

# WARWICKSHIRE COUNTY COUNCIL

## Minutes of a Meeting of the Warwickshire County Council held on 15 March 2005

### Present:

Councillor A.J. Smith (Chair)

Councillors G Atkinson, S E Boad, D Booth, I C Bottrill, M W Brassington, C K N Browne, J J Burton, D T Cavanagh, R N Chattaway, C S Cleaver, R E Cockings, G D Collett, J Compton, D G Cowcher, C C L Davis, J Dill-Russell, A J Farnell, L W Forsyth, A Forwood, P J Fowler, E M Goode, C C Hayfield, J Haynes, M Heatley, R G Hobbs, C R Holman, R O H Hyde, M J Jones, S A Juned, K M King, B Kirton, B Levy, B J Longden, A P Marshall, F McCarney, H M McCarthy, R P L Morris-Jones, T W M Naylor, R N Randev, J M Roodhouse, C J Saint, I E Seccombe, D J Shilton, M Singh, R A Stevens, J A Tandy, B W J Thomas, U S Todner, MBE, S R Tooth, C J P Vereker, CBE, and J F Wells.

### 1. General

#### (1) Apologies for absence

Apologies for absence were submitted on behalf of Councillors C Baldry, F P Barnes, A J L Cockburn, R J Grant, M B Haywood, J Lea, R Sweet, BEM, H A Thomas and D I Webster.

#### (2) Members' Declarations of Personal and Prejudicial Interests

Members declared interests in the following items: -

Councillors Colin Hayfield and John Vereker declared personal interests in item 7 (Magistrates' Courts Cash Limit).

Councillor Mick Jones declared a personal interest in item 4 (Health Overview and Scrutiny Committee Annual Report) as an employee of the North Warwickshire PCT.

#### (3) Minutes of Previous Meetings

Resolved:

That the minutes of the meeting held on 8 February 2005 be agreed as a correct record and signed by the Chair.

#### **(4) Petitions and Announcements**

(i) Petition – Traffic Hollystitches Road, Camp Hill

Councillor Sid Tooth presented a petition on behalf of residents of Hollystitches Road, Camp Hill, who requested action to overcome traffic and parking congestion in Hollystitches Road.

The Chair thanked Councillor Tooth for the petition and referred the petition to the Director of Planning Transport and Economic Strategy for consideration and reply.

(ii) Chair's Thanks

The Chair referred to this being the last meeting before the County elections after which he would be handing over to a new Chair. The Chair expressed his sincere appreciation to all those who had supported him during his term as Chair, including his Vice- Chair, Councillor Gordon Collett and the Leaders of the groups. The Chair also gave his thanks to chief officers and staff in Member Services, particularly Dawn Mardle, the Chair's secretary and also the catering service.

The Chair also thanked, on behalf of the Council, all those Members who were retiring from the Council and Ian Caulfield, Chief Executive who was retiring in July.

(iii) Warwick University Youth Orchestra

The Chair reported that he had attended a concert of the Warwick University Youth Orchestra and thanked the Orchestra for their outstanding performance.

## **2. Fire and Rescue Integrated risk Management Plan – Year 2 Action Plan**

Councillor Haynes, Cabinet portfolio holder for Public Information and Safety, presented the Fire and Rescue Integrated Risk Management Plan Action Plan which had been considered by Cabinet on 24 February 2005. Councillor Haynes moved that the Council approve the Plan and was seconded by Councillor Richard Hobbs (Chair of the Crime and Safety Overview and Scrutiny Committee).

Resolved:

That the Council adopts the Integrated Risk Management Year Two Action Plan on behalf of the Fire Authority from 1 April 2005.

### **3. Social Care and Welfare Overview and Scrutiny – Annual Report**

Councillor Izzi Seccombe, Chair of the Social Care and Welfare Overview and Scrutiny Committee, introduced her report on the Committee's work over the past year. Councillor Seccombe drew attention to aspects of the work programme, including the select committee on occupational health (undertaken during Councillor Steven's chairmanship) and select committee on dementia, and the Committee's scrutiny of the supporting people service and Fairer Access to Care. Councillor Seccombe also drew attention to the challenging work programme that lay ahead, which would include scrutiny of the impact of the Children's Bill.

Councillor Mick Jones (Cabinet portfolio holder for Young People, Lifelong Learning and Families) thanked Councillor Izzi Seccombe and the Committee for their work and reminded Members of the challenge of also tackling the impact of the Children's Bill on Adult Services.

The Chair thanked the Committee for their hard work and support and thanked those officers who had also supported the Committee.

Resolved

That the County Council notes the progress of the Social Care and Welfare Overview and Scrutiny Committee and welcome the initiatives being undertaken by the Committee.

### **4. Health Overview and Scrutiny Committee – Annual Report**

Councillor Jerry Roodhouse, Chair of the Health Overview and Scrutiny Committee presented his report of the work of the committee over the last year and outlined the programme for the year ahead.

Councillor Roodhouse drew attention to some of the issues tackled by the Committee which has a unique role in scrutinising NHS services. The Chair referred to the challenge for the Committee in selecting a manageable programme from a wide range of potential issues and topics and how this had now been assisted by a growing understanding of the development plans of the health bodies.

The Chair thanked the Committee for their hard work, and in particular the Chairs of the task and finish groups. He also thanked Alwin McGibbon, Scrutiny Support Officer, for her support of the Committee.

Councillor Martin Brassington (Cabinet portfolio holder for health) also thanked the Committee for the time and commitment of its members and the assistance it had given him in his role in driving forward health improvement.

Resolved

That the Council notes the work undertaken by the Health Overview and Scrutiny Committee and note the Committee's future programme of work.

**5. Corporate Services Overview and Scrutiny Committee- Annual Report and future work programme**

Councillor David Booth, Chair of the Corporate Services Overview and Scrutiny Committee, presented his report of the work of the Committee over the last year and plans for the future.

Councillor Booth highlighted some of the areas investigated by the committee, such as the Council's complaints procedures, financial systems and the property strategy (which included a visit to PriceWaterhouse to see how hot-desking can work). Councillor Booth also referred to the useful input of Cabinet members who had been questioned by the Committee. The Committee's work programme included the continued monitoring of progress of the Customer Service Centre and of action to improve staff absence figures.

Councillor Booth thanked the members of the Committee for their hard work and the officers who had supported the Committee.

Councillor Tim Naylor (Cabinet portfolio holder for Resources Management) thanked the Committee for its work which he viewed as important, not just in ensuring efficiency of use of resources but also in supporting the operation of all of the Council services.

Resolved

That the Council notes the work undertaken by the Corporate Services Overview and Scrutiny Committee during the last 12 months and notes the future work programme.

**6. The Corporate Business Plan 2005/08**

Councillor June Tandy, Cabinet portfolio holder for Policy and Governance, presented the draft Corporate Business Plan for 2005/08 which had been considered by the Cabinet on 24 February who had recommended it's approval by Council.

Resolved

That Council approves and adopts the final draft Corporate Business Plan 2005/08.

## **7. Magistrates' Courts Cash Limit 2004/05**

The Council considered a report of the Chief Executive that requested an increase in the Council's contribution to the Magistrates' Courts due to an uplift in their cash limit from Government.

Resolved

That Council approves a net increase in the Magistrates' Courts Cash Limit of £27,360.

## **8. 2005/2006 Annual Efficiency Statement**

The Council considered a report of the County Treasurer that sought approval for the Chief Executive (in consultation with Cabinet and the Leaders Liaison Group) to approve the Annual Efficiency Statement required by the Office of the Deputy Prime Minister by 15 April 2005.

Resolved

That approval of the 2005/06 Annual Efficiency Statement be delegated to the Chief Executive in consultation with Cabinet and the Leaders Liaison Group.

## **9. Indemnities and Insurance for Members and Officers**

The Council considered a report of the County Solicitor and Assistant Chief Executive that set out proposed changes to the Council's policy on indemnities for Members and officers in response to recent legislative changes.

The Cabinet had considered the report at a meeting on 13 April and recommended the changes be adopted.

During discussion Members requested a fuller guidance note be issued to Members.

Resolved

That the Council adopt the terms of the proposed indemnities for officers and members set out at appendices A and B of the report.

## **10. Constitution – Changes to Delegations**

Councillor June Tandy presented the report of the County Solicitor and Assistant Chief Executive that set out changes to the classification of the Council's functions, as required by statutory orders.

Resolved

- (1) That Council agrees that the functions set out in Column 1 of the appendix to the report be exercised by the bodies or officers set out in Column 3 of the appendix.
- (2) That the County Solicitor and Assistant Chief Executive be authorised to amend the Constitution to reflect the changes.

## **11. Review of Contract Standing Orders**

The Council considered a report of the County Solicitor and Assistant Chief Executive that set out amendments to contract standing orders following a review carried out between October 2004 and January 2005. The report had been considered by Cabinet on 24 February 2005 who had recommended that Council approve the changes.

During the discussion, Councillor Chris Saint moved (and was seconded by councillor John Vereker):

“That consideration of the item be deferred to the next meeting of the County Council to allow more time for Members to consider the item”.

The motion was put to the vote and was LOST, the vote being 17 for and more against.

The recommendation in the report (as set out below) was put to the vote and was CARRIED the vote being 34 for and 17 against.

Resolved

That the Council approves the amendments proposed to Contract Standing Orders as set out in Appendix 1 of the report and that the amendments become effective from 1 April 2005.

## **12. Review of Financial Standing Orders**

The Council considered a report of the County Treasurer that summarised the outcome of a review of the Council’s Financial Standing Orders and proposed amendments. The Cabinet had considered the report at a meeting on 24 February and recommended that the amendments be approved.

Resolved

That the Council approved the amendments proposed to Financial Standing Orders as set out in the report.

(The full text of the Financial Standing Orders is available with the agenda for this meeting on the Council's website).

### **13. Planning Code of Practice**

The Council considered a proposed new Planning Code of Practice and the comments of the Regulatory Committee which had been circulated following the Committee's meeting on 8 March. During discussion it was requested, and agreed, that the proposed training of Members be made widely available (and not restricted to the membership of the Committee).

Resolved

That Council approves the replacement of the Planning Code of Conduct by the Planning Code of Practice and authorised the County Solicitor and Assistant Chief Executive to amend the Constitution accordingly.

### **14. Monitoring of Decisions under the Urgency and Call-In Procedures**

The Council considered a report of the County Solicitor and Assistant Chief Executive that monitored the application of the urgency and call-in procedures over the last year.

Resolved

That the report be noted.

### **15. Standards Committee – Annual Report 2004/05**

The Council considered the annual report of the Standards Committee. It was noted that there was a consultation on the operation of the Code of Conduct, which would be made available to all Members.

Members of the Committee paid tribute to the exemplary support of the two independent members of the Committee, John Bridgeman (the Chair) and Mark Magowan.

Resolved

That the Annual Report be welcomed and the Members of the Standards Committee thanked for their work.

### **16. Question Time (Standing Order 7)**

There were no questions.

## 17. Notices of Motion (Standing Order 5)

### (1) Council Tax

- A** The following motion was proposed by Councillor Chris Saint and seconded by Councillor Martin Heatley:

“This Council warmly welcomes the national proposals for a discount to reduce council tax bills by up to £500, fully funded by central government, for 3.8 million pensioner households in England.

This Council recognises that, for several years, the level of government support has contributed to council tax rises above the rate of inflation as a greater proportion of local government expenditure has had to be raised locally.

In Warwickshire the council tax has risen by 74% since 1997/8 while the cost of living has risen by only 22% and this has hit the elderly where up to half the increase in their state pension has been swallowed up by higher council tax.

This Council recognises that these proposals will allow many of Warwickshire’s elderly to live in dignity and security in their old age.”

- B** The following amendment was moved by Councillor June Tandy and seconded by Councillor Katherine King:

Delete words after ‘This Council’ and replace with:

“... understands the difficulties faced by some people on fixed incomes in meeting their council tax bills.

However, this Council thinks it better to await the outcome of the ongoing national review of council tax currently being undertaken before it debates any issues on the level of council tax of any resident of Warwickshire.

This Council deplores the actions taken by the Conservative Group in attempting to bring before this Council a debate on an item likely to be in the national Conservative Party’s General Election manifesto.”

- C** The following amendment was moved by Councillor Chris Holman and seconded by Councillor Sarah Boad:

Delete words after ‘This Council’ and replace with:

“...welcomes in principle any proposal to ease the burden of council tax bills for those solely reliant upon state pension or on low income but regrets the Conservative proposal to give every pensioner the same



reduction in council tax irrespective of their level of income, whilst ignoring the low paid with families who may also be burdened by high council tax bills based on the value of their house rather than their ability to pay and Council welcomes national proposals to replace council tax with local income tax.”

## **VOTE**

A vote was taken on the amendment at ‘B’ above, followed by a vote on the substantive motion, and was LOST the voting being 23 for and more against.

The amendment at C having fallen, no motion was agreed.

## **(2) Waste Minimisation**

**A** The following motion was proposed by Councillor Eithne Goode and was seconded by Councillor Chris Davis:

“ This Council believes that:

- Waste minimisation should be the first priority of waste management
- Superfluous packaging is a major cause of waste
- Packaging can be reduced through improved design, education and cultural change
- National governments and the EU need to take action on excessive packaging
- A reduction in packaging would help the Council and the UK to meet their targets for reduction in levels of waste going to landfill

To this end the Council requests that the Chief Executive writes to Warwickshire’s MPs, MEPs, the Local Government Association and Defra requesting that they use their influence to ensure that existing legislation is enforced and stronger legislation implemented to reduce the amount of unnecessary packaging being used.

Furthermore this Council commits itself to work with companies trading within Warwickshire to limit the packaging they use and educate the public to encourage them to buy products with less packaging. The Director of Planning Transport and Economic Strategy is requested to bring forward a report to Environment and Rural Affairs Overview and Scrutiny Committee outlining instances of best practice in this area and what action the Council can take.”

- B** The following amendment was proposed by Councillor Martin Heatley and seconded by Councillor Bob Stevens:

Delete all words after 'To this end' and insert:

“ On receipt of the recent consultations undertaken with the Borough and District Councils, this Council looks forward to the Warwickshire Waste Forum being the driving force to deal with all aspects of waste minimisation throughout the County and for the Council’s Environment and Rural Affairs Overview and Scrutiny Committee scrutinising the process.”

## **VOTE**

A vote was taken on the amendment at B above and was CARRIED, the voting being 31 for and 9 against.

A vote was then taken on the substantive motion (set out below) which was CARRIED, the voting being 32 for and 9 against.

Resolved:

“ This Council believes that:

- Waste minimisation should be the first priority of waste management
- Superfluous packaging is a major cause of waste
- Packaging can be reduced through improved design, education and cultural change
- National governments and the EU need to take action on excessive packaging
- A reduction in packaging would help the Council and the UK to meet their targets for reduction in levels of waste going to landfill

On receipt of the recent consultations undertaken with the Borough and District Councils, this Council looks forward to the Warwickshire Waste Forum being the driving force to deal with all aspects of waste minimisation throughout the County and to the Council’s Environment and Rural Affairs Overview and Scrutiny Committee scrutinising the process.”

## **18. Any other Items of Urgent Business**

There were no items of urgent business.

**19. Exclusion of the Public**

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 paragraphs 7,8,9 and 10 of Part 1 of Schedule 12A of the Local Government Act 1972.

**20. Rugby Western Relief Road**

The Council considered a report of the Director of Planning, Transport and Economic Strategy which had been considered by the Cabinet on 3 February who had recommended that Council give approval to the earmarking of funding for this project.

The Council agreed that the capital receipt from the sale of surplus land be earmarked for the Rugby Western Relief Road.

**21. Decisions Taken Under the Urgency Procedure**

The Council considered a report of the County Solicitor and Assistant Chief Executive that advised of the urgent decisions taken in relation to exempt items since May 2004.

Resolved

That the report be noted.

The meeting rose at 3.00 p.m.

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Chair