

To: Deputy Leader and Members of the Resources Board

Councillors Symonds, A Clews, Davey, Deakin, Dirveiks, D Humphreys, Lees, Morson, Moss, O Phillips and Simpson

For the information of other Members of the Council

For general enquiries please contact Democratic Services on 01827 719221 or via email – democraticservices@northwarks.gov.

For enquiries about specific reports please contact the Officer named in the reports.

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RESOURCES BOARD AGENDA

14 June 2021

The Resources Board will meet on Monday 14 June 2021 at 6.30 pm in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire.

The meeting can also be viewed on the Council's YouTube channel at [NorthWarks - YouTube](#).

AGENDA

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Disclosable Pecuniary and Non-Pecuniary Interests.**

4 **Minutes of the Resources Board held on 22 March 2021** – copy herewith, to be approved as a correct record and signed by the Chairman.

5 **Public Participation**

Up to twenty minutes will be set aside for members of the public to put questions to elected Members.

Members of the public wishing to address the Board must register their intention to do so by 9:30am two working days prior to the meeting. Participants are restricted to five minutes each.

If you wish to put a question to the meeting, please register by email to democraticservices@northwarks.gov.uk or telephone 01827 719221/719226.

Once registered to speak, the person asking the question has the option to either:

- (a) attend the meeting in person at the Council Chamber;
- (b) attend remotely via Teams; or
- (c) request that the Chair reads out their written question.

If attending in person, precautions will be in place in the Council Chamber to protect those who are present however this will limit the number of people who can be accommodated so it may be more convenient to attend remotely.

If attending remotely an invitation will be sent to join the Teams video conferencing for this meeting. Those registered to speak should dial the telephone number and ID number (provided on their invitation) when joining the meeting to ask their question. However, whilst waiting they will be able to hear what is being said at the meeting. They will also be able to view the meeting using the YouTube link provided (if so, they may need to mute the sound on YouTube when they speak on the phone to prevent feedback).

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

6 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April 2020 - March 2021** – Report of the Chief Executive

Summary

This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Resources Board for April 2020 to March 2021.

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

7 **Members Allowances for 2020/2021** – Report of the Corporate Director – Resources

Summary

The purpose of this report is to advise Members of the allowances paid for 2020/21. The Council also has a duty to publish the amounts paid to Members under the Members' Allowance Scheme.

The Contact Officer for this report is Nigel Lane (719371).

8 **Risk Management Annual Report 2020/2021** – Report of the Corporate Director – Resources

Summary

This report is to inform Members of risk management actions undertaken during 2020/21 and the risks identified for 2021/22.

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

9 **Annual Treasury Report for 2020/21** – Report of the Corporate Director – Resources

This report shows the out-turn for 2020/21 and highlights any areas of significance.

The Contact Officer for this report is Daniel Hogan (719337).

10 **Internal Audit Annual Report 2020 - 21** – Report of the Corporate Director - Resources

Summary

The purpose of this report is to present the Head of Internal Audit's Annual Report.

The Contact Officer for this report is Linda Downes (719416).

11 **Atherstone CCTV Scheme – Partnership Agreement** – Report of the Director of Housing

Summary

This report submits the revised Atherstone CCTV Scheme Partnership Agreement to the Board for comment and approval.

The Contact Officer for this report is Angela Coates (719369).

12 **Revised Parking Places Order and Schedule – Report of the Corporate Director – Streetscape**

Summary

This report asks Members to approve a revised Parking Places Order and associated Schedule(s) covering all the Borough Council owned and operated off-street car parks. The revised Order and Schedule(s) propose the retention of free parking periods across all Council car parks but with the introduction of parking charges for some longer stays in order to ensure that the Council's off-street car parks are prepared for the implementation of Civil Parking Enforcement in November 2021.

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

STEVE MAXEY
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

**MINUTES OF THE
RESOURCES BOARD**

22 March 2021

Present: Councillor Symonds in the Chair

Councillors Davey, Deakin, Dirveiks, Farrow, Hayfield, D Humphreys, M Humphreys and Simpson.

Apologies for absence were received from Councillors Chambers and Singh (substitute M Humphreys).

Councillors D Clews, Bell, Jarvis, Smith and D Wright were also in attendance.

48 Disclosable Pecuniary and Non-Pecuniary Interests

None were declared at the meeting.

49 Minutes of the Resources Board held on 25 January 2021

The minutes of the Resources Board held on 25 January 2021, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

50 Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April – December 2020

The Chief Executive informed Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Board for April to December 2020.

Resolved:

That the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Board for April to December 2020 be noted.

51 Update of the Financial Regulations

The Corporate Director – Resources detailed a review of the Financial Regulations and some minor amendments that had been made.

Recommended:

That the updated Financial Regulations, attached at Appendix A to the report of the Corporate Director – Resources, be accepted and the consequent amendments be made to the Constitution.

52 Changes to the Non Domestic Discretionary Retail Rate Relief Scheme 2021/22

The Corporate Director – Resources asked Members to adopt the National Non Domestic Discretionary Retail Discount (NNDR) scheme, attached at Appendix A to her report, which reflected the changes announced in the Budget on 3 March 2021.

Recommended:

- a That the Non Domestic Discretionary Retail Discount Scheme, attached at Appendix A to the report of the Corporate Director – Resources be adopted with effect from 1 April 2021; and**
- b That a further report be brought to the Board in May 2021 to recommend any review of the Non Domestic Discretionary Retail discount for Leisure, Hospitality and Nursery premises for 1 July 2021 to 31 March 2022.**

53 Internal Audit Plan 2021/22 and Counter Fraud Activity

The Corporate Director – Resources set out the proposed Internal Audit Plan for 2021/22 and updated the Board on the work of the Counter Fraud Officer.

Resolved:

That the Internal Audit Plan, as attached at Appendix A to the report of the Corporate Director – Resources, be approved and the work of the Counter Fraud Officer be noted.

54 **Exclusion of the Public and Press**

Resolved:

That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information as defined by Schedule 12A to the Act.

55 **Confidential Extract of the Minutes of the Resources Board held on 25 January 2021**

The confidential extract of the minutes of the Resources Board held on 25 January 2021, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

56 **High Street, Coleshill**

As resolved at the meeting of the Board in January 2021, the Corporate Director – Streetscape gave a further report providing additional information on properties in High Street, Coleshill and highlighted other considerations for which further information was being sought.

Resolved:

That the contents of the report be noted and a further report be brought back to a future meeting of the Board for final determination.

C Symonds
Chairman

Agenda Item No 6

Resources Board

14 June 2021

**Report of the
Chief Executive**

**Progress Report on Achievement
of Corporate Plan and
Performance Indicator Targets
April 2020 - March 2021**

1 Summary

- 1.1 This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Resources Board for April 2020 to March 2021.

Recommendation to the Board

That Members consider the performance achieved and highlight any areas for further investigation.

2 Consultation

- 2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

3 Background

- 3.1 This report shows the year end position with the achievement of the Corporate Plan and Performance Indicator targets for 2020/21. This is the fourth report showing the progress achieved so far during 2020/21.

4 Progress achieved during 2020/21

- 4.1 Attached at Appendices A and B are reports outlining the progress achieved for all the Corporate Plan targets and the performance with our local performance indicators during April 2020 to March 2021 for the Resources Board.

- 4.2 Members will recall the use of a traffic light indicator for the monitoring of the performance achieved.

Red – target not achieved (shown as a red triangle)

Green – target achieved (shown as a green star)

5 Performance Indicators

- 5.1 The year end returns are subject to review by Internal Audit and therefore maybe subject to changes. Any amendments to the returns will be reported to a future meeting of the board.

6 Overall Performance

- 6.1 The Corporate Plan performance report shows that 100% of the Corporate Plan targets and 42% of the performance indicator targets have been achieved. The report shows that individual targets that have been classified as red or green. Targets have not been achieved relating to Indicator targets for processing of invoices, response repairs completed first time, gas certificates, re-letting dwellings, processing of benefits and collection of national non-domestic rates and council tax, contact centre calls, and providing adaptations. In most cases the targets have been impacted by delays associated with the COVID 19 pandemic work demands. There is still some good performance achieved despite impacts arising from the coronavirus restrictions. Individual comments from the relevant division have been included where appropriate. The table below shows the following status in terms of the traffic light indicator status:

Corporate Plan

Status	Number	Percentage
Green	17	100%
Red	0	0%
Total	17	100%

Performance Indicators

Status	Number	Percentage
Green	8	42%
Red	11	58%
Total	19	100%

7 Summary

- 7.1 Members may wish to identify any areas that require further consideration where targets are not currently being achieved.

8 Report Implications

8.1 Safer Communities Implications

8.1.1 There are community safety performance indicators which are reported to Executive Board.

8.2 Legal Data Protection and Human Rights Implications

8.2.1 The national indicators were previously specified by the Secretary of State for Communities and Local Government. They have now been ended and replaced by a single list of data returns to Central Government from April 2011.

8.3 Environment and Sustainability Implications

8.3.1 Improvements in the performance and quality of services will contribute to improving the quality of life within the community. There are a number of actions and indicators which contribute towards the priorities of the sustainable community strategy including financial inclusion, improving broadband access, providing adaptations and preventing homelessness.

8.4 Risk Management Implications

8.4.1 Effective performance monitoring will enable the Council to minimise associated risks with the failure to achieve targets and deliver services at the required performance level.

8.5 Equality Implications

8.5.1 There are equality related actions and indicators highlighted in the report including improving broadband access, digital compliant borough care equipment, the heart partnership, council tax scheme and providing adaptations and preventing homelessness.

8.6 Links to Council's Priorities

8.6.1 There are targets and performance indicators contributing towards the priorities of responsible financial and resource management, supporting employment and business, creating safer communities and promoting sustainable and vibrant communities.

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

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date
National Indicators for Local Authorities and Local Authority Partnerships	Department for Communities and Local Government	Statutory Guidance	February 2008

Resources Board 20/21										
	Action	Priority		Reporting Officer	Quarter 3	Status	Direction	Quarter 4	Status	Direction
4	To update the 30 Year HRA Business Plan by January 2021, ensuring all Council housing meets the Decent Homes Standard and the opportunities for estate regeneration and safe car parking are assessed	Responsible Financial & Resource Management	Resources Board	Sue Garner/Angela Coates	An updated 30 year Business Plan will be taken to Resources Board in January.	Green	↔	An updated 30 year Business Plan was taken to Resources Board in January.	Green	↔
5	To continue to contribute to the effective provision of services through implementing the actions and projects which help deliver the ICT Strategy and to report on progress to the Resources Board by March 2021	Responsible Financial & Resource Management	Resources Board	Linda Bird	The response to Covid-19 and supporting staff who are working from home has impacted on timescales. Some projects have not started as planned due to the availability of staff in the service departments. However, many projects are now progressing.	Amber	↓	During Q4 a catchup on upgrades especially on operating systems has taken place.	Green	↔
6	To continue to improve cyber security measures and implement the Action Plan developed from the 2019 LGA Cyber Security Stocktake and report progress to the Resources Board by March 2021	Responsible Financial & Resource Management	Resources Board	Linda Bird	The ICT Health check is planned. An attempted denial of service attack was resisted at the end of December. A member of staff is starting a formal security qualification which has been funded by the LGA. A report on Cyber Security is being prepared for Board.	Green	↑	The Network and Security officer is undergoing CISSP training. Adding new improved Microsoft 2 factor security.	Green	↔
9	To continue to seek opportunities to rationalise the Council's property portfolio including:- a) Working with partners in the public and voluntary sectors and reviewing the Council's property assets to ensure they support the Council's priorities and deliver key services in the most efficient and cost-effective way, including delivery of the One Public Estate Programme and alternative models of housing development such as modular housing	Responsible Financial & Resource Management	Resources Board	Richard Dobbs	This work continues. Shared services, increased use of flexible working, new leisure facilities and alternative funding models are currently all being assessed as part of the project	Green	↔	This work continues. Shared services, increased use of flexible working, new leisure facilities and future options for leisure provision are currently all being assessed. Routes to access external funding are being explored and masterplanning work is being undertaken	Green	↔
9 (b)	Continue to work through a programme of capital and maintenance improvements to key Council buildings, community buildings, shops and industrial units, including seeking ways to reduce, where possible, our carbon footprint.	Responsible Financial & Resource Management	Resources Board	Richard Dobbs	This work is ongoing	Green	↔	This work is ongoing	Green	↔
9 (c)	Identify any land or property which is surplus to requirements (and dispose of, as appropriate) but also look to identify opportunities to expand the Council's corporate property portfolio where that would generate additional revenue income	Responsible Financial & Resource Management	Resources Board	Richard Dobbs	This work is ongoing	Green	↔	This work is ongoing	Green	↔
9 (d)	Develop a Local Authority Trading Company and explore investment opportunities for the company	Responsible Financial & Resource Management	Resources Board	Richard Dobbs/Sue Garner	Work planned for quarter 4.	Amber	↔	Approval to set up a Trading Company was obtained in February.	Green	↑
10	To deliver the agreed Asset Management Plan from April 2018-22 and report to Resources Board on progress annually	Responsible Financial & Resource Management	Resources Board	Richard Dobbs/Angela Coates	This work is ongoing and linked to the work on property and shared services set out above	Green	↔	This work is ongoing and linked to the work on property and shared services set out above	Green	↔
11	To ensure good collection rates of rent revenue for the Council's Housing Revenue Account by taking action to mitigate risks to income from changes to welfare benefits and to report quarterly to Board	Responsible Financial & Resource Management	Resources Board	Angela Coates	The Tenancy Services Officers continue to prioritise rent collection. Procedures have changed because Government requires 6 months notice to be given & there are new procedures for possession hearings. There has been an increase in tenants claiming Universal Credit over the last 12 months.	Green	↑	There has been a focus on rent collection over the year. Changes to tenants' circumstances due to COVID-19 restrictions has required particular attention by the tenancy services team. This has resulted in a good performance outcome. Arrears at the 31 March 2021 were £167,347 which is £50,000 less than at 31 March 2020.	Green	↑
12	To continue to ensure that all debts due to the Council, wherever possible, are recovered efficiently in accordance with the Council's Corporate Debt Framework	Responsible Financial & Resource Management	Resources Board	Sue Garner	Recovery action has only been progressed in a very limited way, due to ongoing circumstances. The team have continued to work with residents and businesses on the management of debt. The payment of available grant and discounts has continued to be a major piece of work.	Green	↔	Recovery action has been very limited due to the pandemic and closure of the courts. The team have continued to work with residents and businesses on the management of debt. The payment of available grant and discounts has continued to be a major piece of work.	Green	↔
13	To review the Local Council Tax Reduction Scheme, to ensure that it remains affordable and fit for purpose by December 2020	Responsible Financial & Resource Management	Resources Board	Sue Garner	Given current difficult circumstances, there are no proposals to change the scheme.	Green	↔	The scheme remains unchanged.	Green	↔
18	To review the future service requirements of Borough Care by March 2021	Creating Safer Communities	Resources Board	Angela Coates	Complete	Green	↔	Complete	Green	↔
37	Ensure the successful promotion and administration of the Community Fund, through which financial support will be given to projects of local importance across North Warwickshire and to report on the outcomes of the scheme by March 2021	Promoting Sustainable & Vibrant Communities	Resources Board	Simon Powell	The Local Community Fund has been launched and is being managed in accordance with the criteria approved by the C&E Board	Green	↔	The Local Community Fund has been managed in accordance with the criteria approved by the C&E Board and, by the end of March 2021, had supported projects in each Ward of the Borough	Green	↔
41	To report on the recommendations from the review of the HEART Partnership and report to Board in May 2020	Promoting Sustainable & Vibrant Communities	Resources Board	Angela Coates	Reported to Resources Board at its meeting on 25th January 2021.	Green	↔	The review findings have been improved and the improvement plan is being delivered.	Green	↑
42	To deliver the actions set out in the Homelessness Strategy and report on progress by September 2012	Promoting Sustainable & Vibrant Communities	Resources Board	Angela Coates	A Countywide strategy has now been signed off by the Health and Well Being Board	Green	↑	A Countywide strategy has now been signed off by the Health and Well Being Board	Green	↔
43	To report on the implications of new legislation with regard to standards and licensing in the private sector by September 2019	Promoting Sustainable & Vibrant Communities	Resources Board	Angela Coates	Reported to Resources Board at its meeting on 25th January 2021.	Green	↑	Reported to Resources Board at its meeting on 25th January 2021.	Green	↔

Resources Board 20/21										
	Action	Priority		Reporting Officer	Quarter 3	Status	Direction	Quarter 4	Status	Direction
45	To report by January 2021 on progress on the take-up of online services, the increased take-up of online forms and the success of driving channel shift electronic payments and social media	Promoting Sustainable & Vibrant Communities	Resources Board	Steve Maxey & Gary Hancock	The impact of Covid-19 on our services means that the annual update report would be meaningless as it monitors online volumes such as leisure bookings, planning applications and online payments. New onlines service to support the Covid-19 response, such as grant payment processes and those to help support vulnerable people have had to be developed, by our staff, at speed. Our use of social media has also been very different to our usual use.	Green	↑	The impact of Covid-19 on our services means that the annual update report would be meaningless as it monitors online volumes such as leisure bookings, planning applications and online payments. New onlines service to support the Covid-19 response, such as grant payment processes and those to help support vulnerable people have had to be developed, by our staff, at speed. Our use of social media has also been very different to our usual use.	Green	↔

NWPI Resources 20/21

Ref	Description	Section	Priority	Year End Target 2020/21	Outturn 2019/20	April - Mar Performance	Traffic Light	Direction of Travel	Comments
NWLPI 052	The % of invoices for commercial goods and services which were paid by the authority within 30 days of such invoiced being received by the Authority (former BV8)	Management Accountancy	Public Services & Council Tax	98.00%	98.07%	95.51%	Red	↑	Departments have had to prioritise workloads due to Covid-19, performance has therefore dipped but is improving. March 97.14%.
NWLPI 57	Percentage of calls answered through the Central Control system within 180 seconds. (TSA national standard 99%):	Community Support	Housing	99	99.33%	98.88%	Green	↔	Community Support continues to exceed TSA call handing targets
NWLPI 135	Percentage of response repairs completed right first time	Housing Maintenance	Housing	85.00%	81.79%	82.48%	Red	↑	Housing Direct Works were able to deliver to right first time expectations for electrical and plumbing jobs but many carpentry jobs required materials that could not be available as van stock.
NWLPI 068	Gas certificates completed	Housing Maintenance	Housing	100.00%	100.00%	99.50%	Red	↔	At 31st March there were 12 properties which had an outstanding annual gas service certificate. This did not meet our expected performance the year was challenging as some tenants did not want anyone to enter their home to safeguard against infections.
@NW:NI156	Number of households living in temporary accommodation (snapshot at end of each quarter)	Housing Management	Housing	6	3	6	Green	↑	The Housing Options Team worked in challenging circumstances to ensure that homelessness was prevented or if that was not possible that alternative, self contained accommodation was provided.
NWLPI 136	Number of tenants with more than 7 weeks rent arrears - as an average over the year	Housing Management	Housing	2.75%	3.17%	1.48%	Green	↓	This is exceptional performance from a team which did not have the usual leverage from the service of notices, legal action or the threat of eviction. The dilligence and tenancy of the team in supporting our tenants is shown in this outturn.
NWLPI 070	Average time taken to re-let local authority housing (former BV212)	Housing Management	Housing	35 days	47.8 days	52.9 days	Red	↑	There are a number of reasons for not meeting the expected performance this year. Older properties needed extensive work and required some materials that were not readily available during the first half of 2020. Some properties were left in poor condition and needed clearing due to restricted access to waste sites.
NWLPI 039	The percentage availability of corporate systems available to users Monday to Friday 8.30 am to 5.30 pm :	Computer Services	Public Services & Council Tax	99.7	99.98%	99.95%	Green	↔	
NWLPI 040	The percentage of initial response to helpdesk calls within two hours of a call being placed :	Computer Services	Public Services & Council Tax	95	98%	96%	Green	↔	
NWLPI 041	Percentage of Service Desk Calls resolved in target (total of IS3 to IS6)	Computer Services	Public Services & Council Tax	95	96%	95%	Green	↔	

NWPI Resources 20/21

Ref	Description	Section	Priority	Year End Target 2020/21	Outturn 2019/20	April - Mar Performance	Traffic Light	Direction of Travel	Comments
NWLPI 096	The Percentage of Calls answered in 20 seconds in the contact centre	Contact Centre	Public Services & Council Tax	75%	79%	68%	Red	↓	During February and March there was a significant increase in call volumes and payments due to the new Green Bin Service. This impacted on average performance for the year.
NWNI181	The average time taken in calendar days to process all new claims and change events in Housing Benefit and Council Tax Benefit	Revenues & Benefits	Public Services & Council Tax	7.5	15.56	10.94	Red	↓	The administration of self isolation payments, together with an increase of 29% in claimant changes, affected the speed of processing. In addition, the team undertook work as part of the HB Award Accuracy Initiative.
NWLPI 106	The percentage of non-domestic rates due for the financial year which were received by the authority (former BV10)	Revenues & Benefits	Public Services & Council Tax	98.6	99.36%	94.36%	Red	↓	The collection of NDR reduced as a result of the pandemic. Normal recovery processes were not in operation.
NWLPI 107	Proportion of Council Tax collected (former BV9)	Revenues & Benefits	Public Services & Council Tax	97.8	97.11%	95.77%	Red	↓	The collection of CT reduced as a result of the pandemic. Normal recovery processes were not in operation.
NWLPI 161	Percentage of abandoned calls in the Contact Centre	Contact Centre	Public Services & Council Tax	5%	4%	7%	Red	↓	During February and March there was a significant increase in call volumes and payments due to the new Green Bin Service. This impacted on average performance for the year.
NW: NI 158	Non decent homes relating to our stock	Housing Maintenance	Housing	0	0	0	Green	↔	
NWLPI 066	The average waiting time for adaptations to local authority housing for people with disabilities between, time taken between referral and completion of work	Housing Maintenance	Housing	4 months	3.71 months	5.05 months	Red	↓	Delays were caused mainly due to lack of access to properties due to lockdown requirements. The team worked efficiently when access was provided.
NWLPI 160	The percentage of all council tenants, or a representative sample of council tenants, stating that they are satisfied with the overall service provided by their landlord when surveyed	Housing Management	Housing	83%		Not Applicable	Not Applicable	Not Applicable	The annual satisfaction survey was not undertaken during 2020.

Annual

Annual

Annual

NWPI Resources 20/21

Ref	Description	Section	Priority	Year End Target 2020/21	Outturn 2019/20	April - Mar Performance	Traffic Light	Direction of Travel	Comments
NWLPI 072	Local authority rent collection and arrears: Rent collected by the local authority as a proportion of rents owed on Housing Revenue Account (HRA) dwellings	Housing Management	Housing	97.70%	97.32%	97.16%	Green	↔	The arrear owed at 31st March 2021 was £167,347. This compares favourably with that at 31st March 2020 which was £228,792.
NWLPI 137	The average waiting time for adaptations to private sector housing for people with disabilities: a; time taken between initial request and completion of work	Private Sector & Public Health	Housing	5 months	<i>Please check last year's return</i>	8 months	Red		Delays were caused mainly due to lack of access to properties due to lockdown requirements. In addition no home assessments were undertaken during the first half of 2020 because staff were working at home.

Annual

Annual

Agenda Item No 7

Resources Board

14 June 2021

Report of the Corporate Director Resources

Members' Allowances 2020/21

1 Summary

- 1.1 The purpose of this report is to advise Members of the allowances paid for 2020/21. The Council also has a duty to publish the amounts paid to Members under the Members' Allowance Scheme.

Recommendation to the Board

That the report be noted.

2 Report

2.1 Out-turn for 2020/21

- 2.1.1 The cost of Members' Allowances and other payments made under the Members' Allowance Scheme in 2020/21 was £234,409.67. A breakdown of these costs is shown at Appendix A. There were no claims in respect of Dependents'/ Carers' Allowance.

3 Report Implications

3.1 Finance and Value for Money Implications

- 3.1.1 Provision was made in the Cost of Democratic Processes budget.

3.2 Legal, Data Protection and Human Rights Implications

- 3.2.1 Under the Local Authorities (Members' Allowances) (England) Regulations 2003 the Council must publish details of its Members Allowances scheme in a local newspaper annually. In summary, this information must state that a scheme has been made, its main features, any special responsibility allowances, confirming the Council consulted and took account of the recommendations of the Independent Remuneration Panel in preparing the scheme, and that the scheme and records of the payments referred to below for that year can be inspected at the Council's offices.

- 3.2.2 It is a specific requirement that the Council keeps a record of the names of recipients of payments, the amount that each receives under the scheme and the nature of those payments, and makes it available for inspection at the Council's offices. As soon as possible after the end of each year the Council

must arrange for publication in its area of the total sum paid to each Member in respect of each of the following:

Basic Allowance;
Special Responsibility Allowance;
Dependents'/Carers' Allowance;
Travel and Subsistence; and
Co-optees' Allowance.

3.2.3 The Council will be discharging the above duties by publishing a record in the Atherstone Herald.

The Contact Officer for this report is Nigel Lane (719371).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

PAYMENTS TO MEMBERS 2020/21

Name	Initials	Basic Allowance £	Special Responsibility £	Travel (Mileage) £	Other Travel (Taxi / Train / Parking) £	Total £
Bell	M	5,321.04	5,328.00			10,649.04
Chambers	J	5,321.04				5,321.04
Clews	D	5,321.04	1,610.18			6,931.22
Clews	T	5,321.04				5,321.04
Davey	B	5,321.04	1,610.18			6,931.22
Deakin	J	5,321.04			159.66	5,480.70
Dirveiks	N	5,321.04				5,321.04
Downes	D	4,877.62				4,877.62
Farrell	AJ	4,949.14	3,951.70			8,900.84
Farrow	J	5,321.04		27.59		5,348.63
Gosling	J	5,321.04	748.67			6,069.71
Hayfield	CC	5,321.04	255.82			5,576.86
Humphreys	DJ	5,321.04	1,555.84			6,876.88
Humphreys	M	5,321.04	1,866.00			7,187.04
Jarvis	RJ	5,321.04	1,866.00			7,187.04
Jenns	A	5,321.04	1,866.00	136.80		7,323.84
Lebrun	S	4,877.62				4,877.62
Lees	B	5,321.04				5,321.04
MacDonald	J	5,321.04		43.20		5,364.24
McClauchlan	A	5,321.04				5,321.04
Morson	PF	5,321.04				5,321.04
Moss	BP	5,321.04		75.60		5,396.64
Osbourne	M	5,321.04				5,321.04
Parker	K	5,321.04				5,321.04
Parsons	D	5,321.04				5,321.04
Phillips	H	5,321.04				5,321.04
Phillips	O	5,321.04				5,321.04
Reilly	D	5,321.04	1,866.00			7,187.04
Rose	S	5,321.04	1,866.00			7,187.04
Simpson	MC	5,321.04	5,328.00			10,649.04
Singh	M	5,321.04				5,321.04
Smith	LJ	5,321.04	1,866.00			7,187.04
Symonds	C	5,321.04	5,436.68			10,757.72
Wright	A	5,321.04		21.60		5,342.64
Wright	DA	5,321.04	11,946.49			17,267.53
TOTAL		184,977.66	48,967.56	304.79	159.66	234,409.67

Agenda Item No 8

Resources Board

14 June 2021

Report of the Corporate Director - Resources

Risk Management Annual Report 2020/21

1 Summary

- 1.1 This report is to inform Members of risk management actions undertaken during 2020/21 and the risks identified for 2021/22.

Recommendation to the Board

That progress be noted.

2 Background

- 2.1 Risk is the threat that an event or action will affect the Council's ability to achieve its objectives and to successfully execute its strategies. Risk Management is the process by which risks are identified, evaluated and controlled. It is a key element of the framework of corporate governance. The Council's strategic risks are normally identified by Management Team, who will ensure that processes are in place to control them. They are risks which need to be taken into account in judgements about the medium to long term goals and objectives of the Council. Strategic risk assessments are carried out as part of the corporate, community and service planning process and as a key element of service reviews. Operational risks are identified and managed by each Division.
- 2.2 The risk management framework has been in place now for a number of years and takes into account any areas of perceived weakness identified by officers, including those identified by the Internal Audit section. It is used consistently throughout the Authority. Strategic risk assessments are scored for both the following year and over the longer term. Risk Management is important as it enables us to ensure that our plans are sound and proportionate to the risks that exist in our area and enable us to take preventative action where appropriate.
- 2.3 Risk implications are included in all Board reports. A full risk assessment will be included if the report relates to a new service, policy or significant change in service provision. Implications are identified to assist Members in making informed decisions.

3 Work Undertaken During 2020/21

3.1 As part of the internal control framework, members of Management Team and Directors complete an Annual Statement of Assurance on the risks within their area of control. This process informs the Annual Governance Statement, which is a statutory requirement and is reported to the Executive Board. The review process carried out for the Statements of Assurance includes an assessment of how identified risks were managed during the year, as well as a forward look at the risks facing the Council and its services in the coming year.

3.2 A number of issues were identified in the Annual Governance review for 2019/20 which needed to be addressed in 2020/21. Examples of action taken include:

- Finding the required savings for 2021/22 and updating the Medium Term Financial Strategy;
- Staffing reviews in a number of service areas, as part of workforce planning;
- A revised format was approved for the Corporate Plan, with further work identified for completion on the detail to be reported to Boards;
- Procedures for virtual Board and Council meetings were put in place and monitored throughout the year; and
- Work commenced on the review of the Constitution.

3.3 A lot of other risk management work was undertaken in 2020/21, which was identified through the Statement of Assurance reviews but which wasn't mentioned separately in last year's Annual Governance Statement. Examples include: -

- Work undertaken in response to the Covid-19 pandemic, relating to health and safety assessments and guidance, and employee and management support;
- More frequent communications with residents, using a variety of methods;
- An assessment of the Council's arrangements against the Financial Management Code;
- Continued review of RTB applications by the Fraud Officer;
- Additional checking of benefit claims to improve accuracy in the housing benefit subsidy claim;
- Agency staffing brought in to cover vacancies and sickness absence;
- IT servers were updated, which will reduce the risk of cyber attack;
- Significantly increased working from home capability, to enable the continued provision of services during the pandemic;
- Continued routine maintenance undertaken across the Council's property portfolio, along with testing and inspection to comply with health and safety requirements; and
- Further phases of the Play Area Development Programme approved by Board.

- 3.4 The forward look at the risks facing the Council in 2021/22 normally requires the 2020/21 strategic and operational risk registers to be updated, to ensure that changes in external factors and service provision or processes have been taken into account. All have been reviewed, although a few operational risks are still to be updated as priority has been given to maintaining services under the restrictions of the pandemic.
- 3.5 The higher scores given in 2020/21 to the risks around the delivery of the required financial savings and the potential inadequacy of resources to maintain the Council's capital assets have remained at that higher level. These, together with the risks around a downturn in the economy and potential health impacts of Coronavirus, reflect the potential impact of pandemic.
- 3.6 The changes made to the strategic risks of the Council relate to the removal of the risk around HS2, although work in this area will continue, and the addition of two new risks. The new risks relate to the increasing threat of cyber attacks on council systems and the possibility of delays in the build and operation of the Material Recycling Facility.
- ... 3.7 A copy of the Authority's 2021/22 Strategic Risk Register is attached as Appendix A. There are four significant risks in 2021/22 and over the longer term (classed as "red"), which are the inability to recruit, motivate and retain appropriately qualified staff, the delivery of the required financial savings, the potential inadequacy of resources to maintain the Council's capital assets and the health impacts of Coronavirus.
- ... 3.8 The individual assessments for the red risks are attached as Appendix B. These show the controls that are already in place to manage the risks.
- 3.9 There are no new operational risks identified, although a number of risks will be affected by Covid-19 and recovery from the pandemic.
- ... 3.10 A summary of the red operational risks and also the highest scoring amber risks are shown at Appendix C. Individual assessments are held for all of these risks, including the controls already in place. Further work will be carried out during 2021/22 to help mitigate these risks.

4 Report Implications

4.1 Safer Communities Implications

4.1.1 There are specific risks identified for the work the Council carries out with partners to help reduce crime and disorder in North Warwickshire. These are reflected within the Partnership Plan of the North Warwickshire Community Safety Partnership and in specific service plans of the Council.

4.2 Legal and Human Rights Implications

4.2.1 The Annual Governance Statement referred to in paragraph 3.1 is part of the legal framework for financial reporting and is an effective tool for identifying risk. Specific legal advice has been and will continue to be given where required in relation to the control procedures for each of the risks identified in the Appendices.

4.3 Environment and Sustainability Implications

4.3.1 Having effective risk management will contribute towards the delivery of sustainability and helps the Council continue to provide services to help improve the quality of life for the communities of North Warwickshire.

4.4 Equality Implications

4.4.1 The risk to the Council in not complying appropriately with the requirements of the Equality Act is included as an operational risk. Our corporate approach of including the identification of equality implications in reports to boards wherever appropriate to do so and carrying out equality impact assessments on all significant changes in our policies and practices helps to minimise any associated risks.

4.5 Risk Management Implications

4.5.1 Regular reports and ongoing monitoring will maintain the awareness of the importance of Risk Management. Individual risks fall into various categories, such as political, environmental, financial, economic, organisational, legal, technical etc. The implication of each risk is assessed and scored to identify whether there are sufficient controls in place or whether additional action needs to be taken.

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

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

No.	2021/22 Score			2022/23 – 2024/25 score			Risk	Responsible Officer	Corporate Objective
	Likelihood	Impact	Score	Likelihood	Impact	Score			
2021 S01	3	3	9	2	3	6	Council's procurement procedures are inadequate leading to poor VFM or lack of probity	ISO	Responsible Financial & Resource Management
2021 S02	2	4	8	3	4	12	Insufficient corporate capacity to deal with all the issues facing the Council	CE	Responsible Financial & Resource Management
2021 S03	3	4	12	3	4	12	The Council's political arrangements cease to work effectively	CE	Responsible Financial & Resource Management
2021 S04	2	3	6	2	3	6	Sickness absence is not managed effectively	CD (R)	Responsible Financial & Resource Management / Improving Leisure & Wellbeing Opportunities
2021 S05	4	4	16	4	4	16	The Council is unable to recruit, motivate and retain appropriately qualified staff	CD (R)	Supporting Employment & Business
2021 S06	2	4	8	2	4	8	Ineffective response to an incident (or business continuity plan fails)	CE	All Priorities
2021 S07	2	2	4	2	2	4	Relationships with key partners fail or become ineffective	CE	Responsible Financial & Resource Management
2021 S08	4	3	16	3	4	16	Expected efficiency savings and service improvements are not delivered whilst maintaining resilience	CD (R)	Responsible Financial & Resource Management
2021 S09	3	3	9	2	3	6	The Council fails to meet its commitments arising from the Community and Corporate Plans	CE	Responsible Financial & Resource Management
2021 S10	2	4	8	2	4	8	The council fails to comply with key legislation	CE / SH-L	All Priorities
2021 S11	4	3	12	4	4	16	Inadequate resources to maintain the Council's capital assets	CD (R)	Responsible Financial & Resource Management
2021 S12	2	5	10	2	5	10	Health & Safety is not managed effectively	CD (R)	Responsible Financial & Resource Management / Improving Leisure & Wellbeing Opportunities
2021 S13	2	4	8	2	4	8	Failure to manage staff concerns and well being, in the current economic climate	CE	Supporting Employment & Business
2021 S14	3	2	6	4	3	12	The instability of the Business Rates system	CD (R)	Responsible Financial & Resource Management
2021 S15	2	4	8	2	4	8	The impact of the duty to cooperate on the Borough	CE	Protecting our Countryside & Heritage
	2021/22 Score			2022/23 – 2024/25 score					

No.	Likelihood	Impact	Score	Likelihood	Impact	Score	Risk	Responsible Officer	Corporate Objective
2021 S16	2	4	8	2	4	8	Failure to manage reputational risk	CE	Responsible Financial & Resource Management
2021 S17	1	1	1	5	2	10	Changes to external resources as a result of the new Needs Assessment	CD (R)	Responsible Financial & Resource Management
2021 S18	3	4	12	3	4	12	Unplanned development happening across the Borough	CE	Protecting our Countryside & Heritage
2021 S19	3	4	12	2	4	8	Non compliance with the General Data Protection Regulations (GDPR)	CE	Responsible Financial & Resource Management
2021 S20	4	3	12	4	3	12	A significant downturn in the economy, reducing businesses in the Borough and increasing the numbers of benefit claimants.	CE	Responsible Financial & Resource Management
2021 S21	4	4	16	4	4	16	Health impact of Coronavirus	CE	Improving Leisure & Wellbeing Opportunities Financial & Resource Management
2021 S22	4	2	8	4	2	8	Devolution issues	CE	Responsible Financial & Resource Management
2021 S23	2	5	10	2	5	10	Cyber attack on council systems	ISO	Responsible Financial & Resource Management
2021 S24	2	4	8	2	4	8	Delays in the building and operation of the Material Recycling Facility (MRF)	CDS	Responsible Financial & Resource Management

NWBC STRATEGIC RISK REGISTER 2021/22

RED

Corporate Priority: Supporting Employment & Business

Risk Ref	Risk: Title/Description	Consequence	Likelihood (5 = high, 1 = low)	Impact (5 = high, 1 = low)	Gross Risk Rating	Responsible Officer	Existing Control Procedures	Likelihood (5 = high, 1 = low)	Impact (5 = high, 1 = low)	Net Risk Rating
2021 S05	Council unable to recruit, motivate and retain appropriately qualified staff	High staff turnover, leading to difficulties in succession planning	4	4	16	D's	Use of induction programmes for new staff	<u>21/22 Score</u> 4	4	16
		Key posts unfilled				Individual Director	Training and development opportunities for employees	<u>22/23 On</u> 4	4	16
		Gaps appear in structures, putting pressure on existing staff who become de-motivated				D's / HR Manager	Use of an appraisal system			
		Reliance on agency/ temporary staff, which increases employee costs				HR Manager	An annual staff survey used to obtain feedback from staff			
		Pressure to offer more lucrative packages				D's	Flexible Working Policy, with flexible working arrangements in many areas			
		Adverse impact on service delivery				D's / HR Manager	Shared working arrangements eg Housing, Revs & Bens			
		Service failure, leading to adverse publicity				EMT	Partnerships used where appropriate eg Building control			
		The reputation of the Council is damaged								
Risk Ref	Options for additional / replacement control procedure						Cost Resources	Likelihood (5 = high, 1 = low)	Impact (5 = high, 1 = low)	Net Risk Rating
	<ul style="list-style-type: none"> Carry out a risk assessment to establish problem areas for recruitment Explore possible solutions as part of a workforce planning exercise 									

Responsible Officer: Corporate Director (Resources)

Reviewed: Management Team

NWBC STRATEGIC RISK REGISTER 2021/22

RED

Corporate Priority: Responsible Financial & Resource Management

Risk Ref	Risk: Title/Description	Consequence	Likelihood (5 = high, 1 = low)	Impact (5 = high, 1 = low)	Gross Risk Rating	Responsible Officer	Existing Control Procedures	Likelihood (5 = high, 1 = low)	Impact (5 = high, 1 = low)	Net Risk Rating
2021 S08	Expected efficiency savings and service improvements are not delivered whilst maintaining resilience	<ul style="list-style-type: none"> Poor service performance Council has a deficit budget Higher costs than budgeted for Staffing issues Adverse impact on service delivery 	5	4	20	CD (R)	<ul style="list-style-type: none"> Medium term financial strategy Savings programme to identify savings in advance Healthy level of reserves to help manage the process Minimise risk through ongoing discussion with Members on savings options 	<u>21/22 Score</u> 4	4	16
								<u>22/23 On</u> 4	4	16
Risk Ref	Options for additional / replacement control procedure						Cost Resources	Likelihood (5 = high, 1 = low)	Impact (5 = high, 1 = low)	Net Risk Rating

Responsible Officer: Corporate Director (Resources)

Reviewed: Management Team

NWBC STRATEGIC RISK REGISTER - 2021/22

AMBER / RED

Corporate Priority: Responsible Financial & Resource Management

Risk Ref	Risk: Title/Description	Consequence	Likelihood (5 = high, 1 = low)	Impact (5 = high, 1 = low)	Gross Risk Rating	Responsible Officer	Existing Control Procedures	Likelihood (5 = high, 1 = low)	Impact (5 = high, 1 = low)	Net Risk Rating
2021 S11	Inadequate resources to maintain the Council's capital assets	Poorly maintained / potentially dangerous buildings	5	4	20	CD (R)	Long term capital programme which identifies shortfall- 10 year plan	<u>21/22 Score</u> 3	4	12
		Injury to staff and public Reduced services Bad publicity Reputation damaged					Identified spending needs for assets Review of assets, with sales where appropriate AMP updated for HRA property	<u>22/23 On</u> 4	4	16
Risk Ref	Options for additional / replacement control procedure						Cost Resources	Likelihood (5 = high, 1 = low)	Impact (5 = high, 1 = low)	Net Risk Rating
	Update Asset Management Strategy									

Responsible Officer: Corporate Director (Resources)

Reviewed : Management Team

NWBC STRATEGIC RISK REGISTER – 2021/22

RED

Corporate Priority: Responsible Financial & Resource Management

Risk Ref	Risk: Title/Description	Consequence	Likelihood (5 = high, 1 = low)	Impact (5 = high, 1 = low)	Gross Risk Rating	Responsible Officer	Existing Control Procedures	Likelihood(5 = high, 1 = low)	Impact (5 = high, 1 = low)	Net Risk Rating
2021 S21	Health impact of Coronavirus	Greater demand for /pressure on Council services	5	4	20	CE	Targeted use of Community Development, to maximise available resources	<u>21/22 Score</u> 4	4	16
						CE	Work with partners, such as Public Health England	<u>22/23 On</u> 4	4	16
Risk Ref	Options for additional / replacement control procedure						Targeted Cost Resources	Likelihood (5 = high, 1 = low)	Impact (5 = high, 1 = low)	Net Risk Rating

Responsible Officer: Chief Executive

Reviewed By: Management Team

SUMMARY OPERATIONAL RISK REGISTER 2021/22

Risk Register number 2020/21	Risk	Gross Score	Net Score	Colour	Division	Corporate Priority
2021 CPS14	Virus on emails sent into the Council	25	15	Red	Corporate Services	RF&RM
2021 SS14	Reduced / no market for recyclable materials	20	15	Red	Streetscape	RF&RM, PC&H
2021 R10	Inadequate capital strategy and monitoring of capital schemes	20	12	Amber	Resources	RF&RM
2021 E04	Major incident – out of hours not responded to	20	12	Amber	Environment	PC&H, RF&RM
2021 E22	North Warwickshire is considered a low priority for the allocation of resources commissioned by the PCC and for the use of policing resources	20	12	Amber	Environment	CSC
2021 H26	Pressure on HRA budgets due to ongoing rent reductions until 2020 and from the roll out of Universal Credit from September 2018	16	12	Amber	Housing	PS&VC
2021 LCD13	Failure to maintain the Borough Council's tree stock to an appropriate level of safety and sustainability	25	12	Amber	Leisure & Community Development	PC&H, RF&RM
2021 SS01	Failure to maintain assets	20	12	Amber	Streetscape	RF&RM
2021 C01	Failure to assess entitlement to HB accurately, timely and to legislation	16	12	Amber	Community Services	RF&RM
2021 C05	Increase in Council Tax Support caseload	20	12	Amber	Community Services	RF&RM

KEY – Corporate Priorities	
RF&RM	Responsible Financial & Resource Management
CSC	Creating Safer Communities
PC&H	Protecting our Countryside & Heritage
IL&WO	Improving Leisure & Wellbeing Opportunities
PS&VC	Promoting Sustainable & Vibrant Communities
SE&B	Supporting Employment & Business

Agenda Item No 9

Resources Board

14 June 2021

**Report of the Corporate Director -
Resources**

**Annual Treasury Report
for 2020/21**

1 Summary

- 1.1 This report shows the out-turn for 2020/21 and highlights any areas of significance.

Recommendation to the Board

- a That the Annual Treasury Report for 2020/21 be noted; and**

Recommendation to the Council

- b That the Annual Treasury Report be approved.**

2 Report

- 2.1 The Council is required through regulations issued under the Local Government Act 2003 to produce an annual treasury report reviewing treasury management activities and the actual prudential and treasury indicators for 2020/21. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management, 2018 Edition (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

- 2.2 During 2020/21 the minimum reporting requirements were that the Resources Board and full Council should receive the following reports:

- An annual treasury strategy in advance of the year (Resources Board 25 January 2021);
- A mid year treasury update report (Resources Board 9 November 2020); and
- An annual report following the year describing the activity compared to the strategy (this report).

- 2.3 The regulatory environment places an onus on Members for the review and scrutiny of treasury management policy and activities. This report is important in that respect, as it provides details of the out-turn position for treasury activities and highlights compliance with the Council's policies previously approved by Members.
- 2.4 This Council also confirms that it has complied with the requirement under the Code to give prior scrutiny to all of the above treasury management reports by the Resources Board before they were reported to the full Council.
- 2.5 Treasury Management in this context is defined as: *The management of the local authority's investments and cash flows, its banking, money market and capital transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.*
- 2.6 The Annual Treasury report covers:
- The Council's treasury position as at 31 March 2021
 - Performance measurement
 - The strategy for 2020/21
 - The economy in 2020/21
 - The borrowing out-turn for 2020/21
 - Compliance with treasury limits and Prudential Indicators
 - Investment rates in 2020/21
 - Investment out-turn for 2020/21

3 Current Treasury Position as at 31 March 2021

- 3.1 The Council's debt and investment position at the beginning and end of the year was as follows:

	31 March 2020 Principal £m	Ave Rate %	31 March 2021 Principal £m	Ave Rate %	Average Life Years
Fixed Rate Funding: PWLB	48.489	3.00	46.489	3.05	8.50
Internal borrowing	12.863	0.99	13.483	0.18	19.55
Short-term Funding	-	-	-	-	-
Total Debt	61.352	2.56	59.972	2.40	10.99
Investments	32.324	0.93	29.500	0.18	112 days

- 3.2 The investments held include £1,867,956 held on behalf of other organisations (£1,477,967 in 2019/20).

4 Performance Measurement

- 4.1 Part of the Code relates to the use of performance measurement relating to investments, debt and capital financing activities. Whilst investment performance criteria have been well developed, this is still a difficult area for a small Authority with limited cash balances, as generally we are only able to place funds for short periods and consequently at lower rates. For this reason, we measure investment interest against the 7 day LIBID rate.
- 4.2 As a member of the Link Investment Benchmarking Group for the region, we can compare our treasury performance against those of other authorities in the Warwickshire, Worcestershire and Oxfordshire region. Overall for 2020/21, our performance has compared favourably to these authorities, with our investment portfolio deemed to have been 'Above' the average benchmarked performance.

5 The Strategy for 2020/21

- 5.1 Within the Treasury Strategy for 2020/21, it was assumed that interest rates would rise from 0.75% to 1.00% during quarter 4. However, following the outbreak of the pandemic the interest rate fell to 0.10% during March 2020, and has remained at that level.
- 5.2 Given the low levels of investment interest available, the treasury strategy was to postpone external borrowing to avoid the cost of holding higher levels of investments and to reduce counterparty risk. As a result we continue to use internal borrowing for General Fund debt.

6 Borrowing Outturn for 2020/21

- 6.1 The Council's external borrowing of £46.489 million at the 31 March 2021 is shown below and relates entirely to the Housing Revenue Account (HRA). The repayments were profiled to take account of expected surpluses in the HRA, having regard to the HRA Business Plan, whilst still allowing some flexibility within the plan for unexpected events.

Years	Total loans £000	Rate %
1-5	11,660	2.40 – 2.92
6-10	16,130	3.01 – 3.26
11-15	8,699	3.30 – 3.34
16-20	5,000	3.49
21-25	5,000	3.50

- 6.2 The Council had no short term borrowing during the year.

7 Investment Out-Turn for 2020/21

- 7.1 The Council's investment policy is governed by CLG guidance, which has been implemented in the annual investment strategy. The Council manages its investments in-house with the institutions which fulfil its requirements with regards to credit ratings and security. Investments were made for a range of periods, although predominantly in Certificate of Deposits, enhanced money market funds and money market funds.
- 7.2 The Council invested with external bodies on 14 occasions when the bank accounts had a surplus of funds. Investments were made in a Certificate of Deposit (through broker King & Shaxson) on 4 occasions and in a Money Market Fund on 2 occasions. The remaining 8 investments were with banks for a fixed term. Funds were invested over a range of periods to take advantage of the better interest rates available or to fund expenditure later in the year, e.g. payment of precepts. The average amount invested was £2,476,857. The average total investment held was £34.1 million, and the rate of return was 0.18%, compared with the average 7 day rate of 0.054%, earning a total of £145,177 in the year.

8 Prudential Indicators

- 8.1 The Prudential Code for Capital Finance in Local Authorities includes requirements for the way in which capital spending plans are to be considered and approved. The prudential code was developed which requires the Council to consider the affordability of its proposals, their prudence and sustainability, value for money, asset management planning, practicality and service objectives.
- 8.2 The Council is required to set and review regularly a range of indicators that have been developed as part of the Code, which will be used to support capital investment decision-making. In February 2020, the capital prudential indicators for 2020/21 were reported to the Executive Board as part of the 3-Year Capital programme and the treasury indicators were reported to the Resources Board as part of the Council's Treasury Policy Statement and Annual Treasury Strategy Statement.
- 8.3 During the financial year the Council operated within the treasury limits.

9 Report Implications

9.1 Finance and Value for Money Implications

- 9.1.1 During 2020/21 the net interest earned on investments was £145,177.

9.2 Environment and Sustainability Implications

9.2.1 By having effective and prudent treasury management, this contributes towards sustainability and providing services that improve the quality of life for the communities of North Warwickshire.

9.3 Risk Management Implications

9.3.1 Credit ratings are used in assessing the institutions on the lending list and the maximum investment level permitted.

9.4 Legal Implications

9.4.1 As indicated above, the Council is required by law to publish an annual treasury report and to adhere to the Code of Practice on Treasury Management and the Prudential Code for Capital Finance. This report demonstrates compliance with those requirements.

The Contact Officer for this report is Daniel Hogan (719337).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

1 Summary

1.1 The purpose of this report is to present the Head of Internal Audit's Annual Report, which includes:

- A statement on conformance with the Public Sector Internal Audit Standards (PSIAS);
- The results of the quality assurance and improvement programme;
- The Head of Internal Audit's opinion on the overall adequacy and effectiveness of NWBC's framework of governance, risk management and control; and
- A summary of the work that supports that opinion.

Recommendation to the Board

- a To note the findings of an assessment of the internal audit function against the PSIAS and quality assurance programme;**
- b To consider the summary of internal audit work at Appendix A, which supports the Head of Internal Audit's opinion; and**
- c That the Head of Internal Audit's overall opinion on the control environment be noted.**

3 Background

3.1 The PSIAS came into force on the 1 April 2013 and were amended with effect from 1 April 2017. They are mandatory for all public sector bodies and the purpose of them is to:

- Define the nature of internal auditing within the UK public sector;
- Set basic principles for carrying out internal audit in the UK public sector;
- Establish a framework for providing internal audit services, which add value to the organisation, leading to improved organisational processes and operations; and

- Establish the basis for the evaluation of internal audit performance and to drive improvement planning.
- 3.2 The Standards refer to the Chief Audit Executive (CAE), which at North Warwickshire Borough Council is the Head of Internal Audit; all references to the board refer to the Resources Board. The Standards require the CAE to present an annual report to the board which incorporates a statement on conformance with the PSIAS, an opinion on the Council's overall control environment and a summary of the work that has been completed to support that opinion.

4 Requirements of the PSIAS

- 4.1 The Standards are split into Attribute Standards and Performance Standards. The Attribute Standards address the characteristics of the organisation. The Performance Standards describe the nature of the internal audit activity and provide quality criteria against which performance can be evaluated.

Attribute Standards

1000 – Purpose, Authority and Responsibility

- 4.2 The purpose, authority and responsibility of internal audit must be formally defined in an internal audit charter. The charter is a formal document that establishes internal audit's position within the organisation, including the CAE's reporting relationship with the board; authorises access to records, personnel, and physical properties relevant to the performance of reviews and defines the scope of internal audit activities. Final approval of the charter resides with the board.

1100 – Independence and Objectivity

- 4.3 Independence is the freedom from conditions that threaten the ability of the internal audit function to carry out its responsibilities in an unbiased manner. To achieve the degree of independence necessary to effectively carry out the responsibilities of the internal audit service, the CAE must have direct and unrestricted access to senior management and the board. The CAE can confirm that the North Warwickshire Borough Council's internal audit service is organisationally independent.
- 4.4 Individual objectivity is achieved when internal auditors have an impartial, unbiased attitude and avoid any conflict of interest.
- 4.5 The Standards suggest that the board should have responsibility for the appointment and removal of the CAE and for approving the CAE's remuneration. However, it is recognised that in the UK public sector it would be unusual for the board to have such a role, although it may be the case if the internal audit function is supplied by contractors or a partnership.

1200 – Proficiency and Due Professional Care

- 4.6 Internal auditors must possess the knowledge, skills and other competencies needed to perform their individual responsibilities. The internal audit team collectively must possess or obtain the knowledge, skills and other competencies needed to perform its responsibilities. The CAE must hold a professional qualification and be suitably experienced. In addition, all internal auditors are encouraged to demonstrate their proficiency by obtaining appropriate professional qualifications.

1300 – Quality Assurance and Improvement Programme

- 4.7 The CAE must develop and maintain a quality assurance and improvement programme (QAIP) that covers all aspects of the internal audit activity. A QAIP is designed to enable an evaluation of internal audits conformance with the Standards and an evaluation of whether the auditors apply the Code of Ethics. The programme also assesses the efficiency and effectiveness of internal audit and identifies opportunities for improvement. The QAIP must include both internal and external assessments.

Performance Standards

- 4.8 The Performance Standards describe the nature of the internal audit services being provided and provide criteria against which the performance of an internal audit function can be measured.
- 4.9 The elements included within this section are:
- *2000 - Managing the internal audit activity* – the CAE must effectively manage the internal audit activity to ensure that it adds value to the organisation. The activity adds value when it considers strategies, objectives, and risks; strives to offer ways to enhance governance, risk management and control processes; and objectively provides relevant assurance.
 - *2100 - Nature of the Work* – the internal audit activity must evaluate and contribute to the improvement of governance, risk management and control processes using a systematic, disciplined and risk-based approach. Internal audit credibility and value are enhanced when auditors are proactive, and their evaluations offer new insights and consider future impact.
 - *2200 - Engagement Planning* – internal auditors must develop and document a plan for each engagement, including the engagement's objectives, scope, timing, and resource allocations. The plan must consider the organisation's strategies, objectives and risks relevant to the engagement.
 - *2300 - Performing the Engagement* – internal auditors must identify, analyse, evaluate, and document sufficient information to achieve the engagement's objectives.

- *2400 - Communicating results* – communications must include the engagement’s objectives, scope, results, an appropriate conclusion, recommendations, and an action plan. Where appropriate, the internal auditors’ opinion should be provided, which must take account of the expectations of senior management and must be supported by sufficient, reliable, relevant, and useful information.
- *2500 - Monitoring progress* – The CAE must implement a follow up process to monitor and ensure that management actions have been effectively implemented or that senior management has accepted the risk of not taking action.
- *2600 – Communicating the acceptance of risks* - If the CAE concludes that management has accepted a level of risk that may be unacceptable to the organisation, the CAE must discuss the matter with senior management. If the CAE determines that the matter has not been resolved, the CAE must communicate the matter to the board.

5 Conformance with the PSIAS

- 5.1 The Standards state that an external assessment to establish compliance should be completed at least every 5 years. To comply with this requirement, Elizabeth Humphrey, who formed Tilia Solutions in February 2007 to provide training and consultancy in all areas of corporate governance, completed a review of the internal audit service against the requirements of the PSIAS in November 2017.
- 5.2 The findings of Elizabeth’s review identified several areas for improvement, and these have all been addressed. The Head of Internal Audit can therefore confirm that the Council’s internal audit service is now fully compliant with the PSIAS.

6 Quality Assurance Improvement Programme

- 6.1 The internal audit quality assurance programme includes reviews of the files by the Head of Internal Audit before draft reports are issued and approval of the audit brief and audit programme before any work is completed. Performance is also monitored in quantitative and qualitative terms using the following factors:
- Proportion of planned audits completed in the year;
 - Extent to which management adopt Internal Audit recommendations; and
 - Feedback from managers on the value and performance of the audit.
- 6.2 It has been a very difficult year this year for completion of audit reviews. Some services have been directly affected by the pandemic and have had to reprioritise their work and unfortunately internal audit requests have had to take a back seat. Also, the majority of staff have followed advice and have worked from home so the accessibility of some of the information required has been difficult. The team has also had resource problems with one part-time employee leaving in September 2020 and another in December 2020, a replacement full-time employee joined the team in April 2021. Consequently,

only five of the thirteen audits planned for 2020/21 were completed, which is approximately 40% of the approved plan.

- 6.3 Client questionnaires are issued to all managers with the final report, to establish the effectiveness of the review. The majority of managers who responded, felt that a good or very good performance had been achieved in respect of planning the audit, the quality of the report and recommendations made, the timing of the review, the standard of communication and the professionalism of the auditors. Managers also confirmed that the implementation of the recommendations made would lead to improvements in performance.

7 Opinion on the adequacy of the Council's control environment and a summary of the work supporting that opinion

- 7.1 The Operational Audit Plan for 2020-21 was approved by the Resources Board in September 2020 and was then updated and further approved in November 2020 due to the difficulties in completing some reviews because of the impact that COVID-19 had on some services and some buildings were inaccessible.

- 7.2 Nine operational audit reviews were completed during the year (4 from 2019-20 and 5 from 2020-21); and seven (78%) were considered to be satisfactory or better. Also, two follow-up reviews were completed, and only one recommendation was outstanding, and this is in the process of being implemented.

- 7.3 Based upon the results of the work undertaken during the year I can give satisfactory assurance on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.

- 7.4 A summary of the findings of the audit reviews is at Appendix A to this report, but it must be noted that this is a snapshot of the situation at the time of the audit and procedures may well have changed since then if agreed recommendations have been actioned.

8 Report Implications

8.1 Risk Management Implications

- 8.1.1 Failure to provide an effective Internal Audit Service may adversely affect the level of internal control operating within the Council.

- 8.1.2 Non-conformance with the PSIAS, which is a mandatory requirement, will attract criticism from external assessors.

8.2 Links to Council's Priorities

- 8.2.1 The audit programme agreed and delivered are aligned to both the priorities of the Council and the requirements of external assessors.

The Contact Officer for this report is Linda Downes (719416).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

Appendix A

Summary of Internal Audit Findings

Audits Brought Forward from 2019/20

Corporate Governance

Audit Scope

The purpose of the audit was to establish whether the Council's Corporate Governance arrangements conform to the seven core principles of good corporate governance as set out in the 'Delivering Good Governance in Local Government Framework (CIPFA / SOLACE 2016) publication.

Audit Findings

A '**Satisfactory Assurance**' level was given. At the time of the audit, the Council's Local Code of Governance document only referred to six core principles and so did not fully embrace the latest CIPFA / SOLACE Framework', which outlines seven good governance principles but this has since been updated to reflect the seven principles. Also, there are a number of Council policies, e.g. Anti-Money Laundering Policy, Anti-Fraud Policy and Information Security Policy that need to be updated to reflect changes in staffing structures and updated legislation.

Domestic Refuse Collection

Audit Scope

The purpose of the audit was to ensure that: -

- The Council's Contract Standing Orders were complied with when procuring vehicles, equipment and PPE;
- Material budget variances are promptly identified and investigated;
- Adequate health and safety measures are in place;
- Bin procurement and stock controls procedures are sound and adequate information is made available to users of the domestic refuse collection service;
- Collection routes are regularly reviewed to ensure that they are effective and reduce inefficiencies in the delivery of the domestic refuse collection service;
- Effective measures to counter potential vexatious vehicle insurance claims against the Council are in place.

Audit Findings

A '**Satisfactory Assurance**' level was given as, generally, the controls in place are adequate and operating satisfactory. A few areas for improvement were identified: -

- Bins that have been damaged during collection are replaced free of charge when the resident presents a card that is left by the crew. There are no controls in place over the issue of these cards;
- There are some anomalies in fuel consumption figures due to drivers not recording mileage figures correctly;
- Also, the target figure of 125 missed bins per 100,000 collections of household waste appears high given recent performance (33.89 for quarter 3 of 2019/20) and should be reviewed.

Fly Tipping

Audit Scope

The purpose of this audit was to ensure that: -

- Suitable measures were in place to detect and deter the illegal dumping of waste within the Borough;
- Waste illegally dumped within the Borough is collected promptly and disposed of safely;
- The health and safety arrangements for the staff responsible for clearing illegally dumped waste are adequate and appropriate;
- The Council has robust enforcement procedures in place.

Audit Findings

A '**Satisfactory Assurance**' level was given. The Council has a 'zero tolerance' approach to Fly-Tipping and, generally, its arrangements for preventing, identifying, clearing, investigating incidents and taking enforcement action are adequate and operating satisfactory. A few areas for improvement were identified: -

- The 'warning letter' template used by the Environmental Health Team for fly-tipping incidents contains the previous year's bulky waste collection charge rather than the 2020/21 charge;
- Training was last provided to operatives in November 2014, so refresher training is overdue;
- The Assistant Grounds & Street Operations Manager was not aware that government guidelines state that the Environment Agency has to be informed of excessive waste of more than 20 tonnes, more than 5 cubic metres, 75 litres of potentially hazardous waste in drums and containers and any waste

possible linked to criminal business activity or organised crime. These guidelines may therefore not be complied with;

- The Assistant Grounds & Street Operations Manager was also not aware that government guidelines state that any asbestos found in fly-tipped waste has to be reported to the Health and Safety Executive. Again, this may result in these guidelines not being complied with;
- A risk assessment has not been produced in relation to dealing with the clearance of fly-tipped waste which may potentially contain contaminated, hazardous, or toxic waste.

Transport

Audit Scope

The purpose of this audit was to ensure that: -

- An adequate fleet management strategy is in place;
- The Drivers Handbook is comprehensive and up to date and has been issued to all relevant staff;
- Complete and accurate fleet asset listings are being maintained;
- Fleet vehicles are being adequately maintained and checked to ensure that they are fit for purpose, safe, reliable and cost effective;
- Adequate security features and camera technology are fitted on vehicles as appropriate;
- Adequate driver licence checks are completed;
- Appropriate medical fitness checks are carried out for all permanent and agency staff;
- Any accidents are adequately reported, and insurance claims are being monitored;
- All vehicles have an MOT certificate, adequate insurance cover and have been taxed;
- Driver hour rules, as contained in the Transport Act, are complied with;
- All relevant staff have attended appropriate health and safety training courses.

Audit Findings

A '**Satisfactory Assurance**' level was given. Generally, the controls in place over the Council's fleet management are adequate, albeit, procedures need reaffirming and certain arrangements need strengthening to afford more robust control, particularly in relation to the following:

- There is no formal Fleet Vehicle Management Strategy outlining when and how the replacement, purchase and disposal of fleet vehicles is undertaken and which methods of fleet provision provide best value for money e.g. outright purchase, lease or hire purchase;
- The Council's vehicle management group made a positive contribution to the management of fleet vehicles, but the group has not met since September 2017;
- The Council's insurance renewal form for 2020/21 still refers to the vehicle management group;
- The Drivers Handbook was last updated in 2015 and is in need of a review, particularly in relation to medical and fitness to drive checking procedures, refuelling in an emergency, reference to the Alcohol, Drugs and Substance Misuse Policy & Procedure' that was introduced in 2019 and updating emergency contact details;
- Declaration are not being obtained from all drivers to confirm that they have received and understand the requirements of the Driver Handbook;
- For agency workers there needs to be more clarity as to who is responsible for carrying out the medical health screening checks;
- The process for checking driving licenses needs to be reaffirmed because it is unclear as to whether all managers are undertaking suitable checks;
- There is no procedure in place to identify drivers with a high prevalence of accidents.

Planned Audits 2020/21

Assisted Burials

Audit Scope

The purpose of this review was to provide assurance that the council is fulfilling its legal responsibilities regarding Assisted Funerals and that the cost to the council is properly managed. The audit therefore checked to ensure that: -

- (i) The appropriate legislation is being complied with and information is publicly available regarding the responsibilities of the Council;
- (ii) Procedures are in place to ensure that requirements regarding the death certificate and registration of death are followed;
- (iii) Funeral prices have been tested and an appropriate Funeral Director appointed;
- (iv) Adequate action is taken to ensure that all possible contributions to funeral costs are obtained from the estate of the deceased or from their relatives; and
- (v) Invoices for Assisted Funerals are correct, properly authorised and correctly coded to the Ledger.

Audit Findings

The overall audit opinion was '**Satisfactory Assurance**'. The key issue arising was that the arrangement with the current Funeral Director has been in place since 2016/17, having been agreed by the previous Senior Legal Assistant, and no price comparisons appear to have been carried out. There is therefore no assurance that the Council is obtaining the best price in an increasingly competitive business.

A follow-up review has also been completed during the year, a market testing exercise has been completed and a different supplier has provided a more competitive quote. Our overall audit opinion has therefore been revised to '**Significant Assurance**'.

Corporate Feedback

Audit Scope

The purpose of this audit was to ensure that: -

- A Corporate Policy exists which is up to date and effectively communicated to the public;
- The process is easily accessible for people to raise a concern, including catering for persons who are unable to make complaints or compliments online;
- Roles and responsibilities for dealing with complaints are clearly defined;
- A formal record is held corporately of all complaints and compliments received, which clearly shows the date of receipt, the service area it related to and the date it was closed;
- All complaints are responded to in a timely manner, in line with agreed timescales;
- People who raise concerns are adequately protected from discrimination, harassment or disadvantage;
- That the Council has in place effective measures to deal with vexatious complaints;
- Complaints and compliments are used as an opportunity to learn and drive continuous improvement of Council services;
- Annual reports are presented to the Executive Board of the number of complaints and compliments received, analysis of these numbers split by service department, the time taken to respond to the complaints and the service improvements identified as a result of the complaint;
- In the event a complainant is dissatisfied with the outcome, he/she is given details about how to take escalate the complaint to the Local Government Ombudsman.

Audit Findings

A '**Satisfactory Assurance**' level was given. Some areas for improvement were identified as follows: -

- Although the information on the website clearly describes the Council's approach for dealing with complaints, however, there is no Policy and no description of how the Council would deal with persistent, vexatious or abusive complainants;
- Complaints are properly investigated and are documented appropriately by the relevant service departments. There is a Complaint Investigation Outcome

form that departments are required to complete but these are not always returned, so it is possible that some service improvements could go unrecorded.

Equalities

Audit Scope

The purpose of this audit was to ensure that: -

- There is an up to date Equality policy;
- The Council has established and communicated equality objectives that are specific and measurable, and these are reviewed at least every four years;
- The Council publishes its equality data to demonstrate compliance with the 'Public Sector Equality Duty, at least annually;
- Equality training has been provided to all employees and elected members;
- Adequate procedures are in place and these are being adhered to, when dealing with any discrimination incidents;
- Equality risk assessments have been undertaken for all key decisions made by Boards;
- Equality impact assessments are complete, accurate and up to date;
- Contractors, suppliers and consultants have provided an appropriate level of equality commitment; and
- There is an adequate system in place to ensure that any changes in the legislative requirements are being identified promptly and relevant policies and procedures updated.

Audit Findings

A '**Limited Assurance**' level was given, mainly because of the issues raised around the equality objectives and information publishing relate to requirements of the Equality Act 2010; a follow up review is currently being completed to reassess the assurance level. The areas for improvement were as follows:

- The Council's equality objectives are currently based on general corporate objectives and not directly related to the protected characteristics covered by the Equality Act 2010. Objectives must comply with the Public Sector Equality Duty within the Act and they must be specific, measurable and transparent
- The Council is not currently complying with the Equality Duty requirements to publish an Annual Public Sector Equality Duty Compliance Report;

- Records of completion of the Equality E-learning module do not include officers who do not have an individual E-learning account. This is necessary to confirm the requirement for completion by 100% of officers;
- Members do not appear to have received any training in Equality issues in the period covered by the audit;
- Officers involved in procurement as part of their duties within service departments would benefit from further training of equality issues to ensure that the public sector equality duty requirements are adequately considered throughout the procurement process.

Partnerships

Audit Scope

The purpose of this audit was to ensure that:

- The Council has formally adopted a Board approved 'Partnership Framework & Significance Scorecard' protocol providing guidance on partnerships and shared services;
- There is a comprehensive and up to date Register of partnerships and shared services;
- The governance arrangements in relation to the following shared service partnerships are adequate and operating effectively in practice
 - Home Environment Assessment & Response Team [HEART];
 - North Warwickshire Community Safety Partnership (NWCSP);
 - Coleshill School – Joint Indoor Leisure Provision Partnership;
 - Building Control – Local Authority Partnership.

Audit Findings

A '**Limited**' **Assurance**' level was given in terms of oversight of the Council's partnership governance arrangements due to the lack of a formally approved Partnership Framework document. The areas for improvement were as follows:

- A Partnership Framework and Significance Scorecard protocol document was compiled back in 2010/11, with the intention of presenting it to the Executive Board for approval. However, we have been unable to find any evidence of the document ever having been finalised and approved by the Board;
- There is no formal register of shared services and partnerships, so it is difficult to establish how many arrangements are in place and the significance of them to the Council;
- The Joint Use Agreement between the Council and Coleshill School (the Academy) dated 2014 and the Memorandum of understanding dated 2012

are out of date due to certain changes in legislation, for example the introduction of the General Data Protection Regulations and the Data Protection Act 2018, and also due to revisions to certain key Council Policies;

- The Joint User Agreement also requires all relevant staff to have had a Disclosure and Barring Service (DBS) check, but it was not clearly evident that all checks were up to date;
- The Joint User Agreement also requires Academy staff to comply with the Council's Safeguarding Policies and for Council staff to comply with the Academy safeguarding policy. It is not evident that current policies have been exchanged to monitor compliance and ensure compatibility between the two;
- In relation to the Building Control Partnership there has been no evidence made available as to the existence of the following key policies, which is contrary to s1.4, Schedule 3 of the Agreement:
 - Building Control Policy;
 - Dangerous Structures Policy;
 - Demolition Policy;
 - Building Control Customer Care Policy;
 - Building Control Business Continuity Plan; and
 - Building Control Health & Safety Policy
- No major governance concerns were identified for the HEART shared service and the Community safety Partnership.

Risk Management

Audit Scope

The audit work was structured to establish the effectiveness of the controls in place to mitigate the key risks to the Council's risk management arrangements. The audit focused on reviewing the high 'red' scored operational risks to ensure that they were being managed in accordance with the requirements set out in the Council's Risk Management Manual.

Audit Findings

Our overall audit opinion was '**Satisfactory Assurance**'. There is basically a sound system of internal controls although there are some minor weaknesses and/or evidence that the level of non-compliance may put some minor systems objectives at risk. The Council's Risk Management Manual when referring to the Risk Profile scoring matrix states that "the risks in the red area should be "managed down as a matter of urgency". The Financial Accountant carries out a mid-year risk review of all red and amber strategic and operational risks with Directors and Heads of Department and summarises the outcomes in a report to the Corporate Director – Resources. To help progress any issues raised this report will be taken to Management Team in the future.

Follow Up Audit Reviews

Trees, Walls and Fence Management

One of the four issues raised was outstanding and this related to the maintenance of a register to improve the effectiveness of the inspection programme. Our overall audit opinion has therefore been revised to '**Satisfactory Assurance**'.

Assisted Burials

See comments above with full audit scope and findings.

Assurance Level	Definition
Significant	There is a sound system of internal controls that are being consistently applied
Satisfactory	There is basically a sound system of internal controls although there are some minor weaknesses and/or there is evidence that the level of non-compliance may put some minor system objectives at risk.
Limited	There are some weaknesses in the adequacy of the internal control system and/or the level of non-compliance puts some of the system objectives at risk.
No Assurance	Control is weak leaving the system open to significant error or abuse and/or there is significant non-compliance with basic controls.

Agenda Item No 11

Resources Board

14 June 2021

**Report of the
Director of Housing**

**Atherstone CCTV Scheme
– Partnership Agreement**

1 Summary

- 1.1 This report submits the revised Atherstone CCTV Scheme Partnership Agreement to the Board for comment and approval.

Recommendation to the Resources Board

- a That the Partnership Agreement for the CCTV scheme for Atherstone Town be considered and agreed;**
- b That the funding for the recruitment of CCTV control officers to operate the system for 12 months be approved; and**
- c That the job description for the CCTV control officers be submitted to the Special Sub Group for approval.**

2 Consultation

- 2.1 Local Ward Councillors have been sent a copy of this report for consideration and comment.

3 Background

- 3.1 The Borough Care service will cease on 4 July 2021. This has implications for the Atherstone CCTV scheme. The main implication is the loss of staff resource to operate the scheme.
- 3.2 As the Borough Council is no longer in a position to meet all of the legal requirements of the Partnership Agreement for the scheme, 3 months' notice has been given to end the current arrangement. This means that a new arrangement must be agreed for the oversight and delivery of the scheme which will ensure that the aims of the Partnership can be delivered whilst alternative ways of delivering the operational arrangements for the scheme are explored.

4 Revised Partnership Agreement

- ...
- 4.1 The revised Atherstone CCTV Scheme Partnership Agreement is attached at Appendix A for consideration. The changes are in italics.
 - 4.2 The Partnership Agreement is for a period of 12 months. This is because the Borough Council is not able to commit to providing funding to cover staffing arrangements for more than 12 months.
 - 4.3 The Agreement sets out arrangements for the maintenance of the equipment, the operation of the scheme and funding.
 - 4.4 For the twelve months from 1 July 2021 to 30 June 2022 the Borough Council will employ sufficient staff to operate the scheme. This includes dealing with subject access requests, reviewing and recording incidents for the Police, communicating with Police Headquarters in Leek Wootton and actively monitoring the areas covered by cameras in the town.
 - 4.5 During the twelve months of the revised agreement the Partnership will be able to consider how the scheme can be operated in future.
 - 4.6 An established Partnership Group which includes representatives from the Borough Council, Town Council and Police meet quarterly to discuss the scheme.

5 Report Implications

5.1 Finance and Value for Money Implications

- 5.1.1 The Borough Council pays for the equipment in the Control Room. This is a newly installed system and cost £108,000.
- 5.1.2 Atherstone Town Council pay for the cameras installed around the Town. These are all new cameras and recently cost £109,000.
- 5.1.3 Atherstone Town Council provides a budget of £32,000 annually to support the operation of the scheme. This report proposes that for 12 months from 1 July 2021 the Borough Council matches this commitment to provide for staff to operate the CCTV system. Atherstone Town Clerk has advised that £27,000 of the Town Council contribution is for the operation of the scheme. Whilst this amount does not quite cover the cost of a full time officer at the top of the grade for the post there is a saving from the annual maintenance charge that can be used to top up the designated amount. As the Police have expressed a concern that the CCTV scheme be actively monitored as the COVID-19 pandemic lock down measures are lifted, funding is available from the designated Government emergency budget provided to Local Authorities.

5.2 Legal, Data Protection and Human Rights Implications

- 5.2.1 The Atherstone CCTV Scheme Partnership Agreement sets out the legal framework for the scheme. The Council has a power to provide a CCTV system under the Criminal Justice and Public Order Act 1994 however, it does not have a duty to do so. The Council does however, have a duty under the Crime and Disorder Act 1998 to exercise its functions having regard to the need to do all it can to prevent crime and disorder, misuse of drugs and alcohol and reoffending. The Council should have regard to that duty when considering the future of the scheme. Since it is not a statutory duty to provide a system, this Agreement, and the Code of Practice which underpins it, governs the scheme.
- 5.2.2 The Code of Practice for the scheme compliments the Partnership Agreement arrangements. As well as practical matters with regard to the operation of the scheme the Code sets out the legal basis for its operation. For example, prior to performing the role of CCTV operator, personnel are subjected to full security screening, which includes an NWBC enhanced DBS (Disclosure and Barring Service) check and Police NPPV (Non Police Personnel Vetting) Level 2 check. All staff operating the Scheme's CCTV systems are appropriately trained and are required to attain the SIA (Security Industries Authority) Public Space CCTV Operators Licence in order for them to operate the Scheme CCTV system. Subject access requests for recorded images must be processed in accordance with the Data Protection Act 2018 and the General Data Protection Regulation.

5.3 Human Resources Implications

- 5.3.1 The Director of Housing will provide oversight and management for the scheme. This includes line management of the two CCTV Control Room officers. It is anticipated that the available funding will enable the recruitment of 2 full time staff. The employment of casual staff will also be explored as funding allows.
- 5.3.2 Borough Care staff have been served with redundancy notices. The two new posts will offer suitable alternative employment for staff who are trained in CCTV systems and have the required regulatory licence; a redundancy payment would still need to be made at the end of the temporary contract, however, this will not be substantially different to the original figure.

5.4 Safer Communities Implications

- 5.4.1 The CCTV scheme for Atherstone Town centre has been a significant response to help address violent crime and provide additional reassurance for community safety in the town centre area. The latest Strategic Assessment 2021/22 for the North Warwickshire Community Safety Partnership highlights the Atherstone central and north wards as priority locations for violence with and without injury. Continuation of the CCTV scheme will be an important response to help reduce violent crimes in both wards.

The Contact Officer for this report is Angela Coates (719369).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

Appendix A

Atherstone CCTV Scheme Partnership Agreement

THIS AGREEMENT is made on the *First day of July 2021 BETWEEN*

NORTH WARWICKSHIRE BOROUGH COUNCIL in the County of Warwick ('the Borough Council') of the one part and ATHERSTONE TOWN COUNCIL in the County aforesaid "(the Town Council)" of the other part

WHEREAS the parties have agreed for the provision of a Closed Circuit Television System (the CCTV") in Atherstone Town Centre.

NOW THIS AGREEMENT WITNESSETH as follows:-

- 1 *The Borough Council will maintain the control room equipment and cameras as well as monitor the information from the CCTV* in accordance with the specification contained at the first schedule hereto.
- 2 In consideration of the Borough Council *maintaining and monitoring the CCTV* the Town Council agrees to make to the Borough Council such payments as are detailed in the second schedule hereto.
- 3 It is agreed that the CCTV will be operated in accordance with the Code of Practice agreed and adopted by the parties and by the Warwickshire Police a copy of which Code is contained at the third schedule hereto BUT SUBJECT ALWAYS to such amendments to the said Code as may be agreed from time to time between the Parties hereto and approved by the Warwickshire Police — such agreement and approval to be evidenced in writing.
- 4 THIS agreement shall commence on *1st July 2021 and shall end on 30 June 2022* PROVIDED ALWAYS that the term hereof may be extended thereafter on terms to be agreed between the parties.
- 5 FOR the purposes of this agreement communications to the parties will be deemed to have been received if sent by normal first class post to the Borough Council at Council House South Street Atherstone Warwickshire CV9 IDE and to the Town Council if sent to PO Box 2000 Atherstone Warwickshire CV9 3AR and marked for the attention of the Director of Housing.

THE FIRST SCHEDULE

THE SPECIFICATION

1 The System

- 1.1 The CCTV system in Atherstone Town Centre comprises of the equipment set out in the inventory at Schedule 4. This includes Pan, Tilt and Zoom cameras that are controlled and monitored from the Control Room at North Warwickshire Borough Council's offices at the Council House, South Street, Atherstone.
- 1.2 *Video links to the Police Headquarters at Leek Wootton are* provided as part of the system. In addition, a Police radio giving access to Police communications will be maintained in the Control Room.
- 1.3 Atherstone Town Council owns the ductwork, mounting poles and brackets and *ptz and panoramic cameras*. The Town Council is responsible for the cost of the maintenance, repair and replacement of the whole of the installation beyond the boundaries of the Council House and the Council's Sheepy Road Depot.
- 1.4 North Warwickshire Borough Council owns the Control Room and associated cabling and transmission equipment within the boundaries of the Council House and the Sheepy Road Depot. The Borough Council has responsibility for the cost of maintenance, repair and replacement of the system within the Council House and the Council's Sheepy Road Depot.
- 1.5 The maintenance of the entire system will be undertaken by a contract agreed jointly by both Councils and let by the Borough Council. The costs of that contract will be apportioned in accordance with the ownerships set out above.
- 1.6 Staff provided by the Borough Council will undertake monitoring. The hours of monitoring and associated costs are described below.
- 1.7 The system will be operated in accordance with the Code of Practice as aforesaid.

2 Obligations of the Parties

- 2.1 The Borough Council undertakes to operate the system at the hours specified and agreed and maintain the same as set out in the Second Schedule. The system shall be provided continuously throughout the year excepting for unavoidable disruption such as damage to cables or equipment.
- 2.2 The Town Council undertakes to pay the cost of maintaining the element of the service for which it is responsible as set out in the Second Schedule.

3 **Service Required**

- 3.1 The Borough Council undertakes to provide monitoring services in accordance with the Code of Practice and as agreed by the Parties in consultation with the police. The Borough Council will also compile records of the performance of the system in a format agreed by the Partnership in writing to enable clear monitoring of the service provided.
- 3.2 The Borough Council undertakes to arrange regular performance and development meetings in a format and with attendees agreed in writing by the Partnership.

4 **Monitoring**

- 4.1 *Active operator monitoring will be undertaken during agreed hours daily. This will be for an average of 70 hours in any period of seven days commencing on a Monday.* The actual times for the monitoring will be agreed between the Town Council, the Borough Council and the Police at the performance and development meetings and/or by representatives appointed by each for such purposes as appropriate.
- 4.2 *The costs of the monitoring activity will be born equally by the Borough Council and Atherstone Town Council. Designated staff will be employed by the Borough Council to operate the system and respond to emergency events. During times when active monitoring is not possible images will be recorded by the system.*
- 4.3 *The Borough and Town Councils will bear the cost of monitoring each week as set out in the Second Schedule hereto.* The Borough Council undertakes to arrange for and provide suitable trained staff to carry out the monitoring.
- 4.4 The intervals of active monitoring will be agreed and documented and reviewed quarterly as part of the performance monitoring procedures in order to respond to operational feedback where possible.

THE SECOND SCHEDULE

PAYMENTS DUE TO BE MADE TO THE BOROUGH COUNCIL

- 1 Statement of Costs to Provide Service
 - 1.1 The Town Council shall reimburse the Borough Council the following costs:

The costs of staff to carry out the minimum of 35 hours of active monitoring each week. The cost shall be adjusted to reflect any change in the number of hours required by the Town Council.

The costs of maintenance and repair of the ductwork, mounting poles and brackets, and ptz *and panoramic* cameras shall be paid by the Town Council which will reimburse the full cost incurred by the Borough Council in letting that part of the maintenance contract which relates to those items.
 - 1.2 The Town Council undertakes to meet the costs at 1.1 for the full term of the contract.
 - 1.3 Both parties recognise their obligation to replace in the future the equipment for which each is responsible.
- 2 Arrangements for Payment to North Warwickshire Borough Council
 - 2.1 The Borough Council shall submit to the Town Council a statement of the costs incurred that are property rechargeable to the Town Council. The statement shall cover the preceding three-month period and will be submitted as an invoice for payment within 28 days of *the end of September 2021, December 2021, March 2022 and June 2022.*
 - 2.2 The Town Council shall pay the Borough Council the sum stated on the quarterly statement within one month of the invoice date.
 - 2.3 If any question, difference or dispute at any time arises between the parties to this Agreement in respect of its construction or as to the rights, liabilities or duties of the parties under this Agreement, the dispute shall be referred to the Arbitration and final decision of a person to be agreed upon between the parties or, failing such agreement, within 14 days after either party has given to the other a written request to concur in such appointment, a person to be appointed on the written request of either party by the President or a Vice President for the time being of the Chartered Institute of Arbitrators provided that in either case the proceedings shall be in accordance with the Arbitration Act 1996.

**THE THIRD SCHEDULE
THE CODE OF PRACTICE**

A copy whereof is hereto annexed *(revised draft to be agreed)*

**THE FOURTH SCHEDULE
AN INVENTORY OF EQUIPMENT**

A copy whereof is hereto annexed *(to be revised to reflect new equipment installed)*

IN WITNESS WHEREOF the parties have hereunto caused their common seals to be affixed the day and year first before written.

THE COMMON SEAL OF ATHERSTONE TOWN COUNCIL
Was hereunto affixed in the presence of:-)

Designated Officer

THE COMMON SEAL OF NORTH WARWICKSHIRE BOROUGH
COUNCIL
Was hereunto affixed in the presence of)

Designated Officer

Fourth Schedule *To be revised to reflect new equipment*

Atherstone CCTV Partnership CCTV Equipment Inventory CAMERAS:

Camera	Location	Owner
1 D, C, pTZ, CM	North west corner of Woolpack Way car park	Atherstone TC
2 D, C, pTZ, BM	Front of Old Bank House, Long St	Atherstone TC
3 D, C, pTZ, BM	Above alleyway next to Bridal Shop south side of Long St	Atherstone TC
4 D, C, pTZ, CM	On pavement adjacent to Raj Mahal restaurant on Long St	Atherstone TC
5 D, C, pTZ, BM	Above entrance to dentists next to chip hop, Long St	Atherstone TC
6 D, C, pTZ, CM	On pavement by library, Long St	Atherstone TC
7 D, C, pTZ, BM	Rear of Memorial Hall	Atherstone TC
8 D, C, pTZ, BM	Near to entrance of leisure centre	Atherstone TC
9 D, C, pTZ, CM	Sheepy Rd car park	Atherstone TC
10 D, C, pTZ, CM	North East corner of Market Square	Atherstone TC
11 D, C, pTZ, CM	South pavement in front of St Benedict's flats	Atherstone TC
12 D, C, pTZ, BM	Junction of South St/ Coleshill Rd	Atherstone TC
13 D, C, pTZ, BM	Western corner of bus station in Station St	Atherstone TC
14 D, C, pTZ, CM	Half way along western side of Station St car park	Atherstone TC
15 D, C, pTZ, CM	Entrance to Co-op supermarket	Atherstone TC
16 D, C, pTZ, CM	Opposite pavement to White Hart Heritage centre, Station Rd	Atherstone TC
17 D, C, pTZ, BM	South western corner of NWBC depot in Sheepy Rd	North Warks BC
18 D, C, pTZ, BM	North eastern corner of NWBC depot in Sheepy Rd	North Warks BC
19 FF, C, S, BM	Rear of Council House	North Warks BC
20 FF, BAN, S, BM	North wall of Council House	North Warks BC
21 SHIFF, C, S, BM	Rear of Council House	North Warks BC
22 SH, FF, C, S, BM	Rear of Council House	North Warks BC
23 FF, BAN, S, BM	Near to reception entrance of Council House	North Warks BC
24 SH, FF, C, S, BM	Entrance corridor to CCTV control centre	North Warks BC
25 D, C, PTZ, CM	Tow path of canal adjacent to Coleshill Rd road bridge	Atherstone TC

26 SH, FF, C, S, BM Near to reception entrance of Council House North Warks BC 27
MM, C, PTZ, CM Inside Westwood Rd Playing Fields near to entrance
Atherstone TC 28 D, C, PTZ, CM South pavement North St near North
St/Ratcliffe Rd junction Atherstone TC

PTZ = Pan, tilt & zoom lens

FF = fixed focus lens

S = Static

B/W = black & white

SH = Shoebox

C = Colour

MM = Metal Mickey

CM = Column mounted

D = DomeBM = Building mounted

CAMERA MOUNTING AND TRANSMISSION EQUIPMENT

Ownership of individual cameras includes all telemetry equipment, cabinets, mounting poles and brackets associated with each camera referenced.

FIBRE OPTIC NETWORK

The external fibre optic network and ducting connecting all of the scheme's cameras is owned by Atherstone Town Council except that which are situated within the boundaries of North Warwickshire Borough Council property.

CONTROL CENTRE EQUIPMENT

All CCTV receiving, transmission and recording equipment and uninterrupted power supply equipment located at the Council House CCTV control centre is owned by North Warwickshire Borough Council

Agenda Item No 12

Resources Board

14 June 2021

Report of the Corporate Director - Streetscape

Revised Parking Places Order & Schedule

1 Summary

- 1.1 This report asks Members to approve a revised Parking Places Order and associated Schedule(s) covering all the Borough Council owned and operated off-street car parks. The revised Order and Schedule(s) propose the retention of free parking periods across all Council car parks but with the introduction of parking charges for some longer stays in order to ensure that the Council's off-street car parks are prepared for the implementation of Civil Parking Enforcement in November 2021.

Recommendation to the Board

- a That the Board approves the revised Parking Places Order and associated Schedule(s);
- b That delegated authority be given to the Corporate Director – Streetscape, in consultation with the Chair of Resources Board, to procure such equipment and services (including enforcement) as may be necessary to implement parking charges in line with the proposed Order and Schedule(s); and
- c That delegated authority be given to the Corporate Director – Streetscape to undertake all necessary consultation on the proposed Order and Schedule(s) and reports back to the Board on the outcome of that consultation before they come into force.

2 Consultation

- 2.1 The proposed Parking Places Order and associated Schedule(s) have been discussed at length and agreed by the Parking Task & Finish Group.

3 Background

- 3.1 The Council's last published Parking Places Order (PPO) was considered by this Board in November 2014 and came into force the following year. Since the publication of that order the Borough Council has been working with the County Council on the implementation of Civil Parking Enforcement in the Borough of North Warwickshire.

- 3.2 The Department for Transport has indicated that Civil Parking Enforcement will be implemented in North Warwickshire some time in November 2021. In order for the knock-on effect of vehicle displacement caused by the more rigorous enforcement of on-street parking to be adequately managed, the Borough Council's management of its off-street parking provision will need to change to meet the new demands.
- 3.3 The Parking Places Order and Schedule(s) also reflect some of the changes in the types of vehicles using the Council's car parks, not least the move towards electric vehicles. The Government has announced a ban on all new petrol and diesel cars from 2030 and the Council's provisions for electric vehicles will need to increase to meet the shift away from internal combustion engine (ICE) vehicles over the course of the next decade. The proposed PPO and Schedule(s) give the Council the flexibility to increase and manage such provision over time to meet rising demand while still accommodating the requirements of "traditional" vehicles.
- 3.4 In addition to provisions for EV spaces and charging, the PPO and Schedule(s) will also cover the provision of overnight parking for residents and visitors (especially where private or off-road parking is unavailable) and enable the Council to introduce parking permits and season tickets where appropriate.
- 3.5 If Board approves the revised Parking Places Order and associated Schedule(s), there will be a six-week statutory consultation period before they come into force.

4 Car Parking Charges

- 4.1 For the first time, North Warwickshire Borough Council is proposing the implementation of parking charges in some of its car parks. Owning and operating car parks places a significant budgetary strain on the Council's finances and, with the exception of a limited amount of fixed penalty notice (FPN) revenue (approx. £13,000), the Council has borne the full cost of maintaining its off-street car parks with no income to offset those costs. From November 2021 onwards, it is estimated that the cost of providing off-street parking across the Borough will be around £230,000 per annum.
- 4.2 In order to safely maintain the Council's car parks, increase their capacity to cope with predicted housing growth, provide the necessary levels of enforcement and roll-out the required EV charging infrastructure as demand increases, income levels will need to rise to meet the level of expenditure. The Council's budgets are already under severe pressure and the Council can no longer afford to subsidise this service to the degree it has done to date.
- 4.3 It is proposed that every Council car park in the Borough will have at least one hour of free parking. Many car parks will have a two hour free parking window and some will still be free to use during the day. Parking charges will be focussed on those areas and times when the bulk of parking is long-stay and

the proposed schedule is designed to prioritise the needs of shoppers, service users and residents.

5 Mitigating the Impact of CPE

- 5.1 One of the principal reasons for introducing the new Parking Places Order and revised Schedule(s) is to ensure that the impact of the implementation of Civil Parking Enforcement on on-street parking is managed through greater effective capacity in the Council's off-street car parks. The variable charging and waiting times set out in the revised schedule are designed to make sufficient parking capacity available at peak times in both short stay and long stay car parks.
- 5.2 The implementation of CPE will have other consequences and officers are currently working with colleagues at Warwickshire County Council to anticipate those areas where residential parking may be affected so that suitable measures to tackle displaced on-street parking can be implemented quickly. Other measures based around the Council's off-street car parks are also being explored which would support residents and workers following the implementation of CPE.

6 Report Implications

6.1 Finance and Value for Money Implications

- 6.1.1 The annual cost of operating the Council's off-street car parks is estimated to be £230,000 from November onwards. While it is difficult to estimate the exact level of income from parking charges and parking fines, preliminary estimates anticipate that the proposed schedule of parking charges could raise around £166,000 per annum. This would produce an estimated net expenditure of £64,000 compared to the current budget of £107,610. In addition there could be parking penalties for non-compliance estimated to be between £26,000 and £70,000.
- 6.1.2 Further reports will be brought back to Board setting out the detail on how parking charges and enforcement will be implemented along with the estimated costs. Capital expenditure on parking improvements will be reported to Executive Board for approval in due course.

6.2 Legal and Risk Management Implications

- 6.2.1 The proposed changes will tighten up some areas of enforcement and reflect present day and anticipated car park usage and management more accurately, thus reducing the risk of FPN appeals. In making the Order the Council must follow the procedure prescribed by the Road Traffic Regulation Act 1984 and regulations which, in particular require publicity and Consultation.

6.3 Environment, Climate Change and Sustainability Implications

6.3.1 Private vehicle journeys will continue to be a mainstay of the region's transport system over the coming decade and beyond. A well-managed and adequately resourced parking service is essential in small market towns such as Atherstone, Coleshill and Polesworth and in their surrounding villages. Well managed off-street car parks should aim to provide sufficient parking capacity to reduce idling times and unnecessary or abortive journeys. Sufficient parking should also be provided near other, more sustainable transport hubs. Finally, the transition from ICE vehicles to EV and other ULEV (Ultra Low Emissions Vehicles) needs to be supported. The proposed PPO and associated Schedule(s) is designed to support these aims sustainably.

6.4 Safer Communities Implications

6.4.1 On street parking issues are regularly raised as a community safety issue to the North Warwickshire Safer Neighbourhood Team. The consultation about the proposed order and schedule may identify specific locations where there are pressures and concerns regarding parking.

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

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

Long Stay Car Parks

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	
Name of Parking Place	Position in which vehicle may wait	Classes of vehicle	Days of operation of parking place	Charging Hours	Maximum period for which vehicle may wait	Scale of charging	
L1 Council House Woolpack Way ATHERSTONE	Within the spaces marked by white lines on the surface	Motor cars constructed solely for the carriage of passengers and their effects and adapted to carry not more than seven passengers exclusive of the driver, dual purpose vehicles of unladen weight not exceeding 3050kg, motor cycles and motor cycle combinations, other vehicles of an unladen weight not exceeding 410kg	(Staff Permit Holders) Monday to Friday	All hours	24 hours	Upto 1 hour Upto 2 hours Upto 3 hours Upto 4 hours More than 4 hours	£0.00
			(Public) Saturday	All hours	14 hours		£0.00 £2.00 £2.00 £3.00
			Sunday	All hours	24 hours		£0.00
L2 Council House South Street ATHERSTONE	Within the spaces marked by white lines on the surface	Motor cars constructed solely for the carriage of passengers and their effects and adapted to carry not more than seven passengers exclusive of the driver, dual purpose vehicles of unladen weight not exceeding 3050kg, motor cycles and motor cycle combinations, other vehicles of an unladen weight not exceeding 410kg	(Staff Permit Holders) Monday to Friday	All hours	24 hours	Upto 1 hour Upto 2 hours Upto 3 hours Upto 4 hours More than 4 hours	£0.00
			(Public) Saturday	At any hour	14 hours		£0.00 £2.00 £2.00 £3.00
			Sunday	At any hour	24 hours		£0.00
L3 Cattle Market ATHERSTONE	Within the spaces marked by white lines on the surface	Motor cars constructed solely for the carriage of passengers and their effects and adapted to carry not more than seven passengers exclusive of the driver, dual purpose vehicles of unladen weight not exceeding 3050kg, motor cycles and motor cycle combinations, other vehicles of an unladen weight not exceeding 410kg	Monday to Saturday	0800-1800	10 hours	Upto 1 hour Upto 2 hours Upto 3 hours Upto 4 hours More than 4 hours	£0.00 £2.00 £2.00 £2.00 £3.00
			Sunday	1800-0800	14 hours		£0.00
				At any hour	24 hours		£0.00
	Within spaces marked ELECTRIC VEHICLES ONLY	Electric vehicles being charged	Monday to Saturday	0800-1800 1800-0800	4 hours 14 hours	£0.00 £0.00	
			Sunday	At any hour	24 hours	£0.00	

L4 Memorial Hall ATHERSTONE	Within the spaces marked by white lines on the surface	Motor cars constructed solely for the carriage of passengers and their effects and adapted to carry not more than seven passengers exclusive of the driver, dual purpose vehicles of unladen weight not exceeding 3050kg, motor cycles and motor cycle combinations, other vehicles of an unladen weight not exceeding 410kg	Monday to Saturday	0800-1800	4 hours	Upto 1 hour Upto 2 hours Upto 3 hours Upto 4 hours No return within 2 hours	£0.00
				1800-0800	14 hours		£0.00
			Sunday	At any hour	24 hours		£0.00
L5 Sheepy Road ATHERSTONE	Within the spaces marked by white lines on the surface	Motor cars constructed solely for the carriage of passengers and their effects and adapted to carry not more than seven passengers exclusive of the driver, dual purpose vehicles of unladen weight not exceeding 3050kg, motor cycles and motor cycle combinations, other vehicles of an unladen weight not exceeding 410kg	Monday to Saturday	0800-1800	10 hours	Up to 1 hour Up to 2 hours Up to 3 hours Up to 4 hours More than 4 hours	£0.00
				1800-0800	14 hours		£0.00
			Sunday	At any hour	24 hours		£0.00
	Within spaces marked ELECTRIC VEHICLES ONLY	Electric vehicles being charged	Monday to Saturday	0800-1800 1800-0800	4 hours 14 hours	£0.00 £0.00	
			Sunday	At any hour	24 hours	£0.00	
L6 Carlyon Road (Sandwich Factory) ATHERSTONE	Within the spaces marked by white lines on the surface	Motor cars constructed solely for the carriage of passengers and their effects and adapted to carry not more than seven passengers exclusive of the driver, dual purpose vehicles of unladen weight not exceeding 3050kg, motor cycles and motor cycle combinations, other vehicles of an unladen weight not exceeding 410kg	Monday to Saturday	At any hour	14 hours		£0.00
			Sunday	At any hour	24 hours		£0.00
L7 Bus Station Station Street	In front of bus stands or elsewhere within the bus station,	Public Service Vehicles	Monday to Sunday	At any hour	3 hours		£0.00

ATHERSTONE	provided that no obstruction is caused to other public service vehicles						
L8 Church Hill COLESHILL	Within the spaces marked by white lines on the surface	Motor cars constructed solely for the carriage of passengers and their effects and adapted to carry not more than seven passengers exclusive of the driver, dual purpose vehicles of unladen weight not exceeding 3050kg, motor cycles and motor cycle combinations, other vehicles of an unladen weight not exceeding 410kg	Monday to Saturday	0800-1800	10 hours	Up to 1 hour Up to 2 hours Up to 3 hours Up to 4 hours More than 4 hours	£0.00 £2.00 £2.00 £2.00 £3.00
				1800-0800	14 hours		£0.00
			Sunday	At any hour	24 hours		£0.00
L9 Parkfield Road COLESHILL	Within the spaces marked by white lines on the surface	Motor cars constructed solely for the carriage of passengers and their effects and adapted to carry not more than seven passengers exclusive of the driver, dual purpose vehicles of unladen weight not exceeding 3050kg, motor cycles and motor cycle combinations, other vehicles of an unladen weight not exceeding 410kg	Monday to Saturday	0800-1800	10 hours	Up to 1 hour Up to 2 hours Up to 3 hours Up to 4 hours More than 4 hours	£0.00 £1.00 £1.50 £2.00 £2.50
				1800-0800	14 hours		£0.00
			Sunday	At any hour	24 hours		£0.00
L10 Long Street DORDON	Within the spaces marked by white lines on the surface	Motor cars constructed solely for the carriage of passengers and their effects and adapted to carry not more than seven passengers exclusive of the driver, dual purpose vehicles of unladen weight not exceeding 3050kg, motor cycles and motor cycle combinations, other vehicles of an unladen weight not exceeding 410kg	Monday to Sunday	At any hour	14 hours		£0.00
L11 Derek Avenue DORDON	Within the spaces marked by white lines on the surface	Motor cars constructed solely for the carriage of passengers and their effects and adapted to carry not more than seven passengers exclusive of the driver, dual purpose vehicles of unladen weight not exceeding	Monday to Sunday	At any hour	24 hours		£0.00

		3050kg, motor cycles and motor cycle combinations, other vehicles of an unladen weight not exceeding 410kg						
L12 Pear Tree Avenue KINGSBURY	Within the spaces marked by white lines on the surface	Motor cars constructed solely for the carriage of passengers and their effects and adapted to carry not more than seven passengers exclusive of the driver, dual purpose vehicles of unladen weight not exceeding 3050kg, motor cycles and motor cycle combinations, other vehicles of an unladen weight not exceeding 410kg	Monday to Saturday	0800-1800	10 hours	Up to 1 hour Up to 2 hours Up to 3 hours Up to 4 hours More than 4 hours	£0.00 £2.00 £2.00 £2.00 £3.00	
				1800-0800	14 hours		£0.00	
			Sunday	At any hour	24 hours		£0.00	
	Within spaces marked ELECTRIC VEHICLES ONLY	Electric vehicles being charged	Monday to Saturday	0800-1800 1800-0800	4 hours 14 hours		£0.00 £0.00	
			Sunday	At any time	24 hours		£0.00	
L13 Birmingham Road WATER ORTON	Within the spaces marked by white lines on the surface	Motor cars constructed solely for the carriage of passengers and their effects and adapted to carry not more than seven passengers exclusive of the driver, dual purpose vehicles of unladen weight not exceeding 3050kg, motor cycles and motor cycle combinations, other vehicles of an unladen weight not exceeding 410kg	Monday to Saturday	0800-1800	10 hours	Up to 1 hour Up to 2 hours Up to 3 hours Up to 4 hours More than 4 hours	£0.00 £2.00 £2.00 £2.00 £3.00	
				1800-0800	14 hours		£0.00	
			Sunday	At any hour	24 hours		£0.00	
	Within spaces marked SHORT STAY ONLY	Motor cars constructed solely for the carriage of passengers and their effects and adapted to carry not more than seven passengers exclusive of the driver, dual purpose vehicles of unladen weight not exceeding 3050kg, motor cycles and motor cycle combinations, other vehicles of an unladen weight not exceeding 410kg	Monday to Saturday	0800-1800	2 hours	Up to 1 hour Up to 2 hours	£0.00 £1.00	
					1800-0800	14 hours		£0.00
			Sunday	At any time	24 hours		£0.00	
	Within spaces marked	Electric vehicles being charged	Monday to Saturday	0800-1800 1800-0800	4 hours 14 hours		£0.00 £0.00	

	ELECTRIC VEHICLES ONLY		Sunday	At any time	24 hours		£0.00
L14 Grendon Road POLESWORTH	Within the spaces marked by white lines on the surface	Motor cars constructed solely for the carriage of passengers and their effects and adapted to carry not more than seven passengers exclusive of the driver, dual purpose vehicles of unladen weight not exceeding 3050kg, motor cycles and motor cycle combinations, other vehicles of an unladen weight not exceeding 410kg	Monday to Saturday	0800-1800	10 hours	Up to 1 hour Up to 2 hours Up to 3 hours Up to 4 hours More than 4 hours	£0.00 £2.00 £2.00 £2.00 £3.00
			Sunday	1800-0800	14 hours		£0.00
				At any hour	24 hours		£0.00

SCHEDULE 2

APPENDIX 2

Short Stay Car Parks

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	
<u>Name of Parking Place</u>	<u>Position in which vehicle may wait</u>	<u>Classes of vehicle</u>	<u>Days of operation of parking place</u>	<u>Charging Hours</u>	<u>Maximum period for which vehicle may wait</u>	<u>Scale of charging</u>	
S1 Station Street (rear of bus station) ATHERSTONE	Within the spaces marked by white lines on the surface	Motor cars constructed solely for the carriage of passengers and their effects and adapted to carry not more than seven passengers exclusive of the driver, dual purpose vehicles of unladen weight not exceeding 3050kg, motor cycles and motor cycle combinations, other vehicles of an unladen weight not exceeding 410kg	Monday to Saturday	0800-1800	1 hour	No return within 2 hours	£0.00
				1800-0800	14 hours		£0.00
			Sunday	All hours	24 hours		£0.00
S2 Woolpack Way ATHERSTONE	Within the spaces marked by white lines on the surface	Motor cars constructed solely for the carriage of passengers and their effects and adapted to carry not more than seven passengers exclusive of the driver, dual purpose vehicles of unladen weight not exceeding 3050kg, motor cycles and motor cycle combinations, other vehicles of an unladen weight not exceeding 410kg	Monday to Saturday	0800-1800	2 hours	Up to 1 hour Up to 2 hours No return within 2 hours	£0.00
				1800-0800	14 hours		£1.00
			Sunday	At any hour	24 hours		£0.00
S3 Station Street Access Road ATHERSTONE	Within right hand lane and layby marked TAXIS ONLY	Hackney Carriages	Monday to Sunday	At any hour	1 hours		£0.00
	Loading bay marked LOADING/ UNLOADING ONLY	All vehicles loading or unloading	Monday to Sunday	At any hour	30 minutes		£0.00
S4 Rickyard Close POLESWORTH	Within the spaces marked by white lines on the surface	Motor cars constructed solely for the carriage of passengers and their effects and adapted to carry not more than seven passengers exclusive of the driver, dual purpose vehicles of unladen weight not exceeding 3050kg, motor cycles and motor cycle combinations, other vehicles of an unladen weight not exceeding 410kg	Monday to Saturday	0800-1800	2 hours	No return within 2 hours	£0.00
				1800-0800	14 hours		£0.00
			Sunday	At any hour	24 hours		£0.00

NORTH WARWICKSHIRE BOROUGH COUNCIL
(OFF-STREET PARKING PLACES) ORDER 2021

North Warwickshire Borough Council ("the Council") in exercise of its powers under Sections 32, 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984, as amended ("the 1984 Act") and under the Traffic Management Act 2004 as amended ("the 2004 Act") and of all other enabling powers, with the consent of Warwickshire County Council in accordance with Section 39(3) of the 1984 Act and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act hereby makes the following Order:

PART I
GENERAL

Commencement and Citation

1. This Order shall come into operation on 1 November 2021 and may be cited as the North Warwickshire Borough Council (Off-Street Parking Places) Order 2021. The North Warwickshire Borough Council (Off-Street Parking Places Order) 2021 Plans ('the Plans') are incorporated into this Order.

Interpretation

2. In this Order, except where the context otherwise requires, the following expressions have the meanings respectively assigned to them:

"the Act" means the Road Traffic Regulation Act 1984;

"Bank Holiday" has the same meaning as described in the Banking and Financial Dealings Act 1971. The first Monday of May shall be treated as if it were a Bank Holiday for the purposes of this Order;

"Civil Enforcement Officer" means a person authorised by or on behalf of the Council to supervise the Parking Places and enforce the restrictions imposed by this Order;

"Charging Days", means those days specified at each Parking Place and specified in the Schedule of Parking Places other than Christmas Day, a Bank Holiday and Easter Sunday;

"Charging Hours", means the period as specified at each Parking Place and specified in the Schedule of Parking Places on all Charging Days;

"Council" means North Warwickshire Borough Council;

"Disabled Person's Badge" means a badge issued by any Local Authority in accordance with the provisions of the Local Authorities' Traffic Orders (Exemptions for Disabled Person's) (England) Regulations 2000 or a badge having effect under those regulations as if it were a Disabled Person's Badge;

~~"Disabled Persons Vehicle" has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;~~

"Driver" in relation to a Parking Place means the person driving the Vehicle at the time it was left in the Parking Place;

"Expiry Time" is the time indicated on the Pay and Display Ticket or Voucher and is the time by which the parking period for which the parking ticket, Voucher or Electronic Payment period has expired;

"Electronic Payment" means a cashless parking payment method of charges for use in a Parking Place where facilities at that Parking Place allow payment by telephone or electronic means, allowing Vehicles of such classes, in such positions, on such days, during such hours and for such period as are specified at each Parking Place and specified in the Schedule of Parking Places to be parked for the period of time for which Electronic Payment has been made. A transaction fee (convenience charge) may be incurred in addition to the scale of current charges as specified on site and specified in the Schedule of Parking Places, for the use of this Electronic Payment method;

"Free Period" means a period of parking for which a Voucher (free parking ticket) must be obtained but for which there is no charge as specified on site and which is specified in the Schedule of Parking Places as being at a charge of £0.00;

"Goods Vehicle" has the same meaning as that ascribed to it in Schedule 6 of the Road Traffic Act 1988 ('RTA 1 988');

"Loading / Unloading" refers to when a Vehicle is parked wholly in a Parking Place or Parking Bay marked for that purpose on site, for the purpose of delivering or collecting goods or merchandise or loading or unloading the Vehicle at premises adjacent to the Parking Place or Parking Bay and the Vehicle does not park for more than twenty minutes or such longer period as a duly authorised officer of the Council may authorise;

"Loading Bay" means an area of a Parking Place which is provided for the temporary parking of Vehicles of a class specified and indicated by markings on the surface of the Parking Place or signed or otherwise indicated by notices in the Parking Place for the purpose of Loading and Unloading of goods;

"Motor car" and "trailer" have respectively the same meaning as in Sections 136 and 137 of the Act;

"Motorcycle" refers to a solo motorcycle only and excludes any motorcycle which has a side-car or trailer, or which has more than two wheels;

"Owner" in relation to a Vehicle means the person who is recorded as the registered keeper by the Driver and Vehicle Licensing Agency on the date on which the Vehicle was left in the Parking Place in question;

"Parking Bay" means an area of a Parking Place, which is provided for the leaving of a Vehicle of a class specified and indicated by markings on the surface of the Parking Place or signed or otherwise indicated by signs in the Parking Place;

"Parking Permit" means a season ticket, contract permit, business permit employee permit or resident's permit of a type and design issued by the Council;

"Parking Place" means an area of land shown on the Plans and provided by the Council pursuant to Section 32(1) of the 1984 Act for the purpose of Vehicle parking and not closed (in part or in whole) by a notice sign or barrier erected or displayed thereon by authority of the Council in accordance with Article 12 of this Order;

"Parking Space" means any area of a parking place which is provided for the leaving of a vehicle and is indicated by markings on the surface of the parking place or by any such other suitable means as may be practicable;

"Parking Ticket" means a ticket receipt for payment of the appropriate parking charge (if any) purchased or obtained in accordance with Part III of this Order ('CHARGES FOR PARKING');

"Pay and Display" means for the purpose of this order a type of Parking Place where upon parking the Vehicle in a Parking Bay and prior to leaving the Parking Place a Pay and Display Ticket must be purchased or Electronic Payment must be made at the appropriate level of charge (if any) or a Voucher obtained for any Free Period in accordance with the scale of charges specified at that Parking Place and specified in the Schedule of Parking Places, as described in Article 22 of this Order;

"Pay and Display Ticket" means a ticket either purchased or obtained for a period and issued by a Ticket Machine located in the Parking Place in which the Vehicle has been left or a ticket issued by a person nominated by the Council and valid for a parking period as specified at that Parking Place and specified in the Schedule of Parking Places in accordance with Article 22 of this Order. The Pay and Display Ticket must be displayed prominently on the Vehicle, where appropriate, in accordance with Article 24 of this Order;

"Voucher" means a free parking ticket obtained for a Free Period and issued by a Ticket Machine located in the Parking Place in which the Vehicle has been left or a free parking ticket issued by a person nominated by the Council and valid for a parking period as specified at that Parking Place and specified in the Schedule of Parking Places in accordance with Article 22 of this Order. The Voucher must be displayed prominently on the Vehicle, where appropriate, in accordance with Article 24 of this Order;

"Penalty Charge" means the charge as defined in Band 2 of Schedule 1, Article 2 of The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007;

"Penalty Charge Notice" means a notice issued by or served by a Civil Enforcement Officer pursuant to the provisions of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

"Plans" means the North Warwickshire Borough Council Off-Street Parking Places Order 2021 Plans and numbered Plans annexed to this Order, which identify the Parking Places affected by this Order;

"Public Holiday" means Christmas Day, Good Friday and any other day designated by the Government as a public holiday;

"Relevant Position" means:

(a) in respect of a Vehicle displaying a valid Disabled Person's Badge

(i) in the case of a Vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that Part 1 (the front of the badge), is legible from outside the Vehicle; or

(ii) in the case of a Vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the Vehicle so that Part 1 of the badge is legible from outside the Vehicle

(b) in respect of a Vehicle displaying a Pay and Display Ticket, Voucher or Parking Permit

(i) the ticket, Voucher or permit is exhibited on the inside surface of the windscreen or in a clearly visible position so that it is facing forwards and can be easily seen and read, whereby the purchase amount, Expiry Time, date of purchase, and serial number should be visible on inspection from the front or side of the Vehicle; or

(ii) in the case of a Vehicle that is not fitted with a transparent windscreen, the ticket, Voucher or permit is exhibited on the front of the Vehicle facing forwards and clearly visible, whereby the purchase amount, Expiry Time, date of purchase, and serial number should be visible on inspection .

(c) in respect of a Vehicle displaying a Hackney Carriage plate

(i) the plate must be affixed to the Vehicle in accordance with the instructions given within the licence as issued by the Council

"Schedule of Parking Places" means a schedule of Parking Places, locations, times of use of the said Parking Places, parking tariffs and charges including Free Periods (if any) attached to this Order as may be amended or varied from time to time;

"Specified Proportion" means such proportion, applicable to all cases where a Penalty Charge Notice has been issued, as may be determined by the Local Authorities acting through the Joint Committee of the National Parking Adjudication Service or any such successor organisation carrying out the same function;

"Ticket Machine" means an apparatus of a type and design approved by the appropriate Minister for the purpose of this Order, being apparatus designed to indicate the time by a clock and to issue Parking Tickets or Vouchers each of which permits the parking of a vehicle in the Parking Place for the period specified thereon;

"Toddler" means a child at or below the age of 5 years;

"Vehicle" means any motorcar, Motorcycle or other mechanically propelled automobile.

3. Except where the context requires otherwise, any reference in this Order to a numbered Article shall be construed as a reference to the Article bearing that number in this Order and any reference to a plan is a reference to the Plans incorporated into this Order.

4. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment. Unless the context otherwise requires words denoting the singular shall include the plural and vice versa and words denoting persons shall include either gender, bodies corporate, unincorporated associations and partnerships.

5. The Interpretation Act 1978 shall apply for the interpretation of this Order.

PART II

DESIGNATION AND USE OF PARKING PLACES

Designation

6. Each area of land or buildings, as shown on the Plans, may be used, subject to the provisions of this Order, as a place to leave Vehicles of such classes, in such positions, on such days, during such

hours and for such period as are specified at each Parking Place and specified in the Schedule of Parking Places.

Class and position of Vehicle

7. Where by notice at a Parking Place, a Parking Place is described as available for Vehicles of a specified class or Vehicles to be left in a specified location, no person shall permit a Vehicle to park in that Parking Place or as the case may be in any Parking Bay within the Parking Place:

- (i) unless it is of the specified class;
- (ii) that is parked beyond the Parking Bay markings; or
- (iii) in a position other than that specified.

Disabled Person's Parking Bays

8. No person shall cause or permit a Vehicle to park in a Parking Bay marked for disabled persons unless the Vehicle displays a valid Disabled Person's Badge in the Relevant Position and unless the Vehicle has been or is about to be used by the person(s) in respect of whom the Disabled Person's Badge has been issued either immediately before or immediately after the act of parking. Where required the Vehicle shall also display the Disabled Person's Badge clock in accordance with local regulations.

Parking Permit Bays

9. No person shall cause or permit a vehicle to park in a Parking Bay marked for Permit Holders Only unless the vehicle displays a valid Parking Permit issued by the Council in the relevant position.

Electric Vehicles Parking Bays

10. No person shall cause or permit a vehicle to park in a Parking Bay marked for Electric Vehicles Only unless the vehicle is an Electric Vehicle and is being charged at the time.

Parent and Toddler Parking Bays

11. No person shall cause or permit a vehicle to park in a Parking Bay marked for Parent and Toddlers only unless a toddler has been or will be a passenger in the vehicle immediately before or after the act of parking.

Taxi Ranks

12. No person shall cause or permit a Vehicle to park in a Parking Bay marked for Taxis unless the Vehicle displays a valid Hackney Carriage plate issued by the Council in the relevant position.

Loading and Unloading Bays

13. No person shall cause or permit a Vehicle to park in a Parking Bay marked as a Loading Bay unless the Vehicle is being used for the purpose of Loading or Unloading.

Motorcycle parking bays

14. No person shall cause or permit a Vehicle to park in a Parking Bay marked for Motorcycles unless the Vehicle is a Motorcycle.

Power to close or suspend Parking Places

15. Nothing in this Order shall prevent the Council by notice, sign or barrier displayed in a Parking Place:

- (i) from closing a Parking Place or any part thereof for any period; and/or
- (ii) from suspending by setting aside a Parking Place or any part or parts thereof on all days or on certain days or during certain parts of days for use only by particular Vehicles or organisations.

16. Any person closing or suspending the use of a Parking Place or any part thereof in accordance with the provisions of Article 12 shall thereupon place or cause to be placed in or adjacent to that Parking Place or that part thereof a notice or sign indicating that the use of that Parking Place or that part thereof is closed or suspended and that parking by Vehicles is prohibited.

17. No person shall cause or permit a Vehicle to be left in a Parking Place or any part thereof during such periods that the use of that Parking Place or that part thereof is closed or suspended or during such period as there is in or adjacent thereto a notice or sign placed by or on behalf of the Council in pursuance of Article 16.

Use of Parking Place

18. No person shall while a Vehicle is in a Parking Place use the Parking Place for any purpose other than parking the Vehicle, boarding or alighting from the Vehicle or taking articles out of or into the Vehicle and in particular but without prejudice to the generality of the foregoing provisions of this Article no person shall:

- (i) Carry out any work of construction overhauling cleaning or repair in respect of the Vehicle except as may be necessary to enable the Vehicle to be moved from the Parking Place;
- (ii) Use the parking place to make deliveries except where authorisation is granted by an authorised officer from the council
- (iii) Use a Vehicle while it is in a Parking Place in connection with the sale of any article (including the Vehicle itself) to persons in or near the Parking Place or in connection with the selling or offering for hire of his or another person's skills or services in any capacity, unless with the express written permission of the Council;
- (iv) Except with the permission of an authorised officer of the Council or Civil Enforcement Officer drive any Vehicle in a Parking Place other than for the purpose of leaving that Vehicle in the Parking Place or for the purpose of departing from the Parking Place in accordance with the provisions of this Order.

Maximum Period of Stay

19. Where a Parking Place is described by a notice displayed within it or specified in the Schedule of Parking Places as being available for use on specified days during specified hours or as being available for use for a maximum period of stay no person shall permit a Vehicle to park in that Parking Place on any day during such hours or for any period longer than that specified.

Period of no return

20. Where by notice on site or specified in the Schedule of Parking Places a Parking Place is described as having a period within which a Vehicle may not return no person shall permit a Vehicle to park in that Parking Place on any day during such period.

Parked with engine running

21. The Driver of a motor Vehicle using a Parking Place shall stop the engine as soon as the Vehicle is in position in the Parking Bay and shall not start the engine except when about to change the position of the Vehicle in or to depart from the Parking Place.

Parked causing an obstruction

22. The Driver of a Vehicle using a Parking Place shall not park the Vehicle in such a manner or place where it causes an obstruction to any other users of the Parking Place.

Payment

23. The Driver of a Vehicle using a Pay and Display Parking Place shall upon parking the Vehicle in the Parking Place purchase or obtain a Pay and Display Ticket at the appropriate charge (if any) or make payment by Electronic Payment method at the level of charges in accordance with the scale of current charges as specified on site and specified in the Schedule of Parking Places. Where a Free Period of parking is specified on site and specified in the Schedule of Parking Places for which a Voucher (free parking ticket) is required a Voucher must be obtained but for which there is no charge as specified on site and which is specified in the Schedule of Parking Places as being at a charge of £0.00.

PART III

CHARGES FOR PARKING

Pay and Display Parking Places

24. The Driver of a Vehicle using a Pay and Display Parking Place, or any Parking Bay within the Pay and Display Parking Place shall upon parking the Vehicle in a Parking Bay and prior to leaving the Parking Place purchase or obtain a Pay and Display Ticket at the appropriate level of charge (if any), make payment by Electronic Payment method or obtain a Voucher for the period required, all in accordance with the scale of charges as specified at that Parking Place and specified in the Schedule of Parking Places.

Means of payment

25. The charges (if any) referred to in Articles 23 and 24 shall be payable in the manner as specified at that Parking Place and specified in the Schedule of Parking Places or by payment to a person nominated by the Council.

Display of Parking Ticket or Voucher

26. Save for payment by Electronic Payment method, once a Vehicle has been parked within a Pay and Display Parking Place the Driver of the Vehicle shall:

- (i) ensure that a valid Pay and Display Ticket or Voucher has been obtained and is displayed at all times the Vehicle is parked, to cover the entire period that the Vehicle is parked in the Parking Place; and
- (ii) display the Pay and Display Ticket or Voucher issued at that Parking Place in the Relevant Position on the Vehicle in respect of which it was issued.

Article 26 (i) and (ii) does not apply if payment is made by the Electronic Payment method.

Validity of Pay and Display Tickets or Voucher

27. A Pay and Display Ticket or Voucher is not transferable from one Vehicle to another and on transfer the ticket ceases to be valid.

28. A Pay and Display Ticket or Voucher is valid only in the Pay and Display Parking Place in which it was issued. This is defined by the reference code of the Ticket Machine located in that Parking Place printed on the Pay and Display Ticket or Voucher.

Expiry of parking period

29. The expiry of the period of parking at a Parking Place (as specified at the Parking Place and specified in the Schedule of Parking Places) shall be indicated when there is exhibited on the Vehicle a Pay and Display Ticket or Voucher and the expiry date and time printed on the Pay and Display Ticket or Voucher is earlier than the date and time displayed on the clock of the issuing Ticket Machine or where payment has been made by the Electronic Payment method and the time period for which payment has been made and recorded is obtained and that period is earlier than the date and time displayed on the clock of the Ticket Machine .

No Pay and Display Ticket or Voucher displayed

30. If at any time while a Vehicle is left in a Pay and Display Parking Place no Pay and Display Ticket or Voucher is displayed on that Vehicle in the Relevant Position and in accordance with the provisions of Article 26, or where Electronic Payment is in operation and this system confirms non-payment or expiry of time purchased by Electronic Payment method it shall be deemed that the charge (if any) has not been paid or an appropriate Parking Ticket, Electronic Payment or Voucher has not been obtained.

31. If at the time when a Vehicle is left during the Charging Hours in a Pay and Display Parking Place and on the nearest Ticket Machine in that Parking Place there is a notice placed by any person duly authorised by the Council indicating that the said Ticket Machine is out of order then a Parking Ticket or Voucher shall be obtained from another Ticket Machine within the same Parking Place (where another Ticket Machine is so provided) or obtained from a person nominated by the Council to issue such tickets or by use of the Electronic Payment method (where this facility is available). Otherwise Article 32 shall prevail where there is no Ticket Machine or all Ticket Machines are out of order, whether signed as such or not, or where no person has been so nominated by the Council.

32. Where no valid Pay and Display Ticket, Voucher or Electronic Payment method can be obtained and or displayed pursuant to the circumstances described in Article 31, Vehicles may be left in a Parking Place but may not be left for longer than the maximum period of parking in that Parking Place specified at that Parking Place and specified in the Schedule of Parking Places.

Parking Permits

33 . Parking Permits may be available from the Council at the appropriate fee, for a Vehicle of a specific class and for a specific Parking Place subject to terms and conditions determined by the Council.

34. The Driver shall abide by the terms and conditions stipulated by the Council for the use of the Parking Permit.

35. A Parking Permit is only valid in the Parking Place in respect of which it was issued and up to the date of expiry shown on the Parking Permit.

36. A Parking Permit remains the property of the Council and must be surrendered on request. In such instances where a refund fee is appropriate this will be provided in accordance with the Council's policies.

Display of Parking Permit

37. The Driver of the Vehicle shall display the Parking Permit in the Relevant Position on the Vehicle in respect of which it was issued at all times during which the Vehicle is left in the Parking Place. Electronic permits are exempt from the need to display.

Replacement Parking Permits

38. Damaged or lost Parking Permits will be replaced on application to the Council and on payment of an administration fee. The damaged or lost Parking Permit will then become immediately invalid.

Surrender of Parking Permit

39. The holder of an annual Parking Permit shall on surrendering the Parking Permit be entitled to a refund based upon the number of complete months remaining un-expired from the beginning of the calendar month following the date on which the Council receives the surrendered Parking Permit. The refund will be one twelfth of the annual rate for each un-expired calendar month less an administration fee. The Council may accept the transfer of a Parking Permit to a new Vehicle on the surrender of the existing Parking Permit to the Council subject to the relevant administration fee and subject to the procedure stated in the conditions of holding such a permit.

Restriction on removal

40. When a Pay and Display Ticket, Voucher or Parking Permit has been exhibited on a Vehicle in the relevant position no person shall remove the Pay and Display Ticket, Voucher or Parking Permit from the Vehicle until the Vehicle is removed from the Parking Place.

PART IV

EXEMPTIONS FROM DAILY CHARGES

41. No charge shall be payable in respect of:

- (i) a Vehicle which displays in the relevant position a valid Disabled Person's Badge provided that the Vehicle has been used or is about to be used by the person(s) in respect of whom the badge is issued immediately before or immediately after the Vehicle was parked in the Parking Bay;
 - (ii) a Motorcycle which is left in a Parking Bay specified for such Vehicles (if any); or
 - (iii) a Vehicle left displaying in a relevant position a valid Parking Permit valid for that Parking Place; or
 - (iv) a vehicle left displaying in a Relevant Position a valid Voucher valid for that Parking Place in accordance with Article 26 and used in association with a Free Period.
- (a) An exempt Vehicle may be left in a Parking Place without payment of a daily charge, but may not be left for longer than the maximum period of parking in that Parking Place specified at that Parking Place and specified in the Schedule of Parking Places.

Absence of Ticket Machine.

42. If at the time when a Vehicle is left in a Parking Place during the charging hours there is no Ticket Machine at the Parking Place, or all the Ticket Machines at that Parking Place carry notices placed upon them by a person duly authorised by the Council indicating that they are out of order, the Driver of that Vehicle shall be exempt from purchasing or obtaining a Pay and Display Ticket or Voucher. Otherwise Article 32 shall prevail where there is no Ticket Machine or all Ticket Machines are out of order whether signed as such or not.

PART V

RELOCATION AND REMOVAL OF VEHICLES

Emergencies

43 . A Civil Enforcement Officer, a person authorised by the Council or a Police Constable in uniform may, using such measures as are appropriate, move or cause to be moved in the case of an emergency to any place he/she thinks fit, any Vehicle left in a Parking Place.

Safe keeping

44. Any person removing a Vehicle from a Parking Place under Article 43 shall make such arrangements as may be reasonably necessary to provide for the safe keeping of the Vehicle.

PART VI

LIABILITIES I PENALTIES

Liability

45. The Council accepts no liability for the loss or damage to Vehicles or other property left in any of the Parking Places to which this Order applies.

Wilful damage

46. Any person who with intent to defraud interferes with the Ticket Machine or operates or attempts to operate it by the insertion of objects other than approved method of payment, shall be liable to prosecution.

PART VII

CONTRAVENTION AND PENALTY CHARGE

Contravention

47. If a Vehicle is parked in a Parking Place without complying with the requirements of this Order a contravention shall have occurred, and a Penalty Charge shall be payable. A Penalty Charge Notice showing the information required by the 2004 Act may then be issued by a Civil Enforcement Officer in accordance with the requirements of the 2004 Act or any subsequent applicable legislation.

Penalty Charge Notice

48. In the case of a Vehicle in respect of which the Penalty Charge may have been incurred it shall be the duty of a Civil Enforcement Officer to either hand the Penalty Charge Notice to the Driver of the

Vehicle, post the Penalty Charge Notice to the Owner of the Vehicle or attach the Penalty Charge Notice to the Vehicle in a conspicuous position.

Restriction on removal of notices

49. A Penalty Charge Notice attached to a Vehicle in accordance with Article 48 shall not be removed or interfered with except by or under the authority of:

- (i) the Owner or person in charge of the Vehicle;
- (ii) the Council for the Parking Place in which the Vehicle in question was found.

Manner of Payment of Penalty Charge

50. The Penalty Charge shall be paid in accordance with the instructions contained on the Penalty Charge Notice. The recipient of a Penalty Charge Notice may be eligible to make representations or appeal against the Penalty Charge Notice issued, as detailed on the Penalty Charge Notice and in accordance with the requirements and procedures set out in the 2004 Act and its subordinate legislation.

51. If the Driver fails to pay the Penalty Charge by the end of a period of 28 days a Notice to the Owner may be served. If the charge is then not paid within a further 28 days, the charge may be increased by 50% on the issue of a charge certificate in accordance with the provisions of Section 21 of Part 5 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007, or such other percentage increase of charge as may be determined by amendments to the legislation from time to time. Continued failure to pay the Penalty Charge may result in a judgement in the County Court against the Owner to enable the Council to recover the payments due.

52. Payment shall be received not later than 16:00 hours on the 28th day following the day on which such Penalty Charge was incurred or the 14th day following the day on which the Charge was incurred if the Specified Proportion is paid.

Indications as Evidence

53. The particulars given in the Penalty Charge Notice attached to a Vehicle in accordance with this Order shall be treated as evidence in any proceedings relating to failure to pay such Penalty Charge.

PART VIII

DISPOSAL OF VEHICLES

Disposal of Vehicles abandoned in Parking Places

54. The Council may sell or otherwise dispose of a Vehicle which has been, or could at any time be, removed from a Parking Place pursuant to Article 41 if the Vehicle appears to have been abandoned, provided that this power of disposal shall not be exercisable unless the Council has taken such of the following steps as are applicable to the Vehicle in question, and there has elapsed a period of six weeks beginning with the taking of the first of those steps.

55. Where the Vehicle carries a registration mark the Council shall ascertain from the appropriate body the name and address of the person who is the Registered Keeper of the Vehicle pursuant to the Vehicles (Excise) Act 1971, unless the Council is satisfied that the true owner of the Vehicle has identified himself to them.

56. The Council shall, where by virtue of Articles 55, 57 and 58, it is aware of the name and address of a person who it appears may be the Owner of the Vehicle, send a notice to that person at that address stating that it is the intention of the Council to sell or otherwise dispose of the Vehicle (which shall be sufficiently described in the notice) on or after a specified date (which shall not be less than two weeks from the date of the notice and in any event not earlier than six weeks from the date of the first step taken by the Council under this Part of this Order) unless it is in the meantime removed by or on behalf of that person from such place as is specified by the Council in the said notice or from such place as may be subsequently notified in writing by the Council to that person.

57. If any person to whom a notice is sent in accordance with Article 56 informs the Council of the name and address of some other person who he/she alleges may be the Owner of the Vehicle, a notice stating the particulars mentioned in the last preceding Article shall be sent to that other person and to any further person who the Council may in consequence of the sending of the notice to the said other person be led to believe may be the Owner of the Vehicle.

58. Where a Vehicle does not carry a registration mark the first step to be taken by the Council shall be to apply in writing to the Chief Officer of Police in whose area the Parking Place is situated enquiring whom that officer considers is the Owner of the Vehicle and the address of that person.

59. The Council shall then make such further enquiries as to ownership as it thinks fit.

60. Upon the sale of a Vehicle by the Council, the Council shall apply the proceeds of sale in or towards the satisfaction of any costs incurred by it in connection with the disposal thereof and of any charge or payment to which it is entitled.

61. In the event that any such costs incurred by the Council in connection with the disposal of the Vehicle are not satisfied by virtue of the last preceding Article, the Council may recover those costs from the person who was the Owner of the Vehicle immediately before it was removed from the Parking Place, provided that that person was sent by the Council a notice under Article 56.

62. Any sums received by the Council on the sale of a Vehicle shall, after deducting any sum applied by virtue of Article 60, be payable within a period of one year from receipt hereof to any person to whom, but for such sale, the Vehicle would have belonged and insofar as any such sums are not claimed within the said period they shall be paid into the General Rate Fund of the Council.

63. Where under the foregoing provisions of this Order a notice is required to be or may be sent to a person the notice shall be sent by recorded delivery post.

PART IX

REVOCATIONS

Revocations

64. The Borough of North Warwickshire (Off Street Parking Places) Order 2015 is hereby revoked.

PART X

SCHEDULE OF PARKING PLACES