

**Minutes of the meeting of the Cabinet  
held on 10 October 2017**

**Present**

**Cabinet Members:**

Councillors	Izzi Seccombe	Leader of Council and Chair of Cabinet
	Peter Butlin	Deputy Leader (Finance & Property)
	Les Caborn	Adult Social Care & Health
	Jeff Clarke	Transport & Environment
	Colin Hayfield	Education and Learning
	Kam Kaur	Customer & Transformation
	Jeff Morgan	Children's Services
	Howard Roberts	Fire & Community Safety

**Non-Voting Invitees:**

Councillor Jerry Roodhouse	Leader of the Liberal Democrat Group
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**Other Councillors:**

Councillors Bill Olnier, Wallace Redford and Alan Webb

**Public attendance:**

22

**1. General**

**(1) Apologies for absence**

Councillor Richard Chattaway      Leader of the Labour Group

**(2) Members' Disclosures of Pecuniary and Non-Pecuniary Interests**

In relation to item 5, "Health Advocacy Services Redesign: Consultation Findings and Proposed Model" Councillor Jerry Roodhouse declared a non-pecuniary interest as Director of Warwickshire Healthwatch.

**(3) Minutes of the meeting held on 7 September 2017 and Matters Arising**

The minutes for the meeting held on 7 September 2017 were agreed as an accurate record and signed by the Chair.

**(4) Public Speaking**

The Chair welcomed members of the public to the meeting. It was confirmed that all those present had an interest in item 2 of the agenda "Warwickshire Minerals Plan – Summary of Publication Consultation Report and Sand and Gravel Topic Paper", specifically a site proposed for sand and gravel extraction at Barford.

**Mr Allan Murdoch** expressed the view that the County Council had not complied with all the Rules and Regulations when compiling the Minerals Local Plan. A number of professional advisors had been consulted to establish this. There are three main areas of concern.

1. The reasons for the selection and rejection of sites had not been outlined within the Sustainability Report contrary to Regulations and Guidance. In addition the key findings of the consultations and how they have been taken into consideration, particularly the Statutory Consultees, had not been included within the Sustainability Assessment.
2. There has been no Landscape Assessment.
3. There has been no Heritage Assessment.

Mr Murdoch concluded by stating that residents would challenge any non-compliance of regulations.

**Councillor Allan Rhead** (Portfolio Holder for Development Services, Warwick District Council) spoke concerning the impact of any quarry close to Barford in terms of traffic generation. Cabinet was reminded that the Warwick District Local Plan has identified land for the development of 16000 new homes within its lifespan. Of these a significant number will be constructed in Barford. In Wellesbourne (in Stratford on Avon District) further house building and employment development is proposed. This development, along with that proposed at Jaguar Landrover and HS2 will lead to a significant increase in traffic on the roads around Barford. Councillor Rhead stated that developers have suggested that a quarry at Barford could generate 700 lorry movements a week. This would be added to by road sweepers, other service vehicles and employee movements. Many of these vehicles would use the A429 increasing the risk of accidents and adding to air pollution.

**Mr Edward Kirkby** expressed concerns over dust generation and its impact on the health of residents and others. He suggested that officers who had visited Barford previously had not then been aware of the close proximity of Barford to the proposed extraction site. Dust will be generated by extraction and by the movement of materials by conveyor belt and lorries. Cabinet was informed of the varying grades of dust and the impact of the inhalation of these on people's respiratory systems. Mr Kirkby stated that dust particles are measured thus.

- 30 microns (PM30)
- 10 microns (PM10) and
- 2.5 microns (PM2.5)

PM30s are generally believed not to travel very far, but would be carried further afield on lorries leaving the site. PM10s create clouds of dust, remain suspended in the atmosphere for long periods of time and are capable of being inhaled into the lungs. PM2.5s cannot be seen and can penetrate into the gas exchange region of the lungs, causing permanent damage. Barford has a primary school with a total roll of almost 200. It also has a sizeable elderly population. Both young and old would be vulnerable to the effect of dust generation on their health.

**Mr Phil Evans** addressed Cabinet on concerns over the impact of any quarry development on the landscape around Barford and other villages in the area. He stated that during the preparation of the draft Minerals Local Plan no Landscape Assessment had been carried out. An independent assessment commissioned from Wardle Armstrong by residents had concluded that,

1. "Due to the proposed major loss of key landscape features and the introduction of new, incongruous features that would affect the currently intact rural character of the area it is considered that mineral extraction within sites 4 and 5 would have significant adverse effects on landscape character.
2. The sites have high visibility due to their size and flat topography. The sites are generally open, with limited screening provided by vegetation within the site. Therefore receptors in the surrounding area (often at a higher elevation) would experience significant adverse visual effects as a result of mineral extraction within sites 4 and 5.
3. It would not be possible to mitigate the significant adverse effects on landscape character and visual amenity predominantly due to the sensitivity of the existing landscape character and the size and scale of the sites".

The Warwickshire Landscapes Project report, produced by the County Council and the Countryside Commission stated,

"We must recognise the key factors which characterise each landscape and manage the land accordingly".

" Ultimately the aim is to ensure that the diversity and beauty of Warwickshire, Shakespeare's County is conserved for present and future generations to enjoy"

" The historic house and well preserved deer park at Charlecote are a special feature of this landscape"

Finally Mr Evans quoted from reports produced by Natural England. The sites are located within National Character Area (NCA) 106: Severn and Avon Vales, adjacent to the boundary with NCA 96: Dunsmore and Feldon. Natural England describes NCA 106 as follows, "Woodland is sparse and it is a generally open landscape... On the eastern boundary the area flows more subtly into the Arden and Dunsmore and Feldon NCAs... the Warwickshire River Avon meanders over a wide flood plain..." Natural England also highlight the important cultural associations of NCA 106, due to the "sense of history which is internationally important due to its links with Shakespeare."

**Mr Andy Steel** spoke regarding the potential loss of heritage assets the most immediate being Thelsford Priory, a Scheduled Ancient Monument and Seven Elms and Wasperton Farm which are Grade 2 Listed buildings. Mr Steel stated that as part of the plan's preparation, the County Council was required to consult with statutory bodies, one of which was Historic England. Within their response Historic England stated that, "a full Archaeological Assessment and analysis prior to allocation is required". In a previous report

to Cabinet officers had stated that concerning heritage and archaeology, sites would “either been assessed or will be assessed as part of the planning application”. It was the opinion of Mr Steel and others that this proposed approach was in contravention of the advice of Historic England Heritage, the site has not been assessed by Warwickshire County Council and it should not be left to be done at the planning stage as advised by the officer.

Regarding anticipated tonnage yield from Site 5, Cabinet was informed that this did not take account of stand-offs such as:

- key heritage assets
- the protection of Thelsford Brook and hedgerow –
- and the legal requirement to maintain the access track

Mr Steel continued stating that the Cabinet report also fails “to update the Cabinet of their own “in house” assessment report which concluded:

*“it will not be possible - to appropriately mitigate in landscape and heritage terms for mineral development in this location” . It goes on to say -*

*“Visibility, inherent rural character and heritage setting are key considerations” and recommended that in landscape terms Site 5 should not be put forward.*

*Finally, the inclusion of a site in a Mineral Plan now generally carries a presumption to grant at planning application stage. In the light of recent legal challenges, it is now enshrined in law to have “special regard” for the preservation of heritage assets. It says “where adverse effects are significant –An Environmental Impact and Heritage Assessment should be correctly applied and transposed in decision making”. Again, there is no evidence that Warwickshire County Council Planning Department have adhered to this advice either”.*

**Mr Chris Harris**, a Governor of Barford St Peter’s Primary School, stated that the proposed site for mineral extraction is 300m from the school. He was not aware of any situation elsewhere where a school was located so close to a quarry. Whilst mitigation is in place at quarries to protect the health of employees nothing can be done to protect school children and other members of the community close to the site. Mr Harris cited Asbestosis and the effect of lead in petrol on people’s health in the past adding that the lessons from these should not be ignored. He concluded by stressing the duty of care the school and the Council has to its pupils adding that the allocation of Site 5 for extraction could not go unchallenged.

Councillor Mrs Secombe (Leader of the Council and Chair of Cabinet) thanked those who had spoken and those who had also attended.

## **2. Warwickshire Minerals Plan - Summary of Publication Consultation Report and Sand and Gravel Topic Paper**

Councillor Jeff Clarke (Portfolio Holder for Transport and Environment) thanked members of the public for their contributions. Cabinet was reminded that it had received a report on the emerging Mineral Plan in 2016 with a promise of a further report once consultation had been undertaken. It was explained that the latest

annual Local Aggregates Assessment had indicated a significant reduction in forecast demand for mineral extraction. The purpose of the report before members was to seek permission to produce a new plan based upon the revised forecasts.

An amendment to the published recommendation was tabled. This amendment would see any new draft plan being presented to Cabinet prior to consultation.

Councillor Les Caborn (Portfolio Holder for Adult Social Care and Health) speaking as the local member for Barford and surrounding villages thanked local residents for their contribution adding that their statements would be added to the body of evidence used in producing the new Minerals Local Plan.

It was agreed that members of the public would be given an indication of the anticipated timespan for the development of the new plan.

### **Resolved**

That Cabinet request the Joint Managing Director (Communities) to prepare a proposed Minerals Local Plan based on the 2017 10 year sales average and to present a further report to enable Cabinet to decide whether to publish the plan for consultation with a view to its submission to the Secretary of State.

### **3. OFSTED Single Inspection Framework (SIF): Action Plan**

Councillor Jeff Morgan (Portfolio Holder for Children's Services) summarised the published report stating that whilst the overall conclusion from the OFSTED inspection was that improvement was required, a number of positive aspects of children's services in Warwickshire were recognised. These include children's safety and the adoption process. He introduced the action plan stating that this was a detailed attempt at mapping out OFSTED's findings along with work to rectify shortcomings. Councillor Morgan stated that a previous shortage of Social Workers was now being addressed and the time it is taking to bring the new "Mosaic" case file system on stream will be reduced thanks to an increase in size of the implementation team. Finally, criticism over an apparent failure to engage adequately with partners is being remedied. For example, there is now a health representative on the Corporate Parenting Panel where there was none before.

It was noted that the action plan had been considered and endorsed by the Children and Young People Overview and Scrutiny Committee (OSC).

Councillor Jerry Roodhouse (Leader of the Liberal Democrat Group) suggested that it would have been useful to have included details of the OSC meeting's deliberations and conclusions in the Cabinet report. This was acknowledged. With regards monitoring of implementation of the action plan, Councillor Roodhouse stated that regular reports be presented to the OSC and to the Corporate Parenting Panel. This too was agreed.

### **Resolved**

- 1) That Cabinet endorses the actions in the OFSTED action plan; and
- 2) That an update on the progress of the action plan is brought to Cabinet in 6 months' time.

#### **4. Approval of Changes to the Charging Policy for Adult Social Care**

Councillor Les Caborn stated that the report before Cabinet presented good news. Changes to the Council's charging policy reflected the value attached by the County Council to carers across Warwickshire. The changes set out in the report will result in more demands on the People Group's budget but these can be managed.

##### **Resolved**

That Cabinet:

- 1) approves the change to charging for residential respite under the community services charging rules; and
- 2) agrees the updated Charging Policy attached to the published report.

#### **5. Health Advocacy Services Redesign: Consultation Findings and Proposed Service Model**

Councillor Les Caborn stated that this report also presented a good news story as the service design set out will broaden services to vulnerable people. Four main areas of change were highlighted (Page 4 of 8 of the report).

1. Changes for the individual
2. Changes for the health and social care sector
3. Changes in the wider community
4. Changes in the advocacy organisation

Regarding the milestones set out on page 7 of 8, the new service start date was likely to be July 2018 and not May 2018 as stated.

##### **Resolved**

That Cabinet:

- 1) agree the outcomes and findings of the consultation process which has informed Health Advocacy Service redesign;
- 2) approve the proposed new service model, in order to proceed with the procurement of the new Health Advocacy Service; and
- 3) authorises the Joint Managing Director (Communities) to commence an appropriate procurement process and to award any contracts for the redesigned Health Advocacy Service on terms and conditions acceptable to the Joint Managing Director (Resources).

#### **6. Advocacy, Information, Advice & Support Services (Adults and Children's)**

Councillor Les Caborn introduced this report again emphasising the benefits that the service redesign will offer. As with the previous report, the implementation date is likely to be July 2018 and not May 2018 as stated.

## **Resolved**

That Cabinet approves proceeding with an appropriate procurement process for the provision of Advocacy, Information, Advice and Support Services and authorises the Strategic Director of People Group to enter into all relevant contracts on terms and conditions acceptable to the Joint Managing Director (Resources).

## **7. Whistleblowing Policy**

Councillor Kam Kaur (Portfolio Holder for Customer and Transformation) summarised the purpose of the report. In response to a question from Councillor Alan Webb, Cabinet was informed that the policy extends via contracts and the monitoring thereof to 3<sup>rd</sup> party employers.

## **Resolved**

That Cabinet approves the revised Whistleblowing Policy, as outlined in Appendix D of the report, and the Essentials document, as outlined in Appendix A of the report.

## **8. Local Government & Social Care Ombudsman (LGSCO) - Annual Review and Summary of Upheld Complaints**

Councillor Kam Kaur, in introducing this report emphasised the need to bear in mind the extent of the services provided by the County Council and the number of customers it serves. The level of complaints has fallen and there is now a “complaints champion” who reviews complaints searching for themes and patterns. In instances where the Ombudsman upholds a complaint the details are passed on to senior managers with an expectation that they will put measures in place to improve service and not repeat any errors made.

Councillor Kam Kaur agreed to share lessons learned with Councillor Roodhouse.

## **Resolved**

That Cabinet notes the annual review and summary of upheld complaints issued by the Local Government and Social Care Ombudsman in the financial year 2016-17.

## **9. Capital Investment Fund - 2017/18 Quarter 2 Proposed Allocations**

Councillor Peter Butlin explained the basis of the two proposed allocations before members. In response to a question from Councillor Izzi Seccombe it was confirmed that the outcomes from these and other CIF allocations should be reported regularly. Monica Fogarty (Joint Managing Director – Communities) agreed to produce briefing notes as appropriate.

Councillor Alan Webb highlighted that some of the Duplex Fund allocations will take the form of loans. Given that those loans will be paid back it was recognised that the funding could be used on multiple occasions.

In response to Councillor Bill Olnier it was confirmed that support for new and existing businesses was provided where the greatest need exists.

It was agreed that information on where across Warwickshire funding is being allocated will be provided to members.

**Resolved**

That Cabinet:

- 1) approves the investment of £2.000 million into the sub-regional Duplex Fund, providing capital grants and loans to businesses across Warwickshire;
- 2) approves the use of £0.300 million to provide small capital grants to businesses across Warwickshire; and
- 3) following satisfactory completion of all due diligence, authorises the Joint Managing Director for Communities to enter into all contracts necessary to deliver the two projects on terms and conditions acceptable to the Joint Managing Director for Resources.

**10. Any Urgent Items**

None

**11. Reports Containing Confidential or Exempt Information**

**EXEMPT ITEMS FOR DISCUSSION IN PRIVATE (PURPLE PAPERS)**

**Resolved**

That members of the public be excluded from the meeting for the items mentioned below on the grounds that their presence would involve the disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

**12. Exempt Minutes – 7 September 2017**

The exempt minutes of 7 September 2017 were agreed as an accurate record.

The meeting rose at 14.47

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Chair