

**MINUTES OF THE CABINET MEETING
HELD AT 10:00AM, ON
TUESDAY 17 OCTOBER 2022
BOURGES/VIERSEN ROOM, TOWN HALL, PETERBOROUGH**

Cabinet Members Present: Councillor Fitzgerald (Chair), Councillor Steve Allen (Vice-Chair), Councillor Ayres, Councillor Cereste, Councillor Coles, Councillor Howard, Councillor Simons

Cabinet Advisor Present: Councillor Jackie Allen, Councillor Moyo, Councillor Gul Nawaz, Councillor Sainsbury

35. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor Bisby and Councillor Hussain.

36. DECLARATIONS OF INTEREST

There were no declarations interest received.

37. MINUTES OF THE CABINET MEETINGS HELD ON:

(a) 20 SEPTEMBER 2022

The minutes of the Cabinet meeting held on 20 September 2022 were agreed as a true and accurate record.

(b) 30 SEPTEMBER 2022 - EXTRAORDINARY

The minutes of the Extraordinary Cabinet meeting held on 30 September 2022 were agreed as a true and accurate record.

STRATEGIC DECISIONS

38. MEDIUM TERM FINANCIAL STRATEGY 2023-26 QUARTER 2 UPDATE

The Cabinet received a report in relation to the quarter 2 update on the Medium Term Financial Strategy 2023-26.

This report came to Cabinet as part of the Council's process for developing a Medium Term Financial Strategy and budget setting process.

The Cabinet Member for Finance and Corporate Governance introduced the report and advised that the update to Cabinet brought revised assumptions and accuracies on risk, sustainability, and viability. What had started as a £5 million budget gap had increased to £9.5 million in July and was now at £21.7 million. This was due to increasing inflation, a pay award to staff totally £2 million and a less generous business rates income.

Cabinet Members debated the report and in summary responses to questions raised included:

- Members were advised that inflation was a big burden on the budget, which could get worse. The situation would be the same for many Councils, and a number of unitary authorities were on the verge of falling over.
- Mitigation was being put in place, Members noted, through thorough reviews of all the Council's contracts, identifying those that did not include any inflationary increases.
- It was recognised that, while difficult decision would have to be made in the future, the Council was also making a greater return on its investment balances.
- Members queried whether any prudent disposal of assets were to be made and it was confirmed that the Head of Property was updating the disposals programme currently, although there was no rush. The aim was to end up with a disposal programme that was phased and sustainable of around £10-12 million a year.
- It was further noted that the Government's Autumn Statement was due shortly and may provide more information on what to expect for the upcoming year.

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

1. The revised assumptions included within this quarter two Medium Term Financial Strategy 2023-2026 update as outlined within Appendix A of the report.

REASONS FOR THE DECISION

This report provided an update on the Council's Medium Term Financial Strategy and would support the delivery of the Council setting a lawful and balanced budget for 2023/24.

ALTERNATIVE OPTIONS CONSIDERED

No alternative options had been considered.

39. HEALTH AND WELLBEING OVERARCHING STRATEGIC APPROACH

The Cabinet received a report in relation to the Health and Wellbeing Overarching Strategic Approach.

The purpose of this report was to note the direction of the Cambridgeshire and Peterborough Overarching Health and Wellbeing Strategy and the four identified priority areas.

The Cabinet Member for Adult Social Care, Health and Public Health introduced the report and advised that the approach had been developed with the Integrated Care Partnership (ICP) and the Health and Wellbeing Board. Three ambitions had been set out, including better outcomes for children, reducing inequalities in deaths under the age of 75, and increasing the years people lived in good health. These were further underpinned by four objectives which had undergone public engagement and had been endorsed by partners.

Cabinet Members debated the report and in summary responses to questions raised included:

- The Cabinet noted comments that working with partners to achieve the included objectives would be challenging, but had already found some early success, particularly around the exchanging of information which would lead to better co-ordination and efficiencies.
- It was commented that the Health and Wellbeing Board played a key role in ensuring that all the relevant people were gathered together.
- It was felt that the cost of living crisis would flow through all of the listed priorities and that the people who fell under these criteria would increase.
- A query was raised in relation to how the set out approach would deal with the impact of lifestyle issues. Members were advised that one priority included 'environmental health living', which could be used to tackle these issues. The intention, however, was to first focus on obesity, particularly in children.
- It was further commented that the Cabinet Member for Children's Services, Education, Skills and the University sat on the Health and Wellbeing Board, which was a great benefit as the two areas could work together.

Cabinet considered the report and **RESOLVED** to approve the proposals for the Overarching Cambridgeshire and Peterborough Health & Wellbeing Strategy, which will be an integral part of the Integrated Care Strategy.

REASONS FOR THE DECISION

Cabinet were asked to approve the process and content for developing the overarching strategic approach of a joint Cambridgeshire and Peterborough Health and Wellbeing Strategy.

ALTERNATIVE OPTIONS CONSIDERED

Health and Wellbeing Boards had a statutory responsibility for producing a Health and Wellbeing strategy. As such, no alternative options had been considered.

40. INTERIM BIODIVERSITY NET GAIN (BNG) APPROACH

The Cabinet received a report in relation to Council's interim approach to Biodiversity Net Gain (BNG).

The purpose of this report was to seek Cabinet's endorsement of the interim approach for Peterborough to fulfil this need while recognising the principles already set out in the Environment Act around BNG, and emerging best practice. It was intended to provide guidance for planners, Planning Committees, and developers on a credible approach as developments currently underway needed a practical and consistent approach to this challenge.

The Cabinet Member for Climate Change, Planning, Housing and Transport introduced the report and advised that the interim approach was to prepare for the final requirements coming into force in November 2023.

Cabinet Members debated the report and in summary responses to questions raised included:

- Members queried that targets set out within the report and questioned why these weren't higher. Officers advised that a 10% contribution would be a steep challenge for developers in the short term, however, in the longer term, this could be increased.
- It was noted that plans were in place to review the Local Plan during the next financial year. This would take 2 or 3 years to complete as a minimum.

- Members were advised that the proposals before them aligned with the majority of the rest of Cambridgeshire.
- It was not anticipated that there would be any financial liability involved in the proposals as the Government had provided new burden funding for all local authorities. It was, however, unknown if this would continue in the future.
- It was noted that officers were looking to collaborate with East Cambridgeshire District Council to share an officer for this work.
- It was recognised that there would be clear requirements in place for developers to provide for 30 years of asset management following creation.
- It was not felt that this would deter potential investment as, in the context of other constraints and burdens on developers, this was not significant. It was thought that such provisions would in fact add value to developments.
- Members noted that the requirement was not necessarily inappropriate on brownfield sites, which could be ecologically quite rich.

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

1. Endorse the proposals set out in the report as an interim approach of guiding principles for securing biodiversity net gain for developments within Peterborough.
2. Delegate to the Executive Director Place & Economy to make minor changes to the technical note, if required.

REASONS FOR THE DECISION

To provide a practical and consistent approach to BNG to help Planning Officers, Planning Committee and developers in the period between now and November 2023 when the Government would announce its approach.

ALTERNATIVE OPTIONS CONSIDERED

Other alternative options included:

1. Propose an alternative or modified approach – This was dismissed as it was considered that alternative approaches would not meet best practice guidance and be inconsistent with the approach taken by adjoining authorities within Cambridgeshire.
2. Do nothing and wait for more guidance from DEFRA (timescales unknown) - This would potentially lead to confusion and an inconsistent approach to BNG within Peterborough and could equally impede growth.

41. HEALTH AND CARE ACT 2022 – REFORMS AFFECTING ADULT SOCIAL CARE

The Cabinet received a report in relation to the Health and Care Act 2022.

The purpose of this report was to seek Cabinet approval to fund resources. The resources would be deployed in analysing, planning, and preparing for the implementation of changes brought about by the Health and Care Act 2022.

The Cabinet Member for Adult Social Care, Health and Public Health introduced the report and advised that action was required by the Council to introduce the reforms set out in the Act. The Council would be asked to pay the 'fair cost of care' and there would be implications across the whole of the Council.

Cabinet Members debated the report and in summary responses to questions raised included:

- The funding offer from Government was still unknown, though £200,000 had been received to date to support implementation. Officers were in the process of applying for grant funding.
- Members were advised that Peterborough were learning from a small group of local authorities how had started the process 6-months ahead, and across the Eastern region learning was also being shared.
- The fair cost of care would be a challenge to benchmark, it was noted, and would require engagement to determine what a 'fair cost' was. Peterborough was well-performing in terms of the cost of its care. As a guide, it was suggest that up to £10 million of additional spend may be required and was not currently funded for.
- It was advised that the Care Quality Commission were resuming audits after April 2023 and that the peer review currently ongoing would give the Council a good indication of areas to improve.

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

1. Approve the drawdown of up to £0.65m from the Transformation Fund for funding resources during 2022/23 to support the Council to prepare for the changes arising from the Health and Care Act 2022;
2. Note and approve:
 - a) the unfolding requirements from the Health and Care Act 2022;
 - b) the likelihood of further resource requests will be part of future reports;
 - c) the expected full programme cost for Peterborough City Council of £1.95m over a 32-month period;
 - d) the potential programme joint costs could be lowered by from synchronised working with Cambridgeshire County Council;
 - e) any further government funding received about the implementation of these reforms will be applied to reducing future requests or replenishing the drawdown on Transformation monies; and
 - f) the high-risk nature of the ASC Reforms.

REASONS FOR THE DECISION

The Health and Care Act 2022 took forward elements of the Government's vision and reform agenda for adult social care, as set out in the white paper:

- a) Building Back Better: Our Plan for Health and Social Care (September 2021) and
- b) People at the Heart of Care: Adult Social Care Reform White Paper (December 2021).

The Health and Care Act 2022 introduced reforms (ASC Reforms) that had a significant impact on adult social care, the care provider market, and on Peterborough's residents who currently were, or in the future would be, in need of adult social care support.

ALTERNATIVE OPTIONS CONSIDERED

Three generic options were considered:

- a) The Do-Nothing option would put the Council in breach of future statutory duties. This option was rejected. This was on the grounds that future service users would not be able to access vital services.
- b) The Do-Later option was considered. After consultation with colleagues across the affected directorates, it was discarded. This was on the grounds

colleagues judge we are on the critical path to implement the reforms. As noted in the risk assessment, future changes to the make-up of Government could affect this position.

- c) The Do-Some option was considered. The proposal in the report phased the work. This included delaying work in time to receive further Government guidance. Consequently, this option was recommended and detailed in the report.

42. TREE MANAGEMENT – REVIEW OF EXISTING POLICY FOR MANAGING TREE RELATED SUBSIDENCE CLAIMS AGAINST THE COUNCIL

The Cabinet received a report in relation to a review of the existing policy for managing tree related subsidence claims against the Council.

The purpose of this report was for Cabinet to determine what, if any, amendments to the Trees and Woodland Strategy were considered appropriate, and thereby recommend such amendments to the next available Full Council meeting.

The Cabinet Member for Waste and Street Scene and the Environment introduced the report and advised that the Council had a 20% tree canopy, with targets to increase. The current Tree Management Policy was highly regarded, but in light of recent concerns raised over the felling of Bretton Oak Tree, it was considered important to review it, in order to protect officers as well as the Council's finances. The Climate Change and Environment Scrutiny Committee considered the draft policy and made a recommendation around items not being referred to the Planning and Environmental Protection Committee. While the Committee's comments were valued, it was felt that referring applications to fell Council-owned trees with both TPOs and subsidence was appropriate.

Cabinet Members debated the report and in summary responses to questions raised included:

- Members noted that the decision taken in the case of the Bretton Oak Tree would not have been any different in light of the revised policy. The only difference would be in how matters were communicated. With the new policy, it was felt that people would better understand the robustness of how cases were analysed.
- It was suggested that consideration by the Planning and Environmental Protection Committee was best practice, as the committee was made up of Members from all parties, and would be more transparent.

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

1. Endorse the draft tree related subsidence policy (Appendix 1 to the report), excluding the resolution of the Climate Change and Environment Scrutiny Committee of 5 September 2022.
2. Recommend to Full Council that the Trees and Woodland Strategy be further amended by way of introduction of the newly created tree related subsidence policy.

REASONS FOR THE DECISION

The proposed updated policy for dealing with tree related subsidence claims had considered current best practice and had been developed alongside the framework of resources available to the Council and extensive working knowledge of the tree resource within the city.

Although the existing approach taken was considered an effective form of risk mitigation it was considered that trees should be more fairly accounted for in the decision making of the council. The changes made added clarity to operational guidelines and were considered beneficial to provide a clearer understanding for all customers.

ALTERNATIVE OPTIONS CONSIDERED

Other alternative options included:

1. Keep policy as existing – This was dismissed as it was considered that the Council would not adequately take account of the value of trees within the decision-making process.
2. Introduce a policy that recommends alternative forms of mitigation for all tree claims – This was dismissed as it would be financial prohibitive.

43. DELEGATION OF AUTHORITY TO NEGOTIATE AND AGREE DETAILS OF ACADEMY CONVERSION

The Cabinet received a report in relation to the conversion of Nenegate School to academy status.

The purpose of this report was for Cabinet to consider delegating authority to authorise the conversion of a school to academy status.

Councillor Coles advised that he had previously been Chair of Governors, but no longer held the position and wasn't connected to the school.

The Cabinet Member for Children's Services, Education, Skills and the University introduced the report and advised that Nenegate School was currently maintained by the Council, however an application had been approved by the Department for Education to convert to an academy. Once converted the school would be run by a trust and it was anticipated that this would be the Meridian Trust.

Cabinet Members debated the report and in summary responses to questions raised included:

- Members were advised that the decision before them covered the contract aspects of the transfer. The land and property elements of the decision would be taken under separate delegated authority.
- It was further advised that officers were happy that due diligence had been undertaken.
- Comment was made that the Secretary of State had the power to transfer the school and the Council had a duty to facilitate the conversion. If the Council did not agree to the recommendation, then the Secretary of State could take the decision, which would in turn bind the Council.
- It was noted that at this early state the complete financial implications weren't known, however, the transfer would remove the land from the Council's balance sheets, which would be the main financial implication. The other would be direct funding from Government, which would instead go directly to the trust. All maintenance obligations would transfer to the trust as well.

Cabinet considered the report and **RESOLVED** to delegate authority to the Corporate Director of People Services in consultation with the Cabinet Member for Education, Skills and University to negotiate and enter into the following, for the purposes of giving effect to the conversion of a School (Nenegate) to academy status:

1. A Commercial Transfer Agreement between the relevant parties;
2. Deed(s) of Novation between the relevant parties, if required;
3. Deed(s) of Assignment between the relevant parties, if required; and
4. Any other documentation reasonably required to facilitate the academy conversion, in the view of the Corporate Director of People Services.

REASONS FOR THE DECISION

The Council was obliged under the Academies Act 2010 to cease maintaining a school on the date it opened as an Academy and must take all reasonable steps to facilitate the conversion of a school into an Academy once an Academy Order had been made.

ALTERNATIVE OPTIONS CONSIDERED

Do nothing: The Council could choose to not enter into the negotiations or execute the relevant documents, however, this would mean that it would be in breach of its statutory obligations and the Secretary of State would make the transfer schemes under the Academies Act 2010 without the Council's consent, which would be binding on the Council. It was, therefore, preferable for the Council to reach agreement with the Governing Body of the School and Trust and enter into the CTA and associated documents in respect of these matters, rather than be subject to transfer schemes made by the Secretary of State.

44. SMALL HOMES IN MULTIPLE OCCUPATION (HIMO) ARTICLE 4 DIRECTION MEMBER WORKING GROUP

The Cabinet received a report in relation to the formation of a Small Homes in Multiple Occupation (HIMO) Article 4 Direction working group.

The purpose of this report was to seek Cabinet's approval to form a cross-party Member Working Group, to oversee the preparation of Article 4 Direction/s to control small Homes in Multiple Occupation (HiMOs), and to review / approve the terms of reference in Appendix A to the report.

The Cabinet Member for Climate Change, Planning, Housing and Transport introduced the report and advised that in certain parts of the city, HiMOs had become a difficult issues and, while necessary, needed to be regulated and maintained properly. A working group was therefore proposed to work towards the implementation of an Article 4 Direction.

Cabinet Members debated the report and in summary responses to questions raised included:

- Members recognised that a cross-party working group would provide an opportunity for all relevant issues to be raised and considered. If the work was limited to officers, the scope may be misunderstood or not supported.
- It was hoped that the progress of the working group would be swift to avoid any further delay.
- It was important to balance the proper representation of issues across the city with a speedy resolution.
- Comment was made in relation to the membership of the group and it was suggested that this should be politically proportional, in a similar manner to the current Equalities, Diversity, Disability and Inclusion Working Group.

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

1. Agree to form a cross-party Member Working Group, to oversee the preparation of Article 4 Direction/s, to control small Homes in Multiple Occupation (HiMOs)
2. Review and approve the draft terms of reference for the Working Group, subject to the amendment of paragraph 7 to read as follows:
“Nine Members will sit on the Working Group, with membership to reflect the political proportionality of the Council. The Chair of the Working Group will be the Cabinet member. Appropriate officers will attend meetings of the Working Group.”

REASONS FOR THE DECISION

To ensure that Members were aware of the issues, had the opportunity to engage with key stakeholders, and had the opportunity to influence the preparation of an Article 4 Direction.

ALTERNATIVE OPTIONS CONSIDERED

Not to establish the Working Group. This was discounted because it was important that elected Members guided the preparation of an Article 4 Direction.

Chairman

10.00am to 11.15am
17 October 2022