

Cabinet

Tuesday 12 April 2022

Minutes

Attendance

Committee Members

Councillor Isobel Seccombe OBE (Chair)
Councillor Margaret Bell
Councillor Peter Butlin
Councillor Andy Crump
Councillor Andy Jenns
Councillor Wallace Redford
Councillor Heather Timms

Others Present

Councillor Tracey Drew
Councillor Judy Falp
Councillor John Holland
Councillor Jerry Roodhouse
Councillor Martin Watson

1. General

(1) Apologies

Councillors Kam Kaur and Jeff Morgan.

(2) Disclosures of Pecuniary and Non-Pecuniary Interests

None.

(3) Minutes of the Previous Meeting

The minutes of the meeting of Cabinet held on 10 March 2022 were agreed as an accurate record.

(4) Public Speaking

Councillor Izzi Seccombe (Leader of Council and Chair of Cabinet) welcomed two public speakers to the meeting. These were Mr Dave Passingham and Mr John Dinnie who spoke on the report titled '20mph Speed Limits - Task & Finish Group Recommendations'.

1. Mr Dave Passingham

Mr Passingham made the following statement:

I'm representing 20's Plenty Warwickshire which is part of the national 20's Plenty campaign. 20mph is Government policy. The UK recently signed the Stockholm Declaration with 130 other nations, agreeing on a default 20mph limit wherever cyclists and pedestrians mix with motor vehicles.

The 20mph Task and Finish group did not properly consult the national 20's Plenty Campaign, whose founder and main adviser, Rod King, was awarded an MBE for his work for road safety.

A presentation for Councillors was given by 20's Plenty Campaign before the Task and Finish Group was set up but not many members attended.

The group investigated two wide areas in Warwickshire and concluded that 20mph would be expensive to implement with little benefit. It then recommended targeted schemes. This is despite evidence in other parts of the country that it would provide value for money seven times higher than targeted physical calmed speed reduction zones.

There are additional savings for 20mph in crash costs and the loads on the NHS because as well as being great value for money, lowering speed limits becomes the foundation of local active travel, community connections, noise reduction, air quality and duty of care strategies.

The Task and Finish Group does not mention the road safety benefits even though the UK's Department for Transport estimates that speed reductions of 1mph in built-up areas reduces casualties by 6%. 20mph schemes typically lead to 20% fewer casualties.

It dismisses the environmental implications of 20 mph even though there has been shown to be a reduction on average of 25% in carbon dioxide emissions and 28% nitrous oxide. It does not mention the 50% reduction in noise when speeds are reduced. This is one of the main complaints of residents. It does not mention that travel times are hardly affected. The 20's Plenty Campaign calls on the Council to discuss with the 16 Towns and Parishes that have already passed 20mph motions for their areas, the best and easiest ways of implementing their schemes on a wide area basis.

2. Mr John Dinnie

Mr Dinnie made the following statement:

Thank you for the opportunity to speak. My name is John Dinnie. I'm from Shipston on Stour. I previously addressed Council about our working together on 20mph in Shipston. What we have experienced in Shipston will be the same for every community in Warwickshire. Dave has explained why the Task and Finish Group have reached the wrong conclusions and I want to speak about the effect the wrong policy will have on the communities you serve.

By following a piecemeal approach, rather than a full implementation of national policies,

individual councillors will have to arbitrate between conflicting communities and priorities trying to differentiate between Ilmington and Brailes, Tredington and Long Compton, resulting in a fragmented solution satisfying no-one. Your communities will be deprived of the safety and environmental benefits that have clearly been demonstrated in widespread applications of the 20s Plenty approach. Your health and wellbeing boards and partnerships like ours in Shipston will find their active travel aspirations frustrated and curtailed by parental fear and the reluctance of the elderly. Walking and cycling will continue to be prevented by your lack of control of speeding traffic. Children are not just close to schools. The elderly do not all live in care homes or sheltered housing. Care in the community means that vulnerable people live everywhere and they are entitled to the safety and environmental protection of 20mph limits. There has been considerable confusion caused by reference to enforcement. This is a false argument and a separate matter best dealt with by the police, like seatbelts, drink driving and mobile phones. Educate then legislate 20mph is the new normal. This is the time for a cultural shift. Your duty is to place the expectations for compliance not to feed the what you can get away with mentality. I want you to fully understand what all your communities will be expecting from you and send a clear message to the motorists of Warwickshire and all our visitors that you care for your communities and you expect that from them too.

A third member of the public attended the meeting to speak on the item, but as they had not registered in accordance with the Public Speaking Policy, Councillor Seccombe suggested that they provide their statement in writing.

2. Service Estimates 2022/23

Councillor Peter Butlin (Deputy Leader, Finance and Property) summarised the published report, noting that this was the usual report that followed the budget and MTFS approval and set out the detailed budget allocations for all the services areas. The report set out the service revenue and capital baselines used for quarterly financial monitoring reports together with changes to the revenue budget allocations. Councillor Butlin drew attention to the most significant change which was a £14.4m virement for Children with Disabilities, moving the budget from Education Services in the Communities Directorate to Adult Social Care in the People Directorate, which reflected the recommendations agreed as part of the All Age Disability Review. In terms of Capital, a more fundamental review of 2022/23 allocations would be made as part of the 2021/22 outturn report, where it was expected to see a reasonable degree of reprofiling. Uncertainty remained around a range of capital schemes due to on-going pressures.

Resolved:

That Cabinet:

1. Approves the detailed revenue budget, savings plan and capital programme for each of the Authority's services set out in Appendices A to M of the report; and
2. Notes and endorses the adjustments to service revenue budget following the realignment of budgets within and between directorates since the budget was set on 8 February 2022, as outlined in Section 3 and Appendix N of the report.

3. External Auditors' Annual Audit Report 2020/21 - County Council Response and Action Plan

Councillor Peter Butlin (Deputy Leader, Finance and Property) reminded Cabinet that as part of the 2020/21 external audit a new Annual Audit Report had been received from the external auditors that included their opinion on the Council's accounts and value for money judgement. The report had been presented to Full Council in December 2021 and contained several recommendations from the external auditors for the Council to consider. As indicated to Full Council, this report set out the management response to what had been a positive report on the Council's position and the recommendations had been minimal. The draft management response had already been considered and endorsed by the Audit & Standards Committee on 25 March 2022. Councillor Butlin advised that there had been one key recommendation linked to the SEND area inspection, for which the relevant actions had already been completed and of the seven improvement recommendations, as set out in the report, it was considered that two could be met in different ways to the External Auditors recommendations and the remaining five recommendations had been acknowledged and appropriate plans put in place.

In response to a question from Councillor Jerry Roodhouse about whether the response would be considered by Scrutiny and, if not, how elected members could monitor the achievement of the recommendations, Councillor Butlin advised that questions could be raised with him at overview and scrutiny.

Also in response to a question from Councillor Roodhouse, Councillor Butlin advised that a methodology on reporting on delegated budgets was shortly due to be announced. Councillor Seccombe added that a member seminar on delegated budgets was taking place in the near future which would demonstrate the system in place.

Resolved:

That Cabinet approves the draft plan, attached at Appendix A to the report in response to the Annual Audit Report from the external auditors.

4. Inspection of Local Authority Children's Services - Inspection Outcome and Action Plan

Councillor Izzi Seccombe, Leader, introduced this report which followed the improved 'Good' Ofsted rating for Children's Services, highlighting the areas of strength and the four recommendations with the associated action plan. Councillor Seccombe noted that outcome of the inspection provided opportunities for the authority to support other councils to improve which would benefit the service area on its journey to Outstanding, in terms of growth and self-learning together with learning about other approaches. She expressed her thanks to the dedicated staff in the service area and fully endorsed their success.

Resolved:

That Cabinet:

1. Notes the strengths and areas for improvement identified by the Ofsted inspection report; and
2. Endorses the Action Plan as attached at Appendix 1 to the report.

5. Prevention, Protection and Response Strategy of Warwickshire Fire and Rescue Service

Councillor Andy Crump, Portfolio Holder for Fire & Rescue and Community Safety, summarised this report which presented the draft Prevention, Protection and Response Strategy for approval so that consultation could take place. The Strategy formed one of the key elements of the Community Risk Management Plan (CRMP) which was the new national terminology for the previous IRMP.

This strategy began to address the Causes of Concern raised in the recent inspection by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services and the weaknesses identified. The report also included the previous two years' statements of assurance for approval.

In response to a comment from Councillor Roodhouse regarding consultation with district and borough councils, Councillor Crump advised that the Service was doing positive work but were not necessarily communicating widely enough about what was being done and why. Councillor Crump indicated that he would endeavour to obtain the details of who had been consulted.

Councillor Seccombe welcomed the insights provided by the strategy and Councillor Crump advised that this information was used to tailor strategies to individual needs.

Resolved:

That Cabinet:

1. Approves the draft Prevention, Protection and Response Strategy, which is a component of the Community Risk Management Plan, and its release for consultation with the community, our people and representative bodies and partners;
2. Authorises the Chief Fire Officer, in consultation with the Portfolio Holder for Fire and Rescue and Community Safety, to finalise the Prevention, Protection and Response Strategy, having considered and taken into account the consultation feedback and to then publish the Strategy; and
3. Endorses the Statement of Assurance 2019/20 and 2020/21.

6. 20mph Speed Limits - Task & Finish Group Recommendations

Councillor Wallace Redford (Portfolio Holder for Transport and Planning) explained that the Task and Finish Group had been convened following a motion at full council to consider the evidence, cost, impact and/or benefit of 20mph speed limits in residential areas including schools and other sites of wider interest across Warwickshire and to report the outcome of this work to Cabinet. The Group had concluded that a blanket approach offered little benefit and had engaged in discussion over a wide range of how effective 20mph schemes already implemented in Warwickshire were and also looked at the options for advisory signage and what would benefit schools in particular. To support the work, the Group had looked at two specific areas in Warwickshire investigated for a blanket approach (New Arley and Kenilworth) but neither showed the benefits for full schemes and this supported the Group's conclusion that a targeted approach was more suitable. Discussions with the Police had drawn the conclusion that 20mph limits were only effective when motorists were already abiding by 30mph limits. The final recommendations were set out in the report.

Councillor Tracey Drew read a statement from Councillor Jonathan Chilvers who was unable to attend the meeting. The statement reflected on Councillor Chilver's perception of the approach the Task and Finish Group had taken to the topic and the resulting quality of its report, which Councillor Chilvers considered mis-represented the findings. Councillor Chilvers suggested that Cabinet should request further work be undertaken to assess the success of schemes around the country in places like Warwickshire and then put in place a fair and costed process to support communities that wanted 20 mph speed limits. Councillor Seccombe requested that the statement be sent to the Portfolio Holder in accordance with normal custom and practice.

Councillor Drew drew attention to the government's £30 million investment in highways decarbonisation projects which would enable councils to complete for small amounts of money to deliver 'pioneering projects' to decarbonise. She noted that residents in Kenilworth were supportive of a change to slower speed limits and traffic calming subject to consultation, and that road safety was a key concern for residents hesitating to walk and cycle who would have greater confidence if there was a 20mph speed limit. She considered that the benefits were tangible and credible. She asked how quickly the council could consider applying to the aforementioned fund with an innovative scheme to effectively introduce 20mph speed limits.

Councillor John Holland recognised that there were clearly divided views on the subject. He noted that the Secretary of State had indicated a presumption that residential streets would be subject to 20mph speed limits, which were also popular with residents. However, he noted that there were two elements to their introduction with the council being required to implement them and the police to enforce them. He welcomed the report's emphasis on the role of the local councillor in the debate and considered that this represented a workable way forward if the Portfolio Holder was minded to work with local councillors. In terms of using delegated budgets, he believed that the costs of introducing lower speed limits could be less than the costs indicated in the report as it was feasible for well-informed local councillors to take advantage of opportunities that arose when roads were scheduled for repair and align the introduction of traffic calming works in order to limit the additional costs.

Councillor Martin Watson, who had been a member of the Task and Finish Group, commented on the work of the group, contradicting the statement of Councillor Chilvers in terms of the approach that had been taken. He advised that the Task and Finish Group had looked at the introduction of a blanket scheme but understood that it would not be universally welcomed. He also referred to an article in the Shipston Forum which stated that it would be pointless to implement a reduced speed limit that would not be enforced and therefore technology in the form of speed cameras, etc was required to support enforcement. He highlighted the view of the Task and Finish Group that one size did not fit all and that was the reasoning behind the conclusions.

Councillor Jerry Roodhouse noted that the Task and Finish Group report gave a flavour of the debates that had taken place and welcomed the presentation of the report in that sense. Referring to the last bullet point of paragraph 4.8 of the covering report, regarding the definition of the metrics for success, he considered that there was merit in the elected member for the area working within specified parameters, but he was unclear what the metrics for success actually were, particularly around the weight of community opinion (eg in Shipston) and he sought an understanding of how the metrics would be put together into a framework. He was of the view that it would be a worthwhile exercise for the metrics to be delivered through the scrutiny function to ensure member and community involvement and allow more discussion and debate to take place.

Councillor Judy Falp considered that it was important to have the option to implement 20mph limits but noted that 20mph limits were not universally welcomed. She felt that it was important to address existing issues with delegated budgets before Councillors were expected to engage with their residents as per the recommendations.

Councillor Izzi Seccombe reflected that when she had joined the Council there were five 20mph trial schemes in place which were not extended due to limited requests to do so. In the division she represented, a number of Parish Councils had asked to join the debate and make their views known but only one was interested in pursuing a 20mph area. She noted that implementing lower speed limits required expenditure of public funds and not all residents were supportive of them. In fact, she was aware that despite the presentation of a petition of over 1000 signatures from Shipston, the Town Council had not given the idea support. She advised that there were villages in the division she represented where a 20mph limit would be welcome outside schools but not in the wider area and she did not consider that a wider speed limit was useful if drivers were not compliant. Compliance with speed limits was an operational police matter and, at the time of the meeting, police resources were stretched and she was, therefore, conscious that the decision would have an impact on the Council's partners. She considered that the report presented a compromise to those individuals who were interested in a 20mph zone, not a blanket approach, and she was of the view that this was more in-line with the Warwickshire way of working.

Councillor Andy Crump stated that as part of his role, he was a member of the Road Safety Partnership and considered that there were still too many fatalities on roads. He referred to one of the public speaker's comments about the similarities between Shipston and other communities but considered that this was not the case and the approaches taken required some finesse. He referenced projects in the division he represented where residents had been accepting of measures in place but considered that measures required public support to be successful. He considered there were other issues to be tackled, eg around education, as speed was a small factor in accidents at low speed, and agreed that the Task and Finish Group's recommendations had merit.

Councillor Wallace Redford acknowledged the comments that had been shared. He noted that there was a member development seminar due to take place on 27 April 2022 which he trusted would clear up any confusion around the use of delegated budgets. He also noted Councillor Roodhouse's comments regarding the metrics for success and suggested that the seminar should cover this point as well so that members were aware of the information, data and communication required.

Resolved:

That Cabinet:

1. Supports the recommendations of the Task and Finish Group on 20 mph speed limits as set out in paragraph 4.8 of the report;
2. Asks that all Members be informed of the options for using their Delegated Highways Budgets to fund speed limits and engineering measures designed to reduce speed, the potential availability of the Community Action Fund, the preferred approach of targeting specific

locations, the criteria for 20 mph speed limits and what evidence is required to support a proposed 20 mph speed limit; and

3. Asks the Strategic Director for Communities to monitor the use of Members' Delegated Highways Budgets for 20 mph limits and report back to the Communities Overview and Scrutiny Committee in February 2023.

7. Framework for Specialist and Alternative Education Placements

Councillor Izzi Seccombe, presented this report which sought approval to procure a new single provider framework that incorporated the two existing frameworks, due to expire at the end of the academic year, covering specialist SEND education day placements and alternative education provision.

Councillor Margaret Bell noted that the report referred to alternative education provision for ages 4-16 being ten weeks full or part time and she considered that there needed to be a specific understanding of what was acceptable and the person receiving support was fully occupied. Whilst it may be that the alternative provision was short, it was important to ensure that there were activities in place for the remainder of the week.

Councillor Heather Timms welcomed the simplified approach and subsequent value for money and she expressed her concern that alternative provision did not become the norm and it was a genuine 10 week placement supporting return to the mainstream which offered opportunities for vocational training since it was important for young people to be work ready.

Councillor Seccombe welcomed the comments, particularly, around the need to support young people to be skilled to enter the workplace. She had spoken to relevant officers on the point and they too welcomed these comments. She was also keen to ensure that the alternative provision was limited to the placement described and that this should be built into the new commissioned contract. She considered that a degree of flexibility in the contract would allow for some adaptation in terms of the Education White Paper and Special Educational Needs Green Paper.

Resolved:

That Cabinet:

1. Approves the commencement of a procurement process to support the commissioning of specialist and alternative education placements through the independent sector.
2. Authorises the Strategic Director for Communities to enter into all relevant contracts for this purpose, on terms and conditions acceptable to the Strategic Director for Resources.

8. Reports Containing Exempt or Confidential Information

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

9. Exempt Minutes of the 10 March 2022 Meeting of Cabinet

The exempt minutes of the Cabinet meeting held on 10 March 2022 were agreed as an accurate record.

10. Educaterers Local Government Pension Scheme Liability

Councillor Peter Butlin (Deputy Leader of the Council) introduced this item and summarised the exempt report.

Resolved:

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

11. Acquisition - Land at Warwick

Councillor Peter Butlin (Deputy Leader of the Council) introduced this item and summarised the exempt report.

Resolved:

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

The meeting rose at 15.02pm

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Chair