

CABINET: MINUTES

Date: Tuesday 29th October 2013

Time: 10.00 a.m. – 11.15 a.m.

Present: Chairman: Councillor M Curtis

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

Apologies: Councillor S Count

Also present: Councillors D Jenkins, M Leeke, M Mason, P Reeve, J Reynolds and P Sales

79. MINUTES

The minutes of the Cabinet meeting held on 8th October 2013 were agreed as a correct record and signed by the Chairman.

80. DECLARATIONS OF INTEREST

There were no declarations of interest.

81. PETITIONS

No petitions had been received.

82. MATTERS ARISING FROM OVERVIEW AND SCRUTINY COMMITTEES

There were no matters arising from Overview and Scrutiny Committees.

83. ORDERING OF ITEMS

With the agreement of the meeting, the agenda was reordered to facilitate member and officer attendance.

84. CAMBRIDGESHIRE GUIDED BUSWAY: TERMS OF REFERENCE FOR INDEPENDENT REVIEW

Cabinet considered the proposed terms of reference for an independent review of the Cambridgeshire Guided Busway contract. The Cabinet Member for Growth and Planning, Councillor Bates, thanked the Enterprise, Growth and Community Infrastructure (EGCI) Overview and Scrutiny Committee for their input to the terms of reference. He noted that the terms of reference included a degree of flexibility for the reviewer. A £20,000 fixed budget had been allocated for the work.

Three non-Cabinet members spoke on this item:

- Councillor Jenkins, the Liberal Democrat Planning, Environment and Enterprise Spokesman and member for Cottenham, Histon and Impington, reminded members of the request made to Cabinet at its previous meeting that the review be commissioned by the EGCI Overview and Scrutiny Committee. He stated his view that commissioning by Overview and Scrutiny would enhance the perceived independence of the review. He also suggested that £20,000 would not fund a substantial study; and that the review should cover not only the nature of the contract but also how it had been implemented.
- Councillor Sales, Labour Group Leader, expressed concern that the terms of reference as drafted would not provide the answers sought by the public. He suggested that answers were already known to a number of the questions posed. He also suggested that it appeared to be common practice in the civil engineering industry to underbid in order to win schemes and then seek to make up the shortfall through subsequent legal challenge.
- Councillor Mason, member for Cottenham, Histon and Impington, also expressed disappointment that the review would not be commissioned by Overview and Scrutiny. He raised a number of issues he wished to see addressed including expenditure over budget, value for money and land compulsorily purchased that had not been used. He also expressed concern at the cost of and liability for construction defects and ongoing maintenance of the Busway.

The Leader of the Council, Councillor Curtis, and other Cabinet members challenged a number of points raised by the speakers. They reiterated their view that the review would be properly independent and noted that the Cabinet Office had already expressed interest in its outcomes.

It was resolved:

- a) To consider the proposed Terms of Reference for an independent review of the Guided Busway contract
- b) To approve the proposed Terms of Reference for the independent review of the Guided Busway contract
- c) To delegate to the Cabinet Members for Growth and Planning and for Resources and Performance, in consultation with the Executive Director: Economy, Transport and Environment, the authority to make modifications to the Terms of Reference as required and to procure the independent review from a suitably qualified individual or body.

85. ESTABLISHING A NEW PRIMARY SCHOOL IN ELY

At the Cabinet meeting on 9th July 2013, Cabinet members had approved the establishment of a new primary school in Ely, to serve the needs both of the existing community and new housing development to the north and west of the city. The

Cabinet Member for Education and Learning, Councillor Harty, updated members on progress in seeking an Academy or Free School sponsor.

Six proposals had been received by the deadline and the joint member/officer assessment panel had unanimously identified the proposal submitted by the Barnfield Schole Academy Trust as its preferred option, with The Active Learning Trust's proposal as a close second. Since the panel meeting, the Department for Education and the Education Funding Agency had announced an investigation of one member of the Barnfield Schole Academy Trust, which could take four to six weeks. In view of this, it was possible that the Secretary of State would not agree funding to the Trust by 12th December 2013 to provide the new school in Ely. To safeguard the Council's ability to draw down £2.3m in targeted basic need funding from the Department of Education and to open the new school in September 2014, revised recommendations had been issued, naming The Active Learning Trust as the Council's chosen alternative provider should the Barnfield Schole proposal not proceed.

The Leader of the Council, Councillor Curtis, reported a comment from Councillor Downes, the Liberal Democrat Education, Children and Young People Spokesman, that he had discussed the evolving situation with Cabinet members and officers and considered the proposed course of action as the best way forward under the circumstances.

The Cabinet Member for Children and Young People's Services, Councillor Brown, thanked all of the officers and members who had undertaken the considerable work of the assessment panel.

The Cabinet Member for Growth and Planning, Councillor Bates, noted that the County Council and East Cambridgeshire District Council, whilst facing financial challenges, were working together effectively to bring forward development in the north of Ely.

It was resolved:

- a) To endorse the naming of Barnfield Schole Academy Trust as the Council's preferred sponsor for the new primary school to serve Ely
- b) In the event that the Secretary of State for Education elects not to enter into a funding agreement with Barnfield Schole Academy Trust for this new school by 12th December 2013, that The Active Learning Trust be named as the Council's chosen alternative provider.
- c) That the Secretary of State for Education be informed of Cabinet's endorsement of these two Trusts as potential sponsors for the new school with immediate effect.

86. INTEGRATED RESOURCES AND PERFORMANCE REPORT FOR PERIOD ENDING 30th SEPTEMBER 2013

The Chairman of Cabinet, Councillor Curtis, agreed to exercise his discretion under Section 100B (4) of the Local Government Act 1972 to allow this report to be

considered, even though it had not been dispatched to members five working days before the meeting, for the following reasons:

- Reason for lateness: This report needed to be reviewed by Strategic Management Team (SMT) before being released for Cabinet. The SMT meeting at which this report was discussed took place on 21st October 2013.
- Reason for urgency: To enable Cabinet to receive the most up-to-date resources and performance information available.

In the absence of the Cabinet Member for Resources and Performance, the Section 151 Officer introduced the Integrated Resources and Performance Report for the period ending 30th September 2013. He drew attention to a number of points including the forecast year-end overspend, now at £0.5 million, a decrease of £222,000 from the previous month's forecast. The severe financial pressure in older people's services continued. Members noted that this was the last financial report prior to the return of Cambridgeshire Community Services staff back in-house.

Members' attention was also drawn to Key Performance Indicators, particularly those relating to the proportion of children in Year 12 taking up a place of learning and the volume of acute bed days attributable to Adult Social Care; and to the capital programme, where slippage was leading to significantly reduced capital financing costs.

Members agreed a small amendment to recommendation b) as published on the agenda, to make it clear that the proposed virement would be from LGSS reserves.

It was resolved:

- a) To note the resources and performance information and the remedial action currently being taken
- b) To approve the virement of £200,000 from LGSS reserves to LGSS Operational, which reflects the County Council's element of the costs to support business re-engineering within the People, Transformation and Transactional Service (section 3.2.7 of the report)
- c) To approve the additional £3.1m of capital funding (£0.6m Housing Growth Funding; £1.5m S106 Contributions; and £1m Other Contributions) to be used in-year on appropriate schemes as allocated by Economy, Transport and the Environment (section 6.4 of the report).

87. CAMBRIDGE CITY COUNCIL 20MPH PROJECT: NORTH PHASE

Cabinet considered a request to progress Phase 1 of the Cambridge City Council 20mph project, covering the North area of the City, through the statutory process. Cambridge City Council was seeking to introduce 20mph limits on all appropriate roads in the City. Under legislation, works were subject to agreement by the County Council as Highways Authority.

Two non-Cabinet members spoke on this item:

- Councillor Jenkins, the Liberal Democrat Planning, Environment and Enterprise Spokesman, welcomed the County Council's support for the City Council's project. He also commended the consultation that had been carried out and the level of responses received. He suggested that the County Council should consider the Countywide introduction of a 20mph limit in its villages.
- Councillor Sales, Labour Group Leader, reported that he had encountered considerable public support for the scheme and that his Group supported it. He looked forward to the enhanced pedestrian and cycle safety and reduced pollution that would result.

Responding to Councillor Jenkins, the Cabinet Member for Highways and Community Infrastructure, Councillor McGuire, noted that he did not support the Countywide introduction of a 20mph limit, but did support 20mph limits in specific areas where these were sought by the community.

In discussion, Cabinet members noted that:

- Costs were likely to be met by the City Council in the form of a commuted sum covering a finite period. Arrangements for this were being finalised.
- If objections were received to the Traffic Regulation Orders, the scheme would need to return to Cabinet; a date had been programmed anticipating this outcome.

It was resolved:

- a) To approve taking Phase 1 of the 20mph project through the statutory process
- b) To request that if any objection(s) are received during the statutory process, Phase 1 be returned to Cabinet for a decision on resolution of objections.

89. MOBILISING LOCAL ENERGY INVESTMENT (MLEI)

Cabinet considered proposals for the MLEI project, which aimed to develop mechanisms to prove the potential for investment in low carbon energy measures. The project was based on a contract signed with the European Commission's Executive Agency for Competitiveness and Innovation and was led by the County Council, with Cambridge City Council and South Cambridgeshire and Huntingdonshire District Councils as partners.

The Cabinet Member for Enterprise and Skills, Councillor Shuter, introduced the revised report. He explained that the purpose of the revisions was to emphasise that all investments should generate positive revenue streams for the Council.

Cabinet members discussed the following issues:

- Urged East Cambridgeshire and Fenland District Councils also to join the project.

- Noted that the proposal was to borrow up to £15 million. The Cabinet Member for Enterprise and Skills explained that the funding would be used for a number of individual projects, each of which would require its own business case and approval.
- Emphasised the importance of retrofitting energy efficient measures to existing buildings, as well as incorporating such measures into new buildings.

It was resolved:

- a) To support the continued development of an outline business case for energy performance contracting for the schools portfolio and for the development of solar farms
- b) To approve the principle of borrowing up to £15m for investment into projects identified in the MLEI project and that the investment should generate a positive revenue stream for the authority. This borrowing is to be included in the Council's Business Plan. Final decisions on investment into projects will be taken when the full business cases are available and acceptable rates of return for the Council are identified; and
- c) To continue to support the development of the Low Carbon Investment Fund and Development Unit model, as part of the 'proof of concept' of the MLEI project.

90. A14 CAMBRIDGE TO HUNTINGDON IMPROVEMENT SCHEME: COUNTY COUNCIL RESPONSE TO CONSULTATION ON ROUTE OPTIONS

Cabinet considered the County Council's draft response to the Highways Agency's informal consultation on the proposed route options for the A14 Cambridge to Huntingdon improvement scheme.

Two non-Cabinet members spoke on this item:

- Councillor Jenkins, the Liberal Democrat Planning, Environment and Enterprise Spokesman, expressed concern about the impact of the proposed toll and called on the County Council to work with the Highways Agency to ensure that local movement was facilitated, local residents were not adversely affected and local roads were not blighted. He also called on the County Council to represent the interests of local people whose homes were affected by traffic noise and pollution from the A14.
- Councillor J Reynolds, local member for Bar Hill, also called for a review of the impact of traffic noise and pollution on local residents, particularly people living in Girton. He called for cycling and walking to be taken into account and for the provision of a separate track linking Bar Hill, Girton and Cambridge. He asked the Highways Agency and the Homes and Communities Agency to consider access for Northstowe residents travelling into Cambridge and the potential impact on Girton. He also expressed concern at the resilience of local roads and junctions, quoting Bar Hill in particular. He suggested that they might not be able to cope with peak traffic demand and that a fundamental review was needed.

Responding to the speakers, the Leader of the Council, Councillor Curtis, agreed that once the preferred route was identified, it would be essential to address noise and pollution, and clearly there was a need to avoid creating new pinch points.

The Cabinet Member for Growth and Planning, Councillor Bates, noted that he also represented communities along the A14 and did not underestimate the amount of work that would be needed to protect the interests of local residents as the scheme developed.

It was resolved:

- a) To welcome the informal consultation on route options as a step further towards delivery of the scheme
- b) To request officers to continue to work closely with the Highways Agency, other Local Authorities and the Greater Cambridge – Greater Peterborough Enterprise Partnership to ensure local interests are safeguarded during the detailed design of the scheme leading to the preparation of the draft Development Consent Order
- c) To approve the response to the public consultation contained in this report
- d) To delegate to the Cabinet Member for Growth and Planning the authority to make changes to the response prior to submission to the Highways Agency.

91. PARKING CHARGES REVIEW

Cabinet's approval was sought for a review of on-street parking charges in the County. It was noted that off-street parking was managed by the City and District Councils. Only the City Council and Huntingdonshire District Council charged for off-street parking. The County Council's charges for on-street parking had not been reviewed for a number of years. It was proposed to bring these charges more closely into line with the City and Huntingdonshire District Councils' charges for off-street parking. There was no proposal to introduce charges for on-street parking in those parts of the County where no charge was made for off-street parking.

One non-Cabinet member spoke on this item:

- Councillor Sales, Labour Group Leader, asked the reviewers to consider the significant impact that increased parking charges could have on commerce in Cambridge City.

Responding to the speaker, the Cabinet Member for Highways and Community Infrastructure, Councillor McGuire, suggested that a review of charges would not necessarily have a negative impact on commerce. For example, introducing Sunday charging could increase turnover of parking spaces and hence the total number of shoppers visiting Cambridge.

It was noted that this issue would return to Cabinet in January 2014 following informal consultation. Statutory consultation on any proposed changes would then take place prior to implementation.

It was resolved:

To agree to a review of on-street parking charges in the County and to undertake consultation on the issues set out in the report.

92. DRAFT CABINET AGENDA PLAN

Members noted the draft agenda for the meeting to be held on 26th November 2013, including the following updates:

- Items added – Bus Lane Enforcement; Twinning with Kreis Viersen; Housing Related Support Services – Request for Exemption: Various Contracts
- Items deferred – Procurement Strategy; Economy, Transport and Environment Charges
- Items removed – Property Disposal: Fitzwilliam Hostel; Disclosure and Barring Service Policy for Councillors.

Chairman
26th November 2013