

County Council

Date: Thursday 29 September 2022

Time: 10.00 am

Venue: Council Chamber, Shire Hall

Membership

Councillor Dave Humphreys (Chair), Councillor Christopher Kettle (Vice-Chair), Councillor Jo Barker, Councillor Richard Baxter-Payne, Councillor Brett Beetham, Councillor Margaret Bell, Councillor Parminder Singh Birdi, Councillor Sarah Boad, Councillor Barbara Brown, Councillor Peter Butlin, Councillor Jonathan Chilvers, Councillor Jeff Clarke, Councillor John Cooke, Councillor Andy Crump, Councillor Yousef Dahmash, Councillor Piers Daniell, Councillor Jackie D'Arcy, Councillor Tracey Drew, Councillor Judy Falp, Councillor Jenny Fradgley, Councillor Sarah Feeney, Councillor Bill Gifford, Councillor Peter Gilbert, Councillor Clare Golby, Councillor Brian Hammersley, Councillor John Holland, Councillor Marian Humphreys, Councillor Andy Jenns, Councillor Kam Kaur, Councillor Jack Kennaugh, Councillor Justin Kerridge, Councillor Sue Markham, Councillor Jan Matecki, Councillor Sarah Millar, Councillor Chris Mills, Councillor Jeff Morgan, Councillor Penny-Anne O'Donnell, Councillor Bhagwant Singh Pandher, Councillor Daren Pemberton, Councillor Caroline Phillips, Councillor Wallace Redford, Councillor Howard Roberts, Councillor Will Roberts, Councillor Kate Rolfe, Councillor Jerry Roodhouse, Councillor Isobel Seccombe OBE, Councillor Ian Shenton, Councillor Jill Simpson-Vince, Councillor Tim Sinclair, Councillor Mejar Singh, Councillor Richard Spencer, Councillor Heather Timms, Councillor Mandy Tromans, Councillor Robert Tromans, Councillor Martin Watson, Councillor Adrian Warwick and Councillor Andrew Wright

Items on the agenda: -

1. Her Majesty Queen Elizabeth II

The Council will observe a minute's silence in memory of Her Majesty Queen Elizabeth II.

The Chairman will then invite Members to reflect on her life and legacy.

2. General

(1) Apologies for Absence

(2) Members' Disclosures of Pecuniary and Non-pecuniary Interests

(3) Minutes of the Previous Meeting

7 - 22

To consider the minutes of the meeting held on 19 July 2022.

(4) Chair's Announcements

(5) Petitions

To receive the following petition submitted in accordance with the Council's Petitions Scheme:

- Speed Cameras in Long Itchington

(6) Public Speaking

To note any requests to speak on any item on the agenda in accordance with the Council's Public Speaking Scheme (see note at end of the agenda).

3. Education Capital Programme 2022/23	23 - 28
4. The Impact of Inflation on the Capital Programme	29 - 34
5. Officer Delegations	35 - 54

6. Notices of Motion

To consider the following motions submitted by members in accordance with Standing Order 5:

(1) Liberal Democrat Motion: Cost of Living

This Council recognises that we are in the middle of the worst cost of living crisis for 50 years and that it is having a major effect on many local people:

This Council therefore calls for a local Cost-of-Living Emergency Summit to be arranged, with stakeholders, including Citizens Advice, Food Banks, Local Trades Unions, Chambers of Commerce and local MPs to explore how more local help can be provided for those struggling with the cost of living – including extending the use of discretionary payments.

This Council also notes that increasingly Local Authorities are developing 'Library Plus' or 'Warm Bank' schemes, to give residents a place to stay warm and keep the cost of bills at home down after school and during evenings and weekends. The Council requests the Chief Executive to develop a funded plan for the use of 'Warm Banks' across the County which will include later opening for Libraries and other council owned buildings, where possible.

Finally this Council requests that the Leader writes to the Secretary of State expressing this Council's concerns over the impact that the cost of living is having on residents and also writes to the Mayor of the West Midlands Combined Authority and Leaders of all other Local Authorities in the West Midlands Region asking them to pass similar motions so we can take a united stand as Local Government to force the Government to do more to help local people.

Proposer: Councillor Jerry Roodhouse

Seconder: Councillor Sarah Boad

(2) Labour Motion: Cost of Living

In response to the current rate of inflation and its effect on the residents and businesses of Warwickshire, this Council will

- Expand on the information already available on the County Council Website, to create a 'Cost of Living Hub' as an online resource offering practical and financial advice to struggling residents.
- Convene a local Cost of Living Emergency Summit, inviting stakeholders such as Citizen's Advice, food banks, trade unions, charities and other partners to help address the current crisis
- Work with partner agencies to develop a 'One Warwickshire' regular system of partnership reporting to help track the impact of the cost of living crisis at local level to grow our evidence base for our needs analysis and so we can target our response accurately.
- Work with community and voluntary organisations to develop a community response to the crisis, building on what already exists and taking a social justice approach. Ideas include a network of welcoming spaces where people can spend time, have access to Wi-Fi, free activities and support
- Work with council staff and VCSE organisations to roll out signposting training to ensure we maximise opportunities to inform and support residents in crisis and direct them towards services that can advise on saving money on heating bills, employment and skills and wellbeing support.
- Seek to prioritise, subject to available funding, children's centres and nurseries when faced with real-terms Government funding cuts to Local Authorities.

- Call on Party Group Leaders to lobby the Government to:
 - i. Keep benefit payments in line with inflation, in a system similar to the state pension 'triple lock'; and
 - ii. Continue to provide free school meals during school holidays and for it to expand eligibility to include anyone in receipt of Universal Credit.

Proposer: Councillor Sarah Feeney

Seconder: Councillor Sarah Millar

(3) Green Motion: Affiliation to Electronics Watch

This Council will:

1. Investigate affiliation to Electronics Watch in order to support our efforts for supply chain accountability for procurement of ICT hardware, electronics, including solar panels and batteries.
2. Bring a report to Resources and Fire & Rescue Overview & Scrutiny no later than February 2023.

Proposer: Councillor Jonathan Chilvers

Seconder: Councillor Will Roberts

7. Member Question Time (Standing Order 7)

A period of up to 40 minutes is allocated for questions to the Leader, Cabinet Portfolio Holders and Chairs of Overview and Scrutiny Committees.

8. Any Other items of Urgent Business

To consider any other items that the Chair considers are urgent.

Monica Fogarty
Chief Executive
Warwickshire County Council
Shire Hall, Warwick

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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 that features on the agenda for that meeting. 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.

COVID-19 Pandemic

Any member or officer of the Council or any person attending this meeting must inform Democratic Services if within a week of the meeting they discover they have COVID-19 or have been in close proximity to anyone found to have COVID-19.

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County Council

Tuesday 19 July 2022

Minutes

Attendance

Committee Members

Councillor Dave Humphreys (Chair), Councillor Jo Barker, Councillor Richard Baxter-Payne, Councillor Brett Beetham, Councillor Margaret Bell, Councillor Parminder Singh Birdi, Councillor Sarah Boad, Councillor Barbara Brown, Councillor Peter Butlin, Councillor Jonathan Chilvers, Councillor Jeff Clarke, Councillor John Cooke, Councillor Andy Crump, Councillor Jackie D'Arcy, Councillor Yousef Dahmash, Councillor Piers Daniell, Councillor Tracey Drew, Councillor Judy Falp, Councillor Sarah Feeney, Councillor Bill Gifford, Councillor Peter Gilbert, Councillor Clare Golby, Councillor Brian Hammersley, Councillor John Holland, Councillor Marian Humphreys, Councillor Kam Kaur, Councillor Jack Kennaugh, Councillor Justin Kerridge, Councillor Christopher Kettle, Councillor Sue Markham, Councillor Jan Matecki, Councillor Chris Mills, Councillor Jeff Morgan, Councillor Bhagwant Singh Pandher, Councillor Daren Pemberton, Councillor Caroline Phillips, Councillor Wallace Redford, Councillor Will Roberts, Councillor Jerry Roodhouse, Councillor Isobel Seccombe OBE, Councillor Ian Shenton, Councillor Jill Simpson-Vince, Councillor Tim Sinclair, Councillor Richard Spencer, Councillor Heather Timms, Councillor Mandy Tromans, Councillor Robert Tromans, Councillor Adrian Warwick and Councillor Martin Watson

1. General

The Chair welcomed Councillor Ian Shenton to his first meeting of the County Council following his election to Arden Division on 14 July 2022.

(1) Apologies for Absence

Councillors Jenny Fradgley, Andy Jenns, Sarah Millar, Penny-Anne O'Donnell, Howard Roberts, Kate Rolfe, Mejar Singh, and Andy Wright.

(2) Members' Disclosures of Pecuniary and Non-pecuniary Interests

Councillor Richard Baxter-Payne notified an interest in item 5 on the agenda, Adoption of the Warwickshire Minerals Local Plan 2018-2032, and indicated that he would leave the room during the debate on this item and not participate in the vote.

Councillor Clare Golby notified that she had changed her job but had not yet had an opportunity to update her register of interests.

(3) Minutes of the previous meeting

The minutes of the meeting of Council held on 17 May 2022 were agreed as a true record.

(4) Chair's announcements

The Chair, Councillor Dave Humphreys, made the following announcements

1) Local Government Apprentice of the Year

“Andre Russell, one of our many fantastic apprentices, was part of a winning team at the Local Government Apprentice of the Year which took place virtually on 25 May 2022.

The national event, now in its second year, was designed and delivered by South West Councils and the East of England Local Government Association with support from the LGA.

More than 100 Level 2 and 3 local government apprentices from across the country took part in the one-day event, with workshops which encouraged them to learn, network and showcase their skills, expertise, and initiative.

Andre and his team members won the Team Award for their innovative idea for councils to save money by going paperless.

Andre joined WCC in June 2021 as an Apprentice Community Development Worker which involves attending different community groups, youth groups and community events. He is just one example of our many fantastic apprentices working at the Council.

Many congratulations Andre!”

Andre Russell was asked to stand for a round applause.

2) Lawyers in Local Government Awards 2022

“Huge congratulations are also due to the Council’s Legal Services team who have been recognised on multiple fronts for outstanding achievements that contribute to local communities at this year’s national Lawyers in Local Government Awards.

The Lawyers in Local Government Awards celebrate the most dedicated and engaged professionals across local government legal practice and highlight the crucial work that local government lawyers do for their local communities.

Warwickshire Legal Service’s Children and Families legal team were awarded ‘Legal Team of the Year’, in recognition of the work they do to safeguard the children of Warwickshire and the many other local authority areas that they support every day.

Jack Cantwell, a Senior Solicitor and team lead for the Corporate and Commercial legal team, was awarded ‘Legal Project Team/Individual of the Year’ in recognition of his work on a number of major initiatives, including the County Council’s Warwickshire Property and Development Group.

Our Assistant Director for Governance & Policy, Sarah Duxbury, was Highly Commended for

her 'Significant Contribution to Local Government Law and Practice'.

Stephanie Hartopp, who joined the Council as a trainee solicitor in September 2019 and is now a Solicitor for the Warwickshire Legal Services' Courts team, was a finalist for 'Junior Lawyer of the Year'.

Many congratulations to you all."

Representatives of the Legal Team in attendance at the meeting were asked to stand for a round of applause.

3) Municipal Journal Achievement Awards

"At the MJ Achievement awards ceremony held on 24 June, Monica Fogarty, our Chief Executive, won the award for Chief Executive of the Year and Nigel Minns, People Directorate's Strategic Director, was given the award for Corporate Director of the Year.

Monica received her award in recognition of her outstanding leadership of the Council, where she moves with pace, precision, determination and commitment and on account of her passion and compassion, which consistently inspire and motivate those around her.

Nigel received the award for Corporate Director of the Year. The award recognised Nigel's exceptional leadership covering public health, children, adults and commissioning services. These areas provide considerable challenges in a large county and this was recognised by the judges.

Congratulations to you both!"

Monica Fogarty and Nigel Minns were invited to stand for a round of applause.

Councillors Isobel Seccombe, John Holland, and Sarah Boad extended their congratulations and expressed their pride in the award winners.

(5) Petitions

None.

(6) Public Speaking

None.

2. Member Dispensation

Councillor Isobel Seccombe moved the recommendation that a dispensation be granted for Councillor Howard Roberts which was seconded by Councillor Chilvers. There was no debate but Council joined to wish Councillor Roberts well.

Resolved

That the Council approves the absence of Councillor Howard Roberts from meetings of the authority on the grounds of ill health.

3. Education Capital Programme 2022/23

Councillor Peter Butlin (Deputy Leader) moved the recommendation as set out in the report. Councillor Kam Kaur seconded the recommendation and reserved the right to speak.

Debate

Councillor Tracey Drew noted media reports about potential school closures due to the heatwave taking place at the time of the meeting and expressed the opinion that schools should be built to the highest standards possible to ensure that they were future proofed against the need to close during thermal weather incidents which would be detrimental to pupils' education.

Councillor Bill Gifford expressed the view that it was important to support and work with schools, like Trinity Roman Catholic School, which were undersubscribed but improving after changes to management, to ensure that they remained viable, rather than resort to building new schools.

Councillor Judy Falp shared her disappointment at the delay to the opening of Oakley Grove School.

Councillor John Holland raised concerns regarding the siting of the Oakley Grove School and the poor accessibility of the site together with the additional costs that were being incurred during the building works. He sought a discussion on how an inquiry into the development could be instigated to establish lessons learnt and how the best education for students could be secured.

Councillor Jonathan Chilvers raised concern regarding the additional funding requested, and the knock-on effect this would have for other projects. He welcomed the building of Oakley Grove and Shipston Schools to 2022 Regulations, viewing building to a higher standard as an investment that would result in lower fuel bills. However, he lamented the lack of a mechanism to share the proceeds of investment.

Councillor Sarah Boad praised the usefulness of the now obsolete Area Committees as useful forums to share information. She commented on the need to ensure school places were available to support new housing developments as they came to fruition, and she considered that this needed to be pre-empted and places available so that children could go to school close to home. She also supported previous comments that it was crucial for schools to be built fit for purpose so that children's education did not suffer because of thermal weather events.

Councillor Robert Tromans welcomed the report and expressed his hope that the report would be the first of a series that would bring forward projects in other areas of the county.

Councillor Jan Matecki similarly welcomed the report and commented on the setting of the Oakley Grove site in relation to improved walkways, cycleways and the location of the country park which reduced the need for motorised travel on school journeys.

Councillor Kam Kaur noted that existence of the capital programme to ensure that the Council could meet its statutory duty to provide school places and that work was underway to set up and

build a new sufficiency strategy for the period 2023 to 2035 onwards. This would also include new provisions and expansions discussed with the district and borough council through the local planning process. It was important to sustain and grow existing schools to make them more sustainable.

Councillor Peter Butlin noted the impact of inflation on budgets and the need for wise management of funds. The Council was building schools above minimum regulations – at Oakley Grove building to new regulatory standards was adding £2.5m to the overall cost. However, he considered that the right balance had been reached and in terms of building to a higher standard, there was no recourse to claw back any investments. He stated that he had not previously accepted that there should be an inquiry into the delivery of Oakley Grove School but had suggested that issues be raised with Warwick District Council which had allocated the site which he did not consider as being poor in terms of accessibility.

Vote

Upon being put to the vote, the motion was carried by a majority.

Resolved:

That Council agrees:

1. To increase the Capital Programme allocation for Oakley Grove Allthrough School by £6.000 million to £56.150 million to be funded from Department for Education Grant.
2. To increase the Capital Programme allocation from Stratford-upon-Avon High School by £2.2 million to £13.773 to be funded from the Department for Education grant
3. To add the scheme at Shipston High School set out at paragraph 3 of the report at a cost of £10.532 million funded by £10.023 million from the Department for Education grant and £0.509 million from developer contributions

4. Audit and Standards Committee Annual Report 2021/22

Councillor Christopher Kettle introduced the published report and moved the motion stating the Audit and Standards Committee had undertaken some very valuable work over the last 12 months. He thanked members of the committee and John Bridgeman, the Chair of their committee for their hard work and noted the contribution of the late John Horner.

Councillor John Cooke seconded the motion.

Councillor Bill Gifford observed that Councillor John Horner had been a great loss to the Committee. He noted that there had been no standards issues for the Committee to consider for a number of years and he considered this to be a compliment to the Council and the amicable approach that was taken. He hoped that this would continue into the future.

Councillor Kettle welcomed these comments and commended the report to the meeting.

Vote

A vote was held. The motion was carried unanimously.

Resolved:

That Council endorses the Annual Report of the Audit & Standards Committee.

5. Adoption of the Warwickshire Minerals Local Plan 2018-2032

In accordance with his prior declaration of interest, Councillor Richard Baxter-Payne left the meeting during the determination of this item.

Councillor Wallace Redford introduced the report and moved the recommendations. In doing so, he explained that as the Local Planning Authority for Minerals, the council was required to prepare a plan for the steady and adequate supply of minerals. The Minerals Plan had been through several consultation stages with residents and stakeholders since 2015 and, following an Examination in Public, which was overseen by a Government Planning Inspector, it was now in the final stage of the plan process: plan adoption. Councillor Redford also noted that Cabinet had received a letter from Barford Parish Council opposing the Plan, specifically in relation to the Wasperton site and, although the consultation had closed, a response was being prepared.

Councillor Jo Barker seconded the motion and reserved her right to speak.

Debate

Councillor John Holland noted that concerns from residents of Barford and Wasperton were not new and had been brought up at the outset of the process. Local residents were now receiving help from their MP who was promoting a Bill to restrict quarrying close to homes, which this plan would allow, and Councillor Holland did not believe any residents of Warwickshire should be subjected to. He also had concerns about the environmental impact and sustainability.

Councillor Sarah Boad referred to the original consultation from 2018, noting that the plans had moved on since then as it had taken some time to move through the required process. Residents from her division and the Parish Council had been in contact with her and she was somewhat reassured by the comments of Councillor Redford but she considered that the suggestion that objections could be submitted during the planning permission process was missing the point somewhat. Councillor Boad considered that the Plan was unsatisfactory.

Councillor Jan Matecki noted that a lot of consultation had taken place but it had been based on the prevailing facts at the time, and the position at the time of the meeting was different and the Plan was now out of date. It had been asserted that objections to developments could be raised through the planning process but he considered it would be difficult to argue against the Plan. Reflecting on a recent report to Regulatory Committee, Councillor Matecki noted that the current production of sand and gravel at Dunton Quarry (200,000 – 250,000 tonnes per year) would outstrip that anticipated at Wasperton and he was questioned whether the Wasperton site was, therefore, required. Councillor Matecki went on to highlight the risks to health and the environment and suggested that a cautious approach should be adopted while further information was sought.

Councillor Jonathan Chilvers noted the need to produce a significant amount of sand and gravel to produce cement for houses and infrastructure. However, he considered that a realistic approach

to how much needed to be extracted was required since most sand and gravel came from the sea. He noted that the target amount had been approved as sound by government but levels of extraction were projected to overshoot the target. He suggested that more consideration needed to be given to how to balance the costs of environmental degradation with the need to build infrastructure. To this end, it would be important to look at a reduction in the use of cement and more effective use of recycled aggregate so that as much cement would not be needed in future.

Councillor Isobel Seccombe noted the evolution of the Plan over time, including the reduction in the number of sites that were included since the initial draft. She noted that a seven year supply of sand and gravel was required. This supported development in the local plan. She considered that it was important to provide materials as close to any development taking place as possible and this meant that not all sites identified in the Plan might come forward, but instead would be utilised as required to reduce road mileage. Sand and gravel could only be quarried from certain sites and the sand and gravel quarried would be used across the West Midlands, where there was a requirement for sand and gravel. Councillor Seccombe went on to suggest that a sense of realism about the model of extraction was required and extraction was now much better managed than in times gone by and there were requirements for the environment and safety that would be met. She considered that it would be important, when sites came through the planning process, for there to be a clear policy in place for operators to work with local community groups to manage the impact on them. She concluded that it had been a long process to adoption and there had been extensive consultation providing opportunities for engagement with all parties. It was now at the point where a Plan needed to be delivered before one was imposed.

Councillor Will Roberts stated that the Council should not ignore the environmental impacts of siting a quarry so close to the two villages of Wasperton and Barford. He also emphasised that the debate had concentrated on the part of the document which focussed on the extraction of sand and gravel but had not considered the elements relating to the extraction of fossil fuels, which he was deeply concerned about and did not align with the declaration of a climate emergency.

Councillor Martin Watson considered that this was an emotive topic for those affected. He acknowledged that quarry sites were not welcomed by local communities but considered that the recommendations of the Inspector had been built into the plan which offered some reassurance.

Councillor Jo Barker explained that she had commenced her career in minerals and had spent a lot of time with sand and gravel quarries. She pointed out that, during the years that she was involved in quarrying, huge strides had been made in the mitigations that were made against the hazards to those living close by, and the process of reinstatement would minimise the amount of airborne particles that caused concern. Importantly, there had been considerable consultation and it would go through planning again, and whenever any sites were put forward, any new points or research could be considered and taken into account through the planning process. Councillor Barker was confident that the process the Plan had gone through would enable it to stand up to scrutiny. She acknowledged that there was a balance between having to build and the duty to have sand and gravel supplies, not just for Warwickshire, but for national infrastructure against carbon emissions. She considered that dredging for sand, as had been raised in the debate, was not just thought to be disastrous environmentally but also the sand produced required more work before it was usable due to the high salt content. In conclusion, Councillor Barker asserted that there was a statutory duty to provide sand and gravel not just for Warwickshire but for regional and national infrastructure. Referring back to section 4.1 of the report, Councillor Barker highlighted

that minerals were a finite resource that could only be worked where they were found and the closer to where they are used, the better it was for the environment.

In reply, Councillor Redford emphasised that the Council was required to produce the Plan and had gone through a long consultation process during which there had been opportunities for interested parties to put forward comments and objections. The Planning Inspector had asked for some modifications to the Plan which had all been investigated and completed, and the Planning Inspector had found the Plan to be sound. Councillor Redford noted that there were some small points on the Plans to be redrawn, which the Inspector was aware of, and those changes were in progress. Sand and gravel extraction could only happen where it was found and the Plan stated that endeavours would take place to ensure that the environmental impact was kept to a minimum. There was no further consultation on the Plan and the planning process would apply when sites came forward in the future.

Vote

A recorded vote was held. The results were:

Votes for

Councillors Jo Barker, Brett Beetham, Margaret Bell, Parminder Singh Birdi, Peter Butlin, Jeff Clarke, John Cooke, Andy Crump, Yousef Dahmash, Piers Daniell, Peter Gilbert, Clare Golby, Brian Hammersley, Dave Humphreys, Marian Humphreys, Kam Kaur, Jack Kennaugh, Justin Kerridge, Christopher Kettle, Sue Markham, Chris Mills, Jeff Morgan, Bhagwant Singh Pandher, Daren Pemberton, Wallace Redford, Isobel Seccombe OBE, Ian Shenton, Jill Simpson-Vince, Tim Sinclair, Richard Spencer, Heather Timms, Mandy Tromans, Robert Tromans, Adrian Warwick and Martin Watson (35)

Votes against

Councillors Sarah Boad, Barbara Brown, Jonathan Chilvers, Jackie D'Arcy, Tracey Drew, Bill Gifford, John Holland, Caroline Phillips, Will Roberts, and Jerry Roodhouse (10)

Abstentions

Councillors Judy Falp and Jan Matecki (2)

At the time of the vote, Councillors Richard Baxter-Payne and Sarah Feeney were not present in the Chamber.

Resolved

That Council:

1. Adopts the Mineral Local Plan 2018- 2032 and its Policies Map, with all the Main Modifications recommended by the Examination Inspector and the Minor Modifications proposed by the Strategic Director for Communities, as a development plan document in accordance with section 23(5) of the Planning and Compulsory Purchase Act 2004; and
2. Authorises the Strategic Director for Communities to take the steps required by Regulations 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and any other steps consequential upon or necessary to give effect to the adoption including

making the formatting, cartographical and typographical corrections described in paragraph 5.4 of the report to the final Plan to be placed on deposit.

Councillor Richard Baxter-Payne returned to the Chamber.

6. In Year Council Appointments

Councillor Isobel Seccombe, Leader of the Council, moved that Council agree the proposals set out in the report. Councillor Tim Sinclair seconded the proposals, which were put to the vote and agreed as set out below.

Resolved

That Council approves

1. The appointment of Councillor Brian Hammersley to the Fire and Rescue Local Pension Board of the Firefighter's Pension Scheme for a term of three years from the date of this decision.
2. The appointment of the Strategic Director for People and the Director of Public Health to the Integrated Care Partnership
3. The appointment of Councillor Kate Rolfe to the pool of members from which the membership of Appointments, Disciplinary And Disciplinary Appeals Subcommittees can be drawn when required

7. Notices of Motion

(1) Educational Attainment

The following motion as set out on the agenda was proposed by Councillor Brett Beetham:

In line with Government's White Paper on Levelling Up, this Council is committed to levelling-up and ensuring that everyone in Warwickshire gets the best start in life, no matter what their background or where they live. The Council's approach to Levelling Up approved by Cabinet this month includes a priority around educational attainment reflecting the recent State of Warwickshire report, approved by this Council in February of this year, which highlighted the inequality within attainment in education in the county.

In order to further explore the reasons for this, and to establish how we as a Council can help effect positive change and reduce the present inequalities in relation to educational attainment, this Council will establish a time limited cross party Member Group. The Group should comprise members from all five areas of the county and should report back to Cabinet on its progress by end February 2023.

In proposing the motion, Councillor Beetham illustrated the notion that children and young people in Nuneaton and Bedworth, and in North Warwickshire, were academically disadvantaged with statistics that established that over 40% of children in these areas were not meeting the required basic standards for reading, writing and maths and that these were the only areas in Warwickshire which were consistently below the national average for English. He noted that whilst not everyone was academically minded, and whilst there were high levels of trade apprenticeships in Nuneaton

and Bedworth, there were also high levels of people without qualifications despite vocational qualifications being increasingly important within trades. He pointed to the differences in disposable income between people living in Nuneaton and Bedworth and those living in Warwick to demonstrate the result of educational inequality. He noted that residents were not lacking in drive or ambition and urged Council to support the motion and agree to set up a working group to investigate the reasons for the disparity and what could be done to level up education in the county.

Councillor Yousef Dahmash seconded the motion expressing the view that education was a driver of opportunity and as the Council held influence over the bodies involved in education, it had a responsibility to set the right tone. Whilst the Council was working to improve educational opportunities, the proposed Member Group could explore what more could be done. As Chair of the Children & Young People Overview and Scrutiny Committee, he considered that challenging school performance had been problematic as only limited success had been achieved in bringing together key stakeholders for discussions. He considered that there was more that could be done to address longstanding disparities and welcomed the proposals to involve all areas of the County in this work.

Debate

Councillor Isobel Seccombe expressed her support for the motion, which was timely as it dovetailed with the levelling up paper which had recently been considered by Cabinet. Education was a key aspect of the levelling up approach and it was an important service to get right due to the lifetime impact it would have. Councillor Seccombe lamented that the Council was not a Local Education Authority and was not able to hold more educationists to account but it was right for the Council do what it could to maintain pressure on those who had the power to influence educational attainment.

Councillor Tracey Drew also welcomed the motion. She noted that society had made some strides in reducing inequality but sought reassurance that the proposed member group would be productive in its investigations and ensure that even larger strides could be taken locally in a meaningful and tangible way.

Councillor Rob Tromans also commented on the timeliness of the motion and welcomed the focus on giving people at least a basic standard of literacy which would increase employability and provide greater opportunities. He stated that it was important to hold those with a responsibility for education to account.

Councillor Barbara Brown was supportive of the motion. She noted the importance of recognising the complexity of issues that contributed to the way children achieved or did not achieve and that there was not a simple solution. She considered that the Member Group's work should provide some focus on readiness for learning, concentrating on the first 1000 days, and not just on reaching the basic standards around literacy and numeracy. She echoed the comments of Councillor Seccombe but considered that there was more the Council could do to influence the quality of education in schools and, more widely, to influence the other factors that impinged on a child's ability to learn. She considered that there was a difference between attainment and achievement and achieving to one's optimum needed to be equally valued.

Councillor Pete Gilbert also welcomed the motion. He noted the importance of education as being the key to an individual's future. He supported the comments of Councillor Dahmash that Overview and Scrutiny had received little response on the topic and the level of debate now needed to be raised and difficult questions asked. He wanted to see the level of education improved to make the lives of children better in the future.

Councillor Sarah Boad commented on the fragmentation of the education system and the lack of funding that she considered was a key part of the issue. She noted that there were deprived areas throughout the County and a lack of aspiration could be an issue in all those areas.

Councillor Margaret Bell welcomed the motion and thanked Children and Young People Overview and Scrutiny Committee for the work it had done to date on this issue. She considered that the motion was a logical next step to progress that work and bring focus to the area and what could be done to reduce the gap. She noted within her own division, primary school attainment was good, but children did not then reach their potential at secondary school and she trusted the proposed Member Group could consider the transition from primary to secondary school in their scope.

Councillor Kam Kaur also noted that this motion progressed work commenced in Children and Young People Overview and Scrutiny Committee and acknowledged the connection to the recent paper on levelling up. She welcomed the proposals and looked forward to the outcomes which would support her work with the Education portfolio and strengthen her engagement with schools and headteachers to hold them to account for how they would fulfil the conclusions of the group.

Councillor Jerry Roodhouse noted that the motion posed a very wide ranging question and the key to the success of the member group would be its scope. To this end, he suggested that consideration be given to leadership in schools and how the relationships between academies and the wider education sector could be developed. The member group would also need to consider what inequalities were to be investigated.

Councillor Jeff Morgan highlighted achievements that had taken place to date and noted that in order to make further progress, the Member Group would need to focus on outcomes including aspiration and resources.

Councillor Jeff Clarke noted that there were some good schools in Nuneaton and Bedworth but there were also areas that needed further attention. He considered that the work of the Member Group would provide an understanding of what needed to be done in Nuneaton and Bedworth to bring attainment in the area up to level of the rest of the county. He emphasised the need for students to have opportunity and aspiration and considered that the work of the Member Group should be expedited.

Councillor Clare Golby noted that the poor performance of the Multi Academy Trust in Nuneaton and Bedworth had led to educational failures for 11 years with the associated knock on effects. She considered that the first question the member group should seek to answer was what was meant by levelling up in terms of education and she also emphasised the need for any recommendations made by the Member Group to be followed through.

Councillor Andy Crump also supported the motion, emphasising the need for an equitable educational opportunity across the county. He sought to establish milestones and benchmarks to

achieve this and considered that there was good leadership at the Council to achieve the outcomes for the children of the county.

Councillor Caroline Phillips explained that as a governor of Stockingford Maintained Nursery School she had noted the impact to budgets when the maximum early years child care allowance was claimed (15 hours plus 15 hours for eligible children of working parents) and suggested that the Member Group consider this as part of its scope. She also reflected on the loss of children's centres, which had been set up to address inequalities and the cycle of deprivation.

Councillor Tim Sinclair emphasised the need for the proposed Member Group to have a clear terms of reference and scope and encouraged all those taking part to ensure they had a clear understanding of how they could make a difference. Councillor Sinclair suggested a focus on best practice and learning from the most highly regarded teachers and also supported engagement with parents and young people.

Councillor Adrian Warwick reflected on his experience working in a school with pupils with SEND, some of whom were there from a lack of opportunity and suggested that the member group should consider how best to offer that opportunity. He suggested that it would be important to focus on the opportunities that could be provided to children and young people in Warwickshire that were not currently on offer.

Councillor Jackie D'Arcy reflected on her experience teaching in tertiary education and suggested that the Member Group could consider how to attract new teachers to the profession whilst also retaining aspirational teachers.

In response, Councillor Beetham requested that any suggestions for the scope of the Member Group should be shared with the Group who would agree its scope and definition of levelling up at the initial meeting. He hoped that the whole Council would support the motion to ensure that it had a mandate to undertake the work which essential sought to improve lives in the County.

Vote

A vote was held. The motion was carried unanimously.

Resolved

In line with Government's White Paper on Levelling Up, this Council is committed to levelling-up and ensuring that everyone in Warwickshire gets the best start in life, no matter what their background or where they live. The Council's approach to Levelling Up approved by Cabinet this month includes a priority around educational attainment reflecting the recent State of Warwickshire report, approved by this Council in February of this year, which highlighted the inequality within attainment in education in the county.

In order to further explore the reasons for this, and to establish how we as a Council can help effect positive change and reduce the present inequalities in relation to educational attainment, this Council will establish a time limited cross party Member Group. The Group should comprise members from all five areas of the county and should report back to Cabinet on its progress by end February 2023.

(2) Place Based Partnership Priorities and Progress on Reducing Inequalities

Councillor John Holland moved the following motion:

Council notes that Joint Strategic Needs Area Assessments were carried out in 2019. The information within those assessments was provided to the Place Based Partnerships, which provide activity updates to the Warwickshire Health and Wellbeing Board, including on prioritised activities to improve health and wellbeing and reduce inequalities.

The Council requests an update from the Warwickshire Health and Wellbeing Board on Place Based Partnership priorities and progress on reducing inequalities.

In moving the motion, Councillor Holland considered that the subject fitted well with the levelling up agenda. He noted that work on health inequalities had taken place but not all councillors had been briefed.

Councillor Sarah Feeney seconded the motion and reserved her right to speak.

Councillor Margaret Bell welcomed the timeliness of the motion and advised that Levelling Up and inequalities was at the top of the agenda for the ICS.

Councillor Feeney noted the importance of the motion in the context of the JSNAs identifying key issues and it would be helpful to understand the work that was taking place to address inequalities, for instance what was being done to address childhood obesity.

Councillor Holland acknowledged that the staff who would have been the driving force behind this work had been involved in the response to the Covid-19 pandemic and he paid tribute to that important work but recognised that it was now time to drive forward and take action on the issues identified in the JSNA.

Vote

A vote was held. The motion was carried unanimously.

Resolved

Council notes that Joint Strategic Needs Area Assessments were carried out in 2019. The information within those assessments was provided to the Place Based Partnerships, which provide activity updates to the Warwickshire Health and Wellbeing Board, including on prioritised activities to improve health and wellbeing and reduce inequalities.

The Council requests an update from the Warwickshire Health and Wellbeing Board on Place Based Partnership priorities and progress on reducing inequalities.

8. Member Question Time (Standing Order 7)

(1) Question to Councillor Margaret Bell from Councillor John Holland

“In December 2021 Council agreed a Motion about the West Midlands Ambulance Service. Can we have a progress report?”

Councillor Bell recognised that there was a national issue with the Ambulance Service which was also felt in Warwickshire and whilst the county was not the worst affected area, it was still feeling the impact. At the last meeting of the Health and Wellbeing Board, Nigel Minns had been asked to set up a meeting with key players to see whether there was anything that could be done in Warwickshire to mitigate ambulance delays outside hospitals and general ambulance delays getting to calls. There had been a number of operational meetings to look at specific issues and the new Integrated Care Board had agreed to put together a strategic meeting of the key players to see how the organisations could work together. This was a system issue; it was not just about ambulances and there were lots of pieces in the puzzle to fit together to make it work and this required the strategic overview meeting to be arranged. A report would be made to the next meeting of the Health and Wellbeing Board and Councillor Bell indicated that a briefing note could be circulated to members at that stage.

(2) Question to Councillor Kan Kaur from Councillor Jerry Roodhouse

“In light of the recent media coverage and the increased cost of living pressures could the Portfolio Holder state what actions WCC are taking to support school meals in Warwickshire and give assurances that the nutritional value of these meals is not being reduced.”

Councillor Kaur advised that this was a difficult question to answer as the Local Authority did not provide meals to schools. Schools chose their own suppliers. However, Educators was one of the largest suppliers of school meals in Warwickshire and had sent a letter to schools on 5 July 2022 which stated

“Dear Client. In the last couple of days there has been a lot of coverage in the press following a report published by LACA the School Food People stating that due to rising food prices some school caterers have or will switch to cheaper imported meat and change other menu items to reduce costs. I am writing to reassure you that Educators will not be going down this route. We are as committed as ever to supporting British farmers by serving British meat and do not plan to make any changes to our menus, ingredient quality, recipes or portion sizes. Things will remain as they always have: delicious, nutritious food for all. We have had to make a small number of short term changes due to supply chain issues but in most cases, these are on a like for like basis. For example a switch from British Red Tractor chicken fillets to British Red Tractor turkey fillets not due to prices increases but a lack of British chicken due to avian flu. I’m pleased to report our young diners tucked into the delicious turkey just the same with no complaints.”

Councillor Kaur indicated that she was happy to share the letter with Members.

(3) Question to Councillor Wallace Redford from Councillor Jerry Roodhouse

“Will the portfolio holder state what road safety campaigns are being run especially at drivers who are amber gambling at traffic lights.”

Councillor Wallace Redford considered that most if not all members would have experienced drivers who had jumped red and amber traffic lights and caused extremely dangerous situations. In answer to the question, the County was a provider of the National Driver Offender Retraining

Scheme in partnership with Warwickshire Police. The scheme provided educational courses as an alternative to prosecution and points. The programme was recognised as being an effective driver of behavioural change. In addition, the What's Driving Us course was provided, which was designed to change drivers' behaviour using behavioural change techniques. Clients with such offences as driving without due care and attention, jumping traffic lights, tailgating, crossing solid white lines etc were referred on to this course. The course increases clients' awareness and understanding of the cause and consequences of risky, inconsiderate driving, the importance of concentration, observation and anticipation and reasons why their own driving maybe unsafe or inconsiderate. In addition to that, the Council was partners in the National Speed Awareness and National Motorway Awareness Schemes and safe considerate driving courses which showed a blended approach to the problems that such driving abuse caused. The courses were available online or in person and 1-1 and there were also several other courses available. In addition the Road Safety Team was monitored incidences of injuries and where they occurred and how road safety issues might improve the situation. The safe and active travel programme had developed and promoted the support and delivery of road safety education and active travel intervention through schools, work places, and the community across the county. 'Driving Ambitions', the secondary school road safety education programme, was delivered to pupils in Year 7, 9, 10, 11 and 12 by the Road Safety Team in partnership with Warwickshire Fire and Rescue Service. There was quite a broad approach to road safety and in particular the issue that Councillor Roodhouse raised.

(4) Question to Councillor Seccombe from Councillor Will Roberts

"Since records began in 1893, Warwick, where we sit today hasn't seen temperatures top 30°C very often and especially not in continuous consecutive years. A trend which we are now facing. Within the last decade, Warwick has topped 30°C in 2015/16/17/18/19/20/21 and 2022. In 2019 & 2020 the temperature topped 30°C on four days with Public Health England reporting the heatwave mortality in 2019 showed significant excess deaths in the West Midlands.

This year we have already topped 30°C on 4 days, breaking I believe a record yesterday, which is forecast to be broken again today. This pattern of warming weather and more intense heatwaves is something scientists have been telling us will happen for decades and will continue to worsen. Will you agree with me that the climate emergency is having a direct impact on the health & wellbeing of Warwickshire residents. And this council should be doing more to level up on its poor Climate Action Plan."

Councillor Seccombe noted that the question fell into the portfolio responsibilities of Councillor Heather Timms and invited Councillor Timms to provide a response. Councillor Timms stated that climate change was a main priority in the Council Plan and that a delivery plan had been agreed by Cabinet. A cross party climate change group meeting had taken place in the same week as the Full Council meeting and had discussed the sustainable future strategy, which would be presented to Cabinet in October. She also commented that the Green Shoots funding was being brought forward and Warwickshire was a national leader in biodiversity. Councillor Timms concluded that she did not agree with the statement that "the Council should be doing more to level up on its poor Climate Action Plan" and she was happy to give further information to prove how far ahead Warwickshire was on the agenda.

Councillor Roberts sought clarification from Councillor Timms whether, when she said she did not agree, she was referring to the climate emergency not having a direct impact on health and

wellbeing of residents and Councillor Timms said she had not responded to statements made in the preamble to the question, and had focussed her answer on the question regarding the quality of the action plan.

(5) Question to Councillor Wallace Redford from Councillor Jan Matecki

“I was contacted by a member of public about the Blue Badge Scheme around fast tracking for people who are terminally ill. The complaint was that the county does not have a fast tracking system. Councillor Redford explained to me that we do have a fast tracking scheme whereby applications are turned around in 24 hours, not just for the terminally ill, but also other residents with a range of other issues. My question is can we advertise this on our website to avoid unnecessary stress to residents who otherwise think they have to wait six weeks for their pass?”

Councillor Redford confirmed that the information had been put on the website.

(6) Question to Councillor Peter Butlin from Cllr Jonathan Chilvers

“This question follows on from the earlier debate. I was a little bemused Councillor Butlin said there was no way to get money from academies once we had handed over school buildings (we were talking about them benefiting from lower electricity costs) and I would have thought that a simple legal agreement whereby we say we’d built to a higher standard and we share the proceeds of that was a way to do that. Will Councillor Butlin investigate that mechanism? He then went on to say if there were any savings from improved standards, again I would ask whether he will ask for research to be undertaken to ascertain the level of additional lower energy bills by improved insulation and other measures in schools.”

Councillor Butlin advised that in terms of whether or not it was possible to ‘backtrack’ and bill schools for any savings going forward, he was mindful that it was arguable that would result in money being taken from childrens’ education. In terms of whether savings could be achieved, he awaited evidence to support the use of technologies such as air source heat pumps and he would act upon the information as and when it was received.

9. Any Other items of Urgent Business

None.

The meeting rose at 1.04pm

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Chair

County Council

29 September 2022

Education Capital Programme 2022/23

Recommendation

That Council agrees to add to the capital programme the scheme delivery of a school at Myton Gardens, at a cost of £13.400 million funded from Department for Education grant.

1. Executive Summary

- 1.1 This report recommends proposals for allocating resources from within the Education (Schools) Capital Programme to the specific project set out in Section 3 and requests that the projects be added to the capital programme.
- 1.2 The Council's constitution requires that Council approves the addition to the Capital Programme of projects with a value in excess of £2,000,000.

2. Financial Implications

- 2.1 The current balance of total Basic Need capital grant confirmed but unallocated is £52.773 million following September Cabinet. This includes (net of approvals) the remaining amounts that the DfE have confirmed the Council will receive in further Basic Need capital grant allocations of **£40.850 million** in 2023/24 and **£21.366 million** in 2024/25.
- 2.2 The Service holds resources for school investment which are not currently included in the approved Capital Programme, this is largely from the following:
- confirmed Basic Need grant to be received up to 2024/25,
 - other grants/contributions held for specific purposes,
 - developer contributions currently held but unallocated; and
 - one historically earmarked capital receipt.
- 2.3 This is summarised as follows:

Available Resources (unallocated)	2022/23	2023/24	2024/25	2025/26	Total
	£'000	£'000	£'000	£'000	£'000
Basic Need Grant	0	31,407	21,366	0	52,773
High Needs Grant	7,671	6,008	0	0	13,679
Schools Condition Allocation	2,197	0	0	0	2,197

Special Provision Fund	19	0	0	0	19
s.106*	46,759	0	0	0	46,759
Earmarked Capital Receipts	2,113	0	0	0	2,113
	58,759	37,415	21,366	0	117,540

* The s.106 balance consists of funds the authority currently holds in cash as received from developers but is linked to over 200 separate s.106 agreements and, therefore, flexibility of funding is limited to the conditions of the individual agreements.

- 2.4 The project costs outlined within this report total **£13.400 million** which is funded from Basic Need funding.
- 2.5 There is no remaining education capital funding available for allocation from the balances held and received in 2022/23. However, the allocation within this report will be drawn down against the remaining 2023/24 funding of £31.407 million with estimated spend due to be in 2023/24 and 2024/25.
- 2.6 In order to ensure that the decisions in this report do not directly lead to a cashflow shortfall between when the Basic Need grant instalments are received and when they are spent, an analysis of the grant available compared to the profile of expenditure once approved is provided in the table below:

Available Resources	2022/23	2023/24	2024/25	Total	Remaining Unallocated Basic Need
	£'000	£'000	£'000	£'000	
Basic Need Grant (Cash)	19,402	40,850	21,366	81,618	81,618
May Cabinet	-325	-4,658	-3,069	-8,052	73,566
July Cabinet	-790	-11,330	-7,465	-19,585	53,981
September Cabinet	-1,505	-6,809	-4,486	-12,800	41,181
	18,782	18,053	6,346	41,181	

- 2.7 The table demonstrates that current approvals do not leave a cash flow funding shortfall in the Capital Programme in any year in which Basic Need grant is held or received.
- 2.8 It should be appreciated that costing accuracy typically increases as a project proceeds through its development through to delivery. Projects that are at the stage of strategic business case development have about a 40% costing confidence evolving through the outline business case (60%); detailed business case (planning) 85% and to the point where a Contractor is under contract (97%).

- 2.9 Where cost confidence is lower appropriate contingency figures are included in the cost estimates to account for this. Inclusion of contingency figures are expected to mitigate the majority of cost increases experienced as the project progresses and costs become more certain. An internal process is currently being devised to strengthen governance regarding contingency funding to ensure appropriate use. This will include enhanced officer oversight and scrutiny of requests to utilise project contingency funding.
- 2.10 Any contingency allocation not required to deliver the scheme as specified will be returned to the remaining unallocated balance of basic need funding and available to be allocated to meet future demand.

3. Proposals for addition to the 2022/2023 Education Capital Programme

Myton Gardens (new primary school in Warwick)

- 3.1 4500 new homes in the South Leamington/Warwick area will generate an estimated additional 6 to 7 forms of entry or FE (1260 to 1470 pupils), per year group in Warwick District. This is in excess of what could be accommodated on existing school sites and is directly aligned to housing growth with new provision being delivered within these new communities.
- 3.2 Myton Gardens is the third of four primary schools proposed to meet the need for school places as a result of the large scale housing development in the area. The first new primary school, Heathcote Primary School, opened in September 2017 and has been expanded to accommodate 2FE entry. The second primary provision will be within the all-through provision at Oakley Grove due to open in September 2024. The fourth is likely to be beyond the 5 year forecast period.
- 3.3 The new primary school will consist of early years provision (40 fte places ages 0-4), a 2FE (420 places) primary school with capacity on site to expand to 3FE longer term, with a SEND resource provision included within the primary provision (8-14 places).
- 3.4 The design of the primary school and site layout has been future proofed to accommodate expansion to 3FE if required in future years, based on current forecasts this is not expected to be required within the next five years. In addition, the vehicle access and car parking will be configured to allow future shared access to the existing Evergreen School adjacent to the site if required should expansion of the special provision be undertaken.
- 3.5 This new school will be opened via the free school presumption route and the responsibility for delivery and funding of this project will reside with the County Council. As part of this process, a competition will be undertaken for Multi-Academy Trusts to bid for the opportunity to operate the new school. The presumption competition to select the sponsor Academy Trust will run in Autumn 2022, with the successful Trust being appointed in Spring 2023. The

presumption competition process is determined by the Department for Education for all local authorities when delivering new schools.

- 3.6 The total cost of the project has been estimated at £13.400 million. The project is still evolving through to outline business case, with the outcome of ecological surveys continuing to be assessed, therefore contingency has been included to provide against possible cost increases experienced as the project progresses and costs become more certain.
- 3.7 The developer funding collected for this area has already been allocated to the new all-through school at Oakley Grove, the delivery of Heathcote Primary School and the expansion of Champion School.
- 3.8 Council is asked to agree the proposal to allocate £13.400 million funded as follows and to agree to its addition to the Capital Programme:

Education Capital Resources £13.400 million

4. Environmental Implications

- 4.1 Where feasible, the County Council will look to use modern methods of construction to achieve efficiencies and benefits particularly in terms of time, cost, and the environment.
- 4.2 Environmental risk assessments, together with mitigation statements to reduce any potential environmental impacts, are required for any capital project.
- 4.3 Larger scale projects will follow design objectives to ensure revenue costs are reduced and sustainable schemes are delivered within the financial envelope. This will be done incorporating design features to minimise heating and cooling demands, the careful selection of building materials, air tightness, and the inclusion of renewable energy features where economically feasible.
- 4.4 Proposed schemes aim to ensure the sufficiency of, and accessibility to, provision in local settings avoiding the need to travel further afield to access education or childcare provision.
- 4.5 All future schools will be developed in accordance with to statutory regulations which include the revised Building Regulations 2021. These new building regulations include significant changes to the regulations around ventilation, energy efficiency and overheating, electric vehicle charging and a number of smaller supporting elements of the regulations. Schools will therefore be built to new standards that are expected to produce lower carbon dioxide omissions compared to previous standards and will also be assessed using primary energy metrics.

5. Background Information

- 5.1 Proposals to increase the number of pupils admitted at schools across a wide area of Warwickshire are explained within this report. Further information relating to how the Council plans for and anticipates the growth in demand for school places, is laid out in the [Education Sufficiency Strategy](#) and [Annual Sufficiency Update](#).
- 5.2 All proposed education capital projects are considered against independently published third-party data to benchmark the cost to the Council of providing school places and ensuring effective allocation of resources.
- 5.3 Whilst the issue of sufficiency of provision has to take priority, it is important to ensure that schools that are not expanding are able to continue to operate within their existing accommodation. Details of proposed schemes to make improvements to existing schools are set out below. It is also important to recognise that whilst we are committed to offering good or outstanding places and investing in these schools, we are also committed to investing in schools struggling with improvements where the investment addresses capacity, education delivery, half forms to whole forms of entry and defects.
- 5.4 Where possible, and where economies of scale allow, expansions and building works will also address other factors such as: encouraging infant and junior to become primary, pre-school requirements in an area, providing specialist SEN provision, and any outstanding DDA requirements.
- 5.5 The current available funding is set out in Section 2.
- 5.6 There has recently been a significant increase in construction cost inflation with contributing factors such as international conflicts, rising energy prices, HS2, EU exit and to a lesser extent Covid-19 impacting the market. This is resulting in both labour and material shortages resulting in higher tendered prices than have been usual in recent years. The likely ongoing impact of HS2 and EU exit over the next few years mean that these pressures are anticipated to continue. As a result, contractors are factoring in both known and likely future cost increases into their tenders. Further, inflation provision within contracts may mean price adjustments over the life of longer term projects.
- 5.7 Although Education Services are the overall commissioner of the schemes outlined in this report, there is a close working relationship with Strategic Asset Management and Enabling Services to ensure a joined up approach across the Council at each stage of project delivery.

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

Local Member: Cllr Singh Birdi

County Council

29 September 2022

The Impact of Inflation on the Capital Programme

Recommendations

That Council:

1. Sets aside £15m of the Capital Investment Fund to create an Inflation Contingency Fund to manage the impact of inflation on the approved capital programme; and
2. Delegates authority to make allocations from the Fund to the Strategic Director for Resources, in consultation with the Portfolio Holder for Finance and Property in accordance with the proposals in paragraph 2.9.

1. Purpose of the Report

- 1.1. Building and highway construction and maintenance industries continue to exhibit strong evidence of instability on the back of the EU Exit and the Covid pandemic, compounded locally by the impact of HS2, with the consequence that inflation indices have been increasing over the last two years. This has fed through into cost pressures for the Authority and the on-going war in Ukraine is having a significant impact on top of these existing challenges, affecting the availability and cost of critical materials such as steel, iron and timber. Oil and gas prices have also risen rapidly and remain unstable. Bituminous products, i.e. asphalts etc., are being heavily impacted and materials that require intensive energy input, such as, bricks, plastics and ceramics are expected to continue to rise as are the costs of transportation due to rising fuel prices. The latest overall construction material price index stood at 26.4% for June 2022 (published 3 August).
- 1.2. With these current high levels of inflation there are now a number of projects across the capital programme that are identifying a need for additional funding to allow the schemes to continue through to completion.
- 1.3. The purpose of this report is to seek approval of an approach to the management of these requests that supports efficient and timely decision-making.

2. Approach to the Funding of Inflationary Uplifts on the Capital Programme

- 2.1. The statutory basis of capital spending in local authorities requires that capital spend is not incurred and contracts are not entered into unless full funding of the estimated total cost of a scheme is in place. It is accepted that on occasion the cost of a capital scheme may change at various stages in a project, for example, once tenders are received or if unplanned work becomes necessary. The Council's financial rules and regulations allow for this circumstance and set out how Services seek approval for a budget variation before entering into any commitment which will cause the total project cost to exceed the budget approved. This requires Member approval of any increase in the total cost of a scheme, with the route to achieving this depending on the source of additional funding.
- 2.2. Members approved additional inflation allocations to assist in retaining the 'buying power' of the maintenance allocations that formed part of the 2022/23 Medium Term financial Strategy approved in February 2022. However, no additional funding was allocated for the impact of inflation on approved investment projects. Initial work with Services has identified 47 schemes in the approved capital programme where it is likely schemes will need additional funding approved to deliver the projects in full, with an average cost uplift in the region of 18%.
- 2.3. Due diligence is on-going with Services to firm up the estimated inflationary uplifts covering:
- Evidence the cost increase is due to inflation and not to other changes to the scheme such as changes to the scope, planning/building guidelines or the tender specification;
 - The extent to which the additional cost can be absorbed through value engineering, reducing the scope of the scheme or working closely with contractors to anticipate and where possible manage price and delivery pressures in the supply chain;
 - The availability of alternative funding sources to fund the cost increases; and
 - An analysis of the residual risks being covered by scheme contingencies and the extent to which any of the contingency can be made available to offset the inflationary uplift needed.
- 2.4. This work is expected to bring the estimated inflationary impact down, but it will not remove the need to identify additional resources to complete schemes that

are currently part way through construction or where, despite the increased cost, it is agreed the scheme needs to be completed to the original timeframe. There is a real risk, if a timely way forward is not identified, that delays will simply increase the inflationary pressures and delivery challenges further. It is therefore prudent to earmark contingency funding to efficiently manage the current difficult situation and underwrite the cost of inflation on individual schemes where it cannot be met from approved budgets.

- 2.5. Since 2018/19 the Capital Investment Fund (CIF) (or rather the Council borrowing that resources CIF) has been the source of funding required to deliver the Council's ambitions for investment in Warwickshire's infrastructure, once all other funding options have been explored. Subject to the benefits from any of the mitigating work set out above, CIF is also the only available source of funding for an inflationary uplift contingency. There is an opportunity cost to using CIF to fund the impact of inflation on investments in the approved capital programme as it will reduce the funding available to invest in other projects that support the Council's priorities and ambitions.
- 2.6. The current approval processes for variations to the capital programme mean that each individual request for an allocation from CIF to meet the cost of inflation will require a separate Cabinet report as well as a review of an updated business case by the CIF Technical Evaluation Panel. (If the amount being requested is over £2m then the Cabinet report will lead to a recommendation to full Council).
- 2.7. Rather than having to prepare a series of reports on a scheme-by-scheme basis, and to avoid the capacity implications of a series of business cases having to be updated and reassessed, Council is recommended to approve setting aside a part of the CIF in an Inflation Contingency Fund to fund inflationary uplifts on investment schemes in the approved capital programme.
- 2.8. Any allocation from CIF to meet the inflationary uplift needed will reduce the funding available for the Council's investment priorities that will drive the delivery of the Council Plan and the Levelling Up strategy. Therefore, any process for making additional inflation allocations to individual schemes needs to be rigorous and confirm that the benefits expected from the scheme remain a priority for the organisation.
- 2.9. To ensure this, if the creation of an Inflation Contingency Fund is supported, the approach to approving an allocation from the Fund to an individual scheme would operate as follows:
 - 1) Services complete a request for additional funding to meet the impact of inflation on schemes in the capital programme currently underway.

- 2) The request goes through a due diligence process, as set out in paragraph 2.3, and co-ordinated by Finance.
 - 3) For those schemes where the need for an inflationary uplift can be evidenced a summary report is submitted to the Strategic Director for Resources, as the Authority's Section 151 officer, for approval and with the delegated authority to add the additional funding for the scheme to the capital programme, following consultation with the Portfolio Holder for Finance and Property, or for referral back to Cabinet for a decision. All allocations from the Fund in excess of £1m will automatically be referred back to Cabinet for approval or onward recommendation to Council if an uplift of more than £2m is required.
 - 4) Monthly monitoring reports to Corporate Board and the quarterly reports to Cabinet will provide an update on the decisions made.
 - 5) Any funding set aside in the Inflation Contingency Fund not needed to provide for the impact inflationary uplifts on the approved capital programme is returned to CIF for allocation to future priority schemes.
- 2.10. To ensure the best use of Council resources there will be two exemptions for access to the Fund. These are:
- Schemes in the approved capital programme where works contracts have yet to be agreed. Before being eligible to access the Fund such schemes will go through a precursor screening to review whether the risks, such as service, financial or reputational, are such that the Authority still wishes the scheme to proceed despite the increase in funding required. These reviews will be led by the Strategic Director for Resources in conjunction with the Chief Executive, Leader and Portfolio Holder; and
 - Any increase in scheme costs not due to inflation.

Any scheme not meeting the requirements for access to the Inflation Contingency Fund will be considered as part of the wider prioritisation of the use of CIF resources as part of the 2023/24 MTFS refresh.

3. Level of the Allocation to the Inflation Contingency Fund

- 3.1. The most difficult judgement in determining the level of the CIF set aside to meet the inflationary uplift on the approved capital programme is to ensure it is sufficient without reducing the remaining CIF unnecessarily. The initial work on the impact of inflation on the capital programme identified a potential ask of an 18% uplift. Work to date suggests that once cost uplifts not related to inflation or where alternative funding is available e.g. education capital grant, the inflation only element is more likely to be in the region of £15m to £20m. It is therefore recommended that, at this stage, an allocation of £15m is approved.

- 3.2. Recognising the use needs to be time-limited as it only relates to schemes already approved and underway, any change to this figure (upwards or downwards) will be considered as part of the 2023/24 MTFS refresh to be approved by Council in February 2023 and, if still required, be reviewed at least annually thereafter.

4. Financial Implications

- 4.1. The current level of the unallocated CIF is £116.3m. The use of £15m of this funding to meet the cost of inflation on the approved capital programme that cannot be mitigated or resourced from elsewhere would reduce the remaining CIF by 13% to £101.3m.
- 4.2. This allocation is affordable within the Medium Term Financial Strategy (MTFS). A consequence of reducing the unallocated CIF is that a greater degree of prioritisation will be required as to which new schemes are affordable and provide the most effective use of the Council's scarce capital resources.
- 4.3. Work on the development of a pipeline of capital investment schemes aligned to the Areas of Focus in the Council Plan and the approved Delivery Plan is currently underway as part of the preparation for the 2023/24 MTFS Refresh.

5. Environmental Implications

- 5.1. There are no direct environmental implications as a result of this report.

6. Background Papers

- 6.1. None

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Elected Members have not been consulted in the preparation of this report.

Council

29 September 2022

Officer Delegations

Recommendations

That Council:

1. Approves the amendments to the Constitution as set out in Appendix 1 to this Report.
2. Authorises the Strategic Director for Resources to make any consequential amendments to any Human Resources or other corporate policies required as a result of the statutory guidance on special severance payments and the consequent changes to delegations.

1. Executive Summary

- 1.1 The Council is required by legislation (section 37 Local Government Act 2000) to have a Constitution which sets out the governance arrangements by which the Council will operate. The Constitution provides the basis on which the Council operates and where powers are to be exercised and decisions taken. Part 2 of the Constitution sets out the responsibilities for Council functions with delegations to officers set out at Part 2(10).
- 1.2 The existing Constitution (including the Contract Standing Orders and Financial Regulations that are contained within it) was reviewed in 2021/22. In December 2021, Council approved changes proposed as a result, which had previously been considered and supported by Cabinet. Since then, as a result of changes in legislation and national policy direction, further changes are proposed to Part 1(9) (Finance, Contracts and Legal Matters) and Part 2(10) (Delegations to Officers) of the Constitution. These sections are set out with the proposed amendments tracked at Appendix 1. On 8 September 2022 Cabinet endorsed the proposed amendments and recommended that Council approve them.

2. Proposed Changes to the Constitution

- 2.1 The reasons for the proposed changes to the Constitution are set out in more detail below and the specific changes proposed are detailed at Appendix 1. Overall, the proposed changes are to reflect a change in the law in relation to special severance payments and to ensure that the scheme of delegation to officers is clear and up to date and enables the Council to undertake its

business in the most effective and efficient way. In summary the proposed changes are as follows:

2.2 Delegations relating to Fire & Rescue functions

2.2.1 It is proposed that functions relating to fire and rescue are directly delegated to the Chief Fire Officer (CFO). These functions are currently delegated to the Strategic Director for Communities who can in turn onward delegate them to the CFO. With the exception of the proposed change set out at 2.3 below, no further specific changes are being proposed to these delegations at this time. This report simply proposes that the existing functions listed are delegated directly to the CFO rather than to the Strategic Director for Communities with onward delegation to the CFO.

2.2.2 The direct delegation of functions relating to fire and rescue is being proposed to ensure that the delegations reflect the accountability of the CFO and the operational leadership required for fire and rescue. It also aligns with the direction of travel of fire and rescue reform, in particular as set out in the White Paper and Consultation document published by the Government in May 2022. The White Paper contains proposals to strengthen governance in fire and rescue services in England. In particular, it proposes strengthening the operational independence of the CFO and more clearly defining the role in legislation or statutory guidance.

2.2.3 Whilst significant changes to governance arrangements cannot be made until the outcome of the consultation is known, it is proposed that direct delegations to the CFO would be preferable at this stage to reflect the operational independence of the CFO and to ensure that the CFO as the person who is seen to be accountable, has the direct authority to make those decisions. This provides greater alignment between accountability and the operational decision maker, especially in the context of critical operational / emergency decisions that need to be taken. It is also in line with potential changes arising from national reform.

2.2.4 In addition to the above proposed change, it is proposed that the statutory references are updated to include recent relevant legislation.

2.3 Delegations relating to discharge of Fire & Rescue functions under the Regulatory Reform (Fire Safety) Order 2005 and other statutory provisions

2.3.1 The Regulatory Reform (Fire Safety) Order 2005 (FSO) – provides a framework for regulating fire safety in all non-domestic premises including workplaces and the parts of multi-occupied residential buildings used in common in England and Wales. The “enforcing authority” under the FSO is the fire and rescue authority for the area where the relevant premises are situated.

2.3.2 The FSO also gives wide powers to Inspectors to take such action as is necessary to ensure that fire safety is maintained and enforced. This includes the power to enter premises and to make enquiries of third parties.

2.3.3 The FSO requires an Inspector visiting a premises to produce evidence of their authority if required.

2.3.4 The Council's Constitution currently delegates authority to the Strategic Director for Communities:

To exercise the Council's powers of inspection and enforcement to appoint officers in the fire & rescue service as inspectors and otherwise to authorise in writing officers in the Fire & Rescue Service to exercise powers of entry on to premises, investigation, sampling and inspection and all supplementary powers and to issue all notices and licences in relation to the listed enactments.

2.3.5 Whilst this enables the Strategic Director for Communities or his nominee to appoint officers from Warwickshire Fire and Rescue as inspectors or otherwise authorise them to exercise those powers, this does not extend to officers from another fire and rescue authority.

2.3.6 Warwickshire Fire and Rescue Service is seeking to authorise inspectors from West Midlands Fire Service (WMFS) to assist in the discharge of their functions under the FSO. This will be limited to investigation of compliance with the FSO and will not extend to enforcement activities as these can only be delegated to employees of the relevant "enforcing authority". It is therefore proposed that this delegation is amended to enable appointments and authorisations to officers from other fire and rescue authorities.

2.4 **Delegations relating to the Council's functions as a provider of Gypsy and Traveller related accommodation**

2.4.1 The Council exercises its power to provide and manage sites where caravans may be brought for use for temporary purposes or for use as a permanent residence in accordance with Section 24 Caravan Sites and Control of Development Act 1960. In particular, it does so by providing land for use as permanent and temporary accommodation for members of the Gypsy and Traveller community. Those sites are 'protected sites' as defined by the Caravan Sites Act 1968 and any agreement permitting occupation of a protected site is subject to the Mobile Homes Act 1983. The Mobile Homes Act 1983 implies certain terms and conditions into agreements of occupation including obligations on the Council as owners of protected sites.

2.4.2 The Council has a dedicated Gypsy and Traveller Service within the Communities Directorate to manage the operation of the sites. That management function includes the application of the Council's Gypsy and Traveller Site Registration and Allocation Policy and the execution of the Mobile Homes Act 1983.

2.4.3 The existing Constitution is silent as to the powers and duties of the Council in its discharge of the power to provide caravan sites for either temporary or permanent residence for the Gypsy and Traveller community such powers being considered to fall within the general powers of the Strategic Director for Communities. It is therefore proposed that for clarity there should be a specific delegated authority to the Strategic Director for Communities, in consultation with the Strategic Director for Resources (in respect of land/property) to exercise any function in respect of the provision of accommodation for the Gypsy and Traveller community and which may be conferred on the County Council at any time by the Caravan Sites and Control of Development Act 1960 and the Mobile Homes Act 1983 (or by that legislation as amended or re-enacted at any time) or by any subordinate legislation or any direction, designation, appointment, order or other instrument of government.

2.5 Responsibilities and delegations relating to special severance payments

2.5.1 On 12 May 2022, the Department for Levelling Up, Housing and Communities issued new statutory guidance on the making and disclosure of Special Severance Payments by local authorities. The guidance forms part of the best value regime for local authorities as set out in the Local Government Act 1999 and is issued under section 26 of that Act.

2.5.2 The guidance sets out the types of severance payments that are (or may be considered to be) Special Severance Payments. Such payments are generally 'ex gratia' in nature and include compensation payments made under settlement agreements in order to settle employment related claims, and may also include payments in lieu of an employee's notice period and discretionary payments to enhance pension benefits.

2.5.3 Certain payments are not considered to be Special Severance Payments, including payments in respect of annual leave, redundancy, pension strain costs arising from redundancy or efficiency retirements, pension payments in respect of ill health retirements and payments made pursuant to ACAS early conciliation, mediation or a court order.

2.5.4 The guidance sets out the exceptional circumstances in which it may be appropriate to consider making a Special Severance Payment, and the considerations that local authorities should take into account.

2.5.5 The expected approval process is set out in the guidance, as follows:

- 2.5.5.1 payments of £100,000 and above must be approved by full Council;
- 2.5.5.2 payments of £20,000 and above, but below £100,000, must be approved and signed off by the Head of Paid Service, with a clear record of the Leader's approval (and that of any others who have signed off the payment); and
- 2.5.5.3 payments below £20,000 must be approved according to the local authority's scheme of delegation.

2.5.6 Currently, the power to settle claims, including in relation to employment matters, is delegated to both the Chief Executive and the s151 Officer with an onward delegation to the Monitoring Officer. The Monitoring Officer consults with the s151 Officer in respect of any settlement payment over £10,000.

2.5.7 Accordingly, the current delegations within the Constitution require updating to take account of the expected approval process and relevant limits for the making of payments which are Special Severance Payments.

2.5.8 Council is also being asked to authorise the Strategic Director for Resources to make any consequential amendments to Human Resources or other corporate policies relating to Special Severance Payments required as a result of the statutory guidance on Special Severance Payments and the subsequent changes to delegations.

2.5.9 The Council's annual pay policy statement is currently compatible with the changes to the approvals process for Special Severance Payments. However, the policy will require updating for 2023/24 to remove references to 'exit payments'. This will be taken to Council for approval in February 2023, in line with our reporting cycle.

3. Financial Implications

3.1 There are no direct financial implications arising from this report.

4. Environmental Implications

4.1 There are no direct environmental implications to this report.

5. Timescales associated with the decision and next steps

5.1 On 8 September Cabinet endorsed the proposals and recommended that Council approve them. If approved by Council, the proposed amendments will

be made to the Constitution.

Appendices

Appendix 1 – proposed changes to the Constitution (tracked against current version)

Background Papers

None

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Portfolio Holder	Cllr Andy Jenns Portfolio Holder for Customer & Transformation	andyjenns@warwickshire.gov.uk

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

Local Member(s): N/A

Other members: Cllr Butlin; Cllr Chilvers; Cllr Holland; Cllr Roodhouse; Cllr Seccombe

Cabinet 8 September 2022
Officer Delegations - Appendix
Proposed changes to the Constitution

Part 1(9) Finance Contracts and Legal Matters

9.3 Legal Proceedings

The Hhead of Ppaid Sservice or any other officer authorised by them has authority to institute, defend, settle or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Ccouncil or in any case where they consider that such action is necessary to protect the Ccouncil's interest, or otherwise where permitted at law subject to prior consultation with the Monitoring Officer.

With regard to the settlement of any legal proceedings where the settlement terms include the payment of a 'special severance payment', such payment shall be approved as follows:

- (i) The full Council must approve any special severance payments of £100,000 and above; and
- (ii) The approval of the Head of Paid Service and the Leader of the Council must be obtained and recorded for any payments of £20,000 or above but below £100,000 (alongside the approval of any other officers who have approved the payment).

Part 2(10) Delegations to Officers

10.1 Chief Executive

CHIEF EXECUTIVE or their nominees			
	Powers and duties	Statutory Reference	Function Type
22	To institute, prosecute or to defend, compromise to settle (save in the case of special severance payments of £100,000 or above) or to appear in any legal proceedings <u>or prospective legal proceedings and to approve jointly with the Leader of the Council any special severance payments where such payment is £20,000 or above but below £100,000.</u>	Section 222, The Act of 1972 and any other enactment conferring powers on the council <u>Guidance made under Section 26, Local Government Act 1999 relating to special severance payments</u>	Executive or non-executive depending on the context

10.2 Strategic Director for Resources

STRATEGIC DIRECTOR FOR RESOURCES or their nominees shall have the following powers and duties other than those of the Monitoring Officer in Article 7.3			
Governance			
	Powers and duties	Statutory Reference	Function Type
10	To institute, prosecute or to defend, compromise to settle (save in the case of special severance payments of £20,000 or above) or to appear in any legal proceedings <u>or prospective legal proceedings.</u>	Section 222, The Act of 1972 and any other enactment conferring powers on the council	Executive or non-executive depending on the context
19	In consultation with the chief fire officer: (i) to exercise the council's powers of inspection and enforcement; (ii) to issue all notices and licences; and (iii) to institute legal proceedings in relation to the listed enactments.	Safety of Sports Grounds Act 1975; Fire Safety & Safety of Places of Sport Act 1987; Regulatory Reform Act 2001; the Regulatory Reform (Fire Safety) Order 2005; <u>the Fire Safety Act 2021; the Building Safety Act 2022;</u> and any Orders, Regulations or Directives made amending, varying, extending or re-	Non-executive

10.4 Strategic Director for Communities

STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees			
Fire and Rescue			
	Powers and duties	Statutory Reference	Function Type
1	To discharge the powers, duties and responsibilities of the council as a fire & rescue service, including in particular: (i) the promotion of fire safety; (ii) the extinguishment of fires and the protection of life and property; (iii) the rescue of persons from road traffic accidents; and (iv) responding to emergencies and other incidents likely to cause harm to persons or to the environment.	Fire & Rescue Services Act 2004 and any Fire & Rescue Service National Framework made by the Secretary of State under Section 21 of the Act and for the time being in force; Safety of Sports Grounds Act 1975; Fire Safety & Safety of Places of Sport Act 1987; Civil Contingencies Act 2004 and any Orders, Rules, Regulations or Directives made amending, varying, extending or re-	Executive or non-executive depending on the context
2	To authorise in writing officers in the fire & rescue service to exercise emergency powers of fire prevention, firefighting or rescue including powers of entry on to premises, moving or breaking into vehicles, closure of highways, traffic regulation and restriction of access to premises and all supplementary statutory powers.	Section 44, Fire & Rescue Services Act 2004 and any Orders, Rules, Regulations or Directives made amending, varying, extending or re-enacting the same	Executive or non-executive depending on the context
3	To exercise the council's powers of inspection and enforcement to appoint officers in the fire & rescue service as inspectors and otherwise to authorise in writing officers in the fire & rescue service to exercise powers of entry on to premises, investigation, sampling and inspection and all supplementary powers and to issue all notices and licences in relation to the listed enactments.	Fire & Rescue Services Act 2004; Safety of Sports Grounds Act 1975; Fire Safety & Safety of Places of Sport Act 1987; Regulatory Reform (Fire Safety) Order 2005 and any Orders, Rules, Regulations or Directives made amending, varying, extending or re-enacting the same.	Executive or non-executive depending on the context

STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees (cont'd)			
Fire and Rescue (Cont'd)			
	Powers and duties	Statutory Reference	Function Type
4	To deal with all standard requests for secondary employment from uniformed personnel in accordance with the criteria laid down in the National Scheme of Conditions of Service and the department's appropriate service orders; requests only to be referred to the regulatory committee where the proposed secondary employment is of an exceptional nature and clearly requires special consideration.	Section 112, Local Government Act 1972; Fire & Rescue Services Act 2004	Non-executive
5	Authority to make representations in response to applications under the Licensing Act 2003 on behalf of the council as fire authority.	Licensing Act 2003	Executive
6	Authority to make representations in response to applications made under the Gambling Act 2005 and in response to consultation on the Licensing Authorities licensing policies (authority is also given to the Chief Executive and the strategic director for people).	Gambling Act 2005	Executive
7	To determine disputes on terms and conditions satisfactory to the Strategic Director for Resources under the Firefighters' Internal Pension Dispute Resolution Procedures and to nominate appropriate persons to whom such disputes should be referred for a decision in the first instance.	Section 50, Pensions Act 1995	Non-Executive

STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees (cont'd)			
Trading Standards (cont'd)			
	Powers and duties	Statutory Reference	Function Type
4	<p>To institute legal proceedings and to appear on behalf of the council before any Court of Summary Jurisdiction in any proceedings brought under the legislation listed.</p> <p>To exercise the statutory powers and duties of the council to appoint designate, nominate or otherwise authorise suitably qualified and competent officers and persons (whether or not employees of the council), including a chief inspector of weights and measures and other inspectors to enforce all or any part of the listed legislation.</p> <p>Any functions which may be conferred on the County Council at any time by the legislation listed (or by that legislation as amended or re-enacted at any time) or by any subordinate legislation or any direction, designation, appointment, order or other instrument of government made under or for the purposes of that legislation including for the avoidance of doubt any powers of entry, inspection, seizure or other investigation and any power to designate, appoint or otherwise authorise any other person (whether or not an employee of the County Council) for the purpose of the exercise of any such functions, but excluding the power to conduct legal proceedings in a court other than a court of Summary Jurisdiction which is reserved to the Chief Executive in consultation with the Monitoring Officer</p>	<p><u>Air Quality (Domestic Solid Fuels Standards)(England) Regulations 2010</u></p> <p>Animal Health (Hygiene, Sampling etc. and Enforcement)(England) Regulations 2015 Animal Health Act 1981; Animal Health and Welfare Act 1984; Animal Welfare Act 2006; Animals Act 1971; Animals & Animal Products (Examination for Residues & Maximum Residue Limits) (England & Scotland) Regulations 2015; Anti-Social Behaviour Act 2003 - section 54; Apprenticeships, Skills, Children & Learning Act 2009; Avian Influenza (Preventative Measures) (England) Regulations 2006; Beef and Veal Labelling Regulations 2010; Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013; Birmingham Commonwealth Games Act 2020; Business Protection from Misleading Marketing Regulations 2008; Cancer Act 1939; Cattle Identification Regulations 2007; Children and Families Act 2014; Children and Young Persons Act 1933; Children and Young Persons (Protection from Tobacco) Act 1991; Clean Air Act 1993 – Part IV; Client Money Protection Schemes for Property Agents (Requirement to Belong to a Scheme etc.) Regulations 2019 Climate Change Act 2008; Companies Act 2006; Consumer Credit Act 1974; Consumer Protection Act 1987; Consumer Protection from Unfair Trading Regulations 2008;</p>	<p>Executive</p> <p>or non-executive</p> <p>depending on the context</p>

STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees (cont'd)			
Trading Standards (cont'd)			
	Powers and duties	Statutory Reference	Function Type
4	Cont'd	Consumer Rights Act 2015; Copyright, Design & Patents Act 1988; Counter Terrorism Act 2008; Crossbows Act 1987; Criminal Justice Act 1988 – Part XI; Criminal Justice and Police Act 2001; Dangerous Dogs Act 1991; Dogs Act 1906; EC Fertilisers (England and Wales) Regulations 2006 Education Reform Act 1988 Part IV; Energy Act 1976 & 2011 Part 1); Enterprise Act 2002; Environmental Protection Act 1990; Equine Identification (England) Regulations 2018; Estate Agents Act 1979; European Union (Withdrawal) Act 2018 as it continues to give effect to legislation made under the European Communities Act 1972 which the council has a duty to enforce; Explosives Act 1875; Fireworks Act 2003; Food and Environment Protection Act 1985; Food for Specific Groups (Information and Compositional Requirements)(England) Regulations 2016; Food Safety Act 1990; Food Safety and Hygiene (England) Regulations 2013; Forgery and Counterfeiting Act 1981; Fraud Act 2006; Genetically Modified Organisms (Traceability and Labelling) (England) Regulations 2004; Hallmarking Act 1973; Health Act 2006; Health and Safety At Work etc. Act 1974; Housing and Planning Act 2016; Intellectual Property Act 2014 Knives Act 1997;	Executive or non-executive depending on the context

STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees (cont'd)			
Trading Standards (cont'd)			
	Powers and duties	Statutory Reference	Function Type
4	Cont'd	Legal Services Act 2007; Licensing Act 2003; Malicious Communication Act 1988; Medicines Act 1968; Motor Cycle Noise Act 1987; Offensive Weapons Act 2019; Official Controls (Animals, Feed and Food) (England) Regulations 2006; Official Feed and Food Controls (England) Regulations 2009; Olympic Symbol etc. (Protection Act) 1995; Organic Products Regulations 2009; Osteopaths Act 1993; Pesticides (Maximum Residue Levels) (England and Wales) Regulations 2008; Performing Animals (Regulation) Act 1925; Petroleum (Consolidation) Regulations 2014; Prices Act 1974; Products of Animal Origin (Disease Control) (England) Regulations 2008; Protection of Animals Act 1911; Psychoactive Substances Act 2016; Public Health Acts 1936 & 1961; Registered Designs Act 1949; Regulatory Enforcement Sanctions Act 2008; Restriction of Offensive Weapons Act 1959; Road Traffic Acts 1988 & 1991; Road Traffic Offenders Act 1988; Tenant Fees Act 2019; Theft Act 1968; Tobacco Advertising and Promotions Act 2002; Tobacco and Related Products Regulations 2016; Trade Descriptions Act 1968; Trade in Animals and Related Products Regulations 2011;	Executive or non-executive depending on the context

STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees (cont'd)			
Trading Standards (cont'd)			
	Powers and duties	Statutory Reference	Function Type
4	Cont'd	Trade Marks Act 1994; Unsolicited Goods and Services Act 1971; Unsolicited Goods and Services (Amendment) Act 1975; Video Recordings Act 1984; Vehicle (Crime) Act 2001; Weights and Measures Act 1985	Executive or non-executive depending on the context

STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees (cont'd)			
Trading Standards (cont'd)			
	Powers and duties	Statutory Reference	Function Type
4	Cont'd	Legal Services Act 2007; Licensing Act 2003; Malicious Communication Act 1988; Medicines Act 1968; Motor Cycle Noise Act 1987; Offensive Weapons Act 2019; Official Controls (Animals, Feed and Food) (England) Regulations 2006; Official Feed and Food Controls (England) Regulations 2009; Olympic Symbol etc. (Protection Act) 1995; Organic Products Regulations 2009; Osteopaths Act 1993; Pesticides (Maximum Residue Levels) (England and Wales) Regulations 2008; Performing Animals (Regulation) Act 1925; Petroleum (Consolidation) Regulations 2014; Prices Act 1974; Products of Animal Origin (Disease Control) (England) Regulations 2008; Protection of Animals Act 1911; Psychoactive Substances Act 2016; Public Health Acts 1936 & 1961; Registered Designs Act 1949; Regulatory Enforcement Sanctions Act 2008; Restriction of Offensive Weapons Act 1959; Road Traffic Acts 1988 & 1991; Road Traffic Offenders Act 1988; Tenant Fees Act 2019; Theft Act 1968; Tobacco Advertising and Promotions Act 2002; Tobacco and Related Products Regulations 2016; Trade Descriptions Act 1968; Trade in Animals and Related Products Regulations 2011;	Executive or non-executive depending on the context

STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees (cont'd)			
Trading Standards (cont'd)			
	Powers and duties	Statutory Reference	Function Type
4	Cont'd	Trade Marks Act 1994; Unsolicited Goods and Services Act 1971; Unsolicited Goods and Services (Amendment) Act 1975; Video Recordings Act 1984; Vehicle (Crime) Act 2001; Weights and Measures Act 1985	Executive or non-executive depending on the context

STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees (cont'd)			
Other Functions			
	Powers and duties	Statutory Reference	Function Type
1	In relation to Pride in Camp Limited: (i) to arrange for secondments of staff to the company; (ii) to make a loan of £250,000 for the Early Purchase Scheme; (iii) to make operating payments to the Board; (iv) to make provisions for £445,000 capital works for environmental improvements; (v) to approve additional expenditure up to the shortfall amount; (vi) to agree contribution account amounts; (vii) to demand payment of bank guarantee proportions if called upon; (viii) to provide notice that the council will not be attending a general meeting; and (ix) to state in writing to the other partners why consent to any item in Article 15 was not given.	Section 2, Local Government Act 2000	Executive
2	In relation to Pride in Camp Hill Limited, jointly with the strategic director for resources: (i) to give consent to the appointment of directors other than partner directors; (ii) to agree to the WCC director not being on a committee/sub-committee of the company; (iii) to demonstrate best endeavours to obtain the necessary consents for Dev1; and (iv) to arrange for the transfer of freehold of Dev1.	Section 2, Local Government Act 2000	Executive
3	In relation to Pride in Camp Hill Limited, jointly with the strategic director for resources: (i) to receive quarterly the current cash flow, contribution account, minutes of meetings; and (ii) in the event of an early exit notice, attend a resolution meeting.	Section 2, Local Government Act 2000	Executive
4	<u>In relation to functions as a provider of Gypsy and Traveller related accommodation to provide land in consultation with the Strategic Director for Resources and to exercise any function in the management of sites where caravans may be brought for use of temporary purposes or for use as a permanent residence for members of the Gypsy and Traveller community.</u>	<u>Section 24 Caravan Sites and Control of Development Act 1960; Mobile Homes Act 1983 (or by that legislation as amended or re-enacted at any time) or by any subordinate legislation or any direction, designation, appointment, order or other instrument of government</u>	<u>Executive</u>

10.5 Chief Fire Officer

<u>STRATEGIC DIRECTOR FOR COMMUNITIES CHIEF FIRE OFFICER or their nominees</u>			
<u>Fire and Rescue</u>			
	<u>Powers and duties</u>	<u>Statutory Reference</u>	<u>Function Type</u>
<u>1</u>	<u>To discharge the powers, duties and responsibilities of the council as a fire & rescue service Fire and Rescue Authority, including in particular:</u> <u>(i) the promotion of fire safety;</u> <u>(ii) the extinguishment of fires and the protection of life and property;</u> <u>(iii) the rescue of persons from road traffic accidents; and</u> <u>(iv) responding to emergencies and other incidents likely to cause harm to persons or to the environment.</u>	<u>Fire & Rescue Services Act 2004 and any Fire & Rescue Service National Framework made by the Secretary of State under Section 21 of the Act and for the time being in force; Safety of Sports Grounds Act 1975; Fire Safety & Safety of Places of Sport Act 1987; Civil Contingencies Act 2004 and any Orders, Rules, Regulations or Directives made amending, varying, extending or re-</u>	<u>Executive or non- executive depending on the context</u>
<u>2</u>	<u>To authorise in writing officers in the fire & rescue service to exercise emergency powers of fire prevention, firefighting or rescue including powers of entry on to premises, moving or breaking into vehicles, closure of highways, traffic regulation and restriction of access to premises and all supplementary statutory powers.</u>	<u>Section 44, Fire & Rescue Services Act 2004 and any Orders, Rules, Regulations or Directives made amending, varying, extending or re-enacting the same</u>	<u>Executive or non- executive depending on the context</u>
<u>3</u>	<u>To exercise the council's powers of inspection and enforcement to appoint, designate, nominate or otherwise authorise suitably qualified and competent officers and persons (whether or not employees of the council in respect of the powers of inspection) in the fire & rescue service as inspectors and otherwise to authorise in writing those officers in the fire & rescue service to exercise powers of entry on to premises, investigation, sampling and inspection and all supplementary powers and authorise officers in the fire & rescue service to issue all notices and licences in relation to the listed enactments.</u>	<u>Fire & Rescue Services Act 2004; Safety of Sports Grounds Act 1975; Fire Safety & Safety of Places of Sport Act 1987; Regulatory Reform (Fire Safety) Order 2005 and any Orders, Rules, Regulations or Directives made amending, varying, extending or re-enacting the same.</u>	<u>Executive or non- executive depending on the context</u>

<u>STRATEGIC DIRECTOR FOR COMMUNITIES CHIEF FIRE OFFICER or their nominees</u>			
<u>Fire and Rescue (Cont'd)</u>			
	<u>Powers and duties</u>	<u>Statutory Reference</u>	<u>Function Type</u>
<u>4</u>	<u>To deal with all standard requests for secondary employment from uniformed personnel in accordance with the criteria laid down in the National Scheme of Conditions of Service and the department's appropriate service orders; requests only to be referred to the regulatory committee where the proposed secondary employment is of an exceptional nature and clearly requires special consideration.</u>	<u>Section 112, Local Government Act 1972;</u> <u>Fire & Rescue Services Act 2004</u>	<u>Non-executive</u>
<u>5</u>	<u>Authority to make representations in response to applications under the Licensing Act 2003 on behalf of the council as fire authority.</u>	<u>Licensing Act 2003</u>	<u>Executive</u>
<u>6</u>	<u>Authority to make representations in response to applications made under the Gambling Act 2005 and in response to consultation on the Licensing Authorities licensing policies (authority is also given to the Chief Executive and the strategic director for people).</u>	<u>Gambling Act 2005</u>	<u>Executive</u>
<u>7</u>	<u>To determine disputes on terms and conditions satisfactory to the Strategic Director for Resources under the Firefighters' Internal Pension Dispute Resolution Procedures and to nominate appropriate persons to whom such disputes should be referred for a decision in the first instance.</u>	<u>Section 50, Pensions Act 1995</u>	<u>Non-Executive</u>

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