet**

Councillor Davison informed the Council the membership of the Cabinet would be as set out at Appendix 2 to the minutes.

9. **Appointments**

It was proposed by Councillor Syson, duly seconded by Councillor Davison, that the appointments as circulated at the meeting, in the addendum, be approved.

The proposer and seconder accepted amendments to the proposal so that:

Councillor Redford be appointed as Armed Forces Covenant Champion
Councillor Williams, not be appointed to the South Warwickshire Local Plan Advisory Group
Councillor Kang be appointed to Overview & Scrutiny Committee and in place of Councillor King
Councillor Phillips be appointed to Members/Trades Unions Joint Consultation & Safety Panel
Councillor Hales be appointed to the St Mary's Lands Working Party
Councillor Day be appointed to the South Warwickshire Local Plan Advisory Group.

Resolved that, subject to the amendments above:

- (a) the nominations for membership of the Committees, including substitute members, as set out in Appendix 3 to the minutes, be approved;
- (b) the appointments to Working Parties and Forums, as revised above, for 2022/2023, as set out at Appendix 4 to the minutes, be approved; and
- (c) the appointments to Champions' Roles as set out in Appendix 5 to the minutes, be approved; and
- (d) the Council notes the Monitoring Officer will use their delegated authority to make the appointment to outside bodies by Council on a politically proportional basis, as far as reasonable policy, to the overall number of seats each party has on the Council.

10. **Declarations of Interest**

There were no declarations of interest made.

11. **Annual Reports of the Overview & Scrutiny Committees**

The Annual report of the Overview & Scrutiny Committee, was proposed by Councillor Milton, seconded by Councillor Russell and

Resolved that the Annual report of the Overview & Scrutiny Committee be approved.

12. **Appointment of Independent Person**

It was proposed by Councillor Syson, seconded by Councillor K Dickson and

Resolved that, Ray Tomkinson be appointed as an Independent Person for the Council, under Section 28(7) of the Localism Act 2011.

13. **Common Seal**

It was proposed by the Chairman, seconded by Councillor Davison and

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

(The meeting ended at 7.37pm)

CHAIRMAN
26 July 2023

Appendix 1

Ward	Councillor	Party
Bishop's Tachbrook	Matthew Collins	Labour
	Andrew Day	Conservative
Budbrooke	Jan Matecki	Conservative
	Peter Phillips	Conservative
Cubbington & Leek Wootton	Joshua Payne	Liberal Democrat
	Pamela Redford	Conservative
Kenilworth Abbey & Arden	Kynaston Aizlewood	Green
	David Armstrong	Green
	Richard Hales	Conservative
Kenilworth Park Hill	Lara Cron	Green
	Alistair Kennedy	Green
	Lowell Williams	Green
Kenilworth St John's	Katherine Dickson	Liberal Democrat
	Richard Dickson	Liberal Democrat
	Andrew Milton	Liberal Democrat
Leamington Brunswick	Jonathan Chilvers	Green
	Ian Davison	Green
	Naveen Tangri	Green
Leamington Clarendon	Jessica Harrison	Labour
	Kathleen Hunt	Labour
	Chris King	Labour
Leamington Lillington	Alan Boad	Liberal Democrat
	Philip Kohler	Liberal Democrat
	Daniel Russell	Liberal Democrat
Leamington Milverton	Carolyn Gifford	Liberal Democrat
	William Gifford	Liberal Democrat
	Sydney Syson	Liberal Democrat
Leamington Willes	Ella Billiald	Green
	Martin Luckhurst	Green
	William Roberts	Green
Radford Semele	Rebecca Noonan	Conservative
Warwick All Saints & Woodloes	Ragbhir Kang	Labour
	John Sullivan	Labour
	Paul Wightman	Labour
Warwick Aylesford	Daniel Browne	Labour
	Aurel-Gabriel Rosu	Labour
Warwick Myton & Heathcote	Kathleen Gorman	Green
	Dominic Harrison	Green
	Hema Yellapragada	Green
Warwick Saltisford	Katya Dray	Labour
	James Sinnott	Labour
Whitnash	Adrian Barton	Whitnash Residents Association
	Judith Falp	Whitnash Residents Association
	Robert Margrave	Whitnash Residents Association



Membership and roles of the Cabinet 2023/2024

In anticipation of the appointment of Councillor Davison as Leader of the Council. These remits will be reviewed by the Leader in partnership with the Cabinet and Senior Officers of the Council. Once confirmed the details will be notified to Council.

Portfolio Area Name

Climate Change
Arts & Economy
Safer Communities, Leisure & Environment
Housing
Neighbourhood
Place
Resources
Transformation
Strategic Leadership

Portfolio Holder

Councillor Kennedy
Councillor Billiald
Councillor Hunt
Councillor Wightman
Councillor Roberts
Councillor King
Councillor Chilvers
Councillor J Harrison
Councillor Davison



**Membership of the
Committees 2023/2024**

As at 17 May 2023

Audit & Standards Committee (13)

Councillor K Dickson
Councillor R Dickson
Councillor B Gifford
Councillor J Falp
Councillor R Hales
Councillor P Phillips
Councillor L Cron
Councillor N Tangri
Councillor K Aizlewood
Councillor H Yellapragada
Councillor Labour Vacancy
Councillor D Browne
Councillor R Kang

Overview & Scrutiny Committee (12)

Councillor A Milton
Councillor J Payne
Councillor D Russell
Councillor A Barton
Councillor A Day
Councillor R Hales
Councillor M Luckhurst
Councillor D Harrison
Councillor D Armstrong
Councillor R Kang
Councillor Labour Vacancy
Councillor M Collins

Employment Committee (13)

Councillor K Dickson
Councillor S Syon
Councillor J Payne
Councillor R Margrave
Councillor R Noonan
Councillor P Phillips
Councillor I Davison
Councillor K Gorman
Councillor K Aizlewood
Councillor H Yellapragada
Councillor J Sinnott
Councillor C King
Councillor K Dray

Planning Committee (13)

Councillor A Boad
Councillor R Dickson
Councillor B Gifford
Councillor R Margrave
Councillor R Noonan
Councillor A Day
Councillor L Williams
Councillor L Cron
Councillor N Tangri
Councillor M Luckhurst
Councillor JP Sullivan
Councillor J Sinnott
Councillor K Dray

Licensing & Regulatory Committee (15)

Councillor C Gifford
Councillor P Kohler
Councillor S Syson
Councillor A Barton
Councillor J Matecki
Councillor P Redford
Councillor K Gorman
Councillor W Roberts
Councillor M Luckhurst
Councillor D Harrison
Councillor D Armstrong
Councillor J Sinnott
Councillor JP Sullivan
Councillor C King
Councillor K Dray

Substitute Members 2023/2024

Audit & Standards Scrutiny Committee

Conservatives

Councillor A Day
Councillor J Matecki
Councillor R Noonan
Councillor P Redford

Liberal Democrats

Councillor A Boad
Councillor C Gifford
Councillor P Kohler
Councillor A Milton
Councillor J Payne
Councillor D Russell

Green

Councillor D Armstrong

Labour

Councillor M Collins
Councillor K Dray
Councillor G Rosu
Councillor J Sinnott
Councillor JP Sullivan

Whitnash Residents Association

Councillor A Barton

Employment Committee

Conservatives

Councillor A Day
Councillor R Hales
Councillor J Matecki
Councillor P Redford

Liberal Democrats

Councillor A Boad
Councillor R Dickson
Councillor C Gifford
Councillor P Kohler
Councillor A Milton
Councillor D Russell

Green

Councillor J Kennedy
Councillor N Tangri

Labour

Councillor D Browne
Councillor M Collins
Councillor J Harrison
Councillor J Hunt
Councillor R Kang
Councillor G Rosu
Councillor JP Sullivan
Councillor P Wightman

Whitnash Residents Association

Councillor A Barton
Councillor J Falp

Licensing & Regulatory Committee

Conservatives

Councillor A Day
Councillor R Hales
Councillor P Phillips

Liberal Democrats

Councillor A Boad
Councillor K Dickson
Councillor R Dickson
Councillor B Gifford
Councillor A Milton
Councillor J Payne
Councillor D Russell

Green

Councillor H Yellapragada
Councillor E Billiald

Labour

Councillor D Browne
Councillor M Collins
Councillor J Harrison
Councillor K Hunt
Councillor R Kang
Councillor G Rosu
Councillor P Wightman

Whitnash Residents Association

Councillor J Falp
Councillor R Margrave

Overview & Scrutiny Committee

Conservatives

Councillor J Matecki
Councillor R Noonan
Councillor P Phillips
Councillor P Redford

Liberal Democrats

Councillor A Boad
Councillor K Dickson
Councillor R Dickson
Councillor B Gifford
Councillor C Gifford
Councillor P Kohler
Councillor S Syson

Green

Councillor L Williams
Councillor L Cron

Labour

Councillor D Browne
Councillor K Dray
Councillor R Kang
Councillor G Rosu
Councillor J Sinnott
Councillor JP Sullivan

Whitnash Residents Association

Councillor J Falp
Councillor R Margrave

Planning Committee

Conservatives

Councillor R Hales
Councillor J Matecki
Councillor P Phillips
Councillor P Redford

Liberal Democrats

Councillor K Dickson
Councillor C Gifford
Councillor P Kohler
Councillor A Milton
Councillor J Payne
Councillor D Russell
Councillor S Syson

Green

Councillor I Davison*
Councillor J Kennedy*
Councillor W Roberts*
Councillor D Harrison
Councillor H Yellapragada

Labour

Councillor D Browne
Councillor M Collins
Councillor J Harrison*
Councillor R Kang
Councillor C King*
Councillor G Rosu
Councillor K Hunt*
Councillor P Wightman*

Whitnash Residents Association

Councillor A Barton
Councillor J Falp

*Not for WDC applications

Working Parties & Forums 2023/2024

Working Party / Forum	Lead Officer	Number of places	Councillors
Members – Trades Union Joint Consultation & Safety Panel 1 from each Group	Tracy Dolphin	5	B Gifford J Kennedy JP Sullivan J Falp P Phillips
St Mary's Lands Working Party 1 each Group plus PH	Chris Elliott	5 plus relevant PH	PH Neighbourhood & Leisure – W Roberts D Harrison D Browne R Hales WRA Vacancy Lib Dem Vacancy
South Warwickshire Local Plan Advisory Group 1 From each Group plus PH for Place (Cllr King) to attend.	Phil Clarke	5	A Boad K Aizlewood M Collins R Margrave A Day
Warwick District Conservation Advisory Forum Two elected Members of Warwick District Council who have an interest in the historic environment and planning matters.	Robert Dawson	2	Councillor C Gifford Councillor M Luckhurst

Working Parties appointed by the Cabinet

Working Party / Forum	Lead Officer	Number of places	Councillors
DPD Climate Change and Sustainable Buildings Working Group	Andrew Cornfoot	5	Councillor J Kennedy (PH) Councillor P Kohler 3 Vacancies.
Leamington Transformation Board Leader plus PH plus Group Leaders whose parties have sitting Members in Leamington (External appointments are 2 x WCC cllrs + 1 x LTC cllr)	Mark Brightburn	Leader plus PH plus Group Leaders whose parties have sitting Members in Leamington	Leader of the Council - Councillor I Davison PH Planning & Place – Councillor C King Councillor A Boad

Champions 2023/2024

Champions	Lead Officer	Number of places	Councillors
<p>Children’s and Adults’ Safeguarding Champions</p> <ul style="list-style-type: none"> • Assure themselves that the Council has sound arrangements to protect children and promote their welfare are in place within the District Council and that the Council is promoting and engaging in effective interagency cooperation and collaboration in these fields; • Undertake reasonable investigations so as to be able to form a view of the quality of the Council’s child safeguarding activities and work with the officer Children’s Champion to assist the Council and improve the quality and/or effectiveness of those activities whenever appropriate; • Act as a “critical friend” to constructively challenge officers and elected members on child safeguarding and welfare issues as appropriate; • Promote awareness of child safeguarding and welfare issues and the activities and processes undertaken by this Council amongst elected members 	Marianne Rolfe	2	<p>Portfolio Holder, Safer Communities, Leisure & Environment – Councillor K Hunt</p> <p>Councillor to be appointed by O&S Committee</p>
<p>Heritage Champion As explained in the CAF Constitution, the Chair of the Forum shall also act as the Council’s Heritage Champion in promoting the historic environment both within the Council and the wider community.</p>	Robert Dawson	1	Chairman of CAF
<p>HS2 Champion</p> <ul style="list-style-type: none"> • (To monitor the impact of HS2 on Warwick District and work on mitigation for this; • To liaise with appropriate officers and organisations on HS2 matters and support the Portfolio Holder in this detailed area of work) 	Erin Weatherstone	1	Councillor L Cron
<p>Armed Forces Covenant Champion To champion all aspects of the Armed Forces Covenant in WDC.</p>	Bernie Allen	1	Councillor Redford
<p>Parish/Town Champion – Role Profile</p> <ul style="list-style-type: none"> • To raise awareness and have regard of issues affecting Local Councils within the District Council; • To respond to invitations from Local Councils to attend meetings of mutual interest; • To be the first point of contact for Local Councils in the event of concerns relating to dealings with the District Council; • To ensure that Local Councils view are taken into account when the District Council undertakes consultation; • To facilitate discussions in relation to the possibility of devolving services to Local Councils; • To encourage joint training events including Councillors from the District Council and Local Councils • To respond to invitations to attend Warwickshire and West Midlands Association of Local Councils (WALC) Area Committees; • To attend other Local Council liaison meetings as appropriate 	Bernie Allen	1	Councillor Redford

Cabinet

Excerpt of the Minutes of the meeting held on Wednesday 5 July 2023 in the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillors Davison (Leader), Billiald, Chilvers, J Harrison, Hunt, Kennedy, King, Roberts, and Wightman.

Also Present: Councillors: Boad (Liberal Democrat Group Observer), Day (Conservative Group Observer), Falp (Whitnash Residents Association Group Observer), and Milton (Chair of Overview & Scrutiny Committee).

2. **Declarations of Interest**

There were no declarations of interest made in respect of the Part 1 items.

Part 1

(Items upon which a decision by Council was required)

5. **Updates to the Constitution**

The Cabinet considered a report from Governance which brought forward several changes to the Constitution of the Council for consideration.

The section 'Summary and Explanation' in the Constitution needed a general update following a number of changes made within the Council over several years that had not previously been reflected.

The following sections had also been changed.

Article 5 – Chairing the Council.

Following a review by the Council, the role of the Chairman was changed in 2021. This resulted in a revised remit for the Chairman as defined in Article 5 and that the Chairman should only attend three types of functions: Royal Visits, Warwick District Council events and services of remembrance.

On approval of this revised remit, Council asked for a report back in 12 months to consider the impact it had had on the role. The following successive Chairman and Chair were content with the remit and thought that the role was correct, although this was not formally reported back to the Council.

The Chair of the Council for 2021/22 was content with arrangements approved by Council because it removed pressures from attending a significant number and variety of events held within the District and allowed the role of Chair to be accomplished without significant impact on work/personal commitments. The previous Chair was of the view that broadening the scope of the role could have a negative effect and put individuals off Chairing the Council.

There had not been any significant adverse feedback to the Council on the current arrangements. That said, comments had been made that the

Council no longer attended events, such as the Warwick University Graduation Ceremony, or some Mayor making ceremonies, both inside and outside the District, where other civic heads were attending. Members should have been mindful that because other Councils were attending, it did not mean the Council had to attend, especially when it came to events outside the District.

The current Chairman had reflected on these thoughts and was of the view that more discretion should be given to allow them attend events where there was no cost to the Council.

Councillors needed to be mindful of the points raised and also the potential impact of attending a lot of events in one year, and the next Chair using discretion not to attend other similar events. Any inconsistency could lead to a greater impact on the reputation of the Council than not attending.

Officers were mindful that the wording needed to be carefully chosen so that the individual post holder was not choosing to pay to attend events. Equally, the justification for attending events outside Warwick District needed to be far greater than the personal choice of the Chairman i.e. there needed to be material benefit to the Council and its community. The proposal to amend the Constitution so that it moved from defining the Chairman to Chair was made to make the Constitution more gender neutral.

Provision was still made for the individual who chaired a meeting to define the terms they would like to be known as i.e. Chair, Chairman, Chairwoman, Chairperson. The Cabinet were made aware that the term Chairman was defined within legislation and case law but that the proposed change was not unreasonable and clearly identified the role in line with legislation if required. Further reflection on defining the terms used could be made during the review of the Constitution.

Based on these considerations, revised wording had been included within Article 5 of the Constitution.

The Cabinet were reminded that the review of the role of the Chairman resulted in the removal of the post of Attendant to the Chairman. This was based on the significant reduction in events attended. Revised risk assessments were introduced and regularly reviewed with the previous Chair for attending any event and these would continue to be monitored with the current Chairman.

Article 14 – Finance Contract and Legal Matters

The revisions to Article 14 were at the request of Legal Services, to ensure electronic signatures and sealing were explicitly mentioned within the Constitution. While currently this was implied, and most organisations accepted this, the Land Registry had said it would not accept the electronic signature or sealing of conveyancing (and related) documents from the Council without it being explicitly set out within the Constitution.

Section 4 - Scheme of Delegation

The proposed change to enable the Monitoring Officer to make minor

changes to the Constitution was suggested for when minor wording/grammar errors were identified to remove the need for Council approval. These could be errors or changes as a result of external decisions, for example, those in the summary and explanation specifically where the size of the Council had changed from 46 to 44.

The proposed new delegation to the Head of Place, Arts and Economy removed any ambiguity on the right to represent and defend planning appeals against decisions the Council had taken.

It was proposed to remove the reference to former employees within delegation DS(70). This was based on legal advice following a recent successful judicial review against a Warwick District Council decision, as a result of which a planning decision had to be quashed. Therefore, the legal advice was that it was very hard for planning officers to know who a former member of staff was, in that they might have been employed many years ago and might not declare this on the application. The reference to them being known former employees was vague and could lead to argument because some people might know they were a former employee and others might not.

The proposed amendment to DS(70a) was to enable officers to conclude negotiations on S106 and other necessary legal agreements when an application had been determined by the Planning Inspector or Minister. This was considered reasonable as it allowed matters to be concluded without the need for reporting to Committee in effect for rubber stamping. The change to delegation to A(2) was the inclusion of the Monitoring Officer specifically now the role was being split from the role of Deputy Chief Executive.

Christine Ledger Square

This temporary delegation was proposed to enable WDC to acquire leasehold interests by way of private treaty negotiations, enabling the agreement of valuations and compensation that would be payable to leaseholders that might exceed what would be payable in the event of a compulsory purchase. This was considered a practicable solution where the Council had agreed to demolish the building and now needed to complete the necessary agreements to enable this work to take place.

The agreements could involve making an offer to leaseholders to share an amount comparable to the value that the Council would pay in legal costs should it be required to acquire the leasehold interest compulsorily and would include an ex-gratia payment equal to the statutory home loss payment (currently 10% of the value of the interest being acquired subject to a minimum sum of £7,800 and a maximum sum of £78,000 – these sums were subject to change from time to time) that a leaseholder would receive on being displaced by the Courts.

Often the gap between the value of a property and the asking price of the leaseholder arose because individual owners found it difficult to use the capital receipt to fund a replacement property in the vicinity of the development.

Guidance published by the Secretary of State which set out the policy for

confirmation of compulsory purchase orders (CPO) required that an authority should demonstrate that it had made reasonable endeavours to acquire the land by agreement. A structured and documented programme of discussions and negotiations with leaseholders would need to be commenced before a CPO could be made.

It was understood that it was often the case that acquiring authorities might decide to pay in excess of market value to secure strategic acquisitions in advance of a CPO where this might save costs in the long term.

A leaseholder offer would be adopted that ensured consistency between different individuals as there could otherwise be a risk in settling on generous terms with one leaseholder as other leaseholders would expect similar treatment. The offer was designed to mitigate hardship arising from compulsory purchase and the following would be considered as standard in each set of negotiations:

- agreement to pay the market value of the dwelling plus an additional fixed percentage uplift;
- agreement to pay the home loss payment for those who would qualify under a CPO;
- agreement to pay a fixed amount of compensation for disturbance payments without the need for receipts, but with the ability for owners and occupiers to claim more if they could evidence the costs incurred;
- offer of equity loans for resident leaseholders to assist them relocate elsewhere to a suitable equivalent property;
- offer of a replacement home for every resident homeowner who wished to return when the area was redeveloped; and
- offer to pay loss of rent for non-resident landlord leaseholders provided that the landlord leaseholders complete on the sale within a period of six months from the start of negotiations, such payment due on completion of the sale.

Regularly reviewing of the Constitution and its operation was recognised good practice. It was considered that with new legal advisors to the Council having been in operation for a year, now was a good time to review the document overall. There would be lead officers for specific parts of the Constitution, for example, the Code of Corporate Governance was produced by the Audit & Risk Manager.

Councillor Davison proposed the report as laid out.

Recommended to Council that

- (1) the following amended parts of the Constitution, be approved:
 - (a) revised Summary of the Constitution and explanation, as set out at Appendix 1 to the report;
 - (b) updated Article 5, Chairing the Council, as set out at Appendix 2 to the report and the

Constitution be amended so that Chairman is replaced with Chair, but allows for individuals to identify the title associated with this role;

- (c) revisions to Article 14 (with regard to electronic signing and sealing) as set out at Appendix 3 to the report; and
 - (d) revisions to Part 4 Scheme of Delegation, as set out at Appendix 4 to the report;
- (2) authority be delegated to the Head of Housing in consultation with the s151 Officer, Legal Services, and the Portfolio Holders for Housing and Resources, to make financial settlements and necessary legal agreements to and with leaseholders of properties in Christine Ledger Square; and
- (3) the Monitoring Officer will be reviewing the Constitution in partnership with Legal Services and Heads of Service and further reports will be brought to Cabinet on this, be noted.

(The Portfolio Holders for this item were Councillors Davison, King and Wightman)

Forward Plan Reference 1,380

6. **Milverton Homes Limited Governance Audit**

The Cabinet considered a report from Housing. Milverton Homes Limited (MHL) was a company wholly owned by Warwick District Council, incorporated on 8 January 2021.

After a period of operation, an internal audit review was commissioned to provide assurance that the Council had appropriate governance arrangements in respect of MHL that protected the Council as an entity, as well as its officers and Councillors as individuals.

The report set out the findings of that audit and offered recommendations to increase assurance in this area.

MHL had well established governance arrangements in place to provide the Council with control in respect of the operation of the company and its financial arrangements. These arrangements were set out in the Articles of Association and Shareholders Agreement which Members could view through the Committee Management System.

As with all companies, MHL was required to provide audited accounts on an annual basis which were submitted to Companies House. An auditor/accountancy firm that was independent to the Council's auditor has been appointed by MHL. The auditors were asked to consider any

governance gaps when undertaking their work. They did not make any recommendations.

Monthly Board meetings were held for MHL with papers circulated to the Board in advance and meetings were minuted. Warwickshire Legal Services provided MHL with the Company Secretarial Role. Each month the Board considered standard agenda items which included Declarations of Interest, Finance update, horizon scanning, sites of interest and the Joint Venture (JV).

New Members might not have been aware that in August 2021, MHL entered into a Joint Venture (Crewe Lane Kenilworth JV LLP) arrangement with Vistry Linden Limited for the purchase of land at Crewe Lane, Kenilworth to facilitate the construction of 620 homes. The purchase was enabled by a £60m loan from this Council to the JV.

MHL had established a number of documents that were deemed by the Board to be a requirement for good organisational management. These included:

- Comprehensive Risk Register which was reviewed by the Board on a quarterly basis.
- Financial Regulations.
- Annual Business Plan.

Housing companies and Joint Venture arrangements were not unusual in the local government sector and if risks were properly managed through effective managerial and political oversight then these arrangements could be effective contributors to the Council's strategic objectives. Regrettably, there had been a number of high-profile incidences where Council companies' governance arrangements had broken down with dire consequences for the Council and local taxpayers. Therefore, twelve months following the establishment of the JV, the Deputy Chief Executive considered it prudent to commission a governance review of MHL and the way the company's actions were being monitored by the Council. The review was undertaken by the Council's Audit & Risk Manager.

The findings from the review and the latest position were detailed in the table in section 1.17 in the report.

The Council's Business Strategy 2020-2023 stated that the Council's vision was 'to make Warwick District a great place to live, work and visit, and carbon neutral by 2030'. Within the Fit For The Future strands was the outcome to ensure that 'Housing needs for all are met', and to 'Maximise income earning opportunities'.

MHL contributed to this vision as set out in the report presented to Cabinet on 10 December 2020. The report stated that 'establishing a LHC (*Local Housing Company*) would assist Warwick District Council to take a commercial approach to the delivery of new homes and offer a range of products to assist in the delivery of local housing needs. Furthermore, it could offer an alternative to traditional private rented options by offering a good quality product through a trusted organisation.

The LHC model had the aim of making significant contributions to the Council's income in the face of funding shortfalls, and by doing so, put services on a more sustainable footing to support local people as well as raising money to invest in our priority outcomes.

The Shareholder Agreement set out the following as Objectives of the Company:

- (a) To be profitable and generate short and long-term financial returns for WDC as shareholder.
- (b) To deliver much needed housing within the District and outside of the District, where appropriate.
- (c) To strive to develop homes that were carbon neutral.
- (d) To endeavour to provide excellent quality market rented homes provided by a trusted landlord.

MHL had formed a JV with Vistry to which the Council had provided a loan to finance the purchase of land and to develop housing. This was forecast to deliver loan profit to the Council of £9.1m and development profit to MHL of £6.5m. Loan profit was profiled to come into the Council in regular tranches and could be evidenced to be delivering in accordance with the profile.

Through the involvement with MHL, half of the residential properties being built at the JV site at Crewe Lane were zero-carbon to SAP standards. This was great news for the environment and good news for residents of these new homes.

On 25 July 2022, Council appointed the Deputy Chief Executive and Monitoring Officer to take the Shareholder Representative role, removing this from the Head of Finance.

The audit report had suggested the need for a Shareholder Representative Board thereby negating the need for a single Shareholder Representative. Indeed, the audit report advised against vesting experience in one senior officer. Nevertheless, there was a proven need for a person who could take the lead on progressing work on a day-to-day basis and it was proposed that this role be passed to the S151 Officer (Head of Finance) for financial matters and the Monitoring Officer for governance matters with both seeking ratification of decisions from the named Shareholder Board Councillors.

It was proposed that the Board had the following structure as set out in the Terms of Reference.

Councillors

Leader.

Deputy Leader.

Portfolio Holder for Housing.

Portfolio Holder for Resources.

Chairman of Audit & Standards.

Leaders of Lib Dem, Conservative and WRA Groups

Advising officers

Head of Finance.

Legal Services representative.
Monitoring Officer (who will act as Chair).

Officers to Attend

Council appointed Executive Directors of Milverton Homes Limited.
Principal Accountant (appointed to Milverton Homes).
Principal Accountant (Housing).

The Terms of Reference of the Board would be to review performance of MHL and the JV against agreed objectives and the SLA.

It would also receive the proposed business plan for comment at least two months before it was to be presented to Cabinet, along with an annual review of the governance arrangements completed by the Monitoring Officer.

The views of the Board would be presented to the Cabinet as part of the business plan and the governance review would be separately reported to the Audit & Standards Committee.

Meetings would take place on a quarterly basis.

The Terms of Reference would be reviewed annually by Cabinet alongside the Business Plan for MHL.

The proposed Terms of Reference were at Appendix 1 to the report.

Some performance targets were already contained within the Shareholder Agreement, and these were:

'6.1 The Company shall prepare a Business Plan in respect of each financial year that shall include an overview of the planned activity for that financial year and an explanation of how that planned activity furthered the Company's Objectives, which should be submitted to WDC no earlier than four months and no later than two months before the end of each financial year.

6.2 The Annual Budget for each financial year should form part of the Business Plan. The Annual Budget should be reviewed by the Board quarterly.

6.4 (a) the audited accounts of the Company and any subsidiaries for each financial year as soon as practicable and, at the latest, by four months after the end of that financial year.

6.4 (b) quarterly performance reports, cash flow statements and cash flow forecasts for the company'.

There were additional targets set for the company which were reviewable by the Shareholder Representative Board. These were planned to be delivered on a quarterly basis to the Shareholder Representative Board:

- Board Cover Report and comments on the Finance information and appendices for Shareholder.
- Performance Report - Profit & Loss - Income & Expenditure Statement.
- Balance Sheet.
- Cash Flow Statement.

- Cash Flow Forecast –MHL Business Plan updated to show a revised forecast year end position from the Board.
- Risk Register.
- New business proposals and updates.

Legal advice was that prior to any decision to dissolve the company, a full report was commissioned/prepared at that time looking at the financial and legal implications in the round, the risks and options. Only then could a fully informed decision be made on dissolution and the steps required. For example, it might reveal that there was a sweet point for dissolution at some defined point or that winding down before winding up might be appropriate. Much would depend on the circumstances at the time. Paragraphs 1.6.2 & 1.6.3 in the report then became matters that might form some of the steps considered.

Should any decision be made to dissolve the company, there was a clear option for the Council to liaise with the Board of MHL to determine the future of any property in the ownership of MHL. The options would be for the properties:

- To be purchased from MHL by the Council for use as affordable housing, a move that would likely attract investment funding from Homes England thereby reducing the costs directly falling to the Housing Revenue Account.
- Sold on the open market.
- Sold to current residents of that property.

Any monies that would be available following liquidation/dissolution would be payable to the shareholder by way of dividend. Alternatively, the Council could undertake an appraisal of each property to determine the most appropriate form of action. There were existing processes in place that could be deployed to support this activity. The Housing team, working collaboratively with the Finance team, would lead on the activity.

In terms of alternative options, the recommendations of Internal Audit could not be acted upon, however, this would not assist the Council to strengthen its governance arrangements and achieve enhanced levels of assurance.

The Overview & Scrutiny Committee recommended to Cabinet that officers should review the effectiveness on governance arrangements with the Monitoring Officer chairing Board meetings and also being the Shareholder Representative. It asked for the review to examine whether alternative options should be pursued.

An addendum circulated prior to the meeting advised of the following amendments to recommendations 3 and 4:

Amendment to Recommendation 3

"Approves the establishment of a Shareholder Representative Board and removes the role of Shareholder Representative from the Deputy Chief Executive to be replaced by the Council's ~~Monitoring Officer~~ *Head of Finance* with effect from 1st August 2023".

Amendment to Recommendation 4

"4 Approves the Terms of Reference for the Shareholder Representative Board at the Appendix 1, **and asks Council to annex it to the Constitution.**

The addendum also advised of the following amendment to the Terms of Reference at Appendix 1 to the report:

"The Board will be made up of the following:

Councillors

Leader (*who will act as Chair*)

Deputy Leader

Portfolio Holder for Housing

Portfolio Holder for Resources

Chairman of Audit & Standards

Leaders of ~~Lib Dem, Conservative and WRA~~ Groups *non-administration Groups*

Advising officers

Head of Finance

Legal Services representative

Monitoring Officer (~~who will act as Chair~~)

Officers to Attend

Council appointed Executive Directors of Milverton Homes Limited.

Principal Accountant (Appointed to Milverton Homes)

Principal Accountant (Housing)".

This needed Council approval (see 1.3.1 where Council appointed the Deputy Chief Executive and Monitoring Officer to take the Shareholder Representative role, removing this from the Head of Finance on 25 July 2022.

Councillor Wightman proposed the report as laid out, along with the recommendation from the Overview & Scrutiny Committee as revised by the addendum.

Recommended to Council that

- (1) the establishment of a Shareholder Representative Board, be approved, and the role of Shareholder Representative be removed from the Deputy Chief Executive to be replaced by the Council's Head of Finance with effect from 1 August 2023; and
- (2) the Terms of Reference for the Shareholder Representative Board at Appendix 5 to the minutes, be approved and appended to the Constitution.

Resolved that

- (1) the findings of the internal audit review commissioned by the Deputy Chief Executive

and the response to the findings at 1.1.7 in the report, be noted;

- (2) the statement of alignment to the Council's Business Strategy, be noted;
- (3) the performance targets set for MHL, be noted; and
- (4) the Council's Exit Strategy from MHL, be approved.

(The Portfolio Holder for this item was Councillor Wightman)
Forward Plan Reference 1,366

7. **Local Authority Housing Fund Award Round 2**

The Cabinet considered a report from Housing. The Department for Levelling Up, Housing and Communities (DLUHC) had advised that Warwick District Council was eligible for a grant award of £919,200 from a national award of £250 million to support the purchase of six properties to provide sustainable housing primarily for Afghan families seeking refuge in the area. The aim of the report was to seek approval for the purchases and the additional funding required to complete the purchases within the required timeframe.

The LAHF was launched on 14 December 2022. The details of the fund were shared with the Council in the document 'Local Authority Housing Fund – Prospectus and Guidance' ('the Prospectus'). It was a £500m capital grant fund to support local authorities in England to provide sustainable housing for those unable to secure their own accommodation i.e., Afghan and Ukrainian refugees. On 7 June, DLUHC wrote to WDC to announce round 2 of the scheme and to advise that WDC was eligible for a further grant.

The objectives of the scheme were:

- Provide sustainable housing to those on Afghan resettlement schemes at risk of homelessness so that they could build new lives in the UK, find employment and integrate into communities.
- Reduce local housing pressures beyond those on Afghan resettlement schemes by providing better quality temporary accommodation to those owned homelessness duties by local authorities.
- Reduce emergency, temporary and bridging accommodation costs.
- Reduce impact on the existing housing and homelessness systems and those waiting for social housing.

The DLUHC had awarded Warwick District Council a total of £919,200 which was consistent of two separate grant elements.

The first element was £799,200 to purchase:

- Five properties for households that met the eligibility criteria referred to as the 'the resettlement element.
- One property to be allocated to temporary accommodation.

The £799,200 grant represented 40% of the purchase price. There was also a grant allocation of £120,000 which was £20,000 per property to cover other expenses. These expenses could include the purchase price, stamp duty, surveying, legal and other fees, refurbishments, energy efficiency measures, decoration, furnishings, or otherwise preparing the property for rent and potentially irrecoverable VAT incurred on these items. The Council needed to ensure it complied with the CIPFA Code of Practice for Local Authority Accounting.

The DLUHC had applied a deadline that the properties had to be acquired by 29 March 2024.

The purchase could be new build, existing dwellings, those requiring refurbishment and any combination to meet the scheme requirements by the stated deadline.

The five resettlement properties were solely for Afghan households whereas the sixth property could be used to provide quality temporary accommodation to those owed a homelessness duty by local authorities. This presented problems for authorities in that Council homes must only have been allocated through its published Housing Allocations Policy. DLUHC proposed that Councils used Local Lettings policies or provided the properties through a Registered Provider or the Council's Local Housing Company. There were advantages and disadvantages of each of these methods and further work was required to establish the optimum means of allocating these properties.

In terms of alternative options, one was to refuse the allocation and not purchase additional properties to assist the Afghan and Ukrainian refugees.

However, the grant was being provided to assist with the purchase of properties and it would contribute to the number of social properties in the District.

Councillor Wightman proposed the report as laid out.

Recommended to Council that a total expenditure budget allocation of up to £2,046,780 be approved to purchase six dwellings in the Housing Revenue Account (HRA) and enter into applicable necessary legal agreements to purchase the dwellings. Of this total the HRA will fund £1,127,580 and DLUHC grant of £919,200 will provide 40% match funding for the purchase of six properties and to allow for potential sustainability/ environmental improvements to the properties.

Resolved that

- (1) authority be delegated to the Head of Housing to purchase the properties, entering into any necessary legal agreements;

- (2) authority be delegated to the Head of Housing in consultation with the Portfolio Holder for Housing to determine the optimum means of allocating these properties; and
- (3) authority be delegated to the Head of Finance in consultation with the Portfolio Holders for Resources and Housing and the Head of Housing to determine the means of financing the scheme.

(The Portfolio Holder for this item was Councillor Wightman)
Forward Plan Reference 1,366

(The meeting ended at 8:01pm)

Summary and Background

The Council's Constitution - Local Government Act 2000 - SECTION 37 LGA 2000 (Constitutions) (England) Direction 2000

Warwick District Council has agreed a Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose. The Constitution is divided into 16 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

What is in the Constitution?

- Article 1 of the Constitution commits the Council to quality and equality in all the services it provides. Quality of life within the District will be the Council's key consideration.
- Articles 2 to 16 explain the rights of citizens and how the key parts of the Council operate. These are:
 - Members of the Council (Article 2)
 - Citizens and the Council (Article 3)
 - The Council meeting (Article 4)
 - Chairing the Council (Article 5)
 - Overview and Scrutiny of Committees (Article 6)
 - The Cabinet (Article 7)
 - Regulatory and other committees (Article 8)
 - The Standards Committee (Article 9)
 - Area Committees and Forums (Article 10)
 - Joint arrangements (Article 11)
 - Officers (Article 12)
 - Decision making (Article 13)
 - Finance, contracts and legal matters (Article 14)
 - Review and revision of the Constitution (Article 15)
 - Suspension, interpretation and publication of the Constitution (Article 16)

How the Council Operates

The Council is composed of 446 councillors elected every four years. Councillors are democratically accountable to residents of their Wards. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors are also referred to as members because once elected they are members of the Council. Councillors have to ~~agree to follow a~~ *the adopted* Code of Conduct to ensure high standards in the way they undertake their duties. The *Audit & Standards Committee* ~~trains and advises them on~~ *oversees the operation of the* Code of Conduct.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints the Leader *every four years, and all Committees annually. The Leader appoints the* Deputy Leader and Members of the Cabinet ~~and all Committees~~. The Council will receive the minutes of the Cabinet and of any Committees that make a recommendation to Council. On occasion it may

scrutinise Cabinet decisions but only on referral to it of that task by an Overview and Scrutiny Committee.

The Council will receive petitions and any one person presenting such a petition may address the Council on the subject for *a maximum of five* ~~three~~ minutes.

The Council will have an explicit commitment to openness in all of their dealings, subject only to the need to preserve confidentiality in those specific circumstances where it be proper and appropriate to do so, and by their actions and communications deliver an account against that commitment.

How Decisions are Made

The Cabinet is the part of the Council which is responsible for most day-to-day decisions. The Cabinet is made up of the Leader and up to nine other members (including the Deputy Leader). When major decisions are to be discussed or made, these are published in the Cabinet's Forward Plan in so far as they can be anticipated. If these major decisions are to be discussed with council officers at a meeting of the Cabinet, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

Overview and Scrutiny

There ~~are two~~ is an Overview and Scrutiny Committees who supports the work of the Cabinet and the Council as a whole. ~~They~~ *It* allows citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. ~~The~~ Overview and Scrutiny Ceommittees also monitors the decisions of the Cabinet. Councillors can 'call-in' a decision which has been made by the Cabinet but not yet implemented for consideration by an Overview and Scrutiny Committee (see ~~page E13~~ *Council Procedure Rule 21*). This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet reconsiders the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

The Council's Staff

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. The Member/Officer Protocol, contained in Part 5 of the Constitution) governs the relationships between officers and Councillors.

Citizen's Rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific council services, for example, as a council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its committees except for that part of the meeting where exempt or confidential information is disclosed;
- petition to request a referendum on a mayoral form of Cabinet;
- present a petition to the Council, or its Committees, or the Cabinet and any one person presenting a petition to the Council may address the Council on the subject for three minutes
- find out, from the Leader Forward Plan, what and when matters are to be considered by the Cabinet;
- attend meetings of the Cabinet where key decisions are being discussed or decided except for that part of the meeting when confidential or exempt information is to be disclosed;
- see reports and background papers (except where exempt or confidential information is disclosed) and any record of decisions made by the Council and its Committees and Cabinet;
- complain to the Council about the service delivered by the Council, the behaviour of an officer delivering a service or the correctness of a Council policy in accordance with the Council's complaints policy;
- complain to the *Local Government & Social Care Ombudsman or the Housing Ombudsman* if they think the Council has not followed its procedures properly. However, they can only do this after using the Council's own complaints process;
- complain to the Monitoring Officer of the Council if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

ARTICLE 5 - CHAIRING THE COUNCIL

LOCAL GOVERNMENT ACT 1972 - SECTIONS 3-7 LOCAL GOVERNMENT ACT 2000 - SECTION 37 - CONSTITUTIONS DIRECTION PARAGRAPH 3(G)

5.01 Role and function of the Chair

The Chair of the Council and in their absence, the Vice-Chair will have both a ceremonial role and that of chairing Council meetings.

The Chair will be elected by the Council annually. The Chair will have the following responsibilities:

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on Cabinet are able to hold the Cabinet to account;
4. ~~to promote the District public involvement in the Council's at events activities and to celebrate the activities and achievements of the Council including its officers and councillors,~~ *to promote the District by attending appropriate events and functions, including achievements of the Council for both its officers and councillors. Attendance at any event outside the District to be approved by Group Leaders.*
5. The Chair may on occasions delegate attending functions to their Vice Chair, or in exceptional circumstances, another Councillor (normally the previous Chairman);
6. Cannot be a member of the Cabinet or Standards Committee;
7. Can decide to be called Chair, Chairwoman, Chairperson, or Chairman during their year in office;
8. Determine one or two charities, associated with the District, to advocate during their year in office, but not hold any specific events to fund raise for them.

Article 14 FINANCE, CONTRACTS AND LEGAL MATTERS

14.04 Authentication and signing of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Monitoring Officer or Chief Executive or other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any Contract entered into on behalf of the local authority in course of the discharge of an executive function shall be made in writing. Any contract with value exceeding sums specified in the Public Contracts Directive must be made under the common seal of the Council.

Any reference to the signing of documents in this Article, or the wider Constitution of the Council, includes the use of an electronic signature. Any person authorised to sign on behalf of the Council is therefore also authorised to do so by electronic means.

14.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Monitoring Officer. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed. The affixing of the Common Seal will be attested by the Monitoring Officer (or in their absence the Chief Executive) or some other person authorised by them.

Any reference to the Common Seal in this Article, or the wider Constitution of the Council, includes an electronic seal incorporating the design of the Common Seal. Any person authorised to affix the Common Seal is therefore also authorised to do so by electronic means.

Section 4 Scheme of Delegation

Additional Delegations

Authority to the Monitoring Officer to make minor changes to the Constitution in consultation with the Chair of the Council and Chair of Audit & Standards Committee and informing all Warwick District Councillors of such a change that has been made.

Authority be delegated to the Head of Place, Arts and Economy to determine the type of planning appeal, to defend all types of planning appeal (including an application where the Local Planning Authority is notified under other legislation) and to amend the Council's case before or during the course of a planning appeal, the latter being subject to consultation with the relevant Ward Member and the Chair of the Planning Committee.

Revised Delegations

- DS (70) Determine all applications submitted to Warwick District Council as required by the Town and Country Planning Act 1990 (as amended), Town and Country Planning (Control of Advertisement) Regulations 1992, and Planning (Listed Buildings and Conservation Areas) Regulations 1990, with the exception of the following:
- (i) Applications where a written request is received from a member of Warwick District Council within the specified consultation period i.e. 21 days that Committee referral is required. Such requests should clearly state the reasons why a Committee referral is required.
 - (ii) Applications where 5 or more valid representations are received where these are contrary to the officers' recommendation unless the Head of Development is satisfied that the plans have been amended to address the concerns raised so that there are no more than four contrary representations.
 - (iii) Applications where the recommendation of the Head of Place, Arts and Economy i.e. Grant/Refuse is contrary to the representations made by a Parish/Town Council, i.e. Object/Support, except in the following circumstances:
 - a. the Head of Place, Arts and Economy is satisfied that the plans have been amended to address the concerns of the Parish/Town Council;
 - b. where the representations made by the Parish/Town Council do not raise any issues which are material to the planning assessment of the particular application; or
 - c. where the concerns of the Parish/Town Council have been previously considered as part of the assessment of an extant permission on the site and there has been no change in circumstances
 - (iv) Applications where the principle of development would represent a material departure from any policy within the Development Plan.
 - (v) Applications known to be submitted by or on behalf of a Warwick District Councillor, Warwick District Council employee ~~or former~~ employee of the Council, or the spouse/partner of any such person.

- (vi) Applications submitted by Warwick District Council, *Milverton Homes (either solely or as part of another Joint Venture), any Joint Venture (or similar) the Council is part of* or Warwickshire County Council (*including Warwickshire Property Development Company*), other than for approval of routine minor developments.
- (vii) Where applications are to be refused and enforcement action is being recommended, following consultation with the Chairman and Vice-Chairman of the Committee and the relevant ward member(s) except in the circumstances where the Head of Place, Arts and Economy considers it appropriate for that matter to be determined by Planning Committee.
- (viii) Applications where an Environmental Impact Assessment has been provided.
- (ix) Any application which raises significant issues such that in the opinion of the Head of Place, Arts and Economy, it would be prudent to refer the application to Planning Committee for decision.

DS (70a) In consultation with the Portfolio Holder for Place and relevant Ward Councillors, to

- (i) determine minor variations to S106 agreements
- (ii) to enter into section 106 agreements when the application has been determined by the Head of Place, Arts and Economy under delegated authority DS(70)
- (iii) *to enter into appropriate section 106 and other agreements when the application has been determined by the Planning Inspector or Minister*

A(2) Authority to affix the Common Seal where appropriate approval(s) have been given .

Chief Executive, Deputy Chief Executive, Monitoring Officer, and Programme Director for Climate Change (individually).

MILVERTON HOMES SHAREHOLDER REPRESENTATIVE BOARD TERMS OF REFERENCE

1. Objectives:

- 1.1 The Milverton Homes Shareholder Representative Board is to oversee the stewardship, accountability and monitoring for the Council's Housing Company and Joint Venture arrangements. In doing so, the Board seeks to balance the interests of the various stakeholders for the Company and Joint Venture to have a successful and sustainable future.
- 1.2 The Board will review performance of Milverton Homes Limited (MHL) and the Joint Venture (JV) against agreed objectives and the SLA.
- 1.3 It will also receive the proposed business plan for comment at least two months before it is to be presented to Cabinet, along with an annual review of the governance arrangements completed by the Monitoring Officer.
- 1.4 The view of the Board will be presented to the Cabinet as part of the business plan and the Annual Governance review will be separately reported to the Audit & Standards Committee.

2. Composition of the Board:

- 2.1 The Board will be made up of the following:

Councillors

Leader (Who will act as Chair)

Deputy Leader

Portfolio Holder for Housing

Portfolio Holder for Resources

Chair of Audit & Standards

Leader of non-administration Groups

Advising officers

Head of Finance

Legal Services representative

Monitoring Officer

Officers to Attend

Council appointed Executive Directors of Milverton Homes Limited.

Principal Accountant (Appointed to Milverton Homes)

Principal Accountant (Housing)

3. Quorum

- 3.1 The quorum for any meeting of the Board shall be the Leader or Deputy Leader, one Portfolio Holder, the Chair of Audit & Standards Committee, the Head of Finance and the Monitoring Officer.
- 3.2 The members of the Board may participate from any location by means of conference technology or other communication equipment which allows those participating to hear each other and be heard and shall be entitled to vote or be counted in the quorum accordingly.

4. Meetings

- 4.1 Will be chaired by the Monitoring Officer
- 4.2 Meetings will be held quarterly and subject to the availability of Councillors.

- 4.3 Additional meetings can be called by any of the members of the Board.
- 4.4 Each meeting will have formal minutes with the actions or comments included in the formal decision-making report to Cabinet or the relevant Committee.
- 4.5 The paperwork for the meeting will only be available for those who are responsible to attend.

5. Decision making/Board resolutions.

- 5.1 The Board shall reach its view through agreement and consensus. Where this cannot be reached a majority view can be recorded or further work can be requested from officers for consideration by the Board.

6. Conflicts of interest of individual Board Members

- 6.1 Members of the Board are bound by their respective Codes of Conduct and statutory responsibilities to the Council and any company.
- 6.2 If a member of the Board finds themselves with a conflict of interest, they shall immediately disclose this to the meeting and where appropriate excuse themselves from any deliberations or votes of the Board concerning the relevant subject-matter.

7. Matters delegated to the Board by Cabinet (Shareholders)

7.1 Milverton Homes

- 7.1.1 Review and pass comment on the Business Plan and Annual Budget for Milverton Home at least two months prior to its formal submission to the Council.
- 7.1.2 Review the audited accounts for Milverton Homes and any subsidiaries for each financial year, providing advice to Cabinet.
- 7.1.3 Receive quarterly performance reports, cash flow statements and cash flow forecasts for the company.
- 7.1.4 Monitor the Risk Register.
- 7.1.5 Review the Financial Regulations and Business Continuity Plan providing commentary to the company.
- 7.1.6 Advise on any proposed deviations or changes to the shareholder agreement.

7.2 Joint Venture

Receive and review:

- 7.2.1 Reports from Council officers in respect of the Loan provided to the Joint Venture including activity over the quarter.
- 7.2.2 Narrative explaining the current positions from the Council's perspective.
- 7.2.3 Crewe Lane loan balances and repayment timing - £60m
- 7.2.4 Interest Income summary from £60m loan
- 7.2.5 Crewe Lane profitability analysis of WDC's Share of JV Profit – Using Crewe Lane Vistry JV Finance model from the Council's Loan Legal Agreement and the Viability/Profitability report
- 7.2.6 Any relevant risk issues linked with the Crewe Lane development.

8. Meeting support

- 8.1 This will be provided via the Council's officer administrative support.
- 8.2 This will include arranging meetings (including attendance by guests), agenda preparation, minute taking and subsequent distribution.

9. Review

- 9.1 The Terms of Reference will be reviewed annually by the Monitoring Officer and reported to the Cabinet alongside the Business Plan for MHL.

Cabinet appointments 2023-24

(Appointments made by the Cabinet and therefore not a decision for the Council and not subject to political proportionality rules)

Cabinet Appointments	Number of places	Councillor
Warwickshire Police & Crime Panel	1	PH Safer Communities, Leisure & Environment Councillor Hunt
District Councils' Network (Leader of the Council)	1	Leader of the Council Councillor Davison
West Midlands Combined Authority (Leader of the Council)	1	Leader of the Council Councillor Davison
Safer Warwickshire Partnership Board	1	PH Safer Communities, Leisure & Environment Councillor Hunt
South Warwickshire Community Safety Partnership	1	PH Safer Communities, Leisure & Environment Councillor Hunt
Warwickshire County Council Health & Wellbeing Board	1	PH Safer Communities, Leisure & Environment Councillor Hunt
Association of Retained Council Housing (ARCH)	1	PH Housing Councillor Wightman
Warwickshire Waste Management Forum	1	PH Neighbourhood Councillor Roberts
Shakespeare's England	1	PH Arts & Economy Councillor Billiald
Total	9	

Warwick District Council appointments 2023-24

Appointment	Number of places	Councillor 2023/2024	*Evaluation Criteria
Coventry Airport Consultative Committee	1	Payne	2
Kenilworth Abbey Barn Advisory Committee	1	Hales	4
South Warwickshire University NHS Foundation Trust	1	Sinnott	5
Warwickshire County Council – Adult Social Care and Health Overview & Scrutiny Committee	1	Redford	5
Birmingham Airport Consultative Committee	1	Aizlewood	2
Bid Leamington Board	1	Billiald	2
National Parking Adjudication Service (PATROL)	1	Dray	1 & 3
South Warwickshire Community Safety Partnership (Non Executive rep)	1	Falp	1
Chase Meadow Community Centre	1	Rosu	4

Warwickshire Local Council's Climate Emergency Partnership*	2	Kennedy Kohler	3
Total	11		

*Asked that one of the two seats is the PH for Climate Change

*Evaluation Criteria Key:

Council agreed criteria:

1. A body or partnership to which the Council provides significant financial contribution;
2. An established Council partnership with agreements in place;
3. A body or partnership to which the Council is obliged to appoint a Member;
4. A body or partnership which relates to the management of an asset of the Council; or
5. Appointments made at the discretion of the Council.

Additional Criteria used by the Deputy Chief Executive & Monitoring Officer:

6. Does the body play a significant role in local service delivery; or
7. Does the body have significant influence on local or national policy.