

CABINET: MINUTES

Date: 17th September 2012

Time: 10.00 am – 1.25 pm

Present: Chairman: Councillor N Clarke

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

Apologies: None

Present by invitation: Councillors J Batchelor, F Brown, R Butcher, N Bell, P Downes, I Manning, L Nethsingha, J Palmer, J Powley, M Smith, T Stone.

610. MINUTES: 10th JULY 2012

The minutes of the meeting of the Cabinet held on 10th July 2012 were approved as a correct record and signed by the Chairman.

611. DECLARATIONS OF INTEREST

The following Members declared a non statutory disclosable interest in line with paragraph 10.1 of the Members Code of Conduct:

Councillor Orgee as the local member in relation to 3a) Petition on Speed Limit on Cambridge Road, Great Shelford.

Councillor Clarke as the local member in relation to 3c) Petition requesting a better bus service from Teversham to Cambridge Visa Tesco and the re-instatement of hourly services 14) Installation of toucan crossing at B1047 / A14 Horningsea

Councillor Brown in relation to item 10 Burwell Day Centre – Proposed Lease renewal at “less than best Interest” as his wife was chairman of Burwell Parish Council.

612. PETITIONS

Cabinet received three petitions which had been received by the deadline of five working days before the meeting and which as they all had 50 or more signatures allowed a spokesperson to speak on the petitioner’s behalf for a maximum of three minutes.

a) Speed Limit Cambridge Road, Great Shelford

The first petition had 51 electronic signatures and read:

“We the undersigned request that the speed limit on Cambridge Road, Great Shelford is reduced to 30 miles per hour. The current speed limit of Cambridge Road, Great Shelford is 40 miles per hour. The speed limit is too high for a road with street lighting which is in an urban residential area and which has a cycle path alongside it”.

Andrew Unsworth addressed Cabinet on behalf of the petitioners highlighting that due to the current speed limit, the road was both difficult to turn out of and was dangerous for pedestrians and children to cross to go to the local village college as vehicles often drove faster than the speed limit and was also on the route to the local primary school. The point was made that a child hit by a car travelling at 30mph could survive but would not at 40mph and the request was to reduce the speed limit before a tragedy occurred. Reference was made to a precedent for such a speed limit being the A10 going through Harston. It was indicated that the Cambridge Cycling Campaign supported the proposal.

Cabinet Members shared the petitioners' concern that new developments should have adequate parking and noted that this issue should have been addressed, with the involvement of the local community, through Cambridge City Council's planning processes. The Cabinet Member for Community Infrastructure, Councillor T Orgee, 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.

Questions included:

Asking whether the petitioners had approached the local parish council, who now had powers along with local residents / communities to seek to introduce lower speed limits in consultation with the local constabulary? It was indicated that the issue had been raised at the annual general meeting but the Parish Council had not expressed interest in pursuing the proposal.

The Cabinet Member Community Infrastructure Councillor Orgee, who was also the local member, indicated that he knew the stretch of road in question, the issues concerning it, commenting that it was built up on both sides and had different speed limits at different sections of the road.

The spokesperson was thanked for his presentation and as there was no relevant agenda item, he was informed that a written response would be sent within ten working days of the meeting.

b) Safe By-pass for Pedestrians and Cyclists beside the road over the railway bridge at Barton Road, Haslingfield

The second petition representing 228 petitioners read:

"The undersigned wish to petition the Cambridge County Council Leader and Cabinet to provide a safe by-pass for pedestrians and cyclists beside the road over the old railway bridge at Barton Road, Haslingfield. The University of Cambridge is about to repair the bridge but little thought has been given too much needed road safety improvements, Village residents have been severely injured at this spot".

Rebecca Ridley addressed Cabinet on behalf of the petitioners. As part of her speech she indicated that having recently spoken to a parish councillor with many years service, she understood this had been a local concern for decades. She highlighted that the road, which was the main route into Cambridge, narrowed just before coming into Barton and rose towards the bridge, leaving a blind spot ahead as vehicles

approached it. The road had no verge, with the bridge itself being only 5 metres wide and as a result, lorries going over it tended to encroach on the other side of the road, which had resulted in four accidents in the last four years, two of which had left people permanently disabled. She indicated that currently the bridge was closed to lorries as it was structurally unsound, but that a £1/4m was about to be spent on improvements in the next 10 weeks, which would result in the bridge being more dangerous again, as lorries would once again be able to use it. Hence, the request for safety reasons, for a separate path for cyclists / pedestrians. She indicated that a precedent existed at Comberton Road, Toft, where there was a cyclepath alongside a bridge.

The Cabinet Member for Community Infrastructure, Councillor Orgee, 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.

c) Request for a Better Bus Service from Teversham via Tesco.

The third petition had over 180 signatures and read: "Request for a better bus service from Teversham to Cambridge via Tesco and to also a request reinstating the No 17 service to an hourly service". It was indicated that Cabinet had also received a more detailed written submission in support from Mr Pettit which has been included as appendix 1 to these minutes.

Mr C.R. Pettit addressed Cabinet on behalf of the petitioners highlighting that since the number 17 bus service was now only a two hourly service, there was no longer a 9.45 a.m. service which had been particularly useful for mothers and pensioners. In addition as the service no longer stopped at the local Tesco's in Fulbourn, local residents without their own transport in Teversham had found it very difficult to access the store. The only way to access Tesco's was to take the two hourly 17 bus service and change to the C1 bus at a stop in Cherry Hinton Road. The two hourly service also meant there could be a long wait for pensioners and mothers with children, especially if they missed the next bus.

The Leader of the Council highlighted that the Council no longer operated this local bus service and that it was a commercial service run on commercial lines, but the County Council would be happy to pass on the request to Stagecoach. Councillor Clarke requested that officers should keep him informed on progress.

The Cabinet Member for Community Infrastructure, Councillor Orgee, 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.

613. MATTERS ARISING FROM OVERVIEW AND SCRUTINY COMMITTEES - REPORT FROM RESOURCES AND PERFORMANCE OVERVIEW AND SCRUTINY COMMITTEE - COMMUNICATIONS MEMBER LED REVIEW - AND RESPONSE

Cabinet received a report on the findings and recommendations from a strategic review of the Council's communications arrangements conducted by the Resources and Performance Overview and Scrutiny Committee. The Chairman of that Committee, Councillor Fred Brown was invited to speak and raised the following, key points:

- emphasising that the current communications arrangements lacked strategic leadership and that there needed to be a manager with overall responsibility for communications with the review recommending a degree of centralisation.
- The current communications structure made it difficult to collate the information that had been required to carry out the review, as communication activity across the organisation did not always fall into clear categories with identified cost centres. This had also made it difficult to obtain accurate comparison figures on communications expenditure.
- What was essential was that subject to agreement by Cabinet, that the recommendations should be implemented as soon as possible.
- Strategic Management team (SMT) should take serious ownership of the full communications agenda and provide clear direction to the rest of the organisation.

Councillor McGuire the Cabinet Member with communications responsibilities highlighted concerns that the review had not spoken to or called any Cabinet Members as witnesses. He supported the concerns expressed by scrutiny regarding the need for greater central direction and clearly identified cost centres for communications activities. As a result, he indicated that he would be recommending a change to the proposed response to that set out in paragraph 2.1. of the response report, as following discussions with Cabinet, he proposed a further, time limited two month review. This would have the aim of establishing a stronger central communications function with greater control and providing more strategic direction, while still allowing departments to undertake communications activities. The review would also consult staff in relation to their views on any replacement for Daily Briefing and the Countywide printed magazine, while also recognising that the previous format of the latter, had been an expensive way of communicating with staff.

In relation to the recommendation set out in paragraph 2.1 of the report on “seeking to advertise traffic regulation orders (TROs) in ways that were proportionate and offered value for money”, this action needed to be widened to encompass the wide range of public notices, to ensure best value was being achieved for all public notices, not just TROs in line with the Council’s general powers of competence.

Councillor Nethsingha speaking as the Liberal Democrat Resources spokesman highlighted the need for the recommendations to be adopted quickly as some of the proposals sought were first suggested three years ago. She expressed concern / highlighted the following issues:

- That the further proposed review would add undue delay and affect the April 2013 implementation target referred to in paragraph 2.2. In response Councillor McGuire indicated that the further review as already indicated would be time limited and therefore he saw no reason for it to effect the April 2013 date. It was more important to ensure the final structure was the right one and a further two months review was therefore the right way forward.
- That the proposals for an enhanced communications function could result in substantial additional central office staff. Councillor McGuire responded that he had not specified that the review would result in more staff and at current time he did not want to speculate on future staffing levels / location before receiving the findings of the further review.
- The review highlighted that there was sometimes a lack of knowledge of the central communications team’s awareness of what was going on in departments

and there was a need for information flows from directorates to the centre, as well as for good practice to be conveyed around the authority.

- She agreed that the Countywide magazine format was not the right approach for future internal communications and any future proposals should be more in line with staff requirements / suggestions.

In summing up the Leader of the Council, while welcoming the work undertaken by overview and scrutiny, again highlighted the concern that there had been no Cabinet member involvement and reiterated that Cabinet needed to undertake its own communications review.

It was resolved to:

- a) Thank the Resources and Performance Overview and Scrutiny Committee for its report and to note its findings and recommendations.
- b) Agree the responses to the recommendations as set out in the Cabinet Response Report with the exception of 2.1. and in its place to request that the Cabinet Member for Community Consultation and the Corporate Director of Customer Services and Transformation should undertake a full corporate review of communications to be concluded within two months, with the aim of achieving an enhanced central communications function.
- c) Also ask officers to progress the issue of ensuring all public notices offered best value for money (taking into account the principles agreed in paragraph 2.11 of the response document).

614. UPDATE AND REVISION OF THE COUNCIL'S CONTRACT REGULATIONS

Cabinet received a report informing it of proposals to update the County Council's Contract Regulations following a periodic review designed to promote good purchasing practice and thereby achieve best value, provide appropriate governance, public accountability and also deter corruption. Cabinet was being asked to support the proposals which had been reviewed by the LGSS Director of Legal Services before submission to full Council, the appropriate decision making body for agreeing changes to the Contract Regulations.

As part of a periodic review a comparison of the regulations had been made against other similar authorities and officers concluded that there were a number of potential benefits to be derived by amending the existing CCC regulations as set out in paragraph 1.2 of the report. The changes proposed were set out in appendix 1 to the document.

Consultation had been undertaken with senior service area stakeholders, Strategic Management Team (SMT) and had also been submitted to the Resources and Performance Overview and Scrutiny Committee. That committee had welcomed the proposed changes and provided comments attached as appendix 3 of the report in relation to the following along with appropriate recommendations:

- Local suppliers and ensuring officers received detailed support and guidance to understand how to encourage local interest within legislative requirements,

- Compliance with Contract Regulations and the need to communicate the changes effectively
- the Substantial Adjustment to the Formal invitation to Tender threshold which as a significant change required to be communicated effectively.

Appendix 3 also set out the proposed responses which accepted two of the recommendations and clarified the process regarding the formal invitation to tender in terms of how it had been simplified and the tools available to support officers in undertaking procurement activity. The chairman of the Resources and Performance Overview and Scrutiny Committee in introducing the Committee's comments highlighted that the contract regulation changes and thresholds should not apply to the engagement of consultants which had been the subject of a separate review by the committee, the results of which were to be reported shortly to one of the next Cabinet meetings.

The proposal was also shared with members of the Audit and Accounts Committee. The chairman of that committee Councillor Stone spoke orally at the meeting highlighting that the Council Constitution currently specified that within the terms of reference of the Audit and Accounts Committee paragraph 12 read "to recommend to the County Council revisions to the County Council's Risk Management, Financial and Contract Procedure Rules and that the current consultation was carried out by telephone / e-mail as opposed to the committee receiving a full written report at one of its formal meetings and that as a result, the subsequent consultation had been rushed. The Leader sought clarity on whether Councillor Stone had any further concerns with the content of the report and that Audit and Accounts Committee's input had been recognised or if any of the proposals necessitated any further consideration by Audit and Accounts Committee, for which the response was that Councillor Stone was content with the proposals before Cabinet.

In relation to Councillor Stone's comments the Leader requested that officers should ensure as a separate exercise that the Constitution was reviewed so that for future review reports the appropriate committee received the initial report before it went on to full Council for final approval.

Cabinet in agreeing the following recommendations welcomed the report as a very positive move to help small and medium size (business) enterprises (SMEs) by recognising community benefits that could accrue and ensuring the procurement process was not so complicated and burdensome as to exclude them from tendering. It was indicated that feedback from the local business community had been extremely positive.

The Deputy Leader made a plea to recognise in the final document that the changes should not only apply to SMEs but also to voluntary sector organisations bidding for business.

The Leader asked that every effort should be made to contact all local business organisations and not just the main network organisations to inform them of the changes /good news.

It was resolved:

- a) to approve the content of the proposed Contract Regulations (attached in

full as appendix 2 and as a summary table in Appendix 1 of the Cabinet report);

- b) to note the recommendations from the Resources and Performance and Overview Scrutiny Committee and agree the proposed response to their findings (attached as Appendix 3 to the Cabinet report);
- c) To request that full Council approve the draft Contract Regulations on 16th October 2012;
- d) To recommend to Full Council that it delegates authority to the Monitoring Officer, in consultation with the Chairman of the Constitution & Ethics Committee, to make all necessary and or incidental amendments to the Constitution in order to bring the new Contract Regulations into effect from Monday 29th October 2012.
- e) To request that the LGSS Director of Legal Services reviews the Constitution to ensure that the appropriate committee makes the recommendations to Council on changes in future, taking into account that currently it shows the Audit and Accounts Committee as having powers to recommend to the County Council revisions to the County Council's Risk Management, Financial and Contract Procedure Rules.

615. ELY CROSSING

Cabinet on 13th December 2011 had previously considered emerging proposals to relieve congestion at the A142 level crossing at Ely and to reduce traffic in Ely itself. At that time Cabinet had indicated a preference for a bypass on route option B (which had received large scale support from a survey carried out at that time) but it had agreed to support further design and evaluation of the following five options:

- Heavy Commercial Vehicle (HCV) Stacking Area (low cost scheme £5.6m)
- HCV Queuing Lanes (Low cost scheme £7.5m)
- Bypass route D (£34.2m)
- Bypasses route B (£30.7m)
- Underpass Improvements (£30.8m)

Cabinet now received a report to consider the options with details set out in the Options Assessment Summary at section 2 of the report with officers seeking approval to pre-planning submission public consultation arrangements, the submission of a planning application and the associated draft Compulsory Purchase, Side and Navigation Orders.

It was indicated that in parallel with the technical work, further discussions had also taken place with key partners such as the District Council, Network Rail and English Heritage to understand their concerns and requirements in developing the appraisal.

It was indicated that in terms of the preferred options and next steps, at short notice details had been received of further Hidden Crossing option, which would be discussed with officers going forward to the next stage.

Support for a bypass on route Option B had been received from:

- Members of Parliament Steve Barclay MP for North East Cambridgeshire and Jim Paice the MP for South East Cambridgeshire.
- The Railway industry who supported the objectives of the Ely Crossing scheme as a significant element in the improvements needed to support the increase in passenger and freight services through Ely drawing particular attention to the opportunities to improve access to the station, which they considered only a bypass could provide and their concerns about the potential substantial adverse impact on rail services during construction of an underpass. Their preference was a solution which included an over-bridge across the railway to the south-west of the station. Their full response was set out in an appendix to the report.

Those in opposition to Option B included English Heritage who since the overview and scrutiny report had provided a very full response which was included as three of the five appendices to the report. These submissions indicated very clearly that in their view the Council's preferred option of a new road on route B would cause severe harm to the setting of Ely Cathedral and its significance, as well as detailing considerable concerns over aspects of the three technical reports.

The Cabinet Member for Growth and Planning in his introduction also made reference to emails had been received opposing the proposal from a number of people following the publication of the report which had been sent to Cabinet members and had been seen by them prior to the meeting, as well as a letter from John Beadmoore sent to Mr Greg Luton, Planning Director, English Heritage, East of England to which Councillor Bates had been copied into, which suggested that the proposed bypass was to the south of the walks which most concerned English Heritage. These have been included in Appendix 2 to these minutes.

Cabinet was informed that the Options Assessment Report (OAR) and Setting Study had been considered by the Enterprise Growth and Community Infrastructure Overview and Scrutiny Committee at their meeting on 12th July 2012. Following extensive debate and consideration of the issues the Committee had agreed recommendations to be made to Cabinet including to:

- Commission appropriate surveying and modelling to ascertain the impact of the options on surrounding areas
- Obtain a formal position statement from English Heritage regarding the OAR in order to inform future decisions
- Consider all methods of adapting whichever option is chosen so that it was sympathetic to the surrounding area
- Proceed with Option B, subject to the above recommendations.

Cabinet received the full comments of the overview and scrutiny committee as part of the background documents provided to them prior to the meeting, which have also been included as part of Appendix 2 to these minutes. Councillor Butcher introduced the Overview and Scrutiny Committee comments highlighting that it had been appropriate to hold their meeting in Ely as it had enabled members to visit the site before the meeting and to see the views for themselves. He indicated that 7 members of the public had spoken at the meeting, six against Option B and one in favour. It was

clarified that the debate had been contentious, with some members supporting Option B while others opposed it, and having taken a vote, Option B was agreed by the narrow majority of six members in favour and five against. This was a correction to 1.6 of the report which had incorrectly given the vote as having been 6-4 in favour of Option B.

The following members also spoke to the item:

- Councillor Powley as a local member fully supporting Route B - bypass option suggesting it would amongst other things enhance a) the environment, b) pedestrian and motorist safety, c) the views of the Cathedral and help increase the prosperity of Ely. He also referred back some years to the opposition to the northern Ely bypass and that the concerns expressed at that time had proven to be unfounded and suggested the same would apply in this case.
- Councillor Palmer made reference to objections received in relation to the effect of the view of the Cathedral from the toe-path and river coming into Ely from Cambridge if the bypass was built and highlighted that this would only be for a very short duration and that the view of the cathedral was already marred on this side by the location of industrial buildings. He quoted from a letter from the Cathedral Chapter signed by the administrator John Harrison which while sympathetic to English Heritage's concerns, also recognised the need to reduce congestion in and around Ely. Further to this, later in the meeting officers read out an e-mail from Tom Green to Alistair Frost dated 14th September on behalf of Ely Chapter (which has been included as part of Appendix 2 to these minutes) as an update to John Harrison's e-mail of 23rd August reiterating the support for the bypass, while supporting proper investigation of the hidden bypass proposal from Ely Crossing Action which appeared to alleviate the visual impact of the bypass by reducing the length of the elevated sections of the new road.
- Councillor Bell in opposing Option B highlighted specific paragraphs in English Heritage's (ER) letter suggesting that the structure of the document was unbalanced, and that less important assets had been given equal status to the Cathedral, referencing paragraphs 128 and 132 of the NPPF to highlight that Ely Cathedral, being a building of the highest importance, should attract the most attention. He highlighted that ER believed the Setting Study lacked objectivity in identifying the importance of the views of the cathedral from the south-southeast – eastern arc and under assessed the harm that would result from either Route B or D, as well as highlighting the serious concerns they had on the scoring system used. He suggested that there were other options that required to be considered, including the new, hidden bypass option.

The concerns of English Heritage were considered in section 3 of the report and to address them it was reported that a Heritage Setting Study had been undertaken to provide an objective appraisal of the visual impacts of the options on the setting of the Cathedral and the initial findings were explained with the use of visual display maps at the meeting which also showed the worst scenario for Option B before any mitigating measures were put in place. It was confirmed in reply to a question that it had been shared with English Heritage. It was explained that if Option B was taken forward, more detailed photomontages would be developed. It was also explained that additional traffic surveys had been commissioned to allow the existing traffic model to

be extended which would feed into any future consultation. In addition, full environmental impact studies would be undertaken at the planning application stage.

Questions / issues raised by Cabinet Members included:

- There was some discussion of whether English Heritage had made similar strong objections at the time that the industrial development was proposed to the south of Ely or to recent proposals for wind turbines near Ely.
- **Councillor McGuire requested his need to be involved in any future consultation / communications exercise.**

In considering the range of views that had been expressed and options before them while supporting the need to take traffic away from Ely and relieve congestion at the A142 level crossing and support the need to bring more prosperity to the city, Cabinet in coming to a conclusion took into account that:

- The two HCV schemes would be difficult to enforce and the blocking of the crossing might still occur and that they did not offer wider regeneration benefits to the area and would create problems on the wider road network.
- Cabinet agreed with Councillor Curtis's opinion from viewing the photo montages Route D was the worst option in terms of the negative visual impact on the setting of Ely Cathedral.
- The Benefit cost ratios set out in section 2.8 of the report suggested that two options (HCV Stacking Area, and Underpass improvements) represented low value for money) that Bypass route D did not represent value for money and that only HCV Queuing lanes and Bypass Route B represented high value for money options.
- When considering whether to go forward with Option B or an underpass option on a similar cost basis, paragraph 2.22 indicated enlarging an underpass under a live railway line required complex engineering operations with significant construction risk and was a significantly higher risk than the bypass options of going over-budget.
- The underpass option did not achieve wider traffic redistribution benefits and would be visually more intrusive requiring substantial concrete retaining walls within the Ely conservation area.
- The large number of people who would not be affected by the proposal.
- The short duration from certain views when the Cathedral view would be affected.
- Not putting forward any option was not realistic as congestion was set to increase anyway from the new developments being undertaken.
- The planning process /any public inquiry would make the final decision on whether an option put forward was suitable and Cabinet welcomed the continuing engagement from all parties in the ongoing democratic process.

It was resolved:

- a) to note the comments brought forward by the Overview and Scrutiny committee and having taken fully into account the submissions included in the report and those tabled or reported orally at the meeting;
- b) to approve a pre-planning submission public consultation;

- c) to approve the submission of a planning application for option B (bypass route B);
- d) to approve the publication of Draft Compulsory Purchase, Side Road and Navigation Orders; and
- e) to approve the delegation of power to make, if necessary, minor or technical amendments to the Draft Compulsory Purchase, Side Roads and Navigation Order to the Executive Director: Economy, Transport and Environment in consultation with the Cabinet Member for Growth and Planning.

616. INTEGRATED RESOURCES AND PERFORMANCE REPORT FOR PERIOD ENDING 31ST JULY 2012

Cabinet received the Integrated Resources and Performance Report for the period ending 31ST July 2012. It was noted that:

- the forecast year-end underspend was now £3.9 million (1.%), a decrease of £282k on the previous month with the forecast overspend mainly relating to the pressure forecast within Adult Social Care (£3.9m (2.4%)) with the detail as out in section 3.2 of the report along with the proposed actions. It was highlighted that the Corporate Director was predicting a £400k overspend as a result of the timescale for implementation of the Corporate Services restructure following completion of the consultation process. The Cabinet Member for Resources and Performance had asked the Corporate Director of Customer Services and Transformation to identify further savings to meet the Integrated Plan shortfall.
- Of the 12 Key Performance Indicators, targets were available for 9, of which 3 were on target with section 4.1 of the report setting out the details and suggested actions. While this initially sounded poor, it was clarified that most were very close to meeting their set target, including both Adult Social Care targets in relation to helping people live independently and healthy lives. Customer complaints figures were not complete in the current report and would be updated for future reports with a better explanation to be provided than was currently the case in note 3 for this indicator on page 10.
- On the Capital Programme; 147 out of 192 current projects were forecast to be on time and budget at year end. The majority of the projects not to time and budget were as a result of expenditure re-phasing while others the result of changes to total budget, which included:
 - the restructure of the Economy, Transport and Environment Services (ETE) Waste Infrastructure Schemes
 - the pressures on the CYPS Condition, Maintenance and Suitability and Temporary Accommodation budgets
 - removal of the majority of the Better Utilisation of Property Assets (BUPA) Shire Hall Campus 2 scheme

Section 5.2 of the report provided details and suggested actions.

- On the Balance Sheet Health; the end of quarter (June) figure showed the variance of actual net borrowing. There were investments of £52.7m at the end of the quarter (June). Further long term borrowing was being considered as interest rates were at historic lows with more information being found in the Treasury Management Quarter 1 Report included later on the agenda. No variances were currently forecast. Section 6.2 of the report provided details and suggested actions.
- It was highlighted that recommendations in the report related to a revenue virement being sought, a transfer request from the Pressures and Developments Reserve for which detail for both was set out in sections 3.2 of the report,
- A request was being made to allocate additional key funding provided by the Department For Education as detailed in section 5.4 of the report
- One capital virement was being sought as detailed in section 5.4 of the report.

Two non-Cabinet members spoke on this item.

- The Liberal Democrat Resources spokesman Councillor Nethsingha raised her concern that the overspend in Adult Social Care continued to be an issue at each Cabinet meeting. Councillor Curtis clarified that it was likely to be tough for the foreseeable future as the Demographics of an increasing ageing population were working against the authority. He was able to highlight that that the ASC service was spending less money than the previous year. He also clarified that this was a national and not just a local issue and he expressed concern that currently the Coalition Government which included the Liberal Democrats, did not fully understand the demographic implications and the future funding requirements for the service. He urged that all councillors should write to their local MP to ensure this was kept as a main issue in Government minds, while also accepting that locally every effort would need to continue to be made to drive down costs in order to ensure continued credibility when arguing the case for more resources.
- Councillor Nethsingha's main issue with the current report was the revenue virement request from the Learning Directorate and the fact that it was to fund work that was committed for the academic year and which the report suggested had already been budgeted for. She questioned if this was an appropriate use of reserves, being concerned that officers should have been able to predict the timing differences between work being undertaken in the academic rather than the financial year (the stated reason in the report) and also suggested that this and other virement / transfer requests did not include sufficient detail to help understand the requests being made. Councillor Clarke agreed that if money was being moved from different budgets / from outside funding received, the report must make it very clear what the request was about, why it was required, where it was coming from and where it was going. Clarity was provided in relation that the request for money from the Pressures and Developments Reserve to fund the Countywide roll out of the "Shape Your Place" programme was as a result of the successful pilot and money would have not been requested if this had not been the case.
- Councillor Stone Chairman of Audit and Accounts Committee highlighted that the way the financial performance information was set out in the table in paragraph 3.1 was confusing for members in terms of how the original budget

had been amended and how the columns were set out. **Councillor Clarke asked officers to look at the clarity of the information provided to see whether improvements could be made for future reports.**

Other issues highlighted included:

- In relation to the “Shape Your Place” Programme rollout it was agreed that Councillor Tierney would also be involved in order to help ensure the money was being spent wisely. There was a request that the Corporate Director Customer Service should provide the detail of the cost of staffing resources in an e-mail outside of the meeting.
- In relation to the key performance indicator for the number of looked after children shown on page 10 it was highlighted that this was going in the right direction and linked to this, the Cabinet Member for Children and Young People’s Services announced that there was to be a Corporate Parenting Strategy report coming forward to a future Cabinet meeting.

It was resolved:

- a) to note resources and performance information and the remedial action currently being taken to address current projected overspends especially in relation to Adult Social Care and Corporate Services.
- b) To approve the virement of £792k to the Learning Directorate in 2012/13 to come from Children and Young People’s (CYPS) reserves and in year vacancy savings required to fund work that had been committed and budgeted for the 2011/12 academic year.
- c) To approve the transfer of £52k from the Pressures & Developments Reserve to Community Engagement (CS) in 2012/13, and the ongoing investment of £117k per annum thereafter via the Business Planning Process (BPP), to facilitate the Countywide roll out of Shape Your Place.
- d) To approve £1.4m to be used in year, as recommended by Strategic Management Team (SMT), to fund the increase in costs of the Soham Primary School scheme (as detailed in June’s report). Agreeing that the remainder of the funding be used to offset current prudential borrowing in 2012/13 for approved Basic Need schemes in order to reduce the overall prudential borrowing requirement until the identified new priority Basic Need schemes (in Cambridge City, Northstowe, Huntingdon, Ely and St Ives) were developed and approved through the 2013-14 Business Planning process
- e) To approve a capital virement of £353k from General Scheme Protection to Libraries RFID.
- f) To request that for future reports officers provide greater clarity in the text in explaining the detail on virement requests and also provide clearer explanation of why performance indicators were not on target, or predicted to reach their target.

617. BUSINESS RATE POOLING - PROPOSAL TO GOVERNMENT

This report sought approval to submit a proposal to Government for the purposes of business rate pooling, in partnership with all Cambridgeshire City and District Councils for the purposes of business rate retention in Cambridgeshire.

Under the business rates retention scheme if enacted, authorities would be able to come together to form a pool in order to further incentivise them to drive economic growth, as well as to bring a more integrated approach to this. In this way combined tariff and top-up authorities levy on growth returned to Government could be reduced, thereby potentially allowing the local area to retain a greater share of business rates revenue than it would without a pooling arrangement. Preliminary modelling forecasted an increase in rates retained in Cambridgeshire from forming a pool, as long as negative growth was not experienced.

The deadline for submission of final pooling proposals was 19th October. An oral update indicated that South Cambridgeshire, Huntingdonshire and Fenland District Councils had already received the necessary internal approvals to join, with the other two still outstanding expected shortly.

It was resolved:

- a) to approve the business rates pooling proposal contained in the report;
- b) that the County Council should act as lead authority for the purposes of business rates pooling; and
- c) to designate responsibility to the Chief Executive, in consultation with the Leader of the Council, for making minor changes as appropriate following other member processes in time for sign-off to be secured and the proposal to be submitted.

618. DEMOGRAPHIC PRESSURES ON PRIMARY PROVISION IN THE CATCHMENT AREA OF SHIRLEY PRIMARY SCHOOL, NORTH CAMBRIDGE

Cabinet received a report seeking approval to consult on the recommended way forward to meet the forecast demand for additional primary school, early years and childcare places in the catchment area of Shirley Primary School from September 2013.

It was noted that since 2008, the Council has faced significant pressure on primary school places in Cambridge, as a result of a rise in the birth rate. The NHS data indicated that pressure on Reception places in the City would continue to increase year-on-year from September 2012 with the aim being to make an incremental increase in primary school provision to meet this demand at the appropriate time. Demographic increases had also exacerbated pressures on early years and childcare places and efforts to increase supply have been hampered by a lack of suitable sites. For September 2013, there was a forecast need for an additional 30 Reception places, and for 2014, a further 55 Reception places in the north of the City.

It was highlighted that in July 2011, Cabinet had rescinded its earlier decision to declare the former Shirley lower school site at Green End Road (GER) surplus to

educational requirements when vacated in order to provide as much flexibility as possible in meeting the projected increase in demand for primary school places in the catchment area. Following a feasibility assessment of this site and the Shirley Primary School site in Nuffield Road (NR) site, it was considered that the GER site gave the opportunity to offer up to 38 full day care places along with up to 70 pre-school places, or 71 full day care places which was not possible on the NR site, and as such, the ability to contribute to meeting the demand for early years provision weighed heavily in favour of the GER option.

The report set out the discussions undertaken with Shirley Primary School and the Local Member Councillor Manning who, while accepting that the GER site was the least worst option, required that the option should include traffic management measures for nearby residents as an integral part of any new school, as well as an assessment of the impact of a new school on the existing one, when the bidding process for potential sponsors happened. Councillor Harty the Cabinet Member for Learning in presenting the report orally indicated as an update that he had just received details of a petition e-mailed that morning from Claire Blair a local resident on traffic related issues that he would be treating as part of the consultation.

Councillor Manning speaking as the local member suggested that the proposals amounted to a failure of the County Council on a number of levels, including accurately estimating the number of school places it required, a failure to educate local children, a failure of logistics / resources as well as blighting residents with additional traffic / congestion issues. As a result he had already requested that it was raised as an item on a future CYP overview and scrutiny committee agenda. In response to a question of why he was concerned regarding competition from a new school on the existing one in terms of a new academy / free school, he indicated that he did not believe that it would be fair competition in terms of being a level playing field. Councillor Curtis who declared a declared a non statutory disclosable interest in line with paragraph 10.1 of the Members Code of Conduct during the discussion of this report as the chairman of Governors at Alderman Jacobs Primary School challenged the suggestion that the County Council had failed to provide sufficient primary school places, stating that this was completely inaccurate as evidenced by the county Council's record on meeting parental preference.

Councillor Downes speaking as the Liberal Democrat Education and Learning spokesman highlighted the text in 3.1 of the report which indicated that the possibility of expanding the current Shirley Primary School has been discussed with the school but that there had been no support for this option on the part of the headteacher or the governing body, with the suggestion that it would affect education standards. As a former headteacher he wished to challenge the myth that small schools were inevitably better as in his view it was the way schools were organised which was key, not size. He firmly believed therefore as a result of demographics in future there would be a need to expand existing schools to three forms of entry and he wished to challenge the myth that small schools were inevitably better, as in his view it was the way schools were organised which was key, not size. (His view was supported by Councillor Curtis who added that schools with three forms of entry were often able to share resources more efficiently.) However given the information provided in the report, Councillor Downes supported the use of the GER site, and welcomed the proposals in section 5.4.1 of the report to engage with local residents at an early stage in relation to their traffic parking and access related concerns.

It was resolved:

To bring back into educational use the site and buildings of the former Shirley Primary lower school, on Green End Road, Cambridge, for the establishment of a one form entry (210 place) primary school, as an Academy or Free School, and pre-school (day care) provision, from September 2013.

619. BURWELL DAY CENTRE – PROPOSED LEASE RENEWAL AT “LESS THAN BEST CONSIDERATION”

Cabinet received a report in relation to a request from Burwell Parish Council to consider a request that Burwell Day Centre to continue to only be charged a rent of £1 a year instead of the estimated market level rent which had the support of the local member. It was highlighted that the building was a purpose built day centre for the elderly and the only full time charitable trust day centre in East Cambridgeshire managed on behalf of the Burwell Parish Council by Burwell Day Centre Trust (a charity). The report detailed the a wide range of complementary services offered to users as set in paragraph 1.3 of the report in addition to the daily hot meals and a meals on wheels service it provided.

It was reported that the Parish Council had been granted a lease of the day centre for 21 years from 1st September 1991 at a rent of £1 per year for which there was contractual provision for it to be renewed for a further 21 years from 1st September 2012 on the same terms as the previous lease, except if to rent. Current policy stated that all disposals (including leases) should be at best consideration i.e. at market level, unless Cabinet approved otherwise. As result of enlargements made to the centre in 1994 to provide improved facilities the County Council would be able to request a market rent for the building as detailed in the report. The Parish and the Trust both considered there was little scope to increase income to pay for this and could not continue to operate if it was charged a full market rent which would result in the wide-ranging benefits of the centre being lost.

It was indicated orally that the centre had been visited by some members of Cabinet who had been very impressed by the facilities offered and who therefore fully supported the request.

It was resolved:

To charge a rent at “less than best consideration” for a renewed lease to Burwell Parish Council of Burwell Day Centre to enable the continued provision of older people’s services.

620. RAISING THE PARTICIPATION AGE STRATEGY

Due to the size of the agenda the chairman agreed that in order to give the report due consideration and as there were no urgent decisions to be made that it should be deferred to the Cabinet meeting on 2nd October.

621. SOCIAL WORK- WORKING FOR FAMILIES – REQUEST TO COMMISSION AN INDEPENDENT EVALUATION

Cabinet received a report with a proposal to commission an independent evaluation of the Social Work – Working for Families Unit Model.

Cabinet was reminded that In March 2011, following an extensive consultation process with staff and stakeholders, it had endorsed plans to develop and implement a Social Work Unit Model in Cambridgeshire. Following on from this a phased roll out programme began in January 2012 with 50 having now been rolled out.

In order to fully assess and evidence the impact that the transformation was having on the culture of the service, the staff, social work practice and outcomes for children and young people in Cambridgeshire, Children's Social Care wished to commission an independent evaluation and proposed that the Children's Social Care commission Cambridgeshire & Peterborough Foundation Trust (CPFT) should carry out the evaluation of Social Work – Working for Families. If agreed, CPFT would act as the employing body and the Cambridgeshire & Peterborough Collaboration for Leadership in Applied Health Research and Care (CLARHC) would provide the research skills and expertise required to conduct the evaluation at a cost of £113,988 per annum funded by a Children's Workforce Development Council (CWDC) grant.

The report set out the substantial service benefits and cost benefits which were expected to accrue as set out in section three of the report. It was indicated that ordinarily research would be regarded as a Part A service and would not qualify for an exemption. However Cabinet was advised that Regulation 6(2)(k) of the Public Contract Regulations 2006 provided that if services would accrue benefits for bodies other than the Council or that the services were not to be wholly paid for by the Council; Public Contract Regulations did not apply to these services and enabled officers to seek an exemption from Cabinet (Clause 3.7 of the Council's Contract Regulations).

It was therefore resolved:

- a) To support the proposal to commission Cambridgeshire & Peterborough Foundation Trust (CPFT) to conduct an independent evaluation of the Social Work – Working for Families Unit Model.
- b) Approve the procurement exemption request as detailed in paragraph 5.4 on page 8.

622. TREASURY MANAGEMENT REPORT QUARTER ONE

This report provided the first quarterly update on the Treasury Management Strategy 2012/13 which had been approved by the Council in February 2012. Treasury Management was regulated by the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management (the Code developed to meet the needs of Local Authorities and its recommendations provided a basis to form clear treasury management objectives and to structure and maintain sound treasury management policies and practices. It required the Council to produce

an Annual Treasury Report and a half yearly report. Alongside these Cabinet would be provided with quarterly updates on progress against the strategy.

The main highlights for the quarter were that:

- In house investment returns received on cash balances continued to compare favourably to the benchmarks. A return of 0.9% was achieved compared to the 3 month London Interbank Bid Rate (LIBID) benchmark of 0.9% (detailed in section 9.8 of the report).
- The Council maintained a fluid counterparty list and monitored the creditworthiness of institutions daily. The UK's AAA rating was affirmed by Standard and Poor's, but remained on negative outlook under the other rating agencies (detailed in section 9.2).
- No variance was currently projected against the Capital Financing and Interest budget for 2012-13.
- Further long term borrowing had been taken out at favourable interest rate levels (detailed in section 8.10).
- The Public Works Loan Board (PWLB) Certainty Rate deal announced by the Treasury would enable the Council to take PWLB borrowing at a discount to the normal rates of 0.2% (detailed in section 8.4).

Reference was made to changes made to the table on page 4 of the report for which a new page was tabled at the meeting and which is included as appendix 3 to these minutes.

It was resolved:

To note the Treasury Management Report, Quarter One for the period to 30th June 2012

623. INSTALLATION OF TOUCAN CROSSINGS AT B1047/A14 HORNINGSEA INTERCHANGE AND B1049/A14 HISTON INTERCHANGE

Cabinet received a report requesting approval for the implementation of two schemes to provide safe pedestrian and cycle crossing facilities at interchanges on the A14 Cambridge Northern Bypass and for which, both proposals had received strong local support.

It was highlighted that the A14 Cambridge Northern Bypass acted as a barrier to walking and cycling for some communities and while Milton enjoyed the benefit of a good quality, direct foot and cycle bridge with good infrastructure on each side of it, there were no facilities in place at Histon and Impington, or at Horningsea to help facilitate safe pedestrian and cycle crossing. The report set out details of the proposals and the need for such crossings due to the increased popularity of the cycle and footpaths as highlighted in the report.

It was resolved:

- a) to approve the scheme proposed at A14/B1049 Histon interchange for implementation, and the use of Section 106 funding for the scheme; and

- b) to approve the scheme proposed at A14/B1047 Horningsea for implementation.

624. A14 STUDY FINAL REPORT AND RECOMMENDATIONS

Cabinet received an update on progress in respect of the Department of Transport led A14 Study which sought approval to continue to work with partners to finalise the scheme proposals and delivery. The Secretary of State's announcement titled "Innovative New Proposals for A14 Corridor" made on 18th July, 2012 was a policy commitment for the A14 improvement, but not a detailed route plan. Key elements identified in the announcement were as follows with more detailed officer comments set out in the report:

- A new bypass to replace the existing road around Huntingdon.
- Upgrades along A14 as far east as Milton.
- Two new roads would be built in parallel to, with one each side of, the current A14 immediately north of Cambridge for local use".
- The existing A14 carriageway to be upgraded through the removal of accesses and junctions, and improvements to junctions at the northern and southern ends.
- Tolling in part to fund improvements, for which more work required to be undertaken.
- Rail freight Improvements.
- Supporting Public Transport Improvements.

It was indicated that the Government's commitment to implement a major improvement of the A14 between Cambridge and Huntingdon, through adding a scheme to its programme of major schemes with linking work to the next spending review, was considered to be a big step forward and provided a greater degree of certainty for taking forward much needed development proposals, such as Northstowe. Funding for the scheme was not yet clear, other than an expectation that it would consist of a combination of tolling, local funding and central government funding still to be determined.

It was reported that the issue of the Huntingdon Viaduct has not yet been fully resolved. In respect of tolling viability, the removal of the Viaduct should generate greater revenue and thus help any tolling proposals to be more successful. It was not yet clear exactly how the local parallel roads would operate, but they would be expected to be toll free, so that local journeys can be undertaken without a charge, but would also be designed to be an unattractive option for long distance traffic.

It was reported that the County Council had initiated early discussions between Local Authorities and Local Enterprise Partnerships in the region to explore how far they could support the financing of the scheme from future revenue streams, with much detailed work still to be undertaken, as explained in the report.

Two local members spoke in relation to this item.

- Councillor Downes local member for Brampton and Kimbolton highlighted that the unresolved issue of the above mentioned viaduct had a major impact on traffic flow through Brampton, Godmanchester and Huntingdon and he hoped that proposals would be brought forward to require heavy goods vehicles to use the toll

road. He also again highlighted that together with the local parish council he had worked up in detail an alternative linkage scheme altering the alignment of the A14 to the west of Brampton, which specifically addressed the issue of noise and pollution for this village. The Cabinet Member for Growth and Planning indicated that he was aware of the detail of this proposal and that it would be picked up along with all other points made, as part of the consultation. Councillor Downes in welcoming the Government's commitment to improve the A14 also expressed the hope that the final proposals were not over engineered / made too expensive, which might affect their future viability.

- Councillor Mandy Smith the local member for Papworth and Swavesey while aware of the importance of the need to improve the A14 wished to express local residents concerns regarding any upgrade adding to the already serious congestion /traffic levels on the A428. She made reference to a report currently being prepared by the Highways Agency regarding the junctions at Caxton Gibbet / Eltersly and highlighted the need to consider extending it back to Croxton. **The Cabinet Member for Growth and Planning Councillor Bates indicated that he would be happy to meet with Councillor Smith outside of the meeting to discuss her proposals further in relation to this specific junction improvement proposal.** Councillor Smith also asked that local members should be kept informed regarding tolling proposals.

The Leader of the Council in his sum up thanked Andrew Lansley the Member for Parliament for South Cambridgeshire for all his work in helping to ensure that the Chancellor of the Exchequer George Osborne now had the A14 as the major infrastructure project going forward.

It was resolved:

- a) to note progress on the A14 Study and comment on the report;
- b) to note the policy commitment from Government for the A14 improvement;
- c) to confirm that the County Council should work with Government, other Local Authorities and business partners in the Region to secure sufficient funding to enable delivery of the scheme in the earliest possible time.

625. HUNTINGDON AND GODMANCHESTER MARKET TOWN TRANSPORT STRATEGY

Cabinet received details of the need to extend the timescales of the existing market Town Strategy until the new strategy was adopted.

It was reported that the current Huntingdon and Godmanchester Market Town Transport Strategy (MTTS) was adopted in 2003. On 18th July 2011, the Huntingdonshire Traffic Management Area Joint Committee (AJC) approved the intention to review and update the MTTS which would allow the strategy to reflect proposals that had been implemented; new pressures or opportunities that had arisen, particularly from developments; and any changes in context, such as the status of proposed improvements to the A14 since the previous strategy was adopted.

On 9th July 2012, Huntingdonshire AJC approved extending the timeframe of the MTTS until July 2014, whilst work continued in the meantime in developing a revised strategy.

A new Transport Strategy was currently being prepared for this area, covering a longer time period to 2036 to ensure integration with the Local Plan. However as this new strategy was not expected to be adopted until late 2013 and given that the current strategy was expected to cover the period to 2011 (and beyond depending on pace of development), it was important to ensure clarity in terms of the appropriate strategy for the area, until the new one was adopted. As such, there was a need to now formally extend the time period of the existing strategy to cover the time until the new strategy was in place.

It was resolved:

- a) To note the report.
- b) To approve the extension to the timeframe for the existing Market Town Transport Strategy until July 2014 until a new strategy was adopted.

626. JOINT STATEMENT ON PLANNING BY THE CAMBRIDGESHIRE AUTHORITIES

As there was already a history of successful joint working between the Cambridgeshire authorities to address strategic planning issues this report sought endorsement of a joint planning statement setting out the authorities' commitment to the current development strategy for Cambridgeshire and plans to develop, with partners, an updated vision for the sustainable growth of Cambridgeshire and Peterborough to include in a non-statutory spatial framework for the area.

This update was particularly appropriate in light of the recent changes with the duty to co-operate and National Planning Policy Framework, and the agreement to co-operate effectively and work together on strategic planning issues. The statement appended to the report updated and replaced the earlier one published in 2010 and had expanded to cover Peterborough in addition to Cambridgeshire, reflecting the history of joint working between the two areas and the shared objectives within the Local Enterprise Partnership.

It was resolved:

To endorse the Joint Statement on Planning by the Cambridgeshire Authorities set out as Appendix A to the report.

627. CONSULTATION RESPONSE TO THE CAMBRIDGE CITY LOCAL PLAN AND OPTIONS REPORT

Cabinet received a report seeking to endorse the County Council's response to Cambridge City Council on the "Cambridge Local Plan Towards 2031 Issues & Options Report". The current City Council Local Plan was adopted in 2006.

In order to comply with legislation and the National Planning Policy Framework (NPPF) it was necessary for the City Council to plan ahead for the next 20 years to determine and manage where development would and would not take place up to 2031 and this therefore required a new Local Plan.

This was the first stage of Local Plan making, and the County Council as a key partner authority was very supportive and appreciative of being formally consulted on the draft Local Plan. As well as the City Council, South Cambridgeshire District Council was also consulting on its Issues and Options report and the County Council had been worked closely with both on planning and transport issues to ensure that policies were joined up and would deliver the best outcomes for the local area.

It was reported that a consultation response had been prepared and submitted informally to the City Council with the agreement of the Cabinet Member for Growth and Planning as there had been no County Council Cabinet meetings during the period. Cabinet was required to endorse the approach being taken in the consultation response and if necessary amend it. Key issues contained in the County Council's consultation response were attached as Appendix 1 to the report covering the following issues:

- The scale of growth;
- Transport;
- Education, and;
- Waste.

Comments from the Overview and Scrutiny Committee who had met the previous week were tabled and noted by Cabinet to be taken into account by the officers as appropriate. (included as appendix 4 to these minutes)

It was resolved:

To endorse the response to the Cambridge City Council Local Plan Issues & Options consultation, attached as Appendix 1.

628. SOUTH CAMBRIDGESHIRE LOCAL PLAN ISSUES AND OPTIONS REPORT CONSULTATION

It was reported and noted that this report listed on the agenda to follow had been rescheduled for the 2nd October meeting.

The Leader of the Council, in relation to the local plan already considered and with reference to those not available at the current meeting, as a general request asked that that County Council officers in consultation with their district colleagues should seek to harmonise the timing of future local plans so that they could all be considered within the same timeframe. He also wished to raise it for discussion at the next Leaders and Chief Officers meeting and asked that a slot be arranged at the most appropriate point on the agenda for the meeting on 25th September.

629. FENLAND COMMUNITIES DEVELOPMENT PLAN - CORE STRATEGY - FURTHER CONSULTATION DRAFT JULY 2012

It was reported and noted that this report listed on the current agenda to follow had been rescheduled for the 2nd October meeting.

630. SUPER CONNECTED CITIES ROUND TWO AND FUTURE CITIES FUNDING OPPORTUNITIES

This report sought agreement for a joint bid to the Government's Urban Broadband Fund for Super Connected Cities for Cambridge areas.

As part of the Government's Urban Broadband Fund (UBF) in June a further wave two urban broadband fund was established to enable at least ten smaller cities to become "super-connected". This was a competition for up to 27 cities to bid for a total of £50m from the Department for Culture, Media and Sport with the expectation that around 10 would be successful in a bid. The key date for the submission of a funding bid was 17th September, with eligibility restricted to those cities with Royal Charters.

Together both the urban ultrafast and rural superfast broadband projects were expected to enhance and spread the impact of technology, innovation and enterprise beyond the City of Cambridge and the surrounding area. In addition the Super Connected Cities funding opportunity would offer wider benefits to all Cambridgeshire residents and businesses via:

- Increased local employment
- Local supply chain opportunities.

Under the terms of the bidding rules Cabinet noted that Cambridge City Council had been invited to submit a proposal. However, as the logical geographical area and remit covered three local authorities: Cambridge City Council, Cambridgeshire County Council and South Cambridgeshire District Council, it was proposed that a single joint bid should be made. The funding rules stated that the area under consideration must be a contiguous urban area and given the local geography of Cambridge, which had major business areas ringing the city, it was proposed to submit an extended urban footprint (as set out on the map - Appendix A included with the report).

In order to capitalise on the current working arrangements, reduce potential duplication and to minimise any public confusion, it was proposed the UBF project arrangements should be set up within the overarching Connecting Cambridgeshire programme, with separate governance arrangements to be established as needed. As part of the UBF bidding process a "Super Connected Cities Plan" (SCCP) outlining the details of the proposal and how it would be achieved was required to be signed by the submitting Local Authority. Given the proposed partnership approach, it was recommended that all three lead member/portfolio holders from Cambridge City Council, South Cambridgeshire District Council and Cambridgeshire County Council were signatories to the plan.

As the bid had been received very late in the day, The Project Director Connecting Cambridgeshire Noelle Godfrey and her team were thanked for putting together the bid at such short notice.

As a further point it was noted that Ed Vaizey the Minister for Culture, Communications and Creative Industries had agreed to come to the area to talk on the subject.

It was resolved:

- a) to endorse the partnership approach with Cambridge City Council and South Cambridgeshire District Council to submit a joint Super Connected Cities funding and project delivery proposal to Broadband UK (BDUK);
- b) to delegate authority to set up governance and project management arrangements as part of the Connecting Cambridgeshire programme to the Executive Director: Economy, Transport and Environment in consultation with the Cabinet Member for Growth and Planning.
- c) to delegate to the Cabinet Member for Growth and Planning in consultation with the Executive Director: Economy, Transport and Environment the authority to sign the Super Connected Cities Plan for submission to Broadband UK (BDUK) on behalf of Cambridgeshire County Council.

631. DRAFT CABINET AGENDA – 2ND OCTOBER 2012 TO BE HELD IN THE PRIORY CENTRE, ST NEOTS

Added to the 2nd October agenda were:

- Items 11, 19 and 20 deferred from the current agenda
- Northstowe Phase 1 Outline Planning Application - Draft Consultation response on Transport Issues.

It was resolved:

To note the draft agenda, taking into account the oral updates provided at the meeting.

632. DELEGATIONS FROM CABINET TO CABINET MEMBERS AND / OR OFFICERS

Members received a report on progress on matters delegated to individual Cabinet members and or/officers, up to 10th July 2012.

An oral update at the meeting indicated that in respect of item 4 “Minute 472 “Minor Improvement Budget Process 2012/13” the final approval in relation to Cambridge City bids had been agreed last Thursday 13th September and an e-mail was going out that day to the bidders to inform them of the decisions taken.

It was resolved:

To note the progress on delegations granted as set out in the report.

633. AMENDMENTS TO COUNCIL'S POLICY FOR THE USE OF THE REGULATION OF INVESTIGATORY POWERS (RIPA) ACT 2000

The Chairman agreed to allow this additional report to be taken under the urgency powers available to him in line with the requirements of paragraph 7 (3) b) of the Local authorities (Executive Arrangements) (Meetings and Access to Information (England) Regulations 2012.

Cabinet was asked to consider amendments to the Council's Policy for the Regulation of Investigatory Powers Act 2000. The Council's current policy upon the use of the limited surveillance powers available to it under the Regulation of Investigatory Powers Act 2000 ("RIPA"), require updating to reflect that a number of persons who had the role of Authorising Officers for the purpose of that Act, had now left the Authority. Updating was also required to comply with changes to RIPA requiring judicial approval of authorisations, which had been introduced by the Protection of Freedoms Act 2012 and restrictions imposed by the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2012 , both of which will come into force on 1 November 2012.

It was agreed that the following individuals should be added to the list of Authorising Officers detailed on page 11 of the policy (appended to the report):

Claire Bruin - Service Director Adult Social Care
Steve Tinkler - LGSS Head of Audit and Risk Management

Other amendments set out in detail in section three of the report were also approved to comply with legislative changes and were shown as bold additions in the RIPA Policy appended to the report.

It was agreed that as the use of surveillance was a sensitive issue and to ensure that the Council retained the confidence of the public that such powers were not abused, that in future information on RIPA authorisations should be presented on a regular basis to a designated Cabinet Member and who should also be notified following authorisations of the most sensitive cases to ensure democratic elected member oversight. In addition it would be appropriate that a suitable register, subject to data protection issues relating to RIPA authorisations should be added to the information the Council makes available on its web site.

There was also a request to investigate whether to make the process less bureaucratic in future it would be possible to agree job titles for individuals to act as Authorising Officers rather than named individuals. The LGSS Director of Legal Services indicated that it was a statutory designation but was happy to look into whether this change was possible as part of any further review.

It was resolved:

- a) To approve the Policy annexed to the report.
- b) To delegate to the Cabinet Member for Enterprise in consultation with the LGSS Director of Legal Services the authority to receive information on RIPA authorisations and to be promptly notified of sensitive RIPA authorisations to ensure appropriate Cabinet Member / democratic

oversight and to also clarify whether the policy could legally be changed so future updates were by job title rather than named officers.

- c) To approve the publication of information relating to RIPA authorisations on the Council's website subject to ensuring compliance with data protection requirements.

EXCLUSION OF PRESS AND PUBLIC

It was resolved to pass the following resolution:

That the press and public be excluded from the meeting during the consideration of the following report on the grounds that it was likely to involve the disclosure of exempt information under paragraph 3 and 5 of Part 1 Schedule 12 A 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.

634. CAMBRIDGESHIRE GUIDED BUSWAY CONTRACT RESOLUTION - LEGAL COSTS

Cabinet received a private and confidential report to advise the members of the current position in respect of the dispute with BAM Nuttall over the construction of the Cambridgeshire Guided Busway and the revised forecast of legal costs submitted to the court which was subject to litigation privilege. It was confirmed that nothing in the report required a change to the agreed current risk profile.

It was resolved to:

- a) note progress in respect of the dispute;
- b) note the revised forecast of legal cost; and
- c) reaffirm Cabinet's previous decision to recover costs payable by BAM Nuttall in respect of the CGB construction contract through legal proceedings and authorise the Director of Law & Governance to take all steps necessary or incidental to the pursuit of those proceedings, including if appropriate, participating in mediation.

Chairman 2nd October 2012