

MINUTES OF CABINET MEETING HELD 12 OCTOBER 2009

PRESENT

Councillor Cereste - Leader of the Council, Councillor Croft, Councillor Elsey, Councillor Hiller, Councillor Holdich, Councillor Lamb, Councillor Lee, Councillor Scott and Councillor Seaton – Cabinet members
Councillor Benton and Councillor C Day, Cabinet Advisers

1. APOLOGIES FOR ABSENCE

An apology was received from Councillor S Dalton, Cabinet Adviser.

2. DECLARATIONS OF INTEREST

1. Councillor Cereste declared a personal interest in the Cambridgeshire and Peterborough Minerals and Waste Development Plan Documents item in relation to one of the sites referred to in the document.

2. Councillor Cereste declared a non-prejudicial interest in the Medium Term Financial Plan item by virtue of his position as Chairman of NHS Peterborough.

3. MINUTES

The minutes of the meeting held on 6 July 2009 were agreed as an accurate record subject to an amendment to the update on the works in St Peter's Arcade.

4. INTRODUCTIONS

The Leader of the Council introduced Bethany McTrustery, a pupil of Arthur Mellows Village College, and Kieron Singh, a pupil of the Voyager School who were shadowing the Leader and the Chief Executive as part of Local Democracy Week.

5. CABINET MEMBER UPDATES

Cabinet received a written report on activities within Cabinet Members' individual portfolios and also received the following verbal updates:

- Councillor Lee: the recent Great Eastern Run had been a great success and thanks were conveyed to the sponsors and the participants.
- Councillor Scott: this was Local Democracy Week and events were being held throughout the week.
- Councillor Seaton:
 1. the number of calls taken by the call centre was rising due to new services offered.
 2. work had started on the demolition of the Corn Exchange building.
 3. ICT managed services had on 1 October 2009 transferred to SERCO.
Thanks were conveyed to SERCO and to staff for their work in resolving a server problem during the handover period.
- Councillor Elsey: Westgate House is to be thanked for sponsoring the Christmas Lights switch on this year.

- Councillor Lamb: a new course for carers is beginning this month and will provide a good opportunity for them to meet, seek advice and make friends.

6. ITEMS FROM SCRUTINY COMMITTEES AND COMMISSIONS

6.1 CULTURE TRUST

Cabinet received a report on the work undertaken to date to explore the formation of a trust for the delivery of cultural services and which sought agreement to proceed with further work to create such a trust, including formal consultation with staff and the development of a business plan.

There were a number of different ways the Council could deliver and develop cultural services and the optimum delivery method for Peterborough had been the subject of consideration since the Council's Best Value review in 2004. Key to this review was a study by KPMG (2005) which was enhanced by a report produced by Deloitte in October 2006. This work had recently been refreshed by leading leisure trust solicitors Lawrence Graham. The conclusion of these reviews was that a trust would provide the best delivery option to meet the Council's aspirations. The work of Lawrence Graham had re-confirmed the suitability and deliverability of this option.

It was anticipated that a further report would be presented to Cabinet in February 2010. This report would include the outcome of formal staff consultation on the principles of transferring staff to the trust, and a proposed business plan for the culture trust. It would also include detailed information on the impact on the Council of a transfer to a trust, including the expected cost of ongoing financial support, and also the impact on other Council support services. Members queried whether sports facilities connected to community centres were likely to be included within the Trust. The Cabinet Member for Environment Capital and Culture advised that there was certainly the potential in the medium to long term and that this would be included within the business plan. The business plan would cover all of the key issues relevant to forming and delivering a culture trust.

CABINET RESOLVED TO:

1. Give authority to the Director of Operations to commence the process of establishing a not-for-profit distributing organisation (a 'trust') subject to appropriate consultation with staff and the agreement of a detailed business plan.
2. Approve the inclusion of the following services within the scope of this work: Arts (including the Key Theatre and Gallery), Heritage (including the Museum), Library (all existing services) and Sports Services (all existing services).
3. Approve a detailed full options appraisal of bereavement services (including the crematorium), to identify the optimum way of delivering this service.
4. Agree to the formation of a shadow board as part of the process of establishing a not-for-profit distributing organisation (a 'trust').

REASONS

To improve service delivery and efficiency of cultural services in Peterborough.

ALTERNATIVE OPTIONS

1. In July 2005 KPMG concluded a study which explored a range of options for the then Culture and Recreation Services section of the Council. This review covered in-house delivery, tendering for a commercial operator, a mixed approach to delivery of services and the formation of a trust. This study was followed up in October 2006 by a review by Deloitte which considered the same options. The studies concluded that the optimum way of delivering the kind of cultural services desired by Members was through a trust. Both the KPMG study and the Deloitte study was reviewed by leading

leisure trust solicitors Lawrence Graham; their conclusion, following a review of the services, was that the delivery of services through a trust remained the optimum way of delivering those services.

2. One option considered and discounted at this stage is the inclusion of bereavement services within the trust. The primary reasons for this are as follows:
 - while there are clear synergies between art, heritage, library and sport (each of these having a link to people's leisure interests and lifestyles) there is not a natural fit with bereavement services
 - there are some limited financial advantages to be obtained by moving bereavement services into a trust, however it is questionable on whether business rates would be recoverable as crematorium services are not considered as charitable.

It is proposed that a separate piece of work is undertaken to fully explore all future options for bereavement services and this work will influence the final decision on whether or not this should be included in any trust.

6.2 PETERBOROUGH LOCAL DEVELOPMENT FRAMEWORK: PETERBOROUGH CORE STRATEGY (PROPOSED SUBMISSION VERSION)

All local planning authorities were required to have a Local Development Framework (LDF), a suite of planning policy documents allocating land uses to deliver the City's growth.

The Core Strategy, which was at the heart of the LDF would become part of the statutory development plan when it was completed, and, as such, would be part of the Council's major policy framework. It would be one of the documents that would gradually replace the existing Peterborough Local Plan. Under the new arrangements there would not be a single 'Plan' for Peterborough, but a suite of documents that together comprised the LDF.

The regulations and guidance on the preparation of documents within the LDF provided for various stages, with differing opportunities for public involvement at each stage. On 31 March 2008 Cabinet had approved a 'Preferred Options' version of the Core Strategy for public participation. Consultation on that version had taken place over a six week period during May and June 2008. A total of 878 comments had been received, all of which had been considered and taken into account in preparing the (Proposed Submission) version of the Core Strategy. Cabinet received a summary of the main issues from comments received during the public consultation along with a summary of some of the key features of the recommended Proposed Submission version.

Councillor Walsh, ward member for Stanground Central addressed Cabinet stating her objection to the inclusion within the Core Strategy of the proposed Magna Park development. Although she did not object to the principle of the development, it was the size and scope of it that was of concern. In addition the site was designated as a flood plain. Councillor Walsh warned against rushing into approving the development without looking at all the evidence and hearing local views.

Members raised concerns about the infrastructure requirements of the large developments proposed in the document and asked for reassurances around Section 106 requirements, in particular that ward councillors should be fully involved at an early stage in the negotiations.

Members also asked for reassurances that the document covered the rural areas and that the character of those areas would be preserved. Officers gave assurance that this was the case, and also confirmed that ward members would be fully consulted on any large development proposed for their ward prior to a planning decision being made.

CABINET RESOLVED TO:

1. Recommend the Peterborough Core Strategy (Proposed Submission Version) to Council for approval for the purposes of public consultation and submission to the Secretary of State.
2. Authorise the Cabinet Member for Strategic Planning, Growth and Human Resources to approve, by Cabinet Member Decision Notice, a list of amendments (if any) to be incorporated into the Core Strategy arising from the outcome of Sustainability Appraisal and Habitats Regulations Assessment, which were due after the date of the Cabinet meeting, with that list being presented to Council for approval together with the Core Strategy.
3. Note the arrangements for consultation with the new Neighbourhood Councils, with any comments made by these Councils being presented to Council for consideration alongside the Core Strategy.
4. Agree that local members must be involved from the earliest opportunity in Section 106 Planning Agreements in relation to any development that at any time has been included in the Local Development Framework.

REASONS

Cabinet was recommended to approve the Core Strategy (Proposed Submission version) because it would help to progress the Sustainable Community Strategy vision for a bigger and better Peterborough that grows the right way; and because production of the Core Strategy is a statutory requirement.

ALTERNATIVE OPTIONS

The alternative options of not producing a Core Strategy or not taking into account comments made at the Preferred Options stage were rejected, as the Council would not be fulfilling its statutory requirement.

6.3 CAMBRIDGESHIRE AND PETERBOROUGH MINERALS AND WASTE DEVELOPMENT PLAN DOCUMENTS (SUBMISSION STAGE)

The Minerals and Waste Plan was being produced jointly by Cambridgeshire County Council and Peterborough City Council and would set the framework for all minerals and waste development up to 2026. The Minerals and Waste Plan, when adopted, would replace the existing Cambridgeshire Aggregates Local Plan and the Cambridgeshire and Peterborough Waste Local Plan. The Plan allocated sites to ensure a steady supply of mineral to supply the growth agenda, and to facilitate modern waste management facilities to secure a major change in the way waste was managed.

The Plan would ensure that adequate provision was made for the sustainable delivery of minerals needed for the growth agenda to 2026 and that the waste generated from existing and proposed new developments was managed in a sustainable way through a network of waste management facilities. The Plan made provision for a range of suitable sites for the development of an appropriate number of waste management facilities in the period up to 2026.

The Minerals and Waste Plan comprised:

- **Core Strategy:** a document setting out the strategic vision and objectives, and including a suite of development control policies to guide minerals and waste development
- **Site Specific Proposals:** Document setting out site specific proposals for mineral and waste development and supporting site specific policies

Three Draft **Supplementary Planning Documents** (SPDs) had also been prepared:

- The '**RECAP Waste Management Design Guide**' SPD would provide advice on the inclusion of facilities for the storage and separation of waste within new housing and commercial development.
- The '**Design and Location of Waste Management Development**' SPD would provide potential developers of waste management development with detailed advice on the design and location factors influencing the development of a range of waste management development.
- The **Block Fen/Langwood Fen** area did not fall within the jurisdiction of Peterborough City Council. However, it was an area where mineral extraction (mainly sand and gravel) would be focused and where there would be significant landfill of inert waste. It would therefore make a significant contribution to achieving the objectives of the Minerals and Waste Plan and the SPD set out in detail the intended phasing and other issues to take into account in the ongoing mineral extraction and landfill operations in the area.

Members raised concerns that proposals for major waste management facilities may not show up in any land searches for people buying property in the area, and suggested that this may cause difficulties for local ward members if they were not kept fully informed of proposals and developments. Officers gave assurances that proposals for a waste management facility the west of the city had not significantly changed. Only those proposals in the adopted plan would show up on a standard land search; however a prudent purchaser could undertake other searches. Officers agreed that it was important to involve local ward members when consultations on proposals were being undertaken.

CABINET RESOLVED TO:

1. Recommend that Council approve the publication of the following Cambridgeshire and Peterborough Minerals and Waste Development Plan Documents for pre-submission consultation in February/March 2010 and the submission of the Documents to the Secretary of State
 - Core Strategy Development Plan Document
 - Site Specific Proposals Development Plan Document
2. Recommend that Council approve the publication of the following Cambridgeshire and Peterborough Minerals and Waste Draft Supplementary Planning Documents for consultation in February/March 2010
 - Location and Design of Waste Management Development
 - RECAP Waste Management Design Guide
3. Note the publication of the following Cambridgeshire and Peterborough Minerals and Waste Draft Supplementary Planning Document for consultation in February/March 2010:
 - Block Fen / Langwood Fen Master Plan
4. Note that any amendments necessary to the documents following their consideration by Cambridgeshire County Council would be approved by the Cabinet Member for Strategic Planning, Growth and Human Resources in consultation with officers.

REASONS

To progress the development plan documents in line with the agreed targets and milestones set out in the Peterborough Local Development Scheme 2007-2010 (revised April 2007).

ALTERNATIVE OPTIONS

1. The implications of not progressing the documents would be to potentially hinder the planning of strategic resources required for Peterborough's and Cambridgeshire growth agendas. The Minerals and Waste Development Plan would be vital in ensuring that

construction materials were available to support the growth agenda in this area, and that sustainable waste management was available for new and existing communities. The Plan period was 2003 to 2026.

2. The ability to meet the Local Development Scheme targets would bring financial benefits to both authorities in the form of Planning Development Grant monies.

6.4 PETERBOROUGH CITY SERVICES (“PCS”)

Peterborough City Services (“PCS”) as an entity had become increasingly vulnerable to elements of competition, and a review of the options for the service had been undertaken in 2008. The review’s conclusion was that PCS needed to be freed from some Council controls to allow it to grow and develop and there were a range of options on how this could take place. Hence, PCS’s portfolio was included in the Waste 2020 Programme procurement to test the market’s appetite for working collaboratively with the Council to deliver services.

A high level commercial review of PCS’s business portfolio had been conducted during 2009. Its purpose was to review PCS’s current operating activities, funding position and development prospects from a commercial perspective. In May 2009 the Council took the opportunity to include PCS in its Industry Open Day for the Waste 2020 Programme to test market reaction to the proposals. The programme consisted of Lot 1: Energy from Waste facility; Lot 2: Materials Recycling Facility; and Lot 3: Operational Services (PCS). Procurement was based on a Competitive Dialogue procedure, allowing the Council and bidders to discuss and develop proposals that would be suitable to the Council and the market. The procurement had generated a healthy response from the market for all Lots and the Council was well positioned to test the full range of proposed value added solutions for Lot 3 through this exercise.

The decision process was proposed as:-

- Later in October 2009: conclude evaluation of shortlisting bidders to be followed by a Cabinet Member decision by Deputy Leader to select the shortlist of bidders to take forward to Competitive Dialogue to commence with Invitation to Submit Outline Solutions (ISOS).
- November 2009: ISOS issued to shortlisted bidders enabling them to specify in outline how they intend to satisfy all the Council’s requirements followed by further discussions with bidders.
- End of May 2010: Invitation to Submit Detailed Solutions enabling bidders to specify in detail how they intend to satisfy the Council requirements followed by further discussions with bidders on scope, solutions and other matters;
- By October 2010: finalise Competitive Dialogue so that scope and contract conditions are settled prior to call for final tenders and Call for Final Tender
- March 2011: Return date for Final Tenders;
- By June 2011: Conclude evaluation of Final Tenders and recommendation on award;
- July 2011: Further executive decision by Deputy Leader to award the contract(s);
- July 2011: Following notice of intention to award contact(s)

CABINET RESOLVED TO:

Endorse the decision process outlined in paragraph 4.7 of the report.

REASONS

For Cabinet to endorse a way forward for PCS (Lot 3) to deliver quality service standards, meeting the Council’s environmental targets, comprehensive area assessment and local area agreement commitments at a minimised financial cost and risk in the medium to long-term.

ALTERNATIVE OPTIONS

A range of alternative service delivery options had been considered for PCS. Consideration had also been given to contingency plans should the procurement not proceed (e.g. bidders fail to provide an affordable solution). In such circumstances, the Council's principal alternative options would include (i) re-procurement on a potentially different basis outside the Waste 2020 framework; or (ii) maintenance of the status quo with internal re-organisation of PCS and central management functions.

7. STRATEGIC DECISIONS

7.1 MEDIUM TERM FINANCIAL PLAN 2010/11 TO 2014/15

A report was presented to Cabinet as part of the council's agreed process for integrated finance and business planning. The Council's agreed Annual Budget Framework required Cabinet to consider the Council's budget and financial strategy and to set provisional cash limits for the forthcoming year.

The report:

- updated Members on budgetary pressures in the current financial year and the actions in hand to deliver a balanced budget position
- updated Members on the likely financial situation of the Council over the next five years, and illustrated the possible impact on the Council of the poor national public finance position
- outlined the approach to the budget process and budget consultation
- set provisional Control Totals for each department to work to in preparing the detailed budget for each of the years 2010/11 to 2014/15

It was anticipated that the process would have three distinct stages:

- I. Departments would build detailed budgets, based on the 2009/10 budget as adjusted for inflation and efficiency savings; and with regard to the 2009/10 Budgetary Control Reports and the 2008/09 outturn position. In addition departments would be required to create capacity to ensure that sustainable longer term priorities and savings required could be met.
- II. Departments would be challenged on their plans and priorities, and options for realigning resources accordingly and for closing the gap between income and expenditure would be considered corporately. Any agreed realignment of resources would be used to adjust the base budget.
- III. The budget would be consulted upon following the December cabinet meeting to seek views from the public, businesses, members and staff prior to the budget being approved during February 2010, ensuring that decisions made reflected these community views.

The 2009-10 budget had been set in the context of the continuing effects of the recession and in particular the reduced income streams expected, the impact of the Icelandic bank investment and potential for increased pressure in demand led budgets. The Council had faced additional budget pressures in year which if left unmanaged would total £8m.

Members raised concerns at the impact on the schools' budget which would be facing a cut whilst the council was under pressure to improve school attainment. In addition the council's university aspirations would be affected by the cuts.

The Council remained committed to its strategy in delivering service efficiencies and improvements using a proactive approach to managing council finances. A range of actions and measures had been implemented to manage these additional pressures. There remained an on-going risk that further issues could emerge, or that action plans could not be delivered. Rigorous financial monitoring over the remainder of the financial year would be essential.

Several budget scenarios on the impact of future funding levels had been modelled to assist decision making in setting the budget for 2010/11 and provisional budgets for the following four years. Cabinet received a summary of the anticipated financial position. The MTFs approved by Council in February 2009 had assumed Council Tax increases of 2.5% in each of the years up to and including 2011/12. It had been assumed that the tax increase would follow through in each year to 2014/15 and was used for modelling purposes only at the current stage. Further decisions would be required by Cabinet to establish an acceptable option on which to consult with the public, well before any final decisions next year. Key risks had been considered and would be continued to be monitored throughout the budget setting process and next financial year.

CABINET RESOLVED TO:

1. Note the budget and performance report to the end of August, and endorse the actions to manage budgetary pressures in the current financial year and to deliver a balanced budget position.
2. Continue to endorse the Greater Peterborough Sustainable Community Strategy 2008-2021 priorities of:
 - Creating the UK's environment capital;
 - Create strong and supportive communities;
 - Delivering substantial and truly sustainable growth; and
 - Creating opportunities – tackling inequalities.

These priorities continued to be underpinned by specific performance targets outlined in the Local Area Agreement

3. Note the future summary financial position and its implications for the medium term financial plan, in particular the potential impact of the state of national public finances on the Council's future grant settlements and financial position.
4. Approve plans to consult with Scrutiny and Stakeholders on the medium term financial plan.
5. Approve the approach that was proposed for the budget process incorporating the medium term financial strategy (MTFS).
6. Approve the control total figures for departments to enable them to begin to prepare a draft budget for financial years 2010/11 through to and including 2014/15.

REASONS

The understanding of key figures and the issuing of control totals were integral parts of the budget process. These steps would help to ensure that the Council achieved a balanced budget, aligned to corporate priorities.

ALTERNATIVE OPTIONS

The issue of departmental cash limits was considered, as this was what has been done in previous years. This did not seem appropriate given the commitment to move forward with the corporate prioritisation procedures.

8. MONITORING ITEMS

8.1 PERFORMANCE MONITORING REPORT – QUARTER 1 – 2009/2010

The report provided an overview on the council's performance between April and June 2009 against the targets and indicators in the Local Area Agreement (LAA).

The position at the end of the first quarter showed 25 (33%) indicators on track, 26 (34%) indicators slightly off track and 19 (25%) off track. Performance for the six other indicators could not be determined. In addition there were five indicators where information was not

available but performance had been identified as areas of risk i.e. either Amber or Red. The best performing priority was Environmental Capital with 9 (56%) of indicators on track and the worst performing was Opportunities and Inequalities with 13 (37%) indicators off track.

There were 19 consistently strongly performing indicators across all four priority areas (25% of the LAA), 8 improving indicators (10% of the LAA) and there were 32 indicators (42% of the LAA) where performance had either;

- deteriorated since previous quarter - 17 indicators (22% of the LAA)
- remained slightly off track and therefore at risk - 8 indicators (11% of the LAA)
- where performance was previously unknown and had now been determined as at risk - 7 indicators (9% of the LAA)

There were 10 persistently challenging indicators (13% of the LAA).

CABINET RESOLVED TO:

Note performance against the Local Area Agreement priorities for the first quarter of 2009/10.

REASONS

Failure to monitor performance would mean that Cabinet would not be able to ensure that the council achieved its intended outcomes.

ALTERNATIVE OPTIONS

The report was presented for monitoring purposes.

8.2 OUTCOME OF PETITIONS

CABINET RESOLVED to note the action taken in respect of the following petitions presented to full Council:

PETITION FOR A PLAY AREA FOR ALLEXTON GARDENS

This petition had been presented to Council on 6 July 2009 by Councillor Ash and asked for a safe play area for children in Allexton Gardens. The Council's Neighbourhood Manager, Central & East Locality, has advised that the neighbourhood management team operating within this locality would undertake a thorough investigation of the issues presented. This will involve contact with all stakeholders in the area as well as implementing a community engagement plan. The team had already undertaken visited the area and had started to collate data and local intelligence, all of which would be used to solve the matter.

PETITION FOR REMOVAL OF A WALL FROM COMMUNAL AREA AT 39-49 BROOKFURLONG

This petition had been presented to Council on 6 July 2009 by Mr E Murphy and asked for the removal of a wall in the vicinity of 39-49 Brookfurlong to prevent anti-social behaviour.

The Council's City Wide Manager had confirmed that she and the Head of Operations, Peterborough City Services, Street scene and Facilities were due to carry out an assessment and would make contact with the petitioner afterwards.

PETITION AGAINST THE ERECTION OF HIGH SECURITY FENCE AROUND PLAYING FIELD ADJACENT TO NORWOOD SCHOOL

This petition had been presented to Council on 6 July 2009 by Councillor Fower and objected to the proposed erection of a high, security style fence around the playing field adjacent to Norwood School and to the loss of public access to the land via the gates on Elter Walk and Coniston Avenue.

The Council's Neighbourhood Manager, Central and East Locality responded that the neighbourhood management team operating with this locality would now undertake a thorough investigation of the issues presented. This would involve contact with all stakeholders in the area as well as implementing a community engagement plan to facilitate communications with local residents. The team had already visited the area and had started to collate data and local intelligence, all of which will be used to resolve the matter.

REASONS

Standing Orders required that Council receive a report about the action taken on petitions. As the petition presented in this report had been dealt with by Cabinet Members or officers it was appropriate for the action to be reported in this way so that it could be presented in the Executive's report to Council.

ALTERNATIVE OPTIONS

The report was presented for monitoring purposes.

Meeting closed at 11.25 am.

Chair.....

Date.....