

## **Pre-Scrutiny Questions and Answers – Cabinet Agenda 20 September 2023**

### **Report Title: Policy & Budgetary Framework Procedure Rules**

Report Author(s): Graham Leach

Councillor R Dickson:

Thanks for this report which generally seems to make perfect sense. However, in the Appendix Section 4 there seems to be some confused use of the singular and plural e.g. 'Chairmen of a relevant Overview and Scrutiny Committees' and 'in the absence of both the Vice Chairman of the Council'.

Response from the Leader of the Council, Councillor Davison:

Dear Committee Services,

I would be grateful if 'chair' could be used rather than 'chairman' consistently as agreed at full council. Both in the case that Richard has raised, and on the Cabinet agenda.

Response from Graham Leach:

It is on the list to do as we need to work through the 300 plus pages (when the annex is included) and circa 60 documents.

Noted on the Cabinet agenda and one we will pick up for the next meeting.

Sadly time over the summer has not been on our side.

**Report Title: Local Visitor Economy Partnership Agreement for Coventry & Warwickshire**

Report Author(s): Philip Clarke, Martin O'Neill, Joanne Randall

Councillor R Dickson:

Thanks for this report. The possible creation of a new LVEP is a welcome development. However, it would be useful to know how the risk of a change in governance being a distraction from the day-to-day business of promoting the local South Warwickshire visitor economy will be mitigated. It would be unfortunate if, when SE next come to report to WDC on the impact of SE's work, SE report that the creation of the new LVEP has prevented SE being as active as it might otherwise could have been in promoting Warwick District as a destination of choice for visitors.

Response:

These matters are being considered as the proposal for the Coventry & Warwickshire Local Visitor Economy Partnership (LVEP) is taken forward. They have furthermore already been discussed with the Arts & Economy portfolio holder. The LVEP model does offer Warwick District (and the Shakespeare's England (SE) area more widely) some good opportunities (not to mention some economies of scale in terms of delivering a destination management service). There are, however, questions to be answered in terms of how it does this and what impact this has upon the work that SE currently does for Warwick District.

Representatives from both Stratford-on-Avon and Warwick Districts have been making this point in our discussions with SE. We have been assured that the "Shakespeare's England" brand will remain (as will the Destination Coventry" brand which is valued and well understood within Coventry). From a public-facing perspective, local businesses and the public should see no immediate difference once the LVEP is in operation. (The SE website, which has recently been revamped and improved, is expected to remain.)

Behind this, however, there will be changes as the LVEP is set up, and these will include how the new organisation is governed and what financial contribution all local authorities (and other partners) make to it. These decisions will have to come back to WDC for consideration and proper scrutiny over the next few months. For now, the current report to Cabinet is simply seeking to agree a "partnership agreement" which will set out how we will work together to shape the new LVEP. It will not determine the shape of the LVEP, its governance arrangements, or the financial contributions that different organisations will make. As the report notes, any final decisions about how Warwick District Council will work within the new LVEP, including any financial contributions that the Council will make to it, will be brought to Cabinet for approval in due course.

**Report Title: Abbey Fields Management Plan**

Report Author(s): David Anderson

Councillor Kate Dickson:

I am delighted to see the Abbey Fields Management Plan appear in the Cabinet Papers for this week. I know that it has been a very long journey with many frustrations for you to get to this stage.

With the plan having taken so long to produce and with the need to keep it as a live, relevant document, I am particularly pleased to see the review section at the last page of the executive summary.

There have clearly been many changes to Abbey Fields since this plan was drafted and since the last stakeholders survey took place.

- Can we therefore be assured that the next survey will occur soon?

Response:

As part of the review process we are committed to undertaking a further user survey 5 years after the plans adoption. However it is acknowledged that the first stakeholder survey was carried out some time ago, and likewise the subsequent extended stakeholder survey, so therefore it would seem sensible to undertake further consultation in 2024 which would reflect the passage of time and any changes.

- Can we also know how the process to “Revise and improve the Management and Maintenance Plan where necessary to reflect ongoing developments such as visitor survey feedback, revised financial projections, changes in policy.” will work? And how will results be reported to all stakeholders?

Response:

Monitoring and reviewing the plan is essential and will continue to involve key officers and stakeholders. It is envisaged that any future consultation will be similar, and improved upon, to what has been undertaken before i.e. Fields For Our Future Consultation and the Extended Consultation-Heritage Management so comparisons be made and any feedback is then reflected in any revisions to the plan. It is not anticipated that certain sections of the plan will dramatically change, e.g. site description and planning context though any impacts from the works to the swimming pool and changes in the Councils Strategic Aims would need to be recognised in the plan. The most dynamic sections to the plan and the ones that may see some changes in any review will be the Issues and Opportunities, Aims and Objectives and the Action Plan itself. No significant changes to the plan will be made without the involvement of key stakeholders. As set out in the action plan we are to prepare a costed masterplan to undertake all actions to Abbey Fields, identifying opportunities for CIL funding and

the feasibility of an HLF application for additional works. It has always been acknowledged that a more detailed piece of work was needed to cost up actions, as many were estimates only. This work is planned to be undertaken in 2024 and will improve the Management and Maintenance Plan further. In addition the timescales can also be reviewed.

As stated in the plan an annual report will be presented to the Stakeholders, date to be confirmed, and again who will feed into the monitoring and review of the plan and general standards of management/maintenance.

- Can we also know what the final cost to WDC, for production of this plan, by idverde, has been, and how does this compare to the original expected cost?

Response:

The cost of the full management plan was £27,155+VAT and was within budget. The Executive Summary was an extra piece of work outside the original scope of works and was £4,087.50+VAT and within budget.

**Report Title: Leamington Town Centre Transformation**

Report Author(s): Chris Elliott

Councillor Milton:

The paper proposes using money from reserves in order to fund this. Could you provide for committee the impact of this I.e. what's left and how adequate is it? It would be helpful to have this as standard for future funding requests, perhaps in the Financial Implications section of the report.

Response:

At the time of publishing, a response had not been sent to Committee Services.

**Report Title: Kenilworth Wardens**

Report Author(s): Chris Elliott

Councillor Armstrong:

1. Could you clarify the details around a site being part of the five year housing land supply? In particular, what level of plan needs to be in place for a site to qualify as part of our supply? It is clear that there is a long road to this site becoming housing, even if the move goes ahead, and it still qualifies, so would it definitely need to be removed from the supply if the Wardens move was 'paused'?

Response:

For a site to be included in a five-year supply calculation it has to be 'deliverable'. The term deliverable is defined by the [National Planning Policy Framework at Annex 2](#) and this is expanded upon within [National Planning Policy Guidance Paragraph: 007 Reference ID: 68-007-20190722](#). In principle small sites (less than 10 dwellings) with planning permission are assumed to be deliverable as well as major sites with full planning permission although account needs to be taken of phasing i.e. not all of a site may delivered within the five years.

Authorities can also include the following types of sites in a five-year land supply if there is evidence that they are deliverable and they fall into one of the following categories:

- they have the benefit of outline planning permission; or
- are allocated in a development plan; or
- a grant of permission in principle; or
- are identified on a brownfield register.
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In the case of the site on Glasshouse Lane this is an allocated site in the Local Plan and evidence suggests that a start would be made upon the site within a five-year period, albeit the latter part. If the scheme pauses it could not be included in the five year supply as the authority would be unable to evidence delivery in that time period.

Evidence to demonstrate a site is deliverable includes developer interest and progress made toward site assessment work (this is now underway) and a subsequent planning application.

2. If the move was stopped and the site could not stay in the housing supply, what level of replacement housing supply would be required to meet our 5 year supply and on what timescale? Is this measured in number of dwellings (of how many bedrooms) or land area?

Response:

Land supply is measured in number of dwellings (regardless of size or type).

The Council's housing requirement (published in the 5-year Housing Land Supply Paper 2022) is a minimum of 6,546 dwellings over five years. The Council has identified 6,651 dwellings supply over five years, giving a surplus of just 105 dwellings, resulting in a very precarious 5.08 years supply.

An applicant would only need to demonstrate that a few sites included in the supply were stalling or not delivering at the forecasted rate to be able to challenge the Council's supply and this could result in opportunities for speculative, unplanned development.

Although the five-year supply is not reliant on the whole of the KWSC site coming forward in the next five years it contributes in part (170 dwellings in total has been assumed across both the Rugby and Wardens sites within five years, with the remainder being delivered outside the next 5 years). When combined with other site delivery in the district there is the potential for it to have implications for the authority's ability to demonstrate a five-year housing land supply both now and rolling forward into the next years calculation and this could expose the Council to being unable to defend unplanned development. For example, the allocated site at Leek Wooton Police HQ is included in the five-year supply and expected to deliver 115 dwellings and has recently been refused planning permission.

Officers are currently updating the Housing Trajectory, as we do on an annual basis, and expect to have an updated five-year housing land supply figure in the coming weeks.

3. The report quotes 'various conditions' on releasing the 300k already allocated but not released. Could you clarify what the conditions are, and if these are being proposed to change from the original conditions imposed?

Response:

In September 2022 the Cabinet resolved that:

- 1) the latest position regarding the relocation of Kenilworth Wardens, be noted;
- 2) the release £300k from the Council's Reserves/ Balances be agreed, the precise source of which to be determined by the Head of Finance; and

- 3) £300,000 be released from the Council's Reserves/Balances, the precise source to be determined by the Head of Finance and asks that the Resources PAB reviews the business case and reports its findings to the Leadership Co-ordinating Group (LCG) prior to the release of the funding.

The paper for Cabinet's September 2023 meeting alters the recommendation slightly in that it seeks to delegate authority to the Chief Executive/Deputy Chief Executive, in consultation with the Head of Finance and Portfolio Holders for Place and Resources to release £300,000 already committed to in September 2022 subject to the terms of the revised Project Agreement.

At paragraph 9.1.11 of the cabinet report it goes to explain that the exact timing of this release will be down to officer judgement for when the work involved in the review of the latest Playing Pitch Strategy evidence and a review of the business plan to reflect this work is progressing sufficiently to give confidence that any concerns can be mitigated. This will be a careful balancing exercise to prevent unnecessary delay to submitting a planning application against the risk of forward funding without the certainty of reimbursement.

Prior to releasing the funding, it will also be necessary to update and sign the legal documents, known as the Project Agreement, as this money will be secured through a charge against the land of KWSC site at Glasshouse Lane. The Project Agreement sets out how the Council and KWSC intend to work together to secure the development at Castle Farm and Thickthorn Land (Glasshouse Lane) for their intended respective uses and confirms the parties' commitment to pursuing the project collaboratively.

4. The report states that stopping the move prevents a connected development across East Kenilworth. It seems that the site is not part of the proposed trunk road, so can you clarify what the disconnection is? Can any disconnection be mitigated by footpaths/cycle paths along the playing fields to be agreed with the Wardens?

Response:

The site is expected to come forward in accordance with Local Plan policies. Policy DS15 Comprehensive Development of Strategic Sites sets out that proposals for the allocated strategic sites (including land east of Kenilworth) will be approved where they represent a comprehensive development scheme for the whole site. By virtue of not including this site within the wider allocation this policy requirement would not be met.

Without a comprehensive development scheme, the delivery of infrastructure and services (such as open space and active travel) cannot be guaranteed or properly integrated into the area. The adopted Development Brief for land east of

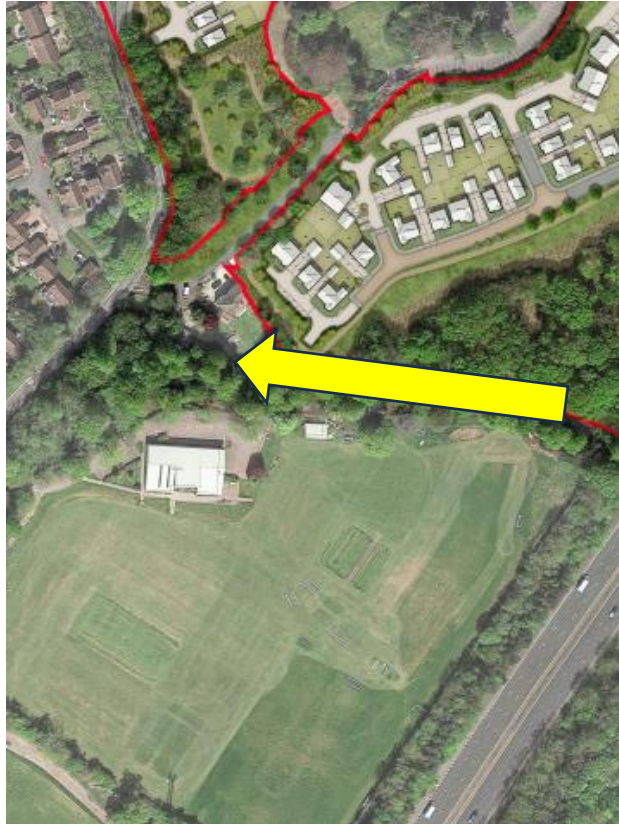


Kenilworth demonstrates how cycle and footpath connectivity can be achieved across the site. See map below extracted from the Development Brief

4. Figure 56: Pedestrian and Cycle Connectivity



The approved scheme to the north W/21/1811 will provide a cycle / footpath connection into the KWSC site once developed to avoid residents having to go out onto the spine road and to provide a more direct and permeable route.



The concept masterplan to the site immediately south of the KWSC (the Rugby Club) although not yet approved also indicates a cycle and pedestrian connection into the site away from Glasshouse Lane to ensure permeability and more direct access for pedestrian and cyclists. By making shorter and attractive routes this should help to encourage users away from relying on cars for short journeys.

Any path through the KWSC's current site should it remain in its existing use is unlikely to be suitable for both safety and security reasons and it seems unlikely that a sports club would wish to encourage the uncontrolled movement of people through their site.

5. How robust is the cost of mitigating the flooding issues on the new site, and how confident are we in the feasibility of this mitigation?

Response:

Costs for the scheme at Castle Farm have been compiled by cost consultant Elias Topping in 2021 and prior to that by Mace. These have recently been revisited by Vistry Linden Limited and are considered to be realistic and the Club have undertaken an exercise of getting up-to-date quotes to further validate this work.

Costs factored in for drainage and earthworks involved in preparing the land for sports use have been based on quotes from relevant experts and on drawings supplied by the Clubs consultants IDP (an architecture, landscape and urban design consultancy). Elias Topping has factored in costs for sustainable drainage systems (SuDs) based on drawings provided by IDP.

Councillor Milton:

1. Can you clarify why we need to make the decision on CIL now? There are a number of studies that still need to be done (e.g. the business case review and the playing pitch demand study.) Is it not desirable to wait until these are done so we know what the situation is?

Response:

The critical issue is one of confidence. The KWSC wrote to the Council in July setting out their situation. They were clearly on the point of withdrawing from working with the Council because of the lack of confidence. Understanding the certainty of funding is key to unlocking this site. Without the security of knowing that CIL is allocated the site is undeliverable. Offering the confirmation of funding, and the wider package of support, albeit subject to a series of caveats, has allowed that confidence to be restored and will enable the Council and KWSC to progress the scheme. The Council is not exposed to risk by making this offer at this stage because of the caveats which are regarded by the club as reasonable. However, by making the offer confidence is restored.

As the report explains the Club do not have funding in place to be able to progress the planning application without the release of £300,000 previously committed by this Council and their current business plan is potentially undermined by the recent decision of Kenilworth School and Sixth form making their 3G pitch available for community use. Funding from the sale of the Club's existing site will not be sufficient to fully fund the relocation. Given all these issues the Club sought the help and intervention of the Council so that a decision could be made as to whether to proceed or if the risks were too great to the Club's future and therefore, they would remain at Glasshouse Lane – the Council were asked to provide this information ahead of the Clubs AGM in September 2023.

Aside from the deadline issued by the Club, any further delays to securing funding would push back delivery and in turn result in increased costs thereby increasing the funding gap making the site undeliverable. Given the lead in times for pitch seeding the Club needs to be able to submit a planning application as soon as possible and to avoid the need to undertake updated studies as part of their submission.

It should be noted that CIL will not be released until after planning permission has been granted.

2. Given that the Council is providing more input to make this happen, are the club proposing to offer anything in return (e.g. more public access to the site)?

Response:

It is the intention for the 3G pitch, the MUGA, and the pitches in field 1 to be bookable for community use, as such a community use agreement will need to be drawn up which would be conditioned as part of a planning approval. The plans propose to create a walking route around the cricket pitches to enable those that currently access the Public Right of Way that crosses the middle of field 2 to continue to use this for dog walking etc, but this will be diverted to avoid walking across the cricket square and will have enhanced planting.

The Clubhouse will be open to all and is not restricted to members, the local community will be encouraged to use the Clubhouse bar. KWSC see the move to Castle Farm as a real opportunity to encourage more locals into their facilities.

A number of local community clubs are currently based at their facility at Glasshouse Lane, and it is the intention that these relocate with the Club. This includes Castle Gymnastics Club, and a toddler and pre-school sports class that is run by an independent provider. The meeting rooms are also used by local community groups including an art class and are available to hire by other local groups and individuals.

The Club currently provides youth football for both girls and boys with weekly coaching and matches during the season. Youth and adult cricket teams are run by the club again with coaching and matches during the season. The club hosts and runs the ECB All Stars Cricket course for children aged 5-8 years old which is a programme designed to introduce children to the sport, every child receives all the equipment they need in a backpack at the start of the course – this is subsidised and heavily promoted by the ECB.

Councillor R Dickson:

Recommendation 3 proposes, rightly, that there's 'a review of the Wardens' business plan'. The previous administration made a huge investment of taxpayers' money in KWSC but it's not clear what the terms of reference of this review would be nor if any separate funding is required for it.

Response:

The business plan is expected to be reviewed internally by a range of officers including those who have been involved with sports management. Additional funding is not expected to be required to review the business plan.

On the first point,

- a) It would be useful to have some reassurance that the Cabinet and SLT are satisfied that sufficient recent experience of carrying out such reviews exists within the Council. When, for example, did the Council last carry out a review of a sports club's business plan?

Response:

The Council has experience in these matters. A review of Racing Club Warwick's business plan was undertaken in 2019 to enable the Council to support changes to their facility. As is the case for KWSC this is a Community Amateur Sports Club serving a particular geography, the scheme sought to provide a range of improved facilities including an all-weather pitch, stand, floodlights and changing rooms.

The Council's accountancy team through its work on loans and community grants administration regularly reviews business plans for various community organisations so assess suitability and sustainability of facilities.

The Council manage the community sports provider Everyone Active's contract and have frequent oversight of their business plan and continually review this contract to ensure that it is commercially successful.

If it is deemed necessary, the Council would seek external validation of the business plan through an independent evaluation. Experience of undertaking this work in the past (for example with the Community football stadium in Leamington Spa) suggests that the fees for this type work are relatively low.

- b) If the project goes ahead and if planning permission is granted, The Wardens facility will be much enlarged from its current size but will be of a similar size to the new Kenilworth Rugby Football Club clubhouse located within less than one mile. How will the terms of reference of the review include an assessment of the business plan in its new local community context? And

Response:

In reviewing any business plan the Council will consider established and emerging competition in the area. For example, the Council's own leisure programme had to take account of Warwick University providing enhanced swimming provision. Therefore, all facilities in and around Kenilworth will need to be considered as part of the review, this only serves to reiterate the importance of getting up to date information for the play pitch strategy to inform the club's business plan.

- c) How will the Council ensure that the new KWSC facility is genuinely inclusive to all, and not a restricted access private members' club?

Response:

Please see answer to Cllr Milton regarding Community Use Agreement and access to the facilities for the public.

The Club is registered as a Community Amateur Sports Club (CASC), one of the conditions of qualifying to be a CASC is for the club to be able to demonstrate that it is open to the whole community. The Club's constitution, which was re-written in 2022, was written with the CASC template which has community at the heart of it.

On the second point, if the review is to be done in-house, presumably there's a marginal cost of staff time involved? Has this been included in the report?

Response:

As is the standard approach for the Council the cost of staff time has not been accounted for in this report. Additional cost is only factored in where there is a requirement for a new resource.