

# 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 Fuseliers 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