

APPENDIX 1

Item 4

Cabinet

18 October 2012

Provision of Emergency Stopping Places for Gypsies and Travellers**Recommendation**

That Cabinet approve the principle of providing emergency stopping places for travellers and ask the Strategic Director for Communities to obtain all necessary consents and take all other steps as are necessary to provide such place or places as she may identify on terms acceptable to the Strategic Director of Resources.

1.0 Background

- 1.1 At times in the recent past, Gypsy and Traveller communities in the UK have lived on the periphery of society, with a shortage of legitimate places to stay.
- 1.2 A number of changes in government legislation have necessitated a revision to policies concerning Gypsies and Travellers. This includes changes to the Race Relations Act 1976, now incorporated into the Equality Act 2010, which not only requires public bodies to eliminate unlawful discrimination and harassment but also to promote good relations between people of different ethnic backgrounds. The Housing Act 2004 included changes which have introduced a statutory duty to undertake Accommodation Needs Assessments for Gypsies and Travellers. In Warwickshire these assessments have highlighted a number of potential gaps in current accommodation and service provision, which need to be addressed by WCC and partner agencies.

2.0 Key Issues

- 2.1 During 2011 there were 94 recorded instances of temporary unauthorised encampments in Warwickshire, varying from a single vehicle and caravan to large groups with multiple vehicles and caravans. A summary can be found in Appendix 1.
- 2.2 The periodic shortage of vacant pitches on permanent sites and designated short term stopping places within the county can mean that travellers set up unauthorised encampments on highway land, other local authority land or on private land. In a minority of instances such encampments are tolerated in the short term, for example, small groups residing on wide rural highway verges who have signalled a clear intention to move on in a matter of days or hours. In other cases, there are actual or perceived negative effects on local businesses and/or the local settled community for example, locations on

trading estates that have become regular stopping places well known amongst the travelling community.

It can currently take up to 21 days to move travellers on from illegal encampments.

2.3 The issues for the settled community and/or local businesses include;

- Antisocial behaviour and the consequences of encampments without toilet provision.
- The length of time taken for illegal encampments to be removed (up to 21 days)
- Rubbish.
- Fear of crime and perceived or actual intimidation by travellers.
- Perceived or actual effect on property / business premises and customers and tradespersons accessing businesses.
- Costs for the local authority (see 2.4).

The main issues for the travelling community are;

- Uncertainty regarding the duration of their stay as they await formal enforcement.
- Lack of health care especially around pregnant women and those suffering chronic/serious illnesses.
- Difficulty providing educational support and children's welfare.
- Fear of intimidation and harassment from the local community.

The combined effect often gives rise to tension and hostility between those encamped and the settled community and/or local businesses.

2.4 There are also significant challenges, and costs, for local authorities, the police and others, both in supporting the communities' needs, and in taking enforcement action, and site clear up costs. The estimated cost for Warwickshire's local authorities in 2011 was £311,800 excluding bailiff costs, police assistance and District and Borough in-house legal costs. Each encampment costs approximately £3,215 which includes clean-up costs, officer time and legal advice and costs when court action is required.

2.5 It is clear that the existing situation is unsatisfactory. This issue has therefore been investigated by the 'Gypsy and Traveller Advisory Group'. The membership of the Advisory Group is:

Cllr Walton (Chair)
Cllr Sweet (Replaced by Cllr Tandy)
Cllr Johnston
Cllr Heatley
Monica Fogarty
Louise Wall
Steve Smith
Stuart Ikeringill

The group have looked at the data regarding travellers and encampments within the County, and also current legislation and guidance and at best practice elsewhere in the UK. Benchmarking has also taken place with other authorities who already have provision in place.

3.0 Options

- 3.1 The Gypsy and Traveller Advisory Group looked at 2 options when considering how to move forward.
- 3.2 Option 1 is to provide Transit sites - a transit site is a temporary site where travellers are permitted to stay for up to 3 months. A transit site would require a capital outlay of approximately £1.2 million as they provide high quality provision for travellers and need to be equipped accordingly with access to water, toilets and electricity. A weekly rent would be charged per caravan during the duration of their stay.
- 3.3 Option 2 is to provide emergency stopping places. Emergency stopping places are areas where travellers are permitted to stay temporarily if the Council deems it appropriate, removing the need for them to occupy less suitable unauthorised sites.
- 3.4 Stays at Emergency Stopping Places would not be expected to exceed 28 days at a time unless the Council deemed that exceptional welfare needs justified a longer stay. Before designating individual sites, further legal advice will be obtained by the Strategic Director for Sustainable Communities in relation to the powers of the Council and the Police to remove travellers from the Emergency Stopping Places.
- 3.5 Emergency Stopping Places are provided with water and toilets only. Any traveller family using these sites is required to pay an up-front bond of approximately £200 before they can move onto the site and £30 a week per caravan to cover these facilities. The estimated cost of providing an Emergency stopping place is 30K per site; this will provide water, temporary toilets and any visual screening that may be required. Once identified, site specific costs can be calculated before the site is designated.
- 3.6 Both transit sites and emergency stopping places have been used effectively in other areas. In Cheshire and Durham their use has resulted in a significant reduction in illegal encampments, while supporting the welfare issues of travellers. Legal action to remove travellers who do not behave in a correct and proper manner has been successful.
- 3.7 It is anticipated that the provision of Emergency Stopping Places will enable the Council to move travellers to a more appropriate site where their presence has a less harmful effect on the amenity of local residents, businesses or landowners, and provides the travellers with an appropriate site where any welfare needs can be addressed.
- 3.8 Bristol have reduced their annual costs associated with illegal encampments by 90% since introducing their transit site. In areas where there are no transit

sites/stopping areas the numbers of unauthorised encampments have increased. Northamptonshire and Warwickshire have seen a significant increase.

4.0 Proposal

- 4.1 It is difficult to predict the revenue costs associated with a transit site as sites established elsewhere have resulted in very low occupancy and hence high running costs. It is also very difficult to identify land that would be suitable to build a transit site due to access to utilities and the size of area that would be required. Transit sites also require a large capital outlay (£1.2 million has been shown to be the actual costing for one proposed site) which is not currently earmarked in any capital budgets.

Emergency stopping places have a much smaller capital outlay, which can be covered from within existing budgets within Sustainable Communities.

- 4.2 It is therefore proposed that the Director for Sustainable Communities is given delegated powers to identify potential emergency stopping places.
- 4.3 Once a potential emergency stopping place is located, a report will be taken to the Strategic Director and will be subject to scrutiny based on the location's social and environmental implications, as well as any legal issues arising from the designation.
- 4.4 Running costs, income and occupancy and issues will be monitored by the Gypsy and Traveller Team further to designation of the sites.

5.0 Conclusion

- 5.1 The establishment of well managed emergency stopping places will benefit both the settled and travelling community, and assist the County Council and partner agencies to deal effectively with illegal encampments.

Background Papers

Designing Gypsy and Traveller Sites; Good Practice Guide. DCLG May 2008.

[designinggypsiesites.pdf](#)

Guide to effective use of enforcement powers, Part 1: Unauthorised encampments.

[Guide to effective use of enforcement powers Part 1 Unauthorised encampments.pdf](#)

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Unauthorised Encampments

Appendix 1 Emergency Stopping Places Dated 18 October 2012

Year	North Warks	Nuneaton	Warwick	Stratford	Rugby	Total	Total Number of Caravans
2009	11	29	21	20	15	96	523
2010	8	26	25	4	17	80	478
2011	6	29	18	12	29	94	769
2012	5	15	24	9	30	83	525



2015-11-30



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APPENDIX 2

Cabinet

10 December 2015

Provision of Emergency Stopping Places for Gypsies and Travellers

Recommendations

That Cabinet authorise the Strategic Director of Resources to:

- 1) In consultation with the Strategic Director of Communities to pursue a Compulsory Purchase Order ("the CPO") under section 24(5) of the Caravan Sites and Control of Development Act 1960 in order to acquire the freehold interest in such parts of the land at the Former Road Chipping Store on the Daventry Road Southam shown edged red on the plan in Appendix 2 ("the CPO Land") as are required for the purpose of providing an emergency stopping place for gypsies and travellers.
- 2) Take all necessary steps to secure the making and confirmation of the CPO (including delegated authority to make minor changes to the CPO), including the publishing and serving of all relevant notices and presenting the Council's case at any public inquiry if necessary.
- 3) Approve and enter into agreements for the acquisition of legal interests in the CPO Land and undertakings with any objectors to the CPO setting out the terms for the withdrawal of objections to the CPO.
- 4) In the event that the question of compensation be referred to the Upper Tribunal (Lands Chamber) take all necessary steps in relation thereto including, in consultation with the Strategic Director of Communities, approving any compensation settlement by agreement; and
- 5) Take all necessary steps to secure title and possession of the CPO Land including payments of compensation into court; and
- 6) Take all necessary steps to implement the confirmed CPO.

1.0 Background

- 1.1 On the 18 October 2012 Cabinet approved the principle of providing emergency stopping places for travellers and asked the Strategic Director of Communities to obtain all necessary consents and take all other steps as are necessary to provide such places as she may identify on terms acceptable to the Strategic Director of Resources. The report to Cabinet can be found at Appendix 1 to this report.

- 1.2 A site was identified at the CPO Land. A plan showing the CPO Land edged red can be found at Appendix 2 to this report. The County owns a small part of this land and the CPO would enable acquisition of the remainder. On the 27th August 2013 the County Council's Head of Property and Physical Assets applied for planning permission for the change of use of the CPO Land from redundant highway and road chipping store to an emergency stopping place for up to 12 touring caravans and towing vehicles. A temporary 3 year planning permission was granted to subject to conditions on the 26th November 2013. It is the intention of the Head of Physical Assets to submit an application for permanent permission in February 2016.

2.0 Key Issues

- 2.1 The CPO Land is currently highway which means that the public have the right to pass and repass over the same. In order to implement the planning permission and to use the CPO Land as an emergency stopping place a stopping up order must be made the effect of which will be to extinguish the use of the CPO Land as highway.
- 2.3 If the highway is successfully stopped up the ownership in the CPO Land will revert to the former landowner. In the event that it is not clear who the former land owner is then there is a legal presumption that the adjoining landowners will take ownership (each up to the middle line of the road).
- 2.4 The Council has been unable to establish who owns the subsoil of the CPO Land, therefore, the presumption referred to in paragraph 1.4 will apply and the ownership of the CPO Land will revert to the adjacent landowner following stopping up.
- 2.5 The purpose of the CPO is to compulsorily acquire the ownership of the CPO Land including the subsoil so that when the stopping up order is made and confirmed the ownership of the CPO Land will remain with the Council.
- 2.6 In making a CPO, the Council should use the most appropriate and specific power available. In this case the most appropriate power is provided by section 24(5) of the Caravan Sites and Control of Development Act 1960 which provides the Council with the power, on being authorised by the Secretary of State, to acquire compulsorily any land in their area for the purpose of sites where caravans may be brought, whether for holidays or other temporary purposes or for use as permanent residences.
- 2.7 In deciding whether to approve the making of a CPO the Council:
(i) must conclude that there is a compelling case in the public interest in acquiring the Land.
(ii) will need to be assured that there are no planning, financial, legal, physical or other impediments which might block or delay the scheme which will materially prejudice the achievement of the purposes for which the land is to be acquired.

- 2.8 It is considered that there are significant benefits of this scheme (which the CPO would enable) which will outweigh the compulsory nature of a CPO and the fact that the owners of the CPO Land will be deprived of their ownership of it (subject to the payment of compensation). Members are referred to the report to Cabinet on the 18th October 2012 which can be found at Appendix 1 which sets out the benefits that will be provided by the Emergency Stopping Place.
- 2.9 Accommodation Needs Assessments for Gypsies and Travellers were carried out under the Housing Act 2004. These assessments highlighted a number of potential gaps in current accommodation, some of which need to be addressed by WCC and others which need to be addressed by partner agencies.
- 2.10 The shortage of vacant pitches on permanent sites and designated short term stopping places within the county can mean that travellers set up unauthorised encampments on highway land, other local authority land or on private land. Unauthorised encampments present significant challenges and costs for local authorities, the police and others, both in supporting community needs and in taking enforcement action and site clear up costs.
- 2.11 Emergency stopping places are areas where travellers are permitted to stay temporarily if the Council deems it appropriate, removing the need for them to occupy less suitable unauthorised sites. Stays at the emergency stopping places would not be permitted to exceed 28 days at a time unless the Council deemed that exceptional welfare needs justified a longer stay. The emergency stopping places will not be occupied all year round but may be made available at times of increased demand. It is anticipated that the provision of emergency stopping places will enable the Police to move unauthorised encampments to more suitable sites on request from the Council, more rapidly.
- 2.12 It is considered that the need for such sites has not diminished or materially altered since Cabinet provided authority in October 2012 and in view of the benefits provided that there is a compelling case in the public interest for acquiring the CPO Land. It should also be noted that the land is not part of the adjacent landowner's home or business and that this diminishes the impact on his or her rights.
- 2.13 It is considered that there are no planning, financial, legal, physical or other impediments which might block or delay the scheme. In this case the scheme has temporary planning permission for a period of three years. As stated above it is the intention of the Head of Physical Assets to submit an application for permanent permission in February 2016. It is considered that the material considerations in favour of permission remain as strong as they were in 2013 and that permission is likely to be granted. Further, it is considered that the case for a stopping up of the highway land is strong (for similar reasons to the CPO, as well as considering the applicable statutory tests for stopping up), and therefore whilst there is a further 'consent' which must be obtained, it is considered that the stopping up is likely to be

confirmed. Officers will consider the most appropriate point to seek the stopping up (which may be alongside or after the CPO is made), considering likely timescales for the two orders and for the project overall.

- 2.14 The CPO will also be subject to the provisions of the Compulsory Purchase Act 1965, the Local Government (Miscellaneous Provisions) Act 1976 and the Acquisition of Land Act 1981. These relate to procedure and compensation and the Council will comply with their terms so far as applicable.
- 2.15 Generally in CPO cases acquisition by negotiation should be attempted – CPO should then only be used as a 'last resort. Here, however, negotiation is not possible as the adjacent land owner has made it clear that they will not negotiate as they are opposed to the land being used as an Emergency Stopping Place. It is therefore appropriate for the Council to seek to use its CPO powers to acquire the CPO Land.
- 2.16 The Council will follow statutory procedures requiring advertisement of the CPO – this is designed to ensure that claimants of ownership of the CPO Land (or those with rights over it) are aware of the CPO and can make representations in relation to it if they wish.
- 2.17 In resolving to make a CPO (and the other decisions set out in the recommendation) the Council must consider the Human Rights Act and the European Convention on Human Rights which the Act incorporated. Article 1 of Protocol 1 protects the rights of everyone to the peaceful enjoyment of their possessions and Article 6 provides the right to a fair trial. No person can be deprived of his possessions except in the public interest and subject to the conditions provided for by relevant national and international laws. It is qualified to the effect that it should not in any way impair the right of a state to enforce such laws as it deems necessary to control the uses of property in accordance with the general interest.
- 2.18 In determining the level of permissible interference with enjoyment the courts have held that any interference must achieve a fair balance between the general interests of the community and the protection of the rights of individuals. There must be reasonable proportionality between the means employed and the aim pursued. The availability of an effective remedy and compensation payable to affected persons is relevant in assessing whether a fair balance has been struck.
- 2.19 Therefore, in deciding whether to proceed with the recommendations, the Council needs to consider the extent to which the decision may impact upon the Human Rights of the landowners and to balance these against the overall benefits to the community, which the emergency stopping area will bring. Members will wish to be satisfied that interference with the rights is justified in all the circumstances and that a fair balance would be struck in the present case between the protection of the rights of individuals and the public interest.

- 2.20 In the event that the CPO was to be challenged by way of objection, this would result in a public inquiry taking place, that process (and the ability for the interested parties to potentially challenge through the courts the Secretary of State's confirmation of any CPO) provides a method through which a person's right to a fair trial is protected.
- 2.21 The Council must also consider its duties under the Equality Act in taking the recommended decisions – officers do not consider that the decisions or their implications will prejudice any particular group or groups of people defined by a protected characteristic. The emergency stopping area will improve the range of facilities available to gypsies and travellers, mitigate the impacts of enforcement action against them in other locations and reduce the risk of harm being caused to others in the community in consequence of the use of unsuitable stopping places. The provision of a safe managed environment, together with the services that can be made available to users of the site, will help to address the education and health and other particular needs of those staying on the emergency stopping place.
- 2.22 There is a risk that there will be objectors to the CPO, resulting in a delayed decision. It is also possible that the Secretary of State will decline to confirm the CPO. In the event of an unsuccessful CPO the Council will retain the land as adopted highway and not proceed with the order for stopping up of the highway on the CPO Land .
- 2.23 Further, the Council can notify the Secretary of State that it is no longer wishes to use its CPO powers in respect of any interest and request the Secretary of State not to confirm the CPO over those interests at any time if any negotiations are successful or if the Council considers the financial risks to be too great. The Council can also choose not to implement the CPO if confirmed – compensation to owners (or paid into court) only arises if the CPO is implemented.
- 2.24 The estimated costs of undertaking the CPO process, assuming there are no objectors and therefore no public inquiry, are likely to be between £2500 and £5,000. If there are objections and a public inquiry, then the costs are likely to be between £20,000 and £30,000.. The reason for the range of costs is that it is uncertain how many objections there would be, how detailed the objections may be, or whether the matter could be dealt with by written representations or whether there will be a public inquiry.
- 2.25 In addition to this the Council will be required to meet the administrative costs of an inquiry and the expenses incurred by the Inspector in holding it if an inquiry is necessary. The daily amount of costs which may be recovered where an inquiry is held is £630 per day as prescribed in The Fees for Inquiries (Standard Daily Amount) (England) Regulations 2000.
- 2.26 These figures do not include the costs of any references to the Lands Tribunal (which would only be necessary in respect of compensation which cannot be agreed with anyone who proves ownership to the land). The figures for likely compensation payable are set out in Appendix 3 to this report.

- 2.27 A further report will be brought to add this scheme to the capital programme once the scheme costs are fully quantified.

3.0 Timescales associated with the decision and next steps

- 3.1 Where there are no objections to the making of the Compulsory Purchase Order the timescale for confirming the Order and acquiring the land is likely to be around 6 months from the date of inception. Where objections are received to the making of the Order and a public inquiry is convened the timescale for confirming the Order and acquiring the land (if the inspector decides to confirm the Order) is likely to be around 18 to 24 months.

Background papers

None.

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Minutes of the meeting of the Cabinet held on 10 December 2015

Present

Cabinet Members:

Councillors

Peter Butlin	Transport & Planning
Les Caborn	Health
Jeff Clarke	Environment
Alan Cockburn	Deputy Leader (Chair for the meeting)
Jose Compton	Adult Social Care
Colin Hayfield	Education and Learning
John Horner	Community Safety
Kam Kaur	Customers

Other Councillors:

Councillors Richard Chattaway, Bob Hicks, John Holland, Jerry Roodhouse, Jenny St. John, June Tandy, John Whitehouse and Chris Williams.

Public attendance:

One

1. General

Before the commencement of the meeting the Chair advised those present that the proceedings were being filmed and streamed on the internet. It was agreed to vary the Agenda order to consider Item 5, Provision of Emergency Stopping Places for Gypsies and Travellers as the first item of business.

(1) Apology for absence

Izzi Seccombe, Leader of Council

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

None

(3) Minutes of the meeting held on 12 November 2015 and Matters Arising

The minutes for the meeting held on 12 November 2015 were agreed and signed by the Chair. There were no matters arising.

(4) Public Speaking

None

2. Provision of Emergency Stopping Places for Gypsies and Travellers

Councillor Jeff Clarke, Portfolio Holder for Environment reminded Cabinet of the historic issues of traveller encroachment onto highway land. The provision of emergency stopping places for gypsies and travellers would provide a means to relocate such encampments away from the highway. He advised that reports had been received by Cabinet in 2012, approving the principle of providing emergency stopping places and planning consent was received from the Regulatory Committee in 2013, for a change of use, on a temporary basis for an area of highway land to be an emergency stopping place. The County Council owned some of this site and the report sought authority to compulsorily acquire the remainder of the site.

In response to questions, Councillor Clarke confirmed proposals for further sites in Warwickshire and spoke about site provision in neighbouring counties. Councillor Cockburn added that authorities providing emergency stopping places had more effective powers to move travellers on and had seen a significant reduction in the costs they incurred in responding to traveller encampments.

Resolved

That Cabinet authorises the Strategic Director for Resources to:

- 1) In consultation with the Strategic Director for Communities to pursue a Compulsory Purchase Order ("the CPO") under section 24(5) of the Caravan Sites and Control of Development Act 1960 in order to acquire the freehold interest in such parts of the land at the Former Road Chipping Store on the Daventry Road, Southam, shown edged red on the plan in Appendix 2 ("the CPO Land") of the report as are required for the purpose of providing an emergency stopping place for gypsies and travellers.
- 2) Take all necessary steps to secure the making and confirmation of the CPO (including delegated authority to make minor changes to the CPO), including the publishing and serving of all relevant notices and presenting the Council's case at any public inquiry if necessary.
- 3) Approve and enter into agreements for the acquisition of legal interests in the CPO Land and undertakings with any objectors to the CPO setting out the terms for the withdrawal of objections to the CPO.
- 4) In the event that the question of compensation be referred to the Upper Tribunal (Lands Chamber) take all necessary steps in relation thereto including, in consultation with the Strategic Director for Communities, approving any compensation settlement by agreement.
- 5) Take all necessary steps to secure title and possession of the CPO Land including payments of compensation into court; and
- 6) Take all necessary steps to implement the confirmed CPO.

Note: Councillor Clarke left the meeting at this point.

3. 2014-2018 One Organisation Plan – 2016-17 Financial Refresh Background Information and Proposals

Councillor Alan Cockburn, Deputy Leader and Chair of the meeting introduced this comprehensive report. He noted that information was awaited on the Government's financial settlement, that the One Organisational Plan was reliant on setting a Council Tax increase of 1.99% and he referred to the ring fenced additional funding for Adult Social Care services. The Cabinet's budget proposals would be announced in early January 2016.

Resolved

That Cabinet notes the report.

4. Closing the Gap Strategy

Councillor Colin Hayfield (Portfolio Holder for Education and Learning) advised Cabinet that one of the key aims for the Education Service was to help all pupils to perform to the best of their ability. The Closing the Gap project sought to close the attainment gap between disadvantaged pupils and their peers in Warwickshire. He outlined the project, its work streams and spoke of the enthusiastic cooperation from schools.

Councillor Whitehouse welcomed the paper and declared a non-pecuniary interest as a school governor with specific involvement in this area. Several members felt there should be more involvement of elected members in the project, in addition to the Portfolio Holder. It was clarified that this was not a decision making project board, but an officer group, which the Portfolio Holder observed. After discussion, the Chair proposed that Councillor Hayfield cease his attendance at the project meetings. Consideration of this Strategy by the Children and Young People Overview and Scrutiny Committee (OSC) was suggested. Updates could be provided to the OSC when requested. Similarly, scrutiny could hold education providers and governors to account at its meetings. Other points discussed were the County Council's influence on the use of the pupil premium and using national or county-based comparative statistics in reporting the gap in attainment levels. It was acknowledged that this strategy should complement and be aligned to other strategies such as the 0-5 Strategy and priority families.

Resolved

That Cabinet:

- 1) Recommend that Council approves the Closing the Gap Strategy;
- 2) Recommend that Council agrees the revised targets for Closing the Gap at key stage two and key stage four; and
- 3) Agree the reporting and timescale for updates on the progress of the Closing the Gap project.

5. County Farms and Smallholdings Strategy 2015-2025 Review

The Chair proposed to Cabinet the approval of the revised Warwickshire County Farms and Smallholdings Strategy for the period 2015-2025.

A question was asked about the delegation proposed within the report's recommendations. Authority was sought to deal with matters such as land becoming available at short notice for sale through auction. It was proposed that the delegation be varied to include consultation with both the Portfolio Holder and Chair of the relevant OSC.

The Chair recorded Cabinet's thanks to former County Councillor Martin Heatley and to officers for their work in producing the Strategy.

Resolved

That Cabinet:

- 1) Approves the revised Warwickshire County Farms and Smallholdings Strategy 2015-2025 (the Revised Strategy) at Appendix A to the report.
- 2) Recommends to Council earmarking up to 5% of Capital Receipts generated from the sale of smallholdings land and buildings to provide capital to purchase agricultural land and buildings to prevent erosion of the land bank.
- 3) Recommends to Council that the Capital Receipts Policy is amended in accordance with Recommendation 2 above.
- 4) That Cabinet recommends that the Leader of the Council:
 1. Amends the delegation to the Portfolio Holder responsible for Property (currently the Deputy Leader) giving the powers to appropriate Council land for different purposes or declare land and property as surplus to requirements and dispose where the value is over £100,000 and below £1,000,000 and authorise the purchase of land and property for agricultural purposes where the value is over £100,000 and below £500,000.
 2. Delegates to the Strategic Director for Resources in consultation with the Portfolio Holder responsible for Property (currently the Deputy Leader) and the relevant Overview and Scrutiny Chair, where time constraints do not permit reporting to a member body, authority to purchase land and property, including by auction subject to the following:
 - a. where the purchase price exceeds £500,000 the consent of the relevant Overview and Scrutiny Chair or appropriate Chair to an urgent decision will be required, and
 - b. any purchases made under these powers will be reported for information to the next available Cabinet.

6. Contracting of Residential and Nursing Care Homes in Warwickshire

Councillor Jose Compton (Portfolio Holder for Adult Social Care) introduced the report. She explained the aims of this review of commissioning for all residential and nursing care homes, to ensure compliance with the Care Act, robust standards and effective contract monitoring. Funding proposals would be submitted to the February Council meeting. All funded care services would be covered by the new specification. This would provide an outcome based care service, with rigorous evaluation of quality and compliance. The price of care would be renegotiated to account for the National Minimum Wage.

Councillor Chattaway noted that there was uncertainty around the market response. Members would need to be kept informed of progress, particularly through the senior members group for adult social care and health. Councillor Caborn, Portfolio Holder for Health thanked Councillor Compton and officers for the tremendous amount of work undertaken.

Clarity was sought on how the quality of services would be benchmarked and monitored, also the processes that would be followed if quality levels were not maintained. Regular meetings had been held with service providers and a partnership approach was being taken. Regular reports would be provided through the senior members group and the OSC. An update was given on the involvement of clinical commissioning groups, with two of those serving Warwickshire now wishing to procure services jointly with the authority. The need for clarity in contracts around increases in the National Minimum Wage and its impact on contract price was stated, with reference also to the decisions made at the recent Council meeting on the National Minimum Wage.

Chris Lewington, Head of Strategic Commissioning provided further information about the redesign of the service, the assurance of quality and she referred to a recent article in the Daily Telegraph, which ranked Warwickshire 2nd nationally in terms of the percentage of services ranked as good.

Resolved

That Cabinet:

- 1) Authorises the Strategic Director for People:
 - i. To undertake a competitive procurement for the commissioning of residential and nursing care home services in Warwickshire: and
 - ii. To award any subsequent contracts on terms and conditions acceptable to the Strategic Director for People and the Strategic Director for Resources.
- 2) Authorises the Strategic Director for People to enter into partnership agreements with one or more of the Clinical Commissioning Groups in Warwickshire under section 75 of the National Health Service Act 2006 on terms and conditions acceptable to the Strategic Director for Resources if it is considered to be necessary in respect of any joint commissioning or contract monitoring functions they decide to pursue.

7. Any Other Urgent Items

There were no items of urgent business.

8. Reports Containing Confidential or Exempt Information

Resolved

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

EXEMPT ITEMS FOR DISCUSSION IN PRIVATE (PURPLE PAPERS)

9. Exempt Minutes – 12 November 2015

The exempt minutes of 12 November 2015 were agreed as an accurate record.

10. Disposal of the Residue of the Manor Park School Site, Beaumont Road, Nuneaton

Cabinet agreed the recommendations as set out in the exempt minutes.

The meeting rose at 2.45pm

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Chair