

## **CABINET: MINUTES**

**Date:** 7<sup>th</sup> February 2006

**Time:** 10.00 a.m. – 11.22 a.m.

**Present:** Councillor J K Walters (Chairman)

Councillors: S F Johnstone, V H Lucas, L W McGuire L J Oliver, J A Powley, J E Reynolds, J M Tuck. and F H Yeulett.

### **Also in Attendance**

Councillors: S. King \*  
\* for part of the meeting only

**Apologies:** Councillor D R Pegram,

## **114. MINUTES 24<sup>TH</sup> JANUARY 2006**

The minutes of the meeting of the Cabinet held on 24<sup>th</sup> January 2006 were approved as a correct record and were signed by the Chairman.

## **115. DECLARATIONS OF INTERESTS**

Councillor J M Tuck declared a personal interest under Paragraph 10 of the Code of Conduct in relation to agenda item 8, “The Government’s response to Kate Barker’s Review on Housing Supply and Consultations on Draft planning policy statement 25 (development and flood risk)” in her capacity as a small developer.

## **116. CASH SUPPORT TO PRIMARY CARE TRUSTS**

Cabinet considered a report recommending the provision of formal cash support to local Primary Care Trusts (PCTs). The report had been in response to an approach from a Primary Care Trust for cash support, following exhaustion of their internal inter-brokerage arrangements with the National Health Service Bank.

It was noted that in previous years PCTs had benefited informally from cash support from the Authority through delaying the payment of invoices. The County Council’s external auditors had advised against continuing such an arrangement, recommending that future provision of such informal cash support should be addressed as part of the decision-making process. This would comply with normal business practice and the requirement of the Authority to protect and maximise the benefit gained from public money.

The provision was justified in the context of ensuring the continuation of appropriate health care delivery and prompt payment of invoices and also in the interests of maintaining good partnership working. Cabinet had been reminded of the very successful social care joint working arrangements that have been developed with PCT health partners as overseen by the Cambridgeshire Care Partnership.

In answer to questions raised, Cabinet was assured that lending the money at an early stage of the year would not compromise the Council's own budget or the provision of the Council's own services. The amount required was estimated at £2.5m (a figure lower than expected and less than borrowed under the informal arrangements in previous years). In agreeing the loan at a maximum of £2.5m (this figure for loans to PCTS was an overall amount however many PCTs came forward with loan requests) account had been taken that there was no risk to the County Council. Any debts would be underwritten by whatever future Government health organisation replaced the current PCT structures. It had also been confirmed that such a loan would not increase the PCT's debt in future years, as they would benefit from added cash flexibility in the following year.

It was considered that a formal loan at interest of 1% above the Bank Rate was appropriate to facilitate partnership working. A formal loan of this nature would also generate additional income to the Council, which was not the case with the previous arrangements.

It had been confirmed with the Council's auditors that the County Council was empowered to make such a loan under powers set out in Chapter 22 Part 1 of the Local Government Act 2000 and was also permissible under the Council's own Constitution, under decision making powers. However, any final agreement would be subject to legal confirmation that the PCTs were able to enter into the agreement. In addition, Cabinet requested that guarantees would be sought to ensure there was no risk of defaulting payments on the loan.

Concerns were expressed that some PCTs had taken measures that had placed additional burdens on Council provided "Care in the Community services" e.g. the closure of wards in Hinchingbrooke Hospital and had not been the subject of prior consultation. Cabinet asked that any acceptance letter should state as a condition that the County Council as partners required to be consulted in future in respect of any change to service provision that impacted on Council services.

**It was resolved:**

to recommend that the Council:

- i) Approves a formal cash loan to one or more of the local PCTs with an aggregate value of no more than £2.5m.

- ii) That the Portfolio holder for Corporate Services should be delegated responsibility in consultation with the Head of Finance to ensure that the PCTs have the legal powers to enter into such an agreement and that as a final resort the loan will be guaranteed by the Secretary of State for Health and that the Council's position is safeguarded via the continuing management of the net creditor/debtor relationship with the PCTs after any loan had been made.
- iii) That in any final letter of approval, reference should be made to the importance the County Council places on the partnership arrangements and that in agreeing the loan, the County Council in future would wish to be consulted on any significant policy proposals which affect our own services.

## **117. CORPORATE PLAN 2006/07-2008/09 REFRESH**

Cabinet received a report on proposed updates on the County Council's Corporate Plan. The Corporate Plan agreed in 2005 set out the Council's core values (CPAVE), 3 overarching priorities, 13 supporting priorities and 76 targets. The overarching priorities were:

- Learning for Life
- Promoting Independence
- Building Cambridgeshire Communities

Details were provided of the key priority areas identified by the public and stakeholders following the recent consultation exercise as reported to the December Cabinet meeting. Overall, there was a good match between the existing Corporate Plan priorities and the priorities arising from the consultation, and therefore it was not proposed to make any changes to the overarching priorities and values in the Plan.

Cabinet noted that targets set in the Corporate Plan were still in the process of being updated. Some of the updates were contained in Appendix A to the officer's report while others were still being compiled. It was intended that there would be regular monitoring of the Corporate Plan in 2006/07. This would provide more opportunity to refine the targets and ensure the relevance of the Plan until 2009 and help determine, against each of the priorities, where the Council aspired to be in 2009.

In addition to the updates on the targets set out in the original plan, a draft introduction from the Leader of Council had also been included. This provided an explanation of the plan and an opportunity to refer to key changes such as the Local Area Agreement and Comprehensive Performance Assessment. As the current Plan ran from 2005 to 2009 it was proposed to refresh the 2005 production, with updates added and alternative photographs.

Cabinet noted that the current programme for publication of the Corporate Plan refresh the end of March 2006 to coincide with the budget book. As this date would be before the end of the financial year, a number of the updates would be forecasts or based on information provided to the third quarter.

**It was resolved:**

To recommend that the Council:

- i) Approves the revisions to the Corporate Plan and subsequent publication of the plan.
- ii) Authorises the Leader of Council in consultation with the Chief Executive to agree any further minor revisions as the result of updates finalised following the Council meeting.

**118. THE STATEMENT OF COMMUNITY INVOLVEMENT (SCI) FOR THE PREPARATION AND REVISION OF FORTHCOMING MINERALS AND WASTE DEVELOPMENT DOCUMENTS AND THE CONSIDERATION OF COUNTY PLANNING APPLICATIONS**

Cabinet received a report to consider the need for revisions to the content of the Statement of Community Involvement (SCI). This document would help inform the preparation and revision of forthcoming minerals and waste development documents and the mechanisms for engaging with the community in the consideration of County planning applications.

The report set out suggested amendments to the SCI following the consultation on the initial draft version (previously agreed by Cabinet in October 2005). 55 written responses had been received from statutory consultees, strategic stakeholders and community stakeholders. Most of the suggested changes related to improvements in the layout and presentation of the tables, suggestions for additional text to clarify certain points and refinements to criteria. None of the responses received were considered to raise fundamental points that could not be satisfactorily resolved through appropriate changes to the SCI. In addition, account had been taken of suggested changes made by the

Development Control Committee, prior to submission to this Council meeting.

The report set out the further stages to be undertaken following agreement by Council. The whole process was expected to take 18 months to complete, with adoption anticipated in October 2006.

Cabinet's attention was drawn to the need to recognise the potential implications of the SCI for delivering the County Council's development programme, in terms of increased costs and timescales. The main impact would be where an Environmental Impact Assessment was required or the application departed from the Development Plan. Overall, officers reported that the implications of the SCI were considered to be manageable.

**It was resolved:**

- i) To endorse the amendments to the Statement of Community Involvement (SCI) described in the report following the consultation exercise as described in the report.
- ii) Recommend that Council approves the SCI, as amended, at its meeting on 21 February 2006.

**119. INCORPORATION OF CONNEXIONS CAMBRIDGESHIRE AND PETERBOROUGH**

Cabinet received a report setting out the details of the proposed incorporation of Connexions Cambridgeshire and Peterborough into the County Council and Peterborough City Council. The service provided information, advice and guidance for young people aged 13-19 and for adults. A work related learning and enterprise (WRLE) service was also provided, largely funded through the Learning and Skills Council (LSC) providing support and advice to employers.

It was noted that the incorporation of Connexions would involve a Transfer of Undertakings (Protection of Employment) (TUPE) for Connexions staff to the Council or Peterborough CC. Staff would TUPE transfer from Connexions to the two local authorities. The incorporation would include the transfer of the work related learning and education and the "nextstep" contracts to the County Council. Those services would cover the county and Peterborough, with costs and risks shared. The WRLE and "nextstep" contracts would also transfer to the Council and be provided through a service level agreement with Peterborough. Cabinet noted that a risk share agreement was being prepared with Peterborough City Council to ensure that the County Council was not disadvantaged through hosting the two services should the Learning and Skills Council (LSC) contracts end.

The agreed principle for the distribution of staff and funding between the Council and Peterborough CC was a 72:28 split of existing frontline service funding. However, some Connexions functions, particularly corporate services such as Information Communication Technology (ICT), Finance, and Human Resources (HR) and some more specialist services such as services to support employers and training, did not lend themselves to being split. It was proposed that those services would transfer to the County Council and be provided to Peterborough CC through a service level agreement.

It was noted that some additional costs would be incurred as a result of the incorporation process, particularly in respect of the reassignment of property leases and changes to ICT to enable Connexions staff to access the local authorities' networks and establish appropriate confidentiality arrangements. The report detailed how the costs would be managed and the arrangements for locating staff. .

Details of the net liability of the pensions scheme were reported. These would need to be recognised in full, on the winding up of the Connexions company and transferred proportionately to the Council and Peterborough CC.

**It was resolved:**

To recommend that the County Council agree to the incorporation of Connexions Cambridgeshire and Peterborough into the County Council and Peterborough City Council.

- 120. THE GOVERNMENT'S RESPONSE TO KATE BARKER'S REVIEW ON CONSULTATIONS ON:**
- 1) DRAFT PLANNING POLICY STATEMENT 3 (HOUSING)**
  - 2) DRAFT PLANNING POLICY STATEMENT 25 (DEVELOPMENT AND FLOOD RISK)**
  - 3) PROPOSALS FOR A PLANNING GAIN SUPPLEMENT**
  - 4) A CODE FOR SUSTAINABLE HOMES**

Cabinet received a report highlighting issues arising from the Government's response to Kate Barker's Review on housing supply and the associated consultations on reforms to the planning system and providing suggested responses to each following consultation with the Transport and Delivery and Corporate Services, Service Development Groups (SDGs). In addition, a further update report was tabled with additions made by the Environment, Waste and Business SDG.

The report summarised the key announcements in respect of:

1. Housing Supply: A commitment to increasing house-building in England to 200,000 per annum by 2016 compared to 150,000 currently.
2. Shared Equity: A commitment to increase affordable housing by introducing a range of shared ownership schemes in partnership with the private sector.
3. Social housing: The Government proposed to increase social housing supply by making it a priority for the Comprehensive Spending Review.
4. Planning: Reforms were suggested so that planning became more responsive to local housing markets (Draft PPS3). Local authorities would be encouraged to demand higher standards of housing design. A new Green Belt Direction had been introduced clarifying arrangements to prevent urban sprawl.
5. Delivering Infrastructure: Proposals for a Planning-Gain Supplement (PGS) has been issued for consultation, with the Government carrying out a crosscutting review to look at infrastructure delivery in the long term.
6. Environment: A draft Code for Sustainable Homes and new planning policies to help manage flood risk (Draft PPS25) had been issued for consultation. The latter provides a stronger, clearer planning policy that aimed to:-
  - ensure flood risk was taken into account at all stages of development;
  - avoid inappropriate development in areas at risk of flooding; and
  - direct development away from high-risk areas.
7. New Growth Points: A £40million fund had been made available to support housing growth in areas of high demand, which were additional to the established growth areas such as the London-Stansted-Cambridge-Peterborough Corridor.

While some aspects of the Government's response to Barker could be supported, there remained significant concerns about the overall effectiveness of the response and its initiatives, in relation to clarity of its implications, securing funding, the impact on the environment and the failure to adhere to sustainability principles.

The crucial concerns were in respect of the sections on additional housing and the Government's intention to introduce a Planning Gain Supplement. The current consultation on the latter provided no details on how much would be raised by the tax, and how it would be redistributed. The current Section 106 system was transparent and understood by everyone. There were concerns that a move to a Treasury controlled system of regional distribution could penalise the

County Council, with monies going to other regions. The County Council and its partners were currently very efficient in relation to obtaining Section 106 payments from developers. There was also currently no guidance on financing the future provision of education facilities, health and community centres, transport and fire stations. It was considered that such a supplement would only have a negative affect on the land coming forward for housing development, in the same way as previous failed land taxes introduced by Governments in the last 60 years.

Sections of the revised responses report tabled at the meeting required simplifying. Reference was made to the text at the bottom of page 3 and paragraph 2.6 on page 5 starting with the sentence "The County Council would wish....".

Cabinet asked that officers prepare a covering response for each consultation document which was more robust and highlighted the County Council's main concerns as discussed at the meeting.

**It was resolved:**

- i) To note the report and the suggested responses to the consultation, as amended in the updated version of the report following the Environment, Waste and Business SDG.
- ii) To ask officers to prepare a covering response for each consultation which was more robust and highlighted the County Council's main concerns in respect of:
  - Opposition to any change in Government policy suggesting a move away from sustainable housing.
  - Section 3 Housing – Seeking clarification whether there has been a change in Government policy away from using brownfield land for housing development before greenfield sites were considered.
  - Section 4 Sustainable Homes Code - This should be compulsory for all new homes with much more robust guidance on the environmental energy saving features that should be included as standard Building Control guidance.
  - Section 5 - Opposing the proposed limit to the scope of section 106 agreements and the implementation of a Planning Gain Supplement if this involved pooling the levy on a national basis and subsequent loss of funding to Cambridgeshire.



- iii) To delegate to the lead member for Environment & Community Services and the Deputy Chief Executive, Environment & Community services the authority to agree the final response based on views of the Cabinet, including redrafting those sections of the response highlighted that required simplification.

## **121. CAMBRIDGESHIRE GUIDED BUSWAY – PROCUREMENT**

Cabinet was delighted to receive a report confirming the Secretary of State for Transport's decision to make the Cambridgeshire Guided Busway (CGB) Order. Officers were congratulated on the work undertaken to present such a robust scheme, which had led to the current announcement. It was noted that while the Inspector did not recommend any changes, he had made a number of suggestions as set out in the officer's report.

The Order conferred on the County Council the powers to construct and operate a guided busway between St Ives and Cambridge and between Cambridge Railway Station and Trumpington, with a spur to Addenbrooke's Hospital. The Order included compulsory purchase powers. Deemed planning consent, subject to detailed conditions, had also been granted.

It was noted that the planning conditions would be discharged as part of the detailed design process after the contract to build the scheme has been awarded. A draft timetable had been prepared for discharge of the various conditions and was attached as Appendix A to the Cabinet report.

A Cabinet member raised the issue of the need to ensure integration with other projects, including on-street priority measures.

Cabinet received details of the two-stage procurement process adopted to select the preferred bidder. To ensure the process proceeded without unnecessary delay, the Cabinet was requested to delegate appropriate powers to the Cabinet Member for Environment and Community Services in consultation with the Deputy Chief Executive, Environment and Community Services.

It was noted that four bus operators had previously expressed an interest in running services on the guided busway who were recognised as having the necessary experience required. The operators were proposing a variety of services and accepted the need for new high quality vehicles and access charges. In exchange for the operators committing to a minimum level of service, it was proposed to grant them exclusive use of the busway for a period of five years. To

eliminate the possibility of a future challenge, a further advertisement seeking expressions of interest had been published.

After the necessary discharge of all appropriate planning conditions, design landscaping and drainage, it was expected that a start on site could be achieved by November 2006. The current construction programme was estimated at two years and the guideway could be opened by autumn 2008. However caution was required, with Cabinet being informed that if the funding decision by the Department of Transport (DfT) was delayed by more than two months then completion of the guideway was likely to be delayed until the spring or summer of 2009. A timeline showing the relationship between procurement, funding and decision-making was attached as Appendix B to the officer's report. The report set out the timetable for Member approval, which was dependent on swift approval on funding by the DfT.

It was highlighted that the scheme would be entirely funded by the Department for Transport and by contributions from developments served by the scheme and would therefore not be a financial burden on local residents.

It was resolved:

- i) Note the details of the Transport and Works Order decision;
- ii) Approve the delegation to the Lead Member for Environment and Community Services in consultation with the Deputy Chief Executive, Environment and Community Services the authority to negotiate with tenderers, select and appoint a preferred bidder, negotiate a final target price with the preferred bidder; and agree parcels of design work to be progressed by the preferred bidder; and;
- iii) Approve the proposed decision making process.

## **122. REVISED ENFORCEMENT POLICY AND PROCEDURES FOR CROSS FIELD AND HEADLAND PATHS**

Cabinet received a report requesting approval to the adoption of revised enforcement procedures for ploughing and cropping obstructions. As the Policy might result in prosecutions and challenges in Court, it was prudent to seek such approval for the procedural changes supporting the Policy.

The County Council, as the Highway Authority, has a statutory duty to protect and assert the rights of the public to use the County's 3000 km of public rights of way. Being a predominantly arable County, many of

the difficulties experienced by path users arise from agricultural activity, particularly obstructions arose from ploughing and cropping.

The current policy would secure the restoration and maintenance of paths through co-operation, using prosecution as a last resort. There was to be widespread publicity undertaken to ensure all landowners were made aware of the new procedures and to allow time for this, the policy will not come into operation until April 2007. Cabinet members were reassured that Council officers would continue to ensure enforcement in a friendly non-confrontational manner, seeking co-operation wherever possible. This approach was currently borne out by the low number of prosecutions.

Another initiative requested to be pursued by a Cabinet Member would be that wherever possible consideration should be given to re-routing cross field paths around the sides of fields. Officers confirmed that this was already an option that was discussed with landowners bearing in mind the length of diversion.

In response to requests made, the officers agreed to furnish the Leader of the Council with details of the number of headland paths in Cambridgeshire and the number of prosecutions made in the last five years as well as those that had continued to be an issue.

**It was resolved:**

To agree to the adoption of the revised enforcement procedures for ploughing and cropping obstructions as outlined in the officer's report.

**123. SOUTH CAMBRIDGESHIRE LOCAL DEVELOPMENT FRAMEWORK – CONSULTATION ON THE SUBMISSION DRAFT DOCUMENTS**

Cabinet received a report for consideration of the key corporate responses to be made regarding the South Cambridgeshire Local Development Framework Submission Draft documents currently being consulted on.

It was the County Council's belief that the Area Action Plan for Northstowe included as part of South Cambridgeshire District Council's Local Development Framework, remained unnecessarily restrictive in limiting the new town to 8,000 dwellings without taking account of the long-term potential for expansion.

To address this and other outstanding issues, such as the use of green separation for sports facilities by the formal deadline for response of 17<sup>th</sup> February, Cabinet agreed to delegate powers to approve the final representations on the Local Development Documents. Final representations would follow consultation with members of the

Environment, Waste and Business and Transport and Delivery SDGs (through e-mail as there were no appropriate meetings before the deadline).

A correction was made to paragraph 2.2 of the report to indicate that a barrister and not a QC had been appointed to advise on the best means of protecting the County Council's position regarding incorporating the land into the new town.

A Cabinet member reiterated the views of local residents on a preferred boundary for the new town being restricted to the boundary of the B1050 and the old railway line. It was agreed that if new proposals were being suggested that were against the agreed Structure Plan, these should be made explicit.

**It was resolved:**

- i) To delegate to the Lead Member for Environment and Community Services in consultation with the Deputy Chief Executive, Environment and Community Services and Deputy Chief Executive, Corporate Services the authority to agree the consultation response by 17<sup>th</sup> February, and
- ii) To receive a further report on the response submitted at the Cabinet meeting on 28<sup>th</sup> February 2006.

**124. CAMBRIDGESHIRE HORIZONS BOARD – ENGLISH PARTNERSHIP MEMBERSHIP**

Cabinet received a report seeking authorisation for the County Council to approve the admission of English Partnerships to the Cambridgeshire Horizons Board.

It was explained that English Partnerships the Government's regeneration agency had expressed particular interests in bringing forward the Northstowe new town development, as well some of the other major development areas in Cambridgeshire. Given the interest and the important role that English Partnerships could play, it was considered appropriate to approve their place on the Cambridgeshire Horizons Board as an effective means of allowing the organisation to contribute its full part to the growth agenda.

Under the Cambridgeshire Horizons constitution, admission to the Board of an additional member requires approval by each of the local authorities represented on the Board.

**It was resolved:**

To authorise the Leader of the Council to sign the approval, on behalf of the County Council, for the admission of English Partnerships to the Cambridgeshire Horizons Board.

**125. DRAFT CABINET AGENDA PLAN 28th FEBRUARY 2006**

The following two additional reports to the agenda were orally reported:

- 1) New Local Management of Schools Funding Formula
- 2) Lease Renewal of Park House – the report would be classified private and confidential as it was likely to contain exempt information.

Chairman  
7<sup>th</sup> February 2006