

WARWICK DISTRICT COUNCIL

Minutes of the additional meeting of Warwick District Council held at the Town Hall, Parade, Royal Leamington Spa, on Wednesday 27 July 2022, at 6.00pm.

PRESENT: Councillor Mangat (Chair); Councillors Ashford, Bartlett, Barton, Boad, Cooke, Day, A Dearing, J Dearing, K Dickson, R Dickson, Evans, Falp, Grainger, Grey, Hales, Illingworth, Jacques, King, Kohler, Luckhurst, Margrave, Matecki, Milton, Morris, Murphy, Noone, Norris, Quinney, Rhead, Roberts, Russell, Skinner, Syson and Wright.

15. Apologies for Absence

Apologies for absence were received from Councillors Davison, B Gifford, C Gifford, Kennedy, Redford, Tangri and Tracey.

16. Declarations of Interest

There were no declarations of interest made.

17. Minutes

The minutes of the Council meeting on 11 May 2022 were proposed, duly seconded taken as read and signed by the Chair as a correct record.

18. Communications & Announcements

The Chair of the Council welcomed Councillor Chris King who had been elected to the Council, to represent the Leamington Clarendon Ward on 16 June 2022.

The Chair took the opportunity to thank all officers of the Council, and the Council's partners, for the work they had undertaken to enable the delivery of the Commonwealth Games which started on 28 July 2022.

The Chair informed Council that, subject to the decision of Cabinet, there would be an additional meeting of Council on 7 September 2022 to consider the proposed Net Zero Carbon Development Plan Document.

The Chair of the Council took the opportunity to send the best wishes of the Council to Councillor Luckhurst who was due to get married.

The Chair informed Council that there was no business under item 5, Petitions.

19. Notices of Motion

- (a) The Council considered a notice of motion proposed by Councillor Quinney and seconded by Councillor J Dearing in respect of Viability reports and assessments. Following recent uncertainties over the handling of viability reports, this Council recognises the need to set out what is required by applicants, in line with Government NPPF guidance and WDC's Local Plan, which other authorities already do, for example, Ashford Borough Council and Guildford Borough Council.

Therefore Council is requested to resolve to ask the Cabinet to adopt the following guidance for planning applicants, by 31 December 2022:

1. Applicants must be informed at the pre-application stage that planning applications that comply with the Local Plan are assumed to be viable, as it has been fully viability tested.
2. In the rare cases where an applicant is unable to meet the full planning obligations required in the Local Plan they should submit a viability report at the pre-application stage; or at the latest with the planning application in time to be considered by the Planning Committee. a. They will need to give clear reasons how the assumptions in the Local Plan have changed. b. As stated in the NPPF, 'realisation of risk' (i.e. developer's costs) is not a valid reason.
3. No viability report will be considered after outline or full planning permission has been granted, except in the most exceptional circumstances, such as discovery of previously unknown land contamination or subsidence. If officers consider these exceptional circumstances have been met, the matter would need to be considered by the Planning Committee.
4. If a viability assessment is correctly undertaken in accordance with the above constraints, the Planning Committee is to decide what weight (if any) to give it.

Councillor Cooke proposed and Councillor Day seconded that within the Motion "*Therefore Council is requested to resolve to ask the Cabinet to adopt the following guidance for planning applicants, by 31 December 2022:*" be replaced with:

"Therefore Council resolves to pass the motion to Cabinet in September, including the points below, and asks for a report accompanying that considers the potential for adopting the proposals in the Motion, along with an appropriate timescale recognising available officer resources:"

Councillors Morris, Matecki, Day, Illingworth Boad, Quinney and Cooke spoke on this item.

On being put to the vote the amendment was carried and became the substantive Motion for debate. On being put to the vote it was

Resolved that the Motion, as revised by the amendment from Councillor Cooke, be approved.

- (b) The Council considered a notice of motion proposed by Councillor Quinney and seconded by Councillor Luckhurst in respect of Supplementary Guidance on the 'Main thoroughfares' exception in Local Plan Policy H6.

One of the two exceptions in HMO policy H6 states "Exceptions a) may be made where the application site is located... On a main thoroughfare in a mixed-use area where the proposal would not lead to an increase in activity along nearby residential streets (for example, by way of pedestrian movements between the application site and the town centre or car parking)" and "main thoroughfares will normally be defined as A and B roads and mixed-use areas are defined as those with a predominance of non-residential uses".

Over the years there has been confusion and inconsistency in the interpretation of this exception. A lengthy supplementary guidance document was issued in 2019, to address this problem but with only partial success:

see

https://www.warwickdc.gov.uk/info/20794/supplementary_planning_documents_and_other_guidance.

After examination of the approach taken by other Authorities with similar HMO policies, discussions with a group of senior officers and Councillors, and informal consultation with residents, a list of Leamington streets to which this exception applies was carefully developed and shared with officers: Parade, Bath Street, High Street (= Lower Avenue to George St), Clemens Street, Spencer Street, Warwick Old Road (= Lower Avenue to Roundabout), Newbold Terrace E from Parade to Newbold St only, Regent Grove, Regent St from Regent Grove to Dale St, Regent St South side only from Dale St to Somers Place, Warwick St from Willes Road to Portland St only, Warwick Place from Dale St to Warwick Terrace only and Clarendon Ave from Hall Rd to Chandos St only.

It is proposed that:

1. the data above is transferred to a map by officers, the approach taken in other Authorities, for ease of use by all parties
2. the current supplementary guidance is replaced by: The map below indicates the only main thoroughfares within the designated area to which the second policy exception may apply, having a predominance of non-residential uses.

Therefore this Council is requested to resolve to ask Cabinet to adopt the proposed new supplementary guidance on the H6 policy 'main thoroughfares' exception by 31st December 2022.

Councillor Cooke proposed and Councillor Day seconded that within the Motion "*Therefore this Council is requested to resolve to ask Cabinet to adopt the proposed new supplementary guidance on the H6 policy 'main thoroughfares' exception by 31st December 2022*" is replaced with "*Therefore Council resolves to pass the motion to Cabinet in September and asks for a report accompanying that considers the potential for adopting the proposals in the Motion, along with an appropriate timescale recognising available officer resources.*"

This proposal was accepted by Councillor Quinney and Councillor Luckhurst, as amendment to the Motion and therefore became the substantive Motion for debate.

Councillors Matecki, Illingworth, Day, Wright, Grey and Cooke spoke on this item.

On being put to the vote it was

Resolved that the Motion, as revised by the amendment as set out above, be approved.

- (c) The Council considered a notice of motion proposed by Councillor Roberts and seconded by Councillor King in respect of the Adoption of Nationally Described Space Standards (NDSS).

Following the Government's 2015 publication of the NDSS re-establishing minimum internal space standards for residential housing, Authorities were invited to adopt them where they feel they are justified. Many have done so,

including such different Authorities as Cotswolds, Oxford and Nottingham, three to four years ago.

WDC Housing and Milverton Homes have both recently adopted this Government standard for all their newbuilds. However, there is significant evidence that many local private developments do not meet these standards; for example, from the fact that a high proportion of S106 affordable homes currently being completed and offered to social housing providers do not meet WDC's minimum space standards.

Research in late 2016 by two building industry professionals covering a sample of 116 locally completed dwellings indicated that perhaps three quarters of new houses in the District were being built below these standards, a quarter well below.

No. of Dwellings	Comparison with NDSS Standards			
	No. meeting NDSS	No. falling short by		
		1-9%	10-20%	20%+
116	25	64	24	3
100%	22%	55%	21%	2%

This tallies with the national picture outlined in the 'Case For Space' report by the Royal Institute of British Architects RIBA. This stated "new homes in the UK not only appear to be shrinking, but are also the smallest in Western Europe". In the Netherlands, new homes are 53% bigger than the UK average. RIBA stated that "people believe that newly built homes fail to provide adequate space inside... the home".

Therefore Council is requested to resolve to ask the Cabinet:

1. to adopt NDSS in Warwick at the earliest possible date, whether through a DPD or as part of the emerging Local Plan.
2. that all housing planned by the Council and its partners (for example Housing Associations) adopt and publicise these standards with immediate effect, and
3. that the residential design guide be reissued by January 2023, incorporating this emerging policy, giving it some weight in the planning process and encouraging early adoption by all developers.

Councillor Cooke proposed, and Councillor Day seconded, that "*Therefore Council is requested to resolve to ask the Cabinet:*" be replaced with "*Therefore Council resolves to pass the motion to Cabinet in September, including the points below, and asks for a report accompanying that considers the potential for adopting the proposals in the Motion, along with an appropriate timescale recognising available officer resources.*"

This proposal was accepted by Councillor Roberts and Councillor King, as amendment to the Motion and therefore became the substantive Motion for debate.

Councillors Cullinan, Illingworth and A Dearing spoke on this item.

On being put to the vote it was

Resolved that the Motion, as revised by the amendment as set out above, be approved.

20. **Leader & Portfolio Holder Statements**

Councillor Rhead, Portfolio Holder for Climate Change, reminded Council of the approval by the Cabinet on the hydrogen hub opportunity. The Cabinet paper promoted that from the outcome of the feasibility study, a detailed business case should be drawn up including exploring the best arrangements for some kind of partnership. The paper highlighted that the Council recognised that it was not itself a hydrogen expert. The discussion that took place at the Cabinet meeting was reported in the local media and by the BBC. As a result of the media attention, the Council had received expressions of interest from ten national and international companies, all of whom potentially wanted to become involved in the proposed hub. From those ten, the Council had selected the ones for further dialogue. The hub presented an opportunity for the District to become one of the leaders in this carbon free environment, joining with:

- Birmingham City Council which had purchased 20 hydrogen fuelled buses;
- Dorset Council which had commenced on its own hydrogen fuel producing project;
- Glasgow City Council which had the World's largest fleet of hydrogen powered RCV's; and
- Aberdeen City Council which, not only with its fleet of hydrogen fuel cell buses and vehicles but, having previously been the hub for the Nation's oil and gas technologies, had its stated aim to become the Nation's hub for all hydrogen technologies.

One of the companies which had expressed an interest, Wrightbus, would be displaying one of its hydrogen buses at the ECOFEST exhibition this September.

Councillor Bartlett, Portfolio Holder for Culture,

- (1) reminded Council that the District was one day away from start of the Commonwealth Games and took the opportunity to thank all officers who had worked over last few years to get the District ready for the Games and would work night and day in the control room, street scene, festival sites and games sites to deliver the Games;
- (2) reminded Council that Culturefest, had now started and took place until the end of August 2022. It would be showcasing local creative industries and venues in a series of activities and event;
- (3) informed Council that works had started on the demolition and rebuilding of Castle Farm Leisure Centre; and
- (4) informed Council that Abbey Fields had taken longer to get to completed the precommencement conditions and contract negotiations. He expected to confirm the contract within the next week, along with archaeological work starting and demolition works starting in late August. Once the contracts were confirmed there would be a report to a District Council Committee explaining the costs associated with the contracts.

Councillor Falp, Portfolio Holder for Community Protection, informed Council that it had been awarded a grant under the Safer Streets Scheme for work in and around Eagle Recreation Ground.

Councillor Matecki, Portfolio Holder for Housing, informed Council, with great sadness that one of its rough sleepers, had passed away while in temporary accommodation provided by the Council.

Councillor Grainger, Portfolio Holder for Neighbourhood,

- (1) reminded Council that it was six days before the waste and recycling contract started. It was a most critical service and it was accepted there had been some challenges in rolling out the new service. Officers were working to respond to public enquiries. There had been a delay in delivery of the kitchen caddies but these would all be delivered by Sunday 31 July 2022. Focus would then move to delivering those blue lidded bins which were yet to be delivered with priority to those on the first week collection. There would be extra resources available for these deliveries along with any others for properties that had been missed. Additional recycling, or for those who did not have a blue lidded bin or that bin was full, could be presented in old style containers. It was anticipated by the next cycle this should be a lot smoother for all;
- (2) informed Council that by the Council not accepting cash or cheques it had caused a problem for some residents in paying for the green bin service. Officers could provide some support and Councillors were asked to contact the team directly to discuss specific cases. Overall demand through telephone calls had been much higher than expected and as a result not all calls had been answered. That said, capacity with the call centre was being increased;
- (3) asked Councillors to sign up to the WDC app, that provided details of waste collection days and other useful information. So far there were 6,000 users of the app;
- (4) informed Council that 26,000 green bin permits had been issued so far;
- (5) informed Council there would be a specific contact email address for issues in respect of street scene problems i.e. overflowing bins, in and around the two festival sites and the Games sites. This would be shared with Councillors later in the week; and
- (6) reminded Council that the new play area, outdoor gym and paddling pool in Victoria Park would remain open to all residents and visitors during the Commonwealth Games.

Councillor Cooke, Portfolio Holder for Development:

- (1) reminded Council that Warwick Building Control was a consortium covering Warwick District, Rugby Borough and Daventry District. With the formation of West Northamptonshire Council (WNC) in 2021, Daventry District had been absorbed into this new Council. As a result Warwick District had been notified that WNC wished to retain a building control service across its whole area. Therefore, Daventry would be leaving Warwick Building Control in April 2023;
- (2) informed Council that income levels for Building Control income was on target for this financial year;
- (3) informed Council that the Building Control Team remained very stretched and a number of officers were currently impacted by the requirement to undertake competency examinations prior to Oct 23 (as required by the Building Safety Act) to be registered at level 4 and 5. The team was currently recruiting to some posts;
- (4) informed Council that work continued on the South Warwickshire Local Plan. Officers had completed a number of interactive stakeholder workshops where stakeholders had been invited to identify possible alternative development strategies for the Plan using large maps and lego bricks. Officers had run 10 of these sessions and all members of this Council and Stratford-on-Avon District Council had been invited to these. With the recent publication of the initial census results at the end of June, the Council would be receiving some technical analysis of the need for housing and economic

development which could inform our understanding of how much growth would be needed to plan for in the South Warwickshire Local Plan. The Council intended to have a paper setting out "Issues & Options" for the Local Plan by November of this year, with consultation on this immediately afterwards;

- (5) informed Council that a report was due to Cabinet on 10 August to recommend the submission of the Net Zero Carbon DPD to the Secretary of State. If Cabinet agreed to this, the DPD would be brought to a meeting of the Council before it could be submitted. Submission of this document would be a major step forward in terms of getting the approvals necessary to getting this Plan adopted and bringing it into force;
- (6) informed Council that Development Management, had recruited to a number of vacant posts. The ongoing recovery process was continuing with caseloads currently remaining steady with 350 planning applications under consideration. In terms of performance, approaching 90% of planning applications were now being determined within the required timescales; and
- (7) informed Council that the number of current enforcement cases continued to reduce from a high point of 395 in May this year to a current figure of 295. There were two public inquiries taking place into appeals against Enforcement Notices that had been issued. Under the leadership of the Council's new Enforcement Manager, further Notices were now being prepared and issued.

Councillor Hales, Portfolio Holder for Resources informed Council the;

- (1) energy rebate £150 scheme had been rolled out, 830 of the £50 top scheme had been allocated and officers were halfway through the top up scheme; and
- (2) draft accounts would not be presented to Cabinet until August. This had been due to availability of staff and a couple of challenges with the new financial management system. The accounts were on target to be completed by the end of November 2022.

Councillor Day, the Leader,

- (1) welcomed Councillor King to the Council;
- (2) reminded Councillors of the speech he gave to Council in January 2020 that Climate Change was here now and highlighted the recorded temperatures that had been experienced in UK and the District within the last week;
- (3) reminded Council of the work it was trying to complete to reduce carbon and the opportunity that the hydrogen hub presented to move the Council's waste collection vehicles from diesel to hydrogen powered and that the Net Zero Carbon DPD was likely to be the first of its type;
- (4) informed Council that last week he had visited the United Reform Church redevelopment with Group Leaders and saw the first electric digger in use;
- (5) reminded Council that local government reform had not gone away. There was the County Deal proposal coming. There was also the potential for unitary and the Council would need to agree what it considered the best form was for the District and if it should or should not in the West Midlands Combined Authority Area; and
- (6) informed Council that two major bids for funding had been made. The first was a levelling up bid with support from a local MP. This was to be submitted on 2 August for over £10million to support active travel and decarbonising travel in Leamington. The second UKSPF for £3.6million with a focus on lower super output areas.

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

Councillor Boad asked the Portfolio Holder for Neighbourhood if she was aware of the challenges faced by residents in paying for the Green Bin permits, not receiving Green Bin Permits and not being able to speak to people as the number was engaged.

In response Councillor Grainger explained that she was aware and normally permits were posted within 14 days. She asked for Councillor Boad to provide details of specific cases for her to investigate.

Councillor Boad asked the Portfolio Holder for Culture if the Euro 2022 final, between England and Germany would be shown on the big screens in the two festival sites in Warwick District?

In response Councillor Bartlett explained he would need to take advice and inform all Councillors in writing.

Councillor Kohler asked the Leader to confirm the timelines for restoration of Victoria Park post Commonwealth Games along with the resurfacing of tennis courts? Also since the outdoor sports review was concluded in 2021, with changes to scope (for example the removal of Abbey Fields Tennis Courts), the leisure service being short staffed and their large pool of work, would the Council honour the VP tennis licence that was in place, rather proceed with the planned changes?

In response Councillor Day explained that he would need to respond in writing on the timelines for restoration of the Park and tennis courts post games. In respect of VP Tennis, the Council had considered the tennis court provisional as a commercial opportunity and procurement process was now underway. Premarket engagement with four providers, including VP Tennis, had taken place and an invitation to tender was due out in September.

In response to a supplementary question, Councillor Day explained that he noted the request for the pause and review in respect of Victoria Park tennis provision but reminded Council that this Council was committed to the decision it had taken and reviewed the proposal many times before proceeding with it.

Councillor Luckhurst asked the Portfolio Holder for Development what the Council could be doing to help residents in improving their properties energy efficiencies, particularly those properties in Conservation Areas which covered large parts of our towns?

In response Councillor Cooke explained that finding a way to balance the duty to safeguard heritage assets, including Conservation Areas, whilst looking to be as pragmatic as possible in terms of energy efficiency was something that was being considered. Officers were also being asked similar questions about Listed Buildings.

Officers had provided some additional information and links on the website, but this was work in progress part of which involved looking at what other Local Councils particularly in more historic areas of the country were doing.

In response to a supplementary question at this point, Councillor Cooke said that at this time the timelines for completion were unclear.

Councillor Russell asked the Leader when would the Programme Advisory Board memberships be published?

In response Councillor Day confirmed they would be shared the next day.

Councillor K Dickson asked the Portfolio Holder for Housing if he could provide Councillors with details on what measures were being used to address the delay in the use of Council housing stock, which was resulting in a loss of rental income and causing reputational damage to the Council?

In response Councillor Matecki explained that he had been monitoring the situation because he shared the concerns of Members. He explained that the situation had arisen because of a number of factors including cost rises, material availabilities and contractor availability. The Council had logged a number of new properties on the system which were waiting to be completed for letting. There were also a large number of void properties that required substantial works prior to them being relet. Plans were in place, with contractors providing additional resources and additional cleaning arrangements for properties to reduce turnaround. There was a planned away day with contractors and officers to review process and see if times could be improved further.

Councillor R Dickson asked the Portfolio Holder for Culture if the proposed works in Abbey Fields could be delayed until schools had returned and what was the percentage assurance that would they be completed by December 2023?

In response Councillor Bartlett noted the request of the delay and explained he would pass this on. He reminded Council that at every opportunity the Council had sought to safeguard access to the play area in Abbey Fields and would continue to do so.

Councillor R Dickson asked the Portfolio Holder for Housing if he was aware of a failed nomination submitted for a local asset in Kenilworth to be included on the list of assets of community value, because it was not processed in accordance with regulations by the Council. What reassurances could he give local communities that the Council would not in future be late in processing nominations?

In response, Councillor Matecki apologised on behalf of the Council and explained that revised procedures were being brought into place along with increased technical knowledge.

Councillor Cullinan asked the Portfolio Holder for Culture if the information on the new waste contract could be made more prominent on the Council website?

In response Councillor Grainger agreed to investigate this possibility with officers.

Councillor Cullinan asked the Leader that with the potential for unitary, could the Council look at ways of increasing local democracy?

In response the Leader agreed that this was necessary especially with a potential Unitary of 600,000 electors. Most Parish & Town Councils were gaining significant funds through the Community Infrastructure Levy and this could be used for local projects. There was an initial project plan for such work, based on the good work of this Council with Whitnash to provide its new Civic Centre.

Councillor Quinney asked the Portfolio Holder for Neighbourhood to provide clarification on what was happening with those properties that had red topped bins and sacked waste collection.

In response Councillor Grainger explained that the current focus was on the new contract being rolled out and people could continue to use their current collection method. Sacks were being replaced and details of this would be provided.

Councillor Murphy asked the Leader and the Portfolio Holder for Culture, when the WDC app would include contact numbers for officers, schedules for waste collections and how could we improve access for green bin permit payments?

In response Councillor Grainger explained that next year the Green Bin charge would be under WDC control, therefore going forward there would be more opportunity to look at different ways of access when paying for it.

In the absence of the Portfolio Holder for Transformation Councillor Day explained the app was the start and more data would go live on Monday. There was a desire to expand information available on it and to start a relationship with WCC to report other services.

Councillor Wright asked the Portfolio Holder Resources whether the Council could look at different payment options, other than by telephone?

In response Councillor Hales agreed to investigate.

Councillor Barton asked Councillor Grainger if the red bins could be replaced in the same way most people have a new blue top bin.

In response Councillor Grainger explained that this had not been considered but she would look into it.

(At the conclusion of this item the Chair adjourned the meeting for a short break.)

22. **Minutes**

It was proposed by Councillor Day, seconded by Councillors that the minutes of Committees that no longer existed be approved as a true record; and

Resolved that

- (1) the minutes of the Joint Appointments Committee 10 March 2022 be approved and
- (2) the minutes of the Finance & Audit Scrutiny Committee 13 April 2022 and 10 May 2022, be approved.

23. **Membership of Committees & Work Parties**

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

Resolved that

- (1) Councillor A Dearing be appointed as a substitute for the Planning Committee;
- (2) South Warwickshire Local Plan Advisory Group of Councillors Boad, Cooke, Davison, Margrave, Quinney and Rhead, be confirmed;
- (3) Councillor King be appointed to Licensing & Regulatory Committee in place of Councillor Mangat;

- (4) Councillor King be appointed to the Audit & Standards Committee to fill the Labour vacancy on the Committee;
- (5) Councillor King be appointed to the Overview & Scrutiny Committee in place of Councillor Davison (from the Green Group) as the Conservatives have transferred the offer of one of their seats based upon the revised political proportionality following the by-election in June;
- (6) Councillor Davison be appointed as a substitute for Overview & Scrutiny Committee;
- (7) Councillor Redford be appointed in place of Councillor Ashford on the Licensing & Regulatory Committee; and
- (8) Councillors Matecki, Hales, Rhead, Grainger, Tracey and Bartlett be appointed as substitutes for Planning Committee.

24. **Public and Press**

It was proposed by the Chair seconded by Councillor Day and

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

25. **Cabinet Report**

To consider an excerpt from the Confidential Cabinet meeting of 25 May 2022 were proposed by Councillor Day, seconded by Councillor Hales and

Resolved the confidential recommendations of the Cabinet meeting on 25 May 2022, be approved.

26. **Common Seal**

It was proposed by the Chair, 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 8.28pm)

CHAIR
19 October 2022