

## **CABINET: MINUTES**

**Date:** Tuesday 9<sup>th</sup> July 2013

**Time:** 10.00 a.m. – 12.10 p.m.

**Present:** Chairman: Councillor M Curtis

Councillors I Bates, D Brown, S Count, D Harty, L W McGuire, T Orgee,  
M Shuter and F Yeulett

### **31. MINUTES**

The minutes of the Cabinet meeting held on 18<sup>th</sup> June 2013 were agreed as a correct record and signed by the Chairman.

### **32. DECLARATIONS OF INTEREST**

There were no declarations of interest by Cabinet members. Councillor Jenkins, a speaker on the item recorded at Minute 48 below, Proposed Transfer of Highways Services Contract, declared a non-statutory disclosable interest in line with paragraph 10.1 of the Members' Code of Conduct as a Governor of Impington Village College, which had a contract with Skanska.

### **33. PETITIONS**

Cabinet received two petitions.

#### **Stopping the cuts to bus services in Cambridgeshire**

The first petition had 664 signatures, 305 on paper and 359 electronic, and read:

We the people of Cambridgeshire are opposed to the Conservative County Council's decision to scrap 100% of funding for subsidised buses, which led to an application for Judicial Review.

Socially necessary bus services are vital to the whole of Cambridgeshire, especially for young people who need to access centres of employment, those with mobility issues who wish to access the wider community and its resources, and for tackling the root problem of "rural isolation".

We also believe that the "Cambridgeshire Future Transport" project, to which half of bus funding has been transferred, is fundamentally flawed and not capable of delivering an adequate replacement for the existing public transport network, never mind the improved system that has been promised.

We call on the Conservative administration to reinstate 100% of the cuts to bus funding and to conduct a systematic review of Cambridgeshire residents' transport needs before making any changes to it.

South Cambridgeshire District Councillor Tumi Hawkins addressed Cabinet on behalf of the petitioners.

The Cabinet Member for Highways and Community Infrastructure, Councillor McGuire, responded to the petitioner, noting that the financial reasons that had led to the decision to withdraw bus subsidies and to launch Cambridgeshire Future Transport remained valid. He also noted that when the petition had been started, Cambridgeshire Future Transport had only just begun. Since then, a number of successes had been achieved to meet public need and make better use of resources. The Cabinet Member gave examples of bus services to Whittlesford, Teversham and Fulbourn. He noted that as there was no relevant agenda item, a full written response to the petition would be sent within ten working days of the meeting.

#### Primary school places in Huntingdonshire

The second petition had 180 signatures on paper and read:

Keeping families together – Godmanchester and Huntingdon families have been left in turmoil as Cambridgeshire County Council are placing siblings in different primary schools.

Mrs Frances Richmond addressed Cabinet on behalf of the petitioners. In response to a question, she explained that she was aware of at least ten Godmanchester and Huntingdon families whose children had been placed in different primary schools.

The Cabinet Member for Education and Learning, Councillor Harty, thanked the petitioner and noted that as there was no relevant agenda item, a written response would be sent within ten working days of the meeting.

### **34. MATTERS ARISING FROM OVERVIEW AND SCRUTINY COMMITTEES**

There were no matters arising from Overview and Scrutiny Committees.

### **35. INTEGRATED RESOURCES AND PERFORMANCE REPORT FOR PERIOD ENDING 31<sup>st</sup> MAY 2013**

Cabinet received the Integrated Resources and Performance Report for the period ending 31<sup>st</sup> May 2013. It was noted that the forecast year-end overspend was £2.7 million. The majority of this related to the forecast pressure within Children, Families and Adults, specifically Adult Social Care. The Cabinet Member for Resources and Performance, Councillor Count, emphasised that it was very early in the financial year and that measures were in place to deliver a balanced budget by year-end. On performance indicators, he noted that performance for the average number of days lost to sickness per full-time equivalent staff member should be showing as green, not amber.

Cabinet members discussed the following matters arising:

- Noted the Council's successful bids for Better Bus Area Funding and to the Department for Transport's Cycle Safety Fund, which would bring £3 million to

improve transport in the County. The Tour de France would also be coming through Cambridgeshire in 2014, further raising the profile of cycling. The Leader of the Council, Councillor Curtis, noted that he had asked Councillor Kavanagh to be the Council's Cycling Champion, bringing his experience and enthusiasm to the role.

- Expressed concern that the assertion that all Directorates were exactly meeting their targets for the number of capital projects running to budget and to time at the end of May 2013 was unlikely to be accurate. The Head of Finance noted that work was already in progress to improve the profiling of the capital programme and that future reports would contain more meaningful information.
- Discussed the performance indicator for the proportion of customer complaints received in the month before last that were responded to within minimum response times, the status of which continued to be red. Members asked for future reports to break down performance by Directorate, to help identify over time which areas were working less well.
- Noted an update to the performance indicator on the number of people successfully quitting smoking with support from stop smoking services, that to 30<sup>th</sup> April 2013, 189 people had quit smoking, as compared with 218 people at the same point in the previous year, meaning that the status of this indicator should be amber. A further 335 people had attempted to give up.
- Asked for future reports to be produced in a format easily legible in black and white; particular attention was drawn to the bar chart on the capital programme at paragraph 6.1.

It was resolved:

- a) To note the resources and performance information and the remedial action currently being taken
- b) To approve the transfer of £345,000 from corporate reserves to Corporate Services (section 3.2.3 of the Cabinet report)
- c) That the additional capital grant funding of £1.2 million received in 2013/14 from the Department of Transport Cycle Safety Fund be used in-year on appropriate schemes as allocated by Economy, Transport and Environment (section 6.4 of the Cabinet report)
- d) For the Adoption Reform Grant (£1,447,920), that (i) the ringfenced element of £296,450 be allocated to the Adoption Service within Children, Families and Adults Services (CFA); and (ii) the unringfenced element of £1,151,470 be returned to corporate reserves (section 7.2 of the Cabinet report).

## **36. MAKING ASSETS COUNT: STRATEGIC ASSET MANAGEMENT**

Members received a report seeking authority to progress work towards the creation of a publicly owned Joint Venture to deliver the Making Assets Count (MAC) programme. MAC was a partnership comprising the County Council, the five District Councils, the

Police and Fire Services and Health providers. Its aim was to deliver better public services for communities and to reduce the cost of property occupation. Collectively, partners' property assets that could be included in the programme had a net book value of approximately £586 million, as at 31<sup>st</sup> March 2012. The County Council portfolio involved in MAC was the non-schools property estate, with a net book value of approximately £311 million.

Cabinet members were fully supportive of the proposal and noted that:

- The detailed governance and legal arrangements for the Joint Venture would be brought to Cabinet for approval in due course.
- The programme would particularly help to bring services closer to communities, for example through the creation of community hubs. Community hubs could be useful in cross-selling services, for example by promoting public health information to people who would otherwise be difficult to reach.
- The programme was seen to fit into the bigger picture of initiatives that were supporting growth and development in Cambridgeshire, including the A14 upgrade and the City Deal bid.
- It could take some time to set up new arrangements such as community hubs. Members asked for a report to a future Cabinet meeting on the successes achieved through the MAC programme.
- The MAC programme was receiving recognition and praise at national level. However, to date, central Government had not been forthcoming in putting its property estate in Cambridgeshire into the programme. It was agreed that this should be further encouraged.

It was agreed:

- a) In principle to create a publicly-owned Joint Venture (Making Assets Count Public Property Partnership), in which Cambridgeshire County Council will be a key partner, to manage public sector assets across Cambridgeshire
- b) That work be undertaken to develop the detail of the proposal and that this work reported back to Cabinet
- c) That the Leader of the Council would write to the Cabinet Office urging that central Government property assets in Cambridgeshire also be included in the Joint Venture and the wider Making Assets Count programme.

### **37. THE ESTABLISHMENT OF A NEW PRIMARY SCHOOL IN ELY**

Cabinet members were advised of the need for a new primary school in Ely, to serve the needs both of the existing community and new housing development to the north and west of the city. It was proposed to site the new school on one of the two major housing developments. The preferred location was on land owned by Endurance Estates, as this was better placed to meet existing as well as new need. However, it

would not be possible to open the permanent school in this location until Easter 2015 at the earliest. Additional places were needed from September 2014 and so temporary solutions for the intervening period were being considered.

As an update at the meeting, the Cabinet Member for Education and Learning, Councillor Harty, reported that a number of additional risks relating to locating the temporary accommodation on the site of the permanent school had been identified. In addition, the Diocesan Board of Education had indicated their willingness to enter into discussions for temporary use to be made of spare classrooms at Ely St Mary's Voluntary Aided Church of England Junior School. As discussions were still continuing and consultation with the local community would be taking place, the Cabinet Member sought delegated authority, in consultation with the Service Director: Learning, to finalise arrangements for the temporary provision of the new school.

Cabinet also noted that in accordance with the Education Act 2011, the Council would seek proposals for the establishment of the new school as an Academy or Free School. Cabinet had previously adopted a number of policies and policy preferences to be used in the Council's specifications for the establishment of new primary schools, which would be applied in this case.

The Cabinet Member for Health and Wellbeing, Councillor Orgee, challenged the assertion made in this and other reports on the agenda that there were no significant public health implications, noting for example that the location of the temporary and permanent schools could affect levels of cycling and walking, which contributed to healthy lifestyles.

It was resolved:

- a) To approve the establishment of a new primary school to serve the needs of the existing community and the new housing development proposed in the north of Ely
- b) That in accordance with current Council practice, the new primary school in Ely should open in its first year (September 2014) for Reception-age children only
- c) To delegate the decision on options for making temporary provision for the new school to the Cabinet Member for Education and Learning, in consultation with the Service Director: Learning
- d) To note the plan to open the new primary school in a temporary setting in September 2014 before moving to its permanent accommodation during 2015
- e) To note the timeline for seeking a sponsor of the new school as either a Free School or an Academy under the relevant provisions of the Education Act 2011.

### **38. THE MANOR SCHOOL, CAMBRIDGE: ISSUES ARISING FROM CONVERSION TO ACADEMY STATUS**

Cabinet members received a report setting out a number of issues relating to the Manor School, Cambridge, including:

- The continuing need for a secondary school in this part of Cambridge
- The conversion of the Manor to a foundation school on 1<sup>st</sup> September 2010 and the vesting of its property assets at that time in the School's Foundation Trust
- The School's decline in performance from September 2010 to 2012 and subsequent steps taken by the local authority, the Governing Body and the Department of Education. These included a proposal to convert the Manor to an academy and the selection of Cambridge Meridian Academies Trust as sponsor
- The poor condition of the School's buildings and the Council's successful bid to the Government's Priority School Building Programme, with £11 million awarded for the Manor and work expected to start on site early in 2014
- Property issues including the lease of one part of the Manor site to Bellerbys' Language School and the use of another part of the site, 110a Arbury Road, as office accommodation by the Council's older people's services
- Delays to the full conversion to academy status, due in large part to these property issues, and the wish to resolve the issues so that conversion could be achieved by September 2013.

The Cabinet Member for Resources and Performance, Councillor Count, explained that he, the Cabinet Member for Learning, Councillor Harty, and senior officers had reviewed at length options to secure the future success of the school and that the solution now proposed appeared to be optimal.

It was agreed to approve:

- a) The disposal of 110a Arbury Road to Cambridge Meridian Academy Trust at less than best consideration
- b) The acquisition of that part of The Manor School site subject to a lease to Bellerbys' College (option 1 in the Cabinet report).

### **39. PRESCRIBED ALTERATIONS TO INCREASE PRIMARY SCHOOL SIZES**

#### The Orchards Church of England Voluntary Controlled Primary School, Wisbech

Cabinet's approval was sought for plans to increase the size of The Orchards Church of England Voluntary Controlled Primary School, Wisbech, to provide a total of 630 places, by increasing its Published Admission Number (PAN) from 60 to 90 with effect from 1<sup>st</sup> September 2013. Members noted that this would help the Council to respond appropriately to the increasing demand for primary school places in Wisbech.

In relation to both this and the following item on Millfield County Primary School, Littleport, members noted that current pressures on primary school places would in future translate into pressures on secondary and special school places. They asked how this was being addressed. The Education Officer (Policy, Planning and Review) explained that a review of secondary provision in East Cambridgeshire had been

concluded in 2010 and the need for a new secondary school in Littleport identified, which would open around 2017. In Fenland, there was some capacity at secondary level but as pressures increased, a review similar to that conducted in East Cambridgeshire was likely to be needed. Discussions were also taking place about special school provision.

It was agreed:

- a) To note the demographic forecasts for Reception places for September 2013 and beyond
- b) To note the fact that no responses were received to the statutory notice published on 17<sup>th</sup> April 2013
- c) To approve the prescribed alteration to increase the size of The Orchards Church of England Voluntary Controlled Primary School to provide a total of 630 places with effect from 1<sup>st</sup> September 2013.

#### Millfield Primary School, Littleport

Cabinet's approval was sought for plans to increase the size of Millfield Primary School, Littleport, to provide a total of 420 places, by increasing its Published Admission Number (PAN) from 40 to 60 with effect from 1<sup>st</sup> September 2014.

It was agreed:

- a) To note the demographic forecast for Reception places for September 2013 and beyond
- b) To note the fact that no responses were received to the statutory notice published on 30<sup>th</sup> May 2013
- c) To approve the prescribed alteration to increase the size of Millfield Primary School to provide a total of 420 places with effect from 1<sup>st</sup> September 2014.

Members noted as corrections to these two reports that the local Fenland and East Cambridgeshire District Councillors had been consulted, not Huntingdonshire District Councillors as stated.

#### **40. PROPOSED RESPONSE TO HUNTINGDONSHIRE DISTRICT COUNCIL DRAFT LOCAL PLAN CONSULTATION (MAY 2013)**

Cabinet members were invited to consider the County Council's proposed response to Huntingdonshire District Council's consultation on its draft Local Plan (May 2013). The Plan would incorporate the principles of the Core Strategy adopted by the District Council in 2009 and would plan for an additional 10 years of growth, up to 2036. Consultation on the draft Local Plan was a key stage in the production of the final Local Plan, which would incorporate both planning policies and development proposals.

The Cabinet Member for Growth and Planning, Councillor Bates, introduced the report, highlighting particular concerns for the County Council relating to transport planning, primary, secondary and special school provision and flood and water arrangements.

Two local members spoke on this item:

- Councillor Downes, the member for Brampton and Kimbolton, drew attention to the need for early years provision at the development on the RAF Brampton site. Cabinet agreed that this point should be included in the Council's response.
- Councillor Chapman, one of the members for Little Paxton and St Neots North, called for further work on the draft Local Plan to be deferred until the County Council had conducted the same planning process for St Neots as it had done for Northstowe and Cambourne. He expressed concern that St Neots had already been identified as having major infrastructure deficits and that the further development now proposed would greatly exacerbate the problem. He expressed particular concern about pressure on secondary schools, the need for local employment, lack of open space and pressure on St Neots railway station.

Councillor Chapman's proposal to defer further work on the draft Local Plan was not agreed by Cabinet.

Cabinet members also noted comments submitted to Huntingdonshire District Council by the local member for Sawtry and Ellington, Councillor Bywater. Speaking as the former local member for Sawtry, Councillor McGuire challenged some of Councillor Bywater's comments, suggesting for example that if more business units were built and rents fell, this could in fact stimulate the local economy. He noted that Sawtry's level of services already compared favourably with that of some adjoining villages, but agreed that it was important to ensure that facilities were developed to keep pace with growth.

Members questioned how it would be ensured that new developments were viable from local authorities' point of view, in terms of providing the necessary infrastructure and services. Officers explained that the draft Local Plan was at an early stage and that there would be further iterations before it went to Public Inquiry. Detailed proposals would then be brought forward for particular developments. Viability would be tested through these processes and developments would attract Community Infrastructure Levy (CIL) and, for larger developments, site-specific Section 106 contributions. The local authorities could reject applications if they reached the collective view that the necessary infrastructure could not be delivered through CIL and 106, meaning that the harm caused by the development would outweigh its benefits; however, developers could still appeal this.

It was noted that the fact that the Huntingdonshire draft Local Plan contained proposals for three large-scale developments could work in the local authorities' favour, since they could negotiate robustly for site-specific 106 funding for these developments. Smaller developments that attracted only CIL could be more problematic since CIL was allocated across the wider District and it was generally accepted that there was insufficient CIL to meet all infrastructure needs.



It was resolved:

- a) To agree the proposed response attached as Appendix 1 to this report and that it be sent to Huntingdonshire District Council in response to their draft Local Plan (May 2013)
- b) To delegate to the Cabinet Member for Growth and Planning in consultation with the Executive Director: Economy, Transport and Environment the authority to make amendments as necessary prior to submission.

*[At this point Cabinet agreed to defer item 11, Proposed Transfer of Highways Services Contract, to the end of the meeting, as this was a confidential item for which the press and public were likely to be excluded.]*

#### **41. REVISED CHARGES FOR COUNTY TRANSPORT MODELS**

Cabinet's approval was sought for the approach to using and revised charges for County-owned transport models. The aim was to ensure that charges reflected the cost and value of these assets and contributed towards their development, to ensure that they remained robust and reliable forecasting tools for land use and transportation.

It was agreed:

- a) To approve the approach and revised charging schedule set out in Appendix 1 to the Cabinet report
- b) To delegate to the Cabinet Member for Growth and Planning, in consultation with the Executive Director: Economy, Transport and Environment, authority to make amendments to this ahead of commencing revised charges from September 2013.

#### **42. RESPONSE TO DEPARTMENT OF HEALTH WINTERBOURNE VIEW CONCORDAT**

The Cabinet Member for Adult Services presented the Council's proposed response to the Department of Health's Winterbourne View Concordat. He reminded members that Winterbourne View had been a privately owned specialist hospital in Bristol, at which systematic abuse of people with learning disabilities and autism had been uncovered in 2011. Following the disclosures, an investigation had revealed that many people at the hospital had been placed there by Primary Care Trusts and local authorities from other parts of the country and that there had been very little monitoring of the quality of care provided. The Department of Health had subsequently issued a mandate to National Health Service England and agreed a Concordat with key national stakeholders, which stated that 'The presumption should always be that services are local and that people remain in their communities'.

Circulated with the agenda were papers setting out Cambridgeshire County Council's proposed response to the Concordat. Members noted that the Council had recently concluded a review of out of County placements, meaning that it was well placed to respond positively to the requirements of the Concordat. An action plan had been developed, together with a policy statement to determine the criteria to be used when

deciding whether people currently placed out of County should be supported to return to Cambridgeshire.

Members welcomed the steps being taken to learn from Winterbourne, to safeguard vulnerable individuals and reduce future risks. They emphasised the need for effective whistle blowing policies that were continuously tested and challenged.

It was noted that as at March 2013, Cambridgeshire had had 132 adults with learning disabilities placed out of County. However, members suggested that being placed out of County did not necessarily mean that people were at a great distance; they could be just over the County boundary but still close to their family or community. The Service Development Manager: Learning Disabilities confirmed that for people affected by the Winterbourne Concordat, this was the case, with nearly all people placed in the Eastern region and the most remote being in Birmingham. Members welcomed the proposal for sympathetic assessment of individuals' circumstances, since it would not automatically be beneficial for all people currently placed out of County to be moved back in.

It was resolved to agree:

- a) The action plan designed to respond to the requirements of the Concordat, attached as Appendix 1 to the Cabinet report
- b) The Out of County Policy attached as Appendix 2 to the Cabinet report.

#### **43. CORPORATE RISK REGISTER UPDATE**

The Cabinet Member for Resources and Performance presented an update on the Corporate Risk Register, which had been reviewed by the Council's Strategic Management Team (SMT) on 21<sup>st</sup> May 2013. SMT had made one change to the Risk Register, rewording Risk 3 on the Council's workforce to read, 'The Council does not have appropriate staff resources with the right skills and experience to deliver the Council's priorities at a time of significant demand pressures'. The new risk had been rated amber with a total risk score of 12.

Members also noted recent research by Zurich Municipal which had concluded that local government faced three key risks, supplier failure, data loss and major financial crisis. The Council had undertaken a review to benchmark itself against these risks and the report summarised the assurances thus gathered.

One non-Cabinet member spoke on this item:

- Councillor Jenkins, the Liberal Democrat Spokesman for Planning, Environment and Enterprise, commented on Risk 3 in relation to the recent restructuring of the Economy, Transport and Environment Directorate. He expressed concern that members had not been sufficiently aware of the magnitude of the changes and their impact on the organisation; and that whilst a good structure and effective staff were now in place, capacity to deliver had nonetheless been reduced. He also suggested that given the strategic importance of the Corporate Risk Register, it should be managed in-house and scrutinised by members.

Responding to Councillor Jenkins, the Cabinet Member for Resources and Performance, Councillor Count, noted that the Corporate Risk Register was reviewed on a regular basis by the Audit and Accounts Committee. He and other members also noted that LGSS was part of the wider organisation, not a contractor, and drew attention to the Council's earlier decision to place strategic as well as transactional responsibilities with LGSS.

It was resolved:

To note the position in respect of corporate risk.

#### **44. NEW CONSORTIUM AGREEMENT AND CONSTITUTION FOR EASTERN SHIRES PURCHASING ORGANISATION (ESPO)**

It was noted that this item had been postponed to a later meeting because discussion by other parties to the Agreement was still continuing.

#### **45. FUTURE CABINET MEETINGS**

Members noted that there was no business currently scheduled for 13<sup>th</sup> August 2013 and therefore agreed that this meeting should be cancelled.

Members received the draft agenda for the meeting to be held on 10<sup>th</sup> September 2013.

#### **46. LATE ITEM**

The Chairman agreed to exercise his discretion under Section 100B (4) of the Local Government Act 1972 to allow the following report to be considered, even though it had not been dispatched to members five working days before the meeting, for the following reasons:

- Reason for urgency: There was a pressing need to move forward with any transfer, should this happen, to remove uncertainty
- Reason for lateness: The Service Director: Infrastructure Management and Operations had a key meeting with the parties involved on 27<sup>th</sup> June 2013, following which the report needed to be finalised with senior officers and members.

#### **47. EXCLUSION OF PRESS AND PUBLIC**

It was resolved:

To exclude the press and public from the meeting during consideration of the following report on the grounds that it was likely to involve the disclosure of exempt information under paragraphs 3 and 5 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 (information relating to the financial or business affairs of any particular person (including the authority holding the information) and information in respect of which claim to legal professional privilege could be maintained in legal proceedings).

#### **48. PROPOSED TRANSFER OF HIGHWAYS SERVICES CONTRACT**

Cabinet approval was sought for the handling of the proposed transfer of the Council's Highways Services contract from Atkins to Skanska, following notification from Atkins in January 2013 of their intention to sell their operational business.

One non-Cabinet member spoke on this item:

- Councillor Jenkins, the Liberal Democrat Spokesman for Planning, Environment and Enterprise, welcomed the robust process for transferring the contract and the benefits to Cambridgeshire that were expected to result. However, he emphasised that contracts with the Council should not in general be viewed as tradable commodities. He also suggested that when the current Highways Services Contract was retendered, consideration should be given to contracting with a number of different specialists, for example for strategic engineering advice and for pothole repairs, rather than one generalist.

The Leader of the Council, Councillor Curtis, and the Cabinet Member for Resources and Performance, Councillor Count, agreed to consider this approach as part of the review of Highways Services post-2016.

It was resolved:

- a) To agree in principle to permit assignment of the Highways Services Contract from Atkins to Skanska, subject to the conditions set out in the report
- b) To ask the Executive Director: Economy, Transport and Environment to make any final amendments to the agreement, in consultation with the Cabinet Member for Highways and Community Infrastructure and the Director of Legal Services, LGSS.

Chairman  
10<sup>th</sup> September 2013