

**To: Leader and Members of the Executive Board**

**(Councillors D Wright, Bell, Clews, Dirveiks, Gosling, Parsons, H Phillips, Reilly, Ridley, Simpson, Symonds and Whapples)**

**For the information of other Members of the Council**

**For general enquiries please contact the Democratic Services Team on 01827 719237 or via e-mail – [democraticservices@northwarks.gov.uk](mailto:democraticservices@northwarks.gov.uk)**

**For enquiries about specific reports please contact the officer named in the reports.**

**The agenda and reports are available in large print and electronic accessible formats if requested.**

## **EXECUTIVE BOARD AGENDA**

**18 SEPTEMBER 2023**

The Executive Board will meet in The Chamber, The Council House, South Street, Atherstone on Monday, 18 September 2023 at 6.30pm.

The meeting can also be viewed on the Council's YouTube channel at NorthWarks - YouTube.

### **AGENDA**

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Disclosable Pecuniary and Non-Pecuniary Interests.**

#### 4 **Public Participation**

Up to twenty minutes will be set aside for members of the public to put questions to elected Members.

Members of the public wishing to address the Board must register their intention to do so by 9:30am two working days prior to the meeting. Participants are restricted to five minutes each.

If you wish to put a question to the meeting, please register by email to [democraticservices@northwarks.gov.uk](mailto:democraticservices@northwarks.gov.uk) or telephone 01827 719221 / 01827 719237.

Once registered to speak, the person asking the question has the option to either:

- a) attend the meeting in person at the Council Chamber;
- b) attend remotely via Teams; or
- c) request that the Chair reads out their written question.

The Council Chamber has level access via a lift to assist those with limited mobility who attend in person however, it may be more convenient to attend remotely.

If attending remotely an invitation will be sent to join the Teams video conferencing for this meeting. Those registered to speak should dial the telephone number and ID number (provided on their invitation) when joining the meeting to ask their question. However, whilst waiting they will be able to hear what is being said at the meeting. They will also be able to view the meeting using the YouTube link provided (if so, they made need to mute the sound on YouTube when they speak on the phone to prevent feedback).

- 5 **Minutes of the Executive Board held on 19 July 2023** – copies herewith, to be approved as a correct record and signed by the Chairman.

### **ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)**

- 6 **Capital Programme 2022-23 Final Position** – Report of the Corporate Director – Resources

**Summary:**

The purpose of this report is to update Members on the position of the 2022/23 Capital Programme at the end of March 2023.

The Contact Officer for this report is Nigel Lane (719374).

7 **Budgetary Control Report 2023/24 Period Ended 31 August 2023 –**  
Report of the Corporate Director – Resources

**Summary:**

The report covers revenue expenditure and income for the period from 1 April 2023 to 31 August 2023. The 2023/24 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the out-turn position for services reporting to this Board.

The Contact Officer for this report is Nigel Lane (719371).

8 **Approval of RIPA Policy –** Report of the Head of Legal Services and Monitoring Officer

**Summary:**

This report proposes the adoption of a revised policy in relation to the Council's use of its powers under the Regulation of Investigatory Powers Act 2000.

The Contact Officer for this report is Clive Tobin (719251).

9 **Local Government and Social Care Ombudsman Annual Review 2022/23 –** Report of the Chief Executive

**Summary:**

This report informs the Board about the results of the Local Government and Social Care Ombudsman Annual Review 2022/23. The report highlights the number of complaints and enquiries considered by the Ombudsman relating to the Council and the outcome of their determinations. The report also provides some contextual information about the compliments and complaints received via the Council's corporate Compliments and Complaints Procedure.

The Contact Officer for this report is Steve Maxey (719438)

10 **Corporate Plan Priorities –** Report of the Chief Executive

**Summary:**

The purpose of this report is for Members to consider revisions to the draft Corporate Plan for consultation

The Contact Officer for this report is Steve Maxey (719438)

11 **Corporate Plan Performance Update** – Report of the Chief Executive

**Summary:**

This report asks the Board to note the Corporate Plan Performance Update and identify any areas where further information is required.

The Contact Officer for this report is Steve Maxey (719438)

12 **Plan Making Reforms: Consultation on Implementation** – Report of the Chief Executive

**Summary:**

This report brings information on the plan making reforms consultation by national Government and seeks Members support for the views expressed in the report and to make any additional comments for consideration by Executive Board.

The Contact Officer for this report is Dorothy Barratt (719250)

13 **Kingsbury Oil Terminal** – Report of the Chief Executive and the Solicitor to the Council

**Summary:**

This report advises Members on the background to the Council's action with regard to the Kingsbury Oil Terminal.

The Contact Officers for this report are Steve Maxey (719438) and Clive Tobin (719251).

14 **Exclusion of the Public and Press**

**To consider, in accordance with Section 100A(4) of the Local Government Act 1972, whether it is in the public interest that the public and press be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information as defined by Schedule 12A to the Act.**

15 **Staffing Matter**

**Summary:**

The Head of Development Control proposed an approach to the filling of existing vacant posts in the Development Control service.

The Contact Officer for this report is Jeff Brown (719310).

- 16 **Exempt Extract of the Minutes of the meeting of the Executive Board held on 19 July 2023** – copy herewith to be approved as a correct record and signed by the Chairman.

STEVE MAXEY  
Chief Executive

## NORTH WARWICKSHIRE BOROUGH COUNCIL

### MINUTES OF THE EXECUTIVE BOARD

19 July 2023

Present: Councillor D Wright in the Chair

Councillors Bell, Clews, Gosling, H Phillips, O Phillips, Reilly, Ridley, Turley, Simpson, Symonds and Whapples

Apologies for absence were received from Councillors Dirveiks (Substitute O Phillips) and Parsons (Substitute Turley)

Also in attendance was Councillor Stuart

#### 10 **Declarations of Personal or Prejudicial Interest**

None were declared at the meeting.

#### 11 **Minutes of the Executive Board held on 20 June 2023**

The minutes of the meeting of the Board held on 20 June 2023, copies having been circulated, were approved as a correct record and signed by the Chairman.

#### 12 **External Auditors' Report**

The Corporate Director - Resources presented the 2020/21 Draft Annual Audit Letter received from the Council's external auditors, Ernst & Young LLP.

**Recommended to Council:**

**That the report be noted.**

#### 13 **Transformation Team Updates**

The Chief Executive provided Members with an update to the work that the Transformation team is undertaking.

**Resolved:**

**a That the report is acknowledged; and**

**b That the report be noted.**

**14 Budgetary Control Report 2023/24 Period Ended 30 June 2023**

The Corporate Director - Resources updated the Board on revenue expenditure and income for the period from 1 April 2023 to 30 June 2023. The 2023/24 budget and the actual position for the period, compared with the estimate at that date together with an estimate of the out-turn position for services.

**Recommendation to Council:**

**To consider if any further information is required.**

**15 The West Midlands Combined Authority**

The Chief Executive updated Members with regard to some recent developments concerning the West Midlands Combined Authority ('WMCA').

**Resolved:**

- a That the report be noted;**
- b That the Council confirms its opposition to the timescale proposed for the decision with regard to the Warwickshire County Council joining the WMCA;**
- c That the Leader be authorised to convey the Council's very serious concerns about the prospect of joining the WMCA and in particular the shortened timescale for the proper consideration of this decision;**
- d That the Council opposes any proposal that would or could lead to the abolition of North Warwickshire Borough Council and the creation of a unitary council for Warwickshire; and**
- e That the Chief Executive be given delegated powers in consultation with the Leader of the Council and the Leader of the Opposition should any action be needed to be taken prior to the next meeting of this Board and/or Council and to take part in the exercise being undertaken by Warwickshire County Council and the WMCA.**

**16 North Warwickshire Local Plan – Process for Review**

The Chief Executive brought Members information on the process for review of a Local Plan which was considered by the Local Development Framework Sub-Committee on 4 July 2023.

**Resolved:**

- a That the Local Development Scheme be updated to reflect the continued production of the Employment and Gypsy and Traveller Development Plan Documents; and**
- b That following the publication of the AMR 2022/23 a further report be brought to Board to consider the next steps in terms of plan making.**

**17 Local Development Scheme (LDS) July 2023**

The Chief Executive brought Members a revised up to date Local Development Scheme which was considered by the Local Development Framework Sub-Committee on 4 July 2023.

**Resolved:**

**That the Local Development Scheme be approved.**

**18 Food and Health and Safety Enforcement Plan**

The Chief Executive sought Members approval for the Food and Health and Safety Enforcement Plan.

**Resolved:**

**That the Food and Health and Safety Enforcement Plan be adopted.**

**19 Electoral Review – Local Government Boundary Commission**

The Chief Executive informed Members about the Local Government Boundary Commission for England's (LGBCE) review of the Ward Boundaries in North Warwickshire, which will take place from Autumn 2023 until 2025.

**Resolved:**

- a That the contents of the report be noted; and**

**Recommendation to Council:**

- b That an Advisory Committee be appointed in order to consider the Borough Council's response to the consultations undertaken by LGBCE as part of the review, with the proposed terms of reference as set out at Appendix 1 to the report of the Chief Executive.**



20 **Minutes of the Safer Communities Sub-Committee held on 16 March 2023**

That the minutes of the Safer Communities Sub-Committee Meeting held on 16 March 2023 were received and noted.

21 **Exclusion of the Public and Press**

**Resolved:**

**That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information as defined by Schedule 12A to the Act.**

22 **Staffing Matter**

The Chief Executive updated Members regarding a staffing matter.

**Resolved:**

- a **That Members consider recruitment to the vacant post;**
- b **That the Financial Services Manager and Deputy section 151 officer be appointed as the Council's section 151 officer until the interim arrangements become effective; and**

**Recommendation to Council**

- c **That the Senior Management Recruitment Sub-Committee be re-established with six Councillors, 3 Conservatives and 3 Labour with the Chairman of the Executive Board appointed as Chairman.**

23 **Exempt Extract of the minutes of the Executive Board held on 20 June 2023**

The Exempt minutes of the Executive Board held on 20 June 2023, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

D Wright  
CHAIR

## Agenda Item No 6

### Executive Board

18 September 2023

#### Report of the Corporate Director - Resources

#### Capital Programme – 2022/23 Final Position

### 1 Summary

- 1.1 The purpose of this report is to update Members on the position of the 2022/23 Capital Programme at the end of March 2023.

#### **Recommendation to the Council:**

- a That the Board notes the level of expenditure incurred to the end of March 2023 against the 2022/23 Revised Capital Programme.**
- b That the requests to carry forward schemes identified in column 6 of Appendix A be approved and added to the 2023/24 Capital Programme.**

### 2 The Current Position

- 2.1 The Council's Revised Capital Programme for 2022/23, approved by this Board in February 2023, is set out in Appendix A. The Appendix also shows the expenditure incurred on each scheme at the end of March 2023.

- 2.2 The Appendix shows total expenditure of £13,195,260 within the financial year, with a further £652,002 committed and due to be paid in 2023/24. This gives an under-spend of £2,489,859 against the approved programme of £16,337,122.

### 3 Outcomes from Capital Expenditure

- 3.1 The £13,195,260 paid on capital schemes in 2022/23 has achieved a number of outcomes, and some of these are highlighted in the following paragraphs.

- 3.2 In terms of housing capital expenditure, the main programmes undertaken in the year related to electrical installations, external wall insulation, heating (including Air Source Heat Pumps) and roofing works. Extensive remedial works were also commenced to the Council's flats at Alexandra Court, St Leonards Court, and Drayton Court. This includes a replacement pitched roof, new windows, and wall insulation as well as internal and external improvements. Following referrals from HEART, adaptations were undertaken to properties which enabled tenants with disabilities to continue living in their current Council property.

- 3.3 Work on new build properties were completed at Long Street whilst Coleshill Road was completed in June 2023.
- 3.4 On the General Fund, works commenced on designing and implementing the new planning, environmental and financial systems, and work on infrastructure development and backing up systems continue to progress.
- 3.5 Work on the Council's car parks was undertaken in line with the introduction of Civil Parking Enforcement and charging. Works to resurface the Cattle Market car park took place at the start of April.
- 3.6 Within the Vehicle Replacement programme, a new fleet of Refuse vehicles, two trailers and a new mower was purchased.
- 3.7 Partner contributions of £1,301,996 have been paid to Sherbourne Recycling Limited for the construction of the sub-regional Materials Recycling Facility, which is scheduled to commence operation in September/October 2023.
- 3.8 Within Leisure Services, work was undertaken at Hollybank, Piccadilly, Abbey Green Park, Hurley, Wood End, and Corley play areas. Works To Grendon Sports Pavilion were also undertaken. Various types of equipment have been purchased across the three leisure centres.

#### 4 **Committed Spend in 2023/24**

- 4.1 Of the capital programme expenditure of £16,337,122, there are commitments of £652,002 which will be required in 2023/24 to fulfil contracts already let or to continue the progress of on-going schemes. These amounts are shown in column (4) of Appendix A.

#### 5 **Requests to Carry Forward Budget Provision**

- 5.1 Officers are requesting to carry forward budget provision of £2,586,802 as shown in column (6) of Appendix A. Capital schemes are often over one or more financial years due to the nature of the project and as such carry forward of the budget will be required to complete the project.
- 5.2 There is a request from the Housing Division to carry forward budget provision of £354,000. Carry forward of £205,190 is required in order to complete the new builds on Coleshill Road. The budget for Drayton Court's Remedial works to flats was put into 22/23 with the works running from December 22 through December 23 so the remaining HRA carry over of £148,810 should be allocated here.
- 5.3 The Leisure Service is requesting to carry forward the unspent budget for general leisure equipment, as well as play area works that were delayed from COVID.

5.4 Information Services are requesting to carry forward the underspends in relation to the Environmental Health, Financial Management System, Replacement Planning System, and a new website are all ongoing projects so work will continue into 2023/24 so therefore the allocated budget needs carrying forward. Delays in developing the infrastructure for hybrid working has occurred due to Covid-19. Corporate services are beginning to investigate more modern, scalable, and flexible ways of working. The replacement backup solution is planned for replacement during 23/24. This will involve a reduction in our current data storage due to the four new systems that are being implemented all being cloud solutions.

5.5 It is requested to carry forward budgetary provision for the underspend relating to both the HRA and General Fund Vehicle Replacement Programme, due to the time needed to procure vehicles.

## **6 Report Implications**

### **6.1 Finance and Value for Money Implications**

6.1.1 Payments made up to the end of March 2023 amount to £13,195,260 with further commitments of £652,002 due for payment in 2023/24. In addition, Members are also requested to carry forward schemes totalling £2,586,802 where expenditure has been delayed into 2023/24. If the carry forwards are not approved projects will not be delivered.

### **6.2 Sustainability Implications**

6.2.1 Expenditure incurred as part of the Council's Capital Programme enables the Council to continue to deliver a range of services to the people of North Warwickshire which contributes towards improving the quality of life for the communities of North Warwickshire.

### **6.3 Risk Management Implications**

6.3.1 If the financial provision requested is not carried forward, the achievement of some of the Council's objectives may be at risk.

### **6.4 Equalities Implications**

6.4.1 The Council must meet the requirements of the Equality Act 2010. The Act brings consolidates and updates previous equality legislation and includes a public sector duty (the equality duty) which extends to those with protected characteristics including race, disability, sex, age, pregnancy and maternity, sexual orientation, gender reassignment and religion or belief.

6.4.2 The capital programme includes some provision for improving accessibility, the extent of previous duties being extended by the Equality Act 2010. The 2010 Act prohibits direct and indirect discrimination, harassment and victimisation, and provides that prescribed requirements to make adjustments must be complied with.

The Contact Officer for this report is Nigel Lane (719374).

### **Background Papers**

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
Executive Board – Agenda item 8	Corporate Director of Resources	The Proposed 3 year Capital Programme 2022-23 to 2024-25	14 <sup>th</sup> February 2022

(1) Cost Centre Description	(2) Total 2022/23 Approved Budget	(3) Payments in 2022/23	(4) Commitments due for Payment in 2023/24	(5) Total Variation to Approved Budget	(6) Requests to c/fwd schemes into 2023/24
	£	£	£	£	£
<b>HRA Assets</b>					
Cap Hsg Disabled Facility Adaptation CH	391,280.00	369,550.48		-21,729.52	
Cap Hsg Windows and Doors	0.00	129,031.62		129,031.62	
Cap Hsg Kitchens and Bathrooms	426,870.00	16,696.95		-410,173.05	
Cap Hsg Insulation	685,580.00	793,334.82		107,754.82	
Cap Hsg Roofing	811,970.00	698,115.52		-113,854.48	
Cap Hsg Heating	1,035,380.00	1,329,293.66		293,913.66	
Cap Hsg Electrics	900,000.00	2,043,656.17		1,143,656.17	
Cap Remedial Work to Flats - Alexandra Court/St Leonards Court	2,209,150.00	2,243,975.36		34,825.36	
Cap Remedial Work to Flats - Drayton Court	2,000,000.00	759,124.45		-1,240,875.55	148,810.00
Cap Multi Trade Contract	600,000.00	534,975.26		-65,024.74	
Cap Replacement DLO Vehicles	0.00			0.00	
Cap Replacement Housing Inspectors Vehicles	0.00			0.00	
Cap - Congrave Way Dordon	400,000.00	400,360.00		360.00	
Cap New Build Church Walk, Mancetter	49,100.00			-49,100.00	
Cap New Build Atherstone	450,000.00	293,550.74		-156,449.26	205,190.00
Cap Hsg General Costs	293,710.00	287,180.00		-6,530.00	

<b>Total HRA</b>	<b>10,253,040.00</b>	<b>9,898,845.03</b>	<b>0.00</b>	<b>-354,194.97</b>	<b>354,000.00</b>
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Cap CCTV Scheme	0.00	17,793.89	-	17,793.89	-
Cap DHS Assistance	20,000.00	-	-	-20,000.00	-
Cap Computer Software	30,000.00	24,583.97	4,140.00	-1,276.03	1,276.03
Cap Infrastructure Development	61,300.00	5,560.53	-	-55,739.47	55,739.47
Cap Network Infrastructure	25,600.00	-	-	-25,600.00	25,600.00
Cap Financial Management System	300,000.00	118,906.50	170,549.50	-10,544.00	10,544.00
Cap Backing Up	10,000.00	-	-	-10,000.00	10,000.00
Cap Environmental Health System	115,000.00	49,506.06		-65,493.94	65,493.94

Cap Mobile Devices	10,000.00	9,153.12	-	-846.88	-
Cap Replacement Planning System	75,850.00	51,540.48	27,920.00	3,610.48	-
Cap Atherstone LUFBid	400,000.00			-400,000.00	400,000.00
Cap Polesworth Leisure Facility	0.00			0.00	-
Cap Parks and Playing Fields	332,040.00	250,101.78		-81,938.22	81,938.22
Cap Playing Pitch Strategy	21,960.47	53,172.20	5,570.00	36,781.73	-
Cap General Leisure Equipment	29,100.00	25,382.55	2,411.37	-1,306.08	1,306.08
Cap ALC Gym Equipment	85,000.00	47,905.06	12,696.05	-24,398.89	24,398.89
Cap DDA	17,310.00	9,253.24	-	-8,056.76	-
Cap Refurbishment of Council Owned Buildings	45,000.00	-	-	-45,000.00	45,000.00
Cap Old Bank House Electrical Upgrade	150,000.00	-	-	-150,000.00	150,000.00
Cap High Street, Coleshill	0.00	8,151.23	-	8,151.23	-
Cap External Works on Industrial Buildings	470,000.00	-	-	-470,000.00	470,000.00
Cap Mobile Care Admin Facility - Innage Park	30,000.00	-	-	-30,000.00	30,000.00
Cap Depot Works	30,600.00	-	-	-30,600.00	30,600.00
Cap Materials Recycling Facility	1,532,901.49	1,301,996.00	-	-230,905.49	230,905.49
Cap Car Parking Pay and Display	12,514.28	12,150.65	-	-363.63	-
Cap Structural Maintenance Car Park Programme	100,000.00	-	100,000.00	0.00	-
Cap Car Parking Coleshill	600,000.00	-	-	-600,000.00	600,000.00
Cap Resurface Car Park Maya Restaurant	30,000.00	28,286.00	-	-1,714.00	-
Cap Transport	1,549,906.00	1,282,972.00	328,715.61	61,781.61	-
<b>Total General Fund</b>	<b>6,084,082.24</b>	<b>3,296,415.26</b>	<b>652,002.53</b>	<b>-2,135,664.45</b>	<b>2,232,802.12</b>
<b>Total HRA &amp; GF</b>	<b>16,337,122.24</b>	<b>13,195,260.29</b>	<b>652,002.53</b>	<b>-2,489,859.42</b>	<b>2,586,802.12</b>

## Agenda Item No 7

### Executive Board

18 September 2023

#### Report of the Corporate Director - Resources

#### Budgetary Control Report 2023/24 Period Ended 31 August 2023

### 1 Summary

- 1.1 The report covers revenue expenditure and income for the period from 1 April 2023 to 31 August 2023. The 2023/24 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the out-turn position for services reporting to this Board.

#### **Recommendation to Council**

**To consider if any further information is required.**

### 2 Introduction

- 2.1 Under the Service Reporting Code of Practice (SeRCOP), services should be charged with the total cost of providing the service, which not only includes costs and income directly incurred, but also support costs relating to such areas as finance, office accommodation, telephone costs and IT services. The figures contained within this report are calculated on this basis.

### 3 Overall Position

- 3.1 Net expenditure for those services that report to the Executive Board as of 31 August 2023 is £217,119 compared with a profiled budgetary position of £218,024 an underspend of £905. Appendix A to this report provides details of the profiled and actual position for each service reporting to this Board, together with the variance for the period.

- 3.2 Where possible, the budget to date figure has been calculated with some allowance for seasonal variations, to enable a better comparison with actual figures.

### 4 Risks to the Budget

- 4.1 The key risks to the budgetary position of the Council from services under the control of this Board are:-



	Likelihood	Potential impact on Budget
The Local Plan requires regular analysis and updating in line with changing circumstances and changes in national guidance.	High	Medium
The Emergency Planning budget may be insufficient to cover the costs of any major local emergency.	Low	High

## 5 Estimated Out-turn

- 5.1 Members have requested that Budgetary Control Reports provide details on the likely out-turn position for each of the services reporting to this Board. The anticipated out-turn for this Board for 2023/24 is £620,090. The same as the Original Budget.
- 5.2 The figures provided above are based on information available at this time of the year and are the best available estimates for this Board and may change as the financial year progresses. Members will be updated in future reports of any changes to the forecast out turn.

## 6 Report Implications

### 6.1 Finance and Value for Money Implications

- 6.1.1 Income and Expenditure will continue to be closely managed and any issues that arise will be reported to this Board for comment at future meetings.

### 6.2 Environment and Sustainability Implications

- 6.2.1 The Council must ensure that it adopts and implements robust and comprehensive budgetary monitoring and control, to ensure not only the availability of services within the current financial year, but in future years.

### 6.3 Legal Implications

- 6.3.1 Regulations have been made under the Local Government Act 2003 which set out the proper accounting practices which the Council must follow. The relevant regulations state that the SeRCOP is a relevant code of practice and therefore the processes contained in it and referred to in this report must be followed.

The Contact Officer for this report is Nigel Lane (719371).

## Background Papers

Local Government Act 1972 Section 100D

Background Paper No	Author	Nature of Background Paper	Date



## North Warwickshire Borough Council

## Executive Board

## Budgetary Control Report 2023/24 as at 31 August 2023

Cost Centre	Description	Approved Budget 2023/24	Profiled Budget August 2023	Actual August 2023	Variance	Comments
		£	£	£	£	
2000	Housing Strategic Service Review	38,870	16,196	16,196	-	
2002	Corporate Communications	58,650	24,846	24,470	(376)	
2003	Community Strategy	121,110	49,748	49,748	-	
2007	Emergency Planning	58,370	24,731	24,731	-	
2009	N.Warks Local Development Framework	339,960	101,199	100,670	(529)	
5050	Support to Parishes	3,130	1,304	1,304	-	
	<b>Total Expenditure</b>	<b>620,090</b>	<b>218,024</b>	<b>217,119</b>	<b>(905)</b>	

**Agenda Item No 8**

**Executive Board**

**18 September 2023**

**Report of the Head of Legal Services  
and Monitoring Officer**

**Approval of RIPA Policy**

**1 Summary**

- 1.1 This report proposes the adoption of a revised policy in relation to the Council's use of its powers under the Regulation of Investigatory Powers Act 2000.

**Recommendation to Executive:**

- a That Executive approves the Council's revised policy in relation to the Regulation of investigatory Powers Act 2000 set out at Appendix A; and**
- b That Executive note that the Council has not utilised its powers under the Act during the previous 12 month period.**

**2 Consultation**

- 2.1 Councillors D. Wright and Gosling have been sent an advanced copy of this report for comment. Any comments received will be reported verbally at the meeting.

**3 Report**

**Surveillance Powers**

- 3.1 Members are probably aware that a legal framework exists in relation to certain surveillance conduct by the Council's Officers. This framework was first introduced by the Regulation of Investigatory Powers Act 2000 (the 2000 Act) to ensure that rights protected under the Human Rights Act were not subject to unnecessary or disproportionate interference. These powers have subsequently been amended by the Protection of Freedoms Act 2012 and the Investigatory Powers Act 2016.
- 3.2 This legislation establishes a process for authorisation of specified activities which are subject to internal and external controls. These processes are supplemented by Codes of Practice made under that legislation and which must be followed. The activities concerned can be briefly described as follows:

### 3.2.1 Directed Surveillance

This is covert surveillance carried out by Council Officers, i.e., surveillance which is carried out without the knowledge of the person or persons concerned. This may only be carried out for the purpose of investigating criminal offences which can be punished by 6 months or more imprisonment or certain listed offences relating to sales of tobacco and alcohol to children.

### 3.2.2 Covert Human Intelligence Sources

This is where the Council engages someone to form a relation for the purpose of obtaining information about a specified person without the specified person being aware that they are doing so, or, to require a person to use an existing relationship for that purpose.

### 3.2.3 Obtaining Communications Data

This is where the Council obtains information in relation to phone, internet or e-mail information. The Council may only obtain information related to limited information such as the subscriber for a particular phone number or e-mail address or records of numbers to which calls were made or e-mails sent. The Council can not obtain any information relating to the content of e-mails or telephone conversation or which identifies the location of a particular person when using these types of communication.

## **Procedures**

3.3 As mentioned above, the 2000 Act requires certain internal and external controls to be in place to ensure proper use of these powers. These can be summarised as:

3.3.1 A policy must be in place under which a written application, containing prescribed information, is made by the relevant Council Officer setting out why they wish to engage in the conduct concerned. This must be considered by an Authorising Officer who holds a senior position in the Council. The Authorising Officer must consider the application objectively and may only authorise the conduct if satisfied it is necessary and proportionate to do so.

3.3.2 If an Authorising Officer authorises the conduct concerned then an application must be made to a magistrates court for judicial approval. If approval is not granted the conduct may not take place.

3.3.3 Councils and others who may use the powers are periodically inspected by the Investigatory Powers Commissioner's Office (IPCO). The purpose of these inspections is to ensure that lawful and robust internal processes are in place and to make recommendations for improvement of policies.

3.3.4 The council must also appoint a Senior Responsible Officer (SRO) who must oversee the internal procedures, ensure proper records are kept and, if they become aware of a breach of the legislation, notify the IPCO. The Head of legal Services and Monitoring Officer is the Council's SRO.

## **Inspections**

3.4 The Council was subject to an inspection in 2022, following which a report was made to the Council including several recommendations. The Inspector was satisfied that the Council's policy was lawful and contained adequate controls. They did however, suggest several improvements which can be summarised as:

3.4.1 the policy was lengthy and, in places, too detailed meaning that it could be difficult to read and, for that reason it should be revised and simplified to the extent possible whilst maintaining the overall quality.

3.4.2 the revised policy should be considered and approved by Members who should have oversight of the use of the powers in the 2000 Act.

3.4.3 training should be arranged for those who undertake the activities concerned and those who authorise their use.

3.4.4 whilst not unlawful, it may be better for the SRO not to be one of the Authorising Officers to ensure that all roles are performed as independently as possible.

IPCO is not a public authority for the purposes of the Freedom of Information Act 2000 and, whilst there is nothing adverse in their inspection report, they ask that it is not published.

3.5. In response to the Inspection recommendations:

... 3.5.1 the SRO has reviewed the legislation and Codes of Practice and prepared the revised policy attached as Appendix A.

3.5.2 the SRO recommends that Board approves that policy and, as part of their oversight of the process, note that the Council has not used these powers in the preceding 12 months.

3.5.3 the SRO has contacted a respected external training organisation and a date for training will be confirmed shortly, attempts had previously been made to do so however, it was difficult to find a convenient date on which all involved could attend.

3.6.3 the revised policy removes the SRO as being an Authorising Officer unless required to act urgently in the absence of the other Authorising Officers.

## **4 Report Implications**

### **4.1 Legal and Human Rights Implications**

4.4.1 The legal implications are mainly set out in the body of this report. The revised policy contains details of the processes concerned.

## 4.2 Links to Council's Priorities

- 4.2.1 Good governance in relation to use of statutory powers supports the Council's Priority of Responsible Financial and Resource Management.

The Contact Officer for this report is Clive Tobin (719251).

Local Government Act 1972 Section 100D

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>

**NORTH WARWICKSHIRE BOROUGH COUNCIL (the Council)**

**REVISED Policy on the Regulation of Investigatory Powers Act 2000 (RIPA)**

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Version 1.1

Drafted by Head of Legal Services (Senior Responsible Officer) on 8 September 2023

Approval by Executive Board on

## 1.0 Purpose

This Policy and Appendices explain:

1.1 the scope of Part II of the Regulation of Investigatory Powers Act 2000 (RIPA)

1.2 when RIPA applies, and

1.3 the authorisations procedures which must be used.

## 2.0 Summary of Council's RIPA Powers

2.1 RIPA, which came into force in 2000 and has been amended several times since, allows Local Authorities to use three specific powers:

2.1.1 **Directed Surveillance** – covert observation of a person's activities, which may be carried out in person or using surveillance equipment. This may only be undertaken in certain circumstances and must be authorised by the Council and approved by the Court. See [A2.0] below for further details about Directed Surveillance.

2.1.2 Use of **Covert Human Intelligence Sources** (known as a **CHIS**) – this is where the Council obtains information about a person's activities through a second person who provides the information without the person concerned knowing. This must be authorised by the Council and approved by the Court. See 7.10 A1 and C2 below for further details about use of a CHIS.

2.1.3 **Acquisition of Communications Data** – this allows limited information to be obtained relating to communications between one person and another person. For example, telephone records showing a call was made to a particular number, that an e-mail has been sent, or who subscribes to a number or e-mail account. It does not allow local authorities to obtain information which is contained in the communication. Applications must be authorised by the Council and processed by the National Anti-Fraud Network (NAFN). See [B1] below for further details about Communications Data.

## 3.0 Introduction

3.1 This policy sets out North Warwickshire Borough Council's ("the Council") RIPA Procedures. This part of the Policy sets out the processes applying to all RIPA Conduct. The Guidance in the Appendices give more detail about specific types of activity. The Flowcharts in Appendix C give an overview of the steps required to authorise activities.

3.1.1 Covert surveillance may only be undertaken where the action is necessary, proportionate and justified. The Council endeavours to keep such

surveillance to a minimum and recognises the need to comply with RIPA when undertaking such conduct for the purpose of preventing or detecting crime or preventing disorder and has produced this document as guidance for officers.

- 3.1.2 The procedures and guidance in this Policy are based on RIPA as amended; the Home Office Codes of Practice on Covert Surveillance and CHIS; the Home Office guidance to Local Authorities in England and Wales on the judicial approval process for RIPA and the Threshold for Directed Surveillance; and guidance issued by the Office of Surveillance Commissioners. See:

[Covert surveillance code of practice - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[CHIS Code draft formatted \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

[Protection of Freedoms Act 2012 – changes to local authority RIPA use authorisation or notice \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

[Protection of Freedoms Act 2012 – local authority applications for approval RIPA – Magistrates Courts \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

[OSC-PROCEDURES-AND-GUIDANCE.pdf \(ipco-wpmedia-prod-s3.s3.eu-west-2.amazonaws.com\)](http://ipco-wpmedia-prod-s3.s3.eu-west-2.amazonaws.com)

and

[IPCO – Investigatory Powers Commissioner's Office](http://www.ipco.gov.uk)

- 3.2. Officers must be aware of the scope and extent of activities covered by RIPA. In many cases, investigations by Council officers are not subject to RIPA, as they involve overt rather than covert surveillance (see [7.3] below).

- 3.3. RIPA does:

- require prior authorisation and judicial approval of Directed Surveillance.
- prohibit the Council from carrying out Intrusive Surveillance (see [7.9] below).
- require prior authorisation and judicial approval of the conduct and use of a CHIS.
- require safeguards for the conduct and use of a CHIS.

- 3.4 RIPA does not:

3.4.1 prejudice any existing powers available to the Council to obtain information in ways not involving conduct requiring RIPA authorisation. For example, it does not affect the Council's powers to obtain information via the DVLA or the Land Registry as to ownership of a property.

3.4.2 Authorise use of **Directed Surveillance** unless the **Threshold** is met.

#### 4.0 Applications for Authorisations

4.1 The Council's **Authorising Officers** must consider all applications for authorisation in accordance with RIPA and may only authorise the conduct if the tests at [4.3] below are met. Where appropriate the Authorising Officer may authorise conduct which is more limited than that requested.

4.2 Appendix D of this policy lists the Authorising Officers who act as the Council's designated persons. Precedent Application Forms can be found at: [\*add link\*].

4.3 Incomplete or inadequate application forms will be returned to the Applicant Officer for amendment and the Authorising Officer may request further information at any time. In particular, the Authorising Officer shall ensure that:

4.3.1 the Applicant Officer is investigating a criminal offence and either the Threshold is met, or the offence relates to underage sale of alcohol or tobacco;

4.3.2 there is a satisfactory reason for carrying out the surveillance;

4.3.3 the covert nature of the investigation is necessary;

4.3.4 proper consideration has been given to **Collateral Intrusion**;

4.3.5 the length and extent of the proposed surveillance is proportionate to the information being sought; and/or the nature of the offence under investigation;

4.3.6 authorisations are reviewed regularly and cancelled as soon as no longer required;

4.3.7 records of all authorisations and associated documentation are sent to the Head of Legal Services (SRO) for entry on the Central Register; and,

4.3.8 alternative methods, other than Directed Surveillance or using a CHIS have been considered as a way of obtaining the necessary information together with reasons why those alternatives are inappropriate. (This ensures

RIPA is only used when it is appropriate taking account of all relevant circumstances).

- 4.4 Once authorisation has been granted by the Authorising Officer, the Head of Legal Services, or other member of Legal Services authorised in writing, will attend the Magistrates' Court (accompanied by the applicant and/or the Authorising Officer as appropriate) to obtain Judicial approval for the authorisation.
- 4.5 Before applying for authorisation Officers should consider whether the acquisition of private information is necessary and proportionate, i.e., whether potential interference with human rights is justified in the interests of the wider community, or whether the information could be obtained in other ways.

## 5.0 **Scrutiny and Tribunal**

- 5.1 The Council must obtain a Court Order approving the grant or renewal of any authorisation for use of Directed Surveillance or CHIS before it takes effect and the activity concerned takes place. If the Court does not approve the authorisation, the Council can only challenge this on a point of law by Judicial Review
  - 5.2 Oversight of RIPA activity is undertaken by the Investigatory Powers Commissioner's Office (IPCO). The Commissioner will periodically inspect and examine the Council's policies, records, operations, and procedures for this purpose.
  - 5.3 A Tribunal has been established to hear complaints from persons aggrieved by conduct regulated by RIPA. Complaints are heard on a 'judicial review' basis examining the lawfulness of the Council's action. Claims must be commenced within one year after the conduct concerned took place unless the Tribunal considers it just and equitable to extend this period.
  - 5.4 The Tribunal can:
    - 5.4.1 Quash or cancel an authorisation;
    - 5.4.2 Order destruction of records or information obtained by using an authorisation;
    - 5.4.3 Order destruction of records or information held by an authority in relation to any person.
- It can also make other decisions based upon each individual case.
- 5.5 The Council must disclose all documents the tribunal require if any Council Officer has:

5.5.1 Granted any authorisation under RIPA;

5.5.2 Engaged in any conduct under such an authorisation.

5.5.3 Engaged in any activity that should have been authorised but was not.

## 6.0 Benefits of RIPA Authorisations

6.1 RIPA states that if relevant conduct is authorised and the conduct undertaken is in accordance with the authorisation (including judicial approval), then it is lawful for *all* purposes. Consequently, RIPA provides a defence to an accusation of an infringement of a human right.

6.2 Material obtained through properly authorised covert surveillance is admissible evidence in criminal proceedings. If material is obtained by conduct which should have been authorised but wasn't, the Court may exclude that evidence at trial.

## 7.0 Definitions

7.1 Many terms used in this policy have specific meanings given by RIPA, other legislation, or Codes of Practice. The following are particularly important.

7.2 '**Surveillance**' includes:

monitoring, observing, listening to people, watching or following their movements, listening to their conversations and other such activities or communications,

7.2.1 recording anything in the course of surveillance mentioned above,

7.2.2 surveillance by, or with the assistance of, appropriate surveillance device(s).

Surveillance can be overt or covert.

7.3. **Overt surveillance** will include most surveillance carried out by Council Officers - which will not be secretive, clandestine, or hidden, e.g., use of signposted CCTV cameras normally amounts to overt surveillance (but see 7.3.3 below). In many cases, Officers will behave in the same way as normal members of the public, going about Council business openly.

7.3.1 Surveillance is usually overt if the subject has been told it could happen. For example, when a noisemaker is warned that noise will be recorded if it continues; or when an entertainment licence has been issued subject to conditions, and the licensee is told that officers may visit without notice or without identifying themselves to the licence holder to check those conditions are being met. Warnings should be given to the person concerned in writing

within a reasonable time of the surveillance taking place, identifying the type of surveillance which may be undertaken which must not breach RIPA in any way.

7.3.2 Overt surveillance does not require RIPA authorisation. Neither does low-level surveillance consisting of general observations during law enforcement (e.g., a Planning Officer driving past a site to check whether planning conditions are being complied with). Repeated visits may however, amount to *systematic* surveillance and require authorisation: if in doubt, legal advice should be sought. Home Office guidance also suggests using equipment such as binoculars or cameras, to reinforce normal sensory perception by Officers as part of general **overt** observation is not regulated by RIPA, provided *systematic* surveillance is not involved.

7.3.3 Signposted and/or clearly visible CCTV cameras (e.g., in town centres) do not require authorisation for their everyday reactive use, however, authorisation is likely to be required if the camera is tasked for a specific investigation which involves pre-planned surveillance of a particular person or place, or if cameras are deployed to a location for the purpose of observing a specific offence or activity.

7.4 **Covert surveillance** (s.26(9)(a)) is surveillance carried out in a manner calculated to ensure that the person(s) subject to surveillance is *unaware* that it is or may be taking place. RIPA requires two types of covert surveillance to be authorised:

**Directed Surveillance** and **Intrusive Surveillance** (however, local authorities may not undertake Intrusive Surveillance)

plus the use of **CHIS**.

7.5 **Directed Surveillance** is surveillance which is covert and meets the following criteria:

7.5.1 *not* **Intrusive Surveillance** (see definition below);

7.5.2 *not* carried out as an *immediate response to events* where it would not be practicable to obtain RIPA authorisation;

7.5.3 undertaken for the purpose of a specific investigation or operation in a manner *likely to obtain* **Private Information** about an individual (regardless of whether that person's identity is known and/or they are the specific target for the investigation concerned).

7.6 Examples of **Directed Surveillance** include:

7.6.1 Officers following an individual over a period of time to establish whether they are working whilst claiming benefit.

7.6.2 Test purchases where a hidden camera or other recording device is used.

7.6 **Private Information** relating to a person includes *any* information relating to their private and family life, home, and correspondence. The fact that covert surveillance occurs in a public place or on business premises does not mean it cannot result in obtaining private information about a person.

7.6.1 The way a person runs their business may also reveal information about their private life and the private lives of others. Prolonged surveillance targeted on a single person will undoubtedly result in obtaining private information about them *and others* (**Collateral Intrusion**) that they come into contact or associate with.

7.7 **Collateral Intrusion** is the risk of obtaining Private Information about persons who are not the subject of the investigation. Even when surveillance is justified in relation to a person suspected of an offence, if that is likely to result in obtaining a significant amount of information about people who are not suspects, the activity may not be proportionate.

7.8 **Immediate Response.** Surveillance that is unforeseen and undertaken as an immediate response to a situation normally falls outside the definition of Directed Surveillance meaning authorisation is not required. However, if a specific investigation or operation follows on from that immediate response, authorisation must be obtained in the usual way before it can continue. Covert surveillance operations can not be given backdated authorisation after it begins.

7.9 **Intrusive Surveillance** occurs when surveillance:

- is covert;
- relates to **Residential Premises** and *private* vehicles; and
- involves the presence of a person in the premises or vehicle or is carried out by a surveillance device in the premises or vehicle. Surveillance equipment mounted outside premises will not be intrusive unless the device *consistently* provides information of the same quality and detail as might be expected if they were in the premises or vehicle.

7.9.1 Only police and specified agencies can carry out **Intrusive Surveillance** Council officers must not carry out intrusive surveillance.



7.9.2 **Residential Premises** do not include common areas to which a person has access in connection with their use of occupation, e.g., hotel reception area or communal stairways in a block of flats.

7.9.3 Directed Surveillance carried out at locations used for legal consultation is classed as **Intrusive Surveillance**. These are:

- a place where people serving sentences of imprisonment or detention, remanded in custody or committed in custody for trial or sentence, are detained;
- police stations;
- hospitals providing psychiatric services;
- the place of business of professional legal advisers;
- a place used for sittings and business of any Court, Tribunal, Inquest or Inquiry;
- a place where persons may be detained under certain circumstances provided by the Immigration Act 1971 or UK Border Act 2007.

7.10 **'Covert Human Intelligence Source' (CHIS)** is a person who:

7.10.1 establishes or maintains a personal or other relationship with a person for the covert purpose of either:

7.10.2 obtaining information or providing access to information to another person or,

7.10.3 covertly disclosing information obtained through use of such a relationship or as a consequence of the relationship.

7.11 **'Authorising Officer'** for Local Authorities these must be either:

7.11.1 Director (and more senior officers),

7.11.2 Heads of Service, or

7.11.3 Service Managers or equivalent, who are:

responsible for the management of an investigation (see SI 2010/521). The Council's Authorising Officers are set out in Appendix D to this Policy.

7.12 An **'Applicant Officer'** is a Council officer who applies for RIPA authorisation.

7.13 **'Threshold'** applies to an authorisation for Directed Surveillance to prevent and/or detect conduct which is a criminal offence. Offences must be

punishable, on conviction by a maximum term of at least 6 months imprisonment, or be an offence under:

7.13.1 s.146 of the Licensing Act 2003 (sale of alcohol to children);

7.13.2 s.147 of the Licensing Act 2003 (allowing the sale of alcohol to children);

7.13.3 s.147A of the Licensing Act 2003 (persistently selling alcohol to children);

7.13.4 s.7 of the Children and Young Persons Act 1933 and s.91 & s. 92 of the Children and Families Act 2014 (sale of tobacco, nicotine inhaling products etc., to persons under eighteen).

## 8. **When does RIPA apply?**

8.1 Where it is intended to use either:

8.1.1 Directed Surveillance of a person or group of people in relation to conduct which is an offence, it is both necessary and proportionate, and the Threshold is met; or

8.1.2 Use of a CHIS is necessary for the purpose of preventing or detecting crime or of preventing disorder;

and it is likely to obtain private information regarding a person.

8.2 RIPA powers must be used in relation to performance of a 'core function' of the Council, e.g., investigation of offences, and not 'general functions' such as employment issues or contractual arrangements. It will include criminal misconduct investigations arising from employment.

## 9.0 **Training**

9.1 Each section manager must ensure that members of staff involved with any aspect of covert surveillance are aware of RIPA's requirements.

9.2 The Council's Head of Legal Services shall offer refresher training annually to all Council services and give advice and training where appropriate. Applicant Officers must have received training or refresher guidance on RIPA within 2 years of the date of a request for RIPA authorisation.

## 10. **Central Register and Records**

10.1 A Central Register of Authorisations including applications for judicial approval, and Orders shall be retained within Legal Services for five years. The content of the application forms and authorisations will be monitored to ensure that they comply with the Act. The Head of Legal Services will report any breaches of this Policy or RIPA to the Council's Management Team and, where appropriate, IPCO.

## 11. **Internal Overview and Scrutiny**

11.1 The Head of Legal Services is the Senior Responsible Officer who will:

- ensure compliance with this Policy, legislation and guidance;
- engage with Commissioners and inspectors when the Council's inspection is due;
- oversee any post-inspection action plans recommended or approved by a Commissioner.
- oversee the reporting of errors to the IPCO and identification of both the cause(s) of errors and the implementation of processes to minimise repetition of errors;

11.2 This policy shall be reviewed, and where necessary amended, at least every two years. If requiring amendment, the revised policy shall be presented to and considered by the Council's Executive Board

**DIRECTED SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCE****A1.0 Covert Human Intelligence Source (CHIS)**

A1.1 This is the use of, e.g., undercover officers or members of the public to establish or maintain a relationship with a person to obtain information and/or evidence that you might not otherwise acquire.

A1.2 Section 26(8) of RIPA defines this as anyone who:

a) establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within paragraphs b) or c);

b) covertly uses such a relationship to obtain information or provide access to any information to another person; or

c) covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.

A1.3 The conduct of a CHIS includes the activities within paragraphs a) to c) above or anything *incidental* to it. References to using a CHIS include *inducing, asking* or *assisting* a person to engage in such conduct. Officers be careful not to inadvertently require a person to act as a CHIS or imply that they should do without an Authorisation.

A1.4 Section 26(9) of RIPA says:

b) a purpose is covert, in relation to establishing or maintaining a personal or other relationship *if, and only if*, the relationship is conducted in a manner that is calculated to ensure that *one of the parties* to the relationship is *unaware* of that purpose; and

c) a relationship is used covertly, and information obtained as mentioned in SS (8)(c) above and is disclosed covertly *if, and only if*, it is used or as the case may be disclosed in a manner that is calculated to ensure that one of the parties to the relationship is *unaware* of the use or disclosure in question.

A1.5 The Council will only use a CHIS in exceptional circumstances, and advice should be sought from the Head of Legal Services before seeking authorisation.

A1.6 If the Head of Legal Services deems that the use of a CHIS is appropriate the application must be authorised, and judicial approval obtained before the CHIS is tasked to form a relationship or obtain information.

A1.7 The RIPA provisions relating to a CHIS do not apply where:

- a) members of the public volunteer information to the Council as part of their normal civic duties or everyday life;
- b) a person uses the public contact telephone numbers set up by the Council to specifically receive information;
- c) test purchases are carried out in the normal course of business and the *establishment* of a relationship is not required however, it will depend on the circumstances of any transaction;
- d) members of the public are asked to keep diaries of incidents in relation to planning enforcement or anti-social behaviour as none of these situations normally require a relationship to be established for the covert purpose of obtaining information.

A1.8 If a CHIS is used, both the *use* of the CHIS and their specific *conduct* must first be authorised and have judicial approval:

- a) Conduct – establishing or maintaining a personal or other relationship with a person for the covert purpose of (or incidental to the covert purpose of) obtaining and passing on information
- b) Use – inducing, asking or assisting a person to engage in the conduct of a source or to obtain information by means of the conduct of such a source.

A1.9 One person within the Council will be responsible for being the ‘Handler’ and another person will be the ‘Controller’ as required by section 7 of the Revised CHIS Code of Practice:

The ‘Handler’ is the person who will have day to day responsibility for dealing with the CHIS on the Council’s behalf; directing their activities; recording the information they supply; and monitoring their security and welfare.

The ‘Controller’ is the person who will normally be responsible for the management and supervision of the “Handler” and general oversight of the use of the CHIS.

A1.10 The Regulation of Investigatory Powers (Juveniles) Order 2000 contains special safeguards when using **Juveniles** who are under 18 years of age as a CHIS.

A1.11 Only the Chief Executive may authorise the use of a **Juvenile** or a **Vulnerable Adult** as a CHIS. A CHIS under 16 years of age may not be authorised to give information against their parents or any person who has

parental responsibility for them. The duration of an authorisation for the use of a juvenile as a CHIS is four months.

A1.12 A Vulnerable Adult is a person aged 18 or over who by reason of mental disorder or vulnerability, other disability, age or illness is unable to take care of themselves or protect themselves from significant harm or exploitation. A Vulnerable Adult should only be authorised for use as a CHIS in the most exceptional circumstances. The Revised CHIS Code says the Council must inform IPCO within 7 working days if a Vulnerable Adult or Juvenile is authorised as a CHIS (para. 4.1).

A1.13 There is a risk that an individual who provides information to the Council voluntarily may be a CHIS even if not tasked to do so covertly. Whether a CHIS is exploiting a relationship to gain information (which must then be authorised by RIPA) is not dependent on whether the Council asks them to do so. Where an individual repeatedly gives information about a suspect or family and it appears that they may be obtaining that information in the course of a neighbourhood or family relationship it may mean that the individual is acting as a CHIS. Legal advice should always be sought in such instances before acting on the information from any such individual.

## **A2.0 Directed Surveillance**

A2.1 Application forms can be found at the link in 2.1 of the main Policy and on the RIPA Page of the Council's intranet. They must be fully completed by the Applicant Officer with the required details and sufficient information to enable the Authorising Officer to make an informed decision that they satisfied and believes that RIPA is necessary and proportionate. The application form must also provide all the information required for approval by the Judiciary. No authorisation shall be granted unless the Authorising Officer is satisfied that the RIPA authorisation is:

- Necessary for either the purpose of preventing or detecting crime or the prevention of disorder that involves a criminal offence or offences that are either punishable, whether on summary conviction or indictment, by a maximum term of at least six months imprisonment or are related to the underage sale of alcohol and tobacco (see paragraph 7.2 above);
- Proportionate this means that:
  - the method of surveillance proposed is not excessive to the seriousness of the matter under investigation;

- it must be the method that is least invasive of the individual or individuals being observed;
- the privacy of innocent members of the public must be respected and collateral intrusion minimised where possible (see 2.2 below); and
- that no other form of investigation would be appropriate.

The authorisation completed by the Authorising Officer should indicate that full consideration has been given to the above points and a record should be made on the appropriate forms.

Both the applicant and Authorising Officer should refer themselves to their training notes regarding the completion of the RIPA forms, with particular attention to necessity and proportionality.

- A2.2 The Authorising Officer must also take into account the risk of ‘collateral intrusion’ i.e. intrusion on, or interference with, the privacy of persons other than the subject of the investigation, particularly where there are special sensitivities e.g. premises used by lawyers, doctors or priests for any form of medical or professional counselling or therapy. The application form must include a detailed assessment of any risk of collateral intrusion for this purpose.
- A2.3 Steps must be taken to avoid unnecessary collateral intrusion and minimise any necessary intrusion. The Applicant Officer must inform the Authorising Officer of any unexpected interference with the privacy of individuals who are not covered by the authorisation, as soon as these become apparent.
- A2.4 A single authorisation may refer to several individuals but relate to a single investigation and are “same fact”. However, necessity, proportionality and collateral intrusion should be considered individually. If particular subjects are subsequently ruled out of the investigation, those individuals could be removed at the next review. Such circumstances could prompt an early review.
- A2.5 Special consideration should be given in respect of confidential information. Particular attention is drawn to areas where the subject of surveillance may reasonably expect a high degree of privacy e.g. where confidential information is involved. Confidential information consists of matters subject to legal privilege, confidential personal information or confidential journalistic material.

#### A2.5.1 Legal Privilege

This applies to Legal Consultation and includes communications or consultation between an individual and his/her legal adviser or a person representing their Client in connection with the giving of legal advice in connection with or in contemplation of legal proceedings. This also includes consultations with medical practitioners. Such information is unlikely ever to be admissible as evidence in criminal proceedings. If in doubt, the advice of the Head of Legal Services should be sought in respect of any issues in this area.

#### A2.5.2 Confidential Personal Information

This is oral or written information held in (express or implied) confidence, relating to the physical or mental health or spiritual counselling concerning an individual (alive or dead) who can be identified from it. Specific examples provided in the codes of practice are consultations between a health professional and a patient, discussions between a minister of religion and an individual relating to the latter's spiritual welfare or matters of medical or journalistic confidentiality.

#### A2.5.3 Confidential Journalistic Material

This is material acquired or created for the purposes of journalism and held subject to an undertaking to hold it in confidence. It should be noted that matters considered under RIPA may not necessarily be properly regarded as confidential under Section 41 Freedom of Information Act.

Authorisation for any conduct that might result in the obtaining of Confidential Information can only be granted by the Chief Executive – or in his/her absence either the Corporate Director – Finance or Corporate Director – Streetscape acting as Deputy Chief Executive at the time.

#### A3.0 Judicial Approval of Authorisations

A3.1 Once the Authorising Officer has authorised the Directed Surveillance or CHIS the Head of Legal Services (who completed the application form) should contact the Magistrates' Court to arrange a hearing for the authorisation to be approved by a Justice of the Peace (JP). The Head of Legal Services should be the RIPA applicant.

A3.2 The Head of Legal Services will provide the JP with a copy of the original authorisation and the supporting documents setting out the case. This forms the basis of the application to the JP and should contain all the information that is relied upon.

A3.3 In addition the Head of Legal Services will provide the JP with a partially completed judicial application/order form.



A3.4 The hearing will be in the Magistrate's Court and the Head of Legal Services will present the evidence as required by the JP. Any such evidence should be limited to the information in the authorisation.

A3.5 The JP will consider whether he/she is satisfied that at the time the authorisation was given there were reasonable grounds for believing that the authorisation or notice was necessary and proportionate and whether that continues to be so. He/she will also consider whether the authorisation was given by the appropriately designated person at the correct level within the Council and whether (in the case of Directed Surveillance) the crime Threshold has been met.

A3.6 The Justice of the Peace can:

a) Approve the grant of the authorisation which means that the authorisation will then take effect;

or

b) Refuse to approve the grant of the authorisation which means the authorisation will not take effect but the Council may look at the reasons for the refusal, make amendments and re-apply for judicial approval; or

c) Refuse to approve the grant of the authorisation and quash the original authorisation. The Court cannot exercise its power to quash the authorisation unless the applicant has at least two business days from the date of the refusal in which to make representations.

A4.0 Error Reporting and Notifications to Inspector/Commissioner

A4.1 The following situations must be brought to the Inspector/Commissioner's attention at the next inspection:

- Where an officer has had to authorise surveillance in respect of an investigation in which he/she is directly involved;
- Where a lawyer is the subject of an investigation or operation;
- Where confidential personal information or confidential journalistic information has been acquired and retained.

Proper application of the surveillance provisions provided for in Part II of the 2000 Act should reduce the scope for making errors.

An error must be reported if it is a "relevant error". Under section 231(9) of the 2016 Investigatory Powers Act, a relevant error for the purpose of activity covered by this code is any error in complying with any requirements that are

imposed on it by any enactment which are subject to review by a Judicial Commissioner. This would include compliance by public authorities with Part II of RIPA

Examples of relevant errors occurring would include circumstances where:

- Surveillance has taken place without lawful authorisation.
- There has been a failure to adhere to the safeguards set out in the relevant statutory provisions and Chapter 9 of the Codes of Practice.

All relevant errors made by public authorities must be reported to the Investigatory Powers Commissioner.

The Investigatory Powers Commissioner should be informed as soon as reasonably practicable, and no later than ten working days after it has been established by appropriate internal governance processes that a relevant error has occurred.

Where the full facts of the error cannot be ascertained within that time, an initial notification must be sent with an estimated timescale for the error being reported in full and an explanation of the steps being undertaken to establish the full facts of the error.

A full report must be sent to the Investigatory Powers Commissioner as soon as reasonably practicable in relation to any relevant error, including details of the error and, where it has not been possible to provide the full report within ten working days of establishing the fact of the error, the reasons this is the case.

The report should include information on the cause of the error; the amount of surveillance or property interference conducted and material obtained or disclosed; any unintended collateral intrusion; any analysis or action taken; whether any material has been retained or destroyed; and a summary of the steps taken to prevent recurrence.

In addition to the above, errors may arise where an authorisation has been obtained as a result of having been provided with information which later proved to be incorrect due to an error on the part of the person providing the information, but on which the public authority relied in good faith. Whilst these actions do not constitute a relevant error on the part of the authority which acted on the information, such occurrences should be brought to the attention of the Investigatory Powers Commissioner.

Serious Errors

Section 231 of the 2016 Investigatory Powers Act states that the Investigatory Powers Commissioner must inform a person of any relevant error relating to that person if the Commissioner considers that the error is a serious error and that it is in the public interest for the person concerned to be informed of the error. The Commissioner may not decide that an error is a serious error unless he or she considers that the error has caused significant prejudice or harm to the person concerned. The fact that there has been a breach of a person's Convention rights (within the meaning of the Human Rights Act 1998) is not sufficient by itself for an error to be a serious error.

In deciding whether it is in the public interest for the person concerned to be informed of the error, the Commissioner must in particular consider:

- The seriousness of the error and its effect on the person concerned;

#### A5.0 Applications for CHIS

A5.1 The process is the same as for Directed Surveillance except that the authorisation must specify the activities (but not the identity) of the CHIS and that the authorised conduct is carried out for the purposes of, or in connection with, the investigation or operation so specified. All application forms must be fully completed with the required details to enable the Authorising Officer to make an informed decision and to be approved by the Judiciary.

#### A6.0 Duration and Cancellation

A6.1 Every authorisation and every renewal (except in the cases where the use of juvenile CHIS is being authorised) must be for the designated statutory period. If the operation is to only last for a short time, this is information which should be considered in the review and/or cancellation.

A6.2 An authorisation for Directed Surveillance shall cease to have effect (if not renewed) 3 months less one day from the date of judicial approval but still requires to be cancelled using the appropriate form even if the surveillance is required for less than 3 months.

A6.3 An authorisation should be cancelled by the Authorising Officer as soon as it is no longer necessary.

#### NOTE:

The Applicant authorised to carry out surveillance, in accordance with s.45 of the Act, must cease the activity as soon as it is no longer required and inform the

Authorising Officer who will cancel the authorisation and complete the relevant documentation. Authorisations should continue for the minimum period reasonable for the purpose they are given and then cancelled promptly.

#### A7.0 Reviews

A7.1 The Authorising Officer should review all authorisations for CHIS and Directed Surveillance regularly, including with updated risk assessments, as well as prior to the expiry date. This should be as often as necessary and practicable. Particular attention should be paid to the possibility of obtaining confidential information. The Applicant can do the necessary research and prepare the papers for the review but the actual review is the responsibility of the original Authorising Officer and should be conducted by him. Necessity and proportionality should be reconsidered if the surveillance is to continue.

A7.2 The Authorising Officer should be made aware of any proposed or unforeseen changes to the nature or extent of the surveillance operation which may result in further or greater intrusion into the private life of any person by means of a review. The Authorising Officer should consider whether the proposed changes are proportionate before approving or rejecting them.

A7.3 Where authorisation is given for surveillance of unidentified individuals whose identity is later established, the review should include reference to their identity. A fresh authorisation won't be necessary if the authorised activity remains the same.

A7.4 Evidence of the review should be recorded using the Home Office review form.

#### A8.0 Renewals

A8.1 Any Authorising Officer may renew an existing authorisation on the same terms as the original at any time before the original ceases to have effect. This renewal must then be approved by a Justice of the Peace in the same way the original authorisation was approved. The process set out in 3 above should be followed.

A8.2 A CHIS authorisation must be thoroughly reviewed on a regular basis, including updating the risk assessment, and before any application for renewal is sought. Once the Authorising Officer has approved an application to renew, that application must then be approved by a Justice of the Peace in the same way that the original authorisation was approved. The process set out in 3 above should be followed.

#### A9.0 Central Register of Authorisations

A9.1 The Council must maintain the following documents:

- Copy of the application and a copy of the authorisation together with any supplementary documentation and notification of the approval given by the authorised officer;
- Copy of the order made by the judiciary;
- A record of the period over which the surveillance has taken place;
- The frequency of reviews prescribed by the Authorising Officer;
- A record of the result of each review of the authorisation;
- A copy of any renewal of an authorisation and order made by the judiciary and supporting documentation submitted when the renewal was requested;
- The date and time when any instruction was given by the Authorising Officer.

A9.2 To comply with 10.1 above, Legal Services will hold the central register of all authorisations issued by Authorising Officers of the Council. The original copy of every authorisation, judicial order, review, renewal and cancellation issued should be lodged immediately with Legal Services in an envelope marked 'Private and Confidential'.

A9.3 The Council must also maintain a centrally retrievable record of the following information:

- Type of authorisation
- Date the authorisation was given
- Date the Order was made by the Justice of the Peace
- Name and rank/grade of the Authorising Officer
- Unique reference number of the investigation/operation
- Title (including brief description and names of the subjects) of the investigation/operation;
- Details of renewal
- Whether the investigation/operation is likely to result in obtaining confidential information

- Date of cancellation

These records will be retained for at least 5 years and will be available for inspection by the Office of Surveillance Commissioners.

#### A10.0 Retention of Records

A10.1 All documents must be treated as strictly confidential and the Authorising Officer must make appropriate arrangements for their retention, security and destruction, in accordance with the Council's (UK General Data Protection Regulation UK GDPR) Data Protection Policy and the RIPA codes of practice. The retention period for the purposes of this guidance is three years from the ending of the period authorised. The Authorising Officer is also responsible for any product obtained from the covert activities and should provide suitable direction on its retention, dissemination, security and destruction at the time of the cancellation. This process has due regard for the Safeguards set out in Section 9 of the statutory Codes of Practice

A10.2 The Council's Records Retention and Disposal Policy should be referred to which sets out how different types of records are created as part of any investigation, their storage, retrieval, maintenance, protection and final disposal. The Council also has a separate Code of Practice which covers these issues specifically for CCTV recording.

#### A11.0 Complaints Procedure

A11.1 The Council will maintain the standards set out in this guidance and the relevant Codes of Practice. The Chief Surveillance Commissioner has responsibility for monitoring and reviewing the way the Council exercises the powers and duties conferred by RIPA.

A11.2 Contravention of the UK GDPR and/or the Data Protection Act 2018 may be reported to the Information Commissioner. Before making such a reference, a complaint concerning a breach of this guidance should be made using the Council's own internal complaints procedure. To request a complaints form, please contact the Policy Manager, North Warwickshire Borough Council, Council Offices, South Street, Atherstone, Warwickshire CV9 1DE or telephone 01827 715341 or see:

[How the Council's complaints procedure works | Compliments and or complaints | North Warwickshire \(northwarks.gov.uk\)](#)

## ACQUISITION AND DISCLOSURE OF COMMUNICATIONS DATA

### B1 Acquisition and Disclosure of Communications Data

B1.1 The acquisition of communications data by the authority became subject to new legislation and a very different regime from April 2019. The relevant legislation is now Parts 3 & 4 of the Investigatory Powers Act 2016 and the relevant code of practice - The Communications Data Codes of Practice published November 2018 can be found at the link below.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/757850/Communications Data Code of Practice.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/757850/Communications_Data_Code_of_Practice.pdf)

B1.2 The authority must make every application to acquire communications data in accordance with Parts 3 & 4 of the Act and in accordance with the November 2018 Code of Practice

B2.0 In accordance with the Act the authority must use the National Anti-Fraud Network (NAFN) as the SPoC – Single Point of Contact. It can no longer make use of its own SPoC.

B2.1 The application and authorisation process consists of an online facility to submit the application directly to the SPoC at NAFN. All sections of the online application will be completed by an applicant from the authority. This application will be 'verified' by a Designated Officer or the Senior Responsible Officer.

B2.2 The type of data to be acquired and the process will be determined by the SPoC at NAFN based upon advice and guidance within the codes of practice which is clearly detailed under the section – Role of the SPoC. This process should provide confidence and assurance that all applications are properly and lawfully made and the consideration of necessity and proportionality are properly addressed within the online form

B2.3 There is no requirement for the authority to obtain judicial approval from a magistrate. Instead the authorisation and judicial approval where appropriate will be considered and granted if appropriate by OCDA – the Office for Communications Data Authorisations – a body that sits within IPCO – the Investigatory Powers Commissioners Office

B3.1 If the activity is authorised the SPoC at NAFN will then set about the acquisition of the data by way of notice or authorisation based upon the most appropriate method established by the NAFN SPoC

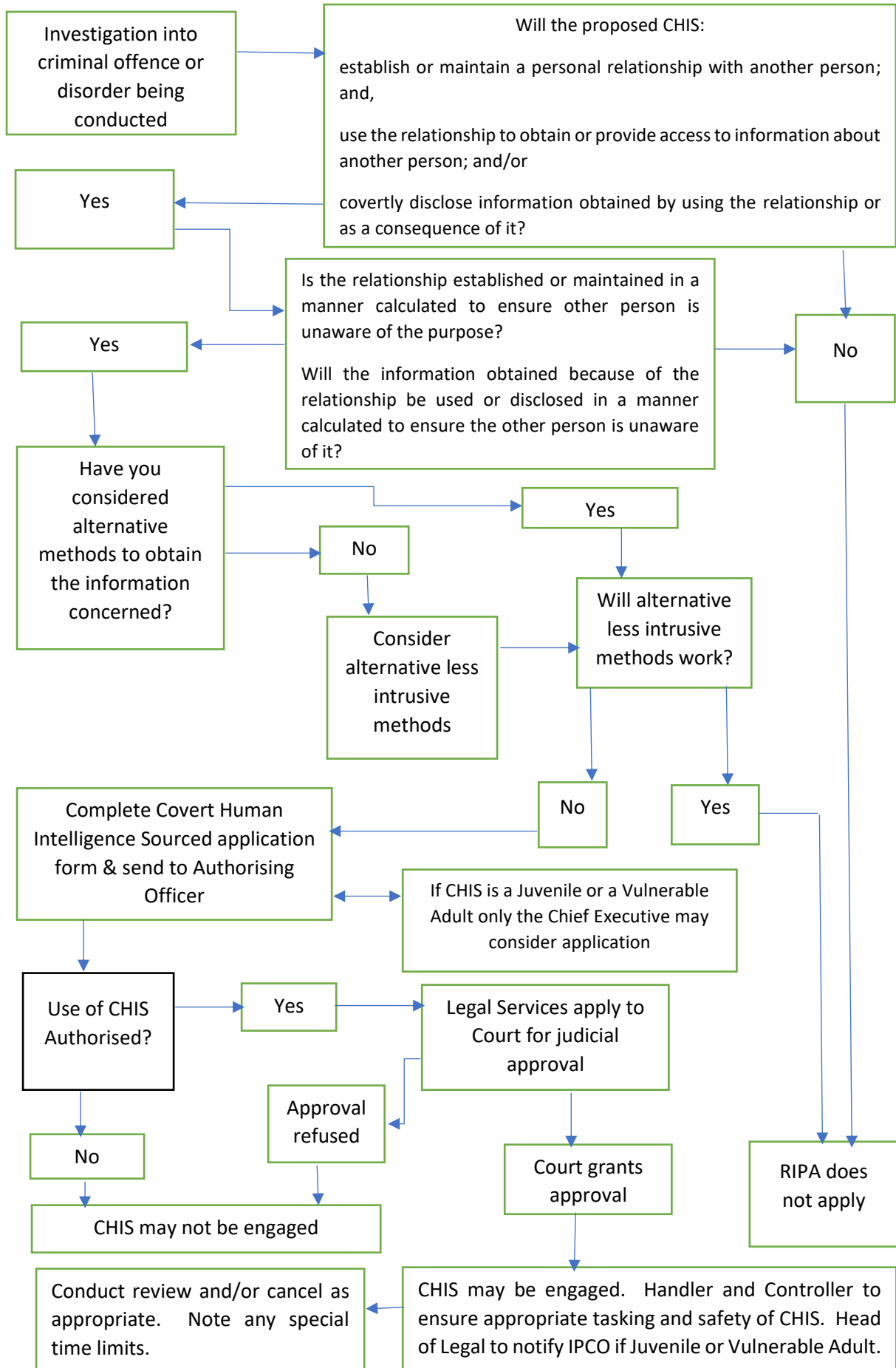
B3.2 The NAFN SPoC will be responsible for maintaining a central record and reporting of errors

B4.0 The authority should take assurance from the advice, guidance, review and assessment provided by the NAFN SPoC that all applications and authorisations, and therefore subsequent acquisitions are lawful, necessary and proportionate. This is because this role and function of the SPoC is specifically set out within the Codes of Practice

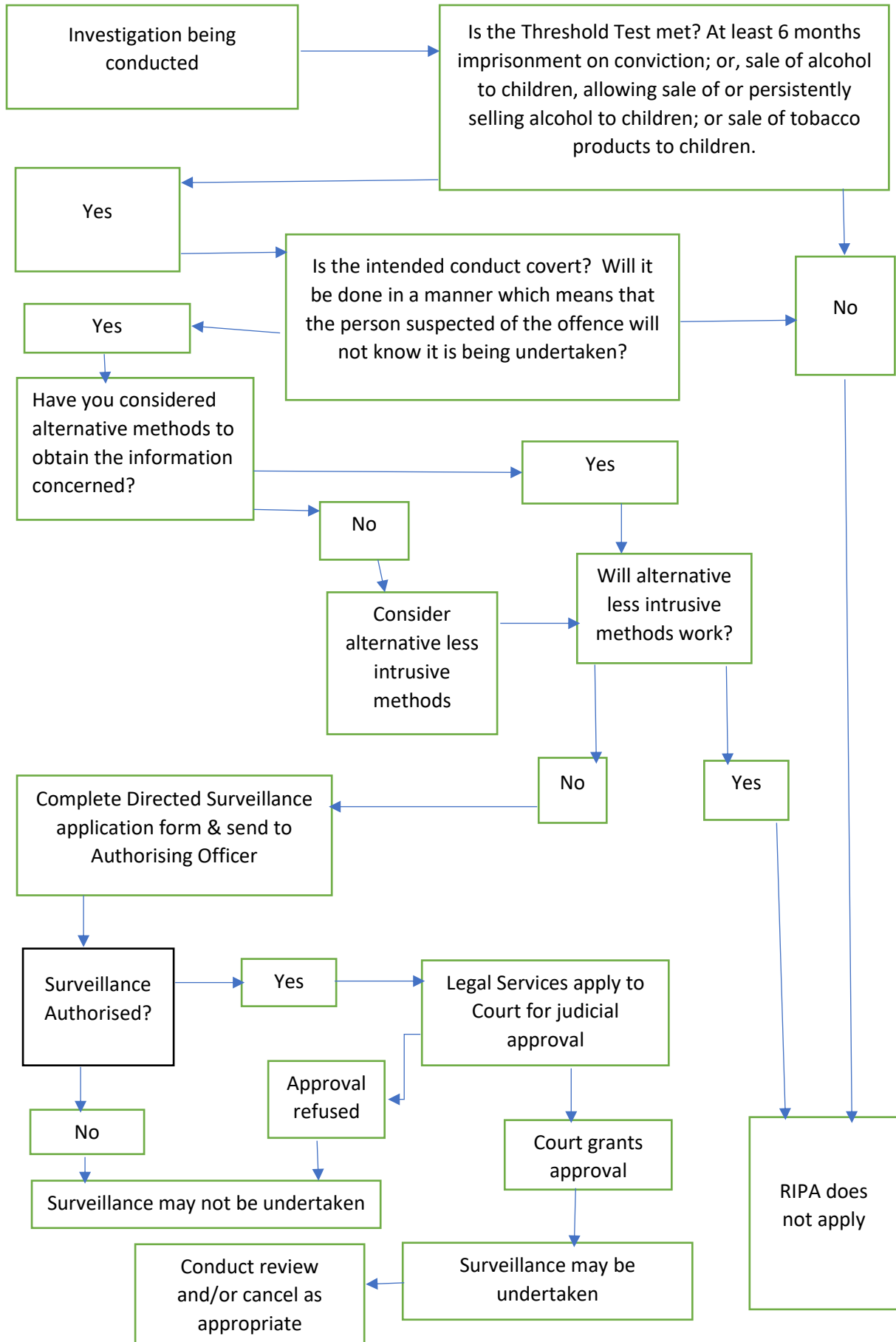
#### Note

The broad terms of the types of data available, which can be simple but at times technical, and the application of a serious crime Threshold to 'event data' would entail a long list of examples in this document which might quickly become out of date or irrelevant due to changes in communications technology – therefore an applicant can communicate the objective and the NAFN SPoC should provide details of the best acquisition strategy and types of data to acquire in order to progress the investigation.





### Flow Chart – Directed Surveillance



**D1 Designated Persons / Authorising Officers**

D1.1 The Council's Authorising Officers are:

The Corporate Director – Resources

The Corporate Director - Streetscape

D1.2 In the event of long term absence or unavailability of either Corporate Director:

The Chief Executive or the Head of Legal Services (SRO)

D1.3 Note: When any of the above are the Applicant Officer in a matter they may NOT authorise the same application for surveillance.

**D2 CHIS – Juveniles and Vulnerable Adults**

D2.1 As stated at paragraph [A1.11] of Appendix A, **only** the Chief Executive or Corporate Director who is acting as Deputy Chief Executive at that time may authorise a juvenile to be a CHIS.

## **NORTH WARWICKSHIRE BOROUGH COUNCIL POLICY STATEMENT**

### **Investigations involving use of Social Media**

#### **Introduction**

E1 North Warwickshire Borough Council (the Council) is committed to building a fair and safe community for all by ensuring the effectiveness of laws designed to protect individuals, businesses, the environment and public resources.

E2 The Council recognises that most organisations and individuals appreciate the importance of these laws and abide by them. The Council will use its best endeavours to help them meet their legal obligations without unnecessary expense and bureaucracy.

E3 At the same time the Council has a legal responsibility to ensure that those who seek to flout the law are the subject of firm but fair enforcement action. Before taking such action, the Council may need to gather information about individuals from publicly available sources including the Internet.

#### **Use of Social Media in Investigations**

E4 Online research and investigation has therefore become an extremely useful tool for investigators to prevent, detect and investigate potential criminal activity.

E5 From time to time the Council may access websites associated with the person under investigation as well as social networking sites to gather information about individuals. Examples include (but are no limited to) Facebook, Snapchat, Instagram, Twitter, Bebo etc.

E6 Information accessed from such accounts will include but not limited to information about an individual's location, activities, movements as well as peripheral information about friends, relatives or associates.

E7 The above information may be gathered from open source websites and social networks as well as those which are restricted to associates or friends.

#### **Procedure**

E8 North Warwickshire Borough Council shall ensure that covert surveillance is only undertaken where it complies fully with all applicable laws, in particular the:

- Human Rights Act 1998
- Regulation of Investigatory Powers Act 2000

- Protection of Freedoms Act 2012
- UK General Data Protection Regulation

E9 All information gathering activities involving the Internet and social media shall be undertaken in accordance with the procedures set out in the document particularly the sections on:

- Authorising surveillance under RIPA
- Use of Social Media in Investigations
- DPIAs

E10 North Warwickshire Borough Council shall, in addition, have due regard to all official guidance and codes of practice particularly those issued by the Home Office, the Office of Surveillance Commissioners (OSC), the Security Camera Commissioner and the Information Commissioner.

E11 In particular the following guiding principles shall form the basis of all information gathering activities involving the Internet and social media undertaken by the Council:

- It shall only be undertaken where it is absolutely necessary to achieve the desired aims.
- It shall only be undertaken where it is proportionate to do so and in a manner that it is proportionate.
- Adequate regard shall be had to the rights and freedoms of those who are not the target of the investigation.
- If the activity involves covert surveillance (regulated by RIPA), authorisation for the same shall only be granted by appropriately trained and designated Authorising Officers.
- Covert surveillance regulated by RIPA shall only be undertaken after obtaining judicial approval.

### **Training and Review**

E12 All Council officers undertaking information gathering activities involving the Internet and social media shall be appropriately trained to ensure that they understand their legal and moral obligations.

E13 Regular audits shall be carried out to ensure that officers are complying with this policy.

E14 This policy shall be reviewed at least once a year in the light of the latest legal developments and changes to official guidance and codes of practice.

E15 The operation of this policy shall be overseen by the Council's Executive Board by receiving reports every 6 months.

## **Conclusion**

E16 All citizens will reap the benefits of this policy, through effective enforcement of criminal and regulatory legislation and the protection that it provides.

E17 Adherence to this policy will minimise intrusion into citizens' lives and will avoid any legal challenge to the Council's activities.

E18 Any questions relating to this policy should be addressed to:

Clive Tobin,  
Head of Legal Services and Monitoring Officer  
[clivetobin@northwarks.gov.uk](mailto:clivetobin@northwarks.gov.uk)

## Agenda Item No 9

### Executive Board

18 September 2023

#### Report of the Chief Executive

#### Local Government and Social Care Ombudsman Annual Review 2022/23

### 1 Summary

- 1.1 This report informs the Board about the results of the Local Government and Social Care Ombudsman Annual Review 2022/23. The report highlights the number of complaints and enquiries considered by the Ombudsman relating to the Council and the outcome of their determinations. The report also provides some contextual information about the compliments and complaints received via the Council's corporate Compliments and Complaints Procedure.

#### **Recommendation to the Board**

**That the report be noted.**

### 2 Consultation

- 2.1 Consultation has been carried out with the chair, vice chair and opposition spokesperson. Any comments received regarding the report will be highlighted to the Board.

### 3 Background

- 3.1 This report has been prepared following receipt of the Annual Review Letter 2022/23 from the Local Government and Social Care Ombudsman. The Annual Review provides a summary of the complaints and enquiries made to the Ombudsman relating to the Council during the 2022/23 year. The Annual review also shows what decisions the Ombudsman made about the complaints and enquires received.

### 4 Annual Review 2022/23

- 4.1 Attached at Appendix A is a copy of the letter received by the Chief Executive from the Local Government and Social Care Ombudsman dated 19 July 2023. In 2022/23 the Local Government and Social Care Ombudsman changed their investigation processes, contributing towards an increase in the average upheld rate across complaints made to them against all Councils. It is therefore appropriate to consider comparing individual council uphold rates against the average rate upheld nationally this year rather than against the number upheld against this Council in previous years. The annual review shows that 9 enquiries were carried out by the Ombudsman relating to the Council.

- 2 upheld which were complied with in accordance with the Ombudsman's recommendations
- 1 Not upheld
- 3 Referred back for local resolution
- 3 Closed after initial enquiries

4.2 The cases referred back for local resolution will have been considered via the Council's Complaints Procedure. Members are requested to note that the Ombudsman is aiming to focus on the lessons that can be learned and the wider improvements that can be achieved through their recommendations to improve services. The Ombudsman is publishing more information about outcomes of their investigations and highlighting where recommendations result in improvements to local services.

4.3 More information about the outcomes from investigations is available on the website link shown below.

[North Warwickshire Borough Council - Local Government and Social Care Ombudsman](#)

4.4 Members should also note that the Housing Ombudsman investigates complaints regarding social housing, and they have a Memorandum of Understanding with the Local Government and Social Care Ombudsman. More information about what kind of complaints they can investigate is shown on the website link below:

[Which ombudsman for social housing complaints? - Local Government and Social Care Ombudsman](#)

4.5 Of the 9 enquiries received by the Local Government and Social Care Ombudsman were regarding the following services:

- Planning & Development
- Environmental Services & Public Protection & Regulation
- Highways & Transport
- Corporate & Other Services

## 5 Compliments and Complaints 2022/23

... 5.1 Attached at Appendix B is a table showing the numbers of compliments and complaints received by service department through the Council's corporate procedure during the 2022/23 year. The table shows that 33 complaints, 190 requests for service and 147 compliments were received in the 2022/23 year. The number of complaints has decreased of 25 (76%) from 2021/22.

5.2 The decrease is mainly due to decreases in relation to Refuse and Recycling from 13 in 2021/22 to 1 in 2022/23. The overall number has increased from 58 in 2021/22 to 33 in 2022/23.



- 5.3 The number of requests for service has increased to 137 from 190. The requests for service are complaint contacts which were considered not to be stage 1 complaints. These can include the raising of an issue for the first time without the relevant service being aware of the issue. The requests for service are mainly being received via the Council's complaint's web page.
- 5.4 The majority of complaints received relate to Housing Management, Development Control and Revenue Collection and Benefits. Combined they account for 16 (48%) of the complaints received. These are service areas with high customer contacts and therefore it is not unusual to expect this.
- 5.5 Overall, the number of complaints received, 33, remains low when compared to the total number of contacts received and people dealt with.
- 5.6 An outcome status against each complaint is determined to show whether the complaint was considered to be justified (upheld) or not upheld. This can be a matter of judgement and there will be some complaints, which can be interpreted either way. Some complaints will have elements that could have been dealt with differently or better on occasions. Of the complaints received in 2022/23 26 (79%) were deemed to be not upheld and 7 (21%) justified.
- 5.7 The compliments received show some examples of positive feedback received from residents and customers. The compliment figures do not include customer feedback responses received by any service areas.
- 5.8 Shown below is a table of the totals of compliments and complaints received during the last 10 years.
- 5.9 Table of Compliments and Complaints Totals

<b>Year</b>	<b>Compliments</b>	<b>Complaints</b>
2013/14	46	95
2014/15	53	54
2015/16	79	73
2016/17	61	58
2017/18	62	85
2018/19	34	42
2019/20	47	61
2020/21	71	37
2021/22	52	58
2022/23	147	33

## 6 Summary

- 6.1 Overall the number of complaints received is low in comparison to the number of customer contacts the Council has. Members are requested to note the report and to identify any areas that require further consideration.

## **7 Report Implications**

### **7.1 Legal Data Protection and Human Rights Implications**

7.1.1 Some complaint cases can ultimately be investigated by either the Local Government and Social Care Ombudsman or the Housing Ombudsman. If an adverse finding is made by the Ombudsman concerned, they can order the Council to pay compensation to the affected person and can also require the Council to consider a report on their findings and confirm the action they will take to deal with the issue concerned. The Council's Monitoring Officer also has a duty to prepare a report to the Council where the Ombudsman has investigated and concluded that the Council's actions constituted maladministration or injustice. Members should note that two of the complaints upheld by the Ombudsman fall within this category. The Monitoring Officer will shortly be preparing a report to Council on the issues concerned.

7.1.2 Various legal and Human Rights implications can arise during such investigations and, when engaging with the Ombudsman in relation to each case, any such matters will be considered to the appropriate extent.

7.1.3 Complaints regarding data protection or information requests are considered under the Complaints Procedure and can be referred to the Information Commissioner's Office for further investigation. For that reason, complaints relating to those matters are not included in the Appendices to this report.

### **7.2 Environment and Sustainability Implications**

7.2.1 Improvements in the performance and quality of services will contribute to improving the quality of life within the community. Feedback and learning from Complaints and Compliments helps the Divisions identify service improvements. The Procedure includes a specific requirement to identify any service improvements arising from each complaint investigation.

### **7.3 Equality Implications**

7.3.1 The Complaint investigations provide an opportunity to identify any equality related implications. No adverse implications have been identified from the complaints received in 2022/23. The monitoring of complaints and compliments helps inform the Council's consideration of meeting the Equality Act requirements. Any specific equality related implication arising from a complaint investigation is considered in liaison with the Senior Policy Support Officer and Legal Services as necessary.

### **7.4 Risk Management Implications**

7.4.1 Effective performance monitoring and analysis of complaints received will enable the Council to minimise associated risks with the failure to achieve targets and deliver services at the required performance and quality level.

## 7.5 Health and Well Being and Leisure Implications

7.5.1 Some complaints received do raise concerns relating to the health and wellbeing of individuals. These can include concerns about conditions of properties and impacts from outstanding repair works.

## 7.6 Financial Implications

7.6.1 Any financial payments and credits identified in complaint investigations are made from the appropriate service budget under provisions relating to that service.

## 7.7 Links to Council's Priorities

7.7.1 By having an open and accessible complaints procedure this will contribute towards the achievement of the Council's priorities and in particular promoting vibrant and sustainable communities.

The Contact Officer for this report is Steve Maxey (719438).

### Background Papers

Local Government Act 1972 Section 100D

Background Paper No	Author	Nature of Background Paper	Date

19 July 2023

*By email*

Mr Maxey  
Chief Executive  
North Warwickshire Borough Council

Dear Mr Maxey

### **Annual Review letter 2022-23**

I write to you with your annual summary of complaint statistics from the Local Government and Social Care Ombudsman for the year ending 31 March 2023. The information offers valuable insight about your organisation's approach to complaints. As always, I would encourage you to consider it as part of your corporate governance processes. As such, I have sought to share this letter with the Leader of your Council and Chair of the appropriate Scrutiny Committee, to encourage effective ownership and oversight of complaint outcomes, which offer such valuable opportunities to learn and improve.

The end of the reporting year, saw the retirement of Michael King, drawing his tenure as Local Government Ombudsman to a close. I was delighted to be appointed to the role of Interim Ombudsman in April and look forward to working with you and colleagues across the local government sector in the coming months. I will be building on the strong foundations already in place and will continue to focus on promoting improvement through our work.

### **Complaint statistics**

Our statistics focus on three key areas that help to assess your organisation's commitment to putting things right when they go wrong:

**Complaints upheld** - We uphold complaints when we find fault in an organisation's actions, including where the organisation accepted fault before we investigated. We include the total number of investigations completed to provide important context for the statistic.

Over the past two years, we have reviewed our processes to ensure we do the most we can with the resources we have. One outcome is that we are more selective about the complaints we look at in detail, prioritising where it is in the public interest to investigate. While providing a more sustainable way for us to work, it has meant that changes in uphold rates this year are not solely down to the nature of the cases coming to us. We are less likely to carry out investigations on 'borderline' issues, so we are naturally finding a higher proportion of fault overall.

Our average uphold rate for all investigations has increased this year and you may find that your organisation's uphold rate is higher than previous years. This means that comparing uphold rates with previous years carries a note of caution. Therefore, I recommend comparing this statistic with that of similar organisations, rather than previous years, to better understand your organisation's performance.

**Compliance with recommendations** - We recommend ways for organisations to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

**Satisfactory remedy provided by the authority** - In these cases, the organisation upheld the complaint and we were satisfied with how it offered to put things right. We encourage the early resolution of complaints and credit organisations that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your organisation with similar authorities to provide an average marker of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data, and a copy of this letter, will be uploaded to our interactive map, [Your council's performance](#), on 26 July 2023. This useful tool places all our data and information about councils in one place. You can find the detail of the decisions we have made about your Council, read the public reports we have issued, and view the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

### **Supporting complaint and service improvement**

I know that complaints offer organisations a rich source of intelligence and insight that has the potential to be transformational. These insights can indicate a problem with a specific area of service delivery or, more broadly, provide a perspective on an organisation's culture and ability to learn. To realise the potential complaints have to support service improvements, organisations need to have the fundamentals of complaint handling in place. To support you to do so, we have continued our work with the Housing Ombudsman Service to develop a joint complaint handling code that will provide a standard for organisations to work to. We will consult on the code and its implications prior to launch and will be in touch with further details.

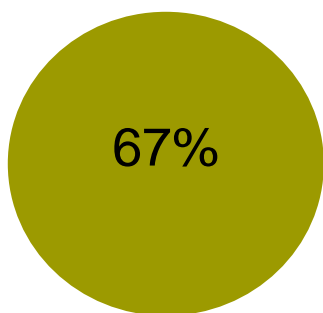
In addition, our successful training programme includes practical interactive workshops that help participants develop their complaint handling skills. We can also offer tailored support and bespoke training to target specific issues your organisation might have identified. We delivered 105 online workshops during the year, reaching more than 1350 people. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training) or get in touch at [training@lgo.org.uk](mailto:training@lgo.org.uk).

Yours sincerely,



Paul Najsarek  
Interim Local Government and Social Care Ombudsman  
Interim Chair, Commission for Local Administration in England

### Complaints upheld



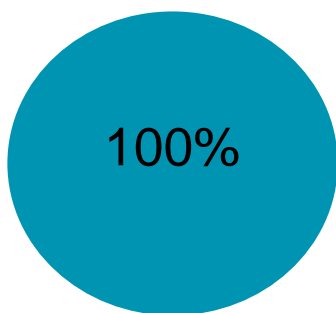
**67%** of complaints we investigated were upheld.

This compares to an average of **59%** in similar organisations.

**2**  
upheld decisions

Statistics are based on a total of **3** investigations for the period between 1 April 2022 to 31 March 2023

### Compliance with Ombudsman recommendations



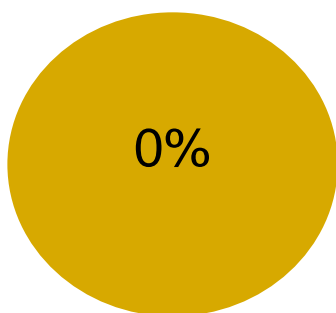
In **100%** of cases we were satisfied the organisation had successfully implemented our recommendations.

This compares to an average of **100%** in similar organisations.

Statistics are based on a total of **2** compliance outcomes for the period between 1 April 2022 to 31 March 2023

- Failure to comply with our recommendations is rare. An organisation with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

### Satisfactory remedy provided by the organisation



In **0%** of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **15%** in similar organisations.

**0**  
satisfactory remedy decisions

Statistics are based on a total of **2** upheld decisions for the period between 1 April 2022 to 31 March 2023

## Cumulative Table of Complaints -April 2022 – March 2023

DEPARTMENT	NUMBER OF COMPLAINTS	NUMBER OF REQUEST FOR SERVICE	NUMBER OF COMPLIMENTS
<b>Chief Executive</b>	4	1	
• Corporate PA Support Unit		19	
• Legal	3		
• Democratic Services		1	
• Environmental Health & Licensing	2	13	1
• Development Control	5	3	3
• Forward Planning			1
• Building Control Service		1	
• Enforcement			
<b>Corporate Director - Resources</b>			
• Audit			
• Financial Accountancy			
• Management Accountancy			
• Payroll and Risk Management			
• Human Resources, Training & Health and Safety			
• Revenue Collection & Benefits	4	4	
• One Stop Shop and Contact Centre	1		
• Financial Inclusion, Hubs and Outreach			
<b>Director of Housing</b>			
• Strategic Housing			
• Housing Management	7	17	79
• Housing Maintenance	3	59	20
• Private Sector Housing			
• Community Support			1
<b>Director of Leisure &amp; Community Development</b>			
• Landscape Management	1	5	
• Partnership Development			
• Leisure Facilities			
• Community Development			
<b>Corporate Director - Streetscape</b>			
• Refuse and Recycling	1	40	4
• Corporate Property & Transport			
• Facilities Management			
• Grounds Maintenance & Street Cleaning		20	37
• Car Parks	2	5	
<b>Corporate Services</b>			
• ICT			
• Procurement & Printing			
• Central Services			
• Communication & Public Relations			
Corporate		2	1
WCC			
<b>TOTAL</b>	<b>33</b>	<b>190</b>	<b>147</b>

## Cumulative Table of Complaints -April 2022 – March 2023

<b>Complaint User Satisfaction Summary</b>		
<b>Question</b>	<b>Yes</b>	<b>No</b>
Did you find it easy to complain?	0	1
Were you given an apology?	0	1
Were you satisfied with the explanation given?	0	1
Was the complaint dealt with quickly enough?	0	1

**2022/23**

Not upheld – 26 79%

Justified – 7 21%

Total – 33



**Agenda Item No 10**

**Executive Board**

**18 September 2023**

**Report of the Chief Executive**

**Corporate Plan Priorities**

**1 Summary**

- 1.1 The purpose of this report is for Members to consider revisions to the draft Corporate Plan for consultation.

**Recommendation to the Board**

- a That the draft Corporate Plan be used for consultation; and**
- b That the Chief Executive be given delegated powers to undertake a public consultation in consultation with the Leader of the Council and Leader of the Opposition.**

**2 Consultation**

- 2.1 It is suggested that the draft Corporate Plan will be consulted on and a further report brought back to this Board

**3 Report**

- 3.1 Some Members will recall a report to this Board in March on the key issues facing the Borough and the Council. This is attached to this report as Appendix A.

- 3.2 Following the all-out elections to this Council in May, it is an appropriate time to review the key issues and the Corporate Plan of the Council which seeks to address those issues the Council can influence.

- 3.3 The narrative element of a draft revised Corporate Plan is therefore attached to this report as Appendix B, with track changes showing the suggested amendment prior to a public consultation on the key issues facing residents and other stakeholders in the Borough. Following this consultation a further draft Corporate Plan will be reported to Members.

- 3.4 As the draft revised Corporate Plan suggests, there are a number of key developments that need to be addressed by this new Council term and as a result of continuing changes in the external environment, nationally, regionally and in the Borough. The additional key issues arising since the report at Appendix A are summarised in the rest of the report.

- 3.5 In terms of the external environment, Members will recall from the last meeting of this Board that proposals were being considered concerning Warwickshire County Council joining the West Midlands Combined Authority. This Council had significant concerns with the process being adopted and since the last meeting, the County Council has decided to not progress those proposals. The Leader of the Council and Chief Executive will continue to discuss with other Councils in the County what remaining options there are for devolution of powers from central Government.
- 3.6 Members will be aware that the Council has faced a very tight financial position in recent years, in common with the rest of the sector. One of the key challenges has been the uncertainty of that position given the variability in a number of the sources of income and expenditure of the Council and that the sector continues to be funded year by year by central Government. One variable source of funding for this Council is its share of Business Rate growth and that share has grown due to a number of issues, principally the national revaluation exercise which has seen an uplift in the charges paid by the logistics/distributive/warehousing sector, reflecting changes overall in the economy. The interim Corporate Director Resources is currently reviewing the implications of this for the Medium-Term Financial Strategy and a further report will be brought to Members later this year.
- 3.7 Members will also be aware that there have been planned changes in the senior Management Team recently and a formal review of the staffing structure will take place shortly, with assistance from the Local Government Association (LGA) and their [Decision Making Accountability process](#). Once this review has taken place, the draft results and a revised structure will be reported to Members and presents a good opportunity for the Council to check that its resources are well deployed and aligned to Members' priorities.
- 3.8 Linked to this review, the Council is due a LGA peer assessment in June 2024 which provides an excellent opportunity for the Council to ensure it remains focussed on its objectives.
- 3.9 Some Members will recall that the Council has undertaken a lot of work in the last couple of years reviewing how its Leisure services are provided, particularly with regard to considering using a Local Authority owned company (LATCo). The business case adopted by the Council showed financial advantages due to Business Rate and VAT savings. As some Members will be aware, the VAT position has changed due to a tax tribunal ruling and the financial advantages are no longer available to the same extent. Initial work suggests the direct, like for like, savings may have reduced from £200,000 per year to around £80,000. Officers are currently finalising the revised business plan for the service and further reports on the options will be reported to Members later this year.
- 3.10 Members will be aware from a motion to Council, that a review of the Local Plan will take place as soon as national policy changes are confirmed. A

number of pieces of work can commence now and that work is progressing via the LDF sub committee. A number of significant planning applications will be considered by the Board in the coming months, linked to the current adopted Local Plan. One issue that will emerge from those applications is the issue of affordable housing as the Borough will see housing development increase significantly on historic levels. In order to ensure the Council has as many options as possible it is proposed to examine the business case to set up a Local Authority owned housing company. Reports on the business case will be brought to Members later this year.

The Contact Officer for this report is Steve Maxey (719438).

### **Background Papers**

Local Government Act 1972 Section 100D

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>

**Agenda Item No 7****Executive Board****13 February 2023****Report of the Chief Executive****Key Corporate Issues****1 Summary**

- 1.1 The purpose of this report is to draw Members' attention to the key Corporate issues facing the Council in the mid-term. It seeks to assist Members in addressing these issues when the Corporate Plan is reviewed after the Borough elections.

**Recommendation to the Board**

- a That the issues raised in this report be noted by Members;**
- b That Members raise any additional issues; and**
- c That the life of the current Corporate Plan be extended until September 2023 as it will be reviewed following the Borough elections in May.**

**2 Consultation**

- 2.1 Many of the key issues in this report have been the subject of discussions in various Board meetings.

**3 Introduction**

- 3.1 As Members will be aware, the Council has an adopted Corporate Plan for the life of this Council which is then refreshed each year. The current version is attached as Appendix A. Performance against that Plan was reported to the Executive Board in November (see Appendix B) and will be reported to Board at the next meeting in March

...

...

- 3.2 The Corporate Plan sets out the strategic vision for the Council to 2023 and given the Borough elections in May it is suggested that the Plan is reviewed when a new Council is formed. It is suggested therefore that a further report be brought back to this Board after May, and a further meeting of the Member Performance Working Group would also assist with this task.

- 3.3 The Council has an agreed Medium Term Financial Strategy and there are other reports on this agenda looking at the budget and other financial matters.
- 3.4 The purpose of the report therefore is to give Members a strategic overview of the main issues affecting the Council to aid both short term decision making and medium term planning, and to assist with the review of the Corporate Plan for the 2023-27 period once a new Council is formed.

**4 Snapshot of the Borough**

- 4.1 As a rural, former mining area, the Borough had virtually no population growth for over twenty years, but growth, that is significantly higher than historically, is now well underway. The recent census shows that in North Warwickshire, the population size has increased by 4.8%, from around 62,000 in 2011 to 65,000 in 2021. This is lower than the overall increase for England (6.6%), where the population grew by nearly 3.5 million to 56,489,800. Appendix C shows more detail on this.
- 4.2 The population of the Borough is due to continue to grow, due to the housing allocations in the Local Plan. The trajectory of this provision over the life of the adopted Local Plan is shown below.

Years	Dwelling per annum (dpa)
2011-16	203
2016-24	265
2024-25	390
2025-26	700
2026-27	725
2027-33	775

*(Source: Para 7.32, North Warwickshire Local Plan 2021)*

- 4.3 The Local Plan was prepared and adopted during a period when there was a national push for housing and economic growth. Members will be aware that the Government is consulting on a revision to national planning policy, as part of the planning reforms contained in the Levelling Up and Regeneration Bill. As [reported](#) to this month’s Planning and Development Board (item 8), this could have a significant impact on future Local Plans given changes to the Housing Delivery Test, removal of the Duty to Cooperate and the practice of ‘exporting’ need to other areas, and no longer needing to demonstrate a continuous 5 year housing supply if the Council has an up-to-date Local Plan based on housing figures that are less than five year old. Consideration of a review of the Local Plan will be a key task for the 2023-27 period and the main points to be addressed were [reported](#) to the Local Development Framework Sub committee last month (item 7).
- 4.4 It would appear therefore that the recent uplift in the housing requirements for North Warwickshire, directly or indirectly via provision for other Local Planning Authority areas, may ease. There are however a number of urban

areas that are planned to be given a 35% uplift, including Birmingham and Coventry. How this is delivered and the role of neighbouring areas (including in situations where the Government describes there being 'minimal distinction' between urban and neighbouring areas) in this will be a key issue. The Council will also need to review its approach to managed growth given the link between the growth and investment in infrastructure such as road, schools and transport links.

- 4.5 In employment terms, the Borough remains very popular due to its strategic position on the transport network and Members will recall that the Borough's economy was the second fastest growing in the country prior to the pandemic.
- 4.6 Due to its location, the economic connections go in a number of directions, namely towards Greater Birmingham (including South Staffordshire); Leicestershire (particularly Hinckley & Bosworth) and the Coventry and Warwickshire sub-region. As a result, there is a great deal of inward and outward job migration as the Borough still provides more jobs than working age people.
- 4.7 Despite its key strategic position in the country, North Warwickshire does still have a significant issue with communication and access. There is still an underlying issue around Broadband access and mobile connectivity (although this, as shown below, has greatly improved with the Council and other partners working together to provide significant investment) and rural transport, particularly, but not exclusively, in relation to accessibility to local employment. The accessibility issue is also accentuated by our ageing population and the financial constraints which are pulling more and more key services out of rural areas and into towns and cities.

## **5 Key External Issues Affecting North Warwickshire**

- 5.1.1 As with any organisation, external factors have a huge impact on what the Council can and cannot do and its direction of travel. This section looks at the various external issues which may affect the Borough over the next few years.
- 5.1.2 Clearly the COVID outbreak has been the largest external factor in recent years; this report does not seek to repeat the reports (informally and formally Members have had on the pandemic). It has been almost a year since the final restrictions were removed albeit it that the impacts of the virus and the response will be felt for some time, for example on the recovery of certain sectors such as Leisure and with regard to health issues, as seen in the winter pressures over the last few months.

## 5.2 Political

- 5.2.1 In recent years there has been less money available to fund local government provided services. Despite a not entirely unreasonable financial settlement for the forthcoming year (as with the current year), this is just a one year settlement and overall the resources available to the Council remain very tight, whilst it deals with increasingly complex individual cases and issues. The lack of certainty is increasingly being felt and the difference between the various scenarios on what funding may be received in the future means that some activity that could be afforded cannot currently be progressed due to the uncertainty.
- 5.2.2 Linked to these issues, the national debate about devolution continues and the last year has seen a number of deals struck with places that had not previously seen very much devolution, such as Derbyshire/Nottinghamshire, Norfolk and the North East. These more recent deals have been smaller in scale than seen previously in Greater Manchester and the West Midlands (the North East for example have been offered £17.4m in brownfield redevelopment, compared with over £500m secured for the WMCA) and may reflect a 'wider but shallower' approach to devolution reflecting current economic and fiscal conditions. Further deals for Greater Manchester and the WMCA are still promised albeit talks have been slow to date. How this benefits North Warwickshire or Warwickshire remains to be seen.

## 5.3 Economic

- 5.3.1 There is of course a distinct overlap between political and economic issues, particularly at the moment, and, helped by the national drive to build more housing, there has been an upsurge in the demand for residential development in areas around the Borough. As mentioned above, this has had a significant impact on what North Warwickshire will look like in the future, reflected in the 2021 Local Plan.
- 5.3.2 As also touched on above, the Council will also continue to face pressure to release sites for development in the Borough.
- 5.3.3 Whilst the discussion above focusses on approaches to future Local Plans, there is much to do regarding the implementation of the current Plan, particularly the delivery of the development and infrastructure planned in the Local Plan.
- 5.3.4 Other current factors include the need to improve the mix of jobs available in the Borough, partly to increase living standards, partly to ensure the Borough benefits from emerging sectors linked to the autonomous and green vehicle 'mega trends' and partly to address longer standing challenges include the impact of robotics in the logistics industry which could lead to a massive reduction in the number of jobs available in the Borough in future years. As part of this theme, the Council continues to work with MIRA and the planning application for the Southern Manufacturing Sector allocated in the Local Plan has now been received. The Council continues to

work with MIRA on ensuring there is an enhanced skills offer to increase the chance of our residents being able to directly benefit should the planning application be approved. To this end, the Mira Technology Institute is likely to continue to play a major part in providing the skills training for this strategy given their activity to date (shown below) and their plans to enhance the offer in areas such as Robotics, AI Digital, high value manufacturing, automation, Forklift and material handling, hydrogen HGV/buses and HS2 Rail.

	Oct 18- March 19	April 19- March 20	April 20- March 21	April 21- March 22	April 22-Aug 22	Sept 22- Nov 22	<b>Total</b>
Accredited Qualifications	234	410	157	730	572	614	2717
Apprenticeships	135	178	121	215	30	146	825
CPD Courses	1610	2510	1945	530	857	912	8364
Meetings/Events/STEM Events	1076	1713		1207	2080	976	7052
<b>Total</b>	3055	4811	2223	2682	3539	2648	18958
							<b>Total Visitors</b>
							<b>18958</b>

5.3.5 However the principal economic issue in the last year has been inflation, the consequent pressure on the cost of living and the performance of the economy as a result. The headline rate of inflation in December was 10.5%, down slightly from November but with the cost of food, for example, running at 16.8%. The pressures of the last few years have increased the number of people claiming out of work benefits in the area, as shown below. Members will recall that the Council held an engagement forum in September on the help and support available at this time, which was [reported](#) to the last meeting of this Board (item 15) and Officers continue to work through the actions identified.

Area	March 2020	December 2021	October 2022	November 2022	December 2022
Coventry	8,000	12,495	11,615	11,775	11,945
North Warwickshire	845	1,210	985	1,040	1,025
Nuneaton & Bedworth	2,830	3,650	3,055	3,050	3,095
Rugby	1,535	2,145	1,910	1,900	1,905
Stratford-on-Avon	1,050	2,035	1,630	1,630	1,605
Warwick	1,570	2,430	2,070	2,070	2,015
Warwickshire	7,830	11,470	9,650	9,690	9,645
<b>CWLEP</b>	<b>15,830</b>	<b>23,965</b>	<b>21,265</b>	<b>21,465</b>	<b>21,590</b>

Source: Office for National Statistics



## 5.4 Social

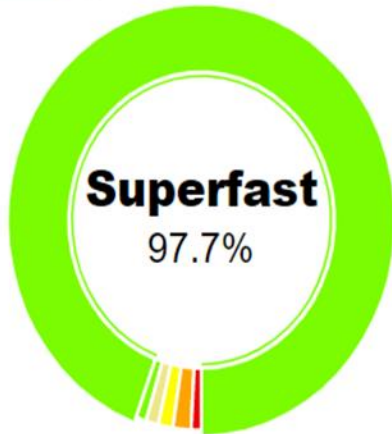
- 5.4.1 The outputs from the 2021 Census are starting to be released and a summary of some of the releases is attached to this report as Appendix C.
- 5.4.2 North Warwickshire continues to have a higher than average demographic profile, with a relatively low proportion of 20-39 year olds. There is a continuing national issue about how the public sector will cope with our ageing population moving into the future.
- 5.4.3 The position with regard to jobs and the level of skills held by our residents is set out above and Appendix C continues to show the challenges as the percentage with no qualifications has increased, those with Level 1 and Level 2 as their highest qualification has decreased but those with Level 3 and 4 as their highest qualification has increased.
- 5.4.4 These factors link to the crucial issue of housing in the Borough. The average house price in North Warwickshire is now £256,854, a rise of 10% in the last year. This is slightly higher in terms of price than Nuneaton but much lower than elsewhere in the county, particular the south, but still represents a significant increase and presents affordability issues. There is a need therefore to continue to review how affordability can be addressed via a number of models and the Council will review its overall Housing Needs as part of the review of the Local Plan evidence mentioned above.
- 5.4.5 The ongoing issue of rural isolation continues to be a factor in terms of, for example, access to services for older people and access to employment for younger ones, as well as those people without their own private transport. As a Council we have persistently sought discussions with the County Council to develop a separate transport strategy for North Warwickshire, looking for innovative sustainable transport solutions. This work will now be subsumed within the County wide review of the Local Transport Plan, consultation on which has started as [reported](#) at the last meeting of this Board (item 13) as well as to other Boards.

## 5.5 Technical

- 5.5.1 Since 2012, the availability of Superfast Broadband has increased from just 50% of the Borough having access, to around 97% at the end of Contract 3 of the CSW Broadband Project as set out below, with CSW having delivered superfast broadband to around 77,000 properties across the sub region. Ansley and Wishaw are the latest places in the Borough to have been given access, with Arley and Kingsbury scheduled to receive the faster, full fibre service this year. Openreach have a programme to extend 'full fibre' to a number of other areas across North Warwickshire in their programmes that run until 2026. Connectivity is a key aspiration in the Levelling Up White Paper.

## North Warwickshire Superfast and Fibre Coverage

Latest Figures History ?



Authority classed as Rural-50 (R50) ?

Superfast (>24 Mbps):	97.86%	Below 2 Mbps down:	0.21%
Superfast (>=30 Mbps):	97.68%	Below 10 Mbps down: (Legal USO)	1.12%
Gigabit (DOCSIS 3.1 or FTTP):	46.37%	Below 10 Mbps, 1.2 Mbps up:	1.07%
Full Fibre (FTTP or FTTH):	32.02%	Below 15 Mbps: (High Speed Broadband)	1.70%
Alt Net FTTP: FTTP excluding Openreach, KCOM and Virgin Media RFOG	0.00%	Ultrafast (>100 Mbps):	47.96%
Openreach FTTP:	24.71%	Virgin Media Cable:	22.52%
'Fibre' partial/full at any speed: (FTTC/VDSL/G.fast/Cable/FTTP)	99.68%	Openreach (>30 Mbps):	96.63%
		Openreach G.fast:	1.72%

Coverage percentages include both residential and business premises and is based around postcode level data. The speed available are determined by a model that reconstructs the Openreach exchange/cabinet based network, and takes into account the distance limitations of ADSL2+ and VDSL2/G.fast (FTTC) services.

The use of an independent model constructed and continually updated as the network roll-outs continue is different to the methodology used by Ofcom which is reliant on data provided by broadband providers. By running our model we are able to provide a verification for the Ofcom data and are not reliant on quarterly data releases but can update data on a daily or weekly basis as needed. The largest factor for any differences with the Ofcom analysis is down to the timing of publication.

Tweet Share

## North Warwickshire Speed Test Results (Mbps)

Last Quarter History

Any Openreach ADSL FTTC Cable FTTH 3G/4G

ADSL, ADSL2+, FTTC, fibre, cable, mobile and wireless speeds ?

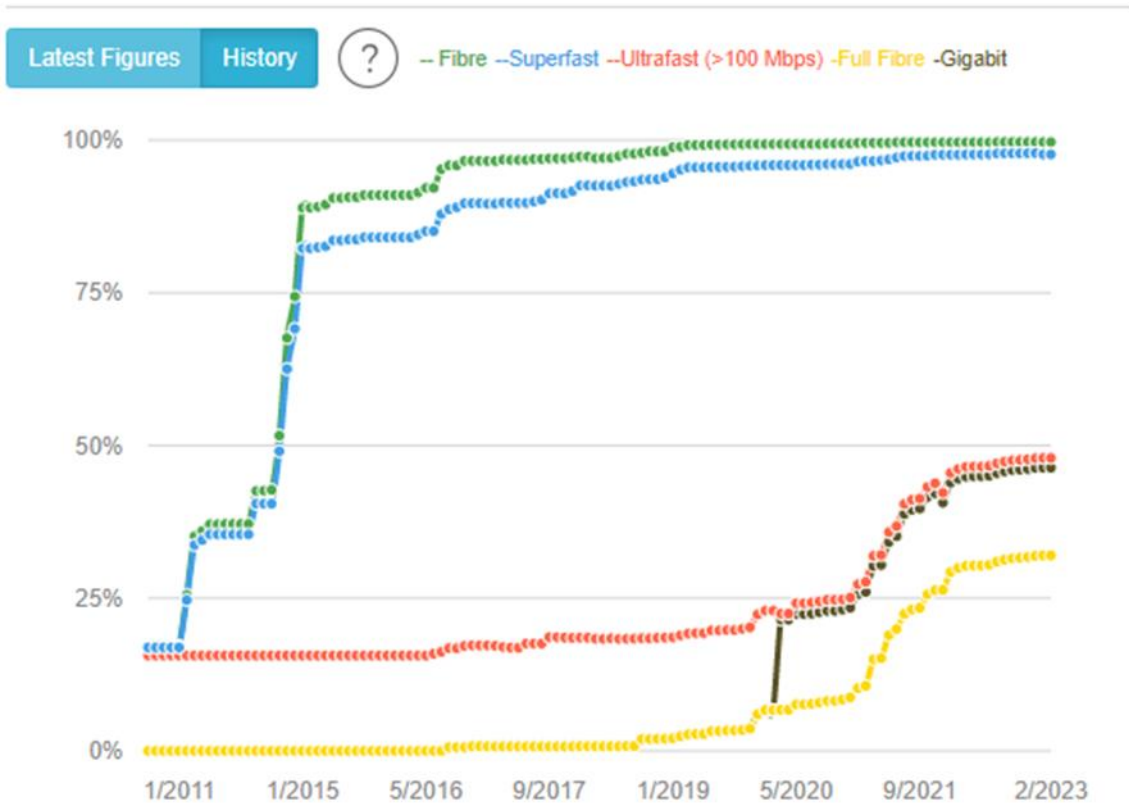
Technology Split: FTTC 100%



Estimated Maximum Mean Download Speed: 399 Mbps

This figure is based around everyone buying the fastest Virgin Media, KC or Openreach product available to them, based on current product availability. Distance limitations of ADSL2+ and VDSL2 are factored into the calculation.

Speed test results are based on the analysis of results from our speed test or partners who use our speed test service. We believe this is the largest analysis of crowd sourced speed test data for the UK and the technology splits by area help to show what the public is experiencing for the different types of services across the UK.



5.5.2 Ways of addressing the remaining shortfall are being investigated, including problems with mobile coverage, and the Leader of the Council sits on the newly established Warwickshire Digital Infrastructure Board. Connectivity is one of the topics in the investment plan for the UK Shared Prosperity Fund.

## 6 Internal Issues

6.1 North Warwickshire Borough Council has been in existence for nearly fifty years and prides itself on delivering effective and efficient local services to meet local need. This has been more and more challenging over the last few years as finances have continued to diminish, but the authority has been peer assessed as “punching far beyond its weight” and has proved it through obtaining national award recognition in a number of areas, including national awards recently for the Local Plan, and Transport and Refuse and Recycling teams. This section looks at North Warwickshire Borough Council as an organisation and the challenges it might face over the next few years.

### 6.2 Partnership

6.2.1 The financial constraints applying to the Council also affect many other bodies in the public and third sectors. This Council has a good and long track record of achieving impressive results through partnership including:

- Maximising public building usage by having other agencies in the Council offices, most notably the co-located Job Centre, Atherstone Town Council, Warwickshire Police and Warwickshire County Council officers.

Further opportunities are being sought through the Government's 'One Public Estate' and Levelling Up Fund programmes;

- Sharing the Building Control Service with six other authorities across three counties;
- Shared management of Revenues & Benefits, with Nuneaton & Bedworth Borough Council;
- Joint working on HS2 transport and economic development;
- The Warwickshire North Health & Wellbeing Partnership, working with a wide range of parties across our Place and system;
- The Northern Warwickshire Financial Inclusion Partnership which is a local operational and strategic group to support customers impacted by current economic conditions;
- The HEART Partnership with Nuneaton & Bedworth Borough Council, Warwick District Council, Stratford-on-Avon District Council, Rugby Borough Council and Warwickshire County Council;
- Partnership with the County Council and other Districts and Boroughs to work jointly to prevent homelessness;
- The work of our Community Development team with voluntary organisations and town centre organisations;
- Work across our functional economic and planning geography assessing housing and employment needs;
- The A5 Partnership

6.2.2 It is important that the authority continues to look to use partnerships for opportunities to both maintain/enhance services and make financial savings, but, equally important, is that we use them to ensure that North Warwickshire has a voice. North Warwickshire is small in population terms and, as a result, did not always find itself at the table in terms of bigger strategic issues.

6.2.3 The benefits of this work could be demonstrated by any number of examples, including the Council's COVID recovery work in our market towns and the significant success of the £80m A5 funding (one of only three schemes being directly funded by the March 2020 budget).

## 7 Stakeholders

7.1 This is a brief section on who our stakeholders are and what their aspirations might be.

### 7.2 Politicians

7.2.1 Members' aspirations will continue to be constrained by diminishing resources, how the country recovers from COVID, high energy prices and general inflation. How the Government handles 'big ticket' items such as Levelling Up, Devolution and subsequent years' financial settlements will also determine what opportunities and risks the Council will operate within.

7.2.2 Members have become familiar with the financial pressures and the reality that not all previous services will be able to continue in the manner hitherto.

### 7.3 Staff

7.3.1 We continue to have a well-motivated, largely stable and dedicated workforce. The results of the 2021/22 staff survey results were very encouraging (see the detail on page 6 of the Performance Report at Appendix B). The survey for 22/23 has closed and the results are being collated and will be reported to this Board as part of the Performance Report in March. These results will continue to have been impacted by the attrition the country has experienced in recent months, and as difficult decisions have had to be implemented linked to the need to save money, to name only two recent external pressures. The need to maintain morale levels is undoubtedly becoming more challenging as reducing resources are available to deal with increasing demand in a number of areas. In line with national employment trends/labour market issues there continues to be some difficulties in recruiting to our vacancies in a number of key areas in what are already small teams. Following the pandemic, the Council's Flexible Working Policy was revised to include a section on the Council's approach to hybrid working, which allows some employees to split their time between attending the workplace/office and working remotely. Hybrid working is an important element of both the Council's strategy for adapting to, and thriving in, the new working environment following the pandemic; and its commitment to supporting a positive work-life balance for our employees. Such arrangements are now common in many workplaces and offering similar conditions will play an important part of the Council's recruitment and retention strategy, something particularly important in the current 'tight' labour market.

7.3.2 A key issue for the Council from a staffing perspective in the last year therefore has therefore been this return to the office and the need to strike the right balance with hybrid working, where that is available for staff. Guidance was given to office based staff to work at least two to three days a week in the office including one or two days with their teams. Initial reports suggest this has gone well with staff welcoming the flexibility and it will continue to be reviewed.

- 7.3.3 As the last two to three years have been very impactful, the Chief Executive has led a number of workshops for managers and staff to assess what we have gained, what needs to change and how things are generally working for the Council. Developed with the West Midlands Employers (WME), the eight workshops, called 'Re-engage, Re-energise', have taken place in December and January looking at customer service excellence, performance management, how our teams work, and management and leadership behaviours. A report from WME will bring together the key themes and an action plan will be developed.
- 7.3.4 In addition, the Chief Executive has been working with those at 'Principal Officer' level, tier three managers mostly, on a number of corporate issues ranging from our approach to Levelling Up (set out briefly below), recognising success and internal processes such as induction, appraisals etc.
- 7.3.5 This year will bring significant changes in senior management with the retirement of the Corporate Director – Resources and the Corporate Director – Streetscape leaving to work full time at the MRF. Both of these roles are extremely important to the Council and have been discharged by the current postholders exceptionally and with great commitment and their leaving represents a major risk to the Authority. However as a result of a successful recruitment campaign, Jane Heppel joins us at the start of April as the new Corporate Director – Resources and Cath James has started as the interim Corporate Director – Streetscape. Both performed very well at interviews and a careful 'on boarding' programme will take place in the coming months.

#### 7.4 Local Community

- 7.4.1 Whilst there have been significant reductions in Council spending over the last few years, these have only recently started to filter through to delivery of front-line services. As mentioned previously, it will be increasingly difficult to continue to deliver everything going forward and Members will continue to face difficult choices.
- 7.4.2 Working with our local communities is therefore going to be less straight forward than previously and expectations on the capacity of the organisation will need to be made clear. That said a more targeted approach and improved communications with key stakeholders will help. Our communications to our communities and local stakeholders has improved in recent years, particularly during the pandemic, however our approach to communicating, consulting, and engaging with residents continues to evolve. The Council is starting to roll out the Gov Delivery platform to improve the way it electronically engages with residents given the fact that lots of people contact the Council each week with various requests. This would not change the need to continue to offer a variety of communications methods.
- 7.4.3 As a Council we have continued to advocate for local government services to continue to be delivered with as much focus on our local area as possible

and any changes that may take place, linked or not to the devolution and Levelling Up debates, will have a significant impact on our local community whose voice must be built into any ongoing delivery of services.

7.4.4 The Housing Division works closely with its tenants and specifically the Borough Wide Tenants' Forum to deliver the Council's landlord services. The Forum provides for a scrutiny role and supports the Division in policy development.

## 7.5 External Partners

7.5.1 We work with a number of organisations across the public and voluntary sectors, as well as with local businesses. Frequently, the Borough Council itself is perceived to be a partner of choice.

7.5.2 Like this Council, many of these organisations are reviewing how they provide and deliver services and often the Council is seen as a long-stop when local services disappear. Whilst there are some really good examples where this makes sense (eg, providing accommodation for phlebotomy services locally) and we will always try and look for efficiencies through partnership working, what the Borough Council cannot do is pick up work that was main-stream for other organisations on a regular basis in order that they do not stop altogether.

## 8 **Key Service Issues**

### 8.1 **Housing Services**

8.1.2 The Asset Management Plan for the Council's stock has been reviewed and is being considered by the Housing Task and Finish Group. It sets out the priorities and the resources for the service over the next 3 years. It anticipates the Social Housing (Regulation) Act requirements which are set out in the current Bill and reflects the changes which are being made to regulation.

8.1.3 Over the last 12 months we have continued with our major refurbishment works to blocks of flats. The programme at Alexandra Court, Atherstone was completed in 8 months and provided a pitched roof, new windows, external wall insulation and external improvement works. The energy efficiency and fire safety of the premises has been improved. Work is also nearly complete to install the pitched roof at St Leonards Close and works include external wall insulation. Energy efficiency programmes to provide external wall insulation and new windows have been provided in Polesworth, Hartshill, Baddesley and Warton. We have continued to provide Air Source Heating systems to our properties in villages which do not have gas. We have addressed the backlog of electrical testing properties and are acting in accordance with the new regulations for smoke and carbon monoxide alarms.

- 8.1.4 Teams continue to perform well to collect rent due. This is in the face of significant challenges to households from inflationary costs. The team are experienced and work proactively with tenants to prevent high arrears. They are assisted by software that analyses payment patterns and makes them aware if an account is likely to fall into arrears at an early stage.
- 8.1.5 The local authority Warwickshire partnership is delivering the objectives set out in the countywide strategy. Work streams include domestic abuse, young people, offenders, financial inclusion and health. Our teams support the work of the partnership and act to prevent the use of temporary accommodation, provide a designated services for single men/ Veterans, a proactive service to support households with financial matters and have a dedicated officer to deliver safe accommodation for victims of domestic abuse.
- 8.1.6 The Housing Task and Finish Group is established. The initial task was to consider the regulatory framework for the Council's landlord's stock and this will continue as we address the new requirements of the Social Housing Regulator. The Group has reviewed the Lettings Scheme, the vacant property standard and polices for the maintenance service.
- 8.1.7 The necessity for the Council to support the Government and County Council's services for migrants has become more prevalent this year. Of particular note is the support that the Council has given to Sponsors of Guests from the Ukraine and the Guests themselves. This includes visits to Sponsors before Guests arrived and consequent support and North Warwickshire is providing a countywide housing options service to prevent homeless for this Group.
- 8.1.8 The HEART partnership of the six local authorities in Warwickshire is delivering an integrated service to provide Disabled Facilities Grants and adaptations for residents. The partnership is emerging from a period of review and challenges and has delivered a new Business Case and improvements to enable the service to deliver home adaptations and improvements to assist residents to remain independent at home and prevent hospital admission.
- 8.1.9 The Private Sector Housing partnership with Nuneaton and Bedworth Borough Council provides services to address house conditions in the private sector. The service is largely reactive and responds to private tenants' concerns about disrepair and the condition of their tenancy. This includes damp and mould. This issue has escalated up the national agenda in recent months following the inquest into the death of Awaab Ishak in Rochdale which found that there had been prolonged exposure to mould and damp in the property Awaab lived. It is hoped that this national attention is sustained and backed with resources and powers to deal with the worst examples of poor housing. Landlords in both the private sector and the social housing sector will be expected to proactive address concerns raised by Government. Enforcement will be by private sector housing teams for private tenants and by the Housing Ombudsman or Regulator in for social housing.



8.1.10 Whilst the service provided by the Private Sector Housing team is largely reactive it does provide assurance for Houses in Multiple Occupation in the Borough and has been proactive in providing energy efficiency measure grants to private owners as part of Government schemes.

## 8.2 Revenues & Benefits and Customer Services

8.2.1 Whilst the Division has mostly returned to business as usual as far as the pandemic is concerned, cost of living pressures has meant additional tasks for the team by way of the distribution of funding in the form of Council Tax rebates. It is to the credit of the Local Government sector that Councils were identified as the most reliable delivery route to get much needed payments to residents facing rising energy bills, a reputation that this Council has contributed to with its exceptional performance in delivery COVID grant support.

8.2.2 In addition to sympathetically ensuring collection rates are maintained during the cost of living increases, the Division has led the Council's work (together with colleagues in Housing) on its response to rising costs via the Financial Inclusion Partnership and including successful funding bids for direct measures to help those in need.

## 8.3 Planning

8.3.1 Members will be aware that Planning, both in terms of Development Control and Forward Planning, is a very busy division with a number of key strategic challenges. As is reported regularly to the Planning and Development Board, case numbers have risen in the last year and a key part of the division's work in the coming year will be to deliver, as far as it is within our control, the developments allocated in the Local Plan, together with related infrastructure and any other major speculative applications which may be promoted despite (or because) land was not allocated in the Local Plan.

8.3.2 Planning enforcement casework always exceeds capacity however steps have been taken to recruit further staff in this area, as set out in another report on this agenda. The recruitment and retention of staff, as elsewhere within the Council, is a key issue to ensure we deliver on the agenda, and the changes expected to the national system, which should be announced this year and will have particular emphasis on design codes.

8.3.3 HS2 continues to be a very prominent issue both in terms of the actual development, which is now starting to be seen, and in terms of our role in seeking to mitigate the impact on are area, albeit that our powers here are very limited.

8.3.4 With the adoption of the Local Plan, work moves (as mentioned above) to the review of the evidence base that sits behind the Local Plan, as well as a number of other policy documents (Development Plan Documents, DPDs) and guidance (Supplementary Planning Documents, SPDs) and masterplans

for larger developments which will be considered by Members in the coming months. The introduction of the need for sites to result in a net gain with regard to biodiversity, as well as the wider green/climate change adaptation agenda, will be new areas of importance in the coming year.

- 8.3.5 New planning software is currently being developed and will go live in April 2023. This is also at a time of changes to the Land Charges system.

#### 8.4 **Leisure & Community Development**

- 8.4.1 The future of Atherstone Leisure Complex is a key issue given the latest Levelling Up Fund bid was unsuccessful. Detailed design work continues to be undertaken in anticipation of a third round for the Fund. As Members are aware, the current building is considerably past its expected life span and in the last few weeks has experienced a number of problems which has led to it needing to close. It should be expected that these problems will increase, potentially very significantly.
- 8.4.2 The long-term future of leisure facility provision in Polesworth also remains a key work focus. Whilst preliminary design work on a potential new facility in Abbey Green Park has been undertaken, the detailed capital and revenue implications of any new development have still to be established
- 8.4.3 Members will be aware from previous reports, and reports elsewhere on this agenda, of the work continuing in support of the introduction of the Local Authority Trading Company. In the meantime, there is the need to ensure operational growth within the current service in an environment that is still challenged by the on-going impact of the pandemic (for all leisure operators)
- 8.4.4 There is a need to introduce the agreed revised structure within Community Development and then advance a new approach to service delivery in conjunction with key partners and local communities. The work with partners will be particularly challenging
- 8.4.5 This work will be undertaken at the same time as supporting implementation of the UK SPF project plan, hopefully the REPF plan and the Levelling Up pilot project. Whilst discussions continue at a national and County level as to what Levelling Up will mean in practical terms, officers from this Council and the County Council are looking to establish a pilot Levelling Up project to see what barriers exist within communities and how partners can work together the address these. The Lower Super Output Area of Mancetter and Ridge Lane has been suggested and officers are currently scoping the nature of this pilot. Further details, including Member involvement, will be reported as the pilot is established.
- 8.4.6 The reviews of both the Green Space Strategy and the Playing Pitch Strategy are underway, with an intention for revised drafts of both documents to be available for consideration by Members in the autumn. This will involve the need to ensure the appropriate engagement of partners and key community groups.

- 8.4.7 Detailed development and business planning work is being undertaken with Atherstone Sports Club in an effort to secure the growth of Royal Meadow Drive Recreation Ground as a community “sports hub” that also accommodates a full-size 3G artificial grass pitch (both of which are priorities within the adopted PPS).
- 8.4.8 Community Development will also be working on the enhancement of Borough Council Play Areas in Mancetter and at Kitwood Avenue, in Dordon, as part of the approved Play Area Development Programme
- 8.4.9 In conjunction with Housing, the Division will continue to advance the Borough Council’s Safeguarding commitments and ensure its compliance with its responsibilities as a “Relevant Agency” within Warwickshire safeguarding

## 8.5 Finance & Human Resources

- 8.5.1 With regard to Finance, the main issues are reported to Members on a regular basis, including elsewhere on the agenda for this Board. In short, the position can be summarised as follows.
- 8.5.2. The Council has a difficult financial position to manage, with insufficient revenue funding to cover all the activities currently being undertaken by the Council. General balances are being used in the short term to cover unfunded spending whilst reductions are made in the base budget, but this cannot be sustained.
- 8.5.3 The funding available for capital spending is also limited, and the Council has needed to be mindful of this for some time. External funding is brought in wherever possible but cannot be guaranteed. Spending has therefore been limited to match the funding available. Even with this approach, there is expected to be a shortfall in funding over the medium term.
- 8.5.4 The Housing Revenue Account covers the management and maintenance of the Council’s housing stock and operates as a separate account in line with legal requirements. Whilst it does not have the same level of financial issues as the Council’s General Fund, there are demands around the condition of some of the stock and these will need to be managed within the available funding.
- 8.5.5 A new Financial Management System has been procured and is in the process of being implemented.
- 8.5.6 A lot of work for the team relates to providing support for services looking to implement new initiatives for both service improvement and financial reduction reasons, such as the LATCo and Levelling Up Fund bid. This impacts on one area of the team particularly, so achieving full staffing in that area will be critical to achieve the expected challenges in the year ahead.

8.5.7 With regard to Human Resources the main issues are:

- Recruitment & Selection– hard to fill roles such as Planning, Environmental Health and Finance. We continue to strive to make NWBC an employer of choice to attract and retain talent in a competitive market;
- Hybrid Working – embedding the ‘new normal’ and continuing with changes to ways of working which bring about efficiencies
- Wellbeing of employees, particularly mental health and expanding current offer of support for employees;
- Training & Development – focus on learning and development of employees, e.g. grow our own (this links with Recruitment issues above and workforce/succession planning)
- Diversity, Equality and Inclusion – work to ensure a diverse and representative workforce to support the inclusive services offered to the community
- Pay and benefits - supporting staff where possible with cost of living issues and responding to pay requests as a result of increased inflation, whilst mindful of our own very challenging budget position
- Employee engagement – focus on engaging employees in the NWBC objectives and priorities to ensure they feel valued, trusted and have pride in customer excellence.

## 8.6 **Streetscape**

8.6.1 The Streetscape team has continued to provide a very high level of service provision despite staffing pressures, particularly regarding HGV driver recruitment to which the Council has responded imaginatively and successfully.

8.6.2 The Council wishes to continue to improve the service even further and the incab system is now ready to be implemented and will be rolled out in the coming months. Work also continues on the sub regional MRF which is reported regularly to Members and we look forward to working closely with the new Managing Director.

8.6.3 The implications of the change to the enforcement of on street parking in North Warwickshire and the linked changes to off street parking were introduced very well. The next key stage will be inputting into the County Council’s review of on street parking particularly with regard to residents’ parking.

8.6.4 The Division is also looking at changes to the Street Cleaning and Grounds Maintenance services which have been reported to Members recently and which will be the subject of further reports.

8.6.5 The Division is also leading on the Council’s work with regard to Climate Change, including work with the Member working group. A plan drawing all the work to date together will be considered by Members in the next few months.

8.6.6 Finally, there is a lot of work relating to the Council's property estate, linked to its age and condition but also linked to changing working patterns and Members will be aware of decision that have been taken with regard to a number of assets in the Council's ownership.

## 8.7 Democratic Services and Legal Services

8.7.1 The Democratic Services Team continues to service meetings of the Council, its various Boards and Sub-committees and support members, together with a wide range of election, voter registration and referendum functions in the post-Covid era. Challenges facing the Team include a significant amount of work to implement voter identification prior to the May elections and a continued high number of neighbourhood planning referendums. The Team has two relatively new members of staff who have settled in and are performing extremely well but are still building their knowledge in some aspects of the role. The promotion of another Team member to a senior position is assisting their development and that of the service as a whole. Following a number of enquiries and issues arising from Parish Councils, it is possible that some Community Governance Review work will need to be undertaken. This will need to be ahead of and part of a boundary review of the Borough which is expected likely to start in summer of 2023.

8.7.2 The Legal Services Team provide support across the whole of the Council's functions. There has been a notable increase in advice relating to partnership working with other public bodies with whom we are jointly providing services. There is also a high demand for support across the Council's regulatory and enforcement functions including planning control, anti-social behaviour and environmental health functions. This has included an increase in the amount of planning enforcement, particularly at short notice, and significant work for the whole Team in obtaining and enforcing the injunction relating to protests at the Oil Terminal.

## 8.8 Other Issues

8.8.1 Having looked at the main demands and challenges on a service by service basis, there are some other key areas which require a specific mention.

## 8.9 Cross-Agency Issues

8.9.1 The remaining areas are all ones where we work closely with partners often with more resources and wider remits than we have.

### (a) Health & Wellbeing

Local Government has direct responsibility for Public Health exercised through the County Health & Wellbeing Board on which we are represented. Health Improvement has been a key concern for the Council over many years and, with a higher age profile than many areas, it is important that we play our role with partners in improving the quality of life of our residents. Many of our functions are health related, eg, Environmental Health, Leisure

and Community Development Services and Housing, and we work with partners to look at ways of improving public health and unlocking financial resources. Our resources for getting involved in the bigger health issues are, however, limited and capacity remains a real problem in such a complex partnership agenda. Looking into the future, the Council needs to give consideration as to how it can maximise its effectiveness in this area as pressures on Health Budgets grow and there is greater pressure (and willingness) on Health Agencies to work more closely and potentially integrate with local government services, particularly but not exclusively, adult social care. This is particularly the case as resources from other agencies, particularly the County Council, have been squeezed over the last year with vacant posts taking some time to fill and in some cases not being filled at all.

The Borough Council has taken the proactive step to introduce a Health and Wellbeing Working Party, which has led on the production of the authority's corporate "Health and Wellbeing Action Plan". The authority is also a key partner within the Warwickshire North Health & Wellbeing Partnership, which the Chief Executive chairs, and is active at both officer and Member level in the Warwickshire Health & Wellbeing Board, which is playing a significant role in trying to facilitate improvements in key health issues.

As is often the case in the Health system, major structural change took place this year with the introduction of Integrated Care Partnerships and it is reasonable to say that the role Councils play within these partnerships, particularly District/Borough Councils, remains to be confirmed. A key concern for the Council will be to ensure that the local area has its voice heard in the wider subregional system.

(b) Community Safety

As with the previous topic, we have a lot of involvement but limited resources to deal with this key issue. The Borough Council has, however, made some important interventions working in partnership, particularly in relation to reducing rural crime. In particular this year, work on fly tipping has undergone a thorough review via the Council's transformation programme with a number of teams working increasingly closely and deploying increasingly cutting edge technology to respond to an increasing problem. The Council will also work with partners on the current serious concerns regarding knife crime, particularly in respect of our younger residents.

There are external influences, including changes to local Policing structures/resourcing which require effective partnership arrangements to sustain Making North Warwickshire a Safer Place.

The Council's work in the area is overseen by the Safer Communities Sub Group and more details is given the performance report at Appendix B.

## 9 **Conclusion**

- 9.1 It is hoped that this report has given Members sufficient information on external factors affecting the Council, internal issues which they may wish to take account of, including challenges facing individual services, and the requirements and aspirations of stakeholders.
- 9.2 In addition, when considering options for reviewing existing and determining future priorities, Members need to be aware of the resources available and or potentially available to them. That information is also outlined in the report so, hopefully, this provides enough of a framework to enable further discussion and planning to take place in preparation for the next few years.

The Contact Officer for this report is Steve Maxey (719438).

Corporate Plan

Front page

Name and Logo

Corporate Plan 2023-27

2022/2023 Revision for public consultation

Protecting the rurality of North Warwickshire, supporting its communities and promoting the wellbeing of residents and businesses.



## Introduction

The last year for the Council was significant culminating in all out elections for every seat on the Council. That election was the first in which Voter ID was required and resulted in 'No Overall Control', with 17 Conservatives, 15 Labour and 3 Independent Councillors being returned. A desire amongst Councillors to ensure that the Council continues to operate smoothly is important and the operation of the Council has not been affected.

The Council has resolved the key issue of Board Membership and Council leadership at its annual Council in May and in the first year has largely continued to follow the strategy and actions set out in the Corporate Plan from the previous Council term.

Eighteen months on from the end of COVID 19 protective measures, the Council is very much back to 'business as usual' albeit that a fresh set of challenges need to be addressed. Staff have moved from the temporary working arrangements of 2020 and 2021 with a series of 'Re-engage, Re-energise' workshops being held to help design the best working arrangements and refocus efforts on delivering excellent outcomes for residents in line with the Council's adopted priorities.

Staff recruitment and retention continues to be an issue, shared with the rest of the sector (and most of the country), not least this year with regard to senior management. Two of the three members of the Council's Management Team have left and that these moves were planned a long time in advance helps with the risk this poses to the Council. The quality of our interim cover has significantly helped and provides a significant boost in our transformation journey, a key Corporate Plan priority and one which fits well strategically with the 'Re-engage, Re-energise' theme. The wider work on transformation is reported regularly to Members. This also presents an opportunity for the Council to review its staffing structure in the coming year, using the Local Government Association's Decision Making Accountability framework to ensure it has an efficient and effective structure.

Finances remain extremely tight and uncertain in the medium term, significantly impacted by rising prices generally as experienced across the country in the last year. The Council moved quickly to offer residents all the support it can with the well-established Financial Inclusion Partnership coordinating partnership activity including the first cost of living workshop to be held across the County. Further events will be held this year to continue this support. Whilst the last two years' financial settlements from the Government have been better than anticipated the Council still faces financial uncertainty however the Council's Medium Term Financial Strategy will be reviewed in the autumn of 2023 to establish if fresh opportunities exist in the short term particularly as a result of the recent review of Business Rates.

Despite these challenges the Council continues to provide excellent services to the public and to deliver on the priorities set by Councillors, as shown in the following very small list of examples:

- Continuing to respond very quickly to flytipping and prosecute where evidence exists.
- Speedy and effective action on incursions onto public land
- Provide a wide range of increasingly popular leisure facilities despite national uncertainty around changing leisure habits post COVID and rising costs, including the provision of additional health related services. Work continues on the future provision of leisure services via the Service Improvement Plan, review of facilities and significant work on delivery models.

- Proactive work on housing and employment developments in the Borough. Two of the main housing allocated sites are expected to be considered by the Planning and Development Board this year together with the strategically important Council led extension to the MIRA site. Work on major leisure attractions supported by the Council, the Surf Park and the Eternal Wall, continue. The Council is ensuring therefore that there is a good range of housing and employment provided in the Borough.
- Significant investment in play areas within communities (the latest being at Brook Walk, Mancetter, and Kitwood Avenue, Dordon) and support for grassroots sport clubs and facilities.
- Progression of the multi partner recycling facility (MRF) providing a commercial opportunity and more secure pathway for recyclates.
- Significant housing renovation including the properties in Atherstone which have had a transformative impact in the town
- Successful bid for UK Shared Prosperity Funding and the commitment of £640,000 to date to support community facilities and activity and business support.
- Comprehensive response to the risks from some of the protestors at Kingsbury Oil Terminal
- Adoption of a corporate Climate Change strategy and deliver of major 'Green Homes' work in our housing stock with over £400,000 committed for a range of energy efficiency measures
- Extensive work to support Ukrainians and other refugees/asylum seekers in the Borough with the Council leading the Countywide housing work as well as continuing to support those in housing needs, leading to the lowest use of temporary accommodation in the County.
- Implementation of the 'Gov Delivery' communications platform to provide targeted communications to residents including useful help and guidance
- Introduction of changes to the voting system, particular the requirement for Voter identification
- The establishment of the North Warwickshire Disability Forum
- Maintaining a very high level of customer service with 81% of contacts resolved at first point of contact with an average wait to answer time of 18 seconds and 94% answered in 20 seconds, for the approximately 7000 contacts received each month. The Council has also reviewed its reception arrangements including implementing a Virtual Receptionist.
- Adoption of a Damp and Mould Policy with regard to our housing stock and revised our approach to tenant satisfaction in line with the changes to the regulation of social housing

The start of a new Council term, a review of the staffing structure and review of the Medium Term Financial Strategy provides a good opportunity to review the priorities and actions and the Council will engage in a consultation exercise over the Autumn.

The last year has been another very challenging year for everyone and the impact on residents, communities, business and the Council has again been significant. The Council would like to extend

our sympathies to you if you have been particularly affected by the COVID-19 outbreak, especially if you have lost someone close to you during this time.

As a Council we have continued to experience ongoing challenges, not least of which were keeping staff as safe as possible, whilst continuing service provision. We have continued to review how we operate services, trying to build in service efficiencies wherever possible. Whilst not all of the additional work required during the early part of the response to the coronavirus was needed last year, we continued to support other service providers. We also continued to administer a range of business grants to businesses in the Borough in line with national and local restrictions and administered the Track and Trace scheme in line with national requirements.

Like many others, our finances continued to be hit by the pandemic. Refuse and recycling costs have remained high, whilst income streams in areas such as leisure have not recovered due to restrictions on numbers attending activities at times and lower take up generally. Managing our financial position will be very challenging going forward, even with the council tax increase set for the coming year.

However, the Council also had some notable achievements last year, with the completion of the Local Plan, ongoing improvement in the quality of superfast broadband provision in the Borough, hosting the first ever International Women's Cycle Race Time Trials, hundreds of fly tipping incidents cleared on average in less than one day, improved play areas and sporting facilities across the Borough, progress with the start of the project to improve the A5 in the Borough, the provision of new housing in Warton, Polesworth, Grendon and Atherstone, and setting up a revised leisure facility in Polesworth.

Whilst we need to find ways of reducing our expenditure significantly over the next few years, we will continue to do all we can to support our communities and improve jobs and opportunities for the residents of North Warwickshire.

Despite these challenges I am pleased to say that we have been able to announce some exciting new investment projects in the budget agreed on 23<sup>rd</sup> February by the Council. Despite the significant constraints on our budget we will now work towards a new Leisure Centre in Polesworth, a new 4G playing pitch at the Sheepy Road football ground and additional much needed car parking space in Coleshill. We will also continue to seek Government funding for a replacement Leisure Centre in Atherstone, and have allocated match funding from our budget to support this.

There continues to be considerable uncertainty as the country learns to live with COVID and other external events that is putting pressure on everyone's finances, both individual and Government. North Warwickshire Borough Council, working with partners, has produced a package of support and advice for anyone struggling with these issues, particularly the increasing cost of energy, and you'll find information setting out this help enclosed with this letter, as well as details of the Government scheme.







There are major challenges ahead, but we are up to the task and I am excited to continue to work on numerous projects designed to improve North Warwickshire.

## Vision

Protecting the rurality of North Warwickshire, supporting its communities and promoting the wellbeing of residents and business.

## Values

[The Council has a group of staff at Principal Officer level that have been working with the Chief Executive on a number of cross cutting issues. That group have suggested a revision to the Council's staff values:](#)

<b>T</b>	We will work with a <b>team mindset</b> , working collaboratively with other departments and partners to achieve results – whilst demonstrating flexibility, reliability, resilience, and a positive attitude.	
<b>H</b>	We will be <b>honest</b> , transparent and act with integrity in all that we do; our employees have pride in their work and are sincere, trustworthy, and accountable.	
<b>R</b>	We will <b>respect</b> all by building and maintaining inclusive, caring, and collaborative relationships based on trust and mutual respect.	
<b>I</b>	We will show <b>initiative</b> by being resourceful, thinking proactively and will promote and embrace service improvements.	
<b>V</b>	We will give a <b>voice</b> to our employees and customers; encouraging open communication and feedback which is listened to and considered in order to develop effective solutions.	
<b>E</b>	We strive to deliver customer service <b>excellence</b> and be enthusiastic and passionate about achieving the highest quality standards; our employees say “we go the extra mile” and “we care”.	



North Warwickshire  
Borough Council

**#nwbcthrive**

~~Service provider, enabler, point of contact, champion of North Warwickshire~~

Priorities:

- Efficient organisation:  
Finances, lean, responsive
- Safe, Liveable, Locally Focussed communities:  
Feeling safe, place based enforcement, Quality of life
- Prosperous and healthy:  
Jobs, Infrastructure, connectivity, health
- Sustainable growth, protected rurality:  
Vibrant growth, sense of place, recognisably home

In addition, the Council will continue its work to adopt a meaningful climate change strategy, as well as fully exploring the devolution opportunities available as a result of the Levelling Up agenda, particularly through the 'Trailblazer Devolution Deal' for the West Midlands Combined Authority and a potential County Deal for Warwickshire.

## Priorities and Objectives

This section of the plan outlines how we will achieve our priorities and objectives and how we will measure our progress

### Efficient organisation – financial management, lean and responsive organisation

#### Our Strategic Aims

We need to be the most **focussed and prioritised organisation** we can be – clear on our vision and priorities, **skilled and motivated staff in the right places**.

We need to **know what we are about** but also that we cant cover as many areas as before and will continue to **harness the power of the community**.

Our **advocacy for the area** will aim to ensure other parts of the systems we live in recognise the needs of North Warwickshire.

We recognise that North Warwickshire Borough Council is an organisation a lot of people turn to for help and we proud of this – it played a vital role in supporting communities through COVID and will continue as we learn to live with the virus in the longer term. A key reason for this is our **responsiveness – we know the area and can be relied on to respond**. This need to be allied with a greater understanding of you, as residents of the Borough. Recent changes in our working practices have shown the benefit of the **Council truly leaving the building** in every sense, being more problem solving in complex cases and seeing the person as well as the process

#### How we will achieve this

~~Make the financial savings we need in ways which least affect our residents~~[Continue to ensure our services are efficient, whilst being as effective as possible for our residents.](#)

A robust transformation programme to ensure our services and processes are as lean as possible

Identifying the resources needed to deliver the Council’s plan to provide high-quality priority services to our communities

Consider new models of working and providing services

Develop our staff in the new skills needed, properly supported by IT

Develop our vulnerability work from COVID 19 to provide additional assurance to residents who may be experiencing difficulties

Ensure as many services are based in North Warwickshire as possible to ensure they reflect and respond to the Borough.

How we will measure this

Balanced budget and savings [and other actions](#) identified in [a revised the](#) Medium Term Financial Strategy (N)

A minimum of two major services reviews and reporting on the savings and efficiencies achieved (PI)

[Review our approach to asset management with an Officer Board, reporting to Members, on a coordinated and proactive approach to the use of our assets, linked to service provision and commercial activity \(N\)](#)

Increased commercial activity in areas that will promote the wellbeing of the Borough to assist with market weaknesses and make a contribution to the Council's budget (N&PI)

Appropriate charges for Green Waste and Parking to help sustain services (PI)

Contact those we know to be vulnerable with information, advice and as often as possible with direct contact to ensure the help available is reaching our residents, in particular with regard to inflationary pressures especially the increased cost of energy (N&PI)

Efficiently collect money due to the Council, whilst continuing to offer support (PI)

Staff survey results (PI)

Customer satisfaction (PI)

[N – Narrative; PI – Performance Indicator]

**Safe, Liveable, Locally Focussed Communities –  
feeling safe, place based enforcement, quality of life**

Our Strategic Aims

North Warwickshire is a recognisable community with a distinctive sense of place. It is connected to but separate from the wider West Midlands area as well as the East Midlands and therefore benefits from public services based on its real geography rather than administrative convenience.

Key to our sense of place is **quality of life** - being able to enjoy the rurality and communities within North Warwickshire. **Feeling safe** is of paramount importance to this and as part of our **advocacy role** for the Borough we will work with the Police and other partners on the key safety issues of concern to local residents.

We will adopt a **placed based approach to enforcement** using our powers where appropriate to ensure the protections to residents' quality of life are used. As well as our professional powers in areas such as Planning, Housing and Environmental Health we will use a problem solving approach to cross cutting and multi agency issues to ensure people enjoy their homes and communities.

How will we achieve this

Continue to play a leading role in the North Warwickshire Community Safety Partnership working with the community, including the Police, Town and Parish Councils and people of all ages, background and areas, to improve public perception of crime and public confidence in feeling safe by contributing towards the achievement of the Partnership plan actions and targets for the current strategic priorities. ~~This will be particularly important for those who have spent considerable periods of time shielding against the risk caused by COVID-19.~~

Advocate on behalf of the Borough to ensure sufficient levels of key services in the area, particularly Police and street lighting.

To continue to implement Civil Parking Enforcement in North Warwickshire, including working with the County Council in a review of Traffic Regulation Orders and residents' permit schemes, as part of steps to improve and increase, amongst other things, parking in our town centres, and work with partners on improving HGV parking. In addition, the Council will explore options for further parking provision in Coleshill.

Work with partners to resolve Safer Neighbourhood issues, including, where necessary, taking action to address anti-social and nuisance behaviour

Maintain a very high standard of street cleanliness throughout the Borough, tackling litter and flytipping as quickly as possible.

Ensure maximum coordination between enforcement teams to resolve complex social and environmental issues likely to significantly impact on quality of life.



How we will measure this

Reporting on a range of Safer Communities indicators linked to Violent Crime (with a focus on domestic violence and abuse, sexual offences and drug and alcohol related), Anti-Social Behaviour, Road Safety (with a focus on road traffic accidents resulting in killed or serious injuries), Crime in Rural Areas (PI, N)

Report on the cleanliness of the Borough (PI)

Report on the work of our enforcement teams in Planning, Housing and Environmental Health (N)

Satisfaction surveys with residents and key partners such as Town and Parish Councils. (N)

**Prosperous and healthy –  
Jobs, Infrastructure, connectivity, health**

Our Strategic Aims

The first two objectives may be regarded as ensuring the foundations for the organisation and Borough are as firm as possible – the Council should add value to the area and residents should feel at home and secure in their communities.

The next two objectives build on the **quality of life theme** to ensure our communities **thrive**, being **prosperous and healthy**.

Key to this theme is a **healthy and inclusive economy** with a good supply of jobs, including in emerging ‘mega trend’ sectors, prioritised in national and regional Industrial Strategies. Ensuring our residents can **acquire the skills** for new and existing jobs is important in this aim.

As part of the final aim, ensuring investment into North Warwickshire in terms of sufficient housing and employment for our residents is a generally shared aim as long as the **infrastructure that makes places work** comes with it. The Council has established an ambitious growth and investment programme following years of low input to the area and we will continue to lead on the Borough’s input into securing the improvements to roads, schools, community services and environmental assets to **bring quality to growth**. [As these plans are long term and take several years to develop, it is important that the Council reviews whether they continue to be fit for purpose. The Government is currently considering revisions to national planning policy and the planning policy evidence base is in the process of being renewed. This is an appropriate point for the Council to review the Local Plan and has resolved to do this once the new national planning policies have been published.](#)

A key component is ensuring we are **connected with the people, places and factors which influence our life** – in terms of transport and physical connection and also technology as COVID produces a generational shift to digital services.

The Government’s Levelling Up agenda could be important for this strategic aim, particularly with regard to skills and the local economy.

Finally, but fundamentally, a number of **health outcomes need to significantly improve** within the Borough. Loss of economic opportunity can often be replaced eventually but reduced health prospects are more damaging.

How will we achieve this

Consult ~~on~~[continue to refine](#) the draft Economic Development Strategy linked to the UK and WM ~~Industrial~~ [Strategies and emerging sub-regional Economic Development Plans as work in this area moves from Local Enterprise Partnerships to local authorities](#), including identifying projects to be supported from Government funding.

[Implement measures funded by the Business Support element of the North Warwickshire UK Shared Prosperity Fund to provide support to business in the Borough.](#)

Use developer contributions and other funding to maximise opportunities for the employment of local people including addressing skills gaps as well as the improvement of the environment, leisure and other community services that add value to people's lives.

Manage development and work with partners to deliver its associated infrastructure, in line with the Infrastructure Delivery Plan

Progress the North Warwickshire Transport Strategy to improve strategic roads such as the A5 and A446, improve transport links, including cycle links, footpath links, public transport, and all forms of rail provision.

We will work in partnership with other agencies to tackle health inequalities through implementation of the corporate Health and Wellbeing Action Plan and relevant Warwickshire North Place Plan priorities, as part of our advocacy work for the Borough within the health system as well as by ensuring access to leisure and other community service opportunities that promote active, healthy lifestyles.

Ensure our work through a number of services such as Planning, Environmental Health, Leisure and Community Development and Housing contribute to improving the wider determinants of health and to enhancing the physical and mental wellbeing of local residents

Work with partners in Warwickshire and the West Midlands on further devolution deals and ensure issues of interest to North Warwickshire are included.

Continue to work with partners on digital connectivity, including through the Digital Infrastructure Board and in particular on the West Midlands Digital Connectivity Infrastructure Accelerator.

#### How we will measure this

A dashboard of economic indicators linked to the Economic Development Strategy including skill levels, employment rates, benefit claimant rates, wage/salary data (PI, N)

Progress reports on the action plan for the Transport Strategy (N)

Progress reports on the action plans for the corporate Health and Wellbeing Action Plan and JSNA and relevant Warwickshire North Place Plan priorities (N)

A dashboard of health indicators on key health indicators, including life expectancy, access to mental health services, road mortality, and active lifestyle indicators(PI)

Report to Members progress on devolution deals [\(N\)](#)

[Continue to progress the Levelling Up pilot in Mancetter South and Ridge Lane \(N\)](#)

[Report progress on the UKSPF fund to the Member Panel \(N & PI\)](#)

**Sustainable growth, protected rurality -**

**Vibrant growth, sense of place, recognisably home**

### Our Strategic Aims

Linked to the last theme, one of the most important roles North Warwickshire Borough Council can play is to **shape the type of place** North Warwickshire is and ensure there is a **plentiful supply of houses, of the right type and quality**.

There is a housing crisis in the UK caused by insufficient properties being built over a long period of time. The Council will therefore play its part in providing **sustainable growth, facilitating investment in the Borough**. This will ensure the housing needs of the area are met and provide impetus through new jobs, and good quality facilities and services in North Warwickshire.

The growth however must not come at the expense of future generations and must seek to **retain the rurality of North Warwickshire**. The new necessary growth must integrate well with existing development and seek to retain a recognisable North Warwickshire, in particular protecting as far as possible our Green Belt and other strategic designations of land.

Working with partner organisations and advocating for the Borough for the infrastructure mentioned in the last objective is key to this aim.

### How will we achieve this

We will ensure we have an up-to-date Local Plan, which remains the best way to provide the homes, jobs and other sustainable growth needed in the area. Crucially it also provides the best mechanism to ensure as far as we can that development only happens in the right areas, and for the protection of the Green Belt. [A key part of this is to review Plans at the right time and the Council has committed to starting a review once national planning policy revisions are published. A number of key parts of the preparatory work for this review can commence now.](#)

We will continue to work with regional partners to ensure our Plan fits into the wider regional context and that we all working together ensure the necessary supply of homes, jobs and infrastructure.

Use our Design Champions to ensure the best achievable designs are implemented and developed so as to reflect setting and local character.

Seek to secure the protection of the best of the Borough's built and rural heritage, as well as our natural assets such as the Tame Valley Wetlands Partnership

To press for the maximum mitigation and benefits for the Borough arising from HS2, particularly during construction in partnership with other affected Councils and community action groups

Continue to implement the adopted North Warwickshire Leisure Facilities, Green Space and Playing Pitch Strategies, and the accompanying Local Football Facilities Plan, in accordance with their associated Action and Funding Plans. In addition the Council will progress the business case for a new leisure facility in Polesworth and a 4G facility at the Sheepy Road ground, as well as submitting a further bid to the Levelling Up Fund in July 2022 in respect of the Atherstone Leisure Centre. [The](#)

Council will review the Green Space Strategy including measures to help with climate change and with the revised BioDiversity Net Gain requirement. The Council will also continue to review the business case for providing leisure services through a wholly owned trading company given recent external changes in the leisure industry.

To implement our Homeless Strategy and work on private housing. In addition, the Council will assess the business case for creating a wholly owned housing company to assist with the provision of housing that will be delivered, particularly on Local Plan allocated sites, in particular whether new approaches can be taken regarding the provision of a wider range of affordable housing.

#### How we will measure this

Report on progress of the Local Plan and subsequent reviews (N)

Report on key planning and housing data such as the five year housing supply, percentage of affordable homes, amount of land built on brownfield and allocated sites. (PI)

Report to the Planning and Development Board on pressures on the Green Belt, design and heritage issues including conservation areas (N)

Report progress on Leisure Facilities, Playing Pitches and Green Space Strategies (N)

Report progress on homelessness, private housing and other housing issues (N)

**Agenda Item No 11**

**Executive Board**

**18 September 2023**

**Report of the Chief Executive**

**Corporate Plan Performance Update**

**1 Summary**

- 1.1 This report asks the Board to note the Corporate Plan Performance Update and identify any areas where further information is required.

**Recommendation to the Board**

- a That the report be noted; and**
- b Identify any areas where further consideration is needed**

**2 Report**

- ... 2.1 Members have adopted the Corporate Plan 2022/23 version, attached as Appendix 1.

- ... 2.3 The Performance Update attached as Appendix 2 updates Members on progress against those outcomes. Members are therefore asked to note the report and identify any areas where further information is required.

**3 Report Implications**

- 3.1 There are no specific implications.

The Contact Officer for this report is Steve Maxey (719438).



North Warwickshire  
Borough Council



# Corporate Plan 2022-23



MIRA Technology Park

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2022/23 Revision

**Protecting the rurality of North Warwickshire, supporting its communities and promoting the wellbeing of residents and business.**



# 01

## Introduction

The last year has been another very challenging year for everyone and the impact on residents, communities, business and the Council has again been significant. The Council would like to extend our sympathies to you if you have been particularly affected by the COVID 19 outbreak, especially if you have lost someone close to you during this time.

As a Council we have continued to experience ongoing challenges, not least of which were keeping staff as safe as possible, whilst continuing service provision. We have continued to review how we operate services, trying to build in service efficiencies wherever possible. Whilst not all of the additional work required during the early part of the response to Coronavirus was needed last year, we continued to support other service providers. We also continued to administer a range of business grants to businesses in the Borough in line with national and local restrictions and administered the Track and Trace scheme in line with national requirements.

### Like many others, our finances continued to be hit by the pandemic.

Refuse and recycling costs have remained high, whilst income streams in areas such as leisure have not recovered due to restrictions on numbers attending activities at times and lower take up generally. Managing our financial position will be very challenging going forward, even with the council tax increase set for the coming year.

However, the Council also had some notable achievements last year, with the completion of the Local Plan, ongoing improvement in the quality of superfast broadband provision in the Borough, hosting the first ever International Women's Cycle Race Time Trials, hundreds of fly tipping incidents cleared on average in less than one day, improved play areas and sporting facilities across the Borough progress with the start of the project to improve the A5 in the Borough, the provision of new housing in Warton, Polesworth, Grendon and Atherstone, and setting up a revised leisure facility in Polesworth.



Whilst we need to find ways of reducing our expenditure significantly over the next few years, we will continue to do all we can to support our communities and improve jobs and opportunities for the residents of North Warwickshire.

Despite these challenges I am pleased to say that we have been able to announce some exciting new investment projects in the budget agreed on 23rd February by the Council. Despite the significant constraints on our budget we will now work towards a new Leisure Centre in Polesworth, a new 4G playing pitch at the Sheepy Road football ground and additional much needed car parking space in Coleshill.

We will also continue to seek Government funding for a replacement Leisure Centre in Atherstone, and have allocated match funding from our budget to support this.

**There continues to be considerable uncertainty as the country learns to live with COVID and other external events that is putting pressure on everyone's finances, both individual and Government.**

North Warwickshire Borough Council, working with partners, has produced a package of support and advice for anyone struggling with these issues, particularly the increasing cost of energy, and you'll find information setting out this help enclosed with this letter, as well as details of the Government scheme.

There are major challenges ahead, but we are up to the task and I am excited to continue to work on numerous projects designed to improve North Warwickshire.





**Vision**

Protecting the rurality of North Warwickshire, supporting its communities and promoting the wellbeing of residents and business.



**Values**

Service provider, enabler, point of contact, champion of North Warwickshire



**Priorities and Objectives**

This section of the plan outlines how we will achieve our priorities and objectives and how we will measure our progress

# Priorities:

---

**Efficient organisation:**

- Finances
- Lean
- Responsive



**Safe, Liveable, Locally Focussed communities:**

- Feeling safe
- Place based enforcement
- Quality of life



**Prosperous and healthy:**

- Jobs
- Infrastructure
- Connectivity
- Health



**Sustainable growth, protected rurality:**

- Vibrant growth
- Sense of place
- Recognisably home



In addition, the Council will continue its work to adopt a meaningful climate change strategy, as well as fully exploring the devolution opportunities available as a result of the 'Levelling Up agenda, particularly through the Trailblazer Devolution Deal' for the West Midlands Combined Authority and a potential County Deal for Warwickshire.

# 02

## Efficient organisation

– financial management, lean and responsive organisation

### Our Strategic Aims

We need to be the most **focused and prioritised organisation** we can be – clear on our vision and priorities, skilled and motivated staff in the right places.

We need to **know what we are about** but also that we can't cover as many areas as before and will continue to **harness the power of the community**.

Our **advocacy for the area** will aim to ensure other parts of the systems we live in recognise the needs of North Warwickshire.

We recognise that North Warwickshire Borough Council is an organisation a lot of people turn to for help and we are proud of this – it played a vital role in supporting communities through COVID and will continue as we learn to live with the virus in the longer term. A key reason for this is our **responsiveness – we know the area and can be relied on to respond**. This need to be allied with a greater understanding of you, as residents of the Borough. Recent changes in our working practices have shown the benefit of the **Council truly leaving the building** in every sense, being more problem solving in complex cases and seeing the person as well as the process.



### How we will achieve this

Make the financial savings we need in ways which least affect our residents

A robust transformation programme to ensure our services and processes are as lean as possible

Identifying the resources needed to deliver the Council's plan to provide high-quality priority services to our communities

Consider new models of working and providing services

Develop our staff in the new skills needed, properly supported by IT

Develop our vulnerability work from COVID 19 to provide additional assurance to residents who may be experiencing difficulties

Ensure as many services are based in North Warwickshire as possible to ensure they reflect and respond to the Borough.

### How we will measure this

- Balanced budget and savings identified in the Medium Term Financial Strategy (N)
- A minimum of two major services reviews and reporting on the savings and efficiencies achieved (PI)
- Increased commercial activity in areas that will promote the wellbeing of the Borough to assist with market weaknesses and make a contribution to the Council's budget (N&PI)
- Appropriate charges for Green Waste and Parking to help sustain services (PI)
- Contact those we know to be vulnerable with information, advice and as often as possible with direct contact to ensure the help available is reaching our residents (N&PI)
- Efficiently collect money due to the Council, whilst continuing to offer support (PI)
- Staff survey results (PI)
- Customer satisfaction (PI)

# 03

## Safe, Liveable, Locally Focussed Communities

– feeling safe, place based enforcement, quality of life

### Our Strategic Aims

North Warwickshire is a recognisable community with a distinctive sense of place. It is connected to but separate from the wider West Midlands area as well as the East Midlands and therefore benefits from public services based on its real geography rather than administrative convenience.

Key to our sense of place is **quality of life** - being able to enjoy the rurality and communities within North Warwickshire. **Feeling safe** is of paramount importance to this and as part of our **advocacy role** for the Borough we will work with the Police and other partners on the key safety issues of concern to local residents.

We will adopt a **placed based approach to enforcement** using our powers where appropriate to ensure the protections to residents' quality of life are used. As well as our professional powers in areas such as Planning, Housing and Environmental Health we will use a problem-solving approach to cross cutting and multi agency issues to ensure people enjoy their homes and communities.



### How will we achieve this

Continue to play a leading role in the North Warwickshire Community Safety Partnership working with the community, including the Police, Town and Parish Councils and people of all ages, background and areas, to improve public perception of crime and public confidence in feeling safe by contributing towards the achievement of the Partnership plan actions and targets for the current strategic priorities. This will be particularly important for those who have spent considerable periods of time shielding against the risk caused by COVID 19.

Advocate on behalf of the Borough to ensure sufficient levels of key services in the area, particularly Police and street lighting.

To review the implementation of Civil Parking Enforcement in North Warwickshire as part of steps to improve and increase, amongst other things, parking in our town centres, and work with partners on improving HGV parking.

Work with partners to resolve Safer Neighbourhood issues, including, where necessary, taking action to address anti-social and nuisance behaviour

Maintain a very high standard of street cleanliness throughout the Borough, tackling litter and flytipping as quickly as possible.

Ensure maximum coordination between enforcement teams to resolve complex social and environmental issues likely to significantly impact on quality of life.

### How we will measure this

- Reporting on a range of Safer Communities indicators linked to Violent Crime (with a focus on domestic violence and abuse, sexual offences and drug and alcohol related), Anti-Social Behaviour, Road Safety (with a focus on road traffic accidents resulting in killed or serious injuries), Crime in Rural Areas (PI, N)
- Report on the cleanliness of the Borough (PI)
- Report on the work of our enforcement teams in Planning, Housing and Environmental Health (N)
- Satisfaction surveys with residents and key partners such as Town and Parish Councils. (N)



Key to our sense of place is quality of life, feeling safe and using our powers to protect residents' quality of life

04

# Prosperous and healthy

– Jobs, Infrastructure, connectivity, health

## Our Strategic Aims

The first two objectives may be regarded as ensuring the foundations for the organisation and Borough are as firm as possible – the Council should add value to the area and residents should feel at home and secure in their communities.

The next two objectives build on the **quality of life theme** to ensure our communities **thrive**, being **prosperous and healthy**.

Key to this theme is a **healthy and inclusive economy** with a good supply of jobs, including in emerging 'mega trend' sectors, prioritised in national and regional Industrial Strategies. Ensuring our residents can **acquire the skills** for new and existing jobs is important in this aim.

As part of the final aim, ensuring investment into North Warwickshire in terms of sufficient housing and employment for our residents is a generally shared aim as long as the **infrastructure that makes places work** comes with it.

The Council has established an ambitious growth and investment programme following years of low input to the area and we will continue to lead on the Borough's input into securing the improvements to roads, schools, community services and environmental assets to **bring quality to growth**.

A key component is ensuring we are **connected with the people, places and factors which influence our life** – in terms of transport and physical connection and also technology as COVID produces a generational shift to digital services.

Finally, but fundamentally, a number of **health outcomes need to significantly improve** within the Borough. Loss of economic opportunity can often be replaced eventually but reduced health prospects are more damaging.



We want our communities to thrive, being prosperous and healthy, and ensure we add quality to prosperity and growth

## How will we achieve this

Produce a revised Economic Development Strategy linked to the UK and WM Industrial Strategies, including identifying projects to be supported from Government funding.

Use developer contributions and other funding to maximise opportunities for the employment of local people including addressing skills gaps as well as the improvement of the environment, leisure and other community services that add value to people's lives.

Manage development and work with partners to deliver its associated infrastructure, in line with the Infrastructure Delivery Plan

Progress the North Warwickshire Transport Strategy to improve strategic roads such as the A5 and A446, improve transport links, including cycle links, footpath links, public transport, and all forms of rail provision.

We will work in partnership with other agencies to tackle health inequalities through implementation of the corporate Health and Wellbeing Action Plan and relevant Warwickshire North Place Plan priorities, as part of our advocacy work for the Borough within the health system as well as by ensuring access to leisure and other community service opportunities that promote active, healthy lifestyles.



Ensure our work through a number of services such as Planning, Environmental Health, Leisure and Community Development and Housing contribute to improving the wider determinants of health and to enhancing the physical and mental wellbeing of local residents.

## How we will measure this

- A dashboard of economic indicators linked to the Economic Development Strategy including skill levels, employment rates, benefit claimant rates, wage/salary data (PI, N)
- Progress reports on the action plan for the Transport Strategy (N)
- Progress reports on the action plans for the corporate Health and Wellbeing Action Plan and JSNA and relevant Warwickshire North Place Plan priorities (N)
- A dashboard of health indicators on key health indicators, including life expectancy, access to mental health services, road mortality, and active lifestyle indicators (PI)

# 05

## Sustainable growth, protected rurality

– Vibrant growth, sense of place, recognisably home

### Our Strategic Aims

Linked to the last theme, one of the most important roles North Warwickshire Borough Council can play is to **shape the type of place** North Warwickshire is and ensure there is **a plentiful supply of houses, of the right type and quality**.

There is a housing crisis in the UK caused by insufficient properties being built over a long period of time. The Council will therefore play its part in providing **sustainable growth, facilitating investment in the Borough**. This will ensure the housing needs of the area are met and provide impetus through new jobs, and good quality facilities and services in North Warwickshire.

The growth however must not come at the expense of future generations and must seek to **retain the rurality of North Warwickshire**. The new necessary growth must integrate well with existing development and seek to retain a recognisable North Warwickshire, in particular protecting as far as possible our Green Belt and other strategic designations of land.

Working with partner organisations and advocating for the Borough for the infrastructure mentioned in the last objective is key to this aim.



### How will we achieve this

We will ensure we have an up-to-date Local Plan, which remains the best way to provide the homes, jobs and other sustainable growth needed in the area. Crucially it also provides the best mechanism to ensure as far as we can that development only happens in the right areas, and for the protection of the Green Belt.

We will continue to work with regional partners to ensure our Plan fits into the wider regional context and that we all working together ensure the necessary supply of homes, jobs and infrastructure.

Use our Design Champions to ensure the best achievable designs are implemented and developed so as to reflect setting and local character.

Seek to secure the protection of the best of the Borough's built and rural heritage, as well as our natural assets such as the Tame Valley Wetlands Partnership

To press for the maximum mitigation and benefits for the Borough arising from HS2, particularly during construction in partnership with other affected Councils and community action groups

Continue to implement the adopted North Warwickshire Leisure Facilities, Green Space and Playing Pitch Strategies, and the accompanying Local Football Facilities Plan, in accordance with their associated Action and Funding Plans.

To implement our Homeless Strategy and work on private housing.

### How we will measure this

- Report on progress of the Local Plan and subsequent reviews (N)
- Report on key planning and housing data such as the five year housing supply, percentage of affordable homes, amount of land built on brownfield and allocated sites. (PI)
- Report to the Planning and Development Board on pressures on the Green Belt, design and heritage issues including conservation areas (N)
- Report progress on Leisure Facilities, Playing Pitches and Green Space Strategies (N)
- Report progress on homelessness, private housing and other housing issues (N)



Sustainable growth providing sufficient houses and jobs, bringing investment into our places whilst keeping our recognisable rurality



**Protecting the  
rurality of North  
Warwickshire,  
supporting its  
communities and  
promoting the  
wellbeing of residents  
and business.**





North Warwickshire  
Borough Council



[www.northwarks.gov.uk](http://www.northwarks.gov.uk)



# Performance Report



September 2023



# PERFORMANCE REPORT SEPTEMBER 2023

## TRAFFIC LIGHT

Measure improving markedly

Measure improving

No/virtually no change, no trend or measure not “good” or bad”

Measure worsening

Measure worsening markedly

Corporate Plan key objectives:

**Efficient organisation – financial management, lean and responsive organisation**

**Safe, Liveable, Locally Focussed Communities – feeling safe, place-based enforcement, quality of life**

**Prosperous and healthy – jobs, infrastructure, connectivity, health**

**Sustainable growth, protected rurality - vibrant growth, sense of place, recognisably home**

## EFFICIENT ORGANISATION – FINANCIAL MANAGEMENT, LEAN AND RESPONSIVE ORGANISATION

<p>EO 1 - Make the financial savings we need in ways which least affect our residents</p> <p>Identifying the resources needed to deliver the Council’s plan to provide high-quality priority services to our communities</p>	<p><i>Balanced budget and savings identified in the Medium Term Financial Strategy (N)</i></p> <p><i>Increased commercial activity in areas that will promote the wellbeing of the Borough to assist with market weaknesses and make a contribution to the Council’s budget (N&amp;PI)</i></p> <p><i>Appropriate charges for Green Waste and Parking to help sustain services (PI)</i></p> <p><i>Efficiently collect money due to the Council, whilst continuing to offer support (PI)</i></p> <p>The Council’s Medium Term Financial Strategy (MTFS) is reported to the Executive Board and the latest update can be found <a href="#">here</a> as part of the agreed 23/24 budget confirmed by Council earlier this year.</p> <p>The interim Corporate Director Resources is currently reviewing the MTFS and this will be reported to the next meeting of the Executive Board in November. As set out in reports elsewhere on this agenda, there have been some potential positive developments with regard to some of the variables within the MTFS which may assist with the overall financial position in the short term.</p> <p>Collection rates for the current year at the end of March :</p> <ul style="list-style-type: none"> <li>• Business rates - Target 93%, Year end 2022/23 Collection 96.87%; 2023/24 current position – 45.71%</li> <li>• Council Tax – Target 96%, Year end 2022/23 Collection 95.15%; 2023/24 current position – 42.79%</li> <li>• Sundry Debts – Year end 22/23 Collection rate 84% (note - there were 6 accounts that were raised within the last three weeks in March. These accounts amounted to £350000 and lowered the collection rate by 10% of the collection rate. They were all paid by May 2023); position to end of Aug 23 – 77%</li> </ul>
<p>EO 2 - A robust transformation programme to ensure our services and processes are as lean as possible</p>	<p>The Administration Unit has been subject to a full transformation review led by the Head of Corporate Services and the Transformation Manager (a new role created to lead this work). A revised structure for the Unit was approved by Members with expected savings in the region of £150,000 (around £50,000 more than initially</p>

Consider new models of working and providing services

expected), the Central Services team has been restructured. All processes have been streamlined and efficiencies captured.

Support has been given to the Environmental Health team in transforming the way they work by procuring and implementing a new Environmental Health and Licensing system. Our aim will be to have a system that can manage cases from end-to-end, i.e. from a receipt of a citizen request to closure and reporting. The system will enable officers on site, enabling processes to be electronic and reduce printing and paper and eliminate re-keying of information freeing up officers to focus on service delivery. The team went live in June 2023 and the implementation of the new system went well and the team have adapted well to the new system. Due to two of the Environmental Health team leaving and recruitment now taking place the portal has been postponed until November 2023.

The Council continues to deliver and develop accessible digital services with citizens to be able to report and apply for services online and promote a self-serve model of working for officers by streamlining and automating our internal processes, eliminating duplication, reducing unnecessary hand-offs and paperwork.

Work continues to develop in this work area, and we continue to support services in more digital ways of working. For example: an electronic form and use of workflow automation for Councillors to 'support' residents for grant applications for the King's coronation, use of mobile devices and electronic forms for Revenues and Benefits visiting officers and vehicle inspections at Lower House Farm.

Work continues to develop to support hybrid working by:-

Implementation of Hybrid Mail - this will enable staff to post correspondence to citizens from any location (home or office), supporting efficiencies and reflecting having a smaller team for incoming and outgoing post as a result of the Admin Review mentioned above.

Hybrid mail is heavily used by some of our teams. With the Revenues team having completed annual billing for this year, summonses and large 'mail outs' will now be sent in this way. This is a far more efficient way for the team to work. We will be sending out Housing end of year rent letters by this method in February 2024.

The Council also agreed to purchase Incab software for our waste and recycling collection vehicles to enable increased service efficiencies in key areas, improved quality and management of performance data, improved access for customers and staff to service information as well as enabling much better allocation of resources and improved communication.

Training has now taken place for the refuse and recycling crews, admin staff and contact centre. The crews are currently using the new technology to record their hours of work and collections for the refuse, recycling, green bin rounds. The In-cab technology informs the driver of any route hazards, assisted collections, and ensures that the vehicle checks are carried out daily. Further work is planned for rural rounds and administrative process efficiencies. Further work on the rounds is required as they can be optimised further to ensure that the crews are driving the most cost-effective route.

We have implemented GovDelivery, which is a web-based e-mail subscription management system which allows our Communications Team or other departments to send emails to a Resident/Tenant/Customer who has subscribed to receive news and information on specific topics that are of interest to them. Our first topics was the green bins subscriptions and Voter ID is programmed in for mid-March. Further mail-outs are being planned periodically throughout the year. As our customer contact database expands, we will do more targeted communications. We continue to use the email management system to send targeted emails. Further examples are consultation for the new Housing Lettings scheme, forward planning consultation and renewals of green bin subscriptions. To date we have 27,000 subscribers across 15 categories.

Subject to Resources Board approval, we will be upgrading the website, hosting it externally, having a new design and review all the content during 2023. The project has begun, and the new website design is scheduled to be approved by Management Team during September 2023 and the launch of the new website is February 2024.

GIS Web project is currently under way. The plan is that we will make specific spatial data available on our website. For example: - car park locations, charges,

spaces, leisure centres and local plan to name a few. Corporate Services have been lucky to secure a casual summer placement who has predominantly been capturing a large amount of data on our GIS system in preparation for the launch of our new web system later this year.

The Transformation and Environmental Health Teams have been working closely together to help reduce fly tipping in the Borough. We are deploying some new Artificial Intelligence cameras which intelligently detect events and footage, which then alerts our Environmental Health team immediately and they will be able to action accordingly. The improvement to the way fly tipping will be reported and subsequently allocated, collected, and investigated will all improve significantly once we launch the Environmental Health portal (planned for November 2023). The crew will also have a tablet so once again will be working in a more efficient way.

Working with Streetscape we've procured the installation of six AI cameras currently. The solution generates alerts for movement rather than officers trawling through old fashioned CCTV cameras that record everything.

We are evaluating options for providing Electric Vehicle charging point in some of the Council owned car parks across the Borough. The option we are considering is zero cost to the Council, generates a small annual income and is lower charging fees for the residents/visitors (compared to competitors).

The Planning and Local Land Charges system implementation is progressing, and discussions are ongoing to enhance the system with the supplier to meet our service needs. Similarly, to Environment Health data extraction is proving troublesome because the incumbent and new systems are designed differently. Unfortunately, there are several concerns that we are addressing with the supplier currently. Therefore, go live date has been delayed under later in the year.

The implementation of our new Financial Management system is progressing. The core application is currently being configured, our Finance and Procurement staff are being trained, testing taking place in June and end user training will take place in September. Due to the changes with the Corporate Director – Resources since April 2023, the go live has been postponed to April 2024. We're

	<p>currently investigating extracting the data from the incumbent system, and extension testing has begun.</p> <p>Our payment transmissions system is end of life in December 2023, we are in the process of implementing a new solution which is hosted.</p> <p>Our Payment/Income Management System will be end of life in June 2024 so discussions with our existing supplier have begun to gain an understanding of costs to move to a hosted solution.</p> <p>The Council has received some funding from Microsoft for a pilot homeworking solution. The funding is £10k and the Corporate Services will contribute a further £5k from the capital programmes. The pilot will run from December 2023 to March 2024. Further updates will go to Executive Board in due course.</p> <p>We are currently investigating electronic signatures software for whereby a signature is required legally, for example agreements and contracts.</p>
<p>EO 3 - Develop our staff in the new skills needed, properly supported by IT</p>	<p><i>Staff survey results (PI)</i></p> <p>Staff appraisals take place on an annual basis and lead to the production of a training plan</p> <p>The Council undertakes an annual staff survey. The key results for the 22/23 survey as are follows:</p> <p>A total of 116 employees completed the survey. This is a response rate of 35%, which is less than previous years. There were 47 questions in total, which were split over 7 areas.</p> <p>A summary of the responses is set out in the table below and a graphic summary of the results can be found <a href="#">here</a></p>

Table Summary of Staff Survey Results 2022/23

Section	No of Qs	Summary of Results								
		Best Ever	Sig. Improved	Improved	Slightly Improved	Same	Slightly Worse	Worse	Sig. Worse	Worse Ever
Communication	12	6	1	2	1	1	1			
Training & Development	9	2	7							
Staff Morale	13	11			1	1				
Community Engagement	1	1								
Management	8	8								
H&S	1		1							
Data Protection	3	3								
<b>TOTAL</b>	<b>47</b>	<b>31</b>	<b>9</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>1</b>			

47 Questions in total split over 7 areas



EO 4 - Develop our vulnerability work from COVID 19 to provide additional assurance to residents who may be experiencing difficulties

*Contact those we know to be vulnerable with information, advice and as often as possible with direct contact to ensure the help available is reaching our residents, in particular with regard to inflationary pressures especially the increased cost of energy*

The Council has worked to minimise the likelihood and impact of financial exclusion in North Warwickshire through the provision of advice, support and project delivery in a co-ordinated manner that demonstrates value for money and maximises benefits to its communities.

Support for those most vulnerable is coordinated through the Northern Warwickshire Financial Inclusion Partnership

NWBC Financial Inclusion (FI) Initiatives include:

- NWBC Promotion Activity – social media campaigns
- FI Training – staff/teams/partners/community attended
- Financial Education in Secondary Schools / College
- Community Events and Job Fairs
- Customer Referral Form (inc Foodbank)
- LA Support for Vulnerable Customers – non LA tenure / LA tenure (FISO work)
- A Data Dashboard in conjunction with Warwickshire County Council
- Reviews of Housing Benefit/Council Tax Support caseload performance

The Council has allocated around £190,000 of support from the Local Community Fund, almost £90,000 of which was related to work within the community to counteract the impacts of the pandemic, allied to direct work by Community Development in support of local community groups

We continue to offer support to those who need it and have renewed and coordinated the help available to residents, particularly given the current cost of living pressures. The outcomes of the Engagement Forum held on 29<sup>th</sup> September 2022 were reported to the [November Executive Board](#) last year and the help available to residents can be found [here](#).

Work continues to supplement the help already available, including developing projects for consideration as part of the Council's UKSPF programme including a 'Financial First Aid' programme, and 'Maximising Money'. The

Council is also looking at the legal and technical issues of creating a permanent vulnerability register. There is also a take up campaign running this month in respect of free school meals. Videos setting out the help available were recorded and shared widely.

Work took place with partners on [Warm Hubs](#) and our Financial Inclusion Support Officer is ran help sessions at the hubs.

Financial Inclusion Support Delivery in the current financial year included:

- 240 households support with money matters
  - 97 had a vulnerability
  - 18 had a caring responsibility
  - 146 helped to claim additional benefits
  - 62 emergency food vouchers award
  - 86 referred to additional supported services
- **Energy Bills Support Scheme** – Feb 23 to August 23 (application period)
  - Comms toolkit used to promote as provided by Government
  - Particular work done with Care Homes
    - Outcomes:
      - 143 cases for EBSS AF @ £400 = £57,200
      - 165 cases for EBSS AFP AF @ £200 = £33,000
      - Total cases 308 = £90,200

#### **NW Financial Inclusion Partnership**

- Dates for quarterly meetings in place
- Projects and funding options being discussed – looking at more 'joined up approach' with other services including bids to the Warwickshire North Health Inequalities funding
- Positive Energy Working Group to reform Autumn and Winter
- Updated information available on the website energy pages
- Countywide Free School Meals working group set up to look at how we can increase take up

- Pilot being considered with Severn Trent with our Introductory tenancies to give a discount on their water bills to support people in the first 12 months
- New project started with Groundwork's Green Doctor scheme providing in-house energy assessments available via referral from our teams to help reduce energy, save on bills and change behaviour
- Cost of Living webpages developed
- Paper version of useful flyers developed by comms team and available for download and print for cohorts with access to digital
- First episode of our new PODCAST ' Money Maters with Sally' launched Sept 23
- Dordon 'Worrying about Money' Leaflet with funding agree at Health and Wellbeing board to fund for leaflets for all areas
- FISO Outreach Sessions are taking place at warm spaces, hubs and other community cafes and groups

#### UKSPF

- Applications in for Sept board:
  - NW connect and Learn – Digitale learning programme in conjunction with Money Money Maths (DWP Multiply project). Delivery by CDA
  - Expansion of the Social Supermarket with Ediblelinks
  - Time Out – farm to food and supporting families, including grow to give initiative

#### Training and New Initiatives

- **Money Advice Trust (MAT) Vulnerability training**
  - 2 x 1/2 day sessions arranged for Sept and Oct 23
  - Attendees from Revs, Bens, FI, ad Housing
- Money Guiders accredited course
  - FISO's signed up and have started the online learning
  - Accredited by City and Guilds, available online and self-paced, free
- **Financial Education in Schools**
  - This is being picked up and 'funded' for the development of a primary age programme by the Warwickshire North Health Inequality fund

	<p><b>NWBC Employee Support</b></p> <ul style="list-style-type: none"> <li>• City Save Credit Union payroll deduction scheme available and promoted for employees. A direct deduction form salary for ‘ savings scheme’</li> <li>• Helpful money saving intranet apps available</li> <li>• Zero suicide Alliance Training undertaken by Revs, Bens and FI and then will be rolled out to all employees</li> <li>•</li> </ul> <p><b>2<sup>nd</sup> Cost of Living update event planned for 26/10/23</b></p>
<p>EO 5 - Ensure as many services are based in North Warwickshire as possible to ensure they reflect and respond to the Borough.</p>	<p>The Council continues to advocate for as many services as possible to be delivered in the Borough.</p> <p>As reported previously, a number of services have been co-located with leisure services, such as the phlebotomy service at Atherstone Memorial Hall and Coleshill Leisure Centre. The Council is seeking to increase the number of related services on offer at its centres, including using advance health measuring scales using funding from the Health and Wellbeing Working Group.</p> <p>The Council continues to implement the UK Shared Prosperity Fund delivery plan, with a total of £640,000 allocated to a range of projects in the community and to support local businesses.</p> <p>As mentioned below in PH5 and PH6, a Warwickshire North Place Health Grant has been created and the Council has bid for funding to support the acquisition of the equipment and staff training that would enable the provision of blood glucose and blood cholesterol testing. This is part of an overall push to integrate our leisure and exercise offer with the related health issues, as part of an overall wellbeing service and more supportive membership journey for those using our Leisure services. Recent additional actions include a weekly Memory Café is starting at Atherstone Memorial Hall on 20 September. Officers are working with the George Eliot Hospital NHS Trust on the option of hosting a Cardiac Rehabilitation programme at the Memorial Hall.</p> <p>Our work on Community Safety continues to push for greater Police resource in the Borough and more continuity of service. Discussions are currently ongoing with the Police and Crime Commissioner regarding bids for funding which were initially refused. The revised bids are now being supported by OPCC officers with final</p>

decisions due shortly. Officers have also submitted bids to the Safer Streets fund for CCTV and fly tipping resources.

A bid for a total of £250,000 in funding from the Innovation for Healthcare Inequalities programme and the NHS England Midlands regional 'Going further faster' programme for Warwickshire North has been successful. The proposal for these funds is to develop a pathway for the increased detection of hypertension, Atrial Fibrillation and High cholesterol in the community followed by diagnosis and management including lifestyle interventions/support. Discussions are underway amongst Place partners on how to develop this programme.

The Council will continue to work on its Levelling Up Fund bid, part of which is to improve health and library services in the Borough.

## SAFE, LIVEABLE, LOCALLY FOCUSSED COMMUNITIES – FEELING SAFE, PLACE BASED ENFORCEMENT, QUALITY OF LIFE

COM 1 - Continue to play a leading role in the North Warwickshire Community Safety Partnership working with the community, including the Police, Town and Parish Councils and people of all ages, background and areas, to improve public perception of crime and public confidence in feeling safe by contributing towards the achievement of the Partnership plan actions and targets for the current strategic priorities. This will be particularly important for those who have spent considerable periods of time shielding against the risk caused by COVID 19.

COM 2 - Work with partners to resolve Safer Neighbourhood issues, including, where necessary, taking action to address anti-social and nuisance behaviour

*Reporting on a range of Safer Communities indicators linked to Violent Crime (with a focus on domestic violence and abuse, sexual offences and drug and alcohol related), Anti-Social Behaviour, Road Safety (with a focus on road traffic accidents resulting in killed or serious injuries), Crime in Rural Areas (PI, N)*

Updates regarding the key Safer Communities issues are reported to the Safer Communities Sub Group

The latest agendas can be found [here](#), [here](#), and [here](#)

<p>COM 3 - Advocate on behalf of the Borough to ensure sufficient levels of key services in the area, particularly Police and street lighting.</p>		<p>See update on EO 5 above, pages 4-5</p>
<p>COM 4- Maintain a very high standard of street cleanliness throughout the Borough, tackling litter and fly tipping as quickly as possible</p>		<p><i>Report on the cleanliness of the Borough (PI)</i></p> <p>The latest position on fly tipping was reported to the Community and Environment Board meeting on the <a href="#">8th August 2023</a></p>
<p>COM 5 - Ensure maximum coordination between enforcement teams to resolve complex social and environmental issues likely to significantly impact on quality of life.</p>		<p><i>Report on the work of our enforcement teams in Planning, Housing and Environmental Health (N)</i></p> <p>The Planning and Environmental Health teams continue to work together on cross cutting issues.</p> <p>Further proposals with regard to staffing in the Planning team is reported elsewhere on this agenda with regard to Development Control staff. The structures for both the Environmental Health team and Streetscape division are also being reviewed and will be reported to Members shortly. A key element of these reviews is to further strengthen the Council's response to enforcement matters.</p> <p>The Chief Executive continues to chair joint working project groups on issues as necessary, for example on the safety issues relating to protests at Kingsbury Oil Terminal, fly tipping cases and the Lea Marston Shooting Ground. A further Abatement Notice has now been served with regard to the shooting ground and enforcement work on this case continues.</p> <p>A revised Planning Enforcement Plan has been written and agreed by the <a href="#">Planning and Development Board</a> earlier this year.</p> <p>A request for supplementary funding of £33,000 to increase the number of planning enforcement officers was agreed by this Board last year.</p>

Prosperous and healthy –

Jobs, Infrastructure, connectivity, health

PROSPEROUS AND HEALTHY – JOBS, INFRASTRUCTURE, CONNECTIVITY, HEALTH

<p>PH 1 - Produce a revised Economic Development Strategy linked to the UK and WM Industrial Strategies, including identifying projects to be supported from Government funding.</p>	<p><i>A dashboard of economic indicators linked to the Economic Development Strategy including skill levels, employment rates, benefit claimant rates, wage/salary data (PI, N)</i></p> <p>A revised draft Economic Development Strategy, to complement the employment land strategy within the adopted Local Plan, was considered by this Board earlier this year and will be consulted on, together with a number of Forward Planning documents, in the autumn.</p>
<p>PH 2 - Use developer contributions and other funding to maximise opportunities for the employment of local people including addressing skills gaps as well as the improvement of the environment, leisure and other community services that add value to people’s lives.</p>	<p>The Council issues an Infrastructure Funding Report every year, the latest being 2022. Each year’s report can be found <a href="#">here</a></p> <p>The County Council’s statements can be viewed <a href="#">here</a></p> <p>There is an extensive Infrastructure Delivery Plan linked to the adopted Local Plan which will seek developer contributions on a range of issues <a href="#">IDP 2018</a></p> <p>Work continues to offer support to those seeking jobs and further training. In particular, a skills plan is being developed with local partners to support the employment land allocation in the Local Plan for Horiba MIRA, and we are working also on skill support for a major employer at the Core 42 development in Dordon. Work also continues with HS2 in order to ensure barriers to employment within our area are reduced.</p> <p>The Council <a href="#">adopted</a> a new Supplementary Planning Documents relating to developer contributions earlier this year, including for Open Space, Sport and Recreation contributions.</p>
<p>PH 3 - Manage development and work with partners to deliver its associated infrastructure, in line with the Infrastructure Delivery Plan</p>	<p>The Council <a href="#">resolved</a> to undertake a review of the adopted Local Plan, once national policy changes have been confirmed.</p> <p>Work continues on the delivery of the adopted Plan. This is particularly important in relation to the strategic allocations.</p>

The Local Development Scheme has been updated to reflect the work programme. This is currently being developed.

The high-level work programme is as follows and has been developed by the LDF Sub committee. A series of meeting for this Group has been arranged for the coming year:

- 1 Delivery of Strategic Allocations – in particular allocated sites H2, H4, E4
  - o Master Plans
  - o Design Codes
  - o Infrastructure delivery
- 2 Delivery of infrastructure
  - o A5 Phases 1 and 2 – HIG funded
  - o A5 Phases 3 and 4 – RIS3 pipeline project
  - o Other key facilities and services such as education, health and community facilities
- 3 Supplementary Planning Documents
  - o Residential Design SPD
  - o Open Space and Sports SPD
  - o Developer Contributions SPD
- 4 Gypsy, Romany and Traveller Development Plan Document
- 5 Neighbourhood Plans
  - o Advice and guidance to those preparing their NP's
- 6 Improve monitoring of Local Plan
  - o Reviewing current process and looking to improve use of IT
- 7 Review and keep evidence up to date
  - o HEDNA – Housing and Economic Development Needs Assessment
- 8 Conservation work
  - o Designation of Conservation Area for Caldecote
  - o Designation of Conservation Area for Frazley

The most recent [meeting](#) of the LDF Sub committee will have, by the time of this meeting, considered the Sustainability Appraisal, Statement of Community Involvement, Draft Gypsy and Traveller DPD and the Draft Employment DPD with a view to these documents being subject to public consultation, together with a call for sites



	<p>generally and with particular regard to Gypsy and Traveller and Employment sites.</p>
<p>PH 4 - Progress the North Warwickshire Transport Strategy to improve strategic roads such as the A5 and A446, improve transport links, including cycle links, footpath links, public transport, and all forms of rail provision.</p>	<p><i>Progress reports on the action plan for the Transport Strategy (N)</i></p> <p>Warwickshire County Council has developed a revised Transport Strategy and the strategy relating to North Warwickshire will now be contained within that document. The County Council has now <a href="#">approved</a> the Strategy and officers have asked for a Member briefing to be held on the main issues within the Strategy, particularly how they relate to North Warwickshire.</p> <p>Nearly £80m was allocated for the first phase of improvements to the A5 in the March 2020 budget, one of only three schemes in the country allocated funding. Project meetings have started on that scheme and Members will be aware that a consultation on the options for the Grendon to Dordon part of the road, together with proposals for the roundabout at Holly Lane took place last year. The wider upgrade from the M42 to the M69 is now thought more likely as a result of the funding for the first phase. That scheme is one of the pipeline projects being developed as part of the Government's next <a href="#">Road Investment Scheme</a> (RIS3), the only one currently in the Midlands.</p> <p>National Highways have recently raised concerns about the rising costs of the A5 work and that further funding may be needed. We are working with them, the County Council and Homes England on this issue and National Highways will be submitted further details to the Department for Transport in the summer. Officers have further meetings with National Highways colleagues on 12<sup>th</sup> October.</p>
<p>PH 5 - We will work in partnership with other agencies to tackle health inequalities through implementation of the corporate Health and Wellbeing Action Plan and relevant Warwickshire North Place Plan priorities, as part of our advocacy work for the Borough within the health system as well as by ensuring access to leisure and other community service opportunities that promote active, healthy lifestyles.</p>	<p><i>Progress reports on the action plans for the corporate Health and Wellbeing Action Plan and JSNA and relevant Warwickshire North Place Plan priorities (N)</i></p> <p><i>A dashboard of health indicators on key health indicators, including life expectancy, access to mental health services, road mortality, and active lifestyle indicators(PI)</i></p> <p>The Council's Health and Wellbeing Action Plan is reported to the Health and Wellbeing Working Party, with the minutes of that body report to the <a href="#">Community and Environment Board</a>. A draft revised Action Plan 2023-27 was discussed in February.</p>

PH 6 - Ensure our work through a number of services such as Planning, Environmental Health, Leisure and Community Development and Housing contribute to improving the wider determinants of health and to enhancing the physical and mental wellbeing of local residents

A Public Health Fund for the Warwickshire North area was made available for funding bids to support the Place's health priorities. This was open until January and the outcomes reported to the February Health and Wellbeing Working Party.

A health inequalities dashboard has been developed with Warwickshire County Council and can be found [here](#)

The Warwickshire North Place partnership dashboard is also in the process of being developed relating. The latest



WN Place Executive  
Papers V2.pdf

extract is attached.

The Warwickshire North Health and Wellbeing Board has identified four priorities, identified through workshops prior to the COVID 19 outbreak – Access to services; Reducing Health Inequalities; Housing and Health; and Reducing Obesity and Improving Lifestyles. Members will be aware that changes to staffing has hampered this work however the work will be refreshed and is being reported to the March Warwickshire North Health and Wellbeing Board.

Winter planning has been undertaken across the Warwickshire North Place with £2.17m allocated to Place for this work.

In addition Warwickshire North has been allocated £817,000 of the Warwickshire allocation of £956,000 health inequalities funding. This funding is based on deprivation indices in North Warwickshire and Nuneaton and Bedworth and is align to (and one of the first indications of the success of) our levelling up approach. The areas prioritised for this funding are improving access to services, tackling long term conditions (including obesity) and the health of children and young people).

Officers continue to attend the Local Estates Forum which looks at physical assets available to promote health and wellbeing

<p>SG 1 - We will ensure we have an up-to-date Local Plan, which remains the best way to provide the homes, jobs and other sustainable growth needed in the area. Crucially it also provides the best mechanism to ensure as far as we can that development only happens in the right areas, and for the protection of the Green Belt.</p>	<p><i>Report on progress of the Local Plan and subsequent reviews (N)</i></p> <p><i>Report on key planning and housing data such as the five year housing supply, percentage of affordable homes, amount of land built on brownfield and allocated sites. (PI)</i></p> <p><i>Report to the Planning and Development Board on pressures on the Green Belt, design and heritage issues including conservation areas (N)</i></p> <p>The North Warwickshire Local Plan was adopted on 29<sup>th</sup> September. As mentioned above, the Council has resolved to review the Local Plan as soon as national policy changes have been confirmed.</p> <p>Regular updates are reported to the Planning and Development Board on recent appeal decisions</p> <p>Monitoring information on the development provided during each year will be report to Board on an annual basis</p>
<p>SG 2 - We will continue to work with regional partners to ensure our Plan fits into the wider regional context and that we all working together ensure the necessary supply of homes, jobs and infrastructure.</p>	<p>The Duty to Cooperate was a key component in the North Warwickshire Local Plan and the housing allocations make a substantial contribution to the wider regional housing need, a requirement given that North Warwickshire is part of both the Coventry and Warwickshire and Greater Birmingham Housing Market Areas.</p> <p>Whilst the Council will wait until national policy changes are confirmed, work continues to refresh the evidence that sits behind the Local Plan with work on a Coventry and Warwickshire housing and economic needs assessment and a Housing and Employment Land Availability Assessment. Work to progress the West Midlands Strategic Employment Sites is also continuing. These issues, and other future work matters, were reported to the LDF Sub-committee earlier this year.</p>
<p>SG 3 - Use our Design Champions to ensure the best achievable designs are implemented and developed so as to reflect setting and local character.</p> <p>SG 4 - Seek to secure the protection of the best of the Borough's built and rural heritage,</p>	<p>Members will be involved in Master Planning for the Strategic Allocations.</p> <p>Design Champions will continue to be involved with developers at both pre-application and application stages of the process</p>

<p>as well as our natural assets such as the Tame Valley Wetlands Partnership</p>	<p>Officers to continue to sit on the board of the Tame Valley Wetlands Partnership</p> <p>Opportunities for biodiversity net gain will be explored and developed, particularly as the Environment Act has been enacted. Reports on the scheme have been presented to Members and some funding has been received from the Government to help the Council prepare for the scheme going live in November 2023.</p>
<p>SG 5 - To press for the maximum mitigation and benefits for the Borough arising from HS2, particularly during construction in partnership with other affected Councils and community action groups</p>	<p>Officers continue to meet with HS2 regularly to discuss the project. In particular, officers attend regular consents meetings with the main works contractors and HS2 staff, as well as the Special Management Zone Meeting.</p> <p>One current issue is concerns about dust in Water Orton and links to local health concerns. A meeting is being arranged with the local Members, officers from this Council and Public Health colleagues to consider the issue further.</p> <p>HS2 have agreed to fund an officer to deal with consents under the HS2 Act and an appointment to this role was made in January 2022. The Agreement continues until December 2023, so officers will be working towards a renewal of the Funding Agreement.</p> <p>Recent work has related to the Bromford Tunnel extension and the associated Transport and Works Act Order. An appeal hearing in respect of the Bromford Tunnel Portal took place in April 2022 but the appeal remains undetermined and has been recovered for determination by Ministers. The decision of the Transport and Works Act Order also remains undetermined, following objections from the Borough Council and others, and a decision about how the application will proceed has been successively postponed.</p> <p>Members are engaged in consultation on the design and appearance of the Delta Junction viaducts, overbridges, embankments and other structures, via a Subgroup of the Planning and Development Board.</p> <p>Officers continue to be part of the national HS2 Planning Forum.</p> <p>Officers liaise with the Constituency Member of Parliament, and have engaged the HS2 Minister and Department for Transport officials, with regards to concerns about the adherence to due process and the bounds of HS2 Act powers in respect of works advancing ahead of the consents process and in respect of the preservation of archaeological heritage.</p> <p>Officer's continue to work to achieve legacy community benefit from the HS2 development, including connectivity</p>

	<p>improvements (cycling/walking) and heritage interpretation.</p>
<p>SG 6 - Continue to implement the adopted North Warwickshire Leisure Facilities, Green Space and Playing Pitch Strategies, and the accompanying Local Football Facilities Plan, in accordance with their associated Action and Funding Plans.</p>	<p><i>Report progress on Leisure Facilities, Playing Pitches and Green Space Strategies (N)</i></p> <p>Progress with regard to work undertaken within leisure facilities and in respect of the Borough Council's green spaces and playing pitches is regularly reported to the Community and Environment Board and the latest reports <a href="#">here</a>. The Council is in the process of reviewing both the Green Space Strategy and the Playing Pitches Strategy in respect of which progress will be reported to Members in the Autumn. A new Open Space, Sport and Recreation Supplementary Planning Document has also been approved by the Borough Council.</p> <p>Officers are reviewing the option to submit a bid to the Coronation Living Heritage Fund to develop community orchards within the Borough.</p> <p>Whilst an application to the Government's Levelling Up Fund for support to re-develop Atherstone Leisure Complex (and improve local health and library services) proved to be unsuccessful, work has continued on the option of creating a Local Authority Trading Company, through which the Authority's leisure facilities could be managed. As mentioned elsewhere on this agenda, external changes have impacted on the business case for the Company and officers are reviewing this, following which further reports will be brought to Members.</p> <p>Submitted a bid for Sport England Swimming Pool Support (revenue) Funding (£220k) to help meet the increased cost of utilities and water chemicals at Atherstone Swimming Pool. A bid for capital funding support will be considered later this month.</p> <p>Submitted an "Expression of Interest" bid for inclusion within the Football Association, Football Foundation, Premier League Home Advantage programme to support the development of Ansley Workshops Sports Ground in conjunction with Haunchwood Sports Junior Football Club</p> <p>Significant developments relating to open spaces in Atherstone (Royal Meadow Drive Recreation Ground), Grendon (Boot Hill Recreation Ground), Ansley Workshops</p>

	<p>and Baxterley have been undertaken in conjunction with external partners, whilst Play Area Development Programme improvements have been made in Corley, Dordon, Hurley, Mancetter, Polesworth and Wood End. The Borough Council has introduced North Warwickshire's first pump track in Ansley Common and, with support from the Parish Council, improvements to Grange Road Recreation Ground in Hartshill.</p> <p>As reported to the <a href="#">Resources Board</a> this month, officers have worked with Members to ensure that Atherstone Boxing Club has new premises, further to its previous venue having become unavailable at short notice.</p>
<p>SG 7 - To implement our Homeless Strategy and work on private housing.</p>	<p>Report progress on homelessness, private housing and other housing issues (N)</p> <p>The Council's Housing Working Group continues to meet to discuss current Housing issues.</p> <p>The development of a new asset management plan for the service was reported to Resources Board earlier this year. This provides for a framework for the service to deliver works to ensure our tenants and buildings are safe and our homes are energy efficient. The Council has agreed to do a new stock condition survey which will support future capital programmes and will also ensure that we are proactive in engaging with tenants with regard to the importance of reporting concerns about damp and/or mould in their homes. We continue to report on our work in this area to Government and the Regulator as required</p> <p>There are significant challenges from new regulation and building safety requirements at a time when income into social housing stock is constrained. The draft national Consumer Standards have been considered by the Housing Task &amp; Finish Group and the Borough Wide Tenants Forum. The Council will respond to the consultation.</p> <p>The Council's policy position on Damp &amp; Mould conditions has been adopted by the <a href="#">Resources Board</a> in June. The Council will respond within 10 working days to reports of damp/mould by tenants. Timescales for interventions depend on the diagnosis of the problem.</p>

The delivery of the objectives to underpin the performance of the HEART service continues and the partners commitment to work together for another 5 years to develop this integrated service.

The Council is reviewing the support to provide additional resources for the Private Sector Housing Team so that we can meet the challenges to improve the condition of privately rented homes in the Borough.

We are starting to review the Countywide Homeless Strategy after a supportive meeting with the Health and Well Being Board. We have commissioned a report which will compares our current position on rough sleeping, temporary accommodation and the duty to refer. There are lots of positive outcomes from the delivery of this strategy and we want to build on them.

We used our grant funding for Domestic Abuse to appoint a designated officer to work with partners to develop countywide services and more safe accommodation for this group. We are still keeping our use of temporary accommodation to a minimum.

This Council continues to lead the Ukraine Housing Options Team with considerable success and shows very robust partnership working within the County.

**Agenda Item No 12**

**Executive Board**

**18 September 2023**

**Report of the Chief Executive**

**Plan Making Reforms  
Consultation on implementation**

**1 Summary**

- 1.1 The report brings information on the plan making reforms consultation by national Government and seeks Members support for the views expressed in the report and to make any additional comments for consideration by Executive Board.

**Recommendation to Executive Board:**

**That the views of the Sub-Committee and the board report be approved as the response to the consultation on the plan making reforms.**

**2 The Consultation**

- 2.1 A board report will be considered by the LDF Sub-Committee on 11 September 2023 (Appendix A) in relation to Plan making reforms by National Government. Any comments made by the LDF Sub-committee will be reported verbally at the meeting.

**3 Conclusion**

- 3.1 Members are asked to approve the views expressed in the Board Report and any comments by the LDF Sub-committee.

**4 Report Implications**

- 4.1 Report implications are provided in the report to the LDF Sub-committee.

The Contact Officer for this report is Dorothy Barratt (01827 719250).



**Agenda Item No 10****Local Development Framework  
Sub-Committee****11 September 2023****Report of the Chief Executive****Plan-making reforms: consultation  
on implementation****1 Summary**

- 1.1 The report brings information on the plan making reforms consultation by national Government and seeks Members support for the views expressed in the report and to make any additional comments for consideration by Executive Board.

**Recommendation to Executive Board**

**That the views of the Sub-Committee be expressed to Executive Board in their consideration of the proposed plan making reforms.**

**2 Consultation**

- 2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

**3 Introduction**

- 3.1 The national Government issued a consultation on plan making called “Levelling Up and Regeneration Bill: consultation on implementation of plan-making reforms” on 25 July 2023. The consultation can be found at: <https://www.gov.uk/government/consultations/plan-making-reforms-consultation-on-implementation>. The closing date for comments is 18 October 2023.
- 3.2 The consultation seeks views on national Government proposals to implement the parts of the Levelling Up and Regeneration Bill which relate to plan-making, to make plans simpler, faster to prepare and more accessible. The aim is to make local plans (and minerals and waste plans) simpler to understand and use, and positively shaped by the views of communities about how their area should evolve. Government wants plans to:
- 1 clearly show what is planned in a local area – so that communities and other users of the plan can engage with them more easily, especially while they are being drawn up;
  - 2 prepared more quickly and updated more frequently to ensure more authorities have up-to-date plans that reflect local needs; and,

- 3 make the best use of new digital technology, so that people can get involved without having to go through hundreds of pages of documents at council offices and to drive improved productivity and efficiency in the plan-making process.
- 3.3 The consultation document includes a summary of the main changes which has been reproduced below:

***“Detailed summary***

1. *The purpose of the planning system is to contribute to the achievement of sustainable development. Local plans and minerals and waste plans are the foundation of the system’s delivery of this purpose. Their role is to support the delivery of the homes and development this country needs, and protect and enhance our natural, built and historic environment. Plans are made with the support of local communities – and that requires people to know development will be beautiful and well-designed, accompanied by the right infrastructure, approved democratically and that it will protect and enhance the environment and create proper neighbourhoods.*
2. *Our vision is for plans to be simpler to engage with and use, and more accessible to all users, with better opportunities for communities to shape the way their area meets its needs and evolves over time. They will show, more transparently, what is planned – so that users can engage easily and support high quality development that benefits people, improves places, and delivers sustainable development. They will be anchored in consistent, accurate, open data and tailored to the needs of their users. And they will be simpler and faster to prepare.*
3. *The Levelling Up and Regeneration Bill enables a more streamlined, focussed plan-making process so that local plans and minerals and waste plans can be produced, examined and adopted more quickly, and updated more often. Reducing the amount of work required during the plan preparation process, whilst maintaining and improving the quality of plans, is key to achieving this goal, and the wider reforms in the Bill have a crucial role to play.*
4. *It is anticipated that the reforms in the Bill, along with the implementation proposals being consulted on in this document, will mean that:*
  1. *local planning authorities will have a single local plan which will help to make it clear to applicants and other interested parties the relevant policies that will be considered when determining an application. In addition, minerals and waste plans will be able to be produced by minerals and waste planning authorities as a single document or separate documents (which collectively will make up the plan), or (where possible through local government structure) incorporated into a local plan;*
  2. *the purpose of plans will be defined and their content will be streamlined, with a strengthened role for the strategic vision, which we expect would be developed collaboratively with communities and stakeholders, that should then directly shape the plan (see Chapter 1);*

3. *the repetition of policies across all plans will be eliminated, and plans will be concise and more focused on locally important matters. To assist in achieving this, a new suite of national development management policies will cover common planning considerations that apply widely in decision-making across different authorities. Plans will draw on these policies but not repeat them;*
4. *the plan preparation, examination and adoption process will be more standardised and front-loaded, with plans in place within a 30 month timeframe and the process of updating the plan commencing within five years following adoption of the plan (see Chapter). The new process will be supported by clearer, more streamlined and proportionate evidence expectations to reduce the burden on planning authorities (see Chapter 5);*
5. *the reforms to Strategic Environmental Assessments in Part 6 of the Bill – Environmental Outcomes Reports – will make the assessment process more effective and accessible, and strengthen and clarify the role of assessment in avoiding adverse impacts;*
6. *the introduction of Infrastructure Delivery Strategies in Part 4 of the Bill will strengthen infrastructure delivery, enabling a more strategic and unified approach to infrastructure planning and delivery and allowing planning authorities to plan for the infrastructure that is required to support growth and demonstrate the deliverability of their plan;*
7. *new mandatory “gateway” assessments will ensure a more engaged approach to plan-making and provide greater visibility to key stakeholders and the wider community about how plans are progressing (see Chapter 6). Ultimately, this will reduce the time spent examining the plans, speeding up the process;*
8. *examinations will become more efficient – we propose that they should take no more than 6 months, and that if a consultation on proposed modifications to the plan is needed, this should last no longer than three months in addition (see Chapter 7). We will work closely with the Planning Inspectorate to ensure that these timeframes are routinely adhered to, exploring further opportunities to make examinations faster and more efficient;*
9. *there will be a greater emphasis on community engagement, with more time set aside for participation and consultation which will be longer than the current statutory minimum. To ensure access to all and increase the diversity of communities who engage, traditional in-person methods of engagement will be complemented by a digitally enabled process, supported by development of new guidance on best practise and a digital toolkit showcasing the use of PropTech;*
10. *there will be a new requirement for earlier engagement, including with statutory bodies, to ensure that their input is considered throughout the process and issues are identified as early on as possible;*
11. *in line with our ambitions, plans will wherever possible make the best use of modern technology and be produced digitally, rather than as “analogue” (PDF or paper) documents by default. We want*

- to create a planning world in England featuring digital plans that users can easily search for, engage with and use the information that most interests them. We will work closely with the planning sector to introduce changes incrementally, testing and learning as we go along, including consideration of how digital impacts the different needs of our communities;*
12. *plans will be shorter, more visual and map-based, enabling communities to engage more easily with their content. We will develop and publish digital templates, guidance and best practice to show how this can be achieved;*
  13. *plans will be built on open, standardised data which will be published by planning authorities. We are working to unlock the information and data contained in a plan so it is easier to access, use and update, and we will produce data standards, digital templates, tools and models to support planning authorities in preparing plans in this way;*
  14. *we are also exploring how digital can help the end-to-end plan preparation journey, developing and testing checklists and step-by-step guides and signposted journeys that support, enable, facilitate and encourage makers and users of plans – including communities, planners, developers, statutory bodies and other stakeholders, and the Planning Inspectorate;*
  15. *local development schemes and minerals and waste development schemes will be replaced by a new, simpler requirement to prepare and maintain a local plan timetable or minerals and waste plan timetable, that will make data publicly available in a prescribed digital format (see Chapter 4); and*
  16. *there will be a requirement for planning authorities to commence an update of their plans every 5 years. In certain circumstances, we intend to require planning authorities to commence these updates earlier.*
5. *To support the changes to local plans and minerals and waste plans, in the new system supplementary planning documents will be replaced by “supplementary plans” which will have the same weight as a local plan or minerals and waste plan and other parts of the development plan, and will also be subject to consultation and examination (see Chapter 11). Supplementary plans will help planning authorities react quickly to changes in particular areas (for example, an unexpected regeneration opportunity), or set authority-wide design policies.*
  6. *This consultation also sets out proposals to pilot “Community Land Auctions” (see Chapter 13). Community Land Auction is an innovative process of identifying land for allocation for development in a local planning authority’s area in a way which seeks to optimise land value capture, which is being introduced as a piloted measure through the Levelling Up and Regeneration Bill.*
  7. *The new plan-making process will be supported by other reforms in the wider planning system, including the introduction of the Infrastructure Levy and Infrastructure Delivery Strategies, and Environmental Outcomes Reports. These reforms have been subject to separate consultations, which have now closed. Additionally, reforms under the*

*Environment Act 2021 (such as Local Nature Recovery Strategies and Protected Site Strategies), as well as the catchment-based approach in the Plan for Water, will create more certainty for planning authorities about environmental requirements.*

8. *We want to ensure a smooth transition to the new system for planning authorities but have heard concerns about the impact on the sector of a large group of authorities commencing plan-making at exactly the same point. We have therefore proposed options for phasing the roll-out of the new local plan-making system from autumn 2024.*
9. *Alongside this we want to ensure that planning authorities are well equipped and supported to deliver development now as well as being ready to adapt to the new measures proposed in the Levelling Up and Regeneration Bill. Through our capacity and capability programme, we are developing and delivering a comprehensive programme of support, working with partners across the planning sector, to ensure that planning authorities have the skills and capacity they need, both now and in the future, recognising the resourcing challenges.”*

#### **4 Observations**

- 4.1 Much of the suggested new plan making process is already embedded within the NPPF. As can be seen from the extract below the NPPF already states the following:

*“15. The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.*

*16 Plans should:*

- (a) be prepared with the objective of contributing to the achievement of sustainable development;*
- (b) be prepared positively, in a way that is aspirational but deliverable;*
- (c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;*
- (d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;*
- (e) be accessible through the use of digital tools to assist public involvement and policy presentation; and*
- (f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”*

- 4.2 In many ways the process of plan making at its heart is not changed fundamentally by the new way of proposed plan making. The process and the deadlines for production of documents is however much more prescribed. It is becoming much more standardised across the country in terms of being given a template to work from. In many respects this will make it easier for local

communities to understand the planning policies for an area as they should be in a similar style document wherever you live.

- 4.3 Improved public participation is supported. Engagement, particularly as early in the process as possible is important. Experience tells us having been through three Local Plans and one Core Strategy that it is only at the detailed stage that many people can understand the implications of strategic policies. For example: following the adoption of the Core Strategy people only started to understand its implications when sites were proposed to be allocated through the Draft Site Allocations Plan. Although these sites were policy compliant it was not until this detailed stage many communities understood the true implications of the settlement hierarchy.
- 4.4 In paragraph 3.3 subsection 3 above, it says that the quality of local plans should be improved. There is little to no information as to how “quality” will be measured. Will it be through compliance to the 30-month production timescale, or will it be compliance with the Local Plan template, or will it be through how developments are delivered (although this could be many years after the adoption of the plan). Clarification is requested.
- 4.5 The consultation (paragraph 3.3 section 4.1 above) states that there will be a single plan, a Local Plan. However, it also suggests Supplementary Planning Documents (SPD’s) (paragraph 3.3 section 5 above) will be able to change to Supplementary Plans which would then become part of the development plan and carry the same weight as the Local Plan. Support is given to the change to Supplementary Plans and them being part of the development plan. However, this suggests that there is not a single Local Plan document as some policies will be in the Supplement Documents. Without the detail to understand this further it suggests that national Government is wanting the Local Plan to set out the vision and strategic policies for the area with detailed topics or area specific policies to be in the Supplementary Documents. This means it is not a single Local Plan for the area but a single set of overarching planning policies with additional more detailed ones contained in a range of supplementary documents. This feels like going back to having a Core Strategy with a suite of other documents.
- 4.6 The 30-month production timeline is supplemented by a 4-month pre-production stage. It could be adhered to if all the information were to be available and supplied to the Council at the right time within the process. In addition, it will be important to ensure the Council internal processes including the programming of Board meetings are embedded into the process.
- 4.7 The consultation seeks all Local Plans to contain a Strategic Vision. This as can be seen above in para 15 of the NPPF is already a requirement. For example, in North Warwickshire a vision was included in the Core Strategy and then incorporated into the current adopted Local Plan, having been revised slightly.
- 4.8 Planning needs to be supported by the right infrastructure delivered at the right time to ensure the delivery of development. The consultation seeks

developments to be accompanied by the right infrastructure and changes The current Infrastructure Delivery Plans (IDP's) to Infrastructure Delivery Strategies. They will only work where there is the commitment of the delivery agent and have committed to deliver the infrastructure. To achieve this, agencies must be required to work on the same delivery timelines as the Local Plan and be required to deliver the infrastructure. If not, we will continue to struggle to deliver infrastructure that has been identified and evidenced as part of the Local Plan process. Large, properly planned housing allocations will be pulled back and small sites will continue to be delivered which are too small to seek infrastructure funding. It is essential that all agencies sign up to agree to deliver infrastructure allocated through a local plan and that this takes priority over speculative developments. Commitment is required by the national Government to support a truly plan-led system especially if local engagement is to be meaningful and infrastructure can be planned.

- 4.9 It is accepted that there may need to be a phasing programme of the roll out of the new plan making process. However, there should be an element of flexibility in terms of both from Pins and the local authorities as things, such as staffing levels, can change and will impact on the delivery of the Local Plan on a specified timeline.

## **5 Report Implications**

### **5.1 Finance and Value for Money Implications**

- 5.1.1 It is not known at the present time if the new plan making system will cost any more or less than the previous Local Plans. With an expected timeline of no longer than 6 months to carry out an examination this should make the process cheaper as one of the largest expenses is the Local Plan Inspector. However, this will need to be balanced by the gateway assessments of which there are three, the latter two being carried out by the Planning Inspectorate (Pins).

### **5.2 Legal, Data Protection and Human Rights Implications**

- 5.2.1 The Levelling Up and Regeneration Bill once enacted will lay out the legal process for plan making, supplemented by regulations and guidance, much of which is being developed. This consultation will play a key role in developing that finer detail.

### **5.3 Environment, Sustainability and Health Implications**

- 5.4 The plan making system will continue to consider at its core the environment, sustainability, and health. These matters will need to be part of the assessment of any policies that are developed. Currently that will be through a Sustainability Appraisal which will move to Environmental Outcomes Reporting once these are introduced in the new plan making system.

## 5.5 Human Resources Implications

5.5.1 A lot of changes are going to take place over the coming years. At times this will mean running two plan making systems which will be time consuming at the same time as trying to ensure the current system continues.

## 5.6 Links to Council's Priorities

5.6.1 Planning policy work links to all the Council priorities.

The Contact Officer for this report is Dorothy Barratt (719250).

### Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date



**Agenda Item No 13**

**Executive Board**

**18 September 2023**

**Report of the Chief Executive and the Solicitor to the Council**

**Kingsbury Oil Terminal**

**1 Summary**

- 1.1 This report advises Members on the background to the Council's action with regard to the Kingsbury Oil Terminal.

**Recommendation to the Board**

**That the Report be noted.**

**2 Report**

- 2.1 As Members have received a number of emails from campaigners regarding the Council's action at Kingsbury Oil Terminal, Officers have been asked to provide a relatively brief summary of the background to this case.
- 2.2 All the Court paperwork relating to this matter can be found [on the Council's website](#). In particular, the particulars of claim and the Chief Executive's witness statement from pages 77 and 91 in the 'Return Bundle' on above website page may assist Members with further details on the action taken.
- 2.3 Members will be aware that there are various ongoing campaigns regarding the use of oil resources. Highly organised and coordinated protests, largely operating under the 'Just Stop Oil' banner, started at Kingsbury Oil Terminal in late March, early April 2022 as part of campaigns at a number of venues nationally. As recorded by the Judge in this case, the following activities took place (see paragraphs 12 to 16 of the Judgment on the website page):
- a Gluing themselves to roads preventing access to the Terminal;
  - b Breaking into the Terminal compounds by sawing through gates and trespassing on private land;
  - c Climbing onto storage tanks containing petrol, diesel and fuel additives;
  - d Using mobile phones within the Terminal to make video films of their activities including while standing on top of oil tankers and storage tanks and next to fuel transfer equipment;

- e Interfering with oil tankers by climbing onto them and fixing themselves to the roof or by letting air out of their tyres, often once traffic had first been brought to a standstill by protestors glued to the road;
  - f Obstructing the public highway and the entrances to the Terminal as well as the slip roads at junction 9 and 10 of the M42, causing tailbacks on the motorway; and
  - g Using climbing equipment to abseil from a road bridge to gain access to the Terminal.
- 2.4 Of particular concern were the incursions into the compound site itself and occupation/interference with equipment and plant. The Fire Service, in particular, was very concerned about the increase fire/explosion risk this presents (see pages 92 and 93 of the Return Bundle).
- 2.5 Kingsbury Oil Terminal is one of the most hazardous sites in the Borough, with up to 405 million litres of flammable liquid stored. The Terminal is an upper tier site for the purposes of the Control of Major Accident Hazards Regulations 2015. An upper tier site is designated a “high risk establishment” by reason of the quantity of dangerous substance stored on site. Emergency access to the Terminal is critical in the event of a major accident.
- 2.6 There are around 8000 residents in the immediate vicinity of the Terminal, together with a number of sensitive environmental assets including the catchment area of the River Tame, 8 Sites of Special Scientific Interest, 7 Local Nature Reserves and 27 non-statutory sites of local environmental interest.
- 2.7 As a result the Council has a duty, under the Civil Contingencies Act 2004 to assess risks in the area and take steps to prevent emergencies. The Council acted very swiftly, including over the Easter Bank Holiday period, to apply for an injunction to curtail the criminal and high risk elements of the protest. The main advantage of the Council making the application is that a power of arrest can be attached to the injunctions a Local Authority can apply for. This has proved crucial in containing these elements of the protests; a civil injunction had been obtained by one of the site operators but without a power arrest the organised and highly committed protestors, that injunction was proving less effective. As a result the High Court granted the Council an interim injunction on 12<sup>th</sup> April and was the first such injunction in the country in relation to this national campaign. This injunction was renewed in May 2022 and in the Judgment published in July 2023 the High Court permitted the injunction to continue. There will be a further hearing in November at which the continuing need for the injunction will be considered.

- 2.8 As the Head of Legal Services' statement on the web page referred to above makes clear, the injunction has been vital in ensuring that the criminality and dangerous aspects of the protests have been controlled. 139 arrests have been made under the injunction and further action in respect of some of those cases has resulted in High Court findings that 70 people were in contempt of court relating to 108 incidents. Members will be aware that the Just Stop Oil protests continue elsewhere and this, together with the effectiveness of the injunction and the coordinated contact with Members of this Council recently, demonstrates, in Officers' opinion, a continuing need for the injunction.
- 2.9 It is important to note, as set out in the particulars of claim and supporting witness statements, that the action taken is not based on the climate change arguments advocated by the campaigners. The application was motivated by the emergency, disruption and other environmental risks set out above.
- 2.10 This has proved to be a very intensive piece of work particularly for the Council's Legal Team. At times the entire Legal Team has been engaged in work relating to the injunction, including over bank holidays and weekends. It has been necessary for them to attend hearings in London, Birmingham, Manchester and Liverpool since the Court had to hear cases against those who had breached the Order wherever an appropriate Judge was available.
- 2.11 The resulting impact is that the Legal Team's resilience has been extremely stretched meaning that work on both routine and high profile matters has been delayed. In addition to his legal role, the Head of Legal Services is also the Council's Data Protection Officer and his work in that capacity has been similarly impacted.
- 2.12 It has also been costly with the external cost currently £139,903.72. The Council is in discussion with central Government with regard to support in respect of these costs.

### **3 Report Implications**

#### **3.1 Legal Implications**

- 3.1.1 The Council has a specific statutory power to commence legal proceedings if it is in the interests of the inhabitants of the Borough. Additionally, although the Council is not the highway authority, it has a statutory power (but not a duty) to take action to enforce public rights over a highway. These powers have been relied upon to issue the proceedings referred to above. As with the use of any discretionary power, the Council must weigh up all relevant factors and determine whether it is appropriate to do so.

3.1.2 Whilst there are compelling reasons justifying the action taken, members should also be aware of the impact on the Head of Legal Services' other statutory duties and that additional provision may be necessary to mitigate that impact.

The Contact Officers for this report are Steve Maxey (01827 719438) and Clive Tobin (01827 719251).

**Agenda Item No 14**

**Executive Board**

**18 September 2023**

**Report of the  
Chief Executive**

**Exclusion of the Public and Press**

**Recommendation to the Board**

**To consider, in accordance with Section 100A(4) of the Local Government Act 1972, whether it is in the public interest that the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.**

**Agenda Item No 15**

**Development Control Staffing Proposals** – Report of the Head of Development Control

Paragraph 1 - Information relating to an individual.

In relation to the item listed above members should only exclude the public if the public interest in doing so outweighs the public interest in disclosing the information, giving their reasons as to why that is the case.

**Agenda Item No 16**

**Exempt Extract of the Minutes of the meeting of the Executive Board held on 19 July 2023**

Paragraph 1 – Information relating to an individual.

The Contact Officer for this report is Marina Wallace