

# Portfolio Holder Decisions/Leader Decisions

Friday 12 May 2023

## Minutes

### Attendance

#### Committee Members

Councillor Isobel Seccombe OBE  
Councillor Margaret Bell  
Councillor Peter Butlin  
Councillor Kam Kaur  
Councillor Wallace Redford

#### 1. Rugby Borough CPE Variation No.5

##### Resolved

That the Portfolio Holder for Transport and Planning approves that the below named proposed Traffic Regulation Order be implemented as advertised with the exception to the proposals relating to Tee Tong Road as shown in plan No.PTRO21-004-002:

The Warwickshire County Council (Borough of Rugby) (Civil Enforcement Area) (Waiting Restrictions, On-Street Parking Places and Residents' Parking) (Consolidation) (Variation No. 5) Order 2023.

#### 2. Stratford CPE Variation No. 8

##### Resolved

That the portfolio holder for Transport and Planning approves that the below named proposed Traffic Regulation Order be implemented as advertised:

The Warwickshire County Council (District of Stratford) (Civil Enforcement Area) (Waiting Restrictions, On-Street Parking Places and Residents' Parking) (Consolidation) (Variation No. 8) Order 2022.

#### 3. A429 Coventry Road, Warwick. Traffic Regulation Order approvals.

##### Resolved

That the Portfolio Holder for Transport and Planning approves:

1. The making of the following orders:

- a. Warwickshire County Council (Guys Cross Park Road, Warwick) (Prohibition of Right Turns) Order 2023 under the Road Traffic Regulations Act 1984.
  - b. Warwickshire County Council (A429 Coventry Road, Townsend Close, Phillippes Road and Huddison Close, Warwick) Cycle Track Order 2022 the Cycle Tracks Act 1984
2. The Implementation of the following schemes:
- a. Installation of pedestrian and cycle crossings on various road as shown on drawings 9.2-A429-063-021 (**Appendix A**) and 9.2-A429-063-022 (**Appendix B**) under s23 of the Road Traffic Regulation Act 1984
    - i) 2 x zebra crossings on Guys Cross Park Road (northern and southern arms)
    - ii) a cycle/pedestrian priority crossing on Rowan Drive
    - iii) a cycle/pedestrian priority crossing on Station Avenue
    - iv) the upgrading of the existing puffin crossing located by The Railway Inn on the A429 Coventry Road to a toucan crossing
    - v) The implementation of a new toucan crossing on the A429 Coventry Road approximately 10 metres north of Lakin Road
  - b. Installation of raised tables to enable cycle/pedestrian priority crossings on various roads as shown on drawings 9.2-A429-063-021 (**Appendix A**) and 9.2-A429-063-022 (**Appendix B**) under s90A and 90G of the Highways Act 1980;
    - i) The Paddocks, located 15 metres west of its junction with the A429 Coventry Road.
    - ii) Station Avenue, located 10 metres east of its junction with the A429 Coventry Road.
    - iii) Guys Cross Park Road, located on its entry approximately 15 metres west of its southern junction with A429 Coventry Road.
    - iv) Rowan Drive, located 5 metres west of its junction with the A429 Coventry Road.
  - c. Conversion of footways on the A429 Coventry Road to shared and segregated use footways/cycle tracks as advertised with Section 65 and Section 66 of the Highways Act 1980.

These measures form part of a cycling scheme proposed to be implemented on the A429 Coventry Road, Warwick between The Paddocks and Primrose Hill.

#### **4. Active Travel Schemes Approval**

##### **Resolved**

That the Portfolio Holder for Finance and Property gives approval to the addition of the following active travel schemes to the Capital Programme for 2023/24 to the values stated below funded by S106 developer contributions, and that spend is not committed until the S106 funding is received:

- 1 Burbages Lane footpath and cyclepath, Ash Green £11,241.
- 2 Ashlawn Road / Dunchurch Road footway and cycleway, Rugby £286,058.
- 3 Houlton to town centre cycle infrastructure, Rugby £20,960.

- 4 Coton Park East cycle infrastructure, Rugby £192,738.
- 5 Gaydon Lighthorne Heath / Jaguar Land Rover to Warwick £660,000.
- 6 Bishopton Lane to town centre cycle link, Stratford-upon-Avon £54,234.
- 7 Red Lane / Hob Lane to Kenilworth Greenway footway and cycleway, Burton Green £90,000.
- 8 Red Lane / Hob Lane active travel routes to Kenilworth, Burton Green to Kenilworth £333,359.
- 9 Hampton Magna to Warwick town centre cycle route £407,994.

## **5. Approval to procure contracts for the reprocessing and haulage of separately collected food waste**

### **Resolved**

That the Deputy Leader:

1. Authorises the undertaking of two procurement exercises, one for the reprocessing of separately collected food waste and one for the haulage of separately collected food waste
2. Authorises the Strategic Director for Communities to award contracts and to enter into any legal agreement necessary to implement the recommendations in this report on terms and conditions acceptable to the Strategic Director for Resources

## **6. Healthwatch**

### **Resolved**

That the Deputy Leader approves:

- 1.1 The Strategic Director for People to commence a procurement process for the provision of a Local Healthwatch service which will come into effect from 1 November 2023
- 1.2 The Strategic Director for People to enter into all necessary agreements to enable the provision of a Local Healthwatch service on terms and conditions acceptable to the Strategic Director for Resources

## **7. Portfolio Holder Decision – Change of Age Range at Brownsover Infant & Long Lawford Primary Schools**

### **Resolved**

That the Portfolio Holder for Education approves the commencement of a public consultation on changing the age range at Brownsover Infant, Nursery Hill Primary and Long Lawford Primary Schools with effect from September 2023.

## **8. Housing Related Support (HRS) Redesign Public Consultation**

### **Resolved**

That the Portfolio Holder approves a public consultation for the re-design of Housing-Related Support services as set out in this report.

## **9. Warwickshire Fire and Rescue Service (Pensioners) - GMP rectification report**

### **Resolved**

That the Leader approves the decision that Warwickshire Fire & Rescue Service (WFRS) will not seek to recover any past overpayments to Fire Pension Scheme members which have been identified through the GMP reconciliation exercise.

## Portfolio Holder Decision

### The Warwickshire County Council (Borough of Rugby) (Civil Enforcement Area) (Waiting Restrictions, On-Street Parking Places and Residents' Parking) (Consolidation) (Variation No. 5) Order 2023

<b>Portfolio Holder</b>	<b>Portfolio Holder for Transport and Planning</b>
<b>Date of decision</b>	12 May 2023
	<b>Signed</b> 

#### 1. Decision taken

That the Portfolio Holder for Transport and Planning approves that the below named proposed Traffic Regulation Order be implemented as advertised with the exception to the proposals relating to Tee Tong Road as shown in plan No.PTRO21-004-002:

The Warwickshire County Council (Borough of Rugby) (Civil Enforcement Area) (Waiting Restrictions, On-Street Parking Places and Residents' Parking) (Consolidation) (Variation No. 5) Order 2023.

#### 2. Reasons for decisions

##### 1. Cambridge Street, Rugby – Limited Waiting Mon-Sat 8am-6pm 2 hours No Return within 4 hours Except for R2 Permit Holders

- 1.1. Following on from requests to assist the residents of Cambridge Street, Rugby with issues caused by long-term parking Warwickshire County Council proposed to extend the existing R2 residents parking zone onto the section of Cambridge Street between Clifton Road and Sun Street.
- 1.2. The following tables detail the objections and/or comments received along with the officer recommendations.
- 1.3. A petition has been received with 54 signatures from 36 separate properties in support of the proposals.

Emails/letters	
Total objections	3
Total comments	3

Ref	Objections and comments received	Total number of responses containing the comment
A	Object to the proposals	3
B	The proposals will move the vehicles to potentially less suitable locations	1
C	Residents only parking will increase confrontations	1
D	Support the proposals	8
E	The proposals will negatively affect the businesses in the area	1
F	The scheme does not guarantee a space	1
G	Permits are overly restrictive	1
H	The scheme would be restrictive to the religious institutions in the area	1
I	The cost of a permit would put extra pressure on people's finances	1

Ref	Officer Comments
A	No comment necessary
B/C	It is acknowledged that the proposals will move the parked vehicles to other locations and could increase confrontations between drivers, however these proposals will promote the turnover of parking along Cambridge Street with the residents given priority for available spaces
D	No comment necessary
E/H	The timings of the parking scheme have been proposed to allow for visitors to the local business and various other destinations along Cambridge Street to park for free for a certain length of time
F	Whilst a resident's parking scheme does not guarantee a space, it will give priority to residents who have purchased a permit.
G	The permit scheme is designed to cater for the vast majority of households with car ownership whilst also providing a visitors permit that can be used on a visitors' vehicle allowing them to park within the zones with exemption from the time limits
I	The cost of one permit is currently £25 a year with

#### Recommendations

It is recommended to implement these proposals as advertised.

#### Members Comments

No comments have yet been received from the local member, if comments are received they will be forwarded on to the Portfolio Holder for consideration.

## 2. Tee Tong Road, Teeswater Close and Woodleigh Road – No Waiting at any Time

- 2.1. Concerns had been raised by residents within the Tee Tong Road housing estate in Long Lawford about the amount of parking along Tee Tong Road and the nearby junctions. This led to double yellow lines being proposed along sections of Tee Tong Road and at the junctions of Tee Tong Road and Teeswater and Woodleigh Road

2.2. The following tables detail the objections and/or comments received along with the officer recommendations.

Emails/letters	
Total objections	3
Total comments	

Ref	Objections and comments received	Total number of responses containing the comment
A	Will push the parked vehicles further along Tee Tong Road into less suitable areas	2
B	Request additional parking spaces are provided on the grass verges at the entrance to the Tee Tong Road estate.	3
C	The introduction of yellow lines would limit where residents are able to park	2
D	Object to the proposals	1
E	The parking along Tee Tong Road does not cause an issue	1

Ref	Officer Comments
A	It is acknowledged that the restrictions will displace the parked vehicles into other places along the Tee Tong Road estate, however the scope of the proposals was to prevent vehicles from parking in an obstructive manner at the entrance to the estate and allow the residents of the estate to park close to their homes and use their judgement on where would be obstructive.
B	This is beyond the scope of the Civil Parking Enforcement remit and would be cost prohibitive for the limited benefit that it provides.
C	It is acknowledged that these restrictions would have an impact on the residents of the Tee Tong Road estate, however the restrictions were proposed to prohibit vehicles from parking where they could be causing an obstruction to traffic.
D	No comment necessary
E	Whilst there may be a perception amongst some road users that there is not an issue,

#### Recommendations

Due to the lack of support for the proposed restrictions together with the contentious nature of these proposals it is recommended to withdraw these proposals from the variation order

#### Members Comments

No comments have yet been received from the local member, if comments are received they will be forwarded on to the Portfolio Holder for consideration.

### 3. Pytchley Road and Cromwell Road– No Waiting at any Time

3.1. Warwickshire County Council had been approached by the local councillor to introduce assist the local residents with vehicles parking in an obstructive manner at the junction of Pytchley Road and Crowell Road. This led to double yellow lines being proposed at on the south-eastern side of Crowell Road round onto Pytchley Road.

3.2. The following tables detail the objections and/or comments received along with the officer recommendations.

#### Emails/letters

Total objections	2
Total comments	

Ref	Objections and comments received	Total number of responses containing the comment
A	Object to the proposals	1
B	Will remove on street spaces for guests and visitors to residents of the road	1
C	Will push the parked cars further down the road	1
D	Request the lines are shorter	1
E	Request lines on both sides of the road and on the road to the leisure centre	1
F	Parked cars provide a deterrent for vehicles speeding along the road	1

Ref	Officer Comments
A	No comment necessary
B	The lines are being proposed in the locations that it is considered unsafe or inappropriate for a vehicle to be parked, regardless of the length of time that it would be there for.
C	It is acknowledged that vehicles will be displaced to other locations in the area, however the anticipated number of vehicles will be low and their impact on safety would be lower than if they were to remain at the junction.
D	These lines have been proposed following conversations with the local member and residents in the area to allow for greater visibility at the junction of Cromwell Road and Pytchley Road.
E	Additional double yellow lines would be restrictive to the residents and would push additional vehicles into less suitable areas increasing the likelihood of vehicles causing an obstruction.
F	It is acknowledged that the removal of parked vehicles will likely increase the speeds of vehicles using the road however by removing the vehicles it will also provide greater visibility for pedestrians and other road users thereby mitigating the risks.

Recommendations
It is recommended to implement these proposals as advertised.

Members Comments
No comments have yet been received from the local member, if comments are received they will be forwarded on to the Portfolio Holder for consideration.

### 3. Background information

3.1 Proposals for waiting restrictions at various locations were advertised and consulted upon in accordance with statutory procedure on the 23rd February 2023, with consultation open until the 17th March 2023.



- 3.2 The statutory criteria for decisions on making Traffic Regulation Orders are included as Appendix A.
- 3.3 Drawings showing published proposals for waiting restrictions are found in Appendix B.
- 3.4 A copy of the published Statement of Reasons for each scheme are found in Appendix C.
- 3.5 Copies of objections and comments received are available as background information in Appendix D.

#### 4. Financial implications

4.1 All work will be carried out within the existing 2023/24 CPE budget allocations.

#### 5. Environmental implications

5.1 It is anticipated that the presence of waiting restrictions would not have a significant adverse effect on air quality, with no predicted increase in traffic volumes or noise levels as a result of the schemes.

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<b>Strategic Director</b>	Strategic Director for Communities
<b>Portfolio Holder</b>	Portfolio Holder for Transport and Planning

<b>Urgent matter?</b>	No
<b>Confidential or exempt?</b>	No
<b>Is the decision contrary to the budget and policy framework?</b>	No

#### List of background papers

Appendix A  
Appendix B  
Appendix C  
Appendix D

#### Members and officers consulted and informed

Portfolio Holder – Councillor Wallace Redford

Corporate Board – Mark Ryder

Legal – Caroline Gutteridge

Finance – Andrew Felton

Equality – n/a

Democratic Services – Isabelle Moorhouse

Councillors – Clarke, Chilvers, Fradgley and D’Arcy

Local Member(s): Feeney, Timms, Roodhouse

## Portfolio Holder Decision

### The Warwickshire County Council (District of Stratford) (Civil Enforcement Area) (Waiting Restrictions, On-Street Parking Places and Residents' Parking) (Consolidation) (Variation No. 8) Order 2022.

<b>Portfolio Holder</b>	<b>Portfolio Holder for Transport and Planning</b>
<b>Date of decision</b>	<b>12 May 2023</b>
	<b>Signed</b> 

#### 1. Decision Taken

That the portfolio holder for Transport and Planning approves that the below named proposed Traffic Regulation Order be implemented as advertised

The Warwickshire County Council (District of Stratford) (Civil Enforcement Area) (Waiting Restrictions, On-Street Parking Places and Residents' Parking) (Consolidation) (Variation No. 8) Order 2022.

#### 2. Reasons for Decision

##### **Malthouse Lane, Earlswood – No Waiting at any Time**

- 2.1** Following on from complaints of difficulties with vehicles parking along Malthouse Lane in Earlswood, Warwickshire County Council have proposed to install double yellow lines at sections of the road where parking would be considered inappropriate.
- 2.2** The following tables detail the objections and/or comments received along with the officer recommendations.

Emails/letters	
Total objections	3
Total comments	14

Ref	Objections and comments received	Total number of responses containing the comment
A	Object to the proposals	4
B	Have never seen vehicles park in an obstructive manner along Malthouse Lane	1
C	No parking issue exists	1
D	Malthouse Lane has a suitable carriageway width to accommodate vehicles parking on both sides	1
E	Malthouse lane is a relatively flat and straight road with good visibility	1
F	The proposals will only push the issues into other sections of the road	3
G	No alternatives provided for visitors to the houses to park	4
H	Request that the parking restrictions are enforced if introduced	5
I	Have alternatives been considered, e.g. single yellow lines	1
J	Are the number of streetlights going to be increased	1
K	Have the police been consulted	1
L	Support the proposals	6
M	Would increase the speed at which vehicles travel down the road	3
N	Request lines down one side of the road	2
O	Request a change of speed limit	1

Ref	Officer Comments
A	No comment necessary
B/C	Warwickshire County Council have received multiple requests to assist with inconsiderate or obstructive parking along Malthouse Lane.
D/E/F	Whilst the width of Malthouse Lane may be wide enough to accommodate vehicles parking on both sides, vehicles parked along Malthouse Lane will be obstructing the visibility of vehicles joining onto Malthouse Lane. These restrictions are proposed to be installed at the locations where good visibility is deemed to be more crucial.
G	The proposals are not restricting vehicles from parking along the whole road but are proposed in the locations that would be considered unsafe to park in.
H	All parking restrictions within Warwickshire are enforced to a level that is proportionate to the observed compliance with restrictions and available resources.
I	A single yellow line would not be appropriate for this location as where these restrictions are being proposed is where it would not be considered safe for a vehicle to park regardless of the time of day.
J	The implementation of street lights is outside of the scope of these restrictions
K	As part of the statutory consultation process the police are asked for their comments on the proposals
L	No comment necessary
M	It is acknowledged that the removal of parked vehicles will likely increase the speeds of vehicles using the road however by removing the vehicles it will also provide greater visibility for pedestrians and other road users thereby mitigating

	the risks.
<b>N</b>	The lines that have been proposed are what is considered to be the minimum needed to maintain a safe amount of visibility at the Cul-de-Sac junction
<b>O</b>	A speed limit change is outside of the scope of these proposals
<b>Recommendations</b>	
It is recommended to implement these proposals as advertised.	
<b>Members Comments</b>	
No comments have yet been received from the local member, if comments are received, they will be forwarded on to the Portfolio Holder for consideration.	

### 3. Background information

- 3.1 Proposals for waiting restrictions at various locations were advertised and consulted upon in accordance with statutory procedure on the 15 September 2022, with consultation open until the 7 October 2022.
- 3.2 The statutory criteria for decisions on making Traffic Regulation Orders are included as Appendix A.
- 3.3 Drawings showing published proposals for waiting restrictions are found in Appendix B.
- 3.4 A copy of the published Statement of Reasons for each scheme are found in Appendix C.
- 3.5 Copies of objections and comments received are available as background information in Appendix D.

### 4. Financial implications

- 4.1 All work is to be completed in the existing 2023/24 CPE budget.

### 5. Environmental implications

- 5.1 It is anticipated that the presence of waiting restrictions would not have a significant adverse effect on air quality, with no predicted increase in traffic volumes or noise levels as a result of the schemes.

<b>Report Author</b>	Ben Davenport bendavenport@warwickshire.gov.uk,
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<b>Strategic Director</b>	Strategic Director for Communities
<b>Portfolio Holder</b>	Portfolio Holder for Transport and Planning

<b>Urgent matter?</b>	No
<b>Confidential or exempt?</b>	No
<b>Is the decision contrary to the budget and policy framework?</b>	No

### List of background papers

- Appendix A  
Appendix B

Appendix C

Appendix D

### Members and officers consulted and informed

Portfolio Holder – Councillor Wallace Redford

Corporate Board – Mark Ryder

Legal – Caroline Gutteridge

Finance – Andrew Felton

Equality – n/a

Democratic Services – Helen Barnsley and Isabelle Moorhouse

Councillors – Clarke, Chilvers, Fradgley and D’Arcy

Local Member(s): Shenton

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## Portfolio Holder Decision A429 Coventry Road, Warwick. Traffic Regulation Order approvals.

<b>Portfolio Holder</b>	<b>Portfolio Holder for Transport and Planning</b>
<b>Date of decision</b>	<b>12 May 2023</b>
	<p><b>Signed</b></p> 

### 1. Decision taken

That the Portfolio Holder for Transport and Planning approves:

1. The making of the following orders:
  - a. Warwickshire County Council (Guys Cross Park Road, Warwick) (Prohibition of Right Turns) Order 2023 under the Road Traffic Regulations Act 1984.
  - b. Warwickshire County Council (A429 Coventry Road, Townsend Close, Phillippes Road and Huddison Close, Warwick) Cycle Track Order 2022 the Cycle Tracks Act 1984
2. The Implementation of the following schemes:
  - a. Installation of pedestrian and cycle crossings on various road as shown on drawings 9.2-A429-063-021 (**Appendix A**) and 9.2-A429-063-022 (**Appendix B**) under s23 of the Road Traffic Regulation Act 1984
    - i) 2 x zebra crossings on Guys Cross Park Road (northern and southern arms)
    - ii) a cycle/pedestrian priority crossing on Rowan Drive
    - iii) a cycle/pedestrian priority crossing on Station Avenue
    - iv) the upgrading of the existing puffin crossing located by The Railway Inn on the A429 Coventry Road to a toucan crossing
    - v) The implementation of a new toucan crossing on the A429 Coventry Road approximately 10 metres north of Lakin Road
  - b. Installation of raised tables to enable cycle/pedestrian priority crossings on

various roads as shown on drawings 9.2-A429-063-021 (**Appendix A**) and 9.2-A429-063-022 (**Appendix B**) under s90A and 90G of the Highways Act 1980

- i) The Paddocks, located 15 metres west of its junction with the A429 Coventry Road.
  - ii) Station Avenue, located 10 metres east of its junction with the A429 Coventry Road
  - iii) Guys Cross Park Road, located on its entry approximately 15 metres west of its southern junction with A429 Coventry Road
  - iv) Rowan Drive, located 5 metres west of its junction with the A429 Coventry Road
- c. Conversion of footways on the A429 Coventry Road to shared and segregated use footways/cycle tracks as advertised with Section 65 and Section 66 of the Highways Act 1980.

These measures form part of a cycling scheme proposed to be implemented on the A429 Coventry Road, Warwick between The Paddocks and Primrose Hill.

## 2. Reasons for decisions

- 2.1 Where objections have been received to certain advertised traffic orders it is necessary for the Portfolio Holder to decide on the orders.

## 3. Background information

- 3.1 A 1.15km cycle route is proposed on the A429 Coventry Road, Warwick where there is currently no infrastructure for cyclists. The route has been proposed to provide a safe and direct cycling route between the Spinney Hill roundabout on the outskirts of Warwick, Warwick station and the St Johns area on the edge of Warwick town centre. The route will provide a key missing link in the local cycling network enabling more people to make journeys by sustainable forms of transport.
- 3.2 At Spinney Hill roundabout the route will connect with the National Cycle Network 52 for connections to Leek Wootton and Kenilworth. The Coventry Road route also provides connections to Woodloes Park, Warwick Hospital and destinations to the west of Warwick via a recently completed scheme which upgraded a footpath to a shared use footway / cycleway on open space north of the canal between Coventry Road and Greenway, where the route connects with the existing cycling network. The proposed route will link to Warwick town centre via the programmed St Johns junction improvement scheme and the existing cycle route on Priory Road and to destinations in south Warwick including schools on Myton Road and Warwick Technology Park via the recently upgraded cycling route through St Nicholas' Park. In the future the route will provide a connection to Leamington Spa via the proposed cycle route being delivered as part of the Emscote Road Sustainable Movement Corridor scheme.

- 3.3 The Coventry Road route was identified as a high priority by the 2018 member led Task and Finish Group on cycling infrastructure. During 2018/19 the Traffic and Road Safety Group allocated Casualty Reduction funding to the Coventry Road cycle scheme and commissioned feasibility and outline design work in response to the number of collisions involving cyclists. At this time there was insufficient funding to progress the scheme to delivery and consequently work was paused.
- 3.4 In August 2020 the County Council was awarded £1.9 million from the government's Getting Building Fund through Coventry and Warwickshire LEP to deliver a package of priority cycling schemes including the Coventry Road route. The funding bid was supported by Warwick Town Council and Warwick District Council. In January 2021 the Leader of the Council approved acceptance of the Getting Building Fund grant and the addition of the funding to the capital programme.
- 3.5 Design work recommenced in late 2020 and stakeholder and public engagement on the initial design took place in autumn 2021. The engagement was publicised by writing to 184 properties in the vicinity of the route, displaying notices along the route, issuing a press release, informing stakeholders, and providing information on the County Council's website.
- 3.6 A total of 21 responses were received, of which 14 were from residents who lived on the proposed route, with a further 4 responses from residents in the wider community. Responses were also received from the local cycle forum, a local business, and the District Councillor. The majority of responses (n=14) supported the proposals, although some respondents who supported the principle of the scheme raised concerns about the design or suggested improvements. A further 5 respondents stated they did not support the proposed scheme, of which 4 lived in the vicinity of the northern section of the route where it is proposed to utilise Huddison Close and a short section of Hayle Avenue and a section of informal path that has been created on highway land between Coventry Road and properties on the adjacent residential roads of Hayle Avenue, Brese Avenue and Townsend Close. A further 2 respondents did not state whether they supported or opposed the scheme proposals.
- 3.7 A summary of the feedback and the design response to the engagement undertaken in 2020 is provided in **Appendix C**.
- 3.8 In response to the feedback, the scheme design was reviewed to consider the opportunity to implement junction treatments which would give priority to cyclists and pedestrians at side roads at Rowan Drive, Lakin Road, and Station Road, but the additional cost of these design features meant it was considered unlikely they could be delivered as part of the scheme.
- 3.9 In 2022, the County Council secured £0.205 million to further enhance the scheme from the Government's Cycle Rail Routes to Station Fund administered by Sustrans. The purpose of the fund is to improve cycle routes to National Rail stations and increase rail passengers or help existing passengers to switch from car use to cycle. A requirement of the funding is that the route design aligns with the '*Department for Transport Note 1/20 (LTN 1/20): Cycling Infrastructure Design*'. This required a design review and refinements to be made to the scheme, including improved

junction treatments to assist the movement of cyclists across side roads and providing additional crossing facilities to improve connections to the existing cycle network. A number of these refinements required Traffic Regulatory Orders. In October 2022, the Deputy Leader approved allocation of the Routes to Station funding to the A429 M40 J15 to A46/B4115 capital scheme to deliver cycle infrastructure on the A429 Coventry Road.

### **Proposed Scheme**

3.10 A plan of the proposed cycle route is provided in **Appendix A** and **Appendix B**. The route is located on the western side of A429 Coventry Road and involves:

3.10.1 A cycleway link across open space between Primrose Hill and Huddison Close.

3.10.2 A 100 metre on road section on the low trafficked residential cul-de-sacs of Huddison Close and Hayle Avenue.

3.10.3 A 200 metre section of shared use cycleway / footway between the eastern end of Hayle Avenue and the Grand Union Canal on the alignment of an informal path on highway land set back from Coventry Road. To enable the path to be widened two mature trees will need to be removed.

3.10.4 Conversion of a 250 metre length of footway between the Grand Union Canal and 50 metres south of Guys Cross Park Road to a shared use footway/cycleway, widened where feasible to achieve a minimum width of 3 metres.

3.10.5 Installation of a cycle / pedestrian priority crossing on a road hump and the junction kerb radii reduced at Rowan Drive.

3.10.6 Installation of zebra crossings on each arm of the Guys Cross Park Road junction with Coventry Road, with both arms reduced to single lane width. To prevent additional congestion, right turns from Guys Cross Park Road onto Coventry Road is prohibited.

3.10.7 A 240 metre length of segregated cycleway and footway between a point 50 metres south of Guys Cross Park Road and just north of Lakin Road, with the road carriageway narrowed to create space for cycling and walking. The cycleway would be located next to the carriageway and away from the residential driveways.

3.10.8 A further 300 metre section of footway between just north of Lakin Road and The Paddocks converted to shared use footway/cycleway. A wider pedestrian refuge will be provided at Lakin Road with the junction modified to reduce the speed of vehicles turning left from Coventry Road onto Lakin Road. The bus stop and litter bin south of Station Road would be repositioned to the front of the footway.

3.10.9 To discourage HGV's from accessing The Paddocks a road hump and narrowing would be provided set back 15 metres from the junction with Coventry Road.

3.10.10 To support movements between the Coventry Road cycle route and the route through St Nicholas' Park the existing uncontrolled crossing and pedestrian refuge just north of Lakin Road would be converted to a toucan crossing and the existing

puffin crossing outside The Railway Inn would be upgraded to a toucan crossing. In addition, the 110 metres of footway on the eastern side of Coventry Road between the two crossings would be converted to a shared use footway / cycleway with the cycle lane access from Coventry Road onto Guy Street being removed. A priority cycle / pedestrian crossing would be provided on a road hump on Station Avenue.

3.10.11 A Cycle Track Order is to be created for the sections of the cycle route described in 3.10.1 and 3.10.3 above to upgrade the existing informal paths to shared use footway/cycle. Some types of cycle track have to be made under the Cycle Tracks Act 1984 and this will apply to these sections which are outlined further in **Appendix E**, but this is not an Order decision for the Portfolio Holder to make. This particular Order will be made by the Strategic Director for Communities if unopposed or referred to the Secretary of State in the case of objections.

### **Scheme Consultation**

3.11 The following proposed traffic orders were advertised from 15<sup>th</sup> December through to 13<sup>th</sup> January 2023:

1. The implementation of a no right turn order from Guys Cross Park Road onto the A429 Coventry Road as advertised in accordance with the Road Traffic Regulation Act 1984.
2. The implementation of pedestrian and cycle crossings as advertised in accordance with s23 of the Road Traffic Regulation Act 1984 of:
  - a. 2 x zebra crossings on Guys Cross Park Road (northern and southern arms)
  - b. a cycle/pedestrian priority crossing on Rowan Drive
  - c. a cycle/pedestrian priority crossing on Station Avenue
  - d. the upgrading of the existing puffin crossing located by The Railway Inn on the A429 Coventry Road to a toucan crossing
  - e. The implementation of a new toucan crossing on the A429 Coventry Road approximately 10 metres north of Lakin Road
3. The implementation of raised tables as advertised in accordance with sections 90A and 90G of the Highways Act 1980 to enable cycle/pedestrian priority crossings at the following locations:
  - a. The Paddocks, located 15 metres west of its junction with the A429 Coventry Road
  - b. Station Avenue, located 10 metres east of its junction with the A429 Coventry Road
  - c. Guys Cross Park Drive, located on its entry approximately 15 metres west of its southern junction with A429 Coventry Road.
  - d. Rowan Drive, located 5 metres west of its junction with the A429 Coventry

Road.

3.12 Conversion of footways on the A429 Coventry Road to shared and segregated use footways/cycle tracks as advertised in accordance with Section 65 and Section 66 of the Highways Act 1980.

3.13 The public and stakeholders were invited to comment on the scheme as part of the TRO consultation that ran from 15<sup>th</sup> December 2022 through to 13<sup>th</sup> January 2023. Scheme information, consultation plans and public notices were erected on site in the vicinity of the proposed cycle route, with the information also published on Warwickshire County Council's website and held at Shire Hall for people to view. Details were also sent to statutory consultees (including the Chief Officer of the Police), stakeholder groups including Warwick Hospital and to 184 properties in the immediate vicinity of the route and who may be directly affected by it, as well as a press release in the local newspaper.

### Objections to the Proposed Traffic Regulation Orders (TRO)

3.14 During the consultation period between 15<sup>th</sup> December 2022 and 13<sup>th</sup> January 2023, 19 respondents made comments about the proposed scheme with the following objections made in relation to the advertised TRO's (the objections are outlined in full in **Appendix D** of the report alongside the team's response to these).

Theme	Number of Responses
Objection to providing cycle priority crossings	2
Objection to banned right-turn out of Guys Cross Park Road by Piers Close residents who will lose the opportunity to U-turn at Coventry Road as an alternative to turning right onto Guys Cross Park Road when seeking to travel west.	6
Objection to banned right-turn out of Guys Cross Park Road due to increase in congestion, pollution and/or journey time	5
Objection to banned right turn out of Guys Cross Park Road due to issue accessing property	2
Objection to conversion of footways to shared use footway and cycleway in close proximity of driveway	2

### Objections to the prohibited right turn out of Guys Cross Park Road onto Coventry Road

3.15 Objections to the proposal to prohibit the right turn were made by residents of Piers Close who use the right turn out of Guys Cross Park Road as a U-turn manoeuvre to mitigate against the restricted visibility from Piers Close when looking to turn right out of the Piers Close junction, to travel west towards Millers Road. Some residents stated they prefer to turn left out of Piers Close, onto Guys Cross Park Road (travelling east) and then use the right turn (which the TRO will prohibit) to perform a U-turn manoeuvre to travel back towards Millers Road.

3.16 A resident who lives opposite Guys Cross Park Road on the Coventry Road objected to the prohibited turn stating that they would no longer be able to access their property directly from Guys Cross Park Road and that the proposed parallel crossing on the southern arm of Guys Cross Park Road would cause congestion on the Coventry Road causing further issue for access into their property.

3.17 Additional objections were made by residents who stated that removal of the right turn and reducing the carriageway to one lane would increase congestion on Guys Cross Park Road and Lakin Road, worsening air quality and increasing journey times.

#### **Objections to proposed crossings.**

3.18 One objection to the priority crossings across Guys Cross Park Road was made, stating that cyclists would cross the side roads at high speed without checking that motorists have stopped.

3.19 Another objection was made to the physical setback of the priority crossing across the northern exit arm of Guys Cross Park Road, stating that it needs to be set further back into the side road so that a small lorry can be accommodated at the junction.

#### **Additional Concerns**

3.20 Other representations were made from respondents regarding wider matters in connection with the proposed cycle scheme (i.e. those not directly about TROs). These included 5 responses concerning the shared use elements of the proposed scheme and a preference expressed by each of those 5 respondents to have fully segregated facilities that would reduce any conflict between pedestrians and cyclists. In addition, 3 residents raised objections because it is felt that the scheme encourages speeding cyclists on Coventry Road, where it descends to Lakin Road. Another resident raised an objection to the scheme because of concerns it would affect on-road parking on Hayle Avenue on Woodloes Park.

#### **Response and recommendation**

3.21 The proposed TRO to prohibit the right turn from Guys Cross Park Road is required to reduce the two lane exit onto Coventry Road into a single lane exit. At this location, a parallel crossing is proposed to facilitate quicker and safer crossing movements for both pedestrians and cyclists. By reducing the carriageway down to one lane, cyclists and pedestrians can cross the junction quickly, with limited impact on vehicle flows. Prohibiting the right turn out of this junction removes the potential for excessive delay caused by occasional right turners. A junction turning count survey carried out in showed only 5% of all vehicles exiting the junction, turn right onto Coventry Road. Retaining the existing two-lane exit arm would prevent delivery of a parallel crossing due to safety concerns relating to visibility across two lanes. This arrangement will be replicated on the entrance arm into Guys Cross Park Road from Coventry Road too, providing consistency across both arms of the junction, priority for active travel and improved pedestrian and cycling safety whilst having

minimal impact on traffic flows.

- 3.22 Any visibility issues relating to turning movements at the junction of Piers Close with Guys Cross Park Road are beyond the scope of this scheme and will not be made worse by banning the right turn from Guys Cross Park Road onto Coventry Road. Any journey time inconvenience arising from the prohibited right turn can be overcome by alternative routing.
- 3.23 An up-to-date traffic modelling assessment has been carried out for Guys Cross Park Road and shows that the proposed scheme will have a minimal impact on congestion at this junction because all vehicles will have to turn left onto Coventry Road. This will be enforced by the reduction of two lanes down to one and a build out to prevent the right turn. Traffic data shows the right turn movements out of this junction account for only 5% of the total turning movements and no concerns with the right turn ban have been raised by the Transport Planning Traffic Data and Modelling team and Road Safety Engineering Team which has carried out a Road Safety Audit on the proposed cycle route.
- 3.24 The A429 Coventry Road walking, cycling and wheeling route was designed by Warwickshire County Council's Engineering Design Services team using national regulations and design guidance for highway schemes. This includes the Design Manual for Roads and Bridges (DMRB), Traffic Signs Regulations and General Directions 2016 (TSRGD), Cycle Infrastructure Design: Local Transport Note (LTN 1/20) and Warwickshire Highway Construction Details.
- 3.25 The designs were subjected to a combined Stage 1 and Stage 2 Road Safety Audit. No departures from standard have been identified. No safety issues with the proposed shared use provision were identified.
- 3.26 LTN1/20 states that local authorities are responsible for setting design standards for their roads but also provides best practice examples and design principles. One principle is that 'on urban streets, cyclists must be physically separated from pedestrians and should not share space with pedestrians. In response to this, the design of the A429 Coventry Road scheme aims to maximise segregation between users, where possible. This has been achieved on the descending gradient towards Lakin Road, from Guys Cross Park Road, reallocating space from the carriageway and the existing wide footways to create a new 3.0m wide cycle track and a 2.0m wide footway, separated by a raised white line or other physical feature to allow ground level detection with a mobility cane. The footway will be located adjacent to the properties and the cycleway adjacent to the carriageway. This arrangement will maximise the visibility motorists exiting properties will have of cyclists using this section of the route.
- 3.27 Having considered and reviewed the objections to the orders, it is recommended that the scheme is progressed as advertised. The elements of the scheme which require Secretary of State approval to progress the sections covered by the Cycle Track Order, will progress as a separate phase (see 3.28 below).

## **Next Steps**



3.28 Due to the processes involved in creating the Cycle Track Order for the northern section of the scheme and the objections received which will necessitate consideration by the Secretary of State, it is likely that the Coventry Road scheme will be delivered in two phases. The southern section between The Paddocks and the canal / Woodloes link would be delivered initially and the northern section between the canal / Woodloes link and Primrose Hill would be delivered at a later date subject to a decision by the Secretary of State approval.

#### 4. Financial implications

- 4.1 Approval to add this scheme to the capital programme was given by the Leader of the Council on 15<sup>th</sup> January 2021.
- 4.2 The latest cost estimate for construction of the A429 Coventry Road cycle route is £715,000. The scheme will be funded through the Road Safety Casualty Reduction Fund allocation, the £1.9m grant secured from the Government's Getting Building Fund (GBF) through Coventry and Warwickshire LEP (CWLEP) for the Warwickshire Cycle Links project and £204,500 Routes to Stations grant awarded to WCC by Sustrans.
- 4.3 The scheme construction will be delivered through the Balfour Beatty Living Places Highways Maintenance Contract and the cost estimate has been established using standard contract prices for materials and construction which enables accurate costings. The estimate also includes 20% contingency on all costs.
- 4.4 There is potential to descope this scheme should costs increase beyond the budget, but this would be at the cost of desirable infrastructure that would prioritise the safe movement of pedestrians and cyclists. A lower quality scheme would not meet the needs of pedestrians and cyclists and would not attract people to use it.
- 4.5 The financial implications of not constructing this scheme would be the possible clawback of grant funding, including expenditure to date and any expenditure already incurred would have to be written-off as revenue cost.

#### 5. Environmental implications

5.1 Transport is the single largest cause of carbon emissions in the UK. The A429 Coventry Road cycle scheme will provide cycling infrastructure which will enable more journeys to be made by bicycle, thereby contributing to reduced carbon emissions as well as lower levels of congestion and improved air quality. The additional Cycle Rail funding has enabled the scheme to be enhanced and will maximise the environmental benefits of the scheme by attracting a higher volume of users and encouraging more people to make local journeys by bicycle in preference to private cars

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**Assistant Director**

Assistant Director for Communities

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<b>Portfolio Holder</b>	Portfolio Holder for Transport and Planning

<b>Urgent matter?</b>	<i>No</i>
<b>Confidential or exempt?</b>	<i>No</i>
<b>Is the decision contrary to the budget and policy framework?</b>	<i>No</i>

<b>List of background papers</b>
None

<b>Members and officers consulted and informed</b>
<p>Portfolio Holder – Councillor Wallace Redford</p> <p>Corporate Board – Mark Ryder</p> <p>Legal – Caroline Gutteridge, Lucy Adams</p> <p>Finance – Andrew Felton</p> <p>Equality – Delroy Madden</p> <p>Democratic Services – Isabelle Moorhouse</p> <p>Procurement – Mark Baker, John Hopper</p> <p>Councillors – Jonathon Chilvers (Leader of the Green Group), John Holland (Leader of the Labour Group) Jerry Roodhouse Leader of the Liberal Democrat Group)</p> <p>Local Member(s): John Holland (Warwick West), Jackie D’Arcy (Warwick North) and Parminder Singh Birdi</p>

## Portfolio Holder Decision Active Travel Schemes Approval

<b>Portfolio Holder</b>	<b>Portfolio Holder for Finance and Property</b>
<b>Date of decision</b>	<b>12 May 2023</b>
	<b>Signed</b> 

### 1. Decision taken

- 1.1 That the Portfolio Holder for Finance and Property gives approval to the addition of the following active travel schemes to the Capital Programme for 2023/24 to the values stated below funded by S106 developer contributions, and that spend is not committed until the S106 funding is received:
- 1 Burbages Lane footpath and cyclepath, Ash Green £11,241.
  - 2 Ashlawn Road / Dunchurch Road footway and cycleway, Rugby £286,058.
  - 3 Houlton to town centre cycle infrastructure, Rugby £20,960.
  - 4 Coton Park East cycle infrastructure, Rugby £192,738.
  - 5 Gaydon Lighthorne Heath / Jaguar Land Rover to Warwick £660,000.
  - 6 Bishopton Lane to town centre cycle link, Stratford-upon-Avon £54,234.
  - 7 Red Lane / Hob Lane to Kenilworth Greenway footway and cycleway, Burton Green £90,000.
  - 8 Red Lane / Hob Lane active travel routes to Kenilworth, Burton Green to Kenilworth £333,359.
  - 9 Hampton Magna to Warwick town centre cycle route £407,994.

### 2. Reasons for decisions

- 2.1 The County Council has secured and received funding through S106 Agreements for active travel infrastructure schemes. Approval is required from the Portfolio Holder for Finance and Property to add these schemes to the capital programme to enable progress to be made on the development and delivery of the schemes.

### 3. Background information

- 3.1 In July 2020, the Government published 'Gear change: a bold vision for cycling and walking' plan, which set out its vision and aims for the future of cycling.
- 3.2 The Council's Cycling Strategy aims to increase cycling in Warwickshire by

improving the safety and quality of the cycling environment. The funding allocations outlined in this report will progress the delivery of safe off-road cycling routes which will enable more people to complete everyday journeys by cycle.

- 3.3 S106 developer funding has been received or secured towards the cost of delivering the cycling infrastructure schemes listed in table 1 which will deliver missing links within Warwickshire's cycle networks and link new developments to key destinations such town centres, rail stations and employment/education centres.
- 3.4 The developer contributions are ring-fenced for walking and cycling infrastructure improvements or other strategic highway improvements. The funding will be used to progress development and delivery of identified active travel schemes. S106 contributions are normally subject to indexation resulting in the value of S106 received being slightly higher than the agreed contribution.

**Table 1: S106 Contributions for the development of off-site walking and cycling infrastructure improvements**

<b>Development(s)</b>	<b>Funding purpose</b>	<b>Agreed S106 contribution</b>	<b>S106 received</b>
Burbages Lane, Ash Green	A new 30m length of shared use footpath / cycleway at the southern end of Burbages Lane	£10,000	£11,241
Ashlawn Road West, Rugby	To deliver shared use footway and cycleway along the B4429 between the site's western access and the proposed toucan crossing north of the Cock Robin roundabout.	£250,000	£286,058
Wharf Farm, Crick Road, Rugby	Towards the provision, improvement and upgrading of cycle infrastructure between the development and Rugby town Centre (Crick Road Houlton to Paddox). Additional contributions of £200,000 towards the creation of cycling links between Houlton and Rugby town centre are due to be paid in the future by the Rugby Radio Station Site, with £100,000 payable no later than the occupation of 1,420 units, and £100,000 no later than occupation of 2,230 units.	£20,000	£20,960
Land off Long Hassocks, Coton Park East, Rugby	Towards the provision of cycle infrastructure within the vicinity of the development to serve the following destinations: (a) Coton Park East employment sites; (b) primary and secondary schools serving the Coton Park East area; (c) Rugby railway station; (d) Rugby town centre, in accordance with the Coton Park East SPD. The first of three instalments has been received.	£192,738	£65,595
Jaguar Land Rover, Banbury	A contribution of £60,000 to the cost of the development and design of proposals for	£660,000	£51,241

Road, Gaydon & Gaydon Lighthorne Heath	the provision, improvement and upgrading of cycle routes between the site and Leamington Spa. An initial £8,750 this contribution has been spent on concept design. An additional £0.6m has been secured towards scheme delivery from Gaydon Lighthorne Heath developments, but will not be received until payments are triggered during site build out.		
North of Bishopton Lane, Stratford-upon-Avon	Contribution towards the provision of a cycle link between the site and Stratford town centre.	£50,000	£54,234
Red Lane and Hob Lane, Burton Green, Kenilworth	Provision of a new shared use footway and cycleway to connect with Kenilworth Greenway	£90,000	£90,000
Red Lane and Hob Lane, Burton Green, Kenilworth	To be applied towards the strategic highways infrastructure and measures to improve walking and cycling on routes into Kenilworth.	£324,000	£333,359
Land off Arras Boulevard, Hampton Magna	Towards the provision of a new cycle route along Hampton Road (A4189) from Hampton Magna to Aylesford School and Warwick town centre	£400,000	£407,994

#### 4. Financial implications

- 4.1 The S106 contributions listed in table 1 have been received or secured by the County Council, are ring-fenced for schemes detailed in the respective S106 agreement and need to be allocated to appropriate capital budgets. This requires that the schemes are added to the capital programme which will also enable the development and delivery of schemes to progress.
- 4.2 Were a scheme not to progress, any S106 funding spent on scheme development would either have to be returned to the developer with the cost falling on revenue budgets or be reallocated to another scheme which meets the terms of the S106 agreement. To overcome this issue, S106 funding will not be utilised until concept design work identifies a feasible scheme and the full funding required to deliver the scheme has been confirmed. This concept design work will be funded from revenue budgets.
- 4.3 There is a risk that as scheme design work progresses, additional unexpected costs will emerge which exceed the available funding. To overcome this issue all cost estimates will include suitable contingency allowance for the stage of design. Should the contingency be insufficient to meet the increased costs the Cycle Schemes Programme Board will recommend next steps for decision by the appropriate level of delegated authority in consultation with the portfolio holder. Options in this situation would be to seek additional funding to deliver the scheme or to descope the project to meet the available budget. Alternative funding options include the Active Travel Fund, Community Infrastructure Levy and future developer contributions.

4.4	Monitoring of the capital project costs will be reported as part of the quarterly financial monitoring report to Cabinet
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## 5. Environmental implications

5.1	Transport is the single largest cause of carbon emissions in the UK. The active travel schemes detailed in this report will provide infrastructure which will enable more walking and cycling journeys to be made, thereby contributing to reduced carbon emissions as well as lower levels of congestion and improved air quality
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<b>Strategic Director</b>	Strategic Director for Communities
<b>Portfolio Holder</b>	Portfolio Holder for Finance and Property

<b>Urgent matter?</b>	No
<b>Confidential or exempt?</b>	No
<b>Is the decision contrary to the budget and policy framework?</b>	No

## List of background papers

None
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## Members and officers consulted and informed

Portfolio Holder – Councillor Peter Butlin

Corporate Board – Mark Ryder

Legal – Caroline Gutteridge

Finance – Virginia Rennie

Equality – Delroy Madden

Democratic Services – Isabelle Moorhouse

Councillors – Warwick, Birdi, Boad, Phillips and W Roberts

Local Member(s):

- Burbages Lane, Ash Green – Cllr Gilbert
- Wharf Farm, Crick Road, Rugby – Cllr Dahmesh, Cllr Roodhouse
- Land off Long Hassocks, Coton Park East, Rugby – Cllr Simpson-Vince, Cllr

Warwick

- Ashlawn Road West, Rugby – Cllr H Roberts
- Jaguar Land Rover, Banbury Road, Gaydon – Cllr Mills, Cllr Kettle, Cllr Matecki, Cllr Falp
- North of Bishopton Lane, Stratford-upon-Avon – Cllr Fradgley
- Red Lane and Hob Lane, Burton Green – Cllr Cooke and Cllr Drew
- Land off Arras Boulevard, Hampton Magna – Cllr Matecki, Cllr Holland

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## Portfolio Holder Decision

### Approval to procure contracts for the reprocessing and haulage of separately collected food waste

<b>Portfolio Holder</b>	<b>Portfolio Holder for Finance and Property</b>
<b>Date of decision</b>	<b>12 May 2023</b>
	<b>Signed</b> 

#### 1. Decision taken

That the Deputy Leader:

1. Authorises the undertaking of two procurement exercises, one for the reprocessing of separately collected food waste and one for the haulage of separately collected food waste
2. Authorises the Strategic Director for Communities to award contracts and to enter into any legal agreement necessary to implement the recommendations in this report on terms and conditions acceptable to the Strategic Director for Resources

#### 2. Reasons for decisions

- 2.1 The purpose of this report is to gain approval to start two procurement exercises. The Council needs to secure two services; the reprocessing of separately collected food waste and the haulage of separately collected food waste in Warwickshire. The procurement for the reprocessing of separately collected food waste will be carried out first, followed by the procurement for haulage of separately collected food waste. The current contracts both expire in January 2024.
- 2.2 The Council needs to secure services for the reprocessing and haulage of separately collected food waste from Stratford and Warwick District Councils and these services need to be in place by February 2024. The contracts will include the scope to process separately collected food waste from the other waste collection authorities in Warwickshire.

- 2.3 These services are key in supporting the processing of separately collected food waste across Warwickshire.
- 2.4 Soft market testing with suppliers has been carried out and indicates a good level of interest from the market. It is currently proposed that the reprocessing contract will have a maximum total duration of 10 years with appropriate review and break clauses. The haulage contract has a proposed maximum total duration of 4 years.
- 2.5 Each procurement will be undertaken in accordance with the Council's Contract Standing Orders and in compliance with procurement legislation. A project team has been established consisting of staff from waste management, the commissioning support unit including contract management and procurement, legal and other key stakeholders.

### 3. Background information

- 3.1 Stratford-on-Avon and Warwick District Councils started a new joint collection service in August 2022, which includes weekly collections of separately collected food waste. Interim arrangements have been in place as a result of supply chain issues and in order to continue to facilitate the treatment of the separately collected food waste the Council needs to procure a contract in for both the processing and haulage of separately collected food waste in Warwickshire.
- 3.2 As it is possible that North Warwickshire Borough Council, Nuneaton and Bedworth Borough Council and Rugby Borough Council may implement separate food waste collection within the term of the proposed contract, scope to process food waste from these areas will also be included in the procurement to ensure robust capacity is available.
- 3.3 It is expected that treatment capacity for separately collected food waste will be in high demand as more councils move to this collection method and it is therefore sensible to secure this capacity now.
- 3.4 The procurement strategy for the new contracts proposes letting separate contracts for the processing and the haulage elements. It is considered that this will secure greater market interest and secure best value.
- 3.5 The Council does not own a site or equipment suitable for reprocessing food waste. In addition, haulage of food waste is a specialist area. Whilst the Council does operate some waste transport services but it is not currently in a position to take on the transport of food waste.
- 3.6 The proposed timetable sees tenders commence in May 2023 for the reprocessing contract and September 2023 for the haulage contract. Procuring the haulage service once the delivery point is known, will reduce the risk to the haulier and will ensure best value for the Council. This timetable will ensure that continuous services are provided without interruption.

3.7 Soft market testing has been undertaken and a detailed procurement plan is being prepared which will address such issues as how to approach indexation on food waste processing and haulage so this can be both fair and affordable.

3.8 As the total value of the contracts combined could exceed £2,500,000 over the life of the contracts, a decision is requested of the Deputy Leader in line with Contract Standing Orders. It is not anticipated that costs will exceed £3,000,000.

#### 4. Financial implications

4.1 From market knowledge the rates for food waste processing could vary greatly from an income of £25 per tonne to a fee of £10 per tonne. The total cost of processing for a term of 10 years could be approximately £1,000,000; however, it could generate an overall income.

4.2 The cost of haulage will depend on the location of the delivery point(s) and therefore when awarding the food waste processing contract, it is important that haulage costs are also taken into account. This will be allowed for within the procurement methodology and fully explained to bidders.

4.3 The total maximum cost of a four-year contract for the haulage of separately collected food waste for the whole of Warwickshire is not expected to exceed £1,600,000.

4.4 The cost of the existing contracts is covered by the service's current budget. The separate collection of food waste takes food waste away from more costly residual waste disposal, potentially leading to savings in respect of disposal costs. The full budget implications of the new contracts will be reassessed during tender evaluation and award.

#### 5. Environmental implications

5.1 These contracts will ensure the safe and compliant reprocessing and haulage for separately collected food waste in Warwickshire. The contracts will help ensure organic material is not sent to landfill or incinerated and is processed in line with the waste hierarchy and the developing Resources and Waste Strategy for England. Separately collected food waste is currently sent to anaerobic digestion where it is used to produce biogas which is either exported or used to produce electricity and heat on site. A valuable fertiliser is also produced. Anaerobic digestion will not be specified in the contract; however, it is expected to be the favoured technology offered by the market.

5.2 Processing separately collected food waste by way of anaerobic digestion reduces the Council's carbon footprint and helps achieve our climate change ambitions.

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<b>Deputy Leader and Portfolio Holder for Finance and Property</b>	Peter Butlin cllrbutlin@warwickshire.gov.uk

<b>Urgent matter?</b>	No
<b>Confidential or exempt?</b>	No
<b>Is the decision contrary to the budget and policy framework?</b>	No

### List of background papers

None

### Members and officers consulted and informed

Portfolio Holder – Councillor Peter Butlin

Corporate Board – Mark Ryder

Legal – Harminder Nagra

Procurement – Thomas Richman

Contract Management & Quality Assurance Service – Jordan Newman-Chatwin

Finance – Andy Felton

Equality – n/a

Democratic Services – Isabelle Moorhouse

Councillors – Warwick, Birdi, Boad, Phillips and W Roberts

Local Member(s): N/A

## Portfolio Holder Decision Healthwatch

<b>Portfolio Holder</b>	<b>Deputy Leader</b>
<b>Date of decision</b>	<b>12 May 2023</b>
	<b>Signed</b> 

### 1. Decision taken

That the Deputy Leader approves:

- 1.1 The Strategic Director for People to commence a procurement process for the provision of a Local Healthwatch service which will come into effect from 1 November 2023
- 1.2 The Strategic Director for People to enter into all necessary agreements to enable the provision of a Local Healthwatch service on terms and conditions acceptable to the Strategic Director for Resources

### Reasons for decisions

- 2.1 Warwickshire County Council currently commissions a Local Healthwatch service from Healthwatch Warwickshire.
- 2.2 The contract for this service is due to expire on 31 October 2023 and therefore approval is required to commence a tender process for new provision to start 1 November 2023.

### Background information

- 3.1 The service is a statutory requirement, and its provision enables Warwickshire County Council to meet the statutory requirements as introduced by the Health and Social Care Act 2012 to commission a Local Healthwatch organisation.
- 3.2 The Government's vision for Healthwatch, as described in the Health and Social Care Act 2012, is that it will be the independent consumer champion for the public to promote better outcomes in health and in social care – locally via Local Healthwatch organisations and nationally via Healthwatch England.

3.3 The functions of local Healthwatch services are derived from the requirements prescribed in available legislation and guidance and includes:

- i.) **Function 1** - Gathering views and understanding the experiences of patients and the public
- ii.) **Function 2** - Making people's views known
- iii.) **Function 3** - Promoting and supporting the involvement of people in the commissioning and provision of local care services and how they are scrutinised
- iv.) **Function 4** - Recommending investigation or special review of services via Healthwatch England or directly to the Care Quality Commission (CQC)
- v.) **Function 5** - Providing advice and information (signposting) about access to services and support for making informed choices
- vi.) **Function 6** - Making known the views and experiences of people to Healthwatch England (and to other local Healthwatch organisations) and providing a steer to help it carry out its role as national champion
- vii.) **Function 7** - NHS Complaints Advocacy

3.4 As the total value of the contract across the potential lifespan of seven years will be in the region of £1.7million, a decision to commence procurement is required of the Leader, Deputy Leader or Cabinet pursuant to the Contract Standing Orders of Warwickshire County Council. This report therefore requests the Deputy Leader to grant the authority to commence procurement.

### Financial implications

4.1 The initial contract term required will be five years. However, the Council will as part of the procurement exercise reserve the right to extend the contract for up to a further 24 months based on successful contract performance. The contract will also allow the Council to vary the service should there be a significant change in service area.

4.2 The total value of the contract per annum is currently £244,000. For the potential seven-year period being requested in this report the total contract value would therefore be £1,707,000.00 which will be funded from the Local Reform and Communities (LRVC) Grant. Should the contract exceed the existing funding levels, any gap will be met by existing service budgets, given this is a statutory service.

### Environmental implications

None

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#### Assistant Director

Becky Hale

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<b>Strategic Director</b>	Strategic Director for People
<b>Portfolio Holder</b>	Councillor Peter Butlin Deputy Leader

<b>Urgent matter?</b>	<i>No</i>
<b>Confidential or exempt?</b>	<i>No</i>
<b>Is the decision contrary to the budget and policy framework?</b>	<i>No</i>

### List of background papers

### Members and officers consulted and informed

Portfolio Holder – Deputy Leader Councillor Peter Butlin

Corporate Board – Nigel Minns

Legal – Sioned Harper

Finance – Victoria Forrester

Equality – N/A

Democratic Services – Isabelle Moorhouse

Councillors – Golby, Holland, Rolfe and Drew

Local Member(s): n/a

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## Portfolio Holder Decision – Change of Age Range at Brownsover Infant, Long Lawford & Nursery Hill Primary Schools

<b>Portfolio Holder</b>	<b>Portfolio Holder for Education</b>
<b>Date of decision</b>	<b>12 May 2023</b>
	<b>Signed</b> 

### 1 Decision taken

That the Portfolio Holder for Education approves the commencement of a public consultation on changing the age range at Brownsover Infant, Nursery Hill Primary and Long Lawford Primary Schools with effect from September 2023.

### 2 Reasons for decisions

#### **Brownsover Community Infant School:**

- 2.1 The school wishes to change its age range from 3-7 to become a 4–7 infant school, with early years provision available at the existing school operated setting only. Currently, the school also operates a nursery class for 3-4 year olds which it proposes closing and amalgamating these spaces into the school operated Pre-School for 2-4 year olds. This change, if agreed, would come into force from September 2023.
- 2.2 The school has recently consulted to transition from a two form entry infant school to a one form entry primary school. As a consequence, approval has already been received to extend the school's current 3-7 age range to 3-11 from September 2026.
- 2.3 Therefore, this proposal is twofold. To change the age range from 3-7 to 4-7 from September 2023, then change the age range from 4-7 to 4-11 in September 2026.
- 2.4 The school nursery class currently has a place allocation of 52 half day places = 26 morning + 26 afternoon places which must be led by a qualified teacher and additional

level 3 qualified early years professional. The delivery of this is either morning or afternoon places.

- 2.5 In addition to the nursery class the school operates a governor run nursery (s27 care) which offers places to 2 to 4 year old children. This meets the needs for working parents, providing the additional hours working parents need to access 30 hours places. Funded 2 year old places are also offered to support disadvantaged families that meet the eligibility criteria
- 2.6 The dual offer across the school services creates both administrative and financial pressures that could be avoided by creating one service to meet all service user needs, with greater flexibility for parents, in one setting.
- 2.7 The age range change would see no reduction in places for the community as the offer at the school run nursery would be increased to reflect those places previously offered by the school nursery class. The change would create one service that could be run to meet local need with the ability to flex and change in response to demand whilst being delivered in a more cost and administratively efficient way. The plans propose that the Early Years provision may become teacher directed as opposed to teacher led. This means that the EYFS teacher / lead may work at times collaboratively across the EYFS team to secure and sustain the quality of early years provision at the school. This would ensure there is no intended reduction in the quality of provision because of the proposed change.

**Long Lawford Primary School:**

- 2.8 The school wishes to change its age range to become a 4 – 11 primary school, with early years provision being delivered via a newly developed school operated setting. Currently, the school has an age range of 3 – 11 and operates a nursery class for 3 and 4 year olds which it proposes closing.
- 2.9 The school nursery class currently has a place allocation of 26 half day places which are mornings only and must be led by a qualified teacher and additional level 3 qualified early years professional. Take up of these places fluctuates leading to increasing financial pressure upon the school in terms of delivery cost of staffing and increased difficulty in meeting the needs for parents and carers. This impact has increased steadily over recent years as demands for more flexible, longer sessions have grown.
- 2.10 The nursery wishes to develop its offer and provide more options for longer sessions. This would see an increase in demand for these places, meeting the need for longer and more flexible sessions by parents, including being able to access funded 30 hours extended entitlement places for working parents.
- 2.11 The age range change would see no reduction in places for the community. The offer at the school run nursery would reflect those places previously offered by the school nursery class, and provide additional longer sessions, to meet the requested need of

parents. The change would create a new service that could be run to meet local need, with the ability to flex and change in response to demand, while being delivered in a more cost-efficient way. The plans propose that the Early Years provision may become teacher directed as opposed to teacher led. This means that the EYFS teacher / lead may work at times collaboratively across the EYFS team to secure and sustain the quality of early years provision at the school. This would help to ensure that there is no reduction in the quality of provision as a result of the proposed change.

#### **Nursery Hill Primary School:**

- 2.12** The school wishes to change its age range to become a 4 – 11 primary school, with early years provision being delivered via a newly developed school operated setting. Currently, the school has an age range of 3 – 11 and operates a nursery class for 3 and 4 year olds which it proposes closing.
- 2.13 The school nursery class currently has a place allocation of 26 half day places which are mornings only and must be led by a qualified teacher and additional level 3 qualified early years professional. Take up of these places fluctuates leading to increasing financial pressure upon the school in terms of delivery cost of staffing and increased difficulty in meeting the needs for parents and carers. This impact has increased steadily over recent years as demands for more flexible, longer sessions have grown.
- 2.14 The nursery wishes to develop its offer and provide more options for longer sessions along with creating places for funded 2 year olds. This, if agreed, would see an increase in demand for these places, meeting the need for longer and more flexible sessions by parents, including being able to access funded 30 hours extended entitlement places for working parents.
- 2.15 If agreed, the age range change would see no reduction in places for the community. The offer at the school run nursery would reflect those places previously offered by the school nursery class, and provide additional longer sessions and additional places for funded 2 year olds. This would meet need of parents locally and moving forwards with the increased funded entitlements due to be launched in 2024. The change would create a new service that could be run to meet local need, with the ability to flex and change in response to demand, while being delivered in a more cost efficient way. The plans propose that the Early Years provision may become teacher directed as opposed to teacher led. This means that the EYFS teacher / lead may work at times collaboratively across the EYFS team to secure and sustain the quality of early years provision at the school. This would ensure there is no intended reduction in the quality of provision because of the proposed change.

### **3 Background information**

- 3.1 Any proposed changes to the age range of a community school must be carried out in accordance with the Statutory Guidance issued by the Department for Education 'Making Prescribed Alterations to Maintained Schools.' The guidance requires the local authority to undertake a statutory consultation for a period of at least 4 weeks, with the proposals published both online and in a local newspaper, as well as to the governing body, the parents of registered pupils at the school, and anyone else considered appropriate.
- 3.2 The local authority should make its decision within 2 months of the end of the consultation period.
- 3.3 If permission to consult is agreed, consultation would need to take place during June 2023 to ensure any changes are implemented in time for September 2023.
- 3.4 The results of the consultation will be included in a future Cabinet report for approval, followed by implementation (if agreed) from July 2023.

### Financial implications

None

### Environmental implications

None

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### Lead Member

Portfolio Holder for Education

### Urgent matter?

No

### Confidential or exempt?

No

### Is the decision contrary to the budget and policy framework?

No

### List of background papers

None

### Members and officers consulted and informed

Portfolio Holder – Councillor Kam Kaur

Corporate Board – Johnny Kyriacou & Matt Biggs

Legal – Guy Darvill – Team Lead & Senior Solicitor (Education)

Finance – Brian Smith - Education, Children and Families Technical Specialist

Equality – Delroy Madden - Senior EDI Practitioner

Democratic Services – Helen Barnsley – Senior Democratic Services Officer

Councillors – Councillor Dahmash, Councillor Roodhouse, Councillor Brown

Local Member(s): Councillor Jill Simpson-Vince, Councillor Heather Timms, Councillor Margaret Bell

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## Portfolio Holder Decision Housing Related Support (HRS) Redesign Public Consultation

<b>Portfolio Holder</b>	<b>Portfolio Holder for Adult Social Care &amp; Health</b>
<b>Date of decision</b>	<b>12th May 2023</b>
	<b>Signed</b> 

### 1. Decision taken

- 1.1 That the Portfolio Holder approves a public consultation for the re-design of Housing-Related Support services as set out in this report.

### 2. Reasons for decisions

- 2.1 A review has been undertaken into how the Housing Related Support (HRS) services commissioned by the Council can be delivered more efficiently and effectively when the current contractual arrangements come to an end in January 2025. A report on options for recommissioning these services was shared with Social Care and Support and Children & Families Senior Leadership Teams in October 2022.
- 2.2 To ensure a strategic approach to re-structuring these services, Council commissioners have carried out briefings and discussions with the Warwickshire Housing Board. A series of redesign workshops were held during 2021-22 with participation from the Council's Children and Families and Social Care and Support teams; the five District/Borough Council Housing services; and Probation Services.
- 2.3 The options for redesign have been presented to the Warwickshire Housing Board, which recommended that Option 1 be taken forward to consultation, in line with the Council's preferred option.
- 2.4 Whilst there is no statutory duty to undertake a public consultation when making changes to this discretionary service, it is considered good practice to do so. A document for public consultation, setting out the reasons for the exercise and how people can contribute to the Council's decision-making has been prepared (Appendix 1).
- 2.5 An Equalities Impact Assessment (EQIA) has been completed (Appendix 2) and will be shared as part of the public consultation exercise.

- 2.6 To support the consultation exercise, the Council has commissioned an engagement provider through the Co-Production & Engagement Framework; this will also ensure seldom heard groups are supported to contribute to the consultation.
- 2.7 The public consultation will run for approximately 12 weeks. We anticipate the consultation will run from 23rd May – 11th August. Should call-in occur the consultation will run from 7th June - 25th August 2023.
- 2.8 The responses to the consultation will be analysed and will inform the final service redesign to be presented to People Directorate Leadership Team and Corporate Board ahead of seeking approval from Cabinet on 14th December 2023.
- 2.9 The procurement for the new services will commence with publication of the notice in March 2024; contract award in June 2024 and contract start in January 2025.

### 3. Background information

- 3.1 Housing Related Support (HRS) is non-statutory service offered to vulnerable people aged 16 years and over across Warwickshire with the aim of promoting independent living and encouraging people to build on their existing skills and capabilities.
- 3.2 The current contracts and delivery model commenced in 2016 and are the result of significant redesign and budget reduction of the former Supporting People programme.
- 3.3 The provision of HRS remains discretionary; the County Council has no statutory duty to offer these services to Warwickshire citizens.
- 3.4 Nationally, there has been a diverse response to the changes to the funding of Supporting People services. Compared with other upper tier authorities, there is evidence to suggest that this Council’s current spend on HRS is one of the highest in England.
- 3.5 The current preventative service offer is delivered as in Table 1 below:

**Table 1: Current Service Offer**

<b>Eligibility</b>	<b>People with own tenancy or temporary accommodation at risk of becoming homeless</b>	<b>People with no tenancy but ineligible/ or currently unable to access Local Authority or Private Rented Sector housing</b>
<b>HRS Service Type</b>	<b>Floating Support</b>	<b>Accommodation-based Support</b>
	The Council commissions service which delivers support sessions from a caseworker to develop customer’s ability to prevent homelessness.	The Council commissions support; provider arranges accommodation (mix of hostels and ‘dispersed’ properties in general housing) funded through housing benefit/customer contribution.



<b>For People Aged 16-25</b>	Single countywide service	1. Service for North Warwickshire/ Nuneaton and Bedworth/Rugby 2. Service for Warwick/Stratford-on-Avon
<b>For People Aged 25+</b>	Single countywide service	Single countywide service
<b>For People Aged 16+ with a Disability (including Mental Health)</b>	Single countywide service	No dedicated service - would need to refer to the relevant age-specific service

3.6 The Council will have a reduced budget allocation from 2025-26 allocated for these services. To align with current contract length, new services will be procured to commence from January 2025.

3.7 Four options for redesign were considered under the new budget allocation and were developed following extensive engagement work with customers and key stakeholders (Table 2).

**Table 2: Summary of options considered to provide services within reduced budget allocation**

Options	
1	<ul style="list-style-type: none"> <li>Retain both accommodation-based and floating support services for young people and adults allocating the available budget in the same proportions as current contract arrangements.</li> </ul>
2	<ul style="list-style-type: none"> <li>Retain all young people services</li> <li>Reduce adult floating support by 10%</li> <li>Decommission adult accommodation-based support</li> </ul>
3	<ul style="list-style-type: none"> <li>Retain all young people services</li> <li>Reduce adult accommodation-based support by 10%</li> <li>Reduce adult floating support by 40%</li> </ul>
4	<ul style="list-style-type: none"> <li>Retain young people accommodation-based support</li> <li>Retain adult-based accommodation-based support</li> <li>Reduce all floating support services by 50%</li> </ul>

3.8 To ensure a strategic approach to re-structuring these support services, the Council's commissioners carried out briefings and discussions with the Warwickshire Housing Board. A series of redesign workshops were held during 2021-22 with participation from Children and Families and Adult Social Care teams at the Council; the five District/Borough Councils Housing services; and Probation Services.

3.9 These redesign workshops concluded that all the current services were valued by customers and the organisations that work to support them and there was evidence of positive impact and outcomes for Warwickshire citizens. It was felt that decommissioning any of the individual services would create a risk of increased

homelessness or increased need for social care. Accommodation-based support services for people with chaotic lifestyles and multiple disadvantages/vulnerabilities were viewed as critical in the local support arrangements due to the lack of alternative provision. These services were felt to support customer engagement with relevant support services, reduce re-offending and minimise homelessness.

- 3.10 The recommendation that we wish to consult on: 'Retain both accommodation-based and floating support services for young people and adults, allocating the available budget in the same proportions as current contract arrangements' is supported by the redesign workshop members, Housing Board and Warwickshire Probation Service. Both accommodation-based and floating support services are seen as preventing, reducing and delaying needs for care and support, preventing homelessness and supporting vulnerable people to gain the skills to live independently.
- 3.11 The proposed new services will be referred to as the 'Supporting Independence Services' and will continue to offer holistic and personalised support to meet need, promoting wellbeing, safety, resilience, independence, recovery and reablement to prevent, reduce and/or delay an individual's need for on-going care and support.
- 3.12 The recommended option features three redesign proposals which we wish to get the public's views on through the public consultation:
1. Stop commissioning the separate floating support service for people with disabilities and meet those needs within redesigned inclusive floating support services; one for young people aged 16-25 and one for people aged 25+ years.
  2. Add a flexible range of shorter support interventions that respond to individual needs as efficiently as possible and give earlier, focused support for customers who do not need longer term support.
  3. Reduce the maximum duration of a service intervention for an individual:
    - i. *maximum duration of floating support for people aged 16-25 reduces from 24 to 12 months*
    - ii. *maximum duration of floating support for people aged 25+ reduces from 12 months to 9 months*
    - iii. *maximum duration of Accommodation-based support reduces from 24 months to 18 months*

It is proposed that the redesigned services will offer a personalised support service that meets individual needs of customers, inclusive of those with disabilities. During the tender process it will be clear from the specification that providers are to respond to and deliver ongoing support to customers through an inclusive and non-discriminatory approach. There will be a requirement for staff teams to be adequately trained to support the range of customers who may require support. We will expect our providers to make reasonable adjustments for people with disabilities to ensure everyone can access the support they require.

- 3.13 The equal reduction across all services will unfortunately have a negative impact on the number of people it can support, and some people may find they are waiting longer for services. The service delivery efficiency improvements will partly mitigate the impact of the budget reductions. The aim is to increase the throughput of

customers to maximise the reduced resource and continue to support as many customers as possible. Our proposed redesign will make the services more efficient through more effective triage; shorter, targeted services where these are appropriate for customers; and people leaving services earlier with positive outcomes.

- 3.14 In order to realise our duties under the Equalities Act 2010 by having due regard for the impact of these proposals on protected groups under the Act, we have carried out an Equalities Impact Assessment (attached at Appendix 2). This assessment will be reviewed and amended regularly throughout the life of this project.

#### 4. Financial implications

- 4.1 This report reflects the intended delivery of the £1m budget reduction, from current budget of £3.6m, approved by Council in February 2023.
- 4.2 The service re-design was developed, and proposals have been reached to support the £1million savings.
- 4.3 At the 2022/23 budget levels this would be a 28% reduction.

#### 5. Environmental implications

- 5.1 There are no identified environmental implications

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<b>Portfolio Holder</b>	Margaret Bell, Portfolio Holder for Adult Social Care & Health, Portfolio Holder for Children & Families

<b>Urgent matter?</b>	No
<b>Confidential or exempt?</b>	No
<b>Is the decision contrary to the budget and policy framework?</b>	No

### List of background papers

Appendix 1 Public Consultation Document

Appendix 2 Equality Impact Assessment

### Members and officers consulted and informed

Portfolio Holder – Councillors Margaret Bell

Corporate Board – Nigel Minns, Becky Hale

Legal – Alison Hallworth, Sioned Harper

Finance – Victoria Forrester, Andrew Felton


Equality – Joanna Kemp

Democratic Services – Isabelle Moorhouse

Councillors – Jeff Morgan, Clare Golby, John Holland, Kate Rolfe and Tracey Drew

Local Member(s): n/a

**Portfolio Holder Decision  
Warwickshire Fire and Rescue Service (Pensioners) - GMP  
rectification report**

<b>Portfolio Holder</b>	<b>Leader of the Council</b>
<b>Date of decision</b>	<b>12<sup>th</sup> May 2023</b>
	<b>Signed</b> 

### 1. Decision taken

The Leader approves the decision that Warwickshire Fire & Rescue Service (WFRS) will not seek to recover any past overpayments to Fire Pension Scheme members which have been identified through the GMP reconciliation exercise.

### 2. Reasons for decisions

2.1 Since 2015 there has been a national exercise for UK pension schemes to reconcile the guaranteed minimum pension (GMP) value held on members' records with the values held by HMRC. Whilst the majority of records held by both public and private sector matched to the data held by HMRC, there were a number of discrepancies resulting from incorrect or incomplete information being passed between scheme employers, pension funds and HMRC. With the ending of contracting out and the scaling down of the HMRC team, all Pension Schemes were required to reconcile their data with HMRC and agree the correct records.

2.2 In April 2022, Warwickshire Pension Fund completed the exercise for members of the Local Government Pension Scheme (LGPS) and a decision was made to not seek repayment for any overpayments, for consistency we are now looking for the same decision to be applied to Firefighter Pensioners.

***Underpayments***

2.3 In line with the decision taken in respect of the equivalent LGPS exercise, it is the intention that we write to all pensioners and dependents who have suffered an underpayment, setting out the correct pension they should now be receiving, along with the value of the historic underpayment. We expect to correct the pension in payment and make payment of the historic payments owed as soon as practically possible. The cost of underpayments will be recovered from the government through the existing Fire Pensions "top-up" grant process.

***Overpayments – reduction to ongoing pension***

2.4 With regard to overpayment cases, the pension in payment must be adjusted to the correct value going forward as we cannot knowingly make incorrect payments to any scheme member.

2.5 In many cases, the scheme member will have been in receipt of the overpaid pension for a number of years, and therefore officers do not believe it is equitable to implement an immediate reduction in pension without providing prior notice. It is proposed to give individuals affected a notice period of no less than 2 months.

***Recovery of historic overpayments***

2.6 In line with the decision already taken with regard to the LGPS GMP reconciliation exercise, the following reasons form the basis for recommending that we do not seek to recover historic overpayments:

- Given the complexities around the GMP rules it would be unfair to assume that the member could have had any knowledge or understanding that this resulted in their pension being overpaid.
- Many of the people affected are likely to be elderly and vulnerable and already facing rising inflation and costs of living. These factors could make it difficult to recover some or all the overpayment and lead to additional unrecoverable costs.
- It is arguable that the Authority could have discovered the overpayments itself at an earlier point in time which could render some claims time barred under limitation rules.

2.7 This approach aligns with LGA guidance (2018), which was based on guidance from the Home Office, and takes account of the distress that any attempt to recover the overpaid sums would inevitably cause.

<https://www.fpsboard.org/images/PDF/Bulletin13/Bulletin13.pdf>

2.8 Where an overpayment of pension is made, there is a risk that this will be deemed to be an unauthorised payment and can attract a charge to tax. However, under Regulation 13 of the Registered Pension Schemes (Authorised Payments) Regulations 2009 - Regulation 13 says that a payment made in error will be an authorised payment if the:

- payment was genuinely intended to represent the pension payable to the person,
- administering authority believed the recipient was entitled to the payment,
- administering authority believed the recipient was entitled to the amount of pension that was paid in error.

Officers therefore believe that there should be no adverse tax consequences in respect of the decision not to seek recovery of the historic overpayments.

2.9 It is therefore recommended that whilst the pension value is corrected going forward, there should not be any recovery of overpaid amounts, consistent with the decision made for LGPS members.

### 3. Background information

#### ***Rectification Process and Issues***

- 3.1 Prior to April 2022 the administration of the Fire Pension Schemes for WFRS was provided by the Pensions Administration Team (PAS) at Warwickshire. However due to the complexities of the schemes and the difficulties in retaining knowledge, expertise, and resilience within the PAS to maintain this service it was decided that the administration should be transferred to another provider – WYPF.
- 3.2 This meant that the GMP rectification work for WFRS would be completed by the new provider, WYPF. This work has now begun and a number of cases of under and overpayments identified.

#### 4. Financial implications

- 4.1 The project to review payments is ongoing and therefore the final value of under or overpayments is not yet known.
- 4.2 The cost of payment of arrears will be recovered from the government via the Fire Pensions top-up grant.
- 4.3 Overpayments that are not recouped have already been accounted for in the year the overpayment has occurred. There will therefore be no impact on revenue budgets.

#### 5. Environmental implications

- 5.1 None

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<b>Strategic Director</b>	Strategic Director for Resources
<b>Portfolio Holder</b>	Leader of the Council

<b>Urgent matter?</b>	Yes
<b>Confidential or exempt?</b>	No
<b>Is the decision contrary to the budget and policy framework?</b>	No

#### List of background papers

None

#### Members and officers consulted and informed

Portfolio Holder - Izzi Seccombe Leader of the Council

Corporate Board – Sarah Duxbury, Rob Powell

Legal – Jan Cumming/Sarah Cowen

Finance – Andrew Felton

Fire Service – Ben Brook

Equality – Delroy Madden

Democratic Services – John Cole



Councillors – Warwick, Birdi, Boad, Phillips and W Roberts

Local Member(s): n/a

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