

CABINET: MINUTES

Date: 7th July 2009

Time: 10.00 a.m. – 11.58 a.m.

Present: Chairman Councillor L W McGuire (in the absence of Councillor Tuck)

Councillors: M Curtis, Sir P Brown, S. Criswell, D Harty, T Orgee, R Pegram, J Reynolds and F H Yeulett

Apologies: Councillors J M Tuck

Also in Attendance

Councillors: P. Downes, N Harrison, D Jenkins, C Shepherd and J West

ANNOUNCEMENT

Before the formal proceedings commenced, the Executive Director: Children and Young People's Services provided a leaflet for Cabinet members setting out details in respect of the New Government Inspection process for Children and Young People's Services launched in April. The two key changes were in respect of unannounced inspector visits and in depth inspections for Looked after Children and Safeguarding Services. Officers had been notified that an unannounced visit was taking place that morning in respect social care and duty teams in Wisbech and Huntingdon.

1. MINUTES 5th MAY 2009

The minutes of the meeting of the Cabinet held on the 5th May 2009 were approved as a correct record.

2. DECLARATIONS OF INTERESTS

The following Members declared interests as follows:

Councillor J. Reynolds declared a personal interest under Paragraph 8 of the Code of Conduct as the chairman of Renewables East.

Councillor Orgee declared a personal interest under Paragraph 8 of the Code of Conduct in agenda item 10 Cambridge Southern Fringe Section 106 issues as a NHS Trust Governor.

Councillor Curtis declared a personal interest under Paragraph 8 of the Code of Conduct in agenda item 14 "Size of Primary School Planned to Serve the National Institute of Agricultural Botany (NIAB) Development in North West Cambridge" as a Primary School Governor at Alderman Jacobs in Whittlesey.

Councillor Yeulett declared a personal interest under Paragraph 8 of the Code of Conduct in agenda item 17 Draft Flood and Waste Management Bill as a member of March East and Christchurch Internal Drainage Board.

Councillor McGuire also declared a personal interest under Paragraph 8 of the Code of Conduct in agenda item 17 above as a member of Sawtry Internal Drainage Board.

3. PETITIONS AND ISSUES FROM SCRUTINY COMMITTEES.

None received.

4. REVISIONS TO THE POLICY FRAMEWORK

The report presented a revised Policy Framework seeking Cabinet endorsement for final confirmation by the County Council. As a result of changes brought about by 'The Local Authorities' Plans and Strategies (Disapplication) Order which came into effect in 2009, some of the documents listed under paragraph 4.01 of the Policy Framework and in article 4 of the Council's Constitution required changes as a result of being replaced with updated documents and / or their name having been changed.

It was resolved:

To agree the revised Policy Framework and to endorse its revised contents for onwards consideration and final confirmation by the County Council.

5. INTEGRATED FINANCE & PERFORMANCE REPORT – OUTTURN 2008/09

Cabinet received the above titled report which:

- Detailed the performance of the Council for the 2008/09 financial year and followed the broad structure of the Integrated Finance and Performance Report submitted each month, while providing additional detail in areas such as Schools, Reserves and Treasury Management Activities.
- Was a management report that preceded the production of the Council's formal statement of Accounts. Cabinet noted that although the Outturn Report and Statement of Accounts reconciled to one another, it would be the statutory Statement of Accounts on which the audit opinion would be formed.

Cabinet noted that:

- The approved Council Budget for the financial year 2008/09 was £314.2m. This was increased by transfers from carry forwards of £1.5m, making a total budget of £315.7m. The overall position for 2008/09 was actual spending of £310.9m against the revised budget of £315.7m, resulting in an underspend of -£4.8m (-1.5% of the revised budget). Of this underspend, £1.4m is transferred to Carry Forwards and Other Reserves, in accordance with the Council's Constitution, and £3.4m is transferred to the General

Reserve. Officers were congratulated for another excellent year in terms of directorates managing the Council's finance and keeping it within the overall budget.

- Spending on the Council's Capital Programme, especially on generally funded schemes, had proceeded sooner than estimated, resulting in the need to consider how to cover the timing difference between spend and the availability of funding (representing changes in the timing of payments, as many projects involve spending across a number of years, and not overspends on the total scheme value). As a result, It was recommended that the timing difference of £9.9m should be bridged using Prudential Borrowing, which required Cabinet approval.
- The Invest to Transform (ITT) Fund provided interest free loans to services (other than schools) to pump-prime revenue schemes where investment would permit savings or increases in performance, which will enable the loans to be repaid. Attention was drawn to the Workwise project within the then Office of Corporate Services (OCS) required an ITT bridging loan for 2008/09, which was in line with the project's financial projections and Cabinet therefore agreed to authorise the use of £224k from the ITT fund.

Performance exceptions at year-end were likely to be (i.e. those reported as RED) as follows:-

- National Indicator (NI)117 16 to 18 year olds who are not in education, training or employment (NEET):
Local Indicator (LI) 32 Recruitment Lead Times:
LI 106a Sickness Absence (in what was the Office of Environment and Community Services)

Specific indicators that had performed well in 2008/09 were as follows:-

- Local bus passenger journeys.
- Improved local bio diversity.
- People killed or seriously injured in road traffic accidents.
- Use of public libraries.
- Young people participating in youth activities.
- Looked after Children (LAC) with 3 or more placements.
- Social care clients receiving self-direct support.
- Contact centre.

Indicators related to Adults had continued to show sustained improvement.

- In Environment and Community Services an underspend of -£919k is being reported for 2008/09. Pressures within Highways and Access and Community Learning and Development have been offset by savings identified within Environment and Regulation and Adult Support Services (see appendix 2 of the Cabinet report for further details).
- In Children's Services an overspend of £47k is being reported for 2008/09. This followed a late refund from the Legal team of £238k, reflecting surpluses made by the team from business initiated within Children's Services. However, the number of Social Care placements has increased significantly throughout the year and savings were required across the Office of Children and Young People's Services (OCYPS) to offset this pressure (see appendix 2 of the Cabinet report for further details).

- In Corporate Services Direct an underspend of -£296k was reported for 2008/09. This was mainly due to the additional income being received within the Legal Traded Service (see appendix 2).
- In Corporate Services Financing an underspend of -£3.6m was being reported for 2008/09. This was due to the savings achieved on the Debt Charges budget (see appendix 2 of the Cabinet report for further details).
- Spending on the Council's capital programme, especially on generally funded schemes, had proceeded sooner than estimated.
- As at 31st March 2009, the overall level of Council debt was £12.8m, which was £0.8m (7%) above the target level and therefore action was being taken as set out in section 10 of the Cabinet report).
- Attention was drawn to the impact on the Authority of the general economic downturn throughout 2008/09 which had been carefully monitored. Due to the recession being deeper and more pro-longed than expected, there was an increased chance of increased demand pressures on certain services, a higher risk of suppliers facing financial difficulties, a flat market for asset sales and delayed developer receipts for major projects. It was noted that the major impact of these issues was unlikely to be felt until 2009/10 and was therefore considered as part of the Integrated Planning Process (IPP).

Members drew attention to the following specific points:

- Page 3 bullet 4 increase in the use of libraries which it was noted was very encouraging – further to this it was announced that the Central Library in the Lion Yard Cambridge Should be re-opening on 22nd / 23rd September which would add to the impressive facilities available to County residents, including the revamped Ramsey and Huntingdon libraries.
- It was highlighted that the Audit Commission had recorded that the County Council had the largest number of improved indicators.

It was resolved to;

- i) Note the revenue expenditure of Services in 2008/09, and in particular the delivery of a better than break-even position (section 2.4 of the report).
- ii) Approve that the timing difference of £9.9m within the capital programme is bridged using Prudential Borrowing (section 4.2 of the report).
- iii) Approve the £224k Invest to Transform (ITT) loan required for the Workwise project, which is in line with project's financial projections (section 6.2 of the report).

6. INTEGRATED PERFORMANCE AND RESOURCES REPORT MAY 2009

Cabinet received a report presenting the financial and performance information up to May 2009, in order for members to be able to assess the progress made in delivering the Council's Integrated Plan.

Cabinet noted the following key points:

- Overall the budget position was showing a forecast year-end overspend of £116k .
- In Environment Services (ES) a balanced budget was being predicted (see paragraph (para) 4.2 of the Cabinet report for more details).
- In Community and Adult Services (CAS) an underspend of -£24k was being predicted (see para 4.3 of the Cabinet report for more details)
- In Children's Services (CYPS) one off pressures for 2009/10 were being offset by the use of reserves to achieve a balanced budget position (see para 4.4 of the Cabinet report for more details).
- Within Corporate Directorates (CD) an overspend of £140k was being predicted, which was mainly due to a pressure in the Finance, Property and Performance Directorate (see para 4.5 of the Cabinet report for more details).
- All virements in relation to the Corporate Leadership Team (CLT) restructure had been processed and were included within appendix 3.2 of the Cabinet report.
- The salary inflation budgets that were built into the Integrated Planning Process (IPP) for 2009/10 were to be reviewed in light of the current situation. Cabinet therefore agreed to remove all the Local Government (LG) pay inflation budgets (£1.2m) from the Services (except for the 0.3% required for 2008/09's catch up sum), with the intention of realigning the Service budgets once the pay award is known. For Management Band (MB) pay inflation budgets, discussions were currently underway and once the outcome of these discussions is known, Service budgets would be amended accordingly, which Cabinet has agreed to approve. The full inflation budget applied to MB pay was £0.8m.
- Spending on the Council's capital programme was currently proceeding slower than estimated (see para 4.6 of the Cabinet report for more details).
- There were no significant debt problems to report at this point in time and there were no noticeable effects arising from the economic downturn (see para 4.7 of the Cabinet report for more details).

The Government's Budget announcement had confirmed that recession pressures were likely to last the year with rapid recovery occurring in 2010. Many economists considered this view of economic recovery to be optimistic. Of greater concern were the forecasts in the Budget for future public spending. Allowing for increased benefit costs and debt charges there was likely to be a significant real-term reduction in the funding available for Local Government, with a 10% cut over five years probable, with the figures possibly being worse. Currently the planned responses of the Authority to the recession had worked well and further responses were being examined. It was therefore considered vital that the Council and all directorates remained in budget for the year ahead.

In terms of performance, a large number of measures had not been able to be updated since the last scorecard report either due to a lag in reporting or because the measures were recorded quarterly. Performance exceptions to May included the following which were already the subject of further management action:

- National Indicator (NI) 117 % of 16 to 18 year olds who are not in Education, training or Employment (NEET) (Red)
- NI060 % of core assessments carried out within 35 days (RED).
- Local Indicator (LI) 068 Overall satisfaction of website customers (RED).

Specific reference was made to paragraph 4.7 on page 7 and a question raised regarding what measures could be taken to prevent long term debt from developing. In response details were provided in respect of work being undertaken to encourage the greater use of direct debits for social care clients etc. The County Council was also adopting more commercial approaches to ensuring debt did not age and had procedures in place to start recovery proceeding at an earlier stage. There were specific issues around section 106 payments which were the subject of later reports on the agenda, while the position in relation to PCT and Mental Health Trust debt had improved. In relation to the details of a specific debt referred to by one member during the discussion which was of a confidential nature, the Corporate Director: Finance, Property and Performance agreed to make the appropriate information available outside of the meeting.

It was resolved:

- i) To note the performance and resources information as set out in the officer's report.
- ii) To approve the virement of £1.1m in relation to the Local Government (LG) pay inflation budgets from the Services into the Pressures and Development Reserve (as set out in section 3.2 of the report).
- iii) To approve that the Management Band (MB) pay inflation budgets are vired from the Services into the Pressures and Development Reserve, once the relevant amount has been agreed (as set out in section 3.2 of the Officer's report).

CHANGE IN THE ORDER OF THE AGENDA

As the presenting officer was required at another meeting, with the agreement of Cabinet, the chairman approved a change in the order of the agenda agreeing to take agenda Item 20 'Annual Performance Assessment of Social Care Services for Adults Services for Cambridgeshire and Action Plan' as the next item of business.

7. ANNUAL PERFORMANCE ASSESSMENT OF SOCIAL CARE SERVICES FOR ADULTS SERVICES FOR CAMBRIDGESHIRE AND ACTION PLAN

Cabinet received a report setting out the progress against the Action Plan for the 2007/08 Annual Performance Assessment of Social Care Services for Adults for Cambridgeshire.

Cabinet was reminded that In November 2008, CSCI had judged that Adult social care services in Cambridgeshire had met the performance rating of 2 stars and found its capacity to improve to be 'Promising'. As part of the judgement, CSCI noted twenty eight Areas for Development for the Council to consider. In response, the Annual Performance Assessment Action Plan for 2007-08 was developed and agreed at Cabinet in January 2009.

Cabinet was pleased to note that considerable progress had been made in implementing the Areas for Development of the Action Plan and both the management and staff of the service were congratulated on the reported performance. It was noted that over the course

of the previous six months fifteen of the twenty eight areas for development had been completed (BLUE), eleven had reached a stage where there was good progress being shown (GREEN) while two areas were making some progress (ORANGE). The latter which were the subject of more detail in terms of the action being taken to address were set out in paragraphs 2.2 and 2.3 of the report. The current progress was a considered a very solid base on which to build further improvement.

Issues raised by Cabinet Members / or for which comments were made included:

- With reference to Page 3 second bullet in relation to dedicated review capacity being developed in each team in Older People's Services to bring performance in line with similar councils in England, this was now a priority that was being actioned.
- The point was made by one Member that it was not just about improvements in Government performance but also improvements to the services provided which was what made a difference to the lives of people in Cambridgeshire including having greater control over the services they received.

It was resolved:

To note the progress made against the Action Plan for the 2007/08 Annual Performance Assessment of Social Care Services for Adults for Cambridgeshire.

8. CAMBRIDGE INFRASTRUCTURE FUND (CIF2) CAMBRIDGE GATEWAY

Cabinet received details of the successful £3.0m bid in respect of the Government's second round of the Community Infrastructure Fund (CIF) which totalled £200m nationally to be focused on improving transport infrastructure in growth areas.

Cabinet noted that the County Council in consultation with the District and City Councils and Cambridgeshire Horizons, submitted bids for six key projects in April 2008 and in June 2008 the Council was invited to submit a full business case for one of the six projects, the Cambridge Gateway. The £3 million funding which would be made available until the end of March 2011 would deliver a major project in Cambridge to create a new bus, pedestrian and cycle link to the rail station to improve public transport and safety for pedestrians and cyclists. A new bus route would link Hills Road to the station area which would be via a new arm at the Brooklands Avenue / Hills Road junction. The new link would provide easy and safe access into the station for buses and cyclists and would also help to reduce the congestion and improve safety in Station Road and make significant savings in journey times for passengers.

The local member for Petersfield, Councillor Harrison welcomed the scheme as an important part of the major redevelopment in the city to help create more sustainable public transport infrastructure and encourage the modal shift away from car usage. She considered that it was a rare opportunity to be able to create a new, quality development. She further congratulated the officers involved and welcomed the partnership working that had already been undertaken to secure the funding as well as highlighting the important role Cambridge City Council and the Cambridge Cycling Campaign would have in respect of urban design issues.

Members were reassured that it was considered that there was sufficient time to deliver the scheme, taking into account the funding timescale.

Another local member Councillor Tariq Sadiq who was not able to attend, provided comments (summarised as set out in Appendix 1 of the minutes) which were drawn to the attention of Cabinet Members at the meeting with the concerns addressed by the officers who indicated that the new junction would increase capacity with new lanes provided and pedestrian phased crossings installed to help address safety concerns.

It was resolved:

To approve, subject to public consultation on detailed design, the provision of a new bus, pedestrian and cycle link (the CIF2 Cambridge Gateway project) as outlined in section 2 of the report.

9. PROCESS FOR CONSIDERING REQUESTS TO DEFER SECTION 106 PAYMENTS

As a result of the effects of the economic downturn a number of requests had been received from developers seeking to defer section 106 payments and Cabinet was therefore asked to agree a formal process for considering such requests with different arrangements being suggested for Cabinet approval depending whether the sum was either over or under £250,000 as detailed in sections 2.1 to 2.3 of the report. It was stressed that any deferral agreed should not affect the ability to deliver community facilities with all County Council local Members, relevant district council (s) and parish councils being made aware of any deferral requests agreed.

In discussion it was agreed that evidence would need to be provided in order to be able to examine each case on its individual merits to ascertain that the requests were justifiable and involved genuine hardship, as opposed to just being a response to the general economic climate. It was confirmed that developers would still be required to pay full interest on any agreed deferred payments.

It was resolved:

- i) To approve the proposals for dealing with developer S106 deferral requests as set out.
- ii) To note that a further report will come forward to Cabinet regarding the assessment of current deferral requests that have been received and to recommend in each case whether a deferral should be granted or not.

10. DEVELOPMENT AT CAMBRIDGE SOUTHERN FRINGE – SECTION 106 AGREEMENTS

Cabinet received a report setting out details of the current position that has been reached on the Section 106 negotiations for the proposed developments at Cambridge Southern Fringe and in order to consider officers recommendations to move forward to conclude negotiations and leading to the formal sealing of agreements.

Cabinet noted that negotiations with all of the developers had progressed well and that the Section (s)106 agreements were ready to be signed for Trumpington Meadows and Addenbrooke's 2020. Negotiations were continuing with Countryside Properties although a parallel appeal for non determination of the planning application had been lodged. However, through the course of the negotiations and given the current difficult economic climate, a number of changes within the s106 agreements to that originally envisaged had been requested by the developers, in order to allow the developments to proceed.

It was noted that the normal practice for the County Council was to have financial / legal agreements in place to minimise the risk of non payment or late payment of S106 monies. This was normally undertaken by requiring developers to provide a bond to an equivalent value of the s106 obligations. However at the current time, bonds were largely unavailable and several of the developers had indicated that they could not obtain such bonds. In response and in order to provide maximum security for the Council as an alternative, officers had negotiated that should developers best endeavours to secure a bond fail, that they should provide Parent Company Guarantees.

Highlighted during the course of negotiations with the developers at Trumpington and Clay Farm was that there was a significant up front cash flow problem for the developer given the way that the agreement was originally constructed. As a consequence, developers had asked for financial assistance in the early years of the development, to be paid back at a later date. As such, officers had discussed the possibility of the County Council using its prudential borrowing powers to borrow up to £5M to assist the developers cash flow in relation to the education payments for construction of the secondary school. All borrowed monies would be returned to the Council with accrued interest through the s106 agreement. As there were still a significant amount of negotiation needed prior to concluding the agreements a further report would be brought back to Cabinet.

Councillor Shepherd, the local Member for Trumpington, speaking in support of the safeguards / flexible financing arrangements proposed for Clay Farm suggested that for additional security the Council should consider seeking to secure a joint and several liability agreement in addition to the Parent Company Guarantees being sought from a number of the developers. It was explained that this would not be appropriate in the case of Clay Farm which was a single developer site. In relation to the Addenbrooke's development, those involved had refused to be party to such an agreement, only willing to agree to their own liability exposure and not those of other partners. This was also the case for Trumpington Meadows where there were two developers.

A second issue in respect of the Addenbrooke's site related to how the planning obligations transferred, should the land ownership change. Under normal terms of S106 agreements, the obligations would transfer with the title in the land. However the landowners and developers were not prepared to accept this, but instead offered to enter into a Section 111 (S111) agreement under the Town and Country Planning Act 1990.

Cabinet was informed that the negotiations for the Bell School had secured agreement in principle for all of the capital and revenue contributions set out in Appendix 2 of the report. No significant changes had been requested by the developers and therefore it was considered reasonable to proceed to sealing of the S106 in relation to this site.

In response to questions on the possible completion of the development updates the following was reported:

- Addenbrooke's main access road August / September
- Shelford Road – later in the year
- Hauxton Road – early 2010
- Construction of the Boulevard at Addenbrooke's was estimated for around May 2010 subject to the agreement being signed.
- The requirement with the Highways agency was for the M11 works to be completed in advance of the Addenbrooke's access road being opened.

It was resolved to:

- i) Approve the use of a Parent Company Guarantee and a Section 111 agreement under the Town and Country Planning Act (1990) to provide security for the Section 106 payments due to the Council for the Addenbrooke's 2020 site and to authorise officers to seal the Section 106 agreement;
- ii) Approve the use of a Parent Company Guarantee to provide security for the Section 106 payments due to the Council for the Trumpington Meadows site and to authorise officers to seal the Section 106 agreement.
- iii) Authorise officers to continue negotiations on the Section 106 agreement with Countryside Properties for the proposed development at Clay Farm and Glebe Farm and as part of this, to approve use of a Parent Company Guarantee to provide security for the Section 106 payments due to the Council and prudential borrowing up to £5m, repayable through the s106 agreement.
- iv) Authorise officers to seal the Section 106 agreement for the proposed development at Bell School.

11. SAFEGUARDING CHILDREN AN UPDATE

Cabinet received a report updating it on the outcome of the Review of Safeguarding in Cambridgeshire and providing details of the additional investment undertaken in social care.

Cabinet was reminded of the background to the current report as follows:

- in April 2009, Children and Young People Services (CYPS) had reorganised and established a new countywide directorate for Children's Social Care, under a single Service Director. The new Directorate brought together all aspects of social care for children and young people and with a single management structure was expected to also help ensure consistent standards across the county.
- Social care (Staying Safe) had been graded as a 2 "adequate" since the Joint Area Review (JAR Inspection) in October 2007. All other aspects of Children and Young Peoples Service had been graded as a 3 "good". Whilst performance across the whole of Children's Services had improved during this time, performance in social

care had not been consistent. There had been significant challenges in recruiting and retaining social work staff, often contributing to variable performance in a number of key areas.

- The recent tragic death of Baby Peter and the subsequent JAR in Haringey required all local authorities to scrutinise their safeguarding arrangements and to ensure that there were clear lines of accountability. As a result, there had been a focus on child protection and safeguarding arrangements within local authorities, particularly the lead role of social work.
- Cambridgeshire had undertaken a review of safeguarding as set out in paragraph 2.6 of the report, with current performance and demand pressures on services provided in a series of tables. In the past 18 months there had been success in recruiting 55 social workers, 20 senior social workers and 20 team manager posts. While many of the senior social workers and team managers were current staff that had been promoted, most of the 55 social workers were newly qualified with many coming from areas outside Cambridgeshire. A significant number were also staff that were originally employed as Child and Family Workers and had returned to Cambridgeshire following their training. The Cabinet Member for Children highlighted that in the current difficult climate / intense media scrutiny of Social Services he had been pleased with not only the number that had been recruited but also their quality and he continued to be impressed by the dedication shown to their clients as well as the services they provided.
- In response to Baby Peter and the early work carried out in relation to reviewing caseloads, Cabinet agreed in March 2009 to a funding uplift of £485k for social care. It was decided to use this funding to recruit more social workers in order to reduce caseloads, which was seen as having an influence on recruitment and retention. The additional funding had been used to recruit to 15 additional social worker posts across Cambridgeshire with the majority of these posts now filled. The report also provided the progress against the key recommendations from the latest Lord Laming Report which had now been accepted by the Government, some of which would have had significant resource and workforce implications and for which no additional Government funding had yet been identified.

In reply to a query regarding the figures provided in table 1 on page 7 for the number of open cases and specifically the reasons for the higher number for Huntingdonshire compared to the other areas, it was explained that it covered a very rural and often isolated area which included high areas of deprivation. Currently work was being undertaken on the thresholds used, to ensure there was greater consistency in the 3 areas of the County.

It was resolved to:

- i) Note the progress made in Cambridgeshire following the review of safeguarding arrangements.
- ii) Note the outcomes of investment in Children's Social Care and the recruitment of additional social workers.

12. PROPOSED EXTENSION OF AGE RANGE AND EXPANSION TO DITTON LODGE FIRST SCHOOL, NEWMARKET

Cabinet received a report advising it of the review of educational provision undertaken by Suffolk County Council and the impact of this on educational provision in Cambridgeshire; which would require extending the age range for Ditton Lodge First School and increasing the size of the school to 210 places with effect from September 2011. An oral update corrected two errors in the original published report in recommendation (ii) removing the words “support to the publication of a statutory notice” as this had already been undertaken and in paragraph 4.3.1 replacing the word “post 16 with the word “primary”.

Cabinet was informed that in 2006 Suffolk had commenced a review of the structure of their schooling system and following extensive consultation had agreed to move from a three-tier system (first, middle and upper schools) to a two-tier system (primary and secondary). Suffolk’s review was being conducted in three phases with a review of provision in Newmarket being part of Phase 2. Cabinet noted that the educational provision for children living in the area of Newmarket which fell within Cambridgeshire’s administrative boundary was currently provided at schools in both Cambridgeshire and Suffolk. Children of Reception age and up to Year 4 (aged 4 to 9) attended Ditton Lodge First School, maintained by Cambridgeshire Local Authority (LA), and then transferred to schools maintained by Suffolk County Council for the rest of their education. In Suffolk, St Felix Middle School catered for children from Year 5 to Year 8 (aged 9 to 13), whilst Newmarket College (Upper School) catered for children from Year 9 onwards (aged 13 to 19.)

The Suffolk proposal was that all pupils who had started Year 3 and Year 4 at Ditton Lodge First School in September 2008 should transfer to the Middle School at the end of their Year 4 in 2009 and 2010. All Middle Schools in the Newmarket area would then cease admitting pupils. In September 2011 Year 5 pupils would remain in primary education, transferring to the secondary school at Newmarket College for Year 7 in September 2013.

It was noted that the latest forecasts for Ditton Lodge First School indicated that the school would remain at full capacity for the foreseeable future and was often the preferred school for Suffolk children in the nearby vicinity. It was noted that there were limited opportunities for primary children living in the area served by the school to attend other primary schools in Cambridgeshire because of the travel distances and transport costs involved. The charts included in the report indicated the latest projections regarding pupil forecasts and that the school would be operating at its proposed new capacity of 210 places by 2013/14. / Careful consideration was being given to the timeline for the proposal in order to achieve the best educational outcomes for all children involved during the transition period, with a great deal of the preparatory work already having been undertaken.

It was resolved to:

- i) Note the outcome of the Suffolk review and comment on the impact on educational provision in Cambridgeshire; and
- ii) to agree to extend the age range for Ditton Lodge First School from 4 – 9 years to an all through 4 –11 years Primary School, and to increase the size of the school to 210 places with effect from September 2011.

13. PRIMARY SCHOOL SITE AND DESIGN PRINCIPLES

Cabinet noted that as a result of further submissions received since the original consultation it would be appropriate to undertake additional discussions with partners and report back to the later September Cabinet meeting.

It was resolved:

To defer the report until the Cabinet meeting on 29th September in order to allow further consultation to be undertaken with partners following representations received since the publication of the report.

14. SIZE OF PRIMARY SCHOOL PLANNED TO SERVE THE NATIONAL INSTITUTE OF AGRICULTURAL BOTANY (NIAB) DEVELOPMENT IN NORTH WEST CAMBRIDGE

Cabinet was informed that notification had been received on 2nd July (after the drafting of the report and its subsequent despatch) that the planning inspector had issued an interim report which provided for the allocation of 1,200 additional homes on the NIAB Extra site. The announcement resulted in the need for time to assess the implications not only for additional education provision, but also the likely impact on transport infrastructure, community services and schools in the surrounding area. This would require more detailed further consideration and consultation with partners, leading to the production of a strategic plan for the North West Cambridge Fringe Developments. There would also be the need for a revised draft of the report to go for consideration through the Council's Policy Development Group consultation process.

It was resolved:

To defer the report for further discussion at a future Cabinet meeting in order to allow further consultation to be undertaken with partners on identifying both the necessary revised future education requirements and the wider consequences for the surrounding area following the announcement for an additional 1,200 homes on the allocation of land known as NIAB Extra.

15. MAJOR TRANSPORT SCHEMES FRAMEWORK CONTRACT EXTENSION

Cabinet received a report to consider the extension of the Major Transport Schemes Framework Contract.

Cabinet noted that the Major Schemes Framework Contract had been tendered in 2004 and awarded to two contractors, Jackson Civil Engineering and Balfour Beatty in October 2004. The initial duration of the contract had been for 5 years with the option to extend the contract with either or both the contractors on up to two occasions for a further period or periods totalling up to 5 years.

As the contract expired in September 2009, it was considered necessary to agree a short term extension in order to complete the schemes that were currently on site or are in the detailed design / pricing stage. For the longer term, consideration would need to be given to whether continuing with the framework in the current form was the right approach. As the

future workload for major transport schemes was currently uncertain with the Transport Commission due to report this summer and long term funding unclear, it was considered premature to make judgements on what were the best long term arrangements as these will depend to a significant extent on the scale of the ongoing capital programme. In addition, there might be potential to move towards a larger, regional level framework to generate greater efficiencies but this will take some time to develop with partners.

In reply to questions raised it was reported that the two contractors had performed well in relation to the majority of the work carried out with any problem areas having been resolved following follow up discussions and that officers did consider that the County Council had received good value for money.

It was resolved:

To extend the contract for a further 3 years with both County Council framework contractors.

16. CONSULTATION ON REGULATION OF INVESTIGATORY POWERS ACT (RIPA)

Cabinet received a report seeking to respond to a consultation launched by the Home Office on the 17 April 2009 on the use of Regulation of Investigatory Powers Act 2000 (RIPA) powers, and in particular consulting on the current codes of practice and orders.

In the introduction Cabinet noted that RIPA had not presented any new powers but had introduced a governance framework and that the proposed response suggested that the Home Office needed to lead a balanced national debate on the use of RIPA and not use sound bites to score points at the expense of local authorities. It was being suggested in the proposed response that rather than dictate a rank at which authorisations should be made, a link needed to be made to competence. Therefore the County Council was recommending the introduction of a standard course that all authorising officers must attend in line with the agreement already made internally within the County Council agreed at the April 2009 Cabinet meeting.

It was resolved to:

- i) Agree the County Council's response to the current RIPA consultation.
- ii) Agree to delegate authority to the Deputy Leader in consultation with the Cabinet Member for Economy and Environment and the Executive Director, Environment Services to agree any final changes required.

17. DRAFT FLOOD AND WATER MANAGEMENT BILL DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS (DEFRA) APRIL 2009

Cabinet received a report seeking comments in respect of a proposed response to the Department for Environment, Food and Rural Affairs (Defra) consultation on the Draft Flood and Water Management Bill.

Cabinet noted that the Bill set out a comprehensive package of measures to tackle flooding and to promote better water management and covers the activities of a broad range of organisations, including the Environment Agency, local authorities, water companies and Internal Drainage Boards.

While the Bill was generally welcomed as a good attempt to simplify arrangements, helping assign clear responsibility and leadership and promoting more environmentally responsible forms of flood management, there were serious concerns expressed regarding future funding. These related to the assumptions made about the additional costs the Bill would place on local authorities, particularly county and unitary authorities which were to be given the new lead role.

It was also agreed that the County Council's response would reflect that as the powers and obligations would in the future rest with the County Council, it would be important to build capacity and experience with partners in relation to the delivery of the new duties. Cabinet noted that the current Council response in relation to transferring the powers for levying the General Drainage charge and the Agricultural Drainage Rates to Strategic Authorities was to be revised in the light of discussions with Internal Drainage Boards to reflect the complexity of the issue of funding and the absence of an appropriate assessment on the proposal at the current time.

Cabinet noted that in terms of approving and maintaining Sustainable Drainage systems (SUDS) this would place a significant additional burden on county and unitary authorities and the response was proposing that a sustainability financing mechanism needed to be developed. It was also unclear from the consultation on what liabilities would be placed on county and unitary authorities in the event of sustainable drainage systems failing and properties flooding and whether they would be liable for claims.

Due to timing constraints the Growth and Environment PDG was to be asked to comment on the draft on 15th July following Cabinet before the final draft was approved for submission under the proposed delegated powers.

It was resolved:

- i) To note the key points raised in Sections 3 to 6 of the report.
- ii) To agree the suggested response to Defra set out in italics in Sections 3 to 6 with the changes suggested at the meeting by the Service Director: Environment and Regulation.
- iii) To delegate authority to the Lead Member for Economy and Environment in consultation with the Executive Director: Environment Services to agree the final consultation response on behalf of the County Council, based on the contents of the report as amended at the Cabinet meeting and also taking into account comments received from the Growth and Environment PDG to be held on 15th July 2009.

18. RESPONSE TO CAMBRIDGE CITY COUNCIL'S CONSULTATION ON THE SUSTAINABLE COMMUNITIES ACT

Cabinet received report in order to consider and agree a response to Cambridge City Council's proposed Sustainable Communities Act submission to Government.

Cabinet noted that The Sustainable Communities Act 2007 formed part of a package of legislation aimed at empowering communities and strengthening democracy. The Act placed a duty on the Secretary of State to invite local authorities to make proposals that they considered would contribute to promoting the sustainability of local communities being defined as improving the economic, social or environmental well-being of local areas. Proposals, once submitted were to be considered by the Local Government Association. (LGA) who was likely to only support proposals from two tier Local Government areas, where both government tiers were in agreement. In answer to a question raised, it was reported that while there was a timescale for replying to the LGA, there was no timescale for the final ruling by the Secretary of State.

Cambridge City Council was seeking to submit proposals to Government under four headings – Waste reduction, transport, affordable housing and sustainability. Whilst Cabinet felt able to support three of the proposals, the County Council could not support Cambridge City Council's bid to share powers for all aspects of transport policy and planning for the reasons set out on page 5 of the report, including that in relation to transport planning, this needed to be undertaken at a strategic, county level.

It was resolved:

To approve the proposed consultation response as set out in the appendix to the report. .

19. CIVIL PARKING ENFORCEMENT (CPE) CONTRACT PROCUREMENT

Cabinet received a report in order to be able to consider contract procurement arrangements for a new civil enforcement parking contract for Cambridge.

Cabinet noted that arrangements for the termination of the City Council agreement on 31st March 2010 were being agreed with the City Council with discussions undertaken on an agreement whereby the County Council would provide enforcement within the City Council's off-street car parks where and when it required it. The current contract with Legion Parking for enforcement services in Cambridge was being extended through to 31st March 2010 and a new contract needs to be in place for 1st April.

It was reported that officers (including some of those who would transfer from the City Council to the County Council upon termination of the parking services agreement) had reviewed the options available for the procurement of a new contract as set out in the report, including the rationale for the final recommendation.

In terms of the original recommendation ii), Cabinet received an addendum report explaining that since the publication of the original Cabinet agenda further work had been undertaken on the procurement strategy, in particular the procurement of the IT system for penalty charge notice (PCN) processing. The original proposal was to address this shortcoming by procuring the IT system under a separate contract allowing direct interaction between in-house staff and an IT provider, with appropriate financial penalties built into the contract to address poor performance. However, an efficient enforcement

process required two key elements to function in a co-ordinated way: on street enforcement to issue PCNs and the timely processing of PCNs after issue using the IT system. The procurement of an IT system through the enforcement contract, (as under the current arrangements) effectively binded together those key responsibilities through one provider, and following further officer discussion, it was considered better to retain the current arrangement of procuring the IT system through the enforcement contract which was reflected in the final resolutions agreed by Cabinet.

In respect of current negotiations with districts to widen the CPE scheme outside of Cambridge the following oral update was provided:

South Cambridgeshire District Council – had no car parks so there were no issues, and their Cabinet had agreed a resolution in favour of CPE.

East Cambridgeshire District Council - wish to move forward with it.

Fenland District Council were currently undertaking a review of its parking stock so the time might not be right for CPE.

Huntingdonshire District Council - have shown an interest but as it already undertakes some enforcement there are likely to be more issues to be resolved to allow CPE to move forward.

In terms of where the operation would be based, it was noted that the current Mill Road, Cambridge base would be retained for another two years for the remainder of the current lease after which time there would be a need to look at a site in terms of Countywide considerations.

It was resolved to:

- i) Agree the procurement of a new enforcement contractor based on the current form of contract with modifications to comply wholly with Government parking enforcement guidance.
- ii) Note the timetable for contractor procurement, shown in Appendix B of the report.

20. QUARTERLY UPDATE REPORT ON KEY PARTNERSHIPS

In order to update Cabinet and enhance accountability of the activities of key strategic partnerships it has been agreed that a quarterly report should be produced and the report therefore provided updates in respect of the following six partnerships:

- A) Cambridgeshire Together (pages 2-5 of the report)
- B) The Children and Young People Partnership (pages 5-6 of the report)
- C) Cambridgeshire Care Partnership (pages 6-7 of the report)
- D) Cambridgeshire Horizons (pages 7-8 of the report)
- E) Community Safety Strategic Partnership (8-11 of the report)
- F) Greater Cambridge Partnership (pages 11-13 of the report)

In terms of the Making Cambridgeshire Count initiative referred to in paragraphs 1.7 to 1.9 of the report , in response to some member concerns from members contacting him on not having enough detail, the Chief Executive indicated that he had asked the Corporate Director: People, Policy and Law to make the detailed specification documents available for all Members.

It was resolved:

To note the content of the report.

21. DELEGATIONS FROM CABINET TO CABINET MEMBERS / OFFICERS

To report progress on matters delegated to individual Cabinet Members and / or to officers to make decisions on behalf of the Cabinet up to May 2009.

It was resolved:

To note the progress on delegations to individual Cabinet Members and / or to officers previously authorised by Cabinet to make decisions / take actions on its behalf.

22. DRAFT CABINET AGENDA FOR 8TH AND 29TH SEPTEMBER 2009

The draft agendas were noted as set out in the second despatch.

Chairman
8th September 2009

Cambridge Infrastructure Fund (CIF2) Cambridge Gateway Comments provided by Councillor Tariq Sadiq

Councillor Sadiq expressed concerns that the junction could become a major choke point with congestion worsening at peak hours. He considered that there was likely to be considerable conflict between different road users and there could be an issue about how cycles would navigate the new junction and how cycle lanes proposed for Hills Road Bridge would integrate. Concerns were expressed that cyclists could ignore the correct route and instead cycle straight across from Brooklands Avenue into the station access road.

Notwithstanding claims about modal shift, he considered that it would be wise to assume a minimal impact on the volume of cars using the junction and the perceived conflict this would create with potentially larger numbers of cyclists (more would be likely to switch from other routes if they thought that Hills Road was safer for cyclists). The phasing of traffic lights would need to be tested for different scenarios to ensure optimal safety for cyclists and pedestrians.

Also from past experience in respect of the overrunning Hills Road Bridge works and other recent big projects, he believed that the project was unlikely to finish on time and there ought to be some contingency planning to deal with delays.