

**Minutes of the meeting of the Cabinet  
held on 14 February 2019**

**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 & 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 Boad, Gilbert, Golby, Kondakor, Olnier, Parsons, Redford and Webb

**Public attendance:**

None

John Bridgeman CBE attended to present item 2, Kenilworth Station Review, as he was the Chair of the Review Task and Finish Group.

**1. General**

**(1) Apologies for absence**

None

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

Under agenda item 3 – "Business Rates Retention Reform and A Review of Local Authorities' Relative Needs & Resources – Responding to the Government's Consultation", Councillor Pete Gilbert declared an interest as a payer of business rates.

**(3) Minutes of the meeting held on 22 January 2019 and Matters Arising**

The minutes for the meeting held on 22 January 2019 were agreed as an accurate record and signed by the Chair.

**(4) Public Speaking**

None

## 2. Kenilworth Station Review

Councillor Izzi Seccombe (Leader of Council and Chair of Cabinet) welcomed John Bridgeman CBE, the independent Chair of the Kenilworth Station Review, to the meeting. John Bridgeman explained to Cabinet the complex nature of rail development projects adding that the UK is currently witnessing more rail infrastructure investment than any country other than China. The meeting was reminded that Warwickshire County Council has successfully supported the construction of six new stations over the last two decades. A series of challenges faced and managed by the Kenilworth station project were outlined. These included a change from planned track doubling to the retention of single track, enhancements to signalling, a change in rail operator franchise, the acquisition of rolling stock and crew training.

John Bridgeman expressed the view that despite the pressures involved in overcoming the various obstacles encountered it was clear that the County Council had not lost its ambition to achieve more in the rail field.

Councillor Jeff Clarke (Portfolio Holder for Transport and Planning) Commended John Bridgeman for his Chairing of the Review Task and Finish Group. A slight amendment was tabled to recommendation 6 of the report as it was considered to better reflect the current position.

Councillor Richard Chattaway (Leader of the Labour Group) commended the Task and Finish Group's report and expressed his support for the proposed change to recommendation 6 which he considered reinforced messages around the importance of good governance.

Councillor Keith Kondakor recognised that the "entry into service" period for new infrastructure and rail services can be particularly challenging. He looked forward to the introduction of a through service from Nuneaton to Leamington that would stop at Kenilworth and expressed the desire to see the doubling and electrifying of the route through Kenilworth and a new station constructed at Stockingford in Nuneaton.

Councillor Bill Olnier commended the report and echoed previous views regarding Stockingford Station.

Councillor Jerry Roodhouse (Leader of the Liberal Democrat Group) called for lessons to be learned around the importance of communication. This, he added, is particularly the case when considering the schedule for opening of any new facility.

Councillor Peter Butlin (Deputy Leader – Finance and Property) noted that since its opening the new Kenilworth station had proved a big success with passenger numbers above those which were originally forecast. The complexity of the project was again acknowledged with the need to work well with a range of partners being of particular note. It had, he added, been important to obtain the support of the local community to the station project. Fortunately, this had been forthcoming.

In response to a question from Councillor Sarah Boad, Cabinet was informed that an action plan would be prepared and that the report would be presented to a meeting of Kenilworth Town Council.

## **Resolved**

That Cabinet agrees the following recommendations of the Kenilworth Station Task and Finish Group (TFG).

1. That the Leader of Warwickshire County Council should write to the Secretary of State for Transport requesting that future reviews take greater account of the needs of local authorities and partners in rail enhancement projects. This should particularly draw attention to the financial and social impact that changes in policy can have on on-going projects.
2. That the current practice of holding a “Lessons Learned” session on the completion of every major transport project, where considered appropriate involving all partners (including relevant elected representatives) be continued and that messages resulting from that session be published and circulated widely.
3. That given its track record of successful delivery of new stations Warwickshire County Council commits to the ongoing maintenance of a body of evidence regarding past major transport projects and lessons learned from them.
4. That at the inception of any major transport projects the Project Manager convenes a short life working group comprising council officers and members and other partners to review lessons learned from previous projects undertaken in Warwickshire and elsewhere
5. That, as is already the practice, at the commencement of a major transport scheme (once partners have been appointed/ identified) a meeting be convened by officers of Warwickshire County of senior representatives from those agencies involved to develop a mutual understanding of the project’s objectives and of roles and responsibilities. The meeting should be accompanied and guided by clear terms of reference placing it on a formal footing.
6. That the terms of reference for the Major Schemes Board be reviewed as part of the wider review of the approval and management of capital schemes which has now been commenced as part of the Council’s Transformation Programme.
7. That, recognising limitations on resources, the Leader of the Council writes to the Secretary of State for Transport with a request that consideration be given to ways in which rail industry partners enter into binding commercial agreements to deliver their agreed outputs.
8. That the Leader of the Council be asked to liaise with the Coventry and Warwickshire Local Enterprise Partnership (and other funding providers) to explain the negative effect that the application of very tight and rigid funding timescales can have on effective project management.

9. That during negotiations regarding funding partners who will be involved in project delivery be invited to liaise with fund holders to establish a common understanding of the challenges around timescales.
10. That from the commencement of a major transport project its nature and complexity and the reliance by partners on each other should be made explicit in all internal and external communications.
11. From the outset communications should be clear regarding the extent of the scheme, the services it will offer and the benefits it will bring. These messages should be repeated throughout the life of the project build.
12. That so far as is practicable all communications to the media and to communities be produced and broadcast collectively by all partners.
13. That whilst being honest and transparent completion dates for major transport schemes should be indicative only – as with the delivery of Highway Projects. This should be made clear in all communications.
14. That consideration be given to the adoption of the improvements to the entry into service process as suggested by SLC Rail. These are:
  - The appointment of an EiS Manager who will have overall responsibility to deliver the EiS element of the works needs to be identified & resourced in the early stages of GRIP 5 to assist the Project PM.
  - Resource planning templates to be further developed and included with milestone prompts to identify the increased workload towards EiS
  - EiS needs to be on the project agenda earlier, ideally reflecting in early GRIP Stage PMP's
  - The project Design Manager needs to be aware of all 'EiS engineering deliverables' so they are readily populated in a specific EiS project folder as they are approved through GRIP Stage 5 and 6
  - Production of an EiS Strategy reflecting stakeholders for each element of the phased programme that do not necessarily have a NR concern, an example of this could be the local highways
  - Seek to have phased hand-over for practicable completion where practicable
  - Appointment of an Engineering Safety Manager
  - Have EiS included early in to the stakeholder agenda's so stakeholders plan and provide the resource necessary for their responsibilities
  - Identify named individuals from the key stakeholders responsible for EiS interface, this should also include the Principal Contractor
  - Ensure EiS robustly shown in Employers programme so all parties are aware of the timescales and critical activities to ensure a smooth EiS

- Plan EIS to occur as defined activity within GRIP Stage 7, after successful conclusion of GRIP Stage 6 Inc. all testing, commissioning, training and certification thus project resources working on just GRIP Stage 7 deliverables
  - Contractor programmes to reflect specific EIS deliverables required e.g. so delivered earlier in proceedings
15. That the Leader of Warwickshire County Council writes to the Secretary of State for Transport highlighting the difficulties the “snap shot” approach currently used by the Data Room can present to franchise bidders and the issues it presented to the current train operator in terms of its preparedness to operate trains to Kenilworth.
  16. That as is current practice, from the early stages of a major transport project local MPs and Councillors be fully briefed by partners on its detail, both in terms of business case and potential challenges.
  17. That in order to reduce disruption to evolving rail projects the Leader of the Council writes to the Secretary of State for Transport asking that consideration be given to the introduction of a period of transition when rail franchises change.

### **3. Business Rates Retention Reform and A Review of Local Authorities’ Relative Needs & Resources – Responding to the Government’s Consultation**

Councillor Peter Butlin summarised key elements of the published report adding that when the Cabinet papers had first been published it had not been possible to supply the Council’s response to the two consultation exercises. These had been circulated subsequently.

Regarding the Fair Funding Review Cabinet was informed of concerns over a proposal to include Public Health in a series of funding streams that would be determined on the basis of a formula. Public Health, he stated is a universal service which should be available to all. In addition, Councillor Butlin informed the meeting that the Council strongly disagreed with the government’s proposals around local authorities’ “relative resource” which factors in how much income an authority generates in council tax. The proposal to include sales, fees and charges (with the exception of parking income) would remove any incentive to actively seek out new generation opportunities.

Concerning business rates reform Councillor Butlin stated that the system being proposed would work by having floating tariffs and top-ups rather than fixed ones as they are currently. Local authorities’ own estimates of income would be used each year to set top-ups and tariffs giving each authority more certainty of funding for the following year.

Cabinet’s attention was drawn to the current split of locally retained income with 20% going to counties and 80% going to district councils. The consultation is considering an option to allow this split to be determined locally.

Councillor Izzi Seccombe emphasised the importance of the report before Cabinet and the proposals being put forward by government. It was noted that the basis for council expenditure is demand-led and that there is a continuing need to be mindful of issues such as rural deprivation which can be overlooked.

In response to a question from Councillor Bill Oler concerning the position of elected members who are both County and District Councillors, David Carter (Joint Managing Director of Resources) informed the meeting that the high level nature of the consultation exercise meant that there was need for anyone to declare an interest at this stage. He did, however, counsel that as the proposals are developed discussions will become more complicated and members will need to be mindful of the question of any conflicting interests. Councillor Butlin added that those who are both county and district/borough members will need to be clear in their mind which body they are representing at any one time.

Councillor Jerry Roodhouse (Leader of the Liberal Democrat Group) welcomed that the response from the County Council was aligned with that of the County Councils Network. He called on discussions on Fair Funding to be transparent as there will almost certainly be some disagreements with district and borough councils over the detail. Concerns were expressed over the proposed timetable as set out in the report. Any proposals being considered should take account of the 2019 spending review.

Councillor Roodhouse requested that copies of the Council's response be sent to local MPs. In response Cabinet was informed that a letter had already been sent to them.

Councillor Richard Chattaway expressed a series of concerns. In the first instance he considered that the timetable as set out in section 1.8 of the report was too tight with little time available between the final decision being made and the implementation of new systems. He added that the district/borough and county split does not consider an underlying problem regarding a general lack of funds for local authorities. Concern was also expressed over the possibility that businesses will face additional costs under any new system and that areas that have made efforts to grow their economies will be penalised through the introduction of an "equalisation fund".

Councillor Keith Kondakor reiterated the need for more funding overall. He suggested that the Fire and Rescue Service should benefit from business rates and that large warehouses should all be fitted with sprinkler systems.

Councillor Dave Parsons advised that it will be important to work closely with businesses on any new proposals. There is a risk that councils will be seen in a negative light if the changes are not managed carefully. In addition, he suggested that a downturn in the economy could see a significant reduction in funds collected via business rates.

Councillor Izzi Seccombe emphasised that the government is not proposing to increase business rates. She noted that sector failure is of concern to government with the challenges facing the motor industry a case in point.

Councillor Pete Gilbert stated that an environment is required whereby businesses are able to pay their rates. He added that presently the business rate formula does not represent the business rate landscape. This he felt should be reviewed by

government. In addition, Councillor Gilbert was concerned that local authorities may not be the best agencies to manage business rates, there being a degree of misunderstanding of businesses amongst them. He supported the view that areas that have worked towards growth should not be penalised and noted that there remains a degree of disparity between areas in terms of the funding provided to them.

Councillor Seccombe noted that a proposal to return responsibility for attendance allowance to local authority control had been firmly resisted by the LGA. In addition, pressure had been applied to government to provide more freedoms from control if local authorities were to take on more responsibility.

In conclusion Councillor Peter Butlin agreed that it is good to be in agreement with the position taken by the County Councils network. He agreed that there should be no increase in the business rate burden and that areas that have encouraged growth should not lose out through any attempt at equalisation. Finally, Councillor Butlin predicted that the timetable for implementation will slip given other matters currently being addressed by government.

## **Resolved**

That Cabinet:

- 1) Notes the proposed principles that should underpin the Council's response to the consultation papers, as outlined in Section 2, and approve their use in drafting the County Council's response to the Government's consultation papers;
- 2) Agrees the County Council's approach on the formal response to the consultation papers attached at **Appendix A** and **Appendix B** of the report, as explained in Section 3.2 of the report;
- 3) Authorises the Assistant Director – Finance & ICT in consultation with the Joint Managing Director (Resources) to make any final amendments needed to the response, in line with agreed principles, before it is submitted to reflect any late information; and
- 4) Authorises the Assistant Director – Finance & ICT in consultation with the Joint Managing Director (Resources) to use a similar approach for any future consultations on the Fair Funding Review and Business Rates Retention reform.

## **4. School Admissions 2020-21**

Councillor Colin Hayfield (Portfolio Holder for Education and Learning) introduced the published report drawing particular attention to Appendix A4 and changes to oversubscription criteria. In future these will be weighted in favour of disadvantaged pupils although in practice the number of pupils affected by this is likely to be small.

Councillor Keith Kondakor emphasised the need to ensure that there are sufficient school places in any one area. This is particularly an issue where major housing

development is being undertaken. In response Councillor Hayfield noted that “place planning” and admissions criteria as separate matters.

Councillor Izzy Seccombe stressed the need for clarity of policy for parents so that they understood the timescales that applied to them and the consequences of not responding ahead of deadlines. The role of all elected members in ensuring that parents receive and understand the information concerning school places was emphasised.

Councillor Bill Oler observed that catchment area designations can often see siblings attending different schools. This can present problems with transport. Cabinet was reminded that academies can set their own criteria regarding catchment. The County Council has no control over this. In addition, parents should understand that if they send a first child to a school out of catchment there is no guarantee that a second child will be successful in obtaining a place in the same school.

Councillor Kam Kaur (Portfolio Holder for Customer and Transformation) explained that the Digital Design Team is developing new systems whereby catchment and transport can be reviewed simultaneously. In addition, efforts are being made to ensure that develop a single system with greater use of digital platforms.

### **Resolved**

- 1) That the 2020 entry Coordinated Schemes are adopted in line with the County Council’s statutory responsibility, as set out in Appendices A1-A4 of the report;
- 2) That the in-year admissions process, for entry during the 2020-21 academic year, are adopted (for all schools where Warwickshire County Council is the admission authority, and other admission authorities agree), as set out in Appendix B of the report; and
- 3) That the published admission numbers are adopted as set out in Appendix C of the report.

## **5. Commissioning of Discharge to Assess on behalf of South Warwickshire NHS Foundation Trust under a Section 75 Agreement**

Councillor Les Caborn (Portfolio Holder for Adult Social Care and Health) explained that the proposal before Cabinet presents a good news story. In response to questions Councillor Caborn explained that the proposal would provide an equality of service across Warwickshire, that patients’ needs can be assessed prior to discharge from hospital (with families being involved in that process as necessary) and that efforts are made to ensure that patients are not discharged from hospital prematurely.

Councillor Izzy Seccombe emphasised the need to ensure that any system works in the interest of patient recovery. An added benefit is that it will serve to free up hospital beds.



## **Resolved**

That Cabinet:

- 1) Authorises the Strategic Director for People to revise the current partnership arrangements between Warwickshire County Council (WCC) and South Warwickshire NHS Foundation Trust (SWFT) and enter into a new agreement under Section 75 of the National Health Service Act 2006 for the provision of Discharge to Assess services (Pathway 2 and 3) on terms and conditions acceptable to the Strategic Director for Resources; and
- 2) Authorises the Strategic Director of People (i) to undertake an appropriate procurement process for the commissioning of the Pathway 2 and Pathway 3 services; and (ii) to award any subsequent contracts on terms and conditions acceptable to the Joint Managing Director for Resources.

## **6. Any Urgent Items**

None

## **7. Reports Containing Confidential or Exempt Information**

### **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.

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

## **8. Exempt Minutes of the meeting held on 22 January 2019 and Matters Arising**

### **Resolved**

The exempt minutes for the meeting held on 22 January 2019 were agreed as an accurate record and signed by the Chair.

## **9. Extra Care Housing in Warwickshire – Progress Report and Direction of Travel**

Councillor Les Caborn explained to Cabinet that the Extra Care Housing initiative had been underway since 2010. Almost 1000 units had been completed and demand for them continues to rise. Councillor Jerry Roodhouse welcomed the report and commended officers for their hard work. He emphasised the need to fully understand the needs of clients to ensure the right provision is being made. In addition, Councillor Roodhouse highlighted the challenges that the 1% rent reduction (para 5.3) might cause. In response to this point Councillor Izzi Seccombe stated that she would be raising this with local MPs. She was also aware that there is an increasing demand for extra care housing amongst those with learning difficulties. One particular issue is with people with disabilities who have relied on

parents who are themselves growing old. It is, Councillor Seccombe stated, important to give these parents peace of mind that their (grown up) children are well looked after.

In response to a question from Councillor Dave Parsons regarding an evolving scheme in Atherstone, Tim Willis (Extra Care Housing Programme Lead) informed the meeting that despite a series of challenges it was hoped that this would be occupied by 2021. Regarding the 1% rent reduction he stated that it was to be hoped that once matters settled down the negative impacts of this would be minimal.

Councillor Bill Olnier stressed the need to ensure that all arms of the council are working together to ensure rapid progress of extra care housing schemes.

### **Resolved**

That Cabinet:

1. Notes and welcomes the progress made to date with regard to the delivery and provision of Extra Care Housing in Warwickshire in line with key strategic objectives.
2. Approves the direction of travel for the Council's Extra Care Housing Programme as set out in this report with regard to the delivery of a range of housing with care services that offer Warwickshire's citizens improved choice, control and independence.

The meeting rose at 15.30

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Chair