

CABINET: MINUTES

Date: Tuesday, 10 December 2002

Time: 10.00 – 11.45

Place: Shire Hall, Cambridge

Present: Councillor J K Walters (Chairman)

Councillors S F Johnstone, V Lucas, A K Melton, S B Normington, L Oliver, D R Pegram, J A Powley, J E Reynolds and R Wilkinson

Also in attendance:

Councillors S Brinton, A C Kent, M L Leeke and R Mair

232. MINUTES

The minutes of the meeting of Cabinet held on 19 November 2002 were confirmed as a correct record and signed by the Chairman.

233. REFERRALS FROM SCRUTINY COMMITTEES

There were no referrals from Scrutiny Committees to report.

234. REVIEW OF PROVISION FOR CHILDREN AND YOUNG PEOPLE WITH EMOTIONAL AND/OR BEHAVIOURAL DIFFICULTIES

Cabinet considered the report, which sought approval to publish public notices seeking to close the Manor School, Wilburton and Littleton House School, Girton with effect from 31 August 2003 and establish in their place a new 92 place specialist residential school for children with Emotional and/or Behavioural Difficulties (EBD), with effect from 1 September 2003. It was proposed that the new school should operate in the existing premises of the two schools on a split-site arrangement pending the outcome of detailed property feasibility work.

At the beginning of the Spring Term 2002, the School Organisation Service Development Group had agreed that a formal review of provision for children and young people with EBD should be undertaken in the light of:

- Developments in the way in which Local Education Authorities (LEAs) were encouraged to meet individual pupils' needs and to adopt more inclusive policies towards children with special educational needs.
- Concerns in respect of Littleton House School and the fact that the support arrangements at the School, which had been put in place in recognition of concerns relating to leadership and management, long-term staff absences and the quality of educational provision, were only sustainable in the short-term. Littleton House had been identified as

requiring special measures since the Spring Term 2002, when OfSTED had inspected the school.

It was proposed that the school should cater for children aged 5 – 14 years (Key Stages 1,2 and 3), with a small number of Key Stage 4 pupils. The LEA's Pupil Referral Units (PRUs) would be responsible for securing appropriate educational provision for young people with EBD post-14. It would be essential for capital investment to be made in the LEA's PRUs if they were to meet the needs of Key Stage 4 children, who would have otherwise attended Littleton House School. The proposals had been drawn up following full consultation with staff, governors and parents/carers of pupils at the two schools and relevant stakeholder organisations.

Once the two month statutory notice period had elapsed, Cabinet would need to consider a further report to determine whether or not the LEA should implement the proposals, taking into account the results of the consultation and the full property appraisal for the site of the new School. It was anticipated that this report would be submitted to the 4 March 2003 meeting of Cabinet. It was noted that, if any objections were received to the proposals, the matter would have to be referred to the School Organisation Committee for Cambridgeshire for final determination.

During discussion of the report, Members noted that:

- Some of the existing primary school teachers would be retained at the new school. These teachers would be given additional training, as appropriate, to address any issues regarding the teaching of 11 – 14 age range pupils. The schools had been consulted on, and had agreed to, this approach.
- Neighbouring authorities had been involved in the consultation process to ensure that all issues would be addressed in terms of EBD provision across the region.

Cabinet decided that a public notice be published seeking to:

- (i) Discontinue The Manor School, Wilburton and Littleton House School, Girton with effect from 31 August 2003; and
- (ii) Establish in their stead a new 92 place specialist EBD school, with effect from 1 September 2003. The new school to operate in the existing premises of the two schools on a split-site arrangement pending the outcome of detailed property feasibility work.

235. ACCIDENT REMEDIES AND TRAFFIC MANAGEMENT PROGRAMME - MEDIUM SIZED SCHEMES

The Cabinet Member for Environment and Transport, Councillor S F Johnstone, introduced the report which reviewed progress on medium sized schemes programmed for implementation or development during 2003/04.

Cabinet noted that there had been good progress made in 2002/03 and the backlog of schemes from previous years had been substantially made up. This had primarily been a result of the introduction of the Traffic Management Schemes partnering contract, which had not only reduced the delivery time of individual schemes but also driven a more disciplined approach to programming.

In discussing the report, Cabinet:

- Agreed with the recommendations of the Fenland Area Joint Committee that, in view of the lack of local support for the scheme and the apparent improvement in the long term accident record at the roundabout, the proposed accident remedial measures for the A605/B1040 Roundabout at Whittlesey should be deleted from the programme.
- Noted that the overall approach was to maximise the resources available, taking into account any schemes which could be funded from Section 106 agreements. It was likely that funding could also be available through other sources, such as the Market Town Strategies, that would enable some additional schemes to proceed.

Cabinet decided to note progress on programme delivery and to approve;

- (i) The deletion of the scheme for the B1040/A605 roundabout in Whittlesey from the programme;
- (ii) The priority order of medium sized schemes as set out in Appendix A to the report; and
- (iii) The commencement of design and consultation on schemes 1 to 13 in Appendix A of the report.

236. PROVISIONAL LOCAL GOVERNMENT FINANCE SETTLEMENT 2003/04

Cabinet considered a report outlining the main elements of the Provisional Revenue Support Grant Settlement for 2003/04, which had recently been announced by the Minister of State for Local Government and the Regions, and the Council's proposed response to the Provisional Settlement.

The main points arising from the Provisional Settlement were:

- The formula used by the government to calculate the general grant given to local authorities (SSA) had been replaced by the Formula Spending Share (FSS). This meant some major gains and losses for different authorities, with the government using a dampening mechanism (floors and ceilings) to limit the increase/decrease for each authority.
- After adjusting for the changes to the formula and in roles and responsibilities, Cambridgeshire's FSS for 2003/04 was £450m, an increase of 11.5% on 2002/03.

- The main reason for the large increase was that Cambridgeshire had finally received Area Cost Adjustment, reflecting the high costs faced by the Council. This amounted to roughly £17m (subject to confirmation), or over 4% of the increase in funding.
- The level of the increase meant that Cambridgeshire had hit the ceiling of funding increases, set at 8% for Education and Social Services authorities. This had lost the Council £10m of grant funding for 2003/04 or roughly 7% on the Council Tax.
- This increase meant that Cambridgeshire was now only the 8th lowest FSS per head, rather than lowest SSA per head as per the previous five years.

It was proposed that the Council's response, which would need to be submitted to the Office of the Deputy Prime Minister within the six week consultation period, should broadly welcome the changes, but express concern regarding the introduction of floors and ceilings, changes to Resource Equalisation and the high increase in Specific Grants.

Members expressed concern that the imposition of ceilings would restrict the Council's budget position, and consequently service improvements, in the short term. Reference was also made to the fact that a number of the grant/function transfers from central government to Social Services would leave the authority with significantly increased costs. It was suggested that this point should be included within the response to government.

Cabinet decided:

That representations be made to the Minister of State, covering the following points:

- Welcome the changes to ACA that finally reflect the high costs faced by the Council.
- Disappointment that the ceiling has been set at 8%, heavily restricting the actual changes in funding from the new formula. This has lost Cambridgeshire £10m in grant or roughly 7% on the authority's Council Tax. Additional funding should be provided for authorities that far exceed the ceiling.
- Disappointment that the changes to Resource Equalisation have been included in the formula changes when fundamental arguments against this change were presented through the consultation process.
- Concern over the high increase in Specific Grants, it is hoped the promise to reduce these in future, is followed.

- Express considerable concern that a number of the grant/function transfers leaves Cambridgeshire with a significant residual cost, especially for nursing care where the Government's treatment of the financial adjustment has changed to this county's detriment.

237. ADOPTION AND PERMANENCE ANNUAL REPORT

As required by the Adoption Agency Regulations, Cabinet considered a report of the Agency's activities during 2001/02. Details of approaches and problems experienced locally and nationally were reported.

It was noted that the Annual Report had been endorsed by the Social Services Scrutiny Committee as a record of the County Council's work as an Adoption Agency and the Children in Need Service Development Group in respect of its recommendations for the future development of the service.

Cabinet decided:

- (i) To formally approve the Annual Report as a record of the Social Services Department acting in its capacity as an Adoption Agency and requested that it be sent to the Department of Health; and
- (ii) To place on record its thanks to the Members of the Adoption Panel for the very important work they do and for the public support for the work on adoption.

238. SACRE REVIEW OF SCHOOL SYLLABUS

Cabinet considered the report, which proposed the adoption of the revised syllabus for religious education (RE), as unanimously recommended by the Standing Advisory Council for Religious Education (SACRE) in Cambridgeshire.

Cabinet noted that each local authority had a requirement by law to review its agreed syllabus for religious education every five years. The Cambridgeshire SACRE instituted such a review and in November 2001 convened an agreed syllabus conference to carry out the task (the latter also being a legal requirement). Following full consultation with all stakeholder groups, some small changes to the content on religions were made to reflect the views expressed during consultation.

The syllabus continued to reflect the fact that religious traditions in Great Britain were in the main Christian, while taking account of the teaching and practices of the other principal religions represented.

In response to Members' questions, the Director of Education, Libraries and Heritage confirmed that RE was an area of the curriculum that could be determined locally to reflect the needs of the local community. There was therefore not a national framework document in existence that could dictate its content. SACRE had used the 1997 syllabus, which was widely regarded as

being a successful document, as a basis for the review. Consultation had been undertaken with heads of RE and head teachers during the review.

Cabinet decided:

- (i) To adopt the revised syllabus for religious education, as unanimously recommended by SACRE; and
- (ii) To place on record its thanks to the Chairman of the SACRE and the Syllabus Conference for their hard work in carrying out the review.

239. WORKPLACE CHARGING

Cabinet considered the report, which proposed that further active exploration of a Workplace Parking Levy for the Cambridge area should not be pursued at the present time, but that a watching brief on schemes in other parts of the country should be maintained.

Since the Council's original interest in a Workplace Parking Levy, the attractiveness of the scheme had significantly reduced after the announcement in December 2002 that Local Transport Plan Settlements were to be increased. Local authorities received significantly increased amounts of capital from Central Government, thus taking away much of the necessity or desirability of developing a charging or levying mechanism to boost local government's local spending. A technical evaluation undertaken in the Cambridge context had also highlighted many application problems, and these had been reinforced by conclusions from elsewhere. Issues including fairness and exemptions remained generally unresolved. However, it was suggested that it would be useful to maintain a watching brief over developments in Nottingham and London.

Cabinet decided:

- (i) To note the contents of the report; and
- (ii) To confirm that further active exploration of a Workplace Parking Levy should not be pursued at the present time, but that a watching brief be maintained.

240. REPORT OF THE LOCAL GOVERNMENT OMBUDSMAN

Cabinet noted that the County Council had received a report from the Local Government Ombudsman, who had passed a judgement of maladministration against Cambridgeshire County Council and South Cambridgeshire District Council in response to complaints made by four households residing in a village in South Cambridgeshire, and considered a report which outlined the Council's proposed response.

It was asserted by the claimants that Cambridgeshire County Council and South Cambridgeshire District Council had jointly failed to deal with problems relating to noise, litter and out of hours working from premises which were

being used for the storage and processing of waste paper and cardboard products. The complainants stated that the actions taken by the Councils over a period of five years to control activities on the site, by planning conditions and environmental health measures, had proved ineffective. A verdict of maladministration had been found against both Councils, which, in the LGO's view, had caused injustice to the complainants.

It was proposed that the Cabinet accept the main finding of the LGO's report and provide an ex-gratia payment to the claimants to remedy the situation (recommendations (a) and (b) of the LGO's report), but that further representations be made to him to discuss the feasibility of proposed on-going remedial action (recommendation (c)) and a proposed action plan developed by the two authorities. It was considered appropriate that only the four complainants listed in the Ombudsman's report should receive ex-gratia payments.

The Council's Development Control Committee had received periodic reports on the site in question and would continue to monitor the situation.

Cabinet decided:

- (i) To accept the LGO's recommended remedy (a) and (b) to pay one off ex-gratia payments to the complainants which for this Authority would cost £6,500;
- (ii) To express concerns about the feasibility of the LGO's recommended ongoing remedy (c) for annual payments to be made in the future; and
- (iii) To agree to the submission of an Action Plan to the LGO, prepared jointly with South Cambs District Council, which includes:
 - An established site monitoring programme.
 - An assessment of the feasibility/benefits of any further mitigation measures to minimise impacts.

241. THE QUEEN'S SPEECH

Cabinet considered a report outlining the main legislative proposals contained within the Queen's Speech that would impact upon local government.

During discussion of the report, Members:

- Welcomed certain aspects of the Local Government Bill, which would help to establish new small businesses.
- Expressed serious reservations about the proposals contained within the Community Care (delayed discharges) Bill, which would require local authorities to reimburse the NHS in cases where the discharge of patients from hospital is delayed because the appropriate social

services are not in place. The imposition of penalties would unfairly penalise local authorities that were, in reality, one element of a process which involved other organisations. It would be more constructive for the Government to encourage co-operative working between local government and the health service to try to find a solution to the problem, as illustrated by the joint approach being taken in the Cambridgeshire Health and Social Care system.

- Welcomed specific aspects of the Planning Bill, which aimed to speed up Central Government's handling of major infrastructure projects and make the compulsory purchase system faster and fairer.

Cabinet decided:

To note the main proposals for legislation affecting local government contained in the Queen's Speech.

242. SOCIAL SERVICES BUDGET POSITION

Cabinet received an up-date on the current revenue budget position for the Social Services Department.

It was noted that:

- The Social Services Department continued to take a number of actions to reduce its overspend by year end. However, even with the effects of these actions, it was likely that the overspend would be in the region of £1.6m. The key pressure areas continued to be within Children's Services, Older People's Services and Asylum Seekers, which had been offset by some under spends within central budgets.
- This was not just an issue for the 2002/03 budget, as many of the causes of the overspend would remain in 2003/04 and would be exacerbated by a number of new pressures in future years. Given this information, it would not be possible to meet eligible needs within existing resources without either significant additional investment or major reductions in services.

Cabinet Members referred to the fact that, had Social Services not taken any action, the level of overspend at year end would have been around £4m. Actions already agreed by Cabinet and Council, together with further actions being taken by the Department, were forecast to significantly reduce the level of overspend by year end.

Cabinet decided:

To note the report.

243. SSI AUTUMN POSITION STATEMENT

Cabinet decided:

- (i) To note that the Social Services Autumn Position Statement had been submitted to Central Government, as required by the Social Services Inspectorate (SSI); and
- (ii) To note with pleasure that, in November 2002, the Department of Health/Social Services Inspectorate had formally re-affirmed the Council's 2 star performance rating for Social Services, which had first been achieved in May 2002.

244. 2002/03 PERFORMANCE INDICATOR REPORT

Cabinet received a summary of the Council's performance against Cambridgeshire Public Service Agreement (PSA) targets and other key Performance Indicators for 2002/03.

The method of reporting performance relating to the PSA targets had been altered to reflect the amount of grant that was likely to be received from the PSA. Second quarter results suggested that, out of a possible £8,000,000 PSA grant, the Council was likely to receive approximately £4,000,000, although this was a provisional figure. 15 of the sub-targets were likely to at least reach the 60% threshold, with 9 being unlikely to be met, and a further 2 being uncertain/difficult to estimate.

Specific points raised within the report were as follows:

- Libraries indicators were broadly on track.
- Education targets, nationally and locally, were aspirational and very stretching.
- Environment and Transport indicators were also on track, with the exception of waste, which continued to under-perform.
- Some Social Services targets were on track, but others showed cause for concern.
- The Youth Offending Team's targets were on track.

Overall progress towards the targets had been good, although it was recognised that targets relating to education were proving difficult to meet, given the stretching targets set by Central Government. It was important that this should not overshadow the significant improvements made by the Council in education provision.

Members noted that Information was being sought from relevant officers on whether additional resources would result in increased performance and the meeting of the PSA target. Initial investigations suggested that there would be no increase in performance that would be significant enough and in time to meet the PSA, with 2 exceptions; namely PSA 1 (Early Years places in Wisbech North) and PSA 4.3 (GCSEs Fenland). These areas would be the subject of further investigations.

Cabinet decided:

To note County Council performance against the Cambridgeshire Public Service Agreement and Key Performance Indicators.

245. CABINET OUTLINE AGENDA – 7 JANUARY 2003

In reviewing its outline agenda for 7 January 2003, Cabinet examined the process for considering the Libraries Strategic Review Business and Development Plan. The Chairman commented on the importance of the decision and the need to ensure that there was sufficient time to develop robust alternative arrangements in discussion with the communities themselves and/or to permit communities and consultees a further opportunity to make representations in the full knowledge of the Cabinet's views.

To ensure that this could happen, it was suggested that, at its meeting on 7 January, a decision on library closures should still be made, but that this should not be the final conclusive decision. The Council would continue to receive comments and proposals on the closures during January 2003. These would be considered when Cabinet undertook a final review at its meeting on 28 January. This process would enable account to be taken (at that time) of the comments made by the meeting of the Education, Libraries and Heritage Scrutiny Committee, which had indicated its intention of independently scrutinising the Cabinet's decision on 7 January.

The Chairman commented on the need to ensure that all Members of the Council were informed of the revised process.

Cabinet decided:

- (i) To note the outline agenda for the meeting scheduled to take place on 7 January 2002 and the following proposed amendments, which had been deferred from this meeting:
 - Review of Special Educational Needs Funding in Mainstream Schools - revised policy.
 - Libraries Strategic Review Business and Development Plan.
 - ELH Scrutiny Committee Member-led Review on the effect of gender on educational performance; and
- (ii) To agree the revised process for considering the Libraries Strategic Review Business and Development Plan item (as outlined in the pre-amble above), which would be finally determined by Cabinet at its meeting on 28 January 2003, and that a briefing note on the revised process be forwarded to all Members of the Council, for information.