

Cabinet

Minutes of the meeting held on Wednesday 10 August 2022 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillors Day (Leader), Bartlett, Cooke, Falp, Grainger, Hales, Rhead and Tracey.

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

23. **Apologies for Absence**

Apologies were received from Councillor Matecki.

24. **Declarations of Interest**

There were no declarations of interest made.

The Leader of the Council expressed gratitude to officers and volunteers for their help with the Commonwealth Games. He also introduced a special guest observer, Yurii Odarchenko, the former Member of Ukrainian Parliament and Governor of the Kherson region.

25. **Minutes**

The minutes of the meeting held on 6 July 2022 were taken as read and signed by the Chairman as a correct record.

Part 1

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

26. **Net Zero Carbon Development Plan Document - Submission**

The Cabinet considered a report from Policy and Projects which presented the feedback and responses from the Regulation 19 consultation on the Net Zero Carbon Development Plan Document (the DPD) and which asked the Cabinet to recommend to Council that the DPD be submitted to the Planning Inspectorate for Examination under regulation 22 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, and that authority be delegated to the Head of Development, in consultation with the Portfolio Holders for Planning & Place, and Climate Change to recommend any further changes to the DPD and the supporting evidence.

The report presented the feedback and responses from the Regulation 19 consultation on the Net Zero Carbon Development Plan Document and asked the Cabinet to recommend to Council that the DPD be submitted to the Planning Inspectorate for Examination under Regulation 22 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. This was an essential step in the process to enable significant weight to be given to the policies of the DPD in determining planning

applications. Without an examination, the policies could not be adopted as formal planning policies and could not be given significant weight in planning decisions.

For the reasons set out in Section 1 in the report, it was also recommended that delegated authority be given to the Head of Development and the Portfolio Holders to assemble a schedule of revisions and the final evidence base ahead of consideration by Council. Further, an additional budget was required for the Examination process, for the reasons set out on Section 1 in the report.

In terms of alternative options, the Cabinet could choose not to recommend to Council that the DPD was submitted for Examination. This would be the right course to take if it were considered that the DPD was fundamentally flawed as set out. However, this course of action was not recommended as officers considered that, subject to the revisions arising from Appendix 1 to the report, the DPD was sound. Further, this course of action would lead to a delay in the adoption of the DPD as amendments to the DPD would need to be made and possibly further consultation undertaken, and it would hamper the Council's ability to apply the carbon reduction standards the DPD requires to future development proposals.

The Cabinet could also choose not to recommend to Council that the DPD be submitted for Examination if it no longer wished to adopt additional planning policy on this topic. However, this would not be in harmony with the Council's Climate Emergency Action Programme and previous decisions taken to enable the DPD to progress. It would also prevent the Council from applying carbon reduction standards to future development proposals, until further policy was developed through the South Warwickshire Local Plan.

The Council could choose not to set aside the additional budget for consultants as set out in recommendation 4. However, this would require Council officers to lead the Examination work at a time where planning policy resources were over stretched. Further, the DPD was reliant in some highly technical and specialist expertise. It was unlikely that the Council's planning team would be able to cover all bases without drawing on further expertise. This would put the adoption of the plan at risk.

This report was not called in for scrutiny by Overview & Scrutiny Committee because the Committee had reviewed the draft Net Zero Carbon Development Plan Document at previous meetings; the Committee had also previously reviewed the Climate Change Action Programme. Minutes of a meeting when it was last reviewed had been circulated to Members ahead of the call-in deadline.

The Committee, in recognition of the importance of the work to the community and Council, expressed its thanks to officers for the work being done and supported the DPD.

The Group Observers thanked officers and PABs for this "fantastic piece of work". The Green Group Observer noted that this was "unchartered

territory” and raised concerns about potential viability assessment “loopholes” that need to be addressed.

Councillor Rhead credited the Leader’s “vision that the environment and Climate Change be at the very heart of this administration” for enabling him to pursue this DPD as a priority. He also thanked officers for their work on the report. He stated that the DPD met all four criteria to be considered sound: it was positively prepared, justified, effective, and consistent with national policy. It was highlighted that, after the consultation, only 12 minor amendments would form part of the submission for public examination, and that none of those revisions were of sufficient significance to warrant further consultation.

Councillor Rhead then proposed the report as laid out.

Recommended to Council that

- (1) the Net Zero Carbon Development Plan Document (as set out in Appendix 2 to the report) be submitted to the Secretary of State for Examination alongside a schedule of proposed revisions arising from the public consultation (as set out in Appendix 1 to the report).

Resolved that

- (1) the draft report of public consultation set out in Appendix 1 to the report, including the recommended revisions to the Net Zero Carbon Development Plan Document, be noted;
- (2) authority be delegated to the Head of Development, in consultation with the Portfolio Holders for Planning & Place and Climate Change to recommend any further changes to the DPD report of public consultation set out in Appendix 1 to the report and the supporting evidence, prior to submission to Council, and that any changes be detailed in the Council agenda; and
- (3) £95,000 be set aside from the Planning Appeals Reserve to cover the costs of extending the consultancy contract and the Examination (including the Programme Officer and Inspector’s Costs).

(The Portfolio Holders for this item were Councillors Cooke and Rhead)
Forward Plan Reference 1,295

Part 2

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

27. Future Delivery of Noise Nuisance Investigations

The Cabinet considered a report from Community Protection which proposed an updated methodology for the delivery of noise nuisance investigations following the work of Noise Transformation Project (the project) including the introduction of a Noise Policy and the alteration to the delivery of the Out of Hours Noise services formally known as the Night Noise Service.

The introduction of the Noise Policy and the associated process would provide a more holistic noise investigation service which would negate the need for the specific out of hours service which was operated before Covid.

In terms of alternative options, the Cabinet could choose not to introduce the Noise Policy. This would, however, maintain the current position which did not provide clarity of the process and assessment process to those involved in noise complaints.

The Cabinet could choose not to remove the out of hours service in favour of the new methodology arrangements. However, this would not provide the wider holistic service that had been identified or the greater value for money.

As identified in the Terms and Conditions Review of the staff volunteering for the out of hours service would require undertaking and there remained a risk that the service would no longer receive volunteer officers to participate following that review.

The Overview & Scrutiny Committee thanked officers for their work on the policy and supported its implementation going forward.

Members would welcome the Council working more closely with the local Police to secure their support in addressing the issue of noise nuisance in the District.

The Committee agreed to review the policy and service area's performance in respect of all forms of noise nuisance more generally at its meeting in December 2022 because of the importance of the subject to residents.

The Group Observers noted that the report helped to clarify what statutory noise nuisance was but suggested that support such as mediation should be provided for those who were experiencing non-statutory noise nuisance.

Councillor Falp thanked the Transformation Lead Officer and the Programme Advisory Boards for their hard work on this project, and proposed the report as laid out.

Resolved that

- (1) the new methodology for the investigation of noise nuisance including the adoption of the Noise Policy be accepted; and
- (2) the pre covid Out of Hours Noise Service (formally known as the Night Noise Service) is no longer delivered in favour of the new methodology of service delivery, be agreed.

(The Portfolio Holder for this item was Councillor Falp)
Forward Plan Reference 1,294

28. **Better Points “Choose How You Move” Sustainable Travel Incentive South Warwickshire**

The Cabinet considered a report from the Department of Climate Change which informed Members about the Better Points “Choose How You Move” initiative, and also sought approval to extend the current contract with Better Points for a further year and, subject to their prior agreement, to include Stratford-upon-Avon District Council (SDC) in the initiative under a procurement exemption.

The total cost for extending the contract for a further year was £36,400 (excl.VAT) and would be funded by the Climate Action Fund.

The report set out the way forward for the extension of the Better Points “Choose How You Move” for a further year and to include the area covered by SDC. The funding for a further year could be accommodated from the existing Climate Action Fund budget across both Councils.

In terms of alternative options, one option would be not to continue our contractual relationship with Better Points.

The alternative to granting an exemption to the procurement code of practice in relation to the contract with Better Points would be for Cabinet to recommend that officers do not extend this contract and instead pause the relationship that we have with Better Points. Granting the exemption allowed a continuation and development of the initiative.

Another option would be to continue with the Better Points contract only within Warwick District, however we had an agreed Climate Action Plan for South Warwickshire, and this initiative contributed to those ambitions.

Councillor Rhead thanked officers for the report and highlighted that 93% of survey respondents said that would recommend the “Choose How You Move: Warwick District” challenge to family, friends, and colleagues. However, he noted that the scheme needed to be better publicised. He then proposed the report as laid out.

Resolved that

- (1) a one-year extension to the Better Points “Choose How You Move” sustainable travel

incentive initiative to include SDC, be approved;

- (2) an exemption from the code of procurement practice, be agreed, to enable the extension of the contract for a further year making the total contract value £77,900;
- (3) authority be delegated to the Programme Director for Climate Change to approve and sign the Service Level Agreement between Warwick District Council (WDC) and SDC (subject to agreement) and Better Points in line with Council policy; and
- (4) the cost of the year's extension will be split equally between WDC's and SDC's Climate Action Fund, subject to SDC's prior agreement to join in this initiative, be agreed, and that in the event that SDC decide not to join the initiative, the scheme is implemented in Warwick District at a cost not exceeding the £36,400.

(The Portfolio Holder for this item was Councillor Rhead)
Forward Plan Reference 1,296

29. **Levelling Up Approach and Devolution Deal for Warwickshire**

The Cabinet considered a report from the Chief Executive which sought support for the Levelling Up Approach adopted by Warwickshire County Council and to develop a Place Plan for the District and to integrate within it the priorities and actions of the South Warwickshire Place Partnership (health and well-being). It was proposed that this work should involve discussion with Parish and Town Councils, local business, and voluntary/community organisations. The report also sought delegated authority to help with the development of a Devolution Deal for Warwickshire and input into a West Midlands Combined Authority Trailblazer Devolution Deal. Finally, it noted the submission of a Levelling Up Bid and the submission of the Investment Plan for the District's allocation of the UK Shared Prosperity Fund.

The Council's vision had been since 2009 to help make Warwick District a great place to live work and visit. The Levelling Up Approach could help further that ambition and especially, to make it relevant to all its citizens, as could a Devolution Deal. The specific bids put forward for the Levelling Up and the UK Shared Prosperity Fund assist that ambition in specific ways.

Regarding recommendation 1, acknowledging the importance of ongoing input from the Borough and District Councils, it was proposed that the Levelling Up approach set out in Appendix 2 to the report be supported. The Levelling Up agenda was, regardless of the change in Prime Minister, still a government priority and so would continue to have its attention and

a source of resource. This would also mean that the Government would, one way or another, require Councils to address that priority at a local level. The Framework would allow a basis for bringing Council and other public agencies agendas together to better serve local communities and to address long standing inequalities. The Framework envisaged local Place Plans i.e., a Plan for each Borough and District area which allowed the freedom and flexibility to adapt the framework to the diverse needed and priorities at multiple spatial levels across the County but especially the most local.

Regarding recommendation 2, the Levelling Up Approach recognised that Warwickshire was composed of numerous separate places. It sought to address this fact and that Local Government in Warwickshire was organised on a three-tier basis where powers and duties were distributed by envisaging that each Borough and District had a Place Plan. It was proposed therefore that this Council took the lead in preparing a Place Plan for Warwick District with support from the County Council. WDC had already volunteered to work with the County Council to develop a template for the framework of such a Place Plan for use across the county to ensure it was aligned and joined up, when engaging Government and the West Midlands Combined Authority on devolution and funding for levelling up.

Regarding recommendation 3, the new Integrated Care System (ICS) (health and well-being) for Coventry and Warwickshire involved each of the four places that made up the ICS would develop a Plan setting out the local priorities and actions. South Warwickshire was one of those four places and was led by the South Warwickshire Place Partnership Board (SWPPB) of which this Council was a member (the WDC Chief Executive was Co-Chair). Helpfully, South Warwickshire Foundation Hospital Trust (SWFHT) had commissioned earlier this year an Impact Report on its position regarding Levelling Up across a number of measures which was attached at Appendix 4 to the report. This would lead to action by it as an organisation, but it was also agreed that the Place Partnership Board would seek in the future to provide a Levelling Up basis for South Warwickshire as a place rather than just SWFHT as an organisation by itself.

The SWPPB developed a Place Plan (as was required anyway) which was attached at Appendix 5 to the report, and it was proposed that the priorities and actions of that plan were also integrated into the Warwick District Place (Levelling Up) Plan. The agreed Place Plan for South Warwickshire was an important development and linked clearly and beneficially to a Levelling Up Place Plan for Warwick District, especially the elements which sought to address health inequalities. This represented an opportunity for partnership bids for funding and for the coordination of activity across multiple local organisations. The relevance and benefit of this approach was demonstrated by the recent SWPPB decision to apply for a Health Inequalities Fund opportunity which would focus on Lillington as the one area in South Warwickshire which was a Local Super Output Area (LSOA) that was within the worst 20% of deprivation nationally. This bid would link with the Health Hub that was proposed for Lillington (funded by WDC and by SWFHT) and provisions within the submitted SPF Investment Plan for Warwick District.

Regarding recommendation 4, in following through on Recommendations 2 and 3 it would be important to involve the parish and town councils, the local business community and other local voluntary and community organisations. This activity should also help the Council to understand and develop further its own ideas and proposals for local devolution and community involvement.

Regarding recommendation 5, the County Council registered an interest with the Government in developing a Devolution Deal. As it was inevitable that this would involve Borough and District Council responsibilities it was important to be part of that process to ensure that the interests of the WDC communities and of WDC itself were addressed. It was proposed therefore that this activity be delegated to the Chief Executive in consultation with the Group Leaders and Cabinet and that progress was regularly reported to members via Leadership Coordinating Group, Cabinet, and the Overview and Scrutiny Committee.

Sat alongside this was work that was being conducted by the WMCA given it was one of the named trailblazer areas for a Devolution Deal.

Warwickshire was part of that as non-constituent authorities so might also be able to benefit from whatever was negotiated. Although this Council was still only an Observer Council on the WMCA, it might nevertheless still be able to benefit and so should make appropriate contributions to the development of that Devolution Deal.

The Governance arrangements covering any Warwickshire Devolution Deal had not yet been discussed since the formal process had not yet commenced but this would be an area for further reports and for Member debate once the options and proposals started to emerge.

Regarding recommendation 6, as part of the Levelling Up agenda nationally the Government opened an opportunity to channel funding for capital schemes to address local Levelling Up issues. The Cabinet agreed in May 2022 to submit a bid for round two focussed on Leamington Old Town and in particular the Bath Street/High Street area. That bid for circa £10m was submitted and would be circulated as an Appendix 6 to the report. This proposal not only aligned with the policy and proposals of the Local Plan for Warwick District for improving the town centre also but sought to address air pollution in an Air Quality Management Area (AQMA) and so would assist in addressing the SWPPB priority relating to respiratory illness. The proposals also were key to realising the Council's ambitions for the Creative Quarter of Leamington.

The Government also released details recently of the UK Shared Prosperity Fund and in effect allocated almost £3.5m over 3 years (including 2022/23) to WDC. The Investment Plan required to be submitted to draw down the funding had to be submitted by 1 August. The Investment Plan strongly reflected the Levelling Up agenda generally and the Warwickshire Framework specifically and integrated features from the South Warwickshire Place Plan so might be a basis for the local Place Plan as proposed at Recommendation 2. A report would come to Members at the September Cabinet meeting on the Investment Plan in more detail.

Both funding streams were relevant to the implementation of the Levelling Up agenda nationally and locally.

In terms of alternative options, the Cabinet could decide not to agree to the proposed Approach to Levelling Up or any of the recommendations that then ensue, but that would in all probability isolate this Council from others in the county area. Such isolation would harmfully affect funding opportunities, relations with other local bodies and with the Government.

The Cabinet could otherwise vary the recommendations to reflect local concerns and priorities.

The Overview & Scrutiny Committee welcomed the engagement with Parish and Town Councils and requested regular updates and engagement with District Councillors at appropriate times.

In reference to Recommendation 6 in the report, Members requested that the Bid submissions were made available to Councillors.

The Committee recommended that Cabinet formally notes, and makes appropriate representations about, the lack of reference to Sustainable Futures in the WCC Levelling Up objectives, despite it representing one of the high-level elements and having strong support from residents; and the lack of metrics (e.g. energy efficiency of housing stock) in the Evidence Base for gauging the potential for different districts and boroughs to achieve a sustainable future.

The Committee asked that Cabinet made these representations to the County Council.

The Group Observers stressed the importance of engaging with Parish and Town Councils and welcomed the plans to improve the Bath Street area. However, it was noted that the bidding system was more complicated than necessary.

Councillor Day commended officers for the speed in which they submitted a Levelling Up bid for over £13m in co-operation with the County Council and Town Council. It was a very strong bid, but there would be other opportunities in the future if this bid were not successful.

The Chief Executive explained that this report was part of an evolving process that was dependent on the changes at national level. He stressed the importance of remaining "alert and flexible" in reacting to any possible changes in the national framework, which could alter when/if the minister changes at a national level in September 2022. Regarding the recommendation from the Overview & Scrutiny Committee, the Chief Executive was happy to write to the County Council about the lack of focus on sustainability. However, he explained that it would be better for us to concentrate on integrating sustainability in the local Warwick District Place Plan.

Councillor Day noted that he and other Group Leaders had been supporting an emergency motion to try and work with health partners to unlock community infrastructure levy funding. He then proposed the

report as laid out, subject to the additional recommendation from the Overview & Scrutiny Committee.

Resolved that

- (1) the background evidence at Appendix 3 to the report, be noted, and the support for the County Council covering report (Appendix 1 to the report) and the Levelling Up Approach attached to the report as Appendix 2, be agreed;
- (2) within the context of the Levelling Up approach, the development of a Warwick District Place Plan which can reflect the current Council Plan and subsequently be incorporated into a new Council Plan following the elections in May 2023, be agreed;
- (3) the existing work done by SWHFT on documenting its Levelling Up approach as set out in Appendix 4 to the report, be noted, and within the context of the Levelling Up approach, the integration of the priorities and actions of the South Warwickshire Place Plan (this being part of the ICS place system) as set out at Appendix 5 to the report, be agreed;
- (4) in implementing recommendations 2 and 3 above, it agrees to involve the District's Parish and Town Councils, the local business community and other local voluntary and community organisations;
- (5) authority be delegated to the Chief Executive in consultation with the Group Leaders and Cabinet on the preparation of a Devolution Deal for Warwickshire and where appropriate input into the West Midlands Combined Authority Trailblazer Devolution Deal with regular reports to Group Leaders, Cabinet and Overview and Scrutiny Committee Members on progress;
- (6) the submitted Levelling Up Bid to Government and the submitted Investment Plan for the Shared Prosperity Fund (SPF) be noted; and
- (7) the lack of reference to Sustainable Futures in the WCC Levelling Up objectives, despite it representing one of the high-level elements and having strong support from residents; and the lack of metrics (e.g. energy efficiency of

housing stock) in the Evidence Base for gauging the potential for different districts and boroughs to achieve a sustainable future, be noted, and appropriate representations made to the County Council.

(The Portfolio Holder for this item was Councillor Day)

30. **Significant Business Risk Register**

The Cabinet considered a report from Finance which set out the latest version of the Council's Significant Business Risk Register for review by the Cabinet. This would aid effective governance within, and of the Council. It was drafted following review by the Council's Joint Management Team and by the Leader of the Council.

In terms of alternative options, Members might take a differing view on the risks identified; on the ratings attributed; or the mitigations and might feel that they wish to indicate changes to be made.

The Overview & Scrutiny Committee made the following comments:

- they welcomed a review of the inflation rate coming forward as soon as possible;
- Risk 7 – requested clarity on the reference to increased legal challenges; and
- requested more precision on events of national significance.

The Committee recommended that Cabinet considered the addition of the following two points on the Register:

1. Local Government re-organisation – should be a risk in itself; and
2. The potential for disruption from industrial action – should be a trigger to be included in a number of risks (officers to review).

The Group Observers supported the report, with the Green Group Observer noting that the honesty of officers regarding potential risks was impressive.

The Portfolio Holder for Resources stated that there had been numerous meetings with the Finance Department regarding inflation and how the Council could support residents.

The Deputy Chief Executive stated that the points raised at the Overview & Scrutiny Committee had been discussed with the Audit & Risk Manager and that draft proposals would be prepared for the Senior Leadership Team to consider at their next meeting.

Councillor Day then proposed the report as laid out, subject to the additional recommendation from the Overview & Scrutiny Committee.

Resolved that

- (1) the Significant Business Risk Register (SBRR), set out as Appendix 1 to the report and summarised as Appendix 2 to the report, be noted;
- (2) the content of section 1.3 of the report and emerging risks as identified in section 1.4, of the report, together with additional risks in the SBRR (Appendix 1 to the report) be noted; and
- (3) the following two points be added to the Significant Business Risk Register:
 - Local Government re-organisation – should be a risk in itself; and
 - The potential for disruption from industrial action – should be a trigger to be included in a number of risks (officers to review).

(The Portfolio Holder for this item was Councillor Day)

31. Public and Press

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

Minutes Numbers	Paragraph Numbers	Reason
32, 33	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Part 2

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

32. Land at Gallows Hill/Fusiliers Way, Warwick

The Cabinet considered a confidential report from the Chief Executive.

The recommendations in the report were approved.

33. **Minutes**

The confidential minutes of the meeting held on 6 July 2022 were taken as read and signed by the Chairman as a correct record.

(The meeting ended at 7.01pm)

CHAIRMAN
29 September 2022