

# CUMBRIA COUNTY COUNCIL

**Minutes** of a Meeting of the **Cabinet** held on **Tuesday 11 May 2010 at 10.00 am at County Offices, Kendal**

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## **PRESENT**

Mr E Martin (In the Chair)  
Mrs A Burns  
Mr DS Fairbairn  
Mr T Knowles  
Mrs EA Mallinson  
Mr O Pearson  
Mr GB Strong  
Mr SF Young

Also In Attendance

Ms L Hammond (For Agenda item 7(1))  
Mr D Southward (For Agenda item 7(2))

Officers in attendance:

Chief Executive, Corporate Director – Children’s Services, Corporate Director – Environment, Corporate Director – Resources, Corporate Director – Adult and Local Services, Corporate Director –Organisational Development, Corporate Director – Safer and Stronger Communities, Assistant Director – Legal and Democratic Services, Assistant Director - Finance, Assistant Director – Policy and Performance, Assistant Director – Strategic Investment and Property, Head of Legal Practice, Interim Head of Communications, News Manager and Senior Democratic Services Officer.

The Leadership Support Officers for the Labour Group, Conservative and Liberal Democrat Groups were also present.

## **PART 1 ITEMS CONSIDERED IN THE PRESENCE OF THE PUBLIC AND PRESS**

## **1. APOLOGIES FOR ABSENCE**

An apology for absence was received from Mr AJ Markley.

## **2. DISCLOSURES OF INTEREST**

Mrs EA Mallinson and Mr SF Young declared personal interests in agenda item no 11 – Court Square, Carlisle (minute no 11) as members of Carlisle Local Committee. Mr G Strong declared a personal interest in agenda item no 14 – Holdhird Trust Property at Low Fold, Troutbeck – Proposed Sale (minute no 14) as a member of the Trust Board. Mrs A Burns declared a personal interest in agenda item no 15 – NoW Card Retendering as the holder of a concessionary travel card.

## **3. MINUTES**

The minutes of the meeting of Cabinet held on 30 March 2010 were confirmed as a correct record and signed by the Chair.

## **4. EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED**, that the press and public be excluded from the meeting during consideration of agenda item no 14 (minute no 14) Holehird Trust Property at Low Fold, Troutbeck – Proposed Sale and agenda item no 15 (Minute no 15) Now Card Retendering on the grounds that they contain exempt information by virtue of paragraph 3 or Part I of Schedule 12 A of the Local Government Act 1972 relating to financial or business affairs.

## **5. STATEMENTS BY THE LEADER OF THE COUNCIL AND CABINET MEMBERS**

There were no statements for this meeting.

## **6. PUBLIC PARTICIPATION**

There had been no requests to use the public participation scheme for this meeting.

## **7. REFERRALS FROM SCRUTINY**

### **(1) Free School Meals**

Cabinet considered a report from the Children and Young People Scrutiny Panel which had established a Task and Finish Group to consider the

proposed Free School Meals Pilot following a request by Cabinet at its last meeting. The Chair of the Task and Finish Group, Councillor Hammond, attended the meeting to present the report. Also considered was a report from the Cabinet members Children's Services setting out the response to the findings of the Task and Finish Group.

The Task and Finish Group had, on balance, supported the pilot and highlighted a number of positive effects that would arise from it. They did, however, have some concerns relating to the costs involved, how the success of the pilot would be measured, the fact that only a small number of children would benefit from the pilot and the possible raising of expectations amongst parents that the scheme would continue.

The Cabinet member thanked the Task and Finish Group for their work on this issue and presented a report responding to the findings of the Group. The Cabinet members and the Corporate Director also had concerns about the future of the scheme beyond the pilot stage and care would be taken to ensure that parents were made aware that funding was only available for a short time pilot at this stage and that there was absolutely no guarantee as to any future funding. The Pilot would be useful to gauge the benefits of such a scheme and this learning would inform future developments.

**RESOLVED**, that having completed the consultation with affected schools and having been examined and challenged by the Scrutiny Task and Finish Group approval be given to entering into the Free School Meals Pilot.

## (2) **Review of Electoral Arrangements for Cumbria**

Cabinet considered a report from the Scrutiny Management Board presented by the Chair, Mr D Southward together with a report from the Cabinet member regarding the scrutiny call-in of the Cabinet decision on the review of electoral arrangements. The call-in related to "whether the limited consultation undertaken did actually constitute a true conversation with the public as Council, in passing its motion, might have reasonably expected".

A full discussion regarding the extent to which the "conversation" provided the Council with any meaningful public views had been debated at the call-in meeting and the conclusion had been that it had not and the issue was referred back to Cabinet for further consideration.

A number of views had been put forward at the call-in meeting including the need to examine the number of elected representatives across Cumbria as a whole (ie district and county members). This was an issue

that the Leader agreed to discuss further with his district council Leader colleagues to establish whether there was any enthusiasm on their part to review elected representation across the county. In view of the response to the call-in Cabinet felt it was not appropriate to undertake further work to engage the public in a conversation regarding electoral reform as the Boundary Committee would undertake more wide ranging consultation if they carried out a review. In the meantime members asked for a further report on the issues raised before a decision was made to invite the Boundary Committee to carry out a review in Cumbria.

**RESOLVED**, that

- (1) the outcome of the Call-in be noted.
- (2) no further work to engage the public in a "conversation" about electoral arrangements in Cumbria be undertaken, in recognition that the Boundary Committee for England would include at least two rounds of consultation – one at the start of the review and one following the publication of draft recommendations.
- (3) further consideration be given to the County Council inviting the Boundary Committee to undertake a review, and that a further report be considered by Cabinet on the suggested approach, prior to any invitation being extended to the Boundary Committee to begin such a review.

## **8. REVENUE AND CAPITAL BUDGET MONITORING: FEBRUARY 2010**

The Deputy Leader presented a report providing an update on the Authority's financial forecast against the revenue and capital budgets for the 2009/10 financial year and covering the period to the end of February 2010.

### **REVENUE**

The Council's gross revenue budget for the financial year was £870.431m and the net budget requirement was £337.864m. The total net budget for monitoring purposes was £342.540m after incorporating approved carry-forwards from 2008/09, transfers from earmarked reserves and a change in the classification of the equal pay contribution.

The previous month's forecast showed budgetary pressures of £1.445m to be managed down to zero by Directorates, a figure which included a £1.8m pressure on the winter maintenance budget as a result of the

severe weather conditions. The latest report indicated that the total of budgetary pressure to be managed had reduced to £1.289m – an improvement of some £0.2m – even though the pressure on the winter maintenance budget had been re-assessed as £2.1m. The additional £0.3m winter maintenance pressure had been more than offset by the £0.5m further savings arising from the continuing efforts by Directorates to manage pressures.

The report also showed the cost of items transferred from capital to revenue and the cost of retirements together totalling £1.417m to be met from general reserves. This impact was offset by the receipt of £1.2m Cumbria Waste Management dividend for 2008/09 and £0.180m LABGI grant received for 2009/10 which had not been budgeted for.

The movements on earmarked reserves also included the receipt of the Department for Transport PFI grant relating to the CNDR scheme and the projected payments out of the Insurance Reserve towards the costs of the flooding damage to the Port of Workington, Cockermouth Library on other smaller claims.

The report now showed separately projections of the movement on schools reserves, evidenced by returns from individual schools where a projected drawing of £2.392m would reduce school balances, and on centrally managed schools budgets where a £0.479m underspend was projected.

Efficiency savings of £7.1m had been built into the service budgets for 2009/10. The forecast incorporated the achievement of £5.0m of savings in the current year. Work was continuing to further refine this projection.

## **CAPITAL**

The updated 2009/10 programme totalled £156.633m. The projected spend against this programme total was £121.799m – a variance of £34.834m of which £0.929m reflected scheme underspends and £33.905m was slippage into 2010/11 – of which £25.4m related to schemes where government funding allowed spend beyond the financial year.

Officers were thanked for their efforts in keeping down the overspend as much as possible which had been a very difficult task given the extreme conditions experienced during the winter. The Deputy Leader advised that reserves were not somewhat lower than he would have liked and during the next financial year efforts needed to be taken to increase them.

**RESOLVED,** that the report be noted.

## **9. WHISTLE BLOWING AND COUNTER FRAUD AND CORRUPTION POLICIES**

The Deputy Leader presented a report asking Cabinet to recommend to County Council approval of the Anti-Fraud and Corruption Policy together with a revised whistle blowing Policy.

Both of the policies had been considered by the Standards Committee and the Audit and Assurance Committee who had the functions delegated to them to implement and oversee the Whistle blowing Policy. This anomaly will be removed in a further review of the Constitution. The Audit and Assurance Committee had the sole responsibility for the Counter Fraud and Corruption Policy. Both policies required the approval of Cabinet. It was important that the Council had appropriate policies available to allow it to counter fraudulent activity and to allow staff to report concerns without fear of reprisal. Following their approval the changes would be communicated to staff.

**RESOLVED**, County Council be **RECOMMENDED** to approve the Counter-Fraud and Corruption Policy the proposed Whistle-Blowing Policy.

## **10. REGULATION OF INVESTIGATORY POWERS ACT 2000**

The Cabinet member for Safer and Stronger Communities presented a report recommending the adoption of a new corporate policy and monitoring arrangements to ensure that the authority complied with new requirements under the Regulation of Investigatory Powers Act 2000.

**RESOLVED**, that

- (1) the draft Corporate Policy to meet the Regulations of Investigatory Powers Act 2000 as detailed in Appendix I to the report be adopted;
- (2) authority to make minor amendments to the procedure to reflect the legal position and ensure the smooth working of the policy be delegated to the Monitoring Officer in consultation with the Corporate Director for Safer and Stronger Communities.

## **11. COURT SQUARE, CARLISLE**

The Deputy Leader referred to Cabinet's request that Carlisle Local Committee consider the proposed environmental improvement scheme for Court Square. He advised that the Highways Working Group and the Local Committee had been able to look at the Scheme as a matter of

urgency and had concluded that the scheme did not appear to offer good value for money. Although funding for the scheme was not from the County Council members had considered that they could not support the proposed scheme as a good use of tax payers money. Discussions had subsequently been held with the Cabinet member and some suggestions for improvements to the proposed scheme had been made. The Chair had agreed that the improvement of Court Square could be re-considered further by the Local Committee. As such it was

**RESOLVED,** that Cabinet notes that Carlisle Local Committee would not support proceeding with the current proposals for Court Square and instructs officers, in consultation with the portfolio holder, to develop amended proposals for further consideration by Carlisle Local Committee as soon as possible and to then bring an update back to Cabinet.

## **12. YOUTH CAPITAL STRATEGY 2010-2013**

The Cabinet member for Children's Services presented a report seeking the formal approval of the Youth Capital Strategy 2010-13. The Strategy was designed to develop youth services in conjunction with partners. Members had some concerns regarding the equality of provision across the county in areas such as the amount of provision, whether this was related to the number of young people in the area and the accessibility of provision to young disabled people. A further report on these issues would be brought to a future meeting.

**RESOLVED,** that

- (1) the Youth Capital Strategy 2010-13 be approved;
- (2) the decision making and reporting processes for the Youth Capital Fund as described at para 4.2.4 of the report be continued and the responsibility to make decisions on grants from the Youth Capital fund be delegated to the Corporate Director – Children's Services acting on the recommendation of the Youth Panel and following consultation with the Cabinet member for Children's Services.
- (3) a further report be brought to a future Cabinet meeting examining the equality implications of the strategy across the county

### **13. CUMBRIA COMMUNITY SAFETY AGREEMENT**

The Cabinet member for Safer and Stronger Communities presented a report setting out the priority areas of concern in regard to community safety that had been identified through the statutory strategic assessment process.

These priorities would be addressed through the Safer and Stronger Communities thematic partnership and would involve partnership working with the police, district councils, health services and other agencies.

The priorities identified to be addressed in the next financial year (2010/2011) were

- Violent Crime, especially alcohol related
- Anti Social behaviour including youth disorder
- Domestic Violence
- Prolific and Priority offenders
- Substance and Alcohol misuse
- Public Reassurance

One of the biggest contributory factors to all of the priorities as well as the majority of other crime types throughout Cumbria was alcohol misuse. As such the Cabinet member suggested that alcohol should be considered as a priority when individual themes were addressed and that opportunities for holistic working be explored. It was also suggested that issues around the night time economy should be referred to Scrutiny Management Board. The Chair of the Scrutiny Management Board who was present at the meeting advised that the Board could look at this request but that they already had a full and substantial workload and might not be able to take the request on themselves. It was reported that a good deal of investigation into this area had already been carried out by various other bodies including the District Councils, the Children's Trust and Health; this knowledge could be harnessed and learnt from rather than starting a new review from scratch.

**RESOLVED,** that

- (1) the priorities addressed through the current process be noted and supported;
- (2) issues that arise around the night time economy be referred to Scrutiny Management Board for possible consideration by the Joint Scrutiny Committee building upon information already available within the county.

## **THE PRESS AND PUBLIC LEFT THE MEETING AT THIS STAGE**

### **14. HOLEHIRD TRUST PROPERTY AT LOW FOLD, TROUTBECK – PROPOSED SALE**

The Deputy Leader presented a report seeking Cabinet approval to the sale of a residential property which was part of the Holehird Estate. Whilst the Holehird Trust Joint Committee was authorised to undertake the day to day decisions regarding the management of the Trust properties, significant decisions such as the marketing and then subsequent sale of a property was required to be taken by Cabinet (who would also be called upon to be responsible for further decisions regarding the sale of this property). The sale of Trust land and property was permitted under the terms of the Trust and the loss of income from this one property would not adversely affect the future revenue position of the Trust. The proceeds of the sale would be re-invested in the Trust thorough capital improvements to other land or property held by the Trust. The reasons the Trust felt the sale should go ahead were detailed in the report.

Members felt that the Trust should be responsible for such matters and the Deputy Leader proposed that the opportunity should be taken to ask for a review of the Holehird Trust Governance arrangements. The Head of Legal and Democratic Services advised members that this may result in the Holehird Trust being reformed on the basis of 3 county council members and 2 local people.

**RESOLVED**, that

- (1) Approval be given to the marketing of 1 Low Fold Cottages, Troutbeck for sale at market value in its existing condition, in accordance with the Charities Act 1993 as advised by an independent surveyor and subject to Cabinet approval of the final terms of sale and for the outcome of the marketing exercise to be reported to a future Cabinet for final approval.
- (2) a review of the Holehird Trust governance arrangements be undertaken (specifically but not limited to its authority to sell and let property) and how the Council's services to the Trust are charged, with a view to a further report on the position of the Holehird Trust be brought to a future Cabinet meeting.

## **15. NOW CARD RETENDERING**

The Cabinet member for Transport and Environment presented a report advising that the County Council, as the lead authority for NoWcard, had the responsibility of awarding the contract for the replacement of the AMS-HOPS managed service (a secure back-office processing system). The NowCard Partnership was responsible for delivering smart card solutions to Cumbria, Lancashire, Blackburn and Blackpool. The revenue costs of the AMS-HOPS managed contract was recharged to the travel concession authorities as part of the overall service delivering the statutory England National Concessionary Travel Scheme in the NoWcard area. In 2011/12 the County Council would become the single travel concession authority and would be responsible for delivering the national concession. Members asked that they received a briefing on this change.

**RESOLVED**, that

- (1) on the basis of the tenders received from the NoWcard AMS-HOPS managed service, the contract be awarded to Applied Card Technologies (ACT) for a period of five years, at a total cost of £642,800, with an option to extend for a further two years.
- (2) The Corporate director – Environment report to a future Cabinet Briefing meeting on the implications of the Council becoming the single travel concession authority from 2011/12

The meeting closed at 11.55am