

AGENDA

and

MINUTES of BOARDS and COMMITTEES

to be considered at the meeting of the Council to
be held at

**THE COUNCIL HOUSE
ATHERSTONE**

on

6 December 2023

at

6.30pm



North Warwickshire Borough Council

Steve Maxey BA (Hons) Dip LG Solicitor
Chief Executive

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Date : 28 November 2023

To: All Members of the Council

Dear Sir / Madam

You are hereby summoned to attend a meeting of the Council, to be held in the Council Chamber, the Council House, South Street, Atherstone, on Wednesday 6 December 2023 at 6.30pm.

The following business will be transacted:

- 1 Evacuation Procedure.
- 2 Apologies for absence / Members away on official Council business.
- 3 Declarations of Personal or Prejudicial Interest.
- 4 The Mayor to move, in accordance with Standing Order No 6(1):

“That the minutes of the Meeting of the Council held on 27 September 2023 be approved as a correct record”.

- 5 To receive the Mayor’s announcements.
- 6 To answer Questions from Members and the Public pursuant to Standing Order No 7.
- 7 **Parking Task and Finish Group** – Report of the Chief Executive

Summary

The purpose of this report is to seek approval to change one of the Labour Group representatives on the Parking Task and Finish Group.

The Contact Officer for this report is Amanda Tonks (719221)

- 8 To receive and consider the minutes and notes of the meetings of the
Planning and Development Board – 9 October and 6 November
(Pages 86 to 94)
circulated herewith and to make the necessary Orders thereon.
To receive and consider the recommendations of the meeting of the
Planning and Development Board – 6 November 2023
Caldecote Conservation Area Designation (Appendix1)
To approve the extent of the Caldecote Conservation Area and
associated appraisal.
circulated herewith and to make the necessary decisions thereon.
- 9 To receive and consider the minutes and notes of the meeting of the
Community and Environment Board – 16 October 2023 (Pages 95
to 97)
circulated herewith and to make the necessary Orders thereon.
- 10 To receive and consider the minutes and notes of the meeting of the
Resources Board – 13 November 2023 (Pages 98 to 99)
circulated herewith and to make the necessary Orders thereon.
- 11 To receive and consider the minutes and notes of the meeting of the
Executive Board – 27 November 2023 (Pages 100 to 104)
circulated herewith and to make the necessary Orders thereon.
To receive and consider the recommendations of the meeting of the
Executive Board – 27 November 2023
(i) **External Auditors' Report** (Appendix 2)
a To note the contents of the Audit Planning report in
Appendix A, to the report of the Interim Corporate Director
– Resources; and

- b To approve the Audit Results, presented as Appendix B, to the report of the Interim Corporate Director Resources, subject to any changes required as a result of the updated IAS19 report which takes account of the Pension Fund 2020/21, and the Section 151 Officer, in consultation with the Chair of the Executive Board, be given delegated authority to sign off the Letter of Representation when the audit is complete;

(ii) **Adoption of Dordon Neighbourhood Plan** (Appendix 3)

To adopt the Dordon Neighbourhood Plan and it form part of the Development Plan for North Warwickshire;

(iii) **Budgetary Control Report 2023/24 Period Ended 31 October 2023** (Appendix 4)

To consider if any further information is required;

(iv) **Medium Term Financial Strategy 2023 – 2028** (Appendix 5)

- a To approve the Medium Term Financial Strategy, attached as Appendix A, to the report of the Interim Corporate Director – Resources;
- b To note the General Fund budget projections for 2023/24 to 2027/28;
- c To adopt the approach for balancing the Medium Term Budget as set out in section 6 and Table 2 of the report of the Interim Corporate Director – Resources;
- d To approve a supplementary estimate of up to £300,000 for Agency/Interim staff;
- e To approve a supplementary estimate of up to £100,000 for progressing the invest to save work on Asset Management;
- f To approve the strategy for increasing the council tax to the maximum level approved by the Government;
- g To adopt the guiding principles, as detailed in Appendix A section 9.5.2, to the report of the Corporate Director – Resources, for setting and reviewing fees and charges;

(v) **Financial Inclusion** (Appendix 6)

- a To note the update on the Financial Inclusion work of the Council;
- b To adopt, or vary as required, the criteria for the Financial Hardship Fund, attached as Appendix A to the report of the Chief Executive and Interim Corporate Director – Resources;
- c That the actions suggested in Agenda Item No 15 - Minute No 44 of this agenda be approved.

(vi) **Calendar of Meetings 2023/24 and 2024/25** (Appendix 7)

- a To approve the revised calendar of meetings for 2023/24, as submitted at Appendix A to the report of the Chief Executive; and
- b To approve the draft calendar of meetings for 2024/25, as submitted at Appendix B to the report of the Chief Executive.

circulated herewith to make the necessary decisions thereon.

12 To receive and consider any Notice of Motion under Standing Order No 10.

13 To authorise the Chief Executive, in accordance with Article 11.05 of the Articles of the Constitution, to Sign and Seal, on behalf of the Council, any Orders, Deeds and Documents necessary to give effect to any resolution of the Council, including any passed during part of the meeting which is held in private.

14 **Exclusion of the Public and Press**

To consider, in accordance with Section 100A(4) of the Local Government Act 1972, whether it is in the public interest that 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.

15 To receive and consider the exempt extract of the minutes and notes of the

Executive Board – 27 November 2023 (Pages 106 to 107)

circulated herewith and to make the necessary Orders thereon.

To receive and consider the recommendations of the meeting of the

Executive Board – 27 November 2023

(i) **Staffing Matter** (Appendix 8)

To approve the recommendation as set out in the report of the Chief Executive;

(i) **Commercial Housing Company feasibility study** (Appendix 9)

To approve the recommendation set out in the report of the Chief Executive.

circulated herewith and to make the necessary decisions thereon.

Yours faithfully

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke.

Chief Executive

**MINUTES OF THE MEETING OF THE
NORTH WARWICKSHIRE BOROUGH COUNCIL
HELD AT THE COUNCIL HOUSE
ON WEDNESDAY 27 SEPTEMBER 2023**

Present: Councillor Humphreys in the Chair

Councillors Barnett, Bates, Bell, Chapman, Clews, Davey, Dirveiks, Farrow, Fowler, Gosling, Hobley, Jackson, Jarvis, Jenns, Melia, Osborne, Parsons, H Phillips, Reilly, Ridley, Ririe, Simpson, Singh, Smith, Stuart, Symonds, Taylor, Turley, Watson, Whapples, and D Wright.

Apologies for absence were received from Councillors Hayfield, O Phillip and A Wright.

25 Disclosable Pecuniary and Non-Pecuniary Interests

None were declared at the meeting.

26 Minutes of the Meeting of the Council held on 28 June 2023

The minutes of the meeting of the Council held on 28 June 2023 were approved as a correct record and signed by the Mayor.

27 Mayor's Announcements

The Mayor had recently attended a Carers Award Ceremony and the King Richard painting unveiling at the Red Lion Hotel, Atherstone which will be touring around the Country before being placed in a museum. The Mayor had also attended the Motor Show.

The Mayor announced that Norman Henderson, a former Councillor had passed away. Norman was a Councillor for Coleshill North from 1995 to 1999. Councillor Fowler paid a tribute.

28 Questions Pursuant to Standing Order No 7

The following question was received pursuant to Standing Order No 7:-

Dr David Samson:

“Please could Councillors explain why the Council is spending thousands of pounds of North Warwickshire Resident's Council Tax money on applying for an injunction to stop protestors at the Valero Oil terminal site in Kingsbury, especially as the Police already have power to arrest protestors if necessary and the oil company has millions of pounds to spend on protecting their own site?”

The response from Councillor David Wright, Leader of the Council was:-

“I understand completely the frustration that this Council has had to spend considerable resource in dealing with the unacceptable and criminal elements of the protests centred on Kingsbury Oil Terminal. This is not how I, nor I suspect any Councillor here, would have preferred to have spent this money. We are in discussions with central Government to seek to recover these costs.

The background to this case is set out in the report that I asked Officers to bring to the last Executive Board earlier this month. Whilst the oil companies have lots of resources, the main issue here is public safety and as set out in the report the injunctions that oil operators can apply for cannot include a power of arrest. The injunction that the oil company obtained here prior to ours was proving ineffectual because of this. The Police do have a power of arrest for criminal activity but usually have to release people straight away or very shortly afterwards.

As set out in the report, a local authority injunction with a power of arrest is more effective than a civil injunction or the Police’s general powers, in cases such as this. Being prosecuted some months after the event provides little disincentive to highly committed protestors whereas increasing periods of detention under our injunction has proved to be the only effective way to bring these protests under control.”

29 Minutes of Local Development Framework Sub - Committee – 4 July and 11 September 2023

It was proposed by Councillor Reilly, seconded by Councillor Fowler and

Resolved:

That the minutes of the Local Development Framework Sub – Committee held on 4 July and 11 September be approved and adopted.

30 Minutes of the meetings of the Planning and Development Board held on 10 July, 7 August and 4 September 2023.

It was proposed by Councillor Simpson, seconded by Councillor Jarvis and

Resolved:

That the minutes of the Planning and Development Board held on 10 July, 11 September and 4 September be approved and adopted.

31 Minutes of Special Sub-Group – 17 July and 15 August 2023

It was proposed by Councillor Clews, seconded by Councillor Jarvis and

Resolved:

That the minutes of the meeting of the Special Sub-Group held on 17 July and 15 August 2023 be approved and adopted.

32 Minutes of Executive Board – 19 July and 18 September 2023

It was proposed by Councillor D Wright and seconded by Councillor Gosling that the membership of the Electoral Review Advisory Group be amended to 4 Conservatives, 3 Labour and 1 Dordon Independent and the membership of the Senior Recruitment Sub-Committee be amended to 4 Conservatives, 3 Labour and 1 Dordon Independent.

It was proposed by Councillor D Wright, seconded by Councillor Gosling and

Resolved:

That the minutes of the meeting of the Executive Board held on 19 July 2023 be approved and adopted, subject to .

Resolved:

a External Auditors Report

That the 2020/21 Draft Annual Audit Letter received from the Council's external auditors, Ernst & Young LLP be noted;

b Budgetary Control Report 2023/23 Ended 30 June 2023

That the Budgetary Control Report 2023/23 Period Ended 30 June 2023 be noted;

c Electoral Review – Local Government Boundary Commission

i That the Electoral Review – Local Government Boundary Commission report be noted; and

ii That an Advisory Committee be appointed in order to consider the Borough Council's response to the consultations undertaken by LGBCE as part of this review, with the proposed terms of reference set out at Appendix 1 to the report; and the amendment of the membership to 4 Conservatives, 3 Labour and 1 Dordon Independent

That the minutes of the meeting of the Executive Board held on 18 September 2023 be approved and adopted.

d Capital Programme – 2022/23 Final Position

i **That the level of expenditure incurred to the end of March 2023 against the 2022/23 Revised Capital Programme be noted;**

- ii **That the requests to carry forward schemes identified in column 6 of Appendix A to the report of the Corporate Director – Resources be approved and added to the 2023/24 Capital Programme;**
- e **Budgetary Control Report 2023/24 Period Ended 31 August 2023**

That the Budgetary Control Report 2023/24 Period Ended 31 August 2023 be noted.

As there was disturbance within the public gallery, the Mayor adjourned the meeting for a short period whilst order was restored.

33 The following question was received pursuant to Standing Order No 7 (1):-

Councillor Gosling:

“A year ago tomorrow, in light of the national grief felt by the loss of her late majesty Queen Elizabeth II, this Council voted unanimously to support a motion proposed by myself and seconded by the Leader of the Council.

To honour the outstanding life and legacy of Her late Majesty Queen Elizabeth II and the love and respect felt for her by the people of North Warwickshire by providing a permanent tribute (or collection of tributes), which will be identified following a wide-ranging consultation.

A Member Working Group of five Councillors would be established to oversee this work.

Despite all the emotion of that Evenings speeches, despite what appeared to be a shared ambition to mark the incredible contribution she made and to provide our residents with spaces to celebrate and morn the late queen, no consultation has been initiated, no tributes have been planned or proposed and the ironically named working group seems to not really be working.

On the recent anniversary of Her Majesty's death, having a memorial community spaces or tributes that could have provided solace, a place to remember, to celebrate her many achievements, it could have been a focal point for those in our community who wished to recognise and mark the day, those who still feel the loss. Not actioning this motion has denied our resident that opportunity; it has denied them the opportunity to contribute positively through consultation and community action to create a fitting tribute, a community asset.

Could the council please update the Labour group and the people of North Warwickshire as to when we are likely to see action and whether we shall have achieved this goal by 8 of September 2024 or will this be another missed opportunity?”

The response from Councillor David Wright, Leader of the Council was:-

“I agree with Councillor Gosling that all Members were agreed that the Council should work with partners to create a permanent tribute, or series of tributes, and that objective still remains. There was no suggestion either in the motion nor in the discussion at Full Council that it would be ready for the first anniversary. I am also surprised that if this was Councillor Gosling’s expectation that she has not mentioned it in any meeting since the motion was unanimously agreed.

By way of context, Councillor Gosling may not be aware that the National Memorial Committee has only just been established with its Chairman, Lord Janvrin, appointed on 3 September. The plan is for a national memorial and a national legacy programme to be developed over the coming months, with the memorial not likely to be in place until 2026, in order to mark the 100th anniversary of our late Queen’s birth.

When we discussed this last year, it was suggested that one potential source of funding might be the UK Shared Prosperity Fund or the Rural England Prosperity Fund, neither of which had been confirmed at that point. As Councillor Gosling will be aware as she is on the Shared Prosperity Fund Panel, no schemes have yet been suggested.

However, I do agree that the working group should have met by now and I have asked the Chief Executive to convene this Group to meet hopefully next month. Given the current composition of the Council I would suggest 6 Members – 3 Conservative, 2 Labour and 1 from the Dordon Independent Group. I also agree that, having not received any suggested schemes, the Council should now proactively seek ideas from the public and we will discuss this at the forthcoming annual meeting with the Town and Parish Councils as well as explicitly making it a theme for further funding rounds of the Shared Prosperity scheme. In addition, we will include this in the upcoming consultation on residents’ priorities which will help inform the new Corporate Plan.”

34 Minutes of Community and Environment Board – 8 August 2023

It was proposed by Councillor Bell, seconded by Councillor Fowler and;

Resolved:

That the minutes of the meeting of the Community and Environment Board held on 8 August 2023 be approved and adopted.

35 Minutes of Resources Board held on 5 September 2023

It was proposed by Councillor Symonds, seconded by Councillor Taylor and;

Resolved:

That the minutes of the meeting of the Resources Board held on 5 September 2023 be approved and adopted.

36 Minutes of Standards Committee held on 6 September 2023

It was proposed by Councillor Jarvis, seconded by Councillor Fowler and;

Resolved:

That the minutes of the meeting of the Standards Committee held on 6 September 2023 be approved and adopted.

37 Notice of Motion under Standing Order No 10

The following Notice of Motion was proposed by Councillor Gosling and Seconded by Councillor Hobley.

“As our residents will face another worrying winter period due to the ongoing cost of living crisis, this Council should take positive practical steps to help. Council is recommended to give delegated powers to the Chief Executive, in consultation with the Leader of the Council and the Leader of the Opposition to create a Financial Hardship Fund with £5,000 per Ward for residents, community groups or organisations to support residents in emergency financial crisis.”

An amendment to the Motion was then proposed by Councillor Bell and Seconded by Councillor Davey

“That this Council refers this matter to the Executive Board to consider holistically the issue of what further financial inclusion work the Council can undertake in order to assess what measures can be put in place to prevent residents falling into financial crisis.”

An amendment to the Notion of Motion was then proposed by Councillor Gosling and Seconded by Councillor Hobley.

“As our residents will face another worrying winter period due to the ongoing cost of living crisis, this Council should take positive and practical steps to help. Council is recommended to give delegated powers to the Chief Executive, in consultation with the Leader of the Council and the Leader of the Opposition to create a Financial Hardship Fund with £5,000 per Ward for residents, community groups, organisations and schools who support residents in financial hardship and that this Council refers this matter to the Executive to consider holistically the issues of what further financial inclusion work this Council can undertake, in order to access what measures can be put into place to prevent our residents falling into financial crisis.”

In accordance with Standing Order No 11(1) the recorded vote on the amendment by Councillor Bell was as follows:

For – Bates, Bell, Clews, Davey, Fowler, Humphreys, Jarvis, Jenns, Reilly, Simpson, Singh, Smith, Symonds, Watson and D Wright.

Against – Barnett, Chapman, Dirveiks, Farrow, Gosling, Hobley, Jackson, Melia, Osborne, Parsons, H Phillips, Ridley, Ririe, Stuart, Taylor and Whapples.

Upon being put to the meeting the Mayor declared the amended Motion, to be lost.

In accordance with Standing Order No 11(1) the recorded vote on the amendment by Councillor Gosling was as follow:

For – Barnett, Chapman, Dirveiks, Farrow, Gosling, Hobley, Jackson, Melia, Osborne, Parsons, H Phillips, Ridley, Ririe, Stuart, Taylor, and Whapples.

Against – Bates, Bell, Clews, Davey, Fowler, Humphreys, Jarvis, Jenns, Reilly, Simpson, Singh, Smith, Symonds, Watson and D Wright.

Upon being put to the meeting the Mayor declared the substantive Motion to be carried.

38 Common Seal

It was proposed by Councillor Fowler and seconded by Councillor Clews and

Resolved:

That the Chief Executive be authorised to affix the Common Seal to any Orders, Deeds and Documents as necessary to give effect to the decisions of the Council, including any passed during part of the meeting which is held in private, in accordance with Article 11.05 of the Articles of the Constitution.

39 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.

40 Exempt Extract of the Planning and Development Board – 10 July 2023

It was proposed by Councillor Simpson, seconded by Councillor Bates and

Resolved:

That the exempt extract of the minutes of the meeting of the Planning Board held on 10 July 2023 be approved and adopted.

41 **Exempt Extract of the Minutes of Special Sub-Group – 17 July and 15 August 2023**

It was proposed by Councillor Clews, seconded by Councillor Reilly and

Resolved:

That the exempt extract of the minutes of the meeting of the Special Sub-Group held on 17 July and 15 August 2023 be approved and adopted.

42 **Exempt Extract of the Minutes of Executive Board – 19 July and 18 August 2023**

It was proposed by Councillor Wright, seconded by Councillor Symonds and

Resolved:

- a **That the exempt extract of the minutes of the meeting of the Executive Board held on 19 July 2023 be approved and adopted;**
- b **That the Senior Management Recruitment Sub-Committee be re-established with eight Councillors, 4 Conservative, 3 Labour and 1 Dordon Independent with the Chairman of the Executive Board appointed as Chairman;**
- c **That the exempt extract of the minutes of the meeting of the Executive Board held on 18 September 2023 be approved and adopted.**

42 **Exempt Extract of the Minutes of Standards Committee – 6 September 2023**

It was proposed by Councillor Jarvis, seconded by Councillor Fowler

Resolved:

That the exempt extract of the minutes of the meeting of Standards Committee held on 6 September 2023 be approved and adopted.

**Chairman of the next ensuing meeting
of the Council**

Agenda Item No 7

Council

6 December 2023

Report of the Chief Executive

Parking Task and Finish Group

1 Summary

- 1.1 The purpose of this report is to seek approval to change one of the Labour Group representatives on the Parking Task and Finish Group.

Recommendation to Council

That Councillor Taylor replace Councillor H Phillips on the Parking Task and Finish Group.

2 Report

- 2.1 Members will be aware that appointments were made to the Parking Task and Finish Group at the Annual Council meeting held on 17 May 2023. Councillor H Phillips was appointed to this Group as one of the Labour Group representatives.
- 2.2 A request has now been received from the Labour Group to replace Councillor H Phillips with Councillor Taylor.

The Contact Officer for this report is Amanda Tonks (719221).

Background Papers

Local Government Act 1972 Section 100D

Background Paper No	Author	Nature of Background Paper	Date
None			

NORTH WARWICKSHIRE BOROUGH COUNCIL

**MINUTES OF THE
PLANNING AND DEVELOPMENT BOARD**

9 October 2023

Present: Councillor Simpson in the Chair

Councillors Barnett, Bates, Bell, Chapman, Dirveiks, Fowler, Hayfield, Hobley, Humphreys, Jarvis, Parsons, Reilly, Ridley, Turley and Whapples

Apologies for absence were received from Councillor Gosling (Substitute Councillor Barnett), H Phillips (Substitute Councillor Turley) and Ririe (Substitute Whapples)

38 Disclosable Pecuniary and Non-Pecuniary Interests

Councillor Turley declared a non-pecuniary interest in Minute No 42d and took no part in the discussion or voting thereon.

Councillor Fowler declared a non-pecuniary interest in Minute No 42f, due to the proximity of his home, and took no part in the discussion or voting thereon.

39 Minutes

The minutes of the meeting of the Planning and Development Board held on 4 September 2023, copies having previously been circulated, were approved as a correct record, and signed by the Chairman.

40 Nuneaton and Bedworth Borough Local Plan Regulation 19 Consultation

The Chief Executive informed the Board of a consultation by Nuneaton and Bedworth Borough Council on the Regulation 19 version of a new Local Plan.

Resolved:

That the Board object to the plan and that Members meet with Members from the Nuneaton and Bedworth Borough Council. Following this meeting, the final response to Nuneaton and Bedworth Borough Council's consultation on a Regulation 19 version of a new Local Plan be delegated to the Chief Executive.

41 Submission of Nether Whitacre Neighbourhood Plan for Referendum

The Chief Executive informed Members of the progress of the Nether Whitacre Neighbourhood Plan and sought approval for a formal referendum to take place, in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.

Resolved:

That the Nether Whitacre Neighbourhood Plan (as amended) be taken forward to referendum.

42 Planning Applications

The Head of Development Control submitted a report for the consideration of the Board.

Resolved:

- a That Application No CON/2023/0019 (Land off Caldecote Lane, Caldecote) be deferred in order to consider additional reports that had been received;**
- b That Application No PAP/2023/0191 - (The Willows, Tamworth Road, Cliff, Kingsbury, B78 2DS) be refused for the following reason:**

“The site is in the Green Belt. It is considered that the proposal amounts to inappropriate development as it fails to preserve the openness of the Green Belt and it conflicts with the purposes of including land within it. In this case this is because of the additional pitch together with the amount of earth bunding on the site. This spatially and visually does not preserve the openness of the Green Belt and causes significant actual harm. The works also do not accord with Policies LP10 and LP14 of the North Warwickshire Local Plan 2021 as they are not assimilated into the surroundings and landscape, or do they conserve or enhance the landscape character. The circumstances put forward by the applicant do not clearly outweigh this cumulative level of harm because of the scale of the overall development proposed. The proposal is not in accord with Policies LP3, LP10 and LP14 of the North Warwickshire Local Plan 2021 as supplemented by the National Planning Policy Framework 2023”;

[Speaker: Alex Bruce]

- c That Application Nos PAP/2022/0261 and PAP/2022/0260 (92 Coleshill Road, Harsthill, Nuneaton) be granted subject to the conditions set out in the report of the Head of Development Control;**
- d That Application No PAP/2023/0076 (Arden Livery and Menage, Tippers Hill Lane, Fillongley, CV7 8DJ) be granted subject to the conditions set out in Appendix A to the report of the Head of Development Control;**

[Speaker: Joy Langley]

- e That Application No PAP/2019/0473 (The Paddocks, Church Lane, Corley, Coventry, CV7 8AZ) be deferred for further discussion with the applicant;
- f That in respect of Application No DOC/2023/0040 (Trajan Hill Spinney, Trajan Hill, Coleshill) condition 9, 10 and 11 be discharged.

[Speaker: Chris Timmins]

43 **Budgetary Control Report 2023/24 Period Ended 31 August 2023**

The Corporate Director – Resources reported on the revenue expenditure and income for the period from 1 April 2023 to 31 August 2023. The 2023/2024 budget and the actual position for the period, compared with the estimate at that date, were given, together with an estimate of the outturn position for services report to the Board.

Resolved:

That the report be noted.

44 **Woodland Tree Preservation Order Land at Well Spring Clump, Carlyon Industrial Estate, Atherstone**

Following the receipt of an objection, the Head of Development Control asked the Board to confirm a Tree Preservation Order made in April for the protection of trees at Well Spring Clump, Carlyon Industrial Estate, Atherstone.

Resolved:

That, following consideration of the representations received, the Tree Preservation Order in respect of a woodland at Well Spring Clump on the Carlyon Industrial Estate in Atherstone, be confirmed.

45 **Tree Preservation Order – Land West of Water Orton**

The Head of Development Control sought confirmation of a Tree Preservation Order placed on 15 trees located on land situated on the western side of Water Orton. The Order came into force on 28 August 2023 and lasted six months until 28 October 2023.

Resolved:

That the Tree Preservation Order for the protection of 15 trees on land to the west side of Water Orton be confirmed.

46 **Appeal Update**

The Head of Development Control brought Members up to date with a recent appeal decision.

Resolved:

That the report be noted.

M Simpson
Chairman

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

6 November 2023

Present: Councillor Reilly in the Chair

Councillors Bates, Bell, Clews, Dirveiks, Gosling, Hayfield, Hobley, Jarvis, Parsons, H Phillips, O Phillips, Ridley, Ririe and Smith.

Apologies for absence were received from Councillors Chapman (Substitute O Phillips), Simpson (Substitute Smith) Fowler (Substitute Clews) and Humphreys.

47 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Ridley declared a non-pecuniary interest in Minute No 51 (Tree Preservation Orders - Land North of Dunns Lane and Church Road, Dordon and Polesworth and Land South of Dunns Lane, Dordon) by reason of being a Member of Dordon Parish council and took no part in the voting thereon.

Councillor Reilly declared a non-pecuniary interest in Minutes No 49e (Application No PAP/2023/0422 - WHS Plastics, Water Orton Lane, Minworth) and 49k (Application No PAP/2023/0056 - Land at Junction Lichfield Road, Watton Lane, Water Orton) by reason of these being within his ward area and 49n (Application No PAP/2022/0169 Lea Marston Sports Ground) by reason of being a local resident and took no part in the discussion or voting thereon.

48 **Minutes**

The minutes of the meeting of the Planning and Development Board held on 9 October 2023, copies having previously been circulated, were approved as a correct record, and signed by the Chairman.

49 **Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board.

Resolved:

- a **That Application No's PAP/2023/0062 and PAP/2023/0334 (Whitehall Farm, Atherstone Road, Hartshill, Nuneaton, Warwickshire, CV10 0TB) be deferred for a site visit;**

- b That Application No PAP/2023/0168 - (Waterworks House, Station Road, Nether Whitacre, B46 2AJ) be deferred for a new report as the building and its outbuildings had been listed by Historic England after publication of the Agenda.**
- c That Application Nos PAP/2023/0105 and PAP/2023/0155 (Lea Lodge, Nuneaton Road, Ansley, Nuneaton, CV10 0QU) be granted subject to the conditions set out in the report of the Head of Development Control;**
- d That Application No PAP/2023/0379 (1 to 36, Abbey Green Court, Grendon Road, Polesworth, B78 1HD) be granted subject to the conditions set out in the report of the Head of Development Control;**
- e That in respect of Application No PAP/2023/0422 (WHS Plastics, Water Orton Lane, Minworth) the report be noted and a site visit be carried out prior to determination;**
- f That in respect of Application Nos CON/2023/0022 and CON/2023/0023 (The Interchange Triangle, bounded by the M42 Motorway, the A452 and the A45) the Council does not object to these proposals;**
- g That Application No PAP/2023/0429 (Land northwest of 20, Mulberry Way, Hartshill) be granted subject to the conditions set out in the report of the Head of Development Control;**
- h That in respect of Application No PAP/2023/0391 (Car Park, Sheepy Road, Atherstone, CV9 1HD) work may proceed subject to the conditions set out in the report of the Head of Development Control;**
- i That Application No PAP/2019/0473 (The Paddocks, Church Lane, Corley, Coventry, CV7 8AZ) be granted subject to the conditions set out in the report of the Head of Development Control;**
- j That Application No PAP/2023/0265 (Dorset Cottage Bed and Breakfast, 202 Coventry Road, Coleshill, B46 3EH) be granted subject to the conditions set out in the report of the Head of Development Control;**
- k That in respect of Application No PAP/2023/0056 (Land at Junction Lichfield Road, Watton Lane, Water Orton) subject to the completion of a Section 106 Agreement relating to a financial contribution of off-site bio-diversity setting, planning permission be granted, subject to the conditions set out in the report of the Head of Development Control;**

[Speaker: Duncan Howie]

- l That in respect of Application No PAP/2023/0462 (Abbey Green Court, Grendon Road, Polesworth, B78 1HD) works may proceed;**
- m That Application No PAP/2022/0298 (South View, Weddington Lane, Caldecote, Nuneaton, CV10 0TS) be refused planning permission for the following reasons;**
 - i It is considered that the size, scale and massing of the revision to the replacement building along the boundary, will lead to adverse impacts on the residential amenity that neighbouring occupiers could reasonably expect to enjoy. In this case the scale of the proposal leads to an over-bearing development which does not accord with Policy LP30 of the North Warwickshire Local Plan 2021. This in turn leads to overshadowing and the loss of sunlight and daylight such that there is also non-compliance with Policy LP29 (9) of the North Warwickshire Local Plan 2021, and to paragraph 130 (f) of the National Planning Policy Framework 2023".**
 - ii That in light of this decision, a further report be brought to the Board to consider the expediency of Enforcement action.**

[Speaker: Christopher Wellford]

- n That in respect of Application PAP/2022/0169 (Lea Marston Sports Ground), planning permission be granted subject to the withdrawal of application reference PAP/2019/0524 and the conditions as set out in the report of the Head of Development Control.
That in respect of Application PAP/2022/070 (Lea Marston Sports Ground), planning permission be granted subject to the completion of a Section 106 Agreement requiring the removal of containers on the adjacent Clay Pigeon Shooting Club site, and the conditions set out in the report of the Head of Development Control; and**
- o That in respect of Application Nos PAP/2021/0221 (Lucky Tails Alpaca Farm, Dexter Lane, Hurley, CV9 2JQ), planning permission be granted subject to the conditions as set out in the report of the Head of Development Control. That in respect of Application PAP/2021/0222, planning permission be refused for the following reasons:**
 - i It has not been demonstrated to the satisfaction of the Local Planning Authority that there is a demonstrable essential need for a permanent agricultural worker's dwelling at the site and as such the proposal would**

not accord with policies LP1, LP2 and LP3 on the North Warwickshire Local Plan 2021 and paragraph 80 of the National Planning Policy Framework.

- ii The application proposal does not meet the requirements of the National Planning Policy Framework which requires the demonstration of exceptional circumstances which could clearly outweigh the significant harm caused to the Green Belt caused to the Green Belt due to the loss of openness and visual intrusion caused. As such the proposal is not in accord with paragraphs 147, 148 and 149 of the National Planning Policy Framework.

[Speaker: Sarah Booth]

50 Caldecote Conservation Area designation

The Chief Executive sought the Board's support for the designation of a conservation area for the village of Caldecote.

Recommendation to Council

That the extent of the Caldecote Conservation Area and associated Appraisal be approved.

51 Tree Preservation Orders - Land North of Dunns Lane and Church Road, Dordon and Polesworth and Land South of Dunns Lane, Dordon

The Head of Development Control sought approval to make two large Tree Preservation Orders permanent with modifications which had been placed on a significant number of individual, group and Woodland trees located on land situated to the north and south of Dunns Lane, Dordon, involving or adjoining most of the land area covered by the Local Plan Strategic Allocation H4. The Orders had come into force on 9 May 2023 and lasted six months (until 9 November 2023).

[Speaker: Joseph Cramphorn]

Resolved:

That the two Tree Preservation Orders, H4 Land to the North of Dunns Land and Church Road Dordon as modified by the content of this report together with the omission of T30 and T35, for the protection of individual trees, groups and woodland identified, be confirmed.

52 **Appeal Update**

The Head of Development Control brought Members up to date with a recent appeal decision.

Resolved:

That the report be noted.

D Reilly
Chairman

NORTH WARWICKSHIRE BOROUGH COUNCIL

**MINUTES OF THE
COMMUNITY AND ENVIRONMENT BOARD**

16 October 2023

Present: Councillor Bell in the Chair.

Councillors D Clews, Fowler, Gosling, Hobley, Jarvis, Jenns, Melia, H Phillips, Ririe, Singh, Smith, Turley and Whapples.

Apologies for absence were received from Councillor Jackson (Substitute Ririe) and Councillor A Wright (Substitute D Clews)

14 Disclosable Pecuniary and Non-Pecuniary Interests

None were declared at the meeting.

15 Minutes of the Meeting of the Board held on 8 August 2023

The minutes of the meeting held on 8 August 2023, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

16 Budgetary Control Report 2023/24 Period Ended 31 August 2023

The Corporate Director - Resources detailed the revenue expenditure and income for the period from 1 April 2023 to 31 August 2023. The 2023/24 budget and the actual position for the period, compared with the estimate at that date were given, together with an estimate of the outturn position for services reporting to the Board.

Resolved:

That the report be noted.

17 UK Shared Prosperity Fund Progress Report

The Director of Leisure and Community Development informed Members of the progress made in respect of delivery of the local UK Shared Prosperity Fund (2022 to 2025).

Resolved:

That the progress made in respect of the delivery of the local UK Shared Prosperity Fund (2022 to 2025) be noted.

18 **North Warwickshire Green Space and Playing Pitch Strategies – Progress Report**

The Director of Leisure and Community Development informed Members of the progress made in respect of delivery against the priorities set out in the North Warwickshire Green Space Strategy (2020 to 2033) and the adopted Playing Pitch Strategy (2018 to 2031).

Resolved:

- a **That the progress made in respect of the implementation of the priorities of the North Warwickshire Green Space Strategy (2020 to 2033) and the Playing Pitch Strategy (2018 to 2031) be noted;**
- b **That the use of open space Section 106 receipts, as identified in section 4.5 of the report of the Director of Leisure and Community Development, be approved;**

Recommendation to Resources Board:

- c **That a supplementary estimate of £44,963 for the enhancement of open space and play provision in Abbey Green Park, Polesworth, as detailed in section 4.5.1 of the report of the Director of Leisure and Community Development, be approved.**

19 **Leisure Facilities: Service Improvement Plan**

The Director of Leisure and Community Development reported on the approved 2023/24 Service Improvement Plan (SIP), through which the Board had agreed to monitor the operational performance of the leisure facilities.

Resolved:

That the progress made against the requirements identified in the approved 2023/24 Leisure Facilities Service Improvement Plan be noted.

20 **Consultation on Public Spaces Protection Order Dog Fouling**

The Chief Executive brought to Members' attention a consultation on a Public Spaces Protection Order (PSPO) to control dog fouling issues within the Borough.

Resolved:

That the consultation on the introduction of a Public Spaces Protection Order, as set out in the report of the Chief Executive, be supported and the fixed penalty notice charge reduction for early payment be approved.

21 **Air Quality Update**

The Chief Executive provided Members with an update on the work that Environmental Health has undertaken to monitor air quality in the Borough.

Resolved:

That the report be noted.

22 **Minutes of the Climate Change Board**

The minutes of the meeting of the Climate Change Board held on 6 September 2023, copies having been previously circulated, were noted.

Margaret Bell
Chair

NORTH WARWICKSHIRE BOROUGH COUNCIL

**MINUTES OF THE
RESOURCES BOARD**

13 November 2023

Present: Councillor Symonds in the Chair

Councillors Barnett, Bell, Chapman, Clews, Davey,
O Phillips, Parsons, Reilly Stuart, Taylor and Watson

Apologies for absence were received from Councillors
Simpson (Substitute Cllr Reilly) and Humphreys (Substitute
Cllr Bell)

16 Disclosable Pecuniary and Non-Pecuniary Interests

None were declared at the meeting.

17 Minutes of the Resources Board held on 5 September 2023

The minutes of the Resources Board held on 5 September 2023, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

18 Supplementary Estimate – Open Space and Play Provision in Abbey Green Park, Polesworth

The Director of Leisure and Community Development sought approval for the provision of a supplementary estimate within the capital programme through which to enhance open space and play provision in Abbey Green Park, Polesworth.

Resolved:

That the supplementary estimate of £44,963 for the enhancement of open space and play provision in Abbey Green Park, Polesworth, as detailed in section 4.5.1 of the appended report of the Director of Leisure and Community Development, be approved.

19 General Fund Budgetary Control Report 2023/24 Period Ended 30 September 2023

The Corporate Director – Resources detailed revenue expenditure and income for the period from 1 April 2023 to 30 September 2023. The 2023/24 budget and the actual position for the period, compared with the estimate at that date, were given, together with an estimate of the out-turn position for services reporting to the Board.

Resolved:

That the report be noted.

20 Housing Revenue Account Budgetary Control Report 2023/2024 Period Ended 30 September 2023

The Corporate Director – Resources reported on the total Housing Revenue Account revenue expenditure and income for the period from 1 April to 30 September 2023.

Resolved:

That the report be noted.

21 Capital Programme 2023/24 – Period 6 Update

The Corporate Director – Resources updated Members on the progress of the 2023/24 Capital Programme in terms of expenditure up to the end of September 2023.

Resolved:

a That the virement of the Old Bank House electrical upgrade budget £225,000, to enable year one of the fire doors replacement programme to be delivered, be approved and it be noted that additional funding would be required in next year; and

b That progress made against the 2023/24 Capital Programme be noted.

22 Replacement Housing Vehicles – Capital Programme 2023/2024

The Corporate Director – Streetscape updated Members on the outcome of the procurement exercise for the purchase of various Housing vehicles and proposed changes to the capital programme to reflect the revised replacement costs.

Resolved:

That a supplementary estimate for the additional cost of £56,555 for replacing 19 vehicles be added to the 2023/24 capital programme.

Councillor Symonds
Chair

NORTH WARWICKSHIRE BOROUGH COUNCIL

**MINUTES OF THE
EXECUTIVE BOARD**

27 November 2023

Present: Councillor D Wright in the Chair

Councillors Bell, Clews, Dirveiks, Gosling, Parsons, H Phillips, Reilly, Ridley, Simpson and Symonds.

Apologies for absence were received from Councillor Whapples

Councillor Melia was also in attendance.

Maria Grindley and Suyash Maharaj from EY (External Auditors) were also in attendance.

37 Declarations of Personal or Prejudicial Interest

Councillor Ridley declared a non-pecuniary interest in Minute No 41 (Adoption of Dordon Neighbourhood Plan), by reason of being a Member of Dordon Parish Council and Dordon Neighbourhood Plan Working Group and took no part in the discussion and voting thereon.

Councillor Reilly declared a non-pecuniary interest in Minutes No 41 (Adoption of Dordon Neighbourhood Plan), by reason of being Clerk to Dordon Parish Council.

38 Minutes of the Executive Board held on 18 September 2023

The minutes of the meeting of the Board held on 18 September 2023, copies having been circulated, were approved as a correct record and signed by the Chairman.

39 External Auditors' Report

The Interim Corporate Director - Resources presented the Audit Planning Report and Audit Results Annual Report for year ended 31 March 2021, received from the Council's external auditors, Ernst & Young LLP.

Recommended:

- a That the contents of the Audit Planning report attached at Appendix A to the report of the Interim Corporate Director – Resources be noted; and**
- b That the Audit Results report presented at Appendix B, to the report of the Interim Corporate Director –**

Resources, be approved, subject to any changes required as a result of the updated IAS 19 report, which takes account of the Pension Fund 2020/21 Triennial Review and the Section 151 Officer, in consultation with the Chair of the Executive Board, be given delegated authority to sign off the Letter of Representation when the audit is complete.

40 Financial Statements 2020/21

Following completion of the Financial Statements for 2021, the Interim Corporate Director – Resources highlighted the position on the General Fund and Housing Revenue Account, compared with the estimated position previously reported and advised that the audit was complete apart from the review of the IAS19 Pension report, which might lead to changes to the pension figures.

Resolved:

That, subject to any changes from the review of the IAS19 Pension report, the 2020/21 Financial Statements be approved.

41 Adoption of Dordon Neighbourhood Plan

The Chief Executive informed Members of the progress of the Dordon Neighbourhood Plan and sought approval to adopt in accordance with section 16 of the Neighbourhood Planning (General) Regulations 2012.

Recommended:

That the Dordon Neighbourhood Plan be adopted and form part of the Development Plan for North Warwickshire.

42 Budgetary Control Report 2023/24 Period Ended 31 October 2023

The Interim Corporate Director – Resources reported on the revenue expenditure and income for the period from 1 April 2023 to 31 October 2023. The 2023/24 budget and the actual position for the period, compared with the estimate at that date, were given, together with an estimate of the out-turn position for services reporting to the Board.

Recommended:

That the report be noted.

43 Medium Term Financial Strategy 2023 - 2028

The Interim Corporate Director – Resources summarised the Authority's Medium Term Financial Strategy, which projected forward the Authority's General Fund budgets to 2027/28 and suggested a budget approach for the 2024/25 General Fund Budget.

Recommended:

- a That the Medium Term Financial Strategy, attached at Appendix A to the report of the Interim Corporate Director – Resources, be approved.;
- b That the General Fund budget projections for 2023/24 to 2027/28 be noted;
- c That the approach for balancing the Medium Term Budget, set out in section 6 and Table 2 of the report of the Interim Corporate Director – Resources, be adopted;
- d That a supplementary estimate of up to £300,000 be approved for Agency/interim staff;
- e That a supplementary estimate of up to £100,000 be approved for progressing the invest to save work on Asset Management;
- f That the strategy for increasing the council tax to the maximum level, approved by the Government, be approved; and
- g That the guiding principles for setting and reviewing fees and charges, detailed in Appendix A, section 9.5.2, of the report of the Interim Corporate Director – Resources, be adopted.

44 **Financial Inclusion**

The Chief Executive and Interim Corporate Director – Resources provided information, further to the motion to Council on 27 September 2023.

Recommended:

- a That the update on the Financial Inclusion work of the Council be noted;
- b That the criteria for the Financial Hardship Fund, attached at Appendix A to the report of the Chief Executive and Interim Corporate Director – Resources, be adopted;
- c That the actions suggested in the confidential paper at item 17 of the agenda be approved.

(The Chief Executive has subsequently received a notice signed by Councillors Dirveiks, Gosling, H Phillips and Whapples under Standing Order No 30(1)(b) (Minority Report) with regard to the decision of the Board on this matter and it is therefore referred to Council for confirmation).

45 **Calendar of Meetings 2023/24 and 2024/25**

The Chief Executive sought approval for changes to dates of meetings in March and May 2024 and a calendar of meetings for 2024/25.

Recommended:

- a **That the revised calendar of meetings for 2023/24, as submitted at Appendix A to the report of the Chief Executive be approved; and**
- b **That the draft calendar of meetings for 2024/25, as submitted at Appendix B to the report of the Chief Executive, be approved.**

46 **Atherstone Public Spaces Protection Order**

The Chief Executive asked Members to consider consulting on a Public Spaces Protection Order in Atherstone.

Resolved:

That the draft Public Spaces Protection Order, as set out in the report to the Safer Communities Sub-Committee, attached at Appendix A to the report of the Chief Executive, be consulted upon.

41 **Income Manager Upgrade**

The Chief Executive provided Members with an update regarding the income management system and sought approval from Members to host the system externally and support the additional revenue cost in 2024/25 of £12,999 and in the following two years an additional £16,801 per annum.

Resolved:

- a **That the report be approved;**
- b **That the revenue growth for 2024/25 at £12,999 and the following two years at £16,801 per annum, be approved.**

42 **Minutes of the Safer Communities Sub-Committee held on 3 July 2023**

The minutes of the meeting of the Safer Communities Sub-Committee held on 3 July 2023, were received and noted.

43 **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.

44 **Staffing Matter**

The Chief Executive sought approval for staffing changes as detailed in his report.

Resolved:

That recommendation (a) and (b), as set out in the report of the Chief Executive, be approved.

45 **Staffing Matter**

The Chief Executive sought approval for an appointment, as detailed in his report.

Recommended:

That the recommendation set out in the report of the Chief Executive be approved.

46 **Commercial Housing Company Feasibility Study**

The Chief Executive asked the Board to approve the commissioning of work to consider the feasibility of establishing a commercial housing company, as set out in this report.

Recommended:

That the recommendation, set out in the report of the Chief Executive, be approved.

47 **Exempt Extract of the minutes of the Executive Board held on 18 September 2023**

The exempt extract of the minutes of the Executive Board held on 18 September 2023, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

D Wright
CHAIR

Agenda Item No 14

Council

6 December 2023

**Report of the
Chief Executive**

Exclusion of the Public and Press

Recommendation to the Board

To consider, in accordance with Section 100A(4) of the Local Government Act 1972, whether it is in the public interest that the public and press be excluded from the meeting for the following items of business, on the grounds that they involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.

Agenda Item No 17

Exempt Extract of the Minutes of the meeting of Executive Board held on 27 November 2023

Paragraph 1 – Information relating to an individual.

Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

In relation to the items listed above members should only exclude the public if the public interest in doing so outweighs the public interest in disclosing the information, giving their reasons as to why that is the case.

The Contact Officer for this report is Amanda Tonks (719221).