

Agenda Item No 7

Planning and Development Board

7 March 2022

**Report of the Head of Development
Control**

**Infrastructure Funding Statement
2021**

1 Summary

- 1.1 This report outlines the current position in respect of the contributions made to the Council within Section 106 Agreements.

<p>Recommendation to the Board</p> <p>That the Statement is now published.</p>
--

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 The Council is required to publish an annual statement on the receipt and expenditure of the financial contributions which it receives through Section 106 Agreements.

- ... 3.2 The 2021 Statement is attached at Appendix A.

- 3.3 The Statement includes all contributions that come to the Borough Council. In this respect, as can be seen, a substantial amount is then forwarded to other agencies as they deliver the services for which the contributions have been sought, notably the County Council. Members should be aware that there are other Agreements which are made between developers and the County Council directly. As a consequence, these contributions are not included in our Statement, but they will appear in the County Council's Statement.

4 Observations

- 4.1 The first table attached to the Statement outlines the total monies received by year and by purpose. The second illustrates the expenditure of these contributions, again by year and purpose. The final table shows the monies still to be expended and again by purpose. Whilst there is £1.8 million identified in this table, Members will see that some of this will be transferred to the County Council and the George Eliot NHS Trust, amongst others. The

balance and that which the Borough Council holds is itemised in the Statement at paragraph 2.6 onwards. These paragraphs also identify how and where these are to be expended by the appropriate Divisions.

5 Report Implications

5.1 Finance and Value for Money Implications

5.1.1 The Statement identifies the monies available to the appropriate Divisions for the delivery of services to mitigate the impact of new developments. There are no time periods in which to expend these contributions (normally ten years) but no refunds were made in 2021.

5.2 Legal, Data Protection and Human Rights Implications

5.2.1 All contributions included within Section 106 Agreements have to meet statutory requirements.

5.3 Environment, Climate Change and Health Implications

5.3.1 The contributions are significant in that they help in mitigating adverse impacts that would otherwise arise as a consequence of new development and are thus linked to Development and Corporate Plan objectives.

5.4 Links to Council's Priorities

5.4.1 The contributions link to Corporate Plan policies and its priorities of delivering high quality services and promoting sustainable communities.

The Contact Officer for this report is Jeff Brown (719310).

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



North Warwickshire
Borough Council

NORTH WARWICKSHIRE BOROUGH COUNCIL

Infrastructure Funding Statement

December 2021

1. Introduction

1.1 An Infrastructure Funding Statement (“IFS”) is an annual report published to provide a summary of all financial contributions arising from Section 106 Planning Agreements and Community Infrastructure Levy contributions (“CIL”) within a Local Planning Authority’s area for a given financial year. The Borough Council is not a Charging Authority under the CIL Regulations and this IFS only relates to Section 106 contributions.

1.2 Planning Obligations – also known as Section 106 Agreements – are legal Agreements which can be attached to the grant of a planning permission to mitigate the impact of new development. They can only be sought where they are directly related to the development; fairly and reasonably related in scale and kind to the development and necessary to make the development acceptable in planning terms. Financial contributions arising from these Agreements can be used on-site or off-site according to the terms of the Agreement and are paid at times as set out in the respective Agreements.

1.3 The Borough Council is not a Unitary Authority and thus many of the contributions to mitigate the impacts of new developments are paid to the Council and then transferred to the Authority or Agency responsible for the delivery of the mitigation. In the Borough Council’s case they are mostly transferred to Warwickshire County Council acting as the Highway, Public Health and Education Authority for the Borough. Other recipients are the local NHS Trust and the Police Authority. Several contributions are also made directly to the Warwickshire County Council, without coming through the Borough Council.

1.4 The majority of the contributions retained by the Borough Council go towards the provision either directly or indirectly of affordable housing and for recreation/ amenity provision.

1.5 Contributions set out in Section 106 Agreements may not be realised if the associated development does not proceed. Payments are also often phased through the lifetime of a development and as a consequence, the contributions received in one year will not necessarily be expended in that same year.

1.6 Agreements often include repayment clauses if there is no expenditure undertaken in respect of contributions made by an applicant or developer.

2. Section 106 Contributions

2.1 Table One below summarises the total value of contributions received since 2013 by the purpose of the payment. It includes contributions that will be expended by the Borough Council, as well as those to be forwarded to the County Council and other Agencies. It can be seen that the contributions for the Borough Council are mainly to be directed at affordable housing as well as recreation and open space purposes. These contributions have been regularly received.

2.2 Table Two illustrates the expenditure from these contributions

2.3 In respect of the affordable housing expenditure this has been spent in part or in full on the delivery of affordable housing provision in Church Lane Corley; Cadman Close in Mancetter, the former garage sites at Lister and Princes Road, Atherstone, the acquisition of plots at Spon Lane,

Grendon and St Helena, Polesworth and the redevelopment the club site in Hurley. The more recent contributions have been directed to the new builds at Long Street and Coleshill Road in Atherstone.

2.4 In respect of open space and recreation expenditure, this has assisted in the delivery of open space and recreation enhancements at Kitwood Avenue, Dordon; Boot Hill, Grendon together with Meadow Gardens and Rowlands Way in Atherstone.

2.5 It should be noted that the contributions in Table One also includes payments for the maintenance of new or existing facilities that are to be enhanced. They are thus not available for new works. These payments will necessarily reduce over time.

2.6 Table Three identifies the contributions held, yet to be spent. These will be expended by the Borough Council as set out below in the next few paragraphs. Some will be transferred to the County Council and other Agencies as appropriate.

2.7 In respect of the affordable housing (£135,800 from Table Three) this will go towards the Atherstone new builds.

2.8 In respect of open space and recreation (£821,393 from Table Three excluding the maintenance contributions), the majority of this sum (some 75%) is to be directed towards related undertakings in Abbey Green Park in Polesworth and in Warton. The balance is for developments in Atherstone, at Boot Hill Recreation Ground, Grendon, Cole End Park in Coleshill and towards play-related projects in Austrey.

2.9 In respect of skills and training (£175,000 from Table Three) this will go towards actions following a Business Survey undertaken in mid-2021 which identified future training and skills needs within the Borough.

2.11 The transport and cycle routes item (£90,000 from Table Three) is to be used to better connect the Birch Coppice and Core 42 employment sites with Dordon through improvements to existing routes in conjunction with the County Council.

2.11 The planning and liaison items (£20,000 referred to in the Table) will be directed to a Conservation Area Appraisal for Caldecote (£10,000) and to a Baxterley Community Fund (£10,000). Work has already commenced on procuring a consultant for the first with a publication date for a consultation draft later this year. The Baxterley Parish Council is aware of the Fund.

2.12 There have been no refunds or repayments made to applicants or to developers because of there being no expenditure within any respective time periods set out in the Agreements.

Table 1	Pre 14-15	14-15	15-16	16-17	17-18	18-19	19-20	20-21	Total
	£	£	£	£	£	£	£	£	£
The value of the payment received & purpose of payment									
Affordable Housing	180,900.00	259,676.00	635,700.00	38,250.00	115,516.41	34,522.00	-	160,000.00	1,424,564.41
Staff Training & Education	10,000.00	-	-	40,000.00	-	95,000.00	30,000.00		175,000.00
Transport & Cycle routes	-	-	-	50,000.00	-	40,000.00	-		90,000.00
Open Space Etc	592,461.87	27,039.76	152,582.55	376,305.00	10,000.00	-	112,430.84	177,649.50	1,448,469.52
Maintenance of Onsite open space	-	-	-	275,044.25	-	-	80,000.00		355,044.25
Planning Plus Liason Committee	20,000.00	-	-	-	-	-	-		20,000.00
Footpaths	-	-	-	-	-	-	-		-
Leisure Facilities	-	-	-	-	-	-	-		-
Biodiversity	-	-	-	-	-	-	-		-
Other	-	-	-	-	-	-	-		-
George Elliott Hospital	-	-	-	-	-	41,442.45	25,365.00	62,122.00	128,929.45
Local GP Surgeries	-	-	-	-	-	-	-	12,583.00	12,583.00
Warwickshire Police	-	-	-	-	-	-	-		-
Warwickshire County Council	630,591.85	-	15,000.00	-	-	-	12,965.00		658,556.85
Wheeled Bins	-	-	-	18,421.00	17,331.60	-	-		35,752.60
	1,433,953.72	286,715.76	803,282.55	798,020.25	142,848.01	210,964.45	260,760.84	412,354.50	4,348,900.08

Table 2	Pre 14-15	14-15	15-16	16-17	17-18	18-19	19-20	20-21	Total
	£	£	£	£	£	£	£	£	£
The amount of the payment that has been spent									
Affordable Housing	-	-	73,600.00	884,850.00	175,792.41	154,522.00	-		1,288,764.41
Staff Training & Education	-	-	-	-	-	-	-		-
Transport & Cycle routes	-	-	-	-	-	-	-		-
Open Space Etc	524,325.26	-	5,731.00	4,491.35	-	4,675.00	22,364.76	65,488.54	627,075.91
Maintenance of Onsite open space	-	-	-	-	-	-	-	-	-
Planning Plus Liason Committee	-	-	-	-	-	-	-	-	-
Footpaths	-	-	-	-	-	-	-	-	-
Leisure Facilities	-	-	-	-	-	-	-	-	-
Biodiversity	-	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-	-
George Elliott Hospital	-	-	-	-	-	-	-	-	-
Local GP Surgeries	-	-	-	-	-	-	-	-	-
Warwickshire Police	-	-	-	-	-	-	-	-	-
Warwickshire County Council	630,591.85	-	-	-	-	-	-	-	630,591.85
Wheeled Bins	-	-	-	-	-	-	-	-	-
	1,154,917.11	-	79,331.00	889,341.35	175,792.41	159,197.00	22,364.76	65,488.54	2,546,432.17

Table 3	Pre 14-15	14-15	15-16	16-17	17-18	18-19	19-20	20-21	Total
	£	£	£	£	£	£	£	£	£
The amount that has been committed but not spent									
Affordable Housing	180,900.00	259,676.00	562,100.00	- 846,600.00	- 60,276.00	- 120,000.00	-	160,000.00	135,800.00
Staff Training & Education	10,000.00	-	-	40,000.00	-	95,000.00	30,000.00	-	175,000.00
Transport & Cycle routes	-	-	-	50,000.00	-	40,000.00	-	-	90,000.00
Open Space Etc	68,136.61	27,039.76	146,851.55	371,813.65	10,000.00	- 4,675.00	90,066.08	112,160.96	821,393.61
Maintenance of Onsite open space	-	-	-	275,044.25	-	-	80,000.00	-	355,044.25
Planning Plus Liason Committee	20,000.00	-	-	-	-	-	-	-	20,000.00
Footpaths	-	-	-	-	-	-	-	-	-
Leisure Facilities	-	-	-	-	-	-	-	-	-
Biodiversity	-	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-	-
George Elliott Hospital	-	-	-	-	-	41,442.45	25,365.00	62,122.00	128,929.45
Local GP Surgeries	-	-	-	-	-	-	-	12,583.00	12,583.00
Warwickshire Police	-	-	-	-	-	-	-	-	-
Warwickshire County Council	-	-	15,000.00	-	-	-	12,965.00	-	27,965.00
Wheeled Bins	-	-	-	18,421.00	17,331.60	-	-	-	35,752.60
	279,036.61	286,715.76	723,951.55	- 91,321.10	- 32,944.40	51,767.45	238,396.08	346,865.96	- 1,802,467.91

Agenda Item No 8

Resources Board

28 March 2022

**Report of the Corporate Director -
Streetscape**

**Off-Street Parking Scheme for
Residents**

1 Summary

- 1.1 Following the public questions considered at Full Council in January and in response to wider concerns expressed about off-street parking restrictions for residents with no immediate access to on-street or driveway parking, officers are proposing a trial scheme to make off-street parking easier for those residents worst affected.

Recommendation to the Board

- a That the Board agrees to the implementation of a trial off-street parking scheme for residents, as set out at 3.2 in the report, for twelve months; and**
- b That a further report be brought back to a future meeting of the Board updating Members on the scheme's success and recommending next steps.**

2 Background

- 2.1 Civil Parking Enforcement and the new Off-Street Parking Places Order and associated Schedules came into force on 1 February 2022. Under the new regime, overnight parking remains free in most of the Council's off-street car parks and a two hour charge-free period has been introduced. One issue which has been raised by residents of Innage Terrace, Atherstone, among others, is that where there are no on-street or driveway parking alternatives, the requirement to obtain a parking ticket or book a session, although free of charge, is unduly onerous. This is a particular concern for those residents who work shifts or antisocial hours.

3 Proposed Off-Street Parking Scheme

- 3.1 In response to the concerns raised, officers have been investigating the options to make the current arrangements work better for those residents worst affected without compromising the availability of spaces to other residents or significantly increasing the cost to the Council of providing off-street parking service.
- 3.2 Officers are therefore proposing a focused residents' off-street parking scheme, as follows:
- 3.3 In brief, it is proposed that:
- The scheme covers only those households for whom the only reasonable available parking adjacent to their home is in one of the Council's long stay car parks.
 - Households would be able to register up to three vehicles with the Council (as long as each vehicle was registered at an address covered by the scheme).
 - The vehicle details would be logged on the Council's handheld equipment (no physical permits would be necessary).
 - At one designated car park only, registered vehicles parked between the hours of 8am and 10am, and 4pm and 6pm would not be required to display a parking ticket or register for the stay on the app.
 - This would effectively allow overnight parking free of charge from 4pm to 10am Monday to Friday.
 - Parking outside those hours for any length of time (including Saturdays) would need to be paid for at the usual rate (£3 Saturday all day).
- 3.4 The proposed arrangements will not give residents anything additional to what they already have access to. There is currently no restriction on vehicles parking overnight for free in the Council's car parks. Furthermore, the two hours charge-free parking already in place allows users to extend an overnight stay in the morning or at night (essentially by obtaining a charge-free two hour ticket to park). The proposed scheme would simply remove the requirement to get a charge-free ticket (or to book a session through the app) each time.
- 3.5 It is proposed that the scheme would operate at Cattle Market and Sheepy Road car parks in Atherstone, as well as residents who use Pear Tree Avenue in Kingsbury, Church Hill and Parkfield Road in Coleshill and Birmingham Road in Water Orton.
- 3.6 If approved, the Council would contact affected residents directly as well as promoting the scheme on the Council's website and elsewhere.

4 Report Implications

4.1 Finance and Value for Money Implications

- 4.1.1 There are no additional costs associated with the implementation of the proposals set out in this report. There will be no loss of ticket income and the staffing time spent administering the scheme will be more than offset by the reduction in time spent dealing with related enquiries, complaints and appeals.

4.2 Legal and Risk Management Implications

- 4.2.1 The proposed changes will reduce unnecessary enforcement and eliminate appeals and refunds associated with local residents legitimately using the Council's off-street car parks for overnight stays. Since it is a change only to the arrangements for enforcement of an existing right to park for free, it does not require a formal process to change the existing order or charges under the Road Traffic Regulation Act 1984. Whilst the formal process would not apply to this proposal, should Members agree the recommendation, it would be prudent to publicise the change in a similar manner to that required under the Act to ensure that residents understand how to make utilise their rights to park.

4.3 Safer Communities Implications

- 4.3.1 On street parking issues are regularly raised as a community safety issue to the North Warwickshire Safer Neighbourhood Team. These proposals should help those residents who use the Council's off-street car parks overnight on a regular basis.

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

Agenda Item No 11

Resources Board

28 March 2022

**Report of the Corporate Director –
Resources and the Director of
Leisure and Community Development**

**Leisure Facilities:
Local Authority Trading Company**

1 Summary

- 1.1 This report seeks the Board's approval to use the New Initiative Reserve through which to engage external advisory support to assist the Borough Council with its approved undertaking to establish a wholly owned Leisure Facilities Local Authority Trading Company.

Recommendation to the Board

That the Board approves the use of the New Initiatives Reserve, in the maximum sum of £60,000, through which to engage external advisory support to assist the Borough Council in the establishment of a wholly owned Leisure Facilities Local Authority Trading Company.

2 Consultation

- 2.1 As the Authority's leisure facilities are of Borough-wide significance, this report has been circulated to all Councillors for their consideration. Any comments received will be reported at the meeting.

3 Introduction

- 3.1 Members will be aware that, at its meeting held on 14 March 2022, the Community and Environment Board approved the establishment of a wholly owned Leisure Facilities Local Authority Trading Company (LATCo). During its consideration of this undertaking, the Community and Environment Board recognised that this was a significant undertaking and that the Borough Council would benefit from external advisory support in its delivery of a number of the associated key actions.
- 3.2 Subsequent to the meeting of the Community and Environment Board, advice has been received in respect of the areas of work in which this external support would best be deployed and also with regard to the possible cost of engaging that support. The table below identifies the key activities in respect of which it is felt that external support would be most beneficial.

Key Actions
Strategic Objectives: Scope of Service: Short, Medium and Long-term Outcomes
Key Performance Indicators
Core Terms of Contractual Agreement
Public Law Duties: Satisfy Vires, Best Value, Public Procurement, Teckal Exemption and Public Subsidy Requirements
LATCo Company Documents: Company Registration, Documents and Articles of Association
LATCo Company Documents: Member / Shareholder Agreement
Board Structure: Set Out Member / Shareholder Responsibilities and Governance Arrangements
Performance Management: Establish Performance Management and Reporting System
Contract / Agreement: Develop Draft Contract (Term?)
Draft Leases Developed and Agreed (Concurrent with Contract)
Service Specification
SLAs Drawn Up for Agreed Services
Outline Business Case (Green Book Compliant)
Draft Five-year Business Plan Produced
Business Plan Sensitivities
Company Financial Reporting Requirements
Review Existing Sales and Marketing Arrangements and Consider Requirements Under the LATCo

- 3.3 The above list of key activities is non-exhaustive, in that it is not the full extent of work to be undertaken in establishing the wholly-owned Local Authority Trading Company (LATCo) and it is not necessarily the limit of areas in which external support would be helpful. It does, however, represent the main areas of work in which it is felt that external advice would be most beneficial. An indicative cost of £60,000 has been provided for the provision of external support in respect of these tasks.
- 3.4 Given the significance of the commitment to establish a wholly-owned Leisure Facilities LATCo, both for the sustainability of the service and in respect of the Borough Council's need to realise savings within its revenue budget, the Board is asked to approve the engagement of external advice to support this process. Subject to Member approval of this course of action, the funding commitment could be met through the New Initiative Reserve.

4 Report Implications

4.1 Finance and Value for Money Implications

4.1.1 As highlighted above, if the Board is minded to approve the engagement of external advisory support for the process to establish a wholly-owned Leisure Facilities LATCo, the corresponding funding requirement of up to £60,000 could be met through the New Initiatives Reserve.

4.1.2 As indicated in the report to the Community and Environment Board, it is anticipated that business rate savings of around £152,090 per annum could be achieved by the provision of leisure services through a Trading Company, which would give a pay back in the first year of operation.

4.2 Safer Communities Implications

4.2.1 Leisure facilities contribute to community safety through the provision of well-managed indoor and outdoor leisure and recreation services that are safe by design and that afford opportunities for positive activity.

4.3 Legal, Data Protection and Human Rights Implications

4.3.1 The Borough Council can rely upon Section 1 of the Localism Act 2011, which contains the “general power of competence”, in order to establish a LATCo, together with section 111 of the Local Government Act 1972. The Local Government and Housing Act 1989 regulates how local authority companies operate and sets out several criteria that must continue to be met whilst such companies operate. Some of the external support that is the subject of this report will be provided to ensure that any LATCo is set up in a way that is both legal and beneficial to the Borough Council.

4.3.2 Given the specialist nature of much of this work, together with the limited capacity of the Council’s Legal Services Team, the Council’s interests are likely to be best served by the proposal to obtain these services externally. There will however, need to be internal legal input to ensure that all necessary arrangements are made to enable Officers and Members to perform their functions within the LATCo once established.

4.3.3 There are no immediate data protection or human rights implications arising directly out of this report.

4.4 Environment, Climate Change and Health Implications

4.4.1 The provision of a sustainable, fit-for-purpose portfolio of well managed leisure facilities has a positive impact on the health and wellbeing of individuals and communities by providing opportunities for leisure and recreation activities and by contributing to an improved quality of life.

4.5 Human Resources Implications

4.5.1 There are no human resource implications arising directly out of this report.

4.6 Risk Management Implications

4.6.1 The corporate risk management process identifies and scores risks associated with the provision, management and maintenance of leisure facilities. The process through which a LATCo would be established and the services transferred thereto would require the detailed assessment of risk at a number of key stages in order to ensure the maintenance of the best interests of both the Borough Council and the new company. This process will help to ensure that informed decisions can be made in respect of the most appropriate means by which to sustainably meet and manage the leisure-related needs of the local community.

4.7 Equality Implications

4.7.1 It is intended that Local Authority Trading Company management and operation of the Authority's Leisure Facilities service would ensure continued equality of access to sustainable, good quality leisure opportunities.

4.8 Links to Council's Priorities

4.8.1 The proposal to establish a wholly owned LATCo will have direct and positive links to the corporate priorities in respect of:

- Safe, liveable, locally focused communities
- Prosperous and healthy
- Sustainable growth and protected rurality
- Efficient organisation

4.8.2 It is also intended that management of the Borough Council's Leisure Facilities service through a LATCo would contribute directly to the priorities of the Sustainable Community Strategy, namely:

- Raising aspirations, educational attainment and skill levels
- Developing healthier communities
- Improving access to services

The Contact Officers for this report are Sue Garner (719374) and Simon Powell (719352).

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	Director of Leisure and Community Development	Leisure Facilities: Local Authority Trading Company	March 2022