

**Council meeting: Wednesday, 2 September 2020**

Notice is hereby given that an ordinary meeting of Warwick District Council will be held remotely on Wednesday, 2 September 2020 at **6.00pm** and available for the public to watch via the Warwick District Council [YouTube channel](#).

**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 5 August 2020.  
**(Pages 1 to 11)**

- 4. Communications and Announcements**
- 5. Petitions**
- 6. Notices of Motion**
- 7. Leader and Portfolio Holders' Statements**
- 8. Questions to the Leader of the Council & Portfolio Holders**
- 9. Special Responsibility Allowance for the Programme Advisory Board Chairs**

At its meeting on 5 August 2020, on the advice of officers, Council deferred consideration of a recommendation from the Executive in respect of a Special Responsibility Allowance (SRA), so that the view of the Council's Independent Remuneration Panel (IRP), which had not been received at that date, could be considered.

The proposal for a small SRA was for the Chair of Programme Advisory Boards, in recognition of the responsibility for coordinating work, regular liaison with officers and the potential number of meetings each year. The allowance proposed was the same level as that of the members of the Planning Committee and the lowest value offered by the Council. By law, the proposals needed referring to the Council's IRP for it to provide a view before Council took a decision on this.

Subject to the comments of the IRP, a SRA of £260.10 per annum for the Chairman of a Programme Advisory Board, had been recommended for approval.

This has been reviewed by the Chairman of the IRP and he has raised no objection as this, along with all other Members' Allowances, will be reviewed as part of the wider review starting in December 2020.

## 10. Executive Report

To consider a report of the 24 August 2020 Executive meeting. **(To follow)**

## 11. Extension of Delegated Authority DS (70)

To consider a request from the Chairman of Planning Committee for the following temporary delegation to be extended until the 18 November 2020 Council meeting, where it will be reviewed but noting that the delegation would lapse if physical meetings of the Planning Committee can start before that date.

To confirm the revision of delegation DS (70) up to 18 November 2020 at the latest.

*"the determination of planning applications until further notice, so that for applications that fall within clauses i, ii, iii, v, vi, vii, viii, applications will be determined by the Head of Development Services in consultation with the Chair of Planning Committee (or in his absence the Vice-Chair of Planning Committee). For applications that fall within clauses iv and ix, applications will be referred to Planning Committee for determination."*

## 12. Programme Advisory Boards

To confirm the membership of the six programme advisory Boards as set out below:

<b>Finance &amp; Business (5)</b>	
<i>Councillors</i>	<i>Party</i>
Bartlett – Chair	Conservative
R Dickson	Liberal Democrat
Luckhurst	Green
Syson	Liberal Democrat
Tracy	Conservative

<b>Climate Emergency (6)</b>	
<i>Councillors</i>	<i>Party</i>
J Dearing – Chair	Green
Kohler	Liberal Democrat
Milton	Liberal Democrat
Murphy	Conservative
Skinner	Labour
Tracy	Conservative

<b>Development(6)</b>	
<i>Councillors</i>	<i>Party</i>
Grey – Chair	Conservative
B Gifford	Liberal Democrat
Jacques	Conservative
Leigh-Hunt	Conservative
Tangri	Green
Weber	Labour

<b>Culture &amp; Neighbourhood(6)</b>	
<i>Councillors</i>	<i>Party</i>
Noone – Chair	Conservative
A Dearing	Green
Jacques	Conservative
Murphy	Conservative
Russell	Liberal Democrat
Skinner	Labour

<b>Housing &amp; Property (6)</b>	
<i>Councillors</i>	<i>Party</i>
Roberts – Chair	Green
Cullinan	Labour
K Dickson	Liberal Democrat
Kennedy	Green
Leigh Hunt	Conservative
Margrave	Whitnash Residents Association

<b>Health &amp; Community Protection (5)</b>	
<i>Councillors</i>	<i>Party</i>
Mangat – Chair	Labour
C Gifford	Liberal Democrat
Evans	Green
Ashford	Conservative
Illingworth	Conservative

### 13. 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 Monday 24 August 2020

---

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

Telephone: 01926 456114  
E-Mail: [committee@warwickdc.gov.uk](mailto:committee@warwickdc.gov.uk)

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

The agenda is also available in large print, on request, prior to the meeting by calling 01926 456114.

# WARWICK DISTRICT COUNCIL

Minutes of the meeting held remotely on Wednesday 5 August 2020, at 6.00pm.

**PRESENT:** Councillor Ashford (Chairman); Councillors Bartlett, Boad, Cooke, Davison, Day, A Dearing, J Dearing, K Dickson, R Dickson, Evans, Falp, B Gifford, C Gifford, Grainger, Grey, Hales, Heath, Illingworth, Jacques, Kennedy, Kohler, Leigh-Hunt, Luckhurst, Mangat, Margrave, Matecki, Morris, Murphy, Nicholls, Noone, Norris, Roberts, Russell, Skinner, Syson, Tangri, Tracey, Weber and Wright.

## 19. Apologies for Absence

Apologies for absence were received from Councillors Cullinan, Milton and Redford

## 20. Declarations of Interest

There were no declarations of interest.

## 21. Minutes

The minutes of the meeting of the Council held on the 24 June 2020 were proposed by Councillor Day, duly seconded by Councillor Cooke and signed by the Chairman as a correct record.

## 22. Communications and Announcements

The Chairman led a moment's reflection as a mark of respect for former Councillor Elizabeth Higgins who had recently passed away.

The Chairman informed Council that there was no business to be considered under agenda items: 5 - Petitions, 6 - Notices of Motion and 7 - Public submissions.

## 23. Leader's & Portfolio Holders' Statements

There were statements from the Portfolio Holders for: Development, Councillor Cooke; Finance & Business, Councillor Hales; and Housing & Property, Councillor Matecki. These were shared before the meeting and are set out at Appendix 1 to the minutes.

Councillor Day, the Leader of the Council, informed Council that:

- (a) in terms of an update on the devolution of local government, this Council was in process of preparing a joint research project with all District and Borough Councils in Warwickshire and Warwickshire Association of Local Councils on all options for devolution of local government. As part of this there would be a public survey of residents, business and community governance and bring this back to Councillors so they could debate and take proposals forward by the end of September. There were also continuing discussions with Warwickshire County Council and local members of parliament. As part of this, he informed Council that Warwickshire County Council were minded to request being one of the first new unitary authorities, but the Leaders of the District and Borough Councils in Warwickshire had written to the minister stating that they did not want to be part of the first phase; and
- (b) thanked Councillors for their work on the Governance Review and informed Council that the Chairmen of the Programme Advisory Boards would be

Councillor Bartlett (Business and Finance), Councillor Grey (Development), Councillor Noone (Culture & Neighbourhood), Councillor Roberts (Housing & Property), Councillor Mangat (Health & Community protection), Councillor J Dearing (Environment).

## 24. **Questions to the Leader of the Council & Portfolio Holders**

Councillor Davison asked the Portfolio Holder for Housing & Property that it was good to see that the Council was looking to improve the EPC ratings of the Council's tenants' homes and that in February the Executive approved a climate emergency report which included:

*2.11 The Executive agrees that the Housing Revenue Account Business Plan be reviewed and brought to the Executive for approval in March 2020 to include provision of circa £18m over the period up to 2030 to ensure all the Council's housing stock has a minimum energy Performance Certificate (EPC) rating of C and for any properties that cannot be brought up to EPC C rating, for either technical reasons or at an acceptable cost, to be subject to an options appraisal through the Council's Asset Management Strategy.*

It was not possible for this to happen in March, therefore Councillor Davison asked for an update on this aspect of the HRA business plan.

In response, Councillor Matecki explained that officers were in the process of commissioning specialist consultants to survey property architypes, and would make recommendations to improve the EPC rating of the existing housing stock to a minimum of EPC C to meet current requirements.

The work was separated into various categories relating to the current EPC levels as those properties which were rated E, F and G required a different approach to those with EPC levels of D, C or above.

Recommendations for improving all property above EPC C were being undertaken as a separate piece of work to meet the Council's climate emergency agenda.

When recommendations and costings were available, the Council would be in a clearer position to understand the level of work required. Officers were also preparing to bid for any opportunities that might arise linked to this area of work.

Councillor Davison asked a supplementary question of the Portfolio Holder and in response, Councillor Matecki explained that there was not a timescale at present but agreed to circulate to all Councillors when it was available. It was also unclear if the Green Homes grant was applicable to Council tenants but this was being explored.

Councillor R Dickson asked the Leader if he would provide an update about what form of input would be sought this summer from all residents and businesses in South Warwickshire about the plans for a fresh look at local government in the area and what progress had been made in collecting this input.

In response, Councillor Day explained that alongside the work commissioned on behalf of all Borough and District Councils in the County on the options for local government going forward, work is already underway on surveys of residents, businesses and parish and town councils. This work would feed into the reports for Councillors to consider on the options for local government in Warwickshire. Whilst everyone had preferences for what would be the best way, Members needed to

keep an open mind, with the focus being on the best way forward for the local community. That was why the research that was being commissioned was important. It should not be left to Councillors alone to have their say.

Councillor Kohler asked the Portfolio Holder for Health & Community Protection in respect of Covid19 if she could confirm that the nearest testing centre was currently in Coventry and if she was satisfied that the Council had a clear action plan in place, as well as resources needed if a local outbreak of Covid19 was to happen.

In response, Councillor Falp explained that Warwickshire County Council led on this area and she attended meetings with them. The nearest testing centre was at the Ricoh Arena but there were a number of mobile testing stations, with more coming online that could be set up in local areas. There was still a struggle in terms of sharing personal information in respect of local outbreak data and this was proving a challenge. There was a balance between needing to know and protecting personal data. That said, Councillor Falp was confident the Council was prepared for a local lockdown.

Councillor Kohler asked the Portfolio Holder for Culture & Neighbourhood for an update on relaying of the bowling greens for the common wealth games, particularly if there were any financial consequences.

In response, Councillor Grainger explained that she had not received a recent update but would circulate a response to all Councillors.

There were two written questions submitted before the meeting that had not been responded to and the Chairman agreed for the written answers to be circulated to all Councillors after the meeting. These questions and answers are set out at Appendix 2 to the minutes.

## 25. **End of Term reports**

(a) It was proposed by Councillor Nicholls, seconded by Councillor Ashford and

**Resolved** that the Annual Report of the Finance & Audit Scrutiny Committee under Article 6 of the Constitution be noted.

(b) It was proposed by Councillor Davison, seconded by Councillor Ashford and

**Resolved** that Annual Report of the Overview & Scrutiny Committee under Article 6 of the Constitution be noted.

## 26. **Overview and Scrutiny Committees**

It was proposed by Councillor Nicholls and seconded by Councillor Norris that Council Procedure Rules 34 Public Speaking (c) Committees - Scrutiny committees should be amended to read as follows:

*"A maximum period of 3 minutes is allowed for each speaker. If several people wish to speak on the same subject, they will be restricted to an overall total of 5 minutes. The time allowed for all speakers at any one meeting is limited to 30 minutes. The Chair will have discretion to increase the time available for speakers where they consider the matter has a significant public interest."*

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

**Resolved** that Council Procedure Rule 34(C) be amended as set out above.

## 27. **Executive Reports**

It was proposed by Councillor Day and seconded by Councillor Cooke that the reports of the Executive on 13 and 30 July 2020 should be approved.

On advice from the Democratic Services Manager & Deputy Monitoring Officer, this proposal was amended so that the consideration of the proposed Special Responsibility Allowance for the Chairs of the Programme Advisory Boards be deferred to the 2 September Council meeting to enable the view of the Council's Independent Remuneration Panel which had yet to be provided.

**Resolved** that the reports of the Executive of 13 and 30 July 2020 be approved, subject to the amendment above.

## 28. **Pavement licences**

The Council received a report from Health & Community protection explaining that on Thursday 22 July 2020, the Business and Planning Act received Royal Assent, which introduced two key changes. These were a new 'pavement licence' and an Automatic entitlement in law to Off sales of alcohol.

The 'pavement licence' was introduced for the operators of businesses selling food and drink, who could apply to their local authority for authorisation to put furniture such as tables and chairs on the highway adjacent to their premises to sell food and drink from or for their customers to use. The new Act made district councils rather than county councils the bodies who determined pavement licence applications. This was despite the fact that county councils, had responsibility for the highways, were the decision-making bodies for the existing pavement licensing regime.

The Automatic entitlement in law to Off sales of alcohol was for business that had a premises licence for On sales of alcohol and was subject to specific exemptions and conditions.

The purpose of the report was to explain the Council's new function of issuing pavement licences and to delegate to the Head of Health & Community Protection the powers in relation to pavement licensing.

Councillors Kohler, Boad, B Gifford, Murphy, R Dickson, Davison, Wright, Russell, Hales, K Dickson, Falp and Heath spoke on this item.

It was proposed by the Councillor Heath, seconded by Councillor Falp and

**Resolved** that

- (1) the Head of Health and Community Protection, in consultation with the Chair of Licensing & Regulatory

Committee and relevant Portfolio Holder, be authorised to adopt a procedure for dealing with applications for pavement licences under the Business and Planning Act 2020, including provisions relating to consultation, local conditions and enforcement;

- (2) the Head of Health & Community Protection be authorised to determine and refuse on technical grounds (e.g. lack of information supplied with application, not able to comply with mandatory conditions for example the “no-obstruction condition”) applications received for pavement licences, under the Business and Planning Act 2020;
- (3) the Head of Health & Community Protection, in consultation with the Chair of Licensing & Regulatory Committee, be authorised to determine any refusals of applications received for pavement licences, or revocations of a licence under the Business and Planning Act 2020; and
- (4) a fee of £100 for the determination of applications for Pavement Licences be approved.

(The Chairman had agreed to take this as an urgent item to ensure that the authority was delegated and a fee was in place as soon as possible, to enable applications to be determined and in place as part of the recovery from the global pandemic.)

## 29. **Future High Streets Fund**

The Council considered a report from Development Services updating Members on the Future High Streets Fund (FHSF) full business case (FBC), and seeking approval to resource the co-funding and programme management required to support the delivery of the proposals.

The Council was also asked provide comments on the intended decision of the Chief Executive, after consultation with group Leaders in respect of an urgent executive decision he intended to take on the Future High Streets Fund.

The report included a confidential Appendix. To enable Councillors to debate that openly, it was proposed by Councillor Boad, seconded by Councillor Heath and

**Resolved** that under Section 100A of the Local Government Act 1972 the public and press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within the paragraph 3 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

The Council then resumed in public session and Councillors Boad, Davison, Gifford Day and Hales spoke on this matter.

**Resolved** that

- (1) the Council has no comments on the intention of the Chief Executive to make the following decisions under



delegation CE(4) following consultation with Group Leaders:

- (a) the Council's submission to the Future of the High Street Fund comprising the four elements set out in paragraph 3.6 of the report and in confidential Appendix 1 to the report;
  - (b) that, subject to the bid being successful, agree to provide resource to programme manage the delivery of these elements as set out in paragraph 3.12 of the report;
- (2) within the bounds of recommendations, authority be delegated to the Head of Development Services, and the Head of Finance in consultation with the Portfolio Holder for Finance and Business, to finalise the detail of the proposals and to submit the bid; and
  - (3) subject to the bid being successful, the Council co-funds the programme up to a maximum amount as set out in the financial appraisal in Appendix 1 to the report, but that a further report be brought forward to agree the detail of the funding should the bid be successful.

(The Chairman of the Council had agreed for this to be considered as an urgent item because of the restrictive deadline for making the submission and negate the need for further additional meetings.)

### 30. **Appointments to Committees**

It was proposed by Councillor Ashford, seconded by Councillor Heath and

**Resolved** that Councillor Heath be appointed as the Whitnash Residents Association to the Finance & Audit Scrutiny Committee.

(The Chairman had accepted this request for an urgent item because it was important that all Committees were able to operate with a full complement of Councillors and Councillor Heath would be able to participate at the meeting of the Committee in August.)

### 31. **Common Seal**

It was proposed by Councillor Ashford, seconded by Councillor Day 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 8.25pm)

CHAIRMAN

2 September 2020

**Minute 23 Leader's and Portfolio Holders' Statements****Portfolio Holder for Business & Finance (Councillor Hales)**

Would like to pay credit to the great work done by the council and its partners to reopen the High Streets, retail hospitality and leisure sectors has led to a significant increase in footfall and businesses opening up in the high 80% now. We continue to work very closely with all these sectors and also the tourism industry as green shoots start to appear.

Discretionary Grants – we have now launched our final scheme, and have opened it up to all businesses, whether they be based from offices or home, who have had their business income affected by Covid 19. The deadline for this is Friday 14<sup>th</sup> August at 12pm, and we are aiming to get all grants processed by 28<sup>th</sup> August. Can I pay credit to Gayle Spencer and her team for all their hard work so far.

Small Business & Retail, Hospitality & Leisure Grant Funds we now stand at 2,403 payments and a total of £31,175,000. Based on the original total grant received of £33,124,000, this equates to over 94.1% paid to businesses in our area. There has been a huge amount of work contacting businesses who qualify for this grant from Paul Town/Steve Marshall & their team & also the team processing all the grants and ensuring these businesses receive these grants into their accounts as quickly as possible, so my thanks to Jon Dawson and his team as well. Again this scheme is closing on Friday 14<sup>th</sup> August at 12pm.

Business Rate Relief as a Tool for Inward Investment – a policy designed to provide an incentive to new firms looking to locate into the District (with some qualifying criteria) which allows for up to 50% business rates relief for those new firms (or existing firms that expand to fit the policy criteria). This was approved at Exec earlier in the year but the pilot was suspended due to the virtual close down of business during the peak period of the pandemic. We are now working to launch this scheme in the next week to 10 days as business is starting up again.

Finance Systems Replacement Project - The Project Board, met last week with leadership representatives from TechnologyOne, the supplier of the new finance system. The meeting set out the objectives for the project including the implementation and reporting approach. This was the first of what will become regular meetings with the supplier so the Project Board can closely monitor the progress of the implementation and provide support in overcoming any challenges with the implementation itself.

High level planning has established a go live for the beginning of July in 2021. This will be confirmed when the business process workshops have been concluded later this year and the blue print for the implementation and the realisation of benefits agreed. My thanks to all the project board for their hard work & also Keith Eales for leading this and his hard work in making sure this important project has been kept on track.

### **Portfolio Holder for Housing & Property (Councillor Matecki)**

I am delighted to tell you that the Application made by the Housing Team for permanent planning approval from the Council's Planning Committee, at William Wallsgrove, the Council's direct access hostel for the homeless in Leamington Spa, was successful. The hostel is now able to extend its provision of round the clock accommodation, support and care to the most vulnerable in our society, when it is safe to do so.

Opened in 2018 William Wallsgrove House has been providing a temporary home for around 11 people and is a major element of the Council's rough sleeping initiative which aims to ensure that nobody needs to be street homeless. Unlike the night shelters, those using the hostel are encouraged to stay during the day and access on-site support, care and counselling from specialist agencies and partners including P3, Warwickshire Police, Cyrenians, Warwickshire County Council and NHS Mental and Physical Health nurses. Now that permission has been granted the Council can utilize the full capacity of the building and offer beds for 22 guests with this increasing to 30 during severe weather conditions.

Alongside the planning application is a robust management plan for the hostel detailing the hostel rules, use and occupation agreement and strict no drugs and alcohol policy. In the past eighteen months more than 200 rough sleepers have been helped by the Council's service at William Wallsgrove House and many of these people have found permanent accommodation, reconnected with friends and family or have undergone rehabilitation programmes.

William Wallsgrove House has played a key role in the work that officers have been undertaking as part of the 'Everyone In' programme. This has seen the Council, with its fantastic Voluntary sector partners provide accommodation and support to our rough sleepers, providing them with a safe place to go and the support to help them adjust to their new situation. In various locations across the district, we are now accommodating over 60 people who were either former rough sleepers or at risk of rough sleeping. We are also grateful to local businesses including Aston Martin, Aubrey Allen along with Tesco, Morrisons, Asda, Marks and Spencer the Sikh community and Midland Langar Seva for providing goods and food which enabled the provision of hot meals and lunch packs during the lockdown period.

We are now focusing on finding more settled accommodation for all of these people and provide the support they need to make the transition. We have successfully brought everyone in all bar one person who, despite being made an offer of accommodation, is not ready to make the move to come inside. So for the last 4 months, we have all but eradicated rough sleeping in Warwick District and we are very close to sustaining this going forward. Wouldn't that be a fantastic achievement and incredible legacy.

We know too well that many people have been hit hard financially by the pandemic. Some people are on reduced incomes, others have lost their jobs or businesses, many are still furloughed and face potential redundancy. This is already having an impact on the ability of households to pay their housing costs, and we forecast a new wave of homelessness as the governments ban on evictions is lifted at the end of this month. We are talking to our local Registered Providers to develop measures to prevent tenancy loss, enabling people to remain in their homes and giving them a second chance.

We are also making strides on our commitment to climate change. Although yet to go before planning committee, the specification for our new homes planned at a site known as the Triangle will deliver zero carbon in operation. Properties will benefit from underfloor heating, air source heat pumps and Photovoltaic units. The U values are well in excess of building standards and Adam Sharpe, the Assoc. Pre-Construction Director from Vistry, our development partner, tells us that not many are building to this level.

This work with Vistry and our consultants, Enhabit, have helped us to develop a specification for future Council homes which we consider will achieve an EPC of A.

Of course, a significant issue for us is improving the EPC ratings of our housing stock. To this end, officers are in the process of commissioning specialist consultants to survey property architypes and make recommendations to improve the EPC rating of the existing housing stock to a minimum of EPC C to meet current requirements.

The work is being separated into various categories relating to the current EPC levels as those properties which are rated E, F and G will require a different approach to those with EPC levels of D, C or above.

We are also seeking recommendations for improving all property above EPC C as a separate piece of work to meet the Council's climate emergency agenda.

When recommendations and costings are available, we will be in a clearer position to understand the level of work required. We are also preparing to bid for any opportunities that may arise linked to this area of work.

### **Portfolio Report Development Services (Councillor Cooke)**

Following the first few months of the lockdown the Planning department is becoming busier once again with 249 applications currently registered on the system. This is about normal for this time of year.

Progress has also been made on the Kenilworth School Project as the Department for Education has given conditional permission for the school to progress the purchase of the land required to build the new school. Once the school has completed the purchase of the land it will trigger the application for up to 99 homes to be built at Crewe Lane, South Crest Farm. However, progress on some of the other earmarked sites in Eastern Kenilworth is slow with a number of issues still to be resolved.

The Council are putting in place a policy for builders with a turnover below £40 million per annum which allows them to ask to defer their payment of CIL for up to 3 months. This will bring us into line with other nearby authorities. Each application would be dealt with on a case by case basis.

Most local building sites in the District are now fully operational.

Building Control is confident that despite the pandemic income should be between £700-£750K against a budget for the full year of £836K. However, we have maintained our market share at 69%. They are actively pursuing new business including providing their services for the new Kenilworth School

## Minute 24 - Questions to the Leader of the Council & Portfolio Holders

### Question from Councillor Nicholls to Portfolio Holder for Environment

The District's Climate Emergency Action Plan established that 33% of the 1m tonnes of The emitted Carbon Dioxide in the geographic District is attributable to transport. We will not meet our target of getting as close to zero carbon in the District by 2030 without reducing significantly or eliminating this source of carbon dioxide. Warwickshire County Council is undertaking a review of its Local Transport Plan 2011 -26. This is now particularly urgent and timely in the light of the government's Gear Change strategy which includes an aspiration that 50% of all journeys in towns and cities are cycled or walked by 2030. Yet I sense a worrying lack of commitment from WCC to address these expectations with vigour or ambition. Recent interviews on BBC CWR underline that point. Nor does it seem to want to engage seriously in the sustainable transport review that we as a Council have called for and written to our colleagues in WCC about. Can the Portfolio Holder please tell us what action is being taken to bring WCC to the table to address these pressing matters; and how he and they intend to engage more widely with the public and voluntary groups that can support the Councils in their endeavours. Finally, would he consider whether we as a Council should set a modal shift target for transport in the District similar to the national target? It would be simple to communicate and become the benchmark by which investment and policies are judged. How to achieve such a target could also be a topic at the proposed Citizens' Assembly given its importance in our response to the Climate Emergency.

### Response from Councillor Rhead

I would strongly agree that addressing the impacts of transport on Climate Change is a vital part of our Climate Emergency Action Programme and that it is a priority for us to work on this. I have asked the new Programme Director for Climate Change to make it a priority to liaise with Warwickshire County Council on the Local Transport Plan. We will be using all the influence we can bring to bear to ensure the Local Transport Plan provides the strategic platform for both the County Council and the District Council to rethink approaches to transport in a way that moves away from transport modes based on fossil fuels and in particular focuses on active, sustainable and equitable modes of transport. The Government's recently published Gear Change strategy means that there has never been a better opportunity to engage with the County Council in this way and I would hope that as a result we do see a shift in thinking across Warwickshire. Related to this, the idea of a modal shift target is an attractive one and I would agree that this could help with communication and community engagement around sustainable transport. I will therefore ask the Programme Director to give this consideration and to include this suggestion in his engagement with the County Council. I will ask him to bring back a report setting out whether this is feasible, and if it is, how it could be measured and what an appropriate target might be.

In terms of engagement, the scope and agenda of the proposed Citizen's Assembly is still being developed, but I would certainly expect transport to be an important part of its considerations and the potential for a modal shift target could be potentially be included. However, we will need to liaise with the independent facilitators who we are in the process of appointing. Finally, as you know, I am also always willing to engage with members of the public and voluntary groups who are active in this field. We will not be able to achieve our climate change ambitions on our own and so working alongside voluntary organisations and active residents can only help us along our path towards a net zero Carbon District

**Question from Councillor Tangri to Portfolio Holder for Environment**

Although the Council's Fuel Poverty Strategy has been delayed several times, can you update the council on the work done so far. Does the council intend to apply for the Green Homes Grant Local Authority Delivery scheme? See [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/906545/local-authority-delivery-scheme-guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/906545/local-authority-delivery-scheme-guidance.pdf) Approximately how many households in the district may be eligible i.e. household income under £30,000 per year living in homes rated EPC E, F or G?

**Joint response from Portfolio Holders for Environment and Health & Community Protection**

A draft fuel poverty strategy was developed last year. However, it was decided by Senior Management Team to hold the strategy back to enable alignment with the proposed Climate Action Fund which has the potential to be a key delivery tool in that it could enable financial incentives to be offered to residents to improve energy efficiency. As you know, in the event, the Council Tax Referendum didn't take place and the as a result the CAF has not yet been established. However, the Strategy is still part of officers work programme and the emerging government initiatives have the potential to offer an alternative means of providing financial incentives. At this stage it is still very early days in the development of the Green Homes Grant scheme. Officers will be attending a BEIS webinar on this next week after which we will be in a position to bring forward proposals for how WDC will utilise this opportunity. Encompassed within this, we will be bringing forward proposals next year as to how we will meet the CEAP ambition of bringing around 60% of the District's homes up to EPC C rating.

Finally, it is worth pointing out that officers are continuing to work with partners on fuel poverty initiatives across the District including Act on Energy and the Heart partnership (which is providing free external walls insulation to eligible households)

# Executive

Excerpt of the minutes of the meeting held remotely on Monday 24 August 2020, which was broadcast live via the Council's YouTube Channel.

**Present:** Councillors Day (Leader), Cooke, Falp, Grainger, Hales, and Rhead.

**Also present:** Councillors: Boad (Liberal Democrat Group Observer), Davison (Green Group Observer), Councillor Mangat (Labour Group Observer) Milton (Chair of Overview & Scrutiny Committee) and Nicholls (Chair of Finance & Audit Scrutiny Committee).

Apologies for absence were received from Councillor Matecki.

## Part 1

(Items upon which a decision by Council was required)

### 25. **Minimum Energy Efficiency Standards Enforcement Process – Private Sector Housing**

The Executive considered a report from Housing bringing forward an enforcement process to enable officers to apply penalties for breaches of the Minimum Energy Efficiency Standards (M E E S) regulations.

These regulations were the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015, as amended (most recently by the Energy Efficiency (Private Rented Property) (Amendment) (England and Wales) Regulations 2019).

The regulations set out that from 1 April 2020, the minimum level of energy efficiency for all private rented domestic property in England and Wales was an energy performance certificate (EPC) rating of band E. Therefore, from that date, landlords of properties with EPC ratings of F or G would no longer be able to legally let them, subject to certain exceptions that were set out in Appendix 1 to the report.

Although the powers were within the regulations, for officers to be able to use them, the Council needed to formally adopt a process to do so. The Council also had the discretion to set a schedule of penalties for the various offences.

The regulations allowed the Council to determine any level of financial penalty, for each offence, up to the maximum amounts set out in recommendation 2.2 in the report.

The proposed approach of using the maximum penalties for the various offences was arrived at following consultation with colleagues in the West Midlands. The intention was to be as consistent as possible across the region, in terms of both the level of the penalties and the process for applying them.

So that the policy could be applied quickly and efficiently, once adopted, it was proposed that the Head of Housing Services should be granted the authority to decide on the serving of compliance notices and imposing penalties.

In terms of alternative options. not adopting this process would limit the Council's options in its role as a regulator of private sector housing. It could also affect community confidence in the Council's ability and ambition to deal with poor management and to raise housing and energy efficiency standards.

The Overview & Scrutiny Committee supported the recommendations in the report and agreed it would monitor their implementation. In agreement with the Portfolio Holder for Housing & Property Services, the Committee agreed that its Chair and the Portfolio Holder would liaise with Democratic Services to review whether ongoing reporting could be done using a dashboard within the Business Intelligence Portal.

The Overview & Scrutiny Committee agreed to add a review of the process to its Work Programme after it had been operational for a minimum of 12 months.

Councillor Rhead proposed the report as laid out.

**Recommended** to Council that

- (1) the penalties of the Warwick District Council's MEE's scheme be as follows:
  - i. £2,000 for renting out a non-compliant property for less than 3 months;
  - ii. £4,000 and a publication penalty for renting out a non-compliant property for 3 months or more;
  - iii. £1,000 and a publication penalty for providing false or misleading information on the PRS Exemptions Register; and
  - iv. £2,000 and a publication penalty for failure to comply with a compliance notice;
- (2) the Constitution be updated to reflect the changes to the Head of Housing Services delegations as below.

**Resolved** that

- (1) subject to Council on 2 September agreeing the proposed penalties above, Appendix 1 to the report for the enforcement of the MEES



regulations be adopted, to come into force from 3 September 2020; and

- (2) authority be delegated to the Head of Housing Services to enforce the MEES regulations as set out within the approved penalties process.

(The Portfolio Holder for this item was Councillor Matecki)  
Forward Plan Reference 1,124

## 29. **Park Exercise Permits**

At the beginning of this item, the Leader informed Members that, following advice from officers, this report was, in fact, a Part 1 item, due to the fees and charges proposals in recommendation 2.2.

The Executive considered a report from Cultural Services. In 2018, the Council implemented its first test process for the use of parks, to help monitor the use of parks and open spaces. This was intended to be used to monitor the usage of parks and open spaces by organisations and individuals such as fitness groups and personal trainers. The report sought approval for a formal policy to replace the informal process which was currently in place. By introducing fees and charges within the new policy, the Council would have a more effective monitoring system, as well as being able to generate some limited income.

The policy was recommended because it would encourage more park users to enjoy a healthy, active lifestyle and use the Council's parks and open spaces to do so.

Rangers would check on exercise groups in the parks, and groups would be asked to show their pdf permit on a phone, or a paper permit if a mobile version was not possible. This would be issued by Cultural Services when the organisation applied for a permit with the Council.

The Parks Exercise Policy was based on similar policies and charges set by other Councils around the UK, to ensure Warwick District Council was in line with other areas. It allowed the Council to fully monitor the usage of its parks and open spaces, as well as making some income when issuing the permits.

Having this policy would also enable officers to monitor the activities and behaviours of groups using the parks. Any misuse of the parks or the trees, ecology or equipment within them could be more easily connected to a particular group, and the misuse stopped.

The draft policy at Appendix A to the report showed proposed prices to charge the various groups and organisations. It was intended that these charges would apply from the implementation of the policy until the annual Fees and Charges review in January 2021. Prices were set with reference to charges in similar authorities and on the Council's own view of the market for

this service. Any annual permit allocated to a group would apply for 12 months from the time of allocation.

An annual review by Cultural Services allowed the Council to update the policy and the charges when necessary. Updates would be based on market conditions and would also consider any feedback from groups using the permits. This annual review would take place as part of the wider review of charges undertaken by the Council each year.

In terms of alternative options, the Council could choose not to propose the Parks Exercise Policy and continue without a formal policy and without charging users. However, the current informal system was not effective and the lack of groups using it did not allow the Council to fully monitor the usage of the parks or generate any income from the current users.

An addendum circulated prior to the meeting advised Members that in consulting on the content of the report, it had become clear that there might be other Parks and Open Spaces that served as unofficial venues for outdoor fitness classes, apart from those listed in the proposed Policy. It was also considered possible, although unlikely, that existing classes might move from those areas covered by the Policy, in order to avoid the requirements of the Policy. It had thus been decided to propose that the Portfolio Holder for Culture and the Head of Cultural Services be delegated the authority to add other areas of the Council's Parks and Open Spaces to the Policy from time to time, if it is considered appropriate to do so.

The addendum advised Members of an additional recommendation 2.4, to read:

*2.4 That Members delegate authority to the Head of Cultural Services in consultation with the Portfolio Holder for Culture the decision as to the future inclusion of new areas of the Council's Parks and Open Spaces within the remit of this policy.*

Officers also provided reasons for the additional recommendation in the addendum. The Policy was currently proposed to apply to the larger Parks and Open Spaces within the Council's ownership. This was because it was believed that these were the main areas where these activities currently took place. However, if it became clear that other areas within the Council's ownership were being used for activities of the nature covered by the Policy, it might be necessary to include additional areas into the Policy at a later date.

It was also possible, although it was not considered likely, that existing groups might move from the major parks to smaller open spaces in order to deliberately evade the requirements of the Policy.

It was therefore proposed that authority should be delegated to the Portfolio Holder for Culture and the Head of Cultural Services to add additional Parks and Open Spaces to the Policy if required to maintain consistency. This could be done as part of the annual review of the Policy, or at other times if necessary.

Following the meetings of the Scrutiny Committees, a second addendum was circulated prior to the meeting, advising of the following amendments to the recommendations in the report agreed by the Portfolio Holder for Culture and Neighbourhood.

#### Amended Recommendations

*2.2 That the Executive recommends to Council for approval the prices shown in Appendix A to this report for the period of time between the implementation of the policy and 1st January 2021 with a delegation to the Head of Cultural Services, in consultation with the Portfolio Holder for Culture, to apply discount prices as deemed appropriate for the purpose of launching the scheme”; and*

*2.3 That Members instruct officers to review the Park Exercise Policy after the first 6 months of operation and then on an annual basis, with charges being included as part of the annual review of fees and charges.*

#### Additional Recommendation

*2.5 That members ask officers to update the relevant pages on the Council website to promote the new policy and to list those organisations who have registered as part of the scheme.*

The Overview & Scrutiny Committee noted the recommendations in the report and agreed it would monitor their implementation.

The Head of Cultural Services and Portfolio Holder for Culture agreed to explore if a method to allow new licence holders to upgrade easily from monthly to annual payments would be feasible.

The Overview & Scrutiny Committee agreed to add a review of the permit scheme to its Work Programme after it had been operational for six months.

Councillor Boad, the Liberal Democrat Group Observer, pointed out that for consistency reasons, the word **designated** should be added at Paragraph 6, page 11 – Pricing Policy, to read: “*The following prices are for the use of all **designated** Warwick District Council parks.*”

Councillor Grainger reminded Members of the revised recommendations. In addition, she informed Members that the policy would include Mill Gardens in the list of designated parks, as detailed in Appendix A to the report, and was happy to take on board the addition of the word **designated** as suggested by Councillor Boad. She then proposed the report as laid out, subject to the amendments above and additional recommendations as laid out in the update reports.

**Recommended** to Council that the prices shown in Appendix A to the report be approved for the period of time between the implementation of the policy and 1st January 2021, with a delegation to the Head of Cultural Services, in consultation with the Portfolio Holder for

Culture, to apply discount prices as deemed appropriate for the purpose of launching the scheme.

**Resolved** that

- (1) the Park Exercise Policy shown as Appendix A to the report, be approved, and officers be instructed to implement the policy as soon as possible;
- (2) officers be instructed to review the Park Exercise Policy after the first six months of operation and then on an annual basis, with charges being included as part of the annual review of fees and charges;
- (3) delegated authority be given to the Head of Cultural Services in consultation with the Portfolio Holder for Culture, for the decision as to the future inclusion of new areas of the Council's Parks and Open Spaces within the remit of this policy; and
- (4) the relevant pages on the Council website to promote the new policy and to list those organisations who have registered as part of the scheme, be updated by officers.

(The Portfolio Holder for this item was Councillor Grainger)  
Forward Plan Reference 1,145

(The meeting ended at 6.53pm)

## **Penalties Process**

This process follows the general principles set out in the Council's Enforcement Policy and the Government guidance.

In summary where the Council believes that a property has been let in breach of the Minimum Energy Efficiency Standard Regulations (MEES) it will serve a compliance notice requesting information. If the Council are then satisfied that a breach has occurred, they can serve a notice on the landlord imposing financial penalties. The landlord may ask for the penalty notice to be reviewed. Following the outcome of the review the landlord still has the option to appeal the penalty notice to the First Tier Tribunal.

### **Compliance Notice**

Where the Council believe that a landlord is letting a property in breach of the MEES Regulations or has registered false or misleading information on the Private Rented Sector (PRS) Exemptions Register a compliance notice will be issued.

A compliance notice requests information to help the Council decide whether a breach has occurred. The Council may serve a compliance notice up to 12 months after the suspected breach occurred.

A compliance notice may request information on:

- the Energy Performance Certificate (EPC) that was valid for the time when the property was let
- the tenancy agreement used for letting the property
- information on energy efficiency improvements made
- any Energy Advice Report in relation to the property
- any other relevant document

### **Penalties**

If it is confirmed that a property has been let since April 2020 in breach of the regulations, and the landlord is not working with the Council to comply with the regulations, a penalty notice will be served with the maximum applicable penalty.

The maximum penalty amounts that apply per property and per breach of the regulations are:

- £2,000 for renting out a non-compliant property for less than 3 months
- £4,000 and a publication penalty for renting out a non-compliant property for 3 months or more.
- £1,000 and a publication penalty for providing false or misleading information on the PRS Exemptions Register
- £2,000 and a publication penalty for failure to comply with a compliance notice

In total the maximum amount a landlord can be fined per property is £5,000.

A publication penalty means that the Council will publish some details of the landlord's breach on a publicly accessible part of the PRS Exemptions Register.

### **Right of Appeal**

The landlord can ask for the decision to serve a penalty to be reviewed by writing to Head of Housing Services within 28 days of the penalty notice being served, giving their reasons for the review request.

The Council must withdraw the penalty notice if:

- new evidence shows a breach has not occurred.
- a breach has occurred, but the evidence shows that the landlord took all reasonable steps to avoid the breach.
- It is decided that because of the circumstances of the case, it was not appropriate to issue a penalty.

The Council can also decide to vary the level of penalties following representations from the landlord.

If a local authority decides to uphold the penalty notice, a landlord may appeal to the First-tier Tribunal. The landlord has 28 days to submit an appeal from the date of the local authority's decision.

The First-Tier Tribunal may quash the penalty notice or confirm the penalty notice in its original form. If the penalty notice is quashed, the Local Authority must repay any amount paid by the landlord in carrying out the notice.

If a landlord does not pay a financial penalty imposed on them, the Local Authority may take the landlord to court to recover the money.

### **Exemptions**

If a property meets the criteria below the landlord, or an agent for the landlord, will be able to let it once they have registered an exemption in the Government's PRS Exemptions Register:

- **All relevant improvements have been made exemption (valid for 5 years)**

Where a property is still below an EPC rating of E after improvements have been made up to the cost cap (£3,500 incl VAT) or where no relevant improvements can be made

- **High cost exemption (valid for 5 years)**

Where no improvement can be made because the cost of installing even the cheapest recommended measure would exceed £3,500 (including VAT).

After the exemption expires the landlord must try again to improve the property's rating to meet the minimum level of energy efficiency. If this still cannot be achieved, then a further exemption may be registered.

- **Third-party consent exemption (valid for 5 years)**

Where the relevant improvements for the property need consent from another party, and the landlord can evidence that despite their best efforts consent cannot be obtained, or is given subject to conditions that they could not reasonably comply with.

- **Property devaluation exemption (valid for 5 years)**

Where the landlord can evidence that making energy efficiency improvements to the property would devalue it by more than 5%.

- **Temporary exemption due to recently becoming a landlord (valid for 6 months)**

Where a person recently becomes a landlord, under certain circumstances they will not be expected to take immediate action to improve your property to an EPC rating of E. They may claim a 6 months' exemption from the date that they became the landlord for the property.

Any exemptions which are registered on the Private Rented Sector Exemptions Register may not pass over to a new owner or landlord of a property upon sale, or other transfer. If a property is sold or otherwise transferred with an exemption registered, the exemption will cease to be effective and the new owner will either need to improve the property to the minimum standard at that point, or register an exemption where one applies, if they intend to continue to let the property.



# **Parks Exercise Permits Usage & Charging Policy for Warwick District Council Parks & Open Spaces**



**Written by:**

Meg Smith, Cultural Services – Warwick District Council

Please contact the Business Support Team on [culturebst@warwickdc.gov.uk](mailto:culturebst@warwickdc.gov.uk) or 01926 456207 if you wish to discuss the policy any further.



<b>Contents</b>	<b>Page number</b>
-----------------	--------------------

---

<b>1. Introduction</b>	<b>3</b>
<b>2. Aims and Objectives</b>	<b>3</b>
<b>3. Parks and Open Spaces</b>	<b>4</b>
<b>4. Organisations/Individuals Covered by the Policy</b>	<b>4</b>
<b>5. Exemptions</b>	<b>4</b>
<b>6. Pricing Policy</b>	<b>5</b>
<b>7. Activities in Parks and Open Spaces</b>	<b>5</b>

## **1. Introduction**

This policy has been introduced in order to ensure that the parks and open spaces within Warwick District are accessible to everyone. Increasingly, businesses are choosing our parks and open spaces to host various activities, which need regulating and should be in some cases chargeable.

In order to ensure everyone gets to enjoy our parks and open spaces it is important that we achieve a balance between the various users.

Over the last few years there has been a change in the usage of some of our parks and open spaces which has seen them used not only for informal recreation such as dog walking and more formal sports such as football, but for a wider range of group fitness activities – Boot Camps, Park Run, Buggy Fit, Circuit Training, Personal Training and Running Groups etc.

## **2. Aims and Objectives**

This Policy aims to ensure the following:

- That our Parks and Open Spaces can be used by a wide range of clubs, organisations and individuals for formal and informal recreation
- To encourage and support activities which align with Warwick District Council's Fit for the Future Strategy

The key objectives of the Policy are:

- To support local community groups and charitable organisations in delivering healthy activities for our residents
- To promote a varied programme of activities and events
- To ensure the health and safety of activities, attendees and the wider public
- To encourage activities which promote local community participation and have strong community benefit
- To continue to maintain the parks and open spaces to a high standard ensuring their long term sustainability

## **3. Parks and Open Spaces**

The following Parks and Open Spaces are covered by this policy:

- Harbury Lane Recreation Ground
- Newbold Comyn
- Castle Farm Recreation Ground
- St Mary's Lands
- St Nicholas Park
- Victoria Park
- Jephson Gardens
- Mill Gardens
- Pump Room Gardens

- Abbey Fields
- Priory Park

#### 4. Organisations and Individuals covered by this Policy

Organisations that utilise the areas in section 3 to conduct their business activities will be subject to paying a hirers fee, these organisations include:

- A Company Limited by Guarantee
- Sole Traders
- Self Employed coaches/trainers
- Any individual or company seeking to make commercial gain from the use of the above open spaces

#### 5. Exemptions

If you or your organisation meets one of the following criteria, then it will be exempt from charges and issued with a permit stating that the organisation is exempt:

- A Registered Charity
- A fully constituted Not for Profit Organisation where any surplus is reinvested directly into the organisation
- School/Educational Establishment

The above list is not exhaustive and the Council will consider each request for use of the parks on its merits and reserves the right to waive charges for certain events that address key Council priorities.

#### 6. Pricing Policy

The following prices are for the use of all Warwick District Council parks. Annual permits are available and should be paid as one payment at the beginning of the permit year. Monthly permits can be paid by direct debit.

This policy does not limit the amount of sessions per week.

<b>1-3 Sessions Per Week</b>	<b>Monthly</b>	<b>Annual</b>
Groups up to 5	£30.00	£310.00
Groups of 6 or more	£75.00	£760.00
<b>4 or More Sessions Per Week</b>	<b>Monthly</b>	<b>Annual</b>
Groups up to 5	£50.00	£510.00
Groups of 6 or more	£125.00	£1260.00

*\*Numbers in table exclude the trainer themselves any staff member of the organisation. Warwick District Council has established that these charges are exempt from VAT.*

The Council reserves the right to undertake head counts at activities without prior notice. If circumstances change and the initial permit is deemed incorrect by either party, then this can be amended through discussion with Warwick District Council. One calendar months' notice will be required for permit changes.

The booking entitles an organisation to non-exclusive use of parks and open spaces and does not include access to buildings.

Before being issued with a permit the individual or organisation will need to provide a risk assessment for the activity taking place and a copy of their £5m public liability insurance, although Warwick District Council reserves the right to request a higher level of cover. Once a booking has been confirmed the organisation will be issued with a confirmation email and an attached pdf permit, this must be available for inspection by Council staff when the activity is taking place. In situations where an email is not possible a permit card will be issued to the organisation.

## **7. Activities in Parks and Open Spaces**

Warwick District Council wishes to encourage a wide range of uses and activities within our parks.

However, we reserve the right to reject any applications on the grounds of the activity being damaging to the parks directly or the environment, mis-use of equipment, spoiling the enjoyment for other park users or in direct conflict with other businesses.

All organisations using the parks and open spaces will be subject to the usual booking terms and conditions.

*Note: Sports clubs such as football and cricket clubs hiring the pitches and pavilions, do not form part of this policy as they are required to book the facilities to guarantee the pitches and changing facilities along with appropriate equipment.*

Please contact the Business Support Team on [culturebst@warwickdc.gov.uk](mailto:culturebst@warwickdc.gov.uk) or 01926 456207 if you have any queries regarding the policy

**Implementation Date** – This policy will be implemented on 1<sup>st</sup> October 2020.

**Review Date (Annually)** – This policy will be reviewed as part of the Council's annual Fees and Charges review