

The Cabinet met at the Shire Hall, Warwick on the 21st July, 2005

Present

Cabinet Members:

Councillor Alan Farnell (Chair) (Policy and Governance),

“ John Burton Cabinet Member for Schools

“ Alan Cockburn (Corporate Services),

“ Peter Fowler (Family Services),

“ Colin Hayfield (Adult and Community Services),

“ Richard Hobbs (Community Safety).

“ Martin Heatley (Environmental Services),

“ Chris Saint (Economic Development),

“ Izzi Seccombe (Childrens Services),

“ Bob Stevens (Performance Management),

Non-Voting Invitees:

Councillors June Tandy, the Leader of the Labour Group,

Jerry Roodhouse, the Leader of the Liberal Democrat Group.

Other Members:

Councillors David Booth, Richard Chattaway, Godon Collett, Josie Compton, Michael Doody, Ann Forwood, John Haynes, Marion Haywood, Frank McCarney, Helen McCarthy, Tim Naylor, Raj Randev, Sid Tooth and John Wells.

1. General

(1) Apologies

None.

(2) Members Declarations of Personal and Prejudicial Interests

Councillors Raj Randev and Izzi Seccombe declared personal interests in Agenda Item 10 – Education Capital Issues as Governors of the Aylesford School and Kineton High School respectively.

Councillor Alan Cockburn declared a personal interest in any matter affecting the Warwick District and Kenilworth Town Councils as a member of both Councils.

Councillors Richard Hobbs, Chris Saint, Izzi Seccombe and Bob Stevens declared personal interests in agenda item 17 – PSA1 Reward Monies, as members of the Stratford on Avon District Council. (The nature of the debate on this item became such that these councillors' interests became prejudicial as members of the District Council. The councillors left the room at that time).

(3) Minutes of the Meeting held on the 30th June, 2005 and Matters Arising.

(i) Minutes

It was agreed that the reference to "RAF" in minute 8 should be deleted.

It was then Resolved:

That the Minutes of the Cabinet's 30th June 2005 meeting, as amended, be approved.

(ii) Matters Arising.

Minute 5 – Establishment of Policy Panels.

Councillor Alan Farnell, the Chair, reported the Leaders Liaison Group and the Acting Chief Executive had recommended that all existing Policy Panels should continue in existence and that each panel should be asked to consider its own future. This was agreed.

(5) Requests for Discussion of En Bloc Items.

It was agreed that agenda items 15, 17 and 22 would be discussed before decisions were taken.

2. Composite Performance Report 2004/05 (April 2004 – March 2005) and Key Messages from Public Consultation.

The Cabinet considered the report of the County Solicitor and Assistant Chief Executive.

The report provided an analysis of the Council's performance for the full year 2004/05 (the period 1st April 2004 to 31st March 2005) as part of the Performance Management Framework. It reported on performance against the key actions from the Corporate Business Plan, Corporate Headline Indicators (CHIs) and Key Messages from Public Consultation under the six Corporate Objectives.

During the discussion the following points were raised:-

- the indicators should be streamlined, if possible.
- Ensure that value for money exists in Lifelong Learning and Social Care
- A members seminar was being arranged on behalf of the Community Safety Overview and Scrutiny Committee concerning anti social behaviour.
- Problems related to the disposal/recycling of green glass.
- The Community Safety Overview and Scrutiny Committee was to consider the benefits of Crime and Disorder Partnerships.
- On page 7 - Progress on Corporate Business Plan actions for 2004/05 there could be problems arising from the cessation of the Governments Leadership Grant in March 2006.
- On page 29 - Key Messages from consultation, the Trading Standards Service should address the issues surrounding the need to provide older people with information about the Council's Reputable Traders Scheme.

It was the Resolved:-

- (1) That Cabinet note the contents of the report and note that full year reports from individual departments will be reported to relevant Overview and Scrutiny Committees.
- (2) That Cabinet note the Key Messages from Public Consultation identified in the report.

3. 2004/2005 Final Revenue Outturn

The Cabinet considered the report of the County Treasurer.

The final revenue spending of the Council in 2004/2005 was £454.955 million which represented a £9.335 million service underspend compared to the latest approved budget of £464.290 million (excluding contributions to and from the Capital Fund). The report provided a summary of the

overall position, with the details of individual service spending in the appendices attached to the report.

Resolved:-

That the Cabinet:

- (1) Note the 2004/2005 final revenue spending and the reserves position at the year-end.
- (2) Approve the recommendation of the County Treasurer not to transfer any funds to general reserves in respect of departmental carryforwards.
- (3) Approve the use of £2,920,000 of TSF funds in 2005/2006.
- (4) Note the reduction of £419,000 in the 2005/2006 budget for Planning, Transport and Economic Strategy and £147,000 for Social Services to repay their overdrawn reserves at the year end.
- (5) Approve the use of £2,526,000 service savings to support the 2005/2006 Revenue Budget as outlined in the report.
- (6) Approve the use of £55,000 of general reserves in 2005/2006 to repay the overdrawn balance at the year end in respect of the Children's Act Project Team, the underwriting of which was initially approved by Council on 16th September 2004 up to a maximum of £204,000.
- (7) Note the reclassification of the Social Services reserve for the refund of charges in respect of client aftercare of £250,000 to a provision & agree the consequential accounting transactions.

4. Capital Outturn 2004/2005

The Cabinet considered the report of the County Treasurer which identified 2004/5 capital spending and how it was financed. The report showed how capital spending had changed since the last report to the Cabinet on 13th January 2005 and asked the Cabinet to agree the carry forward of funding resources into 2005/6.

Resolved:-

That the Cabinet notes the 2004/5 outturn capital expenditure of £74.378 million, detailed in Table 1 of

the report, and its financing (Table 2), and agrees the carry over of £7.981 million surplus funding resources into 2005/6 needed to fund the existing capital programme.

5. Statement of Accounts and Statement on Internal Control 2004/2005

The Cabinet considered the report of the County Treasurer which presented the Statement of Accounts and Statement on Internal Control for 2004/2005 and provided an explanatory note of the key issues.

Following introductory comments from Councillor Alan Cockburn, members considered that the report would be discussed fully at the Council meeting.

It was the Resolved:-

That Cabinet recommend that Council approve the draft Statement of Accounts and Statement on Internal Control for 2004/2005.

6. 2006/2007 Budget Process

The Cabinet considered the report of the County Treasurer which sought member's approval to the suggested budget process for 2006/2007.

During the discussion the following points were raised:-

- o There was a need for the public consultation arrangements used in connection with last years budget to be revised to be changed. Dave Clarke, the County Treasurer, indicated that he would submit a report to the September Cabinet detailing the arrangements proposed for public consultation.
- o Owing to capacity issues, it was proposed to run one consultation meeting in each district /borough as occurred last year. There were particular venue difficulties in the Stratford-on-Avon District because of the geography of the district.
- o The CPA looked across the system at all service budgets to monitor value for money.
- o The Leaders Liaison Group would act as the budget working group to address areas where more information was required. It was up to the groups to decide what information they needed.
- o Budget working group, recommendations to the Overview and Scrutiny Committees.
- o Consideration should always be given to methods of engaging the public in the preparation of the budget.

It was then Resolved:-

That the Cabinet approve the 2006/2007 budget process as outlined in paragraph 5.3 of the report.

7. 2006/2007 Budget - Available Revenue Resources

The Cabinet considered the report of the County Treasurer which provided members with the first indication of the likely level of revenue resources available for 2006/7 and provided an initial forecast of resources for the following two years.

During the discussion the following points were made:-

- The Green paper on Youth would impact on available resources.
- The Government was reviewing the formulae and this could also impact on the resources.

It was then Resolved:-

That the Cabinet:

- (1) Note the forecast 2006/7 Formula Spending Share of £495.967 million, and the resultant government support of £328.219 million.
- (2) Note the projected resource implications of setting a 2006/7 council tax at various levels, as outlined in paragraph 5.4 of the report.
- (3) Note the implications of the Comprehensive Spending Review 2004 and the introduction of the Dedicated Schools Grant in the medium term as outlined in section 9 of the report.
- (4) Agree to inform our local Members of Parliament of the forecast resource position for the County Council over the medium term.

8. Adult and Community Learning Development Plan 2005/08

The Cabinet considered the report of the County Education Officer.

All Local Authority Adult Education Services funded by the Learning and Skills Council were required annually to draw up Adult and Community Learning Development Plans for a rolling three-year period. The plan built on the work carried out through previous plans.

During his introduction of the item Councillor Colin Hayfield requested that the County Education Officer, the Director of Social Care and Health and the Director of Libraries, Heritage and Trading Standards submit a joint report about the opportunities for learning for the elderly to be considered by the Adult Overview and Scrutiny Committee and Cabinet.

Councillor John Burton suggested that the Warwickshire Older Persons Forum should also have an opportunity to give views on the matter.

It was then Resolved:-

That the Cabinet endorses the Adult and Community Learning Development Plan for the period August 2005 to July 2008 and recommends the Plan for adoption by the Council.

9. Strategic Review of Services for Young People – Progress report

The Cabinet considered the joint report of the Chief Executive, the County Education Officer and the Director of Social Care & Health.

The report summarised progress to date since the Cabinet decision on 24th February 2005 to establish a co-ordinated service for young people, which would bring together existing services in the context of the Children Act.

Following introductory comments from Councillor Peter Fowler, members discussed several aspects of the report and made the following points:-

- Need for linking of all related services for children and young people
- Consideration should be given to more information on the Children Act Project being made easily available in ways other than a web page address.
- Action should be taken at the earliest opportunity rather than waiting until the Cabinet meeting in October, especially as most of the report matters would be known well before that time.

It was then Resolved:-

- (1) That Cabinet note the contents of the Joint Report, which describes the progress made since Cabinet's decisions on 24th February 2005.
- (2) That Cabinet agree that further discussion should take place concerning the location of the Teenage Pregnancy Strategy and Children's Area Risk Management (CHARM) pending the further reorganisation of services in the context of the Children Act and to support the general direction of travel of the establishment of the new service.

10. Education Capital Issues

The Cabinet considered the report of the County Education Officer.

The report proposed arrangements for handling Seed Challenge allocations, asked for a decision on the use of proceeds of sale from the former Lapworth C of E Junior and Infant School, sought agreement to funding for an all-weather pitch at Aylesford School and a feasibility study for Kineton High School.

Following a brief discussion Councillor John Burton moved, it was duly seconded and Resolved:-

- (1) That a decision on the allocation of Seed Challenge funding be made by the Cabinet in September 2005.
- (2) That the proceeds of sale from the old school building at Lapworth remain with the Lapworth Education Foundation to enable them to continue to support Lapworth C of E Primary School, subject to an agreement being completed with the Trustees of the school on terms acceptable to the County Education Officer and the County Solicitor & Assistant Chief Executive governing the Trustees' use of the proceeds and making provision for the proceeds to be claimed by the Council in the event of any subsequent disposal of the current school premises.
- (3) That a project to provide an all-weather pitch at Aylesford School, Warwick, be added to the 2005/06 Education capital programme at a cost of £470,000

using resources identified in the County Education Officer's report.

- (4) That a feasibility study be undertaken into the possible replacement of Kineton High School.

11. Programme of Meetings

The Cabinet considered the report of the County Solicitor and Assistant Chief Executive which sought approval to a programme of meetings for 2006/07.

In response to comments from Councillor John Burton, David Carter, the County Solicitor and Assistant Chief Executive, advised members that the June Council meeting would be reserved for the approval of the Statement of Accounts unless anything unforeseen occurred.

It was then Resolved:-

- (1) That the programme of meetings for 2006/07 (Appendix A of the report) be agreed.
- (2) That the current programme of meetings for 2005/06 (Appendix B) be endorsed.
- (3) That additional member seminars be scheduled for times/days, as described in the report.

12A. Adult Services Green Paper: Independence, Wellbeing and Choice

The Cabinet considered the report and the supplementary report of the Director of Social Care and Health.

The Cabinet was asked to consider a response to the Government's Green Paper on Adult Social Care -Independence, Well-being and Choice – which related to proposals for the future direction of social care for adults in England.

During his introduction of the item, Councillor Colin Hayfield drew particular attention to the second and third bullet points in the proposed response from the Acting Chief Executive relating to Every Child Matters date and the unlikeliest of the proposals being cost neutral.

It was then Resolved:-

That the Cabinet:-

- (1) Note the consultation processes currently underway in relation to the Green Paper.
- (2) Agree the response to be sent to the Department of Health.

12B. Warwickshire and Rugby Business Improvement District (BID) Pilot

This report was considered in the public part of the meeting.

The Cabinet considered the report of the Director of Planning, Transport and Economic Strategy.

The purpose of a BID is to provide services over and above those normally provided by the public sector that will improve the BID area economically, environmentally and socially. Service standards are determined locally through Partnership working and consultation. They are then costed and the resources to deliver the BID are determined before the BID proposal goes to a vote of business ratepayers in the BID area.

The Rugby BID Pilot was moving towards the voting stage. The County Council had a number of properties where more votes were eligible, and the Cabinet was asked to consider how this was managed.

Following comments from Councillor Chris Saint, it was Resolved:-

- (1) That the Council supports the Rugby BID through its property interests in Rugby with a YES Vote.
- (2) That the Director of Property Services be given authorisation to sign and return all voting papers on behalf of the County Council.
- (3) That the BID contribution be funded from relevant Departmental budgets.
- (4) That the Director of Planning, Transport and Economic Strategy be authorised to enter a service level agreement regarding the delivery of highway functions in the BID area.

13. One Stop Shop - Update on Locations for Pilot Phase

The report of the Director, Libraries, Heritage & Trading Standards was considered.

In September 2004 the County and District Councils decided to pilot One Stop Shops. The original budget agreed had not been sufficient to

complete the programme but proposals were included in the report to accommodate the overall objectives.

Resolved:-

That the Cabinet agree to all three schemes progressing based on the revised funding proposals outlined in the report.

14. Bookstart Project

The report of the Director of Libraries, Heritage and Trading Standards was considered.

Warwickshire Bookstart, previously known as Babies Need Books, was part of the national Bookstart Project. It was a partnership project between Education and Libraries, managed by the Library and Information Service. All materials were funded centrally by the DfES and Bookstrust, with the administration costs funded locally. The report requested the release of funds approved in February 2004 to meet increased costs due to government legislation.

Resolved:-

That the Cabinet approve the virement of £10,000 for the Warwickshire Bookstart Project from Other Services to Libraries, Heritage and Trading Standards from 2005/2006 on an on-going basis.

15. Race Equality Scheme 2005-08

The Cabinet considered the report of the County Solicitor and Assistant Chief Executive.

The report explained the requirement for the County Council to have a Race Equality Scheme and asked the Cabinet to approve the second edition of the Scheme covering the period from 2008 to 2008.

Following comments from Councillor Jerry Roodhouse relating to the need for consideration of the needs of other populations such as Portuguese language, it was Resolved:-

That the Cabinet approves the Race Equality Scheme 2005-08, in line with the Council's statutory

duty to promote race equality and eliminate racial discrimination

16. Value for Money Strategy

The Cabinet considered the report of the County Treasurer which requested the Cabinet to approve the Value for Money Strategy

Resolved:-

That the Cabinet approves the Value for Money Strategy

17. PSA1 Reward Monies

The Cabinet considered the report of the County Treasurer which related to the utilisation of the unallocated PSA reward money.

During his introduction of this item Councillor Martin Heatley suggested that in addition to the two recommendations from the Director of Planning, Transport and Economic Strategy, the Cabinet should consider the following:-

(3) Up to £100k be set aside from within the £493,263 for PTES in recommendation (2), for waste initiative which will assist the delivery of PSA2 and the waste strategy, for those districts not benefiting from PSA1 reward.

At this point in the meeting, following comments from Eric Wood, the Acting Chief Executive, Councillors Richard Hobbs, Chris Saint, Izzi Seccombe and Bob Stevens declared that, having regard to the nature of the discussion and their membership of the Stratford-on-Avon District Council, they had prejudicial interests in the matter and all left the room.

Councillors Josie Compton, Michael Doody and Peter Fowler also left the room at this time.

During the discussion the following points were made:-

- The amendment proposed by Councillor Heatley could lead to an assumption that funds would be available in future years for non achieving councils.
- The Environment Overview and Scrutiny Committee should consider the issues.
- Recommendation (1) should be considered separately

- There was a need for strong working partnerships with the District and Borough Councils.
- There would soon be large financial penalties and other implications of not meeting the recycling targets for the county as a whole.
- timing of the matter appeared to have been a major difficulty for those authorities who had not met this years targets but who were now performing in line with targets.

It was then Resolved:-

- (1) That the Cabinet recommend the County Council that of the unallocated PSA reward money £186,000 be allocated to District Councils.
- (2) That the Environment Overview and Scrutiny Committee be asked to comment on allocating £493,263 to PTES to fund the work needed to investigate the options for delivering the waste management strategy and meeting any costs for the Authority from the delayed introduction of the WEEE Directive and of that £493,263, upto £100,000 be set aside for waste initiatives which will assist the delivery of PSA2 and the waste strategy for those districts not benefiting from PSA1 reward.

18. Constitution of a Temporary Governing Body for the New Community Special School in North Warwickshire

The report of the County Education Officer was considered.

The Education Authority needed to establish a temporary governing body for the new Community Special School in North Warwickshire, following approval of its proposal to close Blythe and Sparrowdale Special Schools.

Resolved:-

That the Cabinet approves the arrangements described in the County Education Officer's report for the constitution of a temporary governing body for the new Community Special School in North Warwickshire.

19. Change to the Indicated Admission Number of Whitestone Infant School

The report of the County Education Officer was considered.

The Cabinet was asked to approve formal consultation with stakeholders on proposals to reduce the Indicated Admission Number of Whitestone Infant School in Nuneaton.

Resolved:-

That the Cabinet authorise the County Education Officer to consult stakeholders on proposals to reduce the Indicated Admission Number of Whitestone Infant School from 120 pupils per year to 90 pupils per year from September 2007 admissions.

20. Constitution of the School Admissions Forum

The joint report of the County Education Officer and County Solicitor and Assistant Chief Executive was considered.

The Forum had been established by the County Council in 2003, with brief terms of reference. The report proposed a more formal constitution.

Resolved:-

That the Cabinet approve the new constitution for the School Admissions Forum (at Appendix A to the report) with immediate effect.

21. Corporate Capital Strategy

The report of the County Treasurer was considered.

The Capital Strategy was an integral part of the annual budget setting process and provided a strategic basis for the authority's decisions on capital investment. It was a long-term plan to provide the infrastructure to meet the Council's objectives. The strategy showed how the authority was prioritising, targeting and measuring the performance of the capital programme.

Resolved:-

That the Cabinet approve the Capital Strategy.

22. Corporate Property Strategy Framework 2005

The report of the Director of Property Services was considered.

The Corporate Property Strategy Framework 2005 updated the 2003 version, and identified possible accommodation issues as part of the Modernisation Agenda for Warwickshire.

Councillor Alan Cockburn expressed concern about the references in the report to:-

- the outcomes of a workshop held in November, 2004,
- 8/10 one stop shops being provided whereas pilot schemes were being undertaken and the actual numbers were not known.
- Paragraph 5(viii) in particular the wording relating to the retention of certain libraries and a review of peripheral libraries which could be misinterpreted by the public.

Councillor Cockburn recommended that the matter be referred to the Corporate Property Group and the Leaders Liaison Group and then back to the Cabinet.

Members noted that the Appendix to the report had not been circulated.

Peter Ridley, the Director of Property Services, reported that the document before the Cabinet was a framework document which had been considered by the Corporate Services Overview and Scrutiny Committee and the Capital and Property Panel. He stressed that there was no intention to imply that any libraries would be closed. There was a possibility that some services could be co located. Members felt that the wording should be made clearer.

Members were advised that a recent meeting of the Corporate Service Overview and Scrutiny Committee had stressed the need for the avoidance of any delay relating to the future of the Shire Hall offices which was also referred to in the Framework document.

It was then Resolved:-

That consideration of the Corporate Property Strategy Framework 2005 be deferred to enable further consideration by the Corporate Property

Group and the Leaders Liaison Group before being re-submitted to the Cabinet.

23. Various Developer Funded Roads Schemes

The Cabinet considered the joint report of the County Treasurer and Director of Planning, Transport and Economic Strategy which sought the Cabinet's approval to add the projects to the 2005/2006 capital programme.

Resolved:-

That the four capital projects identified in paragraphs 2 to 5 of the report be included in the 2005/2006 capital programme at an estimated cost of £935,000 subject to a S.278 Agreement being signed with each developer and that the scheme at Shipston Road, Stratford referred to in paragraph 6 below be included in the 2005/2006 capital programme at a cost of £250,000.

24. Any Other Items

The Chair indicated that an item relating to property at Talisman Square, Kenilworth which had been circulated before the which would be considered as an urgent item in the exempt part of the meeting.

25. Reports Containing Confidential or Exempt Information

Resolved:-

That members of the public be excluded from the meeting for the following items on the grounds that their presence would involve the disclosure of confidential or exempt information as defined in paragraphs 7,8 and 9 the Local Government Act 1972.

26. Exempt Minutes of the Meeting held on the 30th June 2005 and Matters Arising.

Resolved:-

That the exempt minutes of the meeting held on 30th June, 2005 be approved as a correct record and the minutes be signed by the Chair.

There were no matters arising.

27. Farm Waste Scheme Funding - Dunchurch: Homestead Farm - Sale of Farmhouse

The report of the Director of Property Services was considered.

The Cabinet considered the disposal of the holding on the open market and reserving part of the capital receipt to fund major farm effluent schemes during the present financial year.

28. The Avon Valley School

The Cabinet considered the joint report of the Director of Property Services and the County Education Officer which related to the procurement and construction of the new School and recommended a preferred contractor.

Councillor John Burton reported that the Rugby Area Committee had considered the matter and had resolved "Having regard to concerns raised by members, which included security, vulnerability to further damage by fire, flexibility, energy efficiency and future maintenance costs, on all of which assurances were sought and satisfactorily provided, the Committee unanimously supported the proposals as presented."

In response to comments from Councillor Jerry Roodhouse, Peter Ridley confirmed the level of contingency built into the costings and indicated that a performance guarantee would be required.

Councillor Tim Naylor advised the meeting that at a recent ESPO Bard meeting members attention was drawn to possible difficulties in the supply of school furniture at the start of the new term owing to the likely demand at that time.

29. Wolston: North Lodge Farm Cottage - Proposed Sale

The report of the Director of Property Services.

Agreement was sought to declaring the property surplus to requirements and selling it on the open market.

30. Warwickshire and Rugby Business Improvement District (BID) Pilot

This report had been considered in the public part of the meeting at agenda 12B.

31. Talisman Square Development, Kenilworth

The Cabinet considered the joint report of the Acting Chief Executive, the County Solicitor and Assistant Chief Executive, the County Treasurer and the Director of Property Services.

The report sought authority for the Acting Chief Executive in consultation with relevant members to make any necessary decisions in relation to the Talisman Square Development, Kenilworth on terms and conditions acceptable to the County Solicitor and Assistant Chief Executive, the County Treasurer and the Director of Property Services

The Cabinet rose at 11.30 a.m.