

CUMBRIA COUNTY COUNCIL

Minutes of a Meeting of the **Cabinet** held on **Tuesday 13 July 2010 at 10.00 am at The Courts, Carlisle**

PRESENT

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

In attendance:

Miss ED Barraclough (Items 7.1 & 7.2)
Mr A Toole (Item 15)

Chief Executive, Corporate Director – Adult and Local Services, Corporate Director – Safer and Stronger, Corporate Director – Environment, Assistant Director – Legal and Democratic Services, Assistant Director - Finance, Assistant Director – Policy and Performance, Locality Director North – Children’s Services, Assistant Director – Information, News Manager and Senior Manager – Democratic Services.

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

39. APOLOGIES FOR ABSENCE

There were no apologies for absence.

40. DISCLOSURES OF INTEREST

Mrs EA Mallinson declared a personal interest in agenda item 15 (North Carlisle – School Places) as a governor of Stanwix School.

Mr T Knowles declared a personal interest in agenda item 19 (Copeland Borough Council LDF Core Strategy Regulation 25 and Development Policies Consultation) as a member of Copeland Borough Council.

Mr T Markley declared a personal interest in any items relating to Allerdale Borough Council as a member of that authority and a personal and prejudicial interest in any item relating to school transport as the proprietor of a coach company.

See minute 57 for further declarations.

41. MINUTES

RESOLVED, that the minutes of the meeting of Cabinet held on 8 June 2010 were confirmed as a correct record and signed by the Chair.

42. EXCLUSION OF PRESS AND PUBLIC

RESOLVED, that the press and public be excluded during consideration of agenda item no 20 – Proposed Sale of Land at Furness College by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, on the grounds that the report contained exempt information relating to financial or business affairs.

43. STATEMENTS BY THE LEADER OF THE COUNCIL AND CABINET MEMBERS

None for this meeting.

44. PUBLIC PARTICIPATION

None for this meeting.

45. REFERRAL FROM SCRUTINY – COMMUNITY RESILIENCE PLANNING

(a) Report from Scrutiny Panel

The Chair of the Safe, Stronger and Inclusive Communities Task and Finish Group presented a report setting out the objectives, background and findings from a review of Community Resilience Planning by members of a Safe, Stronger & Inclusive Communities Scrutiny Advisory Board Task and Finish Group.

The review considered how elected members could encourage communities to form local resilience groups recognising that such groups would need to be self supporting and sustainable

It also identified potential roles for members (as community leaders) at each of the three key phases of an emergency with a view to improving the levels of community preparedness in the event of an emergency situation.

It was intended that the scrutiny report would sit alongside existing emergency planning arrangements, feeding into and informing the County's work on Civil Contingencies and emergency preparedness for local communities.

The report also provided a useful response to the Government's recently launched Public Consultation on Community Resilience. The Chair of the panel highlighted the issue of isolated communities and suggested that it may be appropriate for a member to be on the Working Group proposed to be established.

(b) Report from Cabinet Member

The Cabinet Member for Safer and Stronger Communities thanked the Chair of the Panel for the work of the panel and welcomed its recommendations. He advised that he would keep a watching brief on the officer working group would receive regular briefings from the Corporate Director on its work and would attend the Group as appropriate.

RESOLVED, that

- (1) the report is accepted and that officers respond to the recommendations in the way outlined in paragraphs 4.11 – 4.17 of the report;

- (2) an officer working group be established to start work on a Cumbria wide strategy for community resilience planning.

46. BUDGET 2010/11 RESPONSE TO GRANT CHANGES

The Leader of the Council advised that this item had been deferred to the September meeting of Cabinet to allow for further work to be done before bringing forward proposals.

47. ASPATRIA DREAMSCHEME YOUTH FACILITY – PROPOSED COMMUNITY ASSET TRANSFER

The Deputy Leader presented a report which sought approval to a request from the Aspatria Dreamscheme, a registered charity, (the Group) for the transfer by sale or long lease of the Aspatria (Beacon Hill) Youth Centre, Market Square, Aspatria, as identified on the plan attached to the report, for £1 and other terms to be agreed, under well-being powers, in order to allow the facility to be improved using £250,000 of Communitybuilders and other funding to be secured by the Group.

Members commented that this project had been one supported by the late Leader of the Council, Jim Buchanan who had been committed to securing facilities for the youth of Aspatria. This scheme would be of great benefit to the local community and be a lasting tribute to the work carried out by Jim for the local community and the County as a whole.

In recommending approval of option 2 the Deputy Leader advised that having satisfied the requirements for the transfer of the asset it would be overly bureaucratic to require the scheme to provide regular updates on outcomes/targets as suggested at paragraphs 7.5 and 10.3 of the report and that this would not now be required.

RESOLVED, that the transfer of the freehold of the Aspatria Youth Centre building as it stands, to Aspatria Dreamscheme for £1, using well-being powers, subject to contract and condition upon the following be agreed: -

- Communitybuilders and other funding being secured;
- Detailed terms be agreed by the Corporate Director of Resources, in consultation with the Cabinet Member for Resources.

48. OFSTED UNANNOUNCED INSPECTION OF CHILDREN'S SERVICES

The Cabinet Members for Children's Services were delighted to present a report which advised of the extremely positive outcome of the recent Unannounced Inspection of Children's Services and Advice and Access Team.

Members concurred that the results were a fitting testament to the impact the outgoing Corporate Director, Moira Swann had had on Children's Services and the lives of the young people of the County. Cabinet offered its congratulations to Moira and her officers for such a positive outcome which placed Cumbria's team in the top five in the country.

The Leader asked that the communications team make every effort to publicise the good news as widely as possible.

RESOLVED, that the report be noted.

49. SCHOOL ADMISSION ARRANGEMENTS FOR ENTRY INTO YEAR 12 FOR COMMUNITY AND VOLUNTARY CONTROLLED SCHOOLS – 2011/2012

The Cabinet Member for Children's Services (Schools and Learning) presented a report regarding the Local Authority's responsibilities with respect to the admission of pupils and students to schools. This included determining the admission arrangements for entry to Year 12 for community and voluntary controlled schools.

In accordance with the School Admissions Code he advised that the Local Authority must determine the arrangements for entry into Year 12 for community and voluntary controlled schools for 2011/12, briefed members on the consultation prior to the production of the draft policy and appraised them of the statutory duties of the Local Authority with regard to this matter.

As this was the first time admission arrangements were to be determined for entry to year 12 there had been a full and extended period of consultation and if agreed the Schools Adjudicator would be requested to accept the arrangements for entry into year 12 to be agreed as a variation to the policy for school admissions for community and voluntary controlled schools as agreed by Cabinet at its meeting held on 30 March 2010.

RESOLVED, that the admissions policy for community and voluntary controlled school for entry into year 12 for 2011/12 be approved.

50. ADMISSIONS TO COMMUNITY AND VOLUNTARY CONTROLLED NURSERY SCHOOLS AND CLASSES 2011/2012

The Cabinet Member for Children's Services presented a report on admissions to community and voluntary controlled nursery schools and classes 2011/2012. Consultation had recently been completed on the proposed admission arrangements for 2011/2012.

The Assistant Director – Legal and Democratic confirmed that it was important the published admission arrangements must make clear to parents that their child's attendance at the nursery class did not guarantee admission to the school for primary education and that a separate application must be made for transfer from nursery to primary school.

RESOLVED, that the proposed admission arrangements for community and voluntary controlled nursery schools and classes for the 2011/2012 academic year which are contained in appendix 1 to the report be approved.

51. RECONSTITUTION OF THE ADMISSIONS FORUM

The Cabinet Member for Children's Services (Schools and Learning) presented a report on the number of responsibilities the Council has with respect to the admission of pupils and students to schools. This included establishing an Admission Forum. The report set out:

- in accordance with the School Admissions (Local Authority Reports and Admission Forums) (England) Regulations 2008 the membership of the Cumbria Admission Forum must be re-constituted;
- that consultation had taken place with the current Cumbria Admission Forum; and
- recommendations to enable the Local Authority to meet its statutory duty to establish a newly constituted Admission Forum in accordance with the Regulations and the School Admissions Code. He proposed an additional recommendation as follows which was duly seconded:

- 'that Duncan Fairbairn and Anne Burns be appointed to serve as the two Local Authority (Elected Member) representatives on the Cumbria Admissions Forum and that Tina Macur and Keith Little be appointed as substitute members.'

RESOLVED, that

- (1) Cabinet approves Option 2 as the membership structure for the Cumbria Admissions Forum from 1st September 2010
- (2) Duncan Fairbairn and Anne Burns be appointed to serve as the two Local Authority (Elected Member) representatives on the Cumbria Admissions Forum and that Tina Macur and Keith Little be appointed as substitute members.

52. CHANGES IN AGE RANGES IN PRIMARY SCHOOL

The Assistant Director – Legal and Democratic Services confirmed that as this was the final stage of a school organisation proposal the revised call-in arrangements/timetable applied to this matter as set out in the procedure note and constitution. This was so as to ensure that the matter was concluded within the relevant timescales and did not get referred to the schools adjudicator for decision.

The Cabinet Member for Children's Services (Schools and Learning) presented a report regarding the statutory proposals to change the age range at Dean Barwick VA School, Grasmere CE VA School and Shankhill CE Controlled School to enable them to admit 3 year olds.

The report explained the background to the publication of those proposals and the outcome of the subsequent period for representations. It then went on to ask Members to consider the approval of the proposals based upon all relevant factors as set out in the statutory guidance at appendix A to the report. The Cabinet Member confirmed that:

- Cabinet were asked to determine whether or not to implement the prescribed alteration (change of age range) proposals that were published on 14 May 2010 by the Governors at the following schools Dean Barwick VA School, Grasmere CE VA School and Shankhill CE Controlled School.

- All three schools wished to change their age ranges to enable them to admit 3 year olds.
- In determining whether or not to implement these proposals members attention was drawn to the Guidance provided by the DFE as Appendix A.
- The Assistant Director – Legal and Democratic Services had confirmed that the consultations and notice were legally correct and carried out in accordance with the DFE guidance.
- The case for the changes proposed was supported by the data contained in the report and its Appendices. The main arguments and the case for the approval of the statutory proposals were as follows: -
 - The proposals were supported by staff, governors, parents and other members in the communities they serve.
 - In each of the schools the consultation responses showed almost 100% support in favour of the changes.
 - The Business Plans produced by the Governors indicated that there was a need and sufficient support to provide a viable nursery facility at each school.
 - The changes proposed will offer an opportunity to access nursery provision to a number of children without which the distance to alternative provision could preclude.
 - The proposals will enable the Authority to meet its obligation to provide the opportunity for each child to access nursery education should their parents want it.
 - The proposals provide an opportunity for greater continuity for the children attending in that most, if not all, of the children attending the nursery will transfer into the respective main school at the start of the year in which they turn 5.
 - There are no other nursery education providers within 3 miles of each of the schools. The provision of nursery education in these schools will therefore potentially reduce travel by parents trying to access other facilities.
 - During the period for representations which followed the publication of statutory proposals, no objections were

received.

RESOLVED, that

- (1) a prescribed alteration at Dean Barwick Voluntary Aided School by extending the age from 4-11 to 3-11 to provide maintained nursery education with effect from 1 September 2010 be approved;
- (2) a prescribed alteration at Grasmere CE Voluntary Aided School by extending the age from 4-11 to 3-11 to provide maintained nursery education with effect from 1 September 2010 be approved;
- (3) a prescribed alteration at Shankhill CE Voluntary Controlled School by extending the age from 4-11 to 3-11 to provide maintained nursery education with effect from 1 September 2010 be approved.

53. NORTH CARLISLE – SCHOOL PLACES

Mr A Toole, local member for the Belah Division addressed Cabinet with regard to the proposals on the potential expansion Kingmoor Infant, Kingmoor Junior and Rockcliffe Schools. Mr Toole was concerned that many of his constituents many of whom did not own a car were faced with very long walks to take their children to school following the closure of Belah school. Whilst acknowledging the difficulties of funding capital expenditure in the current climate he suggested that consideration should be given to building a small school on part of the Belah site which would not be required by the prospective doctor's surgery. He noted that other potential sites for school provision, if housing developments took place would not offer a solution to his constituents as they were too far away. He urged Cabinet not to support the proposals for expansion at this time.

The Cabinet Member for Children's Services (Schools and Learning) presented a report which provided feedback on consultation undertaken in north Carlisle on the potential expansion of Kingmoor Infant, Kingmoor Junior and Rockcliffe Schools and proposed that Cabinet take no further action to expand school places in North Carlisle because:

- the consultation exercise produced a generally negative response
- demand for places, at present, is not outstripping supply

- there is uncertainty around future capital allocations for schools

RESOLVED, that Cabinet take no further action to expand school places in North Carlisle as the consultation exercise produced a generally negative response, demand for places, at present, was not outstripping supply and there remained uncertainty around future capital allocations for schools.

54. STATUTORY GUIDANCE ON CO-OPERATION ARRANGEMENTS INCLUDING THE CHILDREN'S TRUST BOARD AND THE CHILDREN AND YOUNG PEOPLE'S PLAN

The Cabinet Member for Children's Services (Social Care) presented a report on the statutory guidance on co-operation arrangements, including the Children's Trust Board and the Children and Young People's Plan which was published in 2010. The guidance brought together statutory guidance on Children's Trust co-operation arrangements and the procedures and functions of the Children's Trust Board (including the Board's role in preparing, reviewing and monitoring the Children & Young People's Plan). It was issued under sections 10(8), 10(10) and 12B (4) of the Children Act 2004 as amended by the Apprenticeships, Skills, Children and Learning Act 2009 (ASCL Act 2009).

RESOLVED, that

- (1) the contents of the report are noted specifically the implications for Cumbria County Council;
- (2) the draft Terms of Reference for the Children's Trust Board (appendix 2 to the report) be approved and it be noted that the number of partner representatives on the Children's Trust Board was greater than the minimum required by the statutory guidance to reflect the nature and organisation of partners in Cumbria be noted;
- (3) the final Terms of Reference be submitted to the Children's Trust Board for agreement;
- (4) Mrs A Burns, Lead Member for Children's Services (Children's Social Care) and Mr D Fairbairn, Lead Member for Children's Services (Schools & Learning) are the Cumbria County Council elected member representatives on the Children's Trust Board;

- (5) Mrs A Burns, Lead Member for Children's Services (Children's Social Care) be appointed as the Chair of the Children's Trust Board.

55. LEAD ACCOUNTABLE BODY STATUS FOR ADULT EDUCATION (INFORMAL LEARNING)

The Cabinet Member for Children's Services (Schools and Learning) presented a report setting out the policy context for the funding and delivery of informal adult learning in Cumbria following on from the publication of the Government's White Paper 'The Learning Revolution' in March 2009.

It recommended that the Local Authority took on the role of Lead Accountable Body (LAB) for informal adult learning for the county, and that Cabinet approved the final commissioning plan prior to the procurement of providers. Members noted that the Informal learning Plan and Strategy would come to Cabinet in the Autumn.

RESOLVED, that

- (1) the Council becomes the Lead Accountable Body (LAB) for informal adult learning for the county;
- (2) the Commissioning Plan be received and agreed at a future meeting prior to the selection of providers;
- (3) a renewed strategy for adult learning in Cumbria reflecting the priorities in the Community and Corporate Strategies be received and agreed at a future meeting.

56. LAKE DISTRICT NATIONAL PARK MANAGEMENT PLAN CONSULTATION

The Cabinet Member for Transport and Environment presented a report on the draft Management Plan for the Lake District National Park for the period 2010 – 2015.

The County Council was a member of the partnership that had produced the Plan. There was a range of actions for the period 2010/11 and 2011/12 to deliver the vision for the National Park, for some of these the County Council was identified as the lead partner or a partner for delivery purposes.

No major issues with the policy direction of the plan had been identified. There were some issues with the detail, scope and deliverability of some actions proposed which were discussed in the report and covered in the proposed response.

Members were advised of minor amendments to the Management Action Plans for 2010/11 and 2011/12 at page 26 action 18.64 where it was noted that the review of structure by the Devolution Working Group was awaited and at page 33 action 29.109 where the lead partner was the LDNP not the County Council.

RESOLVED, that

- (1) the response to the consultation on the Lake District National Park Partnership's Plan attached at appendix 1 to the report is endorsed;
- (2) the Corporate Director - Environment in consultation with the Cabinet Member for Transport and Environment draft a final response to the consultation on the Lake District National Park Partnership's Plan.

57. COPELAND BOROUGH COUNCIL LDF CORE STRATEGY REGULATION 25 AND DEVELOPMENT MANAGEMENT POLICIES CONSULTATION

The Cabinet Members for Transport and Environment and Economy and Highways presented a report on the Copeland Local Development Framework (LDF) Core Strategy & Development Management Policies Preferred Options document.

A draft response had been submitted to Copeland Borough Council by the deadline of 2 July and therefore any additional comments would need to be submitted retrospectively.

The County Council had been consulted on an earlier Copeland LDF Issues and Options Consultation Document in May 2009 and an informal officer response had been made.

Members were appraised of the comments made by Copeland Local Committee at their meeting of 17 June which were accepted and in particular those relating to nuclear waste and its movement, the joining up of policies, sites for community uses and the need for plainer English in the section relating to advertisements.

During the discussion Messrs Fairbairn and Markley declared personal interests as members of Allerdale Borough Council.

RESOLVED, that the submission "Detailed Responses to the Copeland Local Development Framework Core Strategy and Development Management Process Preferred Options Consultation Document", as set out in appendix 1 to the report be endorsed along with the points raised by the Copeland Local Committee.

PART 2 ITEMS CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS

58. PROPOSED SALE OF LAND AT FURNESS COLLEGE

The Assistant Director – Legal and Democratic Services advised that the proposal had been exempted from call-in by the Chair of the Economy and Environment Scrutiny Advisory Board as delays potentially caused by the matter being called-in would seriously prejudice the Council's or public's interests.

The Cabinet Member for Economy and Highways presented a report seeking approval to the sale of land at Furness College to facilitate the construction of a new campus.

RESOLVED, that 0.33 ha of land at Channelside, Barrow-in-Furness be transferred to Furness College at nil value on terms to be agreed by the Corporate Director - Environment. These terms would include the provision of an indemnity from Furness College to the Council against the possibility of clawback of after value by the Home and Communities Agency (HCA).

The meeting ended at 12.05pm.