

The Cabinet met at the Shire Hall, Warwick on the 12th January 2006.

Present

Cabinet Members:

Councillor Alan Farnell (Chair) (Policy and Governance),
“ John Burton (Schools),
“ Alan Cockburn (Corporate Services),
“ Peter Fowler (Family Services),
“ Colin Hayfield (Adult and Community Services),
“ Richard Hobbs (Community Safety),
“ Martin Heatley (Environment),
“ Chris Saint (Economic Development),
“ Izzi Seccombe (Children’s Services),
“ Bob Stevens (Performance Management).

Non-Voting Invitees:

Councillor June Tandy, Leader of the Labour Group,
“ Jerry Roodhouse, Leader of the Liberal Democrat Group.

Other Members:

Councillors John Appleton, Sara Boad, David Booth, Richard Chattaway, Anne Forwood, Mick Jones, Katherine King, Frank McCarney, Raj Randev, Sid Tooth and John Whitehouse.

**1. General
(1) Apologies**

An apology for absence was received from Councillor Helen McCarthy.

(2) Members’ Disclosures of Personal and Prejudicial Interests.

(i) Membership of other Councils

The following members, who were members of the Borough/District Councils indicated, declared personal interests in any matters affecting the relevant Borough/District Council:-

Councillor Alan Cockburn, Member of Warwick District Council.

Councillor Peter Fowler, Member of North Warwickshire Borough Council.

Councillor Colin Hayfield, Member of North Warwickshire Borough Council.

Councillor Richard Hobbs, Member of Stratford on Avon District Council.

Councillor Jerry Roodhouse, Member of Rugby Borough Council.

Councillor Chris Saint (Economic Development), Member of Stratford on Avon District Council.

Councillor Izzi Seccombe (Children's Services), Member of Stratford on Avon District Council.

Councillor Bob Stevens (Performance Management).
Member of Stratford on Avon District Council.

(ii) Agenda Item 4 – Developing Children's Centres

Councillor Sara Boad declared a personal interest in this item in view of her membership of the Board of the Leamington Sure Start Local Programme.

(iii) Agenda Item 17 - Rugby: The Avon Valley School.

Councillor Katherine King declared a personal interest in this item as a governor of the School.

(iv) Agenda Item - 19 Street Column Advertising

Councillor Alan Farnell declared a personal interest because a director of one of the tendering companies lived near to him.

(3) Minutes of the meeting held on the 8th December 2005 and Matters Arising.

Resolved:-

That the Minutes of the Cabinet's 8th December, 2005 meeting be approved.

There were no matters arising.

(4) Request for Discussion of En Bloc Item.

It was agreed that item 11 would be discussed before a decision was taken.

2. Annual Performance Assessment of Warwickshire County Council's Education and Children's Social Care Services 2005

The Cabinet considered the report of the Strategic Director of Children, Young People and Families Services.

The report provided a summary of the Commission for Social Care Inspection / Ofsted's annual performance assessment of Warwickshire County Council's education and children's social care services in 2005.

Following introductory comments from Councillor Izzi Seccombe, members asked the Strategic Director of Children, Young People and Families Services to pass on their appreciation for the excellent work being undertaken by the staff concerned.

Members also acknowledged the work that had been undertaken by the previous administration.

It was then Resolved:-

- (1) That Cabinet acknowledges the results of the Annual Performance Assessment of Warwickshire County Council's Education and Children's Social Care Services as detailed in Appendix 1 of the report.
- (2) That copies of the letter be made available to members of the public.
- (3) That copies of the letter be made available to the Council's auditor and relevant partners.

3. Changes to Indicated Admission Numbers

The Cabinet considered the report of the Strategic Director for Children, Young People and Families Services which informed the Cabinet about current Admission Numbers in three schools and sought authorisation for formal consultation to change those numbers.

Following introductory comments from Councillor John Burton it was Resolved:-

That the Cabinet authorise the Strategic Director for Children, Young People and Families Services to consult stakeholders on proposals to:

- (1) increase the Admission Number of Thomas Jolyffe Primary School, Stratford, from 45 to 60 pupils per year
- (2) increase the Admission Number of Oakfield Primary School, Rugby, from 25 to 30 pupils per year
- (3) decrease the Indicated Admission Number of Nathaniel Newton Infant School, Hartshill, from 90 to 60 pupils per year.

4. Developing Children's Centres

The Cabinet considered the report of the Chair of the Sure Start Policy Panel which contained an update on proposals for developing Children's Centres across Warwickshire. The report had been considered by the Sure Start Policy Panel at their meeting on 23 November 2005.

Following introductory comments from Councillor Peter Fowler it was agreed that Councillor Anne Forward and the staff concerned should be congratulated on the work undertaken in relation to the Early Years Centre at Atherstone.

It was then Resolved:-

- (1) That the draft outline proposals be forwarded to the Government Office for the West Midlands;
- (2) That further detailed work be undertaken to develop the outline proposals into full projects.

5. Local Transport Plan Settlement for 2006-07 and Outline Capital Programme for Transport 2006-07 to 2008-09

The Cabinet considered the report of the Strategic Director of Environment and Economy.

The report summarised the content of the settlement letter from the Government and made outlined recommendations for allocation of resources for the Transport Capital Programme for 2006-07 to 2008-09.

The report also included an update on the Leamington Spa Urban Mixed Priority scheme (LUMP) with a bid for additional funding to complete the scheme in 2006-07.

During his introduction of this item Councillor Martin Heatley indicated that he was confident the Coleshill Parkway, Rugby Western Relief Road and the SPARK public transport scheme in Warwick/Leamington would proceed.

Councillor June Tandy expressed concern about the funding issues relating to the Leamington Mixed Priority Scheme (LUMP) and requested that the issues be considered by the Environment Overview and Scrutiny Committee before the budget. Councillor Sara Boad, Chair of the Warwick Area Committee indicated her support for the issues to be considered by the Overview and Scrutiny Committee.

In response to comments from Councillor Chris Saint about works needed at the Portobello Crossroads on the A429, John Deegan, Strategic Director of Environment and Economy, indicated that the detailed capital programme was being prepared and would be submitted to the area committees for consideration.

It was then Resolved:-

- (1) That the capital allocations for Maintenance in Table 1 in the report be approved.
- (2) That the draft capital allocations for Integrated Transport in Table 2 be approved.
- (3) That a detailed programme based on the allocations in Table 2 be prepared and that Area Committees be consulted to obtain their comments on the programme prior to seeking approval of the detailed capital programme from Cabinet.
- (4) That the Council be asked to approve the capital programmes for 2006-07 to 2008-09 outlined in this report.
- (5) That the Environment Overview and Scrutiny Committee be asked to comment on the funding issues relating to the Leamington Mixed Priority scheme.

6. Gender Equality - Consultation Paper

The report of the Strategic Director of Performance and Development was considered.

The Equality Bill would introduce a duty on public authorities to promote equality of opportunity between men and women. Government, through the DTi was consulting on the detail of this duty. The report suggested the Council's response to the consultation document.

Resolved:-

That the Cabinet approves the consultation response to the Department of Trade and Industry as set out in the Appendix to the report.

7. Response to Defra Consultation on Options for Local Authority Statutory Performance Standards on Recycling and Composting in 2007/08

The report of the Strategic Director of Environment and Economy was considered.

The report provided a summary of the Government's proposals for recycling and composting targets for 2007/08. No further stretching

targets were proposed. The Government's preferred option was to leave targets at the current 2005/06 levels, retaining the 30% upper limit for high performing authorities and for low performing authorities to reach recycling and composting levels of 18% or 20% by 2007/08. Responses to the consultation questions were detailed within the report.

Resolved:-

That the Cabinet support the proposed responses to the consultation questions.

8. Amended Policy for the Mobilising of Fire Engines to Automatic Fire Alarm (AFA) Signals and the reduction of Unwanted Fire Alarm Calls.

The report of the Strategic Director of Community Protection was considered.

The report related to a risk assessment strategy to change fire engine mobilising arrangements to Automatic Fire Alarm activations to achieve a more flexible approach and reduce the number of Unwanted Fire Alarm Calls.

Resolved:-

That Cabinet approves the change to fire engine mobilising arrangements to Automatic Fire Alarm activations to achieve a more flexible approach.

9. Policy for the Implementation of the Regulatory Reform (Fire Safety) Order within Warwickshire.

The report of the Strategic Director of Community Protection was considered.

The report related to a change to a risk based enforcement inspection regime, in line with national guidance, following the introduction of the Regulatory Reform (Fire Safety) Order 2005.

Resolved:-

That the Cabinet supports the policy as a means to satisfy the requirements of the Regulatory Reform (Fire Safety) Order 2005, which will be implemented on 1st April 2006 and the introduction of a risk based inspection regime, based on national guidance.

10. Department of PTES – Irrecoverable Debts

The report of the Strategic Director of Environment and Economy was considered.

The Cabinet was requested to approve the write-off of a number of debts each in excess of £1,000, where Legal Services had advised that the debts were not recoverable.

Resolved:-

That Cabinet agrees to the write-off of the seven irrecoverable debts valued at £26,425.

11. Illegal Money Lending Project

The Cabinet considered the report of the Strategic Director of Adult Health and Community Services.

The Cabinet was asked to consider authorising a team of specialist officers from Birmingham City Council to enforce the Consumer Credit Act 1974 in Warwickshire, for a limited period of two years in the first instance, to combat illegal money lending, as part of an ongoing pilot project in the region funded by the DTI.

Councillor Richard Hobbs considered the report title was misleading and suggested that any future references should be to the enforcement of the Illegal Money Lending Project. He suggested that the Chief Executive should be the officer to enter into any agreements.

It was then Resolved:-

That Cabinet authorises the Chief Executive to enter arrangements pursuant to section 19 of the Local Government Act 2000 and regulation 7 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 for the discharge of all functions (including the prosecution of legal proceedings) constituting or incidental to the enforcement of Part III of the Consumer Credit Act 1974 by the executive of Birmingham City Council on terms to be approved by the Strategic Director of Performance and Development.

12. Advisory Lorry Route Map for Warwickshire

The report of the Strategic Director of Environment and Economy was considered.

The Warwickshire Freight Quality Partnership had been developing an Advisory Lorry Route Map for distribution within the road haulage industry. The report recommended that approval be given to the publication of the map and that it be formally reviewed 12 months after publication.

Resolved:-

That approval be given to the publication of the Advisory Lorry Route Map for Warwickshire and that the map be formally reviewed 12 months after publication.

13. Any Other Items

There were no urgent items to consider.

14. 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, 9 and 11 of the Local Government Act 1972'.

15. Exempt Minutes of the Meeting held on 8th December 2005 and Matters Arising.

Resolved:

That the exempt minutes of the meeting held on 8th December 2005 be approved as a correct record and the minutes be signed by the Chair.

There were no matters arising.

16. Re-development of North Leamington School - The Next Steps

The Cabinet considered the joint report of the Strategic Director of Resources and the Strategic Director of Children, Young People and Families Services.

The Cabinet was asked to consider the next steps relating to the re-development of North Leamington School.

17. Rugby: The Avon Valley School

Consent had been given to the urgent procedure being applied to this item. The decision had immediate effect.

The Cabinet considered the report of the Strategic Director of Resources and the Strategic Director of Children, Young People and Family Services.

The report provided an update of the report 21 July 2005 to the Cabinet and recommended approval to a revised funding package.

18. Secondary School Provision in Rugby

The Cabinet considered the report of the Strategic Director of Children, Young People and Families Services.

The Cabinet considered a report relating to the pattern of school provision in Rugby which sought authority to undertake consultation on proposed changes.

19. Street Light Column Advertising

Councillor Alan Farnell left the room for this item. Councillor Bob Stevens took the Chair.

The Cabinet considered the report of the report of the County Council meeting on the 5th January, 2006 relating to the “call-in” of the Cabinet’s decision taken on 8 December.

The issue of the award of a contract for maintenance, installation and advertising on street columns had been considered by Cabinet on 8 December but the decision of Cabinet had not been implemented as it had been referred, under the Council’s call-in procedure, for consideration by the Environment Overview and Scrutiny Committee.

The Environment Overview and Scrutiny Committee considered the issue on 19 December and agreed to refer it to Council. An extraordinary meeting of Council was held on 5 January 2006 and the Cabinet considered the recommendations from that meeting.

The Cabinet rose at 2.25 p.m.

Present

Cabinet Members:

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

“ John Burton (Schools),

“ Alan Cockburn (Corporate Services),
“ Peter Fowler (Family Services),
“ Colin Hayfield (Adult and Community Services),
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1. General

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1. Apologies
An apology for absence was received from Councillor Helen McCarthy.

2. Members’ Disclosures of Personal and Prejudicial Interests.
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The following members, who were members of the Borough/ District Councils indicated, declared personal interests in any matters affecting the relevant Borough/District Council:-
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- (3) Minutes of the meeting held on the 8th December 2005 and Matters Arising.
Resolved:-
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There were no matters arising.
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It was agreed that item 11 would be discussed before a decision was taken.

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2. Annual Performance Assessment of Warwickshire County Council's Education and Children's Social Care Services 2005

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Following introductory comments from Councillor Izzi Seccombe, members asked the Strategic Director of Children, Young People and Families Services to

pass on their appreciation for the excellent work being undertaken by the staff concerned.

Members also acknowledged the work that had been undertaken by the previous administration.

It was then Resolved:-

1. That Cabinet acknowledges the results of the Annual Performance Assessment of Warwickshire County Council's Education and Children's Social Care Services as detailed in Appendix 1 of the report.
2. That copies of the letter be made available to members of the public.
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3. Changes to Indicated Admission Numbers

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Following introductory comments from Councillor John Burton it was Resolved:-

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It was then Resolved:-

1. That the draft outline proposals be forwarded to the Government Office for the West Midlands;
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In response to comments from Councillor Chris Saint about works needed at the Portobello Crossroads on the A429, John Deegan, Strategic Director of Environment and Economy, indicated that the detailed capital programme was being prepared and would be submitted to the area committees for consideration.

It was then Resolved:-

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comments on the programme prior to seeking approval of the detailed capital programme from Cabinet.

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6. Gender Equality - Consultation Paper

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The report of the Strategic Director of Performance and Development was considered.

The Equality Bill would introduce a duty on public authorities to promote equality of opportunity between men and women. Government, through the DTi was consulting on the detail of this duty. The report suggested the Council's response to the consultation document.

Resolved:-

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7. Response to Defra Consultation on Options for Local Authority Statutory Performance Standards on Recycling and Composting in 2007/08

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Resolved:-

That the Cabinet support the proposed responses to the consultation questions.

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The report related to a risk assessment strategy to change fire engine mobilising arrangements to Automatic Fire Alarm activations to achieve a more flexible approach and reduce the number of Unwanted Fire Alarm Calls.

Resolved:-

That Cabinet approves the change to fire engine mobilising arrangements to Automatic Fire Alarm activations to achieve a more flexible approach.

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9. Policy for the Implementation of the Regulatory Reform (Fire Safety) Order within Warwickshire.

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The report of the Strategic Director of Community Protection was considered.

The report related to a change to a risk based enforcement inspection regime, in line with national guidance, following the introduction of the Regulatory Reform (Fire Safety) Order 2005.

Resolved:-

That the Cabinet supports the policy as a means to satisfy the requirements of the Regulatory Reform (Fire Safety) Order 2005, which will be implemented on 1st April 2006 and the introduction of a risk based inspection regime, based on national guidance.

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10. Department of PTES – Irrecoverable Debts

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The report of the Strategic Director of Environment and Economy was considered.

The Cabinet was requested to approve the write-off of a number of debts each in excess of £1,000, where Legal Services had advised that the debts were not recoverable.

Resolved:-

That Cabinet agrees to the write-off of the seven irrecoverable debts valued at £26,425.

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11. Illegal Money Lending Project

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The Cabinet was asked to consider authorising a team of specialist officers from Birmingham City Council to enforce the Consumer Credit Act 1974 in Warwickshire, for a limited period of two years in the first instance, to combat illegal money lending, as part of an ongoing pilot project in the region funded by the DTI.

Councillor Richard Hobbs considered the report title was misleading and suggested that any future references should be to the enforcement of the Illegal Money Lending Project. He suggested that the Chief Executive should be the officer to enter into any agreements.

It was then Resolved:-

That Cabinet authorises the Chief Executive to enter arrangements pursuant to section 19 of the Local Government Act 2000 and regulation 7 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 for the discharge of all functions (including the prosecution of legal proceedings) constituting or incidental to the enforcement of Part III of the Consumer Credit Act 1974 by the executive of Birmingham City Council on terms to be approved by the Strategic Director of Performance and Development.

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12. Advisory Lorry Route Map for Warwickshire

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The report of the Strategic Director of Environment and Economy was considered.

The Warwickshire Freight Quality Partnership had been developing an Advisory Lorry Route Map for distribution within the road haulage industry. The report recommended that approval be given to the publication of the map and that it be formally reviewed 12 months after publication.

Resolved:-

That approval be given to the publication of the Advisory Lorry Route Map for Warwickshire and that the map be formally reviewed 12 months after publication.

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13. Any Other Items

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There were no urgent items to consider.

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14. Reports Containing Confidential or Exempt Information

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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, 9 and 11 of the Local Government Act 1972'.

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15. Exempt Minutes of the Meeting held on 8th December 2005 and Matters Arising.

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Resolved:

That the exempt minutes of the meeting held on 8th December 2005 be approved as a correct record and the minutes be signed by the Chair.

There were no matters arising.

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16. Re-development of North Leamington School - The Next Steps

[]

The Cabinet considered the joint report of the Strategic Director of Resources and the Strategic Director of Children, Young People and Families Services.

The Cabinet was asked to consider the next steps relating to the re-development of North Leamington School.

During his introduction Councillor Alan Cockburn indicated that the application for planning permission would most likely be referred to the Secretary of State.

The following points were made during the debate:-

- The appraisal exercise for the relocation of the training facilities currently provided at Manor Hall should be undertaken urgently bearing in mind the impact of the proposal on training facilities .
- There was a need for transparency in any arrangements for the development.
- Miller Construction Limited was considered to have special expertise in this area and their selection would speed up the development process.
- It was considered that the company was sharing the risk of the development having regard to the residential development aspects of the proposal which were being undertaken in parallel with the school development.
- Bearing in mind the process used to select the contractor, members considered that the officers must ensure that the Council was getting best value and that a report should be submitted to the Cabinet before the next phase of the development was undertaken.

Resolved:

That the Cabinet:-

1. supports a procurement strategy that engages the Council on a one-to-one basis with Partnership Framework Contractor Miller Construction Limited, to develop the brief for the North Leamington School, and provide an affordable design-and-build solution.
2. supports a strategy that embarks on a design process up to and including detailed planning applications for the new School.
3. supports negotiations within the Miller Group to agree terms for the sale of the existing North Leamington School site to the Group for residential redevelopment to capitalise the asset and part-fund the new School and to make comparisons with open market values and options.
4. supports investigations into other funding routes to bridge any funding gap whether brought about by a shortfall in the residential value of the asset referred to in recommendation (3) or unsuccessful planning applications referred to in recommendation (2).
5. supports a detailed options appraisal exercise for the relocation of the training facilities currently provided at Manor Hall.
6. approves the expenditure of up to £425,000 to take the School procurement up to and including a detailed planning application and completion of the option appraisal for the training function.
7. Before entering into any binding contract a further report be submitted to the Cabinet dealing with the best value aspects of the proposal.

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17. Rugby: The Avon Valley School

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Consent had been given to the urgent procedure being applied to this item. The decision had immediate effect.

The Cabinet considered the report of the Strategic Director of Resources and the Strategic Director of Children, Young People and Family Services. The report provided an update of the report 21 July 2005 to the Cabinet and recommended approval to a revised funding package.

Following introductory comments from Councillor Alan Cockburn, it was Resolved:-

1. That the Council enter into a formal contract with Miller Construction for the rebuilding of the new Avon Valley School on terms and conditions acceptable to the Strategic Directors of Resources and of Performance and Development.
2. That the Council agrees that the residual shortfall be addressed in the 2006/07 Budget resolutions.

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18. Secondary School Provision in Rugby

[]

The Cabinet considered the report of the Strategic Director of Children, Young People and Families Services.

The Cabinet considered a report relating to the pattern of school provision in Rugby which sought authority to undertake consultation on proposed changes.

During his introduction of the report Councillor John Burton stressed that the decision to be taken related proposed consultations.

The following points were made during the discussion:-

- The consultations should involve the Rugby Borough Council and the Rugby Area Committee.
- The transitional arrangements of any changes would have regard to impact on 9/10 year old children.

Resolved:-

1. That the Cabinet agree to consult on a proposal to cease to maintain Bishop Wulstan Catholic School with effect from 1st September 2006.
2. That a further report on the outcome of consultation be presented to the Cabinet at the meeting on 9th March 2006.

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19. Street Light Column Advertising

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Councillor Alan Farnell left the room for this item. Councillor Bob Stevens took the Chair.

The Cabinet considered the report of the report of the County Council meeting on the 5th January, 2006 relating to the "call-in" of the Cabinet's decision taken on 8 December.

The issue of the award of a contract for maintenance, installation and advertising on street columns had been considered by Cabinet on 8 December but the decision of Cabinet had not been implemented as it had been referred, under the Council's call-in procedure, for consideration by the Environment Overview and Scrutiny Committee.

The Environment Overview and Scrutiny Committee considered the issue on 19 December and agreed to refer it to Council. An extraordinary meeting of Council was held on 5 January 2006 and the Cabinet considered the recommendations from that meeting.

Resolved:-

- (1) That, in view of the road safety issues arising through driver distraction; the amenity issues surrounding a deteriorating

streetscape in Warwickshire; the opposition shown in the past by four out of five of the Council's Area Committees, coupled with the uncertainty surrounding the revenue likely to be generated arising from the uncertainties of the planning process, Cabinet agrees that no contract be signed for advertising on street light columns in Warwickshire.

- (2) That, this year's revenue shortfall (2005/06) be funded from the surpluses on the 'Other Services' budget.
- (3) That it should be the policy of the Council to reject any further proposals for advertising on street light columns in Warwickshire.

The Cabinet rose at 2.25 p.m.

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Chair