To: **Leader and Members of the Executive Board (Councillors M Stanley, Davis, Fox, Hayfield, Lewis, May, Moore, Morson, B Moss, Phillips, Simpson, Smith, Sweet, Watkins and Winter)**

For the information of other Members of the Council

For general enquiries please contact David Harris, Democratic Services Manager, on 01827 719222 or via e-mail - davidharris@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

13 SEPTEMBER 2011

The Executive Board will meet in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire on Tuesday 13 September 2011 at 6.30pm.

AGENDA

1 **Evacuation Procedure**.

2 **Apologies for Absence / Members away on official Council business.**

3 **Declarations of Personal or Prejudicial Interests**

(Any personal interests arising from the membership of Warwickshire County Council of Councillors Fox, Hayfield, May, B Moss and Sweet and membership of the

various Town/Parish Councils of Councillors Davis (Atherstone), Fox (Shustoke), Lewis (Kingsbury), Moore (Baddesley Ensor), B Moss (Kingsbury), Morson (Dordon), Phillips (Kingsbury), M Stanley (Polesworth) and Winter (Dordon) are deemed to be declared at this meeting).

4 **Minutes of the Meeting of the Board held on 27 June 2011** - copy herewith to be agreed as a correct record and signed by the Chairman.

5 **Requests for discussion and approval of remaining En Bloc items.**

PART A – ITEMS FOR DISCUSSION AND DECISION
(WHITE PAPERS)

6 **Financial Statements 2010/11** – Report of the Deputy Chief Executive (To follow)

Summary

The Annual Financial Statements have to be signed by the Responsible Financial Officer (RFO) and approved by a full Board of the Council by the end of September 2011. This report presents the audited Financial Statements.

The Contact Officer for this report is Sue Garner (719374).

7 **External Auditors' Report** – Report of the Deputy Chief Executive. (To follow)

Summary

The purpose of this report is to inform Members of changes to the 2010/11 Statement of Accounts following the audit and the External Auditors' report to those charged with governance. In addition, there is a report from the External Auditors on grant work undertaken relating to 2009/10.

The Contact Officer for this report is Sue Garner (719374).

8 **Council Vision, Priorities and Corporate Plan Key Actions – Implications Arising from the 2011 Elections -** Report of the Chief Executive

Summary

The purpose of this report is to consider what actions need to be taken in relation to the Council's Vision, Priorities and Corporate Plan Key Actions, following the elections in May 2011, and to make appropriate recommendations.

The Contact Officer for this report is Jerry Hutchinson (719200).

9   **Corporate Plan 2012/13 – Key Corporate Issues** – Report of the Chief Executive

Summary

The purpose of this report is to draw Members' attention to the key corporate issues facing the Council over the next 18 months. It seeks Members' agreement to addressing these issues during the formulation of the 2012/13 Budget and Corporate Plan.

The Contact Officer for this report is Jerry Hutchinson (719200).

10   **Financial Strategy 2012–16** – Report of the Deputy Chief Executive

Summary

This report summarises the Authority's Financial Strategy, projects forward the Authority's General Fund budgets to 2015/16, and suggests a detailed budget approach for the 2012/13 General Fund Budget.

The Contact Officer for this report is Sue Garner (719374).

11   **Earmarked Reserves 2011/12** - Report of the Deputy Chief Executive

Summary

The Council holds a number of reserves to meet future expenditure, other than the General Fund and Housing Revenue Fund. This report informs Members of the balances on these reserves at 31 March 2011, subject to audit, and updates the proposed use of reserves in 2011/12.

The Contact Officer for this report is Sue Garner (719374)

12   **Council Office Accommodation -** Report of the Management Team (To follow)

Summary

The report sets out the background of the option appraisal and feasibility work carried out to date and builds on reports and presentations considered previously by Members.

The Contact Officer for this report is Richard Dobbs (719440).

13   **Review of Parliamentary Constituency Boundaries in England** – Report of the Chief Executive

Summary

The purpose of this report is to consider the proposals published by the Boundary Commission for England (BCE) in respect of its initial proposals for the review of Parliamentary Constituency Boundaries in England.

The Contact Officer for this report is David Harris (719222).

14   **Changes to Boards and the Special Sub-Group -** Report of the Assistant Chief Executive and Solicitor to the Council

Summary

The report seeks the Board's approval to changes in the Constitution and terms of reference of the Policy Boards and the Special Sub-Group and the creation of a Resources Sub-Committee.

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

15   **Executive and Planning and Development Board Terms of Reference** - Report of the Assistant Chief Executive and Solicitor to the Council

Summary

The report seeks the Board's approval to changes in the terms of reference of the Executive and Planning and Development Boards.

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

16   **Public Speaking at Planning and Development Board Meetings** - Report of the Assistant Chief Executive and Solicitor to the Council

Summary

The report seeks approval for a scheme to allow the public to speak on planning applications considered by the Planning and Development Board.

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

17   **Draft Core Strategy** - Report of the Assistant Chief Executive and Solicitor to the Council

Summary

This report provides Members with a draft Core Strategy and information on the accompanying documents for public consultation.

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

18   **A5 Strategy 2011 - 2026** - Report of the Assistant Chief Executive and Solicitor to the Council

Summary

This report relates to the development of and consultation on a Strategy for the A5 Transport Corridor.

The Contact Officer for this report is Mike Dittman (719451).

19   **Warwickshire Compact 2011** - Report of the Assistant Director (Leisure and Community Development)

Summary

The purpose of this report is to inform members of the production of a refreshed Warwickshire Compact, which exists to strengthen relations between voluntary and community organisations and public sector agencies, and to seek authority for the Leader of the Council to sign and endorse the Compact on behalf of the Borough Council.

The Contact Officer for this report is Jaki Douglas (719492).

20   **Business Rates Retention** – Report of the Deputy Chief Executive

Summary

The Department of Communities and Local Government (DCLG) has issued a consultation paper together with 8 further technical papers regarding proposals for business rates retention by local authorities. This report gives an outline of these proposals and seeks authority for the Deputy Chief Executive, in consultation with the Chairman of the Board and the Leader of the Conservative Group to agree a response to the consultation.

The Contact Officer for this report is Chris Brewer (719259).

PART B – ITEMS FOR EN BLOC DECISIONS
(YELLOW PAPERS)

21 **Budgetary Control Report 2011/12 Period Ending 31 August 2011** - Report of the Assistant Director (Finance and Human Resources)

Summary

The report covers revenue expenditure and income for the period from 1 April 2011 to 31 August 2011. The 2011/2012 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).

22 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets – April 2011 to June 2011** – Report of the Chief Executive and the Deputy Chief Executive

Summary

This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Executive Board for April to June 2011.

The Contact Officer for this report is Robert Beggs (719238).

23 **The Open Public Services White Paper** - Report of the Chief Executive

Summary

The purpose of this report is to inform Members of the Open Public Services White Paper, the consultation exercise currently taking place and to seek authority for the Chief Executive to agree a response following consultation with leading Members.

The Contact Officer for this report is Jerry Hutchinson (719216)

24 **Minutes of the meetings of the Local Development Framework Sub-Committee held on 6 July 2011 (copy herewith) and 31 August 2011 (copy to be circulated) to be received and noted.**

25   **Draft National Planning Policy Framework** - Report of the Assistant Chief Executive and Solicitor to the Council

      Summary

      The consultation seeks views on the Draft National Planning Policy Guidance which brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document.

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

26   **Draft Plan Making Regulations**- Report of the Assistant Chief Executive and Solicitor to the Council

      Summary

      The consultation seeks views on the Government's proposed new regulations governing the process by which local councils prepare their development plan and associated documents.

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

PART C - EXEMPT INFORMATION
(GOLD PAPERS)

27   **Exclusion of the Public and Press**

      Recommendation:

      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.

28   **Council Office Accommodation -** Report of the Management Team (To follow)

      The Contact Officer for this report is Richard Dobbs (719440).

29   **Minutes of the meetings of the Special Sub-Group held on 22 August 2011** (copy herewith) **and 13 September 2011** (to be circulated at the meeting) - to be received and noted.

JERRY HUTCHINSON
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE   **27 June 2011**
EXECUTIVE BOARD

Present: Councillor M Stanley in the Chair

Councillors Davis, Fox, Hayfield, Lewis, May, Moore, Morson, B Moss, Simpson, Smith, Sweet, Watkins and Winter.

An apology for absence was received from Councillor Phillips.

Councillors Barber, Forwood, Humphreys, Lea and Pickard were also in attendance.

1   **Declarations of Personal or Prejudicial Interest.**

Any personal interests arising from the membership of Warwickshire County Council of Councillors Fox, Hayfield, May, B Moss and Sweet and membership of the various Town/Parish Councils of Councillors Davis (Atherstone), Lewis (Kingsbury), Moore (Baddesley Ensor), B Moss (Kingsbury), Morson (Dordon), M Stanley (Polesworth) and Winter (Dordon) were deemed to be declared at this meeting.

2   **Minutes of the meeting of the Board held on 7 February 2011.**

The minutes of the meeting of the Board held on 7 February 2011, copies having been circulated, were approved as a correct record and signed by the Chairman.

3   **Capital Programme – 2010/11 Final Position**

The Assistant Director (Finance and Human Resources) updated Members on the final position of the 2010/11 Capital Programme and highlighted those schemes which had not progressed as quickly as expected and which were recommended to be carried forward into the 2011/12 Capital Programme.

Recommended:

a   **That the level of expenditure incurred (both actual and committed) to the end of March 2011 against the 2010/11 Revised Capital Programme be noted;**

b   **That the schemes which have not progressed as expected during the year be noted; and**

c   **That both the committed expenditure and schemes which have not progressed during the year be agreed as**

slippage to be carried forward into the 2011/12 Capital Programme.

4   **Annual Governance Statement 2010/11**

The Deputy Chief Executive reported on the Annual Governance Statement setting out the arrangements the Council had put in place for the governance of its affairs and facilitating the effective exercise of its functions, including arrangements for the management of risk. Members were asked to approve the Statement and Improvement Plan.

Recommended:

a   That the Annual Governance Statement for 2010/11, attached as Appendix A to the report of the Deputy Chief Executive be approved; and

b   That the Improvement Plan, attached as Appendix B to the report be approved and progress against the plan be reported to Board.

5   **Financial Statements 2010/11**

The Deputy Chief Executive reported on the Annual Financial Statements for 2010/11 and Members were asked to agree a suggested course of action.

Resolved:

That the position on the General Fund and Housing Revenue Account at 31 March 2011 be noted.

6   **Council Constitution, Priorities and Corporate Plan – implications arising from the 2011 Elections**

The Chief Executive reported on potential changes to the Council's Constitution, Priorities and Corporate Plan following the Elections in May 2011. The Board was asked to agree a suggested course of action.

Recommended:

a.   That the Special Sub-Group be authorised:-

i)   to review and where appropriate make interim arrangements to revise the Council's Priorities and Key Actions;

ii)   to review the Council's constitutional arrangements relating to Boards including the role of Portfolio Groups and Portfolio Holders;

iii)   in the event of there being any proposed changes arising from (ii) to request the Independent Panel on Members' Allowances to review and report on the implications of these changes on the Members' Allowances Scheme.

b.   That following the review a further report be brought to the next Executive Board meeting recommending changes to the Council's Constitution, Priorities and Corporate Plan including any consequential financial implications.

c   That officers be authorised to review the Car Leasing Scheme and Staff Travel Allowances and prepare a report with a range of options for consideration by the Resources Board and that the Special Sub-Group be also authorised to agree any action required during the course of the review of the Scheme;

d   That, pending the review of the Scheme:-

(i)   the ordering of new vehicles be suspended with immediate effect, other than where there is a contractual entitlement to a car and no previous lease agreement has been entered into; and

(ii)   where existing leases are coming to an end, they are temporarily extended; and

that staff and unions be informed accordingly in relation to (d) and the unions be consulted in relation to the review to be carried out at (c).

7   **Planning for Travellers Site – Consultation Paper**

The Head of Development Control reported that the Government had published a consultation paper outlining its draft planning policy to replace existing advice on the provision of gypsy and traveller sites. Members were informed of the content and implications for North Warwickshire.

Recommended:

a   That the Council considers its own land holdings to assess whether it has sites that might be appropriate for Gypsies and Travellers; and

b   That a further report be brought back to members on the possible opportunities.

8   **HS2 (High Speed Rail Route)**

The Assistant Chief Executive and Solicitor to the Council provided an update on work for HS2 and sought authorisation to submit a response as part of the current consultation process.

Recommended:

a   That delegated power be given to the Assistant Chief Executive and Solicitor to the Council in consultation with the HS2 Spokesperson (Councillor Ferro) and Opposition Spokesperson (Councillor May) to prepare a draft response to the Government's consultation on the preferred route of HS2; and

b   That a special meeting of the Full Council be arranged to agree the Council's response to the Government's consultation on the preferred route of HS2.

9   **Meetings Timetable 2011/12**

The Board was asked to approve amendments to the timetable of meetings for 2011/12.

Recommended:

That the amended timetable of meetings for 2011/12 as submitted at Appendix A to the Chief Executive's report be approved.

10   **Local Development Framework Sub-Committee/North Warwickshire Community Partnership**

The Board was invited to consider the membership of the Local Development Framework Sub-Committee for the ensuing year. In addition Members were asked to note a change by the Labour Group of its representation on the North Warwickshire Community Partnership.

Recommended:

a   That membership of the Local Development Framework Sub-Committee comprise Councillors Sweet, L Dirveiks, Phillips, Winter, May, Simpson and Smith; and

b That the change of representation from Councillor A Stanley to Councillor M Stanley on the North Warwickshire Community Partnership be noted.

11 **Budgetary Control Report 2011/2012 Period Ended 31 May 2011**

The Assistant Director (Finance and Human Resources) reported on the revenue expenditure and income for the period from 1 April 2011 to 31 May 2011. The 2011/2012 budget and the actual position for the period, compared with the estimate at that date, were given, together with an estimate of the out-turn position for services reporting to the Board.

Resolved:

That the report be noted.

12 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April 2010 to March 2011**

The Chief Executive reported on the progress with the achievement of the Corporate Plan and Performance Indicator targets applicable to Executive Board for April 2010 to March 2011.

Resolved:

That the report be noted.

13 **Capital Accounts 2010/11**

The Board was informed that the Capital Accounts for 2010/11 had been prepared. Members were invited to approve the methods of funding used.

Recommended:

That the methods of funding to meet capital expenditure incurred in 2010/11 be approved.

14 **Earmarked Reserves 2011/12**

The Deputy Chief Executive reported on the level of reserves at 31 March 2011. Members were asked to approve the proposed use of reserves in 2011/12.

Recommended:

That the reserves held at 31 March 2011, and the planned use of reserves in 2011/12 be approved.

15 **Future of Local Public Audit**

The Board was informed that the Department of Communities and Local Government (DCLG) had issued a consultation paper regarding proposed revised arrangements for the audit of local authorities. The Deputy Chief Executive outlined the proposals and Members were asked to endorse a suggested response.

Recommended:

That the response attached to the report of the Deputy Chief Executive be approved.

16 **Partnership Landscapes – Consultation by Warwickshire County Council**

The Board was asked to formally endorse the response already sent to the County Council by the Chief Executive in order to meet the County Council's consultation deadline.

Recommended:

That the response sent to the County Council by the Chief Executive as set out in Appendix B to his report be agreed.

17 **Membership of West Midlands Councils**

The Board was invited to consider a recommendation that the Council retained its Membership of the West Midlands Councils (formerly West Midlands LGA).

Recommended:

That the Council remains in membership of the West Midlands Councils.

18 **Changes to the Constitution – Environmental Health**

The Assistant Chief Executive and Solicitor to the Council sought approval to update the Constitution of the Council to reflect recent changes in Environmental Health legislation.

Recommended:

That the changes to the Constitution detailed in the report and appendices of the Assistant Chief Executive and Solicitor to the Council be approved.

19   **Sub-regional Update**

The Assistant Chief Executive and Solicitor to the Council reported on the work at the sub-regional level and sought approval for officers to work collaboratively with other authorities in the Coventry and Warwickshire sub-region to prepare a sub-regional strategy.

Recommended:

That the report be forwarded to the LDF Sub-Committee for consideration.

20   **Consultation Responses - Interim Planning Policy Statement**

The Assistant Chief Executive and Solicitor to the Council reported on the consultation relating to the Interim Planning Policy Statement and the Board was asked to agree a suggested course of action.

Recommended:

That the Interim Planning Policy Statement be agreed and adopted.

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 item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.

22   **Minutes of the meeting of the Special Sub-Group held on 18 April 2011**

The minutes of the meeting of the Special Sub-Group held on 18 April 2011 were received and noted.

M Stanley
Chairman

Executive Board

13 September 2011

Council Vision, Priorities and Corporate Plan Key Actions – Implications arising from the 2011 Elections

Report of the Chief Executive

1   **Summary**

1.1   The purpose of this report is to consider what actions need to be taken in relation to the Council's Vision, Priorities and Corporate Plan Key Actions, following the elections in May 2011, and to make appropriate recommendations.

. . .

. . .

> **Recommendation to the Council**
>
> **(a)   That the Council's Vision, Logo and Priorities be confirmed as set out in Appendix 1 to this report; and**
>
> **(b)   That Appendix 2 be adopted as the format for the Council's Priorities and Corporate Plan Key Actions and that further reports be brought on any proposals for the areas in italics in Appendix 2 which require additional budget provision to take forward in the current financial year.**

2   **Background**

2.1   At its meeting on 27 June 2011, the Executive Board considered my report on the Council Constitution, Priorities and Corporate Plan – Implications arising from the 2011 Elections.

2.2   The report included a number of recommendations, including authorising the Special Sub-Group to:-

(i)   review and make appropriate interim arrangements to revise the Council's Priorities and Key Actions;

(ii)   review the Council's Constitutional arrangements relating to Boards, including the role of Portfolio Groups and Portfolio Holders; and

(iii)   in the event of there being any proposed changes arising from (ii), to request the Independent Panel on Members' Allowances to review and report on the implications of these changes on the Members' Allowances Scheme.

2.3 As Members will be aware Special Sub-Group met on 22 August 2011.

2.4 The report also recommended that a further report be taken to this Board recommending consequential changes to the Council's Constitution, Priorities and Corporate Plan, including any consequential financial implications.

1 Vision & Logo

The Leader of the Council has indicated that the Council's Priorities and Vision should reflect the changes in the environment that the Council is now operating in and its impact on local people. With this in mind, the New Administration's Vision is proposed to be "North Warwickshire, a place where people want to live, work, invest and visit. A Council that, despite tough times, maintains its front line services and works to improve the health and well-being and the economic environment of its communities." It is also proposed that the Council adopts the logo "North Warwickshire Borough Council – on the side of the people in tough times".

2 Priorities

The Council agreed its Priorities and Key Actions for 2011-12 at the Council meeting in February. It was agreed at that meeting that these should not be converted into a Corporate Plan on the basis that, post Election, the new Administration may want to review and revise Priorities and Key Actions.

Following my report to Executive Board in June, I have now held discussions with the Leader of the Council and a revised set of Council Priorities are proposed. These, along with the Vision, are set out at Appendix 1 to this report. The Priorities still relate to delivering key services and tackling priority areas such as Access and Health Equalities, but specific emphasis has been given to a number of issues including jobs, recycling and consultation.

Appendix 2 sets out the Council's agreed Targets for 2011-12, but under the headings of the new priorities. In addition, the Appendix lists other areas which the Administration will be reviewing during the rest of the year. Any formal proposals requiring additional funding will be the subject of separate reports in due course.

Any potential areas for changes to the agreed Corporate Priorities and Key Actions are shown in italics in Appendix 2.

2.5 As has been the case previously following a change of Administration, I am not recommending a complete review of key objectives and actions at this stage, but rather that the Council's Vision be changed, that we also adopt a Logo version of the Vision for use in communications, where appropriate, that the new Priorities, as set out at Appendix 1, be agreed and that Appendix 2, subject to any changes agreed by the Group, be substituted for the previously agreed Priorities and Key Actions. Work will commence on taking forward the changes and new areas identified in italics in Appendix 2, and these will be either:-

(a)   subject of formal reports, including financial implications for areas to be completed during the current financial year; or

(b)   incorporated into next year's Corporate Plan and Budget when this is not the case.

3   Constitutional Changes

3.1   The changes to Council Priorities means that our Priorities no longer reflect existing Portfolio arrangements. In discussions with the Leader of the Council and following my earlier report, the opportunity has been taken to review our current Constitutional arrangements in relation to Portfolios and Board Membership and these are the subject of a separate report on the Agenda.

4   Consultation

4.1   Portfolio Holder, Shadow Portfolio Holder and Ward Members

4.1.1   The Portfolio Holders and Shadow Portfolio Holders have been sent a copy of this report.

5   Report Implications

5.1   Finance and Value for Implications

5.1.1   Where possible, targets and indicators for 2011-12 will be achieved from within existing Board resources. Details of any additional funding are included in the right hand column of the table in Schedule A and in the Budget report and will be in appropriate cases, the subject of reports to the Board.

5.1.2   None at this stage. Consequential changes to the Budget and Key Actions would be the subject of separate reports.

5.2   Human Resources Implications

5.2.1   Any Human Resources implications resulting from the proposals in the Schedule will be the subject of further reports to the Board.

5.3   Risk Management Implications

5.3.1   The main risk is ensuring that the Council prioritises its resources to enable it to deliver its priorities. The performance monitoring arrangements set out above provide the mechanism to ensure that remedial action can be taken to review progress and ensure that priority outcomes are delivered.

5.4   **Links to Council's Priorities**

5.4.1 These are set out in the Appendices.

The Contact Officer for this report is Jerry Hutchinson (719200).

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

OUR VISION

"North Warwickshire, a place where people want to live, work, invest and visit.
A Council that, despite tough times, maintains its front line services and works to improve the health and well-being and economic environment of its communities."

OUR LOGO

"North Warwickshire Borough Council – on the side of the people in tough times."

OUR 10 PRIORITIES

- PUBLIC SERVICES AND COUNCIL TAX

  Protecting public services for local people whilst maintaining a balanced budget and keeping Council Tax increases lower than inflation.

- LOCAL EMPLOYMENT

  Bringing more jobs to North Warwickshire, whilst seeking to protect existing jobs and developing our workforce.

- ENVIRONMENT

  Protecting and improving our local environment.

- RECYCLING

  Improving recycling.

- CRIME AND DISORDER

  Working with the Police, Parish Councils, Town Councils, the community and other partners to tackle Crime and Anti-Social Behaviour.

- COUNTRYSIDE AND HERITAGE

  Protecting and improving our countryside and heritage.

- HOUSING

  Listening to and working with our tenants to maintain and improve our housing stock and providing affordable housing in the right places.

- ACCESS TO SERVICES

  Providing easier access to Council services, particularly through the internet.

- CONSULTATION AND COMMUNICATION

  Improving communication of information and community consultation, including, where appropriate, providing the opportunity to be involved in decision making.

- HEALTH AND WELL-BEING

  Helping to tackle health inequalities by working with the County Council and the NHS locally and by encouraging, where financially viable, leisure opportunities in local communities.

2011/BR/004088

PRIORITIES AND KEY ACTIONS

PRIORITY 1	
PUBLIC SERVICES AND COUNCIL TAX	**Protecting public services for local people, whilst maintaining a balanced budget and keeping Council Tax increases lower than inflation.**

Target	Board/Portfolio Holder/ Lead Officer	Additional Training/ Financial Implications
To achieve the savings required by the budget strategy and to update the strategy to reflect future developments by October 2011. *Including carrying out reviews of:-* ▪ *The Council's constitutional structure, including the Members' Allowance Scheme.* ▪ *Staff Travel* ▪ *Members' Travel (this is likely to be implemented in December given the need to convene the Independent Panel)* ▪ *Area Funding* ▪ *Car Parks*	Executive Board/Resources Portfolio/DCE, AD (F&HR), AD (L&CD)	To be met within existing budgets. *The financial implications of the reviews will be reported as part of the decision-making process.*

Target	Board/Portfolio Holder/ Lead Officer	Additional Training/ Financial Implications
To carry out reviews of systems in line with the Council's review plan and explore any opportunities for shared working that may arise.	Executive Board/Resources Portfolio/Management Team	To be met within existing budgets.
To implement identified improvement works to the Council's main offices to ensure the ongoing provision of services to the local community while safeguarding the safety and security of all residents, staff and visitors who use The Council House building *and seeking to make the buildings more environmentally friendly.*	Resources Board/Executive Board/Special Sub/DCE, AD (S)	Will have capital and revenue implications which will be reported as part of the decision making process.
To develop an action plan to resolve ongoing capital and maintenance issues with all other Council buildings, including the Memorial Hall, The Arcade, Abbey Green, community buildings, shops and industrial units, including seeking ways to reduce, where possible, our carbon footprint.	*Resources Board/AD (S), AD (L&CD)*	*Will have capital and revenue implications which will be reported as part of the decision making process.*
To continue to contribute to the effectiveness and savings targets through the delivery of the Procurement Strategy Action Plan.	Resources Board/Resources Portfolio/AD (CS)	To be met within existing budgets.

Target	Board/Portfolio Holder/ Lead Officer	Additional Training/ Financial Implications
To continue to contribute to the effective delivery of services through implementing the actions identified in the ICT Strategy Action Plan.	Resources Board/Resources Portfolio/AD (CS)	To be met within existing budgets.
To carry out the preparatory work needed, ready for the implementation of the 'self financing' model for the Housing Revenue Account in time for the proposed implementation date of April 2012.	Resources Board/Housing Portfolio Group/DCE, AD (H), AD (F&HR)	To be assessed when further detail is known.
To continue to look for ways of narrowing the Council's capital funding gap and report annually in February.	Executive Board/Resources Portfolio/DCE, AD (F&HR), AD (S)	To be met within existing budgets.
To ensure that the Council is prepared for emergencies and has suitable emergency and business continuity plans, as required by the Civil Contingencies Act, and to review both the emergency and business continuity plans annually in March.	Executive Board/CE	To be met within existing budgets.

2011/BR/004088

PRIORITY 2 **LOCAL EMPLOYMENT**		**Bringing more jobs to North Warwickshire, whilst seeking to protect existing jobs and developing our workforce.**

Target	Board/Portfolio Holder/ Lead Officer	Additional Training/ Financial Implications
To continue to work with partners in the Coventry & Warwickshire Local Enterprise Partnership and with Hinckley and Nuneaton to maximise opportunities *to gather feedback* to develop the economy of the Borough and to report on progress by October in each year.	Executive Board/ACE&StC	To be met within existing budgets.
To undertake work in line with the Human Resources Strategy, including:- ▪ Monitoring/managing sickness absence. ▪ Ensuring compliance with employment legislation.	Resources Board/Resources Portfolio/Management Team, AD (F&HR)	To be met within existing budgets.
To continue to raise aspirations, skill levels and attainment through recognised vocational qualifications, volunteering and targeted activities and help members of the community to achieve local and national accreditations and to report on progress by March 2012.	Community & Environment Board/Community Life Portfolio/AD (L&CD)	External funding will be required to undertake appropriate actions.

Target	Board/Portfolio Holder/ Lead Officer	Additional Training/ Financial Implications
To work with the County Council to provide training and to administer funding provided by the developers at Birch Coppice Industrial Estate to maximise opportunities for employment of local people.	*Planning and Development Board/ACE&StC/ACE(CS)*	*Use of Section 106 funding.*

PRIORITY 3 ENVIRONMENT	Protecting and Improving our local environment.

Target	Board/Portfolio Holder/ Lead Officer	Additional Training/ Financial Implications
To continue to take action to reduce the Council's carbon footprint and carbon emission in the Borough, in accordance with the Climate Change Strategy and Action Plan, and to report annually in March on progress.	Community & Environment Board/Environment Portfolio/ACE&StC	To be met within existing budgets.
To maintain the current high levels of street cleanliness to not less than 94%, targeting resources and working in partnership, where appropriate, to ensure that standards remain as consistently high as possible throughout the Borough.	Community & Environment Board/Environment Portfolio/AD (S)	To be met within existing budgets.
To review the impact of newly introduced mowing equipment on the standard of grass cutting achieved across the Borough and subsequently assess whether the potential cost and viability of collecting grass cuttings should be explored.	*Community & Environment Board/Environment Portfolio/AD (S), AD (L&CD)*	*The financial implications of any proposals will be reported as part of the decision-making process.*

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Target	Board/Portfolio Holder/ Lead Officer	Additional Training/ Financial Implications
To continue to work with Warwickshire County Council and other agencies to support and deliver activities that promote waste minimisation, recycling, litter awareness and reduce fly-tipping and dog fouling, including through education work that will be made available to all schools on a rolling programme. At least eight schools per year will be visited and the work will include support for the national eco-schools programme and targeted enforcement.	Community & Environment Board/Environment Portfolio/AD (S), AD (L&CD), AD (H)	To be met within existing budgets.
To review and consider the potential to widen the role of Neighbourhood Wardens	*Resources Board/Housing Portfolio/AD (H)*	*Any financial implications will be reported as part of the decision-making process.*
To commence the implementation of the new Grounds Maintenance specification by April 2011 to ensure that the Borough's open spaces are efficiently and effectively maintained to as high a standard as possible with the resources available.	Community & Environment Board/Environment Portfolio/AD (S), AD (L&CD)	To be met within existing budgets.

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PRIORITY 4	
RECYLING	**Improving the role of Recycling.**

Target	Board/Portfolio Holder/ Lead Officer	Additional Training/ Financial Implications
To work with partners to improve recycling across the Borough to not less than 36% (targeting poorer performing areas as necessary) while increasing the efficiency and cost-effectiveness of the Council's refuse collection service and to report on proposals to achieve this by September 2011 on initial outline proposals to further improve on this performance.	Community & Environment Board/Environment Portfolio/AD (S)	To be met within existing budgets.

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PRIORITY 5 **CRIME AND DISORDER**	**Working with the Police, Parish Councils and Town Councils, the community and other partners to tackle Crime and Anti-Social Behaviour.**

Target	Board/Portfolio Holder/ Lead Officer	Additional Training/ Financial Implications
To work with the community including young people *to* contribute towards the achievement of the partnership plan 2011 – 2012 actions and targets for the 2010/11 strategic priorities of:- ▪ *Tackling* violent crime, including domestic abuse, alcohol related violence and young people as both offenders and victims of crime. ▪ *Tackling* anti-social behaviour, including youth and alcohol related anti-social behaviour, small deliberate nuisance fires and the public perception of anti-social behaviour. ▪ *Tackling* serious acquisitive crime, including domestic burglary and theft from vehicles. ▪ Improving public perceptions and public confidence. Contribute towards the Warwickshire Reducing Re-offending Strategy.	Executive Board/Safer Communities Portfolio/CE, AD (L&CD)	The Council will have to make additional contributions directly to sustain some existing interventions as the County-wide Area Based Grant allocations have been reduced significantly for 2011/12 and 2012/13.

Target	Board/Portfolio Holder/ Lead Officer	Additional Training/ Financial Implications
When reviewing targets for 2012-13, to explore opportunities for the introduction of cameras to cover anti-social behaviour hot-spots in our villages and with the Police to consider the introduction of Alcohol Free Zones, the formal term for these are Designated Public Places Orders.	*Executive Board/Safer Communities Portfolio/CE, AD (L&CD)*	*Any financial implications will be reported as part of the decision-making process.*
To work with partner agencies to ensure the delivery of relevant actions arising through the safer neighbourhood processes and reporting progress to each Area Fora meeting.	Executive Board/Safer Communities Portfolio/CE, AD (L&CD)	External funding is often required to undertake appropriate actions.
To continue to develop and deliver targeted positive interventions, community safety projects and constructive leisure opportunities (eg Call4Sport, Activities4U, etc) to provide diversionary activities, reduce instances of anti-social behaviour and meet the wider needs and aspirations of young people, inter-generational work and wider community development activity, as detailed in the Leisure & Community Development Division's Service Plan.	Community & Environment Board/Safer Communities Portfolio/CE, AD (L&CD)	External funding is often required to undertake appropriate actions.

PRIORITY 6	
COUNTRYSIDE AND HERITAGE	**Protecting and improving our countryside and heritage.**

Target	Board/Portfolio Holder/ Lead Officer	Additional Training/ Financial Implications
To publish a draft Core Strategy for consultation with the public by October 2011 that reflects the Council's priorities.	Executive Board/Planning Board/LDF Advisory Panel/Housing Portfolio/Countryside & Heritage Portfolio/ACE&StC	To be met within existing budgets.
To continue to oppose (a) the HS2 proposal, in partnership with other affected Councils and community action groups, initially by responding to the statutory consultation in accordance with the published timetable; *and* (b) *the principle of Opencast Mining.*	Executive Board/Countryside & Heritage Portfolio/ACE&StC	Should any additional funding be required, this will be subject to further report.
To move towards the management of development rather than its control by looking at development proposals as an opportunity to deliver the Council's priorities and objectives, as set out in the Sustainable Community Strategy and the Corporate Plan and not just the Development Plan. To report on this approach by March 2012.	Planning & Development Board/Countryside & Heritage Portfolio/ACE&StC	To be met within existing budgets.

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Target	Board/Portfolio Holder/ Lead Officer	Additional Training/ Financial Implications
Consideration of planning applications to ensure that only appropriate development is permitted in the Green Belt, that development is focused on the agreed settlement hierarchy and protects the best of our existing buildings. To report on this approach by March 2012.	Planning & Development Board/Countryside & Heritage Portfolio/ACE&StC	To be met within existing budgets.
Continue to use the Design Champions to ensure the best achievable designs are implemented in development. To report on the role of the Design Champions by March 2012.	Planning & Development Board/Design Champion/Countryside & Heritage Portfolio/ACE&StC	

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PRIORITY 7 **HOUSING**	**Listening to and working with our tenants to maintain and improve our housing stock and providing affordable housing in the right places.**

Target	Board/Portfolio Holder/ Lead Officer	Additional Training/ Financial Implications
To publish a draft Core Strategy for consultation with the public by October 2011 that reflects the Council's priorities.	Executive Board/Planning Board/LDF Advisory Panel/Housing Portfolio/Countryside & Heritage Portfolio/ACE&StC	To be met within existing budgets.
To review the programme of work by May 2012, based on our stock condition information, and complete the current action plan, to maintain the Council's stock to a good standard and set out a local standard, in accordance with the Government guidelines for registered providers.	Resources Board/Housing Portfolio/AD (H)	To be met within existing budgets.
To report further to the Resources Board by June 2011 on current shared equity schemes and make recommendations for such a scheme in North Warwickshire.	Resources Board/Housing Portfolio/AD (H)	To be met within existing budgets.

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Target	Board/Portfolio Holder/ Lead Officer	Additional Training/ Financial Implications
To act on the objectives set out in the Warwickshire Local Investment Plan by appraising how public land holdings can be used to deliver affordable homes, find new ways of funding schemes and bringing empty homes back into use and to review the position annually from March 2012.	Resources Board/Housing Portfolio/AD (H)	Any financial implications will be identified as part of the review.
To report on the implications of the Localism Bill (when enacted) for housing services and take action where appropriate with regard to changes in legislation with regard to tenure, allocations, homelessness, tenant scrutiny and Housing Revenue Account Subsidy reform.	Resources Board/Housing Portfolio/AD (H)	Any financial implications will be identified as part of the review.
To work proactively with residents and partners to assist residents in the private sector to access funding to improve their homes (especially with regard to energy efficiency) and to report on progress annually from March 2012.	Resources Board/Housing Portfolio/AD (H)	To be met within existing budgets.
To review the services delivered by Community Support and report to Resources Board on issues and proposed improvement by March 2012.	Resources Board/Housing Portfolio/AD (H)	Any financial implications will be identified as part of the review.

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Target	Board/Portfolio Holder/ Lead Officer	Additional Training/ Financial Implications
To implement changes proposed from review of Home Improvement Agencies and Adaptations Services by June 2011.	Resources Board/Housing Portfolio/AD (H)	To be met within existing budgets.

PRIORITY 8 ACCESS TO SERVICES	Providing easier access to Council services, particularly through the internet.

Target	Board/Portfolio Holder/ Lead Officer	Additional Training/ Financial Implications
To report annually in March on the work of the local Financial Inclusion Partnership including for 2011/12 the BOB bus, CAB and Warwickshire Welfare Rights Activity.	Executive Board/Community Life Portfolio/ACE (CS)	Any financial implications will be identified if reports are needed and will be reported to Members for decision.
To report on the review of LEADER funding by May 2011, including identifying potential schemes for applications for funding in the light of revisions to criteria.	Community & Environment Board/Community Life Portfolio/AD (L&CD), ACE (CS)	Up to £1.03 million of LEADER funding was initially secured for North Warwickshire, although a 20% cut in available funding was imposed by DEFRA in 2011/12, whilst a 35% cut will be experienced in 2012/13, thereby resulting in an overall loss of over £240,000 to spend on community projects in the Borough. Training in respect of all aspects of the management and administration of the LEADER programme will be required for relevant staff.
To report on proposals for improving access to services through Community Hubs.	*Community & Environment Board/Community Life Portfolio/ACE (CS)*	*Any financial implications will be reported as part of the decision-making process.*

PRIORITY 9 **CONSULTATION AND COMMUNICATION**	**Improving communication of information and community consultation, including, where appropriate, providing the opportunity to be involved in decision making.**

Target	Board/Portfolio Holder/ Lead Officer	Additional Training/ Financial Implications
To ensure that we assess the impact of our services on, and actively engage with, all sections of our communities and to report on ways of doing this by March 2012.	Executive Board/Community Life Portfolio/ACE&StC/ACE (CS)	To be met within existing budgets.
To research and develop options for extending the Council's consultation with stakeholders on financial savings options and report by July 2011.	Resources Board/Resources Portfolio/DCE	To be met from the existing budget and any additional financial implications will be assessed during the development of the options.
To review the means of funding and frequency of North Talk.	*Executive Board/ACE&StC*	*Any financial implications will be reported as part of the decision-making process.*

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PRIORITY 10	
HEALTH AND WELL-BEING	**Helping to tackle health inequalities by working with the County Council and the NHS locally and by encouraging, where financially viable, leisure opportunities in local communities.**

Target	Board/Portfolio Holder/ Lead Officer	Additional Training/ Financial Implications
To implement phase 4 of the North Warwickshire Green Space Strategy in accordance with the revised Action and Funding Plan *and within the context provided by the required Management Plans, to review the condition of our Recreation Grounds and Public Parks to ensure that they are fit for purpose and meet community need.*	Community & Environment Board/Health & Well-being Portfolio/AD (L&CD)	The significant resource implications are detailed in the supporting Action and Funding Plan. *Any further implications from the review will be reported as part of the decision-making process.*
To implement the first year actions arising out of the Local Nature Reserve Project, including assisting with the recruitment of staff at Warwickshire Wildlife Trust and Groundwork West Midlands and delivering the activities and improvement work at Dafferns Wood, New Arley, and Kingsbury Linear Park.	Community & Environment Board/Health & Well-being Portfolio/AD (L&CD)	£225,000 of external funding has been secured from Natural England's Access to Nature Programme. This has been matched by £30,000 of revenue funding from the Borough Council.

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Target	Board/Portfolio Holder/ Lead Officer	Additional Training/ Financial Implications
Within the context provided by the evolving "Health, Well-being and Leisure Strategy" to determine by March 2013 and commence implementation of the agreed approach to the future provision, management and operation of the Council's leisure facilities, having particular regard to the short and long-term future of Coleshill Leisure Centre.	Community & Environment Board/Health & Well-being Portfolio/DCE, AD ((L&CD)	The report to Members will include an assessment of any capital and revenue resource implications.
To work with partners to implement the North Warwickshire Playing Pitch Strategy in accordance with its supporting Action Plan.	Community & Environment Board/Health & Well-being Portfolio/AD (L&CD)	The resource implications of the Playing Pitch Strategy (not all of which relate to the Borough Council) are detailed in the supporting Action Plan.
To review by September 2011 and revise, as necessary, the provisions and co-ordination of the NW Play Strategy and, thereafter, implement the Strategy's associated Action Plan accordingly.	Community & Environment Board/Health & Well-being Portfolio/AD (L&CD)	The associated resource implications are detailed in the supporting Action Plan.
To prepare a Play Area Business Plan by March 2012 to inform the implementation of a third phase of the Play Area Development Programme to ensure that all Borough Council facilities offer good play value, are accessible, secured by design and support the objectives of the NW Play Strategy.	Community & Environment Board/Health & Well-being Portfolio/AD (L&CD)	The Business Plan will include a funding options appraisal, as there will be significant budgetary implications in improving play facilities at a minimum of six sites.

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Target	Board/Portfolio Holder/ Lead Officer	Additional Training/ Financial Implications
In conjunction with NHS Warwickshire, to continue to co-ordinate the sustainable development of Wellness Matters, including its expansion into targeted outreach communities and the promotion of healthy lifestyles, healthy eating and NHS Warwickshire's Stop Smoking Service and to report on progress annually in March.	Community & Environment Board/Health & Well-being Portfolio/AD (L&CD)	To be met within existing budgets.
To continue to provide leisure support to the provision of activities for young people in both schools and during school holidays, including reviewing the potential to provide free swimming in school holidays.	*Community & Environment Board/Health & Well-being Portfolio/AD (L&CD)*	*Any additional financial implications, they will be the subject of a further report.*
To continue to ensure compliance with the Council's statutory responsibilities as a partner and Compact signatory within the Warwickshire Safeguarding Children Board, including the need to continue to implement the provisions of the Council's Child Protection Policy and to undertake a Section 11 self-assessment audit in line with WSCB requirements by May 2011.	Community & Environment Board/Health & Well-being Portfolio/AD (L&CD)	Internal "trainers" will continue to deliver the WSCB Level 1 course to relevant colleagues throughout the Authority.

Jerry Hutchinson
12 August 2011

Executive Board

13 September 2011

Corporate Plan 2012/13
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 next 18 months. It seeks Members' agreement to addressing these issues during the formulation of the 2012/13 Budget and Corporate Plan.

Recommendation to the Council

That the issues raised in this report are the main areas which should be considered for inclusion in the 2012/13 Corporate Plan.

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2   Consultation

2.1   Portfolio Holder, Shadow Portfolio Holder and Ward Members

2.1.1   All Portfolio Holders and Shadow Portfolio Holders have been sent a copy of this report.

3   Introduction

3.1   Members have been requested, in a separate report on this agenda, to agree the 2012/13 Financial Strategy. This report sets out the key issues facing the Council. Members are requested to give consideration as to whether these are the main areas which should be considered for inclusion in the 2012/13 Corporate Plan.

4   Government Agenda and other External Issues

4.1   For the last few years, the two key issues which have most significantly affected the direction of the Council have been the economy and the significant number of policy and legislative changes introduced and proposed by government. The impacts of the recession are still being felt locally.   In terms of jobs, there are some opportunities emerging, particularly through recent applications by companies such as Ocado and MIRA, although generally, the number of Planning Applications remains low.

4.2   In terms of national initiatives, the Spending Review in late 2010 has had a significant impact on the Council's financial position, which is reflected in the Financial Strategy report.

4.3   There are many national policy issues impacting on the Council and I have tried to pick out the most significant ones in this report, but the picture is changing very quickly.

4.4   Health

4.4.1   Local Government is very much being seen as part of the delivery of health, through the role of the Health & Well-being Board.

4.4.2   At a national level, this is being seen primarily as a role for County Councils and Unitary Authorities, which means that representation from Districts is very low in Warwickshire. This is despite the huge role that District Councils have to play in terms of health, including our statutory role in public health through food inspections, housing, sewers and drainage, licensing, etc, together with the key role that Housing plays in health and the significant role that we have in keeping the local community healthy through our Leisure Services activities and the assistance that we provide to health agencies through Disabled Facilities Grants, Borough Care, etc.

4.4.3   The role of local government, particularly in the Health Improvement Agenda, is evolving but we need to ensure that our voice is heard.

4.5   Policing

4.5.1   The proposed legislation on elected Police Commissioners and Police and Crime Panels is still working its way through Parliament.

4.5.2   It is likely that the Council will have representation on the new Police and Crime Panels, which will work with the elected Police Commissioners, but, in addition, we are also part of the local Community Safety Partnership which is statutory.

4.5.3   It is unclear how the partnership will work with the new Commissioner, but it does appear that all funding will go to the Commissioner and it will be for the Partnership to make its case to use that funding. As North Warwickshire is seen as a relatively low crime area, this may reduce our ability to attract funding in the future.

4.6   Licensing

4.6.1   It is likely that we, as a Licensing Authority, will for the first time be able to call for the review of specific licensed premises.

4.7   Planning

4.7.1   There is a significant amount of change in the statutory planning framework at the present time which will be the subject of separate reports to Planning and Development Board in particular.

4.7.2   Following the abolition of Regional Spatial Strategies, it is important that we get our Core Strategy into place, as quickly as possible.

4.7.3   Members will also have to consider the two strands of national strategy, one of which is to push for growth to boost the economy, both at a local scale in terms of business development (linked to the growth of the role of Local Enterprise Partnerships – LEPS) and at a national scale, particularly in the case of North Warwickshire, through pushing forward with HS2. The other strand is to involve much more local determination of planning at sub-District level.

4.8   Open Public Services White Paper

4.8.1   This document is the subject of consultation at the present time and is aimed at providing more choice and diversity in the delivery of public services including devolving the delivery of those services to a lower level than District Councils and encouraging Councils to review how it commissions its services and subject them to competition. This paper is the subject of consultation at the present. Officers are considering whether there are any key areas requiring a response, and if so the appropriate action will be taken following consultation with leading Members.

4.9   Community Right to Buy and to Challenge

4.9.1   We will have to maintain a list of buildings of community value (whether in public or private hands). If these are to be sold, we must give notice to community groups who will be given a period of time to bid for the buildings, although there is no requirement for the bids to be accepted.

4.9.2   There is similarly a Community Right to Challenge in respect of service delivery.

4.10   Financial Issues

4.10.1   These issues have been or will be the subject of further reports, but include, as mentioned above, the significant reduction in our Grant Settlement.

4.10.2   Legislative change in relation to the Housing Revenue Account will see the Council borrow the money to exit the housing subsidy system, to be repaid over a number of years.

4.10.3   Proposals are moving forward quickly on the relocalisation of Business Rates, which will be the subject of further report.

4.10.4   Another issue which will affect many aspects of Council working will be the whole area of the Welfare Benefit reform.

4.11   <u>Partnerships</u>

4.11.1   Since the 2010 General Election, the role of the region has significantly reduced with Regional Development Agencies being abolished, together with Government Offices.

4.11.2   There has also been the emergence of Local Enterprise Partnerships, which are expected to have a significant impact both on Economic Development and Planning, although they have very little in the way of resources. We are already seeing changes to the role of local authorities in Planning, with the recent Enterprise Zone announcements, one of which is the MIRA site.

4.11.3   It is important that the Borough Council has influence in terms of the LEP agenda and the North of the County generally is not well represented at the present time, either by business or local authorities.

4.11.4   The abolition of the Audit Commission has also seen the reduction in the national drive for partnership working, with Comprehensive Area Assessments and Local Area Agreements disappearing.

4.11.5   There has been the emergence of a sub-region, which sometimes includes Solihull and always includes Coventry, and there is much discussion locally at County level about partnership working.

4.11.6   It is crucial that the Borough Council has proper dialogue with other agencies to make sure that whatever partnership work there is in the future is effective and agreed, rather than imposed.

4.11.7   At a local level, the Local Strategic Partnership is focussed on key issues for North Warwickshire around Health, Education and Skills and Access. The Borough Council is a key partner in tackling these issues. Examples include:- in the case of Access, the work currently taking place on Hubs and through the B.O.B bus; in terms of skills, through our involvement in seeking to ensure that Section 106 monies are used to secure jobs for local people; and, in terms of Health, through the work of Environmental Health, Housing, Community Development and Leisure Services.

4.12   Demography

4.12.1 For a number of years, we have been aware that the profile of our population is getting older and that this was likely to have a significant impact on services. More work does, however, need to take place to understand what that impact is, as it does not always follow that just because people reach a certain age they will need particular services, so, for example, the take-up of Borough Care at the age of 62 is not significant, but is for those residents who are well into their 70s.

4.12.1 At the other end of the spectrum, there may be growing demands with young people who may be finding it more difficult to get jobs as they come out of education and, linked to that, struggle to find accommodation, etc.

4.13   Climate Change

4.13.1 This is something that we will continue to think about as an organisation.

4.13.2 In relation to Council housing, we have put solar panels on new houses and ground source heating when doing adaptations in places like Hill Top, but we will need to take account of our responsibilities in relation to adaptations to our own properties, energy usage, recycling, etc.

5   **Service Issues**

5.1   Some of the key topics that we are tackling as a Council are as follows:-

5.2   Housing

5.2.1   The changes proposed to the Housing Revenue Account are still being worked through, but may give us a real opportunity to have a sustainable and improving housing stock for the future. Whilst we were one of very few authorities building new houses last year, it is unclear what grant, if any, there will be in the future to build more.

5.2.2   The Housing Direct Works Section has been going through a fundamental review of operations, with Lean Systems Thinking and a lot of the lessons learned there will be moving across to other service areas.

5.2.3   Whilst the Council met the Decent Homes Standard recently, we still have a major task to keep our homes "decent" going into the future.

5.2.4   Provision of affordable housing remains a key challenge for us and there is the potential for Benefit Reform to lead to an increase in homelessness. One way of taking some action to tackle this would be to improve private sector housing stock in the Borough, but there are diminishing finances to do that.

5.2.5   We also need to modernise the Borough Care Service. It is a vital but discretionary service for the Council and it is important that it is both affordable and effective.

5.3   Planning

5.3.1   The main issues in relation to Planning and Heritage are referred to above. One of the main challenges is to ensure that we can prove that we have a 5 year housing supply, with an up to date Core Strategy and dealing with the twin policies relating to the drive for growth and more local say on development.

5.3.2   We are also seeing a big growth in the demand for Planning Enforcement and that is going to be a major task for us going into the future. A relatively small number of cases take up huge amounts of resource in a small organisation, as do major proposals like HS2.

5.4   Crime & Disorder

5.4.1   In terms of Crime & Disorder, crime figures are increasing although it should be remembered that we do have low crime figures in North Warwickshire and the trend over the last 3 to 4 years is still down.

5.4.2   As mentioned above, we do not yet understand the impact of the changes which will come about, particularly as a result in the election of an elected Police & Crime Commissioner.

5.5   Health

5.5.1   I referred to the context of the Health Agenda above. Some of the things that we do as an authority include Grounds Maintenance, Playing Pitch Strategy and Green Space Strategy. We have to deliver those in a way which drives to improve standards, with reducing resources.

5.5.2   We also make a big impact on local health through our ageing leisure centres. I would be helpful if other public agencies who benefit from the input that we provide into health improvement would acknowledge this in terms of resourcing some of our initiatives.

5.6   Environment

5.6.1   We have improved recycling rates, but do need to keep doing that and, at the same time, reduce tonnage. Proposals will be brought forward to Members shortly on how we might achieve this.

5.7   Civil Parking Enforcement

5.7.1   This is likely to be rolled out across North Warwickshire in the not too distant future.

5.8   Street Cleaning

5.8.1   This is an issue which the Council has always taken seriously and is important to the public, but is an area of relatively high spend.

5.9   Access & Engagement

5.9.1   This is a key strand of the work of the Council and Local Strategic Partnership. The Council is working hard to identify ways of producing a hub and spoke arrangement in local communities, in a number of potential venues. This will be in addition to the mobile service which we provide through the B.O.B bus, promoting financial inclusion and other complementary services with other agencies.

5.10   Revenues & Benefits

5.10.1 I touched on this earlier in 4.10.3.

5.10.2 The Council's performance remains strong and is in the upper quartile nationally, but there are major changes ahead, including the ongoing implementation of the welfare reform programme which will impact on the majority of Council Tax and Housing Benefit recipients in the next 2 years. More significantly, the creation of a Universal Credit which proposes to include Housing Benefit as a component and be administered by the Department of Work and Pensions, whilst Council Tax Benefits will remain with Councils, but subject to a 10% reduction in current funding levels will have a major impact on the current service delivery model. This is likely to require some key policy decisions by the Council.

6   **Internal Issues**

6.1   Introduction

6.1.1   This section is largely about the culture of the Council and the expectations of stakeholders. Some of the issues referred to above already take account of these expectations. For example, the shape of the Council's democratic structure was largely set by the belief that both local people and Members need to involve as many democratically elected representatives as possible.

6.1.2   Recent national thinking suggests that those authorities which do not have Committee structures may be given the opportunity to return to them. In North Warwickshire's case, it is now nearly 10 years since our structures were set up and, in a separate report on this agenda, there is a recommendation that not only should the current structures be reviewed on an interim basis, but a wider review should take place to see whether they are still fit for purpose.

6.1.3   Similarly, the contents of the Sustainable Community Strategy reflects distinctive issues in North Warwickshire, as expressed by local people taking account of the particular problems affecting their lives, namely, educational attainment and skills, health and well-being and access.

6.1.4   Culture and stakeholder expectations affect the way that many decisions are made in the authority, for example our approach to partnership, the extent to which we want to be a listening Council, value our workforce, put customer care at the forefront of all service delivery, etc.

6.1.5   The review of priorities set out below seeks to take account of these issues.

6.2   Council Priorities

6.2.1   In a separate report on this agenda, proposals are set out to confirm a revised Vision, Logo, Priorities and Key Actions for the Council. Much of what has been said above reflects th0se priorities, namely:-

   Public Services and Council Tax
   Local Employment
   Environment
   Recycling
   Crime & Disorder
   Countryside & Heritage
   Housing
   Access to Services
   Consultation & Communication
   Health & Well-being

6.2.2   Most of the actions being taken by the Council and set out in the Priorities & Key Actions document are aimed at addressing these priorities and I have tied to cover where we are on most of these issues above.

6.3   **Resources**

6.3.1   Finance

6.3.1.1   The proposed financial strategy and budget approach forms a separate report on this agenda, but the key issue is that the Council needs to find ongoing savings from the General Fund based on current projections of £1.7 million over the period 2012/13 – 2015/16. Significant savings have already been made and will also be required from 2012/13 onwards. Consequently, there is little potential for future growth.

6.3.1.2   As Members are aware, a long term approach has been developed, but there are significant strategies ahead which will need to be reviewed during 2012/13.

6.3.1.3   The Deputy Chief Executive's report deals in more detail with the General
           Fund budget situation and what action is being taken to address it.

6.3.1.4   Similarly, reports will be brought on the Housing Revenue Account which
           is subject to significant change, as mentioned above.

6.3.1.5   The position in relation to capital is also one for concern. Housing self-
           financing should generate sufficient resources to maintain our housing
           stock, however the General Fund has very limited resources for capital
           and can only undertake expenditure as it becomes absolutely essential.
           The Council has an ageing asset base which is in need of investment.
           There is a significant amount of capital spend in the medium to long term
           for which resources have not yet been identified and this is an issue that
           will need to be addressed.

6.3.2   Staffing

6.3.2.1   Staffing remains the Council's biggest asset and resource. We have a
           Human Resources Strategy which aims to look after our workforce and
           ensure that North Warwickshire is seen as an attractive place to work.

6.3.2.2   In terms of people, we have been reducing our workforce over the last few
           years and we have taken £1 million out of our establishment in the last
           four years.   This has been managed without many compulsory
           redundancies and staff surveys show that morale is reasonably high in
           difficult financial circumstances.

6.3.2.3   Sickness continues to be managed and is significantly down from the
           position a few years ago.   Positive action is terms of absence
           management continues to be taken, through the use of Occupational
           Health, phased returns to work and flexible arrangements to minimise
           absence, wherever possible.

6.3.2.4   I continue to work with a group of staff to look at how things can be made
           better and key areas that have been taken forward include Improving
           Communication, Ensuring Management Consistency, Acknowledging
           Achievements, Improving Staff Understanding of Healthy Lifestyles, etc.
           This remains an ongoing project.

6.3.2.5   It is also important to keep our Senior Management Structure under review
           to retain sufficient capacity to deliver good quality services, whilst taking
           account of the challenging financial environment.

6.3.2.6   Similarly, the shared services agenda is also aimed at helping to improve
           capacity as our financial position becomes more and more challenged.

6.3.3   <u>Land/Accommodation & Other Resourcing Issues</u>

6.3.3.1   As Members are aware from previous reports, the Council has a number of ageing assets including the Council Offices, Coleshill Leisure Centre, The Arcade and Atherstone Memorial Hall. This creates some real tensions when most of the Council's capital spend is on housing and low land prices continues to limit our ability to generate capital receipts from land sales.

6.3.3.2   A report on the Accommodation Review is on this agenda and key decisions will need to be made on our other capital assets in due course, including consideration of a detailed scrutiny review of industrial units

6.3.3.3   We also continue to ensure that we are maximising efficiency gains from information systems and services and we are similarly working through the Shared Services Agenda and with other partners and are also looking at Lean Systems initiatives to ensure that we are maximising the opportunities for the authority from efficient systems of working and joint procurement initiatives.

7   **Report Implications**

7.1   **Finance and Value for Money Implications**

7.1.2   Any new financial implications will be reported as part of the budget process.

7.2   **Environment and Sustainability Implications**

7.2.1   The issue of the Council needing to review its approach to sustainability issues is mentioned in the body of the report.

7.3   **Risk Management Implications**

7.3.1   These will be identified as proposals for 2012/13 are developed.

7.3.2   The key issue in this report however is to note the importance of matching the Council's obligations and ambitions with the resources available to it.

7.4   **Link to Council's Priorities**

7.4.1   These are referred to in the report.

The Contact Officer for this report is Jerry Hutchinson (719200).

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
None			

Agenda Item No 10

Executive Board

13 September 2011

Report of the
Deputy Chief Executive

Financial Strategy 2012/16

1   **Summary**

1.1   This report summarises the Authority's Financial Strategy, projects forward the Authority's General Fund budgets to 2015/16, and suggests a detailed budget approach for the 2012/13 General Fund Budget.

Recommendation to Council

a   **That the Financial Strategy shown as Appendix A is approved;**

b   **That the General Fund budget projections for 2012/13 to 2015/16 be noted;**

c   **That the budget approach, set out in paragraph 12.1 to 12.2 of this report, be adopted; and**

d   **That growth bids be assessed according to the criteria set out in 9.2 of this report.**

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2   **Introduction**

2.1   The Council has adopted a clear financial strategy over a number of years, and this is attached as Appendix A to this report. There have been some changes to the financial environment nationally, so some amendments have been made to the strategy to reflect the current financial pressures facing the Council.

2.2   The expected reductions in general revenue support have been included in the latest revision of the strategy, along with the special grant received in lieu of a council tax increase for 2011/12. The strategy has also been updated as far as possible for the implementation of the self financing system for the council's housing stock, although the debt figure included is indicative only at this stage.

2.3   A forecast of the General Fund Revenue Estimates has been completed for 2012/13 and the following three years. The figures are intended to indicate the position in broad terms only. More accurate ones will be produced during the forthcoming estimate process.

2.4   The budget strategy agreed in February 2011 included ongoing growth of £25,000 and a savings target of £563,000 for 2012/13. Given the increasing difficulty of finding savings, some work started in 2011/12 was intended to generate a number of savings in 2012/13. To date savings of £87,240 have been found, and a number of other possible savings identified for the 2012/13 target, are currently being reviewed.

3   **Finance Settlement**

3.1   The assumptions used in the financial forecasts, for estimating the likely finance settlement the Authority will receive, are set out in the Financial Strategy.

3.2   In summary, North Warwickshire is expecting a general cash reduction of around 26% over the next three years. There are no indications for the fourth year of this financial strategy, as 2015/16 will be year one of the next Comprehensive Spending Review. Given the action taken by the government in the current Spending Review, it has been anticipated that the position may improve in the next spending review, so a small rise of 2% has been assumed for 2015/16.

3.3   The implications for individual Councils will be reassessed in November when further details of the Local Government Finance Settlement are published. Future settlements will be influenced by the localisation of business rates, however there is insufficient information currently available to enable this report to take account of the impact of changes in this area.

4   **2012/13 Budget Strategy**

4.1   Financial forecasts for 2012/13, 2013/14 and 2014/15 were prepared as part of the 2011/12 budget strategy, which agreed savings of £563,000, £420,000 and £410,000 respectively.   This strategy was expected to lead to the following use of balances:

	2012/13 £000	2013/14 £000	2014/15 £000
Use of Balances	406	320	470
Level of Balances at 31 March	2,126	1,806	1,336

5   **Updated Forecast**

5.1   In order to update the strategy, a number of areas have been revisited. The 2011/12 budget has been adjusted for the following significant changes:

	£000
Reduction in recruitment costs / increased vacancies	(55)
Increased recycling costs	30
Loss of leisure income	30
Loss of planning income	25
Additional costs of the building control partnership	40
Additional investment income	(10)

5.2 The anticipated amount to be taken from balances is expected to increase to £483,000, leaving an anticipated opening General Fund balance of £2,705,000 at 1 April 2012. This has been used as the revised starting point for the updated forecast. The 2012/13, 2013/14 and 2014/15 years have also been reviewed and a further year, 2015/16, has been forecast.

6 **Budget Projections 2012/13 to 2015/16**

6.1 The forecast has been summarised and attached to this report as Appendix B. No growth has been included. The forecast anticipates balances of £1,242,000 at March 2016, if the assumed savings are made.

6.2 In completing the forecast, a number of assumptions have been made:

Cost / Income Type	2012/13	2013/14	2014/15	2015/16
Pay awards (where 0%, the effect of a basic increase for employees under £21,000 has been included)	0%	2%	2%	2%
Superannuation rates	17.2%	18.2%	19.2%	20.2%
Business rates	4.5%	2%	2%	2%
Utilities / vehicle fuel	5%	5%	5%	5%
Other premise costs	0%	2%	0%	2%
General inflation, where a contractual obligation	5%	2%	2%	2%
Agency staff	3%	3%	3%	3%
Other supplies and services	0%	2%	0%	2%
Payment of benefits	7%	7%	4%	4%
Reduction in specific Housing Benefit admin grant	-5%	-5%	-5%	-5%
External funding from central government	-14%	-4%	-10%	2%
Council Tax	2.5%	2.5%	2.5%	2.5%
Income	2%	2%	2%	2%

Larger premise and supplies and services costs have been assessed separately for inflation. 'Other' premise and supplies and services costs have only been given an increase in alternate years in this strategy, in order to encourage efficiencies in procurement. These areas will be revisited in the more detailed work carried out as part of the budget process.

6.3 The forecast for each year includes a contingency sum. Funding has been included to cover the costs of borrowing to fund the accommodation project.

6.3 The expected use of balances in the current forecast are shown below, together with those estimated in previous forecasts.

	2012/13 £000	2013/14 £000	2014/15 £000	2015/16 £000
Current Forecast	517	374	374	198
2011/12 Strategy to Board	406	320	470	
Difference	**+111**	**+54**	**-96**	

7 Areas of Difference

7.1 The main areas of difference between previous projections and the current figures in 2012/13 are:

- **Road sweeping / Software Maintenance / Vehicle Fuel** - revised assumptions have increased the projected costs of these activities
- **Recycling** – increased costs of service provision due to greater recycling activity
- **Leisure Services** – reduction in income taken at the leisure centres
- **Investment Income** – investments are expected to increase in 2012/13
- **Council Tax** – the inflationary increase has been revised to take it closer to current rates
- **Growth** – the general provision has been removed

8 Savings

8.1 The financial strategy still requires savings of £1.4 million over the period 2012/13 to 2014/15, and in addition requires savings of £300,000 in 2015/16. The forecast has included the total savings of £1.7 million over the 4 years, which equates to a saving of around 5% of the net budget per annum. The authority has already made significant reductions in its budget over recent years, so taking out a further £1.7 million will be challenging. Work is already in hand for identifying options for reducing net expenditure for both 2012/13 and subsequent years.

9 Growth Items

9.1 Bids for growth are normally made during the estimate process. For the purpose of this exercise, no growth has been assumed.

9.2 Given the Council's financial position and the variety of demands being placed upon it, no growth bids should be considered, unless they are unavoidable. Before any growth is approved, it will need to be assessed against the following criteria:

- Whether there is a statutory need to incur the expenditure
- The level of risk to which the Council would be exposed, should the expenditure not be incurred
- The extent to which the proposed growth generates income or external funding

In addition, Assistant Directors have been asked to identify the outcomes that the Council could expect from any growth approved.

10 An Updated Strategy

10.1 The projection in Appendix B leaves the Council with balances at the required level by the end of 2015/16. This is on the basis that further savings of £563,000, £420,000, £410,000 and £300,000 are found in 2012/13, 2013/14, 2014/15 and 2015/16.

10.2 In order for the Council to continue with current service provision, there is a need to continue to use future savings targets and review allocations for growth. Keeping to the strategy is dependent on savings being achieved to target in each of the years covered.

10.3 The current forecast also indicates that further savings will be required in 2016/17 and beyond, as expenditure continues to be partly funded through the use of balances each year. The difficulty in finding savings has become greater over time, and this will only increase in the future.

11 Potential Risk Areas

11.1 In preparing this forecast, a number of assumptions have been made and these have been set out in section 6 of this report. Clearly, should these assumptions not materialise, there will be an impact on the figures. The main risk areas for this forecast are:

- **Formula Grant** – an indicative figure received from government has been used for 2012/13. Whilst government announcements have been used to give the level of general reduction for 2013/14 and 2014/15, this will not be confirmed for some time. There is no available information for 2015/16, as this will come under the next Comprehensive Spending Review.
- **Special Grant** – the special grant received as compensation for not increasing council tax levels in 2011/12 was guaranteed until 2014/15. An assumption has been made that this will continue in 2015/16.
- **Investment Income** – although interest rates have been predicted using professional advice, financial markets can vary significantly over time
- **Salary Increases** – a public sector pay freeze was announced for 2012/13. However pay awards will actually be dependant on the national negotiations carried out by the Employers Organisation

- **Housing Benefit Administration Grant** – the reduction of 5% in 2011/12 has been used for the further years of the strategy.
- **Reduced Income** –a loss of service income, notably in the planning, building control and leisure services, has been a result of the current economic position. The extent of the loss is uncertain at this time.

11.2 The potential impact of an improved or worse position for all four years of the forecast are shown in Appendix C (savings of £1.7 million are included in each of the options). The increased use of balances / contribution to balances are summarised below:

Year	Worse Case £000	Most Likely Case £000	Best Case £000
2012/13	779	517	438
2013/14	784	374	150
2014/15	840	374	10
2015/16	839	198	(164)

Changes in a small number of areas can materially impact on the expected use of balances in all of the years covered. These could affect the level of savings required either favourably or adversely.

11.3 If the best case scenario occurred in 2012/13, the Council would be able to reduce the savings currently included in the strategy from £1.7 million to £1.35 million, and achieve the same level of balances at the end of 2015/16.

11.4 If the worst-case scenario occurred in 2012/13, there would be an additional call on balances. As the balances at 1 April 2012 are expected to be £2,705,000, the Council could manage the worst case into 2013/14 if needed. However further savings of £700,000 and £200,000 would be needed in 2014/15 and 2015/16 respectively, to ensure balances were at an acceptable level at the end of 2015/16. Finding the additional savings earlier would mean the total savings required during the life of the strategy would reduce.

11.5 The above risk assessment has ignored proposed changes to move from a national business rates system to a local system, and to pay all housing benefit nationally. Although proposals on business rates have been issued for consultation, there is insufficient information to enable any meaningful financial assessment to be undertaken for inclusion in this version of the strategy. Future revisions will include these areas as soon as is practicable.

12 **Budget Approach 2012/13**

12.1 As mentioned earlier, a number of areas have already been identified as potential savings, and these are in the process of being reviewed.

12.2 A firm stance should be taken in order to limit the level of growth approved in 2012/13, as any further expenditure will increase the need to draw from balances. Only growth that cannot be statutorily avoided, makes a significant

contribution to moving forward the Council's priorities, or would expose the Council to an unacceptable level of risk should the expenditure not be incurred, should be approved. A prioritisation exercise on growth based around these three main criteria should be used.

13   **Conclusion**

13.1   The Council could be faced with savings ranging from £1.35 million to £2.6 million. The updated strategy includes savings of £1.7 million over the next four years.

13.2   It is unlikely that all of the main risk areas will materialise at the same time, in any of the years highlighted above. The main area of concern included in the risks around the financial position of the Council is that of Revenue Support Grant.

14   **Report Implications**

14.1   **Finance and Value for Money Implications**

14.1.1 As detailed in the body of the report.

14.2   **Environment and Sustainability Implications**

14.2.1 Continuing the budget strategy will allow the Council to manage its expected shortfall in resources, without disruption of essential services.

14.3   Equality Implications

14.3.1 Any proposed changes or reductions in services will be subject to equality impact assessments to identify if there is any scope for adverse impacts.

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

Background Paper No	Author	Nature of Background Paper	Date

MEDIUM TERM FINANCIAL STRATEGY   2012/13 – 2015/16

1   Introduction

1.1   The purpose of the Financial Strategy is to set out the broad financial framework that the Council will operate within, during the next four financial years. A four-year period has been used, as this permits reasonably robust financial forecasts to be produced and ties in with current announcements on financial settlements from the government. A longer period would require more speculative forecasts.

1.2   By using a medium term approach, the Council can ensure that financial and service decisions can be taken in a structured and proportionate way. Short-term policies are not adopted without identifying what the medium term implications of those decisions are.

1.3   The strategy covers all revenue and capital activity, although some individual sections may be specific to a particular type of spending only. Areas covered are:

- **General Fund Activities** – these are the majority of the day to day activities carried out by the Council, such as refuse collection and the payment of benefits
- **Housing Revenue Account Activities** – these relate to the management and maintenance of the Council's housing portfolio
- **Capital Spending** – this is spending that provides benefits over a period of 12 months, such as the purchase of vehicles or equipment

2   Linking Resources With Corporate Priorities

2.1   The Council has identified a number of priorities and these are given in its Corporate Plan, along with targets for a three year period. The priorities have been reviewed and amended by Special Sub Group (subject to Executive Board / Council approval).

2.2   In summary, these are:

- Protecting public services for local people whilst maintaining a balanced budget and keeping Council Tax increases lower than inflation
- Bringing more jobs to North Warwickshire, whilst seeking to protect existing jobs and developing our workforce
- Protecting and improving our local environment
- Improving the role of recycling
- Working with the Police, Parish Councils, Town Councils, the community and other partners to tackle Crime and Anti-Social Behaviour
- Protecting and improving our countryside and heritage
- Listening to and working with our tenants to maintain and improve our housing stock and providing affordable housing in the right places
- Proving easier access to Council services, particularly through the internet

- Improving communication of information and community consultation including, where appropriate, providing the opportunity to be involved in decision making
- Helping to tackle health inequalities by working with the County Council and the NHS locally and by encouraging, where financially viable, leisure opportunities in local communities

2.3   In arriving at the priorities, external influences are taken into account, including the aims of the Local Strategic Partnership (LSP). Other factors such as legislative changes and reward incentives are also considered.

2.4   The Corporate Plan and associated Financial Strategy are reviewed and updated on an annual basis, before the start of the new financial year. A further review of the Financial Strategy for the General Fund is also carried out part way through the year, to ensure that changing circumstances are taken into account in carrying out the full review. This additional review is not considered necessary for the Housing Revenue Account at this time, as the financial position is less constrained. However the additional review is used, when necessary.

2.5   As in previous years, the approach is to use the current financial year as a base position, inflate this to the price base of the budget year, and add known unavoidable spending pressures. This is then measured against the projection of available funding to determine affordability. The package of measures required to balance the two form the financial strategy for the budget year.

3   Economic Forecast

3.1   Both general inflation and specific areas of increase affect the spending of the Council. There are two main indices for measuring household inflation: the Consumer Price Index (CPI) and the Retail Price Index (RPI). Both indices measure the average changes month to month in prices of a basket of consumer goods and services purchased in the UK. However, there are several differences between the two indices:

- CPI excludes council tax, mortgage interest payments and house prices, which are included in RPI
- The relative weightings given to items in the basket of goods are different
- Different mathematical formulas are used for combining the prices collected for each item in the basket. This works in such a way that the average price for each item in the CPI is always lower than or equal to the average price for the same item in the RPI

A third index that is often quoted is RPI-X, which is RPI but excludes mortgage interest payments.

3.2   The Council reviews all three indices when it is assessing the level of inflation to be included in its financial strategy. However the Council may choose to use a lower general rate in some areas, where it wishes to encourage efficiencies.

3.3   Specific areas of increase are considered separately and individual rates of increase used to reflect prevailing market conditions, where they are significantly different to the general rate of inflation. These are assessed on an annual basis and depending on economic conditions, may include:

- Employee costs – pay awards and pension costs
- fuel and energy costs
- insurance costs
- investment rates.

3.4   The assumptions used in the latest forecasts are given below:

Cost / Income Type	2012/13	2013/14	2014/15	2015/16
Pay awards	0%	2%	2%	2%
Superannuation rates	17.2%	18.2%	19.2%	20.2%
Agency staff	3%	3%	3%	3%
Business Rates	4.5%	2%	2%	2%
Utilities / vehicle fuel	5%	5%	5%	5%
Other premise costs	0%	2%	0%	2%
General inflation, where a contractual obligation	5%	2%	2%	2%
Other supplies and services	0%	2%	0%	2%
Payment of benefits	7%	7%	4%	4%
Housing Benefit Administration Grant	-5%	-5%	-5%	-5%
External funding from central government	-14%	-4%	-10%	2%
Council Tax	2.5%	2.5%	2.5%	2.5%
Income	2%	2%	2%	2%

4   Demographic Factors

4.1   Demographic factors can affect the Council's planning in a number of ways:
- Changes in population can affect the Council's entitlement to government grant
- Changes in the number and value of households can affect the tax base used in calculating Council Tax
- The characteristics of the population, and households, influences the type of services provided
- The level of demand for services can be affected by changes in any of the above.

4.2   The population of the Borough currently stands at 62,300 and has been subject to little change over recent years. The Financial Strategy has assumed this will continue over the medium term.

4.3   Similarly the Council Tax Base has remained fairly consistent over a number of years, with only small increases. This position is not expected to change much in the medium term, given the potential new build in the area. The Strategy has therefore assumed a constant tax base.

5   General Fund Activities

5.1   Comprehensive Spending Review and Grant Settlement

5.1.1   Central government provides funding to local authorities for its General Fund activities through the Revenue Support Grant system. A Comprehensive Spending Review is carried out, which identifies the funding to be allocated to the public sector, and the proportion allocated to local government is then split between individual local authorities using a Formula Grant distribution system.

5.1.2   The last Comprehensive Spending Review was carried out in 2010, and the totals produced were used to allocate grant for 2011/12, with an indicative allocation given for 2012/13.

5.1.3   The formula grant is based on four blocks:
- **Relative needs** – based on a basic amount per client plus top-ups to reflect local circumstances which affect service costs, eg. deprivation and area costs. The cash value of the block is distributed to authorities in proportion to their relative need
- **Relative Resource Amount** – this is a negative figure and takes account of individual authorities' ability to raise income from Council Tax, by looking at their tax base
- **Central Allocation** – an amount allocated on a per capita basis
- **Floor Damping** – to ensure that all authorities receive a minimum grant increase. The government set a minimum increase in grant compared with the previous year, on a like for like basis – known as a 'floor'. Grant increases to authorities above the floor are scaled back to pay for this.

5.1.4   The Council's formula grant reduced by 15.8% in 2011/12 and an indicative figure showed a reduction of 14% in 2012/13. No individual detail was available for 2013/14 and 2014/15, with indications only given on a national basis. These showed further reductions in funding in both of these years. This reduction in public sector spending is required as a result of the current national economic situation.

5.1.5   Previous grant settlements have also included a number of specific grants given to local authorities. These were Homelessness and Housing / Council Tax Benefit Administration. These grants are no longer ring fenced.

5.2   Council Tax Base

5.2.1   The Council has had a fairly consistent tax base for a number of years. Given the minimal variation, the current tax base is used in the financial projections for each year of the medium term financial strategy. This tax base assumes a collection rate of 98.5%. Although the Council usually exceeds this collection rate, a small margin for non-collection allows some room for other variations during the year. Any additional funds are then distributed in the following year.

5.3   Council Tax

5.3.1 The Council attempts to balance the need for retaining an affordable council tax, with the retention of services. This is increasingly difficult with current financial constraints, including the pressures of government funding levels, limited income raising opportunities, economic pressures and rising expectations. Council policy is to keep council tax rises at, or below, inflation.

5.3.2 The government have brought in a requirement for proposed increases above a given level to be subject to a local referendum.

5.4   Fees and Charges

5.4.1 The Council has tended to increase fees and charges for inflation, on an annual basis. Any other changes have tended to be on an ad hoc basis. Demand for some services has reduced considerably as the effect of the economic situation has taken hold. This will be taken into consideration in the review of fees and charges during the detailed work in the 2012/13 budget.

5.5   Growth Areas

5.5.1 Given the Council's existing financial constraints, a strong approach is taken with growth areas. In general terms, growth will be allowed if one of the following conditions is met:

- **Statutory Need.** Where the Council needs to spend resources in order to comply with statutory requirements
- **Invest to Save.** Where services can demonstrate that an initial outlay will generate additional income or reduced costs in the future, an advance from an earmarked reserve held for this purpose will be made. The service is required to repay this advance from the additional income or expenditure saving, over an agreed period of time. This enables investment, whilst maintaining the reserve for future bids.
- **External Funding.** Services are encouraged to look for external funding to support service development and enhancement. In doing so, consideration of ongoing costs against potential one off funding is fundamental.
- **Efficiencies.** The Council looks for efficiencies in service provision, which allows the reallocation of resources to other priorities. For example, a rationalisation of rounds on the domestic refuse collection service, enabled additional recycling to be undertaken.

5.5.2 The Council also uses the financial savings identified in its strategy to fund general growth areas, where these are not needed to maintain balances. Growth bids are assessed according to their contribution to Council priorities, the ability to obtain external funding and their contribution to the management of risk.

5.6   Approach to Savings

5.6.1 The Authority includes the requirement to find savings in its financial strategy. However whilst unidentified savings are built into financial projections over the medium term, only identified savings are included in the detailed budget put

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forward for approval for the coming financial year. This is part of the management of financial risks, and gives greater assurance around the approved budget, and the medium term position.

5.6.2 As the council looks for specific savings in advance of setting the budget for the following year, work on finding savings for 2012/13 will be carried out in 2011 during the production of that budget. Only those found will be included. Where possible the savings will be brought in earlier, during 2011/12, as this will give a beneficial impact on balances. If the savings target of £563,000 is not found, this will be reflected in the financial strategy for future years.

5.6.3 Any proposed changes or reductions in services will be subject to equality impact assessments to identify if there is any scope for adverse impacts.

5.7   General Fund Balances

5.7.1 One of the Council's aims is to have a balanced budget. However this does not require a balanced budget in each financial year, the aim is to ensure that services are adequately funded over the medium term.

5.7.2 The current policy for general balances is to retain minimum working balances of £1 million on the General Fund. The risk assessments, which support these requirements, are updated on an annual basis as part of the budget process. This allows detailed consideration of changing economic conditions and other potential high risks.

5.7.3 The Council has also established a system of risk management, which is operated by all services. This ensures that if there are significant changes in the level of risk to the Council from new legislation, or policy changes, they are considered and reported to Board. Any significant increase in financial risks will therefore be addressed during the year, if this is necessary.

5.8   Budget Process

5.8.1 The budget process operates throughout the year, with the budget strategy updated twice per year. The updated budget cycle is given below in broad terms:

- February / March – a financial strategy is approved for a four year period, with Year 1 being a detailed budget for the following financial year. The financial strategy includes an assessment of the general balances to be maintained, and savings targets for future years. Detailed savings for the following financial year (Year 1) are built into the approved budget.
- April / December – work is carried out on finding savings for the following year (Year 2)
- July / September – the financial projections for years 2, 3 and 4 in the financial strategy are updated, and a projection for an additional year 5 is added
- September – Executive Board approve an updated budget strategy for the four years following the current financial year (Years 2 – 5). This sets the framework for the preparation of the following years detailed budget.
- September /December – detailed work on the budgets is carried out

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- January / February - Service Boards consider detailed budgets
- February / March - a financial strategy is agreed for a four year period (Years 2 – 5), with a detailed budget approved for the following financial year.[1] The financial strategy includes an assessment of the general balances to be maintained, and savings targets for future years. Detailed savings for the following financial year are built into the approved budget.

5.8.2 In the event of potentially significant changes to the Council's financial position, the Deputy Chief Executive will assess whether additional updates of the financial strategy are needed.

5.9 Budget Consultation

5.9.1 The Council consults on how it spends its resources on an annual basis. A number of methods are used – some every year, whilst others are carried out periodically:
- financial questions are included in the survey carried out by BMG on the performance of the Council
- Business Rate payers meetings are held, to discuss budget proposals
- paper questionnaires to a sample of the citizens panel
- focus groups involving participants from members of the citizens panel
- electronic questionnaires on the website.

5.9.2 Consultation on the 2011/12 budget was undertaken using the BMG survey and the Business Rate payers meeting.

5.9.3 The timing of consultation is important. The Council will carry out more of its consultation before Christmas, to enable Members to give more consideration to the results obtained.

6 Housing Revenue Account

6.1 National Housing Pool

6.1.1 The government currently allocates an amount of funding to support local authority housing nationally. It allocates this sum through the operation of a national housing pool and subsidy system, which involves all authorities that manage their own housing stock. From April 2012 this will change, with legislation in place to move all housing authorities to a system of self financing.

6.1.2 A key element of the move to self financing is the valuation of the business for each authority. The valuation is based on the assumed income and expenditure of the authority's housing account over the next thirty years, which is then discounted to give a value at today's prices. If the valuation is lower than the authority's debt, the Government will pay the difference to the authority. If the valuation is higher than the authority's debt, the authority must pay the difference to the Government.

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[1] note. Years 2 – 5 are then reclassified as years 1 – 4, and the process starts again.

6.1.3   This authority's valuation is higher than its debt, so we will be required to make a payment of around £65 million to the Government at the end of March 2012, ready for the start of the new system in April 2012.

6.2   General Balances on the Housing Revenue Account

6.2.1   The Council aims to have a balanced budget on the Housing Revenue Account. Again this does not require a balanced budget in each financial year, the aim is to ensure that services are adequately funded over the medium term.

6.2.2   The current policy for general balances is to retain minimum working balances of £500,000 on the Housing Revenue Account. The risk assessment, which supports this requirement, is updated annually as part of the budget process. This allows detailed consideration of changing economic conditions and other potential high risks. Given the move to self financing mentioned above, this will be particularly important in the coming budget round. Given the greater risks that will be faced by the council, an increased requirement to hold general balances is expected.

6.2.3   Risk management practices are used, when assessing new legislation, or policy changes, so any significant increase in financial risks will therefore be addressed during the year, if this is necessary.

6.3   Housing Business Plan

6.3.1   To ensure the continued management and maintenance of North Warwickshire's housing stock under the new system, both Members and officers will need to take decisions on a longer term basis. For example, it will be necessary to build up surpluses to fund the capital expenditure needed later in the business plan. The impact on the business plan of decisions taken will be fundamental.

6.3.2   In establishing a valuation for the housing stock of North Warwickshire, the government made a number of assumptions. One of the main assumptions was that the authority would continue to increase rents in line with government policy. The financial forecasting that we have undertaken to assess the viability of self financing has also assumed that rents will increase in line with government policy. It will be essential therefore, particularly in the early years of the new system, to ensure that rent decisions are made in line with financial forecasts.

6.3.1   Further detail around the management and maintenance of the Council's housing stock is given in the Housing Business Plan.

7   Capital Programme

7.1   Capital Funding

7.1.1   The Council projects its expected resources over both a three and ten-year period. These include receipts from the sale of council assets, revenue funding used to support capital expenditure and anticipated contributions from third parties. Funding from the government is also considered. Specific grant of 60% is received towards the cost of Disabled Facility Grants, up to a maximum allocation.

7.1.2   The current approved capital programme is heavily reliant on land sales to fund expenditure over the next 4 years. Given its restricted resources, the council prioritises capital schemes, to enable it to carry out all essential spending.

7.1.4   There are still some funding issues which need to be addressed in the longer term, and other funding options will be considered in future updates of the Capital Strategy. The Capital Strategy gives further detail on the allocation of capital funding.

7.2   Interaction between Revenue and Capital Spending

7.1.1   Many capital schemes will impact on the revenue budget. This may be due to ongoing maintenance costs which are incurred following the acquisition of an asset, or may be related to the cost of repaying loans taken out to finance capital expenditure, or the loss of investment income if internal loans are used.

7.1.2   In assessing bids put forward for inclusion in the capital programme, the impact of capital spending on the revenue budget is examined.

8   Efficiency Agenda

8.1   All councils are required to demonstrate Value for Money. The Council doesn't set targets for individual services, as it recognises that efficiency savings can take longer to generate in some services.

8.2   Efficiencies are sought in a variety of ways:
- Value for Money reviews on individual services;
- Systems thinking reviews on individual services;
- a procurement group meets to monitor the target set for procurement savings, and ensures that action is taken corporately;
- a number of actions are agreed each year as part of the budget process, which require specific attention.

9   Treasury Management

9.1   This is the management of the Local Authority's cash flows, its banking, money market and capital market transactions. The Council has adopted a Treasury Management and Annual Investment Strategy, which sets out a framework for its activity in these areas. The current Strategy aims to minimise risk by putting greater emphasis on security and liquidity. Once risk has been minimised, the Council will maximise performance wherever possible, within existing controls.

9.2   As highlighted in the Treasury Management Strategy, the Council has a borrowing requirement of £11 million. The Council chose to repay all of its external loans in 2003/04, in order to take advantage of some transitional arrangements on capital receipts, which increased the resources available for capital spending. To do this, the external borrowing was replaced by an

internal loan from earmarked reserves held for future revenue and capital spending. As these resources are used, there will be a need to borrow.

9.3 In addition to the £11 million mentioned above, the Council will have a further borrowing requirement of around £65 million in relation to its housing stock, as mentioned in paragraph 6.1.3. The government have imposed a cap on an authority's total housing borrowing, of the settlement debt level plus any prudential borrowing taken out to fund new housing at 31 March 2012.

9.4 The Council has internal funds in excess of those needed to cover the internal loans. These are invested on the money market and generate investment income for both the General Fund and the Housing Revenue Account. The cash fund portfolio is managed internally, with advice from Sector, the Council's treasury management consultants. This will give only limited opportunity for internal borrowing relating to the £65 million, so the Council will need to borrow externally.

10   Earmarked Reserves

10.1 The Council holds a number of reserves that have been earmarked for specific revenue and capital purposes. Earmarked reserves are used to hold:
- Funding received in advance for specific initiatives, where the timing of expenditure goes across financial years eg. Community Development schemes
- Funding set aside for specific services, where the timing of demand can vary eg. Housing Repairs, Parish Plans
- Funding set aside for the future replacement of assets eg. Play Areas
- Funding set aside for capital spending, either from revenue provision, contributions received from third parties or receipts from the sale of assets
- Some funds are held which would enable the Council to manage specific risks. For example, the VAT reserve would cover the VAT which could not be recovered if the Council exceeded its exempt limit in a particular year. This would allow corrective action to be taken in a planned way.
- In some instances, it is not possible for services to spend the budget allocation in the year. For example, where staffing vacancies result in work being delayed. Where this relates to a particular piece of work which is still required, the funding is set aside for future use

10.2 For the majority of earmarked reserves, there is little or no risk to the financial standing of the Council. Reserves set up to manage timing differences or hold funding received in advance match expenditure to the income available. Reserves held to allow risks to the base budget to be managed are estimated using the best available information.

11   Risk Management

11.1 The Council has a Risk Management strategy in place which it uses to manage all of its risks, including financial risks.

11.2   The financial risks of individual services are considered during the budget preparation process, and are considered by Service Boards, along with the related budgets. A full risk assessment is undertaken annually on the level of balances for the General Fund as a whole, and the Council consider this in setting the overall budget and council tax. A risk assessment for the Housing Revenue Account is also prepared and considered at the same time as the budgets. This ensures that all current issues are included.

11.3   To assist with highlighting the impact of the potential risks, the major risks will be assessed on differing risk levels, and these are included in reports to Board.

EXPENDITURE FORECAST

	2011/12 Revised £000	2012/13 £000	2013/14 £000	2014/15 £000	2015/16 £000
Base Budget	**10,197**	**10,370**	**10,734**	**10,929**	**11,257**
Investment Income	(110)	(150)	(240)	(270)	(300)
Financing Adjustment	(797)	(838)	(869)	(873)	(864)
Revenue Contribution to Capital Spending	130	130	130	130	130
Savings 12/13		(563)	(563)	(563)	(563)
Savings 13/14			(420)	(420)	(420)
Savings 14/15				(410)	(410)
Savings 15/16					(300)
Net Expenditure	**9,420**	**8,949**	**8,772**	**8,523**	**8,530**
Council Tax	(4,425)	(4,536)	(4,649)	(4,766)	(4,885)
Special Grant	(111)	(111)	(111)	(111)	(111)
External funding	(4,327)	(3,735)	(3,588)	(3,222)	(3,286)
Collection Fund surplus	(73)	(50)	(50)	(50)	(50)
Use of Balances	**484**	**517**	**374**	**374**	**198**
Balance Cfwd	**2,705**	**2,188**	**1,814**	**1,440**	**1,242**

Potential Use of Balances

Best Case

	2011/12 Revised £000	2012/13 Estimate £000	2013/14 Estimate £000	2014/15 Estimate £000	2015/16 Estimate £000
Estimated Use of Balance	**484**	**517**	**374**	**374**	**198**
RSG – damping allowance continues			(110)	(254)	(260)
Improvement in service income			(30)	(30)	(30)
Improvement of 1% in investment rates		(79)	(84)	(80)	(72)
Potential Use of / (Cont to) Balances	**484**	**438**	**150**	**10**	**(164)**
Balances at Year End	**2,705**	**2,267**	**2,117**	**2,107**	**2,271**

Worst Case

	2011/12 Revised £000	2012/13 Estimate £000	2013/14 Estimate £000	2014/15 Estimate £000	2015/16 Estimate £000
Estimated Use of Balance	**484**	**517**	**374**	**374**	**198**
Reduction in assumed RSG of 2% from 2013/14			72	128	192
Pay award of 2% in 2012/13		95	97	99	101
Increase of 1% in pay award in 13/14 onwards			72	74	75
Further reduction in service income		30	30	30	30
Reduction of 0.5% in investment rates		39	42	40	36
Special grant ends in 2014/15					111
Inflation is 1% higher than assumed		98	97	95	96
Potential Use of / (Cont to) Balances	**484**	**779**	**784**	**840**	**839**
Balances at Year End	**2,705**	**1,926**	**1,142**	**302**	**(537)**

Executive Board

13 September 2011

Report of the   Earmarked Reserves 2011/12
Deputy Chief Executive

1   **Summary**

1.1   The Council holds a number of earmarked reserves to meet future
        expenditure. This report reviews the balances on these reserves at 31 March
        2011, in line with the resolution of the last meeting of the Council.

Recommendation to the Council

a   **To move earmarked reserves of £111,985.81 into the General
        Fund balance, £100,000 into a one-off initiative reserve and
        £5,765.50 into the Housing Revenue Account balance; and**

b   **To approve the remaining reserves held at 31 March 2011
        (detailed in Appendix A) and the planned use of reserves in
        2011/12.**

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2   **Consultation**

2.1   **Portfolio Holder, Shadow Portfolio Holder and Ward Members**

2.1.1   Councillors Forwood and Lea have been informally consulted and any
        response will be verbally updated at the meeting.

3   **Introduction**

3.1   Earmarked reserves held at 31 March 2011 were reported to the last meeting
        of this Board in June. At Full Council, it was resolved to defer a decision on
        the proposed use of reserves in 2011/12, to allow all earmarked reserves to
        be reviewed in the light of other reviews being proposed.

4   **Review of Earmarked Reserves**

4.1   The report considered at the June meeting is attached at Appendix A for
        information. Following the decision of Full Council, all earmarked reserves
        held have been re-assessed with Assistant Directors / Management Team.

4.2   The majority of reserves are still required and in many cases are being used
        to support programmes of work agreed as part of Service Plans and the

Corporate Plan. However a small number of reserves have been identified where the need for the reserve has diminished. These amount to £217,751 in total and are shown in the table below:

Reserve	£000
Community and Economic Development Projects	25
Flood Recovery Fund	5
Smoke Free Grant	21
Benefits	11
External Funding Received for Specific Activities	**62**
Environmental Issues	10
Business Improvement Districts	17
Other (flexible working fund)	8
Approved Growth (not spent)	**35**
Community and Economic Development schemes	4
Maintenance of Council Assets	9
Cover for Frozen Posts	19
Audit	38
Senior Management Restructure	33
Miscellaneous	17
Other	**120**
Reserves No Longer Required - Total	**217**

5   **Report Implications**

5.1   **Finance and Value for Money Implications**

5.1.1   Earmarked reserves hold one-off funding to support future spending. The reserves no longer required can be transferred back into general balances. One of the earmarked reserves relates to the Housing Revenue Account, so £5,765.50 would be transferred to housing balances. Instead of transferring the remaining £211,985.81 in full into General Fund balances, some could be moved into a reserve earmarked for one off initiatives in service areas such as parks and open spaces, or community safety. Setting aside a sum of £100,000 for one off initiatives for example, would still allow General Fund balances to be increased by £111,985.81.

5.2   **Risk Management Implications**

5.2.1   With 'approved growth not yet spent' and 'other' earmarked reserves, there is no risk involved in transferring the funding back into general balances. Reserves holding 'external funding received for specific activity' have been assessed in light of any grant conditions attached, and it is considered that there is little risk involved in transferring the funds proposed into general balances.

5.3 **Links to Council's Priorities**

5.3.1 The use of reserves assists the Council on maximising its use of resources.

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

Background Paper No	Author	Nature of Background Paper	Date

Executive Board

27 June 2011

Report of the   **Earmarked Reserves 2011/12**
Deputy Chief Executive

1   **Summary**

1.1   The Council holds a number of reserves to meet future expenditure, other than the General Fund and Housing Revenue Fund. This report informs Members of the balances on these reserves at 31 March 2011, subject to audit, and updates the proposed use of reserves in 2011/12.

Recommendation to the Council

To approve the reserves held at 31 March 2011 and the planned use of reserves in 2011/12.

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2   **Consultation**

2.1   **Portfolio Holder, Shadow Portfolio Holder and Ward Members**

2.1.1   Councillors Forwood and Lea have been informally consulted and any response will be verbally updated at the meeting.

3   **The Purpose of Holding Reserves and Funds**

3.1   The Council holds a number of reserves that have been earmarked for specific revenue and capital purposes and at 31 March 2011 these totalled £5.732 million. These reserves are held for a number of purposes, and in broad terms can be split into the following categories:

- External funding which has been received for specific activities, which has not been spent in the year of receipt;

- Growth approved, which has not yet been spent;

- Resources set aside as contingency sums;

- Resources set aside for general capital spending or the replacement of specific assets; and

- Funding earmarked for other reasons, such as timing differences, to smooth expenditure between years, or to progress specific projects.

···   Appendix A sets out in more detail the purpose and amount of these reserves held.

4   **Movement on Revenue Reserves in 2010/11**

4.1 During 2010/11, expenditure of £4.611 million was funded from revenue reserves, whilst income of £5.573 million went into reserves. In Appendix A the reserves are grouped into the categories highlighted in paragraph 3.1, and each of these categories is dealt with below.

4.2 The major use of 'reserves holding external funding for specific activities' related to the use of Planning Delivery Grant to cover existing staff commitments. Some other spending related to work around benefit take up and financial inclusion, the progression of community development schemes, homelessness and work on maintaining open space at Dosthill. Grant and other external funding going into these reserves amounted to £181,671 at the end of the year, with the majority relating to funding obtained for benefit work and community initiatives. Other funding set aside related to risk management work and the establishment of local nature reserves.

4.3 There was little use of reserves from 'approved growth not yet spent'. Demand for further work on parish plans has not materialised to date, and work relating to the Borough Care service is still at the review stage. However work was undertaken at Fillongley to resolve land drainage issues. During the year, income was put into a reserve for use in providing match funding for bids to be made under the Leader project. Changes to the Leader process has delayed the preparation of bids.

4.4 There has been limited movement on contingency sums held within reserves. There has been a small amount of funding used from the concessionary fares and contaminated land contingencies. As a result of a change in VAT regulations, there is a possibility that some service users may apply to the Council for a refund of VAT in relation to the land charge service. Some funding has been received from central government towards these potential claims.

4.5 Within 'Other reserves', spending amounted to £3.310 million. Of this £2.897 million related to spending on repairs and maintenance on the Council's housing stock. Other significant spending related to the resolution of an electricity bill, grounds maintenance, allotments, play areas and leisure equipment. A further use of reserves related to timing differences on the payment and use of refuse vehicles. Contributions into these reserves amounted to £3.040 million in total. Again the largest element of this related to the annual contribution of £2.835 million going into the Housing Repairs Fund. Other amounts set aside into reserves related to repayments into the New Initiatives from services, funding for Area Forum Projects where a

commitment has been given to local community groups, and contributions into the sickness, building maintenance and training funds.

5   Movement on Capital Reserves in 2010/11

5.1   During the year, income of £2.285 million went into reserves held for capital purposes. The majority of this, £1.732 million, related to the Major Repairs Allowance. Grant funding of £0.123 million was received from the regional housing pot, for use in improving private sector properties. The opportunity has been taken to set aside some of the under spend from the General Fund for future capital projects. Approved funding has also been set aside from revenue for the future replacement of General Fund assets.

5.2   Within the year reserves of £0.993 million were used, with £0.675 million from the Major Repairs Allowance used to maintain council housing and £0.156 million funding from the Regional Housing Pot for private sector properties. Other use related to reserves that had previously been set aside from revenue to fund capital schemes.

6   Proposed Use of Reserves in 2011/12

6.1   The use of some reserves in the current year is unknown, due to uncertainty over the outcome and timing of some projects, for example, the work on environmental issues and the Business Improvement District.

6.2   However, the main expenditure expected to be funded from reserves in the current year is indicated below:

- Expenditure on the Council's housing stock, using the Housing Repairs Reserve (revenue)

- Projects will be progressed where specific funding has been received, eg homelessness, planning delivery grant and the maintenance of land assets

- The training reserve held for Member training may be needed to supplement the annual budget provision, depending on the development programme compiled

- Funding set aside for grounds maintenance will be used to progress the Green Space Strategy action plan, including work on areas such as allotments and nature

- Some reserves held for community projects, such as the BOB bus, health and wellbeing and crime prevention will be utilised.

- Specialist employment advice and external investigators will be used, if necessary, to progress Human Resources issues

- Work on the Local Development Framework will progress in line with the approved timetable

- The insurance and sickness reserves will be used as and when they are needed

- Capital reserves will be used to support the agreed capital programme

- Bids on community schemes will be made to the Leader project during the year

7 Assessment of Risk when Establishing Earmarked Reserves

7.1 For the majority of earmarked reserves, there is little or no risk to the financial standing of the Council. Those established to manage the receipt of grant are generally clear-cut, as expenditure is matched very specifically to the income available. It has been recognised that an exception to this is Planning Delivery Grant, due to the Council's decision to commit to ongoing expenditure before actual amounts of grant were known. However, this is being managed with grant retained towards future commitments, and some reduction in staffing having already taken place.

7.2 Reserves set up to manage timing differences similarly lead to little risk. Funds set aside for expected shortfalls are used to manage the risk to the base budget and are estimated using the best available information and with a view to the anticipated timeframe involved. For example, the VAT reserve held would cover the VAT that could not be recovered, should the Authority exceed its exempt limit, for one year. This would allow corrective action to be taken in a planned way.

7.3 The use of the HR reserve is monitored throughout the year, due to some significant spend in the past. However there has been no use of this reserve in 2010/11. The reserve held to cover loss of benefit subsidy has been retained in case it is required following the settlement of the 2010/11 claim.

8 Report Implications

8.1 Finance and Value for Money Implications

8.1.1 Although the Council holds a number of additional reserves, these are earmarked for particular purposes. Some resources have been set aside to deal with new initiatives, but these will only provide one-off funding for schemes.

8.2 Safer Communities Implications

8.2.1 Funds held will contribute to meeting the objectives of the Council's Crime and Disorder Strategy.

8.3   **Environment and Sustainability Implications**

8.3.1 These funds contribute to the ongoing provision of Council services, but are one-off contributions to meet the costs of expenditure incurred.

8.4   **Risk Management Implications**

8.4.1 The Council assesses the risks involved in setting up any earmarked reserves, and agrees action, where appropriate.

8.5   **Links to Council's Priorities**

8.5.1 The use of reserves assists the Council on maximising its use of resources.

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

Background Paper No	Author	Nature of Background Paper	Date

EARMARKED RESERVES FOR REVENUE PURPOSES

EXTERNAL FUNDING RECEIVED FOR SPECIFIC ACTIVITIES

Purpose of Reserve	Balance March 2010 £000	Cont'n to Reserve	Use of Reserve	Balance March 2011 £000
Community and Economic Development Projects – funding received for sport, art, health, crime and disorder, economic development and other community projects.	262	69	38	293
Planning Delivery Grant – Grant received from the government towards the provision of the planning service, which is earmarked to fund ongoing staff commitments.	196		156	40
Homelessness – towards homeless schemes within the Borough	75		4	71
Flood Recovery – to be used for the alleviation of flood damage	6		1	5
Environmental Sustainability - received towards work on climate change	55			55
Smoke Free Projects – to assist the implementation of smoke free legislation	21			21
Risk Management – an amount received from Zurich Municipal for risk management initiatives	23	20	4	39
Benefits – for benefits initiatives and to promote anti fraud campaigns	176	58	72	162
Maintenance of Assets – commuted sums received towards the maintenance of open space	37		6	31
RIEP grant – to be used for system review work	-	7		7
Local Nature Reserve – funding to progress the establishment for Local Reserves	-	27	-	27
Other – a third edition of North Talk and funding for the Building Control Partnership	9		1	8
TOTAL	**860**	**181**	**282**	**759**

APPROVED GROWTH NOT YET SPENT

Purpose of Reserve	Balance March 2010 £000	Contribution to Reserve	Use of Reserve	Balance March 2011 £000
Leader Project – match funding set aside for use once the project is underway	25	25		50
Borough Care - one-off funding approved for the expansion of the service, not yet used.	35			35
Parish Plans - support to enable parishes to produce their own plans. Progress on this scheme has been slower than anticipated.	25			25
Environmental Issues – approved funding which hasn't yet been used, due to lack of capacity / the need to identify a specific agenda	40			40
Business Improvement Districts - Funding set aside to cover a Business Improvement District scheme, if there is sufficient interest from the business community.	17			17
Other – approved for land drainage work, flexible working and a wellness centre.	22		12	10
TOTAL	**164**	**25**	**12**	**177**

CONTINGENCIES

Purpose of Reserve	Balance March 2010 £000	Contribution to Reserve	Use of Reserve	Balance March 2011 £000
Contaminated Land – in the event that the Council has to deal with contaminated land issues, there is no provision in the base budget. This contingency would enable some work to take place.	69		9	60
VAT – If the Council goes above its de minimis level, it will not be able to reclaim all its VAT. The reserve has meant that provision is not needed in the annual revenue budget.	50			50
Emergency Planning – under-spends against the annual budget have been set aside to build up a small contingency.	7	7		14
Benefits – this provides cover in case the Council has to repay a proportion of the grant income received towards benefit payments.	133			133
Concessionary Fares – in case the outcome of the judicial review is unfavourable.	83		5	78
Land Charge Refunds – following a change in VAT rules, there may be a requirement to repay some VAT to residents.	-	35		35
TOTAL	**342**	**42**	**14**	**370**

Purpose of Reserve	Balance March 2010 £000	Contribution to Reserve	Use of Reserve	Balance March 2011 £000
Local Development Framework –Planning fee income rose significantly in 2006/07 to support additional spending on planning and the Local Development Framework, in place of the PDG grant previously received. Some of this income was set aside to cover future expenditure. A revised grant scheme from 2008/09 onwards, rewards the Council for having completed specified pieces of work, and this has enabled the contribution in the year.	441		2	439
Housing Repairs Fund – The Council undertakes general repairs and maintenance on its housing stock and this fund contributes to the costs of these repairs.	176	2,835	2,897	114
New Initiatives – This reserve is to provide 'pump priming' for the initial costs that arise from new initiatives, which will ultimately reduce existing costs. Savings achieved will be used to repay the contribution from the reserve, so that other services will have similar opportunities to implement new schemes.	267	63	63	267
Community and Economic Development Schemes - funding set aside for social inclusion schemes involving sport, art and health. Also to be used to complete Crime and Disorder initiatives such as Communities Against Drugs.	45		20	25
Green Space Strategy – Some funding set aside to enable tree works and a review of the grounds maintenance service. The remainder to progress actions identified within the Green Space Strategy action plan.	211	33	69	175
Leasing – Leases for a number of vehicles were only finalised after the vehicles were already in use. This meant that charges included within the revenue account in the first year of operation covered a different period to the actual leasing payment made. The difference was set-aside in this reserve, to cover the outstanding costs at the end of the lease, arising from the timing difference.	124		85	39
Maintenance of Council Assets – the Council has to carry out revenue repairs and maintenance on an ongoing basis to its property, vehicles and other facilities. Funds have been set aside to provide funding for unexpected and non-regular repairs.	45	20	5	60
Cover for Frozen Posts – in light of the current financial strategy, the decision was taken to freeze vacant posts, unless services could demonstrate the need for immediate replacement. However if the decision to freeze posts causes unexpected issues, there may be a need to bring in at least temporary cover.	122		3	119
Purpose of Reserve	**Balance March**	**Contribution to Reserve**	**Use of Reserve**	**Balance March**

	2010 £000			2011 £000
Audit – As the Authority does not have the capacity in house to cover computer audit work, provision has been set aside to allow the employment of external auditors. In addition, the reserve includes provision to cover current audit arrangements where payments are still outstanding.	38			38
Training – The maintenance of this reserve has allowed fluctuations in annual training to be managed, so that training and development is provided when required rather than when funding is available.	56	12		68
Consultation – There is continuing pressure to consult with residents of the Borough and service users. The requirement to consult varies from year to year and the reserve allows fluctuations between years to be managed, without affecting other revenue spending.	43			43
Amenity Cleaning – Additional provision approved for this service has not been spent to date, and has been set-aside to cover future work.	49			49
Electricity – to allow the increase needed in the base budget for utility costs to be introduced over a period of time	71		71	-
Senior Management Restructure – to fund one-off costs arising from the restructure.	33			33
Recycling – to cover additional costs that may arise from some recycling activities	43			43
Human Resources – funding to cover the cost of employment law specialists and external investigators is needed on an ad hoc basis.	50			50
Area Forums – Funds held by area forums, which have not yet been allocated.	6	45		51
Insurance – to cover the additional excess costs borne by the Council, as a result of increasing the levels, to take advantage of lower premiums	40			40
Miscellaneous – This covers a number of small reserves which do not fall into the other categories, including the sickness fund, flexible working, clean neighbourhoods	160	32	55	137
Housing Act Advances – income set aside to cover the costs of administering housing act advances over the full life of the mortgages approved	55		40	15
TOTAL	**2,075**	**3,040**	**3,310**	**1,805**

EARMARKED RESERVES FOR CAPITAL PURPOSES

CAPITAL SPENDING / ASSET REPLACEMENT

Purpose of Reserve	Balance March 2010 £000	Contribution to Reserve	Use of Reserve	Balance March 2011 £000
GF Capital – this reserve is used to fund capital expenditure on General Fund schemes, eg works on Council buildings or the replacement of software.	617	330	6	941
Play Area Replacement – revenue funding is set aside each year, to ensure there are sufficient resources to replace the refurbished play areas in the future	103	37		140
Equipment Replacement - This sum has been earmarked for the future replacement of PCs, leisure equipment and CCTV equipment.	165	36	106	95
Vehicle Replacement – some funding has been set aside for the replacement of the refuse vehicles originally purchased by WCC	60	15		75
Pool Reserve (Lottery) – as part of the award of lottery funding towards the refurbishment of Atherstone Pool, the Council agreed to set aside some funds on an annual basis towards the replacement of the plant within the facility	86	12		98
Regional Housing Pot – external funding has been received from the Government Office towards housing schemes within the Borough, such as Decent Homes work on private sector properties	248	123	156	215
Housing Software - additional funding was approved for further modules on the IBS system and for choice based lettings software	50		50	-
Major Repairs Reserve – The Government has made a Major Repairs Allowance available to the Council which is ring fenced to fund capital expenditure on the Council's Housing Stock.	-	1,732	675	1,057
TOTAL	**1,329**	**2,285**	**993**	**2,621**

Executive Board

13 September 2011

Report of the Chief Executive

Review of Parliamentary Constituency Boundaries in England

1   **Summary**

1.1   The purpose of this report is to consider the proposals published by the Boundary Commission for England (BCE) in respect of its initial proposals for the review of Parliamentary Constituency Boundaries in England.

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┌─────────────────────────────────────────────────────────┐
│  Recommendation to the Council                            │
│                                                           │
│  That the Chief Executive, in consultation with the Leader of the │
│  Council and the Leader of the Opposition, be authorised to │
│  respond to the initial proposals from the Boundary       │
│  Commission for England.                                  │
└─────────────────────────────────────────────────────────┘
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2   **Background**

2.1   The BCE is an independent and impartial non-departmental public body which is responsible for reviewing Parliamentary constituency boundaries in England.

2.2   The BCE has the task of periodically reviewing all the Parliamentary constituencies in England. It is currently conducting a review on the basis of new rules laid down by Parliament. The new rules involve a significant reduction in the number of constituencies in England and require constituencies to comply with new parameters so far as the number of electors in each constituency is concerned.

2.3.   The review process is heavily informed by public consultation. The BCE develops and publishes initial proposals for constituencies across England. Representations from the public about these proposals are then taken both in writing and at public hearings in each region of England. In light of all the views expressed about the initial proposals, the BCE may revise them and then conduct a further round of written consultation on the revised proposals.

2.4   The BCE is required to make a formal report to the Government by 1 October 2013, recommending any changes that it believes are appropriate to the distribution, size, shape, name or designation of constituencies in England.

2.5   The Government will turn the recommendations of the BCE into draft legislation, which is then presented to Parliament. If Parliament approves the legislation, the recommended changes will be implemented for the next General Election after the date on which the legislation is passed.

3   **Publication of initial proposals**

3.1   When the BCE has decided on its initial proposals, it publishes information on its website (including a series of reports to explain the proposals), together with detailed information about how and when views on those proposals can be submitted. At the same time, it sends hard copies of the proposals to various local 'places of deposit', where the public may view the proposals.

3.2   In addition to the initial proposals and its reports on them, in order to help the public better to understand the proposals, the BCE also places on deposit and on its website detailed maps showing, among other information, the name, designation and boundary of each proposed constituency.

3.3   To publicise the initial proposals, the BCE also sends copies of its proposals to all interested parties (for example, local authorities, MPs and academics). Local authorities and the House of Commons library also receive copies of the detailed maps. In advance of the information being sent out, the BCE also issues a press release about the initial proposals, the representation period and the subsequent procedures of a review.

3.4   For the 2013 Review, the BCE plans to publish its initial proposals on **Tuesday 13 September 2011**. In view of the timescales it may not possible to give due consideration to the initial proposals from the BCE by the time of this meeting and it is therefore recommended that the Chief Executive, in consultation with the Leader of the Council and the Leader of the Opposition, be authorised to respond to the initial proposals.

4   **Statutory Time Framework**

4.1   On Tuesday 13 September – publication of initial proposals by the   BCE.

4.2   12 September to end November 2011 – initial consultation process via written representations or public hearing (4 hearings are scheduled for the West Midlands Region).

4.3   Four week secondary consultation period as soon as possible after end of November 2011 – this is on all the representations received (there are no more public hearings at this stage).

4.4   BCE then publishes a notice stating whether or not revisions have been made to the initial proposals (if revisions are made there is a further eight week period for written representations to be made to the BCE)

4.5   BCE publishes final recommendations and report to lay before Parliament (to be published by 1 October 2011).

5   **Statutory Electorate Range**

5.1   Apart from four specified exceptions – every constituency must have an electorate that is no less than 95% and no more than 105% of the 'UK electoral quota'. The UK electoral quota for the 2013 Review is, to the nearest whole number, 76,641.

5.2   Accordingly, every constituency in England must have an electorate as at the review date that is no smaller than 72,810 and no larger than 80,473.

6   **Review Guide**

6.1   A copy of the BCE review guide has been placed in each Group Room.

7   **Report Implications**

7.1   **Legal Implications**

7.1.1   The Parliamentary Constituencies Act 1986 (as amended) sets out the rules governing the review.

        The Contact Officer for this report is David Harris (719222).

                        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
1	BCE	Review Guide	August 2011

Report of the Assistant Chief Executive and Solicitor to the Council

Changes to Boards and the Special Sub-Group

1   Summary

1.1   The report seeks the Board's approval to changes in the Constitution and terms of reference of the Policy Boards and the Special Sub-Group and the creation of a Resources Sub-Committee.

. . .

> **Recommendation to the Council**
>
> **a   That the number of Members on the Executive, Resources and Community and Environment Boards be reduced to nine;**
>
> **b   That substitutes for all Boards be allowed in accordance with the scheme set out in revised Standing Order 23 in the Appendices to this report;**
>
> **c   That responsibility for Human Resource matters be given to the Special Sub-Group;**
>
> **d   That Appeals Panels consist of either the Chairman of the Special Sub-Group or the Chairman of the Resources Board together with three other Members from either the Special Sub-Group or the Resources Board and that all the Council's policies that refer to Appeals Panels or similar be amended accordingly;**
>
> **e   That a Sub-Committee consisting of 5 Members be appointed with delegated powers over Housing matters as set out in the attached Appendix;**
>
> **f   That the changes to the Constitution detailed in the Appendices to this report be approved; and**
>
> **g   That the above changes be reviewed by a cross party task and finish group with a view to evaluating whether other forms of decision making structures would be more effective.**

2   **Report**

2.1   Leading Members have been discussing with Officers a number of options for making the Council's decision making process more efficient. In order for Members to attend fewer but more focussed meetings a number of suggestions are made. These are summarised in the recommendations above. A number of other measures have been suggested and are considered elsewhere on the agenda. At its meeting on 22 August 2011 the Special Sub-Group considered this report and endorsed the recommendations.

2.2   The rationale for reducing the number of Members on the Policy Boards is to reduce the number of meetings that Members need to attend and allow them instead to focus in more detail on their remaining responsibilities.

2.3   The recommendation to allow substitutes will help to ensure that no further reductions to the numbers of Members involved in particular decisions occurs. However the scheme detailed in the Appendices is to give some formality and discipline to the system, so that substitutions can be arranged in good time.

2.4   Leading Members are of the view that moving Human Resource matters to the Special Sub-Group will allow a deeper consideration of this important element of the Council's work. At the moment our Human Resource Policies provide that any Members Appeal Panels consist of the Chairman and Vice-Chairman of the Resources Board together with two other Members of the Resources Board. Given the proposed changes it is suggested that this be changed to either the Chairman of the Special Sub-Group or the Chairman of the Resources Board together with three other Members from either the Special Sub-Group or the Resources Board. For the avoidance of doubt there is nothing to stop both Chairmen being on the Panel.

2.5   Likewise, a dedicated Housing Sub-Committee will allow for more consistent study of this work. It is suggested that this Sub-Committee has formal delegated powers so that any decisions made need only then be reported back for information to the Resources Board. This will ensure that these matters are not decided on twice, with the resultant waste of Member and Officer time.

2.6   The overall intention however is for these changes to be temporary whilst a wider review of our governance and decision making arrangements are carried out.

        The Contact Officers for this report are Steve Maxey (719438) or Jerry Hutchinson (719216).

STANDING ORDER No. 23
Appointment of Boards, Committees, Panels, Forums and Portfolio Holders

23. (1) The Council will, at its Annual Meeting, appoint such Boards, Committees, Panels, Forums and Portfolio Holders and Substitutes as it is required to appoint under any statute or by virtue of its Constitution.

(2) The Council will, at the Annual Meeting, decide how many Members will serve on each of the above bodies it appoints for the forthcoming year and will appoint their Chairmen and Vice-Chairmen (with the exception of the Standards Committee which shall appoint its own Chairmen and Vice-Chairmen) together with other Members after considering recommendations from the Leader of the Council and the Leaders of the other political groups on the Council. The Council, on the recommendation of these Members, will also appoint the Portfolio Holders

(3) The Council can, at any time:-

(a) appoint other Boards, Committees, Panels, Forums, other bodies or Portfolio Holders; or

(b) dissolve or alter the Membership including Substitutes of any Board, Committee, Panel or Forum it appoints or change a Portfolio Holder appointment.

(4) A body can appoint, from its own Members, Panels, Sub-Committees or Task and Finish Groups for purposes specified by the appointing body within its terms of reference. When such a Panel, Sub-Committee or Task and Finish Group is appointed, the Chairman and Vice-Chairman of the appointing body are automatically Members of the Panel, Sub-Committee or Task and Finish Group concerned and are, respectively, its Chairman and Vice-Chairman, unless they inform the Chief Executive to the contrary.

(5) The minutes of a Panel, Sub-Committee or Task and Finish Group must be reported to its parent body for approval or, if it has delegated powers, for information.

(6) No Member's term of office on one of these bodies will extend beyond the date of the next Annual Meeting of the Council, with the exception of the Independent Members of the Standards Committee who may be appointed for periods of longer than one year.

(7)   A resignation of a Member from a Board, Committee, Panel, Forum, Sub-Committee or Task and Finish Group will take effect when written notice is received by the Chief Executive.

(8)   Casual vacancies on Boards, Committees, Panels or Forums caused by death, resignation or disqualification will be filled by the Council. Casual vacancies on bodies appointed under Standing Order No. 23(4) will be filled by the parent body.

(9)   Those Members nominated as Substitutes in accordance with this Standing Order may attend any meeting of the Board, Committee, Panel, Forum, Sub-Committee or Task and Finish Group in the absence of any other Members of that Board, Committee, Panel, Forum, Sub-Committee or Task and Finish Group provided that 2 working days notice has been given to the Chief Executive. That notice may be given by the Group Leader, the Member or the Substitute. Any Member acting as a Substitutes shall have the same powers as, and shall in all other regards be counted as, a Member of the Board, Committee, Panel, Forum, Sub-Committee or Task and Finish Group

SPECIAL SUB-GROUP

A   Terms of Reference

1.   Senior staff appointments.

2.   Single Status issues.

3.   North Warwickshire Accommodation Project.

4.   Emergency Planning.

5.   Long Term Sickness Absence.

6.   Housing Partnership Procurement.

7.   Variations to the staffing establishment below Assistant Director/Assistant Chief Executive level.

8.   Recruitment, training, welfare and pay and conditions of service of all employees, (except the Chief Executive, Directors, Assistant Directors and the Assistant Chief Executives) including retirement; redundancy; severance; superannuation and compensation arrangements; health and safety; and grievance and disciplinary matters.

9.   Any other issues may be delegated to it from time to time.

B   Powers Delegated to the Board

All matters listed under heading A above.

C   Powers Delegated to Officers

Chief Executive

(a)   The appointment and dismissal of, and taking disciplinary action against any member of the Council's staff, other than the Head of the Authority's Paid Service, the Directors and Assistant Directors of the Council, and its Assistant Chief Executive. These functions are required to be incorporated in the Council's Constitutional Standing Orders by virtue of Part IV of Schedule 1 to the Local Authorities (Standing Orders) (England) Regulations 2001, which came into effect on 7 November 2001.

N.B. These functions may be discharged by an Officer nominated by the Chief Executive.

(b)   To make such temporary appointments as may from time to time be necessary.

(c)   To determine applications received under the Early Retirement/Severance Scheme, following consultations with the Leader of the Council and Chairman of the Resources Board.

D   Powers Delegated to Area Forums

None.

THE RESOURCES BOARD

A   Main Terms of Reference

1   Develop strategies and policies, within its terms of reference, and put them to the Executive Board for consideration and submission to the Council for approval (the Scrutiny Board must be advised of strategies and policies which are being developed, so that it can decide which of these it wishes to consider. The Scrutiny Board will then put its views to the Executive Board prior to that Board's submission to the Council).

2   Managing the Housing Revenue account and receiving monitoring recommendations from the Housing sub-committee. Managing and monitoring the Council's other budget and overall financial situation including requests for supplementary estimates.

3   Revenues, non-domestic rating and Council Tax matters.

4   Rent Allowances; and Housing and Council Tax Benefits.

5   Concessionary Fares.

6   Insurance and Risk Management.

7   Members' Allowances, including reports from the Independent Remuneration Panel.

8   Applications for financial assistance, other than those coming within the purview of the Community and Environment Board.

9   Maintenance and management of the Council's land and property holdings, facilities and assets, including:

   (a)   operational buildings including The Council House, Old Bank House and the Sheepy Road Depot

   (b)   land holdings and the Property Portfolio

   (c)   industrial, commercial and shop properties

   (d)   Car parks, bus shelters and public conveniences

   (e)   the vehicle fleet

   (f)   property which does not come under the control of any other Board

10   Member Support, Development and Training.

11   Mayoral facilities, support and functions.

12   Central/Internal Support Services (ie, Finance; Internal Audit; Information and Communications Technology; Legal and Estates; Policy Support; Democratic Services; and Member Support Services).

13   E-Government Issues

14   Submission to the Council of an annual report on the work undertaken by the Board during the year.

15   To receive the annual report of the Principal Auditor on the Corporate Counter-Fraud Strategy.

        .
17   .

16   The Borough Care Community Alarm and Visiting Service and its associated areas of activity, including elderly care issues.

17   Authority to make arrangements to undertake call monitoring for individuals in the Borough, who do not qualify for the full Borough Care Service, and in other areas (on behalf of the relevant local authorities and other bodies); and, in consultation with the Assistant Director (Finance and Human Resources), to determine the appropriate weekly charge from time to time.

18   The Council's Out of Hours Emergency Response Service.

19   Management and development of Closed Circuit Television Schemes.

20   Animal Welfare, control of Dogs and pest control.

21   Local Land Charges

B   Powers Delegated to the Board

        All matters coming within its terms of reference, with the exception of Members' Allowances, and subject only to the call-in powers of the Scrutiny Board and the exceptions mentioned in paragraph 2 of the introduction to this part of the Constitution.

C   Powers Delegated to the Housing Sub-committee

        (a)   maintenance of the Council's housing stock - Council estates

(b)　　monitoring of the Housing Revenue Account and making any recommendations on its management to the Resources Board

(c)　　Council housing management issues including homelessness, tenancy matters, rent arrears and possession proceedings

(d)　　Private sector housing functions, including the renovation, repair and improvement of individual properties; closure and demolition of unfit properties; and harassment and unlawful eviction cases under the Protection from Eviction Act, 1977.

(e)　　Partnerships and relationships with Registered Social Landlords and other housing providers, including issues of housing need and supply

D　Powers Delegated to Officers

(i)　**Chief Executive, Deputy Chief Executive, Assistant Chief Executive and Solicitor to the Council, Assistant Chief Executive (Community Services) and the Assistant Directors.**

To agree to the attendance of employees and Members on training courses (including day and block release courses) in accordance with the Council's approved Training budget.

(ii)　**Chief Executive**

(a)　　Authority to administer the Staff Car Scheme.

(b)　　To authorise the granting of car purchase loans within the Council's approved policy.

(c)　　To determine, in consultation with the Mayor, the form and content of hospitality to be offered to visitors.

(d)　　To make arrangements, in consultation with the Mayor, for the Annual Civic Service and the Annual Civic Function and other mayoral engagements.

(e)

(h)　　To accept, in consultation with the Chairman, insurance renewal terms. (In the absence of the Chief Executive this authority may be exercised by the Deputy Chief Executive).

(iii)　**Deputy Chief Executive**

(a)　　The power to declare mortgage interest rates under Section 438 and Schedule 16 of the Housing Act, 1985.

(This power is to be exercised after consultation with the Chairman and Vice-Chairman of the Resources Board).

(b)   Management of the Hospitality Account.

(c)   Powers delegated in the Council's Financial Regulations and Code of Treasury Management.

(iv)   **Deputy Chief Executive, Assistant Director (Finance and Human Resources) and Assistant Chief Executive (Community Services)**

(a)   Unlimited approval for cheque signing purposes, to release money transfers and to sign official orders.

(v)   Assistant Chief Executive and **Solicitor to the Council**

(a)   The granting of tenancies up to 3 years of land or premises temporarily surplus to requirements.

(b)   The granting of easements over or under Council land to statutory undertakers and public bodies, including connecting into the Council's drainage system.

(c)   The approval of terms for the sale of land on the Holly Lane Industrial Estate, Atherstone.

(d)   The granting of leases and licences and the approval of applications for the assignment of all Council owned shops, factory units, industrial premises, workspace units and office premises (those over The Arcade shops in Long Street, Atherstone), subject to the receipt of satisfactory references for the prospective assignees and to the payment of all sums due to the Council in respect of the property by the date of assignment

(e)   Fixing the level of rent increases for factory units, industrial premises, shops and offices after taking valuation advice; and determining the dates of implementation of such increases.

(f)   Negotiations for the transfer to the Council of open spaces and amenity areas on private housing and industrial estates, in accordance with the Council's policy.

(g)   Authority to institute legal proceedings, in consultation with the Chairman of the Board and the Assistant Director (Streetscape) for:-

(i)   any contraventions of the provisions of Off Street Parking Places Orders made by the Council;

(ii)   any unauthorised use of Council owned land by mobile food traders; and

(iii)   the recovery of outstanding fixed penalty charges for parking.

(h)   Authority to consider Surveillance Requests, under the Regulation of Investigatory Powers Act, 2000. In his absence, this power may be exercised by any other member of the Council's Management Team, and in the absence of all members of Management Team by any other member of the Council's Extended Management Team.

(i)   Authority to commence proceedings for offences under Sections 111a or 112 of the Social Security Administration Act 1992 following a recommendation to that effect by the Assistant Chief Executive (Community Services) and provided that he is satisfied that the evidence available supports the course of action.

(j)   Authority, in consultation with the Chairman and the Assistant Director (Housing), to seek an ex-parte Court injunction, where urgent action is required to control nuisance.

(k)   Authority to serve Notice of Seeking Possession or Notice to Quit, as appropriate, on any remaining under-occupying occupants of a Council property on the death of the secure tenant.

(l)   The sale of Council houses and the granting of 125 year leases of Council flats under the Government's Right to Buy legislation.

(m)   Exercise the Council's functions under the Protection from Eviction Act 1977, and any amendments thereof in relation to unlawful eviction or harassment, including the institution of proceedings.

(n)   Applications to a Magistrates Court for a Removal Order or an Emergency Removal Order, under the National Assistance Acts, in respect of persons in need of proper care and attention, where the necessary certificate is given by the District Medical Officer or the District Medical Officer and a Registered Medical Practitioner.

(o)   Arrangements, through appropriate officers, for the temporary protection of properties normally occupied by the persons the subject of an order referred to at (k) above.

(vi)   **Assistant Director (Finance and Human Resources)**

(a)   Powers to manage the Council's loan debt, including authority to make arrangements for the raising and repayment of loans related to the Council's cash requirements.

(b)   The payment of accounts.

(c)   Apply the maximum allowances for Mileage and Subsistence, as prescribed from time to time by the Secretary of State with effect from the relevant date.

(d)   Power to write off, as irrecoverable, individual arrears not exceeding £1250.

(e)   Authority to refer outstanding debts to debt collection agencies for recovery.

(f)   Authority to approve the payment of professional subscriptions.

(vii)   **Assistant Chief Executive (Community Services)**

(a)   The making of proposals, objections, or agreements related to the Valuation List and to attend local Valuation Tribunals.

(b)   Authority to make refunds of overpaid rates, subject to issue of a notification from the Valuation Officer.

(c)   The recovery of non-domestic rates and Council Tax including the issue of notices and the power to prosecute or defend in proceedings before the Magistrates Court.   (These powers have also been delegated to Ian Buckingham, Steven Farmer and Mike Shaw).

(d)   Issue travel concession passes or tokens within the policy approved by the Council.

(e)   Power to write off, as irrecoverable, individual rent or other arrears not exceeding £1250.

(f)   Power to administer the Housing Benefit and Council Tax Benefit Schemes.   (This power may be exercised, in the absence of the Assistant Chief Executive (Community Services) by the Deputy Chief Executive or the Customer Services and Benefits Manager).

(g)   Power to administer, on behalf of the Council, the Collection Fund established under Section 89 of the Local Government Finance Act, 1988.

(h)   The Power, in consultation with the Chairman of the Board, to determine all future applications received for Discretionary Rate Relief from Rural Businesses in respect of Non-Domestic Rates.   (Annual report to be submitted to the Board on all applications approved under this delegation).

(viii) **Assistant Director (Streetscape)**

(a)   Letting of the Council Chamber and Committee Room, in accordance with the Council's approved policy.

(b)   Operational management of the Civic Offices and Depot.

(c)   Approval of applications for the use of Council owned car parks.

(d)   Authority to exercise the Council's powers, under the relevant Articles of the Council's Off Street Parking Places Orders, to close temporarily any or all the parking spaces or places; and to suspend any or all of the provisions of the order, in so far as such closures and suspensions relate to events approved under (c) above.

(e)   The maintenance of land and premises within the control of the Board.

(f)   Purchase and pricing of items for sale from vending machines.

(g)   To determine applications by charitable organisations for the use of recreational and other facilities at free or concessionary rates, subject to recovery of heating, lighting and other costs from the organisation and to a report being submitted for information to the next meeting. (This power is to be exercised after consultation with the Chairman and Vice-Chairman of the Board).

(h)   Power to determine applications for the use of Council owned land by circuses and fun fairs, subject to consultation with the Chairman and Vice-Chairman of the Board and to compliance with Minute No 19 of the Leisure Services Committee meeting held on 27 July 1987.

(i)   Amenity grass cutting, under the delegation agreement with the County Council.

(ix)   **Assistant Director (Housing)**

(a)   The repair of Council dwellings (including planned maintenance) either through the Direct Services Organisation or by contract, subject to compliance with Standing Orders.

(b)   To determine applications to erect covered ways, verandas, conservatories and other outbuildings; to undertake other alterations to Council dwellings; and applications for the erection by tenants of individual garages and hard standings in front gardens subject to the necessary planning and/or building regulations approvals being obtained.

(c)   The valuation of buildings attached to Council property where compensation is payable upon termination of the tenancy.

(d)   To allocate Council owned dwellings in accordance with the Council's agreed Allocations Policy, current legislation and Government Guidance.

(e)   To allocate garages and parking spaces.

(f)   Homelessness matters arising from Part VII of the Housing Act, 1996.

(g)   To grant applications for the use of Communal Centres in Sheltered Dwelling Schemes in approved circumstances.

(h)   The power to serve Notices of Seeking Possession for contraventions of tenancy conditions – this power is to be exercised in consultation with the Chairman of the Board.

(i)   The approval of applications for Housing Renovation and Disabled Facilities Grants.

(j)   To determine applications for Home Repairs Assistance Grants.

(k)   The service of notices under the following legislation:-

    (i)   Public Health Act 1936 – Sections 83 (filthy or verminous premises) and Environmental Protection Act 1990 – Sections 79 to 80 (disrepair causing a statutory nuisance)

    (ii)   Building Act 1984 – Section 76 (disrepair requiring urgent attention)

    (iii)   Housing Act 1985 – Sections 189 (repair notice for an unfit house), 190 (repair notice for a house in a state of disrepair), 338 (notice to abate overcrowding), 352 (power to require works to render premises fit for number of occupants in houses in multiple occupation), 354 (power to limit number of occupants), 358 (overcrowding notice) and 364 (power to require information where an overcrowding notice is in force)

(l)   Authority to serve Deferred Action or Renewal Notices, in appropriate cases, under the relevant provisions of the Housing Grants, Construction and Regeneration Act, 1996.

(m)   Payment of compensation for home loss and disturbance, under the provisions of the Land Compensation Act 1973, on the basis of the advice of the Council's Valuer in connection with disturbance compensation.

(n)   Securing the repayment of Improvement Grants, in accordance with the Council's policy, where a breach of grant conditions has occurred. (Where hardship is claimed, the case will be determined by the Board).

(x)   **Assistant Director (Corporate Services)**

Authority, subject to Management Team approval, to issue amendments from time to time to the Council's Computer Security Policy Guidelines.

(xii) **Generally**

Powers as defined in the Council's Financial Regulations.

E   Powers Delegated to Area Forums

None.

Report of the Assistant Chief Executive and Solicitor to the Council

Executive and Planning and Development Board Terms of Reference

1   **Summary**

1.1   The report seeks the Board's approval to changes in the terms of reference of the Executive and Planning and Development Boards.

Recommendation to the Council

That changes to the Constitution detailed in the Appendices to this report be approved.

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2   **Report**

2.1   The Planning function of this Council is delegated in the main to the Planning and Development Board. However responsibility for strategic matters, in particularly planning policy, is delegated to the Executive Board.

2.2   Members and Officers have for some time been discussing this split in responsibilities and whether improvements can be made. There is a clear rationale for the highest level of policy matters to be retained by the Executive Board but there is also merit in the Planning and Development Board having more say on policy given it is the Board, together with Officers, which implements that policy.

2.3   The change suggested in the Appendices is that whilst the Executive Board should retain responsibility for the Core Strategy, that the Planning and Development Board be given delegated power to approve any of the documents that will sit underneath that over-arching policy. These documents include Development Plan Documents, Supplemental Planning Documents and Design Briefs.

2.4   The opportunity has also been taken to review a number of related matters in the Constitution and these documents are included within the Appendices. In particularly the scheme of delegation and the planning protocol have been reviewed. However no substantial changes are suggested, other than to reflect changes in officer arrangements.

2.5　At its meeting on 22 August 2011 the Special Sub-Group considered this report and endorsed the proposed changes. The matter is also being considered by the Planning and Development Board at its meeting on 12 September 2011 and any observations received will be reported verbally at the meeting.

The Contact Officers for this report are Steve Maxey (719438) or Jerry Hutchinson (719216).

THE PLANNING AND DEVELOPMENT BOARD

A   Main Terms of Reference for the Planning and Development Board

Within the policy framework of the Council and having regard to the Development Plan, Planning Policy Guidance Notes/Statements and development briefs, to deal with the undermentioned matters. (N.B. Where the Board proposes a course of action which would be contrary to any of the above, the application or matter shall be referred to the Council for determination along with the Board's recommendation).

1   Consider and determine applications for permission required under:-

a   development control,

b   demolition control

c   listed building consent

d   control of advertisements

e   tree and building preservation and conservation

f   Building Regulations (including dangerous buildings and structures)

g   High Hedges Remedial Notices

2   Authorise the making of Orders and Agreements and the issue of Notices in connection with development control, planning enforcement, trees and listed buildings.

3   Authorise, in association with the granting of planning permission, the closure, diversion and creation of public rights of way, including public footpaths and bridleways.

4   Submit comments to the Warwickshire County Council, when consulted by them, on planning applications made by that Council.

5   Submit comments to neighbouring Authorities, when consulted by them on significant planning applications on or close to the Borough Council's boundaries.

6   Public Transport and Goods Vehicle Operator Licensing.

7   Requests from the Chief Constable for the Council to make Orders, under Section 13 of the Public Order Act 1986, to prohibit public processions in the Borough.

8   Approval of Development Plan Documents, Supplementary Planning Documents and Design Briefs

9   Consideration of Waste and Minerals Plan proposals and other statutory plans of neighbouring authorities for recommendation to the Executive Board

B   Powers Delegated to the Board

All matters listed under heading A above.

C   Powers Delegated to Officers

(i)   Assistant Chief Executive and **Solicitor to the Council**

(a)   A general authority to institute proceedings under Section 35 of the Building Act 1984, against any person who fails to comply with a notice served under the Building Regulations 2000.

(b)   A general authority to initiate proceedings for contraventions of the Town and Country Planning (Control of Advertisements) Regulations in relation to directional signs for housebuilding sites. (This power is to be exercised after consultation with the Chairman of the Board).

(c)   Authority to determine whether or not proceedings should be commenced in respect of alleged breaches of advertisement control.

(d)   Authority to take any enforcement action in respect of cases of unauthorised mobile snack vans/trailers adjacent to the highway.

(e)   Determination of classes of planning applications defined in the Scheme of Delegation dated August 2010 – **(Copy attached at Appendix B)**

(f)   Applications for determination under Section 64 of the Town and Country Planning Act 1990.

(g)   Determinations whether "County Matters" are involved in planning applications under Schedule 1 of the Town and Country Planning Act 1990.

(h)   Consultations, at his discretion, with neighbours on planning applications received.

(i)   Decisions under the Building Regulations 2000 and the Building Act 1984 (including taking appropriate action in respect of dangerous buildings and structures under Section 29 of the Local Government (Miscellaneous Provisions) Act, 1982 to mitigate danger).

(j)   Authority to forward to Warwickshire County Council written observations on:

(i)   Applications submitted for consultation purposes by that Council under the Town and Country Planning General Regulations 1992;

(ii)   Minerals applications;

(iii)   Waste Disposal applications

Subject in all three cases to the proposal being assessed as a "minor" matter by the Assistant Chief Executive and Solicitor to the Council and the Chairman and Ward Member(s) agreeing that the matter is a "minor" one and there is no dissent from the proposed observations of the Assistant Chief Executive and Solicitor to the Council .

NB   An application shall be brought before the Board for consideration where there is a disagreement on the proposed observations; where there is known public interest in the proposal; or at the discretion of the Assistant Chief Executive and Solicitor to the Council .

(k)   Authority to make directions under Articles 4 and 5 of the Town and Country Planning General Permitted Development Order 1995 to prevent the holding of markets where there are planning grounds for doing so (this action is to be taken in conjunction with the Chairman of the Board and the Local Ward Members).

(l)   Authority to determine which planning applications should be publicised by newspaper or other advertisement, unless prescribed by legislation.

(m)   Power to issue Planning Contravention Notices.

(n)   Authority to pursue cases of alleged breaches of advertisement control.

(o)   Authority to determine whether to require an Environmental Impact Assessment Statement in respect of planning matters under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

(p)   The submission of objections to the West Midlands Traffic Commissioner against applications under the Public Service Vehicles (Road Service Licences and Express Services) Regulations, 1980, subject to the objection being reported to the next available meeting.

(q)   The submission of objections to the West Midlands Traffic Commissioner against applications affecting bus services, after consultation with the Ward Members affected;

(r) Notification to the party concerned of flyposting offences under the Town and Country Planning Act 1990.

(s) Power, in emergency circumstances, to make and serve Tree Preservation Orders, Building Preservation Notices and Stop Notices, in consultation with the Chairman of the Board and the Solicitor to the Council.

(t) Authority to reject High Hedges applications on the grounds of being frivolous or vexatious, or as insufficient attempts made to resolve without the involvement of the local authority.

(u) Authority, subject to consultation with the Local Ward Members, to either reject or uphold a High Hedges complaint once it has been registered and to issue any remedial notice.

(v) Authority to serve notices under section 215 of the Town and Country Planning Act 1990

(ii) **Head of Development Control**

(a) Authority to make representations on behalf of the Local Planning Authority in respect of Applications made pursuant to the Licensing Act 2003.

(b) Authority to make representations on behalf of the Local Planning Authority in respect of Applications made pursuant to the Gambling Act 2005.

D   Powers Delegated to Area Forums

None.

Planning Protocol for Members and Officers dealing with Planning Matters

1. Introduction

This Protocol applies to all Members and officers who become involved with the Planning system. It is not therefore restricted to Planning and Development Board Members and planning officers. The successful operation of the planning system relies on mutual trust between Members and officers, and an understanding of each others' roles. It also relies on each acting in a way which is not only fair and impartial, but also clearly seen to be so.

2. The Need for Guidance

2.1 Planning is not an exact science. Rather, it relies on informed judgement within a firm policy context. It is also highly contentious because its decisions affect the daily lives of everyone and the private interests of individuals, landowners and developers. This is heightened by the openness of the system (it actively invites public opinion before taking decisions), and the legal nature of development plans and decision notices. It is important, therefore, that the process is characterised by open and transparent decision making.

2.2 One of the key purposes of the planning system is to control development in the public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings, and the quality of their settings. It is important, therefore, that the Council, as a local planning authority, should make planning decisions which affect those interests, openly, impartially, with sound judgement, and for justifiable reasons. The process should leave no grounds for suggesting with any justification that a decision has been partial, biased or not well-founded in any way.

3 Status of the Planning Protocol

3.1 This Planning Protocol takes account of the Council's Members Code of Conduct ("the Code of Conduct"), the Council's Protocol on Member/Officer Relations, the Royal Town Planning Institute's Code of Professional Conduct, the findings of the inquiries into the conduct of other Local Planning Authorities, advice issued by the Audit Commission, the Commissions for Local Administration in England and Wales (commonly known as the Ombudsmen), and the National Development Control Forum (now the National Planning Forum). In particular, it is based on the guidance issued in 2002 by the Local Government Association on a local code for dealing with planning matters.

3.2 The Code of Conduct is a general document and does not provide any detailed and specific guidance on what matters a Member is entitled to take into account when dealing with planning matters, what is proper behaviour with an applicant, nor about being lobbied (by applicants or objectors) or lobbying others. This Planning Protocol provides more specific guidance and is concerned with the integrity of the planning system. It is designed to give the public greater confidence that the Council is keen to operate, and to be seen to operate, fairly and openly. It is complementary to the Code of Conduct and the Protocol on Member/Officer Relations.

4.   The General Role and Conduct of Members and Officers

4.1   Members and officers have different, but complementary, roles. Both serve the public, but Members are responsible to the electorate, while officers are responsible to the Council as a whole. Officers advise Members and the Council, and carry out the Council's work. They are employed by the Council, not by individual Members, no matter what position those Members hold, and it follows that instructions may only be given to officers through a Council or Board decision. A successful relationship between Members and officers can only be based on mutual trust and understanding of each others' positions supported by good communication. This relationship, and the trust which underpins it, must never be abused or compromised.

4.2   The Code of Conduct provides guidance and standards for Members. Breaches of this code may be reported to the Council's Standards Committee. The Committee has the power to take action against a Member who is guilty of a breach of the Code of Conduct, including the suspension or disqualification of a Member from office. The Code of Conduct for Officers forms part of each officer's terms and conditions of employment and is detailed in Part 5 of the Constitution. Breaches of the code will be dealt with under the Council's Disciplinary Procedures and Officers are also governed by the rules of their professional organisations.   Thus Planning Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute's (RTPI) Code of Professional Conduct, and Solicitors are governed by the Law Society's Professional Conduct Rules.   Breaches of these rules may be the subject of disciplinary action by the relevant professional body.

4.3   The Code of Conduct covers issues central to the preservation of an ethical approach to council business, including the need to register and declare interests, but also appropriate relationships with other Members, staff and the public, which will impact on the way in which Members participate in the planning process. Some of these issues are expanded upon in the Protocol on Member/Officer Relations. Of particular relevance to Members serving on the Planning and Development Board or who become involved in making a planning decision (e.g. where full Council deals with a planning matter) is the requirement that a Member:

> "must not in his official capacity, or any other circumstance, use his position as a Member **improperly** to confer on or secure for himself or any other person, an advantage or disadvantage"
> (Paragraph 5(a) of Code of Conduct)

The basis of the planning system is the consideration of private proposals against wider public interests. Much is often at stake in this process, and opposing views are often strongly held by those involved. Whilst Members should take account of these views, they should not favour any person, company, group or locality, nor put themselves in a position where they appear to do so. **Members who do not feel that they can act in this way should consider whether they are best suited to serve on the Planning and Development Board.**

4.4   Members should also be very cautious about accepting gifts and hospitality. The Code of Conduct requires any Members who receive any gift or hospitality (in their capacity as a Member) over the value of £25, to provide written notification to the Monitoring Officer within 28 days. Details of the gift or hospitality are placed in a register, which is open to inspection by the public.

4.5   Officers must always act impartially. In order to ensure that senior officers do so, the Local Government and Housing Act 1989 enables restrictions to be set on their outside activities, such as Membership of political parties and serving on another Council. The Council carefully considers which of its officers are subject to such restrictions and reviews this regularly. During the course of carrying out their duties, officers may be offered hospitality from people with an interest in a planning proposal. If possible, such offers should be declined politely.   If receipt of hospitality is unavoidable, officers should ensure it is of minimum level and declare its receipt as soon as possible. A register for the declaration by officers of gifts and hospitality is maintained by the Monitoring Officer, and regularly reviewed by him.

5.   Registration and Declaration of Interests

5.1   The Local Government Act 2000 and the Code of Conduct place requirements on Members on the registration and declaration of their interests, and the consequences for the Member's participation in consideration of an issue, in the light of those interests. These requirements must be followed scrupulously, and Members should review their situation regularly.   Guidance on the registration and declaration of interests has been issued by the former Standards Board for England (see www.standardsforengland.gov.uk) Advice may be sought from the Council's Monitoring Officer, however, ultimate responsibility for fulfilling the requirements rests individually with each Member.

5.2   A register of Members' interests is maintained by the Monitoring Officer, and is available for public inspection. A Member must provide the Monitoring Officer with written details of relevant interests within 28 days of his election or appointment to office. Any changes to those interests must similarly be notified within 28 days of the Member becoming aware of such changes.

5.3   The Code of Conduct abandons the use in the old National Code of Local Government Conduct of the terms "pecuniary" and "non-pecuniary" interests. Instead, it uses the terms "**personal**" and "**prejudicial**" interests without reference to the interest being a financial or non-financial one. Under the Code of Conduct, a Member will have a personal interest in any matter under discussion if:

(a)   the matter relates to an interest in respect of which the Member has given notice in the statutory register of Members' interests; or

(a)   the decision upon it might reasonably be regarded as affecting, **to a greater extent than other council tax payers, ratepayers or inhabitants of the authority's area**, the well-being or financial position of themselves, or a relative or friend, or

- any employment or business carried on by such persons;
- any person who employs or has appointed such persons, any firm in which they are a partner or any company of which they are directors;
- any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
- any body, Membership of which the Member is required to register in the statutory register of interests, in which such person hold a position of general control or management.

5.4   Where a Member considers that he has such a personal interest in a matter, he must always declare the existence and nature of the interest, **but it does not necessarily**

follow that the personal interest debars the Member from participation in the discussion.

5.5 The Member then needs to consider whether the personal interest is also a **prejudicial** one. The Code of Conduct provides that a personal interest becomes a prejudicial one "…if the interest is one which a Member of the public **with knowledge of the relevant facts** would **reasonably** regard as so significant that it is likely to prejudice the Member's judgement of the public interest". If a Member has such an interest, he should not participate in any discussion on the matter, and the Code of Conduct requires that he should leave the room during the consideration of the matter.

5.6 The Code of Conduct includes some exceptions to this. For example, the Member's interest **may not be regarded as prejudicial** if the matter under discussion relates to:
- another authority (e.g. County Council or Parish Council) of which he is a Member
- another public authority in which he has a position of general management or control
- a body to which he has been appointed or nominated as a representative by the authority.

In those circumstances, the Member would need to declare the interest, but could participate in the discussion and voting on the matter.

5.7 It can be seen that these provisions of the Code of Conduct are an attempt to separate out interests arising from the personal and private interests of the Member, and those arising from his wider public life. The emphasis is on a consideration of the status of the interest in each case by the Member personally, and included in that judgement is a consideration of the perception of the public, acting reasonably and with knowledge of the facts

5.8 Translated to a Member's involvement in planning issues, the two stage test of personal and prejudicial interests will, as now, require a Member to abstain from involvement in any issue the outcome of which might advantage, or disadvantage, the personal interests of the Member, his family, friends or employer. **The declaration of interest and, where necessary, abstention from involvement, should apply not just at the meeting of the Planning and Development Board, but also at informal meetings or discussions with officers or other Members.**

5.9 The exceptions made to the definition of prejudicial interests relating to Membership of outside bodies mentioned above are attempts to clarify the nature of such interest and to encourage participation in such cases. It appears that too often in the past, Members have been prevented from participation in discussion in such circumstances, on the basis that mere Membership of another body constituted an interest that required such a prohibition, even in cases where the Member was only on that body as a representative of the Council.

5.10 When considered in the context of planning matters, this approach will require the exercise of particular judgement on the part of the Member. The use of the term "prejudicial" to describe the interest is helpful here. If the planning matter under consideration relates to another body on which the Member serves, the exemption in the Code of Conduct would suggest that the Member could participate in a decision on that matter – i.e. Membership of that body could not be considered per se a prejudicial interest, which would bar the Member from participating.

5.11   However, if a Member, in advance of the decision-making meeting had taken a firm view on the planning matter, either in meetings of the other body or otherwise, he would not be able to demonstrate that, in participating in the decision, all the relevant facts and arguments had been taken into account – he would have fettered his discretion. Were he to participate in the decision-making in those circumstances, he might place the authority in danger of judicial review. So the exemption in the Code of Conduct would only operate in the planning context if the Member had scrupulously avoided forming a fixed view on the issue in advance. This is the general approach taken by this guidance on appropriate conduct in relation to Membership of other bodies and the effects of such Membership on participation in the planning decision-making process. It is expanded in section 7 on lobbying.

6.   Development Proposals Submitted by Members and Officers, and Development by the Council.

6.1   All applications by serving Members and officers or by the Council itself will be determined by the Planning and Development Board (i.e. they will not be determined by the Assistant Chief Executive and Solicitor to the Council under his delegated powers).

6.2   All Members or officers who submit a planning application or who have a planning application submitted on their behalf shall ensure that they notify the Assistant Chief Executive and Solicitor to the Council of that submission in writing.

6.3   The consideration of an application from a Member in such circumstances will be a prejudicial interest under the Code of Conduct, and as such, the Member will be required to withdraw from any consideration of the matter. The Code of Conduct also provides that a Member should "not seek **improperly** to influence a decision about the matter". This does not imply that a Member should have any less rights than a Member of the public in seeking to explain and justify his application to a planning officer in advance of consideration by the Planning and Development Board.

6.4   All applications by a Member or an officer which are reported to Planning and Development Board will be designated as a Member or an officer application on the face of the agenda.

6.5   Serving Members who act as agents for people pursuing planning matters with the Council should play no part in the processing or determination of those applications

7.   Lobbying of and by Members

7.1   Lobbying is a normal and perfectly proper part of the political process. Those who may be affected by a planning decision will often seek to influence it through an approach to their elected Ward Member or a Member of the Planning and Development Board. As the Nolan Committee's Third Report states: "It is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is via the local elected representatives, the Councillors themselves" (paragraph 288).

7.2   However, such lobbying can, unless care and common sense are exercised by all the parties concerned, lead to the impartiality and integrity of a Member being called into question. When being lobbied, Members, particularly those who sit on the Planning and Development Board, should take care about expressing an opinion which may be

taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments. In such situations, they should restrict themselves to giving procedural advice, including suggesting to those who are lobbying, that they should speak or write to the relevant planning officer, in order that their opinions can be included in the officer's report to the Board. If they do express an opinion, they should make it clear that they will only be in a position to take a final decision after having heard all the relevant evidence and arguments at the Board meeting. That evidence and argument will relate to planning considerations and not the personal circumstances of individuals.

7.3   Members generally, and in particular those who sit on the Planning and Development Board, need to take account of the general public's (and the Ombudsman's) expectation that a planning application will be processed and determined in an open and fair manner, in which Members taking the decision will take account of all the evidence presented before arriving at a decision, and that to commit themselves one way or another before hearing all the arguments makes them vulnerable to an accusation of partiality. Determination of a planning application is a formal administrative process involving rules of procedure, rights of appeal and an expectation that people will act reasonably and fairly. There is an added possibility that an aggrieved party may seek judicial review of the way in which a decision has been arrived at; or complain to the Local Government Ombudsman on grounds of maladministration; or to the Standards Committee that a Member has breached the Code of Conduct.

7.4   In reality, of course, Members will often form a judgement about an application early on in its passage through the system, whether or not they have been lobbied. The difficulty created by the nature of the Planning and Development Board's proceedings as set out in paragraph 7.3, is that Members of the Board should not openly declare which way they intend to vote in advance of the Board meeting, and of hearing evidence and arguments on both sides.

7.5   Political reality suggests that it is often important to distinguish between the role of a Planning and Development Board Member who is a Ward Member for the area affected by a particular planning application, and one who is not. A Planning and Development Board Member who does not represent the Ward affected is in an easier position to adopt an impartial stance, however strong his or her feelings about the application may be, and to wait until the Board meeting before declaring one way or another.

7.6   A Planning and Development Board Member who represents a Ward affected by an application is in a difficult position if it is a controversial matter around which a lot of lobbying takes place. If the Member responds to lobbying by deciding to go public in support of a particular outcome – or even campaigning actively for it – it will be difficult for that Member to argue convincingly, when the Board comes to take a decision on the application, that he or she has carefully weighed the arguments presented – perhaps in some respects for the first time – at the meeting. Whilst in most circumstances this would not amount to a prejudicial interest in terms of the Code of Conduct, the proper course of action for such a Member would be to make a declaration of his or her position and not vote. Provided that the Member does not have a prejudicial interest, this course of action would not prevent him or her speaking on the application at the Planning and Development Board meeting.

7.7   Where there are two or three Members representing a Ward or area, and only one is a Member of the Planning and Development Board, it may be more appropriate for the Members who are not Members of the Board to represent local opinion on

controversial issues. This will prevent the Board Member being put in the position outlined in paragraph 7.6.

7.8   There may also be occasions when a Member is asked to present the case for an applicant or objector to the Planning and Development Board. This is a perfectly proper part of the role of representing a constituent. To do so does not necessarily mean that the Member agrees with the case he is being asked to present; nor does it mean that the Member necessarily has to vote in accordance with the wishes or views of the person whose case he has presented.

7.9   It should be evident from the previous paragraphs that it is very difficult to find a form of words which conveys every nuance of these situations and which gets the balance right between the duty to be an active local representative and the requirement when taking decisions on planning matters to take account of all arguments in an open-minded way. It cannot be stressed too strongly, however, that the striking of this balance is ultimately the responsibility of the individual Member. The following points are, however, offered as guidance:

- Given that the point at which a decision on a planning application is made cannot occur before the Planning and Development Board meeting, when all available information is to hand, and has been duly considered, any political group meeting prior to the Board meeting should not be used to decide how Members should vote. The view of the Ombudsman in relation to the former national code was that the use of political whips to seek to influence the outcome of a planning application could amount to maladministration. There is nothing in the Code of Conduct which would serve to change this advice.

- With the exception in some circumstances of Ward Members, whose position has been covered in the preceding paragraphs, Members should in general avoid organising support for or against a planning application, and avoid lobbying other Members. Such actions can easily be misunderstood by parties to the application and by the general public.

- Members should not put improper pressure on officers for a particular recommendation, and, as required by the Code of Conduct, should not do anything which compromises, or is likely to compromise, their impartiality.

7.10   Members who are unsure as to whether an interest should be declared should seek the advice of the Assistant Chief Executive and Solicitor to the Council, although, as indicated above, the decision rests with the Member.

7.11   Members who do not sit on the Planning and Development Board will have greater freedom than Board Members. They are still, however, bound by the Code of Conduct as explained in paragraphs 4.2 to 4.4 of this Protocol.   Should they be called upon to determine an application at full Council then the guidance set out in this section will apply to that determination.

8.   Pre-Application Discussions

8.1   Discussions between a potential applicant (or an agent on behalf of the applicant) and the Council prior to the submission of an application can be of considerable benefit to both parties. This is encouraged by the Audit Commission ("Building in Quality" paragraph 56), the Local Government Association and the National Planning Forum. However, it would be easy for such discussions to become, or be seen (especially by objectors) to become, part of a lobbying process.

8.2   In order to avoid such problems, pre-application discussions should take place within the guidelines set out in the following paragraphs. Although the term 'pre-application' has been used, the same considerations should apply to any discussions with applicants which take place before a decision is taken, or where following a decision there are discussions about amendments or changes to a proposal.

8.3   Officers.

8.3.1   Processing applications (including any discussions or advice before submission of an application) is normally the responsibility of officers, which ensures that the proper level of professionalism and expertise is available. The process includes advice and guidance on the Council's policies, discussions and negotiations about the proposal and the merits of the application, and gathering information either to prepare the report to Planning and Development Board, or for the Assistant Chief Executive and Solicitor to the Council to take the decision under delegated powers. The following guidelines should apply:

- Officers will advise the applicant whether the decision is one which falls within the Assistant Chief Executive and Solicitor to the Council's delegated powers or whether the decision will be taken by the Planning and Development Board;

- It should always be made clear at the outset of any pre-application meeting that the discussions will not bind the Council to making a particular decision, and that any views expressed are personal and provisional. By the very nature of such meetings, not all relevant information will be to hand, nor will consultation with interested parties have taken place;

- Advice should be consistent, especially where more than one officer is involved, and should be based on the Development Plan and other material considerations.

- A written note should be made of all meetings (if possible, immediately after the meeting), and this should be placed on the application file as soon as possible. A written note should also be made of similar telephone discussions.

8.3.2   Where an application of particular significance for determination by the Planning and Development Board is likely to be made, the Chairman of the Board, Ward Members and lead Members from each political group shall be informed of the nature of the proposal as soon as possible.

8.4   Members

8.4.1   For their own benefit and protection, Members should generally seek to avoid pre-application meetings. Such meetings with potential applicants bring Members into an

environment where the merits of proposals are discussed, and this may compromise a Member in taking an impartial stance when the application comes before the Planning and Development Board for decision.

8.4.2   If an applicant requests such a meeting with a Member, the Member should explain the difficulties of such a meeting, and offer to arrange a meeting between the applicant and the relevant Planning Officer.

8.4.3   In exceptional circumstances, the Planning and Development Board may authorise particular Members to attend a presentation by an applicant or his agent. Officers will normally arrange such presentation, and attend with Members. At the start of such presentation, officers will explain that it is taking place at the request of the applicant and that the merits of the case will not be discussed. Members and officers will, of course, be free to ask questions about the proposal as part of the presentation. If the applicant requests the views of the authority, these will be communicated subsequently and in writing. In such communication, officers will make it clear that any views expressed prior to formal determination of an application are preliminary.

9.   **Decisions delegated to Officers**

9.1   The Council has adopted, and keeps under review, a formal "Scheme of Delegation to the Assistant Chief Executive and Solicitor to the Council in respect of determination of Planning Applications". This is set out in Appendix B to Part 3 of the Constitution. It states clearly which applications will be reported to the Planning and Development Board for determination. All other applications will be determined by the Assistant Chief Executive and Solicitor to the Council under her delegated powers.

9.2   In particular, the Board will determine "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" [para 4.1(g) of the Scheme].   Any Member who is unsure whether his/her concerns about an application constitute a material planning consideration is invited to contact the relevant officer to discuss the issue. Where possible, the officer will assist the Member in framing his/her concerns where there is a material planning consideration.

9.3   Where a delegated decision can be made and where a consultation response runs contrary to the likely officer decision Ward Members are contacted and given the opportunity to request that the case be referred for Board to make the decision. The test in the preceding paragraph is used to ensure there are planning reasons for such a request..

9.4   All Members are circulated applications and decisions on a weekly basis and can use this information to track the progress of particular applications and the method of decision.

10.   **Officers' reports to Planning and Development Board**

10.1   It is important for the Council to be able to demonstrate in its decision making that there has been adequate consideration of all the relevant issues; consistency; and clear reasoning leading to the decision. Officers' reports to the Board will therefore:
        • Be in writing;

- Be accurate, and cover, amongst other things, the substance of any objections, and the views of those consulted;
- Contain clear references to the Development Plan; site or related history; and other material considerations;
- Have a clear recommendation – for approval with conditions, or for refusal with reasons;
- If any recommendation is contrary to the provisions of the Development Plan, the material considerations which justify the departure will be clearly stated.

11. Decisions contrary to Officer's Recommendation

11.1 Whilst in strict legal terms the Planning and Development Board is under no obligation to follow the advice of officers, s.38 (6) of the Planning and Compulsory Purchase Act 2004 provides that any planning determination shall be in accordance with the development plan unless material considerations indicate otherwise. Thus, there must always be clear and convincing planning reasons for the Board's decision. If decisions are taken for non-planning reasons, or for reason which are not sustainable at an appeal, there is the potential for an award of costs to be made against the Council. Therefore if the Board makes a decision contrary to the officer's recommendation (whether for approval or refusal), a detailed minute of the Board's reasons should be made and a copy placed on the application file. Officers should also be given the opportunity to explain the implications of the contrary decision before it is taken.

11.2 Any Member who is contemplating proposing a motion to refuse an application contrary to the officer's recommendation should contact the relevant officer to discuss his/her intention. The officer will advise the Member whether the Member's concerns would constitute a valid planning reason for refusing permission; and if so, assist the Member in drafting reason[s] for refusal. The Board will be advised as to the strength of the suggested reason for refusal and any possible financial implications for the Authority.

12. Planning and Development Board Site Visits

12.1 The purpose of a visit to an application site is for Members to gain information on relevant planning issues relating to the site which is not available from officers' reports (including in response to Members' questions at the Board meeting) in order to assist Members in reaching their decision. It is not to provide a forum for debate and discussion on the merits of the application. Site visits can cause delay and additional costs for an applicant, and should only be requested where the expected benefit from such a visit is substantial. Agendas are published well ahead of meetings and Members have the chance to visit sites before debate at Board.

12.2 A request from the Ward Member for a site visit is a proper part of the representative role of the Ward Member, and should normally be acceded to, although the 'substantial benefit' test should still apply.

12.3 All site visits will be conducted subject to the following criteria:
- A site visit will only take place once authorised by the Board
- Authorised attendance at a site visit shall be limited to Members of the Planning and Development Board, local Ward Members, relevant officers, the applicant

together with his or her representative, and any objector (or a representative of a group of objectors) whom the Board considers should be invited to be present (e.g. where it is claimed that a proposed development will have a significant impact on a neighbouring property)

- At a site visit, all communication between parties (the applicant or his agent, objectors, and Members and officers) should be led by and conducted through the Assistant Chief Executive and Solicitor to the Council or his representative,

- There shall be no discussion of the merits of the application during the site visit. Such discussion shall only take place at a meeting of the Planning and Development Board

- Applicants, objectors, or their representatives shall not be permitted to make representations to Members of the Board during a site visit. They may, however, give purely factual information which is requested by Members and which cannot be ascertained by viewing alone.

- At the Planning and Development Board at which the application is considered, the Assistant Chief Executive and Solicitor to the Council will draw Members attention to any material considerations which arise as a result of the site visit

- The written notification of the site visit will set out these criteria so that all those attending are aware of them

13.   Regular Review of Decisions

13.1   Members shall on an annual basis undertake a review and visit a sample of implemented planning permissions to assess the quality of the decisions. The aim of this will be to monitor and improve the quality and consistency of decision-making, thereby strengthening public confidence, and helping with reviews of planning policy.

13.2   Each review should include examples of a broad range of categories, e.g. major and minor development, permitted departures, upheld appeals, listed building works and enforcement cases. The Planning and Development Board shall formally consider the review and decide whether it gives rise to the need to reconsider any policies or practices.

14.   Breaches of this Protocol

14.1   Any alleged breaches of this Protocol by a Member will be referred to the Council's Standards Committee. The Committee will consider whether the Protocol has been breached and will issue advice and guidance and, if appropriate, recommend action to be taken to the Council and/or Party Groups.

14.2   Any alleged breaches of this protocol by an officer will be dealt with under the Council's disciplinary procedures.

15.   Review

15.1   This Protocol will be reviewed not later than 31 December 2013.

AUTHORISED OFFICER POWERS

A **ASSISTANT CHIEF EXECUTIVE AND SOLICITOR TO THE COUNCIL**

1. Authorised Officer powers for the purposes of the hackney carriage provisions contained in the Town Police Clauses Act 1847; and for the purposes of the hackney carriage and private hire provisions contained in Part II of the Local Government (Miscellaneous Provisions) Act 1976.

2. Authorised Officer powers for the purposes of Sections 14-17 of the Local Government (Miscellaneous Provisions) Act 1982; the Public Health (Control of Diseases) Act 1984; Licensing Act 2003 Authorised Officer Powers.

B **ALL QUALIFIED ENVIRONMENTAL HEALTH OFFICERS, THE SENIOR POLLUTION CONTROL OFFICER, THE POLLUTION CONTROL OFFICERS WITHIN THE DIVISIONS OF THE ASSISTANT CHIEF EXECUTIVE AND SOLICITOR TO THE COUNCIL AND THE ASSISTANT DIRECTOR (HOUSING)**

Authorised Officer powers for the purposes of the regulatory functions contained in the following Acts, including all Orders and Regulations made thereunder:

The Public Health Acts 1936-68
The Public Health (Recurring Nuisances) Act 1969
The Housing Act 1985
The Housing Act 1996
The Housing Grants, Construction and Regeneration Act 1996
The Building Act 1984
The Food and Environment Protection Act 1985
The Prevention of Damage by Pests Act 1949
The Clean Air Act 1993
The Control of Pollution Act 1974
The Pet Animals Act 1951
The Animal Boarding Establishments Act 1963
The Riding Establishments Acts 1964-1970
The Breeding of Dogs Act 1973
The Water Act 1945
The Slaughter of Poultry Act 1967
The Slaughterhouses Act 1974
The Local Government (Miscellaneous Provisions) Acts 1976 and 1982
The Scrap Metal Dealers Act 1964
The Civic Amenities Act 1967
The Refuse Disposal (Amenity) Act 1978
The Caravan Sites Act 1968
The Caravan Sites and Control of Development Act 1960
The Public Health (Control of Disease) Act 1984
The Dangerous Wild Animals Act 1976
The Health and Safety at Work Etc Act 1974
The Animal Health Act 1981
The Disease of Animals Acts 1950-1975
The Environmental Protection Act 1990
*The Food Safety Act 1990
The Environment Act 1995

The Pollution Prevention and Control Act 1999
The Licensing Act 2003 Part 3 Section 13 Responsible Authority
*The Student Environmental Health Officer is also an Authorised Officer but restricted to the purposes of powers of entry, sampling and inspection only.

C **THE TECHNICIANS, TECHNICAL ASSISTANTS AND THE STUDENT ENVIRONMENTAL HEALTH OFFICER WITHIN THE DIVISIONS OF THE ASSISTANT CHIEF EXECUTIVE AND SOLICITOR TO THE COUNCIL AND THE ASSISTANT DIRECTOR (HOUSING)**

Authorised Officer powers, restricted to powers of entry for the purpose of inspection and investigation only, in relation to the environmental health functions contained in the Acts listed at B above, including all Orders and Regulations made thereunder.

D **ALL ENVIRONMENTAL HEALTH OFFICERS AND BUILDING INSPECTORS**

Authorised Officer powers for the purposes of the Building Act 1984

E **ALL ENVIRONMENTAL HEALTH OFFICERS AND THE FOOD SAFETY OFFICERS**

Authorised Officers under Part III of the Food and Environmental Protection Act 1985, and all Orders and Regulations made thereunder.

F **HOLDERS OF ALL ENVIRONMENTAL HEALTH OFFICER POSTS, THE SENIOR POLLUTION CONTROL OFFICER, THE POLLUTION CONTROL OFFICER POST, THE SCIENTIFIC OFFICER AND OTHER TECHNICAL POSTS IN THE DIVISIONS OF THE ASSISTANT CHIEF EXECUTIVE AND SOLICITOR TO THE COUNCIL AND THE ASSISTANT DIRECTOR (HOUSING)**

Authorised Officers in relation to relevant parts of the Environmental Protection Act 1990, with the exception of Part I.

NB The holder of the post of Student Environmental Health Officer is also an Authorised Officer but restricted to the purposes of powers of entry, examination and investigation only.

G Environmental Health Manager, Senior Environmental Health Officer, Environmental Health Officer, Food Safety Officers and Food Technical Assistant of the Commercial and Licensing Team, be authorised officers under the European Communities Act 1972, Regulations No's 178, 852, 853, 882 and 2073.

H Food Safety Officers be authorised officers for enforcement under the Regulations and Orders made under the Food Safety Act 1990.

I Food Technical Assistant be authorised officers under the Food Safety Act 1990 and European Communities Act 1972 and regulations 178, 852, 853, 882 and 2073 (but only as regards the powers of entry, sampling and investigation).

J **ALL OFFICERS OF THE DIVISIONS OF THE ASSISTANT CHIEF EXECUTIVE AND SOLICITOR TO THE COUNCIL AND THE ASSISTANT DIRECTOR (HOUSING)**

Authorised Officers to seize dogs, under Section 5 of the Dangerous Dogs Act 1991.

K **REFUSE COLLECTION AND RECYCLING MANAGER, TRANSPORT AND STREETSCAPE MANAGER AND WORKSHOP FOREMAN**

Authorised Officers under the Council's Off Street Parking Places Orders to remove or reposition vehicles parking in the Market Square, Atherstone, and at other car parks covered by the Orders.

L **LICENSING ENFORCEMENT OFFICERS**

Authorised to carry out all aspects of the Council's duties and responsibilities (including licensing access to premises) under the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1976 and 1982; The Town Police Clauses Act 1847 and the Transport Act 1985, The Licensing Act 2003 and the Gambling Act 2005, including all Orders and Regulations made thereunder.

Authorised for the purposes of inspection and enforcement under the relevant provisions of the

- The Pet Animals Act 1951
- The Animal Boarding Establishments Act 1963
- The Riding Establishments Act 1964 and 1970
- The Breeding of Dogs Act 1973
- The Dangerous Wild Animals Act 1976
- House to House Collections Act 1939
- Lotteries and Amusements Act 1976
- Regulations made by the Council in respect of Street Collections under the Charitable Collections (Transitional Provisions) Order
- The Environmental Protection Act 1990
- The Clean Neighbourhoods Act 2005
- The Dogs (Fouling of Land) Act 196
- The Anti-Social Behaviour Act 2003

M **ALL ENVIRONMENTAL HEALTH OFFICERS, FOOD SAFETY OFFICERS, SENIOR POLLUTION CONTROL OFFICERS, POLLUTION CONTROL OFFICERS AND ENVIRONMENTAL HEALTH MANAGERS**

Authorised officers under the Licensing Act 2003 – Sections 59 and 63 for Responsible Authority response.

N **FOOD SAFETY OFFICERS**

Authorised for the purposes of inspection and enforcement under the relevant provisions of

- Food Safety Act 1990
- Health and Safety at Work Act 1974
- Product of Animal Origin (Third Country Imports) 2002
- The Environmental Protection Act 1990

(Powers under the Products of Animal Origin (Third Country Imports) 2002 may be exercised by the Environmental Health Manager, the Senior Environmental Health Officer or any qualified Environmental Health Officer).

O   **LICENSING ENFORCEMENT OFFICERS, SENIOR ENVIRONMENTAL HEALTH AND POLLUTION OFFICERS, ENVIRONMENTAL HEALTH OFFICERS, FOOD SAFETY OFFICERS, POLLUTION CONTROL OFFICERS, TECHNICAL ASSISTANTS AND ENVIRONMENTAL HEALTH MANAGERS**

Authority under the Health Act 2006 and associated regulations to issue Fixed Penalty Notices in respect of the Smoke Free legislation.

P   **ENVIRONMENTAL HEALTH MANAGERS, SENIOR ENVIRONMENTAL HEALTH OFFICER, SENIOR POLLUTION CONTROL OFFICER, POLLUTION CONTROL OFFICERS AND ENVIRONMENTAL HEALTH OFFICERS.**

Authority to carry out all aspects of the Council's duties and responsibilities under the relevant provisions of the Environmental Damage (Prevention and Remediation) Regulations 2009.

Q   **THE HEAD OF DEVELOPMENT CONTROL, THE PRINCIPAL PLANNING OFFICER AND THE SENIOR DEVELOPMENT CONTROL OFFICERS**

These postholders have authority to sign delegated decisions in respect of planning and related applications

THE EXECUTIVE BOARD

A   Main Terms of Reference

1   Formulating the overall policy framework for Council approval. This will include:

(a)   the Corporate Plan
(b)   the North Warwickshire Sustainable Community Strategy,
(c)   the North Warwickshire Local Development Framework save for those matters within the remit of the Planning and Development Board
(d)   the Housing Strategy
(e)   the Crime and Disorder Reduction Strategy
(f)   the Health, Well-being and Leisure Strategy
(g)   the Capital Strategy
(h)   the Food Law Enforcement Service Plan
(i)   such other Plans and Strategies as the Council may, from time to time, be required by statute or Government Direction to adopt or which the Council itself decides to adopt.

(N.B.   The Scrutiny Board must be advised of strategies and policies which are being developed, so that it can decide which of these it wishes to consider. The Scrutiny Board will then put its views to the Executive Board prior to that Board's submission to the Council).

2   Arranging the overall finances of the Council (The Resources Board will manage and monitor the Council's budget and financial situation).

3   Annual Budget Preparation, including recommending the level of Council Tax.

4   Capital Programme.

5   Strategic and Local Development Framework issues, including developing and implementing the Sustainable Community Plan; commenting on Waste and Minerals Plan proposal from Warwickshire County Council; and submitting comments on the statutory plans of neighbouring Authorities.

6   Terms of Reference of the Boards, Standards Committee and Area Forums, together with their composition and any subsequent reviews of such matters.

7   Approval of the overall arrangements for the delegation of powers to Officers, Area Forums and other Committees.

8   Constitutional matters affecting the name, status, boundary and area of the Borough.

9   The structure, functions and administration of local government as they affect the Borough.

10   Electoral matters, including elections, electoral registration and Warding arrangements, other than those set out in Appendix C.

11   Matters involving more than one Board or where there is a difference of view between them.

12   Proposals to confer the titles of Honorary Alderman and Honorary Freeman, under section 249 of the Local Government Act 1972.

13   Representation on outside bodies.

14   Emergency Planning.

15   Submission to the Council of an annual report on the work undertaken by the Board during the year.

16   Approval of Arrangements for the appointment of the Chief Executive, Directors, Assistant Directors and the Assistant Chief Executive together with their pay and conditions of service.

17   Approval of the overall management structure and establishment of the Authority.

18   Any other matter not specifically allocated to another Board, Committee, Forum or the Council itself.

B   Powers Delegated to the Board

(a) To determine the pay and conditions of service of the Chief Executive, Directors, Assistant Directors and the Assistant Chief Executive.

(b) To implement the approved Crime and Disorder Strategy.

(c) To approve the Council's Statement of Accounts.

C   Powers Delegated to Officers

(i)   **Various Officers**

In the case of emergencies, the Officers named in the County Major Emergency Plan and the Borough Emergency Plan shall have responsibility for the tasks respectively assigned to them in these documents.

(ii)   **Solicitor to the Council**

(a)   In consultation with the Ward Members for the area contained in the notice, to deal with consultation from the Police on authorisation notices allowing for the dispersal of groups.

(b)   In consultation with the Portfolio Holder and Shadow Portfolio Holder for Housing and the relevant Ward Members, power to instigate legal action against tenants in relation to nuisance issues, subject to him being satisfied that sufficient evidence exists to support such action.

D   Powers Delegated to Area Forums

None.

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

August 2010

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, National 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) All applications where an approval will 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 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.

4.6	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 April 2013.

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 with demolitions.

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 Article 10 of the Town and Country Planning (General Development Procedure) Order 1995, as amended.

Report of the Assistant Chief Executive
and Solicitor to the Council

Public Speaking at Planning and
Development Board Meetings

1 Summary

1.1 The report seeks approval for a scheme to allow the public to speak on planning applications considered by the Planning and Development Board.

. . .

> **Recommendation to the Council**
>
> a **That the scheme for public speaking at the Planning and Development Board detailed in the Appendix be adopted; and**
>
> b **That the scheme be reviewed in twelve months time.**

2 Report

2.1 As part of the review of how business is done by the Council, Officers have been asked to prepare a scheme to allow members of the public to speak on planning applications to be determined by the Planning and Development Board. At its meeting on 22 August 2011 the Special Sub-Group endorsed the proposal to introduce public speaking at meetings of the Planning and Development Board. The matter is also being considered by the Planning and Development Board at its meeting on 12 September 2011 and any observations received will be reported verbally at the meeting.

2.2 A review of other authorities has shown that most schemes are broadly similar in that the time allocated to those who wish to speak against an application is the same as the time allocated to those who wish to speak in favour. This is a requirement to ensure the fairness of the hearing.

2.3 Those wishing to speak can raise questions generally but will not be allowed to question Members or officers individually. Members or officers may ask questions of those speaking but it is suggested that this would only be to clarify any points made.

2.4   The Planning Officer would then comment on remarks made by the public before the usual debate by Members.

2.5   Finally, it is suggested that the operation of the scheme be reviewed in twelve months.

3   **Report Implications**

3.1   **Equality Implications**

3.1.1 All public meetings are held in the Council Chamber which has hearing loop facilities. Interpreters or translation services have been previously used which demonstrates that there could be language barrier issues for some communities. Mechanisms are in place to ensure that individuals or communities are not adversely affected.

3.2   **Environment and Sustainability Implications**

3.2.1 The opportunity for the public to be able to speak at the Planning and Development meetings is a positive step towards increasing community involvement and informing decision making.

      The Contact Officers for this report are Steve Maxey (719438) or Jerry Hutchinson (719216).

1. Any member of the public, including the Applicant, wishing to ask a question or make a statement at a meeting of the Planning and Development Board must inform the Democratic Services section of the Authority at least two clear working days prior to the commencement of the meeting in writing, by e-mail or telephone. The notice must identify the agenda item and planning application number in question. Public speakers are also required to indicate whether they wish to speak in support of or against an application.

2. The Democratic Services section of the Authority will inform the Chairman presiding at the meeting, before the commencement of that meeting, of all questions and statements notified by any member of the public. Democratic Services will produce a list of public speakers for all members of the Board and relevant officers for the Board meeting.

3. A representative from the Democratic Services section of the Authority will be available half an hour before the start of each meeting to meet public speakers and explain the procedure.

4. On each agenda item the planning officer will introduce the proposal with a short presentation.

5. The Chairman will then invite those members of the public who have given prior notice to speak.

6. A total of three minutes is allowed for the objectors to an application. Where more than one person wishes to speak against an application, the time must be shared between the speakers accordingly or they may select a single speaker to represent the group. No questions may be asked by the speaker(s) of the officer or members.

7. The members of the Board and the planning officer may then ask the speaker(s) any questions of fact.

8. A total of three minutes is allowed for the Applicant or supporters of an application. Where more than one person wishes to speak in support of an application, the time must be shared between the speakers accordingly or they may select a single speaker to represent the group. No questions may be asked by the speaker(s) of the officer or members.

9. The members of the Board and the planning officer may then ask the speaker(s) any questions of fact.

10. The planning officer will then respond to any issues raised by the speakers.

11. The Board will then debate the proposal. The planning officer may at any time respond to points raised by members.

12. There will be no further public speaking unless at the discretion of the Chairman.

13. The Chairman will then take the matter forward to the vote.

Report of the Assistant Chief Executive   Draft Core Strategy
and Solicitor to the Council

1   **Summary**

1.1   This report provides Members with a draft Core Strategy and information on the accompanying documents for public consultation.

Recommendation to Council

a   **That the Draft Core Strategy be approved for consultation;**

b   **That representations be reported to the LDF Sub-Committee for their consideration;**

c   **That the LDF Sub-Committee make recommendations to this Board on changes to the Draft Core Strategy, if required; and**

d   **That the Draft Core Strategy be considered as a material planning consideration.**

---

2   **Consultation**

2.1   **Portfolio Holder, Shadow Portfolio Holder and Ward Members**

2.1.1 Presentations took place for Members on 7 September. This was to provide Members with the opportunity to ask any questions about the Draft Core Strategy and accompanying documents.

3   **Background**

3.1   The LDF Sub-Committee considered on 6 July a Draft Core Strategy and suggested some minor changes. The LDF Sub-committee then considered on 31 August the following documents to accompany the Draft Core Strategy:

- Habitat Regulations Assessment Screening Report
- Sustainability Report
- Equalities Impact Report
- Key Diagram
- Rural Proofing

These reports are available on the Council's website.

3.2   The LDF Sub-Committee recommended that all of the above documents be sent on to Board for their consideration and progression to public consultation.

4   **Draft Core Strategy**

4.1   The Draft Core Strategy has been prepared for consultation and is attached as Appendix A. It outlines the Preferred Strategy that the Borough Council would look to implement. This is not the formal submission document but an opportunity for residents, businesses and other stakeholders to give their views on what is included and perhaps just as importantly what has not been included in the Draft Strategy.

5   **Timetable for Draft Core Strategy**

5.1   Table 1 indicates the suggested timetable for the next stages in the production of the Core Strategy.

7 September	Member training – 2.30pm and 6.30pm
12 September	Planning and Development Board
13 September	Executive Board
28 September	Full Council
late October	Consultation start for 12 weeks
March 2012	LDF Sub-Committee
April 2012	Executive Board

6   **Consultation**

6.1   The consultation on the Draft Core Strategy will last for 12 weeks and include:

- Information on the web
- Documents to be physically available in libraries and one stop shop
- Manned and unmanned displays in various locations throughout the Borough
- Mail shot, either by post or by email, letting those on LDF database know of consultation process
- Article in North Talk
- Press releases
- Presentations to Area Fora
- Manning a stall at Dickens Night and Coleshill Farmers Market
- Talks / presentations to specific groups and partners, such as Warwickshire Race Equality Partnership, Old People's Forum, various Disability Groups, CAVA and other voluntary organisations, etc.

7   **Report Implications**

7.1   **Environment and Sustainability Implications**

7.1.1   A key role of the Draft Core Strategy is to ensure that development is sustainable and that the rural nature of the Borough is maintained. The North Warwickshire Sustainable Community Strategy 2009 – 2026 is a key influence

for the draft core strategy as highlighted in the report. In particular success with achieving the priority of Raising aspirations, educational attainment and skills will be significantly influence by the development outcomes for housing and employment. An example of this is the current work associated with the Birch Coppice Section 106 which is developing a number of training, skills and employment opportunities for local communities.

7.2 Human Resources Implications

7.2.1 The Forward Planning Team will carry out the consultation process with assistance from colleagues in the Development Control team. The next stages of the local development framework work will be brought back to Members.

7.3 Financial Implications

7.3.1 The cost of the consultation process will be drawn from the current Local Development Frameworks budget.

7.4 Links to Council's Priorities

7.4.1 This report is linked 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

PREFACE

Welcome to the Draft Core Strategy which sets out the strategic planning policies that the Borough Council, with its partners, will pursue over the next 10 to 20 years. This may seem a long time especially in this fast moving world but the policies in this Core Strategy have been written to give them some flexibility and longevity as well as give the framework for other planning policies that will make up the Local Development Framework.

The key priority is to keep the rural nature of the Borough and to ensure that when entering North Warwickshire it is clearly defined as being rural with a high quality of environment. It also seeks to tackle the key issues that the Borough faces of health, skills, and access to services and facilities, including affordable housing.

Your views are critical at this stage in the process because changes can still be made to this Plan. So if you know of something that should be in this document please let us know. Following consideration of the representations from this stage we will produce the final version of the Strategy. Only if there are issues that make this document unsound will further changes then be made.

Councillor Ray Sweet
Chairman, LDF Sub-Committee

Contact Details

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Contents

1   Introduction

What is a Core Strategy?

1.1   The Core Strategy is just one of the many documents that will build to make up the Local Development Framework (LDF) for the Borough. It contains planning policies to guide the development and use of land which affect the nature of places and how they function at a strategic level. The Core Strategy will therefore deliver the North Warwickshire Sustainable Community Strategy's vision by seeking quality sustainable development in the right place at the right time. It looks forward to 2026 as well as giving an indication of where and how development will take place beyond this time frame in order to ensure a continuous supply of land. The Core Strategy explains how much and what type of development there will be and where this will generally be located. Policies in this Core Strategy are thus broad Borough-wide policies. It is intended that the Core Strategy has been written so as to allow some flexibility whilst protecting the important aspects of the Borough.

1.2   The policies within the Core Strategy are interrelated and therefore the document should be read as a whole. It should be read alongside the saved policies from the North Warwickshire Local Plan 2006 as some policies in that plan will remain in force until replaced by policies in later LDF documents. (See Appendix A for more information). Although in the process of being abolished it should also be read alongside the emerging West Midland's Regional Spatial Strategy to give a full picture of the planning framework for the Borough, as well as the National Planning Policy Framework (NPPF), Minerals and Waste Local Development Documents prepared by the County Council. Together these plans make up the statutory planning framework for the Borough. All subsequent LDF documents as well as any Neighbourhood Plans or Neighbourhood Development Orders must be in conformity with it and follow its approach.

1.3   The Core Strategy is supported by a Sustainability Appraisal (SA) which incorporates Strategic Environmental Assessment (SEA) requirements to ensure that the strategy accords with the principles of sustainable development and an Appropriate Assessment (AA) to demonstrate that the policies in this plan do not harm European designated sites for nature conservation. This work was carried out by an independent consultant. The outcome of this work is explained and presented in a separate report.

1.4   A key diagram accompanies this Core Strategy showing the key strategic policies. A Proposal Map Development Plan Document will show the detailed geographical items and indicate where there are proposed changes to the Proposals Map contained within the North Warwickshire Local Plan 2006. Supplementary Planning Documents (SPD) will be used to add more detail and give guidance on how the Council will implement specific policies.

1.5   This Core Strategy takes in to account a number of other documents, including strategies, studies and other information, such as Ministerial letters. These are outlined in Appendix B. Many of the documents and, in particular, the regional documents will change over the coming years as Government proceeds with the abolition of Regional Spatial Strategies.

1.6   Consultation with stakeholders has shaped this draft Core Strategy. As a result of the consultation and especially the specific Issues and Options consultation, the preferred option of allowing development of the appropriate size and scale in a variety of settlements will be pursued, guided by the settlement hierarchy. The settlement hierarchy is based on an assessment of the services, facilities and sustainability of the various settlements within the Borough. This builds on work previously undertaken for the Local Plan and has been updated to ensure it reflects the current situation.

1.7   In addition to delivering North Warwickshire's development needs there is also a potential requirement to consider the needs of adjoining authorities. The Draft Regional Spatial Strategy required this consideration, in particular, in the event there is insufficient capacity within Tamworth's area to accommodate their employment requirement. There is no such requirement in relation to housing, although it has been identified in Tamworth Core Strategy Housing policies that land in North Warwickshire is preferred to cater for future potential housing growth. The draft Core Strategy is being written at a time when the Duty to Co-operate is being introduced by the Decentralisation and Localism Bill therefore in order to give this Core Strategy longevity and flexibility, consideration of these issues needs to be undertaken.

1.8   This document has been assessed through:
- Sustainability Appraisal (Land Use Consultants)
- Rural Proofing
- Equalities Impact Assessment
- Habitat Regulations Assessment (Screening report by Land Use Consultants)
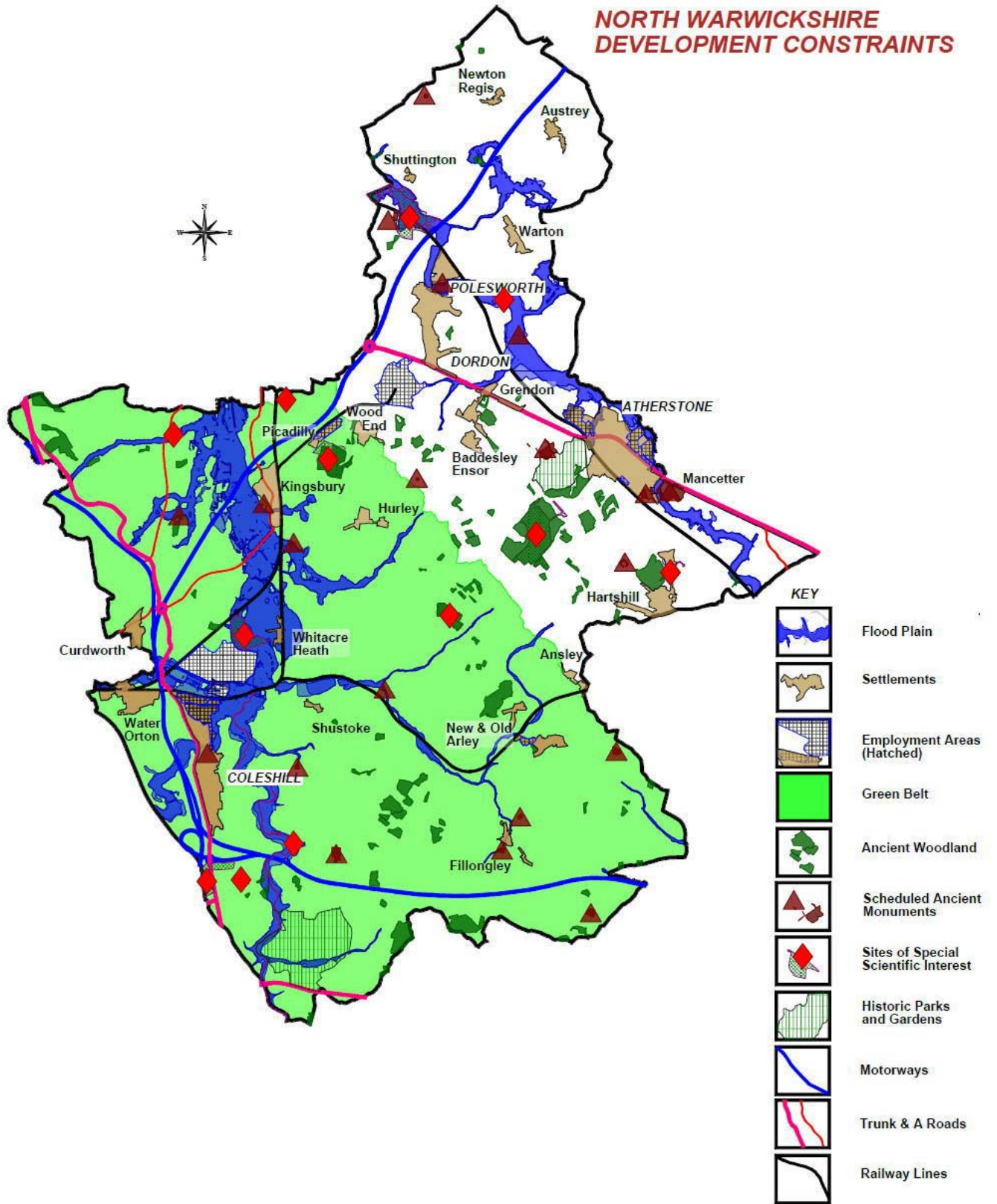
2   Spatial Portrait

2.1   This Spatial Portrait gives the story of the Borough and the issues that it faces. It includes not just the traditional aspects related to land-use planning but it also includes other information / issues that have an impact on how land is used, such as, health, skills and training. All of this information provides an image of the Borough which then feeds into the strategic policies.

2.2   North Warwickshire is a rural Borough with over 50 settlements as shown on Map 1, covering 110 square miles / 28,526 ha / 285 km². The settlements range in size from Atherstone, if considered with Mancetter, which exceeds a population of 10,000 to small hamlets. Atherstone, Coleshill and Polesworth are the three market towns and are important to the health of the surrounding rural economy as they provide many services and facilities to the outlying hinterland.

2.3   The Borough lies between Birmingham, Solihull, Coventry, Nuneaton and Hinckley, all of which are growth areas. No growth from these areas is expected to take place in the Borough in the plan period. However to the north-west lies Tamworth. Although not a growth area it is a town constrained by tight administrative boundaries. The Borough therefore has pressure for growth from all around. This is not only in terms of land being sought in this Borough (as is the case from Tamworth) but in terms of the environmental implications of such growth. For example, traffic passing through the Borough especially along the A5.

2.4   The economy of the Borough, since the closure of all but one of the coal mines, has seen an increase in employment land, particularly logistics, but a decrease in manufacturing. Large brownfield sites, such as Hams Hall, Birch Coppice, and Kingsbury Link, have been used for development, mainly B8 (storage and distribution uses). The Borough is the location for many national and international companies including Aldi, TNT, BHS, 3M, BMW, Sainsbury and Subaru. By 2012 it will also have one of Ocado's national hubs.

2.5   There are a number of other older industrial estates in Atherstone, Mancetter, Arley and Coleshill that serve the local and sub-regional employment needs of the Borough with mostly smaller companies. Over 90% of firms in the Borough employ 10 or less employees. Many workers commute with in and out commuting being high at over 50%. With companies locating in the Borough it is important for local people to have the necessary skills to take up the local job opportunities and as well as having the skills to start up in business.

2.6   Major roads of national and regional significance pass through the Borough (M6, M6 Toll, A5, M42, and A446) and they form part of the Strategic Road Network. The A5, although part of this network, is not dual carriageway along its entire length and has speed limits as low as 40 mph in some parts. The Borough Council is working with Warwickshire County Council, Leicestershire

County Council, the Highways Agency from the East and West Midlands, as well as other local authorities along its route, to investigate the issues of growth and how improvements to the route can take place. A Strategy is being prepared and the Borough Council will work with partners including the private sector to deal with issues along its route. The capacity of the A5 will be an ongoing concern as major developments are taking place along its route mainly outside the Borough which may impact on how development takes place in the Borough. Such developments include sustainable urban extensions in Hinckley & Bosworth, DIRFT in Daventry and Rugby, growth in Nuneaton & Bedworth as well as growth in Tamworth, Lichfield and beyond.

2.7   Rail also plays an important role in the Borough with the Trent Valley line / West Coast mainline and the cross country line. During 2008 a new station called Coleshill Parkway opened and services have been improved to Atherstone. There are also two rail freight facilities at Hams Hall and Birch Coppice. Birch Coppice freight facility is nearing capacity due to restrictions on the line but these may be overcome by introducing new technology.

2.8   In December 2010 the Secretary of State announced the Preferred Route for HS2 (High Speed Rail). This travels through the Borough northwards from the NEC along the Tame Valley up to Middleton and then on to Bassett's Pole. A route also comes out of and goes in to Birmingham to the south of Water Orton. If HS2 is agreed an official announcement on safeguarding the route should be made by the end of 2011. Also by the end of 2011 the route of the next phase to Leeds via the East Midlands should be published. The full impact of the proposals will not be know for some time, but increased traffic, especially through the rural countryside close to the new railway station and monorail depot to the east of the M42 near to the NEC, is likely. Improved public transport connections will be extremely important to mitigate this impact as well as substantial landscaping along its route.

2.9   The Borough has low housing growth, whilst expansion of employment land, particularly for logistics, has been large compared to the rest of the West Midlands. This brings with it its own problems of ensuring there is sufficient housing of the right type and in the right location to suit the needs of Borough residents, as well as making sure that those living in North Warwickshire have the right opportunities, training and skills to take advantage of and access the additional jobs. How buildings will be built and integrated into the landscape and existing settlements will be an important consideration too.

2.10   North Warwickshire has a high level of energy consumption with 61% being used by transport (particularly caused by the high levels of petroleum consumption), 25% by industrial uses and 13% by domestic (Source Quality of Life 2009 page 99).

NORTH WARWICKSHIRE DEVELOPMENT CONSTRAINTS

KEY

Flood Plain

Settlements

Employment Areas (Hatched)

Green Belt

Ancient Woodland

Scheduled Ancient Monuments

Sites of Special Scientific Interest

Historic Parks and Gardens

Motorways

Trunk & A Roads

Railway Lines

2.11 As mentioned above the Borough of North Warwickshire is made up of a number of different settlements each with their own characteristics but sometimes showing similar issues. The County Council has prepared Locality Profiles for the Borough which divides the Borough into four areas to coincide with the Area Forum Boundaries. Below is a portrait of some of the key settlements / places.

Market Towns and adjoining settlements

Atherstone with Mancetter

2.12 **Atherstone** is one of the three Market Towns within North Warwickshire and is extremely important to the vitality of the Borough as a whole. It has continued to struggle within the overall economic climate. It has a variety of shops, large employment areas, historical areas as well as recreational facilities providing a wide range of services and facilities. However due to the easy access to surrounding larger towns and cities these services and facilities are constantly under pressure.

2.13 Atherstone grew as a town through its association with agriculture and because of its location in relation to Watling Street, and the canal and railway network. It still exhibits a historic street pattern with many old buildings, a Market Place / Church Square and numerous pubs and banks. The town is unique particularly because of its association with the production of felt hats and there are still several reminders of this. A Heritage Partnership Scheme with Advantage West Midlands and English Heritage assisted in improving some of the important frontages within the town centre.

2.14 The improved provision of train services to Atherstone is supported. Investment has been made to improve the platforms and the train information signage. There remain issues over car parking and access to the western platform under the bridge on the Watling Street. Although lighting has been improved the replacement or refurbishment of the footbridge is supported. In addition opportunities to improve parking for both the station and the town will be pursued. The introduction of the decriminalisation of parking will impact on the town and the County Council with the Borough Council is investigating ways that this can be introduced.

2.15 The canal plays a major role in encouraging people to come to Atherstone. However due to technical reasons involving maintaining a suitable water supply, a canal basin can not be provided within Atherstone. If and when these technical issues could be overcome a new basin would be supported.

2.16 Atherstone has two main employment sites. The oldest of these, at Carlyon Road, was built during the 1970's and 1980's. It is the quality of many of the units[1] that is now an issue with many of the units not standing up to modern day needs. The other site of Holly Lane is dominated by the presence of TNT

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[1] Chesterton Report 2001 and CB Richard Ellis 2007

and Aldi. Land has been allocated for further expansion at this estate. The landowner now wishes to retain this land for their expansion plans. Therefore, although available, it is for a specific end user of Aldi themselves. Both estates offer redevelopment opportunities,

2.17 The need is to accommodate development necessary to promote Atherstone's role as a main town and the civic focus of the Borough while protecting the historic character and scale of the town centre and providing enhanced facilities accessible to the community as a whole. There are a number of opportunities that are emerging. Public agencies are exploring ways of improving services whilst rationalising their own facilities and buildings. This will provide regeneration opportunities for any released sites and for newly developed sites. However, the expansion of Atherstone, beyond the current development boundaries, is constrained by floodplain to the north and north-east, a historic park and garden to the west, railway lines and wildlife sites to the south and Mancetter with archaeological remains to the east. Therefore, other than very small scale developments on the fringe of the Atherstone development boundary, the area to the north-west, beyond Holly Lane Industrial Estate, would appear to be the only area where some development could take place. Development inside the development boundary and redevelopment/ regeneration opportunities will be the main priority before any development takes place on a greenfield site. This will be explored further in the Site Allocations Development Plan Document.

2.18 **Mancetter** shares a contiguous development boundary with Atherstone and is considered as an integral part of the Market Town. However locally it is considered a settlement in its own right. It has its own industrial estate offering a range of unit sizes. The area around the shops and grassed in Church Road offer an opportunity for regeneration with new shops and additional housing.

Coleshill

2.19 **Coleshill** is one of the three Market Towns and lies to the west of the Borough surrounded by Green Belt. It is an old coaching town and has a strong historical association with many listed buildings and two conservation areas. Since 2008 it has had its own railway station with a bus interchange, which is proving to be very successful.

2.20 Planning permission has been granted for a new retail store on the land off Park Road. The need for a retail store had been highlighted in many studies over the years but there were few sites that would have been appropriate. The site is close to but outside of the Town Centre Boundary.

2.21 Hams Hall, formerly an electricity generation site, has been redeveloped as a manufacturing, distribution and freight site. The Regional Spatial Strategy Panel Report recognised the site as a Regional Logistics Site (RLS) and saw the development of the former power station site B (around 20 hectares) as part of the regional baseline for further regional logistics. However the

national need for energy generation is increasing as outlined in the Draft National Planning Statements on Energy Generation. Therefore if there is a proven national need, then part of this site could be used for power generation once again. (For the avoidance of doubt this would not include nuclear power generation.)

2.22   Coleshill has a long employment association with utilities and agriculture. It has an historic core and links with Birmingham suburbs for jobs and services. Given the location of Coleshill in the Green Belt, the main thrust of policy here will be to accommodate development, inside it's development boundary, necessary to maintain the continuing prosperity of this historic market town, while avoiding outward pressure on and within the surrounding countryside.

2.23   A site off Coventry Road, Coleshill owned by the Father Hudson's Society is one of the key development sites in Coleshill and the Borough Council has been working with the land owner to deliver a housing scheme, supported housing or a mix of residential uses on this site. Due to the recession and the site complexities it has taken time to progress but the owner is still pursuing development and is confident that it will be delivered.

Polesworth with Dordon

2.24   **Polesworth** is one of the three Market Towns and lies to the north of the Borough. It is a historic market town established at a crossing of the River Anker. It exhibits a typical pattern of streets and buildings, with a strong historical core centred on Polesworth Abbey and the Conservation Area. It has a close geographical relationship with Tamworth for a range of services and facilities. This puts the services and facilities in Polesworth under pressure. It still retains some key services but these are generally small in scale.

2.25   However this physical closeness means that there is a strong desire locally to protect the area to the west of the town from further development in order to maintain its individual identity and prevent the coalescence of Polesworth with Tamworth. This is particularly important as Tamworth Borough Council is looking to develop up to their Borough boundary and have a desire to build for their housing needs to be catered for in North Warwickshire. Development in North Warwickshire would only take place if there was a proven need; all sites in Tamworth had been fully developed; and sites in Lichfield had been developed, then the Borough Council would explore a case for development on the western side of the M42. However, development to the east of the M42 would not be acceptable.

2.26   Mineral reserves of coal have been extracted to the north and north-west both by open cast and underground mining. Coal reserves of the North Warwickshire Coalfield lie to the north, east and south-east of the town. UK Coal Ltd owned the majority of the land to the east of Polesworth and Dordon until recently. With the sale of this land the pressure for opencast has decreased, although it is believed that mineral rights have been retained for a

period of 15 years from the date of sale. If any development were to take place in this area, further evidence would be required to balance the sterilisation and national need of coal reserves with the viability of extracting coal and local environmental concerns. There is possible potential for small scale housing developments along the eastern boundary of the town depending upon the resolution of the mineral issue.

2.27   **Dordon** is of much more recent origin and grew through the development of housing for workers at the nearby collieries, especially Birch Coppice. Although having now one contiguous settlement boundary with Polesworth, both retain distinctive identities, which both communities wish to retain.

2.28   The area of Dordon to the north of the A5 relates well to Polesworth, although Long Street would be a constraint to any growth. The area on the western side of Dordon, although not of a high landscape value, plays an important role in maintaining the separation between Tamworth and Dordon thus ensuring, when entering North Warwickshire along the A5, that the area retains its rural character. The rural character would be strengthened by landscaping on both sides of the A5 and this is a key aim.

2.29   The Birch Coppice Business Park, on the site of the former Birch Coppice Colliery to the south of Dordon, was designated a Regional Logistics Site (RLS) in the Regional Spatial Strategy. A further 40 hectares is currently under construction. There is also the Birmingham Intermodal Freight Terminal (BIFT). It will also have a waste transfer recycling centre run by Warwickshire County Council. This site caters for wider than local needs and the challenge is to ensure that local people have the skills to take up the employment opportunities at this site. The industrial area and the housing to the south of the A5 are separate from the main body of the settlement and any development in this area needs to consider how this issue could be addressed.

2.30   A major challenge therefore to ensure that any development growth in Polesworth and Dordon makes a positive contribution to its sustainability by embracing a mix of housing and other uses, especially small scale employment uses, is supported by all the necessary infrastructure and services while protecting the separate identity of the two distinct communities.

Local Service Centres

2.31   There are five Local Service Centres of Arely (New and Old), Baddesley and Grendon, Hartshill, Kingsbury and Water Orton.

Arley

2.32   Arley comprises the two villages of Old Arley and New Arley surrounded by Green Belt. With the opening of Arley colliery in 1901 the population increased and the mine continued production until 1968. A new Industrial estate and housing helped Arley to avoid becoming a 'ghost town' after its

closure. Arley is still considered a rural community being some distance from any towns. It has the 'feel' of a rural community being surrounded by farms and possessing a quiet atmosphere. The villages now have a broad mixture of inhabitants and the changing employment patterns since the mine closure have meant that a majority of people now commute outside of the villages to work. Redevelopment opportunities in the northern section of Arley Industrial Estate may help to address this issue.

2.33   New Arley has a good-sized Co-op store, food takeaways, new allotments and a Post Office/shop.   Old Arley has a Sports Centre and butchers. Additionally two pubs, three churches, a chapel and a Medical Centre serve both communities. Both villages have playing fields and playgrounds.

Baddesley / Grendon

2.34   Baddesley / Grendon are former mining villages located on the A5 outside of the Green Belt. The two settlements are closely linked and share many of their services and facilities.   The A5, notwithstanding the lowering of the speed limit through this area, is a major barrier to community cohesion and additional crossing facilities are required to overcome this.

2.35   There were mining activities in the area for centuries before the two main shafts, which formed Baddesley Colliery, were sunk in 1850. Although called Baddesley Colliery it was actually just over the border in Baxterley. From then on until 1989, when the pit closed, the majority of resident workers worked in some capacity at the mine. The site has been reclaimed and has planning permission for car storage. Since the closure of the mine the village is now mainly residential.

2.36   The area is known for its common and woodland. Grendon and Baddesley Common is the largest area in Warwickshire of a priority rare habitat of lowland heathland. A wood has been planted called Legion's Wood.

Hartshill

2.37   Hartshill sites on a ridge extending to the north-west. It is bounded to the south by the urban area of Nuneaton, and has very close links to the town. Although residents use the services and facilities in Nuneaton it provides many services and facilities to Nuneaton residents and in particular the Camp Hill Urban Village.   The main facilities are the secondary school and two primary schools. Hartshill has an historic centre with the remains of Hartshill Castle, now under private ownership, and St James' Church. To the north there is the country park of Hartshill Hayes and a Quarryman's walk has been created to allow access to surrounding areas.

2.38   Hartshill has a long history of mineral extraction with hard rock quarries to the east which have not been decommissioned and so could be re-opened. To the west there are the remains of the Moorwood mineral railway line and there are sites that have previously been tipped. The Borough Council would

consider some development in this area once the quarries have been decommissioned. Any uses would need to protect and enhance the rich natural and geodiversity in this area.

Kingsbury

2.39 Kingsbury is constrained by flood plain to the west and the Birmingham to Tamworth railway line to the east. The Kingsbury Oil Terminal lies to the north east. The village is surrounded by Green Belt.

2.40 Industry started to appear towards the end of the 19th century with the opening of Cliff Brickworks but it was the development of the Warwickshire coalfield that brought the greatest change to the village. Kingsbury Colliery was opened in 1897 and almost overnight fortunes changed as farming gradually gave way to the extraction of coal for use in Birmingham and at Coleshill's town gas manufacturing plant. After the colliery shut in 1968, additional farming land was lost to the more lucrative gravel extraction at Bodymoor Heath and for the construction of the Oil Terminal on the Trinity Road. Kingsbury Water Park grew out of the old, gravel workings in 1975 and has become a haven for bird watchers and walkers alike, attracting over 100,000 visitors per annum.

2.41 Kingsbury has a small conservation area with one of English Heritage's Buildings at Risk that is currently undergoing major refurbishment. The Conservation Area is also considered, by English Heritage to be at risk. Kingsbury is now a large, semi-rural village and, especially following the building of the M42 motorway, has become a 'dormer' community for the surrounding towns and cities.[2]

2.42 Kingsbury once had a station and a replacement station is still being pursued, alongside the Bordlsey Chord proposals for the Birmingham to Lichfield line that passes through Kingsbury past Dosthill and on to Tamworth. This has been included in Warwickshire's Local Transport Plan 3 and is saved policy TPT4 from the North Warwickshire Local Plan 2006.

Water Orton

2.42 Water Orton sites on the River Tame. Old Church Road is where the early settlers set up home, and is now what is left of the original part of the village. Until 1842 Water Orton was just a scattering of little cottages and farms. The railway came to Water Orton in 1842 and brought many visitors and new residents to the village. During the steam era many jobs were created with the building of large railway sidings to the west of the village. Between 1851 and 1951 the population rose from 190 to 1,840. It now has a thriving community and it is the only settlement with an adopted Village Design Statement.

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[2] Source: http://www.dannyhaines.com/khs/

2.43 Water Orton is constrained by the Green Belt and is under pressure for further development due to its close proximity to Birmingham. Major road and rail transport infrastructure surrounds the village. In addition there is the potential High Speed Railway line. Any development outside of the development boundaries would thus further erode the rural character of the village.

Other Places

Villages & Hamlets

2.44 There are a number of other settlements that do not have the same range of services and facilities but provide significantly to community life within the Borough. With the emphasis in the past for development to be targeted at the main settlements (Atherstone / Mancetter and Polesworth / Dordon, as identified by the Warwickshire Structure Plan, 1989) this put the smaller villages in a difficult position in that they were losing services and facilities without the support of the planning policies to recognise their importance to the rural nature of the Borough. Local requirements have changed as the residents of the countryside have changed but there are many people who live in the smaller settlements and the countryside who have difficulty accessing services / facilities and affordable housing. Local planning policies should allow for these needs to be catered for in a sensitive and in an innovative way.

Countryside

2.45 The Borough covers over 110,000 hectares with the largest settlement being around 10,000 population. This means that the countryside plays an important role in the Borough as it gives it the rural context in which all other things operate.

2.46 There are three major private estates of Packington, Blythe and Merevale, which have influenced the landscape of the Borough. Agriculture is a major employer and producer.

2.47 Within the countryside there are 8 golf courses, including The Belfry and the Forest of Arden; major tourist attractions, such as Kingsbury Water Park; as well as more local facilities. A thriving rural economy is important to the Borough. However, a balance needs to be struck between allowing development that is appropriate in terms of scale and character, whilst protecting and emphasising the rural context of the Borough.

Issues

2.48 It is clear that there are a number of cross cutting issues that have consistently been highlighted or raised throughout the development of this Core Strategy. These are outlined in more detail in the Key Issues paper.

2.49   Access is an important issue in respect of both the physical means of accessing services and facilities as well as accessing education, employment, debt/benefits advice /health services, leisure and recreation and housing provision and support. This issue is exacerbated by an increasing elderly population; higher than expected adverse health issues, cross cutting the generations (obesity/smoking/drinking/infant death rates); and, increased fuel costs impacting on fuel poverty and transport costs. These raise major implications and potential pressures for future service needs and how to address the form and location of their provision and how those who need those services can access them

2.50   The Sustainable Community Strategy recognised that with limited resources, partnership working needed to be more focussed in order to ensure delivery. This is not to say that other issues are less important to either individual organisations or groups of organisations, which can be tackled outside of the SCS arena. It has therefore focussed on three long term issues that it considers the Local Strategic Partnership as a whole can be effective at delivering results. These are:
1.   Access to Services & facilities
2.   Education and Aspirations
3.   Health

2.51   In terms of the Core Strategy the aim is to look at spatial linkages to these issues. For example there are clear links between issues of poor health, obesity and open space/recreation provision, education and the skills gap, rural transport and isolation and where the opportunities and needs are for seeking planning gain or financial contributions from any proposed commercial/housing developments.

2.52   The Borough has, is and will continue to look for ways of tackling these issues. This will be through a range of opportunities including, the LEADER programme, the Borough's Outreach Bus, Section 106 contributions, as well as continuing to work with a range of partners from the public, private and voluntary sectors. The Core Strategy can assist in ensuring a lasting legacy from any development that takes place.

So what makes North Warwickshire unique?

2.53   In conclusion the list below summaries the key qualities that makes North Warwickshire unique:
1.   Quality of environment – it has a pleasant rural character distinct from its growing urban neighbours
2.   Number of settlements – there are over 50 settlements ranging from Market Towns to small hamlets, each with a different character
3.   Former mining legacy – It had a number of mines with all but one now closed. There are still ex-mining communities in need of assistance, in particular with the standard of housing and with access to skills and training.

4.   A range of major employers – the Borough is the location for national and regional headquarters of both national and international companies with two rail freight facilities.
5.   No one distinctive style – there is no one distinctive borough-wide building style but there are very local styles either in character or in form.
6.   Broad range of issues – the Borough has a broad range of issues many relating to poor skills, poor heath and poor access.

3. Spatial Vision

3.1 This leads us to the Spatial Vision for the Local Development Framework. This Vision builds on the Community Strategy Vision and gives it a spatial dimension.

3.2 The Spatial Vision for the Borough is thus:

Rural North Warwickshire; a community of communities. A place where people want to live, work and visit, now and in the future, which meets the diverse needs of existing and future residents, is sensitive to the local environment, and contributes to a high quality of life. A place which is safe and inclusive, well planned, built and run, and offers equality of opportunity and good services for all.

The rural character of North Warwickshire will be retained and reinforced to ensure that when entering the Borough it is distinctive from the surrounding urban areas.

In the next 15 to 20 years, the Borough will accommodate development in a balanced and sustainable way, placing a high priority on quality of life, ensuring the protection of valuable natural and historic resources and providing the necessary supporting infrastructure.

New homes and new employment together with local services and community facilities will be integrated carefully into the Borough's existing areas and this will focus the majority of the development to the Market Towns and Local Service Centres. Employment generation will benefit local residents and ensure long lasting benefits to the Borough, including improved skills, reducing out commuting and regeneration of industrial estates where appropriate.

Housing catering for the needs of residents will be provided in order to give choice of tenure and location and will be located to take advantage of good public transport accessibility and to help maintain and enhance the vitality and viability of settlements.

Existing communities will retain their distinctiveness and identity through good quality, inclusive design. New development will be designed to a high quality following urban design, sustainable development and construction principles and giving high importance to the public realm as well as good access and provision of open space, sports and recreational facilities.

Important natural and historic areas and buildings help to create the distinctive character and identity of the Borough and its settlements are protected and enhanced.

4.   Strategic Objectives

4.1   The following table gives the Strategic Objectives for the Core Strategy that flow out of the Spatial Vision, with a short paragraph giving an outline of the sort of things they would cover. All of the objectives are interlinked and so should be read together. The Core Strategy policies will flow from these. In addition, policies in other Development Plan Documents, including Neighbourhood Plans will also use these objectives.

Table 2 – Strategic Objectives

Number	Strategic Objective	
1	To secure a sustainable pattern of development reflecting the rural character of the Borough	This will include giving priority to re-using previously developed land and buildings within Market Towns and Local Service Centres, recognising regeneration opportunities; as well as reducing the overall need to travel, limiting exposure to flood risk, and, protecting the Borough's environmental assets and rural character.
2	To provide for the housing needs of the Borough	This will ensure there will be a sufficient supply and appropriate size, mix and tenure of housing to meet the identified requirements of residents
3	To develop and grow the local economy for the benefit of local residents	This will be achieved by providing land and buildings; improving infrastructure to support economic development and facilitating regeneration initiatives that capture local economic benefits for local residents especially higher skills aspirations.
4	To maintain and improve the vitality of the Market Towns	This will be achieved by making the best use of land and buildings; facilitating regeneration and building on their historic strengths
5	To promote rural diversification	This will be achieved by supporting investment that maintains and extends services and facilities that directly benefit rural needs and maintains and enhances the environment.

6	To deliver high quality developments based on sustainable and inclusive designs	This will raise the quality threshold of developments; promote sustainable construction practices including energy efficiency, recycling and addresses crime and safety issues
7	To protect and enhance the quality of the natural and historic environment across the borough	This will be achieved through securing good sustainable design that addresses environmental issues, including flood risk; and safeguards important designated environmental, historic and archaeological sites
8	To establish and maintain a network of accessible good quality open spaces, sports and recreational facilities	This will promote well-being, social inclusion and community cohesion
9	To ensure the satisfactory provision of social and cultural facilities	This will secure the social and physical infrastructure necessary to improve the health, education, life-long learning and well-being of all sectors of the community

5   Spatial Strategy

5.1   The North Warwickshire Core Strategy sets out the long term strategic policies and proposals to deliver the Local Development Framework vision in accordance with the Local Development Framework objectives. It identifies a Borough-wide pattern of development. It does not identify specific sites as these will be identified through later Documents.

5.2   The Spatial Strategy is a key component of the Core Strategy for delivering a sustainable way of living and working and considering the appropriate distribution for development. It seeks to allow development to take place in a dispersed but controlled pattern throughout the Borough. The pattern of development has been influenced by considering how the Borough functions as well as the impact of surrounding cities and towns. Future development will take place in accordance to the size of the settlement taken with its range of services and facilities and dependant on whether it is in or outside of the Green Belt. This will mean that the majority of development will take place in the larger settlements with more limited development in the smaller rural settlements and in particular those not in the Green Belt. This will benefit those who currently live, work and visit the Borough and future generations and ensure that development is directed to the most appropriate place.

5.3   This strategy moves forward the settlement hierarchy principles, which were introduced in the adopted Local Plan 2006. The Local Plan's approach was to steer most development to the Main Towns, and then in a cascade approach in other settlements with very little development towards the countryside. Following further analysis into the relevance of the settlement hierarchy and responses to consultations it is clear that the use of the settlement hierarchy still has merit and is broadly supported, but that limited amounts of housing, in particular, should be allowed in the more rural settlements. Essentially, the hierarchy remains unchanged. However what has changed is the emphasis on what will and will not be allowed in the smaller settlements. This follows the Matthew Taylor Report which advocated more development in the rural areas to assist in maintaining the vitality of the rural settlements.

5.4   It has become clear that the way the Local Plan policy was being implemented was restrictive and did not sometimes reflect what the local communities were seeking. The Matthew Taylor Review on the Rural Economy and Affordable Housing showed that historically, settlements can grow incrementally and this can help to maintain the balance between restraint and the continuing vitality of the settlements. In this Core Strategy this approach has been widened to consider the holistic development of services and facilities to help maintain and enhance thriving communities. The constant aim is to provide these in the most sustainable way without it stimulating pressure on the countryside, in particular, the Green Belt; to make suitable provision for development necessary to sustain rural communities by focussing rural housing development and supporting facilities on a network of Local Service Centres, but with limited development provision in other smaller settlements identified with a development boundary on the Proposals Map. Elsewhere, other than

where specifically provided for in the Plan, development will be limited to that requisite for agriculture, forestry or other uses that can be shown to require a rural location.

5.5   Further work has been carried out to ascertain whether settlements could still be within the relevant tier of the Local Plan settlement hierarchy. An assessment was made of their current services and facilities giving them a score. The analysis showed that there were clear groups of settlements providing a similar range of services and facilities. This study showed that only two settlements could possibly be moved to other categories as a result of services or a facility being lost since the hierarchy was first introduced. In relation to Shustoke this change would have resulted in the settlement being placed back in to the Green Belt without a clear development boundary. All development would then require consideration against national Green Belt policy. However, the village has a thriving village school and in order to ensure that modest development could come forward to assist in the re-introduction of services and facilities that would once again bring the village back in to the next tier of settlement, it is not considered appropriate to change its designation. Shuttington, although not surrounded by Green Belt is in a similar situation. Therefore, the settlement hierarchy is intended to give an element of aspiration and challenge as to the range of services and facilities that any settlement could potentially have.

5.6   Following the assessment of where a settlement should be within the hierarchy, the difficulty arises in determining how much development should be allowed, particularly as 60% of North Warwickshire is within the Green Belt. For example, it has been estimated to warrant an additional primary class that over 150 new dwellings would be required. In many locations this is not feasible when trying to balance the needs of the local community; the protection of the local environment, the character of the settlement / landscape and ensuring that the development is as sustainable as possible. To keep a village shop profitable is indeterminable, as changing shopping habits can easily skew this. In some locations a small village can sustain a village shop whilst in other locations the shop is not profitable. In these instances however it is not just seeing shops as shops but it is the need to protect those premises as a community asset with wider potential.

5.7   The Core Strategy seeks to develop a broad distribution pattern for development with the majority of development being directed to the Main Towns, in order to achieve vibrant sustainable communities within a sustainable pattern of development. Appendix C sets out the settlement hierarchy for the Borough. The result is that, Atherstone with Mancetter and Polesworth with Dordon, are the Main Towns where the majority of development will be directed. Coleshill is recognised as a Green Belt Market Town due to its range of services and facilities; and, there are five Local Service Centres located throughout the Borough, which provide important local services and facilities. Housing growth has been distributed to the Main Towns, then to the Green Belt Market Town and then to Local Service Centres. In settlements, villages and hamlets beyond these, development

that provides for local housing needs and help support local services will be permitted. This hierarchy underpins many of the policies within the Plan.

5.8   The Core Strategy allocates strategic housing numbers to places but does not give a specific location. These will be determined either through Area Action Plans or Neighbourhood Development Plans, prepared with Parish Councils. Although in the past it was only local affordable housing that could be supported in these smaller settlements, now a small proportion of market housing as well as affordable has been allocated to some of the smaller settlements in order to assist with maintaining the vitality of these smaller communities. So in smaller settlements small scale housing developments that help regenerate and support the rural economy or meet proven affordable housing needs (via a local housing needs assessments) can still be considered. If plan monitoring shows that this distribution is not being maintained through planning permissions, the position will need to be redressed either by the production of a future Development Plan Document or other policy document.

5.9   Work is continuing at a sub-regional level with neighbouring authorities to develop a Sub-regional Spatial Strategy. This will build on the work already carried out and will reflect issues arsing from the creation of the Coventry & Warwickshire Local Enterprise Partnership. It is not expected that this work will alter the specific Spatial Strategy for North Warwickshire.

NW1   SETTLEMENT HIERARCHY

Development within the Borough will relate to the settlement hierarchy at a scale proportionate to their position in the Borough's settlement hierarchy as given in Appendix C. Where necessary, changes to development boundaries will be made once development has taken place.

Category 1:   Market Towns (outside of greenbelt) – Atherstone with Mancetter, Polesworth with Dordon

Development for employment, housing (including affordable housing), services and other facilities will be permitted within the development boundaries of the Market Towns. It is expected that over the plan period, more than 50% of the housing and employment requirements will be provided in or adjacent to the Market Towns and their associated settlements. Development outside of the current development boundaries will only be permitted as and when evidence shows there are no development opportunities inside the development boundary.

Category 2:   Green Belt Market Town - Coleshill

Within the development boundary of Coleshill, the Green Belt Market Town, development for employment, housing (including affordable housing), services and other facilities will be permitted.

Category 3A: Local Service Centres (outside of Green Belt) – Baddesley with Grendon, Hartshill with Ansley Common

Development for employment, housing (including affordable housing), services and other facilities will be permitted considered to be appropriate to its place in the settlement hierarchy.

Category 3B: Local Service Centres (in Green Belt) – New & Old Arley, Kingsbury, Water Orton

Development for employment, housing (including affordable housing), services and other facilities will be permitted that is considered to be appropriate to its place in the settlement hierarchy.

Category 4: Settlements with a development boundary Austrey, Curdworth, Fillongley, Newton Regis, Shuttington, Shustoke

Development will be limited to that for which a local need has been identified through a Neighbourhood plan. In the absence of an up-to-date Parish Plan or other locality plan the saved policies of ECON 5, 12 and COM1 will apply.

Category 5: Other places such as Furnace End, Ridge Lane

Development only for affordable housing in accordance with Rural Exceptions will be permitted.

Outside Development Boundaries

Outside development boundaries and except where other policies of the Plan expressly provide, development will be limited to that requisite for agriculture, forestry or other uses that can be shown to require a rural location.

Split of Housing

The split of housing development will take the following form:

A minimum requirement will be expected in the following locations:

Category 1: Market Towns   Minimum requirement
    Atherstone / Mancetter   450
    Polesworth & Dordon   300

Category 2: Green Belt Market Town   Minimum requirement
    Coleshill   250

Category 3A: Local service Centres   Minimum requirement
    Grendon/Baddesley Ensor   100
    (together, as a single network of villages)
    Hartshill with Ansley Common   150

In the following locations housing will be limited to a maximum requirement:

Category 3B: Local service Centres   Maximum requirement
    Old and New Arley   60
    (together, as a single network of villages)
    Kingsbury   50
    Water Orton   50

Category 4:   Smaller Rural Villages   Maximum requirement
    Ansley   30
    Austrey   30
    Curdworth   15
   Fillongley   30
    Hurley   30
    Newton Regis   30
    Piccadilly   5
    Shuttington   10
    Shustoke   15
    Warton   30
    Whitacre Heath   20
    Wood End   20

Other Villages and Rural areas
    Rural exceptions only

Delivery of Strategic Objectives: 1, 2, 3, 4

Key Diagram

5.10 The Key Diagram is provided below to show the spatial distribution of development and the levels expected within the Borough.

NORTH WARWICKSHIRE - KEY DIAGRAM
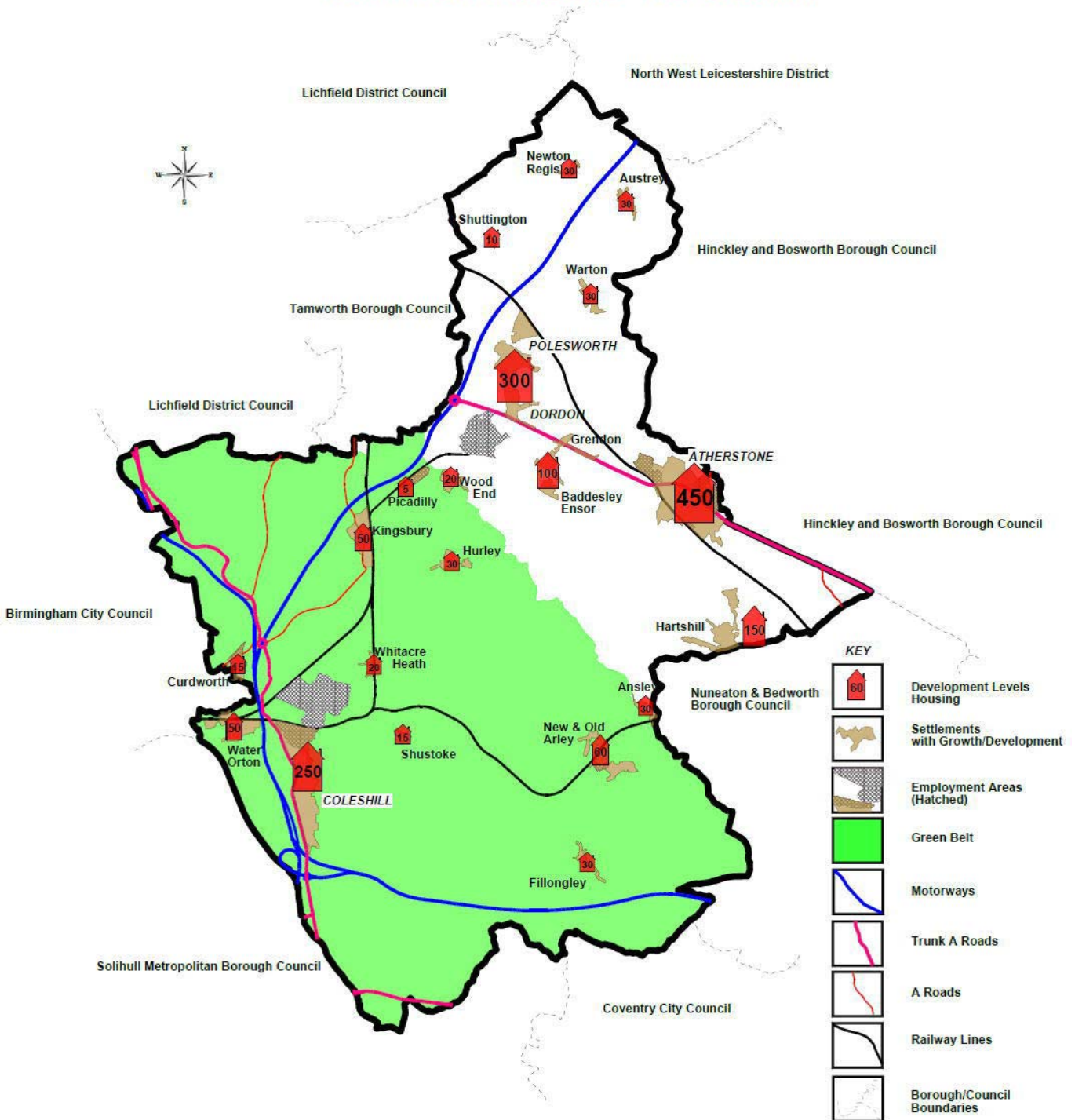
6   Core Policies

Amount of Development

Housing

6.1   The Regional Spatial Strategy sets out the amount of development that the Borough should deliver.   In the Regional Spatial Strategy (RSS) North Warwickshire is seen sub-regionally and regionally as an area of generally low growth. With the abolition of the RSS consideration was given as to what the housing target should be for the Plan period.   During the RSS review, whilst there were a number of scenarios for housing growth, the figures for North Warwickshire essentially remained unchanged. Even the production of the Nathaniel Lichfield & Partners Report (often referred to as the NLP Report) on future housing growth did not advocate an increase in the housing figures for the Borough even though updated housing projections were available. The Panel Report also did not increase the housing figure for the Borough. Therefore, the Borough Council took the decision in the preparation of an\ Interim Planning Policy Statement not to increase the housing figures. A minimum of 3000 units remains the target for the plan period.   These housing figures start from 2006 covering a twenty year period up to 2026 in accordance with the RSS Phase 2 Revision.

6.2   Any supply of housing land should be made up of completions (sites already completed), commitments (sites with planning permission), windfalls (unidentified sites coming forward for development during the Plan period) as well as new site allocations and proposals. A windfall allowance is assumed for later in the Core Strategy period to accord with government guidance. In the past the actual windfall amount has been assessed as 60 per annum but in reality it often exceeded this figure. Even if this figure reduces the Borough Council is confident of meeting its housing target, particularly in view of the work it is doing to bring sites forward for development, as outlined below. The level of housing completions and planning consents issued will need continuous monitoring to avoid any adverse impact on the Borough's and the effect on the sub-regional development strategy.

6.3   There has historically been a non-implementation rate of 5% of planning applications; an increased focus on smaller sites; and a reduction in windfalls due to increased restrictions in rural areas. Windfalls are likely to continue to decline in a plan-led system, especially where past patterns of development have resulted from a more permissive house building regime in rural areas than would now be considered appropriate. Table 1 above indicates the amount of housing that is required for the remaining Plan period.

6.4   The Borough Council has maintained a 5-year housing supply since the introduction of this requirement.   The Strategic Housing Land Availability Assessment indicates that there is more than sufficient land to cater for the

housing requirement up to and beyond 2026. In addition, the Borough Council is actively pursuing development on land it owns as well as County Council owned land to ensure the continuous supply of readily available sites. Specific allocations will be brought forward through a Site Allocations Development Plan Document, Area Action Plan or Neighbour Plan.

Table 1: Housing Requirement
Anticipated Total Number of Dwellings to be delivered to 2026

Table C. Five year Housing Requirement based on the emerging Regional Spatial Strategy 2006 – 2026 – Net		Dwellings Net	Average Dwellings per annum
a)	Housing requirement 2006-2026 (3000 ÷20 yrs=)	3000	150
b)	Net additions to stock 2006-2011 (5 years)	627	
c)	Residential net requirement for 2011-2026 (15 yrs)	2373	158.2
d)	Requirement for 5 years 2012-2017	791	(158.2x 5 yrs)
e)	Housing in the Pipeline	728	4.6 years
f)	Residual Housing requirement	1645	

Gypsy & Travellers

6.5 The Government's key objective for planning for housing is to ensure that everyone has the opportunity of living in a decent home. This includes a commitment to ensuring that the housing needs of members of the gypsy and traveller community and the travelling show people's community are met. The Southern Staffordshire and Northern Warwickshire Gypsy and Traveller Accommodation Assessment (GTAA) published in February 2008 examined the necessity for further sites in the region.

6.6 A number of local authorities across the Southern Staffordshire and Northern Warwickshire area (Rugby Borough Council, Lichfield District Council, South Staffordshire Council, Nuneaton and Bedworth Borough Council, Cannock Chase District Council, North Warwickshire Borough Council and Tamworth Borough Council) commissioned the joint Gypsy and Traveller Accommodation Assessment (GTAA) in May 2007. The study was conducted by a team of researchers from the Salford Housing and Urban Studies Unit (SHUSU) at the University of Salford and assisted by staff at the Centre for Urban and Regional Studies (CURS) at the University of Birmingham. The study was greatly aided by research support and expertise provided by members of the Gypsy and Traveller communities.

6.7 For North Warwickshire this assessment, which took in to account the 17 pitches at the Warwickshire County Council rented site at Alvecote, indicated there is a need for an additional 27 residential pitches (12 up to 2012, 5 up to 2017, 5 up to 2022 and 5 up to 2027), for up to 5 transit caravan pitches up to 2027. There was no evidence of any requirement to provide pitches for travelling show people.

6.8   A West Midlands Interim Policy Statement on the Provision of New Accommodation for Gypsies, Travellers and Travelling Showpeople has been approved by the WMRA in March 2010, prior to being submitted to the Government Office for the West Midlands on 31 March 2011, and gives the provision of pitches per authority for gypsies and travellers and travelling show people.   This Interim Policy Statement provides guidance to assist in the preparation of Local Development Frameworks. Emerging from this research work by the Government Office is that the accommodation needs identified in the GTAA for North Warwickshire have been over-estimated due to statistical errors with the way the existing data has been calculated. The Interim Policy Statement indicates a need for an additional 16 residential pitches up to 2017; 5 transit caravan pitches up to 2017 and no evidence of any requirement to provide pitches for travelling show people. Post 2017 the requirement for North Warwickshire is a compound 3% increase each year which equates to 10 additional pitches with current figures up to 2026.

6.9   Government is currently updating guidance set out in Circular 01/2006 'Planning for Gypsy and Traveller Caravan Sites' and in the findings of the Southern Staffordshire and Northern Warwickshire GTAA published in 2008. The strategy is looking to locate residential development, including Gypsy and Traveller accommodation, in sustainable locations that are well served by services and facilities.   The requirement to locate sites adjacent to urban boundaries may equally be satisfied through its proximity to the administrative areas of Tamworth or Nuneaton.   Sites close to Bedworth, Coventry and Birmingham are all within the Green Belt are not appropriate locations for pitches.

6.10   In order to provide for a range of small sites outside of the Green Belt, but close to services and facilities, a Gypsy & Traveller Development Plan Document will be brought forward and will follow the principles of the settlement hierarchy.

Travelling Show People

6.11   Sites for Travelling Show people will not be allocated specifically as no need has been identified. However appropriate sites would be groups of farms buildings close to main roads throughout the Borough. In addition, there would be a need to meet the criteria reflected in government guidance as set out in Circular 04/2007 'Planning for Travelling Show people' and the findings of the Southern Staffordshire and Northern Warwickshire GTAA published in 2008. Further work will be required to identify specific sites to meet any identified need. Any submitted proposals will be assessed through a criteria based policy to be developed as part of the Gypsy & Traveller Development Plan Document.

Employment

6.12 Economic growth is a key Government goal and Local Enterprise Partnerships have been developed to pursue this. The Borough Council wants to work with the private sector to create long lasting local employment opportunities as well as mitigate any adverse impacts and enhance the rural character of the Borough.

6.13 Historically North Warwickshire has had a number of large brownfield sites that have been redeveloped and this led to an over supply of employment land in relation to the Warwickshire Structure Plan 1996-2011. Two of the largest sites were Hams Hall and Birch Coppice, which were seen as regional logistic sites.

6.14 In addition, to target the priority issues and needs identified through the Sustainable Community Strategy it is considered that all employment related development, should support and assist improvements to access to services, health, skills training and education opportunities through appropriate contributions or specific service delivery. The aim is to address the skills and education deficit and improve aspiration, opportunity and choice of employment. Delivery will need to provide a more focused match between available local employment and the existing and aspirational local employee skill base in order to meet local economic needs and to address the large scale out-commuting pattern that presently exists in the Borough.

Existing Employment Land

6.15 The current position of the Borough in meeting the emerging RSS Employment Land targets is outlined below. As at 1st April 2011 progress towards the emerging RSS Employment Land Allocation target is shown in Table 3 below.

6.15 Provision for a minimum of 44 Hectares of new employment land will be made. Over the Plan period 11 hectares are to be made available over a 5 year rolling programme. In the Regional Spatial Strategy both Hams Hall and Birch Coppice were excluded from this local employment land requirement because they were seen to deal with regional rather than local needs.

6.16 The Table below provides information on the employment supply for the Borough. These figures do not include the outstanding planning permissions for Hams Hall and Birch Coppice, which are both designated as Regional Logistics Sites in the Regional Spatial Strategy Phase 2, or their Regional Spatial Strategy allocation/requirement for future expansion amounting to 20 and 40 ha's respectively. Birch Coppice extension of 40 hectares was approved in 2010 and is under construction.

6.17 Delivery of appropriate employment uses and redevelopment within existing employment sites should reflect the need to broaden the employment base and improve employment choice and opportunity. This will both assist in the regeneration of Atherstone and improve employment choice and opportunities across the Borough.

6.18 The Core Strategy also seeks to support and encourage small scale rural businesses to develop and to enable their expansion where this does not impact detrimentally on the countryside character in environmental or sustainable terms.

Table 3: Local Employment Land Availability

44 ha	**Total Employment Land Requirement for 2006 - 2026**
-17.21 ha	Completions in ha from 2006 to 2011
-23.84 ha	Outstanding Planning permissions at 2011
-6.9 ha	Existing Local Plan Allocation for Employment land
-3.95	Total (3.95 ha oversupply)
+15 (1ha p/a x 15yrs)	Annual Average Rate of Planning permissions estimated to expire between 2011 and 2026 (15yrs x 1ha per annum average[1] =15)
= 11.05 ha	**The remaining Local Employment Land Requirement for the Core Strategy to accommodate**

[1] – the rate of expiry of planning consents between 2006 and 2011 has been approximately 1 ha per annum. This trend is projected to continue over the plan period.

NW2	**Amount of Development**

At least 3,000 dwellings (net), 26 residential and 5 transit Gypsy and Traveller pitches, and 44 hectares of local employment land will be provided between 2006 and 2026. Development will take place in locations having regard to the needs of each location and their capacity to support additional development. Development will only occur if the appropriate infrastructure is available and sites will be released in order to ensure a consistent delivery of housing. Site specific proposals or allocations will be identified in future Development Plan Documents.

Delivery of Strategic Objectives: 2, 3

AFFORDABLE HOUSING

6.19 Generally affordable housing is defined as housing that is non-market for those whose need is not met by the market. National guidance indicates that this can include a wide variety of delivery methods such as socially rented and intermediate housing.

6.20 The Council undertook a housing market assessment in 2007/08 to provide up to date evidence and information for the Core Strategy. Affordable housing needs still remain high with a need of 286 units per annum. The need for affordable housing as identified by this assessment exceeds, on an annualised basis, the overall RSS housing requirement for the Borough, of 150 units per annum. This causes a particular difficulty in North Warwickshire because the analysis further shows that the ratio of income to house prices /

market rental in the Borough is such that the greatest amount of need is for socially rented accommodation. Since the adoption of the 2006 Local Plan therefore "local affordable housing" for North Warwickshire has related to the provision of socially rented housing provided by a Registered Social Landlord, or housing of a similar standard that is available at an equivalent or lower cost (in terms of weekly or monthly repayments or rent). Socially rented accommodation is not the only provision of local affordable housing but it is a means of comparison to ensure that the housing that is provided is affordable for those in housing need in North Warwickshire.

6.21   Increasingly however, it is clear that the viability of these schemes is coming in to question as sources of external funding, such as from the Homes and Communities Agency, is increasingly difficult to access. This means that the Borough Council will have to look at other forms of provisions that clearly deliver aspirations for affordable quality homes. Intermediate housing, such as shared ownership or discounted market housing (in perpetuity), whether provided by an RSL or by a private developer is acceptable. But it will only be able to satisfy a very small proportion of the local housing need (some 3.8%). This is because such housing will only be affordable in North Warwickshire if it compares in terms of standard (size / security of tenure / facilities) and monthly outgoings for rent / mortgage to the rent paid in the socially rented sector.

6.22   Provision of affordable housing remains one of the main priorities for the future. 'Right to buy' / acquire has exacerbated the local situation leaving a dwindling supply of housing held by the Council or Registered Social Landlords. In villages with a population of less than 3000 it is possible to curtail the right to acquire from Registered Social Landlords (RSL's). Lower thresholds and higher percentages than those prescribed in PPG3 are justified and pursued in the Plan, and sites are identified to provide exclusively for affordable housing. A further Plan measure is the restriction to only meet local affordable housing need in rural settlements.

6.23   In terms of delivery of housing sites the Borough Council has been working with the Homes & Communities Agency and other local authorities in the sub-region to prepare a Local Investment Plan (LIP). This includes a list of priority sites that it will pursue with Registered Social Landlords and the private sector to deliver. In addition, the Borough Council itself has built affordable units and will pursue this again where possible and is looking to its own and other public sector land to unlock further opportunities.

6.24   Any local affordable housing will have a cascade of eligibility from local ward up to Borough level. It is important that the housing provided caters for the local affordable housing need and that this is maintained as such in perpetuity. In the first place, priority will be given to those who currently live or work in the ward where the development is taking place. Secondly, the needs of those living in adjacent wards will be considered followed then by the wider needs of the Borough. Those who have been offered a job in North

Warwickshire and need to move into the area but cannot afford a house will also be eligible if they can provide proof of the job offer.

6.25   Planning conditions will be imposed or planning obligations be sought in order to ensure that affordable housing provision is provided in a way that meets local needs and is locally affordable in perpetuity.   This will mean that innovative ways of providing affordable housing will need to be pursued. This will include commuted sums from small developments that collectively can provide a viable sum and the availability of a suitable site to provide affordable housing elsewhere in the Borough.

6.26   A monitoring target has been set to ensure that during the period 2006 – 2026 40% of the dwellings completed are affordable.

6.27   Rural Exception Sites will be included in future Development Plan Documents.

NW3   AFFORDABLE HOUSING

A minimum of 40% of dwellings completed in the period from 31st March 2006 to 31st March 2026 is to be in the form of locally affordable housing.

Delivery of Strategic Objectives: 1, 2

SUSTAINABLE DEVELOPMENT

6.28   The Council recognises the importance of sustainability. In this respect, all development should demonstrate that it is sustainable, with built development designed, laid out and constructed in a manner to ensure the long term retention, adaptation and re-use; that services and facilities that link and support development must be protected and improved where necessary; and that promotion of sustainable transport is prioritised, since within rural areas there is a reliance on private vehicular transport. This is in line with the Government's intentions towards sustainable patterns of movement.

6.29   Transport in a rural area has a different dynamic to that in a built up area. There is a strong dependence on the use of the motor car, as rural bus services may not provide the required journey at the relevant time to access employment sites, in particular. This issue is being exacerbated by the cut in funds to bus operators. This reliance on the motor car can lead to local issues that may result in a greater need for on-site parking and thus result in localised parking standards.

6.30   Equal opportunities are an increasingly important matter in planning. Recent legislation sets out the Council's obligations in ensuring that development is suitable for people of all ages, abilities and backgrounds.   In addition,

promoting healthy and active lifestyles is a key local priority, as set out in the North Warwickshire Sustainable Community Strategy[iii].

6.31   Open spaces, whether publicly or privately owned, are important within settlements as they break up the built form and contribute to local identity. Settlement Character Assessments will be undertaken to identify public spaces within the settlements, and will seek to protect and enhance them. The Council's PPG17 Open Space, Sport & Recreation Audit and Green Space Strategy[iv] identify existing shortfalls in provision, as well as further classifying the importance of existing open spaces.

6.32   People within the Borough should be able to enjoy places without undue disturbance or intrusion from neighbouring uses. This protection of amenity in the public interest accords with paragraph 29 of the companion note to PPS1[v]. The Council will look to protect, and improve where possible, living and working conditions through development proposals, which will be enforced by planning conditions or through the Council's Environmental Health powers.

6.33   The Rivers Tame, Blythe and Anker wildlife sites in the Borough. All are at risk of pollution, particularly the River Blythe, which is a Site of Special Scientific Interest. In addition, despite flood alleviation works in some parts of the Borough, a significant amount of residential and employment land along and near these corridors is at risk of flooding.

6.34   The Council seeks to reduce this risk by minimising surface water run-off to these rivers through locating new development in accordance with PPS25[vi] and requiring Sustainable Drainage Systems (SuDS) and other appropriate attenuation measures. In line with the guidance, where there is considered to be a risk of flooding, developers will be required to conduct a Level 2 flood risk assessment as a Level 1 Strategic Flood Risk Assessment was carried in 2009.   Recommendations from this study will be used as guidance and included in future Development Plan Documents. In addition, ponds and ditches form an important natural drainage function that should where possible be protected and enhanced, especially as they can also result in environmental enhancement and provide benefits to wildlife.

6.35   The raw material, heavy infrastructure and disposal needs of the adjacent Birmingham conurbation and other nearby major urban areas have resulted in additional pressures on the Borough's land resources, including potential contamination. The Borough still has a legacy from extensive coal mining and other extraction. Whilst the County Council sets out the strategic approach for mineral extraction and waste disposal, the Borough retains control over contaminated land issues. In line with the requirements of PPS23, and the intentions of the Council's Environmental Health section to identify and reduce

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[iii] North Warwickshire Community Partnership, 2010; North Warwickshire Sustainable Community Strategy
[iv] NWBC, 2008; North Warwickshire Green Space Strategy
[v] ODPM, 2005; The Planning System: General Principles
[vi] DCLG, 2006; PPS25: Development & Flood Risk

the amount of contaminated land across the Borough, development proposals must identify contaminated and potentially contaminated land, and secure land remediation where appropriate. Such identification may be necessary prior to determination of proposals depending on the sensitivity of the end use. In addition, strict control of the use and disposal of hazardous substances is necessary to safeguard land, premises and people.

6.36   Climate change is a key priority for all. Changes, especially with the improvement in green technology, can have a major long lasting impact. The Borough Council is committed to reducing the carbon footprint of the Borough and encourages changes that lead to such improvements. It has worked with other authorities in the sub-region to produce a Renewable Energy Study. This indicated there was little opportunity for large scale wind generation. In addition it has worked with the sub-regional authorities and the Carbon Trust to produce a renewable energy toolkit.

NW4   SUSTAINABLE DEVELOPMENT

Development should meet the needs of residents and businesses without compromising the ability of future generations to enjoy the same quality of life that the present generation aspires to. Development should:

- be adaptable for future uses and take into account the needs of all users;
- use renewable energy resources including on-site generation of at least 10% of the scheme's requirements where possible;
- reduce energy use to a minimum;
- maintain and improve the provision of accessible local and community services, unless it can be demonstrated that they are no longer needed by the community they serve; not needed for any other community use, or that the facility is being relocated and improved to meet the needs of the new, existing and future community;
- promote healthier lifestyles for the community to be active outside their homes and places of work;
- reduce the use of cars and the encouragement of alternative forms of sustainable transport;
- have satisfactory means of access, focusing on pedestrian access and sustainable transport methods along with necessary storage facilities, as well as providing for sufficient parking and manoeuvring for vehicles in accordance with adopted standards;
- expand or enhance the provision of open space and recreation facilities, and not lead to the loss unless a site of equivalent quality and accessibility can be provided, or shown that it is surplus to needs;
- avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, fumes or other pollution;
- manage the impacts of climate change through the design and location of development, including sustainable drainage, water efficiency measures and ensuring no net loss of flood storage capacity;

- protect the quality of ground or surface water sources so as to reduce the risk of flooding, on site or elsewhere; and
- not sterilise known mineral reserves; degrade soil quality or pose risk to human health and ecology.

Delivery of Strategic Objectives: 1, 6, 8, 9

QUALITY OF DEVELOPMENT

6.37   The Commission for Architecture and the Built Environment (CABE) has developed the Building for Life (BfL)[vii] standard in conjunction with the Home Builders Federation, and is supported by government as the standard for the design quality on new homes. BfL provides a means of ensuring new developments meet appropriate design standards; respect their setting, and are sustainable, thus creating quality places.

6.38   The Borough Council is committed to using the BfL standard within new residential developments. It will look to promote Building for Life, and where appropriate, offer specific guidance drawing on this initiative. Consequently, the aim is to ensure that all new housing developments achieve a good standard of design as defined by the BfL standard.

6.39   Providing enough housing of the right type and of a high quality design is a key aim of this Plan. Ensuring high quality design across the commercial and industrial sector is equally as important. Many elements of the BfL standard apply to non-domestic buildings, and this approach is further supported by the West Midlands Sustainability Checklist[viii].

6.40   The Council recognises the importance of planning development to reduce the opportunity for crime. Whilst crime levels across the Borough are generally lower than other areas of the West Midlands, design should ensure such figures are maintained and further lowered where possible. It is clear that the fear of crime especially at night is still an issue, as for example the Atherstone Parish Plan highlights that there is still fear of being out at night. The Secured by Design[ix] principles are widely accepted to contribute to lowering crime rates.

6.41   North Warwickshire is made up of a number of communities and thus there are very differing styles. The Landscape Character Appraisal and individual Settlement Appraisals have been carried out and will be developed further into Supplementary Planning Documents and should be used as the basis for creating locally distinctive proposals. The Borough Council has Design Champions and they will be used to promote and encourage local distinctiveness in new developments.

[vii] CABE, 2008; Building For Life 20, www.buildingforlife.org
[viii] WMRA, 2009; West Midlands Sustainability Checklist, www.checklistwestmidlands.co.uk
[ix] ACPO CPI, 1989; Secured by Design, www.securedbydesign.com

6.42 In addition to delivering suitable forms of development in appropriate locations, a main objective of the Core Strategy is to promote high quality development at all times. Policies in this Plan are formulated with this objective in mind. Quality developments rely on a combination of factors including aesthetics of the buildings; how water is dealt with and how development fits within the landscape, both rural and urban. Other policies play an equal part in the achievement of quality developments such as how access is gained to a site and how cars and lorries are treated within a scheme. All are crucial in achieving high quality developments within the Borough.

NW5   QUALITY OF DEVELOPMENT

All development proposals must demonstrate a high quality of sustainable design that positively improves the character, appearance and environmental quality of an area and the way it functions as well as deterring crime. In particular, proposals should:

- create places and spaces for people
- reflect local character and distinctiveness
- protect local amenity
- consider opportunities for a mix of use and in particular economic uses
- consider opportunities for public art
- create safe, healthy and accessible environments
- make good provision for access by all transport modes
- ensure accessible environments that give priority to pedestrian and cycle access and provide linkages and integration with surrounding housing, employment, services, facilities and spaces
- deliver higher densities in places with good public transport accessibility
- protect historic character and integrate historic buildings and features where these occur
- provide, conserve and enhance biodiversity and create linkages between green spaces and wildlife corridors.

Delivery of Strategic Objectives: 1, 6, 7, 8, 9

NATURAL & HISTORIC ENVIRONMENT

Natural Environment

6.43 North Warwickshire is characterised by distinctive and open countryside with market towns and many small villages and hamlets. Large country estates make up part of the Borough and much of this open character is in part due to their existence. The overwhelming land use is agriculture, often in extensive estates and accompanied by countryside recreation. The Borough has many

Sites of Special Scientific Interest, Regional Geological Sites (RIGS), Local Sites (Wildlife and Geological), Parks and Gardens of Historical Interest, Country Parks and Warwickshire Wildlife Trust Nature Reserves. However, biodiversity is not only restricted to these sites, but also extends into the wider countryside where protected, rare and endangered species exist, forage or rest. Assets are not only statutory and non-statutory sites, including potential sites, but also those that maintain connectivity within the landscape. Some of these assets have already been identified but are continually being updated. Therefore Supplementary Planning Documents will be prepared in order to allow the information to be updated. Contributions will be sought to assist with the delivery of creating and maintaining the borough's biodiversity and geodiversity assets.

6.44 The Core Strategy, therefore, recognises that it is essential for a healthy and diverse landscape to be protected and enhanced to ensure species movement throughout the Borough as well as into neighbouring authorities. This flow will assist with climate change adaptation by enabling species to expand populations as well as move to more favourable areas.

6.45 Due to the area's natural assets and growth pressure from surrounding areas the primary planning policy will be appropriate development of the appropriate size in the appropriate location.

6.46 Regeneration of the Market Towns particularly through mixed-use development will allow the primary assets of the Borough - its countryside and settlements - to be protected and enhanced. Policies to protect and improve the Countryside beyond defined settlement boundaries will continue and are developed in the Strategy.

6.47 National Green Belt policy operates over two thirds of the Borough. Within Green Belts the primary aim is to maintain the open nature of the area, and there is a general presumption against development that is inappropriate, except in very special circumstances. The general location of the Green Belt within North Warwickshire is shown on the Key Diagram with the detailed boundaries shown on the Proposals Map.

6.48 The maintenance of the Green Belt is seen as a vital component in protecting and enhancing the Borough as an area of pleasant countryside, especially by preventing the incursion of nearby urban areas. The wholeness of the Green Belt designation is important, and further exclusions would reduce its effectiveness. Greenbelt boundaries were reviewed in the last Local Plan.

6.49 It is intended that mineral workings sites, both in use or exhausted, as well as existing employment sites be put back into appropriate Green Belt / rural uses as current operations and permissions cease.

Historic Environment

6.50   North Warwickshire has been shaped by human activity over many thousands of years, and the distinctiveness of its present landscapes and settlements reflects this historic character. Amongst the more prominent features of its historic environment are remains of a number of monastic sites from the middle ages, whilst the economic exploitation of the Borough's geology has left a rich heritage of industrial archaeology. The Warwickshire Historic Environment Record contains records of over 1350 archaeological sites, of which 29 are Scheduled Ancient Monuments. There are 579 Listed Buildings, 10 Conservation Areas and 3 Registered Parks and Gardens. Apart from these discrete sites, the entire landscape has intrinsic historic interest which contributes to the local sense of place and is valued by residents and visitors. It has been systematically characterised through the national programme of Historic Landscape Characterisation and the results of this work are available to inform the planning and design of developments.

6.51   The Historic Environment is a finite and non-renewable resource. 10 designated assets were identified by English Heritage as being 'at risk', mainly from disuse or neglect, in 2008[x]. Kingsbury Hall and Astley Castle are undergoing major work. The Borough Council will continue to work with owners to seek ways of securing their future.

6.52   The Borough recognises the role of the Historic Environment in shaping the distinctiveness of the Borough and in contributing to quality of life and quality of place. It is committed to protecting and where possible enhancing its historic assets. Proposals for new development should reflect this commitment, with design that reflects local distinctiveness and adds value to it. Proposals which may have an impact upon the Borough's Historic Environment will be assessed in accordance with regional and national policy and guidance[xi]."

NW6   NATURAL & HISTORIC ENVIRONMENT

The quality, character, diversity and local distinctiveness of the natural and historic environment will be conserved and enhanced. Within identified landscape character areas development will conserve, enhance and where appropriate, restore landscape character as well as promote a resilient, functional landscape able to adapt to climate change. Specific landscape, geodiversity, wildlife and historic features which contribute to local character will be conserved and enhanced.

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[x] Heritage at Risk Register 2008 (English Heritage 2009)
[xi] Regional Spatial Strategy Policy QE5 (Protection and Enhancement of the Historic Environment): *Conservation principles, Policies and Guidance for the Sustainable Management of the Historic Environment* (http://www.english-heritage.org.uk/upload/pdf/Conservation_Principles_Policies_and_Guidance_April08_Web.pdf?1271145138 English Heritage 2008); *PPS5 Planning for the Historic Environment* (March 2010); *Government's Statement on the Historic Environment for England* (http://www.culture.gov.uk/images/publications/HeritageVision.rtf March 2010)

The quality of the historic environment including archaeological features will be conserved and enhanced.

The outer extent of the West Midlands Green Belt in North Warwickshire is shown on the Proposals Map. Within this area, Government Policy Guidance *Note 2 Green Belts* or equivalent will apply.

Areas within Development Boundaries are excluded from the Green Belt.

Delivery of Strategic Objectives: 1, 6, 7, 8, 9

NW7   NATURE CONSERVATION

Sites of scientific Interest will be subject to a high degree of protection. Development adversely affecting a SSSI will only be permitted in exceptional circumstances.

Habitats and features of regional and local importance for nature conservation will be protected and where possible, enhanced through beneficial management.

Biodiversity and geological interest will be maintained, where appropriate and conserved and enhanced through new development. Opportunities to enhance the connectivity of biodiversity, geological and other sites will be sought.

Delivery of Strategic Objectives: 1, 6, 7, 8, 9

Green / Grey Infrastructure

6.53   Green Infrastructure (GI) is a strategically planned and delivered network of high quality green spaces and other environmental features. It should be designed and managed as a multifunctional resource capable of delivering a wide range of environmental and quality of life benefits for local communities. Green Infrastructure includes parks, open spaces, playing fields, woodlands, allotments and private gardens.

6.54   The Borough Council is working with other authorities in the sub-regional and Natural England to develop a Sub-regional Strategy for Green Infrastructure. Although nationally sites are normally over 100 hectares this study is looking at sites of around 50 hectares or groups of sites that add up to 50 hectares. The outcome of this work will be taken forward in other Development Plan Documents.

NW8   GREEN / GREY INFRASTRUCTURE

Throughout the Borough a comprehensive network of corridors will be maintained, enhanced and created for flora, fauna and humans, which will link into sub-regional networks.

Delivery of Strategic Objectives: 1, 6, 7, 8, 9

ECONOMIC REGENERATION

6.55   Although North Warwickshire saw one of the largest growths in terms of logistics and support facilities in the West Midlands it is still a fragile economy, with a high dependency on a narrow range of companies, as outlined in the Employment Topic paper.   The growth of the small to medium sized enterprises, in particular, will continue to be supported. Both appropriate rural diversification and regeneration of existing sites will be part of the long term strategy to address the economic issues that the Borough faces. Working with neighboring authorities and relevant Local Enterprise Partnerships the Borough Council will focus on long lasting skilled employment generating uses rather than the traditional B1 (offices and light industrial), B2 (general industry) and B8 storage and distribution. In particular research and development and other knowledge based companies / facilities would be welcomed.

NW9   ECONOMIC REGENERATION

The delivery of employment generating uses including the redevelopment of existing employment sites and farm diversification should reflect the need to broaden the employment base, improve employment choice and opportunity.

Delivery of Strategic Objectives: 1, 3, 5

REGENERATION OF ATHERSTONE

6.56   Atherstone is one of the Market Towns in the Borough and acts as the Civic Centre for the Borough. Its vitality is important to the surrounding areas. The town centre has been the subject of numerous initiatives to try and stimulate regeneration.

6.57   There are a number of opportunities for regeneration both in the town centre and the industrial estates. The priority for development in Atherstone will be to exploit these opportunities in both the town centre and industrial estates.

NW10   Atherstone Regeneration

Proposals that assist in the continued regeneration of Atherstone will be supported and encouraged. Partnership schemes, which allow the bringing together of civic services releasing sites for redevelopment, will be sought,

Partnership working, with both the public and private sector, will be central in the delivery of regeneration of Atherstone. Key sites in the town centre and industrial estates, as well as other redevelopment sites within the existing development boundary, will be pursued where they achieve the following outcomes:

- Improved community facilities in more sustainable buildings (low maintenance / energy efficient)
- Improved energy efficiency
- Creation / protection of jobs
- Improved historic environment in terms of visual outer appearance and make improvements to the internal long term historic fabric of the building

Delivery of Strategic Objectives: 1, 3, 4

LOCAL SERVICES & FACILITIES

6.58   Local Services and facilities are key to the vitality of the many towns, villages and hamlets in the Borough. The Core Strategy will protect and support local services and facilities across the Borough and will ensure community involvement in the consideration of the means of achieving this. Further advice and guidance will be developed.

NW11   SERVICES & FACILITIES

Proposals that would result in the loss of an existing service or facility which contributes to the functioning of a settlement will only be supported where the facility is replaced elsewhere or proven that it will not harm the vitality of the settlement.

Delivery of Strategic Objectives: 1, 6, 7, 8, 9

ADJOINING AUTHORITIES

6.59   As explained in the Spatial Portrait of the Borough North Warwickshire has urban areas to the east, south and west of its boundaries. Many of these areas are looking to grow substantially, although the exact figures are now in

flux with the impending abolition of the Regional Spatial Strategy. The only area that there may be implications in terms of land take is from Tamworth.

6.60   Tamworth lies to the north-west of the Borough and its boundaries are constrained. The Regional Spatial Strategy in the Preferred Option suggested that land for housing may be an issue for Tamworth and that land outside of its administrative boundary would need to be identified to deliver its housing requirement. However the Panel Report, following the Examination in Public for the RSS, recommended that Lichfield should cater for Tamworth's housing needs. The Panel Report recommended however that North Warwickshire should cater for Tamworth's employment needs. This was not quantified. The main issue for the Borough Council would be to ensure that any building required in North Warwickshire is a last resort and all other avenues have been exhausted.

NW12   ADJOINING AUTHORITIES

Land will be allocated to cater for the employment needs of Tamworth and will only be released only when:
•   all sites have been delivered inside Tamworth's Borough boundary; and,
•   there is a proven need
Sites will be expected to be directly adjacent to Tamworth's Borough Boundary. If there are no suitable sites then sites following the Spatial Strategy of this Plan may be considered.

Land for alternative uses will follow the same principles as above.

Delivery of Strategic Objectives: 1

7.   Delivery

7.1   The delivery of infrastructure at the right time and in the right place will be essential for the delivery of this Core Strategy. Considerable importance is attached to the need to ensure that local communities in North Warwickshire have reasonable access to a range of services and facilities:

7.2   A number of factors underpin the importance of planning agreements and Section 106 contributions in North Warwickshire;-

- The area is relatively remote with a small but dispersed population and this has an impact on the cost of service provision.
- The Authority has a history of working in partnership with developers to secure and deliver local benefits through the Planning process.
- The area does not benefit from any significant UK, regional nor EU regeneration regimes.
- There are significant public concerns to ensure the impacts of development are mitigated.
- Again, there is public concern to maintain the provision of local services that are vital to community life.
- Limited Council resources reflecting a small and rural population.

7.3   The Council will work with and look to developers to contribute effectively to maintaining and developing local Quality of Life and assisting in the delivery of the Sustainable Community Strategy, through high standards of development; the type and character of buildings and uses proposed and from measures of the type set out below and referred to in paragraph 16 of PPS1:

- ensure that the impact of development on the social fabric of communities is considered and taken into account;
- seek to reduce social inequalities;
- address accessibility (both in terms of location and physical access) for all members of the community to jobs, health, housing (particularly affordable housing), education, shops, leisure and community facilities;
- take into account the needs of all the community, including particular requirements relating to age, sex, ethnic background, religion, disability or income;
- deliver safe, healthy and attractive places to live; and,
- support the promotion of health and well being by making provision for physical activity

These may be required by planning conditions or sought in the form of Planning Obligations in accordance with Circulars 11/95 and 05/05 respectively (or their successors).

7.4   Alongside this Core Strategy is an Infrastructure Delivery Plan. This sets out the known infrastructure requirements to accommodate the growth within the

Borough. This will be updated on a regular basis. The Plan will feed in to a Community Infrastructure Levy which is a new planning charge that came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010 (now amended by the Community Infrastructure Levy (Amendment) Regulations 2011. The Borough Council will work with partners to develop a Community Infrastructure Levy charging schedule as well as seek alternative funding opportunities.

7.5   The policies give a framework within which assessments of S106 and CIL will be made. These will be supplemented, where necessary, over time by further advice in the form of guidance notes and Supplementary Planning Documents.

NW13   INFRASTRUCTURE

The Strategy's policies and proposals will be implemented by working in constructive partnership with funding agencies and service providers; by the grant or refusal of planning permission, and by the use of planning conditions and obligations, in order to secure the following key priorities:

- Provision of affordable housing;
- Protection and enhancement of the environment and mitigation of the environmental impact of past and proposed development of land;
- Provision of necessary services, facilities and infrastructure to meet the demands of new development and communities to include open space, sports and recreation; and,
- Provision of training and upskilling opportunities

Delivery of Strategic Objectives: All

8.   Monitoring

Monitoring of the Core Strategy is a central component of ensuring that the Core Strategy delivers.

Core Strategy Policy		Strategic Objective	Indicator	Target
No	**Title**			
NW1	**Settlement Hierarchy**	**1,2,3,4**	**Amount of development in each settlement**	**The minimum or maximum housing requirement per settlement**
NW2	**Amount of Development**	**2,3**	**Amount of development taking place**	**3000 dwellings 26 Gypsy & Traveller pitches 44 hectares Employment land**
NW3	**Affordable Housing**	**1,2**	**Amount of affordable housing built**	**40% of overall housing target = 1400 units**
NW4	**Sustainable Development**	**1,6,7,8,9**	**Amount of flood storage** **Amount of on site energy generation Energy reduction measures Achieving the Green Space Strategy action plan Creation of alternative transport services / routes**	**No net loss of flood storage At least 10% on site** **Target to be developed Green Space Action Plan Link to LTP**
NW5	**Local Distinctiveness**	**1,6,7,8,9**	**Indicator and target to be developed through Design Guidance**	
NW6	**Natural & Historic Environment**	**1,6,7,8,9**	**Maintenance of Conservations Areas Landscape Character Assessment**	**Number of Appraisals No adverse impact on sensitive areas**

			Buildings at Risk	No of buildings on the "At Risk Register"
			Green Belt maintenance	Amount of land lost from Green Belt
NW7	Nature Conservation	1,6,7,8,9	Addressing quality and number of sites	Targets to be developed with Warwickshire Wildlife Trust and County
NW8	Green Infrastructure	1,6,7,8,9	Making sure maintenance of identified assets and connectivity between them	Discussions to be carried out with County and other partners
NW9	Economic Regeneration	1,3,5	Improvement in economic performance	GVA per head
NW10	Regeneration of Atherstone	1,3,4	Vitality and viability of Atherstone	Reducing no of empty shops / units Delivery of development sites
NW11	Local Services & Facilities	1,6,7,8,9	Maintenance of existing services and facilities	Number of improvements to services and facilities
NW12	Adjoining Authorities	1	Tamworth Borough Council maintains a supply of land within their boundary	Amount of development taking place
NW13	Delivery of Infrastructure	All	Provision of infrastructure	Amount of infrastructure provided

Appendix A

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Key Words

Below is a list of some of the key words that can be found throughout this document. A full glossary is available on the website.

Core Strategy: - The Core Strategy is the key document in the local development framework (LDF) and sets the strategic context for other development plan documents; all other local development documents must conform to it. The core strategy will contain the strategic policies that will guide the sustainable development of the district from when it is adopted.

Local Development Documents: - Documents which collectively set out the spatial planning strategy for a local planning authority's area. They are of two types: Development Plan Documents and Supplementary Planning Documents.

Local Development Framework (LDF): - A portfolio of local development documents which together provide a framework for delivering the spatial planning strategy for a local planning authority area. The LDF consists of a saved Local Plan, Development Plan Documents, Supplementary Planning Documents, the Statement of Community Involvement, the Local Development Scheme and Annual Monitoring Report.

Regional Logistics Site (RLS): - Regional Logistics Sites specialise in providing large units and premises for warehousing and distribution firms. They tend to be developed by specialist property developers providing 'logistics parks' or one-off units for national and regional distribution and warehousing centres. The RSS (see below) sets out a series of criteria such sites must satisfy to be classed as RLS's including rail access.

Regional Spatial Strategy (RSS): - The West Midlands RSS currently forms part of the "development plan" for the Borough. It provides a vision for the development in the region to 2026. It provides a framework to address the 'spatial' implications of issues such as healthcare, education, crime, housing, transport, communications, tourism and leisure, employment, urban/rural regeneration and the environment (including waste and energy). The RSS focuses on the general location and scale of development, but does not identify specific sites. Government has announced and it is in the Decentralisation and Localism Bill that the RSS are soon to be abolished.

Sustainable Community Strategy (SCS): - The Government placed a duty on every local authority to prepare a Community Strategy. They should contribute to sustainable development, provide a long term vision for the future of the Borough and identify key priorities and actions to address the priorities, which may realistically be achieved in the medium term. The current North Warwickshire Sustainable Community Strategy covers up to 2026 and has a three year rolling action plan.

Key Diagram: - The Key Diagram is diagrammatic interpretation of the spatial strategy as set out in this Local Plan. It indicates the general location of broad areas

of future development together with linkages between such areas and the relationship to other strategies and neighbouring areas. Broad areas of constraint / protection / little anticipated change may also be shown.

Appendix B

Saved Policies

Policies saved from Local Plan (adopted July 2006)

2	LOCAL PLAN STRATEGY	Will the policy continue to be saved?	If not which Policy in the Draft Core Strategy supercedes it	If yes which future document is likely to update the policy?
CP1	Social & Economic Regeneration	No	NW9	
CP2	Development Distribution	No	NW1	
CP3	Natural & Historic Environment	No	NW6, NW7, NW8	
CP5	Development in Towns and Villages	No	NW1	
CP6	Local Services & Facilities	No	NW11	
CP8	Affordable Housing	No	NW3	
CP10	Agriculture & the Rural Economy	Yes		Development Management DPD, Neighbourhood Plan
CP11	Quality of Development	No	NW4, NW5	
CP12	Implementation	No	NW13	
3	**NATURAL & BUILT ENVIRONMENT POLICIES**			
ENV1	Protection & Enhancement of Natural Landscape	No	NW6	
ENV3	Nature Conservation	No	NW7	
ENV4	Trees and Hedgerows	Yes		Development Management DPD, Neighbourhood Plan
ENV5	Open Space	No	NW4	

ENV6	Land Resources	Yes		Development Management DPD, Neighbourhood Plan
ENV7	Development of Existing Employment Land outside Defined Development Boundaries	No	NW4	Development Management DPD, Neighbourhood Plan
ENV8	Water Resources	Yes		Development Management DPD, Neighbourhood Plan
ENV9	Air Quality	Yes		Development Management DPD, Neighbourhood Plan
ENV10	Energy Generation & Energy Conservation	Yes		Development Management DPD, Neighbourhood Plan
ENV11	Neighbour Amenities	Yes		Development Management DPD, Neighbourhood Plan
ENV12	Urban Design	Yes		Development Management DPD, Neighbourhood Plan
ENV13	Building Design	Yes		Development Management DPD, Neighbourhood Plan
ENV14	Access Design	Yes		Development Management DPD, Neighbourhood Plan
ENV15	Heritage Conservation, Enhancement and Interpretation	Yes		Development Management DPD, Neighbourhood Plan
ENV16	Listed Buildings, non Listed Buildings of Local Historic Value and Sites of Archaeological Importance (including Scheduled Ancient Monuments)	Yes		Development Management DPD, Neighbourhood Plan
ENV17	Telecommunications	Yes		Development Management DPD, Neighbourhood Plan
4	**HOUSING POLICIES**			
HSG1	Housing Land Allocations & Proposals	Yes		Development Management DPD, Neighbourhood Plan

HSG2	Affordable Housing	Yes		Development Management DPD, Neighbourhood Plan
HSG3	Housing Outside Development Boundaries	Yes		Development Management DPD, Neighbourhood Plan
HSG4	Densities	Yes		Development Management DPD, Neighbourhood Plan
HSG5	Special Needs Accommodation	Yes		Housing DPD, Neighbourhood Plan
5	**ECONOMY POLICIES**			
ECON1	Industrial Sites	Yes		Development Management DPD, Neighbourhood Plan
ECON2	Employment Land	Yes		Site Allocations DPD
ECON3	Protection of Existing Employment Sites & Buildings within Development Boundaries	Yes		Development Management DPD, Neighbourhood Plan
ECON4	Managed Workspace / Starter Units	Yes		Development Management DPD, Neighbourhood Plan
ECON5	Facilities relating to the Settlement Hierarchy	Yes		Development Management DPD, Neighbourhood Plan
ECON6	Site at Station Street including Former Hat Factory, Atherstone	Yes		Development Management DPD, Neighbourhood Plan
ECON7	Agricultural and Forestry Buildings & Structures	Yes		Development Management DPD, Neighbourhood Plan
ECON8	Farm Diversification	Yes		Development Management DPD, Neighbourhood Plan
ECON9	Re-Use of Rural Buildings	Yes		Development Management DPD, Neighbourhood Plan
ECON10	Tourism & Heritage Sites & Canal Corridors	Yes		Development Management DPD, Neighbourhood Plan
ECON11	Hotels & Guest Houses	Yes		Development Management DPD, Neighbourhood Plan

ECON12	Services & Facilities in Category 3 & 4 Settlements	Yes		Development Management DPD, Neighbourhood Plan
6	**COMMUNITY FACILITIES POLICIES**			
COM1	New Community Facilities	No		Development Management DPD, Neighbourhood Plan
COM2	Protection of Land & Buildings used for Existing Community Facilities in the Main Towns & Market Town	Yes		Development Management DPD, Neighbourhood Plan
COM3	Safeguarding Educational Establishments	Yes		Development Management DPD, Neighbourhood Plan
7	**TRANSPORT POLICIES**			
TPT1	Transport Considerations in New Development	Yes		Development Management DPD, Neighbourhood Plan
TPT2	Traffic Management & Travel Safety	Yes		Development Management DPD, Neighbourhood Plan
TPT3	Access and Sustainable Travel and Transport	Yes		Development Management DPD, Neighbourhood Plan
TPT4	Public Transport Improvements & New Facilities	Yes		Development Management DPD, Neighbourhood Plan
TPT5	Promoting Sustainable Freight Movement & Safeguarding Future Freight Opportunities	Yes		Development Management DPD,
TPT6	Vehicle Parking	Yes		Development Management DPD, Neighbourhood Plan
TPT7	Airport Parking	Yes		Development Management DPD, Neighbourhood Plan

Policies saved from Minerals Local Plan for Warwickshire (adopted February 1995)

M1	Areas of Search and Preferred Areas.	
M4	Sand and Gravel Extraction in the context of Landbanks	
M5	Sterilisation of Mineral Reserves	
M6	Considerations and Constraints affecting Minerals Extraction	
M7	Mitigation and Planning Conditions/Agreements	
M9	Restoration of Mineral Workings	
M10	Monitoring of Mineral Sites	

Policies saved from Waste Local Plan for Warwickshire (adopted August 1999)

1	General Land Use
3	Landfilling
5	Incinerators
6	Materials Recycling Facilities
9	Large Scale Composting
13	Proposed Facilities

Policies saved from Warwickshire Structure Plan (adopted August 2001)

GD7	Previously developed sites
I2	Industrial Land provision
T10	Developer contributions
TC2	Hierarchy of Town Centres
T7	Public Transport

Appendix C

Settlements Hierarchy for North Warwickshire	

Category 1	**Non Green Belt Market Towns and adjoining settlements**	
	Atherstone with Mancetter	
	Polesworth with Dordon	
Category 2	**Green Belt Market Town**	
	Coleshill	
Category 3A	**Local Service Centres (non Green Belt)**	
	Grendon / Baddesley Ensor (together, as a single network of villages)	
	Hartshill with Ansley Common	
Category 3B	**Local Service Centres (Green Belt)**	
	Old and New Arley (together, as a single network of villages)	
	Kingsbury	
	Water Orton	
Category 4C	**Other settlements with a development boundary (non Green Belt)**	
	Ansley (eastern side of village non Green Belt)	
	Austrey	
	Newton Regis	
	Shuttington	
	Warton	
Category 4B	**Other settlements with a development boundary (Green Belt)**	
	Curdworth	
	Fillongley	
	Hurley	
	Piccadilly	
	Shustoke	
	Whitacre Heath	
	Wood End	
Category 5	**Other settlements / hamlets**	
	Green Belt	*Non Green Belt*
	Bassetts Pole	Alvecote
	Corley and Corley Moor	Freaseley
	Furnace End	Ridge Lane
	Middleton	

Appendix D

Links with other Documents

	Strategies	*Studies*	*Other Documents*
National	Planning Policy Statements		
	National Planning Policy Framework		
			Ministerial Statements
			Emerging Acts
Regional	Regional Economic Strategy		
	West Midlands Regional Spatial Strategy		
	West Midlands Regional Housing Strategy		
Sub Regional		Sub-regional Employment Study	
	Local Enterprise Partnership Five year Strategy	Sub-regional Infrastructure Study	
	Local Investment Plan (Housing)	Gypsy & Travellers Accommodation Needs Assessment	
		Strategic Flood Risk Assessment	
		Water Cycle Strategy	
		Green Infrastructure Study	
		Renewable Energy Study	
Local	Sustainable Community Strategy both North Warwickshire's and Warwickshire's		
	Warwickshire Local Transport Plan		
	Saved policies from adopted Local Plans – North Warwickshire Local Plan 2006, Minerals Local Plan 1989 and Waste Local Plan 19xx		
	Interim Planning Policy Statement		
	Education Plans		
	Health Plans		
	Housing Strategy		

Appendix E

Evidence Base

Title	Author	Date
Sustainable Community Strategy		
PPG 17 Open Space, Sport and Recreation Study	Inspace	December 2008
Greenspace Strategy		December 2008
Sub-regional Employment Study	DTZ	June 2007
Housing Market Assessment	Outside	April 2008
Strategic Flood Risk Assessment	Halcrow	January 2008
Gypsy and Travellers Needs	SHUSU	February 2008
Tamworth Joint Study	Drivas Jonas	July 2009
Water Cycle Study	Halcrow	March 2010
Renewable and Low Carbon Energy resource Assessment and Feasibility Study	Camco	April 2010
Strategic Land Availability Assessment	Bakers Associates	March 2010
Landscape Character Assessment	FPCR	August 2010
Green Infrastructure Study	Land Use Consultants	July 2011
Employment Topic Paper	NWBC	September 2011
Affordable Housing Viability	NWBC	
Affordable Housing SPD update	NWBC	April 2011

Report of the Assistant Chief Executive   A5 Strategy 2011 - 2026
and Solicitor to the Council

1   **Summary**

1.1   This report relates to the development of and consultation on a Strategy for
        the A5 Transport Corridor.

Recommendation to the Council

**a   That any comments on the draft strategy from Members be fed
        into the consultation process; and**

**b   That Members note the date of the launch of the Draft Strategy
        for consultation and event on Friday 30 September 2011.**

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2   **Consultation**

2.1   A copy of the report has been sent to Councillors Stanley, Hayfield, Sweet
        and Simpson. Councillor Simpson would like to see:

        •   an assessment of the road, and what its current capacity/use is/should
                be;
        •   an assessment of the openness of the countryside along the route of
                the A5 so as to ensure that not every field is simply seen as a
                development opportunity;
        •   an assessment of what environmental improvements are currently
                required / desirable; and,
        •   and then a look at developmental proposals against the current/desired
                positions

        It is recommended that Councillor Simpson's comments be fed back as a
        response to the consultation and officers consider what work the Borough
        Council should undertake.

3   **Background and Introduction to A5 Strategy**

3.1   There has been a growing concern from a number of local planning
        authorities in the East and West Midlands, including North Warwickshire,
        regarding the impact of development and traffic growth on the performance
        and future role of the A5. This has led to the establishment of an A5
        Transport Liaison Group with representation drawn from Local Government
        and the Highways Agency. The partnership has developed an A5 Strategy,

2011/BR/004031

which is designed to set out a clear way forward regarding the future role and the priorities for investment in the A5 over the next 15 years. An Action Plan, which forms part of the Strategy, has been prepared in the context of the current pressures on funding which are faced by both Central and Local Government and the ever increasing pressure for further development in this corridor.

3.2   The Draft Strategy has been produced by the A5 Transport Liaison Group in conjunction with the following organisations: Highways Agency, Staffordshire County Council, Warwickshire County Council, Leicestershire County Council, Northamptonshire County Council, South Staffordshire District Council, Cannock Chase District Council, Lichfield District Council, Tamworth Borough Council, North Warwickshire Borough Council, Nuneaton and Bedworth Borough Council, Rugby Borough Council, Hinckley and Bosworth Borough Council, Blaby District Council, Harborough District Council, Daventry District Council. This Strategy covers a 62 mile section of the A5 from Gailey in Staffordshire to Weedon in Northamptonshire via Leicestershire and Warwickshire. As such, it includes parts of both the West and East Midlands.

3.3   The Strategy has been prepared in the context of national and local policies and guidance, including the recent Local Transport White Paper. This places a strong emphasis on the transport system facilitating and supporting the recovery of the UK economy, whilst at the same time making a positive contribution towards carbon reduction and safety. The White Paper also makes it clear that transport should support communities and local business, of which there are numerous examples along or adjacent to the A5.

4   Objectives and Outcomes of the Strategy

4.1   The high level objectives of this Strategy relate to the national imperatives set out in the Government's recent White Paper on Transport, 'Creating Growth; Cutting Carbon'. This focuses on delivering a transport system which is an engine for economic growth, but which is greener, safer and improves quality of life for communities.

4.2   Based on these imperatives, the objectives of this Strategy for the A5 are as follows:

1.   To ensure that the A5 is fit for purpose in terms of its capacity and safety, both now and in the future;

2.   To allow the A5 to play it's full and proper role in supporting and facilitating economic activity and growth at a national and local level;

3.   To promote and encourage improvements to sustainable transport (walking, cycling, public transport and behavioural change measures) in order to help reduce congestion on the A5, improve air quality and deliver a lower carbon transport system; and

4.   To reduce, where possible, the impact of the A5 on communities along the route.

4.3   It is hoped that by producing the Strategy, the following outcomes will be achieved:

- Provide a better understanding of known challenges and future opportunities on the A5 in a single evidence base;
- Put in place a Strategy that can be used to:

  o   Balance the need to assist in unlocking the economic potential of the A5 corridor whilst at the same time ensuring capacity and highway safety issues are addressed;
  o   Inform or support policy documents such as Local Development Frameworks, Local Transport Plans and strategies for the Local Enterprise Partnerships;
  o   Inform discussions with developers regarding Transport Assessments and contributions towards transport mitigation measures;
  o   Assist bids for funding, e.g. Regional Growth Fund, Local Sustainable Transport Fund, Major Scheme funding etc.

- Provide a comprehensive Action Plan of appropriate, deliverable and targeted interventions.

5   Launch of Strategy

5.1   To help launch the A5 Strategy and obtain further member and partner input into development of the Strategy a 'Strategy Launch' Event is to be held on the morning of the 30 September at The Atkins Building, Hinckley. This event is for Members and Officers from the Partnership Authorities and Agencies and will involve a "breakout session" workshop to help assess and understand the opportunities, challenges and impacts of development along the A5. It is suggested that Councillors Sweet and May are nominated to attend this event and to represent the Council on the Partnerships Member/Officer Group. The local MP's whose constituencies lie along the A5 have also been invited to attend the Launch and workshops.

5.2   As part of the development of the Strategy initial internal consultation work with partners and officers in the liaison group has already been undertaken and some additional amendments and corrections to the strategy text and maps are still needed to the copy currently available to members to view. These amendments have been forwarded for inclusion in the document that will be launched at the 30 September event.

5.3   Unfortunately, due to the size of the document it has been impossible to attach a copy to this Report. However, a copy of the Draft A5 Strategy has been placed for inspection in the Members Rooms at the Council Offices. A copy is also accessible to view on the Councils website.

6   Observations

6.1   The A5 is an important route within and through the Borough. With major developments taking place outside the Borough in both the northerly and southerly directions it is important that the impact on North Warwickshire is considered. This document is a way to ensure that impacts on this Borough are considered, even where development takes place outside of the Borough and where necessary improvements implemented. A Strategy for the A5 will also ensure that appropriate funding can be targeted at the route.

7   Report Implications

7.1   Resource Implications

7.1.1   The full extent of the resources implications are unclear at the present time. The Strategy will involve further input from Members and Officers with the creation of the Partnership Member/Officer Group to oversee development and implementation of the Strategy. The strategy will provide a focus for funding bids to the Government, Regional Growth Fund and other opportunities that may arise for accessing Major scheme Funding routes. Once there is a greater clarity on this matter a further report will be brought back to Members along with the Final A5 Strategy following input from Members and the Launch Event.

7.2   Environment and Sustainability Implications

7.2.1   The strategy will help direct and inform how development can be accommodated along the A5, enabling important economic growth while addressing the environmental and traffic impacts on the Corridor.

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

Background Papers

Background Paper No	Author	Nature of Background Paper	Date
A Strategy for the A5 2011-2026 A449 Gailey (Staffordshire) to A45 Weedon (Northamptonshire)	A5 Transport Liaison Group	Draft Sub-Regional Strategy document	Summer 2011

Report of the   **Warwickshire Compact 2011**
Assistant Director
(Leisure and Community Development)

1   **Summary**

1.1   The purpose of this report is to inform Members of the production of a
        refreshed Warwickshire Compact, which exists to strengthen relations
        between voluntary and community sector organisations and public agencies,
        and to seek authority for the Leader of the Council to sign and endorse the
        Compact on behalf of the Borough Council.

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Recommendation to the Council

**a   That the principles and commitments within the revised
        Warwickshire Compact 2011, a copy of which is attached at
        Appendix A, be endorsed and that the Leader of the Council be
        authorised to sign the Compact on behalf of the Council; and**

**b   That due account be taken of the Compact's principles and
        commitments in the preparation and implementation of Council
        policy and all associated strategic plans and procedures, where
        these may have an impact on relations with voluntary and
        community sector organisations.**

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2   **Consultation**

2.1   **Portfolio Holder, Shadow Portfolio Holder and Ward Members**

2.1.1   The Portfolio and Shadow Portfolio Holders for Community Life and
        Resources have had the opportunity to comment on the content of this report.

3   **Background**

3.1   In December 2001, the Council resolved to become a signatory of the first
        Warwickshire Compact, which was officially launched in January 2002. This
        document was signed by the five Warwickshire district authorities, the County
        Council, the then Warwickshire Health Authority on behalf of the three NHS
        Primary Care Trusts and the NHS Hospital Trusts, the Police and Probation
        Services, ConneXions, the then five Councils for Voluntary Service on behalf
        of the voluntary and community sector, the Warwickshire Rural Community

... Council and the Warwickshire Association of Local Councils. The Compact was subsequently reviewed by partner organisations in 2005, further to which the Council again became a signatory to the associated principles and commitments. The need to review Compact agreements, in order to better reflect the evolving partnership between public organisations and the voluntary and community sector, has led to the production of a new Compact in Warwickshire, a copy of which is attached at Appendix A.

3.2   The purpose of the Compact was, and remains, to improve working relations by setting out the principles and standards that public agencies and voluntary and community organisations can expect of each other when working in partnership for the benefit of local people.

3.3   It is intended that the latest edition of the Compact will apply to all public agencies operating in Warwickshire and also to the individual voluntary and community sector organisations with which they have dealings. In this regard, each public sector agency is being asked to formally resolve to adopt the Compact and to implement its key principles and goods practice guidance.

3.4   The Compact initiative is led by central Government and has the support of the main political parties. As such, there is an expectation that all public sector agencies will become signatories to their local Compact. In this regard, an online register of signatory organisations, together with their contact details, will be maintained by Government.

4   **Compact Benefits**

4.1   Becoming a signatory organisation and implementing the good practice guidance will help to improve the level of mutual understanding and strengthen relationships between the public and voluntary sectors, improve partnership working, build a stronger voluntary sector, provide more focused services for local people and achieve better value for money as a result. In particular, using the Compact should help the public sector to achieve improved performance in encouraging community involvement in service design and delivery.

5   **Compact Features**

5.1   The Compact sets out the principles that public agencies and voluntary sector organisations will adopt, so that each is clear about what it can expect from the other.

5.2   The Compact document is designed to be used as a reference source that practitioners will use when they are reviewing their policies, plans and procedures, where these are likely to have an impact on their partners in other agencies or organisations, and also when their partner organisations are consulting them about their own new proposals. Following the principles and good practice, therefore, should lead to better outcomes for all concerned.

6   **Conclusion**

19/2

6.1 For public sector agencies, using the Compact should help them to achieve improved performance in public involvement, more focused service provision, and better value for their investment in voluntary and community organisations.

6.2 For voluntary and community organisations, using the Compact should enable them to get their voices heard and their needs better understood by public agencies when they are reviewing their policies, strategic priorities and procedures.

6.3 By becoming a signatory to the Compact, the Borough Council will be publicly demonstrating its commitment to implementing good practice in its relationships with its voluntary and community sector partners.

7 Report Implications

7.1 Finance and Value for Money Implications

7.1.1 There is no financial implication arising directly from this report. Implementation of the Compact principles, however, will afford greater clarity and accountability in respect of the Council's funding of activity in the voluntary and community sector.

7.2 Safer Communities Implications

7.2.1 The Compact will be relevant when the Council is involved in working in partnership with, and funding, voluntary and community sector organisations dealing with crime and disorder issues.

7.3 Environment and Sustainability Implications

7.3.1 Through the application of Compact procedures and guidelines, voluntary and community sector organisations will become stronger and partnership working and strategic decision making by organisations in both the public and voluntary sector will be improved.

7.4 Risk Management Implications

7.4.1 The risks associated with this Policy have been assessed and details are attached in the Risk Management form.

7.5 Equalities Implications

7.5.1 The required summary sheet attached, in respect of which there is no need to progress to full Impact Assessment.

7.6   **Links to Council's Priorities**

7.6.1   The adoption of the Warwickshire COMPACT contributes directly to the corporate priorities to:

- Enhance community involvement and access to services
- Make best use of our resources

7.6.2   The adoption of the Warwickshire COMPACT also contributes directly to the priorities of the North Warwickshire Sustainable Community Strategy to:

- Develop healthier communities
- Improve access to services

The Contact Officer for this report is Jaki Douglas (719492).

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
1	Assistant Director (Leisure and Community Development)	Executive Board Report	December 2001
2	Assistant Director (Leisure and Community Development)	Executive Board Report	September 2005

Equality Impact Assessment Summary Sheet

Please complete the following table summarised from the equality impact assessment form. This should be completed and attached to relevant Board reports.

Name of Policy Procedure/Service	Warwickshire Compact
Officer Responsible for Assessment	Jaki Douglas (Partnership and Development Manager)

Does this policy /procedure /service have any differential impact on the following equality groups /people

   (a) Is there a positive impact on any of the equality target groups or contribute to promoting equal opportunities and improve relations or:

   (b) could there be a negative impact on any of the equality target groups i.e. disadvantage them in any way

Equality Group	Positive impact	Negative impact	Reasons/Comments
Racial	y		Support groups are often voluntary / community organisations
Gender			
Disabled people	y		Support groups are often voluntary / community organisations
Gay, Lesbian and Bisexual people	y		Support groups are often voluntary / community organisations
Older/Younger people	y		Support groups are often voluntary / community organisations
Religion and Beliefs			
People having dependents caring responsibilities	y		Support groups are often voluntary / community organisations
People having an offending past			
Transgender people			

2011/BR/004037

If you have answered **No** to any of the above please give your reasons below

Please indicate if you believe that this document

Should proceed to further Impact assessment

Needs no further action

2011/BR/004037

Risk Management Form

NORTH WARWICKSHIRE BOROUGH COUNCIL Leisure and Community Development Division/ Corporate   Cost Centre or Service

Risk Ref	Risk: Title/Description	Consequence	Likelihood (5 = high, 1 = low)	Impact (5 = high, 1 = low)	Gross Risk Rating	Responsible Officer	Existing Control Procedures	Likelihood(5 = high, 1 = low)	Impact (5 = high, 1 = low)	Net Risk Rating
?	**Compact Good Practice Principles not followed**	Sustainability of local Community and Voluntary sector organisations put at risk\n\nPoor publicity (local)\n\nLoss of trust in the organisation - statutory partnership organisations, public and/or community voluntary organisations\n\nInterventions from others (National Compact / WCC / WCAVA, etc.)	5	3	15	**AD(LCD)**	**EMT is made aware of the Compact and its principles**	3	3	9

Risk Ref	Options for additional / replacement control procedure						Cost Resources	Likelihood (5 = high, 1 = low)	Impact (5 = high, 1 = low)	Net Risk Rating

Completed By: Jaki Douglas   Date: 26/11/10

Warwickshire Compact
working together   better together

Introduction

The Warwickshire Compact provides a set of good practice standards to guide relationships between Warwickshire's public agencies and voluntary and community organisations. We are working together to achieve:

1. A strong, diverse and independent voluntary and community sector
2. An effective and transparent design and development of policies, plans and services
3. Responsive and high quality services
4. Clear arrangements for managing change
5. An equal and fair society

Warwickshire's public and voluntary agencies aim to:

- work together in the spirit of constructive partnership, openness, transparency and honesty
- work across organisations and sectors flexibly and imaginatively in order to achieve the best services and outcomes for our communities
- encourage volunteering, community action and social entrepreneurship
- promote equality, diversity and social cohesion and challenge discrimination
- recognise, support and celebrate the contribution of volunteers
- work in good faith to implement the Warwickshire Compact and any associated guidance
- address any disagreements between agencies through liaison and discussion before recourse to other avenues
- work towards wide ownership and understanding of the Compact across our workforces, volunteers and members.

Warwickshire's public agencies value the contribution and diversity of the local voluntary and community sector and recognise that voluntary and community sector organisations:

- are a source of expertise on many issues
- can provide a voice for communities of interest
- bring considerable independent resources in support of the delivery of local priorities
- can provide a mechanism for communities to get together and address their own issues
- are entitled to comment on, challenge and campaign against the policies and practices of public agencies
- may require support and stability to achieve their aspirations.

Warwickshire's voluntary and community sector organisations recognise and respect the mandate of statutory organisations to make decisions and to prioritise the use of resources.

Further information on the Compact will be available at www.warwickshirecompact.org.uk including detailed good practice guidance, case studies, action plans and a protocol for dealing with disputes.

All local public agencies will nominate a lead officer who has the responsibility for the implementation of the Compact and these will be published at www.warwickshirecompact.org.uk

The Warwickshire Compact Commitments

1. A strong, diverse and independent voluntary and community sector

Undertakings for public agencies:

1.1 Respect and uphold the independence of voluntary and community organisations, including their right to campaign, regardless of any relationship, financial or otherwise, which may exist.

1.2 Endeavour to explore opportunities where voluntary and community organisations can support the delivery of local priorities and services and to ensure that organisations are resourced reasonably and fairly where they are supporting the delivery of public services.

1.3 Recognise the need to resource services to assist front-line voluntary and community organisations with their capacity and capability to deliver positive outcomes and to access, deliver and manage public sector contracts.

1.4 Make data and information more accessible to help voluntary and community organisations challenge existing provision of services, access new markets and hold public agencies to account.

1.5 Consider a range of ways to support voluntary and community organisations, including the transfer of public assets into community ownership.

1.6 Encourage feedback from a range of sources on the effectiveness of local partnership working between public agencies and voluntary and community organisations.

Undertakings for voluntary and community organisations:

1.7 Aim to be transparent and open about plans and activities.

1.8 When campaigning or advocating, ensure that robust evidence is provided, including information about the source and range of people and communities represented.

1.9 Aim to ensure their independence is upheld, focusing on the cause represented, regardless of any relationship they have with local public agencies, financial or otherwise.

1.10 Voluntary sector support services will:

- work in partnership with public agencies to ensure information is widely distributed to voluntary and community organisations and targeted where appropriate
- work collaboratively with other voluntary sector support services to ensure the best use of resources
- work at all times in the best interests of front-line voluntary and community organisations
- ensure, wherever possible, that responses to consultations are informed by the views of front-line voluntary and community organisations and that front-line organisations have the opportunity to comment directly themselves
- provide opportunities for liaison between public agencies and voluntary organisations
- ensure the representation of voluntary and community sector interests on strategic partnerships
- provide notification in advance of publishing material critical of any local public agency
- provide support to front-line voluntary organisations to safeguard children and vulnerable adults.

2 An effective and transparent design and development of policies, plans and services

Undertakings for public agencies:

2.1 Involve voluntary and community organisations in developing and delivering plans to address local priorities, from neighbourhood action planning through to County-wide strategies, and ensure voluntary sector interests are represented on significant partnerships.

2.2 Ensure information on policies, consultations, strategies and partnerships is easily accessible to all and provide notification of any planned changes at an early stage.

2.3 Consider the social impact that may result from policy and service development, including the implications for voluntary and community organisations, and the impact upon efforts to inspire social action and to empower communities.

2.4 Work with voluntary and community organisations from the earliest stage possible to plan any changes to services or policies and to assess the possible implications and impact of these changes. Ensure that those likely to have a view are involved from the start and aim to remove any barriers that may prevent organisations from contributing.

2.5 Aim to consult with relevant community interest groups prior to making any significant changes to policies or services.

2.6 Where possible give early notice of consultations, allowing enough time for voluntary and community organisations to involve their service users, beneficiaries, members, volunteers and trustees in preparing responses. Where it is appropriate and enables meaningful engagement, conduct 12 week formal written consultations with clear explanations and rationale for shorter time-frames or a more informal approach.

2.7 Aim to provide feedback to explain how respondents have influenced the design and development of policies and services, including where respondents' views have not been acted upon.

Undertakings for voluntary and community organisations:

2.8 Aim to promote and respond to local consultations.

2.9 Seek the views of service users, clients, beneficiaries, members, volunteers and trustees when responding to consultations or making representation to public agencies and be clear about who is being represented, in what capacity and on what basis that representation is being made.

2.10 When putting forward ideas, focus on evidence-based solutions with clear proposals for positive outcomes.

3. Responsive and high-quality services

Undertakings for public agencies:

3.1 Ensure information is widely available for voluntary and community organisations around funding and procurement opportunities and any related events.

3.2 Seek ideas from voluntary and community organisations around different models of delivering services and meeting community priorities.

3.3 Work to remove barriers that might prevent smaller organisations becoming involved in delivering services where they are best placed to deliver the desired outcomes.

3.4 Provide a clear rationale for all funding decisions.

3.5 Commit to multi-year funding where appropriate and where it adds value for money. The funding term should reflect the time it will take to deliver the outcome. If such an arrangement is not possible or desirable, public agencies will explain the reason for the decision.

3.6 Consider joining up funding and monitoring arrangements where more than one agency is funding the same service.

3.7 Ensure there are well-managed and transparent application and tendering processes which are proportionate to the desired objectives and outcomes.

3.8 Aim to inform organisations of funding decisions at least 3 months before the expected start date.

3.9 Discuss and agree how outcomes, including the social, environmental or economic value, will be monitored before a contract or funding agreement is made.

3.10 Ensure that monitoring and reporting is relevant and proportionate to the nature and size of the opportunity and is clear about what information is being asked for, why and how it will be used.

3.11 Recognise that organisational overheads and costs associated with training and volunteer involvement are legitimate costs in delivering services and projects.

3.12 Discuss risks before the start of any contractual relationship and aim to allocate risks to the organisation(s) best equipped to manage them.

3.13 Public agencies will endeavour to ensure all bodies distributing funds on behalf of public agencies adhere to the commitments in this Compact. This includes the relationship with prime contractors and their supply chains.

3.14 Ensure that the widest possible range of organisations can be involved in the provision of services through appropriate funding and financing models, including payment in advance of expenditure where this is appropriate. Payment schedules should be agreed in advance where appropriate and payment should be made promptly on receipt of correct and timely invoices.

Undertakings for voluntary and community organisations:

3.15 Ensure robust governance arrangements so that issues are addressed early and, where appropriate, jointly with funders and funders are given early notice of significant changes in circumstances.

3.16 Aim to provide three months notice of any planned changes or withdrawals from funding agreements.

3.17 Be open and transparent in reporting. Recognise that monitoring, whether internal or external, and measuring the impact of services is an aspect of good management practice.

3.18 Help facilitate feedback from service users and communities to public agencies to help meet priorities and improve services. Seek to involve service users, beneficiaries and volunteers wherever possible in developing, managing and monitoring activities and services.

3.19 Recognise that public agencies can legitimately expect voluntary and community organisations to give public recognition of funding.

4. Clear arrangements for managing change

Undertakings for public agencies:

4.1 Before making a decision to end a financial relationship for reasons of poor performance, seek to agree an improvement plan with the provider.

4.2 Assess the impact on beneficiaries, service users and volunteers before deciding to reduce or end funding.

4.3 Where there are restrictions or changes to future resources, public agencies will discuss with voluntary and community organisations the potential implications as early as possible, to give organisations the opportunity to respond and will consider the response fully before making a final decision.

4.4 Aim to give a minimum of three months notice in writing when changing or ending a funding relationship or other support, apart from in exceptional circumstances, and provide a clear rationale for why the decision has been taken.

Undertakings for voluntary and community organisations:

4.5 Plan for the end of funding to reduce any potential negative impact on beneficiaries and the organisation.

4.6 Contribute positively to any relevant reviews of local public services. Advise local public agencies on the social, environmental or economic impact of potential changes and on ways to minimise their effects on people in vulnerable situations.

5. An equal and fair society

Undertakings for the public sector:

5.1 Work with voluntary and community organisations that represent, support or provide services to people specifically protected by legislation and other under-represented and disadvantaged groups. Understand the specific needs of these groups by actively seeking the views of service users and clients. Take these views into account, including assessing impact, when designing and implementing policies, plans and services.

Undertakings for voluntary and community organisations:

5.2 Wherever possible, support public agencies to deliver their duties with regard to equalities and fairness.

Undertakings for all agencies:

5.3 Take practical action to tackle unlawful discrimination, advance equality, ensure a voice for under-represented and disadvantaged groups and build strong communities.

5.4 All agencies will have clear procedures in place to safeguard children and vulnerable adults, to promote equal opportunities and to minimise negative environmental impact.

Breach process

If you believe that your organisation has been dealt with by any public agency in a way that breaches the Compact, please contact Warwickshire Community And Voluntary Action (WCAVA) or Voluntary Action Stratford-on-Avon District (VASA) for advice in the first instance. All enquiries will be treated confidentially.

WCAVA: compact@wcava.org.uk
024 7637 1831

VASA: info@vasa.org.uk
01789 298115

Details of Compact Champions within Warwickshire's public agencies are listed on the Warwickshire Compact website: www.warwickshirecompact.org.uk

Contact details correct at the time of publication.

Executive Board

13 September 2011

Report of the   **Business Rates Retention**
Deputy Chief Executive

1   **Summary**

1.1.1   The Department of Communities and Local Government (DCLG) has issued a consultation paper together with 8 further technical papers regarding proposals for business rates retention by local authorities. This report gives an outline of these proposals and seeks authority for the Deputy Chief Executive, in consultation with the Chairman of the Board and the Leader of the Conservative Group to agree a response to the consultation.

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│                                                                   │
│    Recommendation to the Council                                  │
│                                                                   │
│    a      The report is noted; and                                │
│                                                                   │
│    b      That authority be given to the Deputy Chief Executive, in│
│           consultation with Chairman of Board and Leader of       │
│           Conservative Group to formulate the Council's response.  │
│                                                                   │
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2   **Consultation**

2.1   **Portfolio Holder, Shadow Portfolio Holder and Ward Members**

         The Portfolio Holder and Shadow Portfolio Holder for Resources, the Chairman of Executive Board and Leader of the Opposition have been sent a copy of this report and any comments received will be reported verbally at the meeting.

3   **Introduction**

3.1   The Secretary of State has issued a consultation paper regarding proposals for business rates retention by local authorities. On 19 August a further 8 technical papers were published giving details and options about how the scheme could work. The consultation closes on 24 October. A copy of the consultation can be found at:
         www.communities.gov.uk/localgovernment/localgovernmentfinance/lgresourcereview

2011/BR/004122

4   **The Current Situation**

4.1   Business rates although collected by local authorities are subsequently pooled centrally by Government and redistributed to authorities through formula grant.   The Government believes that this arrangement does not give authorities a financial incentive to promote business growth in their area; rather, authorities arguably face a financial disincentive given that they must provide services to commercial property.

4.2   The current formula grant system means that local authorities are highly dependent on Central Government funding.

4.3   The Government wants to change the current system by enabling councils to keep a share of the growth in business rates in their area, thus, in their view, making Councils more financially independent from Central Government and giving them a strong incentive to promote local business growth.

5   **The Proposal**

5.1   The core components of the scheme:

• Ensure a fair starting point for all local authorities;
• Deliver a strong growth incentive where all authorities can benefit from increases in their business growth and from hosting renewable energy projects;
• Include a check on disproportionate benefits;
• Ensure sufficient stability in the system; and
• Include an ability to reset in the future to ensure levels of need are met.

6   **Spending Review**

6.1   The Government's spending review of 2010 set out expenditure totals for local government over the four year period to 2014-15. Business rates generated in 2013-14 and 2014-15 will be greater than these control totals. However the Government only intends to redistribute business rates up to the level of these control totals, money in excess of these totals will be set aside. Once this set aside has been made, further deductions will be made to the total to cover New Homes Bonus and funding for police and single purpose fire authorities. The amount of forecast business rates after this set aside and adjustment will form the National Business Rate baseline for the purpose of this scheme.

6.2   **Setting The Baseline**

6.2.1   Some local authorities collect business rates in excess of their formula grant funding while others collect an amount below their current funding.   It is therefore not possible to simply allow business rates to be retained there needs to be a degree of rebalancing. The Government proposes to do this by requiring some authorities to pay a tariff to Government and others will receive a top up from Government. In order to decide whether an authority should pay a tariff or receive a top up a baseline sum of money needs to be

established for each authority against which to compare the amount of business rates an authority collects.

6.2.2 The Government intends to set the baseline for an authority by using an authority's 2012-13 formula grant settlement and then adjust it in proportion to reductions in the National Control totals for formula grant for future years.

6.3 Setting Tariffs and Top ups

6.3.1 Authorities whose business rate income is higher that their baseline position would pay the difference to Central Government in the form of a tariff. Those whose business rates income are less than the baseline would receive the balance from Central Government in the form of a top up grant. This should ensure an authority receives an equivalent amount to what it would have received in formula grant.

6.3.2 In future years the tariff and top up amounts could either be fixed or increase by R.P.I. A fixed sum would benefit tariff authorities whilst an R.P.I. increase would protect top-up authorities.

6.4 The Incentive Effect/Levies and Safety Net

6.4.1 The intention is that all authorities would benefit from increases in their business rates over and above the baseline. To manage the possibility that some authorities with high business rate tax bases would have disproportionate financial gains the Government intends to impose a levy. The levy could be calculated either by reference to year on year changes in business rates income or by reference to change compared with the original funding baseline. The Government's preference is the latter.

6.4.2 The levy could be either

   a) A flat rate percentage of growth above the baseline
   b) Banded percentages of growth above the baseline
   c) A proportionate levy that seeks to ensure that there is a fixed relationship between the percentage increase in an authority's business rates and the percentage increase in its retained income.

6.4.3 The proceeds of the levy would be used to provide a safety net for authorities experiencing a significant decline in their retained business rate income from the previous year or income drops below their baseline figures. This could be due to factors such as appeals, and changes to properties due to sudden changes in economic circumstances. A drop in income above a preset percentage would trigger the safety net. Should the proceeds of the levy not be enough to cover safety net requirements then these would either be scaled back or be recouped from future levy income.

6.5 **Adjusting for Revaluation**

6.5.1 Every five years, the Valuation Office Agency re-assesses all business properties and gives them new rateable values, based on rental values, for the purpose of calculating what business rates are payable. This is called revaluation and takes place to reflect the changes in the property market across the country. At revaluation, the overall increase in aggregate yield is capped by R.P.I as in all other years, and the rate in the pound is reset to achieve that effect. As different properties' rateable values will change by different proportions at a revaluation, the tax charge is redistributed across England. This means the business rates yield in each authority could go up or down significantly, depending on whether rateable value growth in their area has been greater or less than the national average.

6.5.2 This could result in local authorities experiencing significant volatility in their budgets as a result of revaluation changes which are out of their control. To avoid this effect, it is proposed that the tariff or top up of each authority is adjusted at revaluation, so that the sum of each authority's retained rates and tariff or top up adjustment is the same after revaluation as immediately before. This has the effect of ensuring that the incentive linked to physical growth can remain over the long run. It does, however, remove financial gain (or loss) from wider economic uplift in rental values.

6.6 **Transitional Relief**

6.6.1 The transitional relief scheme protects business ratepayers from large increases at the five-yearly revaluation but, if operated within the rates retention system, it would also have an impact on local authority rates income. Some authorities would be better off because of transition and some worse off.

6.6.2 The Government does not propose to change the system of transitional relief which offers valuable protections to business and helps them manage the impact of changes to bills resulting from revaluation.

6.6.3 To manage the impact of transitional relief on budgets in the rates system. It is proposed to strip out from the rates retention scheme the impact of the transitional relief on local authorities' finances. This will ensure that authorities are not exposed to costs or surpluses arising from a transitional relief scheme applied in their local area over which they have no control.

6.6.4 If an authority's income including transitional relief is less than its income exclusive of transitional relief, the authority will receive an additional payment from Government. If it is more, then it would make an additional payment to Government. In two tier areas, the payment would be apportioned between the District and the County.

6.7   **Impact in Two Tier Areas**

6.7.1 Formula grant distributes resources currently to County Councils and Police & Fire Authorities. It will therefore be necessary to fund these Authorities via business rates.

6.7.2 The proposal is that County Councils will receive a share of the business rates collected by District Councils in their area. The share will be based on either:-

   - A fixed National share or
   - Individually tailored shares based on each District Councils business rates yield as a proportion of the County total, e.g. if a District Council's rates yield was 20% of the County total, it would retain 20% of the rates yield with the remainder going to the County.

6.7.3 The difference between the County's share of business rates and its baseline funding will determine whether the County should pay a tariff or receive a top up. Subsequently business rates growth would be shared between the District and County.

6.7.4 Police authorities have limited influence on growth therefore they will receive a fixed sum of grant, funded from the National Business Rate.

6.8   **Resetting the System**

6.8.1 The Government wants to retain the option of resetting the system if it was felt that resources no longer met changing service pressures within individual local authority areas. Resets could be either full or partial. Under a full reset, all business rates within the scheme, including growth, would be taken into account to establish individual authorities' new baselines, from which their new tariffs or top ups would be calculated. This would mean that authorities would only benefit from growth in the period between reset. Under a partial reset, growth would continue to sit with the authorities that achieved it. The Government is considering whether or not it should set a fixed period for resets.

6.9   **Pooling**

6.9.1 Districts and Counties could choose to form voluntary pools within the system to share the benefits of growth and smooth the impact of volatility over a wider area. There would be a single tariff or top up for the pool (the sum of all tariffs and top ups of the individual authorities). Pools would decide how they distribute revenues between their members.

6.10 Tax Increment Financing (TIF)

6.10.1 This is seen as a way of funding infrastructure investment to unlock economic growth and regeneration. TIF enables the authority to borrow to provide up front infrastructure investment and use the subsequent increase in business rate to fund that borrowing. Local retention of business rates will allow authorities to borrow for capital projects against future increases in business rates growth.

6.11 Renewable Energy

6.11.1 Communities that host new renewable energy projects will be able to keep the additional business rates that are generated. The following are eligible:

a) onshore wind power
b) offshore wind power – as applies to substation buildings and cables on land
c) hydroelectric power
d) biomass – using 100 per cent non-waste biomass fuel for combined heat and power only – which leaves out energy only, heat only generation and co-firing with fossil fuel
e) biomass conversion from coal
f) energy from waste including combustion for energy only and combined heat and power. This applies to the rateable value of the energy plant only and not any additional waste treatment plant (i.e. Materials Recycling Facility) on the same site
g) anaerobic digestion, landfill and sewage gas
h) advanced thermal conversion technologies – gasification and pyrolysis
i) geothermal
j) photovoltaics

6.11.2 There are two options for allocating additional income from these projects:

a) The local planning authority retains all the business rates generated
b) Split it on same lines as New Homes Bonus, 80 to the District, 20 to the County

6.12 Consultation Response

6.12.1 The consultation closes on Monday 24 October 2011 which is before the next meeting of the Executive Board. The 8 technical papers issued on 19 August are significant documents (pose an additional 60 consultation questions over and above the 33 in the original consultation paper) and it has not been possible to analyse them yet.

7   **Report Implications**

7.1   **Finance and Value for Money Implications**

7.1.2   It is not possible to quantify the impact of these proposals on the Council's finances, however, initial indications are that our formula grant will simply be replaced by a proportion of business rates. The extent of any benefit will depend on future growth in overall business rates income. However, the Council will be exposed to some risk should business rates decline, but not to the extent of any safety net, and the Council may need to review the level of its minimum working balance to manage this risk.

The Contact Officer for this report is Chris Brewer (719259).

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

Executive Board

13 September 2011

Report of the Assistant Director (Finance and Human Resources)	**Budgetary Control Report 2011/12 Period Ended 31 August 2011**

1 **Summary**

1.1 The report covers revenue expenditure and income for the period from 1 April 2011 to 31 August 2011. The 2011/2012 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

That the report be noted.

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2 **Consultation**

2.1 **Portfolio Holder, Shadow Portfolio Holder and Ward Members**

2.1.1 Both Councillors' Forwood and Lea have been consulted regarding this report. Any comments received will be reported verbally to the Board.

3 **Report**

3.1 **Introduction**

3.1.1 Under the Best Value Accounting Code of Practice (BVACOP), 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.

4 **Overall Position**

4.1 Net controllable expenditure for those services that report to the Executive Board as at 31 August 2011 is £195,588 compared with a profiled budgetary position of £220,184 an under spend of £24,596. 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.

4.2 Where possible, the budget to date figure has been calculated with some allowance for seasonal variations, in order to give a better comparison with actual figures. Reasons for the variations are given, where appropriate, in more detail below.

4.3 Outreach & Access to Services

4.3.1 To date there is an under spend of £14,580 against the profiled professional services budget, this relates to money identified to improve access to services in outreach areas.

4.4 Corporate Communications

4.4.1 There has been a saving of £2,562 to date against the profiled Printing budget. This is as a result of a change in suppliers for the printing of the North Talk publication.

4.5 Emergency Planning

4.5.1 A general under spend of £5,460 to date on the professional fees budget covering bought in services.

5 Risks to the Budget

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

- The current level of budget within Emergency Planning is sufficient to carry out the anticipated workload; however any major local emergency would require additional expenditure.

- Budget provision does not currently exist for production of and delivery of a third edition of 'North Talk' and currently depends on finding external funding each year.

6 Estimated Out-turn

6.1 Members have requested that Budgetary Control Reports provide details on the likely out-turn position for each of the services reporting to this Board. There is insufficient information at this point to warrant any change in the original estimate of £558,510.

6.2 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.

7 Report Implications

7.1 Finance and Value for Money Implications

7.1.1 The Council's budgeted contribution from General Fund balances for the 2011/12 financial year is £419,378. Income and Expenditure will continue to be closely managed and any issues that arise will be reported to this Board for comment.

7.2   **Environment and Sustainability Implications**

7.2.1 The Council has to 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.

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

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

North Warwickshire Borough Council

Executive Board

Budgetary Control Report 2011/2012 as at 31 August 2011

Description	Approved Budget 2011/2012	Profiled Budget August 2011	Actual August 2011	Variance	Comments
	£	£	£	£	
Housing Strategic Service Review	32,750	13,213	13,213	-	
Outreach and Access to Services	35,000	14,580	-	(14,580)	See Para 4.3
Corporate Communications	77,150	46,560	43,845	(2,716)	See Para 4.4
Community Strategy	149,900	48,223	46,864	(1,359)	
Communication Group	1,920	689	125	(564)	
Emergency Planning	53,570	22,063	16,602	(5,460)	See Para 4.5
N.Warks Local Development Framework	196,080	74,353	74,436	83	
Support to Parishes	12,140	504	504	-	
Total Expenditure	**558,510**	**220,184**	**195,588**	**(24,596)**	

Executive Board

13 September 2011

Report of the Chief Executive and the
Deputy Chief Executive

Progress Report on Achievement
of Corporate Plan and
Performance Indicator Targets
April - June 2011

1   **Summary**

1.1   This report informs Members of the progress with the achievement of the
       Corporate Plan and Performance Indicator targets relevant to the Executive
       Board for April to June 2011.

┌───┐
│   │
│   **Recommendation to Council**   │
│   │
│   **That Members consider the performance achieved and highlight any**   │
│   **areas for further investigation.**   │
│   │
└───┘

2   **Consultation**

2.1   **Portfolio Holder, Shadow Portfolio Holder and Ward Members**

2.1.1 The Portfolio Holder and Shadow Portfolio Holder for Resources, Councillors
       Forwood and Lea have been sent a copy of this report and any comments
       received will be reported to the Board.

3   **Background**

3.1   This report shows the first quarter position with the achievement of the
       Corporate Plan and Performance Indicator targets for 2011/12. This is the
       first report showing the progress achieved so far during 2011/12.

4   **Progress achieved during 2010/11**

4.1   Attached at Appendices A and B are reports outlining the progress achieved
       for all the Corporate Plan targets and the performance with the national and
       local performance indicators during April to June 2011/12 for the Executive
       Board.

...

4.2 Members will recall the use of a traffic light indicator for the monitoring of the performance achieved.

Red – target not achieved
Amber – target currently behind schedule and requires remedial action to be achieved
Green – target currently on schedule to be achieved.

5 Performance Indicators

5.1 Members will be aware that national indicators are no longer in place and have been replaced by national data returns specified by the government. A number of previous national and best value indicators have been kept as local indicators as they are considered to be useful in terms of managing the performance of our service delivery corporately.

5.2 The current national and local performance indicators have been reviewed by each division and Management Team for monitoring for the 2011/12. The appendices show all the indicators to be reported to the board including both quarterly and annual indicators.

6 Overall Performance

6.1 The Corporate Plan performance report shows that 83% of the Corporate Plan targets and 67% of the performance indicator targets are currently on schedule to be achieved. The report shows that individual targets that have been classified as red, amber or green. Individual comments from the relevant division have been included where appropriate. The table below shows the following status in terms of the traffic light indicator status:

Corporate Plan

Status	Number	Percentage
Green	10	83
Amber	2	17
Red	0	0
Total	12	100%

Performance Indicators

Status	Number	Percentage
Green	8	67%
Amber	4	33%
Red	0	0%
Total	12	100%

22/2

7 Summary

7.1 Members may wish to identify any areas that require further consideration where targets are not currently being achieved.

8 Report Implications

8.1 Safer Communities Implications

8.1.1 The community safety performance indicators are included in the report.

8.2 Legal and Human Rights Implications

8.2.1 The national indicators were specified by the Secretary of State for Communities and Local Government. They have now been ended and replaced by a single list of data returns to Central Government from April 2011.

8.3 Environment and Sustainability Implications

8.3.1 Improvements in the performance and quality of services will contribute to improving the quality of life within the community. There are a number of targets and indicators included which contribute towards the priorities of the sustainable community strategy including financial inclusion, core strategy, community safety and affordable housing,

8.4 Risk Management Implications

8.4.1 Effective performance monitoring will enable the Council to minimise associated risks with the failure to achieve targets and deliver services at the required performance level.

8.5 Equalities

8.5.1 There are a number of equality related targets and indicators including achieving the equality framework, domestic abuse, race equality, hate crime, and financial inclusion highlighted in the report.

8.6 Links to Council's Priorities

8.6.1 There are a number of targets and performance indicators contributing towards the priorities of enhancing community involvement and access to services, protecting and improving our environment, defending and improving our countryside and rural heritage, to tackle crime, improving housing and making best use of our resources.
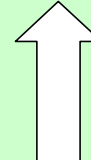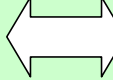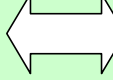
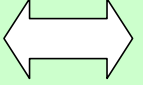The Contact Officer for this report is Robert Beggs (719238).
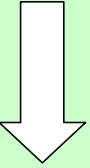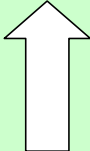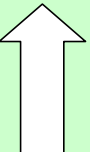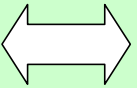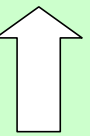
Background Papers

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
National Indicators for Local Authorities and Local Authority Partnerships	Department for Communities and Local Government	Statutory Guidance	February 2008

| Ref	Start Date	Action	Board	Lead Officer	Reporting Officer	Theme	Sub-Theme	Update	Trafic Light	Direction
NWCP 001 11/12	Apr-11	To ensure that we assess the impact of our services on, and actively engage with, all sections of our communities and to report on ways of doing this by September 2011	Executive Board	ACE&StC/ACE (CS)	Steve Maxey/Bob Trahern	Community Life		We have retained the Customer Service Excellence standard in May 2011 with an improved fully compliant score. This indicated that we were engaging with and providing effective feedback to a large number of the Council's customers as the standard covers not just Revenues and Benefits but also the contact centre and One Stop Shop. We have also undertaken some effective consultation around the potential development of community hubs in the first quarter	Green	⬆
NWCP 002 11/12	Apr-11	To continue to work with partners in the Coventry & Warwickshire Local Enterprise Partnership and with Hinckley and Nuneaton to maximise opportunities to develop the economy of the Borough and to report on progress by October in each year.	Executive Board	ACE&StC	Dorothy Barratt	Community Life		Work is on-going. CWLEP now has a five year plan. A number of sub-groups have been established, including Property & Planning. An Action Plan is being developed with HBBC and NBBC to aid in cross border working.	Green	⬌
NWCP 003 11/12	Apr-11	To report annually in March on the work of the local Financial Inclusion Partnership including for 2011/12 the BOB bus, CAB and Warwickshire Welfare Rights Activity	Executive Board	ACE (CS)	Bob Trahern	Community Life		Not due until March but good progress on these activities undertaken during the first quarter including the launch of the frontlineworkers toolkit	Green	⬆
NWCP 004 11/12	Apr-11	To publish a draft Core Strategy for consultation with the public by October 2011 that reflects the Council's priorities	Executive Board/Planning Board	ACE&StC	Dorothy Barratt	Housing/Countryside & Heritage		The LDF Sub-committee have agreed a draft Core Strategy to be considered by Planning & Development and Executive Boards in September 2011.	Green	⬆
NWCP 005 11/12	Apr-11	To continue to oppose the HS2 proposal, in partnership with other affected Councils and community action groups, initially by responding to the statutory consultation in accordance with the published timetable	Executive Board	ACE&StC	Dorothy Barratt	Countryside & Heritage		A Draft response to meet the consulation deadline will be considered by a Speacial Full Council on Monday 18th July 2011. The Action Groups have been asisted in carrying out Shadow Road Shows throughout the Borough. Work continues with 51m.	Green	⬌

Ref	Start Date	Action	Board	Lead Officer	Reporting Officer	Theme	Sub-Theme	Update	Trafic Light	Direction
NWCP 006 11/12	Apr-11	To contribute towards the achievement of the partnership plan 2011 – 2012 actions and targets for the 2010/11 strategic priorities of:- a) Reducing violent crime, including domestic abuse, alcohol related violence and young people as both offenders and victims of crime; b) Reducing anti-social behaviour, including youth and alcohol related anti-social behaviour, small deliberate nuisance fires and the public perception of anti-social behaviour; c) Reducing serious acquisitive crime, including domestic burglary and theft from vehicles; d) Improving public perceptions and public confidence. Contribute towards the Warwickshire Reducing Re-offending Strategy	Executive Board	CE, AD (L&CD)	Robert Beggs	Safer Communities		Revised partnership plan prepared for 2011/12 with realistic to reduce targets set against the 2010/11 baselines. The partnership has taken this approach to take into account the current reductions in resources for all partners. The quarter 1 performance report shows increases in crimes for domestic burglary + 23% , violent crime + 3% and overall + 6%. There are also some reductions in anti social behaviour incidents - 4%, and vehicle crime - 1%. The increases in domestic burglary are spread across the borough with very few concentrations. Operation Crunch is in place by Warwickshire Police to target hot spot locations and prolific offenders. Partnership responses to encourage Neighbourhood Watch, crime prevention measures and property protection initiatives are also in place.	Amber	⬇
NWCP 007 11/12	Apr-11	To work with partner agencies to ensure the delivery of relevant actions arising through the safer neighbourhood processes and reporting progress to each Area Fora meeting	Executive Board	CE, AD (L&CD)	Robert Beggs	Safer Communities		Priorities continue to be focussed on anti social behaviour problems. Recent multi agency meetings have taken place for Kingsbury and Water Orton to agree action plans. Current round of Forums taking place in July .	Green	⬆
NWCP 008 11/12	Apr-11	To ensure that the Council is prepared for emergencies and has suitable emergency and business continuity plans, as required by the Civil Contingencies Act, and to review both the emergency and business continuity plans annually in March	Executive Board	CE	Robert Beggs	Resources		Major Emergency Plan updated in 2010/11. Work programme with the recently established Coventry Solihull & Warwickshire Resiliance Unit being prepared for 2011/12. Council's Business Continuity Plans recently reviewed to ensure changes in staff and functions are updated. Comparisons with the other Warwickshire authorities continuity plans are being carried out to share good practice and reinforce mutal aid arrangements.	Green	⬆
NWCP 009 11/12	Apr-11	To achieve the savings required by the budget strategy and to update the strategy to reflect future developments by October 2011	Executive Board	DCE, AD (F&HR)	Sue Garner	Resources		Work on identifying potential savings is in progress. An update of the financial strategy has started, and will be reported to this Board in September.	Green	⬌
NWCP 010 11/12	Apr-11	To carry out reviews of systems in line with the Council's review plan and explore any opportunities for shared working that may arise	Executive Board	Management Team	Chris Brewer	Resources		Reviews have been completed in areas of streetscape, reviews currently being carried out on Housing post tenancy and housing adaptations. Reviews planned later in the year in licensing and further areas within streetscape	Green	⬆

Ref	Start Date	Action	Board	Lead Officer	Reporting Officer	Theme	Sub-Theme	Update	Trafic Light	Direction
NWCP 038 11/12	Apr-11	To implement identified improvement works to the Council's main offices to ensure the ongoing provision of services to the local community while safeguarding the safety and security of all residents, staff and visitors who use The Council House building	Executive Board/Special Sub	DCE, AD (S)	Richard Dobbs	Resources		All necessary standard maintainance has contiunued to be carried out. Existing programs for improvements in identified areas are in progress.	Amber	⟺
NWCP 042 11/12	Apr-11	To continue to look for ways of narrowing the Council's capital funding gap and report annually in February	Executive Board	DCE, AD (F&HR), AD (S)	Sue Garner	Resources		Sale of some surplus land has been agreed. Further work will be undertaken during the estimate process.	Green	⟺

PI Ref	Description	Division	Section	High/Low is good	2011/12 Target	2010/11 Outturn	National Best Quartile	Performance	Traffic Light	Direction	Comments	Suggested reporting interval	Board	Reported to MT
Chief Executive's Division														
BVPI 6	The percentage turnout for local elections. :	Chief Executive	Democratic Services	High	39%	No local elections in 2010/11	N/A	43%	Green	⬆	Local election in May 2011	A	Executive Board	Yes
BVPI 7	The percentage of electoral registration form As returned. :	Chief Executive	Democratic Services	High	95%	95.10%	N/A	N/A	N/A	N/A	To be reported annually	A	Executive Board	Yes
New	To respond to all complaints and requests for service within three working days	Chief Executive	Env Health (C, L &HP)	High	99%	99%	N/A	98%	Green	⬌		Q	Executive Board	Yes
New	To complete all outstanding inspections from the 2010/11 work programme by 31/5/11	Chief Executive	Env Health (C, L &HP)	High	100%	New	N/A	100%	Green	⬆	Completed by 31/5/11	Q	Executive Board	Yes
New	To carry out the following topic based inspections; a) Hand car washes, b) Motor vehicle repair, c) Solaria, d) Unregistered tattoo artists	Chief Executive	Env Health (C, L &HP)	-	100%	New	N/A	N/A	N/A	N/A	To be reported annually	A	Executive Board	Yes
New	To inspect 38 wholesale/warehouse premises based on a risk assessment using current knowledge, history and accident reports to identify those posing the greatest potential risk.	Chief Executive	Env Health (C, L &HP)	High	38	21	N/A	2 completed	Green	⬌		Q	Executive Board	Yes
New	% permitted process inspections carried out within scheduled timescale	Chief Executive	Env Health (C, L &HP)	High	100%	New	N/A	N/A	N/A	N/A	To be reported annually	A	Executive Board	Yes
NI 154	Net additional homes provided	Chief Executive	Forward Planning	High	**150**	117	560	N/A	N/A	N/A	To be reported annually	A	Executive Board	Yes
NI 155	Number of affordable homes delivered (gross)	Chief Executive	Forward Planning	High	**60**	37	130	N/A	N/A	N/A	To be reported annually	A	Executive Board	Yes
NI 159	Supply of ready to develop housing sites	Chief Executive	Forward Planning	High	100%	112.11%	N/A	N/A	N/A	N/A	To be reported annually	A	Executive Board	Yes
NI 197	Improved local biodiversity - active management of local sites	Chief Executive	Forward Planning	High	**29%**	34%	County Submit	N/A	N/A	N/A	To be reported annually	A	Executive Board	Yes
BVPI 200a	Did the local planning authority submit the Local Development Scheme (LDS) by 28th March 2005 and thereafter maintain a 3-year rolling programme? :	Chief Executive	Forward Planning	-	Yes	No	N/A	N/A	N/A	N/A	To be reported annually	A	Executive Board	Yes
BVPI 200b	Has the local planning authority met the milestones which the current Local Development Scheme (LDS) sets out? :	Chief Executive	Forward Planning	-	Yes	No	N/A	N/A	N/A	N/A	To be reported annually	A	Executive Board	Yes
BVPI 219	Percentage of conservation areas in the local authority area with an up-to-date character appraisal. :	Chief Executive	Forward Planning	High	40%	20%	48.30%	N/A	N/A	N/A	To be reported annually	A	Executive Board	No
BVPI 106	Percentage of new homes built on previously developed land. :	Chief Executive	Forward Planning	High	80%	99.05%	93.1%*	N/A	N/A	N/A	To be reported annually	A	Executive Board	Yes
BVPI 3	The percentage of citizens satisfied with the overall service provided by their authority. :	Chief Executive	Policy Support	High	**53%**	Not measured	51.10%	N/A	N/A	N/A	Subject to inclusion within a local householder / place survey for 2011/12.	A	Executive Board	Yes
BVPI 4	The percentage of those making complaints satisfied with the handling of those complaints :	Chief Executive	Policy Support	High	**N/a**	Not measured	38%*	N/A	N/A	N/A	Subject to inclusion within a local householder / place survey for 2011/12.	A	Executive Board	Yes
BVPI 126	The number of Domestic burglaries . (definition as per BVPI 126)	Chief Executive	Policy Support	Low	219	220	4.6*	93.00	Amber	⬇	In quarter 1 domestic burglary is increasing by 23% compared to the last 12 months. The increases in domestic burglary are spread across the borough with very few concentrations. Operation Crunch is in place by Warwickshire Police to target hot spot locations and prolific offenders. Partnership responses to encourage Neighbourhood Watch, crime prevention measures and property protection initiatives are also in place.	Q	Executive Board	Yes

PI Ref	Description	Division	Section	High/Low is good	2011/12 Target	2010/11 Outturn	National Best Quartile	Performance	Traffic Light	Direction	Comments	Suggested reporting interval	Board	Reported to MT
BVPI 127	The number of Violent crimes (definition as per BVPI 127)	Chief Executive	Policy Support	Low	570	571	10.5*	178.00	Amber	⬇	In quarter 1 violent crime is increasing by 3% compared to the last 12 months. The partnership plan is focussing on Reducing violent crime, including domestic abuse, alcohol related violence and young people as both offenders and victims of crime.	Q	Executive Board	Yes
BVPI 128	The number of vehicle crimes , (definition as per BVPI 128)	Chief Executive	Policy Support	Low	643	644	5.5*	172.00	Amber	↔	In quarter 1 vehicle crime is decreasing by 1% compared to the last 12 months. Current ward areas with the highest levels are Atherstone north, Curdworth and Fillongley. Any specific hot spots will be subject to further assessment.	Q	Executive Board	Yes
New	The number of hate crimes recorded by the authority	Chief Executive	Policy Support	Low	10	1	N/A	1	Green	⬆	One incident recorded. Hate Crime can be reported in person,via the web or through Contact Centre. This indicator could be expressed as the number of crimes rather than rate per 100,000. Reporting incidents of Hate Crime helps to improve cohesion within communities	Q	Executive Board	Yes
New	The percentage of hate crimes that resulted in further action. :	Chief Executive	Policy Support	High	100%	100%	100%	100%	Green	⬆	WREP advised and follow up action being arranged.	Q	Executive Board	Yes
NI 32 (new)	Repeat incidents of domestic violence	Chief Executive	Policy Support	Low	8%	8.10%	N/A	8%	Green	↔	This is a measure of the small number of high risk cases considered by the MARAC meeting at a county level. The number of domestic abuse related incidents is a significant element of our crime reports.	Q	Executive Board	Yes
NI 47 (new)	People killed or seriously injured in road traffic accidents	Chief Executive	Policy Support	Low	50	54	N/A	15	Amber	⬇	15 occurences in April and May. Levels are higher compared to same period last year. Significant reductions achieved in 2010/11 and over previous years. Hot spot locations are monitored and enforcement of speed limits takes place.	Q	Executive Board	Yes
PS PI 03	% of Council employees trained in fairness and diversity	Chief Executive	Policy Support	High	100%	89%	N/A	N/A	N/A	N/A	Corporate objective that all employees receive E&D awareness development training sessions.	A	Executive Board	Yes
PS PI 04	% of services that report equality profile of their service outcomes as part of their service delivery plans	Chief Executive	Policy Support	High	100%	80%	N/A	100%	Green	⬆	Board reports detailing Equality Assessment outcomes: Indicator will help inform EIA processes to determine work plans	Q	Executive Board	Yes
PS LPI	% of business continuity service plans reviewed within 12 months of approval	Chief Executive	Policy Support	High	100%	50%	N/A	N/A	N/A	N/A	To be reported annually	A	Executive Board	Yes

| **Report of the**
The Chief Executive | **The Open Public Services White**
Paper |

1 Summary

1.1 The purpose of this report is to inform Members of the Open Public Services White Paper, the consultation exercise currently taking place and to seek authority for the Chief Executive to agree a response following consultation with leading Members.

Recommendation to the Board

That the contents of the Open Public Services White Paper be noted and the Chief Executive be authorised to respond to the consultation and to the approach from the County Council following consultation with the Leader of the Council and the Leader of the Opposition.

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2 Consultation

2.1 Portfolio Holder, Shadow Portfolio Holder and Ward Members

2.1.1 All Portfolio Holders and Shadow Portfolio Holders have been sent a copy of this report.

3 Background

3.1 The Government published the Open Public Services White Paper in July and is carrying out a "listening period" until 30 September

3.2 Appendix A to this report comprises a briefing paper prepared by West Midlands Councils which sets out the key issues within the White Paper. The full document can be accessed by Members at http://www.openpublicservices.cabinetoffice.gov.uk. Following a recent event organised by West Midlands Councils, a draft response is being prepared by that organisation which this Council may wish to subscribe to all or part of. The first draft of this comprises Appendix B. In addition, the Leader of Warwickshire County Council has circulated the County's draft response and asked for our views on the document. A copy of the draft County Council response comprises Appendix C to this report. Members may be particularly interested in the second paragraph of that report which states " we believe upper tier councils, in our case a County Council, have a vital role to play as the Local Commissioner (with delivery either in house or externally) and co-

2011/BR/004133

ordinator of a mixed economy of public services." It is unclear from the rest of the paper whether the thrust of the response is that the County is the only local commissioner and what it sees the role of both District Councils and their elected Members as opposed to the County Council's own role including County Councillors. Members may wish to consider this as part of the Borough Council's response both to the Government and the County Council as much of the thrust of the argument made by the County Council in relation to both elected Members and resolving issues relating to determining between different priorities amongst local communities apply at least as strongly if not more so to District and Borough Councils.

4   **Report Implications**

4.1   None at this stage.

The Contact Officer for this report is Jerry Hutchinson (719200).

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

Briefing Note on

Open Public Services White Paper

1. This consultation paper applies to all public services, i.e. those provided by central government as well as local government.

2. The government believes that the five principles set out below should apply:
   - **CHOICE** Wherever possible, we will increase choice by giving people direct control over the services they use. And where it is not possible to give people direct control, elected representatives should also have more choice about who provides services and how.
   - **DECENTRALISATION** Power should be decentralised to lowest appropriate level.
   - **DIVERSITY** Wherever possible, public services should be open to a range of providers competing to offer a better service
   - **FAIRNESS** We will ensure fair access in order to advantage the disadvantaged and improve their outcomes
   - **ACCOUNTABILITY** Open public services must be responsive to the people they serve – held to account by citizens and their elected representatives

3. Examples are given throughout the document of where these principles have been put into practice already. For reasons of space they are not reproduced.

4. Some aspects of them need more detailed consideration and so will be subject to consultation.

5. The government groups services into three categories:
   a. **Individual services** - these are personal services e.g. social care – the individual will be given their personal budget and allowed to choose what services and which provider they use
   b. **Neighbourhood services** - these are services provided very locally but on a collective basis.
   c. **Commissioned services** - these are local and national services that can not be devolved to individuals or communities e.g. front line policing or national security.

6. The government believes that services should be commissioned as close to the top of the hierarchy as possible (i.e. by individuals).

Individual services

7. The presumption is that wherever possible people will be given the budget and allowed to commission services themselves.

8. To enable people to make good choices we will have to publish key data, user satisfaction and performance figures. We will have to publish our data in an open and standardised format.

9. Individual service providers will be licensed or registered by the relevant regulator, e.g. the Care Quality Commission. This will be used to set minimum national standards and prevent service failure.

10. Ombudsmen and OSP committees will hold providers, especially those of individual services, to account to ensure people get the services they want.

11. Areas still for consultation:
   - How best to ensure that published performance data is what people want and that they can use it.
   - How to standardise performance and satisfaction data.
   - How to ensure there is continuous improvement in services.
   - Whether new Ombudsmen are needed, how Ombudsmen can support choice and how to raise their profile.

Neighbourhood services

12. They should be devolved to the lowest level of government and residents should have a say in their design and delivery. To maximise devolution the government intends to make it easier to set up parish/town councils (which can also be known as community or neighbourhood councils) – hereafter jointly called "local councils".

13. The government is consulting on potential rights for local councils to take over key local services, e.g. parking, street improvements, parks and leisure, museums.

14. The government believes there is a "huge appetite for people to get directly involved in the delivery of the services they use", so the government is making it easier for them to do so by providing:
   - community right to buy public and private assets of community value;
   - encouraging councils to transfer assets to communities;
   - community right to challenge (and run) services;
   - community right to build without needing planning permission.

15. Neighbourhood budgets (the new name for Total Place) – as part of the Local Government Resource Review the government will look at devolving budgets to 13 areas, and in 2 areas allowing the public to help commission services.

16. Areas still for consultation:
   - How to enable local councils to take greater control over services
   - How to develop local schemes of delegation between principal councils and local councils, and how a national framework of such schemes could promote decentralisation

Commissioned services

17. The default position will be that the state commissions from a diverse range of providers.

18. Commissioners will be separated from providers. It is unclear whether this will apply to any or all local government services.

19. "Open commissioning" will be introduced to specified services. It will require commissioners to consult and challenged by providers on the shape of services, and then seek at least 3 bids. Payment must be linked to results.

20. Whilst some services such as national security will be exempt, back office and support functions may be subject to commissioning.

21. The government believes local government is very good at open commissioning and should extend the approach to services that are not currently open. It will consult on how to open up locally commissioned services in:

- Customer contact
- Planning
- Facilities management
- Back office transactional services
- Support for looked after children
- Family support
- Trading standards and environmental services
- Housing management

22. Democratic accountability is key to better public services so the government is increasing public involvement.

23. The government is keen to identify central government services that could be commissioned locally. It will "seriously consider" any credible proposals" that local government can make on how to do things differently and will consult how to decentralise a range of services including:
- Natural environment support;
- Public transport support;
- Skills; and
- Services for families with multiple problems.

24. So that a wider range of providers can compete all potential providers will have access to public sector contract and procurement data.

25. Areas still for consultation:

- How to establish accreditation bodies (similar to NICE in the NHS)

- exploring how providers can enable greater user participation or management in all sectors, whether private, public or voluntary, community and social enterprise (e.g. tenant management organisations and parent/ community governors); and

- assessing whether or not providers in all sectors should be subject to the same requirements for transparency and in which service areas this would make most sense (e.g. how performance data and information

transparency can be extended to private companies and voluntary sector organisations providing public services).

DIVERSITY

26. The government wants public services to be open to a range of providers competing on both what will be offered and how much it will cost.

27. It wants to "free up" existing public sector staff, whilst allowing the private and third sector to also bid for work. The government believes that public service mutuals will empower employees to innovate and redesign services.

28. In order to open up competition especially to smaller private, voluntary and charitable enterprises the government will "regularly assess barriers to entry and exit that may prevent diversity".

29. The government will consult on how new types of providers could stimulate innovation, e.g. by having larger shared services in back office functions so that they become competing businesses.

30. Deregulation will be used to reduce burdens and bureaucracy.

31. Where providers are failing to meet standards commissioners must:
    - Provide help before failure occurs;
    - Leave accountability with the provider and visit severe consequences on providers fail as a result of poor management
    - Have clear indicators of (impending) failure so that actual failure can be addressed and impending failure can be managed to ensure continuity of service provision.

32. Areas still for consultation:
    - Whether there should be a right of appeal for providers to an independent organisation, if they feel they have been excluded unfairly from a commissioning process.
    - How to give greater autonomy to public sector providers, e.g. scrapping Local Area Agreements, making Arms Length Management Organisations (ALMOs) completely autonomous, and the creation of employee mutuals.
    - How to give autonomous status to most public sector organisations whilst ensuring transparency and accountability.
    - How to unlock new sources of funding to increase investment in public services
    - Whether foundation trust status could be applicable to bodies outside the NHS

FAIRNESS

33. The government will ensure there is fair access to service for those less able to access them. This will include making performance data easier to access and to understand.

34. The government says that they will use financial incentives and regulatory interventions to ensure the most disadvantaged people get fair access, e.g. pupil premium, public health premium (details not yet available).

ACCOUNTABILITY

35. Public services must be responsible to the people they serve, and citizens and elected representatives must be able to hold them to account.

36. Councillors will be expected to be "the peoples' champions for all public services in their area, irrespective of whether they are directly accountable for those services".

37. Overview and Scrutiny powers to hold public service providers to account could be widened.

38. Civil servants will be accountable to Parliament for showing that their funding was used for the purpose for which it was intended and that VFM has been achieved. There will need to be "strong accountability systems in placed" to ensure that local commissioners have spent central government money appropriately.

39. The government will consult on whether or not the role of local councillors as citizen champions needs to be enhanced to ensure proper accountability of providers from all sectors – such as extending their powers of overview and scrutiny to other sectors.

Issues for NBBC

i. Whilst the paper talks about local councils having greater choice of who provides their services the presumptions within the paper itself tend to suggest that providing services ourselves will not be encouraged. We may therefore be forced to externalise services

ii. It is very clear from bills before parliament that neighbourhoods will be important; therefore we need to establish a viable alternative to community forums.

iii. Not many localities are likely to want control devolved to them, though the most likely would be the already affluent areas, possibly widening divisions still further. Will we help/encourage people to take over services?

iv. Volunteers are cheaper than paid staff. If funding allocations assume that some or all services will be voluntarily run then grants could well be lower. Equally, grants could be reduced in an effort to force councils to shift provision to the third sector.

v. In order for our residents to make informed choices as "service users" we will have to publish performance and satisfaction data. This is likely to be no less onerous than the previous national indicator regime.

GO/LM
August 2011

Open Public Services White Paper

Thank you for the opportunity to comment on the Open Public Services White Paper.

This response has arisen following a cross sector discussion held in the West Midlands convened by West Midlands Councils, a voluntary organisation of all 33 local authorities in the West Midlands.

The event was well attended with senior representation from councils at Chief Executive and director level, third sector organisations, housing providers and umbrella organisations together with active private sector Chamber of Commerce involvement and expertise from KPMG on outsourcing matters.

It was the view of the participants that there was sufficient common ground between them to submit a collective response which we hope you find helpful.

The response attempts to coral the discussion to align with the most appropriate questions in the White Paper, but in many cases are cross cutting or apply to more than one area. In brief however, the main points are:

- There is already considerable commissioning activity at the local level, however, national prescription over what and how commissioning should occur is inappropriate and may ultimately be ineffective.

- There are many ways of improving the quality and responsiveness of services which should not be sidelined by focusing on creating markets and promoting choice and competition between providers.

- The way in which reforms are operated needs to be consistent with their objectives; so that the drive to cut costs does not result in fewer, bigger contracts that would squeeze out smaller concerns and the local connections and innovations that they can bring.

- To create a level playing field between potential providers requires providing support to the smaller concerns so that they can effectively understand and navigate the processes, and enabling the public sector to consider social impacts to a greater extent when commissioning.

Individual Services

How best, in individual services and on a case-by-case basis, can we ensure that people have greater choice between diverse, quality providers?

Locally, councils already operate mixed economies with services being delivered through a variety of arrangements including in-house provision and using external providers in the private and third sectors. As such councils already have important roles in market influencers, developers and creators.

In many circumstances people's access to quality services will be more important than the ability to choose between providers. It is therefore the quality of the service and its suitability for local circumstances that should be the focus rather than on creating a market and facilitating choice. The co-production of services involving users, for example is an effective way in developing effective, tailored, fit for purpose services.

There are concerns that where there is currently diversity, particularly in the third sector but also in small businesses, this will be damaged by the apparent trend for Government departments to use fewer, larger scale contracts which simplify and reduce management, but which may not be more effective in achieving the objectives of the contract.

The approach recently adopted by the Department of Work and Pensions in its Work Programme and the centralising of the Skills Funding Agency European Social Fund procurement is illustrative of this.

Moreover this approach can bring in providers who have little or no experience either in the service area or of the geographical area and communities they will be working in, while displacing and damaging the viability of locally based organisations.

Moving to bigger contracts will therefore make it harder to reach many of the most vulnerable, make it harder to personalise services and may reduce choice.

Consistent with the Government's fiscal plans, what further opportunities exist to target funding to help the poorest, promote social mobility and provide fair access to public services?

There is a risk that moving quickly to open up public services will reinforce the commissioning silos between and within organisations and more time may be helpful to consider how services could be reconfigured and joint outcomes achieved.

Within local authorities, there has generally been a consolidation and reduction of departments which should improve the ability co-ordinate and commission services internally.

It is important that in delegating and devolving powers and services Government reinforces local authorities' roles as place shapers and local convenors enabling public sector spending across government agencies and departments to act in concert to meet local needs and circumstances. Nowhere is this more important than in meeting the needs of areas and families with complex needs.

To do this effectively requires Government to support and provide incentives for its departments and agencies to take a more flexible approach and responsive approach to tackle the issues identified locally.

One of the advantages of third sector organisations is that they are closer to many vulnerable people and communities than "state" organisations. They do not come with the "state's" institutional baggage which may deter engagement from some of the hardest to reach and most vulnerable people.

A dynamic third sector that is equipped to bid for services should therefore be central in ensuring that targeted resources actually hit their mark.

To do so requires small and medium sized third sector organisations to be supported to be able bid for and deliver services.

In some cases there maybe benefit in such organisations "up scaling" their operations so that they can bid and extend their services. However, this will not be appropriate for all organisations. Where it is appropriate sufficient time should be given to allow those organisations to develop a secure base from which to expand or offer a joint "back office" with other smaller organisations without losing their distinctiveness and service focus. This could use for example, the capacity and stability of larger organisations such as housing associations. Umbrella business organisations such as the Chambers of Commerce may be able to play a similar role for small and medium sized businesses.

Third sector organisations are highly effective in developing and delivering services using volunteers and good will to make a little resource go a long way. In opening up public services the government should be careful not to damage the ethos of such organisations by making it impossible for them to continue without up scaling or requiring them to develop an onerous business management capability.

How can we ensure that people are aware of, and can exercise, their right to choice effectively in specific services, through choice champions, choice prompts, data and a possible new role for Ombudsmen?

Choice can mean different providers or the ability of a single provider to tailor its services to specific individuals needs. It should be a local matter as to how choice is provided. As set out earlier, co-production of services is one way of improving the sensitivity of services to its users and beneficiaries.

Care needs to be taken in ensuring that the changes being made across Government are implemented in a complementary way. There are concerns for example, that moves to placing bigger contracts with more remote primary providers will work against personalisation.

Where choice and personalised budgets are introduced individuals and families will need personalised support which may be costly to provide. There may be a role for the third sector to provide advocacy and brokerage in this area, given their potential to get close to individuals and communities in a way which the "state" finds difficult to do.

There are very real risks in the providing uninformed choice for individuals, particularly where there are complex circumstances and multiple interventions. Even where choice is informed it is possible that the cumulative impact of their decisions over their budget could be unhelpful to the individual or their family.

What is the appropriate role for elected and unelected office-holders in championing individuals' ability to exercise choice and ensure accountability from service providers? and

How can we ensure that our approach to opening public services protects and enhances accountability rather than dispersing it?

Local authorities are the democratically elected representatives of their area. Local government should be given rein to work with other partners in their area to determine priorities and for those partners to have the freedom to direct their services and use their resources flexibly in order to meet them.

In most cases it is the council that is likely to be held to account for the services in their area whether they are responsible for them or not and there will be pressure on councils to step in and intervene where things go wrong.

Delegating and devolving services to a plethora of organisations and providers will undoubtedly make it more difficult for government and councils to keep track, hold to account and intervene, where that is possible, with organisations particularly where they are not directly commissioned.

While important, holding a provider to account after the fact and without sanction locally will be of limited impact. An equally important role for councils is to act as the democratic, local convenors of partnerships to shape local priorities and direct the provision of services and resources at them.

Neighbourhood Services

What is the scope for neighbourhood councils to take greater control over local services?

There needs to be greater thought given as to whether neighbourhood councils are the best way to deliver the objective of better services bearing in mind the cost of operating them, the democratic accountability for their decisions and spending, and the potential to reinforce existing arrangements.

Many if not all councils already have local decision-making arrangements which would reinforce and use existing democratic structures but enable challenge over differentiated service provision and economies of scale and coordination in commissioning.

If neighbourhood councils are pursued, each would vary in capacity and needs which would affect their ability to deliver particular services. Supporting neighbourhoods develop the capacity would involve costs at a time when resources are stretched and the benefits unclear.

Unless decided locally, prescribing arrangements for separate neighbourhood councils is also likely to add further complexity to decision-making and coordination and confusing members of the public, businesses and other interested parties as to where accountability and responsibility lies.

Commissioned Services

What is the scope to extend and/or deepen the commissioning approach across public services? And

To which areas should we apply the open commissioning policy?

Local services are already provided through mixed economies, for example through using Arms Length Management Organisations (ALMOs) for housing provision and external providers for care homes. Decisions over which services should be commissioned should be made at the local level and not prescribed nationally.

Even without this track record and willingness, the scarcity of resources will encourage local authorities to develop more cost effective ways of delivering quality services for example through the reorganisation of back office functions and the reconfiguration of services, as well as through the commissioning of external providers.

Prescription by Government may also serve to stifle innovation by focusing on one way forward and on particular services where there may be more appropriate services locally or other ways of achieving the same goal.

It is clear that councils are open to commissioning and have been commissioning for some time. Experience has tended to show that compulsion, for example through Compulsory Competitive Tendering, has not proved successful. The most effective commissioning generally occurs when councils enter into the process under their own steam and more so when this takes place in partnership with the provider.

Indeed the partnership approach with providers where there are incentives for coming in on time or under budget, for example, have proved very successful and where these are local providers there can be important knock on benefits for local supply chains and the like.

In many services effective markets do not exist, for example in planning policy and even in social care, so that it is not possible to commission, including some of those service areas highlighted in the White Paper. For commissioning to work effectively there needs to be a proper market, a real understanding of the costs of providing a service and the outputs required from the commission.

There are undoubtedly risks for commissioners in entering new and immature markets where there may be little choice or experience. Placing large scale contracts increases risk as has been seen with the failure of high profile private sector providers recently.

Conversely, using a greater number of smaller providers would spread this risk, minimising the potential for catastrophic failure. The White Paper indicates that a lack of track record or experience need not rule out potential providers. While this may be the case, it would tend to militate against placing large, high risk services in inexperienced hands. Rather, it would be sensible for inexperienced providers to gain experience before large contracts are risked.

Commissioners will also have to be aware of the current full costs of providing their in house services which may be spread across functions and departments. This is particularly important in ensuring that tendering is viable for third sector organisations.

Where this involves transferring functions, staff and the communities that are being supported should not be disadvantaged and the implications of implementing TUPE, for example will need to be factored in. By the same token, commissioners also should be aware that prime contractors are liable for VAT on sub-contracting, either reducing the amount of money available for the service or increasing its cost.

Councils spend considerable amounts of time and resources on commissioning and working with the delivery organisations to improve services. The flip side of the market approach means that commissioners should be more open to decommissioning services and re-tendering where the market is sufficiently well developed to respond to commissioning needs. However, this should also mean considering alternative ways of providing services including bringing services back in house where it is not.

Clearly, where councils decide to keep services in-house it is reasonable that they explain the reasons for doing so.

What further potential is there to decentralise central government commissioning to locally elected individuals and authorities?

As well as considering decentralising Government's services, it is important that their processes are more open to local circumstances and variation.

Recent experience of the Work Programme and the Skills Funding Agency led ESF process in the West Midlands has suggested that, at least in some cases there is increased centralisation.

In the case of the European Social Fund Councils had previously come together with the then Learning and Skills Council to develop a joint co-financing plan for the West Midlands which gave councils collectively a strong role in determining their own priorities and an active role in influencing the tender specifications. However, the new arrangements have effectively excluded local authorities from any formal role with commissioning conducted nationally and with little or no input from councils in developing tender specifications.

Work Programme and European Social Fund activities would benefit greatly from a good understanding of the localities and communities they are working in. The move to larger contractors has worked against this, threatening the existence of vulnerable third sector organisations and their clients.

Notwithstanding the potential to wholly commission some of its central services, while making its reforms Government should ensure that local authorities are fully involved in developing the approaches to the services to be delivered in their areas as well as the contracting process itself. At the same time the commissioning processes should be made more accessible to third sector organisations and small medium sized businesses so as to assist local economies as well as increasing standards, choice and competition.

The approach of asking local authorities to commission for central Government services is an interesting one. It is unclear whether moving to contractual relationship, where presumably the accountability would remain with Government, would be more beneficial then a more structured devolution of the responsibility and funding for the activity direct to local authorities.

While such a distinction may be appropriate, as with third sector organisations there may be implications in moving councils onto more of a commercial footing with its dealings with central Government.`

In some cases councils may be able to reach a decision relatively quickly over where it sees scope to tender for particular services, however, the potential scale and benefits suggest that some time may be needed for councils to consider this collectively.

That said, as implied above, councils and local partners may well see benefits in greater local government involvement in the delivery of areas of welfare, skills and training which should also assist in increasing their effective deployment.

More generally, central Government should ensure that all its external contracts are properly advertised and follow an accessible and transparent process. In recent months there have been examples of some opaque decisions related to the support for free schools and Local Enterprise Partnerships.

What else can government do to overcome any traditional boundaries between public service providers, which get in the way of solutions to people's needs?

As set out earlier in this response, it is important that Government recognises and strengthens the role of local authorities in convening partners to identify local priorities and shape and align the services targeted at them, not least through joint commissioning.

To make this effective this needs Government departments and agencies to "own" the local priorities, to act flexibly to work to meet them and to be judged against their contribution in meeting them.

Ensuring diversity of provision

How can we stimulate more openness and innovation in public services through new types of provision?

Additional support is needed for third sector organisations levelling the playing field to enable them to have a realistic chance of winning contracts.

Most local authorities are working closely with their third sector. However, there is question over how much resource any one council can put into developing and assisting third sector organisations in their area.

Ensuring diversity of provision requires infrastructure support for the third sector to help build capacity and enable the organisations in the sector to broker and coordinate partnerships and deals between themselves.

There are also concerns that procurement regulations can act as barriers to third sector organisations winning contracts, not least due to the limited extent to which local social benefits can be taken into account.

Moving to a contractual arrangement could change nature of some third sector organisations, making them more commercially oriented and potentially less diverse and less likely to innovate. More sensitive commissioning arrangements such as Service Level Agreements may well be appropriate with certain third sector organisations, possibly using a bigger organisation to act as the accountable body holding the contract.

What more could we do to support and catalyse new enterprises (e.g. mutuals) spinning out from the public sector?

As with any new business venture in the current climate, there needs to be suitable advice and guidance available to those considering such a move. It is not clear whether the successor arrangements for Business Link will provide the necessary support.

How do we ensure a true level playing field between providers in different sectors?

In order to allow organisations from the different sectors and of different sizes to complete on a level playing field there needs to be greater clarity about the actual costs of delivering a service and the specific outputs which are sought.

The payment by results approach works against smaller providers in both the private and third sectors by requiring considerable up front investment which such organisations often cannot bear.

Smaller, more accessible contracts would greatly assist diversity and innovation. The apparent move to larger contracts also works against smaller businesses and organisations who may have the most effective service but who do not have the business capacity to either bid for or up scale their activity to the level required by Government.

Third sector organisations have developed diverse services but often find it hard to engage with the commissioning and bidding processes.

Enabling smaller concerns to compete requires effective capacity building and infrastructure support from appropriate business and third sector organisations. While some resource is required for this, without effective support many third sector organisations in particular, will not be able to compete and will be lost to their communities.

The Infrastructure Support Fund will go some way towards this, but more support is needed for the third sector help themselves to develop locally appropriate solutions. For example this may include brokering partnering arrangements to share business capacity, making the most of organisations with institutional and financial stability, and developing

cooperative, collaborative and complementary approaches rather than adopting competitive stances where this would be helpful.

The commissioning and tendering process needs to be allowed to properly reflect the broader purposes and objectives of public sector organisations in promoting positive social impacts. Councils, for example, have a responsibility for the health and well-being of their communities as well as running cost effectiveness services. As such it is reasonable that the effect of particular contracts on these broader aims should be able to be taken into account in the evaluation, particularly where no doing so would add costs to the public purse in other ways.

Government should look constructively at the current rules and regulations around procurement to remove constraints and provide more local determination. At the same time, the public sector can explore legitimate ways to support social and economic objectives, such as using employment and training clauses as promoted in the West Midlands Procurement Framework.

Commissioning organisations could also look constructively at other forms of "contractual" relationships such as service level agreements which would be less onerous on smaller concerns to navigate.

**Warwickshire County Council Response to the Open Public Services White Paper –
September 2011**

Warwickshire County Council Consultation Response

We support some but not all aspects of the future vision for Local Government as set out in the Open Public Services White Paper.

We have a vision for Warwickshire which whilst embracing the principles outlined in the White Paper of choice, diversity, fairness, accountability and decentralisation to the appropriate level, keeps local democracy at its core. We believe upper tier Councils, in our case, a County Council, have a vital role to play as the local commissioner (with delivery either in house or externally) and coordinator of a mixed economy of public services. Our response to the White Paper consultation reflects these beliefs.

We are encouraged by the Coalition's endeavours to consult and work with Local Government to develop local public services to be a sector of continuous improvement, to be efficient, accessible and fair. As such we would like to have a concordat with central Government and other public bodies to deliver our vision for Local Government and the wider public sector offer.

Like many public services, the pressure on Warwickshire is to do more with less, whilst maintaining quality and standards of services. We have embraced this challenge and have embarked upon a series of transformational programmes of work to realise the necessary savings whilst continuing to meet the needs of the Warwickshire public. However, the transformation required goes beyond simply meeting savings. We are developing new ways of working which covers how we work with our sub-regional partners; local public sector partners; the third sector and private sector; how we engage and communicate with our customers; how we engage and develop our workforce to meet the new demands that will be placed upon them and how we encourage innovation. We are heartened to see that we are already applying many of the principles of the White Paper in ways that are appropriate to Warwickshire and again we have included examples and lessons learnt in this journey. We are hopeful that the Government's next steps will take on board these lessons learnt from across Local Government.

We believe Warwickshire County Council has a democratic duty to be a strong community leader and coordinator of intelligence for the public sector in Warwickshire. As such we see the following as central to our future role:
° Local democracy is the corner stone of good local government. As a democratically elected organisation we believe we are more than an organisation that simply delivers or commissions services for local residents. Over many decades this important role has been undermined by Central Government constraints and increasing regulatory burdens.
° Elected Members are at the core of this vision and have a key role to play as community leaders, community ambassadors and community brokers.
° Our vision is for the County Council to be the hub of local civil society. As part of this we believe that the council must become the focus where all public services are held to account, whether the services are delivered by the council (s), another part of the

public sector, third sector or private sector.

Local authorities have a vital role to play in being a voice for our residents.
° We want to work to ensure that Local Government is a place where all voices can be heard, a place for local debate to take place and where citizens can shape their towns and neighbourhoods within our local fora framework – a trusted coordination hub for the area to provide a clear vision.
° We have an important role in looking at the implication of strategic issues on behalf of local citizens and acting as their voice.
° We will be an arbitrator and resolve conflict between different views about what is best for the area.
° In doing so we recognise that we need to generate an enhanced level of trust in Local Government.

Individual Services (Page 14 to 25 , OPS White Paper)

Questions for Consultation

- How best, in individual services and on a case-by-case basis, can we ensure that people have greater choice between diverse, quality providers?
- Consistent with the Government's fiscal plans, what further opportunities exist to target funding to help the poorest, promote social mobility and provide fair access to public services?
- Are there additional areas where personal budgets would be appropriate and could existing initiatives on personal budgets be accelerated?
- How can the principle be implemented that providers (from whichever sector) who are receiving public money for individual services should collect satisfaction data in a standardised form to enable comparison and put it into the public domain?
- How can we ensure that people are aware of, and can exercise, their right to choice effectively in specific services, through choice champions, choice prompts, data and a possible new role for Ombudsmen?
- What is the appropriate role for elected and unelected office-holders in championing individuals' ability to exercise choice and ensure accountability from service providers?
- How can we ensure that our approach to opening public services protects and enhances accountability rather than dispersing it?

Warwickshire County Council Response

Many of the concepts raised in relation to Individual Services are not new and WCC has been using methods such as Personal Budgets for a number of years.

We recognise the need to optimise the number of service users who will have personal "control" over their services to create choice and deploy staff to facilitate and develop the virtual market. Similarly we will deploy staff to develop and support social enterprise and community based solutions for prioritised local / neighbourhood services. However we will act as the coordinating body for these through a devolved and delegatory framework as we do not believe there is the capacity in local groups to take on full

responsibility and full transfer of risks.

We would stress the need to be mindful of the need for an environment which introduces choice to ensure that the mechanisms are in place for this to be 'informed choice' and not just choice for the sake of it. Our experience would also show that vulnerable people within our communities often prefer to deal with one trusted professional rather than face lots of choice – even when this is informed.

We support principles of openness and transparency to increase local accountability and choice. This needs to be done in a joined up way so that the public can access information on a range of public services via a joined up portal. We would guard against any attempts to re-impose a centrally imposed suite of measures. Local public services need the authority to measure information about what matters locally. Any new forms of accountability through greater citizen involvement in the design and delivery of services should complement local democracy. Whilst we support the principles of accountability and transparency we do not feel that it is currently achievable in all sectors, for example the private sector, where although company records are available they tend not to be transparent.

We are concerned that the White Paper makes little reference to the important role of Elected Members. We see Elected Members as having four pivotal roles as Local Government evolves which need to be reflected in the Governments proposals:

- Our Cabinet and Council have a key role to play in articulating and coordinating the public services needed to be delivered – from whatever sector / Organisation – to meet the evidenced needs of individuals and communities.
- Members know their communities. As Community Leaders their vital role in community engagement, advocacy and influence needs to be promoted. Core to this is seeking fairness and protecting the vulnerable in their wards.
- Councillors in counties are elected by a small area to represent a large area. As such Members also have a key role to play in not only representing the interests of their own electoral division but also in setting strategies to improve outcomes for the whole County. This is a vital role which often involves balancing conflicting needs from our varied communities.
- Councillors, particularly through Overview and Scrutiny, have a key role in 'holding to account' a wide range of public sector stakeholders, including service providers.

Members also have a key influencing role regardless of what position they may hold within the Council, which needs to be supported.

We are keen to ensure that the quality of people standing for local office is enhanced and as such we need to promote the role of local Councillors. A diminished role would, we feel, have an adverse effect on the number and calibre of people standing for election at all tiers of local government which would detrimentally affect outcomes for residents.

We believe Local Authorities should have an important role in determining between different priorities amongst local communities. This regulatory relationship with constituencies of interest is not going to be practicable at the central government level and will involve issues outside the capability of Parish / Town/ Community Councils to resolve. As resources and services contract we see an increased need for such Local Authority determination and the County Council would fulfil this role.

As with many recent government consultations, the underlying principle of our response is the importance of allowing flexibility for us to implement government legislation in a way that is suitable for Warwickshire. We are heartened to read in the White Paper that the maxim 'Whitehall really does know best" is no longer the appropriate way forward for the future of public service delivery.

Enhancing trust in local government at all tiers is vital. As public services continue to 'open' we need to ensure that the public are clear about what Local Government is here to do and how best they can engage with us to enhance our local coordinating and intelligence role.

We recognise the need for an independent oversight role and feel that this would be best delivered by an Ombudsman which keeps consumers at its core. Local Government needs to ensure that it learns from those issues addressed by the ombudsman. However, we need to remain mindful of those in our communities who are less able or more reluctant to raise concerns about services.

Neighbourhood Services (Page 26 to 28, OPS White Paper)

Questions for Consultation

- What is the scope for neighbourhood councils to take greater control over local services?
- What help will neighbourhood councils need to enable them to run any services devolved to them?
- What would make it easier to establish new neighbourhood councils in areas where local people want them?
- Do additional checks and balances need to be created to ensure proper financial control?
- How can we improve the delegation and financial framework for neighbourhood councils?
- How do we ensure appropriate accountability for services run by communities to ensure that those not involved directly are not disadvantaged?

Warwickshire County Council Response

Many of the reforms in the Localism Bill already support neighbourhood service delivery through the introduction of the community right to buy and the community right to challenge. In our response to this earlier consultation we stressed the importance of local discretion. Local Authorities operate in different ways serving different communities and will have different views as to which services should be open to the new right and which would serve communities better if they were delivered by the Council depending on individual local circumstances.

We are working across the three tiers of local government in Warwickshire and have created Community Forums where County, District, Town and Parish Councillors can meet together to shape neighbourhood service delivery.

We support the principles of decentralisation to the lowest appropriate level, but would raise concerns about the capacity of neighbourhood councils in many areas for meeting

these new requirements. We would also question the relationship between economies of scale and decentralisation and would want to ensure that as these plans are taken forward that value for money remains an important consideration. We would also want to guard against the decentralisation of services damaging existing cross agency, integrated and customer focused commissioning and provision arrangements which are already in existence.

We have strong and developing Community Forums in place across the County which provide a mechanism for all local public services to engage with the public they serve. We are keen that any additional work to increase accountability and fairness should be done through these bodies representing the cross section of local public services. We would not wish to see the introduction of any new bodies which duplicate the role of existing bodies.

All of the work to decentralise power to the lowest appropriate level needs to be in the context of the upper tier local authority taking a 'coordination role' for the area – setting the strategic vision for the place.

Our work to Get Closer to Communities will support the development of well organised, compassionate and thriving communities that determine their own priorities and achieve them efficiently and effectively. With diminishing resources it is ever more important that communities help themselves. We will work to develop a 'Big Society' that aims for the following:
o Helping communities to help themselves through coordinated means.
o Transparency and engagement so that people are well informed and can influence local services.
o Accessible and responsive services – so that services are designed and delivered closer to communities.
o Help where it's most needed – so that resources are targeted to the individuals, families and communities most in need.

We would want to ensure that Local Government's income generation role (Council Tax, Business Rates) is not simply the dividing up of resources to devolve down to neighbourhood councils. We support the introduction of direct payments, an area that we have already done a great deal of work to roll out to service users. We agree with the principle as set out in the White Paper that when individuals are allocated funding from public bodies to meet their own needs, financial accountability still rests with the public body but responsibility for focusing funding wisely also rests with the individuals. We would like to explore further how this fits with schemes underway in other parts of the country such as loyalty cards and approved services lists to support service users.

We would like to see opportunities for more local areas to implement whole place community budget approaches where appropriate to address complex areas of work where a number of partners are already deploying resources. For this to successfully deliver benefits, it will be important for all government departments as well as a range of local public services to sign up and be supportive of this approach.

We believe that value for money should be ensured throughout any changes to service delivery to our local communities and that to achieve this resources need to be targeted on a prioritised set of services to maintain good standards and quality. The vision and priorities for the area – based on robust needs analysis – need to be articulated clearly to customers, staff and local agencies to enable progress against a clear set of service

standards to be judged and agencies to be held to account. We will be downsizing the organisation by at least 20% of activity by 2013 to meet budget and resources pressures, 'leaning' the management of the organisation to minimise the costs of bureaucracy and administration. We would hope that this factor is considered when considering the sectors capacity to respond to the White Paper proposals.

The imposition of measures and targets to varying public services providers across an area can act as a barrier to developing joint solutions to peoples' needs. It can cause services to be pulled in different and potentially contradictory directions e.g. the balance between acute services and preventative work. We want public services to be more focused on priority outcomes for local citizens rather than being driven by targets for their individual agency.

Commissioned Services (Page 29 to 38, OPS White Paper)

Questions for Consultation

- What is the scope to extend and/or deepen the commissioning approach across public services?
- What further potential is there to decentralise central government commissioning to locally elected individuals and authorities?
- To which areas should we apply the open commissioning policy?
- What else can government do to overcome any traditional boundaries between public service providers, which get in the way of solutions to people's needs?
- How can we ensure that commissioners and providers are best held to account?
- What new skills and training will commissioners need?

WCC Response

We support the concept of a mixed economy provision model and will be implementing this where possible in Warwickshire through our Strategic Commissioning programme of work. There are a number of services currently deployed by Central Government which we believe would benefit from being deployed at a more local level from the users perspective. In particular benefits services and skills services should be decentralised for local determination to drive growth and create jobs in line with the work of our Local Enterprise Partnership. No government department should view their services as exempt from the need to localise and open up. However, we do not support the creation of lists of services to which this approach should be applied and instead see a need for flexibility where services are localised depending on the areas needs and capacity.

We are committed to moving the authority to being a strategic commissioner of services – developing the Authority's contracting and commissioning skill base. As a commissioning authority we will consider all alternative delivery models based on a set of agreed design criteria which ensures alignment to political ambitions and outcomes and the provision of efficient quality services within the resources set out in the Medium Term Financial Plan. We will engage with service users and providers to ensure commissioning decisions result in services that meet local need though innovative, effective and value for money solutions. We will use open and consistent processes that are sufficiently flexible to meet the needs of Warwickshire.

We have solid foundations in Strategic Commissioning and see this as a platform on which services which currently sit at the central government and quangos level can be devolved to upper tier local authorities.

We are keen to see how the proposals moving forward will address the fact that contracts that pay by results can present barriers to small and medium sized enterprises and voluntary sector providers who may not have the upfront resources to invest.

The approach to provider failure in the White Paper is ambiguous. We do not feel that it is sufficient to rely on greater choice (which inevitably results in variability) in the market to eradicate service failure and would highlight recent failures in provision such as Southern Cross. The Paper indicates intent both to regulate and performance manage but also to minimise barriers and burdens on providers. We see that upper tier authorities should operate as a commissioner of last resort when an individual public service provision failure is evident. Work needs to take place between central Government and regulators in securing local solutions to prevent the risk of failure as a preferred course and we would hope to see a concordat with Central Government and the regulators on that issue.

We have undertaken a capability and capacity review in order to realise our vision of becoming a Strategic Commissioning Organisation against a number of factors and are developing a response accordingly. However, we recognise that this will vary across the various elements of public services and between different areas. Warwickshire has for some time been a commissioner of services, most notably within Adult and Children's services and we are learning from these areas accordingly. A 'one size fits all' capacity programme for public services will not work.

Ensuring diversity of provision (Page 39 to 49, OPS White Paper)

Questions for Consultation

- How can we stimulate more openness and innovation in public services through new types of provision?
- What more could we do to support and catalyse new enterprises (e.g. mutuals) spinning out from the public sector?
- Where and how should we extend autonomous status for public sector providers?
- How do we ensure a true level playing field between providers in different sectors?
- How can we create new, more diverse types of provider out of public sector bodies?
- How can we best enable external investors and public service providers (from all sectors) to combine their resources to improve public services?
- How could we best achieve our goal for more back-office services in central government to be provided independently and flexibly?
- How should government regularly review the barriers to entry and exit for providers?
- How can we ensure continuity of services, in particular for the most vulnerable users?

WCC Response

We recognise that Social Enterprises are likely to play a key role in extending diversity

of providers and we have put in place a strategy to build a prosperous social enterprise sector in Warwickshire based upon well supported and empowered businesses which are able to provide high quality and value for money local public services and produce better outcomes for customers. We are concerned that at present this sector of the market does not have the capital to compete with big private businesses. We are working to encourage the development of the social enterprise market as follows:

- Encouraging social enterprise to be seen as an alternative delivery option when we are commissioning services;
- Building capacity outside of the Council to encourage growth in social enterprise through capacity building and networking opportunities; and
- Being open to staff and community approaches to run Council services.

We feel that the paper makes little reference to the importance of local and sub-regional partnership working which has been developed over recent years. Building upon long standing relationships we have sought to explore shared solutions to the issues we face locally, without detriment to our localism agenda. Warwickshire County Council's commitment to working in partnership, both sub-regionally and locally is underpinned by some core beliefs and principles, most notably:

- We believe that the achievement of all our key outcomes can only be achieved with significant and well coordinated work from many partner agencies; and
- We believe that 'transformational' efficiencies can be gained from closer collaboration across the public and private sector, both in relation to front line delivery and to a range of support functions.
- The delivery of community outcomes should be the central focus of all partnership arrangements.
- The Big Society principles of citizen focus, engagement and empowerment should be at the heart of any future partnership arrangements and that this includes our ongoing commitment to locality working.

We are committed to making a success of the changes affecting the Health Service, the Police Service and to working through the new Coventry and Warwickshire Local Enterprise Partnership (LEP) to share resources, capacity and expertise. Our Cabinet will act as the lead agent in securing sub-regional and pan public sector solutions in coordinating those services which operate at a sub-national level, but above the geographic capacity of a single Local Authority such as infrastructure capacity, transport and highways, economic development, skills, job and wealth creation. If the role of local government is diminished, it will reduce Council's ability to work collaboratively and have the necessary influence in interagency relationships, e.g. safeguarding issues.

Furthermore there is an important role to be played by upper tier local authorities in 'joining up' information and knowledge about local communities to ensure that the best possible outcomes are achieved. For example, it is key that for Warwickshire to achieve a strong and prosperous local economy, all those relevant local agencies including schools, sub-regional partnerships and the local business community are supportive of the vision for the local economy.

We believe that in an environment of Open Public Services local government has a vital role to play in removing barriers in order to achieve improved outcomes for local residents.

We appreciate that the whole of the public sector is undergoing a period of

unprecedented change with diminished resources to provide both the change agenda as well as the day to day business as usual that must continue through these periods. However, we wish to reiterate that any changes that the Government wishes local public services to implement need to be done so in a manner and pace that appreciates the lack of additional resources, existing pressures and local priorities and ability to get the whole of the sector up to the job through addressing the capacity gap.

We believe that the creation of lists of services deemed suitable for commissioning will lead to the stifling of local innovation and does not support local flexibility.

As the role of local public services evolves we need to ensure that our residents understand this new role for both us and them. We will provide an environment which empowers individuals, families and communities to do the right thing. Our work to get closer to communities will develop the tools which will enable local decision making, ensuring communities take control. Some communities will feel more confident to take control than others and will need differentiated support.

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE LOCAL   **6 July 2011**
DEVELOPMENT FRAMEWORK SUB-COMMITTEE

Present: Councillors L Dirveiks, May, Phillips, Simpson Smith and Winter.

An apology for absence was received from Councillor Sweet.

1   **Election of Chairman and Vice-Chairman**

It was proposed by Councillor Winter, seconded by Councillor Phillips and

RESOLVED

That Councillor Sweet be elected Chairman of the Local Development Framework Sub-Committee for the remainder of the ensuing municipal year.

It was then proposed by Councillor Smith, seconded by Councillor L Dirveiks and

RESOLVED

That Councillor Winter be elected Vice-Chairman of the Local Development Framework Sub-Committee for the remainder of the ensuing municipal year.

2   **Declarations of Personal or Prejudicial Interests**

Personal interests arising from the membership of Warwickshire County Council of Councillor May and membership of the various Town/Parish Councils of Councillors Phillips (Kingsbury) and Winter (Dordon) were deemed to be declared at this meeting.

3   **Minutes of the meeting of the LDF Sub-Committee held on 23 March 2011**

The minutes of the meeting of the LDF Sub-Committee held on 23 March 2011 were received and noted.

4   **Draft Core Strategy**

The Assistant Chief Executive and Solicitor to the Council reported on the work to date on the Draft Core Strategy and Members were asked to agree a suggested course of action.

Recommendation to the Executive Board:

a   That the Draft Core Strategy be approved for consultation subject to amendments on the following areas:

- **Housing numbers**
- **Kingsbury station**
- **Flexible Car Parking Standards**
- **Reference to the Design Champions**
- **Renaming policy NW5 "Quality of Development**
- **Reordering the bullets points in NW12 and**
- **The updating of Appendix B;**

b   That representations be brought back to the Sub-Committee; and

c   That the Draft Core Strategy be considered as a material planning consideration.

5   **Sub-regional Update**

The Assistant Chief Executive and Solicitor to the Council reported on the work being undertaken at a sub-regional level.and Members were asked to consider a suggested course of action.

Recommendation to Executive Board

a   That approval be given for officers to work with other subregional authorities, including the Local Enterprise Partnership to progress a sub-regional strategy; and

b   That the Draft sub-regional strategy be brought back to the LDF Sub-Committee and Executive Board for consideration.

6   **Date of Next Meeting**

 Early September, the date to be agreed with the Chairman and Vice Chairman.

Chairman

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE LOCAL   31 August 2011
DEVELOPMENT FRAMEWORK SUB-COMMITTEE

Present: Councillors May, Phillips, Smith, Sweet and Winter.

An apology for absence was received from Councillor Simpson.

Councillor B Moss was also in attendance.

1   **Declarations of Personal or Prejudicial Interests**

Personal interests arising from the membership of Warwickshire County Council of Councillor May and Sweet and membership of the various Town/Parish Councils of Councillors Phillips (Kingsbury) and Winter (Dordon) were deemed to be declared at this meeting.

2   **Minutes of the meeting of the LDF Sub-Committee held on 6 July 2011**

The minutes of the meeting of the LDF Sub-Committee held on 6 July 2011 were received and noted.

3   **Documents to accompany Draft Core Strategy**

Members were asked to consider a list of documents to accompany the Draft Core Strategy.

Recommendation to the Executive Board:

That the documents as listed in the report of the Assistant Chief Executive and Solicitor to the Council alongside the Draft Core Strategy be approved for consultation.

4   **Date of Next Meeting**

Date to be agreed with the Chairman and Vice Chairman sometime around November.

Chairman

Executive Board

13 September 2011

Report of the Assistant Chief Executive and Solicitor to the Council

Draft National Planning Policy Framework

1   **Summary**

1.1   The consultation seeks views on the Draft National Planning Policy Guidance which aim to bring existing Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. Other recent Government publications are reported for information.

Recommendation to the Council

a   The proposed changes be noted; and

b   The observations included in the report along with any Members comments be sent in response to the consultation.

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2   **Consultation**

2.1   Councillors M Stanley, Hayfield, Sweet and Simpson have been sent a draft copy of this report.

3   **Background**

3.1   As Members will be aware the Government is looking to make changes to the planning regime mainly through the Localism Bill, which is currently passing through Parliament. As part of these changes the Government is keen to make planning less bureaucratic and more understandable. As a result they have published a consultation on bringing together all of the current planning policy statements (PPS's), planning policy guidance notes (PPG's) and some circulars into one document. This reduces the policies from over 2000 pages down to 58 pages.

3.2   The consultation closes on 17 October 2011. A full copy of the Draft NPPF has been placed in the Members' Rooms.

3.3   Section 6 below also provides Members with information on future changes and announcements from DCLG. This includes, giving a guarantee that decisions will be made within 12 months; information requirements; free schools; support for businesses and shops; and, advertising.

4.   **Material Consideration**

4.1   Despite the NPPF only being a consultation draft, Inspectors have been
      advised that it gives a 'clear indication of the Government's direction of travel'
      and as such is capable of being a material consideration. It is for Inspector's to
      decide on a case by case basis what weight should be given to it, and consider
      its relevance to the issues. The Draft NPPF will be referred to in all Planning
      and Development Board reports as from September and will be considered as
      part of the decision making process. The weight given to the Draft NPPF will
      depend on each case.

5   **Main Changes from Current Policy**

5.1   The following section outlines the main changes to the current national planning
      policy that are being put forward in the Draft National Planning Policy
      Framework (NPPF).

      1.   Presumption in favour of sustainable development
      2.   Removing office development from 'Town Centre First' policy
      3.   Time horizon for assessing impacts
      4.   Removing the maximum non-residential car parking standards for major
            developments
      5.   Landbanks
      6.   Removing the brownfield target for housing development
      7.   Requiring local councils to allocate an additional 20% of sites against
            their five year housing requirement.
      8.   Remove the national minimum site size threshold for requiring affordable
            housing to be delivered.
      9.   Removing rural exception sites policy
      10.   Protecting community facilities
      11.   Green Belt
      12.   Green infrastructure
      13.   Green Space designation
      14.   Clarification on which wildlife sites should be given the same protection
            as European sites
      15.   Decentralised energy targets
      16.   Proactive approach to identifying opportunities for renewable and low
            carbon
      17.   energy
      18.   Historic environment

      Each will be considered in term:

Presumption in favour of sustainable development

5.2   One of the Government's top priorities is to promote sustainable economic
      growth and jobs and this is central to the Draft NPPF. Wherever possible the
      answer to a development proposal should be "yes" unless it would clearly
      conflict with other aspects of national policy. Government is looking for the

planning system to be seen as a positive force and not a barrier to growth. The presumption in favour of development turns this expectation into policy.

5.3 The draft NPPF contains a number of references to the presumption in favour of sustainable development, and the need to support economic growth through the planning system. It states that local planning authorities should:

- prepare local plans on the basis that objectively assessed development needs should be met, and with sufficient flexibility to respond to rapid shifts in demand or other economic changes;
- approve development proposals that accord with statutory plans without delay; and
- grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date.

5.4 The Draft NPPF stresses the importance of having up to date development plans which give a clear basis for decisions to be taken. Where a development plan is silent then the presumption in favour of development will be used.

Observations

5.5 The relationship between the presumption in favour of sustainable development and locally-led development plans is not clear. It appears that the NPPF could direct local policies to be set aside to deliver the government's growth agenda in response to market-led demands rather than to promote truly sustainable development for neighbourhoods and for local and wider than local areas. For example, if a developer seeks to develop a particular area, but a local development plan seeks to protect it which takes precedence, if nationally there is a presumption in favour of development? This needs to be made clearer.

5.6 Progressing work on preparing up to date planning policy is clearly vital. To this end a Draft Core Strategy is being considered by Board at this meeting.

Removing office development from 'Town Centre First' policy

5.7 Currently office development is required to consider a town centre location first. It is required to demonstrate compliance with the sequential test for town centres and assess the likely impacts of the scheme on a range of impact considerations. To follow on from the Government's commitment to encourage economic growth the Draft NPPF seeks to free office development from the need to follow the requirements of the 'Town Centre First' policy and for proposals to be judged on their individual merits including taking account of local and national policies on the location of new development that generates significant movement of people and the relative supply and demand of / for office space in different locations.

5.8 In relation to this Borough, the Market Towns have a number of offices located within them. Any proposals for modern large scale offices have struggled to find suitable locations due to the nature of the centres. Therefore this policy change will assist. However, support for this change is with reservations. Offices in town centres provide vital numbers of people who use the services and facilities. If this policy encouraged current office users to move out of town then this could have a detrimental impact on those centres. Therefore, locally there may be a need to make reference to retaining office space in town centres in order to help to support the town centres.

Time horizon for assessing impacts

5.9 The time horizon for assessing impacts of unplanned, retail and leisure schemes in the edge or out of centre locations is currently set at up to 5 years from the time the planning application is made.

Observations

5.10 In some cases this is too short a time to allow the full impacts of large schemes to be assessed (especially for large sites and those that take considerable time to build). Often new retail and leisure development will have substantial consequences for other local businesses, local residents, transport infrastructure and the environment. When a development takes a number of years to build, and then takes a number of years to establish itself in a new market, five years may not be long enough to capture the full extent of the costs and benefits of the new development.

Removing the maximum non-residential car parking standards for major developments

5.11 The current policy (Planning Policy Guidance Note 13: Transport) sets out national maximum parking standards for non-residential uses (i.e. the upper level of acceptable car parking provision) and size thresholds at which these maximum standards should apply. The aim of the policy was to encourage councils and developers to use land efficiently and where possible to take measures to minimise the need for parking. Local councils could set lower standards if there was an evidenced local need to do so.

5.12 Current Government policy on non-residential parking standards for major developments, such as retail and leisure developments over 1,000m2 and offices over 2,500m2 is too centralised and prevents local councils from developing policies that are most appropriate to their local circumstances and communities. Centrally prescribed maximum non-residential parking standards do not reflect local circumstances.

5.13 Car parking can have a major impact on the local area. The ability for a locally determined parking standard is welcomed.

Landbanks

5.14 The policy change amends the length of landbanks in national policy, making it less prescriptive for scarcer/non-aggregate minerals. The new requirement will be for a landbank for at least 10 years instead of the current requirement of between 10 and 25 years depending on the type of mineral.

Observations

5.15 Landbanks is a minerals issue and as such will be considered by the County Council in the preparation of the Minerals Development plan. However by reducing the landbank time period this should assist in the delivery of mineral sites.

Removing the brownfield target for housing development

5.16 A specific target for brownfield land was first established by the 1995 housing white paper, which aspired to 50 percent of all new dwellings being built on brownfield land. In 1998, this was increased to 60 percent.

5.17 Government wants to move away from a prescriptive designation of land towards a concept of "developable" land where local areas decide the most suitable locations for housing growth based on their local circumstances. This approach will enable local councils to assess land for its suitability for development based on its characteristics and their needs without top down central government intervention.

5.18 The preferred option would be to remove the target to allow local councils to determine the most suitable sites for housing, giving greater discretion and decision-making powers to local councils reflecting the fact that land supply constraints vary across local councils.

Observations

5.19 Initially, it would appear that this change is a good one, as it will lead to sites being developed by merit rather than just because it is brownfield. However, the focus on brownfield sites has meant that difficult sites have been developed and issues overcome before the development of "easier" greenfield sites. Regeneration schemes may be harder to bring forward as a result.

Requiring local councils to allocate an additional 20% of sites against their five year housing requirement.

5.20   The Government's policy objective is that local councils should plan to meet their full requirement for housing and ensure there is choice and competition in the land market to facilitate the delivery of homes on the ground.

5.21   The preferred option is that local councils identify additional 'deliverable' sites for housing. The proposal is for this to be a minimum additional 20 per cent on top of current five year land supply. For example, in the first five years, local councils should identify sites to meet at least 120% of the annual housing requirement. Effectively this means that a 6 year housing requirement is needed.

Observations

5.22   This Council does not have a five year housing supply. It currently has 4.6 years of supply. However, the Council is working to prepare a Draft Core Strategy and then a Site Allocations Development Plan to bring forward sites or work with communities to bring forward Neighbourhood Plans with sites allocated in them.

5.23   It is considered therefore that this requirement should not be introduced for around 24 months to allow for these plans to bring forward sites that are the most appropriate for the locality. This would remove the risk of planning applications being approved in the short term purely based on the lack of a 5 or 6 year housing supply and where there are no plans either adopted or in the process of being progressed.

Remove the national minimum site size threshold for requiring affordable housing to be delivered.

5.24   Current national planning policy sets a minimum site threshold of 15 units for requiring affordable housing to be delivered for all local councils. This means that any development of 15 units or more will trigger a negotiation over a contribution (paid by the developer) for affordable housing via a section 106 agreement.

5.25   By removing the centrally set 15-unit threshold for affordable housing, complete control will be given to local councils. This will allow greater flexibility for local councils to seek optimum solutions for their local areas.

5.26 This is welcomed. The 2006 Local Plan achieved a local requirement in local service centres of 5 units or more and 100% affordable in smaller settlements. The removal of this threshold is welcomed as it will increase the flexibility of a local policy where evidence can prove the case for a lower threshold in the Borough's Market Towns.

Removing rural exception sites policy

5.27 Current policy allows local councils to set 'rural exception site' policies which allocate and permit sites solely for affordable housing in perpetuity for local people in small rural communities. This is where housing would not normally be considered appropriate due for example to policy constraints, such as Areas of Outstanding Natural Beauty. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. However, currently, the rigid requirement for sites to be only for affordable housing limits local councils' options for meeting the full range of housing needs. This can lead to local councils being discouraged from taking a wider view on the need for housing in those rural areas and considering the balance to be struck between the benefits of meeting housing needs and maintaining current constraints.

5.28 The Government's objective is to maintain the focus on affordable housing but give local councils greater flexibility to set out their own approach to delivering housing, including allowing for an element of market housing where this would facilitate significant additional affordable housing to meet local requirements. To ensure development is sustainable, rural housing that is distant from local services should not be allowed.

Observations

5.29 This approach is welcomed as it will allow for more housing to be provided, where it is required, in a range of settlements. The ability to include an element of market housing will enable the sites to be more viable. The only concern would be that land values may increase leading to pressure on the viability of the scheme and so more market housing will be needed.

Protecting community facilities

5.30 Government's Coalition Agreement included a commitment to help support important community facilities and services. In line with this, the proposed policy strengthens the current policy by asking local councils to consider the availability and viability of community facilities as part of the plan making process and to develop policies to safeguard against their unnecessary loss.

This policy is applied to all community facilities and not just those within defined local centres and villages.

Green Belt

5.32   Core Green Belt protection will remain in place. The construction of new buildings is to be considered as inappropriate development. However exceptions will still apply including:

i.   Development on previously-developed Green Belt land is already permissible if the site is identified in the local plan as a major developed site – it is proposed to extend this policy to all previously developed sites;

ii.   Park and Ride schemes are already permissible – it is proposed to extend this to a wider range of local transport infrastructure;

iii.   Community Right to Build schemes will be permissible if backed by the local community.

iv.   The alteration or replacement of dwellings is already permissible – it is proposed to extend this to include all buildings. In all cases, the test to preserve the openness and purposes of including land in the Green Belt will be maintained.

5.33   Once established Green Belt boundaries have been established, Green Belt boundaries should only be altered in exceptional circumstances. The appropriateness of existing Green Belt boundaries should only be considered when a Local Plan is being prepared or reviewed. At that time, local authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.

5.34   The Government's continuing commitment to the Green Belt is welcomed.

5.35   The changes highlighted above will allow more development to take place in the Green Belt. As land in the Green Belt plays an important role in maintaining a vibrant rural economy this increased ability to build will be welcomed by many. It will be important to ensure that development is carried out in a controlled way to retain its openness. A number of small changes can have an accumulative impact. One other consequence of the changes may be that uses in inappropriate locations will be perpetuated.

Green infrastructure

5.36   The objective is to secure more and greater coherence of strategic networks of green infrastructure by planning positively for their creation, protection, enhancement and management.   This will help support the natural environment, as well as providing green space for the use of local communities, supporting sustainable development and preserving green space for the use of future generations.

Observations

5.37   This approach is welcomed as it would encourage local councils to take a more strategic approach to green infrastructure and give them a better understanding of the existing green infrastructure network and its functions in their area. This should contribute to better decisions being made about the protection and management of green infrastructure.

Green Space designation

5.38   The proposal is to introduce a new protection for locally important green space that is not currently protected by any national designation, giving greater discretion and decision-making powers to local councils and local communities reflecting the fact that some land is particularly valued by communities and requires additional protection. The new protection through a new designation would fill the gap where land was important locally – for example for local amenity – but where a national designation would not apply.

Observations

5.39   Again this proposal is welcomed. The only concern is the period between now and formal designation in a plan. This gap could allow for some sites to be developed that would otherwise be protected. Due to the green space designations in the 2006 Local Plan and the work carried out on the Green Space Strategy this risk is reduced for North Warwickshire.

Clarification on which wildlife sites should be given the same protection as European sites

5.40   The Habitats Regulations apply specific provisions of the Habitats Directive to candidate Special Areas of Conservation, Special Areas of Conservation and Special Protection Areas which require special considerations to be taken in respect of such sites.   Local councils are required to have regard to the Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system.

5.41   As a matter of policy, the Government has in the past chosen to apply the provisions which apply to European sites to Ramsar sites and potential Special Protection Areas, even though these are not European sites as a matter of law. This is to assist the UK Government in fully meeting its obligations under the Birds Directive and Ramsar Convention.

5.42   To ensure that its obligations in respect of the Habitats Directive, the Birds Directive and the Ramsar Convention are fully met in future, and to reduce the risk that any consents granted when a site is being considered for classification would subsequently have to be reviewed (and either revoked or modified at potentially very significant cost) after classification, the Government is proposing to clarify that the provisions which apply to European sites should as a matter of policy also apply to:
*   possible Special Areas of Conservation;
*   proposed Ramsar sites; and
*   sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

Observations

5.43   This change will provide certainty for local councils, developers and others about how to treat possible European sites, and should therefore ensure that a consistent approach is taken. This should contribute to better decisions being made about the protection of biodiversity, and reduce the risk of local councils paying compensation for any planning permissions that are revoked as a result of a site becoming classified as a European site.

Proactive approach to identifying opportunities for renewable and low carbon energy

5.44   The objective is to ensure that the planning system contributes effectively to the delivery of the Government's energy and climate change policy. The Draft NPPF expects local councils to consider identifying suitable areas for renewable and low-carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources. Where developers bring forward proposals outside opportunity areas mapped in a local or neighbourhood plan they are asked to demonstrate that the proposed location meets the criteria used in plan making.

5.45   This change will bring some certainty to the process for seeking sites for renewable and low-carbon energy and is aimed at avoiding lengthy appeals. The Council will need to prepare a positive strategy to promote energy from renewable and low carbon resources.

Historic environment:

5.46   The heritage section of the Framework incorporates – and streamlines - the existing policies contained in Planning Policy Statement 5. It does not alter those policies or create new ones.   Certain policies in Planning Policy Statement 5 have been omitted from the heritage section and are incorporated, more appropriately, in other sections of the Framework. These are:-
   - Part of policy HE1 (Heritage Assets and Climate Change)
   - Policy HE2 (Evidence Base for Plan-making)
   - Policy HE4 (Permitted Development and Article 4 Directions)

5.47   One policy - HE5 (Monitoring Indicators) - from Planning Policy Statement 5 has not been incorporated as a specific policy within the Framework. All other Planning Policy Statement 5 policies have been condensed and included within the heritage section. Some of the detail of these policies in Planning Policy Statement 5 is considered to constitute guidance rather than policy and could more suitably be issued as such.

5.48   PPS 5 is a recent document (March 2010) and was the end product of a ten year review of the historic environment conducted by DCMS. The majority of the policies have been carried through into the Draft NPPF and have been further condensed.   Some policies have been omitted from the 'Historic Environment' section of the Draft NPPF and incorporated in other sections. One substantive policy change to result from this 'streamlining', however, will significantly weaken the ability of local authorities to properly assess and determine applications. This is the omission of the onus on the applicant to make clear the extent of the impact of their proposals on the significance of heritage assets currently contained in policy HE 6.3.   It is strongly recommended that this policy is reinstated in a revision of the Draft NPPF.

6   **Future Consultation and Announcements**

Planning Guarantee

6.1   The draft NPPF; The Plan for Growth and the "Presumption in Favour of Sustainable Development" all reflect the Government's ambitions for a planning

system that is "simpler, swifter and more positive in its outlook and operation". It is now also beginning to look at how obtaining planning permission can be more streamlined and how decisions can be made in "good time". The Plan for Growth states that a range of measures would be published for consultation later this year. Advance announcements for two of these draft measures have recently been made. The first is the "Planning Guarantee" designed to ensure that no planning application takes longer than a year to reach a decision, and the second is a measure to reduce the information required to accompany applications. Full consultation will begin in the Autumn, and so the current announcements are for information at this stage.

6.2   In respect of the Guarantee, it is said that the current statutory targets of deciding cases in 8 or 13 weeks should remain, but that the twelve month period would become an "absolute limit". It is understood that the twelve month period would exclude time taken for pre-application meetings and would thus run from the validation date of an application. The date of the decision notice would stop the clock. If the application was refused, say in eight weeks, the clock would then stop with that date of that Notice. However, if the applicant decided to appeal that refusal, then the clock would start again at eight weeks, and the Planning Inspectorate would have to take its decision before the expiry of the 52nd week. If the Council did not determine the case within the relevant statutory period, the clock would not stop but would continue to run up to the 52nd week, including any appeal period for non-determination. It is also proposed to publish regular performance report showing each Authorities performance as well as that of the Inspectorate.

6.3   Much of the detail involved in the introduction of any Guarantee will have to wait until the publication of the full Consultation Paper later in the year. However whilst it is rare for decision making at North Warwickshire to extend beyond a twelve month period, there are three immediate matters that need to be resolved because the essence of the Guarantee, is that the whole process should only take 12 months – decision and appeal if appropriate.

> It means that the pressure to meet or to improve on the statutory targets becomes critical. A target driven process would once again ensue. Secondly, there is no reference in the initial announcement about the "free – go" if an application is refused or indeed withdrawn before the statutory periods expire. The reference in the Planning Fee papers relating to reduced fees for such cases suggests that this practice will continue. Hence additional work will be created, adding to the frustration of both applicant and Authority.

> As Members have seen from the Annual Performance Report, the key issue in not issuing decisions within the 13 week target for major applications was the delay caused for Section 106 Agreements to be signed, even although a resolution to grant permission had been taken within the 13 weeks. Delays are caused mainly through bad drafting; providing Proof of Title, and particularly through funding agencies and indeed applicants being reluctant in the current economic climate to sign if this means loans have to be being realised or financial contributions have to be paid. These matters are very often outside of the control of

Local Planning Authorities. If a 12 month period is to be introduced then it should apply, in the case of applications accompanied by a Section 106 Agreement, to the date of resolution not that of the Notice.

➤ The current paper does not identify the sanction, if any, that might apply for failure to meet the 12 month deadline. Given the presumption set out in the draft NPPF and elsewhere, it is anticipated that there may be a "default" approval introduced.

Information Requirements

6.4 The Government recognises that appropriate information must be submitted with applications. The recent announcement indicates however that it considers the present system of mandatory and local requirements needs to addressed with a view to reducing the amount of supporting documentation and to shortening application forms. More will be known later in the year with the consultation paper.

6.5 The principle of this is welcomed, but Members will know from individual cases in their own Wards that neighbours often want to know specific details about proposals – levels, heights and drainage details etc. The issue will always be to balance the detail required against the nature of the application, and that will probably not be achieved through a general push to reduce information. It is better left with the individual Authority on a case by case basis.

Policy Statement on Schools

6.6 Earlier this year, the Government consulted on the merits of relaxing the Use Classes Order such that "free" state-funded Schools could be set up without the need for a planning application for a change of use of premises if they were not already educational in character. The overall response was a clear message that such a proposed relaxation was not appropriate. As a consequence, in the absence of now being able to relax the Order, the Government has issued a Policy Statement to the effect that where applications are needed, there should be a presumption in favour of granting a planning permission; that Authorities should make full use of their planning powers to support state-funded schools, that submission and determination should be as "streamlined" as possible, and that any refusal not based on "clear and cogent" evidence might be treated as "unreasonable" behaviour.

Planning Support for Businesses and Shops

6.7 Following the recent riots in some of the country's city centres, the Government has asked Local Planning Authorities to assist wherever possible in using their planning powers to "get businesses back on their feet". Particular reference is made to the speedy determination of planning applications to replace shop fronts and for the installation of shutters. Additionally the notification to Authorities recommends that they might like to consider relaxing the need for the submission of applications all together, if appropriate for particular parts of their area, through the creation of Local Development Orders.

Advertising Control

6.8   A further notification from the Government says that many small businesses may not be aware of the need to seek Advertisement Consent, and has therefore recommended that Local Planning Authorities should ensure that better background information is available and that publication of the Advertisement Regulations is fully available.

7   **Report Implications**

7.1   **Environment and Sustainability Implications**

7.1.1 As Planning Inspector's are required to consider the Draft NPPF as emerging National Planning Policy, the policies in the Draft NPPF will impact on the Borough in the short term. It is unclear what these impacts will be, but it is clear that they can be mitigated by progressing the updating of local planning policies to ensure that what is built is determined locally, rather than on the basis of the presumption in favour of development.

       The Contact Officer for this report is Dorothy Barratt (719250) and Jeff Brown (719 310).

Executive Board

13 September 2011

Report of the Assistant Chief Executive and Solicitor to the Council

Draft Plan Making Regulations

1   **Summary**

1.1   The consultation seeks views on the Government's proposed new regulations governing the process by which local councils prepare their development plan and associated documents.

Recommendation to Council

a   **That the changes being suggested are noted; and**

b   **That the comments in the report be forwarded as a response to the consultation along with any additional comments from Members.**

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2   **Consultation**

2.1   A copy of the draft report was sent to Councillors M Stanley, Hayfield, Sweet and Simpson. Some changes have been made to the report as a result of comments by Councillor Simpson. In addition, Councillor Simpson sees these changes as very positive and to be welcomed and supported.

3   **Background**

3.1   The current regulations on plan making are set out in the Town and Country Planning (Local Development) (England) Regulations 2004, as amended. The Government proposes to revise these regulations:

       1.   In response to the Localism Bill;

       2.   To consolidate changes made to the 2004 regulations into a single document, and;

       3.   To ensure the regulations are as effective and simple as possible.

       The consultation does not seek views on the Localism Bill itself or the National Planning Policy Framework. It asks for comments on how the revised regulations have responded to the planning reform programme.

3.2   The closing date for comments is 7 October 2011.

2011/BR/004034

4   **Proposed Changes**

4.1   The following gives a short summary of the main proposed changes:

- *Duty to co-operate* – The Bill introduces a duty to co-operate with councils and other public bodies on planning issues. The regulations revise the list of bodies that the duty will apply to. This change also requires these bodies to take into account the views of Local Enterprise Partnerships (LEPs).

- *Definition of development plan documents* - under the current regulations this is more clearly defined than the proposed amendments.

- *Adoption of local plan documents* – At the moment an Inspector's report following an inquiry into a Development Plan Document is binding and the local authority must take all of the changes on board. The proposed changes mean that the Inspector will report to the local authority and identify conflicts between the plan and national policy and regulatory process. It will be up to the Council to request from the Inspector what his suggestion would be to overcome this conflict. In addition, the Council will be able to suggest modifications for assessment by the Inspector during the examination as well making non-material changes themselves. This means that the Council is free to accept the inspector's modifications and adopt the plan or resubmit a new plan.

- *Withdrawal of local plan documents* – A Council will be able to withdraw a plan at any stage before its adoption. There is no longer a requirement for this to be at the recommendation of the Inspector or at the direction of the Secretary of State.

- *Local Development Scheme* – The formal process of submitting the LDS to the Secretary of State has been removed and instead the Council will need to keep their website up to date on the timetable for the production of documents.

- *Reporting to Communities* - The Council is currently required to prepare an Annual Monitoring Report and submit it to the Secretary of State by 31 December of each year. The Bill removes the requirement to send this to the Secretary of State, but retains the requirement to monitor in the interests of local transparency and accountability. The monitoring reports must include information on a number of issues such as amount of built development taking place, number of neighbourhood plans and eventually information on Community Infrastructure Levy and how it is being used. The monitoring information will be required to be made available online and in Council offices as soon as it is available rather than waiting for an annual report.

5   **Observations**

5.1   The duty to cooperate formally ensures that local authorities are not inward looking but still retain a sub-regional, regional and even national outlook. The duty to co-operate is being introduced through the Localism Bill to avoid statutory agencies, including local authorities, from looking only at their areas of work or within their boundaries. The regional spatial strategy was the previous mechanism for bringing partners together for the common cause of implementing the RSS. With the abolition of the RSS there was concern that there would be less incentive to work in partnership and this would be detrimental to getting solutions to issues that go wider than the local area. Some may argue that this weakens the localism agenda as there may be issues that locally are unpopular but can be seen at a wider level to be necessary. It is clear that the Council, even where it has concerns over the outcome, will need to be involved in discussions as it will be governed by this duty.

5.2   The duty to co-operate is a two way process between two or more organisations but it is interesting that with the LEP it is "taking their view into account". LEP's are not statutory bodies so this is likely to be the reasoning behind this. It is also emphasises that, although they may not be statutory bodies, the Government expects them to have an influence in the area and particularly in relation to economic growth. The Borough Council is involved with the Coventry & Warwickshire LEP, and through the Cross-Border Partnership (with Nuneaton and Bedworth Borough Council and Hinckley and Bosworth Borough Council), is indirectly involved with the Leicester & Leicestershire LEP.

5.3   The simpler definition of a development plan document is welcomed. The regulations have a list of what such a document could include. It is unclear whether this list is prescriptive and this needs to be made clearer.

5.4   A binding report can make the recommendations feel imposed so the change back to the Inspector making recommendations is welcomed. This does not mean however that the Council will be able to ignore the report. It must consider each recommendation and if not accepted give sound planning reasons for it not being taken forward.

5.5   The increased freedom to suggest modifications during the examination process is also welcomed. This means that the relationship between the Council and the Inspector will be a two-way process with dialogue about the merits regarding how the plan is written. This is an improvement on the current process whereby the plan is assessed as passing or failing, and in the latter case this could result in the process having to start again. This has led to the perception that time and money can be wasted and the change is welcomed.

5.6   However the regulations are silent on what happens if the Council accepts some of the recommendations but not all of them. Will the plan need to be resubmitted or can the Council set out its reasons for its decision? Again this needs to be made clearer in the regulations.

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5.7 The ability to withdraw a plan at any time is welcomed. Although the Council would not wish to withdraw a plan, because of the time and money spent to date, the simpler process to withdraw at any stage is welcomed. Withdrawal of a plan would only be considered if it were clear that there were fundamental issues with the plan or that there was clearly no support for what is being suggested.

5.8 With the Local Development Scheme being more of an information tool this will mean it will be more useable. The information will be more up to date with no need to get the Secretary of State's approval and the website can be reviewed on a regular basis.

5.9 Although the Annual Monitoring Report is now no longer required on 31 December of each year the monitoring information will still need to be gathered and then released as and when it becomes available. The need to continuously release information will create difficulties in that all the information will need to be revised to ensure other figures do not seem to be out of date. The Borough Council has not yet introduced a Community Infrastructure Levy but if it does this will need to be part of the monitoring process.

5.10 In summary, therefore, as the Development Plan making process is long and currently very rigid, the ability to make the process more reactive to changes and less bureaucratic is welcomed.

6 **Report Implications**

6.1 **Finance and Value for Money Implications**

6.1.1 By making the plan making process less rigid it should mean that extensive work is not abandoned as changes will be able to be made during the plan making process.

6.2 **Sustainability Implications**

6.2.1 The full implications of the proposed changes may not be realised for some time. However, issues and challenges will lie around the duty to co-operate, especially if there is no consensus of the way forward. It will be interesting to see whose view takes precedence, particularly, where the LEP has expressed an opinion.

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

2011/BR/004034