

**The Cabinet met at the Shire Hall, Warwick
on the 23rd February 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 Ken Browne, Richard Chattaway, Josie Compton, Michael Doody, John Haynes, Marion Haywood, Mick Jones, Frank McCarney, Helen McCarthy, Tim Naylor, Raj Randev, Sid Tooth, John Vereker and John Wells.

1. General

(1) Apologies

for non attendance were received from Councillors Richard Grant and Anne Forwood.

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

The following members, who were members of the Borough/ District Councils indicated and/or members of the Warwickshire Police

Authority, declared personal interests in any matters affecting the relevant Borough/District Council or the Police Authority:-

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 and the Warwickshire Police Authority.

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 and the Warwickshire Police Authority.

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

Councillors Josie Compton and Michael Doody declared personal interests in any matters affecting the Warwick District Council, as members of that Council.

Councillors Richard Hobbs and Izzi Seccombe declared prejudicial interests relating to Agenda Item 23 – South Justice Centre as members of the Police Authority. Councillor Colin Hayfield declared a personal interest in Agenda Item 23 as a Magistrate.

Councillor Richard Hobbs also declared a prejudicial interest in Agenda Item 1(3) Matters Arising on the Minutes of the last meeting relating to Consultation on PPS3 in view of his land interests.

Councillor Jerry Roodhouse declared a personal interest in both Agenda Items 4 and 5, Fairer Charging – Care at Home Services and Fairer Access to Care Services – A Well-Being Threshold in view of his wife's employment.

(3) Minutes of the meeting held on the 2nd February 2006 and Matters Arising.

(i) Minutes

Resolved:-

That the Minutes of the Cabinet's 12th January 2006 meeting be approved.

(ii) Matters Arising

Minute 16 New Draft national Planning Policy Statement 3 (PPS3): Housing

Councillor Richard Hobbs left the meeting for this item.

Councillor Chris Saint indicated that PPG3 advised that there was no presumption of development over the whole of large brownfield sites, e.g. hospitals and airfields but that this qualification had been omitted from the current consultation relating to PPS3. He expressed concern that this could create an open door to developers, with little regulation.

The Cabinet agreed to an urgent supplementary letter being sent on behalf of the Council making further representations that the simplified definition of brownfield land reduces the control over the release of land for housing, causing lack of conformity with spatial strategies.

(4) Request for Discussion of En Bloc Item.

It was agreed that items 12, 15 and 17 would be discussed before decisions were taken.

2. Completion of the Local Public Service Agreement (LPSA2) 2006-2009

The Cabinet considered the report and a supplementary report of the Strategic Director of Performance and Development.

The Cabinet had deferred consideration of this matter on 2nd February 2006. Subsequently, excellent progress had been made and provisional agreement reached with the Office of the Deputy Prime Minister on the overall content of the LPSA2 agreement. The final version of the draft agreement had not been received from the Office of the Deputy Prime Minister when the Agenda was dispatched.

The supplementary report had been circulated following receipt of the draft Agreement. The reports described the progress that had been made, and gave detailed information on the targets that have been provisionally agreed with central government.

During his introduction of the item Councillor Bob Stevens the officers for the work undertaken, in particular Nick Gower-Johnson. He

indicated that regular reports would be submitted to the Cabinet and then to Overview and Scrutiny Committees.

It was then Resolved:-

- (1) That Cabinet supports and adopts the Local Public Service Agreement 2 (LPSA2) 2006-2009 on behalf of the County Council
- (2) That Cabinet delegates authority to the Chief Executive to finalise and enter into LPSA2 on behalf of the County Council

3. Response to Consultation on the Future of Local Strategic Partnerships.

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

This paper summarised the current ODPM Consultation on the future of Local Strategic Partnerships. The paper contained a draft County Council response to the specific questions raised within it. The consultation was taking place at a highly relevant time and coincides with the Council's early work on the development of the Local Area Agreement and the partnership and governance issues that this raised. The Cabinet was asked to consider and comment upon the draft response which will then, subject to any amendments, be forwarded to ODPM prior to the consultation deadline of 3rd March 2006.

During his introduction of the item Councillor Chris Saint referred to sub paragraph a) of the proposed response relating to two tier areas and urged members to include regeneration in the list of county-wide responsibilities.

Councillor Bob Stevens considered that, having regard to the importance of partnership working sub paragraph a) should be reworded. He suggested amended wording (which is set out in the resolution below).

Members discussed several aspects of the proposed Agreement and raised a number of points, including:-

- o The possible impact on the arrangements of the expected White Paper relating to Local Government Reorganisation.
- o The significance of the reference to Local Strategic Partnerships in the Governments consultations about Police Reform.
- o The involvement of members in the government of all partnerships and the simplification of matters through the Local Area Agreements.

- o Opportunity for ongoing debate at the forthcoming seminar.

It was then Resolved:-

(1) That the Cabinet authorise the Strategic Director for Performance and Development to forward the response to the Office of the Deputy Prime Minister and Warwickshire Members of Parliament.

(2) That sub paragraph a) be amended to read:

“ a) Ensuring that the role of the County Councils as the authority with a county-wide responsibility for education, social care, strategic planning and regeneration - is reflected in any delineation of responsibilities between county and district-based partnerships.”

(3) That the response be signed by the Cabinet portfolio holder and the other political group spokespersons.

4. Fairer Charging – Care at Home Services

The Cabinet considered the report of the Interim Director of Adult Social Care.

The report had been prepared in response to advice contained in the performance assessment report from CSCI and the 2004/05 Strategic Review of Older People and set out a proposal for a revised charging policy options as a basis for consultation.

During his introduction of this item Councillor Colin Hayfield indicated that the proposed system was expected to be cost neutral and would enable consistency in approach to care at home..

During the discussion members raised several points including the need for views on the fairness of the system and the appeal process in any future reports from the Overview and Scrutiny Committee.

Resolved:-

That Cabinet:

- (1) Notes the issues highlighted by the Commission for Social Care Inspection regarding the Council's existing approach to care at home charges.

- (2) Approves the proposed revised charging policy options as a basis for a statutory consultation exercise.
- (3) Notes that the feedback from the consultation exercise and a recommended revised charging policy will be reported to a future meeting of Cabinet.
- (4) Invites the relevant overview and scrutiny committee to consider the consultation response and advise on further progression of the revised charging policy framework.

5. Fair Access to Care Services (FACS) - A Well-Being Threshold

The Cabinet considered the report of the Interim Director Adult Social Care.

The paper built on earlier work considered through the scrutiny process and proposed that the eligibility threshold for Adult Social Services, as set out in the FACS Framework, should be modernised to embrace the well-being agenda being pursued by Government. The implementation would be project managed in line with available resources determined through the Council's corporate budget process.

Following introductory comments from Councillor Colin Hayfield it was Resolved:-

That the Cabinet:

- (1) Approves the proposed changes to Fair Access criteria as submitted to enable the Council to develop, in partnership where appropriate, a co-ordinated low intensity support service,[A Bit of Help] with special reference to older people,
- (2) Invites the Adult and Community Overview and Scrutiny Committee to monitor the development and implementation of new arrangements for low intensity support and advise Cabinet on progress as appropriate
- (3) Notes the financial implications of change and the ability to meet them within relevant approved budgets for 2006/07.

6. The County Council's Response to Government Consultation on Planning Gain Supplement.

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

During his introduction of the item Councillor Chris Saint expressed his support for the amended recommendation that had been circulated before the meeting indicating that the Cabinet should “broadly” support the principle of planning-gain supplement. He also suggested that the last sentence of paragraph 4.2 should be amended by the substitution of “.....it is proposed that all local authority development should be exempt” by “suitable criteria be proposed for local authority development to overcome this issue.”

It was then Resolved:-

That the Cabinet broadly supports the principle of planning-gain supplement and the proposed responses to consultation set out in this report subject amended as set out above.

7. Rokeby Primary Schools

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

The report sought approval in principle to the proposal to amalgamate Rokeby Infant School and Rokeby Junior School and authorisation that further consultation be undertaken on a revised proposal.

During his introduction of this item Councillor John Burton indicated that a site visit should be arranged for all members before a final decision was taken on this matter. He added that the views of children at the schools would also be sought.

Councillor John Vereker, the local member and Chair of the Rugby Area Committee, outlined the reasoning behind the Area Committee’s views.

Resolved:-

(1) That the proposal to amalgamate Rokeby Infant School and Rokeby Junior School be approved in principle and that further consultation be authorised on a revised proposal to base the resultant primary school on the site of the existing infant building.

(2) That a site visit for all councillor be arranged prior to the final decision being taken.

8. Warwickshire Local Transport Plan 2006

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

The County Council had a statutory responsibility to produce a Local Transport Plan (LTP). The LTP set out the County's Transport Strategy, and provided the framework for how transport and accessibility would be improved across Warwickshire over the next five years. The County Council submitted a Provisional LTP to the Department for Transport in July 2005. A Final version of the Plan had been prepared following a public consultation held during Autumn 2005.

The Cabinet was invited to endorse the proposed response of the Authority to the concerns and issues raised by consultees, and endorse the Final Plan to the Council for formal adoption.

During the debate Councillor Alan Cockburn requested that the cycleway project between Kenilworth and Leamington should be included in the report to provide greater opportunity to attract funding. This was agreed.

Councillor Martin Heatley moved the recommendations and following comments about the problems relating to the reinstatement of the Stratford to Honeybourne Railway Line, it was Resolved:-

That the Cabinet:

- (1) Notes the results of the public consultation on the Provisional Local Transport Plan (LTP), and approves the proposed response of the County Council to the issues and comments raised in the consultation.
- (2) Recommends that Council adopts the Final LTP (including any minor modifications proposed to them by the Strategic Director of Environment and Economy).
- (3) Supports the inclusion of Virtual Bank and Prudential borrowing within the LTP Delivery Strategy as the proposed method of funding the introduction of Decriminalisation of Parking Enforcement (DPE) in Nuneaton and Bedworth, Rugby, Warwick and North Warwickshire Areas.
- (4) Supports the draft allocation of resources in the LTP Delivery Strategy subject to the inclusion in it of the additional statement in paragraph 6.5 of the report.

9. Draft Regeneration and Competitiveness Strategy 2006-2010

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

The vision of the Department's new Strategy was "to create a sustainable and vibrant local economy which promotes employment and prosperity for all". It was based on three strategic objectives:-

- o To improve the competitiveness of the local economy.
- o To provide clear leadership and influence.
- o To build community capacity to reduce social exclusion and embed sustainable regeneration.

The Cabinet was asked to approve the Strategy.

Resolved:-

That Cabinet endorses the draft Regeneration and Competitiveness Strategy 2006–2010 and recommends the County Council to adopt it.

10. Adoption and Children Act 2002 – Special Guardianship

The report of the Strategic Director for Children, Young People and Families was considered.

The report outlined the introduction of Special Guardianship Orders being introduced from 30th December 2005 as part of the Adoption and Children Act 2002. It proposed that Special Guardianship Orders provide for some children an appropriate permanency option in addition to Adoption and Residence Orders. It also proposed a policy that support to carers applying for a Special Guardianship Order mirrors the current schemes for Adoption and Residence Orders.

Resolved:-

That Cabinet agrees a policy to introduce support, including financial assistance, for Special Guardianship Orders that complements the existing schemes for adoption allowances and Residence Order allowances to enable some children and young people to be secured in permanency placements with their carers.

11. Licensing Act 2003

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

The duty to enforce the provisions of the Licensing Act 1964 had previously been delegated to the Trading Standards Service. As this legislation had now been revoked, to discharge the Council's duty efficiently, the responsibility for the enforcement of sections 146 and 147 of the Licensing Act 2003 should be delegated to an appropriate Head of Service/Chief Officer and the Council's constitution amended accordingly.

Following introductory comments from Councillor Richard Hobbs members asked that staff concerned be thanked for the work undertaken.

Resolved:-

That the Director of Libraries, Heritage and Trading Standards or his/her nominee be authorised to exercise the functions of the County Council in relation to offences concerning the sale of alcohol to children under the Licensing Act 2003 and that the Director of Performance and Development be requested accordingly to amend Paragraph 13 of Part 6, Section, Part 2 of the Constitution by replacing references to provisions of the Licensing Act 1964 with references to sections 146 and 147 of the 2003 Act.

12. Food Standards Agency Audit Report

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

The Food Standards Agency had recently conducted an audit of the Food Standards work conducted by the Trading Standards Service. The report was complimentary about the broadly based work in Warwickshire that involved stakeholders at many stages. No improvement plan was necessary.

Resolved:-

- (1) That the Cabinet agree the Trading Standards Service aims and objectives for Food Standards remain current and appropriate.
- (2) That the Trading Standards Service and in particular those who have contributed to the Food Standards work are congratulated on the FSA audit result.

13. Corporate Governance Audit 2005

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

The report summarised the outcomes of the Corporate Governance Audit 2005 and made recommendations about the action to be taken.

Resolved:-

That the views of the Corporate Services Overview and Scrutiny Committee and the Standards Committee are endorsed and in particular:-

- (1) That Cabinet approves the areas for improvement set out in the Draft Action Plan attached as Appendix 1 to the report.
- (2) That each Strategic Director prepares a Directorate Action Plan to address the areas for improvement identified in the 2005 Audit to set targets for improvement and reports on progress to the Corporate Services Overview and Scrutiny Committee and Standards Committee in 12 months time.
- (3) That the Corporate Services Overview and Scrutiny Committee receives an update report on the action plans at its meeting in November 2006

14. Countryside Access and Rights of Way Improvement Plan

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

The report related to the results of the consultation exercise on the Draft Countryside Access and Rights of Way Improvement Plan and the included proposals to modify the Plan for publication in April 2006.

Resolved:-

That Cabinet adopts the Countryside Access and Rights of Way Improvement Plan 2006- 2016 with amendments proposed within the report.

15. Birmingham International Airport Draft Master Plan: Towards 2030.

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

Following the Government's White Paper on the Future of Air Transport, which was published in December 2003, Birmingham International Airport (BIA) had published its consultation draft Airport Master Plan for 2030. The report set out the County Council's proposed response to the consultation, particularly in terms of its implications for surface access to BIA.

The Cabinet was invited to authorise that a formal response be made to the consultation based on these observations.

Councillor Peter Fowler reported, on behalf of Councillor Joan Lee, that local residents were concerned about the proposals and in particular, the lack of information about air pollution and evening flights. He indicated that local people already had to endure a great deal of inconvenience including disturbance from motorway traffic.

It was then Resolved:-

That Cabinet authorises the Strategic Director of Environment and Economy to submit a response incorporating the points summarised in Section 5 of the report.

16. Review of Contract Standing Orders

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

The report summarised the outcome of the phase 2 review of the Council's Contract Standing Orders and proposed amendments to be endorsed by Cabinet and to be approved by Council.

Resolved:-

That Cabinet endorses the amendments proposed to Contract Standing Orders and Contract Standing Orders for Schools as set out in this report and recommends their approval by the County Council.

17. Irrecoverable Debts

The report of the Interim Director of Adult Social Care was considered.

Authority was requested to write off 39 irrecoverable debts, which the Director of Performance and Development had advised he was unable to pursue any further.

Resolved:-

That the 39 debts amounting to £122,167.45 referred to in the report be written off as irrecoverable.

18. Any Other Items

There were no urgent items to consider.

19. 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 8 and 9 of the Local Government Act 1972'.

20. Exempt Minutes of the Meeting held on 2nd February 2006 and Matters Arising.

Resolved:-

That the exempt minutes of the meeting held on 2nd February 2006 be approved as a correct record and the minutes be signed by the Chair.

There were no matters arising.

21. Coleshill Parkway Transport Interchange - Approval to Enter Into a Partnership Agreement, Approval of the Scheme's Financial Aspects and Approval to Enter a Land Lease and Easement

The report of the Strategic Director of Environment and Economy.

Final approval of Central Government funding for Coleshill Parkway Transport Interchange is anticipated imminently from the Department for Transport. In order for construction to commence and the scheme to operate, a partnership agreement and a land lease will be required.

22. Electrical Reactive/Planned Maintenance and Minor Improvement Work at County Buildings.

Report of the Strategic Director of Resources.

The Cabinet agreed the further extension of the Measured Term Contract

23. Southern Justice Centre Project / 1 and 2 Euston Square

Councillors Richard Hobbs and Izzi Seccombe left the room for this item.

The Cabinet considered the joint report of the Strategic Director of Performance and Development and the Head of Finance, Resources Directorate, which dealt with the criminal justice centres and land issues affecting the County Council.

24. Rugby Western Relief Road

The report of the Report of the Strategic Director of Environment and Economy.

The Cabinet considered several issues arising from the recommendations from the Inspector's report and the Secretary of State's decision on the Orders.

The Cabinet rose at 3.25 p.m.