

**Council meeting: Wednesday, 24 January 2018**

Notice is hereby given that an ordinary meeting of Warwick District Council will be held at the Town Hall, Royal Leamington Spa on Wednesday, 24 January 2018 at 6.00pm.

**Emergency Procedure**

At the commencement of the meeting, the Chairman will announce the emergency procedure for the Town Hall.

**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 entered on the form to be circulated with the attendance sheet and declared 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**
4. **Communications and Announcements**
5. **Petitions**
6. **Notices of Motion**
7. **Public Submissions**

8. **Leader's and Portfolio Holders' Statements**
9. **Questions to the Leader of the Council & Portfolio Holders**
10. **Executive Report**

To consider the report of the Executive meetings on:

- (a) 1 November 2017 (excluding minutes 64 to 66 that were considered by Council on 15 November 2017) **(Page 1 - 25)**
- (b) 15 November 2017 **(Page 1)**
- (c) 29 November 2017 **(Page 1 to 11)**
- (d) Excerpt of 4 January 2018 **(Page 1 to 18)**

11. **One World Link**

To receive the presentation from One World Link.

12. **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 16 January 2018

General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.

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Enquiries about specific reports: Please contact the officers named in the reports.

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

Please note that the majority of the meetings are held on the first floor at the Town Hall. If you feel that this may restrict you attending this meeting, please call (01926) 456114 prior to this meeting, so that we can assist you and make any necessary arrangements to help you attend the meeting.

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

# WARWICK DISTRICT COUNCIL

Minutes of the meeting held on Wednesday 15 November 2017, at the Town Hall, Royal Leamington Spa at 6.00pm.

**PRESENT:** Councillor Boad (Chairman); Councillors Ashford, Barrott, Bromley, Mrs Bunker, Butler, Cain, Mrs Cain, Coker, Cooke, Cross, Davison, Day, Doody, Mrs Falp, Gallagher, Gifford, Gill, Miss Grainger, Grainger, Heath, Hill, Howe, Illingworth, Mrs Knight, Margrave, Mobbs, Morris, Murphy, Naimo, Noone, Parkins, Phillips, Quinney, Mrs Redford, Rhead, Shilton, Mrs Stevens, Thompson, Weed and Wright.

## 46. **Apologies for Absence**

Apologies for absence were received from Councillors D'Arcy, Davies, Edgington, Mrs Evetts and Whiting.

## 47. **Declarations of Interest**

There were no Declarations of Interest.

## 48. **Minutes**

The minutes of the meeting of the Council held on 20 September 2017 were taken as read and were duly signed by the Chairman as a correct record.

## 49. **Communications & Announcements**

The Chairman welcomed Councillor Wright following his election to the Council, on 5 October 2017 to represent the Stoneleigh and Cubbington Ward.

The Chairman welcomed Lisa Barker as the new Head of Housing.

The Chairman informed Council that there was no business to be conducted under Item 5 Petitions; Item 6 Notices of Motion; and Item 7 Public Submissions.

## 50. **Director of Public Health for Warwickshire Health – Annual report**

The Council received a presentation from Dr Linnane, Director of Public Health at Warwickshire Health on his annual report.

## 51. **Leader's and Portfolio Holders' Statements**

The Leader, Councillor Mobbs:

- welcomed Councillor Wright, to the Council;
- informed Council that the planning applications for the redevelopment of Riverside House and Covent Garden Car Park sites to enable the relocation of the Council HQ had been submitted. A car parking displacement strategy was being developed and development of sites would bring significant economic benefits to the town and district. The new HQ would be a gateway site and the administration believed the residents had welcomed yet another regeneration scheme. There would be disruption to the town during any development and, as with the major developments in

- Kenilworth, this Council would work with both BID Leamington and Chamber of Trade as key partners to work on mitigation for this; and
- informed the Council that the partner for the redevelopment of the creative quarter would be announced shortly. This would bring £30million of investment to help the creative and digital businesses.

The Portfolio Holder for Neighbourhood Services, Councillor Grainger, informed Council that

- Riverside House car park would be available for free use by shoppers for each weekend up to Christmas;
- The joint enforcement work with Rugby Borough Council had started on 14 November 2017. Three letters had been issued so far and the Service Level Agreement should be signed by Christmas, and in full operation by January 2018;
- The easier protection measures to stop unlawful incursion on open spaces had now been completed and the more complicated sites were now being worked on;
- All waste and recycling collections would be affected over Christmas and for that reason all homes would receive either a bin hanger or postcard, there would also be posters issued, radio adverts, a twitter campaign and details had also been sent to all District Councillors and Parish/Town Council's in the District to highlight the changes;
- The street cleansing of fallen leaves would start on 20 November 2017 which would then be taken for recycling;
- Over 200,000 crocus bulbs had been planted in parks and open spaces across the District; and
- The paths within St Nicholas Park had now been resurfaced.

The Portfolio Holder for Health & Community Protection, Councillor Thompson informed Council that the recent media interest in Leamington Air Quality appears to be based on current World Health Organisation (WHO) standards against 2013 data. Therefore, he encouraged all Councillors to read the report to Health Scrutiny Sub-Committee next week regarding air quality.

The Portfolio Holder for Business, Councillor Butler, informed the Council that the Coventry and Warwickshire business festival started on 20 November for two weeks. This event would provide networking, innovation and learning events. There would be events within Warwick District including those promoting silicon spa. The Council's food safety team would be holding an event at the Town Hall. There would also be a "Kenilworth 2030 - what does it look like?" workshop.

The Portfolio Holder for Culture, Councillor Coker, informed Council that

- the Renovation to the entrance of the Pump Rooms was well underway and encouraged all to look at it. The Visitor Information Centre and shop were now open longer and the Spa Centre box office had successfully relocated; and
- Everyone Active had confirmed over 11,000 constituents had signed up ahead of target.

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

Councillor Quinney asked the Portfolio Holder for Health & Community Protection that while there was good news about the particulate levels which

were lower than reported had this been taken at the DEFRA stations or local known hotspots?

In response Councillor Thompson, Portfolio Holder for Health and Community Protection, explained that the particulate levels were an average for the District and this was detailed in the report to Health Scrutiny Sub-Committee.

Councillor Quinney asked the Portfolio Holder for Housing that following the government announcement of a priority to build more Council houses, would the administration now bring forward plans for the use of the money within the Council budget including, if required, acquiring new land to build these homes on?

In response Councillor Phillips, Portfolio Holder for Housing, explained that by March 2018 the District would have built almost 1000 social houses over the last four years. The Council intended to take opportunities when it could, but the biggest challenge was finding suitable land to purchase. The new Head of Housing was looking at Council garage sites for potential redevelopment and more alternative proposals would come forward in 2018. There was no guarantee but it looked like the high value void levy would not apply for 2018, but it was unclear for the long term future. Therefore, until the Council had clarity on this it should not spend reserves as these could be required to pay the levy.

Councillor Quinney asked a supplementary question to clarify if Councillor Phillips had referred to affordable housing of 875 properties in the last six years and not social housing or a combined figure?

Councillor Phillips confirmed he referenced all affordable housing and that the Council was pushing for more affordable homes in all forms within developments.

Councillor Quinney asked the Portfolio Holder for Housing, if the Council would listen to the concerns about the current proposals for the redevelopment of Riverside House and Covent Garden Car Park, regarding not including affordable housing and the impact on the loss of parking spaces and therefore consider alternative options?

In response the Leader, Councillor Mobbs explained that the Executive looked at the whole picture as to what was best for the whole District. The independent viability assessment of the application would be completed and this, along with the applications, would be determined by the Planning Committee. The bids for development were being formulated and the Council did not know what the developers wanted to do with the sites. The Executive were committed to assisting all parts of the community.

Councillor Barrott asked the Portfolio Holder for Culture that following the notification from MacGolf that they had withdrawn from provision of services at Newbold Comyn Golf Course, what action would this Council be taking?

In response, the Portfolio Holder for Culture, Councillor Coker explained that MacGolf had been told they held a contract with no ability to terminate. They had been told that they were expected to deliver a contract and at this time could not say more in a public statement.

Councillor Gifford asked the Portfolio Holder for Culture if MacGolf owed the Council any money and how it was possible to enforce the contract with a reluctant contractor?

Councillor Coker confirmed that MacGolf did not currently owe the Council money and that it would not be easy to enforce the contract because MacGolf wanted to leave. If the Council agreed to them leaving, there would be considerable expense to the Council especially considering that there was an indication that use of course and membership was falling. This was because the Council was aware that if one of the local clubs was to disappear, the other Clubs would be able to meet the need.

Councillor Naimo asked the Portfolio Holder for Development, if he could confirm that landlords and developers had been encouraged to bring forward purpose built student development in the Althorpe Street area?

In response, the Portfolio Holder for Development, Councillor Rhead explained that he could not confirm this but if there were proposals these would be brought to Council.

In response to supplementary questions from Councillor Naimo, Councillor Rhead explained that any proposal would be subject to planning policy and officer reports would reflect this.

Councillor Knight asked the Portfolio Holder for Development, following the cross party event regarding Gypsy & Traveller site locations, what had happened about a temporary site location because even if it was for 12 months this would reduce pressure?

In response the Portfolio Holder for Development, Councillor Rhead explained that an officer had undertaken useful discussions but it would be premature to share this information, but hoped to be able to provide a report to the next Council meeting.

Councillor Heath asked the Portfolio Holder for Development, Councillor Rhead, if any progress had been made on locating a permanent site for Gypsy & Travellers within the District?

In response Councillor Rhead explained that no further decision or progress had been made since September because it was a difficult matter for all to consider and resolve. There were three or four ideas but it was premature to comment. When the plans were properly formulated, they would be brought to Council.

Councillor Heath asked the Portfolio Holder for Neighbourhood Services where the crocus bulbs had been planted within the District?

In response Councillor Grainger explained they were planted at several sites including Victoria Park, St Nicholas Park and Midland Oak.

Councillor Heath asked a supplementary question to the Portfolio Holder for Neighbourhood Services if she was aware that Whitnash Town Council had planted their own crocuses on open spaces within Whitnash?

In response Councillor Grainger said she did not and thanked the Town Council for doing this.

Councillor Bromley asked the Portfolio Holder for Business, for an update on the Leper Hospital in Warwick?

The Portfolio Holder for Business, Councillor Butler, responded by explaining that there was a project team working on this and he would arrange for an update to be sent to all Councillors.  
(NB the update is set out at Appendix 1 to the minutes).

### 53. **Report of the Executive**

The reports of the Executive meetings were proposed, subject to the following amendments:

An addendum to item 10(c) Executive Minutes of 27 September 2017 with revised fees for Licensing & Registration and the Lifeline Service.

That recommendation 2.2 of item 10(d) Executive minute 66 of 1 November 2017 be amended to read:

“That Council procedure rules are amended, to include a reference confirming the requirements that to be appointed to a Sub-Committee (as either a member or a substitute) the Councillor must be a member of the parent Committee, with exception to this the appointment of Co-opted members who in all cases, would have no voting rights.”

This was duly seconded and

**Resolved** that the Executive reports as follow, were approved:

- (1) 31 August 2017 (excluding minutes 40 to 41 that were considered by Council on 20 September 2017);
- (2) 20 September 2017;
- (3) 27 September 2017; and
- (4) excerpt of 1 November 2017 (Minutes 64 to 66)

### 54. **Standards for Warwick District**

This Council considered a report that brought forward proposals on the future operation of Warwick District Council’s Standards Committee.

Councillors Mrs Bunker, Cooke and Mrs Falp spoke on this item.

The recommendations were duly proposed, second and

**Resolved** that

- (1) the outcome of the consultation with all Parish & Town Councils in Warwick District and Warwickshire

Association of Local Councils (WALC) as set out at Appendix 1 to the report is noted;

- (2) Warwick District Council does not wish to proceed with a Joint Standards Committee with all Parish & Town Councils;
- (3) the Constitution be amended to reflect that the Standards Committee will be a body of Warwick District Council made up of 11 Warwick District Councillors with a remit as set out below:
  - i. To promote and maintain high standards of conduct by Members of the Council.
  - ii. To ensure Members of the Council observe the Council's Code of Conduct.
  - iii. To advise the Council on the adoption or revision of a Code of Conduct.
  - iv. Monitor the operation of the Code of Conduct.
  - v. To provide advice and training (or arrange training) for Members on matters relating to the Code of Conduct.
  - vi. To recommend to the Council on the appointment of Independent persons for the Council and of the Code of Conduct adopted by the Parish and Town Councils in the District.
  - vii. To consider and determine requests for dispensation from requirements relating to the adopted Members' Code of Conduct;
  - ix. To grant dispensations, as it considers appropriate, if so requested;
- (4) so long as it is reasonably practicable, at least three Members of its Standards Committee will be both District and Parish/Town Councillors (dual hatters) so they are aware of the nature of this role;
- (5) that any revisions to the Code of Conduct or associated processes will be consulted on with all District Councillors and Parish & Town Councils in Warwick District for at least six weeks. In addition, the proposals will also be presented to a meeting of the WALC Warwick Area Committee for discussion. Following the consultation, a response will be provided to each of the comments made and circulated to all Parish/Town Councils in Warwick District and all comments made will be considered by the Standards Committee before any amendments are approved;
- (6) all Parish & Town Councils in the District be sent a copy of the agenda for the Standards Committee meeting and they be alerted (via email) as soon as the draft minutes are available on line;



- (7) the Chair of any Code of Conduct hearing Panel involving a Parish/Town Councillor will attend the relevant Parish/Town meeting that considers any proposed sanction from the Hearing to respond to questions from the relevant Council; and
- (8) in line with Council procedure rule 35, the Standards Committee has considered a refresh of its procedures for handling complaints about the conduct of Councillors and these will now be consulted on as set out above.

55. **Urgent Item - Urgent report from Standards Committee on 14 November 2017**

The Council received an urgent report from the Standards Committee that sought confirmation of delegations to the Monitoring Officer with regard to the consideration of complaints about the conduct of Councillors.

The report had been circulated ahead of the meeting to all Councillors, with the agreement of the Chair.

The Chair had agreed to take this as an urgent item because the issue had only been considered and supported by the Standards Committee on 14 November and he considered, because of the previous item, to ensure robust procedures were in place as soon as practicable.

Councillors Bunker, Cooke, Mrs Noone and Gifford spoke on this item

The report was proposed, duly seconded and

**Resolved** that the report of the Standards Committee of 14 November 2017 be approved.

56. **Community Infrastructure Levy**

The Council considered a report that sought a resolution to formally adopt the Community Infrastructure Levy (CIL) Charging Schedule following on from the approval of the Draft Charging Schedule by the independent Examiner appointed by the Planning Inspectorate.

Once adopted, it was intended that the CIL charging process would commence between 20 November and 18 December 2017.

The Executive had met on 15 November and had supported the recommendations to Council and had, along with noting the inspectors report approved the CIL Instalments Policy and confirmed that the policy came into force on the date that the CIL Charging Schedule took effect.

The Executive had agreed the Regulation 123 list attached for CIL monies received prior to the end of March 2018 and noted that a separate report would be presented to the Executive in February or March 2018 to establish formal governance arrangements in relation to the distribution of CIL monies and to gain approval for the following financial year's infrastructure priorities and Regulation 123 list for the forecast CIL income.

Councillors Rhead, Coker and Grainger spoke on this item.

It was proposed, seconded and duly

**Resolved** that

- (1) the CIL Charging Schedule attached at appendix 2 to the report is adopted, in accordance with section 213 of the Planning Act 2008 (as amended);
- (2) the CIL Charging Schedule takes effect from a date to be determined by the Head of Development Services in consultation with the Portfolio Holder for Development Services, but the date will not be earlier than 20 November 2017 and no later than 18 December 2017;
- (3) once the Charging Schedule is adopted, the Executive will consider and approve the establishment of formal governance arrangements in relation to the distribution of CIL monies and to approve the infrastructure priorities for the first and subsequent financial years;
- (4) that the Head of Development Services is authorised to take any steps deemed appropriate for the purpose of implementation, including publication of the Charging Schedule, implementation of the processes required to administer CIL, the use of CIL to cover administrative expenses incurred in connection with CIL (in accordance with regulation 61 of the 2010 CIL Regulations) and the correction of any "correctable errors" in accordance with Regulation 26 of the CIL Regulations 2010 (as amended); and
- (5) Executive have agreed that, other than the exemptions and reliefs required by the CIL Regulations 2010 (as amended), such as developments in relation to affordable housing and those used for charitable purposes, the Council's policy was only to apply discretionary relief or exemptions where exceptional circumstances can clearly be demonstrated, but Council amends the Constitution so that the Head of Development Services in consultation with the Portfolio-holder for Development Services Authority may apply discretionary relief for exceptional circumstances is.

57. **Appointments to Committees**

It was proposed duly seconded and

**Resolved** to appoint

- (1) Councillor Wright to Finance & Audit Scrutiny Committee in place of Councillor Murphy;
- (2) Councillor Murphy as a substitute for Finance & Audit Scrutiny Committee; and
- (3) Councillor Wright as a substitute for Planning Committee.

58. **Public & Press**

**Resolved** that the public and press not be excluded because the individuals involved had been notified and therefore the information was now publically available.

59. **Employment Committee report**

Councillors Parkins, Mobbs, Quinney, Barrott, Davison, Gifford, Coker and Mrs Bunker spoke on this item.

It was proposed, seconded and

**Resolved** that the confidential Employment Committee report of 13 September 2017 be approved.

60. **Common Seal**

It was

**Resolved** that the Common Seal of Warwick District Council be affixed to such documents as may be required for implementing decisions of the Council arrived at this day.

(The meeting ended at 7.30 pm)

Chairman  
15 November 2017

**Minute 52**

**Questions to the Leader & Portfolio Holder**

Detailed response to the question from Councillor Bromley to the Portfolio Holder for Business regarding the Leper Hospital in Warwick.

“Officers have made significant progress with a feasibility study into the options for bringing the Lepers’ Hospital site (now comprising The Master’s House and St Michael’s Chapel) back into use. Led by Warwick District Council a project team comprising West Midlands Historic Buildings Trust, BHB Architects, Historic England, Waterloo Housing Group, St Basil’s (a youth charity), Warwickshire County Council (WCC) and Homelife (an extra-care housing provider) is producing a viability appraisal which it is hoped will lead to funding from The Homes & Community Agency, WCC and this Council to bring forward a supported housing scheme.

A draft report will be considered by the team in December with a final report being considered in January 2018. Whilst the site brings with it many challenges, officers are cautiously optimistic that a solution can be achieved.

**Cllr Noel Butler**

**Member for Aylesford Ward**

**Portfolio Holder for Business”**

# Executive

Minutes of the meeting held on Wednesday 1 November 2017 at the Town Hall, Royal Leamington Spa, at 6.00 pm.

**Present:** Councillor Mobbs (Leader); Councillors Coker, Grainger, Phillips, Thompson and Whiting.

**Also present:** Councillors; Barrott (Chair of Finance & Audit Scrutiny Committee); Boad (Liberal Democrat Group Observer); Mrs Falp (Chair of Overview & Scrutiny Committee and Whitnash Residents' Association (Independent) Group Observer); and Councillor Quinney (Labour Group Observer).

Apologies for absence were received from Councillors Butler and Rhead.

## 64. **Declarations of Interest**

### Minute 74 – Europa Way - Update

Councillor Mrs Falp declared a prejudicial interest because a relative was a shareholder of Leamington Football Club. She left the room whilst the item was discussed.

## 65. **Minutes**

The minutes of the meetings held on 20 and 27 September 2017 were taken as read and signed by the Leader as a correct record.

### **Part 1**

(Items on which a decision by Council on 15 November 2017 was required)

## 66. **Revisions to the Constitution**

The Executive considered a report from Democratic Services which brought forward proposals to amend the Officer Scheme of Delegation, following revisions to the staffing structure and also sought to provide clarity regarding appointments to Sub-Committees.

Following the restructure of Housing & Property Services, the Deputy Chief Executive (BH) reviewed the Scheme of Delegation to officers and brought forward amendments to reflect the revised structure. These amendments moved delegations from the Head of Housing to the Chief Executive.

The report proposed to amend the wording of former delegation HS(98) to proposed delegation DCE(4). This meant that delegation HS(16) could be removed because it was a near duplicate. In addition, a minor change to the wording of HS(101) now DCE(6) was proposed to bring the wording in line with other similar delegations where consultation was required.

There were proposals to revise the wording of HS(2), (9), (86) (94), (95) and (96). This was because the wording within each of these delegations was out of keeping with the rest of the officer scheme of delegation in that it named the Head of Service rather than taking the lead from the heading.

It was proposed to amend delegation HS(11) so that it referred to the revised resettlement policy, previously approved by the Executive. HS(15) was to be revised to remove the reference to consulting with a solicitor for the Council and reflected current working practice. The proposal to amend HS(35) was included to remove any ambiguity from within the delegation.

DCE(10) was a new delegation to allow for consideration because the Council had a small number of shop premises which fell into this category.

It was proposed to move DS(19) and DS(21) to DS(24) from Development Services to the Deputy Chief Executive to reflect this work moving into the new Assets team.

It was proposed to move DS(20) to a general delegation available to the Chief Executive, two Deputy Chief Executives and all Heads of Service thus allowing them to individually take action for any incursion or trespass on Council land.

Following recent questions from Members, the Monitoring Officer considered it appropriate to provide clarity within the Constitution regarding membership of Sub-Committees and remove any ambiguity.

At present, the Council only operated Sub-Committees to the; Employment Committee, Standards Committee, Licensing & Regulatory Committee and Overview & Scrutiny Committee. These were all classed as the parent Committee to the Sub-Committee.

To be appointed to a Sub-Committee, the Councillor must be a Member of the parent committee. Therefore, equally to be a substitute on a Sub-Committee the Councillor must be a Member (not a substitute nominated by Council) of the parent Committee.

In all cases, the appointment to a Sub-Committee had to be made by the parent Committee. This was unless a delegation arrangement had been put in place as was the case for additional Licensing & Regulatory Committees and Standards Committee Hearing Panels.

The exemptions to this process were that co-optees could be appointed to Sub-Committees by their respective parent committee, but unless these were Sub-Committees of a Scrutiny committee, the individual(s) appointed were non-voting.

An alternative option was to leave the Constitution as at present. However, it was felt that for the sake of clarity and transparency the Constitution should be amended.

The Finance & Audit Scrutiny Committee supported the recommendations in the report.

**Recommended** to Council that

- (1) the scheme of delegation is amended as set out at Appendix 1 to the minutes to reflect the changes as a result of the restructure of Housing & Property Services; and
- (2) Council procedure rules are amended, to include a reference confirming the requirements that to be appointed to a Sub-Committee (as either a member or a substitute) the Councillor must be a member of the parent Committee, with exception to this the appointment of Co-opted members who in all cases (less Scrutiny Sub-Committees), would have no voting rights.

(The Portfolio Holders for this item were Councillors Mobbs and Phillips)

**Part 2**

(Items on which a decision by Council was not required)

**67. Severe Weather Emergency Protocol**

The Executive considered a report from Housing Services which provided background information on the Severe Weather Emergency Protocol (SWEP) and asked Members to consider amending the protocol, following a motion approved at Council on 20 September 2017.

The Council operated a Severe Weather Emergency Protocol (SWEP) providing overnight accommodation for those sleeping rough (on evenings when the local night shelters were closed) when the temperature was predicted to fall to zero or below for three successive nights. The motion approved was that Executive should consider changing the protocol so that accommodation would be offered for every night when the local night shelters were closed once the temperature was predicted to drop to zero or below.

This report provided background information to enable Executive to come to a decision on this matter.

Councils were encouraged by central government to have a SWEP in place and the trigger point of three consecutive nights with temperatures at zero or below was set out in national guidelines as being a minimum requirement. Any council had the discretion to set a more generous threshold if it so chose.

The Council had the SWEP protocol in place which provided emergency accommodation for street homeless people in severe weather conditions. This was triggered when the temperature was forecast to be below 0°C for three successive nights. The accommodation provided was in local bed & breakfast establishments and hotels or by the night shelters on evenings when they were open.

Under the current three-night trigger arrangements SWEP was initiated on three occasions in 2016/17, on two occasions in 2015/16 and on six occasions in 2014/15. The number of people presenting had ranged from three to 13, with the average being six or seven people.

There were a number of risks outlined in the report and these included financial, service and community impacts.

Financially, reducing the SWEP trigger from three nights to one was very likely to cost additional money, however, there were exceptions to this as detailed in section 6 of the report. The additional cost would vary dependant on the number of rough sleepers taking up the offer of accommodation, how many short spells of cold weather occurred and whether they occurred on nights when the night shelters were unavailable. All of these factors made the financial impact difficult to predict but a worst case scenario had been estimated at £13,500. In addition to these costs, the ability for the individual to claim Housing Benefit also had to be taken into account.

The impact on service provision was identified in section 6.2 of the report and explained that administratively, SWEP was a cumbersome operational process. There would be an increase in workload which in turn would have an impact on the day to day running of the team.

The variances between the Council's neighbouring authorities' SWEP were outlined in the Community Impact section and highlighted that by triggering SWEP more frequently, this could encourage more rough sleepers into the District.

An alternative option was to introduce a trigger based on a different temperature. For example Liverpool City Council's protocol triggered on any given night when the temperature was forecast to drop below two degrees. This was a clear trigger which took into account the lack of accommodation in Liverpool for rough sleepers and recent deaths of rough sleepers on the streets due to cold.

A further alternative was to use other factors to determine the trigger point. For example a definition could be used that took into account matters like windchill, rain or snow and flooding, however, this would introduce a degree of subjectivity into the decision to initiate the protocol.

The Overview and Scrutiny Committee welcomed that this report had come forward so soon after the motion to Council and that there would be a further report to Executive in January 2018.



The Committee welcomed that, as a result of the debate, officers had agreed to undertake discussions/consultation with our partners both statutory and non-statutory to ensure a co-ordinated approach within the District ahead of the report in January 2018.

The Committee also accepted the offer of having a presentation to its meeting on 3 January 2018 on the detail of the paper to the Executive the following evening.

The Portfolio Holder for Housing offered his apologies for his absence from the scrutiny meeting the previous evening but he had been provided feedback on the comments made from colleagues and officers. He advised that one of the next steps would be the Government's introduction of a homelessness review, the Housing Advisory Group would be meeting in November and hoped to involve tenants in the review as well. It was proposed, duly seconded and

**Recommended that:**

- (1) the Council should offer overnight accommodation to rough sleepers for every night that the temperature is predicted to drop to zero°C or below for the winter of 2017/18; and
- (2) a further report be brought to Executive setting out the range of current initiatives for homelessness prevention and relief, and setting out proposals for developing this work further in the context of implementation of the Homelessness Reduction Act from 1<sup>st</sup> April 2018.

(The Portfolio Holder for this item was Councillor Phillips)  
(Forward Plan reference 902)

**68. Business Case for Extension of the Avon Navigation Scheme from Stratford (Alveston) to Warwick**

The Executive considered a report from the Chief Executive which considered a request for the Council to make a financial contribution toward a high-level assessment of the environmental and the socio-economic impacts of a scheme to extend the Avon Navigation Scheme from Stratford (Alveston) to Warwick.

At its meeting on 28 June 2017 the Executive agreed to the request from the Avon Navigation Trust for support to look further at the principle of the proposal for the extension of existing navigation on the River Avon from Alveston, north of Stratford to the Grand Union Canal at Warwick.

As advised in June 2017, the next piece of work that the Avon Navigation Trust (ANT) proposed was to undertake a feasibility assessment including

funding options. The Executive was further advised that it may well be that the Council may be asked to contribute to the cost of undertaking research but that a separate report and decision would be required.

It was now proposed that a high-level assessment of the environmental and the socio-economic impacts be undertaken to demonstrate if there was a realistic business case. This was estimated to cost, including a contingency, £45,000. It was proposed that the cost be split three equal ways between ANT, Stratford District Council (SDC) and this Council. This would mean that this Council would have to pay £15,000. This could be funded from the Community Project Reserve. SDC had offered to undertake the procurement exercise.

If the recommendation above was agreed, then the report would be presented to all three organisations and a view would need to be reached about whether there was a business case to proceed further. If the case was positive, there would need to be a proper public consultation exercise planned and carried out.

The proposal was a long term one and could affect the area both environmentally and in socio-economic terms for good, or for ill. Members needed to be fully aware of all opportunities and risks – and the study proposed should clearly identify them.

An alternative option was that the Executive could decide not to offer such support. It would be difficult for the scheme to progress without this Council's support but without knowing if there was a business case or not the Council may risk losing significant economic benefits to the District. Therefore, this course of action was not advocated.

**Resolved** that the Council agrees to contribute £15,000 from the Community Projects Reserve toward a high-level assessment of environmental and the socio-economic impacts of the proposal to extend the Avon Navigation Scheme from Stratford (Alveston) to Warwick.

(The Portfolio Holder for this item was Councillor Butler)

## 69. **Arrangements for Civic Transport and Support**

The Executive considered a report from Democratic Services which outlined the options for changing the existing Civic transport arrangements for the Warwick District Council Chairman.

The current Chairman's car, a Mercedes E220, 4 door, 3 litre, diesel engine, was no longer a cost effective option to maintain. The running costs were high which was reflected in the road fund tax banding and combined with the MOT, servicing costs, AA Roadside Assistance and petrol had cost the Council £2,533 in the last financial year.

Investigations had shown that the car could fetch up to £5,900 if sold through a franchised dealer.

The leasing of an electric or hybrid vehicle would cost a maximum amount of £3,900 per annum and the car could be replaced every three years dependant on the type of lease taken out. Dependant on the type of lease taken out, this could include the provision of an annual service, and could include replacement tyres and breakdown cover, offering a saving of up to £350 per year (MOT = £150 & AA cover = £200/year).

At present, the Chairman's car was stored in a District Council owned garage in Warwick. Due to the desirable location of the garage, there were a number of options available if the lease was relinquished. It could provide either; an ongoing income if rented out; or could be sold off privately providing a much needed parking provision for residents or businesses in Warwick.

Early indications from local agents had shown that there was a market for selling garages of a similar type and location ranging from approximately £20,000 dependent on condition.

The second section of the report was to note the change in hours and role of the Chairman's Chauffeur post, to be monitored and revisited after 12 months. The revisions to the post of Chairman's Chauffeur would realise savings of up to £5,900 per annum. Monitoring the hours of the Chairman's attendant post had revealed that in reality, the average working week for the post holder was lower than the 30 hours a week that was contracted for.

There were a number of alternative options detailed at section 7 of the report and these included continuing with the current car, selling the car and buying a new one, lift sharing with other parish or town councils and continuing with the storage facility in Warwick. However, these had all been discounted due to the costs involved and the opportunity to realise savings.

The Finance & Audit Scrutiny Committee supported the recommendations but had reservations about various aspects of the proposal. It was suggested that a local car company could be used to source a new vehicle.

The Overview and Scrutiny Committee advised that it had been agreed at its meeting that a Task & Finish group would be set up to look at the Role of the Chairman, with a scoping document coming forward at the next meeting.

It was agreed that the supplier of the vehicle should not be restricted to the three detailed in the report and the Executive welcomed the idea of seeking a partnership with a local car manufacturer. Officers assured Members that they would work with HR to ensure that the hours of the post were sufficient. It was therefore,

**Resolved** that:

- (1) the sale of the current car used to transport the WDC Chairman is approved, providing a one off lump sum estimated at £5,900, which will be allocated to the Equipment Renewal Reserve;
- (2) leasing an electric or hybrid vehicle, for use as the Chairman's car is agreed at a maximum cost of £3,900 per annum, to be funded as outlined in section 5 of the report; the decision on the choice of car would be made by the Deputy Chief Executive & Monitoring Officer in consultation with the Chairman and Vice-Chairman of the Council along with the Leader of the Council;
- (3) Council amends the budgets to enable the cost of leasing a vehicle to be realised through salary savings and should be brought forward as part of the budget setting process;
- (4) the work undertaken to source a garage in Leamington to store the vehicle is noted and the current garage is released to enable it to realise its true commercial value; and
- (5) the change in hours and role of the Chairman's Chauffeur post is noted, to be monitored and revisited after 12 months and that following this, any permanent changes will be reported to Employment Committee for its consideration.

(The Portfolio Holder for this item was Councillor Mobbs)

#### 70. **Tach Brook Country Park**

The Executive considered a report from the Chief Executive which provided an update on the background and progress of the Tach Brook Country Park and sought approval to procure the services of a design team for the Country Park.

The newly adopted Warwick District Local Plan proposed a new Country Park of approximately 62 hectares. Tach Brook Country Park would be established as part of the planned urban extension to the south of Whitnash, Leamington Spa and Warwick on land south of Harbury Lane located between Lower Heathcote Farm and Grove Farm. The Council had

also entered into several S106 Planning Agreements that placed obligations on developers and the Council regarding the delivery of the Country Park.

The report requested that the Executive approve the procurement of a Design Team to develop the concept and design of the Tach Brook Country Park and to engage with key stakeholders as part of the design process.

In addition, agreement was sought to fund the work from S106 receipts but if these were not received in time, the work would be forward funded by drawing upon the Local Plan Delivery Reserve in 2018/19 for up to £66,000.

An alternative option was considered at Executive on 3 December 2014. In this option the Council would not take on the transfer of the Country Park Land. In this scenario the developer would propose a scheme for a Country Park themselves with the land remaining in private ownership. This would mean that the Council had less control over the design and use of this element of the park and cohesion between the different ownerships could prove more problematic. The land would also be managed by a private management company and experience indicated that they did not always manage green spaces to the standards to which the Council aspired. Executive supported the principle of the Council retaining control and ownership of the Country Park.

The Finance & Audit Scrutiny Committee supported the recommendations in the report.

The Portfolio Holder thanked the scrutiny committee for its input and advised that the comments would be fed into the work by officers. In addition, she felt that the two Town Councils should be more involved than they had been to date. It was proposed, duly seconded and

**Resolved** that:

- (1) progress on the Tach Brook Country Park, is noted;
- (2) the approach set out in this report to develop and deliver the Tach Brook Country Park in line with Policy DS13 of the newly adopted Local Plan, is endorsed;
- (3) the procurement of a Design Team to develop the concept and design of the Tach Brook Country Park is approved and the Council will engage with key stakeholders as part of the design process; and

- (4) the work will be funded from S106 receipts but if they are not received in time, the work will be forward funded by drawing upon the Local Plan Delivery Reserve in 2018/19 for up to £66,000.

(The Portfolio Holder for this item was Councillors Grainger and Rhead)  
Forward Plan reference 896

#### 71. **Delivery of the St Mary's Lands Masterplan, Warwick**

The Executive considered a report from the Chief Executive which updated Members on the delivery progress of the agreed Masterplan and advised of changes to the Working Party. Delegated authority was sought to agree any further changes along with approval for a small revision to an existing lease.

At its meeting on 28 June 2017 the Executive agreed to recommend to Council that the Masterplan for St Mary's Lands should be adopted as policy. This was then confirmed by Council at its meeting on 9 August 2017.

The adoption of the Masterplan had been deferred pending further work on the justification of inclusion of a hotel (which was resolved at Council in August 2017). Prior to that a delivery plan of all the other elements had been agreed and the Executive had agreed funding for works in 2016/17 and for 2017/18. Appendix 1 set out the progress being made on all the elements. The Working Party was meeting on 25<sup>th</sup> October 2017 and any issues/conclusions arising from that meeting would be reported to the Executive.

The Executive previously agreed to incorporate an area of land for the creation of MUGA within the lease of Racing Club Warwick. Inadvertently a piece of land was omitted from the plan showing the lease extension and as the revised lease had not yet been signed or sealed it was proposed that this omission was now rectified by agreeing to include the missing area of land as shown on Plan 1 to the report.

The development of the Masterplan had been guided by the St Mary's Lands Working Party. The intent was to continue with the Working Party but for it to focus on implementation of the Masterplan's proposals. The representatives of the Working Party were listed in section 3.6 of the report. It was further proposed that the Working Party be chaired in rotation, according to who hosted the meetings.

An alternative option was that the Council did not note progress which would seem perverse. Similarly, not to agree for the 2018/19 elements of the Masterplan not to be proceeded would be a reputational risk for the Council given the efforts that had been made to engage local groups.

The membership of the Working Party could be left as it was as the Working Party had up to now been successful. However, as it was now

moving to implementation stage there was a need to bring on other group representatives and balance that with maintaining a reasonable number to keep it effective.

Councillor Grainger advised that she had attended a meeting recently and had met a number of the new individuals involved. She was pleased that the Council was involved in an important asset for the District.

In the absence of the Portfolio Holder, Councillor Coker presented the report and stated that such an important area of Warwick deserved to be looked after. He noted the progress to date and proposed the recommendations in the report. It was duly seconded and

**Resolved that:**

- (1) progress on the delivery plan of the Masterplan as set out in Appendix 1 to the report, is noted and the provisions for 2018/19 are brought forward for consideration as part of the 2018/19 budget;
- (2) a minor modification to the lease of Racing Club Warwick is agreed to incorporate a limited number of car parking spaces as indicated on Plan 1 to the report; and
- (3) changes to the organisations on the St Mary's Lands Working Party are noted and to avoid any future uncertainty over decision making on those organisations membership, authority is delegated to the Chief Executive in consultation with the Business portfolio holder on any further changes to the make-up of the Working Party, excluding Warwick District Council representatives.

(The Portfolio Holder for this item was Councillor Butler)

**72. Protocol for Death of a Senior Figure**

The Executive considered a report from Democratic Services which presented the Protocol for Marking the Death of a Senior National Figure or a Local Holder of High Office and requested adoption of the policy.

The lack of a policy at local authorities was raised by the Local Resilience Forum and the issue was also a discussion within the National Association of Local Councils, who in turn provided guidance notes to civic teams nationally.

In addition, the Council had been in the unfortunate position where both elected members and members of staff had passed away. This had highlighted the lack of a standardised protocol for dealing with initial communications and funeral arrangements.

Following an initial draft, Kenilworth, Royal Leamington Spa, Whitnash and Warwick Town Councils were approached to ensure a consistent message was provided across the District.

The protocol was also shared with the Council's internal HR team to ensure that, in the sad event of a colleague passing away, the corporate message was clear and appropriate support was given to all staff.

The Council could choose not to adopt the protocol however this would not be recommended as it was proposed to formalise procedures to avoid confusion.

The Chairman of the Council highlighted some minor amendments to the protocol which the Senior Committee Services Officer agreed to make. It was proposed, duly seconded and

**Resolved** that the Protocol for Marking the Death of a Senior Figure is agreed, as outlined at Appendix 1 to the report.

(The Portfolio Holder for this item was Councillor Mobbs)

73. **Participation in Bid by Birmingham City Council to host the Commonwealth Games in 2022**

The Executive considered a report from Cultural Services which sought to initiate a project about the District's involvement in the bid by Birmingham City Council (BCC) to host the Commonwealth Games 2022 (CG 2022) and in this respect also reported retrospectively on the use of the Chief Executive's emergency powers to sign Heads of Terms documents with the relevant bodies.

In August of this year it became apparent that BCC was preparing a bid to host the CG 2022 as the original host (Durban in South Africa) had had the award withdrawn. This represented an opportunity for this Council and for the District to be involved by providing the world class facilities of one of the Commonwealth Games compulsory sports – Bowls. However, as the bidding process was very short, the Council was asked to complete some Heads of Terms documents at short notice with BCC, the body organising the bid for BCC and the Commonwealth Games Federation (CGF).

On 17 August, BCC announced that the District's and its bowls facilities were formally part of its bid for CG 2022. Shortly afterwards, the Government decided to support BCC's bid over that of Liverpool and on 29 September 2017 it announced that the BCC bid was viable and agreed its overall funding contribution.



However, the CGF then extended the deadline for nominations as the BCC bid was not fully compliant. The deadline was moved to 30 November 2017. Whilst it was possible that BCC's bid may not be successful, and given the relatively short time horizon to prepare for the CG 2022 it was proposed that in advance of that decision, officers proceeded to work to scope the project, and to assess issues, costs and risks. A further report would be brought back on these matters by March 2018 by which time a decision would have been made.

An alternative option was that the Council could choose not to participate further. This would lose the Council and the District an opportunity to promote itself internationally and would have significant reputational impacts. There may also be legal and financial implications though these could not be scoped at present.

The Chief Executive advised Members that he had received an email that afternoon clarifying the Heads of Terms and further details would be known by December. The Deputy Leader proposed the recommendations as outlined in the report. It was therefore,

**Resolved** that:

- (1) the use of the Chief Executive's emergency powers under CE(4) of the constitution in consultation with the Group Leaders and the Culture Portfolio Holder to sign broad Heads of Terms documents for the Council's involvement in Birmingham City Council's (BCC's) bid to host the Commonwealth Games 2022 (CG 2022), is noted;
- (2) should Birmingham City Council's Bid to host the Commonwealth Games in 2022 succeed, the Council's involvement in the CG 2022 as one of its Key Projects in its Fit for the Future Strategy, is noted; and
- (3) the award is made to Birmingham City Council, a further report will be submitted defining the scope of the project and containing an initial assessment of issues, costs and risks, no later than March 2018.

(The Portfolio Holder for this item was Councillor Coker)

#### 74. **Europa Way - Update**

The Executive considered a report from the Chief Executive which updated Members on the progress to acquire and develop land at Europa Way for a community stadium and enabling development following the report approved by Executive and Council on 12 April 2017. It updated Members on the progress towards acquiring the land, advised of revisions to the programme moving forward and sought approval for some changes to how the project was to be progressed.

In April 2017, Council agreed to progress a major project to acquire and develop land at Europa Way for a community stadium. The agreed recommendations were set out in full in Appendix 1 to the report. Also as reported in April, the land at Europa Way to be acquired by the Council was part of a larger area currently owned by WCC. The remainder of this land was proposed to be purchased by Waterloo Housing Group (WHG).

Since April, progress had been made in respect of some of the matters that were reported and agreed. The report outlined that progress and included details on the purchase of the land from WCC, the Planning issues relating to the site, matters relating to Leamington Football Club and the project timetable.

Negotiations to purchase of the land for the stadium and enabling development had been undertaken and Heads of Terms for the acquisition had been agreed with WCC. These were attached as a confidential Appendix 2 to the report.

In offering to purchase the land, the Council set out some terms and conditions that would need to be satisfied. Good progress was being made on these and this was set out in a confidential Appendix 3 to the report.

In April 2017 the Executive agreed to make £190,000 available from the Community Projects Reserve, once the purchase of the land had been completed. As set out in the report, phase 1 had taken longer than anticipated, and it was expected to take ten months (from April 2017 to February 2018) to complete the purchase. Given this, and the Council's desire to maintain momentum on the project, the report requested that Executive release the £190,000 to support phase 2.

Other matters were also summarised in the report relating to education links, South Warwickshire Foundation Trust and CCG investing in healthcare and the potential for an athletics track to be relocated on adjoining land.

In terms of new matters raised by this report, it would be possible for Members not to agree to advance the £190,000 to progress phase 2 until the purchase of the land had been completed. However, for the reasons set out in the report, this was not supported.

The Finance & Audit Scrutiny Committee supported the recommendations with the addition of the words 'with Leamington Football Club' to recommendation 2.4.

The Portfolio Holder for Housing agreed with the amended wording to recommendation 2.4 and in order to move the project along he proposed the recommendations in the report. The Executive therefore

**Resolved** that:

- (1) the progress against the recommendations already approved by Council and Executive at their meetings on 12th April 2017 (Council minute number 94 and Executive minute number 129) regarding the progression of the Strategic Opportunity Proposal at Europa Way, is noted;
- (2) the £190,000 allocated in Executive Minute 129 (12<sup>th</sup> April 2017) be made available immediately to progress various elements of the project as set out in the report;
- (3) the revisions to the Project Plan contained in paragraph 3.20 of this report are noted and a report will now be brought back to Council by the end of March 2018 on the results of the market testing and proposing how the next stage of the project will be delivered; and
- (4) the Council enter into a Memorandum of Understanding (MOU) on terms acceptable to the Chief Executive in consultation with the Section 151 officer, the Leader of the Council and the Portfolio Holder for Housing Services and Finance.

(The Portfolio Holder for this item was Councillor Phillips)  
Forward Plan reference 898

**75. Implementation of the Equality Act 2010**

The Executive considered a report from Health and Community Protection which informed Members of the introduction, and implications, of Part 12 of The Equality Act 2010 (The Act), outlined the advantages and disadvantages of adopting the powers introduced under the Act and sought adoption of the appropriate sections of the legislation in Warwick District.

Sections 165 and 167 of the Equality Act 2010 (the Act) came into force on 6 April 2017. Section 167 of the Act provided local authorities with the powers to establish and maintain a list of wheelchair accessible vehicles ('designated licensed vehicles'), and Section 165 then required the drivers of the 'designated licensed vehicles', unless they had a valid medical exemption issued by the Council, to transport wheelchair users, provide passengers in wheelchairs with appropriate assistance, and to ensure that wheelchair users were charged the same fares as non-wheelchair users.

The recommendations in the report would ensure that wheelchair users were afforded every protection when travelling in licensed vehicles within the District, and would provide a legal basis for the Council to take enforcement action against any driver who failed to carry out their required duties.

In addition, delegated authority was sought to enable the Licensing Team to approve any further vehicles to be added onto the designated list, and to consider requests from drivers for a medical exemption. This would provide for an efficient and speedy mechanism to approve.

Policy and Procedure documents would require updating to include the legislation and the individual application and appeal processes for Vehicles and Drivers. Therefore, approval was required to amend these documents accordingly.

An alternative option was that Members could choose to do nothing. There was no duty on the Licensing Authority to produce a list of 'designated licensed vehicles' and there were no significant problems with discrimination against wheelchair users in the District. However, this option was not recommended.

The Labour Group Observer advised that the report had been discussed at a recent Licensing & Regulatory Committee and Members had agreed that it was a sound proposal.

It was proposed, duly seconded and

**Resolved** that:

- (1) the establishment of a list of designated wheelchair accessible Private Hire and Hackney Carriage vehicles is approved;
- (2) authority is delegated to the Regulatory Manager to maintain the list of designated licensed vehicles, including the removal and addition of vehicles;
- (3) authority is delegated to the Head of Health and Community Protection to determine applications from drivers for a

medical exemption from their duties under the Act; and

- (4) the Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook: WDC approach, Policies and Procedures be amended accordingly.

(The Portfolio Holder for this item was Councillor Thompson)  
Forward Plan reference 905

## 76. **100% Business Rate Retention Pooling Pilot**

The Executive considered a report from Finance which advised that the Government announced that it intended to proceed with the expansion of the pilot programme for 100% business rates retention in 2018/19.

The report considered a pilot for the five Warwickshire Districts and Warwickshire County Council.

As part of the 50% Business Rates Retention scheme introduced in 2013, local authorities had been able to form "pools". By forming a pool it was possible that more business rates income was retained in the local area, with the intention that some of this income was utilised to support local economic development. Warwick had been part of the Coventry and Warwickshire Pool.

On 1 September the Government announced that it intended to proceed with the expansion of the pilot programme for 100% business rates retention in 2018/19. Any new pilots approved, would run alongside the five current 100% pilots (in the 'devo' areas) which had been running since 1 April 2017.

The outcomes of the applications to become pilots were expected to be known when the Provisional Local Government Finance Settlement was published in December.

Whilst the pilot pools were initially to be for 2018/19, it was possible that they may operate beyond this. It would be necessary for all authorities to review their membership of the pool annually, based on past and expected performance annually, and any other relevant matters. Consequently, it was proposed that the Chief Executive and Head of Finance in consultation with the Leader, Deputy Leader and Finance Portfolio Holder review and agree the Council's continued membership in Warwickshire Business Rate Retention pool (of other pool) from 2018/19.

The Warwickshire Chief Finance Officers had met several times to consider the proposals. This had also been considered by the Chief Executives and the paper for the Chief Executives was attached as an appendix to the report.

An alternative option was that the Council could choose not to opt to become part of the pilot pool. By agreeing to apply to be part of a pilot pool now, there would still be the opportunity to withdraw (if the Government agreed to the Warwickshire Pool), once full details of the Local Government Finance Settlement were known in December.

The Finance & Audit Scrutiny Committee supported the recommendations in the report.

The Portfolio Holder for Finance advised that the Council would be better off if its application was successful but advised caution with regard to the transfer of responsibilities. It was proposed, duly seconded and

**Resolved** that:

- (1) the application from the six Warwickshire local authorities to become a 100% Business Rate Retention Pilot Pool for 2018/19 is noted and supported;
- (2) the governance principles for the pool and the Memorandum of Understanding are delegated to the Chief Executive and Head of Finance in consultation with the Leader, Deputy Leader and Finance Portfolio Holder; and
- (3) the Chief Executive and Head of Finance in consultation with the Leader, Deputy Leader and Finance Portfolio Holder will review and agree the Council's continued future membership in business rate retention pooling from 2018/19.

(The Portfolio Holder for this item was Councillor Whiting)

**77. Significant Business Risk Register**

The Executive considered a report from Finance which set out the latest version of the Council's Significant Business Risk Register for review by the Executive. It had been drafted following a review by the Council's Senior Management Team and the Leader of the Council.

The Significant Business Risk Register (SBRR) recorded all significant risks to the Council's operations, key priorities, and major projects. Individual services also had their own service risk registers. This report sought to assist members to fulfil their role in overseeing the organisation's risk management framework.

The SBRR was reviewed quarterly by the Council's Senior Management Team and the Council Leader and then, in keeping with Members' overall

responsibilities for managing risk, by the Executive. The latest version of the SBRR was set out as Appendix 1 to the report.

A summary of all the risks and their position on the risk matrix, as currently assessed, was set out as Appendix 2 to the report.

The scoring criteria for the risk register were judgemental and based on an assessment of the likelihood of something occurring, and the impact that might have. Appendix 3 to the report set out the guidelines that were applied to assessing risk.

In line with the traditional risk matrix approach, greater concern was focused on those risks plotted towards the top right corner of the matrix, whilst the converse was true for those risks plotted towards the bottom left corner of the matrix. When viewed in colour, the former set of risks would be within the area shaded red, whilst the latter would be within the area shaded green; the mid-range would be seen as yellow.

This report was not concerned with recommending a particular option in preference to others so an alternative option was not applicable.

The Finance & Audit Scrutiny Committee supported the recommendations in the report.

The Labour Group Observer highlighted that the intention to freeze the current Living Wage Foundation rate of pay was subject to Council approval and had not yet been agreed. In addition, he felt that there still existed a risk relating to the delivery and mix of housing in the Local Plan which needed to be tracked and monitored.

The Leader agreed that the risks relating to HS2, the Local Plan and the delivery of housing numbers would be discussed at the next meeting of Corporate Management Team along with the Audit & Risk Manager.

The Executive therefore,

**Resolved that:**

- (1) the Significant Business Risk Register attached at Appendix 1 is noted; and
- (2) the emerging potential and changing risks identified in section 10 of this report are noted.

(The Portfolio Holder for this item was Councillor Whiting)

**78. Rural / Urban Capital Improvement Scheme (RUCIS) Application**

The Executive considered a report from Finance which provided details of four Rural/Urban Capital Improvement Scheme grant applications from

Shrewley Village Hall, Hunningham Cricket Club, No More Floor (Just4Children) and Wren Hall.

The Council operated a scheme to award Capital Improvement Grants to organisations in rural and urban areas. The grants recommended were in accordance with the Council's agreed scheme and would provide funding to help the projects progress. The budget for the Rural/Urban Capital Improvement Scheme applications for 2017/18 was £150,000 (£75,000 for rural projects and £75,000 for urban projects).

Shrewley Village Hall had applied to WDC for a grant to purchase 100 chairs to replace existing stock which was nearing the end of its life span. Completing this project and purchasing new chairs would ensure that the current opportunities were maintained and potentially increased opportunities as better facilities would encourage the community to hire the hall for more functions and events. Therefore 80% of the total project costs would be provided to purchase 100 chairs to replace existing stock, up to a maximum of £2,947 including VAT.

Hunningham Cricket Club had applied to WDC for a grant to replace the existing two bay outdoor practice net which had reached the end of its life span. An all-weather practice facility would increase opportunities for the community to enjoy and participate in sporting activity all-year round and help to reduce anti-social behaviour and obesity, including in children. Without an adequate practice facility, the players would have nowhere to practise and ultimately the club would struggle to continue. This could have a significant negative impact in the local community with nearly 100 children and teenagers no longer actively playing cricket and thus losing two hours per week of physical activity. Therefore 50% of the total project costs would be provided, up to a maximum of £14,850 including VAT.

No More Floor (Just4Children) had applied for a grant to create a new disabled changing room facility in the Royal Priors Shopping Centre to include a large toilet with a hoist, hi-lo bed and a hi-lo sink. The creation of a changing room facility would tackle disadvantage and further engage and strengthen the community as it would enable an otherwise excluded group of people to participate in events and activities within Leamington Spa Town Centre and also make use of the town facilities such as the library, parks and the Spa Centre.

Therefore 17.5% of the total project costs to create a new disabled changing room facility in the Royal Priors Shopping Centre would be provided, up to a maximum of £4,468 excluding vat, subject to receipt of the following; written confirmation from Royal Leamington Spa Town Council to approve a capital grant of £200; written confirmation from Royal Priors Shopping Centre to approve a donation of £5,000 (or an alternative capital grant provider); and written confirmation from Royal Priors Shopping Centre that the new changing room facility be available to the community for a minimum of five years during which they would ensure that it was maintained.



Wren Hall had applied to for a grant to install new fencing and carry out tree works; carry out building works; demolish redundant chimney, replace guttering, create new doorway entrance to existing main hall room, create patio area outside new doorway, new fire escape door, create structure for new toilet facilities for the main hall room; and install two new windows and secondary glazing on two existing windows. Without the hall there would be fewer opportunities for the community to enjoy and participate in social, arts and cultural activities which could potentially result in disengaging and weakening the community and an increase in anti-social behaviour. The project would create a more fit-for-purpose facility enabling more all-day, all-year round use and better disabled access which would increase activity opportunities for the community.

Therefore, 49% of the total project costs would be provided to install new windows and secondary glazing, new fencing and carry out various building and tree works, up to a maximum of £30,000 excluding VAT.

An alternative option was that the Council could choose not to provide the funding, however, this was contrary to the aims of the scheme. The Council only had a specific capital budget to provide grants of this nature and could choose to amend the amount of funding being offered.

It was proposed by the Finance Portfolio Holder, duly seconded, and

**Resolved** that:

- (1) a Rural/Urban Capital Improvement Grant from the rural cost centre budget is approved for Shrewley Village Hall, of 80% of the total project costs to purchase 100 chairs to replace existing stock, up to a maximum of £2,947 including VAT;
- (2) a Rural/Urban Capital Improvement Grant from the rural cost centre budget is approved for Hunningham Cricket Club, of 50% of the total project costs to replace the existing two bay outdoor practice net, up to a maximum of £14,850 including VAT;
- (3) a Rural/Urban Capital Improvement Grant from the urban cost centre budget is approved for No More Floor (Just4Children), of 17.5% of the total project costs to create a new disabled changing room facility in the Royal Priors Shopping Centre, subject to receipt of the following:

- (a) written confirmation from Royal Leamington Spa Town Council to approve a capital grant of £200 (if the application is declined or a reduced amount is offered the budget shortfall will be covered by the No More Floor group's funds which have been evidenced through a financial statement from Just4Children);
  - (b) written confirmation from Royal Priors Shopping Centre to approve a donation of £5,000 (or an alternative capital grant provider); and
  - (c) written confirmation from Royal Priors Shopping Centre that the new changing room facility will be available to the community for a minimum of 5 years during which they will ensure that it is maintained; and
- (4) a Rural/Urban Capital Improvement Grant from the rural cost centre budget is approved for Wren Hall, of 49% of the total project costs to install new windows and secondary glazing, new fencing and carry out various building and tree works, up to a maximum of £30,000 excluding vat.

(The Portfolio Holder for this item was Councillor Whiting)  
Forward Plan reference 904

## 79. **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 paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Minute Nos.	Para Nos.	Reason
80 & 81	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

(The details of the following item will be recorded within the confidential minutes of the meeting.)

**80. Royal Naval Association Club**

The Executive considered a confidential report from the Chief Executive and Cultural Services regarding the Royal Naval Association Club and the current lease of the building located off Adelaide Road, in Royal Leamington Spa.

The Finance & Audit Scrutiny Committee supported the recommendations in part. The full comment from Members was detailed in the confidential minutes of the meeting.

**Resolved** that the recommendations in the report be approved subject to the revised wording proposed by Finance & Audit Scrutiny for recommendation 2.2.

(The Portfolio Holder for this item was Councillor Coker)

**81. Europa Way – Update – Appendix 2**

The Executive considered a confidential appendix to Executive Agenda Item 12, Europa Way – Update report, as detailed at minute number 74.

**Resolved** that the appendix be noted.

(The Portfolio Holder for this item was Councillor Phillips)  
Forward Plan reference 898

(The meeting ended at 6.52 pm)

## Section 4 Scheme of Delegation

That the following delegation be deleted as it is a duplicate:

HS (16) to grant way leaves for telephone equipment, wireless relay, cable etc, for HRA properties/land.

Within delegations HS(2), (9), (86) (94), (95) and (96) remove the wording Head of Housing & Property Services is authorised to because this is covered by the heading for these delegations

That the following delegations be amended (amendments in strikethrough or bold):

- HS (11) ~~approve payments authorised within the Tenants Incentive Grants Scheme to tenants transferred to smaller properties.~~ Approve payments under the Resettlement Service to **qualifying new** tenants accepting the tenancy of a ~~low demand designated older persons property.~~
- HS (15) ~~Following consultation with a solicitor acting for the Council,~~ to instruct Bailiff's to enforce Warrants for Eviction.
- HS (29) deal with applications for the assignment of **a residential** tenancy ~~or sub-letting of shops~~ provided under the Housing Acts
- HS (35) Re-purchase former Council owned dwellings within agreed criteria and with the assistance of an independent valuation subject to resources being made available and ~~at the Head of Housing & Property Services reporting back to Executive on each~~ **purchase** decision made.

That the following delegations be amended (amendments in bold) and delegated to the Deputy Chief Executive (BH):

- ~~HS (21)~~  
DCE(1) operate the Secure Tenants of Local Housing (Right to Repair) Regulations 1994 (including service of Notices and acceptance or refusal of claims).
- ~~HS (24)~~  
DCE(2) authorise the negotiation and agreement of enhanced rates to existing contracts under the Local Government (Direct Services Organisation) (Competition) Regulations 1993 and the Council Directive 92/50/EEC.
- ~~HS (29)~~  
DCE(3) deal with applications for the assignment of tenancy or sub-letting of shops provided under the Housing Acts.
- ~~HS (98)~~  
DCE(4) Grant wayleaves and easements across Council owned land to other public organisations **for both HRA and non HRA properties.**
- ~~HS (100)~~  
DCE(5) Following consultation with ward councillors and the relevant Head of Service of the service area owning the land, dispose of other interests in land including its sale where the consideration does not exceed £20,000 and also to accept the Surrender of leases where the value does not exceed £20,000.
- ~~HS (101)~~  
DCE(6) ~~Following~~ **in** consultation with ward councillors and the relevant Head of Service of the service area owning the land, to initiate proceedings for forfeiture of Leases.
- ~~HS (102)~~  
DCE(7) Agree rent reviews, for non HRA properties, where agreement on the new rent has been reached without recourse to arbitration.
- ~~HS (103)~~  
DCE(7) Grant new leases, for non HRA properties, where statutory renewal rights exist.

- ~~HS (104)~~ Grant terminable licences, for non HRA properties, for access and other purposes.  
~~DCE(8)~~
- ~~HS (105)~~ Manage and control properties acquired by the Council in advance of requirements (other than those held under Part V of the Housing Act 1957 where consultation with the Head of Housing Services is required).  
~~DCE(9)~~
- ~~DCE(10)~~ Deal with applications for the assignment of a tenancy or the sub-letting of a shop, provided under the Housing Acts
- ~~DS (19)~~ Serve Notices to Quit in respect of shops and other accommodation provided under the Housing Acts.  
~~DCE(11)~~
- ~~DS (21)~~ Following consultation with a solicitor acting for the Council, enter into miscellaneous agreements of a minor nature affecting any land and/or property not provided for elsewhere.  
~~DCE(12)~~
- ~~DS (22)~~ Following consultation with a solicitor acting for the Council, consent to assignment and other consents required under leases granted by the Council.  
~~DCE (13)~~
- ~~DS (23)~~ Following consultation with a solicitor acting for the Council, complete the purchase of property comprised in a confirmed Compulsory Purchase Order on the terms negotiated by the District Valuer and to make any relevant statutory payments in connection with acquisitions, such as well-maintained and home loss and disturbance payments.  
~~DCE (14)~~
- ~~DS (24)~~ In consultation with the Head of Finance, decline offers of property not recommended for acquisition.  
~~DCE(15)~~

**General Delegations to all Chief Officers as outlined in Article 12 of the Constitution**

- ~~DS (20)~~ Following consultation with a solicitor acting for the Council, take appropriate action in the County Court in cases of unlawful trespass on Council property.  
~~GE(16)~~

**Delegations to multiple but not all Chief Officers as set out in Article 12**

- ~~HS (99)~~ Grant new leases on vacant properties, The Deputy Chief Executive (BH)  
~~A(11)~~ excluding HRA properties. and Head of Development

# Executive

Minutes of the meeting held on Wednesday 15 November 2017 at the Town Hall, Royal Leamington Spa, at 5.15 pm.

**Present:** Councillors Butler, Coker, Grainger, Phillips, Rhead, and Thompson.

**Also present:** Councillors: Barrott (Chair of Finance & Audit Scrutiny Committee and the Chair of joint meeting the Finance & Audit and Overview Scrutiny Committee), Boad (Liberal Democrat Observer), Mrs Falp (Chairman of Overview & Scrutiny Committee), and Quinney (Labour Group Observer).

Apologies for absence were received from Councillor Whiting.

(In the absence of Councillor Mobbs, Councillor Coker, as Deputy Leader, Chaired the meeting)

## 82. **Declarations of Interest**

There were no declarations of interest.

### **Part 2**

(Items on which a decision by Council is required)

## 83. **Council Agenda (Non Confidential Items and Reports) – Wednesday 15 November 2017**

The Executive considered the non-confidential Item 12 'Community Infrastructure Levy Adoption' on the Council agenda of 15 November 2017.

Following the joint meeting, on Monday 13 November 2017, of the Finance & Audit and Overview & Scrutiny Committees, it was reported that they had supported the recommendations in the report.

The Executive therefore

**Recommended** to Council that it approves the recommendations as set out in the report.

(The Portfolio Holder for this item was Councillor Rhead)  
Councillor Mobbs arrived during the debate on this item and so did not participate in this item.

(The meeting ended at 5.20 pm)

# Executive

Minutes of the meeting held on Wednesday 29 November 2017 at the Town Hall, Royal Leamington Spa, at 6.00 pm.

**Present:** Councillor Mobbs (Leader); Councillors Butler, Coker, Grainger, Phillips, Rhead, Thompson and Whiting.

**Also present:** Councillors; Barrott (Chair of Finance & Audit Scrutiny Committee); Mrs Falp (Chair of Overview & Scrutiny Committee and Whitnash Residents' Association (Independent) Group Observer); and Councillor Quinney (Labour Group Observer).

## 84. **Declarations of Interest**

There were no declarations of interest.

## 85. **Minutes**

The minutes of the meeting held on 1 November 2017 were not available and would be submitted to the next meeting.

### **Part 1**

(Items on which a decision by Council on 24 January 2018 was required)

## 86. **General Fund Base Budgets 2018/19**

The Executive considered a report from Finance which set out the latest projections for the General Fund revenue budgets in respect of 2017/18 and 2018/19 based on the current levels of service, and previous decisions. There were further matters that would need to be reviewed in order to finalise the base position as part of the 2018/19 budget setting process as set out in paragraph 8.3 of the report.

The report advised that the 2017/18 latest budgets showed a forecast surplus of £811,500 before any appropriations. The proposed 2018/19 Base Budget forecasted a surplus of £38,500.

The Medium Term Financial Strategy had been updated to take these budget adjustments into account, plus any other issues affecting the Strategy in future years. The latest projections were also included in the report.

The Council was required to determine its budget requirements in order to set the Council Tax for 2018/19.

The proposed 2018/19 Base Budget showed a surplus of £38,500 in the Council's net expenditure in continuing to provide its services and meet its commitments. Details of the Base Budget were contained in Section 11 of the report. Any changes to the overall position, as a result of further

consideration of the 2017/18 projected budget outturn, would be considered within the February Budget report.

The latest estimate for the 2017/18 Budget showed a surplus over the original Base Budget of £811,500, as detailed in section 12. Further detailed monitoring of the 2017/18 budget would be undertaken prior to the February Budget setting report being presented to Members. This was a substantial improvement on the position reported for Quarter 1 in August of £31,200. The reasons for this shift were detailed in paragraph 12.6 of the report.

Two addendums were circulated prior to the meeting. The first proposed an additional recommendation 2.11 relating to funding for a temporary period to fund a Community Infrastructure Levy (CIL) Officer post. The proposal was that £8,000 be made available from the Planning Reserve to fund a post for a period of up to three months. In addition, a proposal would be brought forward at a later date to provide ongoing funding for CIL administration from either the 5% CIL receipts from the increase in planning fees. An addendum included the reasons for the additional recommendation and outlined two options for identifying a permanent funding source for the post.

The second addendum proposed a further recommendation 2.10 to the Executive relating to financial assistance for Racing Club Warwick to assist with emergency repairs of its premises. In June 2017 a decision was taken to assist with repairs to the roof over the community room on the clubs premises via grant aid. However, it had become clear that the scale of repairs was greater than first envisaged following water damage resulting in the room becoming unusable. As this facility was deemed a community asset and was owned by the Council, it was proposed that up to £11,000 funding be provided from the Contingency Budget to cover the estimated cost of the works.

Full reasons for the recommendations were provided in the addendum along with appendix G which gave an explanation of the problems that the contractor had found whilst undertaking the repair work.

The purpose of this report was to produce budgets as determined under the requirements of the Financial Strategy, in line with current Council policies. Any alternative strategies would be the subject of separate reports.

The Finance & Audit Scrutiny Committee supported the recommendations in the report including the additional recommendations relating to a CIL officer post, as detailed in the addendum. In relation to the additional recommendation 2.10 relating to Racing Club Warwick, Members felt that every effort should be made to recover the cost of this work. Therefore, it was proposed that the Executive should ensure that the terms of the agreement should endeavour to recover the cost of the works.

The Chair of Finance and Audit outlined the Committee's comments and advised that the scrutiny committee would be asking individual service



areas to provide details on their base budgets along with the Contracts Registers and Risk Registers which were already presented on a regular basis. This was because Members often felt that further detail was useful during scrutiny which could not always be provided by the report authors and which could be obtained from the individual service area managers instead.

The Finance Portfolio Holder endorsed the report and thanked the officers for their work in achieving a decent surplus. He assured Members that along with the Head of Finance and the Portfolio Holder for Business, he would find a way for Racing Club Warwick to repay the money over a period of time.

Having considered the report and the additional information in the addendum, the Executive agreed with the recommendations in the report and the additional recommendations 2.11 i) and ii) as detailed in the addendum.

Recommendations 2.10 i) & ii) detailed in the addendum were agreed as written but recommendation 2.10 iii) was amended following the comments made by the Finance & Audit Scrutiny Committee.

The Executive therefore

**Recommended** to Council

- (1) (a) the base budget for the General Fund services in respect of 2018/19 as outlined in Appendix 'C';  
  
(b) the updated budget for the General Fund services in respect of 2017/18 as outlined in Appendix 'C';
- (2) the appropriation of the projected 2017/18 Surplus is agreed as follows:-
  - Service Transformation Reserve £150,000
  - Capital Investment Reserve £150,000
  - Investment Volatility Reserve £100,000
  - Early Retirement Reserve £50,000
  - Car Park Displacement Reserve £100,000
  - Contingency Budget 2018/19 £200,000
  - Contingency Budget 2017/18 £61,500
- (3) the future savings required as shown within the Medium Term Financial Strategy, are noted;

- (4) the other liabilities for which the Council needs to secure funding if it is to continue to maintain service provision are noted, as discussed in paragraph 3.3.15 of the report;
- (5) the progress on the Fit For the Future projects is noted, as detailed in Section 3.4 of the report;
- (6) that the Capital Programme is increased in 2017/18 by £15,000 to renew and significantly upgrade the lighting in the car park at Newbold Comyn, funded initially from the Leisure Options Reserve, pending the receipt of the S106 payment;
- (7) the Executive approves an exemption to the Code of Procurement Practice for the continued provision of the Corporate Fraud Investigation Service from Oxford City Council, with an on-going service level agreement with annual reviews to be agreed by the Head of Finance in consultation with the Finance Portfolio Holder;
- (8) the Council Tax Reduction Scheme for 2018/19 should be unchanged from the current Scheme and continue to be based upon the council tax liability being a minimum of 15% for those of working age;
- (9) the Executive agree £30,000 towards the cost of the 2018 Women's Cycle Tour, funded from the 2018/19 Service Transformation Reserve;
- (10) the Executive agree that:
  - i) £11,000 from the Contingency Budget of 2017/18 to fund additional emergency repairs at Racing Club Warwick;
  - ii) Such monies to be administered using processes deployed for the RUCIS grant scheme;

iii) that agreement for the terms of the funding is delegated to the Chief Executive and Head of Finance in consultation with the Business and Finance Portfolio Holders respectively and the terms of any agreement should endeavour to recover the cost of the works.”

(11) the Executive agree that:

i) £8,000 be made available from the Planning Reserve to fund a CIL Officer post for a period of up to three months and that the Planning Reserve is replenished from CIL receipts as and when payments from CIL allow; and

ii) that, subject to Employment Committee agreeing to the establishment of a CIL officer post, proposals be brought forward to provide ongoing funding for CIL administration from either the 5% CIL receipts or the increase in Planning Fees.

(The Portfolio Holder for this item was Councillor Whiting)  
Forward Plan ref 877

**85. Housing Revenue Account (HRA) Budgets Latest 2017/18 and Base 2018/19**

The Executive considered a report from Finance which presented the Housing Revenue Account (HRA) 2017/18 latest and 2018/19 base budgets. The figures were based predominately on the assumptions agreed in the HRA Business Plan Review (Executive 5 April 2017), including those relating to rents. A rent setting report would be presented to the Executive in February 2018 with a view to recommending the 2018/19 HRA Rents to Council.

Appendix 'A' to the report summarised the adjustments from 2017/18 base budgets to the 2017/18 latest budgets and 2018/19 base budgets.

The report considered the current year's budget, and included details of proposed updates to the 2017/18 Budget. The report also recommended the base budget requirements that would be used in the setting of the HRA budgets for 2018/19. These figures reflected the costs of delivering an agreed level of service, and any unavoidable changes in expenditure (for example, where the Council was contractually or statutorily committed to incur additional expenditure).

Any recent changes that needed to be resolved that had not been included in the budgets at this stage, would be fed into the February report. In February, the Council would be in a position to agree the 2018/19 Budget and HRA rents for the year.

In agreeing the latest 2017/18 budgetary position, managers had reviewed their current and forecast financial requirements. Some changes had already been reported to Members as part of the Quarterly Budget Review Report in August, with further amendments being identified during the budget setting process to determine next year's base position.

The purpose of this report was to produce budgets as determined under the requirements of the Financial Strategy. Any alternative strategies would be the subject of separate reports, therefore there were no alternative options detailed.

The Finance & Audit Scrutiny Committee supported the recommendations in the report.

The Portfolio Holder for Housing outlined the report and explained that the Council looked to be in a good position for 2018/19 even allowing for a 1% rent reduction. He assured Members that he met with the Principal Accountant on a regular basis. It was therefore proposed and duly seconded that the Executive

**Recommended** to Council that the latest revenue budget for Housing Revenue Account Services in respect of 2017/18 as outlined in Appendix 'A', is approved.

(The Portfolio Holder for this item was Councillor Phillips)  
Forward Plan ref 878

#### 86. **Civil Penalties Policy – Private Sector Housing**

The Executive considered a report from Private Sector Housing which brought forward a policy to enable officers to use new powers contained in the Housing and Planning Act 2016 to apply civil penalties as an alternative to a prosecution in the Magistrates Court for various offences in private sector housing.

The number of people housed in private rented accommodation now exceeded the number of people housed in socially rented properties both nationally and locally. The government was in the process of giving more powers to local authorities to tackle rogue landlords through the Housing & Planning Act 2016 (HPA).

The Housing & Planning Act 2016 gave local authorities the power to apply civil penalties for a range of offences in connection with private sector housing that had previously required action to be taken in the Magistrates' Court.

Although the powers were set out in legislation, for officers to use them the Council must formally adopt a policy to do so, within which it had the discretion to set a schedule of penalties for the various offences.

The schedules in appendices one and two to the report had been worked up by Warwick District Council's Private Sector Housing Team in partnership with colleagues in the West Midlands, including Warwickshire, with the intention of having a consistent framework across the region for the introduction of these civil penalties in terms of both the level of the penalties and the process for applying them.

So that the policy could be applied quickly and efficiently once adopted, the report also proposed that the Head of Housing Services should be granted the authority to decide on the use of penalties in individual cases.

An alternative option was that Members could propose a different charging structure, however, this would undermine the work to establish a clear and consistent approach across the Warwickshire and the West Midlands region. This could also create the risk of increased legal challenges, increased cost and require additional officer resources to implement.

Another alternative was to not adopt a civil penalties policy. This would limit the Council's options in its role as a regulator of private sector housing and could also affect community confidence in the Council's ability and ambition to deal with poor management and to raise housing standards.

The Overview & Scrutiny Committee fully supported the recommendations in the report.

Following discussions with the Portfolio Holder at the scrutiny meeting, the Committee supported an amendment to recommendation 2.1d that would be proposed at Executive:

"Delegated authority be given to the Head of Housing Services *in consultation with the Housing Portfolio Holder* to make decisions about imposing civil penalties in individual cases".

**Recommended** to Council that

- (1) a policy of using civil penalties as set out in this report be adopted;
- (2) the process for imposing a civil penalty set out in appendix two be approved;
- (3) the schedule of civil penalties listed in appendix one be approved; and
- (4) authority is delegated to the Head of Housing Services, in consultation with the Housing Portfolio Holder, to make

decisions about imposing civil penalties in individual cases.

(The Portfolio Holder for this item was Councillor Phillips)  
Forward Plan ref 908

## **Part 2**

(Items on which a decision by Council was not required)

### **87. Corporate Apprenticeship Fund**

The Executive considered a report from Human Resources which requested funding to support a Corporate Apprenticeship Programme. A Corporate Apprenticeship Programme would operate in addition to the Council's agreed staffing establishment and budget.

The report requested approval of a budget of up to £100,000 for 2018/19 and £150,000 per annum thereafter for a Corporate Apprenticeship Programme, with this being incorporated within the Medium Term Financial Strategy and considered as part of the Base Budget Report, subject to the agreement of the scheme by Employment Committee. This would ensure the sustainability of a dedicated programme enabling the Council to offer up to eight apprenticeship opportunities at any one time.

Like all Local Authorities Warwick District Council (WDC) had a low proportion of young people working for the organisation, with our Workforce Profile indicating that on 1 November 2017, 474 members of staff 4.22% were aged between 18-24.

The proportion of older workers, the 55-64 age group was 21.52% and the over 65's 4.64%. This had implications for the resourcing of future service delivery, indicating the need for a more targeted approach to succession planning. One specific approach to address this age imbalance was to offer apprenticeships.

The report outlined the benefits which could be gained not only by the apprentice but also by the authority and hoped that the scheme would help to address some of the difficulties encountered in recruiting to some service areas.

The proposed salary costs of an apprentice ranged between £7,814-£14,470 plus on costs subject to age, level of apprenticeship and whether 12 months had been completed. Apprentices aged 19 and over, who had completed the first year of apprenticeship must be paid the National Living Wage for their age. This was currently between £5.60 to a maximum of £7.50 per hour.

The Council already had to pay approximately £50,000 to the Government Apprenticeship levy in 2017/18. The Council was effectively able to get this funding back to pay for training costs, but not to fund employment costs.

An alternative option was not to introduce a funded Corporate Apprenticeship Programme, however, this had been discounted as it would not meet the Council's objectives to recruit, train and retain staff. It would also prevent access to the Apprenticeship Levy which the Council had to pay, regardless of the number of apprentices employed.

The Finance & Audit Scrutiny Committee supported the recommendation in the report.

The Leader endorsed the report and referred to the recruitment branding session that had been delivered to all Councillors at the beginning of the week which had been very well received.

**Resolved** that a budget of up to £100,000 for 2018/19 and £150,000 per annum thereafter, is approved for a Corporate Apprenticeship Programme, with this being incorporated within the Medium Term Financial Strategy and considered as part of the Base Budget Report, subject to the agreement of the scheme by Employment Committee.

(The Portfolio Holder for this item was Councillor Mobbs)  
Forward Plan ref 903

#### 88. **Hours of Flying for Model Planes on St Mary's Lands, Warwick**

The Executive considered a report from the Chief Executive which sought to consider a request for changes to the present restrictions on the hours of operating model flying craft on St Mary's Lands, Warwick back to the hours of operation previously allowed which would allow more flying time. These being to allow flying from 10 am to 9pm/Dusk (whichever was sooner) on Monday to Fridays and from 11am to 9pm/Dusk (whichever was the sooner) on Weekends and Bank Holidays, for silent planes only.

Currently the operating hours were Monday to Friday from 10am to 7pm and on Weekends and Bank Holidays from 11am to 4pm.

It was also proposed that an assessment of potential ecological, noise and health and safety impacts be undertaken and, if that assessment showed no significant issues, then a formal public consultation would also be undertaken. The results of that work would be brought back in a report to the Executive for a final decision.

St Mary's Lands was a large public open space on the western side of Warwick lying between the edge of town and the country side leading to the A46. It was an area that fell wholly within the town's Conservation Area; housed a Grade II Listed Building with also the listed Hill Close Gardens immediately adjoining; and, was partly a Local Nature Reserve as detailed on Plans 1 and 2 to the report.

St Mary's Lands was also home to a variety of uses and activities many of which were historic in nature; e.g. racecourse; golf course; football; local community use (Corps of Drums); walking, running, dog walking, etc. In addition, the area had for 90 years been used as an area in which people could use to fly model aircraft.

There were a number of appendices to the report which illustrated the hours requested, comments from residents and responses and the signage to be positioned around the site.

An alternative option was that the Council could decide not to agree to any change but there did appear to be some evidence that a change in technology could mean that longer hours would be acceptable. However, that would not be known for certain until all the assessments were undertaken, and the public consultation results known.

The Portfolio Holder, Councillor Butler, proposed the recommendations in the report and felt that the report covered all of the necessary aspects including safety issues. It was duly seconded and

**Resolved** that

- (1) ecological, noise, and health and safety impact assessments be undertaken on the proposal to restore the operating hours of the model aircraft as set out in recommendation 2.2 of this report;
- (2) once the information derived from recommendation 2.1 of the report is received, and provided it generates no significant issues, then a public consultation be undertaken on the request to restore the hours of operation for silent flying model aircraft as follows: 10 am to 9pm/Dusk (whichever is sooner) on Monday to Fridays and from 11am to 9pm/Dusk (whichever is sooner) on Weekends and Bank Holidays; and
- (3) the results of the public consultation and the assessments referred to in the recommendations be reported back to the Executive for a final decision.

(The Portfolio Holder for this item was Councillor Butler)

**89. 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 paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Minute No.	Para Nos.	Reason
90	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

90. **Minutes**

The confidential minutes of the meeting held on 1 November 2017 were not available and would be submitted to the next meeting.

(The meeting ended at 6.22 pm)

# Executive

Minutes of the meeting held on Wednesday 4 January 2018 at the Town Hall, Royal Leamington Spa, at 6.00 pm.

**Present:** Councillor Mobbs (Leader); Councillors Coker, Grainger, Phillips, Rhead and Thompson.

**Also present:** Councillors; Boad (Liberal Democrat Observer); Naimo (on behalf of Overview & Scrutiny); and Councillor Quinney (on behalf of Finance & Audit Scrutiny Committee and Labour Group Observer).

## 91. **Declarations of Interest**

There were no declarations of interest.

## 92. **Minutes**

The minutes of the meetings held on 1 November 2017 and 29 were taken as read and signed by the Chairman as a correct record.

The minutes of the meeting on 15 November 2017 were taken as read, subject to them being amended to remove Councillor Heath from the record of those present, and signed by the Chairman as a correct record.

### **Part 1**

(Items on which a decision by Council on 24 January 2018 was required)

## 93. **Revisions to the Scheme of Delegation**

The Executive considered a report from Development Services and Democratic Services that sought changes to the scheme of delegation and Council procedure rules.

The proposed revisions to the delegations regarding Planning Committee were last considered by Executive at its meeting of 27 July 2016 when Members identified a lack of clarity in the delegation agreement concerning the mechanism through which Councillors could request that a planning application be considered by Planning Committee.

At that meeting, the following proposals included in the report were also withdrawn in order that they could be reviewed further by officers:

- i. the proposal for Members to provide a valid planning reason when calling a planning application to Planning Committee, and
- ii. the proposal for objections to planning applications received from Town and Parish Councils, and other interested parties to be considered as valid only where they were made on planning grounds.

In order to ensure the efficient, effective and transparent running of the planning application process, it was important that stakeholders and

interested parties were fully aware of the procedure through which they were able to either call planning applications to Committee or make a valid objection to a proposal.

It would usually be the case that controversial and complex planning applications would be expected to be considered by Planning Committee. Therefore, the triggers for applications being so considered needed to be set at an appropriate level. This was also to ensure that the system worked in a fair and equitable manner not only for those parties who were included in the consultation process, but also for applicants who paid a fee to have their applications considered.

The delegation agreement currently set out that the timescale for Members to call an application to Planning Committee was 21 days but was unclear as to when that period began.

In order to clarify the position, it was proposed that the delegation agreement be revised to set this period as beginning on the day the notification letters were distributed to both the appropriate Ward Councillors and Parish/Town Councils. This provided a clear reference date that was easy for all parties to recognise.

National planning guidance advised Local Planning Authorities of the importance of decision making in the planning application process being based on planning reasoning and the risks associated with that not being the case.

It would not be appropriate for officers to recommend to Executive that planning applications ought to be capable of being called to Planning Committee on non-planning grounds and it was therefore proposed that the delegation agreement should require that Members provide a planning reason for doing so. This would also be in line with Code of Conduct for Members which stated the following:

**"ACCOUNTABILITY:** *Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.*

**OPENNESS:** *Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands."*

Members were aware of material planning reasons and to further enhance this all Councillors were invited to the regular planning training sessions

It was proposed that comments on planning applications received from either Town or Parish Councils should be based on planning reasons.

Where that was not the case, it was proposed that the delegation agreement set out that those comments could not be taken into account

for the purposes of determining whether a proposal should be considered by Planning Committee.

In addition it was considered appropriate that the Chairman of the Planning Committee was also consulted prior to the Head of Development Services taking a decision to discount the representation by a Parish/Town Council.

It was also proposed to make a number of other minor revisions to the delegation agreement to ensure that it was operating effectively particularly in respect of the following matters.

With respect to the making of Tree Preservation Orders, the removal of the reference to the Tree Sub Committee which was no longer in operation.

For the purposes of determining whether a planning application was to be considered under delegated powers or by Planning Committee, the clarification that no more than one objection or indication of support per address would count towards the trigger.

In the circumstances when the Head of Development Services was considering whether revised proposals overcame an objection received from a Town or Parish Council, this would be undertaken in consultation with the Chair of Planning Committee.

In practical terms, in view of the low likelihood of the consideration by Planning Committee of planning applications proposing a material departure from the Development Plan not being triggered by other elements of the delegation agreement, it was proposed that this standalone trigger be deleted.

In order to ensure that they were considered and determined in a transparent manner, it was proposed that the delegation agreement should be revised to ensure that planning applications which were submitted in respect of land owned by the District Council were determined by Planning Committee.

It had been identified that there was no delegation in place to enable rent holidays for non HRA properties when they were considered appropriate, to help support business and therefore the local economy. It was considered an appropriate limit should be placed on this before Executive approval was required and this had been proposed at £20,000 or 12 months whichever was lowest. The details of any holiday provided would be detailed within the quarterly budget reports so Members were aware.

It had been noted by both Councillors and officers that the procedure for the deliberation of Notices of Motion at Council could be improved upon to enable clarity for all. Therefore the amendments as set out in Appendix 1 were proposed to provide this clarity for all.

It had been identified, during the work on the South Leamington development area and Tachbrook Country Park, that at present there was no formal delegation in place for officers to accept the transfer of Open Space or Sustainable Urban Drainage System (SUDS) land to the Council as part of an approved S106 Agreement within a determined planning consent. While there would be a legal agreement in place to see the transfer of the land or building the Council would still need to formally accept this once it was completed. A summary of the S106 provisions for this were attached for both Open Space and SUDS land. The need for this was demonstrated by the proposed development to the west of Europa Way, Warwick, which involved the creation of a substantial new park. Notice of 30 days was served on the Council to seek a decision on whether the Council wished to adopt the land once laid out to its satisfaction. In the absence of formal officer delegation to accept the land, the Chief Executive undertook consultation with Group Leaders, to which no objections were received prior to accepting the land to deal with the immediate issue at hand and a further delegation was proposed to cover any future proposals.

The option of not clarifying the delegation agreement to clearly set out the timescale for Members calling planning applications to Committee had been discounted.

Officers had considered the option of not revising the delegation agreement to require that planning reasons were provided for both calling a planning application to Committee and/or objecting to an application. However, the risks associated with doing so, particularly in respect of ensuring that the planning process operated properly had resulted in that option being discounted.

Consideration had also been given to the option of making no changes to the delegation agreement in respect of Town and Parish Councils' ability to trigger applications being considered by Planning Committee. However, in view of the nature of the impacts of not proposing any such revisions as set out above, that option had also been discounted.

The Overview & Scrutiny Committee supported the report with the following exceptions.

The Overview & Scrutiny Committee had concerns about the revision to include the need for the five objections to be from different addresses, this was because the Committee felt this was removing the rights of individuals. It was agreed the Development Manager and Democratic Services Manager would look at this with the Portfolio Holder and Chairman of Planning Committee and bring an amendment to either Executive or Council ahead of the final decision.

The Overview & Scrutiny Committee welcomed, after discussion and agreement with officers, that the proposal to delegation DS(70) (iv) should remain within the scheme of delegation and therefore the current proposal to remove this should be withdrawn.

The Overview & Scrutiny Committee had concerns about delegation DS70(iii)(b) and the potential for this to imply that a Parish/Town Council may lose the right for their objection to bring the matter to Planning Committee. The Development Manager and Democratic Services Manager would look at this with the Portfolio Holder and Chairman of Planning Committee and bring an amendment to either Executive or Council ahead of the final decision.

The Leader explained that he was aware of the significant debate at the Overview & Scrutiny Committee and the concerns of Councillors with regard to the proposed revisions to delegation DS(70). Therefore any of the proposed amendments to this delegation would not be taken forward.

The Executive therefore

**Recommended** to Council the amendments to the Constitution as set out at Appendix 1 to this report, be approved.

**Resolved** that the Executive notes the decision of the Chief Executive, under scheme of delegation CE(4), after consultation with Group Leaders to accept the land for Open Space on land west of Europa Way Warwick.

(The Portfolio Holders for this item were Councillors Coker, Mobbs & Rhead)

#### 94. **Housing Allocations Policy review**

The Executive considered a report from Housing that sought approval for revisions to the Housing Allocations Policy.

The Housing Allocations Policy set out the rules that the Council used to decide who may apply for vacant Council and Housing Association homes and how decisions would be taken as to who would be offered the vacancies. The overarching aim of the policy was to get more people into homes appropriate to their circumstances.

In August 2015 the Council had agreed a number of changes to the policy and resolved that the working of the new policy should be reviewed after 12 months of operation. The new policy was implemented in June 2016 and was on the Council's website

Appendix One to the report set out the review for consideration. A number of issues had been identified as a result of the review and, in order to address these, a number of proposed amendments to the policy were proposed as set out in Appendix Two, to the report.

The option of not revising the policy had been considered but given the findings of the review this was not felt to be appropriate.

A number of the individual proposals in Appendix Two were discussed with the Housing Advisory Group in November when potential alternatives were considered and debated. Some of the alternatives were included in Appendix Two.

The Overview & Scrutiny Committee supported the recommendations in the report.

The Committee welcomed the agreement from the Portfolio Holder to widen the criteria to address the situation where the property allocation quotas might mean it could be better to be in a lower priority band compared to higher bands e.g. regarding the balance between band 2's and band 3's demand and available properties. The Committee supported the following revision to the section on the imbalance of the housing register to remove this potential issue within paragraph 2 on Item 4/ page 12;

"It is proposed that this should be monitored and if the situation does not improve the Head of Housing, in consultation with the Portfolio Holder, should have delegated authority to re-balance the quotas to secure that a greater proportion of the out-of-balance properties would be advertised to the higher priority band to redress the balance.

The Committee welcomed that the 4<sup>th</sup> paragraph on Item 4, page 14 of the report would be amended to read "For applicants in this situation that cannot be considered under homelessness legislation....".

The Committee was mindful of the proposed delegation to the Head of Housing in consultation with the Portfolio Holder to make minor changes to the Policy (Item 4 Page 15). It noted that the intention to this would be to accommodate any amendments by statute, Government guidance or to enable clarity on policy and its intentions. Therefore the Committee welcomed that the Portfolio Holder would incorporate details of these changes as part of his annual report to the Committee.

The Portfolio Holder welcomed the debate from the Overview & Scrutiny Committee the evening before and agreed these changes should be reflected within the Policy along with a commitment to when the Policy would come into force.

Therefore the Portfolio Holder proposed the recommendations as laid out subject to the amendments from Overview & Scrutiny Committee and an implementation date of no later than 1 August 2018.

**Recommended** to Council that

- (1) it notes the review of the working of the allocations policy set out in the report.
- (2) the current be amended in accordance with the proposals set out in Appendix Two of this report;

- (3) delegates authority to the Head of Housing Services in consultation with the Housing and Property Portfolio Holder to redraft the allocations policy document to reflect the agreed changes;
- (4) the revised policy is monitored with a further review after a sufficient period of operation; and
- (5) the revised Policy be implemented no later than 1 August 2018.

(The Portfolio Holder for this item was Councillor Phillips)  
Forward Plan ref 858

(The meeting ended at 6.55 pm)



**Minute 93**  
**Proposed Revisions to the Delegation Agreement**

- DS (45) Confirm Tree Preservation Orders to which there are objections, following the authorisation of that confirmation by ~~the Tree Preservation Order Sub-Committee or~~ the Planning Committee.
- DCE(16) The Deputy Chief Executive (BH) be authorised to approve a rental holiday for any non HRA property subject to either a maximum of 12 months or £20,000 whichever is the lowest and the holiday being reported in the quarterly budget monitoring report to Executive.
- A(12) To accept the transfer of land or buildings to the Council which is required to be transferred to the Council under the provisions of a section 106 agreement.”      Head of Culture, Development, Housing and Neighbourhood individually

**Amendments to Council Procedure Rule 6 – Notices of Motion**

Be amended to read as follows:

~~(6) If the subject matter of a motion submitted to the Council comes within the terms of reference of the Executive or any committee, it will, upon being moved, and seconded, stand referred without discussion to the Executive or that committee for consideration and report. However, the Council may, by a simple majority, allow the motion to be dealt with at the meeting at which it is brought forward.~~

- (6) When a Motion comes to Council the procedure will be as follows:
- (i) For matters that can be determined by Council a short introductory speech will be made by the proposer followed by the proposal of the motion. Once seconded the procedure for debating motions will be followed. After any debate the Motion will be put to a vote and will either be carried or lost.
  - (ii) For matters that are the responsibility of the Executive or a Committee a short introductory speech will be made followed by the motion which will be closed with a request the matter is referred to the relevant meeting along with a report from officers. The procedure for debating motions will then be followed. After any debate the Motion will be put to a vote and will either be carried (referred to the relevant committee) or lost (no further action is taken).

Minute 94

**Appendix two – Proposed changes to the housing allocations policy**

**1 Transfer categories - Like for like**

The like-for-like band has not been well understood or set up properly and has led to a number of issues. The original intention was that this should enable tenants with no need, who didn't fall into any of the transfer band reasons for rehousing to be able to move to a property of the same size and type as they currently had where there was a benefit to WDC in allowing the move. However when the system was introduced, all applicants who didn't fit into any of the other categories were placed into this band.

It is proposed that this be rectified by:

- Dealing with the types of cases that this was originally intended to rehouse through the "Move for housing management reasons" transfer band category.
- Removing the "Like for like" category from the scheme.
- Creating a new transfer band category – "Transfer – other" for all those transfer applicants who do not have a reasonable preference and do not fit any of the other transfer categories. These applicants would be able to bid for properties of an appropriate type and size for their household that are advertised to the transfer band, including a like-for-like move, and would be shortlisted as the lowest priority transfer category.

Transfer categories would then be as follows (in order of priority):

1. Under-occupation.
2. Two-for-one moves.
3. Making best use of adapted properties.
4. People with children in above-first-floor flats.
5. Moves for good housing management reasons (existing categories in the policy plus releasing high demand properties).
6. Other.

Tenants in a reasonable preference category (usually overcrowding or medical/welfare priority) would continue to go into band two as required by law.

To better incentivise downsizing it is also proposed that under-occupying tenants who live in a property with three or more bedrooms and wish to move to a smaller property may be able to bid for a property with up to one bedroom in excess of need subject to demand levels for the property they will be vacating.

**2 Transfers quota**

The original policy was that all properties would be advertised to the transfer band first with the numbered bands being able to bid below the transfer band. As members will recall, at implementation a transitional arrangement was applied so that 50% of properties were advertised to the transfer band and 50% to the numbered bands.

The review has shown that this arrangement has been successful in enabling over 200 transfers while halving the numbers of applicants in band one. It is now time to consider whether to move to the original policy intention of all properties being advertised to the transfer band.

The options are to:

- move to 100% transfers;
- put all first-time adverts to the transfer band with all re-advertisements going to numbered bands;
- advertise all newly void properties to transfer band except that any void that arises as a result of a transfer is advertised to a numbered band;
- make the transitional arrangement of 50% permanent;
- move to another proportion altogether;
- have no quota for transfers and simply place them within the bidding hierarchy, awarding greater preference to those who are underoccupying or who are moving from an adapted property;
- Create a separate transfer policy and offer properties to transfer customers (with no housing need) outside of the allocations scheme.

Moving to 100% of properties advertised to the transfer band will undoubtedly lead to more such moves and more mobility for tenants within the stock. However it would have a detrimental impact upon high-need non-tenants and possibly begin to increase pressure upon temporary accommodation use again. This is because it would mean that, while applicants in numbered bands would be able to bid on properties advertised to the transfer band they would only get a chance if no transfer applicants wanted it. Over time it may also be seen as increasingly unfair in that tenants who have only very recently applied for a move will have much better prospects of rehousing than people who have been waiting in the numbered bands for considerably longer.

The move could also lead to increased complaints from applicants and tenants in need, with potential legal challenges on the grounds that "reasonable preference" is not being given in accordance with legislation. Advice from WCC Legal Services on this point is that: "If WDC wish to advertise 100% of its vacant properties to existing tenants BEFORE considering non tenants who have a reasonable preference I can see a potential argument of unlawfulness giving rise to a judicial review because it may be deemed to be circumventing the provisions as set down in legislation."

The second option on the list is a variation on the "100%" theme and therefore has similar advantages and disadvantages. In addition, as regards first-time adverts to transfers with re-advertisements to numbered bands, we only do a second advert if no-one bids the first time or if we have exhausted the bidding list. Pursuing this option would effectively mean that the only properties that would be advertised to numbered bands would be those that no-one wanted, either because no-one had bid on them at all, or because everyone who did bid had subsequently refused it. This again would be likely to lead to high levels of complaints and the potential for legal challenges.

The third option, that all "natural" voids be advertised to transfers but all voids freed up by transfer go to numbered bands, ought in theory to be equivalent to the current policy of 50% of properties going to transfers.

The other three options are fairly self-explanatory.

It is proposed that the existing transitional arrangement of advertising 50% of properties to the transfer band and 50% to numbered bands should now be adopted permanently as policy.

### **3 Bidding policy**

At present properties are advertised 50% to the transfer band and 50% to numbered bands. The latter are then advertised in the ratio 50:30:20 to bands one, two and three respectively.

Applicants in the transfer band cannot bid for properties advertised to a numbered band.

For properties advertised to a numbered band any applicant in a lower band than that advertised is able to bid as well and can be considered if no-one from the advertised band is suitable. Applicants in a higher band cannot bid. The intention behind this is to try to give people with lower level needs a fair share of opportunities while still advertising most properties to the higher need bands. However it can sometimes lead to a situation where a property advertised to band three may go to someone in band four (who has no need) when it would have been suitable for a band one applicant, or a transfer applicant may have been willing to take it and free up another vacancy.

Age designated properties are advertised 50% to the transfer band and 50% to numbered bands, although in the latter case they are not included in the 50/30/20 quotas and the shortlist is done based on highest priority and time on the list.

Applicants in numbered bands can bid on properties advertised to the transfer band, and will be considered if there are no suitable transfer applicants. However transfer applicants cannot bid on properties advertised for the numbered bands.

It is proposed that this policy be changed as follows:

- All applicants, regardless of band, will be able to bid for any property (including age-designated properties, subject to being of the required age).
- Shortlisting will be arranged according to the following table. (Age designated properties will be shortlisted in the same way as for band one).

<b>Priority</b>	<b>Preferred band</b>			
	<b>Transfer</b>	<b>Band one</b>	<b>Band two</b>	<b>Band three</b>
First	Transfer	Band one	Band two	Band three
Second	Band one	Band two	Band three	Band one
Third	Band two	Band three	Band one	Band two
Fourth	Band three	Transfer	Transfer	Transfer
Fifth	Band four	Band four	Band four	Band four

#### 4 Imbalance of the housing register

As of November 3<sup>rd</sup> 2017 the housing register breakdown was as follows.

	<b>1 Bed</b>	<b>2 Bed</b>	<b>3 Bed</b>	<b>4 Bed</b>	<b>5 Bed+</b>	<b>Total</b>
Band 1	10	3	0	0	1	14
Band 2	104	75	62	24	16	281
Band 3	614	112	22	5	1	754
Band 4	465	269	68	7	1	810
Transfer	363	203	28	2	1	597
<b>Total</b>	<b>1556</b>	<b>662</b>	<b>180</b>	<b>38</b>	<b>20</b>	<b>2456</b>

There are 22 applicants in band three with a three-bed need but there are 62 in band two with a three-bed need. A similar situation occurs with four bedroom properties. This contrasts sharply with the situation twelve months ago when the two bands had broadly similar numbers of applicants with a need for three or more bedrooms as the following table from April 2016 shows:

	<b>1 Bed</b>	<b>2 Bed</b>	<b>3 Bed</b>	<b>4 Bed</b>	<b>5 Bed+</b>	<b>TOTAL</b>
Unbanded	6	0	2	0	0	8
1	19	6	3	0	0	28
2	134	37	85	20	5	281
3	972	287	73	16	3	1351
4	1087	571	148	15	4	1825
YP	3	0	0	0	0	3
<b>TOTAL</b>	<b>2221</b>	<b>901</b>	<b>311</b>	<b>51</b>	<b>12</b>	<b>3496</b>

Although the quotas direct more properties to band two than band three (30% band two, 20% band three net of transfers) this doesn't fully redress the balance and as property types are distributed at random between the bands the reality is that currently, for applicants needing three bedrooms, those in band three (lower need) have a better chance of rehousing than those in band two (higher need).

It is proposed that this should be monitored and if the situation does not improve the Head of Housing, in consultation with the Portfolio Holder, should have delegated authority to re-balance the quotas to secure that a greater proportion of the out-of-balance properties would be advertised to the higher priority band to redress the balance.

#### 5 People housed through HomeChoice

It is proposed that anyone that takes up a tenancy allocated through HomeChoice, regardless of whether it is a fixed-term, secure, introductory or starter tenancy should normally have to wait 12 months before being able to go back onto the housing register.

Exceptions would be agreed in the limited circumstances where the applicant would come within a reasonable preference category (broadly speaking this would mean statutory overcrowding, medical or welfare need or homelessness.)

The Head of Housing would have discretion to agree to earlier access to take account of other important changes of circumstances.

## **6 Financial resources**

Current policy states:

"If you have an income or savings or investments that will allow you to get private accommodation, we will encourage and support you to take this option and we may give you less preference in HomeChoice." In practice this has not been used and the following more stringent definition is proposed.

"An applicant and their household with assets, or equity in a property, with a net value of more than £16,000 will have this taken into account when their application is assessed and will not receive any priority.

Where the applicant is part of a couple, the income of an applicant and their partner is taken into account. Single applicants who have an income in excess of £30,000 per annum and households with a joint income in excess of £50,000 will not receive any priority. Any Disability Living Allowance (DLA), Personal Independence Payment (PIP) and War Pensions are not included as income.

This restriction may be removed for individual cases by the Head of Housing Services in exceptional circumstances where it can be show that it would cause exceptional hardship."

## **7 Children above ground floor**

It is proposed that this category within the transfer policy and in band 3.3 should be revised so that it only applies to children above the first floor rather than above the ground floor and only applies to flats not maisonettes.

Two further changes are proposed.

**Band 3.3:** This states that it applies to "private tenants" because council and housing association tenants within the district will be in the transfer band.

However there could be council and housing association tenants from outside the district with a local connection (or exempt from local connection rules) who have children above the first floor. They wouldn't be in the transfer band (because WDC wouldn't get to nominate to the resulting vacancy) so it is proposed that they should go into band 3.3.

**Transfer:** For clarity it is proposed that the policy should state that applicants with this transfer band priority will only be considered for a move to a lower floor: the need reflected by the banding is not alleviated by a sideways or upwards move.

## **8 Housing-related debt**

There are various aspects to this within current policy. At present debt may be dealt with in three separate ways:

1. Unacceptable behaviour. Policy allows exclusion completely from Homechoice for two years where a member of the household has been

“guilty of unacceptable behaviour” which can include “not paying rent”. The test is whether a social landlord could have evicted the person had they been a tenant, not whether an actual eviction has taken place. The wording of this section is such that it appears to only apply to behaviour of people who were not tenants of a social landlord at the time of the behaviour.

2. Housing-related debts – no offer. Policy states that for an applicant who owes a social landlord money “we might not offer you a property”.
3. Housing-related debts – demotion. Policy goes on to state “We may put you in a lower banding if you have housing-related debts”. The demotion can be lifted if the debt is brought below a set level or a payment plan is made and kept to.

The latter two points have at times been applied together, i.e. applicants have been demoted a band due to debt but then, having come up for an offer in the lower band, had it withdrawn. This seems to be double punishment and is not easily justified to applicants.

It is proposed that the following changes are made:

- The definition of housing-related debt should be broadened to include housing-related debts owed to private landlords, building societies, banks and other lenders.
- Demotion for housing-related debts should be withdrawn.
- Housing-related debts that actually resulted in an eviction should be considered unacceptable behaviour and dealt with in accordance with the “Unacceptable behaviour” policy. There should be two exceptions to this:
  - Where the applicant has kept to an arrangement with the landlord and has reduced the debt by at least 50% at the time of the application;
  - Where the applicant is assessed and found to be unintentionally homeless.
- For other housing-related debts it is proposed that an applicant with a combined housing-related debt exceeding £500 should be suspended from being able to bid until the debt is brought below that figure or the applicant has made an agreement to pay off the debt and has kept to it for at least 13 consecutive weeks. Exceptions to this will be considered on a case-by-case basis by a senior officer within the Housing Advice & Allocations Team, in conjunction with the body to whom the debt is owed. In particular exceptions will be considered for tenants being affected by the removal of the spare room subsidy who are seen to be trying to keep up with their rent payments but nevertheless falling into arrears. All decisions about exceptions will be logged so that precedent is built up to ensure consistency.

## **9 Split households**

Current policy does not explicitly address the situation where people living separately wish to live together. (The only situation that is covered is where both parties are social housing tenants and can be banded as a transfer “two for one” move.)

This kind of situation can in certain circumstances be considered under homelessness legislation, for example where children are involved and the whole family cannot reasonably live together at one or other of the dwellings.

However on occasions applicants have sought to include other people on their application to gain a larger property than they are entitled to or to claim a higher banding.

For applicants in this situation that cannot be considered under homelessness legislation it is proposed that an application form should be completed for both parties and submitted together. A joint application will be registered to the address that would attract the lower banding were the parties to move in together.

Where an offer of accommodation is made both parties must sign up to a joint tenancy. If either party moves out or seeks to terminate the tenancy and leave the other in occupation during the first twelve months of the tenancy a fraud investigation will be initiated.

#### **10 Definition of "child"**

There is a lack of consistency in the policy in that for determining bedroom need, under 16 years of age is used. However for the property size and letting guidelines, to qualify for a house there needs to be at least one "dependant" and this is someone under 18 years of age. The "children above ground floor" bands also use dependant rather than date of birth.

It is proposed that this be rationalised so that both "child" and "dependant" are defined as someone younger than 16 across the whole policy.

#### **11 Multiple needs**

Applicants with multiple needs are placed in a band according to their greatest need. For example someone with both a band two need and a band three need will be placed in band two as this has a higher priority. Applicants within a band are prioritised purely on time on the register. However if an applicant has, for example two "band two" needs no additional consideration is given for this and priority within the band is again done according to time on the list.

It is proposed that a new category is created in each of bands two and three for multiple needs. This will have priority over applicants with only one need regardless of time on the list although within the multiple need category if there is more than one applicant they will be prioritised by time on the list.

Only needs within the band will be considered. So:

- Someone with both a band two and a band three need will go into band two under the category of their band two need;
- Someone with two or more band two needs will go into "Band two-multiple need"; and
- Someone with two or more band three needs will go into "Band three-multiple need".



## **12 Refusals**

Applicants are allowed to bid for up to five properties on any single advert. They can only be made one offer at a time and are currently free to refuse any offers that they receive without penalty (with the exception of band one where the urgency of addressing the need requires a degree of compromise on the part of the applicant.)

This is in keeping with the ethos of a choice-based system. However there have been instances of applicants bidding for, but then refusing, a number of properties that would have been suitable for their needs. This is unfair on landlords who lose rental income while a property is void and also go to a lot of abortive work in contacting the applicant, arranging tenancy checks and sign-up appointments etc.

It is therefore proposed that an applicant should be suspended from bidding for a period of three months if they have refused three offers of suitable accommodation that they have placed bids on in any six month period.

The intention would be to provide some deterrent to frivolous bidding while recognising that, in a choice-based system, applicants should be able to bid for, but subsequently refuse, properties. A more serious sanction is not therefore considered appropriate.

## **13 Unacceptable behaviour**

The present definition makes it sound as though this only applies to people who were not council or housing association tenants at the time of the behaviour. It is proposed that the wording should be changed to make it clear that these rules apply to any applicant.

Current policy also states that the decision will be "based on the circumstances at the time of the application" and therefore can only be applied to new applications. It is proposed that this should be extended to allow for exclusion for unacceptable behaviour of existing, as well as new, applicants where such behaviour occurs or comes to light after an applicant has been accepted onto the register.

It is further proposed that there should be a facility to extend the non-qualifying period for longer than two years if the applicant's behaviour has not changed in that time.

## **14 Changes to the Allocations Policy**

At present all changes, however minor, need to be reported through Executive and on to Council. It is proposed that the Head of Housing Services be given delegated authority, in consultation with the Housing & Property Portfolio Holder, to make minor policy changes from time to time. The Portfolio Holder would report any changes approved in this manner as part of the annual report to the Overview and Scrutiny Committee.

More substantial changes would still be the subject of reports to Executive and Council.

## **15 Demolition and regeneration**

Where the council is planning to demolish a tenant's home or regenerate an area resulting in one or more tenants losing their home it is proposed that affected tenants should be placed in band one.

## **16 Move-on applications**

These applications currently go into band one. This would appear to have been introduced so if we had a homeless approach from a single vulnerable person they would be referred to supported accommodation and when they were tenancy ready we would rehouse them from band 1 'move-on' then place another vulnerable person into that vacancy.

The move-on protocol has recently been revised and is a lot less prescriptive so that the supported providers take referrals from any organization (and in some cases self- referrals) not just the council. This has a negative impact on the waiting list as the provider still expects to refer them to us for 'move-on' which in turn affects the waiting time for homeless applicants in temporary accommodation, especially with a one-bedroom need.

It is proposed that in future move-on applicants should go into band two.

## **17 Threat of violence and harassment**

For existing social tenants these are covered under band two – welfare need. It is proposed that this should be broadened to cover all cases of threat of violence or harassment that aren't serious enough to warrant band one under a homelessness assessment.

It is also proposed that a band one category be created for serious cases to try to facilitate a move through the housing register without forcing the applicant into homelessness. This would also include requests for rehousing that are supported by the Police or a formally established organisation such as the Risk Assessment Management Panel under the countywide Multi-Agency Public Protection Arrangements (MAPP), Multi-Agency Risk Assessment Conference (MARAC) or the National Witness Support Scheme.

## **18 Fostering and adopting**

It is proposed that an applicant who needs more bedrooms because he/she has been approved by the relevant agencies to foster or adopt a child or children should be eligible for a number of bedrooms that will provide space for the child/children in accordance with the bedroom need rules.

If the number of bedrooms in their current property is less than the number that they are assessed as needing, the applicant will be banded as overcrowded.

The child does not have to be living with the applicant at the time of the application but the approval for fostering or adoption must be evidenced and the intention to adopt or foster the child must be apparent.

## **19 Ex-partners of serving or former armed forces personnel**

Serving or former armed forces personnel currently may have their service recognised within the allocations policy in three ways, subject to meeting certain criteria:

- They may be exempt from the local connection rules;
- They may receive band two priority;
- They may be promoted a band due to urgent housing needs

It is proposed that an ex-partner of a serving or former armed forces member should be assessed for local connection and banding, as if their ex-partner were still a part of the household. This is conditional upon them having been living with their then-partner while he or she was serving in the forces for a period of at least six months at the time that they separated.

## **21 Homelessness Reduction Act**

It is proposed that the wording of the current homelessness categories in bands one, two and three should be adjusted to match the new statutory duties in the Homelessness Reduction Act 2017.

## **22 Overcrowding**

It is proposed to create a distinction between statutory and non statutory overcrowding providing greater preference to statutory overcrowded applicants.

## **23 Administrative clarity**

It is proposed to provide applicants with detail about matters including how their application will be processed, their rights to information held about them and how the policy will be monitored and reviewed.