

COUNCIL	AGENDA ITEM No. 6(ii)
13 JULY 2011	PUBLIC REPORT

**EXECUTIVE REPORT – FOR INFORMATION
RECORD OF EXECUTIVE DECISIONS**

1. DECISIONS FROM CABINET MEETING HELD 13 JUNE 2011

REVIEW OF THE USE OF CONSULTANTS

Cabinet received a report from the Sustainable Growth Scrutiny Committee’s review group on the cost and effectiveness of the Council’s use of consultants including 33 recommendations on the future use of consultants by the Council to inform the development of budgets in future years.

Cabinet **RESOLVED** to endorse the recommendations to:

1. All projects involving consultants should be recorded through Verto. This recommendation is subject to officers considering whether there should be a financial threshold to this requirement to ensure appropriate use of Verto.
2. All members should be provided with access to Verto in order to improve transparency regarding consultancy spend. This will also assist to resolve any uncertainty which may exist around the commissioning of consultants.
3. The Commercial and Procurement Unit (CPU) should provide an update report to the Scrutiny Committee in Autumn 2011 regarding (1) the progress made with Qlikview reporting and the outcome of discussions with Serco (2) financial data, by department, for Q4 2010-11 and Q1 2011-12 (3) whether the use of consultants is captured across the council through consistent use of Verto (4) the level of member enquiry of Verto (5) how the spend on consultants is being recorded and monitored, and (6) confirming that there is accurate recording of savings and losses against each individual consultant or consultancy project.
4. A policy on the use of consultants ought to be written for the benefit of officers to ensure consistent application in the use of consultants across the council.
5. The council should compile a central register of transferable professional skills available within the council which should be audited on a regular basis by the HR team.
6. The council should review its further business transformation needs and assess whether the procurement of project and performance management skills will be required when the Professional Services Partnership (Amtec) contract next comes up for renewal.
7. The Verto system have a reporting function which allows it to report on minor projects involving the use of consultants (under £20k in value) to the cabinet member for resources.
8. For major projects (over £50k in value (original recommendation was £20k)):
 - a) the cabinet member for resources ought to be requested to add approval to the Verto system for projects involving the use of consultants; and
 - b) representative bodies including the Joint Consultative Forum, CMT and the Audit Committee are able to request regular reports from Verto on the use of consultants

9. Skills transfer is a written contractual requirement for appropriate professional skill contracts, particularly project and programme management, to enable officers to develop expertise which will directly benefit the council.
10. A relevant scrutiny panel (or a suitably staffed sub-committee of one formed of members preferably with audit and/or accountancy experience) should take sample projects to put under review for test of business case and efficiency.
11. Where the council engages consultants under long term contracts there should be, only in appropriate circumstances, a requirement for managers to approach the consultant at fixed periods in the contract about filling a permanent role within the council.
12. There should be improved scrutiny of the PSP contract if it is renewed in 2012. The relevant scrutiny committee should be consulted prior to any decision being made to engage specific contractors.
13. All consultants engaged at managerial level should be required to update Verto as a condition of payment.
14. Managers should negotiate fixed-price or incentive-based contracts where possible.
15. The council should whenever possible seek to fill senior management posts with a permanent employee where it is beneficial for the council and consider all other available options, (e.g. internal employees acting up) before seeking to recruit a consultant to a managerial position.
16. A report should be made to the Scrutiny Committee surrounding the errors found in Qlikview and what measures have been put in place to prevent such errors in future.
17. Where possible, the council should seek to quantify the level of grant funding which supports the use of consultants within the council. This may be possible through a reporting function within Verto.
18. Where appropriate HR should be involved in the recruitment process for consultants occupying managerial positions so that advice can be given on suitable candidates and in house expertise, skills or knowledge.
19. The CPU should be allowed access to the information gathered by HR around internal skills and knowledge so that internal skills might be accessed before reliance is placed upon consultants.
20. Managers should submit a report to the chief executive upon the proposed appointment of any consultant in an interim managerial role explaining why a consultant is to be preferred over an internal candidate. This is to ensure that officers are mindful of succession planning.
21. A further update on the progress of the creation of a centralised list of consultants should be produced and a report made to the appropriate scrutiny committee in Autumn 2011.
22. The roll out of the HR Review should be expedited to ensure that all areas of the council have been assessed by Spring 2011.
23. Progress with the PDR process should be closely monitored to ensure that managers do not take a cascade approach as was the case with the previous APD system. This system prevented front line staff from receiving timely feedback or the opportunity to identify development opportunities and act upon career aspirations.
24. The HR Review agenda should be amended to enable the chief executive and directors to identify where consultants are fulfilling positions. This information should be used to create a succession plan for ensuring that this is the most appropriate solution, or if not, to identify who could be developed to fulfil that role in future.
25. The contract management system should be made available for scrutiny by members, or reviewed by way of regular reports to a scrutiny committee.
26. That the council investigates whether to move away from OGC Solutions as a method of contracting.
27. That the council conducts a cost benefit review analysis on whether details of sub-contracting arrangements should be included in all contracts.

Cabinet further **RESOLVED** to reject the recommendations that:

1. The council should amend contract regulations and financial regulations to set out criteria officers should consider before deciding to employ consultants and that this ought to include consideration of any internal skills within the council.
2. The council should amend the Employment Committee terms of reference to include contractors and consultants whose accumulative remuneration rate over a project lifecycle would take them into the same salary grade as a head of service and that contractors and consultants at this level ought to be approved by Employment Committee before appointment whenever possible or reviewed at least at six monthly intervals to ensure that their continued engagement is appropriate.
3. Should the council produce a policy around the use of consultants (see recommendation 4 above) this should contain the criteria for engaging and monitoring consultants.
4. A skills audit should be completed through a series of workshops with top performers. Included in the audit should be details of the specific projects that staff have worked on, similar to a CV. That would help to identify those with the potential to be of 'consultant' level.
5. If a manager is shown to be disproportionately using agency staff for longer than three months then a business case should be made and entered on Verto.
6. The HR team should report to the Sustainable Growth Scrutiny Committee in late Summer 2011 on progress or completion in the area of succession planning. If this requirement can be fulfilled by moving towards liP "Silver" status the report should also contain an evaluation of whether it is financially feasible for the council to progress towards this.

ENERGY SERVICES COMPANY (ESCO) AND OTHER ENERGY RELATED PROJECTS

Cabinet received a report following a referral from Cllr Seaton and Cllr S Dalton, and the Executive Director – Strategic Resources recommending the establishment of an energy services company and the installation of solar photovoltaic tiles on the roof of the Freeman's building.

Cabinet considered the report and **RESOLVED** to:

1. Authorise the Executive Director – Strategic Resources to establish a limited company as an energy services company (ESCO) to be wholly owned by Peterborough City Council;
2. Authorise the Executive Director – Strategic Resources to approve the business case for the ESCO in consultation with the relevant cabinet portfolio holders before trading commences;
3. Authorise the Executive Director – Strategic Resources to award the contract for design, supply, installation and maintenance of Solar Photovoltaic (PV) panels on the roof of the former Freemans building at Ivatt Way, Westwood, Peterborough, PE3 7PA; and
4. Authorise the Executive Director – Strategic Resources, in consultation with the relevant cabinet portfolio holders, to establish additional organisations such as limited companies, or limited liability partnerships, either wholly owned or in partnership with investors and other public and private sector organisations, as required, to pursue other energy related projects.

OPPORTUNITY PETERBOROUGH BUSINESS PLAN*

Cabinet received a report from Opportunity Peterborough to endorse its draft annual business plan. As sole funder it was important that the council was satisfied that the draft business plan would deliver the objectives agreed.

Cabinet **RESOLVED** to:

Endorse the 2011-12 business plan for Opportunity Peterborough.

VILLAGE DESIGN SUPPLEMENTARY PLANNING DOCUMENT*

Cabinet received a report following approval of the Council's Local Development Scheme by the Secretary of State for Communities and Local Government, to supplement the overarching design policy contained within the Council's Core Strategy and following approval by Cabinet of a consultation draft SPD on 13 December 2010. Cabinet was requested to adopt the Design and Development in Selected Villages Supplementary Planning Document (adoption version) (hereafter referred to simply as the 'SPD').

Cabinet **RESOLVED** to:

Adopt the Design and Development in Selected Villages Supplementary Planning Document (SPD) to form part of the Peterborough Local Development Framework.

Cabinet further **RESOLVED** to:

Accept an amendment to both Castor and Ailsworth policies so that Policy Ail 14 (on page 14) and Cas 14 (on page 29) be amended so that they both read (amendment in italics):

“Large detached property will require particular attention and special care to ensure it fits into the character of the village, *including consideration of change on internal and external views of the site*”.

LOCAL DEVELOPMENT FRAMEWORK: CAMBRIDGESHIRE & PETERBOROUGH MINERALS AND WASTE PLAN – THE LOCATION AND DESIGN OF WASTE MANAGEMENT FACILITIES SUPPLEMENTARY PLANNING DOCUMENT (ADOPTION VERSION)

Cabinet received a report following approval by Council of a consultation draft SPD on 2 December 2009 and the subsequent approval by Council on 13 April 2011 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy. The Minerals and Waste Core Strategy Policy CS24 is the overarching design policy, whereas the detailed design guidance is provided by this SPD. Cabinet was requested to approve The Location and Design of Waste Management Facilities SPD (adoption version) (hereafter referred to simply as the 'SPD') for adoption on 19th July 2011.

Cabinet **RESOLVED** to:

1. Approve, for adoption on 19 July 2011, The Location and Design of Waste Management Facilities Supplementary Planning Document (SPD). The adoption of the SPD is also being considered concurrently by Members of Cambridgeshire County Council for adoption on 19 July 2011; and
2. Agree that the Head of Planning, Transport and Engineering approves any minor and inconsequential amendments to the SPD that may arise from the equivalent passage of the SPD through Cambridgeshire County Council's adoption process.

PETERBOROUGH 'PRELIMINARY FLOOD RISK ASSESSMENT' (PFRA)

Cabinet received a report following a Department for Environment, Food and Rural Affairs (Defra) / Environment Agency (EA) requirement to submit a Preliminary Flood Risk Assessment (PFRA) to the EA by 22 June 2011, seeking approval from Cabinet that the Peterborough PFRA meets the requirements of the Flood Risk Regulations 2009 and can therefore be submitted to the EA.

Cabinet **RESOLVED** to:

Approve, for the purpose of meeting the requirements of the Flood Risk Regulations 2009, the Peterborough Preliminary Flood Risk Assessment.

BUDGET MONITORING – FINAL OUTTURN 2010-11

Cabinet received a report informing it of the final financial performance for revenue and capital at 31 March 2011. The report contained performance information on treasury management activities, the payment of creditors in services and collection performance for debtors, local taxation and benefits overpayments and would be submitted to Audit Committee on 27 June for approval.

Cabinet **RESOLVED** to:

1. Note the capital budget and the final outturn position on the Council's revenue budget of £475k underspent;
2. Note the performance against the prudential indicators;
3. Note the performance on treasury management activities, payment of creditors in services and collection performance for debtors, local taxation and benefit overpayments; and
4. Note the challenging financial position in future years alongside the need for early planning for meeting the financial deficits indicated in later years of the MTFs including the impact to the use of reserves.

OUTCOME OF PETITIONS

Cabinet considered a report recommending it notes the action taken in respect of petitions presented to full Council.

CABINET **RESOLVED** TO:

Note the action taken in respect of petitions presented to full Council.

2. CALL-IN BY SCRUTINY COMMITTEE OR COMMISSION

Since the last report to Council, the call-in mechanism has not been invoked.

3. SPECIAL URGENCY AND WAIVE OF CALL-IN PROVISIONS

Scrutiny Procedure Rule 14 and Executive Procedure Rule 7 require any instances where the Council's special urgency provisions have been invoked, and/or the call-in mechanism was not applied, to be reported to the next available meeting of the Council, together with reasons for urgency.

Since the last report to Council special urgency provisions have been invoked in respect of the following decision:

**Energy Services Company (ESCO) And Other Energy Related Projects*
(recommendation 3)**

The Chairman of the Council's Sustainable Growth Scrutiny Committee was advised of the Council's urgency procedures being invoked in respect of this decision which:

- (i) waived the need to be included on the Forward Plan;

as to wait for the publication of the next Forward Plan would have prejudiced the Council's interest, in that the delay would mean that the contract could not be let in time for installation to commence prior to the anticipated reduction in Feed-In-Tariff from 1 August 2011.

4. **CABINET MEMBER DECISIONS**

CABINET MEMBER AND DATE OF DECISION	REFERENCE	DECISION TAKEN
Councillor Hiller 31 March 2011	MAR11/CMDN/040	<p>Formation of a lead authority regulatory services arrangement with Rutland County Council</p> <p>The Cabinet Member authorised that Peterborough City Council enter into a Shared Services Lead Authority arrangement for delivering the statutory services on behalf of Rutland County Council: Environmental Health, Trading Standards, Private Sector Housing, Licensing, Pollution, Climate Change and Biodiversity.</p>
Councillor Holdich 11 April 2011	APR11/CMDN/040	<p>Competition to Establish a New Primary School in Hampton</p> <p>The Cabinet Member authorised the Executive Director for Children's Services and the Solicitor to the Council to initiate the competition process leading to inviting proposals to run a new primary school in Hampton, as provided for in section 7 of EIA 2006 and The School Organisation (Establishment and Discontinuance) (England) Regulations 2007 (SI: 2007 No 1288) (as amended). The process is generally referred to as a "competition".</p>
Councillor Hiller 11 April 2011	APR11/CMDN/041	<p>Partnership Agreement with Stagecoach</p> <p>The Cabinet Member approved the replacement of the current De Minimis contracts for subsidised bus services between Stagecoach in Peterborough and Peterborough City Council with a new Partnership Agreement.</p> <p>This Agreement would run for the 2011/12 financial year until 31 March 2016.</p>
Councillor Lee 11 April 2011	APR11/CMDN/042	<p>Award of Contract for the Design and Construction of an Artificial Grass Football Pitch at the Grange, Netherton</p> <p>The Deputy Leader and Cabinet Member for Culture, Recreation and Strategic Commissioning authorised the award of the contract to McArdle Sport-Tec Ltd, for the design and construction of a new 3G Artificial Football</p>

		Pitch at The Grange, Netherton, for the sum of £528,973.77.
Councillor Hiller 18 April 2011	APR11/CMDN/043	<p>Local Transport Plan Capital Programme of Works 2011/12</p> <p>The Cabinet Member approved each proposed sub programme of the 2011/12 Local Transport Plan (LTP) Capital Programme of Works as follows:</p> <p>(1) 2011/12 Integrated Transport Capital Programme.</p> <p>(2) 2011/12 Highways Maintenance Programme.</p> <p>(3) 2011/12 Street Lighting Maintenance Programme.</p> <p>(4) 2011/12 Bridge Maintenance Programme.</p>
Councillor Seaton 18 April 2011	APR11/CMDN/044	<p>Authority to Procure Utility Supplies in respect of Electricity, Gas and Oil to Council Owned properties managed by Strategic Property Unit through the ESPO Framework Agreement</p> <p>The Cabinet Member authorised the procurement of the Council's utilities supply for electricity, gas and oil through the Eastern Shires Purchasing Organisation (ESPO, a Central Purchasing Body (CPB)) EU competitively tendered Framework Agreement for Supply of Gas and Electricity Ref. 191a/b/c and 301, until 30 September 2012. It was anticipated that the estimated spend across this commodity based on the 2011/2012 Council Budget allocation would be £3.1m. The cabinet member was requested to authorise the payment of all energy invoices called off from this framework until 30 September 2012.</p>
Councillor Walsh 19 April 2011	APR11/CMDN/045	<p>Supply of Temporary Agency Workers</p> <p>The Cabinet Member approved the award of a framework agreement for the supply of temporary agency staff to run from the 1st May 2011 until 30th April 2013 with an option to extend for a period of up to two twelve month periods at the Council's discretion.</p>
Councillor Seaton 4 May 2011	APR11/CMDN/046	<p>Discretionary Rate Relief from Business Rates on the grounds of Hardship</p> <p>The Cabinet Member considered an application from a company named in the exempt annex to the Decision for hardship relief and accepted the recommendation that the application be refused for the reasons outlined in the background information and the exempt annex.</p>
Councillor Seaton 4 May 2011	APR11/CMDN/047	<p>Discretionary Rate Relief from Business Rates on the grounds of Hardship</p> <p>The Cabinet Member considered applications for</p>

		hardship relief and accepted the recommendation that they be approved.
Councillor Cereste 9 May 2011	MAY11/CMDN/048	<p>Appointments to Outside Bodies New Appointment Opportunities - Peterborough Flood Risk Partnership</p> <p>The Leader of the Council & Cabinet Member for Growth, Strategic Planning and Economic Development approved the new appointment opportunity and its categorisation within the list of External Organisations as below:</p> <ol style="list-style-type: none"> 1. Peterborough Flood Risk Partnership – Strategic and Executive, Local <p>The appointment(s) to the above organisation would be made at the annual appointments meeting with group secretaries in May.</p>
Councillor Lee 10 May 2011	MAY11/CMDN/049	<p>Museum Redevelopment Project - part 1</p> <p>The Deputy Leader approved:</p> <ol style="list-style-type: none"> 1. Award of contract for the alteration, refurbishment and structural strengthening of the Museum in the sum of £874,362.45 to Murray and Willis Ltd. 2. Award of additional fees of £345,729 to Hayley Sharpe Design (HSD) for design and project management services, including procurement of site surveys (including existing layouts of electrical installations), structural strengthening works to second floor, upgrading heating installations and installation of air-conditioning within the existing building and safe removal and storage of collections as a result of these additional works.
Councillor Seaton 12 May 2011	MAY11/CMDN/050	<p>Acquisition of Freehold Interest in the land and buildings known as the Engine Sheds on Fletton Quays, South Bank</p> <p>The Cabinet Member authorised the negotiation and conclusion of terms for the Council to acquire the East of England Development Agency (EEDA) Freehold interest in the land and buildings known as the Engine Sheds on Fletton Quays.</p>
Councillor Holdich 19 May 2011	MAY11/CMDN/051	<p>School Term Dates 2012-2013</p> <p>The Cabinet Member approved the proposed term dates for the academic year 2012/2013.</p>
Councillor Holdich 19 May 2011	MAY11/CMDN/052	<p>Appointment of Authority Governor - Orton Wistow Primary School</p> <p>The Cabinet Member appointed Mrs Carly Pearson who</p>

		was changing from community to authority governor.
Cllr Cereste 23 May 2011	MAY11/CMDN/053	<p>Formation of a shared legal service arrangement with Rutland County Council</p> <p>The Cabinet Member authorised:</p> <p>(1) That a shared legal service be provided from within Peterborough City Council for both Peterborough City Council and Rutland County Council;</p> <p>(2) That Peterborough City Council accept the delegation of authority from Rutland County Council (as listed in the attached schedule) for the purpose of providing a shared legal service for the two authorities;</p> <p>(3) That those delegated functions be carried out by the Head of Legal Services appointed by Peterborough City Council to manage the delivery of legal services to both authorities; and</p> <p>(4) That the Monitoring Officer amends the Constitution to reflect those delegated functions from Rutland County Council.</p>
Councillor Holdich 31 May 2011	MAY11/CMDN/054	<p>Children's Services Transport Policy for Post-16 Students</p> <p>The Cabinet member approved the implementation of the revised policy for post-16 transport to be effective from September 2011.</p>
Councillor Cereste 31 May 2011	MAY11/CMDN/055	<p>Herlington Centre flats - Improvement works</p> <p>The Leader approved the granting of £165,000 to Cross Keys Homes Limited for the improvement works at the Herlington Centre from monies received by the Council under a s106 Agreement.</p>
Councillor Holdich 7 June 2011	MAY11/CMDN/056	<p>Award of Contract - Extension to Discovery Primary School</p> <p>The Cabinet Member authorised the award of the contract for the extension to Discovery Primary School to provide two new classrooms with associated facilities, an entrance, atrium and amphitheatre, a bio-mass boiler and general refurbishment to E.N. Suiter and Sons Ltd for the sum of £2,070,911.</p>
Councillor Lee 9 June 2011	JUN11/CMDN/057	<p>Extension of Organic Waste Composting Contract (Garden Waste)</p> <p>The Cabinet Member approved the extension of the Organic Waste Composting Contract with Organic Recycling Ltd for 1 year from 19 June 2011 to 18 June 2012.</p>

<p>Councillor Holdich</p> <p>14 June 2011</p>	<p>JUN11/CMDN/068</p>	<p>Appointment of Authority Governor - The Beeches Primary School</p> <p>The Cabinet Member appointed Mr William Peasley who had been nominated by the local authority.</p>
<p>Councillor Walsh</p> <p>16 June 2011</p>	<p>JUN11/CMDN/069</p>	<p>Extension and Variation to the Section 75 National Health Service Act 2006 Partnership Agreement for Integrated Substance Misuse Services</p> <p>A section 75 agreement derives its name from section 75 of the National Health Act 2006 and is an agreement between a local authority and a PCT which allows the pooling of resources for the purposes of joint commissioning of services.</p> <p>The Cabinet Member authorised the extension and variation to the existing Partnership Agreement under section 75 of the National Health Act 2006 with NHS Peterborough under which:</p> <ul style="list-style-type: none"> - The Agreement will be extended for a further year to cover the period until the changes in health commissioning and the future of PCTs are brought into effect; - The Agreement will reflect the changes in governance and reporting following the restructure of the Safer Peterborough Partnership; and - The Agreement will reflect any changes in the funding levels included in the section 75 agreement.
<p>Councillor Seaton</p> <p>17 June 2011</p>	<p>JUN11/CMDN/070</p>	<p>Bayard Place - replacement of air-conditioning system (legislative works)</p> <p>The Cabinet Member for Resources authorised the award of the contract to for the replacement of air conditioning systems to comply with Legislation at Bayard Place Peterborough in the sum of £888,566.52 to Princebuild Ltd.</p>
<p>Councillor Holdich and Councillor Seaton</p> <p>21 June 2011</p>	<p>JUN11/CMDN/071</p>	<p>Award of Contract for the New Build of Welland Primary School</p> <p>The Cabinet Members in consultation with the Executive Director - Children's Services; Executive Director – Resources and Solicitor to the Council:</p> <ol style="list-style-type: none"> 1. Authorised the build of a new Welland Primary School up to the value of the budget sum of £8m; and 2. Approved the variation to the design and build lump sum option contract with Kier Regional Limited (trading as Kier Eastern) to include the new build of Welland Primary School.

		This decision was further to the approval by the Chief Executive in consultation the Executive Director - Children's Services, Executive Director – Resources, Solicitor to the Council, the Cabinet Member for Resources and the Cabinet Member for Education, Skills and University, on 15 September 2010 that appointed Kier Regional Limited (trading as Kier Eastern) under a design and build lump sum option contract to build the new Ormiston Bushfield Academy.
Councillor Holdich 24 June 2011	JUN11/CMDN/072	Appointment of Authority Governor - Woodston Primary School The Cabinet Member appointed Mr Gavin Henderson who had been nominated by the local authority.
Councillor Lee 28 June 2011	JUN11/CMDN/073	Provision of Grant Support to Cranfield University The Deputy Leader approved a grant of £300,000 to be paid in instalments over three years to support Cranfield University in appointing a Chair in Renewable Energy to be based in Peterborough.

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