

CABINET: MINUTES

Date: 15 January 2013

Time: 10.00am – 11.20am

Present: Chairman: Councillor L W McGuire

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

Apologies: Councillor N Clarke

Also present: Councillors K Bourke, D Jenkins, S Johnstone, L Nethsingha and P Reeve

707. MINUTES – 18 DECEMBER 2012

The minutes of the meeting of the Cabinet held on 18th December 2012 were approved as a correct record and signed by the Chairman.

708. DECLARATIONS OF INTERESTS

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

Councillor Bates as a local member (both County Councillor and District Councillor) in relation to item 717.

Councillor Orgee as Chairman of the Standing Advisory Committee for Religious Education (SACRE) in relation to item 718.

709. PETITIONS

There were no petitions.

710. MATTERS ARISING FROM OVERVIEW AND SCRUTINY COMMITTEES

No items identified.

711. (a) INTEGRATED RESOURCES & PERFORMANCE REPORT – NOVEMBER

Cabinet received the Integrated Resources and Performance Report for the period ending 31st October 2012. The Cabinet Member for Resources and Performance, Councillor Count, outlined particular issues for both revenue and capital budgets. He drew Members' attention to a correction to page 2 of the report (item 2.1): the

forecast year end status should read -£3.663m, a figure that was already correctly listed in the detailed analysis table on page 4. He commented that this underspend would help the Council in subsequent years' Business Plans.

Councillor Count highlighted issues relating to the Private Finance Initiative (PFI) contract. Although it was regrettable that Amey Cespa's Mechanical Biological Treatment (MBT) plant was likely to be out of operation for some time, this did not impact on how materials collected for recycling were dealt with throughout the county, as the plant only processed household waste that would otherwise have been landfilled. As a result of the robust contract that the Council had with Amey Cespa, the Council would effectively pay less for waste to be processed whilst the MBT plant was not operational.

Councillor Count drew attention to the request for a one-off virement of £200K from Central Financing to Post-16 Commissioning. This funding would be used to support young people from vulnerable backgrounds into jobs and training. It was clarified that this would not affect the bottom line, as the savings had been found from elsewhere.

Regarding the Adult Social Care overspend, Councillor Curtis commented that this was always a challenge, especially at this time of year, but it was pleasing to see that it was going in the right direction.

Referring to the Key Performance Indicator for the proportion of customer complaints responded to within the minimum response times, the chairman advised that he had recently circulated more up-to-date customer complaints information to individual Portfolio Holders, for them to raise with their respective Executive Directors. He stressed the importance of at least acknowledging complaints in a timely manner, even if the full responses took longer.

It was resolved:

- a) to analyse resources and performance information and note the remedial action currently being taken and considers if any further remedial action is required;
- b) to approve the transfer of £200k from Central Financing to Post 16 Commissioning (as per section 3.2 of the report);
- c) to acknowledge the agreement between Clay Farm Secondary, which incorporates Coleridge and Parkside Community Colleges, and the Council allowing the school to lead the building procurement process (as per section 5.2 of the report).

(b) WASTE DISPOSAL BUDGET MANAGEMENT

Cabinet considered a report on the consolidation of the Private Finance Initiative (PFI) and other waste disposal costs into a single budget. Presenting the report, the Cabinet Member for Enterprise, Councillor Shuter, explained why there were currently separate budgets, and the rationale for consolidating these budgets. He confirmed that the proposal had the support of the PFI Board.

It was resolved:

That a single budget “Waste disposal including PFI” is created from consolidating the following budgets:

- PFI
- Trade Waste Income
- Controlled Waste Income
- Recycling payments to Districts

712. BUDGET 2013/14 – REPRESENTATIONS REGARDING CHANCELLOR’S AUTUMN STATEMENT AND GRANT NOTIFICATION

Cabinet received a report on the implications of the 2013-14 Provisional Local Government Finance Settlement.

As the report was a late report for decision, circulated less than five working days before the meeting, the Chairman agreed to take the report under the discretion given to him under Section 100B (4) of the Local Government Act 1972.

Reasons for Urgency: The report is required to inform Members of the Provisional Local Government Finance Settlement published by government on 19th December 2012, and the implications for the County Council’s Business Plan. Due to numerous gaps and inconsistencies in the Settlement data, revised Settlement data was published on 4th January 2013.

Reason for Lateness: Due to the lateness of the publication of the Settlement and revised data, and the complexity of the new regime, officers needed to ensure the information in their analysis was accurate and fit for purpose.

Introducing the report, the Cabinet Member for Resources and Performance, Councillor Count, highlighted that the Provisional Settlement covered a two year period, spanning 2014-15 as well as 2013-14, albeit that the Settlement for the second year included a further 2% cut. Members also noted that whilst the report attempted to identify the impact on the Council, given the lateness of the receipt of the information, for the reasons outlined above, the report was unable to provide a full detailed analysis. However, it was considered important to report at the earliest opportunity the likely impact of the Settlement on the Council. More detailed information would be available in the coming weeks.

A Member commented that it was widely believed that the Settlement represented a 1.2% reduction for the Council, yet the headline position in this report suggested a reduction of 7.8%. The Cabinet Member advised that the 1.2% figure was not a comprehensive assessment of all funding sources. The 7.8% figure was more accurate in that it reflected the fall in income from all funding sources, although neither figure factored in the impact of demography and inflation.

Cabinet Members asked officers to pass on their gratitude to staff involved in analysing and reporting on the information from government in such a short space of time.

It was resolved:

To note the implications of the 2013-14 Provisional Local Government Finance Settlement, as outlined in the report, in the light of all planning activities undertaken to date.

713. BUSINESS RATES POOLING

Cabinet received an update on the position of the proposed 'Growing Cambridgeshire' business rates pool. Members were reminded of the background of the business rates pooling scheme, and how changes made to the scheme in 2012, particularly the reduction in the maximum levy rate, had significantly reduced the potential benefits of the scheme for authorities in Cambridgeshire.

The Cabinet Member for Resources and Performance, Councillor Count, advised that at a recent meeting of the Cambridgeshire Public Services Board, member authorities indicated a collective intention to withdraw from pooling for 2013/14, whilst retaining in-principle support for pooling. This was a disappointing outcome, as a lot of effort had been put into the pooling proposals by the Council and its partners. It was noted that the Department for Communities and Local Government (DCLG) needed to be notified by 15th January at the latest of the intention to withdraw, otherwise the pool would come into being by default. If Cabinet Members agreed with the decision to withdraw, a more detailed, robust response by Cambridgeshire and its partners could be sent at a later date to DCLG, outlining the concerns. The Society of County Treasurers would also make a separate representation to central government.

In discussion, it was noted that most County authorities nationally had been similarly affected, and many Councils were planning on withdrawing.

It was resolved:

- a) to approve the County Council's withdrawal from the proposed 'Growing Cambridgeshire' pool;
- b) to delegate responsibility to officers to notify the Department for Communities and Local Government of the County Council's desire to withdraw from this pool; and
- c) to seek to send a joint letter from the leaders of the Cambridgeshire local authorities to Government explaining the reasons for withdrawal and setting out how we could seek to progress pooling in the future.

714. NORTHSTOWE SECTION 106

Cabinet received a report on the draft requirements, including Heads of Terms, for a Northstowe Section 106 Agreement for the Phase 1 Outline Planning Application.

Introducing the report, the Cabinet Member for Growth and Planning, Councillor Bates, drew Members' attention to a change in section 2.1 of the report, advising

that the requirements for Northstowe had reduced from £46.5M to £40M following further negotiations. It was noted that the decision on Section 106 Agreement would ultimately be taken at the Northstowe Joint Development Control Committee scheduled for 30th January 2013. A very similar report had been presented to, and agreed by, the South Cambridgeshire District Council Cabinet on 14th January.

Councillor Johnstone spoke on the report as a Local Member. She advised that despite numerous requests, there was no Scrutiny or Local Member involvement in developing the Section 106 requirements. Whilst appreciating that the activities of the Overview & Scrutiny Committees were beyond the control of Cabinet, she felt that Cabinet did have a role in ensuring good governance, which included engaging Local Members in major issues which impacted on their Divisions. As an example, she referred to paragraphs 1.6 and 1.7 of the report, regarding the Minister of Housing's request and the business case submitted to DCLG, advising that Local Members had not been consulted or involved with this. Furthermore, she asserted that she had sent many emails on this subject which had not been responded to. In terms of community engagement, she advised that the Parish Forum was excellent, but it tended to focus on local matters, such as the B1050 and A14, rather than more strategic matters such as the Section 106 requirements. She suggested that more Task and Finish groups involving Local Members could be established by the Overview & Scrutiny Committees, on matters such as this.

Focusing on the report, her two main concerns were;

- the provision of Adult Social Care, given that there was now less affordable housing in Phase 1 (20%);
- the wording in draft Heads of Terms on education that stated that the secondary school would be *"available four years before occupation"*. She suggested that this should specify that the secondary school should be completed and ready to use.

In response to a question from the Chairman, Councillor Johnstone explained how she had made requests to the relevant Overview & Scrutiny Committee chairmen and officers in December, and it had been indicated informally that this matter would be considered by the Resources & Performance Overview & Scrutiny Committee. However, the Chairman of that Committee had subsequently advised that it was not in the Committee's remit, but was a matter for the Joint Development Control Committee.

The Chairman, in his capacity as the Cabinet/Scrutiny link, agreed to follow this up, and advised that he would also follow up on other issues raised by Councillor Johnstone outside the meeting. Councillor Johnstone advised that she may also ask the Chairman of the Scrutiny Management Group for support in ensuring issues such as this were dealt with appropriately.

With regard to the statement in the draft Heads of Terms regarding the secondary school, it was suggested that this could be ambiguous, and needed to be clarified. The Cabinet Member for Learning, Councillor Harty, explained that the primary school would host secondary pupils until the secondary school was opened. Councillor Orgee commented that he had experience of this type of flexible use of

buildings in other countries, that it worked well, and was a good way to ensure the community was provided with the right facilities and services from the start.

In response to a Member question, it was confirmed that the ongoing maintenance of the landscaping was included in the draft Heads of Terms.

Regarding the Adult Social Care issue raised by Councillor Johnstone, the Cabinet Member for Adult Services explained care needs could be provided, and it was confirmed that South Cambridgeshire District Council was already considering different options.

The Chairman stressed that it was the Joint Development Control Committee which would ultimately take the decision on the Section 106 agreement.

The Cabinet Member for Growth & Planning agreed to pursue the issues raised by Councillor Johnstone regarding better engagement with Local Members on major schemes.

It was resolved:

- a) to endorse the draft requirements including Heads of Terms for a Northstowe Section 106 Agreement for the Northstowe Phase 1 Outline Planning Application, which will be considered by the Northstowe Joint Development Control Committee (NJDCC); and
- 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 revisions to the draft requirements including Heads of Terms for a Section 106 Agreement prior to inclusion in the Northstowe Joint Development Control Committee report for the Phase 1 development.

715. ANTI FRAUD AND CORRUPTION POLICY AND A FRAUD RESPONSE PLAN

Cabinet received a report on the revised Anti-Fraud and Corruption Policy, and revised Fraud Response Plan.

Introducing the report, the Cabinet Member for Resources and Performance, Councillor Count, advised that whilst this Policy and Plan were periodically reviewed, recent government guidance noted that fraud within the public sector was on the increase, and as a result recommended that local government bodies review their counter-fraud strategies at the earliest opportunity. He further explained that this was a joint policy which was recommended for adoption by both Cambridgeshire and Northamptonshire County Councils. The Policy and Plan take a “zero-tolerance” approach to fraud, and actively encourage whistleblowing.

It was resolved:

To approve the revised Anti-Fraud and Corruption Policy and revised Fraud Response Plan.

716. ADULT LEARNING AND SKILLS STRATEGY FRAMEWORK

Cabinet considered a report on the Adult Learning and Skills Strategy Framework, which had been amended following consultation. It was noted that the majority of responses to the consultation had been positive.

A Member raised the issue of informal learning, commenting that this often led to more formal learning, or had other significant benefits e.g. in reducing isolation. Officers advised that £210M was available nationally for informal adult learning, and this budget had been preserved, so the County Council would continue to have access to funding to support informal learning.

Councillor D Brown gave some examples of excellent courses available for small and medium-sized enterprises.

It was resolved:

To approve the Adult Learning and Skills Strategy Framework for Cambridgeshire 2012-2020.

717. CHANGES TO THE PUBLISHED ADMISSIONS NUMBER FOR HEMINGFORD GREY PRIMARY SCHOOL AND THORNDOWN PRIMARY SCHOOL

Cabinet received a report on plans to increase the Published Admissions Number (PAN) for Thorndown and Hemingford Grey Primary Schools. The Cabinet Member for Learning, Councillor David Harty, advised that these increases were part of a review of existing school provision in the St Ives area in response to both planned housing development and demographic changes taking place in the existing community. 600 homes were expected to be completed in the town between 2011-2017, with a further 615 new homes being built between in the following five years.

The Council had published a combined statutory notice to make a prescribed alteration to increase the capacity of Thorndown and Hemingford Grey Primary Schools on 31st October 2012, and no responses had been received at the time of the expiry of that notice on 28th November 2012.

Speaking as a Local Member, Councillor Ian Bates expressed his support for the recommendations and the proposed way forward, and requested that officers continue to fully engage Local Members in future developments, as has been the case to date. Councillor Harty thanked Councillor Bates for his involvement in various groups on this issue.

It was resolved:

- a) to note the statutory process undertaken to change the Published Admissions Number (PAN) for each school and that no responses have been received to the statutory notices published during the autumn term 2012; and

- b) to approve the combined notice for the expansion of both schools, in order to provide a total of 315 additional places across the town of St Ives and the village of Hemingford Grey.

718. STANDING ADVISORY COUNCIL FOR RELIGIOUS EDUCATION (SACRE) – AGREED SYLLABUS FOR RELIGIOUS EDUCATION

Cabinet received a report on the revised Agreed Syllabus for Religious Education for Cambridgeshire, for teaching from September 2013. The report was presented by Councillor Tony Orgee, speaking as chairman of Cambridgeshire SACRE. He outlined the role of Cambridgeshire SACRE, the requirement to periodically review the Syllabus, and the processes that had been undertaken. He advised that Janet Scott had chaired a conference on this topic, and he paid tribute to her skills, plus those of Sue Ward, who acted as advisor to SACRE, and who had done a great deal of the work in bringing the Syllabus to this stage. He also thanked Councillor Lucy Nethsingha, who was one of the County Councillor representatives on SACRE.

Councillor Orgee outlined the key changes in the revised Agreed Syllabus, which related to (i) the introduction of statutory core units, (ii) the promotion of enquiry based learning, (iii) assessment and monitoring progress; (iv) the requirement to study Christian and one other religion's perspective at Key Stage 4; and (v) the requirement at ages 16-19 to choose two topics from a choice of ten. Officers explained that the schemes of work and material available could be used by both inexperienced and experienced teachers, and would be available on the SACRE website.

Councillors Tierney and Curtis, speaking as a Christian and Atheist respectively, both expressed strong support for the Agreed Syllabus. Other Members expressed strong support for the proposed approach, noting that it was not too prescriptive, and recognised the diversity of cultures and faiths within the county.

The Chairman supported the comments made by his Cabinet colleagues, and expressed appreciation for Councillor Orgee's longstanding chairmanship of Cambridgeshire SACRE, a role which demanded considerable skills and commitment.

It was resolved:

To approve the revised Agreed Syllabus for Religious Education for Cambridgeshire for teaching from September 2013.

719. DRAFT CABINET AGENDA – 29 JANUARY 2013

Members noted the draft agenda for the Cabinet meeting to be held on 29th January 2013, including the following change:

- item deferred to 5th February 2013: Local Transport Body – Assurance Framework.

Chairman
29th January 2013