

**Council meeting: Wednesday, 14 December 2022**

Notice is hereby given that a meeting of Warwick District Council will be held at the Town Hall, Parade, Royal Leamington Spa, on Wednesday, 14 December 2022 at **6.00pm**.

**Agenda**

**1. Apologies for Absence**

**2. Declarations of Interest**

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

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

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

**3. Minutes**

To confirm the minutes of the meeting of the Council held on 23 November 2022. **(To follow)**

**4. Communications and Announcements**

**5. Petitions**

**6. Notices of Motion**

To consider a notice of motion from Councillor Milton and Councillor Kennedy that reads as follows:

The opening of the new Kenilworth School in September 2023 is a major milestone for the realisation of the district's local plan. As a council we recognise the need to prioritise active travel, but at the moment other than the immediate surrounds of the school, there is little in the way of infrastructure that will enable students to cycle to the school safely from across the town.

Concerns about the lack of safe cycling provision to the school have been consistently raised by residents, and this was evidenced in the recent petition organised by Pedal to Protect, which gained around two thousand signatures in support of the need for improvements.

However, as yet, there has been little practical action to create safer routes to school, to enable active travel and in so doing, reduce the road traffic that prevents many from cycling or walking to school.

The District Council is not the Highways Authority but is the responsible authority for Abbey Fields, where cycling is currently prohibited due to a bylaw. This currently creates a significant barrier to a continuous cycle route across Kenilworth which would enable students to travel a larger proportion of the route safely.

This council therefore resolves:

- To take practical action to enable the young people of Kenilworth to cycle to school safely
- To ask officers to bring forward proposals to vary the current bylaw to allow people to cycle through Abbey Fields between the hours of 7.30am and 9.00am and 3.30pm and 5.00pm, Monday to Friday during school term time
- To bring recommendations to cabinet in a timely fashion to allow changes to be put into effect before September 2023
- To work with Warwickshire County Council to request the prioritisation of improvements at key points in the town including (but not limited to) Bridge Street, Dalehouse Lane, Warwick Road and Farmer Ward Road to create a network of safe routes.

## **7. Leader and Portfolio Holders' Statements**

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

## **9. Cabinet Report**

To consider an excerpt from the Cabinet meeting of 7 December 2022

**(To follow)**

## **10. Membership of Committees**

- (a) That in recognition of the political composition of the Council, the size of the Planning, Employment and Audit & Standards Committees be reduced to 10 members each.

That as a result, the Council removes the following Councillors from each Committee:

- (i) Councillor Norris and a Liberal Democrat Member from Audit & Standards Committee;
- (ii) Councillor Norris and a Liberal Democrat Member from Planning Committee; and
- (iii) Councillor Hales and a Liberal Democrat Member from Employment Committee.

That the Licensing & Regulatory Committee remains as a Committee of 15 Councillors, recognising the political split on the Committee as 6 Conservative Councillors, 3 Councillors from each of the Liberal Democrat & Green Groups, 2 Councillors from Labour Group and 1 from the Whitnash Residents Association Group.

That the Overview & Scrutiny Committee remains as a Committee of 12 and to ensure the opposition has the majority of seats, its composition remains as 4 Councillors from the Conservative Group, 3 from the Liberal Democrat Group, 2 from both the Green and Labour Groups and 1 from the Whitnash Residents Association Group.

- (b) That Councillor Norris be replaced on the Licensing & Regulatory Committee with Councillor Murphy.
- (c) That Councillor Norris be removed as a named substitute for the Overview & Scrutiny Committee.
- (d) That Councillor Hales be appointed as a named substitute for the Conservative Group for the Employment Committee.
- (e) That Councillor Murphy be appointed as a named Substitute for the Conservative Group at Overview & Scrutiny Committee.

## **11. Common Seal**

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



Chief Executive  
Published Tuesday 5 December 2022

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

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

## **Addendum to the Council agenda**

14 December 2022

Contact Officer: Graham Leach [graham.leach@Warwickdc.gov.uk](mailto:graham.leach@Warwickdc.gov.uk) or 01926 456114

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**1. Item 3 – Minutes**

The minutes of the 23 November meeting have been published.

**(Pages 1 to 10)**

**2. Item 9 – Cabinet report**

The excerpt of the public minutes of the 7 December 2022 Cabinet meeting have been published.

**(Pages 1 to 15 and appendices)**

**3. Item 13 – Additional Item – Confidential**

The excerpt of the confidential minutes of the 7 December 2022 Cabinet meeting have been added to the Council agenda and have been published.

**(Pages 1 to 5 and Addendum)**

# WARWICK DISTRICT COUNCIL

Minutes of the additional meeting of Warwick District Council held at the Town Hall, Parade, Royal Leamington Spa, on Wednesday 23 November 2022, at 6.00pm.

**PRESENT:** Councillor Mangat (Chair); Councillors Ashford, Bartlett, Boad, Cooke, Cullinan, Davison, Day, A Dearing, J Dearing, K Dickson, R Dickson, Falp, B Gifford, C Gifford, Grey, Hales, Illingworth, Jacques, Kennedy, King, Kohler, Luckhurst, Margrave, Matecki, Milton, Morris, Murphy, Noone, Norris, Redford, Rhead, Roberts, Russell, Tangri and Tracey.

## 52. Apologies for Absence

Apologies for absence were received from Councillors Grainger, Leigh-Hunt, Quinney, Skinner, Syson and Wright.

## 53. Declarations of Interest

There were no declarations of interest made.

## 54. Minutes

The Minutes of the meeting held on 19 October 2022 was taken as read and signed by the Chair as a correct record.

## 55. Communications & Announcements

The Chairman informed Council that on behalf of Councillors and members of staff, she had received an acknowledgment card from His Majesty King Charles the Third for the letter and resolution of condolence received from the Council in respect of the death of his mother Her Majesty Queen Elizabeth the Second. The card would be added to the archives of the Council's Museum at the Pump Rooms.

The Chairman informed Council that on the previous Friday she had hosted a reception for Parish & Town Councils at the Town Hall and she thanked those who had attended.

The Chairman informed Council that there was no business under item 5 petitions.

## 56. Notices of Motion

At the start of this item, the Chairman permitted four public speakers to address the Council on the Notice of Motion, as set out in the agenda.

Mr Eykyn, Mr Wither, Mr Carter and Mr Cooper all addressed the Council in turn.

Councillor Rhead then proposed the Motion that had been revised and circulated to all Councillors before the meeting. This was seconded by Councillor Matecki. The Motion read as follows:

*"On the 19<sup>th</sup> July 2022 Warwickshire County Council, by a slim majority, formally adopted the Local Minerals Plan and within that Plan is the proposed sand and gravel quarry at Wasperton Farm, Barford. Barford's current population is c.2,000. Importantly 124 houses are within 400 metres and Barford's school (educating 250 children) is within 650 metres from the quarry's site."*

*Despite strong concerns amongst the local community about the site being allocated, we acknowledge that the Plan has now been adopted. Whilst expressing our strong concerns about the inclusion of the site in the Minerals Plan, we ask Warwickshire County Council and the prospective site developers involve WDC in pre-application discussions at the earliest opportunity. This will enable WDC to use its controls and influence to ensure potential impacts are properly mitigated to protect local residents and to mitigate other potential harm arising from the development.*

*The motion proposed is:*

*This Council is concerned at the potential impacts of a quarry development at Wasperton Farm close to Barford and calls upon Warwickshire County Council and the prospective site developers to engage with WDC at the earliest opportunity, and certainly before a planning application is submitted) to address the points 1-3 set out below.*

- 1) Noting the particular risks associated with silica particles (PM2.5 and PM10), as well as pollution associated with vehicles movements, we will carefully assess and control the risk to health associated of any air pollution arising from the sand and gravel quarrying. The Environmental Impact Assessment should provide robust data and technical information about this and will be subject to appropriate assessment by the Council's relevant specialist offices along with any mitigation measures.*
- 2) We will ask the highways authority to give careful consideration to the traffic and road safety impacts associated with increased vehicles movements and along with impacts associated with vehicles using the site, such as wheel washing.*
- 3) We note that the proposed development of the site does not align with WDC's Climate Change Action Programme in relation to embodied carbon in construction, vehicle movements and potential impact on biodiversity. We will therefore seek to ensure that*
  - a) Biodiversity net gain is applied to the assessment of the planning application*
  - b) The developer engages with WDC about the potential to use low carbon fuels for the vehicles operating from the site and in particular, that we engage in early discussions about the potential for hydrogen vehicles to operate from the site in association with WDC's hydrogen hub proposals.*
  - c) That any buildings developed on the site take account of the District Council's emerging Net Zero Carbon DPD*
  - d) Other community benefits are explored as part of the development and restoration process"*

Following a proposal from Councillor Boad, Councillor Rhead and Councillor Matecki agreed to remove the words "*, by a slim majority,*" from the Motion as proposed.

Following a proposal from Councillor Day, Councillor Rhead and Councillor Matecki agreed to include the words "*we ask our Council Leader, Deputy Leader and Chief Executive to engage with*" after the word *Mineral Plan* within the second paragraph.

Councillor Kennedy and B Gifford also spoke on the Motion.

**Resolved** that the Motion as follows, be approved:

On the 19 July 2022, Warwickshire County Council formally adopted the Local Minerals Plan and within that Plan is the proposed sand and gravel quarry at Wasperton Farm, Barford. Barford's current population is c.2,000. Importantly 124 houses are within 400 metres and Barford's school (educating 250 children) is within 650 metres from the quarry's site.

Warwick District Council endorses the strong concerns amongst the local community about the site being allocated but we acknowledge that the Plan has now been adopted. Whilst expressing our strong concerns about the inclusion of the site in the Minerals Plan, we ask our Council Leader, Deputy Leader and Chief Executive to engage with Warwickshire County Council and the prospective site developers involve WDC in pre-application discussions at the earliest opportunity. This will enable WDC to use its controls and influence to ensure potential impacts are properly mitigated to protect local residents and to mitigate other potential harm arising from the development.

The motion proposed is:

This Council is concerned at the potential impacts of a quarry development at Wasperton Farm close to Barford and calls upon Warwickshire County Council and the prospective site developers to engage with WDC at the earliest opportunity, and certainly before a planning application is submitted) to address the points 1-3 set out below.

- 1) Noting the particular risks associated with silica particles (PM2.5 and PM10), as well as pollution associated with vehicles movements, we will carefully assess and control the risk to health associated of any air pollution arising from the sand and gravel quarrying. The Environmental Impact Assessment should provide robust data and technical information about this and will be subject to appropriate assessment by the Council's relevant specialist offices along with any mitigation measures;
- 2) We will ask the highways authority to give careful consideration to the traffic and road safety impacts associated with increased vehicles movements and along with impacts associated with vehicles using the site, such as wheel washing;
- 3) We note that the proposed development of the site does not align with WDC's Climate Change Action Programme in relation to embodied carbon in construction, vehicle movements and potential impact on biodiversity. We will therefore seek to ensure that

- a) Biodiversity net gain is applied to the assessment of the planning application;
- b) The developer engages with WDC about the potential to use low carbon fuels for the vehicles operating from the site and in particular, that we engage in early discussions about the potential for hydrogen vehicles to operate from the site in association with WDC's hydrogen hub proposals;
- c) That any buildings developed on the site take account of the District Council's emerging Net Zero Carbon DPD; and
- d) Other community benefits are explored as part of the development and restoration process.

Prior to the vote being taken it had been proposed by Councillor Cooke and duly seconded by two Councillors that a recorded vote be taken on this motion. Below records the votes of those Councillors who were present:

For: Councillors Ashford, Bartlett, Boad, Cooke, Cullinan, Davison, Day, A Dearing, J Dearing, K Dickson, R Dickson, Falp, B Gifford, C Gifford, Grey, Hales, Illingworth, Jacques, Kennedy, King, Kohler, Luckhurst, Mangat, Margrave, Matecki, Milton, Morris, Murphy, Noone, Norris, Redford, Rhead, Roberts, Russell, Tangri and Tracey.

Against: None

Abstention: None

## 57. **Leader & Portfolio Holder Statements**

The Portfolio Holder for Arts & Economy, Councillor Bartlett, informed Council that:

- (1) following the Chancellors Autumn statement, the Council was waiting for confirmation on the impact this would have on the UK SPF bid it had submitted; and
- (2) the festive Light switch on events were now taking place across the four towns in the District and he thanked officers for their work in supporting town centres with this work.

He also thanked Councillor Hales for the work he had undertaken to provide free parking in Town Centres on Sundays in December, as well as providing free parking at Riverside House at weekends.

The Portfolio Holder for Safer Communities, Leisure & Environment, Councillor Falp, informed Council that the management plan for Abbey Fields, was planned to come to Cabinet in February 2023.

The Portfolio Holder for Housing, Councillor Matecki explained that:

- (1) there would be a report to Cabinet in December seeking approval for consultation on additional licensing for HMOs across the District; and



- (2) the Housing team were about to send out winter newsletter to all tenants including a leaflet on how to report mould and damp in their properties.

The Portfolio Holder for Neighbourhood, Councillor Tracey, provided an update in the absence of Councillor Grainger. He explained that:

- (1) the Planned upgrade to car park machines was due to take place between 19 and 20 December 2022; and
- (2) following the introduction of the 123+ contract, an initial combined data had been received from Biffa. The data was positive showing an increase in recycling tonnage, reduced grey bin tonnage and good food waste collection levels. Once initial analysis had been completed the data would be shared with Councillors.

The Portfolio Holder for Place, Councillor Cooke, explained that:

- (1) in respect of the South Warwickshire Local Plan, two important documents were about to be considered by the Joint Cabinet that would form an important part of the evidence base. These were the Housing & Economic Development Needs Assessment or HEDNA; and the Issues and Options proposals. The Local Plan Advisory Group had discussed both of these papers and there had been one seminar with another on 24 November 2022;
- (2) in respect of Community infrastructure Levy (CIL) the Council had now received over £11.5 million in CIL since it was introduced in December 2017. This money would support projects to deliver infrastructure in the District. £1.7m from this had been paid to Town and Parish Councils to support the delivery of infrastructure in their local communities; and
- (3) in respect of Development Management, the team were continuing with the recovery work in terms of performance in both planning applications and enforcement following the challenges last year and early this year. In particular, there was a focus with the Enforcement Team in tackling the backlog of cases that had built up, and good progress had been made. This team would focus their attention on the more harmful and significant cases. A report was taken to the Overview & Scrutiny Committee on performance within the section in September, and there would be a further report in March 2023.

The Portfolio Holder for Transformation, Councillor Tracey:

- (1) informed Council that it had been awarded the Bronze thrive at Work award by the Mayor of the West Midlands Combined Authority. This recognised the commitment of the Council to be a happy, healthy and productive employer; and
- (2) welcomed Candy Outridge to the Council as Ethnicity Diversity and Inclusion Business Partner who would start on 1 December 2022.

The Portfolio Holder for Resources, Councillor Hales, informed Council that:

- (1) while the Chancellors Autumn statement had provided clarification on business rate retention calculations and permitted up to a 3% Council Tax increase, the Council was waiting for the confirmation of any financial settlement and the

future of new homes bonus;

- (2) the ability to raise Council tax to 3% might not be the right thing for residents when they were faced with the cost-of-living crisis, and this was a consideration when setting the budget; and
- (3) the Council tax reduction scheme consultation was ongoing and once completed, a report would be brought back for consideration.

The Portfolio Holder for Strategic Leadership and Leader of the Council, Councillor Day addressed Council:

- (1) he explained that there was to be a cost-of-living summit on Friday, which would provide a key moment for the Council to work with other Councils and agencies to identify support for those most at risk this winter;
- (2) he reminded Council that the leisure centre project builds in Kenilworth were underway, as was the construction of the cycle tracks at Newbold Comyn;
- (3) he highlighted that the Leamington Transformation board was working across all levels of local government, with an independent Chair which would continue after the elections in May 2023 to deliver improvement in Leamington Spa for all; and
- (4) he encouraged Council to recognise the work within the local plan and this would help to shape the District for many years to come and there would be a lot of work for the new Council to ensure the Plan was completed.

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

Councillor Boad asked the Portfolio Holder for Place if he supported the lobbying from some MPs that local plan numbers should be determined locally and if he would speak with Jeremy Wright MP for Kenilworth & Southam about this.

In response, Councillor Cooke explained that, in his opinion, it would be wonderful if the Council could get more influence on local housing numbers. The Council would have to follow the legal requirements and for that it would need to wait for Parliament, but he would speak to Jeremy Wright MP.

Councillor Boad asked the Portfolio Holder for Transformation, when the introduction of 123+ settled down, if the Council would be undertaking a lessons learned review on what could be improved for future contract deployments.

In response, Councillor Tracey advised that once the full set of data had been analysed it would be reported to the PAB and scrutinised as appropriate.

In response to a supplementary question from Councillor Boad, Councillor Hales explained that there would be a lessons learned review, including what could be done from a communication point of view, and that would be taken to the Leadership Co-ordination Group.

Councillor Kohler asked the Portfolio Holder for Housing if he was aware of how many residents in age restricted flats or properties had decided not to take up the lifeline service as they could not afford the cost, but still had to pay the rental charge.

In response, Councillor Matecki agreed to find the numbers and share with Councillor Kohler. He explained it was part of the agreement for the property and provided a service that was always available.

Councillor Murphy asked the Leader what work was being undertaken to improve future access to and from the Myton Green area to provide young people safe passageway to the local schools and parks.

In response, the Leader explained that there was provision for a cycle path from Fusiliers Way to Myton Road, for which planning and design was underway. It would connect with other cycle lanes into town the centre. Looking forward there were plans for a revised entrance to Evergreen School and plans to build a Community Stadium.

Councillor Tangri asked the Leader for an update on Riverside House.

In response, Councillor Day explained that the first stage was to identify the new location for officers and IT infrastructure. It was accepted that Riverside House was costly, a significant producer of carbon emissions and too big for Council requirements. There would be a paper coming to Cabinet before the end of the financial year. It was hoped that more than 40% affordable housing could be delivered on the site, to a high energy efficiency rating as well as sympathetic to the surrounding architecture.

Councillor Roberts asked the Portfolio Holder for Housing if he could answer the following questions:

- a. How many Council properties were known to have mould problems and what was the policy to deal with them, and what account was taken of the vulnerability of residents such as the very young, the elderly and asthmatics who were more prone to breathing problems;
- b. How did the Council work with housing associations and private sector housing to make sure mould problems were addressed; and
- c. Did the Council provide any educational material for residents, especially in Council housing association or private rented properties both about preventing mould and reporting it.

In response, Councillor Matecki explained that the Council's repairs system records where tenants had reported issues of dampness which included where mould was reported as present but also all other causes of dampness. In the previous 12 months, 409 inspections at 326 unique addresses relating to reports of damp (as opposed to specifically mould) had been undertaken by Maintenance Surveyors (MS). At that inspection, the potential cause of damp and remedies available was assessed by the MS and the Council had contracts with specialist companies including Kilrot, AirTech, Birmingham Drains, Allworks and J Wrights Roofing as well as general contractors, Axis, Dodds, and D&K to undertake any necessary technical solutions. In the last 12 months, the inspections had resulted in 264 works orders at 200 unique properties where the works order contained the word 'damp'. As part of investigations, if the MS believed that the causes of damp identified could impact on neighbouring properties, appropriate further enquiries would take place.

Where risks to tenants were identified, an assessment using the Housing Health and Safety Rating System (HHSRS) was made by the by a Building Surveyor and appropriate recommendations were made to the Landlord Operations Manager, for example where it might be advisable to decant the occupants whilst remedial works

were carried out. The MS retained the option in any urgent situations to report directly to Housing Officers for immediate action.

The Private Sector Housing (PSH) team had a responsibility to investigate housing conditions using the Housing Health & Safety Rating System (HHSRS) under Part 1 Housing Act 2004. Whilst this could include owner-occupied properties, it was focused on the private rented sector. Registered Social Landlord (RSL) properties were also inspected and subject to the same enforcement regime as private landlords.

In the first instance, tenants were advised to report any issues to their landlords in the expectation that they may resolve them by direct communication. In many cases this did not provide a satisfactory conclusion or the tenant did not want to engage with the landlord. PSH would respond to tenant requests by offering information and advice. In its simplest form, this might involve providing a leaflet which offered practical tips to identify and deal with different types of damp including condensation. Sometimes tenants were unwilling to request an inspection in fear that this could sour relations with their landlord if specific works were then identified.

Where an inspection was agreed, officers would undertake an assessment of the dwelling to identify whether any hazards were present, and risk rate them as either Category 1 (more serious) or Category 2 (less serious). Professional judgement was required, perhaps more so with determining the cause and severity of damp than with any other type of hazard. Officers would be expected to consider the type and adequacy of the heating system, ventilation and thermal insulation. They would need to consider the tenants' actual use of heating and ventilation and in addition lifestyle issues such as any generation of moisture over and above a 'normal' level, having regard to issues such as internal clothes drying, cooking and showering/bathing operations.

Where the officer identified a Category 1 or high Category 2 hazard, they would have regard to whether there were defects which the landlord was responsible for. Where there were, officers would follow the Council's generic Enforcement Policy, and such matters would normally be discussed with the landlord/RSL and scheduled for completion within an agreed timescale, normally subject to tenant agreement. Where the landlord/RSL was uncooperative or failed to comply informally, an Improvement Notice might be served which would impose a statutory duty to undertake works within a set timescale, failing which the landlord/RSL would be subject to prosecution or civil penalty and work may be undertaken in default. In practice, it would be rare for a damp case to progress to prosecution or civil penalty because typically solutions could be found and agreed. Where matters identified were found to be related to the lifestyle of the tenant, the officer would explain the findings and provide written information so that the tenant could consider lifestyle changes.

PSH had some key contacts with the larger RSL's to enable us to work together on cases. This typically involved joint inspections to determine the most appropriate course of action. Work had resulted in one large RSL changing its response to mould and damp reports.

Both services had an information leaflet on damp and mould issues which was available to tenants and landlords. Currently, WDC was leading on developing a new leaflet on behalf of all Warwickshire Districts and Boroughs, aimed specifically at identification and treatment of dampness issues and gave key contacts for the

different Councils. This was about to go into production and distribution. The advice was equally applicable to all types of tenure.

Councillor Cullinan asked the Portfolio Holder for Place what Councillors could do to help encourage use of CIL money within the new communities being built to help them become a recognised community.

In response, Councillor Cooke explained that there was CIL money provided to Parish and Town Councils for exactly this type of work. Equally if communities or Councillors contacted the District Council and the Council could help identify funds and projects.

Councillor King asked the Portfolio Holder for Housing if he could explain the night shelter facilities available to rough sleepers in Warwick District and what an individual could do tonight if they wanted to help.

In response, Councillor Matecki explained that individuals should contact the Housing Team through the 24-hour contact numbers. Each case was helped on a case-by-case basis but there was shelter available. In response to a supplementary question, he explained that the Council had rangers who patrolled the streets and talked with homeless people during the night on a regular basis to provide support to individuals.

Councillor Grey asked the Portfolio Holder for Safer Communities, Leisure & Environment if the Council could have community infrastructure plans in place for any new development, not just buildings but accessibility to existing infrastructure as well.

In response Councillor Falp explained there had been discussion on this and there was a strategy being developed for supporting emerging communities across the District. This would be in addition to the work of the Voluntary Community Sector contracts already in place.

## 59. **Cabinet Report**

The recommendations of the Cabinet on 3 November 2022, in respect of the Fees and Charges along with two addendums circulated at the meeting, were proposed by Councillor Day and seconded by Councillor Hales.

Councillors Davison and R Dickson spoke on this item.

**Resolved** that the recommendations from the Cabinet of 3 November 2022, as amended by the addendums circulated at the meeting, be approved.

## 60. **Parish & Town Council representative**

It was proposed by the Chair of the Audit & Standards Committee and seconded by Councillor Russell that Councillor Brian Smart of Whitnash Town Council be co-opted as a Parish/Town Council representative to the Audit & Standards Committee.

**Resolved** that Councillor Brian Smart of Whitnash Town Council be co-opted to the Audit & Standards Committee.

61. **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 7.41pm)

CHAIR  
14 December 2022

## **Warwick District Council 14 December 2022**

### **Item 6 Notice of Motion - Amended**

To consider a notice of Motion as follows to be proposed by Councillor Milton and seconded by Councillor Kennedy:

The opening of the new Kenilworth School in September 2023 is a major milestone for the realisation of the district's local plan. As a Council we recognise the need to prioritise active travel, but at the moment other than the immediate surrounds of the school, there is little in the way of infrastructure that will enable students to cycle to the school safely from across the town.

Concerns about the lack of safe cycling provision to the school have been consistently raised by residents, and this was evidenced in the recent petition organised by Pedal to Protect, which gained around two thousand signatures in support of the need for improvements.

However, as yet, there has been little practical action to create safer routes to school, to enable active travel and in so doing, reduce the road traffic that prevents many from cycling or walking to school.

The District Council is not the Highways Authority but is the responsible authority for Abbey Fields, where cycling is currently prohibited due to a bylaw. This currently creates a significant barrier to a continuous cycle route across Kenilworth which would enable students to travel a larger proportion of the route safely.

*This Council therefore resolves to take practical action to enable the young people of Kenilworth to cycle to school safely by:*

- *To ask officers to bring forward proposals to enable students to cycle through Abbey Fields as a route to school, including exploring varying the current bylaw to allow people to cycle through Abbey Fields between the hours of 7.30am and 9.00am and 3.30pm and 5.00pm, Monday to Friday during school term time*
- To bring recommendations to cabinet in a timely fashion to allow changes to be put into effect before September 2023
- To work with Warwickshire County Council to request the prioritisation of improvements at key points in the town including (but not limited to) Bridge Street, Dalehouse Lane, Warwick Road and Farmer Ward Road to create a network of safe routes.

# Cabinet

Excerpt of the Minutes of the meeting held on Wednesday 7 December 2022 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillors Day (Leader), Bartlett, Falp, Hales, Matecki, Rhead, and Tracey.

**Also Present:** Councillors: Boad (Liberal Democrat Group Observer), Davison (Green Group Observer), Cullinan (Labour Group Observer), and Milton (Chair of Overview & Scrutiny Committee).

## 62. **Declarations of Interest**

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

### **Part 1**

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

## 64. **Minor Amendments to the Scheme of Delegation**

The Cabinet considered a report from Democratic Services which brought forward changes to the scheme of delegation and also reported an urgent decision taken by the Chief Executive under delegated authority.

The report provided a number of recommendations which were considered reasonable to either confirm current working practices or make efficient use of Council resources.

When reviewing the decision of the Cabinet on 9 September 2021 to establish the Leamington Transformation Board it was identified that the decisions, below, were not sufficiently clear.

"(6) the Composition of Councillors who will serve on the Transformation Board, as set out in paragraph 3.15 in the report, in consultation with WCC and LTC, be determined by the Cabinet.

(7) the remit of the Transformation Board, as set out in paragraph 3.16 and 3.17 in the report (subject to discussions with WCC and LTC) and that authority be delegated to a designated Cabinet member to take decisions on this remit".

The Transformation Board remit was agreed by all parties in April 2022, however, it was not intended to be a decision-making body. The remit of the Transformation Board, while in spirit was the same as that set out in the report, was more detailed and there were points that had not been considered by the Cabinet.

The appointment of its Independent Chair was a formal decision, especially as they would be receiving payment from Warwick District Council. Therefore, the final decision on this and the remit needed to be formally taken within the Council. The proposed delegations at Appendix 2 to the report in relationship to the Leamington Transformation Board formalised this approach. The Chief Executive sought agreement of Group Leaders to use his emergency powers to confirm the appointment. The



Cabinet was also aware the Leamington Transformation Board would need to have its terms of reference amended to reflect that the final decision on the Independent Chair would need to be taken by WDC but based on the recommendation of the Board.

The proposed delegations were Executive functions which could only be delegated by Cabinet to officers. However, only Council had the authority to update the Constitution to reflect the changes, hence the wording for recommendation (3).

Officers had been reflecting on experiences in working with other Councils and believed that there were some cases where Section 106 agreements did not need to come before Planning Committee. An example was variations to S106 agreements already approved by Committee or where the application would otherwise be determined by officers.

In relation to variations to s106 agreements, there was currently no delegated authority for the Head of Service to vary s106 agreements. Sometimes these variations could be very minor in nature e.g., in October, a variation to amend a definition had to go to Planning Committee. It was proposed to delegate such changes to the Head of Place, Arts and Economy in consultation with the Chairman of the Planning Committee and relevant Ward Councillor(s).

Another issue had arisen in the case of s106 agreements required in connection with delegated planning decisions. The scheme of delegation did not currently cover this, which led to the odd situation of the Head of Place, Arts and Economy having delegated power to determine planning applications but not enter into connected s106 agreements.

Following the Planning Committee meeting of 9 November, officers had also reflected on the current delegation in respect of Council Planning applications that reads "Applications submitted by Warwick District Council or Warwickshire County Council, other than for approval of routine minor developments". Officers were of the view that this should be amended to be more specific in relation to Warwick District Council to include reference to Milverton Homes (or any partnership it was in). While officers considered this would happen anyway, they felt it was appropriate to remove any ambiguity.

If Cabinet and Council were minded to support these delegations, as set out in Appendix 1 to the report, it would also bring changes to the responsibility of functions for the Planning Committee. This would see the removal of delegation (vi) as it was covered by (i) due to the revisions to officer delegation DS(70).

In reviewing the delegations in respect of Planning Committee, officers also took time to consider those in respect of matters that came to Licensing Panels. Councillors involved in those Panels were aware that the final wording of their decision was often formulated after the meeting. Therefore, officers felt it was appropriate to have a delegation in place to confirm this arrangement.

Secondly, in this area, there was potential for decisions of a Panel to be challenged. At times, this could be over a minor point and mitigate the

need for an appeal to be heard. This proposal allowed for these changes to be made, after appropriate consultation and for transparency to be reported back to the Licensing & Regulatory Committee.

Section 33A of the Planning and Compulsory Purchase Act required Local Planning Authorities "to engage constructively, actively and on an ongoing basis" with other local authorities and with prescribed bodies in respect of their plan-making activities. This Duty to Co-operate requirement was expanded on in the National Planning Policy Framework (NPPF) and accompanying Planning Practice Guidance (PPG). The Duty to Co-operate was a legal test that needed to be satisfied as part of the local plan examination process for a local plan to be found, sound and adopted.

Importantly, the Duty to Co-operate was not a duty to agree per se, but the LPA needed to demonstrate that they had engaged constructively in respect of progress to addressing strategic cross-boundary matters. In particular, joint working should have helped to determine where additional infrastructure was necessary, and whether development needs that could not be met wholly within a particular plan area could be met elsewhere.

This constructive engagement was demonstrated through the publication of an audit trail showing early and ongoing discussions culminating in the publication of signed Statements of Common Ground (SoCG).

Responsibility for the day-to-day operation of Duty to Co-operate (e.g. content of SoCGs) was undertaken by the Council's planning policy service and fell within the Planning & Place Portfolio. However, formal processes needed to be established to allow for the signing of any SoCGs on behalf of the Council given that the content could have a significant bearing on how WDC prepared its own local planning documents.

This matter was particularly relevant at the moment, given that the Council was in the process of preparing a new Local Plan. The delegation of Executive functions set out in appendix 2 to the report allowed for authority to be delegated to the Head of Place, Arts & Economy in consultation with the Leader and Portfolio Holder for Planning & Place, to sign Statements of Common Ground in respect of plan-making activities.

There was another dimension to this given that the Council was currently preparing a joint Local Plan with Stratford-on-Avon District Council. There would be issues where other authorities would need to engage with both WDC and SDC in respect of Duty to Cooperate issues and SoCGs would need to be agreed. Equally, there would be some issues where authorities would need to engage with one Council through Duty to Cooperate, however that Council would need to consult with the other because the issues related to matters pertaining to the whole South Warwickshire Local Plan area covering both Council areas. An example of this would be in relation to housing and employment land distribution in the Greater Birmingham and Black Country Housing Market Area (HMA). Warwick District Council was not within this HMA and so would not normally be included in any Duty to Cooperate discussions or need to agree any SoCGs. SDC was, however, in that HMA and the implications of any SoCGs could have had an impact on the whole South Warwickshire Local Plan area. It was appropriate and necessary therefore, for SDC to consult with WDC before agreeing any SoCG relating to this HMA.

The requested delegation therefore also proposed that this delegated authority was extended to situations where adjacent authorities consulted with WDC on SoCGs that were of common interest. Furthermore, in an opposite situation where WDC only was asked to sign a SoCG, recommendation (3) proposed that before such a SoCG was signed, WDC would consult with that authority. In practice, this would only happen in respect of SDC and the South Warwickshire Local Plan. (Members were asked to note that SDC was currently putting reciprocal arrangements in place to ensure that WDC was consulted in respect of SoCGs that it was asked to agree, and which impacted on joint planning work.)

Many SoCGs dealt with procedural matter and set out ways of working to address common challenges. Others might have been more significant, the most obvious example being the creation of new Memoranda of Understanding relating to strategic matters such as housing or employment land distribution. Such matters were likely to have strategic implications and should, properly, be agreed formally by the Council. The proposed delegation therefore provided that the delegated powers would not be exercised where, in the judgement of the Leader, Portfolio Holder for Planning & Place and the Head of Place Arts & Economy, the issues arising from the consultation were such that they had important strategic implications for Warwick District.

Banning orders were made under Housing and Planning Act 2016 and came into force in 2018. They were intended to be used on landlords and property agents for those who had been convicted of the most serious housing-related offences. They had the effect of preventing landlords from letting housing or managing property in England.

Local authorities had the power to apply for Banning Orders from the First Tier Tribunal. The Council needed to first serve on the landlord a notice of intention to apply for a Banning Order and offer an opportunity for representations to be made. If they were satisfied, they could then apply to the First Tier Tribunal.

Councils were expected to develop and document their own policy on when to pursue a Banning Order. This was likely to include:

- seriousness of the offence;
- previous convictions/entry on rogue landlord database;
- harm caused to the occupying tenants;
- punishment of the offender;
- deter the offender from repeating the offence; and
- deter others from committing similar offences.

The individual the Council was seeking a Banning Order for, was well known to Private Sector Housing. They had been associated with sub-letting property over several years and their practices caused the Council concern.

The Private Sector Housing team successfully prosecuted them in September, which resulted in a significant fine. They were operating a HMO in Royal Leamington Spa and were convicted of:

- Failing to provide information required under Section 16 of the Local Government Miscellaneous Provisions Act 1976.
- Failing to comply with an Improvement Notice under Section 30 of the Housing Act 2004.
- Failing to licence a House in Multiple Occupation under Section 72 of the Housing Act 2004.
- Failing to comply with The Houses in Multiple Occupation Regulations 2006 under Section 234 of the Housing Act 2004.

The Council served a notice of intention to apply for a Banning Order on 3 October giving until 31 October for representations. No response had been received.

Therefore, following consultation with the Group Leaders, the Chief Executive exercised his delegated authority CE(4) to proceed with an application to the First Tier Tribunal for a Banning Order. Officers considered delegating authority for such cases in future would be an appropriate route as this would enable swifter action to be taken for the most serious of matters. In addition, officers recognised the need to have a Policy in place for such matters and a draft was already being produced as a priority, with a view to it being completed before Christmas 2022. The delegations to approve the Policy were considered reasonable to ensure it was robust and once completed, it would be published on the Council website and Councillors would be notified of this.

The protocol for the operation of the Warwick District Council Proposed Development Review Forum currently prescribed that all meetings should be held in person at the Town Hall, Royal Leamington Spa. Since the protocol was produced, the Council had been able to make use of technology for holding meetings and briefing sessions remotely. Therefore, as the Proposed Development Review Forums would involve external development agents (potentially from across the UK), and see all 44 District Councillors invited, along with relevant Parish/Town Council, CAF and other statutory consultees (as considered appropriate), hosting the meetings online would make them more easily accessible. This was not to say all meetings of the forum would be online, but provided the option if it was considered reasonable.

In terms of alternative options, the proposed recommendations were minor changes to provide more robust decision making within the Council. The Cabinet could reject the proposals if it so wished but this was advised against for the reasons set out above.

Councillor Bartlett proposed the report as laid out.

#### **Recommended** to Council that

- (1) the amendments to the scheme of delegation as set out at Appendix 1 to the report, be approved and the Constitution be updated accordingly; and
- (2) the amendments to the Executive functions within the scheme of delegation as set out at

Appendix 2 to the report, be approved and the Constitution be updated to reflect this change.

**Resolved** that

- (1) the urgent decision of the Chief Executive made under delegation CE(4) to confirm the appointment of Mark Lee as Independent Chair of the Leamington Transformation Board and the application for a Banning Order in respect of a landlord, be noted; and
- (2) the Protocol for the operation of the Warwick District Council Proposed Development Review Forum be amended to enable meetings to take place online in a meeting hosted by Warwick District Council.

(The Portfolio Holders for this item were Councillors Bartlett, Cooke, Day, Falp and Matecki)

Forward Plan Reference 1,337

**65. Quarter 2 Budget Report**

The Cabinet considered a report from Finance which provided an update on the current financial position as of 30 September 2022, both for the current year 2022/23 at the end of Quarter 2, and for the medium term through the Financial Strategy. Key variances and changes were highlighted to inform Members, with some recommendations also being put forward for their consideration

The Medium-Term Financial Strategy (MTFS) showed that the Council needed to make further decisions to continue addressing the deficit position presented in the report. Decisions made to date had helped offset adverse implications of the current economic environment, which were seeing costs increase and demand for services being impacted. The Financial Strategy reflected initial implications arising from the recent Autumn Statement but was still awaiting critical funding information, typically received as part of the Local Finance Settlement in late December.

Noting the significant risks facing the Council's finances in future years, it was important that officers and Members took all actions to ensure that new efficiency, income generating, or savings schemes were brought forward, as well as delivering on those as agreed as part of the 22/23 budget setting process.

The recommendations and updates would enable the Council to ensure Members and other stakeholders continued to be informed on the most up to date financial position of the Council, both in year and for the medium term. It would enable decisions to be made based upon these positions to ensure that the Council could continue to operate within a balanced budget.

In relation to the General Fund Financial Position as of 30 September, variations had been identified by the Accountancy Team and reviewed in conjunction with the relevant budget managers, and where necessary, narrative provided in the report and below. As of 30 September (end of Q2) there was a favourable variance of £1,292k, with a forecast adverse variance for 2022/23 of £482k. A summary was provided below:

<b>2022-23</b>				
<b>Service (General Fund)</b>	<b>Variation Description</b>	<b>Q1 Variation £'000</b>	<b>Q2 Variation</b>	<b>Forecast Full Year Variation £'000</b>
Employee Costs	Staffing	£385 F	£410 F	£500 F
	Pay Award (funded by Vacancy budget) including member allowances	-	-	-
Neighbourhood & Assets	Delays to PPM works	£315 F	£402 F	-
	Utility Charges – Electricity	-	£54 A	£250 A
	Previous waste contract Income	£111 F	£238 F	£200 F
	Green Waste Permits	£200 F	£486 F	£486 F
Place, Arts & Economy	Arts activity increased	£326 F	£269 F	-
	Leisure Concession	-	£84 F	£200 A
	Planning Income	£189 F	£57 A	-
Housing Services	B&B Accommodation	£100 A	£13 A	-
Customer & Digital Services	Benefits subsidy and payments		£396 A	£396 A
Strategic Leadership	Warwickshire Place Partnership (Health & Wellbeing)	£100 F	-	-
	De-Carbonisation Grant	£20 F	-	-
	Members Allowance	£10 A	£20 A	£40 A
	Contingency Budget	£135 F	£53 F	-
	Crewe Lane LLP Interest	-	-	£62 A
	Removal of EMR	-	£500 F	£500 F
	Budget Savings proposals linked to merger	£128 A	£256 A	£512 A
	Budget saving proposal – digital transformation	£52 A	£104 A	£208 A
	Budget Savings in-year underspend	£125 A	£250 A	£500 A
<b>TOTAL</b>		<b>£1,366 F</b>	<b>£1,292 F</b>	<b>£482 A</b>

Continuing with the Salary Vacancy Factor process established during 2021-22, the table at 1.1.2.2 in the report reflected the underspends on salaries within service areas during periods 1-6 (April-September). These were offset against a pre-determined value agreed at budget setting of expected levels of savings driven by gaps in establishments throughout the year, which was set at 3.6%.

As part of the Vacancy Factor process for Q2, £257,000 (GF) and £90,000 (HRA) was appropriated from staffing budgets.

Both the General Fund and HRA vacancy factors had now been met for the year.

In conjunction to meeting the vacancy factor budgets, as part of the Q1 report it was outlined that budget released would be used to support the pay award once agreed. This had now been agreed, with the pay award amounting to an average 6% increase in staffing costs (circa £900k). Budget released to date takes into consideration the need to back-date the pay award. Any further budget released would then be returned to GF and HRA reserves and be available to use as necessary to meet other emerging challenges and opportunities.

After the Vacancy Factor Adjustment and departmental service reviews had been taken into consideration, General Fund salaries were £420k favourable against budget at the end of Q2. However, following the vacancy factor process and discussions with the relevant managers, some of the remaining underspent budget would be required to backfill where work had fallen behind due to staffing, establishment, and recruitment issues. This could take the form of additional fixed term staffing, agreed overtime and in some instances the use of agency staffing, which could carry a cost premium. These assumptions would continue to be reviewed and challenged into quarter 3, and forecasts updated, as necessary.

The value that the vacancy factor was set at (currently 3.6%) would also continue to be reviewed. Given the high levels of underspend reported in Q1 and Q2, proposals to increase this value were currently being assessed as part of the Budget setting process to increase this provision to better reflect the ongoing staffing challenges within service areas. Within the revised Medium Term Financial Strategy presented in the report, it was assumed that a pay award for 23/24 of similar value to the 22/23 pay award would also be funded through underspends in existing establishments.

The recruitment and retention issues currently being faced by the Council were subject to review, with work ongoing on how this was tackled going forward.

In relation to Neighbourhood & Assets, delays to the commencement of Planned Preventative Maintenance (PPM) programmed works had continued in 2022/23. The Assets team were continuing to face resourcing challenges, driven by high levels of sickness and difficulties in recruiting to the substantive establishment. It was expected that the full allocation of budget would be used to meet the cost of repairs necessary to maintain the corporate stock. However, it was likely that up to a third of the £1.5m programme would have to be slipped into the following financial year and so not present a real saving.

Centralisation work was ongoing between finance and the assets teams to ensure resources were available and to enable programmed works to be more effectively managed, supported by timely, accurate and available information in the Financial Management System. This work was supported by the agreement made as part of recommendation 9 within the

Q1 report and was being incorporated into the budget setting process for 23/24.

As reported in Q1, the number of residents who had signed up to the new green waste collection service had significantly exceeded expectations for 22/23, given that the service launched mid-season in August. Current forecasts were for permit income to exceed £700k (35,000 permits), and this was despite the reduced cost of the permit due to the part year effect of a mid-year introduction.

The overall projection for the service in 22/23 had been forecast at £550k, increased by £486k over the original forecast of £64k, once additional costs that would be incurred in supporting the service had been factored in.

Previously agreed budget proposals forecasted that from 23/24, £1m per annum would be generated from the service. Given the current performance and take up by residents of the service, the forecast from 23/24 had been increased to 40,000 permits, generating income of £1.6m (£1.4m once additional service costs were factored in) at the fee of £40, as agreed through the Fees and Charges report in November.

In relation to Place, Arts & Economy, the Royal Spa Centre had received increased income during the first half of the year driven in part by a number of rescheduled events having now taken place.

Income and Expenditure would continue to be monitored as the peak season was approaching, including the return of the Christmas Pantomime following previous years' cancellations due to COVID-19. Despite a positive first half of the year, the full year forecast remained prudent as there was still uncertainty as to how sites would perform going forward.

The leisure contract continued to outperform forecasts provided by the concession provider as part of the open book process agreed following the revision to the 22/23 contract (An 80/20 split on surpluses in place of the originally agreed 90/10 split). The forecast for the year was still expected to be a significant reduction in income from that agreed as part of the original concession contract given that increases in delivering the services would be most felt in the second half of the year due to continuing rises in costs. The financial strategy had already been adjusted for this as part of the Q1 update.

In relation to Customer & Digital Services, Benefits subsidy and payments were reducing as new claimants transferred over to Universal Credit. The figures were based on the latest mid-year claim submission.

In relation to Strategic Leadership, within the 2022/23 Budget agreed by Council in February there was a Contingency Budget of £200k for any unplanned unavoidable expenditure. To date £147k had been committed from this budget.

Earmarked Reserves which were approved within the Final Accounts 21/22 Report in September were currently being reviewed. As part of initial work completed, £500k could be released, as it was no longer required. The main element of this release related to funding earmarked to support the



Planned Preventative Maintenance (PPM) Programme. However, ongoing delays to the programme and the use of the Corporate Asset Reserve allowed this money to be used to support the base position in year.

In relation to the Housing Revenue Account, variations had been identified by the Accountancy Team in conjunction with the relevant budget managers, giving a favourable variance of £1,028k as of 30 September, with a forecast favourable variance for 2022/23 of £150k. A summary was provided below:

<b>2022/23</b>				
<b>Service</b>	<b>Variation Description</b>	<b>Q1 Variation £'000</b>	<b>Q2 Variation £ '000</b>	<b>Forecast Full Year Variation £ '000</b>
<b>HRA</b>	Staffing (after Vacancy Factor Adjustment)	£78 F	£95 F	£150 F
	Housing Repairs	£950 F	£810 F	-
<b>TOTAL</b>		<b>£1,028 F</b>	<b>£150 F</b>	<b>£150 F</b>

Staffing resources across the Housing Revenue Account had seen similar issues to those impacting the Assets teams. Sickness and recruitment challenges had been present and were likely to continue going forwards in the immediate future. The Q2 value took into consideration the recently agreed pay award, which was why the favourable variation had not grown at similar levels to that seen in Q1 despite many of the staffing challenges remaining.

Continued delays in receiving invoices from contractors for housing repairs, both major and responsive, was leading to the favourable variance YTD. A process was currently in development to ensure order data from the Housing Management System (Active H) appeared in the new Finance Management System (FMS) as orders were raised, ensuring expenditure reporting was more robust and timelier than it was through the existing FMS. Currently expenditure was passed through to the FMS when paid.

This project to bring active orders into the FMS when approved, and the centralisation of all R&M budgets would allow more timely financial management of these budgets. Major and responsive works were ongoing, with the expectation that the full budget allocation for the year would be utilised.

The Medium Term MTFS was last formally reported to Members in September as part of the Q1 Budget Review report. The table at 1.3.1 in the report detailed the profile of revenue savings to be found.

As well as the in-year changes detailed above, there had been key changes to the MTFS for future years made during Q2, as outlined below.

Major contracts would be subject to their own agreed cost profile and inflation levels, which were/would be factored in to the MTFS as appropriate. These were being reviewed as part of the budget setting process in conjunction with the service areas and ensuring the contract

register was up to date and reflected the latest positions.

In addition to the treatment of the agreed pay award as outlined in the report, it had been assumed that any 23/24 pay award would also be able to be accommodated by underspends against the existing establishment driven by the recruitment and retention challenges currently faced. However, from 24/25, it had been assumed that the Council would not be able to rely on high levels of vacancy to offset the cost of recent and future pay awards, and so the impact of this was reflected within the latest MTFS.

This would continue to be reviewed based on the latest information from ongoing pay award discussions. The vacancy factor target would also be reviewed alongside this, to ensure that this was set at a level reflecting the continued establishment gaps.

Given the increased levels of inflation, the cost of delivering many of services was expected to continue rising over the duration of the MTFS. To support the cost of delivering current services, future Fees and Charges levels had been set at 5% in the latest update.

In conjunction with the Fees and Charges as agreed by Members in November, further recurrent income of £360-410k per annum had been included in the MTFS from 24/25.

Within the Q1 Budget Report, utility forecasts were significantly increased based on indicative estimates provided by ESPOs Energy Trading/ Risk Management team.

The Council contracted to buy electricity through ESPO for the period October – September, but for gas, the period was April - March.

Further updates had now been received from ESPO. For context, the rates provided for the current year were below the levels set as part of the current business energy price guarantee levels.

The forecast for electricity had been updated to reflect further expected increases in cost for 24/25, and the forecast for gas had significantly changed from April 2023 when the current contract ended.

In light of the more recent information, the MTFS had been updated with the changes outlined below:

	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>	<b>2025/26</b>	<b>2026/27</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
Further Increase (Decrease) in Electricity charges	0	-62	272	50	0
Further Increase (Decrease) in Gas charges	0	190	136	0	0

Work was underway to mitigate the impact of these increases, with the Building Management System operator, SERTEC being instructed to carry out an urgent review of our key sites to see if any changes to heating / lighting / cooling etc. could be introduced and if these might cause any loss of amenity at a building. There was limited scope at the Pump Rooms as the art and museum collections required regulated air and temperature to prevent artifact deterioration.

Work was also underway to look at whether there were options to install PIR sensors in any corridors, kitchens, toilets etc. at any locations. The costs were likely to be small in comparison with the energy cost increase and any marginal energy savings were worthwhile.

As part of the Governments Autumn Statement, it was confirmed that the cap on Council Tax had been increased from 2% / £5 (whichever was higher) to 3% / £5. For Warwick District Council, this would equate to an additional 30p per Band D property. Based upon current tax base levels, there would be a £17,700 increase in Council Tax received in 23/24.

However, this had not been included in the MTFS at this stage, as work was ongoing as part of the budget setting process reviewing the tax base for 23/24. Any changes relating to Council Tax would be included as part of the Budget Setting report due to be presented to Members in February.

Taking into account the changes highlighted, the Medium Term Financial Strategy now presented the following deficit position:

	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>	<b>2025/26</b>	<b>2026/27</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
Deficit-Savings Req(+)/Surplus(-) future years	482	2,558	3,012	2,688	2,545
Change on previous year	0	2,076	454	-324	-143

Recurrent savings of £2.6m needed to be secured to enable the Council to be able to set a balanced budget from 2023/24 onwards. Officers were continuing to review ways of reducing the deficit, including income generation, service efficiency and cost saving schemes, with the expectation that schemes would be factored into the budget setting process and reported to Members in February.

In relation to Capital Variations, the following proposed changes to the Capital Budget had been identified:

- 1) Castle Farm Sports Pitch Drainage - £73k slippage into 2023/24;
- 2) Commonwealth Games Cycle Improvements at Leamington Station - £60k vired from main project in 2022/23;
- 3) Car Park Pay & Display Machines - £12,600 additional budget in 2022/23 funded from repairs and maintenance budget;

- 4) Recycling & Refuse Containers - £6k additional budget in 2022/23 funded from income; and
- 5) Skate Park in St. Nicholas Park - £38.8k slippage into 2023/24.

In relation to Members allowances, the Members Allowances Scheme defined that "[...] shall be increased by the annual local government pay percentage increase as agreed each April (linked to spinal column point 38 of the NJC scheme) to be implemented the following May in that year from the date of the Council Annual Meeting".

This year, the pay award for all scale points was £1,925. Following consultation with the Leadership Coordination Group, it was proposed that 6.6% would be the increase for this year. This was based on the basic allowance and how that equated to salaries for officers. The Independent Remuneration Panel for the Council were consulted on this proposal and raised no objections. This would have had an adverse effect on the budget of over £24,000 before any on costs (national insurance contributions) were included.

In 2022/23, this would be funded through underspends against existing staffing budgets due to the recruitment and retention challenges currently faced by the Council and would be built into future budgets as baseline growth.

The Overview & Scrutiny Committee raised a general concern that subsequent to it becoming responsible for what was much of the remit of the former Finance & Audit Scrutiny Committee, Members had found the volume of items requiring attention had significantly increased. A consensus was that this led to less effective scrutiny and was no longer tenable.

The Chair of the Overview & Scrutiny Committee informed Cabinet of these concerns and requested that officers should be asked to review the situation and provide options for improvement going forward.

The Leader agreed with the concerns raised by the Committee, and he would follow this through with the Chief Executive and Deputy Chief Executive and Monitoring Officer to see what arrangements could be done to support the scrutiny process.

In relation to the Quarter 2 Budget Report, the Overview & Scrutiny Committee thanked officers for their work and noted the report. Concerns were raised about the continuing issues relating to staff recruitment. Whilst these issues meant that the Council's budget position had improved, recruitment had not.

Councillor Hales thanked the Head of Finance and his team. He then proposed the report as laid out.

**Recommended** to Council that

- (1) the Members basic allowance & special responsibility allowances, along with the allowance for the Chairman and Vice-Chairman of the Council, up rating for 2022/23, be 6.6%;
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and

- (2) the ongoing forecast deficit outlined in the MTFS is reviewed further as part of a later report to Cabinet once proposals for tackling the deficit have been developed, be agreed.

**Resolved** that

- (1) the latest current year financial position for both Quarter 2 (General Fund £1,292k Favourable and Housing Revenue Account £1,208k Favourable) and forecast for the year (General Fund £482k Adverse and Housing Revenue Account £150k Favourable), with the key variations that drive these positions, be noted;
- (2) the impact on the Medium Term Financial Strategy (MTFS) due to changes detailed within the report, and how these changes are expected to be accommodated, be noted; and
- (3) the current capital variations for schemes originally approved in February 2022, be noted.

(The Portfolio Holder for this item was Councillor Hales)  
Forward Plan Reference 1,313

74. **Public and Press**

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

Minutes Numbers	Paragraph Numbers	Reason
75, 76 & 77	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

**Part 1**

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

75. **Acquisition of land and buildings, Local Plan H45 Site (Juniper Way, Whitnash)**

The recommendations in the report were approved.

(The Portfolio Holders for this item was Councillor )  
Forward Plan Reference 1,335

76. **Country Park Phase 2 Enabling Development**

The item was withdrawn following the publication of the agenda.

**Part 2**

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

77. **Confidential Appendices to Item 13 – Asylum Seeker Dispersal Scheme**

The Cabinet noted the confidential appendices.

(The meeting ended at 7:20pm)

### Section 1.2 Planning Delegations

Officer Scheme of Delegation amendments

Additions in italics

The Head of Place, Arts and Economy be authorised to:

- DS (70) Determine all applications submitted to Warwick District Council as required by the Town and Country Planning Act 1990 (as amended), Town and Country Planning (Control of Advertisement) Regulations 1992, and Planning (Listed Buildings and Conservation Areas) Regulations 1990, with the exception of the following:
- (i) Applications where a written request is received from a member of Warwick District Council within the specified consultation period i.e. 21 days that Committee referral is required. Such requests should clearly state the reasons why a Committee referral is required.
  - (ii) Applications where 5 or more valid representations are received where these are contrary to the officers' recommendation unless the Head of Development is satisfied that the plans have been amended to address the concerns raised so that there are no more than four contrary representations.
  - (iii) Applications where the recommendation of the Head of Place, Arts and Economy i.e. Grant/Refuse is contrary to the representations made by a Parish/Town Council, i.e. Object/Support, except in the following circumstances:
    - a. the Head of Place, Arts and Economy is satisfied that the plans have been amended to address the concerns of the Parish/Town Council;
    - b. where the representations made by the Parish/Town Council do not raise any issues which are material to the planning assessment of the particular application; or
    - c. where the concerns of the Parish/Town Council have been previously considered as part of the assessment of an extant permission on the site and there has been no change in circumstances
  - (iv) Applications where the principle of development would represent a material departure from any policy within the Development Plan.
  - (v) Applications known to be submitted by or on behalf of a Warwick District Councillor, Warwick District Council employee or former employee of the Council, or the spouse/partner of any such person.
  - (vi) Applications submitted by Warwick District Council, *Milverton Homes (either solely or as part of another Joint Venture), any Joint Venture (or similar) the Council is part of or Warwickshire County Council*, other than for approval of routine minor developments.
  - (vii) Where applications are to be refused and enforcement action is being recommended, following consultation with the Chairman and Vice-Chairman of the Committee and the relevant ward member(s) except in the circumstances where the Head of Place, Arts and Economy considers it appropriate for that matter to be determined by Planning Committee.
  - (viii) Applications where an Environmental Impact Assessment has been provided.

- (ix) Any application which raises significant issues such that in the opinion of the Head of Place, Arts and Economy, it would be prudent to refer the application to Planning Committee for decision.
- DS (70a) In consultation with the Portfolio Holder for Place and relevant Ward Councillors, to
- (i) determine minor variations to S106 agreements
  - (ii) to enter into section 106 agreements when the application has been determined by the Head of Place, Arts and Economy under delegated authority DS(70)

### **Planning Committee Responsibility For functions**

- i. To determine planning applications and applications for listed building consent, which are not delegated to the Head of Place, Arts and Economy Development Services as set out in the Scheme of Delegation.
- V. To enter into Planning Agreements under S106 of the Town and Country Planning Act and to modify or discharge obligations contained in such agreements *which are not delegated to the Head of Place, Arts and Economy.*
- ~~vi. To determine applications for planning permission made on behalf of the District Council which are not delegated to the Head of Development Services.~~

### **Section 1.3 Licensing Panel Delegations**

#### **The Head of Safer Communities, Leisure & Environment:**

- |                        |  |
|------------------------|--|
| Number to be confirmed | Formulate and issue decision notices following consideration by the Licensing & Regulatory Committee or one of its Sub-Committees in accordance with the resolution of the Committee or Sub-Committee after consultation with the Chair of that meeting.   |
| Number to be confirmed | After consultation with the solicitor representing the Council and the Licensing Sub-Committee Members that took the decision (or in their absence, the Chair of the Licensing Committee), make minor changes to any proposed licence to mitigate the need for an appeal hearing following an appeal against a Licensing Sub-Committee decision. |

NB: where such a change is made this will be reported back to the next meeting of the Licensing & Regulatory Committee



**Delegation of Executive Functions**

**Section 1.1**

That authority be delegated to the Chief Executive, in consultation with the Leader, to agree the terms of reference for the Leamington Transformation Board.

That authority be delegated to the Chief Executive, following recommendation from the Leamington Transformation Board, to appoint the Independent Chair of the Transformation Board and agree their fee (so long as it is within the agreed budget), and conditions of appointment.

**Section 1.4**

That authority be delegated to the Head of Place, Arts & Economy in consultation with the Leader and Portfolio Holder for Planning & Place, to sign Statements of Common Ground in respect of plan-making activities, or to respond to consultations from adjacent authorities in relation to Statements of Common Ground on which the Council are consulted, except where, in the judgement of the Leader, Portfolio Holder for Planning & Place and the Head of Place Arts & Economy, the issues arising from the consultation are such that they have important strategic implications for Warwick District. Where they relate to joint plan-making work that Stratford-on-Avon District Council will be consulted prior to signing such Statements.

**Section 1.5**

The Head of Housing be delegated authority to produce, adopt and revise a Banning Order Policy, after consultation with the Housing PAB, Legal services and Housing Portfolio Holder.

The Head of Housing be delegated authority, after consultation with the Portfolio Holder for Housing, to apply for a Banning Order under the Housing and Planning Act 2016, where the criteria of the Council Banning Order Policy has been met.

# Medium Term Financial Strategy

## Appendix 2 to Minute Number 65

	2022/23	2022/23	2023/24	2024/25	2025/26	2026/27
	£'000	latest £'000	£'000	£'000	£'000	£'000
Net Cost Of General Fund Services	26,801	27,971	22,979	23,154	23,269	22,939
Savings from Recurring Dev's CUMULATIVE	-17,535	-17,535	-2,557,855	-3,011,787	-2,688,410	-2,545,140
Savings from Recurring Dev's (£'000's)	-18		-2,558	-3,012	-2,688	-2,545
Net Cost Of General Fund Services	26,801	27,971	25,537	26,166	25,957	25,484
Investment Interest	-2,464	-2,401	-2,197	-2,144	-1,797	-1,160
Other Financing Adjustments	-3,685	-4,436	-6,884	-6,589	-6,575	-6,398
<b>Net Expenditure after adjustments</b>	<b>20,652</b>	<b>21,134</b>	<b>16,456</b>	<b>17,433</b>	<b>17,585</b>	<b>17,926</b>
NNDR (Business Rate Retention, including SBR grant)	-7,627	-7,627	-3,586	-3,658	-3,731	-3,806
Collection Fund Balance 20/21 Deficit spread ove 3 years	54	54	54			
Collection Fund Balance 22-23	-31	-31				
New Homes Bonus	-2,681	-2,681				
Lower Tier Services Grant	-155	-155				
Services Grant	-238	-238				
<b>Amount being from Council Tax</b>	<b>-9,975</b>	<b>-9,975</b>	<b>-10,366</b>	<b>-10,763</b>	<b>-11,166</b>	<b>-11,576</b>
Band D Equivalent	176.86	176.86	181.86	186.86	191.86	196.86
% increase on previous year	-	-	2.83%	2.75%	2.67%	2.61%
Net Expenditure after adjustments	20,652	21,134	16,456	17,433	17,585	17,926
Total Grant and Council Tax Income	-20,652	-20,652	-13,898	-14,421	-14,897	-15,381
Deficit-Savings Required(+)/Surplus(-) future years	0	482	2,558	3,012	2,688	2,545
Change on previous year	0	0	2,076	454	-324	-143
Current Year Surplus(-) Deficit (+)		482				
Additional savings (+) / surplus (-) from agreed MTFS Feb 2022	0	482	1,181	2,437	1,934	1,359