

**Minutes of the meeting of the Cabinet
held on 24 July 2018**

Present:

Cabinet Members:

Councillors	Izzi Seccombe OBE	Leader of Council and Chair of Cabinet
	Peter Butlin	Deputy Leader (Finance and Property)
	Les Caborn	Adult Social Care & Health
	Jeff Clarke	Transport & Planning
	Andy Crump	Fire and Rescue and Community Safety
	Colin Hayfield	Education and Learning
	Kam Kaur	Customer & Transformation
	Jeff Morgan	Children's Services
	Dave Reilly	Environment and Heritage & Culture

Non-Voting Invitees:

Councillor Richard Chattaway	Leader of the Labour Group
Councillor Jerry Roodhouse	Leader of the Liberal Democrat Group

Other Councillors:

Councillors Falp, Golby, Holland, Kondakor, Olnier, Parsons, Phillips, Redford, Webb

Public attendance:

32

1. General

(1) Apologies for absence

There were no apologies for absence.

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

With reference to Item 4 on the agenda (Schools Capital Programme) Councillor Alan Webb declared a non-pecuniary interest as a Governor at Boughton Leigh School, Rugby.

(3) Minutes of the meeting held on 14 June 2018 and Matters Arising

The minutes for the meeting held on 14 June 2018 were agreed as an accurate record and signed by the Chair. There were no matters arising.

(4) Public Speaking

Councillor Izzi Seccombe (Leader of the Council and Chair of Cabinet) welcomed members of the public to the meeting and in particular the four members of the public attending to speak on matters relating to the Warwickshire Minerals Plan. (Specifically site 4, Wasperton).

Mr Edward Kirkby expressed his disappointment at the continuing inclusion of site 4 in the Warwickshire Minerals Plan. The development of a sand and gravel quarry at this location, he stated, would lead to the production of dust and vehicle fumes which would have a detrimental impact on people's health. Mr Kirkby challenged a statement made by the County Council that any dust generated by the extraction process would be similar to that produced in the course of farming activities. Concerns were also raised over the impact of quarrying operations and associated vehicle movements on safety along the main access road to Barford, the A429. Cabinet was informed that Barford has grown in recent years and has become a vibrant community. Residents, it was stated are now being blighted by the proposals set out in the plan. Specific reference was made to children with special needs who attend Round Oak School. The health of these children along with that of the elderly would be severely compromised.

Ms Wendy Barlow raised a series of concerns stating that Warwickshire County Council has not paid due regard to planning guidance and legislation. Having reminded Cabinet that it had previously been presented with a full ecology report Ms Barlow stated:

- It is illegal to remove or destroy important hedgerows according to the Hedgerows Regulations Act 1997.
- The sustainability appraisal acknowledges that permanent changes to the landscape and visual impact will occur. This is contrary to the National Planning Policy Framework (NPPF) and Warwick District Council's Local Plan Policy NE4.
- An ecology, biodiversity and geological impact assessment has concluded that development at the site would be contrary to NPPF circular 5/2005 and Policies NE2 and NE3 in the Warwick District Local Plan.
- Contrary to regulations and guidance the reasons for the selection and rejection of sites has not been outlined in the Sustainability Appraisal report. It should also provide conclusions on the sustainability of the different alternatives including those selected as the preferred approach in the Local Plan.
- The sustainability appraisal has failed to comply with the Environmental Assessment of Plan and Programmes Regulations 2004 and the NPPF guidelines by not including the key findings from the consultation exercise.
- The viability and deliverability of the proposals have not been assessed as required by the NPPF.

Mr Chris Harris highlighted to Cabinet the need to protect the best and most versatile farmland and questioned the ability to restore the land of site 4 back to its original condition following extraction. In support of this Mr Harris added:

- There is a lack of availability of inert landfill.
- The process of extraction destroys the substructure that has created the high quality of farmland.
- Nowhere has restoration to existing conditions been achieved.

Mr Harris added that health and regulatory considerations were being ignored and it appeared that the Council was seeking an easy route to achieve its aims.

Peter Phillips, Warwick District Councillor for Budbrooke Ward and resident of Wasperton set out issues concerning the proximity of Site 4 to Barford stating,

- The original site as proposed in 2015 extended to the boundary of Barford. The latest proposal has a 350 metre stand-off between Barford and the site.
- Part of the distancing was to be achieved by the 2016 proposal to build 135 houses in the North West corner of the site instead of mineral extraction. The proposal was rejected by officers. The stated reason was that, "The proposed development will have an adverse impact on the rural character of the area by introducing large scale built development on a greenfield site". Officers also stated that the area around Barford is of "predominantly high landscape sensitivity". Officers concluded that the proposed housing development would cause a significant level of landscape harm.
- Site 4 does not concern the construction of houses but would arguably be a large scale development and as such would have a similar impact on the landscape.
- The proposed housing development also attracted objections on highway grounds in that it would generate additional traffic.
- The Minerals Plan refers to a stand-off of at least 100m from any house. The boundary of site 4 is under 100m away from Holloway Farm, Wasperton Farm and Glebe Farm and is 20m away from accommodation for 14 agricultural workers at Bradshaw Farm.
- The site is adjacent to an area for cultivation of hydroponically grown crops approved in June 2018.
- The current plan limits extraction to 70 hectares. In October 2015 this was 60 hectares. The number of proposed lorry movements has decreased from 80 to 60 a day. Both arrangements were or are to yield 1.8m tonnes. These figures suggest a degree of inconsistency.

Councillor Phillips concluded by requesting that in view of the concerns raised over the plan it be referred back to officers for further work.

2. Warwickshire Minerals Plan – Proposed Submission (Section 20) and Further Publication Consultation (Regulations 19 and 35)

Councillor Jeff Clarke (Portfolio Holder for Transport and Planning) introduced the published report explaining how a drop in demand for aggregates along with increased provision at Brinklow Quarry following extension had resulted in the draft Minerals Plan requiring review. Councillor Clarke added that although two sites had been deleted from the latest draft plan there does remain a need to ensure an effective geographical spread of mineral extraction across Warwickshire and those minerals can only be extracted from where they lie.

Councillor Izzi Seccombe emphasised that before submission to the Secretary of State the draft plan would be subject to further consultation.

Councillor Keith Kondakor challenged the method by which forecast demand for minerals is established adding that reviewing average demand over the preceding ten years fails to take account of the increased use of recycled materials and changes in building technology and practices in the future. In addition Councillor Kondakor called for a moratorium on fracking and underground coal gasification.

Councillor Les Caborn (Portfolio Holder for Adult Social Care and Health) thanked the local community for its work to date noting that the previous site 5 had now been removed from the Minerals Plan and that the proposal for site 4 included a larger stand-off than previously. Councillor Caborn stressed that it is important that the comments made by members of the public in the meeting should be taken full account of in future discussions.

Councillor Bill Olnier stated that demand for minerals is always fluctuating and as such it makes the forecasting of future demand very difficult. Not only are building practices changing but aggregates are also imported to the area. Demand and supply are in the hands of the private sector.

Councillor Seccombe reminded Cabinet that the matter would be considered by Council on 26 July 2018.

Resolved

That Cabinet:

- 1) Recommends that Council approve the submission of the proposed Minerals Plan to the Secretary of State for independent examination; and
- 2) Subject to such approval approves the revised Minerals and Waste Development Scheme set out in Appendix 3 of the published report.

3. Bermuda Connectivity

Councillor Jeff Clarke summarised the rationale behind the proposed road scheme before Cabinet as set out in the published report. Cabinet was reminded that the matter would be considered at the 26 July 2018 meeting of Council.

Councillor Keith Kondakor stated that the proposed road development will not, in his view, be able to achieve what is claimed. There are issues of congestion in Nuneaton town centre, at the Griff Island on the A444 and at the junction with the M6 Motorway. The current design may benefit 2000 motorists a day and save seven seconds on journey times he stated. Referring to para 8.2 of the report Councillor Kondakor was concerned that he had been unable to read the Transport Assessment as it had yet to be completed. The project as proposed, he added will lead to an increase in noise and pollution on what is effectively a back road. Overall the project was too expensive and more could be done with the money being allocated to it.

Referencing appendix H (Capital Infrastructure Fund Panel Evaluation) Councillor Jerry Roodhouse (Leader of the Liberal Democrat Group) asked that more detail be provided before the Council meeting on Friday 26 July 2018 on the risks around cost. He noted that concerns had been raised during the evaluation but considered that more information was required.

In response to a question from Councillor Jeff Morgan (Portfolio Holder for Children's Services) it was confirmed that in response to the consultation exercise parking restrictions along the route would be relaxed.

Councillor Clare Golby (local member for Arbury) stated that she did not support the Bermuda Connectivity scheme. A particular concern was that the responses to the consultation exercise appeared to have been ignored. She cited increases in levels of opposition to the scheme where this did not appear to have been taken account of. Referencing para 1.4 of the report Councillor Golby also expressed concern over the reliance on "value-engineering" principles which seek to attain best value for projects. Such an approach may not deliver the best scheme.

Councillor Peter Butlin (Deputy Leader – Finance and Property) reiterated the need to address congestion issues on the A444. He observed that developments proposed for Nuneaton may present solutions to traffic issues in the future but the project before Cabinet could be delivered rapidly.

Councillor Bill Olnier expressed his support for the scheme.

Resolved

That Cabinet:

- 1) Approves the Bermuda Connectivity Scheme as proposed in this report including the modifications detailed in paragraph 4.2;
- 2) Recommends that Council approve the addition of £1 million of further expenditure to the Capital Programme, to be fully funded by a capital grant contribution from the Coventry and Warwickshire Local Enterprise Partnership, and the addition of to the Programme of £4.198million from the Capital Investment Fund to deliver Bermuda Connectivity at a cost of £8.900million with the commitment that any further alternative sources of funding secured for the scheme result in a £ for £ reduction in the Capital Investment Fund's contribution and that any further scheme cost increases are met from the Transport and Economy Business Unit's existing revenue resources;
- 3) Subject to Council approving the recommended changes to the Capital Programme authorises:
 - i) The Joint Managing Director (Communities) to finalise the design of the Scheme (including making minor modifications to the scheme as described in this report), and procure contractors for delivery, on terms and conditions acceptable to the Joint Managing Director (Resources), and to take all steps required to implement the scheme including the submission of applications for planning permission and any other consents and approvals;
 - ii) The Joint Managing Director (Resources) to acquire by agreement the land required for the implementation of the scheme; and

- iii) The Joint Managing Directors to determine jointly whether the compulsory acquisition of interests in any such land that cannot be acquired by agreement is justified pursuant to sections 239, 240, 246 and 250 of the Highways Act 1980 and Section 2 of the Acquisition of Land Act 1981 and, if they so determine, to make any compulsory purchase order(s) for the purpose of acquiring such interests in exercise of that power and to take any steps required to secure the confirmation of such order(s) and acquire such interests (whether by agreement or in exercise of such order(s)) including the determination of compensation and agreement of terms for the withdrawal of objections (including where appropriate the exclusion of land or new rights from the order(s)) and any other incidental or consequential arrangements.

4. Education and Learning (Schools) Capital Programme 2018/19 and Approval of Statutory Proposals

Councillor Colin Hayfield (Portfolio Holder for Education and Learning) explained the basis of the published report. The total cost of the projects outlined was just over £1.9m. This would come from educational capital resources and developer contributions.

In the case of Water Orton Primary School additional funding is required to supplement that being provided by HS2. This will enable the new school to be an improvement over the current one when the HS2 construction works require relocation of the school.

In response to a question from Councillor Keith Kondakor regarding delays to the provision of a new school at Weddington Councillor Hayfield agreed to provide an update after the meeting.

Resolved

That Cabinet agrees:

- 1) To the request to carry out the following consultations (as outlined in Section 3):
 - To expand Boughton Leigh Infant School, Rugby, from 3 forms of entry to 4 forms of entry
 - To extend the age range at Brownsover Infant School, Rugby, from 3 to 7 years old to 3 to 11 years old
- 2) To approve the following proposal for prescribed alterations (as outlined in Section 4):
 - The reconfiguration and refurbishment of classrooms at Exhall Grange School to enable the increase in places for learners with SEND
- 3) To approve the sum of £1,934,013 to be added to the capital programme to deliver the schemes outlined in Section 4 and the feasibility work outlined in Section 3.

- 4) To approve the proposal to relocate Lighthorne Heath Primary School as outlined in Section 4.
- 5) That the Joint Managing Director (Communities) is authorised to invite tenders and enter into the appropriate contracts on terms and conditions acceptable to the Joint Managing Director (Resources), or (where the scheme is school-led) to make the necessary funding arrangements for these schemes.

5. Authorisation to Establish a Framework for Alternative Education Provision

The report was introduced by Councillor Colin Hayfield.

The need to ensure that the framework under consideration “dovetails” with other work around young people, eg early years and youth justice, was stressed by Councillor Jerry Roodhouse (Leader of the Liberal Democrat Group). In response to questions by Councillor Dave Parsons and Councillor Roodhouse, Cabinet was assured by Councillor Hayfield that provision of services will be distributed fairly and appropriately across the entire county.

It was agreed that the Children and Young People’s Overview and Scrutiny Committee could review progress on the delivery of services under the framework at a later date.

Resolved

That Cabinet:

- 1) Approves proceeding with an appropriate procurement process for the provision of an Alternative Education Provider Framework.
- 2) Approves and authorises the Joint Managing Director (Communities) to enter into all relevant contracts for the provision of an Alternative Education Provider Framework on terms and conditions acceptable to the Joint Managing Director (Resources).

6. Warwickshire Youth Justice Service Strategic Plan 2018-2019

As this was the last meeting of Cabinet to be attended by Lesley Tregear (Service Manager, Warwickshire Youth Justice) prior to her retirement members thanked her for her hard work over the years and wished her well for the future.

Councillor Andy Crump (Portfolio Holder for Fire and Rescue and Community Safety) explained that the Youth Justice Service Strategic Plan is an annual requirement. Following consideration by Cabinet it must be finally endorsed by Council. The Warwickshire Youth Justice Service is recognised as being one of the best in the country with significantly lower levels of first time offending and reoffending. The service seeks to improve the lives of young people and their families and to improve outcomes for victims of youth crime.

Councillor Keith Kondakor called on the Police to contribute more to the Youth Justice Service.

Resolved

That Cabinet endorses the Warwickshire Youth Justice Service Strategic Plan 2018/19 for adoption by Warwickshire County Council.

7. Annual Governance Statement

Councillor Kam Kaur (Portfolio Holder for Customer and Transformation) stated that the Annual Governance Statement was due to be considered by Council on 26 July 2018 but prior to that it would be presented to the Audit and Standards Committee.

Resolved

That Cabinet endorses the Annual Governance Statement for 2017/18 prior to submission to Council for approval.

8. Audit & Standards Committee Annual Report 2017/18

Councillor Kam Kaur thanked the committee and supporting officers for their efforts over the preceding 12 months.

Resolved

That Cabinet approves the Audit and Standards Annual Report 2017/18 before submission to Council.

9. Award of contracts for S278 works in connection with the Link Road to Houlton, Rugby

Councillor Peter Butlin explained that the report before Cabinet presented good news principally because the schemes involved could be progressed earlier than originally anticipated. Homes England are to provide the funding as an “up front” payment. This means that it will not be necessary to wait for the developers to make the funds available.

Councillor Alan Webb, noting that the proposed Rugby Parkway station has been delayed asked that every effort be made to expedite it.

Resolved

That Cabinet approves the award of the following contracts to Galliford Try plc:

- Rugby Radio Station Link Road S278 Works Butlers Leap Junction;
- Rugby Radio Station Link Road S278 Works Hillmorton Lane Junction and The Kent (subject to the approval of Council to the addition of this scheme to the 2018/2019 capital programme).

10. Any Urgent Items

None

11. Reports Containing Confidential or Exempt Information

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.

EXEMPT ITEMS FOR DISCUSSION IN PRIVATE (PURPLE PAPERS)

12. Exempt Minutes of Cabinet 14 June 2018

The exempt minutes of the Cabinet meeting of 14 June 2018 were agreed as an accurate record for signing by the Chair. There were no matters arising.

13. Residential Services for Children

Councillor Jeff Morgan (Portfolio Holder for Children's Services) explained to Cabinet that whilst there are fewer Warwickshire children in residential care than in other areas some of those live many miles away from the county. It has been found necessary, therefore, to find a more effective means of procuring residential care services for children. This will come in the form of a new procurement framework.

The new approach was welcomed by Councillor Richard Chattaway.

Councillor Jerry Roodhouse stated that it will be necessary to review the effectiveness of the new arrangements and called for a clear trigger to be identified for when such a review would be deemed appropriate. It was agreed that the Overview and Scrutiny Committee should review progress and that in doing so it should take account of the views of the Corporate Parenting Panel.

The recommendations were agreed as set out in the exempt minutes.

14. Property Rationalisation Programme Montague Road

Councillor Peter Butlin explained the need to complete the arrangements for the properties as set out in the report explaining that the requirements of some services had changed and that in some case new solutions were required.

The recommendations were agreed as set out in the exempt minutes.

15. Property Services Review and Facilities Management and Construction Delivery Model

Councillor Peter Butlin explained that the report was the result of efforts made by officers to establish a more cost effective way of maintaining the Council's property.

Councillor Keith Kondakor recognising that some arrangements for maintenance must be handled on a large scale there remains a need to retain the capacity to handle small jobs in-house. Members agreed with this, emphasising the need for a relatively simple structure of delivery.

The recommendations were agreed as set out in the exempt minutes.

16. Proposed Operating Model and Leadership Team Structure

Cabinet considered a report that proposed a new structure for the County Council's Leadership Team.

The recommendations were agreed as set out in special exempt minutes.

The meeting rose at 15.15

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Chair