

CABINET: MINUTES

Date: 15th March 2011

Time: 10.00 a.m. – 11.45 a.m.

Present: Chairman: Councillor J. Tuck

Councillors: Sir P Brown, S. Criswell, D Harty, L W McGuire, R Pegram, J Reynolds and

Apologies: Councillors: M Curtis, T Orgee and F Yeulett

Present by invitation: Councillors: M Smith and T Stone.

337. MINUTES 22nd FEBRUARY 2011

The minutes of the meeting of the Cabinet held on the 22nd February 2011 were approved as a correct record subject to agreeing a procedural amendment to resolution (a) to Minute 317 titled "Third Cambridgeshire Local Transport Plan" to amend resolution (a) to make it clearer that Council were being recommended to approve the report with the revised resolution reading:

"(a) to endorse the draft Local Transport Plan to be **RECOMMENDED** for approval by Council on 29 March 2011 subject to it being updated to include reference to issues raised at the Cabinet meeting (see below); and...."

338. DECLARATIONS OF INTERESTS

Councillor Reynolds declared a personal interest under Paragraph 8 of the Code of Conduct as chairman and director of Renewables East in relation to any associated issues on the agenda.

339. PETITIONS

A) Opposition to Cessation / Reduction in Bus services though Milton

A petition was received with 52 local signatures presented by Councillor Hazel Smith a member of South Cambridgeshire District

Council which read "We the undersigned oppose the complete loss of the Citi 2 through Milton and cutting the number 9 service to Milton in the evenings".

In her presentation she indicated that she had now received more than 200 signatures and while appreciating the very difficult job the County Council had trying to balance the books and recognising that the cuts to the bus services in Milton were not extreme compared to the loss of service that was happening in many rural areas she still believed in speaking for the village that the rationale behind cutting the subsidy to the number 9 in the evening made any sense as with Stagecoach stopping the Citi 2 coming as far as Milton (It would

now turn around at the Science Park) would result in Milton having no service at all after 6:40 in the evening to get back to Milton, and no service after 6 o'clock going into Cambridge, which she meant that people who did not drive would be confined to the village in the evenings.

She highlighted her understanding that all other big villages close to Cambridge had at least an hourly service in the evenings and therefore seemed very unfair to Milton residents. In her opinion the County Council officers could not have evaluated the cut to both services when they decided to cut the 9 in the evenings – as no one knew at that time that the Citi 2 was going to be cut. She believed that a service to Milton in the evenings could be commercially viable (2 buses at 8:15 and 11:15. and highlighting that each number 9 bus in the evenings had been competing against 4 or 5 Citi 2 services also running to Milton which would no longer be there.

She also highlighted that many people who did not drive have moved into Milton knowing it had a bus service at 10 minute intervals during the day, and a good service in the evening and on Sundays and that people also travelled to and from work in the evenings. She was concerned that young people and vulnerable people would be stranded in the evenings

Her request was that the cut to the 9 in the evenings was delayed for a year or two so that it was possible to take into account the fact that this was the only service to Milton in the evenings, and to see whether it was viable as a commercial service without the Citi 2 in competition with it in the evenings.

The County Councillor for Waterbeach had informed Cabinet in advance of the meeting that he supported the petition request and was working with the parish council to see what could be done.

Questions to the petition organiser confirmed that she was aware that the Citi 2 was a commercial route beyond the County Council's control.

It was agreed that as there was no report on the agenda that a written response would be provided by officers in consultation with the Cabinet Member for Highways and Access within 10 working days

B) Petition to reject the proposed Traffic Regulation order for Mill Road (agenda Item 6)

A petition with 21 signatures was received on 14th March against the proposals in the report at item 6 on the agenda "Objections to proposed Traffic Regulation Order Mill Road Lode 201 Prohibition of waiting" and was considered with the report later on in the agenda.

[REPORTS FOR INFORMATION FOR THE COUNCIL MEETING]

Copies of reports considered by Cabinet are on the County Council's website via the links shown in this report. Alternatively they can be found by navigating from the Home page (www.cambridgeshire.gov.uk) to **Council and Democracy** then **Democracy Decision Making** and then **Agenda and Minutes** and then using the drop down menu for Agenda minutes and reports to seek the correct meeting and then clicking on the report title on the agenda page and then clicking on the report attachment title.

340. ENVIRONMENT AND SUSTAINABILITY SCRUTINY COMMITTEE – REVIEW OF STREET LIGHTING PRIVATE FINANCE INITIATIVE (PFI)

At the invitation of the chairman Councillor Mandy Smith from the review group which had been set up the business case regarding the Council's proposed Street Lighting Private Finance Initiative made a brief presentation as an introduction to the above report. The report can be viewed at the following link:

<http://tinyurl.com/cab110315-3ai>

She highlighted that overall, the group were satisfied that the Street Lighting PFI was a good deal – saving the Council money and improving quality of service. However she brought to Cabinet's attention the following three issues of concern:

- 1) The Group was aware that Northamptonshire might drastically change their street lighting policy by significantly reducing the number of lamps in operation and could make the PFI unviable for them. This showed that it was important for Cabinet to agree a policy as soon as possible that would stand the test of time and that while changing the contract drastically after it had started might be possible, it would be problematic.
- 2) The contract was to be set for 25 years on the basis of an inflation rate of 2.5%. She highlighted the concern that if inflation was higher than this, then this would have to come out of Council funds and that current inflation was significantly above 2.5% and that it was therefore risky to use this figure and in their view should be reviewed.
- 3) The Council was to receive a fixed contribution from the Government for capital expenditure over the 25 years. The Committee believed that some of the money in the early years should be set aside to make up the shortfall for later years caused by inflation eroding the value of the contribution. Members of the group believed this would be the most prudent course of action as they were concerned that there might otherwise be the temptation in future years to withdraw money from the surplus fund if general council funding became even more constrained than anticipated. As a result there might then be insufficient funds to pay the service provider in later years and therefore the group was recommending that the fund should be ringfenced.

The Cabinet Member for Growth, Infrastructure and Strategic Planning highlighted in response that the Review of street lighting policy the previous year had been as a result of the Integrated Plan and its impact on all budgets. The work undertaken had resulted in a revised output specification resulting in savings of approximately £250,000 per annum from that at final tender, with the project team still in discussions with the Department of

Transport on the final figures (as with the reduction in the size of the inventory this could reduce the level of grant received by £60k reducing the savings to £190k). There would however be long terms benefits from the reduced inventory as both maintenance and energy costs would increase over time.

Regarding the inflation measure the Standard Approved Treasury model was used for all PFI projects which included inflation at 2.5% and the Council's financial advisers had confirmed this was in line with Treasury best practice. The differential funding proposed for the project was consistent with that already used on the Waste PFI project and would provide benefits of reducing the project costs in the initial years at a time of unprecedented budget cuts.

The Cabinet Member highlighted that he would encourage all parish councils with responsibility for lighting stock to engage with the County Council in respect of the implications with regard to their own contracts sooner rather than later. In terms of the consultation strategy, officers had initially written to parish councils in November regarding the new contract and a further letter was to go out shortly to parish and town councils that would provide details of 3 maintenance options and associated costs of service being offered by the service provider. This would be an enhanced service that included structural and electrical testing, a standard fix and an emergency service with the third the option that they could elect not to use the service provider and go to another company. As a result of the further consultation, the new contract start date had been revised to 1st July 2011. There was a request that all members should be provided with a copy of the letter being sent out.

There was discussion regarding the proposal to ringfence the funding as set out in 3 above. In response the LGSS Director of Finance explained that this proposal would be contrary to current Council policy as it tied up funds that could otherwise be used to fund front line services and that there was already a pressures and developments reserve fund to help finance budget shortfalls.

<http://tinyurl.com/cab110315-3aii>

It was agreed:

- (a) To thank Scrutiny for producing a valuable and detailed report.
- (b) To approve the proposed response to the Member Led Review on Street Lighting PFI as set out in the report without amendment.
- (c) That although not part of the Review, Cabinet welcomed officer proposals for early consultation with parish and town councils on the maintenance of their street lighting and requested that all Members should receive copy of the letter.

[KEY DECISIONS]

341. AMENDED HOME TO SCHOOL TRANSPORT POLICY

Cabinet received a report informing it of proposed changes to the discretionary elements of the mainstream home to school / college transport policy and the associated savings to accrue from their implementation as part of the Integrated Planning Process.

It was explained that the Home to School Transport Policy had last been reviewed in December 2007 and currently provided subsidised transport to a denominational school for certain criteria set out in paragraphs 2.1 to the report for children attending primary and secondary denominational schools in Peterborough at a current cost £87,000 per annum. Different subsidised transport arrangements for a further 371 pupils travelling to St Bede's Inter Faith school in Cambridge currently cost the Authority £210,000 per annum. The detail of can be viewed at the following link:

<http://tinyurl.com/cab110315-5>

The Integrated Plan had proposed that the funding for denominational transport support described above, should cease with effect from September 2012. However, following consultation with St Bede's School and diocesan representative, it had been agreed to phase out the subsidy over time, starting in September 2011, thus allowing parents and the schools involved to better prepare for the change over four years as described in paragraph 2.4 of the report so that by 2014/15 parents would be paying the full cost of transport utilised. The additional costs of phasing, estimated at £53K, would be met from the Home to School Transport budget.

Cabinet was informed that from September 2014, the only denominational transport supported by the Authority would be that statutorily required by the Education Act 2006 to provide free transport to the nearest secondary school preferred by reason of a parent's religion or belief between 2 and 15 miles from the child's home, where the family met the national low-income criteria. It was highlighted that neighbouring Authorities, Peterborough City Council, Central Bedfordshire, Lincolnshire and North Lincolnshire had all amended their home to school transport policies and withdrawn the denominational transport subsidy in the past academic year. In addition Northamptonshire had not been providing denominational transport support since 2003 and Hertfordshire has been phasing out denominational transport support for siblings and was proposing to remove all denominational subsidies with effect from September 2011.

Further changes involved limiting temporary transport support to pupils who had moved at short notice with the exceptions as set out in the report and ceasing transport subsidy for parents who chose to move house but who wished their key stage 4 or 5 child to remain at an existing school where there was an existing bus route.

It was agreed:

To approve the publication of the amended Home to School Transport Policy.

[OTHER DECISIONS]

342. OBJECTION TO PROPOSED TRAFFIC REGULATION ORDER: MILL ROAD LODE 201X PROHIBITION ODER

Cabinet received a report to consider objections to the proposed Traffic Regulation Order to prohibit waiting in an area of Mill Road, Lode as there was currently no Traffic Management Area Joint Committee operating for East Cambridgeshire.

Cabinet noted that Mill Road, Lode was a narrow road and as a result of the parking behaviour of some individuals, visitors (National Trust property Anglesey Abbey was nearby) and residents this had led to obstructions for people wishing to turn, access property entrances and has reduced on-street parking availability.

Objections had however been received from residents of Mill Road as detailed in section 2.3 of the report, and in addition a petition with 21 signatures (20 from residents in Mill Road) had been received as referred to in minute 339B which was also taken into consideration by Cabinet. The petition challenged the contention that the changes were community led, stating that the parish council was not representing the residents in Mill Road that the access and safety difficulties were not as great as being portrayed as well as expressing concerns regarding lack of parking.

Cabinet recognised that all Traffic Regulation Orders (TRO's) could be expected to inconvenience some road users for the benefit of others, and that public opinion was likely to be divided and that before promoting any restrictions, the County Council as the local highways authority had to satisfy itself that there were clear grounds (such as improving road safety or reducing congestion) for proceeding, and that the restrictions were in the overall wider public interest.

It was highlighted that during the summer of 2010, and following further local consultation and discussion, Lode Parish Council had requested that the introduction of parking restrictions in Mill Road should be taken forward. The Parish Council recognised the potential impact of restrictions in Mill Road on the ability of local residents to readily find on-street parking availability, but felt that on balance, the access and safety considerations and overall benefit to the local community were of greater significance as detailed in the report which can be viewed at the following link:

<http://tinyurl.com/cab110315-6>

The proposals have also had the support of the police and East Cambridgeshire District Council who would provide the funding to introduce the restrictions. In answer to a question raised of whether the National Trust had identified a strategy to reduce the impact for local residents, it was orally reported that discussions with the National Trust had indicated that they might consider setting aside some places in their own car park nearby to be used by visitors and local residents. This proposal was still the subject of further negotiations.

One Member highlighted that this was the type of issue that the localism agenda supported and was not one that would have been taken by the County Council alone in normal circumstances and had come about only as East Cambridgeshire District Council did not wish to make appointments to the Traffic Area Joint Committee. He suggested that once

the Localism Bill was passed in Parliament, consideration needed to given to whether such powers could be delegated to neighbourhood panels.

Having considered all views for and against it **was agreed to:**

- (a) determine the objections;
- (b) introduce the Order as advertised; and
- (c) inform the objectors accordingly.

343. INTEGRATED RESOURCES AND PERFORMANCE REPORT – JANUARY 2011

Cabinet received the latest financial and performance information to assess progress in delivering the Council's Integrated Plan which was in the new style format. The full report can be viewed at the following link:

<http://tinyurl.com/cab110315-7>

The key exceptions included in the summary analysis were:

- Revenue Budget; overall the budget position was showing a forecast year-end underspend of -£972k (-0.3%). This was increase in the forecast outturn underspend of -£368k since the previous month. While no emerging issues had been identified in January, changes to individual variances, especially within Adult Social Care - Strategy & Commissioning, had occurred as set out in paragraph 3.2 of the report which set out the details and actions being taken. While the month in question showed a substantial projected overspend for Community and Adult Services (CAS) at year-end, this related to the main winter month when the demand for adult social care services were at their peak. As a result of the receipt of £2.1m Social Reform Grant and on going negotiations with NHS Cambridgeshire regarding the application of new funding announced by the Government and the continued Re-ablement initiative, it was expected that the CAS budget would be in balance by the end of the year.
- Key Performance Indicators; overall 25 out of the Council's basket of 44 key performance indicators were currently on target. Of these, 25 indicators had year-end forecasts of which 18 were on target. (section 4.2 provided details and suggested actions).
- Capital Programme; at present only 123 out of 190 current projects were forecast to be on time and budget, mainly as a result of slippage and cuts to the programme. In addition, based on current market conditions, there was currently a potential shortfall of £5.7m in capital receipts that would need to be managed through additional prudential borrowing or a further reduction in the capital spend programme. (section 5.2 provided details and suggested actions). It was confirmed in answer to a question raised regarding if there was sufficient headroom that there was currently borrowing provision of £30m of which only 16m had been used.
- Balance Sheet Health; end of month figure showed the variance of actual net borrowing. There were investments of £11m at the month end resulting in a projected borrowing requirement of £19m. (Section 6.2 provided details and suggested actions).

Issues raised on the detail of the report included;

- Seeking assurance regarding the dispute with Verry (contractor for the Central Library construction work) on the potential budget pressure regarding the claim for £500k relating to loss of income/ extra storage costs / additional construction work undertaken to avoid any adverse impact on the IPP process and any need to cut further front line services as well as the measures to bridge the gap for the Huntingdon Office rationalisation. Details were provided to indicate that there were provisions for uncertain capital cost claims / projects coming forward for disposal in the BUPA programme that could deal with any shortfalls, without prejudicing other schemes.

It was resolved:

To note the analysis of resources and performance information provided and the remedial action currently being taken to address identified overspends.

344. PERFORMANCE MANAGEMENT FRAMEWORK

Cabinet received a report asking it to consider a new proposed corporate performance management framework for 2011/12. The review undertaken leading to the establishment of a new framework was as a result of the changes to the national system of performance management (dissolution of Comprehensive Area Assessment (CAA) and associated National Indicators) as part of the Coalition Government's desire for less bureaucracy in terms of central government directed inspections. The full report can be viewed at the following link:

<http://tinyurl.com/cab110315-8>

The framework had been drawn up on the following principles:

- A 'citizen-centered' approach, i.e. the Council should understand our performance based on a wide variety of different sorts of information that relate to what citizens say about the place they live, what users say about services, what the needs of areas or communities are, not simply the number of performance targets reached or information derived from formally recorded compliments and complaints
- Services should control the indicators they use to monitor performance so resources were invested in only collecting information that was necessary (or statutorily required)
- More performance data should be published on the Council website

The Integrated Plan 2011-12 sets out corporate priorities and draft lists of indicators that Services had proposed in order to monitor their progress during the year and these would be used as a basis for high level composite performance indicators on the Corporate Scorecard, and would show a Red-Amber-Green status to indicate progress in corporate priorities during the year. Exception reports would be provided based on the rules outlined on page 9 of the framework. It was highlighted that the exact lists of indicators was still subject to change, depending on Central Government requirements.

In addition to the composite indicators to show progress in corporate priorities, it was explained that the remaining indicators on the Corporate Scorecard had been reviewed and now focussed on key corporate organisational health metrics like finance, human

resources, responsiveness to enquiries or complaints, business mileage and the corporate website with some definitions still to be finalised with more detail to be agreed by June.

The outturns of the indicators, and achievement in corporate priority areas, would be published every year in the Annual Report, which would be the primary way of assessing corporate performance and value for money and communicating it with the public. It was also agreed that the Annual Report 2011-12 would contain specific information on how the County Council had engaged with the community and what had changed as a result of that work.

Cabinet wished to place on record their thanks to all the work undertaken by Tom Barden the principal performance officer in preparing the framework document.

It was agreed:

To adopt the performance management framework to commence in April 2011.

345. CORPORATE RISK REGISTER FRAMEWORK UPDATE

Cabinet received the latest update report on the status of the main risks to the achievement of Council objectives. Cabinet's attention was drawn to the following five risks that had been deleted from the latest quarter's version of the risk register as follows:

- Vision and Prioritisation (1),
- Making Cambridgeshire Count (3),
- Making Assets Count (4),
- Street Lighting PFI (14) (subject to final approval of outstanding issues by portfolio holders) and
- Recruitment and Retention – Children's Social Care (22).

and to a new strategic risk which had been included on IT Resilience which had a trigger defined as being the failure in availability and/or performance of service-critical IT systems which cannot be rapidly resolved and the result defined as being the prolonged loss of systems and/or connectivity, leading to inability to deliver services, support vulnerable adults and children, and interact with partners; loss of reputation

The report also provided detail in relation to the following risks which had improved:

IPP Delivery (formally Financial Strategy),
Partnership Working
Housing Growth
Infrastructure Funding Shortage
Community cohesion
Safeguarding vulnerable children and adults
Resourcing provision for children with complex needs

with the details (including the full risk assessment register) as set out in the report which can be viewed at the following link

<http://tinyurl.com/cab110315-9>

Cabinet members were reminded that they were ultimately accountable for ensuring effective arrangements were in place for the management of the risks shown on the register assigned against their portfolio, of which they were required to be appraised of on a regular basis.

It was agreed:

That having considered the information contained in the report and the Risk Register, Cabinet confirmed that it was content with the risks as described, the controls which already existed to manage those risks and any mitigating actions already planned.

346. CONSUMER CREDIT ACT – DELEGATION OF ENFORCEMENT

Cabinet received a report informing it of Central Government's recent confirmation that it would continue funding the national illegal money lending project for the foreseeable future. Since 2004 under this project, the Department for Business, Enterprise and Regulatory Reform (BERR) had funded regional teams in Glasgow and Birmingham to investigate and undertake strong enforcement against illegal moneylenders (commonly known as loan sharks who prey on some of the most vulnerable people in society and cause immense misery while often proving difficult to bring to justice). The full report can be viewed at the following link:

<http://tinyurl.com/cab110315-10>

In June 2008 Cabinet agreed the delegation of the enforcement functions of Part III of the Consumer Credit Act 1974 to Birmingham. By virtue of Section 161 of the Consumer Credit Act 1974, it was the duty of each 'local weights and measures authority' to enforce the provisions of the Act within their local authority boundary. As an executive function for the purposes of the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 it was necessary for Cabinet as the executive to formally delegate the function to Birmingham City Council under Section 13(7) of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000.

The benefit that the Illegal Money Lending Team brought to Cambridgeshire was significant as the County Council, like most local authorities, did not have the level of specialist resource necessary to effectively deal with illegal money lending operations. The team also provided services to improve support to consumers facing debt issues. Previously the support had been provided regardless of whether delegated authority was in place. The delegation which ran out in March 2009 had not been previously renewed due to uncertainty about the project's future funding. As a result of the recent funding confirmation, Cabinet's approval was now sought to refresh a previous authorisation for Birmingham City Council to investigate and institute proceedings against illegal money lenders operating within the Cambridgeshire County Council area.

In answer to questions raised, officers confirmed that the action taken by Birmingham on behalf of other Councils had been extremely effective and should be continued. It was proposed that the delegation should continue until 31 March 2012 with a view to extending the arrangement if successful.

It was confirmed that any prosecutions would be undertaken by Birmingham City Council with no liability for costs to Cambridgeshire County Council. The City Council would also conduct investigations for recovery of criminal assets, with recovered assets being returned to the Treasury. The delegation did however not stop Cambridgeshire County Council undertaking any prosecution or financial investigation where the Head of Trading Standards believed that it was in the best interests of Cambridgeshire County Council to do so.

It was agreed:

- (a) to approve the delegation of the function of enforcement of Part III of the Consumer Credit Act 1974 within Cambridgeshire to Birmingham City Council; and
- (b) delegate to the Cabinet Member for Economy and the Environment, in consultation with the Acting Executive Director, Environment Services, the authority to extend the delegation to Birmingham City Council annually from 31 March 2012.

347. ADULT SOCIAL CARE EXEMPTION FROM CONTRACT REGULATIONS FOR THE DELIVER OF SOCIAL CARE

Cabinet received a report outlining a case for the approval of contract exemptions for a range of adult social care contracts. The contracts covered a number of different aspects of the social care system namely:

- Residential and nursing homes for older people
- Supported living services for people with mental health issues
- Housing related support for people from a number of client groups
- Support to use and manage Direct Payments provided to all adult client groups.

Whilst the budgetary strategy was being developed, the future tendering decisions for a number of contracts with voluntary sector organisations / other organisations that were due to end on 31st March 2011 had not been progressed. The recommendations for extensions were made in the context of the Integrated Planning Process (IPP) for 2011/12 and the following 3 years, the development work required to deliver the budget strategy, balanced with the need to maintain some stability across the social care system, and taking into account information on the current market conditions across Cambridgeshire and the Eastern Region. The full report can be viewed at the following link:

<http://tinyurl.com/cab110315-11>

The uncertainty of the full impact of the Comprehensive Spending Review had also impacted on the timeframe for agreeing the future approach to residential and nursing home placements with NHS partners. Further consideration needed to be taken to the approaches emerging in other Local Authorities to inform the future approach to these services locally. Extensions were therefore sought to allow the approach to purchasing residential and nursing home placements to be confirmed and, if necessary, a tendering exercise to be carried out. The decision to approve the budgetary strategy now meant that plans to retender those services with a stronger focus on increasing independence and reducing long-term demand on services could be taken forward.

Equally important was the need to maintain reliable support for service users who were in receipt of Direct Payments. Disruption to this service, at a time when the Council was continuing to actively promote the increased use of Direct Payments (linked to self directed support), would potentially lead to a lack of confidence for people already using or for those people just deciding to use a Direct Payment.

Questions and issues discussed included:

- Whether contractors were aware of the initiatives to be undertaken and what their views were? In reply it was indicated that feedback from providers was that they would wish for longer extensions on the contracts, but this was not appropriate in the present climate.
- What was the alternative to extending the contracts at the current time? It was indicated that if they were not extended, it would be necessary to negotiate with providers an exit strategy which could have cost implications and to have to then go out to re-tender earlier before the new strategy had been fully developed. There were pressures in the residential / nursing contracts market, but the experience in other parts of the country where new tenders had been sought had resulted in new providers charging more to cover the same level of service provision.
- What would be the length of the new contracts? This had not yet been decided. The procurement strategy would seek to identify the right length to achieve the appropriate quality and price.
- Had the changes to GP commissioning arrangements had an effect on timescales? In response it was indicated that as the changes to GP Commissioning was not yet fully understood in terms of its affect on social / health care services provided, it was vital that time was given to consult and work with the new GP commissioning clusters to ensure the best outcomes were achieved for the older people in Cambridgeshire. The aim was to avoid taking decisions that were unhelpful to the pooled budget arrangements. GP's expertise tended to be in the area of acute hospital care as opposed to third sector provision.

It was agreed:

To approve a range of short term contract exemptions with respect to a range of adult social care contracts, to ensure safe delivery of services both within the budget available and through achieving efficiency savings as follows:

- a) Excelcare: extension from 20 June 2011 to 31 March 2012
- b) Methodist Homes Association: extension to 31 March 2012
- c) AGE UK : extension to 30 November 2011
- d) Pringle Group: extension to 30 November 2011-03-04
- e) Richmond Fellowship: extension to 30 November 2011
- f) Granta Housing: extension to 30 November 2011
- g) Cambridge Housing Society: extension to 30 November 2011
- h) Essex Coalition of Disabled People: extension to 30 November 2011

348. BUILDING SCHOOLS FOR THE FUTURE FENLAND PHASE 2

Cabinet received report providing a progress report on the developments in respect of the Building Schools for the Future (BSF) programme in Cambridgeshire and to alert Cabinet to

the proposed inclusion of a third party funded community leisure suite as part of the BSF project at Cromwell Community College

It was noted that the Phase 1 projects were making good progress and remained on target as follows:

Milestone	Thomas Clarkson College	Neale-Wade College
Phase 1 completion	Jan-2012	Aug-2011
Phase 2 completion	Nov-2012	Aug-2012
Phase 3 completion	-	Dec-2012
Final completion	Nov-2012	Feb-2013

In terms of the Phase 2a schools:

- Sir Harry Smith Community College, Whittlesey
- Cromwell Community College, Chatteris
- Meadowgate Special School, Wisbech

It was reported that written approval from Partnerships for Schools (PfS) for the Authority's 'Stage 0' submission for the Phase 2a schools had been received on 14th February. This confirmed £28.5m of funding for the three schools in accordance with the savings proposed in November 2010. Detailed design work at the Phase 2a schools had begun in January 2011 and was progressing well. Initial (Stage 1) proposals were due to be submitted by the LEP to the Authority for review and approval later in March and detailed (Stage 2) proposals were due to be submitted in the summer.

The Authority had set a challenging timetable for the Phase 2a design phase to achieve contract close on all three schools by July 2011. The key dates within this programme are as follows.

Milestone	Estimated Date
Stage 1 Submission (Initial Proposals from the LEP)	March 2011
Stage 1 Approval (Approval of LEP Stage 1 proposals by the Authority)	April 2011
Planning applications submitted	April 2011
Stage 2 Submission (Detailed Proposals from the LEP)	June 2011
Stage 2 Approval (Approval of LEP Stage 2 proposals by the Authority)	July 2011
Planning consent secured	July 2011
Contracts Signed	July 2011
Start on site	August 2011

The benefits of this accelerated programme were considerable and these and the risks were set out in the detail of the report: The whole report can be viewed at the following link:

<http://tinyurl.com/cab110315-12>

Details was also provided in terms of Phase 2b a single school project for the Fenland Junction Pupil Referral Unit (PRU) currently located in March with the BSF project proposing re-locating the unit to a new, purpose built facility in Wisbech. Written confirmation was received from PfS in February that 100% of the original funding (£2.5m)

had been agreed for this project. As with Phase 2a, this remained subject to 'Stage 0' and FBC approval in due course. The project was a separate, subsequent phase as a site for the new unit in Wisbech had yet to be confirmed and was therefore running to a slower timetable than the Phase 2a projects until this issue could be resolved.

Exploratory discussions had taken place with the College of West Anglia (COWA) about locating the PRU close to COWA's Wisbech campus but had not yet reached a definite conclusion and officers confirmed orally that COWA were not currently that supportive of the proposals. Additionally, two vacant sites in the Council's ownership had been identified but neither was ideal. The cost of securing a third party site (assuming a suitable location and a willing vendor) was also a major constraint. Now that PfS funding for the PRU had been confirmed, resolving the site issue was a pre-requisite for Stage 0 approval and progressing the project to the design development phase.

Details were also provided of the development proposals at Cromwell Community College in Chatteris (equating to £11m) including a community Leisure Suite (equating to £1m) jointly funded by Fenland District Council and Chatteris Town Council as part of a longer term strategy to improve community sports provision in Chatteris. Developing the Leisure Suite as part of the BSF project at Cromwell offered a number of advantages, as detailed in the report. The Leisure Suite proposal included establishing a Not-for-Profit community enterprise to manage and operate the facility. Negotiations were underway regarding appropriate land tenure arrangements with Fenland District Council as the County Council owned the freehold of the land upon which the Leisure Suite was to be built. If negotiations concluded that a disposal at less than best consideration was appropriate, dispensation would be sought in a further report to Cabinet. Cabinet noted that the Leisure Suite project was progressing in a timely manner and was a good example of four different public bodies working in partnership to meet a clear local need for improved community leisure provision in Chatteris.

Questions / issues raised included:

- With reference to Annex 1 which set out a considerable number of principle risks, one member questioned why they were not ranked in terms of their likely risk. In response it was indicated that those set out represented the higher level risks rather than providing all of them (103 in total). The lead officer agreed that future reports would provide a ranking based on priority and likelihood.
- Members were concerned that the PRU should be progressed as quickly as possible and that the Executive Director / Portfolio holder needed to be involved (which would include establishing the requirements of secondary headteachers in relation to its future size and preferred location).
- Ensuring that the proposals for a Leisure Suite as part of the BSF project at Cromwell did not become the main driver for the overall project

It was agreed:

- (a) To note recent developments with the BSF programme in Cambridgeshire.
- (b) That the Cabinet Member for Learning and the Executive Director CYPS be asked to continue negotiations regarding seeking an early solution to securing a site for the Fenland Junction Pupil Referral Unit.

349. MODIFICATIONS TO ARRANGEMENTS TO PROVIDE PLANNING ADVICE TO THE JOINT DEVELOPMENT CONTROL COMMITTEE

Cabinet received a report to enable it to comment on a draft Memorandum of Understanding (MOU) concerning modified arrangements for the supply of planning advice on behalf of the local planning authorities to the Cambridge Fringes Joint Development Control Committee and the Northstowe Joint Development Control Committee.

Cabinet was reminded that In 2007 the three local planning authorities (Cambridge City Council, South Cambridgeshire District Council and Cambridgeshire County Council) acting in conjunction with Cambridgeshire Horizons had entered into joint working arrangements by delegating the County Council's respective development control functions in support of the delivery of sustainable new communities for major sites on the Fringes of Cambridge and at Northstowe. A Joint Planning Director (Growth Areas) was appointed to exercise planning and development control powers delegated under the Scheme of Delegations and to advise the JDCC, to negotiate with Developers and to liaise with Cambridgeshire Horizons and facilitate the release of grant funding. Since 2007 the Councils had worked collaboratively to implement major development proposals in accordance with the provisions of the Southern Fringe Area Development Framework, the Cambridge Local Plan 2006 and the South Cambridgeshire Core Strategy, Northstowe Area Action Plan and Development Control Policies DPD.

As the Joint Planning Director was due to retire at the end of March 2011 and given the current financial climate, it had been decided that the post would not be filled and that instead, the planning advice to each of the Joint Development Control Committees would be provided by the Heads of Planning in Cambridge City Council and South Cambridgeshire District Council respectively, to be in place by April 2011. This reflected a more streamlined, less bureaucratic approach and to reflect this, a draft Memorandum of Understanding (MOU) between the relevant authorities had been drawn up to clarify how advice would be provided to each of the committees as attached as appendices 1 and 2 to the Cabinet report - the full report can be viewed at the following link:

<http://tinyurl.com/cab110315-13>

It was confirmed in answer to a query regarding the title of the nominated officer for South Cambridgeshire District Council (titled Head of New Communities compared to the Cambridge City post titled Head of Planning Services) and concerns raised of whether the officer was a fully qualified senior planning officer, that the post was the equivalent to the Cambridge City officer post. It was suggested that this should be made clear in the proposed wording in appendix 2 to highlight that the lead planning adviser role should be undertaken by a suitably qualified person and that the appendix should be amended to clarify this. *(Postscript: officers will add the additional words after the current wording ("The Head of New Communities2) as follows: "and that as lead planning advisor, this role should be undertaken by a suitably qualified person")*

Regarding concerns raised on whether the new arrangements might be detrimental to local member and wider local public engagement and the need to safeguard the substantial developments to be undertaken, reassurance was provided that there would be a review of arrangements on an annual basis to determine continued effectiveness or which would seek changes if required, to ensure the growth agenda was not put at risk.

It was agreed:

- (a) To the draft Memorandum of Understanding between the Cambridge City Council, Cambridgeshire County Council and South Cambridgeshire District Council regarding revised arrangements for the provision of planning guidance to the Joint Development Control Committee for the Cambridgeshire Fringes.
- (b) To the draft Memorandum of Understanding between South Cambridgeshire District Council and Cambridgeshire County Council and regarding revised arrangements for the provision of planning guidance to the Joint Development Control Committee for Northstowe.

350. LOCAL GOVERNMENT SHARED SERVICES UPDATE, FINANCE AND PERFORMANCE REPORT – JANUARY 2011

Cabinet had requested monthly progress reports in order to be able to reports to review the progress and success of the Local Government Shared Services arrangement with Northamptonshire County Council. The latest update included details on the following with full report viewable at the following link

<http://tinyurl.com/cab110315-14>

Financial Performance of LGSS.

- The Finance & Procurement Cambridge Office was predicting an outturn underspend of -£167k. There were no significant issues in January.
- The Finance & Procurement Northampton Office was predicting an outturn overspend of £61k.
- There was an overall surplus of £299k in Finance, that had increased from the last month by £19k and was mainly attributable to an increase in activity of services provided to other areas in the council resulting in a forecast increase in recharges and income.
- There was a cross-service pressure of £491k relating to the payroll project and costs associated with the provision of ERP licenses (an increase of 7k from last month).
- Internal Audit was forecasting an underspend of £69k for the year primarily due to vacancy management and computer audit costs being less than originally expected.
- There was a forecast underspend of £47k in Procurement due to vacancy management and a 15k saving forecast on the Redundancy budget.

Operational Performance of LGSS.

All Director appointments had been made and interim arrangements confirmed.

Significant Issues – Human Resources & Organisational Design

None for the Cambridge Office - The Human Resources & Organisational Design
Cambridge Office was predicting an outturn overspend of £1k.

Northampton Office

- The Human Resources & Organisational Design Northampton Office was predicting an outturn underspend of -£436k.
- Within Human Resources there was a managed reduction of £350k in expenditure on Adult Social Care Workforce training.
- There were salary pressures on the Human Resources (HR) leadership budget of £65k, which were being offset by savings in salary costs on the HR Professional Services budget and an increase in recharges from services, resulting in a £150k underspend.

Savings and Benefits Delivery. In terms of LGSS Management Team appointments and associated secretarial support, the target saving would be delivered (and further savings would accrue as a result of not filling the Managing Director role in the short to medium term). Savings on the IT hosting contract had also exceeded plan.

Significant Issues – Operations

Cambridge Office

- The Operations Cambridge Office was predicting an outturn underspend of -£133k.
- Shared Services invest to transform loan money had been transferred to cover shared services related expenditure in the year.

Northampton Office

- The Operations Northampton Office was predicting an outturn underspend of -£622k.
- In HR Customer Services there was a pressure of £50k relating to anticipated redundancy costs, these costs had arisen from the restructuring of the HR Operations team into an integrated service incorporating payroll.
- Additionally there was a forecast overspend of £178k on the residual Excellence for the Customers (EfoC) programme. This was as a result of the outcome of the calculation of Minimum Revenue Provision (MRP) - to fund EfoC capital expenditure (£129k), and also an increase in costs due to the parallel running on the Fujitsu contract.
- A forecast underspend of £850k, made up of the capitalisation of the cost of staff working on capital projects (£450k) and savings relating mainly to contract costs (£400k).

Significant Issues – Legal

Cambridge Office

- There were no significant issues in January. The Legal Cambridge Office was predicting an outturn underspend of -£32k.

Northampton Office

- The Legal Northampton Office was predicting an outturn overspend of £446k. following a detailed review of the forecast position for Legal Services. Recharging to internal customers was taking place on a monthly basis, but there was a forecast under-recovery of income as a result of higher than predicted levels of non-chargeable hours.

Questions raised included querying how realistic were the savings of over £3m being forecast in 2011/12. In response the LGSS Director of Finance provided details of the

structural underspends / savings made, confirming that the joint procurement of the shared ERP hosting contract was already now in place with savings greater than £440k on the original estimate and that the vast amount of the total carried a high level of assurance.

It was agreed:

- (a) to note the contents of the Cabinet report (Appendix 1) covering the period to the end of January 2011 of the Local Government Shared Service (LGSS) operation; and
- (b) to note that key performance measures were still being formalised.

351. CIVIL PARKING ENFORCEMENT (CPE)

As the report listed below was not available / finalised / authorised for despatch 5 clear days in advance of the meeting the chairman agreed to exercise her discretion under Section 100B (4) of the Local Government Act 1972 to allow the report to be considered. It was not possible to provide the report earlier for the reasons indicated below:

Reason for lateness – As a result of delays in completing the cost calculates for on-street charges which were late due to officer workloads.

Reason for urgency - To allow the County Council to deliver CPE within the timescales agreed with East Cambridgeshire District Council.

Cabinet noted that the draft Cabinet agenda as set out.

Cabinet received a report to consider the financial implications and a potential implementation plan for extending civil parking enforcement operations beyond Cambridge, recommending that the next phase of a countywide scheme should include East and South Cambridgeshire. This would be funded by the £200,000 Local Transport Plan (LTP) capital budget allocation in 2011/12.

Cabinet was reminded that at its meeting on 16th March, 2010, in noting the progress on discussions with District Councils regarding civil parking enforcement outside Cambridge it had supported the principle of requiring on and off street parking charges as a pre-requisite for CPE operations in any district and that CPE should be cost neutral. Since that time further negotiations had been undertaken with District Councils to assess the appetite for a countywide CPE scheme. Further modelling work has also been undertaken to assess the financial implications of such a scheme, including the potential to raise additional income through further on-street parking charges across the county to underwrite the expected deficit from an extended CPE scheme.

Updates on progress in each district included:

East Cambridgeshire

The district council was developing plans for off-street charges and was fully supportive of a joint approach to CPE in its area, with the County providing enforcement in district council car parks under a service level agreement. Joint working on a review of parking

arrangements in Ely was progressing and it was expected that agreement on parking charges and other parking management issues including the provision of residents parking areas, where required, would be reached later this year as a parallel work stream coordinated with the CPE timetable. The district council had already provided financial support for the parking review in Ely and was also prepared to make available further funding of £20,000 next year to support the implementation process for on-street parking charges and CPE operations. Against this background it was recommended that East Cambridgeshire should be a priority for the next phase of any countywide CPE scheme.

Huntingdonshire

The most recent discussions between relevant lead members and officers were with regard to the option of Huntingdonshire being the next phase in extending CPE after East Cambridgeshire.

Fenland

Currently the district council did not wish join in any CPE scheme. Lead member and officer discussions would continue with the district council to allow the situation to be reviewed if required.

South Cambridgeshire

The district council had previously passed a resolution in support of a countywide CPE scheme. The Council did not have any car parks that would require enforcing under CPE. As there were current and emerging parking problems particularly around the Cambridge fringe as development was undertaken that would require more enforcement attention than can currently be provided by the police it was considered that CPE in South Cambridgeshire should be taken forward.

It was highlighted that CPE operations had the potential for on and off street operating deficits which would need to be managed within budgets. District councils would be expected to underwrite any off street deficits, with the County taking responsibility for on street deficits with any surplus accruing to the relevant authority. The financial model for a 3 district operation (Cambridge and East and South Cambridgeshire) predicted an overall deficit of around £155,000 from on and off street operations. Part of this deficit would be covered by Cambridge City and East Cambridgeshire for their off-street enforcement operations. This compared with an operating deficit for the current operation in Cambridge of around £182,000 for 2009/10. The off-street share of the deficit would depend on how costs were apportioned and this would be subject to further discussions with the district councils but it is expected that around a third of the deficit would be recovered.

Cabinet was informed any deficit in East Cambridgeshire would need to be met from on-street parking charges. The deficit for on-street enforcement in South Cambridgeshire was relatively modest and could be managed within county parking budgets until such time as any on-street charges were applied in parking hotspots to generate income. Table 1 of the report set out the latest financial assessment for CPE operations, including East and South Cambridgeshire, Table 2 showed the expected income and operating costs for on-street parking charges. The full report can be viewed at the following link:

<http://tinyurl.com/cab110315-15>

It was highlighted to Cabinet that the other significant cost associated with CPE was the review of parking signs and road markings to ensure that they satisfy regulatory requirements. Assessment work for East and South Cambridgeshire was to be completed by the end of March, funded from the current year's capital budget. The work required to renew signs and lines, where required, would be funded from next year's LTP capital budget and would be kept to the minimum required by regulation.

The current contract that provided enforcement resource in Cambridge allows for additional enforcement resource to be provided in other areas of the County using the same schedule of rates. To allow the County to undertake off-street enforcement in East Cambridgeshire, a service level agreement between both authorities would be required. This would be modelled on the current agreement with Cambridge City Council and a joint officer group was developing a draft agreement.

It was indicated that the existing parking regulation orders in East and South Cambridgeshire would be consolidated into a single map based order for each district area. The consolidation would be based on the restrictions that were actually marked on site rather than what the current traffic orders stated and that while the consolidation process did not cater for the making of any new restrictions and expectations needed to be managed accordingly. Any errors identified by parish councils would be rectified as part of the consolidation process to ensure they were fit for purpose and could be enforced through CPE. The local member for Duxford speaking at the meeting had earlier raised concerns of the legality of this approach, as he believed that in some places the restriction lines for an order in his area had been incorrectly laid down and did not correspond to the consultation maps used. He also questioned paragraph 8.4 c) and 8.4 of the report which referred to key risks being a failure to adequately manage parking enforcement which would undermine demand management and modal shift strategies and encouraging the use of more sustainable uses of local transport when at the same time the Council was withdrawing subsidies from many bus routes leading to their potential closure. He also questioned the localism agenda and its affect on future parking policy in respect of local demands for locally supported restrictions e.g. request for the provision of additional double yellow lines.

Cabinet noted that a timetable to allow CPE operations to start in East and South Cambridgeshire in April 2012 was being developed, to coincide with the parking review in Ely to coordinate the introduction of parking charges. As part of the process for applying for extended CPE powers, there was a requirement to consult with stakeholders on the transfer of enforcement powers from the police to the County Council. The further consultation was considered vital by Cabinet members to ensure local support. It was anticipated that consultation would be undertaken over the summer period and that a report for eventual Cabinet / Full Council decision would follow.

It was agreed:

- (a) to support an application to the Department for Transport (DfT) for powers to introduce civil parking enforcement in East and South Cambridgeshire, as the next phase in achieving a countywide scheme;
- (b) to delegate responsibility for agreeing a service level agreement with East Cambridgeshire District Council for off-street parking enforcement to the Executive Director for Environment Services in

consultation with the portfolio holder for Customer Service and Transformation ; and

- [c] to support the need for on-street parking charges in Ely to support the financing of parking management and enforcement, as part of a co-ordinated parking plan with East Cambridgeshire District Council.

352. CAMBRIDGESHIRE GUIDED BUSWAY

As the report listed below was not available / finalised / authorised for despatch 5 clear days in advance of the meeting the chairman agreed to exercise her discretion under Section 100B (4) of the Local Government Act 1972 to allow the report to be considered. It was not possible to provide the report earlier for the reasons indicated below:

Reason for lateness - due to wishing to include the most up to date version.

Reason for lateness – In order to include information from meetings held on 4th and 8th March.

Cabinet received the latest update report on the Guided Busway. As had been anticipated, BAM Nuttall had not managed to achieve the hoped for completion in February or their stated intention that all outstanding certificates would be submitted or resubmitted by 4th March. While many were received by that date a number remained outstanding at the time of writing the report. The full report can be viewed at the following link:

<http://tinyurl.com/cab110315-16>

The Cabinet Member for Growth, Strategic Planning and Infrastructure in his introduction indicated that the lack of appropriate response to some of the County Council's requests for certifications and qualification regarding outstanding works and defects meant that this was obstructing the handover of the Cambridgeshire Guided Busway.

An oral update at the meeting indicated the latest progress on issues outstanding from what had been reported in the published second despatch report as follows:

- 1 *Design certification for Trumpington Cutting Retaining Wall.* A meeting had been held the previous day with officers being informed that all outstanding issues had now been dealt with and that a geotechnical report on the stability of the Trumpington cutting slopes which was critical for this issue to be closed would be provided by the end of the week. (this was a report that could have been produced any time in the last two years and had been requested 12 months ago) Both National Grid Gas and the Council needed to be satisfied that the cutting slopes and retaining wall would remain stable with the guideway and the underlying gas main protection slabs removed. One Member expressed concern that for a busy organisation like National Grid Gas a quick response could not necessarily be relied on, which could lead to further delay. In response the lead officer indicated that his past experience of the organisation was that they did respond in a prompt manner and often within two weeks.
- 2 *Network Rail acceptance of the bridge maintenance manual.* As both Addenbrooke's and Hills Road Bridges affect railway lines, Network Rail needed to accept the maintenance manual that was produced by BAM Nuttall for the structure. This was

submitted to Network Rail on 18th January. BNL needed to secure Network Rail confirmation that it was acceptable before completion could be certified. Network Rail had indicated that they would aim to respond by 4th March. As of the date of the meeting a response had not been received and the officers would chase this up with Network Rail following the meeting.

- 3 *Structures Design 'Wrap Up' Certificates.* These in effect act as a guarantee that major structures had been designed and built to the standards required. This was a standard procedure for all major highway structures. The certificates were originally submitted but were endorsed 'for administrative purposes only' and was not in accordance with the contract rendering them valueless and the Project Manager had, had no choice but to return all the certificates to BNL as "not accepted". BNL resubmitted most of the certificates without this endorsement on 3rd March. The respective designers met on 4th March to discuss the resolution of outstanding issues. At the time of the meeting the resubmitted certificates for Addenbrooke's Bridge, Hills Road Bridge, Windmill Bridge and a number of the larger culverts had been accepted. A further revision of the River Great Ouse Viaduct requested had been received. The remaining certificates were under review by Atkins on behalf of the Council with a further meeting held on 10th March. All but 12 had now been accepted and were currently being reviewed in order to close any final issues.
- 4 *Construction certificates.* Two certificates remained to be submitted, in respect of the CCTV system and the flood warning system. Of the 178 certificates submitted, approximately two thirds had been returned as unacceptable. The majority of the 'not accepted' certificates had been resubmitted by BAM Nuttall and had been reviewed. At the time of the written report 34 certificates remained to be resubmitted, while the oral update at the meeting indicated that this figure had fallen to three, this still fell short of BAM Nuttall's stated intention that these would all be resubmitted by 11th March.

It was agreed:

- (a) to note that BAM Nuttall had not achieved completion in February;
- (b) to note the items that were considered critical for BAM Nuttall to achieve completion but which were outstanding at the time of the report's preparation.
- (c) to note the oral update in respect of progress made since the report had been prepared.

353. DRAFT CABINET AGENDA FOR 5th APRIL 2011

As the report listed below was not available / finalised / authorised for despatch 5 clear days in advance of the meeting the chairman agreed to exercise her discretion under Section 100B (4) of the Local Government Act 1972 to allow the report to be considered. It was not possible to provide the report earlier for the reasons indicated below:

Reason for lateness - due to wishing to include the most up to date version.

Reason for urgency – to ensure Cabinet receives details of the next meeting

It was resolved:

To note the agenda plan as set out.

Chairman
5th April 2011