

# **AGENDA**

for

the **ANNUAL MEETING** of the  
Council to be held via Teams

on

**20 MAY 2020**

at

**6.30pm**



## North Warwickshire Borough Council

**Steve Maxey** BA (Hons) Dip LG Solicitor  
**Chief Executive**

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Date : 12 May 2020

**To: All Members of the Council**

Dear Sir / Madam

You are hereby summoned to attend the Annual Meeting of the Council, to be held on Wednesday 20 May 2020 at 6.30pm via Teams. An email invite will be sent to Councillors and the meeting will be live streamed on the Council's YouTube channel, accessible from the home page of the Council's website.

The following business will be transacted:

- 1 **Apologies for absence / Members away on official Council business.**
- 2 **Declarations of Personal or Prejudicial Interest.**
- 3 **Virtual Meetings Standing Orders – Report of the Chief Executive**

### **Summary**

This report asks Members to approve additional Standing Orders for virtual meetings and agree for a monthly Executive Board meeting to review the current emergency and the recovery from it.

#### **Recommendation to Council**

- i **That the additional Standing Orders attached to this report be approved; and**
- ii **That the Executive Board meets monthly to review the Council's response to the current emergency and the recovery from it**

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

4 **The Mayor to move, in accordance with Standing Order No 6(1):**

**“That the minutes of the Meeting of the Council held on 26 February 2020 be approved as a correct record”.**

5 **To receive the Mayor’s announcements.**

6

**(a) To decide, in accordance with Standing Order No 23(2), the number of Members on each of the following for the ensuing year (current numbers in brackets):-**

Executive Board (10)  
Community and Environment Board (13)  
Resources Board (10)  
Planning and Development Board (15)  
Standards Committee (6)  
Licensing Committee (15)  
Special Sub-Group (6)  
Safer Communities Sub-Committee (11)  
Local Development Framework Sub-Committee (6)

**(b) After considering recommendations from the Leader of the Council and the Leader of the other political group on the Council (to be circulated at the meeting), to appoint Chairmen/Vice-Chairmen, as appropriate, and other Members to the bodies referred to in (a) above;**

**(c) After consideration of the recommendations of the Leader of the Council and the Leader of the other political group on the Council, to appoint representatives of the Council to serve on outside bodies, in accordance with Standing Order No 40.**

7 **Revised Scheme of Delegation – Planning and Development Board - Report of the Chief Executive**

**Summary**

This report asks Members to approve a revised scheme of delegation for planning applications in view of the current restrictions on meetings.

**Recommendation to Council:**

**That the revised scheme of delegation set out in the report and attached as Appendix 2 be agreed until March 2021, subject to reviews in October 2020 and January 2021.**

The Contact Officers for this report are Steve Maxey (719438) and Jeff Brown (719310).

8 **Appointment of the Monitoring Officer – Report of the Chief Executive**

**Summary**

The Council is asked to formally designate the Head of Legal Services, Clive Tobin as the Monitoring Officer as set out in the report.

**Recommendation to Council:**

**That the Head of Legal Services be designated as the Monitoring Officer from his first day of employment with this Council.**

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

9 **To authorise the Chief Executive, in accordance with Article 13.05 of the Articles of the Constitution, to Sign and Seal, on behalf of the Council, any Orders, Deeds and Documents necessary to give effect to any resolution of the Council.**

Yours faithfully



Chief Executive

## Agenda Item No 3

Council

20 May 2020

### Report of the Chief Executive

### Virtual Meetings Standing Orders

#### 1 Summary

- 1.1 This report asks Members to approve additional Standing Orders for virtual meetings and agree for a monthly Executive Board meeting to review the current emergency and the recovery from it.

#### Recommendation to Council

- i That the additional Standing Orders attached to this report be approved; and
- ii That the Executive Board meets monthly to review the Council's response to the current emergency and the recovery from it.

#### 2 Report

- 2.1 As Members will be aware, Boards and Committees are currently unable to meet 'in person'. The [Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020](#) ('the Regulations') have been made to allow Councils to have formal meetings despite this.
- 2.2 The Regulations automatically alter Councils' Standing Orders but for clarity it is suggested that the Council set out the additional rules for its meetings. The additional Standing Orders appended to this report will sit at the end of the current Orders and will take precedence for virtual meetings should there be any conflict between them and the current Orders.
- 2.3 The draft additional Orders are designed to reflect the experience gained from the mock meetings with Members set up in recent weeks to test the process. This report is prepared in advance of the final test on 14 May 2020 and therefore any changes arising from that will be reported separately.

- 2.4 It is not anticipated that the full range of Boards and Committees will start to meet again at the moment as the response to the current emergency continues to dominate the business of the Council. However, it is suggested that this is reviewed, together with the main response to the crisis, by a monthly Executive Board.

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

*PROCEDURE RULES FOR THE REGULATION OF  
PROCEEDINGS – ALL MEETINGS*

**PROCEDURE RULE No. 45**

**REMOTE MEETINGS**

45.1 The [Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020](#) make provision for remote attendance at, and remote access to, council meetings held on or before 7 May 2021.

45.2 The regulations enable the council to hold meetings without all, or any, of the members being physically present in a room. This allows for remote meetings through electronic, digital, virtual locations, live webcast, live interactive streaming, video and telephone conferencing.

45.3 The 'place' at which the meeting is held may be a council building, or where the organiser of the meeting is located, or an electronic, digital or virtual location, a web address, or a conference call telephone number.

45.4 In order for members to be able to attend meetings of the council remotely, they need not be physically present, provided they are able to hear and be heard (and, where possible, see and be seen by) other councillors and members of the public attending remotely or in person.

45.5 A Member in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in 45.4 above are not met. In such circumstance the Chair may, as they deem appropriate:-

- (i) adjourn the meeting for a short period to permit the conditions for remote attendance of a Member contained in (a) above to be re-established;
- (ii) count the number of Members in attendance for the purposes of the quorum; or
- (iii) continue to transact the remaining business of the meeting in the absence of the Member in remote attendance.

45.6 A Member who has an interest such that they should not participate in a decision or discussion should leave the meeting. They will be contacted by telephone to rejoin the meeting but the Chair may move that agenda item to the end of the meeting if that is more efficient.

45.7 The procedure rules in this constitution apply to remote meetings in the same way as they do for other meetings of the council except where they conflict, in which case this

procedure rule takes precedence over other procedure rules in relation to the governance of remote meetings.

## **Process**

45.8 The council facilitates remote attendance and access to its meetings through the medium of Microsoft Teams, which enables the following to take place:

- (a) Being accessible to both participants and members of the public who are not taking an active role but just observing.
- (b) Presentations and documents to be displayed and spoken to.

45.9 Before the meeting, any document to be referred to during the meeting should be shared with participants and published (where appropriate) in advance on the council's website, and ensure that every page and slide is numbered, wherever possible.

45.10 Before the meeting, all participants should be made aware of the following etiquette:

- (a) Join the meeting promptly to avoid unnecessary interruptions.
- (b) Mute microphones when not talking.
- (c) Switch off cameras when not speaking (to save bandwidth).
- (d) Indicate a wish to speak by using the chat function.
- (e) Only speak when invited to by the chairman.
- (f) Anyone speaking should state their name before making a comment.
- (g) If referring to a specific page or slide, mention the page or slide number.

45.11 The chairman and the lead Officer for the meeting may:

- (a) Pause (adjourn) the meeting if they are made aware that the meeting is not accessible to the public through remote means, due to any technological or other failure of provision.
- (b) If the provision of access through remote means cannot be restored within a reasonable period, then the remaining business will be considered at a time and date fixed by the Chair. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.
- (c) Mute everyone speaking except themselves at any time.
- (d) Allocate different levels of access to people logging in (based on upon whether they are a councillor, an officer, or a member of the public who has registered to speak).

## **Questions**

45.12 Questions, submitted in accordance with Standing Order 7, may be considered at remote meetings.



## **Voting**

45.13 The voting form available on the Teams meeting appointment will be used at remote meetings

45.14 If a recorded vote is called for, the lead Officer will perform a roll-call of all members present and ask them to state their voting intention (For, Against or Abstain). These will then be counted and recorded.

45.15 At the conclusion of the voting the chairman shall announce the numbers of votes cast for, against and abstentions and announce whether the motion has been passed or lost.

## **Access to information**

45.16 The requirement to ensure meetings are open to the public includes access by remote means, including live streaming onto the Council's YouTube channel. Where a meeting is accessible to the public through such remote means, the meeting is open to the public whether or not members of the public are able to attend the meeting in person.

45.17 The recording of the meeting will be then placed on the Council's website alongside the agenda and reports for that meeting.

45.18 Any requirements for the authority to ensure publication, posting or making available a document for inspection at offices of the council include publication on the council's website.

45.19 For Confidential items, where members of the public have been invited to call in to ask a question or speak, a separate Teams meeting invite will be created for the Confidential section of the meeting to ensure no members of the public can gain access. This will not be live streamed. If there have been no such questions or speeches the meeting will be adjourned for the live streaming to be stopped. Members should ensure no-one is with them in the room from which they are accessing the meeting and should let the Chairman know if that is not the case.

**MINUTES OF THE MEETING OF THE  
NORTH WARWICKSHIRE BOROUGH COUNCIL HELD AT THE COUNCIL  
HOUSE, SOUTH STREET, ATHERSTONE ON  
WEDNESDAY 26 FEBRUARY 2020**

Present: Councillor Moss in the Chair.

Councillors Bell, Chambers, D Clews, T Clews, Davey, Deakin, Dirveiks, Farrell, Farrow, Gosling, Hayfield, D Humphreys, M Humphreys, Jarvis, Jenns, Lebrun, Lees, Macdonald, Morson, McLauchlan, Osborne, Parker, Parsons, H Phillips, O Phillips, Reilly, Rose, Simpson, Smith, A Wright and D Wright.

Apologies for absence were received from Councillors Downes, Singh and Symonds.

**38 Disclosable Pecuniary and Non-Pecuniary Interests**

None were declared at the meeting.

**39 Minutes of the Meeting of the Council held on 4 December 2019**

The minutes of the Meeting of the Council held on 4 December 2019 were approved as a correct record and signed by the Mayor.

**40 Mayor's Announcements**

The Mayor announced the following:

- that he and Councillor Downes hosted a successful visit to the Council House by the Ambassador to Nicaragua and local school children;
- that he attended a football match at Atherstone Football Club and was made very welcome; and
- he thanked the Mayoress, Mrs Tricia Parker, for her support during his year of office.

**41 Standing Order No. 20 - Interventions**

The Leader of the Opposition raised a point of explanation in respect of issues arising from the October meeting of the Council.

**42 Questions Pursuant to Standing Order No. 7**

No questions had been received.

43 **Minutes of Boards/Committees**

**a) Planning and Development Board – 9 December 2019, 13 January 2020 and 3 February 2020**

It was proposed by Councillor Simpson, seconded by Councillor T Clews and

**Resolved:**

**That the minutes of the meetings of the Planning and Development Board held on 9 December 2019, 13 January 2020 and 3 February 2020 together with the recommendations contained therein, be approved and adopted.**

**b) Community and Environment Board – 20 January 2020**

It was proposed by Councillor Bell, seconded by Councillor Smith and

**Resolved:**

**That the minutes of the meeting of the Community and Environment Board held on 20 January 2020, together with the recommendations contained therein, be approved and adopted.**

**c) Resources Board – 27 January 2020**

It was proposed by Councillor D Wright, seconded by Councillor T Clews and

**Resolved:**

**That the minutes of the meeting of Resources Board held on 27 January 2020, together with the recommendations contained therein, be approved and adopted.**

**d) Licensing Committee – 28 January 2020**

It was proposed by Councillor Jenns, seconded by Councillor Jarvis and

**Resolved:**

**That the minutes of the meeting of the Licensing Committee held on 28 January 2020, together with the recommendations contained therein, be approved and adopted.**

**e) Executive Board – 10 February 2020**

In moving the minutes of the meeting Councillor D Humphreys, seconded by Councillor D Wright, gave notice of his alteration of the motion comprising Minute No 48 – General Fund Revenue Estimates 2020/21 and Setting the Council Tax 2020/21.

Councillor Farrell gave notice of his alteration of the motions comprising Minute No. 46 – The Proposed 3 Year Capital Programme 2020/21 – 2022/23 and Minute No. 48 – General Fund Revenue Estimates 2020/21 and Setting the Council Tax 2020/21.

Minute No. 46 The Proposed 3 Year Capital Programme 2020/21 – It was proposed by Councillor Farrell and seconded by Councillor Rose by way of amendment:

That recommendations **b and c** are replaced by the following:

- b That the 3 Year Capital Programme for the period 2020/21 to 2022/23 set out in Appendix B, be adopted with the following amendments:
  - i To remove capital allocations for Atherstone Leisure Complex roof replacement and Leisure Centre Equipment replacement totalling £480,000 in 2020/21, £30,000 in 2021/22 and £20,000 in 2022/23;
  - ii To include £3 million for a new Leisure Facility at Polesworth and £6 million for the refurbishment of Atherstone Leisure Complex in 2021/22;
  - iii To sell Old Bank House and remove the electrical upgrade planned for 2020/21; and
  - iv To remove the allocation of £23,000 per annum for Borough Care lifelines, and replace it with an allocation of £23,000 per annum for CCTV.
- c That the prudential indicators set out in section 9 to the report, amended by the changes set out above in recommendation b, be approved.

**Upon being put to the meeting the Mayor declared the amendment to be lost.**

In accordance with Standing Order No11(3) the recorded vote on the amendment was as follows:

**For** – Chambers, Deakin, Dirveiks, Farrell, Farrow, Gosling, McLauchlan, Morson, Osborne, Parsons, H Phillips, O Phillips and Rose, (13)

**Against** – Bell, D Clews, T Clews, Davey, Hayfield, D Humphreys, M Humphreys, Jarvis, Jenns, Lees, Macdonald, Moss, Parker, Reilly, Simpson, Smith, A Wright and D Wright. (18).

Minute No 48 - General Fund Revenue Estimates 2020/21 and Setting the Council Tax – It was proposed by Councillor D Humphreys and seconded by Councillor D Wright by way of amendment:

That the Council Tax resolution set out in Appendix A and the updated Financial strategy set out in paragraph 8.1.1 of the General Fund Revenue Estimates 2020/21 and Setting the Council Tax 2020/21 report circulated at the Full Council meeting be recommended for approval.

It was then proposed by Councillor Farrell, seconded by Councillor Rose by way of a further amendment:

That recommendation **a** is replaced by the following:

- a i That the saving of £380,000 relating to charging for green waste is removed from Appendix D and that the additional savings of £647,870, set out below, are included;

<b>Additional Savings</b>	<b>2020/21 £</b>
Senior Management Restructure	94,510
Transfer users of the Borough Care service to another Provider	245,830
Change the operation of Atherstone CCTV, with transfer to Atherstone Town Council (part year saving)	46,230
Reduction in the delivery of back of house services	120,640
Reduce the provision for training	7,000
Reduce the Civic Hospitality budget	9,540
Stop Corporate Communications	50,580
Remove professional fees from Green Space budgets	28,330
Reduce automatic increments for employees (part year effect)	16,950
Remove the marketing and market research budget	8,760
Remove repayment to the New Initiatives Fund made from the Public Conveniences budget	19,500
<b>TOTAL</b>	<b>647,870</b>

That an additional recommendation a ii is included as set out below:

- a ii That growth of £1,140,590, as set out in the table below is included in the 2020/21 budget (one off growth, unless otherwise indicated):

<b>Growth</b>	<b>2020/21 £</b>
To pay for the street lights to be switched back on across North Warwickshire (ongoing)	88,000
To establish a Climate Change Fund, to enable tree planting, grants for electric charging points and other measures as decided by the Climate Change Working Group (to be funded through earmarked reserves)	100,000
Stop the Borough Care service and fund initial set up costs with Age UK for current clients (to be funded through earmarked reserves)	252,000
Redundancy costs resulting from the Senior Management	450,590

restructure and stopping the Borough Care	
Set up a Transformation Fund, for regeneration activities including planning improvements to leisure facility provision (to be funded through earmarked reserves)	250,000
<b>TOTAL</b>	<b>1,140,590</b>

That recommendation **b** is replaced by the following:

- b That the revised revenue estimate for 2019/20 and the revenue estimate for 2020/21, as amended by the removal of green waste charging, the additional savings and growth and the use of earmarked reserves, be approved;

*Recommendations c, d, e and f remain as set out.*

### Note for Information

The impact of the proposals on balances and the level of savings is shown below.

### **Revised Medium Term Financial Forecast (with Amendments)**

	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>
<b>Board Requirements</b>	<b>10,342</b>	<b>9,390</b>	<b>9,778</b>	<b>10,071</b>	<b>10,448</b>
Remove charging for Green Waste	-	380	380	380	380
Growth	-	1,141	200	100	107
Additional use of earmarked reserves (Climate Change Fund, Brough Care set up costs, Transformation Fund)	-	(602)	-	-	-
Investment in Leisure Facilities	-	-	-	218	436
Impact on operating costs for Leisure Facilities during refurbishment / construction	-	-	340	35	(426)
Investment Income	(350)	(360)	(380)	(400)	(420)
Financing Adjustment	(742)	(667)	(605)	(571)	(500)
e/m reserves – contribution from HRA	(50)	(50)	(50)	(50)	(40)
Revenue Contribution to Capital Spending	119	-	-	-	-
External Funding	(2,920)	(2,422)	(2,460)	(2,499)	(2,539)
New Homes Bonus	(921)	(738)	(462)	(208)	-
Collection Fund Surplus	(93)	(97)	(100)	(105)	(114)
<b>Net Expenditure</b>	<b>5,385</b>	<b>5,975</b>	<b>6,641</b>	<b>6,971</b>	<b>7,332</b>
Council Tax	(4,315)	(4,466)	(4,639)	(4,817)	(5,000)
<b>Use of Balances</b>	<b>1,070</b>	<b>1,509</b>	<b>2,002</b>	<b>2,154</b>	<b>2,332</b>
Additional Savings – 2020/21		(647)	(822)	(836)	(852)
Savings required 2021/22			(800)	(800)	(800)
Savings required 2022/23				(500)	(500)
Savings required 2023/24					(200)
<b>Use of Balances</b>	<b>1,070</b>	<b>862</b>	<b>380</b>	<b>18</b>	<b>(20)</b>
<b>Balances at the Year End</b>	<b>2,680</b>	<b>1,818</b>	<b>1,438</b>	<b>1,420</b>	<b>1,440</b>

**Upon being put to the meeting the Mayor declared the amendment to be lost.**

In accordance with Standing Order No11(3) the recorded vote on the amendment was as follows:

**For** – Chambers, Deakin, Dirveiks, Farrell, Farrow, Gosling, McLauchlan, Morson, Osborne, Parsons, H Phillips, O Phillips and Rose, (13)

**Against** – Bell, D Clews, T Clews, Davey, Hayfield, D Humphreys, M Humphreys, Jarvis, Jenns, Lees, Macdonald, Moss, Parker, Reilly, Simpson, Smith, A Wright and D Wright. (18).

The substantive motion was then put to the meeting as follows:

That the Council Tax resolution set out in Appendix A and the updated Financial strategy set out in paragraph 8.1.1 of the General Fund Revenue Estimates 2020/21 and Setting the Council Tax 2020/21 report circulated at the Full Council meeting be recommended for approval.

**Upon being put to the meeting the Mayor declared the substantive motion to be approved.**

In accordance with Standing Order No11(3) the recorded vote on the substantive motion was as follows:

**For** – Councillors Bell, D Clews, T Clews, Davey, Hayfield, D Humphreys, M Humphreys, Jarvis, Jenns, Lees, Macdonald, Moss, Parker, Reilly, Simpson, Smith, A Wright and D Wright. (18).

**Against** - Chambers, Deakin, Dirveiks, Farrell, Farrow, Gosling, McLauchlan, Morson, Osborne, Parsons, H Phillips, O Phillips and Rose, (13)

**Resolved:**

**That the minutes of the meeting of Executive Board held on 10 February 2020, together with the recommendations contained therein as amended above and set out in Appendix 1 to these minutes, be approved and adopted.**

#### 42 **Notice of Motion under Standing Order No. 10**

The following Notice of Motion was proposed by Councillor Bell and Seconded by Councillor Lees:

**“This Council notes**

Fireworks are used by people throughout the year to mark different events. While they bring much enjoyment to some people, they can cause significant problems and fear for other people and animals. The noise from fireworks

can be a source of fear and distress for many animals and the debris from fireworks can pose a hazard to animals such as horses and livestock.

Legislation allows the use of fireworks up to 1am on the night of New Year's Eve and it is the police who enforce outside this time. The noise from fireworks would be governed by the normal law of nuisance, however, because of the short nature of fireworks and the difficulty with specifics as to who is setting them off, this law typically is not useful.

North Warwickshire Borough Council does not have the power to place advertising conditions on firework displays as they are not licensable activities.

The proposal is that:

1. NWBC website should display current legislation and guidance regarding the use of fireworks and provide advice on mitigating the impact on neighbours and animals.
2. NWBC should write to our MPs requesting them to ask government to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays.
3. NWBC should consider the conditions under which it allows use of its own land for firework displays”.

**Upon being put to the meeting the Mayor declared the Motion to be carried.**

The following Notice of Motion was proposed by Councillor Gosling and seconded by Councillor Reilly:

**“This Council resolves**

To facilitate effective joint working with councillors and partner agencies in North Warwickshire this council asks the Chief Constable of Warwickshire Police to introduce a minimum tenure of posting of two years for North Warwickshire Safer Neighbourhood team police officers and police community support officers”.

**Upon being put to the meeting the Mayor declared the Motion to be carried.**

#### 43 **The Common Seal**

It was proposed by Councillor Morson, seconded by Councillor D Wright and

**Resolved:**



**That the Chief Executive be authorised to affix the Common Seal to any document as necessary to give effect to the decisions of the Council, in accordance with Article 13.05 of the Articles of the Constitution.**

**Chairman of the next ensuing meeting of the Council**

**Minute 48 of Executive Board**

**Meeting of the Council**

**26 February 2020**

**Report of the  
Corporate Director - Resources**

**General Fund Revenue Estimates  
2020/21 and Setting the Council  
Tax 2020/21**

**1 Summary**

- 1.1 The purpose of this report is to enable the Council to calculate and set the Council Tax for 2020/21.

**Recommendation**

- a To approve the formal Council Tax resolution at Appendix A;  
and**
- b To approve the updated strategy set out in paragraph 8.1.1.**

**2 Background**

- 2.1 The Localism Act 2011 requires the billing authority to calculate a Council Tax requirement for the year.
- 2.2 Since the meeting of the Executive Board the precept levels of other precepting bodies have been received. These are detailed below.

**3 Town & Parish Councils**

- 3.1 The Town and Parish Council Precepts for 2020/21 are detailed in Appendix B and total £1,073,986.95. The increase in the average Band D Council Tax for Town and Parish Councils is 4.29% and results in an average Band D Council Tax figure of £51.06 for 2020/21.

**4 Warwickshire County Council**

- 4.1 Warwickshire County Council has set a precept of £31,318,291.12. This results in a Band D Council Tax of £1,488.87.

**5 Warwickshire Police Authority**

- 5.1 The Police and Crime Commissioner for Warwickshire has set a precept of £5,005,679.83 for 2020/21. This results in a Band D Council Tax of £237.97.

## 6 Conclusions

- 6.1 The recommendations of the Executive Board, including the £5.00 increase in Council Tax, are set out in the formal Council Tax Resolution in Appendix A.
- 6.2 If the formal Council Tax Resolution at Appendix A is approved, the total Band D Council Tax will be as follows:

	2019/20 £	2020/21 £	Increase %
North Warwickshire Borough Council	207.30	212.30	2.41
Warwickshire County Council	1,431.81	1,488.87	3.99
Warwickshire Police Authority	227.98	237.97	4.38
<b>Sub-Total</b>	<b>1,867.09</b>	<b>1,939.14</b>	<b>3.86</b>
Town and Parish Council (average)	48.96	51.06	4.29
<b>Total</b>	<b>1,916.05</b>	<b>1,990.20</b>	<b>3.87</b>

## 7 Restrictions on Voting

- 7.1 Under Section 106 of the Local Government Finance Act 1992, a Member is not entitled to vote on any decision which affects the budget, if at the time of the decision they owe council tax which has been outstanding for two months or more.
- 7.2 In these circumstances, the Member affected needs to disclose the fact that Section 106 applies to them. The Member is still able to speak on budget matters, but is not entitled to vote. Failure to comply with Section 106 is a criminal offence.

## 8 Report Implications

### 8.1 Financial Implications

- 8.1.1 The Financial Strategy includes the Council Tax recommendation in Appendix A. This is summarised in the table below.

	2019/20 Revised £000	2020/21 Estimate £000	2021/22 Estimate £000	2022/23 Estimate £000	2023/24 Estimate £000
<b>Board Requirements</b>	<b>10,342</b>	<b>9,390</b>	<b>9,778</b>	<b>10,071</b>	<b>10,448</b>
Growth	-	-	-	-	-
Investment Income	(350)	(360)	(380)	(400)	(420)
Financing Adjustment	(742)	(667)	(605)	(571)	(500)
Earmarked Reserve – Contribution from HRA	(50)	(50)	(50)	(50)	(40)

Revenue Contribution to Capital Spending	119	-	-	-	-
RSG	-	-	-	-	-
NDR - Baseline	(1,891)	(1,922)	(1,960)	(1,999)	(2,039)
NDR – Additional rates	(1,000)	(500)	(500)	(500)	(500)
NDR Levy Account Surplus	(29)	-			
New Homes Bonus	(921)	(738)	(462)	(208)	-
Collection Fund Surplus	(93)	(97)	(100)	(105)	(114)
<b>Net Expenditure</b>	<b>5,385</b>	<b>5,056</b>	<b>5,721</b>	<b>6,238</b>	<b>6,835</b>
Council Tax	(4,315)	(4,466)	(4,639)	(4,817)	(5,000)
<b>Use of Balances</b>	<b>1,070</b>	<b>590</b>	<b>1,082</b>	<b>1,421</b>	<b>1,835</b>
Savings Required 2020/21	-	-	(700)	(700)	(700)
Savings Required 2021/22	-	-	-	(600)	(600)
Savings Required 2022/23	-	-	-	-	(400)
<b>Adjusted Use of Balances</b>	<b>1,070</b>	<b>590</b>	<b>382</b>	<b>121</b>	<b>135</b>
<b>Level of Balances</b>	<b>2,680</b>	<b>2,090</b>	<b>1,708</b>	<b>1,587</b>	<b>1,452</b>

## 8.2 Safer Communities Implications

8.2.1 The Council provides services and takes part in initiatives that work to improve Crime and Disorder levels within the Borough, and provision is included within the budgets for this.

## 8.3 Environment and Sustainability Implications

8.3.1 The Financial Strategy is linked to the delivery of targets and actions identified in the Corporate Plan and service plans. Continuing the budget strategy will allow the Council to manage its expected shortfall in resources without disruption of these targets and without disrupting essential services. Progress against both performance and financial targets are reported regularly to Service Boards.

8.3.2 Parts of the corporate and service plans directly support the sustainability agenda, for example, recycling and the green space strategy.

## 8.4 Equality Implications

8.4.1 Equality Assessments should be undertaken when making financial decisions to determine what the adverse impact on individuals or communities will be

The Contact Officer for this report is Sue Garner (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>
General Fund Revenue Estimates 2020/21 and Setting the Council Tax 2020/21	NWBC	Report to Executive Board	10 Feb 2020
Financial Strategy 2019/24	NWBC	Report to Executive Board	16 Sept 2019

**GENERAL FUND REVENUE ESTIMATES 2020/21 AND SETTING THE COUNCIL TAX 2020/21**

**The Council is recommended to resolve as follows:**

- a** That the savings of £789,900 be approved (Appendix D);
- b** That the revised revenue estimate for 2019/20 and the revenue estimate for 2020/21 be approved (Appendix E);
- c** That a Band D Council Tax increase of £5 for 2020/21 be approved;
- d** That the Corporate Director - Resource's comments on the minimum acceptable level of general reserves be noted (Appendix F);
- e** That the manpower estimate for the year 2020/21 be approved (Appendix G);
- f1** That it be noted that in January 2020, the Council calculated the Council Tax Base for 2020/21:
  - a** for the whole Council area as 21,034.94 (item T in the formula in section 31B of the Local Government Finance Act 1992, as amended [the "Act"]); and
  - b** for dwellings in those parts of its area to which a Parish precept relates as in the attached Appendix B.
- f2** That the Council Tax Requirement for the Council's own purposes for 2020/21 (excluding Parish precepts) is £4,465,720;
- f3** That the following amounts be calculated by the Council for the year 2020/21, in accordance with Sections 31 to 36 of the Act:-
  - a** £55,581,226.95 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils,
  - b** £50,041,520.00 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act,
  - c** £5,539,706.95 being the amount by which the aggregate at f3(a) above exceeds the aggregate of f3(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year (item R in the formula in section 31B of the Act),
  - d** £263.36 being the amount at f3(c) above (Item R), all divided by Item T (f1(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish Councils),
  - e** £1,073,986.95 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act (as per the attached Appendix B).
  - f** £212.30 being the amount of f3(d) above, less the result given by dividing the amount at f3(e) above by Item T (f1(a) above), calculated by the Council, in

accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.

**f4 To note that for 2020/21, Warwickshire County Council and the Office of the Police and Crime Commissioner for Warwickshire have issued precepts to the Council, in accordance with Section 40 of the Local Government Finance Act 1992 for each of category of dwellings in the Council's area as indicated in the table below.**

**f5 That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the table below as the amounts of Council Tax for 2020/21 for each part of its area and for each of the categories of dwellings.**

<b>Precepting Authority</b>	<b>Valuation Bands</b>							
	<b>A £</b>	<b>B £</b>	<b>C £</b>	<b>D £</b>	<b>E £</b>	<b>F £</b>	<b>G £</b>	<b>H £</b>
North Warwickshire BC	141.53	165.12	188.71	212.30	259.48	306.66	353.83	424.60
Warwickshire CC	905.52	1,056.44	1,207.36	1,358.28	1,660.12	1,961.96	2,263.80	2,716.56
Warwickshire CC – Adult Social care	87.06	101.57	116.08	130.59	159.61	188.63	217.65	261.18
Warwickshire Police Auth.	158.65	185.09	211.53	237.97	290.85	343.73	396.62	475.94
<b>Aggregate of Council Tax Requirements</b>	<b>1,292.76</b>	<b>1,508.22</b>	<b>1,723.68</b>	<b>1,939.14</b>	<b>2,370.06</b>	<b>2,800.98</b>	<b>3,231.90</b>	<b>3,878.28</b>

**f6 The Council has determined that its relevant basic amount of Council Tax for 2020/21 is not excessive, in accordance with the principles approved under section 52ZB of the Local Government Finance Act 1992.**

**COUNCIL TAX AMOUNTS 2020/21**

**Appendix B**

Area Name	A	B	C	A	B	C
	Precept £	2019/20 Taxbase*	Band D £	Precept £	2020/21 Taxbase*	Band D £
<u>Parishes</u>						
Ansley	27,500.00	673.91	40.81	28,500.00	697.99	40.83
Arley	25,000.00	853.02	29.31	25,000.00	849.10	29.44
Astley	1,350.00	72.91	18.52	1,430.00	77.26	18.51
Atherstone	142,449.00	2,718.88	52.39	145,447.00	2,705.54	53.76
Austrey	15,345.00	424.44	36.15	15,575.00	440.16	35.38
Baddesley Ensor	55,000.00	514.76	106.85	64,000.00	513.08	124.74
Baxterley	11,872.00	126.42	93.91	11,900.00	128.62	92.52
Bentley/ Merevale	804.00	48.38	16.62	800.00	47.39	16.88
Caldecote	0.00	81.35	-	0.00	82.12	-
Coleshill	238,372.56	2,435.55	97.87	250,718.38	2,487.08	100.81
Corley	18,250.00	325.64	56.04	18,250.00	336.54	54.23
Curdworth	35,483.00	471.03	75.33	36,200.00	476.41	75.98
Dordon	25,015.00	849.13	29.46	26,516.00	857.53	30.92
Fillongley	18,126.00	651.37	27.83	22,000.00	653.25	33.68



Great Packington	0.00	56.81	-	0.00	56.56	-
Grendon	18,505.00	622.62	29.72	19,060.00	639.80	29.79
Hartshill	98,573.25	1,060.49	92.95	101,037.57	1,072.89	94.17
Kingsbury	33,306.00	2,367.16	14.07	34,971.00	2,379.26	14.70
Lea Marston	12,000.00	142.29	84.33	12,100.00	143.84	84.12
Little Packington	0.00	19.41	-	0.00	18.98	-
Mancetter	29,254.00	666.79	43.87	29,840.00	673.14	44.33
Maxstoke	6,000.00	117.04	51.26	7,000.00	117.73	59.46
Middleton	12,750.00	316.41	40.30	12,750.00	320.63	39.77
Nether Whitacre	17,000.00	486.25	34.96	18,500.00	494.68	37.40
Newton Regis/ Seckington	10,500.00	232.76	45.11	10,900.00	233.72	46.64
Over Whitacre	2,500.00	191.48	13.06	2,500.00	193.06	12.95
Polesworth	76,630.00	2,580.16	29.70	89,936.00	2,633.17	34.16
Shustoke	12,253.26	211.16	58.03	13,478.00	216.32	62.31
Shuttington	6,000.00	155.50	38.59	7,000.00	154.44	45.33
Water Orton	65,763.00	1,282.66	51.27	67,078.00	1,273.90	52.66
Wishaw	3,685.00	62.38	59.07	1,500.00	60.75	24.69
Total Precept	1,019,286.07	20,818.16	48.96	1,073,986.95	21,034.94	51.06

COUNCIL TAX CHARGES BY PRECEPTING AUTHORITY

Appendix C

Area Name	Band A 6/9 £	Band B 7/9 £	Band C 8/9 £	Band D 9/9 £	Band E 11/9 £	Band F 13/9 £	Band G 15/9 £	Band H 18/9 £
North Warwickshire Borough Council (including average Parish charge)	175.57	204.84	234.10	263.36	321.88	380.41	438.93	526.72
North Warwickshire Borough Council (excluding Parishes)	141.53	165.12	188.71	212.30	259.48	306.66	353.83	424.60
Warwickshire County Council	905.52	1,056.44	1,207.36	1,358.28	1,660.12	1,961.96	2,263.80	2,716.56
WCC - Adult Social Care Precept	87.06	101.57	116.08	130.59	159.61	188.63	217.65	261.18
Warwickshire Police Authority	158.65	185.09	211.53	237.97	290.85	343.73	396.62	475.94
<b><u>Parishes</u></b>								
Ansley	27.22	31.76	36.29	40.83	49.90	58.98	68.05	81.66
Arley	19.63	22.90	26.17	29.44	35.98	42.52	49.07	58.88
Astley	12.34	14.40	16.45	18.51	22.62	26.74	30.85	37.02
Atherstone	35.84	41.81	47.79	53.76	65.71	77.65	89.60	107.52
Austrey	23.59	27.52	31.45	35.38	43.24	51.10	58.97	70.76

Baddesley Ensor	83.16	97.02	110.88	124.74	152.46	180.18	207.90	249.48
Baxterley	61.68	71.96	82.24	92.52	113.08	133.64	154.20	185.04
Bentley/ Merevale Caldecote	11.25	13.13	15.00	16.88	20.63	24.38	28.13	33.76
		-	-	-	-	-	-	-
Coleshill	67.21	78.41	89.61	100.81	123.21	145.61	168.02	201.62
Corley	36.15	42.18	48.20	54.23	66.28	78.33	90.38	108.46
Curdworth	50.65	59.10	67.54	75.98	92.86	109.75	126.63	151.96
Dordon	20.61	24.05	27.48	30.92	37.79	44.66	51.53	61.84
Fillongley Great Packington	22.45	26.20	29.94	33.68	41.16	48.65	56.13	67.36
		-	-	-	-	-	-	-
Grendon	19.86	23.17	26.48	29.79	36.41	43.03	49.65	59.58
Hartshill	62.78	73.24	83.71	94.17	115.10	136.02	156.95	188.34
Kingsbury	9.80	11.43	13.07	14.70	17.97	21.23	24.50	29.40
Lea Marston Little Packington	56.08	65.43	74.77	84.12	102.81	121.51	140.20	168.24
		-	-	-	-	-	-	-
Mancetter	29.55	34.48	39.40	44.33	54.18	64.03	73.88	88.66
Maxstoke	39.64	46.25	52.85	59.46	72.67	85.89	99.10	118.92
Middleton	26.51	30.93	35.35	39.77	48.61	57.45	66.28	79.54

Nether Whitacre	24.93	29.09	33.24	37.40	45.71	54.02	62.33	74.80
Newton Regis/ Seckington	31.09	36.28	41.46	46.64	57.00	67.37	77.73	93.28
Over Whitacre	8.63	10.07	11.51	12.95	15.83	18.71	21.58	25.90
Polesworth	22.77	26.57	30.36	34.16	41.75	49.34	56.93	68.32
Shustoke	41.54	48.46	55.39	62.31	76.16	90.00	103.85	124.62
Shuttington	30.22	35.26	40.29	45.33	55.40	65.48	75.55	90.66
Water Orton	35.11	40.96	46.81	52.66	64.36	76.06	87.77	105.32
Wishaw	16.46	19.20	21.95	24.69	30.18	35.66	41.15	49.38

SAVINGS/ADDITIONAL INCOME INCLUDED IN 2020/2021 FIGURES

Board	Description	2020/2021 £
Executive	Reduction of North Talk to 2 editions per year	5,180
Executive	Reduction in licence costs	530
Licensing	Reduction in hire of premises costs	50
C & E	Reduction in Commercial Pollution Control professional fees	680
C & E	Reduction in telephone costs	140
C & E	Reduction in poisons and traps	500
C & E	Income from Abandoned Vehicles	150
C & E	Leisure Restructure	9,960
C & E	Move to Co-mingled Recycling	8,210
C & E	Extra 2 weeks garden waste suspension	6,430
C & E	Discontinue contribution towards refuse & recycling vehicle replacements	15,000
C & E	Discontinue contribution towards pool sinking fund	12,450
C & E	Charging for Green Waste	380,000
Resources Recharged	Reduction in lease car lump sum allowances	17,370
Resources Recharged	Reduction in emergency cover	1,210
Resources Recharged	Reduction in bank charges	20
Resources Recharged	Reduction in advertising, promotions and publicity costs	50
Resources Recharged	Reduction in telephone costs	1,230
Resources Recharged	Reduction in hospitality costs	150
Resources Recharged	Reduction in civic gifts	100
Resources Recharged	Reduction in internet access costs	340
Resources Recharged	Reduction in corporate subscriptions	500
Resources Recharged	Reduction in essential travel allowances	250
Resources Recharged	Reduction in train travel costs	50
Resources Recharged	Reduction in copier rental and photocopying charges	5,720
Resources Recharged	Reduction in Central Services staffing costs	4,990
Resources Recharged	Reduction in professional memberships	230
Resources	Reduction in training budgets	10,000

Recharged		
Resources Recharged	Reduction in provisions	1,000
Resources Recharged	Democratic Services Shared Service Arrangement	24,000
Resources Remaining	Reduction in registration of electors salary costs	600
Resources Remaining	Reduction in registration of electors postage costs	2,790
Resources Remaining	Cost of Democratic Services - Reduction in advertising, promotions and publicity	310
Resources Remaining	Reduction in corporate subscriptions	2,370
Resources Remaining	Increase in Rent Income from Industrial Units	23,390
Resources Remaining	Reduction in Public Conveniences Hire of Premises Costs	500
Resources Remaining	Reduction in overtime	4,000
Resources Remaining	Reduction in software maintenance costs	3,000
Resources Remaining	Reduction in mobile phone costs	5,000
Resources Remaining	Discontinue contribution towards replacement of CCTV assets	15,450
Resources Remaining	Empty Old Bank House (part year saving)	27,000
Resources Remaining	Payment in Advance - Pension Contributions	80,000
All	Discontinue Revenue Contribution to Capital Outlay	119,000
	<b>Overall Total</b>	<b>789,900</b>

## SUMMARY OF REVENUE REQUIREMENTS

Revised Gross Expenditure 2019/20	Revised Gross Income 2019/20	Revised Net Expenditure 2019/20		Gross Expenditure 2020/21	Gross Income 2020/21	Net Expenditure 2020/21
£	£	£		£	£	£
8,694,010.00	2,860,500.00	5,833,510.00	Community and Environment	8,712,590.00	3,261,860.00	5,450,730.00
966,520.00	713,120.00	253,400.00	Planning and Development	979,530.00	714,880.00	264,650.00
119,730.00	113,230.00	6,500.00	Licensing	150,720.00	102,790.00	47,930.00
16,012,450.00	12,576,670.00	3,435,780.00	Resources	15,856,810.00	12,886,670.00	2,970,140.00
817,000.00	23,220.00	793,780.00	Executive	734,810.00	3,280.00	731,530.00
11,870,150.00	11,870,150.00	-	Council Housing	12,802,980.00	12,802,980.00	-
19,660.00	-	19,660.00	Contingencies	4,590.00	-	4,590.00
-	-	-	Advance Payment of Pension Contributions	(80,000.00)	-	(80,000.00)
-	350,000.00	(350,000.00)	Interest on Balances	-	360,000.00	(360,000.00)
-	791,820.00	(791,820.00)	Financing Adjustment	-	716,190.00	(716,190.00)
119,000.00	-	119,000.00	Revenue Contribution to Capital Outlay	-	-	-

-	16,990,045.00	(16,990,045.00)	Business Rates	-	17,266,880.00	(17,266,880.00)
15,099,195.00	-	15,099,195.00	Business Rates - Tariff	15,345,210.00	-	15,345,210.00
-	1,000,000.00	(1,000,000.00)	Additional Business Rates	-	500,000.00	(500,000.00)
-	29,000.00	(29,000.00)	NDR Levy Account Surplus	-	-	-
-	921,170.00	(921,170.00)	New Homes Bonus	-	738,480.00	(738,480.00)
-	93,200.00	(93,200.00)	Surplus/Deficit on Collection Fund - CT	-	97,570.00	(97,570.00)
<hr/>				<hr/>		
<b>53,717,715.00</b>	<b>48,332,125.00</b>	<b>5,385,590.00</b>		<b>54,507,240.00</b>	<b>49,451,580.00</b>	<b>5,055,660.00</b>
-	1,069,980.00	(1,069,980.00)	Use of Balances	-	589,940.00	(589,940.00)
<hr/>				<hr/>		
<b>53,717,715.00</b>	<b>49,402,105.00</b>	<b>4,315,610.00</b>		<b>54,507,240.00</b>	<b>50,041,520.00</b>	<b>4,465,720.00</b>
1,019,286.07	-	1,019,286.07	Special Items - Parish Precepts	1,073,986.95	-	1,073,986.95
<hr/>				<hr/>		
<b>54,737,001.07</b>	<b>49,402,105.00</b>	<b>5,334,896.07</b>		<b>55,581,226.95</b>	<b>50,041,520.00</b>	<b>5,539,706.95</b>



### **STATEMENT FROM THE CORPORATE DIRECTOR - RESOURCES**

The Local Government Act 2003 requires the Chief Financial Officer to report on the robustness of the revenue estimates made for the budget calculations and the adequacy of the proposed financial reserves.

The information used in the preparation of the budget put forward for Members' approval tonight within the revenue budget resolution has undergone extensive and detailed analysis by;

- The Council's Management Team
- Directors and Budget holders within their areas of responsibility
- The Boards of the Council
- The Corporate Director – Resources and staff within Management Accounts

The revenue estimates have been prepared within the guidelines established by the 2019 - 2024 Budget Strategy, approved by the Executive Board at its meeting in September 2019.

I am therefore convinced that the revenue estimates that are put forward for approval have been prepared upon realistic assumptions of Council service requirements and represent a robust budget.

Only identified savings have been included within the 2020/21 budget proposal being considered. In the event that some are not achieved, due to unexpected circumstances, the Council has sufficient reserves to cover any immediate budget shortfall and manage its financial position. A robust approach will need to be taken to achieve the savings targets over the remainder of the Medium Term Financial Strategy, to enable the Council to continue to manage its financial position. Where possible, the savings should be found and included in the budget as early as possible, as this has a beneficial impact on the level of balances available.

As part of the overall process, a comprehensive risk assessment has been undertaken of the Council's financial position and it has been determined that the Council's minimum general reserve provision of £1.4 million is appropriate for the Council and that the budgetary requirement set out for 2020/21 and the forecasts for the subsequent three years, will keep the level of reserves above this minimum level.

Therefore, I am of the view that the budget proposed for 2020/21 does provide for an adequate level of reserves, and this will be maintained over the Medium Term, provided the Council adheres to its approved Medium Term Financial Strategy and deliver the required savings.

**Appendix G**

**MANPOWER BUDGET**

The Board estimates contain the effect of the following changes in employee numbers.

	<b>2019/20 Estimate (original) FTE</b>	<b>2020/21 Estimate FTE</b>
Monthly Paid	<b>346</b>	<b>343</b>
<b>Total</b>	<hr/> <b>346</b> <hr/>	<hr/> <b>343</b> <hr/>

**Agenda Item No 7**

**Council**

**20 May 2020**

**Revised scheme of delegation of  
Planning Applications**

**Report of the Chief Executive**

**1 Summary**

- 1.1 This report asks Members to approve a revised scheme of delegation for planning applications in view of the current restrictions on meetings.

...  
**Recommendation to Council**

**That the revised scheme of delegation, set out in the report and attached as Appendix 2, be agreed until March 2021, subject to reviews in October 2020 and January 2021.**

**2 Report**

- 2.1 Members will need no explanation regarding the current restrictions on formal Member meetings. A number of arrangements for a limited return to meetings are set out elsewhere on this agenda.
- 2.2 One particular issue is the need to ensure that as far as possible planning applications continue to be determined and the revised scheme of delegation suggests a way of doing this. This has been discussed with Councillor Simpson and Councillor H Phillips in their roles as lead Members for the Planning and Development Board.
- 2.3 We already have a very good, well understood and workable Scheme of Delegation – 90% or so are dealt with this way. Effectively everything is delegated except for certain defined cases as set out in Section 4.1 and 4.4 of the current scheme, which is attached as Appendix 1.
- 2.4 In order to reduce the need to meet in person, it is suggested that the scheme of delegation is expanded but with more Member involvement than would otherwise be the case for delegated items. For those items within section 4 of Appendix 2 a new emergency delegated procedure would be used which has been developed working with the Planning Officers' Society.
- ...

- 2.5 Decisions on these cases will be delegated to the Chief Executive. Members of the Planning and Development Board will be consulted via a normal full officer's report (which will be sent to all Members for information as now), together with the usual stakeholders/consultees, and the Head of Development Control would then review comments and make a recommendation.
- 2.6 These would be "batched" so as to make up an Agenda and published at least five days in advance on the Council's webpage. No further comments will be invited as the original notification letters and consultation will fully explain the process. Representations will therefore need to be up front and in full. They can add to them as more information/re-consultation takes place, but there will be a final end date set out in the notification letter following which the Head of Development Control will issue a recommendation. This process therefore mirrors the Planning Inspectorate's 'written reps' procedure at appeal.
- 2.7 The only cases therefore that will be reported to the Board are those cases which the Chairman, Opposition Spokesman or Head of Development Control considers to be of significant public interest such as applications for large housing developments or significant commercial/leisure projects. Those cases will be determined either via a virtual meeting or in person depending on the guidance in force at the time cases are ready for a decision.

The Contact Officers for this report are Steve Maxey (719438) and Jeff Brown (719310).

**North Warwickshire  
Borough Council**



**Scheme of Delegation to the  
Assistant Chief Executive and  
Solicitor to the Council  
in respect of the Determination  
of Planning Applications**

**June 2014**

## 1. INTRODUCTION

- 1.1 This Scheme of Delegation enables the Assistant Chief Executive and Solicitor to the Council to undertake certain functions without reporting first to the Council's Planning and Development Board. The legal basis for this delegation from the Board is contained in Section 101 of the Local Government Act 1972, as amended.
- 1.2 In practice, delegation means the Assistant Chief Executive and Solicitor to the Council taking executive action on behalf of the Council. In the delivery of the planning control service, that means determining planning applications, and making decisions on related matters. The 'boundaries' for this delegation are outlined below by clearly stated and published rules.

## 2. THE PURPOSE OF DELEGATION

2.1 The purpose of delegation is to:

- ❖ leave the Board to focus its time and effort on the most significant matters that affect planning policy;
- ❖ help reduce the time taken for making the more straightforward decisions on planning applications, and related matters, when they are consistent with Council policy as set out in the Development Plan;
- ❖ help the Council to achieve a more flexible and responsive planning control service, so that it can speed up the process of decision making in line with Government guidance, any relevant Performance Indicators and Council objectives;
- ❖ simplify procedures so as to concentrate effort and resources where they are most needed; and
- ❖ release staff time so that it can be redirected to securing better quality development.

2.2 Hence this Scheme of Delegation, by operating within clear guidelines, will be able to deliver planning control decisions which are consistent with the Development Plan, routinely, and with greater speed than where little advantage is taken of delegation.

## 3. THE CONTEXT OF DELEGATION

- 3.1 This Scheme of Delegation takes into account the following matters which have provided the background against which it has been adopted.
- ❖ **The Development Plan:** The Planning legislation describes the concept of a "plan-led" decision making process, whereby planning decisions should be taken in accordance with the Development Plan. The Council's approach to

new development proposals is thus already laid out in this Plan, and decisions on individual planning applications can be made accordingly.

- ❖ **The Human Rights Act 1998:** This Act requires the Council to act in a way which is compatible with European Convention Rights. This Scheme of Delegation has been prepared in this knowledge.

3.2 The basis for delegation has generally been accepted by all Local Planning Authorities. It has worked successfully in achieving a more flexible service responding to the variety of calls placed upon an Authority's planning control function. The Scheme outlined below will take North Warwickshire Borough Council's planning control service forward with an improved service delivery.

## **4. THE SCHEME OF DELEGATION**

### **A) Applications**

4.1 The following applications that are submitted to North Warwickshire Borough Council for determination, will be decided by the Planning and Development Board, following consideration of a written report from the Assistant Chief Executive and Solicitor to the Council which will contain a written recommendation in all cases:

- a) All applications that constitute material departures from the Development Plan.
- b) All applications that are required to be accompanied by an Environmental Impact Statement.
- c) any application where a request has been made by either the Chair or Vice-Chair of the Planning and Development Board, or the local ward member(s), and when an approval would involve a legal agreement under planning legislation.
- d) All applications that are made wholly, jointly, or on behalf of North Warwickshire Borough Council, whether on Borough Council land or not, and any application that is made on Borough Council land.
- e) All major applications that are made by the County Council, or that are made jointly, or on behalf of Warwickshire County Council whether on its own land or not, within North Warwickshire.
- f) Any application that is submitted by or on behalf of any Member of the Council; a member of the family of a Member or a person with whom there is a close association, and any member of staff employed by the Council.
- g) Any application where a request based on material planning considerations is made in writing to the Assistant Chief Executive and

Solicitor to the Council by any Borough Councillor for referral of that application to the Board.

- h) Any application where the Assistant Chief Executive and Solicitor to the Council considers it appropriate to report to the Board for determination.
  - i) Any application where a statutory consultee has submitted an objection in writing, but yet where a recommendation of approval is to be made by the Assistant Chief Executive and Solicitor to the Council.
  - j) Any application where, following the receipt of representations that are contrary to the Assistant Chief Executive and Solicitor to the Council's recommendation, and where either the Chair or Vice Chairman of the Planning and Development Board, or the Local Ward Member(s), disagree with that recommendation.
- 4.2 In all other cases, the determination of applications is delegated to the Assistant Chief Executive and Solicitor to the Council. Each determination shall be accompanied by a written report outlining the reasoning for that determination.
- 4.3 For the purpose of the Scheme of Delegation, the terms "application" and "Statutory Consultee", are defined in Annexe 'A' to this Scheme.

## **B) Consultations**

4.4 When an application is:

- ❖ submitted to the Warwickshire County Council as the Minerals Planning Authority, or the Waste Local Authority for determination, and North Warwickshire Borough Council has been consulted for its observations on that application, or
- ❖ when an application is submitted to a neighbouring Local Planning Authority for determination, and that Authority has consulted North Warwickshire Borough Council for its observations on that application, or
- ❖ when the Council is consulted by others on matters under legislation other than planning legislation, but where these matters are related to planning considerations, then

the principles outlined in paragraph 4.1 will apply as to whether the observations of the Council shall be made by the Assistant Chief Executive and Solicitor to the Council under delegated powers, or by the Planning and Development Board.

4.5 In all of the above cases, where the observations are forwarded by the Assistant Chief Executive and Solicitor to the Council under delegated powers, then:

- ❖ he will report to the Planning and Development Board on the observations made, and



- ❖ include on the file, the reasoning behind these observations.
- .6 For the purposes of this Scheme of Delegation, examples of the other legislation referred to in paragraph 4.4 is included in Annexe A to this Scheme.

## **5. MEMBER INVOLVEMENT**

5.1 Members and officers work together to determine planning applications. This Scheme of Delegation recognises that there are good reasons for, and advantages in, delegating some decisions to the Assistant Chief Executive and Solicitor to the Council. However, given the high public profile of planning matters, it is inevitable that Members will often become involved in the planning control service during the passage of a planning application through the process. In order to ensure that there is a strong partnership of Members and Officers, but that their respective roles are identified and maintained, the following Best Practice guidelines will be followed:

- ❖ For the purposes of paragraph 4.1 (g) and (j) above, as soon as it becomes apparent that the recommendation of the Assistant Chief Executive and Solicitor to the Council will be contrary to the nature of representations received on any application, then the case officer will contact the Local Ward Member(s), together with the Chair and Vice Chairman of the Planning and Development Board. If no adverse comments are received within seven days, then the matter will be dealt with in line with the Assistant Chief Executive and Solicitor to the Council's recommendation under delegated powers. A record of this contact will be kept on the case file. Contact will be made as early as possible via e-mail, in order to ensure full Member involvement.
- ❖ Ward briefings, either individually or on a group basis, will be held with Members at their request so that they can be kept up to date with applications and their progress towards determination, and other significant 'ward' issues. Current applications and plans can be made available for discussion.
- ❖ All 'significant' applications to be reported to the Board and Ward Members, to enable site visits to be organised at an early stage.
- ❖ Issues and progress reports will be circulated to the Board and Ward Members either by notification or through a report on major and/or sensitive applications, prior to the determination report, so that the material considerations and key matters can be made explicit at an early stage.
- ❖ Regular post-decision site visits to be made to assess the quality of the decision, and to see the implementation of the scheme, so that there can be continuous monitoring of the quality of decision making.

5.2 The procedure outlined above in respect of Member involvement, will also apply to proposed amendments to development proposals.

## **6. REVIEW DATE**

6.1 This Scheme of Delegation will be reviewed by May 2016.

## ITEMS FOR CLARIFICATION

### A) For the purposes of this Scheme, 'application' includes:

applications for:

All types of planning permission

Reserved matters

Discharge, non-compliance or variation of conditions and minor amendments

Advertisement Consent

Listed Building Consent

Conservation Area Consent

Works to Trees subject to Tree Preservation Orders

Hazardous Substances Consent

Hedgerow Removals

Certificates of Lawful Development

Prior Notifications and Determinations in respect of agricultural and telecommunications developments together

Proposed Amendments to previously approved developments.

### B) For the purposes of this Scheme, 'other legislation' includes:

Forestry Act 1967

eg Felling Licences

Electricity Act 1989

eg Overhead Lines

Land Compensation Act 1961

eg Certificates of Alternative Development

Local Government (Miscellaneous Provisions) Act 1982

eg Car Boot Sales Notices

Transport Act 1968

eg Goods Vehicle Licensing

### C) For the purposes of this scheme, "Statutory Consultee" means those organisations referred to in the table contained in Articles 16 and 17 of the Town and Country Planning (Development Management Procedure) Order 2012, as amended.

**Scheme of Delegation to  
the Chief Executive  
in respect of the  
Determination of Planning Applications**

May 2020

## 1. INTRODUCTION

1.1 This Scheme of Delegation enables the Chief Executive to undertake certain functions without reporting first to the Council's Planning and Development Board ('the Board'). The legal basis for this delegation from the Board is contained in Section 101 of the Local Government Act 1972, as amended.

1.2 In practice, delegation means the Chief Executive taking executive action on behalf of the Council. In the delivery of the planning control service, that means determining planning applications, and making decisions on related matters. The 'boundaries' for this delegation are outlined below by clearly stated and published rules.

## 2. THE PURPOSE OF DELEGATION

2.1 The purpose of delegation is to:

- ❖ leave the Board to focus its time and effort on the most significant matters that affect planning policy;
- ❖ help reduce the time taken for making the more straightforward decisions on planning applications, and related matters, when they are consistent with Council policy as set out in the Development Plan;
- ❖ help the Council to achieve a more flexible and responsive planning control service, so that it can speed up the process of decision making in line with Government guidance, any relevant Performance Indicators and Council objectives;
- ❖ simplify procedures so as to concentrate effort and resources where they are most needed; and
- ❖ release staff time so that it can be redirected to securing better quality development.

2.2 Hence this Scheme of Delegation, by operating within clear guidelines, will be able to deliver planning control decisions which are consistent with the Development Plan, routinely, and with greater speed than where little advantage is taken of delegation.

## 3. THE CONTEXT OF DELEGATION

3.1 This Scheme of Delegation takes into account the following matters which have provided the background against which it has been adopted.

❖ **The Development Plan:** The Planning legislation describes the concept of a "plan-led" decision making process, whereby planning decisions should be taken in accordance with the Development Plan. The Council's approach to new development proposals is thus already laid out in this Plan, and decisions on individual planning applications can be made accordingly.

❖ **The Human Rights Act 1998:** This Act requires the Council to act in a way which is compatible with European Convention Rights. This Scheme of Delegation has been prepared in this knowledge.

3.2 The basis for delegation has generally been accepted by all Local Planning Authorities. It has worked successfully in achieving a more flexible service responding to the variety of calls placed upon an Authority's planning control function. The Scheme outlined below will take North Warwickshire Borough Council's planning control service forward with an improved service delivery.

## **4. THE SCHEME OF DELEGATION**

### **A) Applications**

4. This section applies to the following applications that are submitted to North Warwickshire Borough Council for determination:

- a) All applications that constitute material departures from the Development Plan.
- b) All applications that are required to be accompanied by an Environmental Impact Statement.
- c) any application where a request has been made by either the Chair or Vice-Chair of the Board, or the local ward member(s), and when an approval would involve a legal agreement under planning legislation.
- d) All applications that are made wholly, jointly, or on behalf of North Warwickshire Borough Council, whether on Borough Council land or not, and any application that is made on Borough Council land.
- e) All major applications that are made by the County Council, or that are made jointly, or on behalf of Warwickshire County Council whether on its own land or not, within North Warwickshire.
- f) Any application that is submitted by or on behalf of any Member of the Council; a member of the family of a Member or a person with whom there is a close association, and any member of staff employed by the Council.
- g) Any application where a request based on material planning considerations is made in writing to the Head of Development Control by any Borough Councillor for referral of that application to the Board.
- h) Any application where a consultee has submitted an objection in writing, but yet where a recommendation of approval is to be made by the Head of Development Control.
- i) Any application submitted to the Warwickshire County Council as the Minerals Planning Authority, or the Waste Local Authority for determination, and North Warwickshire Borough Council has been consulted for its observations on that application.
- j) Any application submitted to a neighbouring Local Planning Authority for determination, and that Authority has consulted North Warwickshire Borough Council for its observations on that application, or
- k) when the Council is consulted by others on matters under legislation other than planning legislation, but where these matters are related to planning considerations.
- l) Any application where, following the receipt of representations that are contrary to the Head of Development Control's recommendation, and where either the Chair or Vice Chairman of the Board, or the Local Ward Member(s), disagree with that recommendation will be determined by the Board.

4.1 Applications to which this section applies will be decided by the Chief Executive using urgent business powers and using the temporary emergency delegated procedure agreed by Council on 20<sup>th</sup> May 2020, save for any cases to which section 5 below applies:

- Members of the Board will be consulted via a normal full officer's report, as are the usual stakeholders/consultees, and the Head of Development Control would then review comments and make a recommendation.
- These would be "batched" so as to make up an Agenda and published at least five days in advance on the Council's webpage. No further comments will be invited as the original notification letters and consultation will fully explain the process. Representations will therefore need to be up front and in full. They can add to them as more information/re-consultation takes place, but there will be a final end date set out in the notification letter following which the Head of Development Control will issue a recommendation.

5. Any application where the Chairman of the Board, Opposition Spokesman or Head of Development Control considers it appropriate to report to the Board for determination will be determined by the Board

6. In all other cases, the determination of applications is delegated to the Head of Development Control. Each determination shall be accompanied by a written report outlining the reasoning for that determination.

7. For the purpose of the Scheme of Delegation, the terms "application", "Consultee" and "other legislation" are defined in Annexe 'A' to this Scheme.

## **8. MEMBER INVOLVEMENT**

8.1 Members and officers work together to determine planning applications. This Scheme of Delegation recognises that there are good reasons for, and advantages in, delegating some decisions to the Head of Development Control. However, given the high public profile of planning matters, it is inevitable that Members will often become involved in the planning control service during the passage of a planning application through the process. In order to ensure that there is a strong partnership of Members and Officers, but that their respective roles are identified and maintained, the following Best Practice guidelines will be followed:

- ❖ As soon as it becomes apparent that the recommendation of the Head of Development Control will be contrary to the nature of representations received on any application, then the case officer will contact the Local Ward Member(s), together with the Chair and Vice Chairman of the Board. If no adverse comments are received within seven days, then the matter will be dealt with in line with the Head of Development Control's recommendation under delegated powers. A record of this contact will be kept on the case file. Contact will be made as early as possible via e-mail, in order to ensure full Member involvement.
- ❖ Ward briefings, either individually or on a group basis, will be held with Members at their request so that they can be kept up to date with applications and their progress towards determination, and other significant 'ward' issues. Current applications and plans can be made available for discussion.
- ❖ Issues and progress reports will be circulated to the Board and Ward Members either by notification or through a report on major and/or sensitive applications, prior to the determination report, so that the material considerations and key matters can be made explicit at an early stage.

8.2 The procedure outlined above in respect of Member involvement, will also apply to proposed amendments to development proposals.

## 9. REVIEW DATE

9.1 This Scheme of Delegation will be reviewed by the end of October 2020.

### ITEMS FOR CLARIFICATION

#### A) For the purposes of this Scheme, 'application' includes:

applications for:

All types of planning permission

Reserved matters

Discharge, non-compliance or variation of conditions and minor amendments

Advertisement Consent

Listed Building Consent

Conservation Area Consent

Works to Trees subject to Tree Preservation Orders

Hazardous Substances Consent

Hedgerow Removals

Certificates of Lawful Development

Prior Notifications and Determinations in respect of agricultural and telecommunications developments together

Proposed Amendments to previously approved developments.

#### B) For the purposes of this Scheme, 'other legislation' includes:

Forestry Act 1967 Electricity Act 1989 Land Compensation Act 1961 Local Government (Miscellaneous Provisions) Act 1982 Transport Act 1968	eg Felling Licences eg Overhead Lines eg Certificates of Alternative Development
eg Car Boot Sales Notices eg Goods Vehicle Licensing	

C) For the purposes of this scheme, "Consultee" means those organisations referred to in the table contained in Articles 18, 19 and 20, and Schedule 4 to the Town and Country Planning (Development Management Procedure) Order 2015, as amended.

**Agenda Item No 8**

**Council**

**20 May 2020**

**Appointment of Monitoring Officer**

**Report of the Chief Executive**

**1 Summary**

- 1.1 The Council is asked to formally designate the Head of Legal Services, Clive Tobin as the Monitoring Officer as set out in the report.

**Recommendation to Council**

**That the Head of Legal Services be designated as the Monitoring Officer from his first day of employment with this Council**

**2 Report**

- 2.1 Members will recall a report last year setting out proposed changes to the Senior Management Structure, which included a decision to recruit to a new post titled 'Head of Legal Services'. It was proposed in that report that this post would be the Council's Monitoring Officer.
- 2.2 Following a recruitment process the position has been offered to Clive Tobin who will join the Council from Northampton Borough Council on 8 June 2020. Section 5 of the Local Government and Housing Act 1989 requires the Council to designate one of its officers as the Monitoring Officer. The Council is therefore asked to recommend to Council that this appointment as Monitoring Officer be endorsed.

The Contact Officer for this report is Steve Maxey (01827 719438).