

## **CABINET: MINUTES**

**Date:** 27<sup>th</sup> April 2010

**Time:** 10.00 a.m. – 1.05 p.m.

**Present:** Chairman: Councillor J. Tuck

Councillors: S. Criswell, D Harty, L W McGuire, T Orgee, R Pegram J Reynolds and F Yeulett

**Apologies:** Councillors: Sir P Brown and M Curtis.

**Also Present:** Councillors: I Bates (speaking as a local Member) K Wilkins, D Jenkins, F Whelan and J West.

### **151. MINUTES 16<sup>th</sup> MARCH 2010**

The minutes of the meeting of the Cabinet held on the 16<sup>TH</sup> March 2010 were approved as a correct record.

### **152. DECLARATIONS OF INTERESTS**

Councillor J Reynolds declared a personal interest under Paragraph 8 of the Code of Conduct as the chairman of Renewables East, with regard to any issues relating to this body that might appear in reports on the agenda.

Councillor Orgee declared a potential prejudicial interest under Paragraph 10 of the Code of Conduct in the report at agenda item "Development at Cambridge Southern Fringe - Section 106 Agreements" as a member of the Joint Development Control Committee for Cambridge Fringes and left the meeting room during the discussions / consideration of the report.

### **153. PETITIONS**

**Primary Schools Funding Formula** Cabinet was notified that a petition had been received with 82 signatures reading:

"Petition to Cambridgeshire County Council to request an urgent review of the formula used to calculate the funding of primary schools focussing on special circumstances not currently recognised in the social deprivation factor. We the undersigned request that Cambridgeshire County Council undertake a re-consideration of the funding formula for primary schools. We believe that the existing formula fails to take into account certain criteria, which can incur significant costs, and that additional factors should be included in the social deprivation element so that affected schools are not disadvantaged by their support for children from specific socio- economic backgrounds".

Cabinet noted that another, earlier petition with 78 other signatures had been prepared (it also additionally included some signatories to the above petition) from the same group of

concerned parents seeking the same outcome, requesting financial support to avoid any reduction in teaching posts at St Luke's Primary School. On advice from local Councillors and the Democratic Services Officer, it was suggested that as both petitions had been generated by the same group of parents, it was more appropriate to go forward with the above, more detailed petition.

Harry Gray in presenting the petition highlighted the concerns of parents of pupils at St Luke's Primary School and made specific reference to the school having a higher number of deprived, vulnerable children with behavioural problems than most other schools. He also highlighted that although the school was recognised as an outstanding school in its Office for Standards in Education Children's Services and Skills (OfSTED) report, this was now threatened by the announcement of the loss of one full-time teaching post. He further requested that the head teacher should have the opportunity to address the Schools Forum through the primary school representation mechanism.

As there was no specific report on the agenda on the subject, the Chairman indicated that the petition spokesperson would receive a response to the petition requests from the Executive Director: Children and Young People's Services in consultation with the Cabinet Member for Learning, no later than 10 working days following this meeting.

#### **154. ISSUES ARISING FROM SCRUTINY**

None required for the current meeting.

#### **155. COUNCIL DECISIONS**

No decisions for the current meeting.

#### **156. BUILDING SCHOOLS FOR THE FUTURE (BSF) – CONTRACT AWARD**

Cabinet received a report seeking approval to award the BSF contracts and invest in the Local Education Partnership (LEP) joint venture company and also its endorsement for the budget strategy proposed for funding the BSF schools in Fenland and the governance arrangements proposed for the operational phase of BSF.

The Cabinet Member for Learning in introducing the report took the opportunity of thanking the teaching staff and pupils at the two sample schools and the BSF officer team for all their hard work / assistance in the run up to the present report. Cabinet was reminded that in December 2009 it had agreed to appoint Equitix Ltd as the selected bidder for the Cambridgeshire Building Schools for the Future (BSF) programme. Since then, the principal activities had included finalising the suite of contract documents; preparing and submitting planning applications for the two "Sample Schools"; agreeing Governing Body Agreements with the governing bodies of each of the BSF schools in Fenland; establishing the structures and resources associated with moving from the procurement to the operational phase of BSF; and preparing and submitting the Final Business Case (FBC) to Partnerships for Schools (PfS) for approval.

The current programme plan assumed that contracts would be completed in late May/early June 2010, with work starting on site at the two Sample Schools in July 2010 to maximise

use of the school summer holiday period. In order to facilitate the main works programme starting at Neale-Wade Community College in July, an Enabling Works Agreement had been signed with Galliford Try Construction (the building contractor for Neale-Wade College) on 15<sup>th</sup> February 2010 to remove a number of trees, carry out additional archaeological investigations and design and order the temporary accommodation units.

The planning applications for both Sample Schools were due to be determined by Cambridgeshire County Council Development Control Committee meeting on the afternoon of 27<sup>th</sup> April 2010. Cabinet noted that in the period up to contract close the principal outstanding issues related to finalising the contract documentation, agreeing the final contract derogations with PfS and securing credit committee approval from the funders (Nationwide and Co-operative Bank). The report set out the principal business risks associated with entering into these contracts.

As a shareholder of the LEP the authority was entitled to nominate one of six LEP Directors and Cabinet supported that the Executive Director: Children and Young People's Services should be the Authority's LEP Director. In addition, Cabinet was asked to endorse proposals to establish a Strategic Partnering Board with the following minimum membership:

<b>Local Authority members</b>	<b>Other members</b>
Director of Learning and/or Director of Strategy and Commissioning	LEP General Manager
Cabinet Member for Children (or Learning)	Cambridgeshire Secondary Heads representative
BSF Programme Director	Headteacher from Cambridgeshire Special Schools and Pupil Referral Units
Head of Property Commissioning	Diocesan representative(s)
	Governor representative
	Partnerships for Schools Project Director

Cabinet welcomed some suggested additions to the original recommendations reported orally at the meeting to make it clearer that the recommendations to award and enter into the BSF contracts were conditional on confirmation of BSF funding from Partnerships for Schools. In addition, minor changes were made to Annex 3 Principal Business risks and the revised version showing the changes, has been attached as Appendix A to these minutes. It was confirmed orally that until such time as the contract was signed, the County Council's liability was limited to the building works carried out at Neale-Wade Community College under the Enabling Works Agreement.

Questions were raised regarding how secure the funding was for the BSF programme and what slippage might occur should a new national Government be elected as a result of the General Election to be held on 6<sup>th</sup> May. In reply, officers indicated that funding existed for the current year and at the present time all the main political parties were indicating that they would honour this commitment. The Conservative Party was indicating that it would, if elected, seek to simplify the process of procurement of new school buildings. It was not currently possible to estimate what slippage might occur in the future programme. PfS were currently continuing with the programme until told otherwise by any incoming Government.

**It was resolved to:**

- i) Confirm the award of the contract, in accordance with the Competitive Dialogue Procedure as set out in Regulation 18 of the Public Contracts Regulations 2006, to Equitix Ltd but noting that such award is subject to statutory standstill requirements and conditional upon receipt of final and formal confirmation of BSF Funding for the Project from partnerships for Schools and upon satisfactory resolution of all outstanding matters in accordance with paragraph (b) of the recommendation iv below;
- ii) Note and endorse the budget strategy set out at paragraphs 3.1-3.10 of the report;
- iii) Note and approve the Authority's investment in the LEP set out at paragraphs 3.11-3.12 of the report;
- iv) Confirm that the BSF Contract Documents listed at Annex 2 of this report and any other related contracts, agreements and instruments required to give effect to the Project (including, but not limited to, collateral warranties and direct agreements) may be entered into once (a) final and formal confirmation of BSF funding for the project has been received from Partnerships for Schools; and (b) any final outstanding issues had been addressed to the satisfaction of the Executive Director: Children & Young People's Services and the Corporate Director: Finance, Property and Performance in consultation with the Cabinet Members for Learning and Resources;
- v) Confirm: (a) that the Corporate Director: Finance, Property and Performance be authorised to give certificates of vires under the Local Government (Contracts) Act 1997 in respect of the Private Finance Initiative (PFI) Project Agreement, Funder's Direct Agreement and Strategic Partnering Agreement (and for any other of the BSF Contract Documents as may be considered necessary by the Head of Legal Services); and (b) that the Corporate Director: Finance, Property and Performance be indemnified by the Authority in accordance with the provisions of the Local Authorities (Indemnities for Members and Officers) Order 2004 in respect of any liability arising from his/her signing of such certificates and that the terms and form of such indemnity be finally settled by the Head of Legal Services;
- vi) Note the principal business risks associated with entering into the BSF contracts which are summarised at Annex 3 of the report as amended at the meeting;
- vii) Confirm that the Executive Director: Children & Young People's Services shall be the Authority's Local Education Partnership (LEP) Director;

- viii) Note and endorse the arrangements proposed for the establishment of the Strategic Partnering Board set out in section 4 of the Cabinet report.

## **157. NETWORK SERVICE PLAN 2010**

Cabinet received a report recommending approval to the Network Service Plan 2010 of which a hard copy of the full document had been sent separately to both Cabinet Members and Group Leaders and once agreed, would be made available in hard copy format to all Members as well as being placed on the County Council website. An amendment sheet to page 15 was tabled at the meeting. A revised version of the Plan was available at the following link:

<http://www.cambridgeshire.gov.uk/transport/strategies/network/>

Cabinet noted that:

- the Network Services Plan (NSP) concentrated on what was to be delivered in the next 12 months and included details of budgets for capital and revenue
- Programmes for the next 12 months and Performance monitoring of key indicators
- The works programme had been developed for the available budget using transport asset condition data, to give an economically prioritised programme. This data included:
  - The structural condition of the carriageway and footway to enable the most cost effective treatment at the optimum time to be used
  - Bridge inspection and assessment data to prioritise those bridges in greatest need
  - Accident data and other performance measures

In addition, it was highlighted that the works programme recognised a number of approved strategies, including Market Town Strategies which had strong links with third party funding in order to enable the greatest benefits to be realised.

In relation to cycling scheme no 9 on page 29 of the Plan, the Cabinet Member for Economy and the Environment queried whether there were sufficient funds to complete the project in the current year and highlighted that some schemes in the programme had still to be completed. As a general response it was explained that the Plan was a flexible dynamic document, with some schemes scheduled over more than one year, sometimes to allow for timescales associated with consultation processes and to also take account of possible delays as a result of such processes. The Service Director: Highways and Access would investigate progress on the particular scheme highlighted.

A general question was raised on whether the report should have been presented to an earlier Cabinet meeting. In response, officers agreed that while ideally this would be the case, the Plan was tied to the budget approval undertaken as part of the Integrated Plan and until the finances were secured, it was not possible to identify which schemes could come forward within the finance limit agreed. In addition, this year it had been necessary take account of the impact of the severe winter. It was orally reported that additional Government grant of £1.28m had recently been received in order to carry out continued maintenance works resulting from the severe winter weather.

In respect of the section on Smarter Choices on page 8 and with particular reference to officers working closely with the Independent Travel for Work Partnership to develop and implement travel plans with employers across Cambridgeshire, a question was raised regarding whether monitoring was undertaken in respect of actual implementation. In reply, it was indicated that Travel Plans were often linked to developments and their planning permission. In such cases, while it could be argued that the Planning Authority needed to be happy that the condition they set had been complied with, there was no requirement to monitor the success of the plan.

Cabinet took the opportunity to thank all appropriate staff who had undertaken gritting / road clearance or were continuing to undertake necessary maintenance work to repair potholes / damage caused by the recent extreme weather conditions, recognising the excellent work undertaken in very difficult conditions.

**It was resolved:**

To approve the Network Service Plan 2010.

**158. LORRY MANAGEMENT STRATEGY AND ADVISORY FREIGHT MAP**

Cabinet received a report updating it on the work on developing a lorry management strategy for the County and seeking support for the Cambridgeshire Advisory Freight Map (CAFM). A colour version of this map was provided for Cabinet Members and Group Leaders.

Cabinet noted that there had been a need for an advisory freight map for some time in order to identify the main HCV routes and abnormal loads routes through the County, as well as preferred access routes to attractors / generators of significant HCV movements. Cabinet also noted that currently, the only guidance for operators/hauliers was the road hierarchy published in the Local Transport Plan which is not primarily concerned with freight movement. There had also been an added urgency to conducting a review of the strategic freight route network due to the expected increase in construction traffic necessitated by the growth agenda and the construction of the A14 improvements and the need to tie in with the consultation process for the new Minerals and Waste Plan.

With the agreement of the Chairman, the local Member for Hemingfords and Fenstanton made representations seeking Cabinet's support to remove the B1040 (shown on the map as a local access route) due to both the continued cost of repairing the damage caused by heavy commercial vehicles and also in respect of minimising the adverse environmental impact to the dwellings along its route. The local Member therefore proposed that the weight restriction ban should be extended to cover the full 24 hour period and HCV traffic diverted to the A14 and A1198. In response to this request, Cabinet agreed that it was not appropriate to make changes to the map at the present time, especially in respect of any possible exceptions agreed following a previous public Inquiry. However it was confirmed there would be further opportunities to review the map as a result of the proposed review of the environmental weight limit policy, which would give an opportunity for local members' views / representations to be taken into account.

Cabinet noted that the purpose of the map was to establish the strategic aspects of freight movement, having given consideration to more local issues. It would serve to influence and inform decisions taken by Heavy Commercial Vehicle (HCV) drivers when passing through

the County, or requiring access to premises within and would be a key tool in developing the Freight Quality Partnership with the road haulage industry. It was highlighted that the map would not seek to impose formal restrictions on the use of the network by HCVs.

Issues raised by Cabinet Members included:

- A question on whether discussions had taken place with the freight industry on satellite navigation (SaTNav) systems to ensure that the information on recommended main HCV routes was included. In reply, attention was drawn to the third bullet point in Appendix C of the report which advised that a national initiative was being progressed as the lack of identification of such routes was not only a national, but also an international problem, as a result of the number of HCVs on the UK roads originating from abroad. In the meantime, the intention was locally in partnership with freight operators, to distribute hard copies of the map to as many HCV drivers as possible so that they had the information readily at hand in their vehicle.
- Raising concerns again regarding the current lack of overnight HCV parking facilities and the need for further discussions to be undertaken with National Government to ensure appropriate provision was made when building new, or upgrading existing roads.
- Whether the map should include identification of any railway level crossings on the roads shown, as these often caused delays for traffic. In response it was indicated that the map was not designed to show this level of detail and that including such information could be detrimental to persuading some drivers to use the suggested routes.
- Whether farmers would also be made aware of the routes so that during harvest time, disruption could be minimised. It was indicated that transport and haulier associations had been consulted on the routes to help take into account all likely local issues. Officers agreed that there would be no problem in providing local farmers with copies of the map.

**It was resolved to:**

- i) Agree to adopt the current version of the Cambridgeshire Advisory Freight Map (CAFM) dated April 2010;
- ii) Agree to review the CAFM in response to:
  - (a) any future significant changes to the road hierarchy
  - (b) the effects of large scale developments, including Northstowe; and
- iii) Agree to a review of the environmental weight limit policy and the development of a Lorry Management Strategy.

## **159. AGENCY AGREEMENT FOR THE DELIVERY OF HIGHWAYS RELATED FUNCTIONS IN CAMBRIDGE**

Cabinet received a report providing proposals in relation to the future of the agency agreement with Cambridge City Council for the delivery of highway functions and informing it of a Cambridge City District Council Motion requesting that the County Council should adopt its own recently agreed tree works protocol for highway tree management, the latter of which was the responsibility of the County Council.

Cabinet noted that the current agreement allowed for each authority to provide various highways related functions for the other, such as maintenance functions and also allowed Cambridge City Council to undertake improvements on the highway network in the city, subject to necessary highway policy and health and safety requirements. Cabinet was advised that while the agreement had been due to end on 31<sup>st</sup> March, there was provision to allow for its extension on an annual basis, subject to the agreement of both parties.

From the County perspective, some aspects of the agreement were considered to be cost effective such as the City Council undertaking verge and ditch maintenance and it was considered that it could be beneficial to continue such arrangements under a new agreement. A key issue for further consideration had been whether all third party funded highway works should be subject to commuted sums to cover future maintenance liabilities for the life time of the highway measure and whether they might be limited to measures that could not demonstrate a contribution to safety, accessibility or congestion objectives. Future negotiations with the City Council on a new agreement would give an opportunity to explore this issue. It was also agreed that other aspects such as tree management, might be better managed directly, given that capability that now existed within the Network Management Service for the management of highway trees in all other areas of the County. Cabinet therefore supported the proposal the County should look to creating its own protocol for tree management, rather than adopting the City Council model.

**It was resolved:**

- i) to terminate the current highways function agency agreement with Cambridge City Council on 31<sup>st</sup> March, 2011;
- ii) delegate the Acting Executive Director: Environment Services to negotiate a new highways function agency agreement with Cambridge City Council, in consultation with the Cabinet Member for Highways and Access; and
- iii) support the preparation of a Countywide protocol for tree management for future consideration.

## **160. INTEGRATED RESOURCES AND PERFORMANCE REPORT – FEBRUARY 2010**

Cabinet received a report presenting the financial and performance information to the end of February in order to enable it to assess progress in delivering the Council's Integrated Plan and to ask for approval to capital virements in order to finance the cost of the Integrated Youth and Locality Office at Bargroves St Neots and to two virements to help offset the Condition / Emergency Budget overspend in the Children and Young People's Capital Programme.

Section 3 of the report highlighted details of two changed exceptions: National Indicator (NI) 148 Care Leavers in Employment, Education and Training (EET) (RED ↓) showing a fall in performance where the measure was already not achieving the target and Local Indicator (LI) 136a CCC - % of Contact Centre calls answered within 20 seconds (RED ↓) where increased contact as a direct result of recent weather conditions had resulted in a drop in performance.

Also highlighted was:

- LI) 206 % Young People Aged 13-19 Participating in Youth Service Activities (RED ↑) – participation was continuing to rise slowly, but insufficiently in most localities to meet participation targets. An exception report was filed with the Director of Enhanced and Preventative Services last month and this had since been a major agenda item on the Area Managers meeting. Some initial audit work was currently taking place as part of the response to recommendations contained within the exception report.
- NI 171 New business registration rate (per 10,000) (or % change from regional average). Data for 2008 had been made available in January 2010 and unexpectedly showed that the Council had declined to 89% of regional average compared to a target of 1% above. Given that the 2009 rate could not now be influenced the Council had renegotiated a revised target with Go East of 98% of the regional average for 2010.

Cabinet noted the following main resource performance issues:

- Overall the budget position was showing a forecast year-end underspend of -£459k (-0.1%). (The reduction followed the issue of £1m from corporate reserves to fund pressures within the Older People Services (CAS). A further £300k of corporate reserve funding to assist with this pressure went to Cabinet for approval on 16<sup>th</sup> March 2010.
- In Environment Services (ES) an underspend of -£447k was being predicted, which was mainly due to savings in Environment & Regulation.
- In Community and Adult Services (CAS) an overspend of £2.2m was being predicted, which was mainly due to pressures within Adult Social Services. Further examination of the factors behind this overspend with the Primary Care Trust (PCT) had taken place and as a result, management actions have been taken and a call against the Pressures and Developments Reserve of £1.3m has been made.
- In Children and Young People's Services (CYPS) an overspend of £136k was being predicted, which was mainly due to pressures within Strategy and Commissioning.
- In Corporate Directorates (CD) an underspend of -£639k was being predicted, which was mainly due to savings identified within the Customer Services and Transformation and People, Policy and Law.
- In Corporate Directorates – Financing, an underspend of -£1.7m was being predicted due to savings on Debt Charges.
- Spending on the Council's overall capital programme was currently proceeding slower than estimated.

A correction was given in respect of the fourth bullet point under Community and Adult Services paragraph 4.3.2 for integrated Community Equipment which should have read an underspend of £52k not an overspend.

Specific points made by Members included:

- In terms of LI068 - overall satisfaction of website customers which was currently showing red, The Cabinet Member for Customer Service and Transformation highlighted that the current overall rating needed to be balanced with positive comments that had also been received, including a recent four star rating given by SOCITM (Society of IT Management) and compliments that had been received from teenagers.
- The Older People and Occupational Therapy Services Section 75 Joint Pooled budget with the PCT was still estimated to overspend by £4.9m of which £3.1-3.2m

would be a cost to the County Council under the risk share agreement. The Executive Director: Community and Adult Services indicated that of the £1m further savings that they had agreed to try to find from service realignment measures reported at the December Cabinet meeting, at least £1/2 million would be able to contribute to reducing the overspend.

An oral update was provided regarding the Executive Director: CYPS's recent advice to all Primary Headteachers following the results of the professional association ballots agreeing action to frustrate the administration of the key stage 2 Standard Assessment Tests (SATs). He had indicated to them in a letter his concerns and had urged the most careful reflection before taking any final action and while he recognised the concepts of strike action and work to rule, did not understand the action being described, which seemed to represent colleagues picking and choosing which part of their job they would undertake. In the letter he reminded them that schools were spending budgets delegated through Cambridgeshire County Council and were required to meet legislative requirements. He therefore advised them strongly against any such action not least on the grounds that it might be open to challenge. He also indicated that while not trying to justify the current high pressure approach to key stage 2 SATs, the democratic political system had decided that the SATs were statutory and that in representing the interests of the children and the community, they did not have the professional right to frustrate legislation (Cabinet Members had been provided with a full copy of the letter).

**It was resolved:**

- i) To note the resources and performance information provided and details of any remedial action being taken.
- ii) To approve the capital virements totalling £500k in respect of the integrated youth and locality office at Bargroves, St Neots (set out in paragraph 4.6.2).
- iii) Approves the capital virements of £361k and £300k to help offset the Condition / Emergency budget overspend (set out in paragraph 4.6.3).
- iv) To agree to receive a short report at the May Cabinet meeting in respect of the Out-turn position.

**161. PROPOSAL THAT CAMBRIDGESHIRE COUNTY COUNCIL BECOMES THE LEAD ACCOUNTABLE BODY FOR INFORMAL ADULT LEARNING**

Cabinet received a report following on from the formal invitation by the Department for Business Innovation and Skills (BIS) asking the County Council to assume the role of Lead Accountable Body for Informal Adult Learning for Cambridgeshire. The report set out the current position within the County, including the strong existing partnership approach and the further opportunity presented by the invitation.

Cabinet noted that the Learning Skills Council (LSC) had now been abolished and as a result, adult learning was now managed by a new successor body called the Skills Funding Agency (SFA). Local Authorities were being invited to take responsibility for the local agenda for this type of learning by becoming a Lead Accountable Body (LAB) and would put upper tier local authorities in a key position to be advocates for and facilitators of a local strategic vision for this non-skills learning, and to build it more effectively into their local

priorities. As a result the County Council would need to work with other partners, including those currently receiving this funding, to develop the plan.

Cabinet particularly supported the wider benefits of learning with the new agenda giving local authorities an opportunity to look at informal adult learning and link it to well-being for all. This would include developing a culture of learning in families, responding to demographic changes in the community such as helping older people to keep mentally and physically active and fit, supporting communities through the after-effects of the recession, targeting activities to engage people in local democratic processes, engaging people in new digital technologies, learning for a green future.

It was indicated that from 2011-12 all the funding was to go through the LAB. In answer to a question on what level of expenditure the authority could expect to receive, it was indicated that currently the authority received £1.4 to £1.5m from the Skills Funding Agency and while at this stage it was not clear how much more would be received from the resources which currently went to FE Colleges, the overall amount might be in the region of £2m. This would require transformation in order to stay within the resource limits provided.

**It was resolved:**

To agree to Cambridgeshire County Council making an initial commitment to become a Lead Accountable Body for Informal Adult Learning, and also entering into dialogue with the Skills Funding Agency, along with key partners, to develop this new role.

## **162. DEVELOPMENT AT CAMBRIDGE SOUTHERN FRINGE - SECTION 106 AGREEMENTS**

Cabinet received a report updating it on the Clay Farm and Glebe Farm Planning Inquiry and appeal decision and informing it of the current position reached on the Glebe Farm full planning application and associated Section 106 agreement and the Clay Farm Section 106 agreement.

Cabinet was reminded that the main reason an appeal had been launched was in relation to economic viability and the developer claiming it could not provide the policy compliant 40% affordable housing. In terms of specific County matters, the developer had also appealed against:

- Education Capital and Revenue Payments
- Transport Payments and Planning Conditions
- The County's requirement for a second vehicular access to the Fawcett School
- Library Capital and Revenue Payments

Through negotiation, with the exception of the library capital and revenue contributions (where no agreement could be reached), County Council officers had been successful in settling all of the above points with the developer. As a result, the library capital and revenue contributions were discussed at the Public Inquiry along with the evidence on economic viability and affordable housing.

Cabinet were pleased to note that the Secretary of State for Communities and Local Government had dismissed the Clay Farm and Glebe Farm appeals in a letter dated 25<sup>th</sup>

February 2010 and therefore securing 40% affordable housing was a considerable success. In terms of the library capital and revenue payments, Cabinet noted that the County Council had been successful in securing a library capital contribution, but the Secretary of State had not supported the County Council's requirement for a library revenue contribution as it was deemed that Local Authority revenue expenditure on libraries was largely funded from Central Government and Council Tax. As a result, the library revenue contribution sought from Bell School also required to be removed.

Cabinet noted that the developer had accepted the outcome of the appeal and was now in the process of trying to get a full planning application for Glebe Farm approved. Work to try and obtain the duplicate outline application for Clay Farm approved was expected to follow in the near future. Although new S106 agreements are required, due to extensive work having already been undertaken on S106 requirements, the content agreed prior to and during the Inquiry was expected to largely remain the same.

In terms of the highway design objection, County Highway Officers had been working with the developer to address the County Council's concerns. Cabinet was assured that all previous highway concerns had now either been addressed to the satisfaction of the County Council, or an appropriate planning condition was to be imposed to ensure the development was built to the satisfaction of the County Council as the relevant Highway Authority. It was therefore recommended that this objection should be removed as well.

In answer to a question, assurances were provided that the appropriate capital contributions would be accessed in the timescales set out in the appendix, to provide the necessary transport and other infrastructure secured by parent company guarantees / and / or a combination of Bonds.

Having noted the main changes and the reasons for them summarised in Table 1 of the report and agreeing that Cabinet should be asked to approve and not just endorse the recommendations,

**It was resolved to agree:**

- i) The S106 packages for Clay Farm and Glebe Farm set out in Appendix 1 and 2 of the report;
- ii) The amended position on Library Capital and Revenue funding following the appeal decision;
- iii) Remove the S106 and highway objections relating to the Glebe Farm planning application. (detailed in paragraphs 4.5 and 4.6 of the report)

**163. REVIEW OF PROCESS FOR CONSIDERING REQUESTS TO DEFER SECTION 106 PAYMENTS**

Cabinet received a report which had reviewed the operation of the first six months of the process for dealing with developer Section (S) 106 deferral requests and seek a view from Cabinet on proposed amendments.

Cabinet noted that since July 2009, 36 individual requests had been received on 18 different developments across the County (11 of which involved requests for amounts less

than £50K). In total, approximately just over a third of requests had been accepted, a third of requests had been rejected, while the remaining third had been accepted with some form of compromise with the developer. All requests had been considered by Cabinet, the route depending on their value. In general, the process had worked well. It was however considered an appropriate time to review the current process and recommend areas where efficiencies and improvements could be made, including increasing the delegations given to officers depending on the deferral amount as set out in paragraph 2.10 of the report.

While Cabinet agreed that it would be appropriate for requests with a value of under £50K to no longer come forward to Cabinet it was felt appropriate to change the original recommendation to also involve the relevant Cabinet Member.

**It was resolved:**

- i). To agree that financial viability evidence should be sought from the developer and will be an additional factor that will be considered when making a decision on the deferral requests (as detailed in paragraph 2.4).
- ii). To agree the amendments to the authorisation limitations (set out in paragraphs 2.7, 2.9 and Table 1 paragraph 2.10) subject to amending the authorisation in respect of deferral amounts under £50k to also include the need to consult with the Cabinet Member for Growth, Infrastructure and Strategic Planning.

#### **164. RAMSEY MARKET TOWN TRANSPORT STRATEGY**

Cabinet received a report requesting approval the new Ramsey Market Town Transport Strategy which was supported by the local Members.

Cabinet noted that the strategy identified the key transport issues facing Ramsey and outlined a programme of transport schemes to address the transport needs of the town over the next five years. Final approval and adoption of the strategy was required to allow the schemes in the strategy to be considered for inclusion in the Capital Programme.

**It was resolved:**

To approve and adopt the Ramsey Market Town Transport Strategy as part of the Cambridgeshire Local Transport Plan 2006-11.

#### **165. HIGHWAY CHARGES**

Following the annual review of highway policies and charges, Cabinet received a report seeking its approval to the suggested revised charges in order to provide extra income and which had already been accounted for in the budget for 2010-11.

Cabinet were assured that they were:

- fit for purpose

- viable in the context of the budget forecasts for the highways service in the foreseeable future, and
- consistent with any changes in legislation and guidance.
- based on a combination of both national guidelines and local priorities.

It was confirmed that the oversailing charge which showed a reduction proposed from £156.75 to £86 was not an error. However one amendment was made on page 7 of Appendix A to add the missing charge for tourist signs which was proposed to be raised from £156.50 to £160. 00.

**It was resolved:**

To approve the revised charges set out in Appendix A subject to the amendment agreed at the meeting.

## **166. A RURAL STRATEGY FOR CAMBRIDGESHIRE: CONSULTATION RESPONSE**

Cabinet received a report in order to consider the response from the Council to the draft Rural Strategy for Cambridgeshire 2010 – 2015.

The documents titled “Rural Cambridgeshire Ensuring a Vibrant Future - Rural Strategy for Cambridgeshire 2010-2015” and the “Cambridgeshire Together Rural Strategy Action Plans” for the period 1st April 2010 – 31<sup>st</sup> March 2012” have been provided as background documents to Cabinet Members and Group Leaders as part of a separate Cabinet Information Pack.

Cabinet noted that in January 2009 the Cambridgeshire Together Board had agreed that a new Rural Strategy should be created to ensure that its work adequately reflects the distinct set of social, economic and environmental issues which affect rural communities and businesses in Cambridgeshire.

A correction was highlighted in respect of paragraph 4.1 on page 5 to highlight that while the text suggested under the significant implications paragraph heading “Resources and Performance” that there was more than one bullet point this was not the case and what was included was the only one.

During the debate Cabinet Members made suggestions for strengthening the response including;

- Making explicit the role of Cambridgeshire County Farms in Priority 4 – Promoting Cambridgeshire’s food
- More detail regarding the potential role of district councils, parish councils and community groups.
- Making reference to the carbon footprint / environment savings to be made from sourcing local produce.

As a number of additions had been made, it was agreed that it would be appropriate for the final version to be undertaken in consultation with the relevant Cabinet Members.

**It was resolved:**

To delegate to the Cabinet Members for Economy and Environment and Communities in consultation with the Executive Director: Adult and Community Services the authority to approve the Council's final response in order to reflect Cabinet's comments / suggested changes made at the meeting to the draft response set out in section 3 and Appendix A of the report.

**167. DEPARTMENT FOR TRANSPORT: CONSULTATION ON THE GREATER ANGLIA AND INTER CITY EAST COAST RAIL FRANCHISES**

Cabinet received a report asking it to consider the joint response to the Department for Transport consultation on the Greater Anglia (GA) and InterCity East Coast (ICEC) rail franchises. A suggested response was presented to Members at a number of advisory forums and Member's comments informed the response attached as Appendices B and C to the report with an initial response having been submitted on 19<sup>th</sup> April to meet the deadline. However there was the facility to add and send on further comments following the Cabinet meeting.

In terms of the response to the Intercity East Coast Franchise consultation by the Cambridgeshire and Peterborough Local Authorities it included:

- welcoming the suggestion that service improvements would be in line with infrastructure enhancements linked to Network Rail Control Period 4 (2009 – 2014).
- Suggesting as part of passenger service improvements linked to CP4, the re-instatement of direct trains from Peterborough to Scotland, north of Edinburgh and an increased frequency of direct journeys from Peterborough to Edinburgh, ideally hourly throughout the daytime.
- Suggesting that non-franchise operators (Hull Trains, Great Central) should be allowed to stop at Peterborough once the station capacity was increased to compensate for the reduction in service in May 2011.
- Suggesting that clarity on timetable issues was required.
- Suggesting that as Peterborough was a key interchange point, this level of service required to be improved.
- Suggesting that direct journeys from Peterborough to destinations north of Edinburgh should be reinstated along with later 'fast' journeys from Kings Cross to Peterborough (especially on Saturday).
- Welcomed the acknowledgement that capacity and capability for more services was constrained south of Peterborough due to limited power supply and highlighting that the power supply issues need to be addressed along with the Hitchin-Cambridge Grade Separation project.
- Highlighting the need for greater recognition of access to stations, linkages with buses, car parking and cycle parking etc.
- Requesting greater stakeholder involvement with the new operator, specifically with the changes over the lifetime of the rebrand in respect of timetabling and engineering works.
- Welcome the objective to align this franchise with Network Rail's RUS for the East Coast Main Line. Peterborough City Council would also support the transfer of Peterborough Rail Station from the bidder to Network Rail.

On the response to the Greater Anglia Franchise consultation by the Cambridgeshire and Peterborough Local Authorities this included:

- welcoming the recognition of growth and development issues across Cambridgeshire and Peterborough as part of the requirements under the Regional Spatial Strategy for the East of England but having concerns about being able to take a view on the new Service Level Commitment.
- Highlighting the need to address overcrowding by taking into full account all options.
- Supporting the proposal that Great Eastern Outer Services between London Liverpool Street and Peterborough be truncated at Ipswich, provided that there were additional services stopping at Whittlesey and Manea, and the opportunity for convenient interchange to services to London Liverpool Street at Ipswich.
- the County Council Ideally supporting the Peterborough – Ipswich service running hourly, which would help provide for the transport demands of growth in the region.
- Suggesting that train lengths should be increased on the Cambridge – Norwich service.
- supporting the proposal of Norfolk County Council that the Cambridge – Norwich service should be extended to Stansted Airport and in addition, wishing to see further proposals to increase the frequency of this service and build on its current success.
- the timetable on Cambridge and Ely following a more regular pattern.
- Train lengths should also be increased on the Cambridge – Ipswich service.
- Wishing to see earlier and later services to Stansted airport.
- Regarding the Felixstowe to Nuneaton freight project - highlighting extreme concerns about the implications of the scheme, specifically at Ely.
- Expressing concerns about the potential impact of large numbers of freight services upon passenger services and that this should not result in a reduction of, or limitation of improvements to passenger services due to higher levels of freight services.
- Power supply issues north of Cambridge towards Kings Lynn being addressed.
- Any proposals to modernise and extend the life of current rolling stock required to be to a high standard.
- That as Cambridgeshire and Peterborough rail services were provided by a number of franchise operators it was essential that links were made to them as part of the Greater Anglia Franchise in order to ensure greater operator partnership, to ensure the best services for Cambridgeshire and Peterborough.
- Expressing extreme disappointment that the consultation document did not make greater reference regarding access to stations. Accessibility to stations was a critical issue especially for rural areas and Cambridgeshire Local Authorities wished to see improvements to car parking, cycling facilities, access routes for walking and cycling and improved bus and rail interchange and the franchise agreement making specific reference to this.
- In terms of Cambridge Station concern was expressed that the design of the new Island Platform at Cambridge proposed the use of 'off the shelf' designs for the bridge and lifts which it was understood would have very limited capacity for cycles. This was considered inappropriate, as there would be a demand for many hundreds of cycles a day to use the stairs, lifts and bridge. Reference was made at the meeting to the article which had appeared in the Cambridge Evening News the previous day highlighting these concerns which included a response from a spokesperson for Network Rail disputing the claims.
- Seeking to ensure that the proposed Community Rail Partnership (CRP) between Ely and Peterborough including the Fenland Stations at March, Whittlesey and Manea was taken into account in the franchise agreement.

- Supporting the idea of a longer franchise to encourage investment in improvements to the network, including in areas where there was a strong shared interest with Local Authorities.
- Welcoming in the section on New stations the reference to Chesterton Station, along with the recognition that franchise bidders must consider this project further. It was suggested that there should be a stronger requirement on the franchise holder to work with the County Council on the development of the scheme, as the partner who, as an operator and as probably as the Station Facility Owner, would get the most direct benefit from the scheme. Consideration should also be given to a requirement for the delivery of the scheme through the franchise, or a contribution to the cost of the scheme, given the financial benefit that will accrue in the longer term is to the rail industry.
- Drawing attention to the Association of Train Operating Companies (ATOC) "Connecting Communities: Expanding Access to the Rail Network" document which considered the reopening of the March to Wisbech line and suggesting that the franchise should include a requirement for the franchise holder to work with ATOC and the local authorities to consider this matter further. It was suggested that there should be a similar requirement on the franchise holder relating to consideration of the reopening of a station at Soham in East Cambridgeshire.

Members of Cabinet stressed the importance of trying to ensure that proposed rail strategies were complimentary to the County Council's own transport policies in respect of the growth agenda. Also highlighted was the need to ensure platforms were accessible to disabled people and that there was sufficient dedicated car parking provision to meet future projected demand with consideration also to be given to the practicality of bus shuttle services and creating integrated transport hubs wherever possible.

**It was resolved to:**

- i) Endorse the joint response to the Department for Transport consultation on the Greater Anglia and InterCity East Coast rail franchises.
- ii) Delegate to the Lead Member for Growth, Infrastructure and Strategic Planning in consultation with the Acting Executive Director: Environment Services, the authority to agree any minor changes to the joint responses to the consultations.

## **168. QUARTERLY UPDATE REPORT ON KEY PARTNERSHIPS**

In order to update Cabinet and enhance accountability of the activities of key strategic partnerships it has been agreed that a quarterly report should be produced and the report therefore provided updates in respect of the seven partnerships listed in the purpose section above.

An oral update was provided on action that had been taken by Cambridgeshire Horizons in respect of the housing quality agenda, including setting up a Cambridgeshire Quality Panel in conjunction with partners, to advise and provide a consistent approach to design review for the major growth sites in Cambridgeshire. The principal purpose of the Panel would be to provide ongoing scrutiny of the emerging master plans and design codes of the major growth sites in Cambridgeshire, and to assist officers and members in upholding and reinforcing the high quality aspirations set out in the Cambridgeshire Quality Charter for

Growth. The Panel would also support and challenge the in-house design and planning processes of the authorities, in order to ensure that the best possible outcomes were achieved. Work was progressing on several strands of the quality of life work, including:-

- Green Infrastructure Strategy Review
- Further work on arts and sports through the Culture Task Group
- Work on a renewable energy and low carbon development

**It was resolved:**

To note the content of the report.

**169. DELEGATIONS FROM CABINET TO CABINET MEMBERS / OFFICERS UPDATE**

Cabinet received and noted the current progress, including where the actions delegated had now been completed, on specific delegations given to individual Cabinet Members and / or to officers at earlier Cabinet meetings.

**It was resolved:**

To note the progress on delegations to individual Cabinet Members and / or to officers previously authorised by Cabinet to make decisions / take actions on its behalf.

**170. DRAFT CABINET AGENDA FOR 25<sup>TH</sup> MAY 2010**

Cabinet noted the draft Cabinet agenda with the following changes since the publication on the current agenda:

**moved to the 15<sup>th</sup> June Cabinet meeting:**

Item 9. County Wide Civil Parking Enforcement - Follow up Report

Item 15. Greater Haddon Planning Application - Councillor McGuire requested to be written to outside of the meeting on the reasons for the further delay in this report going forward.

**To be rescheduled to a later meeting**

Item 10 Policy on Retention Archaeological Archives

**New reports added:**

Budget Outturn update

Guided Busway – Progress Report

**171. GUIDED BUSWAY**

As the next two reports were included on a late despatch the chairman agreed to take the reports using her discretionary powers under Section 100B(4) of the Local Government Act

1972 and having taken account of the following reasons for lateness and urgency provided:

#### Reason for lateness

A meeting with the Chief Executive of the contractor BAM Nuttall only took place on Monday 19th April. This meeting aimed to resolve some key issues in terms of BAM Nuttall's actions on the guideway and required subsequent discussions which were only concluded on 21st April. The outcome of these discussions was essential in order to provide a clear picture of the current position in terms of the delivery of the busway to Cabinet.

#### Reason for urgency

Public interest in the delivery of the busway is intense and it is essential (and was previously committed to at the last Full Council), that an update is provided at this Cabinet meeting. This also assists in the Council's attempts to open this key piece of public infrastructure by continuing to apply pressure on the contractor to complete the required works.

Cabinet received a report setting out the progress being made on the outstanding key areas of work required to be rectified before the County Council could agree to the opening of the Cambridge to St Ives section of the busway. The key areas which had been notified as defects under the Contract requiring to be made good were:

- 1 River Great Ouse Viaduct Expansion Joints;
- 2 St Ives Park and Ride (P&R) surface ponding;
- 3 Maintenance track flooding;
- 4 Guideway shallow foundations;
- 5 Thermal expansion gaps between the guideway beams;
- 6 Rubber tyre infill between the guideway beams.

At its meeting on 16<sup>th</sup> March Cabinet was informed that the reason for the delay in the opening of the busway between Cambridge and St Ives had been due to it not being possible to put in place an agreement to provide for sectional completion, as Bam Nuttall (BNL) were not clear in their commitment to rectify the six key areas of work. Cabinet was reminded that a meeting at Chief Executive level had taken place immediately before the Cabinet meeting on 16<sup>th</sup> March with further similar meetings held on 30<sup>th</sup> March and 19<sup>th</sup> April. At the second of these, BNL had given commitments to undertake the necessary design work to resolve the defects and where necessary to implement any construction work arising from that design work. Following the latest meeting, further clarification of BNL's intentions had been received, as well as a timescale for the required activities and works.

In terms of progress the report highlighted the following:

- Foundations Work – an oral update from what was in the report indicated that the key timescale was now considered to be at the end of the current week.
- Maintenance Track – BNL had submitted results of preliminary work on raising the maintenance track to the correct level on 19<sup>th</sup> April and was now being reviewed with design work to be completed by the end of July. Subject to progress on other items the physical work on the maintenance track could take place following the opening of the busway.

- River Great Ouse – BNL had submitted their design proposal to address the defect on 16<sup>th</sup> April and was now the subject of review by the County Council's bridge engineers. The intention was for all the technical and design work to be completed by 30<sup>th</sup> April and then a number of weeks to undertake the necessary works.
- Rubber tyre in fill - the risk assessment suggested that the proposal was acceptable subject to a couple of specific risks being addressed and therefore sign off completion in this area was very near.
- Beam expansion works – BNL had agreed to complete the technical work by 5<sup>th</sup> May

As a result of oral answers given to questions raised by Cabinet Members on whether target dates were progressing as identified in the current report (e.g. the 23<sup>rd</sup> April given as the date to finalise proposals for soil testing regarding the foundations works – which had slipped) Cabinet Members expressed their considerable frustration regarding the failure to meet deadlines set. Several Members expressed concerns regarding how much credence could be given to any of the deadlines set out in the current report, given that the contractor had already failed to meet one of the first deadlines.

In answer to a question on the progress being made on the southern section of the Busway, officers indicated that the contractor was currently on target to complete works by November with the draft handover plan expected to be provided by the middle of May.

Cabinet agreed that the main outstanding issues required to be addressed before the busway could be accepted. Further to the update provided, Cabinet noted that no date for the opening of the Busway could be given until specific identified targets were achieved and as a result, it was agreed that a further report needed to be presented to the May Cabinet meeting in order to gauge progress and to establish whether the contractor had been able to catch up on missed deadlines.

**It was resolved to:**

- i) Note the progress that is being made towards sectional completion and the opening of the busway between Cambridge and St Ives and in particular, the current overall timescale from the contractor for addressing the notified defects;
- ii) Confirm that the notified defects should be addressed satisfactorily before buses could run on the guideway and that whilst the maintenance track could follow the opening of the guideway, that could only be the case if a clear way forward to resolve the problems had been agreed.
- iii) That a further update report should be received at the May Cabinet meeting

## **172. PRIVATE AND CONFIDENTIAL REPORT - EXCLUSION OF THE PRESS AND PUBLIC**

**It was resolved:**

That the press and public be excluded from the meeting during the consideration of the following report on the grounds that it is likely to involve the disclosure of exempt information under paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information) and paragraph)) and paragraph 5 (Information in respect of which a claim to legal professional privilege could be

maintained in legal proceedings of Part 1 schedule 12a of the Local Government Act 1972 and that it would not be in the public interest for the information to be disclosed.

### **173. GUIDED BUSWAY PART 2 – CONFIDENTIAL REPORT**

Cabinet received a confidential report advising Members of the current legal advice that had been received and the current position in respect of several key aspects of the overall management of the Guided Busway contract as well as the steps being taken to minimise the risks to the County Council.

**It was resolved:**

- i) to endorse the approach to the contract as suggested in the confidential report.
- ii) To support the approach being taken by the Project Manager in relation to the deduction of costs.
- iii) to note Bam Nuttall's actions following on from the adjudication on the late award of the contract and the County Council's responses; and
- iv) to note the strategy being adopted to ensure that repayment of the pain share is secured as effectively and efficiently as possible following completion.

Chairman  
25<sup>TH</sup> May 2010