

## Minutes of the Meeting of Warwickshire County Council held on 24 September 2015

Present:

Councillor Bob Stevens (Chair)

Councillors John Appleton, John Beaumont, Sarah Boad, Peter Butlin, Les Caborn, Richard Chattaway, Jonathan Chilvers, Chris Clark, Jeff Clarke, Alan Cockburn, Jose Compton, Yousef Dahmash, Corinne Davies, Nicola Davies, Neil Dirveiks, Richard Dodd, Sara Doughty, Peter Fowler, Jenny Fradgley, Bill Gifford, Mike Gittus, Brian Hawkes, Colin Hayfield, Bob Hicks, John Holland, John Horner, Julie Jackson, Danny Kendall, Bernard Kirton, Keith Kondakor, Joan Lea, Keith Lloyd, Jeff Morgan, Phillip Morris-Jones, Peter Morson, Brian Moss, Bill Olnor, Maggie O'Rourke, Dave Parsons, Mike Perry, Caroline Phillips, Wallace Redford, Howard Roberts, Kate Rolfe, Jerry Roodhouse, Izzi Seccombe, Dave Shilton, Jenny St. John, June Tandy, Heather Timms, Angela Warner, Alan Webb, Mary Webb, Matt Western, John Whitehouse and Chris Williams.

### 1. General

#### (1) Apologies for absence

Apologies for absence were submitted on behalf of Councillors Mike Brain, Philip Johnson, Kam Kaur, Clive Rickhards and Chris Saint

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

##### Item 2 – Housing Related Support (Supporting People)

Councillor Sara Doughty declared a pecuniary interest as an employee of a provider of a Supporting People service and left the meeting for this item.

Councillor Julie Jackson declared a non-pecuniary interest as a trustee of the Nicholas Chamberlaine School Foundation.

Councillor Jenny St John declared a non-pecuniary interest as letters had been circulated from Father John Cross from the Parish of St Peters and from the Justice and Peace Group and both are known to her.

Councillor Kate Rolfe declared a personal interest as a trustee of the Stratford CAB.

##### Item 8 – Education and Learning (Schools) Capital Programme

Councillor Julie Jackson declared an interest as a governor of St Michael's Primary School, Bedworth and a pecuniary interest as a trustee of the Nicholas Chamberlaine School Foundation and left the meeting for this item.

#### Item 10 (1)

Councillor Angela Warner declared a pecuniary interest as Non-Executive Director of South Warwickshire Foundation Trust and left the meeting for this item.

Councillor Maggie O'Rourke declared a pecuniary interest as an employee of South Warwickshire Foundation Trust and left the meeting for this item.

Councillor Richard Dodd declared a pecuniary interest as an employee of West Midlands Ambulance Service as the Ambulance Service purchase services from the Warwickshire CCGs and left the meeting for this item.

Councillor Les Caborn declared a non-pecuniary interest as a governor of the South Warwickshire Foundation Trust.

### **(3) Minutes**

#### **Resolved**

That the minutes of the meeting held on 21 July 2015 and the extraordinary meeting held on 3 September 2015 be approved as correct records.

### **(4) Announcements**

#### Sue Harrison, Landscape Architect, Communities Group

The Chair announced that Sue Harrison had recently competed in the World Championship 100km running race which she completed in a personal best time of 7 hours 39 minutes. Sue was the tenth woman home in the race with a finishing time that was the 5<sup>th</sup> fastest ever recorded by a British woman and that earned her the Silver Medal at the World Championships for her age group.

The Chair, on behalf of the Council, presented the award to Sue and congratulated her on her remarkable achievement and for the pride it brought to Warwickshire. The Council expressed their admiration and thanks in a standing ovation.

Sue thanked the Council and expressed her gratitude to all of her colleagues who had supported her throughout her athletic career.

#### Queen's Award for Voluntary Service

The Chair announced that he had attended the ceremony for the Queen's Award for Voluntary Service on 18 September. The award had been presented by the Lord Lieutenant to Safeline for their invaluable work in supporting people who have been subject of sexual abuse.

## County Service

The Chair referred to the very successful service held on Sunday 20<sup>th</sup> September which had been very well attended and had marked Queen Elizabeth II becoming the UK's longest reigning monarch. The Chair had also sent a letter of congratulations to the Queen.

### **(5) Public Speaking**

There were no public speakers.

## **2. Housing Related Support (Supporting People)**

Councillor Maggie O'Rourke, Chair of the Adult Social Care and Health Overview and Scrutiny Committee, presented the report from the Overview and Scrutiny Committee meeting held on 9 September. The Council was reminded that the Overview and Scrutiny meeting had been held to consider the call-in of the Cabinet's decisions made on 18 August in relation to Housing Related Support and the members reason for the call-in was that 'the Cabinet report failed to provide enough detail and clarification around the assessment process.'

Councillor O'Rourke moved the recommendation from the Committee as set out below and was seconded by Councillor Kate Rolfe:

'That, given the uncertainties around the level of assessments required and the ability to undertake these in the timescale, Council defers the planned saving of £300,000 in 2015/16 to be found from housing related support budgets and instead uses £300,000 from General Reserves in 2015/16 to balance the Council's budget.'

Councillor O'Rourke referred to the detailed information considered by the Overview and Scrutiny Committee at its select committee on 15 July and the consequent recommendations from that meeting that had been put to Cabinet in August. The recommendations from the committee meeting held in July included, amongst other things, concern about the assessment process which members considered had not been addressed by Cabinet.

Councillor O'Rourke also expressed concern that the consultation that had taken place (earlier in the year) had been on the basis of an unclear criteria and that engagement with providers and stakeholders had been late in the process, particularly with district and borough housing officers, who had only come forward after the consultation process had finished. Councillor O'Rourke added that she considered that not all impacts of the proposals had been considered.

Councillor Kate Rolfe, in seconding the recommendation later in the debate, expressed concern that the housing officers within the districts and boroughs will not be able to manage the increase in demand on them as a result of the proposals. In addition there will be an increase in demand on bodies such as the citizen advice bureaux who signpost services. Councillor Rolfe added that the full implications of this saving were not known and that more time is needed to deal with this in a sensible and timely way.

## DEBATE

The following points were raised in support of the recommendation:

- These cuts are likely to impact on those least likely to be able to defend themselves and will not be mitigated by re-commissioning.
- There is a risk the adult social care budget in picking up those impacted by the cut and a risk to reputation, for example by increase in homelessness
- It is not always possible to see the full detail or impact of savings at the budget fixing stage and the full impacts of this cut has not been considered.
- There is room for remodelling and improvements to services as well as some savings but 50% saving could have severe consequences for the vulnerable groups that will be cut.
- The services are part of the preventative agenda. For example the cut in support for young and adult offenders could lead to homelessness and homelessness is known to lead to recidivism amongst offenders. The cost of this will have to be picked up elsewhere.
- £300k is 0.1% of the Council's budget. Spending priorities should be reviewed to meet this, for example some capital projects could be given a lower priority.
- The assessment process needs more time to ensure it is right and this is an interim measure to allow this time.
- The recommendation should not be interpreted as an attempt to 'undo' the budget.
- There are adequate reserves to use for this purpose.
- The Council has a responsibility as a corporate parent and should not implement cuts that impact on the most vulnerable young people in the County.

The following points were made against the recommendation (and for the Cabinet proposals):

- There have been meetings with the providers and stakeholders throughout the process. The partnership group (which includes housing officers) have met regularly and continue to meet.
- The savings were agreed by the Council as part of the budget decision in February and officers have worked hard to achieve this whilst protecting the most vulnerable. If these are not met in this year then they will need to be made in next year, with a tighter timescale.
- There was no requirement for assessments within the implementation of the Supporting People Programme and this has not been a prerequisite for funding through this route. Future users will be identified in three ways: through the JSNA to target resources where need is greatest, providers will assess eligibility for HRS under the new definition for access and already eligible people under the Care Act will be assessed if required.
- The proposals will protect those most in greatest need and on the edge of care.
- The consultation has been one of the most comprehensive undertaken by the Council.
- The implications of the savings have been considered fully.

- Many other councils have cut their supporting people services completely but these proposals retain a service which will be targeted to those most in need.
- Transformational change is needed or the Council will never be able to meet the needs of those who are vulnerable and who are social care customers or on the edge of care.
- The One Organisational Plan and Budget provides a direction and should not be subject to piecemeal changes which will prevent the planned outcomes being met and lead to a loss of direction.
- There will be more difficult decisions to take and there is likely to be increased pressure on the budget. If this saving is not made, it will need to be made elsewhere.

## VOTE

The recommendation of the Adult Social Care and Health Overview and Scrutiny Committee was put to the vote and was carried.

### **Resolved**

That, given the uncertainties around the level of assessments required and the ability to undertake these in the timescale, Council defers the planned saving of £300,000 in 2015/16 to be found from housing related support budgets and instead uses £300,000 from General Reserves in 2015/16 to balance the Council's budget.

### **3. Warwickshire County Council Statement of Accounts 2014/15**

Councillor Alan Cockburn, Deputy Leader, presented the Statement of Accounts for 2014/15 and advised that these had been considered and approved by the Audit and Standards Committee on 9 September 2015. The Council was advised that the external auditors had approved the accounts and had been very complimentary regarding the high standard of work by officers in producing these accounts.

In response to questions from members, Councillor Cockburn advised that there had been a reduction in assets due to transfer to academies and reduction in net worth due to fluctuation in pension liabilities. Councillor Cockburn added that the level of reserves is prudent and in line with other councils and reminded members that reserves can only be used once and cannot be used for savings that need to be made year on year.

Councillor Alan Cockburn proposed that the accounts be approved and was seconded by Councillor Izzi Seccombe, who commended officers for their sound advice and financial management. The proposal was put to the vote and agreed unanimously.

### **Resolved**

That Council approves the 2014/15 Statement of Accounts.

#### **4. Annual Governance Statement 2014/15**

Councillor Alan Cockburn, Deputy Leader, presented the Annual Governance Statement 2014/15 and moved that it be approved by Council. Councillor Cockburn drew members' attention to the assessment of key risks and stressed the importance of monitoring risk as the council goes through transformation. It was noted that the Audit and Standards Committee had considered the Statement on two occasions and had the endorsement of external auditors and Cabinet.

Councillor John Horner, in seconding the proposal, paid tribute to the high quality of work and support provided by Garry Rollason and his Risk and Assurance team.

The proposal to approve the statement was put to the vote and agreed unanimously.

#### **Resolved**

That Council approves the Annual Governance Statement 2014/15.

#### **5. Warwickshire Pension Fund Statement of Accounts and Governance Report 2014/15**

Councillor Alan Cockburn, Deputy Leader, presented the Pension Fund Statement of Accounts and Governance Report which had been approved by the Audit and Standards Committee on 9 September. It was noted that the Council is the administering authority for over 150 employers in the fund which had around £1.6bn worth of assets. The auditors had issued an unqualified report on the fund.

Councillor Bill Gifford reminded members that pension deficits were an issue nationally, both for those contributing and for the public. Councillor Gifford added that the Warwickshire Pension Fund is very well managed but he was concerned that there were suggestions of combining funds and he would not wish the Warwickshire Pensions Fund to be put in with others that are less well managed.

Councillor Keith Kondakor, Leader of the Green Group, commended the approach of investing in a range of assets and technologies including greener technologies with lower risks. Councillor Matt Western welcomed the good performance of the fund and the move into infrastructure and questioned how the 4% investment compares to other funds. Councillor Western added that it would be useful for members to have a regular brief summary of performance of the fund and comparisons with others.

Councillor Alan Cockburn reminded members that the investment sub-committee are legally obliged to invest in assets that will give the best return. Councillor Cockburn added that the performance of the fund was available as a public document.

Councillor Alan Cockburn proposed that the Accounts and Governance Report be approved and was seconded by Councillor John Appleton. The proposal was put to the vote and agreed with two abstentions.

## **Resolved**

That Council approves the Pension Fund Statement of Accounts and Governance Report 2014/15.

### **6. Health and Wellbeing Board**

Councillor Izzi Seccombe, Leader of the Council, presented a report setting out revised governance arrangements for the Health and Wellbeing Board. Councillor Seccombe reminded Council that the governance arrangements of the Board had been reviewed in the light of one of the recommendations from a peer challenge review and took account of the views of a range of partners.

Councillor Seccombe explained that the new Board would be the strategic lead supported by an executive implementation board (comprising officers/directors). The Health and Wellbeing Board will have fewer formal meetings (3 times a year) but there will be workshops in between meetings involving a broader spectrum of people. The next workshop will be on End of Life and the following will focus on Stroke. Councillor Mike Perry, in seconding the proposals, welcomed the new arrangements as they will bring focus and direction to the Board. Councillor Les Caborn, Cabinet Portfolio Holder for Health, also welcomed the revised arrangements, bringing together all key partners.

Councillor Richard Chattaway, Deputy Leader of the Labour Group, observed that there will be an increase in the workload for the Health and Wellbeing Board and looked forward to more reports on what actions have been taken, in particular the outcomes in tackling health inequality, for example in tackling GP shortages. Councillor Keith Kondakor, Leader of the Green Group, also requested that more be done to ensure planning applications include NHS provision (such as GP surgeries).

Councillor Izzi Seccombe assured the meeting that tackling health inequalities is a duty of the Board and that it is important to remember that it is a partnership, not a WCC body, and welcomed the appointment of a vice chair from the CCGs. Councillor Seccombe added that it was important that, when planning applications come forward, there is engagement with the NHS to ensure there is on-going resource to provide GPs for any new surgeries etc. This has been a theme in the Planning for Health events and the Board has an important role in influencing this alongside council planning departments.

Councillor Izzi Seccombe added, in response to a concern from Councillor O'Rourke regarding district and borough engagement, that district and borough representatives have always attended and been the most engaged at all meetings.

The proposals were put to the vote and were agreed.

## **Resolved**

(1) That Council approves the arrangements for the Health and Well-being Board as appended to these minutes.

- (2) That Council delegates authority to the Strategic Director for Resources to make all necessary amendments to the Constitution.

## **7. Governance Review**

Councillor Izzi Seccombe, Leader of the Council, introduced a report setting out proposed amendments to the Council's governance arrangements following a review undertaken by the Leaders Liaison Group in particular in relation to decision making and overview and scrutiny. Councillor Seccombe added that the review had taken account of feedback from last year's member survey and recommendations in the LGA Corporate Peer Challenge and the review sought to address, in particular, the issues of member engagement at local and strategic level. The review sought to introduce improvements in the briefing of members, an expansion of the number of policy issues that are debated at full Council and devices to help reduce the number of items on the agendas for overview and scrutiny so that meetings are more focused.

Councillor Alan Cockburn, in seconding the proposals later in the debate, agreed that it is important that members are kept up to date on issues impacting on their but accepted that it was not always possible to cover every issue. He added that it was for Overview and Scrutiny members to determine their committee remits and ways of working.

The following points were raised in debate:

### Changes to the O&S Remits

- Moving the remit of Fire and Rescue from Communities to Resources and Fire and Rescue Overview and Scrutiny (previously Corporate Services) will mean that there is a loss of overview and scrutiny members who have experience in fire and rescue. The Fire and Rescue service may then end up being focused on the working group rather than at overview and scrutiny.
- Concern at the timing of changes to the remit of the Corporate Services and Communities Overview and Scrutiny Committees as membership had been agreed by Council in May.
- The move of Fire and Rescue to Resources and Fire OSC will address the work balance between the two committees.

### Portfolio Holder, Chair and Spokespersons Meetings

- Consistency in format of these meetings is welcome.
- The current arrangements for briefings for Children and Young People OSC includes separate briefings on Education and Learning and on Children's issues that enables the Groups to put forward their subject specific spokespersons for those briefings. There was a request that this is not lost in the new arrangements.

### O&S Work Programmes

- The criteria for selection/rejection of items for O&S should be interpreted by O&S members, not others.



- Whilst accepting that O&S should focus their core programme on OOP areas, O&S must retain the autonomy to decide and add to their own work programmes.
- The recent meeting of the Children & Young People Overview and Scrutiny Committee was a good meeting as the agenda was confined to two key issues.
- There should be more effective local scrutiny of key council services (e.g. scrutiny of school performance by area).
- The level of resource to support scrutiny has a direct effect on the level of scrutiny that can be undertaken.

#### Local Member engagement

- Notification of local members should include when a highways scheme is about to start. (Members also need to know why projects agreed early in the year have not been undertaken/are delayed.)
- The Area Committees were useful in keeping members informed.
- Decisions, in particular asset transactions, would benefit from wider member engagement pre-decision rather than post-decision.

#### Local engagement in decision making

- There needs to be further consideration of how to delegate powers to local areas.
- The costs, benefits and weaknesses of forums should continue to be monitored.
- Globe House, Alcester was a good example of local engagement in decision making across partners/interests.
- Forums enable networking although timing can be an issue (e.g. for older people who do not wish to attend evening meetings). Cross fertilisation of knowledge works better at a local level.

Councillor Izzi Seccombe concluded the debate by assuring members that, as proposed by the Leaders Liaison Group, the next stage of the review would be to look at local decision making.

The proposals were put to the vote and agreed as set out below.

#### **Resolved**

- (1) That the protocols on member/officer relations (Part 4 Section 3 of the Constitution) be amended as set out at 3.4 of the report to make explicit the need for local members to be advised of changes in services within their division.
- (2) That a system for regular briefings to all members be introduced with issues being identified through Cabinet Portfolio Holder, Chair and Spokespersons meetings as set at 4.3 of the report (Reference to this to be included in Part 4 Section 3, paragraph 5.1 Overview and Scrutiny Procedural Matters).
- (3) That entries to the Forward Plan should normally be entered four months ahead of the proposed decision date, and that each Group Leadership Team

monitor and review the Forward Plan on a regular basis as set out at paragraph 5.6 of the report.

- (4) That the Budget and Policy Framework (Part 2 Section 2 of the Constitution) be revised as set out in Appendix A of the report.
- (5) That a core programme of overview and scrutiny work based on key priority areas is developed as proposed at paragraph 7.4 of the report and in accordance with the selection criteria outlined at Appendix B and to be included at 5.2 of the protocols on member/officer relations in Part 4 Section 3 of the Constitution.
- (6) That the remits for the overview and scrutiny committees be amended as set out at section 8 of the report.
- (7) That the Strategic Director of Resources make the necessary amendments to the Council's Constitution to reflect the changes set out in recommendations (1)-(6).

## **8. Education and Learning (Schools) Capital Programme**

Councillor Colin Hayfield, Cabinet Portfolio Holder for Education and Learning, presented proposals for school expansions and alterations for inclusion in the Council's Capital Programme. Councillor Hayfield advised that all schools had been consulted on these but that there would be further consultation as the larger projects go forward.

Councillor Alan Cockburn, Deputy Leader, in seconding the proposals explained that the report should have been presented to Council earlier but had been omitted due to an oversight and had resulted in some urgent projects being agreed using delegated powers and through urgency. Councillor Cockburn apologised and agreed that this was not acceptable and must be avoided in future.

Councillor Colin Hayfield in response to a question regarding the funding of schools that become academies and in response to a question regarding the planning of school places, replied that it is the Council's duty to provide places (and some of those places will be with academies) and assured Council that officers did take account of birth rates and projected growth when planning school places.

The proposals were put to the vote and were agreed as set out below.

### **Resolved**

- (1) That Council approves proposals for expansions and alterations of existing schools as detailed in sections 3 and 4 and summarised in the Table at paragraph 6 of the report.
- (2) That Council approves the provision of new schools to serve new developments in Rugby and Warwick as detailed in sections 3 and 4 and summarised in the table at paragraph 6 of the report.

## **9. Urgent Decisions Taken Since the last meeting**

Councillor Izzi Seccombe, Leader of the Council, presented a report setting out two decisions taken under the urgency procedure. Councillor Matt Western, as Chair of the Corporate Services Overview and Scrutiny Committee, had been responsible for agreeing that the decision to contribute £300k towards expansion of Stratford Girls Grammar School was an urgent one. Councillor Western commented that there had been little detail of the project and that, whilst he could accept that it was urgent, he would wish in future to be given more information.

In response to a request from Councillor Bill Oler, Councillor Cockburn agreed to circulate the list of those within the Municipal Bonds Agency.

### **Resolved**

That the report be noted.

## **10 Motions**

### **(1) Competitive Tendering of NHS Services**

Councillor John Holland moved the following motion. This was an amended motion to that printed in the Council agenda (by the deletion of words after 'competitive tender'):

'That, given the current priority is for the NHS and local government to focus on the integration of health and social care services, this council makes an urgent representation to the three CCGs to reconsider their decision to put NHS services in Warwickshire out to competitive tender'.

Councillor John Holland explained that this motion aimed to strengthen the leadership on health issues within Warwickshire to maintain good quality services within the County and was in response to the tendering for school nurses from 1 November and there are other contracts coming up. Councillor Holland referred to representations received from staff regarding the changes and possible impact on services.

Councillor John Holland explained that the deletion of the words in the motion was in response to news that the Leader was having the discussions with NHS colleagues. Councillor Chris Clark seconded the amended motion.

It was noted that the Liberal Democrat Group had tabled the same wording in the form of an amendment. Councillor Jerry Roodhouse, Leader of the Liberal Democrat Group, commented that it was acknowledged that events had moved on and that there was evident support of the amended wording. Councillor Kate Rolfe seconded the amendment.

Councillor Izzi Seccombe reported that the Integration Board will be an ongoing group and that she saw the role of the County Council as leadership and guidance that would be helpful for partners.

The motion set out above was put to the vote and agreed as set out below:

**Resolved**

That, given the current priority is for the NHS and local government to focus on the integration of health and social care services, this council makes an urgent representation to the three CCGs to reconsider their decision to put NHS services in Warwickshire out to competitive tender.

**(2) West Midlands Combined Authority Proposal**

Councillor Alan Webb proposed the following motion and was seconded by Councillor Richard Chattaway

- A 'In the light of the news that the Shadow Board representing a West Midlands Combined Authority (WMCA) comprising authorities from Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton (which expects to be established in April 2016) has submitted proposals for devolved powers to the government, this Council agrees that the WMCA option should continue to be explored by the new Member Working Group and formally consulted on along with any other options eventually put forward.'

Councillor Alan Webb, in presenting the motion, expressed the view that the Council should consider the option again in view of the fact that neighbouring authorities have decided to put in the proposal 'to go alone' and Warwickshire is running short of options. Councillor Webb added that Warwickshire should keep its options open.

- B Councillor John Whitehouse moved the following amendment and was seconded by Councillor Jerry Roodhouse:

Add after 'agrees that'...

'the new Member Working Group should explore all options, including any improved WMCA proposal put forward. Any options supported by the Member Working Group, and subsequently the Council, should be formally consulted on before any final decisions are taken.'

Councillor John Whitehouse explained that the amendment sought to ensure all options are considered and may include an improved WMCA option. He added that he considered the wording of the motion put forward by the Labour Group sought support for the proposal that had already been rejected by the Council. Councillor Jerry Roodhouse, in seconding the amendment, referred to the need to get the working group underway. Councillor Roodhouse expressed concern at the secrecy surrounding the proposals and reminded members that proposals will be 'fiscally neutral' and that it is likely that investment will go to other areas, in accordance with a wider view of deprivation data.

## DEBATE

The following points were raised in debate:

In support of the motion at A:

- It is uncertain what is meant by 'improved' in the Liberal Democrat Group amendment.
- The decision taken at the last meeting means an option has been ruled out. All options should be considered.
- The proposal does not mean approval to 'signing up' to the WMCA, is just to look at it.
- The timetable was set by government and is now tight because the Council has not engaged early enough.
- Businesses support exploring the WMCA option.
- The consultation in Stratford found support for the WMCA option.
- The position is changing daily and Warwickshire needs to be part of the discussion as currently being seen as isolated.
- There will be a benefit for business rates in the WMCA option.

In support of the amendment at B:

- The consultation on WMCA has been considered by Council and rejected.
- Not all of the proposals coming forward are combined authorities, some are letter of intent and others business cases, so there is a huge variety and the working group needs to gather information on options and use information from LGA and CCN.
- Any combination needs to be with those who best suit the needs of people of Warwickshire.
- There is no additional money.
- There needs to be consultation on proposals.
- Not enough is known about the current WMCA proposal, for example what will happen to transport? What will be the impact of providing a free M6 toll?
- If we agree to be a non-constituent member, what would be the exit strategy? It is unrealistic to think we could join and then leave.
- It is unrealistic to think that only have until 12 October to decide on such a big issue.
- All options need to be explored but this should include evaluation of the democratic deficit and transparency of decision making.
- There has been no evidence since the decision taken by council on 3 September that changes the view of members.
- The working group should focus on the possibility of devolved powers.

A recorded vote was requested by Councillors Dave Shilton, Mike Gittus, Jeff Clarke and Jeff Morgan.

The vote on amendment B above was taken with the following result:

For (36):

Councillors John Appleton, Sarah Boad, Peter Butlin, Les Caborn, Jonathan Chilvers, Jeff Clarke, Alan Cockburn, Jose Compton, Yousef Dahmash, Nicola Davies, Richard Dodd, Peter Fowler, Jenny Fradgley, Bill Gifford, Mike Gittus, Colin Hayfield, John Horner, Danny Kendall, Bernard Kirton, Keith Kondakor, Joan Lea, Keith Lloyd, Philip Morris-Jones, Jeff Morgan, Mike Perry, Wallace Redford, Howard Roberts, Kate Rolfe, Jerry Roodhouse, Izzi Seccombe, Dave Shilton, Bob Stevens, Heather Timms, Angela Warner, John Whitehouse and Chris Williams.

Against (0)

Abstentions (21):

Councillors John Beaumont, Richard Chattaway, Chris Clark, Corinne Davies, Neil Dirveiks, Sara Doughty, Brian Hawkes, Bob Hicks, John Holland, Julie Jackson, Peter Morson, Brian Moss, Bill Olnor, Maggie O'Rourke, Dave Parsons, Caroline Phillips, Jenny St John, June Tandy, Alan Webb, Mary Webb and Matt Western.

## **Resolved**

That, in the light of the news that the Shadow Board representing a West Midlands Combined Authority (WMCA) comprising authorities from Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton (which expects to be established in April 2016) has submitted proposals for devolved powers to the government, this Council agrees that the new Member Working Group should explore all options, including any improved WMCA proposal put forward. Any options supported by the Member Working Group, and subsequently the Council, should be formally consulted on before any final decisions are taken.

*The Council meeting adjourned at 1.40 p.m. and reconvened at 2.30 p.m.*

## **11. Member Question Time**

### **11.1 Questions on Notice (Standing Order 7.2)**

#### **(i) Management of trees on Council owned property**

Councillor Keith Kondakor asked Councillor Alan Cockburn, Deputy Leader:

“Will you get the property services department to significantly trim back the trees on Eastboro Way, Nuneaton by several metres when we are outside the bird nesting season?”

Councillor Cockburn replied that Councillor Jeff Clarke brought this to the attention of the Physical Assets team in July and they have instructed the Forestry team to carry out the works. As soon as there is a date for the completion of the work, officers will inform Councillor Kondakor directly.

(ii) Safety of Pedestrians in Warwickshire

Councillor Jonathan Chilvers asked Councillor John Horner, Cabinet Portfolio Holder for Community Safety:

'The number of pedestrians killed or seriously injured in Warwickshire rose from 42 in 2013 to 55 in 2014 after six years of improving. What are the reasons for this increase?'

Councillor John Horner replied that the lowest number of killed or seriously injured pedestrians was 26 in 2011. Engineers report on injuries generally rather than by category and reported 213 pedestrian casualties in 2014, back to the mid 2000s. At present engineers have not found a specific reason for this although there has been an increase nationally. Suggestions for the increase include the increase in traffic as we have come out of recession and use of satellite navigation systems in cars which act as a distraction. However the number of child pedestrian casualties has fallen and are down 20% so far this year. A 'Traffic and Kids Don't Mix' campaign has been launched in Warwickshire and will be promoted in schools.

Councillor Chilvers asked whether Councillor Horner would continue to work with Councillor Butlin to try to prioritise pedestrian improvements, such as a big expansion of 20 mph speed limits across Warwickshire.

Councillor Horner referred to the initiative being undertaken on safer routes to schools which included considering 20 mph limits around schools but as for introducing these everywhere, they are more suited to towns, as and when appropriate. It is more difficult to apply in rural areas as they do not get noticed. Councillor Horner added that it would continue to be looked at.

Councillor Matt Western referred to a request he had made of the Police and Crime Commissioner for information on the number of speeding offences recorded in Leamington and questioned whether it would be useful to have such data across urban areas in Warwickshire for the same period to see if there is any correlation. Councillor Horner replied that he would ask the PCC if he had the data.

(iii) Attendance at Bermuda Bridge Consultation events

Councillor Keith Kondakor asked Councillor Peter Butlin, Cabinet Portfolio Holder for Transport and Planning:

'The County Council decided to hold consultation drop in events for the Bermuda Bridge project over a remarkable range of 13 venues spread out over Nuneaton, Bedworth and North Warwickshire. What has been the turnout at each of the 13 venues for project staff, for security/body guards and for members of the public and what was the cost of the security guard at each venue?'

Councillor Peter Butlin replied that the consultation would finish on 9 October. The turnout to date was 470 in total, with attendance varying from 235 at Nuneaton Town Centre to 4 at Ansley Common. Officer attendance at each ranged from 2 to 7, according to expected turnouts and the variety of skills needed to answer complex technical questions along the route of the project. The County has a duty of care to keep officers safe and officers make a judgement on whether security is

appropriate, and did prove helpful. The cost of security was £153.85 per event, a total of £2,000, but put in context the Councillor's call-in of the item cost £5,000.

Councillor Kondakor asked whether it was usual to have security guards at events and Councillor Butlin advised that it is up to officers to decide whether there is a need to ensure safety.

(iv) EU Working Time Directive

Councillor Matt Western asked Councillor Alan Cockburn, Deputy Leader

'Given our responsibilities under the EU Working Time Directive, can the Portfolio Holder confirm that, based on the European Court ruling two weeks ago that travel time for non office-based employees should be paid, WCC will be acting on this to ensure employees working in the care services and others will be paid accordingly and state when this will take effect if this is currently not the case? How many direct or indirect employees of this Authority or its agencies will benefit?'

Councillor Alan Cockburn replied that the ruling of the European Court of Justice is that workers whose base of work is home are entitled to count as working time the first journey of the day (from home to first appointment) or the last journey of the day (from last assignment to home). The ruling was in relation to rest breaks and the number of working hours from a health and safety perspective. It did not state that employees are entitled to pay for that time or deal with the issue of pay at all. The National Minimum Wage Act also specifically excludes time spent travelling from home to work and therefore the council will not be able to force the care sector to pay for this time. The Department of Business, Innovation and Skills is currently considering the ruling and we are waiting further information.

Councillor Matt Western asked whether the council should be following the spirit of the legislation that covers the hours worked, including the time between appointments.

Councillor Cockburn replied that this was the legal ruling at present and the council takes its responsibilities very seriously.

Councillor Chris Clark asked whether there would be any impact on school nurses.

Councillor Cockburn did not foresee any impact and referred to his previous answer.

(v) Head Teacher and Governing Body vacancies

Councillor Dave Parsons asked Councillor Colin Hayfield, Cabinet Portfolio Holder for Education and Learning:

'Given reports of the difficulties faced by schools in terms of the recruitment of both Head Teachers and members of governing bodies, can the portfolio holder report on the situation for our maintained schools and, if he has knowledge of the situation, in Warwickshire academies?'



Councillor Colin Hayfield replied that there are 10 head teacher vacancies and/or acting head teacher arrangements in Warwickshire at present. This is due to a variety of reasons, some is due to illness, ongoing recruitment campaigns (a small number of which due to not being able to appoint on the first attempt) and it is more difficult to recruit head teachers. The number of schools who have decided not to have a head teacher for one school is increasing. 33 schools are involved in federations, shared headship arrangements or multi academy trusts. These schools either have a shared head teacher or an executive head teacher with a responsibility for a number of schools. The decision may be due to structural arrangements, assistance with improvement in another school or to address financial or viability issues.

Governor recruitment is a challenge but varies across schools. All maintained school governing bodies have been reconstituted in line with 2012 Regulations and DfE encourages smaller but highly skilled membership. As a result over 80 governing bodies in Warwickshire have 12 or smaller membership. Only 5 schools have governing bodies of 19 or more.

At present, of Warwickshire's 110 maintained schools, only 34 have no current vacancies and 3 secondary and 8 primary schools have 4 or more vacancies.

Councillor Parsons asked whether there is any information on the position in academies and Councillor Hayfield undertook to find out what he could.

(vi) Child Poverty Strategy

Councillor Jonathan Chilvers asked Councillor Les Caborn, Cabinet Portfolio Holder for Health

'Warwickshire has recently signed off its new Child Poverty Strategy. How many additional children of working families in Warwickshire is it estimated will fall into poverty from April 2016 as a result of the central government cuts to Tax Credits?'

Councillor Les Caborn replied that under the measure '% of children living in low income families (workless or where family is claiming working tax credit and earns less than 60% of median average)' there are 15,315 children currently living in poverty in Warwickshire at this time. It is difficult at present to know whether this is an accurate figure given the current changes. Therefore, as part of the refresh of the JSNA, work is underway on developing an assessment that will be undertaken and will be reported back to members.

Councillor Chris Clark asked what work has been done in anticipation of how the Council may meet any additional needs?

Councillor Caborn replied that the Child Poverty Strategy was developed with full consultation and with members with the information known at that time. We are still going to progress that strategy and also undertake the assessment referred to.

(vii) Syrian Vulnerable Persons Relocation Scheme

Councillor Jonathan Chilvers asked Councillor Jose Compton, Cabinet Portfolio Holder for Adult Social Care:

'Will Warwickshire County Council be signing up to the Government's Syrian Vulnerable Persons Relocation Scheme?'

Councillor Jose Compton replied that at this early stage any participation in the scheme is voluntary and the details on how the scheme will operate are still being finalised but it is expected it will align with the existing scheme. On 11 September the Chief Executive responded to a letter from the Home Office that in principle we would be willing to help to support a relocation scheme, bearing in mind that there is not have a pre existing significant Syrian community in Warwickshire and the Council would not wish to create further problems for a few isolated families. Once the initial discussions commence, a programme board will be established with key partners, including district and borough councils, to take this important work forward.

(viii) Impact of Shop Closures

Councillor Keith Kondakor asked Councillor Izzi Seccombe, Leader of council:

'The Heart of England Co-Op plan to close most of their non-food departments across Warwickshire. This will have an especially big impact in Nuneaton and Bedworth were the Co-Op represents a significant area in the Borough's two towns.

Given that we already have 16% of Nuneaton shops empty and maybe an even worst figure in Bedworth, what steps are the County Council and LEP taking to help those impacted by the closure and knock on impact on trade in my Borough?'

Councillor Izzi Seccombe replied that the council are undertaking a number of measures to boost trade in Nuneaton and Bedworth. The Investment in Warwickshire Team continues to promote Nuneaton and Bedworth town centres and despite the vacancies, there were currently 25 active enquiries from retailers looking for premises. The new Invest in Nuneaton and Bedworth leaflet is aimed at the retail and leisure sector and was used at the British Council for Shopping Centres Conference to promote the town centres. The County Council, in partnership with Nuneaton and Bedworth Borough Council, has put in an expression of interest to the CWLEP for funding for a number of initiatives to boost investment. A programme of packages has been put together that includes the redevelopment of land at Vicarage Street, Regent Street and Abbey Street and infrastructure improvements to help access.

## 11.2 Questions without Notice to Leader of the Council and Cabinet Portfolio Holders

### (i) Emergency Services

Councillor Sarah Boad asked the Leader how she would be responding to the Government consultation document 'Enabling Closer Working Between Emergency Services' and how she would involve members in that response.

Councillor Izzi Seccombe replied that there would be a joint response with the PCC and she would reply on the issue of involvement of members.

### (ii) Operation Footfall

Councillor Richard Chattaway asked Councillor Cockburn whether the council obtained value for money from the grant given to develop an application for Operation Footfall in Coleshill.

Councillor Alan Cockburn replied that the £6,000 funding was not used for the application but an alternative website solution was found which is considered to be more user friendly. This is now being assessed against the funding criteria.

### (iii) Application of Section 106 Money

Councillor Dave Parsons asked why there had not been consultation with him, borough and parish councillors on the allocation of Section 106 money within his area.

Councillor Izzi Seccombe advised that Section 106 money is for mitigation purposes, has to be evidence based and modelled by officers and comes after the development has been agreed. Councillor Seccombe suggested that this issue be taken up with officers.

### (iv) HS2 – Termination of Trains

Councillor Brian Moss asked Councillor Peter Butlin who he believed – the MP who said the train would terminate at Old Oak Common for several years whilst Euston Station is being redeveloped or the Chief Executive of HS2 who said they would terminate at Euston Station on the first day of operation?

Councillor Peter Butlin replied that he did not have an influence on this and concentrated on mitigating the impact on Warwickshire. He would keep members updated on progress.

### (v) Shortage of GPs

Councillor Chris Clark asked Councillor Izzi Seccombe what steps were being taken by the Health and Well-being Board to address the shortage of GPs and what support can be provided by councillors.

Councillor Izzi Seccombe replied that this was being looked at across the three CCGs to see if there could be a mechanism to help address the capacity issue.

This is a national shortage of GPs and hope that they will choose to come to Warwickshire.

(vi) Progress on establishment of the Multi Agency Safeguarding Hub

Councillor Nicola Davies asked Councillor Les Caborn, Portfolio Holder for Health, whether he was able to give a timescale for when the MASH would be created and fully operational.

Councillor Les Caborn replied that he could not give a date but that he was determined that it should be progressed and when the building site has been determined, a timescale will be agreed and members advised.

(vii) Bermuda Station

Councillor Keith Kondakor asked Councillor Peter Butlin, Portfolio Holder for Transport and Planning, when the station will open

Councillor Peter Butlin replied that it was delayed by Network Rail but it is anticipated that it will be open in November

## **12. Snitterfield Emergency Flood Scheme**

Councillor John Horner, Portfolio Holder for Community Safety, presented a report setting out a proposal to increase the capital programme by £2.2m to allow the Snitterfield Flood Scheme to go ahead, with funding from the Environment Agency of £2m. Councillor Horner explained that the alleviation of flooding in Snitterfield was ranked number one in the priority listing in Warwickshire and it was essential that this work was undertaken. He added that the item had appeared as a late urgent item on the agenda as the agreement to funding from the Environment Agency had only recently been obtained. It was noted that the Environment Agency funding was for this specific project and the project needed to be underway in this current financial year. Councillor Alan Cockburn seconded the proposal and added his congratulations to officers for the agreement they had arrived at with the Environment Agency to design a project at a lower cost than originally envisaged by the Environment Agency.

Councillor Keith Kondakor proposed the following amendment and was seconded by Councillor Jonathan Chilvers:

'That Council approves the increase to the Capital Programme on the basis that any overspends are shared fairly between the partners.'

Councillor Kondakor explained that he wished to be sure that, should there be any overspend, the cost was met fairly. Councillor Chilvers added that this was a safeguard to cover any unforeseen circumstance.

Councillor Richard Chattaway expressed the view that the amendment was unnecessary as officers had already assessed the project and would have taken account of the risks in their assessment. Councillor Bill Gifford added his concern that the amendment may not be seen favourably by partners in this project and that

Council should accept the agreement that had been reached and progress the project. Councillor Gifford added that should there be a need for further decisions on this they should come back to Cabinet rather than as a portfolio holder decision.

Councillor John Horner assured the meeting that he was confident that the project would be delivered effectively and without overspend, given the design of the work, and expertise of the council's contractors. He added that the Environment Agency would provide a project manager and that should there be any need for any further member approval then this should be done in a way that did not cause any further delay.

The amendment was put to the vote and was lost.

The substantive motion was put to the vote and was agreed as set out below:

**Resolved**

That Council approves an increase in the Capital Programme of £2.2million to facilitate an emergency flood scheme at Snitterfield, with £200,000 funded from the Flood Risk Management Reserve and the balance of £2m from third party contributions.

The Council rose at 3.30 p.m.

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Chair