

# Regulatory Committee

Date: Tuesday 5 October 2021  
Time: 10.30 am  
Venue: Committee Room 2, Shire Hall

## Membership

Councillor John Cooke (Chair)  
Councillor Jill Simpson-Vince (Vice-Chair)  
Councillor Adrian Warwick  
Councillor Judy Falp  
Councillor Jeff Clarke  
Councillor Sarah Feeney  
Councillor Dave Humphreys  
Councillor Jack Kennaugh  
Councillor Justin Kerridge  
Councillor Jan Matecki  
Councillor Chris Mills  
Councillor Christopher Kettle

Items on the agenda: -

## 1. General

### (1) Apologies

To receive any apologies from Members of the Committee.

### (2) Disclosures of Pecuniary and Non-Pecuniary Interests

### (3) Minutes of the Previous Meeting

5 - 12

## 2. Delegated Decisions

13 - 14

Members are asked to note the applications dealt with under delegated powers since the last meeting.

**Non Planning Reports**

- |  |         |
|--|---------|
| <b>3. Appointments to External Organisations</b> | 15 - 22 |
| <b>4. Educaterers Appointment of Director</b>    | 23 - 24 |

**Monica Fogarty**  
Chief Executive  
Warwickshire County Council  
Shire Hall, Warwick

## Disclaimers

### Webcasting and permission to be filmed

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### Disclosures of Pecuniary and Non-Pecuniary Interests

Members are required to register their disclosable pecuniary interests within 28 days of their election of appointment to the Council. Any changes to matters registered or new matters that require to be registered must be notified to the Monitoring Officer as soon as practicable after they arise.

A member attending a meeting where a matter arises in which they have a disclosable pecuniary interest must (unless they have a dispensation):

- Declare the interest if they have not already registered it
- Not participate in any discussion or vote
- Leave the meeting room until the matter has been dealt with
- Give written notice of any unregistered interest to the Monitoring Officer within 28 days of the meeting

Non-pecuniary interests relevant to the agenda should be declared at the commencement of the meeting.

The public reports referred to are available on the Warwickshire Web <https://democracy.warwickshire.gov.uk/uuCoverPage.aspx?bcr=1>

### Public Speaking

Any member of the public who is resident or working in Warwickshire, or who is in receipt of services from the Council, may speak at the meeting for up to three minutes on any matter within the remit of the Committee. This can be in the form of a statement or a question. If you wish to speak please notify Democratic Services in writing at least two working days before the meeting. You should give your name and address and the subject upon which you wish to speak. Full details of the public speaking scheme are set out in the Council's Standing Orders.

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# Regulatory Committee

Tuesday 3 August 2021

## Minutes

### Attendance

#### Committee Members

Councillor John Cooke (Chair)  
Councillor Parminder Singh Birdi  
Councillor Yousef Dahmash  
Councillor Sarah Feeney  
Councillor Peter Gilbert  
Councillor Christopher Kettle  
Councillor Jan Matecki  
Councillor Chris Mills  
Councillor Richard Spencer

#### Officers

Ian Marriott, Delivery Lead - Commercial and Regulatory  
Sally Panayi, Senior Planning Officer  
Matthew Williams, Senior Planning Officer

#### Others Present

##### For Item 3

Jan Lucas – Chair of Bubbenhall Parish Council.  
Andrew Brown – local resident  
Agent - Pawel Zlocki – Hansen Group

##### For Item 4

Jackie Chapman – Clerk of Ufton Parish Council  
Mike Harty – BIFFA Development & Planning Manager

### 1. General

The Chair explained to the committee how the meeting's logistics would work and what could legally be considered.

#### (1) Apologies

Apologies were received from:

Councillor Adrian Warwick who was substituted by Councillor Parminder Singh Birdi,  
Councillor Justin Kerridge who was substituted by Councillor Yousef Dahmash,  
Councillor Dave Humphreys who was substituted by Councillor Pete Gilbert,  
Councillor Jeff Clarke who was substituted by Councillor Richard Spencer  
Councillor Jill Simpson-Vince

## **(2) Disclosures of Pecuniary and Non-Pecuniary Interests**

Councillor Christopher Kettle disclosed that the second application was in his division and he had responded to questions on the application before the meeting.

## **(3) Minutes of the Previous Meeting**

The minutes of the previous meeting were accepted as a true and accurate record.

## **2. Delegated Decisions**

The Committee noted the delegated decisions made by officers since the last meeting, as presented in the report.

### **3. Variation of condition 14 of planning permission WDC/17CM003 to revise the time limit by which inert waste disposal operations shall cease to no later than 08 May 2024 and the site shall be restored to no later than 31 December 2024 at Bubbenhall Quarry, Weston Lane, Bubbenhall, CV8 3BN**

Sally Panayi (Senior Planner) presented the report and provided an overview of the application including its location and nearest buildings.

- The site restoration end period was originally extended from 2011 to May 2021 to allow gravel extraction to continue into 2016.
- The application proposed an extension of time for the completion of infilling the quarry void from May 2021 to May 2024 and for the completion of restoration from December 2021 to December 2024.
- The mineral processing facility to the south of the site (controlled and operated by Smith's Concrete) has permission to process minerals from Wolston Fields Farm until October 2024.
- The whole application site will become agricultural land when restored.
- An objection was received from Bubbenhall Parish Council and two local residents.
- No objections were received from the Environment Agency (EA), Warwick District Council-Environmental Health, Highways England, or Natural England.
- Refusal of the application would result in a need for waste clays and silts to be exported from the site for disposal at an alternative site, which would increase HGV movements out of the site.

In response to several questions from Councillor Jan Matecki, Sally Panayi stated that the remaining void was reserved to facilitate the disposal of waste from the wash facility at Wolston Farm. The original 1991 permission was varied to extend permission for the extraction of minerals from Bubbenhall until 2016. Such extensions are needed to keep up with changing situations in the extraction of minerals and to prevent mineral sites being sterilised.

Ian Marriott (Delivery Lead Commercial & Regulatory) added that any conditions imposed on planning permissions were subject to the landowner having the right to ask for a variation. Therefore, no condition is permanent/immutable and if the committee wanted applications not to vary then they would need to resort to something like a section106 agreement where there is no right of appeal. A time limit was still meaningful because it required applicants to justify why they need an extension. These developments operate long-term, so circumstances do change.

In response to Councillor Christopher Kettle, Sally Panayi stated that refusal of the application would mean that waste material from the processing plant would have to be exported for disposal at other sites which would increase HGV movement.

In response to Councillor Chris Mills, Sally Panayi stated that the void would be left unrestored if the application was refused which would leave the site in an unsafe condition given the nature of the silts and clays.

In response to Councillor Sarah Feeney, Sally Panayi stated that another planning application would be needed to raise the ground level higher than it was before; the void remaining has capacity for the waste from processing the mineral from Wolston until 2024 to restore to the original ground level. Sally Panayi confirmed that if the application was rejected and work continued beyond December 2021 without another application then there could be enforcement action.

Following a supplementary question from Councillor Matecki, Sally Panayi and Matthew Williams (Senior Planner) confirmed that this site only accepted material from Wolston Farm, accepting materials from other sites would require another application.

Following a supplementary question from Councillor Kettle, Sally Panayi stated that there was still topsoil on site to be spread.

In response to Councillor Parminder Singh Birdi, Sally Panayi stated that the conditions were monitored in liaison meetings with site representatives and the Parish Council; there were also monitoring and enforcement staff.

### **Public Speaking**

Jan Lucas (Chair of Bubbenhall Parish Council) spoke against the application and stated that 'the Parish Council were dismayed that site restoration was delayed again and the proposal to extract sand and gravel from Glebe Farm aroused strong opposition from the village when it was proposed in 1990. Planning was granted in May 1991, on the condition that restoration of the site would be completed by 2011. In 2011 this was extended to May 2016 but completed in 2015 but a further extension allowed work to continue until 2021. Glebe Farm had not been restored and the application would delay restoration until 2024. The village and Parish Council regard this as unacceptable and requested that the committee grant a more limited extension to expedite the restoration of the remaining portion of the farmland.

Andrew Brown (local resident) noted the points raised by some members of the committee and stated that applicants should stand by what they said they will do. He stated that he was concerned that this site may not end if more extensions were granted.

Pawel Zlocki (Hansen Group – on behalf of Smith's Concrete) addressed concerns raised by the committee and stated that, 'this section 73 application sought permission to extend the end date to complete the restoration of Glebe Farm in accordance with the rest of the approved restoration scheme. The site had been restored using waste material from processing plants on site at Bubbenhall from Wolston Farm quarry. The planning permission to import material to Bubbenhall expires in 2024 as well as the Wolston quarry permission. Following a reserves reassessment at Wolston, Smith's Concrete applied for the 2024 extension to avoid sterilising the minerals at Wolston. This application is to time the end date for restoration of

the Bubbenhall site in line with the other permitted deadlines in 2024. There would be no greater impact on the environment or the local residents if the application was approved, and the site would be restored to agriculture in accordance with the approved restoration scheme. If rejected, then they would have to reassess their restoration scheme which would lead to more HGV activity to remove silt to an alternative location.

In response to Councillor Kettle, Pawel Zlocki stated that they had permission to extract 1.2 million tonnes of mineral from Wolston Fields, and this is brought to Bubbenhall for processing and the waste silts used for the infilling of the void.

In response to Councillor Pete Gilbert, Pawel Zlocki stated that site restoration was not realistically going to be finished before 2024 as processes could not be sped up.

### **Debate**

Councillor Richard Spencer said that the site should not be extended in the future if this application was accepted.

Councillor Gilbert noted that it was important to listen to Parish Councils as they lived in the area. He added that this site having its applications extended did not support the local area.

Councillor Yousef Dahmash noted that he could not see a material reason why this application could be refused.

Councillor Kettle noted that as it was unknown how much material would be needed for site restoration, this made it unclear what would be finished by when and whether another delay would be requested. He proposed that this application be delayed until the exact figures were known. This was seconded by Councillor Matecki then by Councillor Mills after Councillor Matecki withdrew his support.

Councillor Judy Falp noted that she did not think deferring the application would stop it being accepted at a future meeting.

The Chair queried whether anything would change in a month if the item was deferred.

Ian Marriott informed the committee that they could delegate authority to the officers to grant planning permission, upon receiving satisfactory evidence to show that restoration completion was achievable within three years. The officers would do that in consultation with the Chair and Vice-Chair and this information could be circulated virtually to the committee. This could expedite the process and mean that the application would not have to come back to a future meeting.

Councillor Matecki proposed the suggestion made by Ian Marriott which was seconded by Councillor Falp.

In response to a suggestion made by Councillor Matecki, Ian Marriott suggested an additional condition be imposed requiring submission of a programme of works to enable milestones in the rate of infill and vehicle movements to be monitored to give early warning of any risk of failure to complete by the end of 2024.

If the officers believe that the information submitted does not show that the 2024 deadline would be met, then the application would be brought back to committee to decide what to do.

Councillors Kettle and Mills withdrew their proposal.



Out of 11 members present, 10 voted for the proposed resolution and one voted against. There were no abstentions.

### **Resolved**

That the Regulatory Committee authorises the officers to grant planning permission to the applicants after receiving satisfactory evidence showing that the completion of restoration is reasonably achievable within three years.

AND

A condition be added for a timetabled programme to be submitted by the applicants to predict the rate of infill and vehicle movements to enable officers to monitor restoration rates and ensure they are completed by the end of 2024.

#### **4. Amendment to site layout to increase size of the compost maturation pad – Ufton Hill Landfill Site, Southam Road, Ufton, CV33 9PP**

Matthew Williams (Senior Planner) presented the report on the IVC (in-vessel compost) facility and provided an overview of the application including its location and nearest residents.

- The pad was part of the second stage of IVC
- The site had been operating for 10 years and had an additional pad implemented in 2013
- The application proposed that the layout of the composting pad be amended to increase the area to 4275 square metres, and include the addition of concrete retaining walls on the site 3.5 metres high
- Some weldmesh fencing boundaries of the pad and the relocated welfare facilities, would need some lights to be replaced to cover the 10 eight-metre-high lighting columns
- The site size would increase but the waste, commuting vehicles and operating levels will not
- Their soil was initially used as soil conditioner to help with site restoration but as the site had been fully restored, they wanted to be able to sell compost offsite
- Objections to this application had been received from Ufton Parish Council due to the existing smell and odour. The EA recently visited the site and did not substantiate the complaints. Operational measures on site to try to resolve odour and flies included a bio filter (a big expanse of chipped wood to reduce emissions) and a system of nozzles neutralising the site
- The changes would make the facility Pas100 (publicly available specification) industry standard

In response to Councillor Kettle, Matthew Williams stated that the site was sprayed regularly to reduce the fly issue. The lights needed to be expanded to follow the site expansion.

In response to Councillor Matecki, Matthew Williams stated that the application was to improve efficiency and the quality of the compost.

### **Public Speaking**

Jackie Chapman (Clerk for Ufton Parish Council) spoke against the application and stated that 'there had been a long history of smells from the site, in 2015 there were 41 complaints against it. The EA were meant to visit the site in 2020, but this was delayed because of Covid-19. Smell complaints had risen over the years and the smell came in wafts and in one evening she swatted

132 flies.’ She continued that they did not have a regular spray and there should be more. Jackie Chapman asked for the committee to support regulation for smell and fly issues.

Mike Harty (BIFFA Development & Planning Manager) noted that ‘there were no objections from officers from the relevant fields and the only objection received was from Ufton Parish Council. When the EA visited in July 2021, they said that the fly increase was not because of their work, and they found no breaches. Increasing the site would make composting piles smaller which should reduce the smell and make pest control management easier.’

In response to Councillor Chris Mills, Mike Harty stated that they sprayed the site twice a week. Jackie Chapman added that the smell had existed since the site was set up; she reported the smell to Stratford District Council (SDC) who told them to contact the EA who told them to contact SDC.

In response to Councillor Dahmash, Mike Harty stated that they were frequently monitored by the EA, and they would say if they breached their permit.

In response to Councillor Kettle, Mike Harty stated that the in-vessel process should reduce the odour issue with its bio-filter.

In response to Councillor Matecki, Jackie Chapman stated that the Parish Council would like the appropriate conditions in place to manage the odour and smell if the applicant does not manage it.

### **Debate**

Councillor Matecki stated that refusing the application would not reduce the fly and odour issues.

In response to Councillor Kettle, Matthew Williams stated that the EA would have to request more frequent fly extermination sprays as Warwickshire County Council does not have this authority. It was clarified that the council could ask the EA to investigate the issue further.

The Chair proposed authorising the application but adding that the council will ask the EA to investigate the issue.

The committee unanimously voted for this.

### **Resolved**

That the Regulatory Committee authorises the grant of planning permission for the amendment to the existing site layout to increase the size of the compost maturation pad and associated works, subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

AND

Warwickshire County Council planning officers will ask the Environment Agency to investigate the issue of flies from the site further.

**5. Confidential Minutes**

**Resolved**

That members of the public be excluded from the meeting for the items below on the grounds that their presence would involve the disclosure of confidential or exempt information as defined in Paragraph 3, Schedule 12A of the Local Government Act 1972 as amended.

**6. Exempt Minutes of the previous meeting**

The exempt minutes of the previous meeting were accepted as a true and accurate record.

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## Regulatory Committee – 5 October 2021

### Applications Dealt with Under Delegated Powers between 23rd July 2021 – 15th September 2021

#### Recommendation

That the Regulatory Committee notes the content of the report

#### Delegated Powers

<b>C. APPLICATIONS DEALT WITH UNDER DELEGATED POWERS BETWEEN 23<sup>rd</sup> July 2021 – 15<sup>th</sup> September 2021</b>		
<b>Application reference &amp; valid date electoral division case officer</b>	<b>Site location &amp; proposal</b>	<b>Decision date</b>
<b><u>NWB/21CM009/SP</u></b> 16/06/2021  <b>Coleshill North &amp; Water Orton</b>	<b>Gas to Grid Infrastructure Coleshill AD Facility Marconi Way Coleshill</b> S73 application seeking permission for the variation of planning permission NWB/17CM017 to remove condition 4 (Flood Plain Compensation Works) and condition 6 (Landscape and Ecological Management Plan) at the biomethane gas to grid plant, within boundary of the existing Coleshill Sewage Treatment Works, Marconi Way, Coleshill, B46 1DG	<b>Approval 29/07/2021</b>
<b><u>NWB/21CM007/CS</u></b> 27/5/2021  <b>Coleshill North &amp; Water Orton</b>	<b>Unit 25, Roman Way Coleshill</b> Proposed transfer and processing of mixed commercial wastes prior re-use, recycling and recovery. Part of site only, retaining remainder for existing B1, B8 activities.	<b>Approval 02/09/2021</b>
<b><u>RBC/21CM010/SP</u></b> 14/06/2021  <b>Earl Craven</b>	<b>Ling Hall Quarry Landfill Site Coalpit Lane Lawford Heath</b> S73 application seeks permission for the variation of condition 4 (Hours of working) of planning permission RBC/15CM007 for the Road Sweeping Plant, Ling Hall Landfill, Coalpit Lane, Lawford Heath, CV23 9HH	<b>Approval 09/09/2021</b>

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## Regulatory Committee

5 October 2021

### Review of Appointments to External Organisations

#### Recommendation

That the Regulatory Committee agree the allocation of places on external organisations and the proposed appointments as set out in the appendix to the report.

#### 1. Purpose of the report and context

- 1.1 This report reviews the membership of external bodies and partnerships in the light of changes in Council membership following the County Council elections held on 6 May 2021 and proposes a reallocation of seats between the political groups, in light of changes in political group sizes. The aim is to give groups a fair share of places and ensure that members are appointed to organisations which are of interest to them and to which they feel they can contribute. It should be noted that the County Council does not have a right to places on school governing bodies and that it is up to individual schools to determine whether or not to seek representation from a county councillor.
- 1.2 The process for assigning memberships was commenced late in 2020 with external organisations being contacted to establish their requirements and wishes for County Council representation. Some organisations that had previously had Council representation on their governing bodies chose not to continue with the arrangement but the majority did, however, wish to continue with their links to the Council. The following criteria was also considered in reaching a decision on whether representation might be appropriate:
  - (a) The appointment is at the request of the organisation in question, serves a strategic purpose for the Council and there is no immediate prospect of any financial relationship; or
  - (b) the appointment is for a fixed-term to help the organisation get established; or
  - (c) the County Council is a named partner in the organisation and has an agreed role in its governance
- 1.3 For organisations that fall outside these categories, Councillors and/or Officers of the Council will attend Trustee Boards of organisations in an advisory capacity where this is agreed by both parties.

- 1.4 Councillors are encouraged to act as trustees of voluntary bodies where they choose to do this and are appointed by the organisation in question. (i.e. in their personal capacity rather than as formal appointees of the Council)

## 2. Proposed Allocation

- 2.1 In line with other cross-party governance arrangements a degree of political proportionality has been sought. It is difficult to achieve allocations of places that reach exact proportionality across the groups. There are 36 places for allocation which, if split proportionately across the groups, (and if include the independent member) would give places as follows:

Conservative	Labour	Liberal Democrat	Green	Independent
25.78 (26)	3.68 (4)	3.07 (3)	1.84 (2)	0.61 (1)

- 2.2 The Leaders have considered the allocation and propose the allocation set out in the appendix which would distribute places as follows:

Conservatives 29; Labour 3; Liberal Democrat 3; Green 0 and Independent 1

## 3. Environmental Implications

None

## 4. Financial Implication

Membership of external bodies may entail a certain amount of travel on behalf of the Council. This will result in some costs. It is, however, to be expected that the increased use of virtual meetings will result in those costs being lower than previously.

## 5. Background Papers

None

	Name	Contact Information
Report Author	Paul Williams	<a href="mailto:paulwilliamscl@warwickshire.gov.uk">paulwilliamscl@warwickshire.gov.uk</a>
Assistant Director	Sarah Duxbury	<a href="mailto:sarahduxbury@warwickshire.gov.uk">sarahduxbury@warwickshire.gov.uk</a>
Strategic Director	Rob Powell	<a href="mailto:robpowell@warwickshire.gov.uk">robpowell@warwickshire.gov.uk</a>



Portfolio Holder	Councillor Andy Jenns	<a href="mailto:andyjenns@warwickshire.gov.uk">andyjenns@warwickshire.gov.uk</a>
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This report was not circulated to elected members prior to publication.

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## Appointments to External Organisations to be agreed at Regulatory Committee - 5 October 2021

### 1) Strategic Bodies/Partnerships

Body	Conservative	Labour	Liberal Democrat	Green	Independent
Birmingham International Airport Consultative Committee	Martin Watson				
Coventry Airport Consultative Committee	Heather Timms				
Country Land & Business Association Ltd	Heather Timms				
English Severn & Wye Flood Committee	Andy Crump				
George Eliot NHS Trust	Margaret Bell				
South Warwickshire NHS Trust		John Holland			

University of Warwick Innovation Centre	Adrian Warwick				
Warwickshire, Solihull and Coventry Local Access Forum	Andy Wright				
West Midlands Reserve Forces & Cadets	Wallace Redford				
Safer Warwickshire Partnership Board	Andy Crump				
Stratford & Warwick Community Safety Partnership	Chris Kettle				Judy Falp
Nuneaton and Bedworth Community Safety Partnership	Sue Markham				
North Warwickshire Community Safety Partnership	Dave Humphreys				
North Warwickshire Leaders Group	Margaret Bell				

Leamington BID (2)		Sarah Millar	Sarah Boad		
Rugby First /BID (2)	Jill Simpson-Vince	Barbara Brown			
Stratford Bid (2)	Tim Sinclair		Kate Rolfe		
Warwickshire Safeguarding Partnership (2)	Margaret Bell Jeff Morgan				
Stratford Town Centre Strategic Partnership	Tim Sinclair				
Warwick District Children and Family Centres			Sarah Boad		
23					

## (2) Conservation Bodies

Body	Conservative	Labour	Liberal Democrat	Green	Independent
Alcester Heritage	Piers Danieill				
Cotswolds Conservation Board	Jo Barker				
Historic England	John Horner				
3					

**(3) Local Education Trusts/Charities**

<b>Body</b>	<b>Conservative</b>	<b>Labour</b>	<b>Liberal Democrat</b>	<b>Green</b>	<b>Independent</b>
Queen Elizabeth Academy Atherstone	Mejar Singh				
Coleshill Grammar	Dave Humphreys				
Fillongley Ed	Dave Humphreys				
Henley united	John Horner				
Kenilworth Institute (2)	John Cooke and Richard Spencer				
King Edward VI - N&B	Brett Beetham				
One World Link Warwick *					
Budbrooke Community Association	Jan Matecki				

## Regulatory Committee

5 October 2021

### Appointment of Non-Executive Director Educaterers Ltd

#### Recommendation(s)

1. That the Committee notes and approves the appointment of Stephen Lugg as a Non-Executive Director of Educaterers Ltd (ELtd)

#### 1.0 Key Issues

- 1.1 ELtd is a wholly owned trading company of Warwickshire County Council. The Council is the sole shareholder. In line with prior delegations, the Shareholder's Representative is the Strategic Director for Resources.
- 1.2 A vacancy exists for a Council appointed Non-Executive Director on ELtd's board.
- 1.3 It is proposed that Stephen Lugg is appointed as the Council Non-Executive Director pursuant to the Shareholders Agreement. It is considered that Stephen Lugg has the appropriate skills to undertake the role and has strategic and professional skills and experience that will be valuable to support the continued success and direction of travel of ELtd. However, Stephen will require some development around the formal role and duties of a company Director, which will be organised from the Institute of Directors and will be funded from existing budgets.
- 1.4 Pursuant to Part 2(6) of the Constitution, the Regulatory Committee is required to approve such appointments.
- 1.5 The ongoing monitoring and overview of the company's performance will continue to be undertaken through the Shareholder's Representative and reported through the appropriate officer oversight boards and to members through the annual accounts.

#### 2.0 Financial Implications

- 3.1 Funding from existing budgets for the Institute of Directors training.

#### 3.0 Environmental Implications

3.1 None as a direct result of this appointment

#### 4.0 Timescales associated with the decision and next steps

4.1 The name of the Director will be included in Companies House filings once approved by the committee.

#### Background papers

1. None.

	<b>Name</b>	<b>Contact Information</b>
Report Author	Nichola Vine	<a href="mailto:nicholavine@warwickshire.gov.uk">nicholavine@warwickshire.gov.uk</a> Tel: (01926) 47 6379
Assistant Director	Sarah Duxbury	<a href="mailto:sarahduxbury@warwickshire.gov.uk">sarahduxbury@warwickshire.gov.uk</a> Tel: (01926) 41 2090
Strategic Director	Rob Powell	<a href="mailto:robpowell@warwickshire.gov.uk">robpowell@warwickshire.gov.uk</a>
Portfolio Holder	Andy Jenns	<a href="mailto:andyjenns@warwickshire.gov.uk">andyjenns@warwickshire.gov.uk</a>

The report was circulated to the following members prior to publication:

Local Member(s): n/a

Other members: n/a