

CABINET

MINUTES OF THE MEETING HELD ON 6 APRIL 2010

Present:

Daniel Cox (Chairman in the Chair)

Mr A J Gunson	Planning and Transportation
Mr D Harwood	Adult Social Services
Mr H A S Humphrey	Fire and Community Protection
Mrs S E L Hutson	Children's Services
Mr I J Mackie	Finance and Performance
Mr I A C Monson	Waste and Environment
Mr D Murphy	Cultural Services, Customer Services and Communications
Mrs A Steward	Economic Development

Also Present

Mr R Bearman	Mrs J Murphy
Mr M Brindle	Mr G Nobbs
Mr B Collins	Mr R Rockcliffe
Mr N Dixon	Mr M Scutter
Mr S Dunn	Mr B Spratt
Mr C Jordan	Dr M Strong
Mr P Morse	Mrs C Walker

Officers/ Others Present:

Mr P Adams	Director of Corporate Resources
Mr M Allen	Asst Director Environment and Waste
Mr H Bodmer	Director of Community Services
Mr M Britch	Managing Director, NPS Property Consultants Ltd
Mr P Brittain	Head of Finance
Ms L Christensen	Director of Children's Services
Mr S Faulkner	Principal Planner
Mr P Fisher	Assistant Director, Resources and Efficiency, Children's Services.
Mr C Hey	Head of Planning and Buildings, Children's Services
Mr J Hull	Project Director - Residual Waste Services
Mr G Insull	Assistant Head of Democratic Services
Mr M Jackson	Director of Environment, Transport and Development
Mr J Joyce	Head of Programme Management
Mr M McCarthy	Acting Chief Fire Officer
Mr P Morris	Principal Planner
Ms V McNeill	Head of Law and Monitoring Officer
Mr T Newton	Senior Development Officer, School Review and Organisation
Mr R Snowden	Head of Pupil & Student Support
Mr J Wiggin	Norwich Area Transport Strategy (NATS) Project Manager

Also Present: Mr S Revell, Standards Committee Chairman

1. Apologies for Absence

Mr B Borrett, Cabinet Member for Corporate Affairs and Efficiency gave his apologies for this meeting.

2. Minutes

The Minutes of the meeting held on 1 March 2010 were confirmed as a correct record and signed by the Chairman.

3. Declaration of Interest

- Daniel Cox declared a personal interest in respect of agenda item 17 as governor of Cringleford School.
- All Cabinet Members present, declared a personal interest as school governors in respect of agenda item 11 – Second Fair Funding Consultation.
- David Harwood declared a personal interest in agenda item 24 - Proposal to set up a Joint Venture Company between Norfolk County Council, King’s Lynn and West Norfolk Borough Council and the Homes and Communities Agency – as a local ward member for the area.

4. Matters of Urgent Business

There were no matters of urgent business, however the Chairman advised the meeting that:

- Agenda item 23, Programme of Meetings 2011, would be deferred pending the outcome of discussions by members of the Constitution Working Group and any potential impact these considerations might have on future meeting dates. The report would be represented to a future Cabinet meeting.
- He advised that agenda item 17, regarding Cringleford VA Primary School, had been confirmed by the Chief Executive to be an urgent decision report, and not subject to call-in by the Cabinet Scrutiny Committee, because legal deadlines relating to the proposal meant Cabinet needed to determine the proposal by 26 April.
- He advised the meeting that questions from members of staff in the Fire Service, in relation to agenda item 10 – Norfolk Fire and Rescue Service Authority Safety Plan 2011-2014 - would not be considered as public questions. He had also exercised his discretion as Chairman not to allow the questions; however, he confirmed that each questioner would receive a full written reply from the Cabinet Member with responsibility for Fire and Community Protection.

5. Public Questions

5.1 Question from Roy Church

What steps has NCC taken to address the ten questions posed in the paper entitled "Putting the Frontline First: Meeting the Local Challenge" published in March by Communities and Local Government, in particular that relating to management layers and structures?

Reply by the Cabinet Member for Finance and Performance

Firstly, I need to say that for those who are not as familiar as Mr Church is with the publication "Putting the Frontline First" the ten questions refer to opportunities for local authorities to make efficiency savings in a variety of ways, and provide examples of savings other authorities have made in these areas. The ten questions the report identifies are ones which Norfolk County Council regularly reviews, and many activities arising from them form part of its Norfolk Forward Programme, and are reported to Cabinet.

For example Question 10, is about sharing professional skills across organisations, and the example given is of some London Boroughs forming a Legal Alliance. There is a report on this very agenda which takes this further still and establishes Norfolk Legal - a shared legal service.

In relation to Question 9, on management layers and structures, the County Council is undertaking an organisational review which has been agreed by Cabinet and which has already identified savings of £1.8m.

In the latest information from the Department of Communities and Local Government Norfolk is shown as having made the third highest level of efficiency savings out of the 27 Shire Counties, which is a clear demonstration that we are very committed to efficiency.

Second Question from Roy Church

A recent report by the Tax Payers Alliance reveals that NCC has a deficit in its pension scheme of £472m. How has this come about, what does the Cabinet intend to do about it, will the Cabinet agree to propose a freeze on existing pension entitlements at their present level and can the Cabinet guarantee that there will be no council tax increase to reduce the deficit?

Reply by the Cabinet Member for Finance and Performance

The deficit of £472m reported by the Taxpayers Alliance is the amount disclosed in the Council's Statement of Accounts for 2008/09. The sum represents the shortfall in the Council's estimated future liability to pay pension benefits against the current value of investment assets held, principally in respect of the Local Government Pension Scheme (backed by assets) and the Firefighter's Pension Scheme (paid from revenue).

The disclosure in the accounts represents a snap shot of the funding position at a point in time, calculated on a prescribed basis in accordance with Financial Reporting Standard 17.

The pension liabilities (the payment of pensions in the future) are not payable immediately but over a protracted period of time, which could be up to 80 years. The Council is however required to disclose this amount as a liability on its balance sheet. The amount varies between years and has been particularly volatile over the last couple of years due to the unprecedented conditions in financial markets.

The Pensions Committee is charged with overall governance of the Council's Pension Schemes and takes independent professional advice from their actuary on future levels of employers' contributions. The actuary has a legal responsibility to set future levels of employers' contribution for each of the 100+ employers who participate in the Fund including the County Council. That advice will take account of estimated future investment returns and the need to make good the funding deficit over a sustainable period of time, currently up to 20 years.

The rules and level of benefits payable under the respective pension schemes are set by national regulation. The Cabinet, therefore, has no power to freeze, limit, or otherwise alter the pension entitlements of its staff. Reform of any kind to public sector pensions is a matter for national government.

The cost of employer contributions to pension funds is one of many cost pressures the Council faces when setting its budget. The Council is committed to low or zero tax increases in the future. We have just set the lowest tax increase ever at 1.9% and will continue do all we can to protect taxpayers from unnecessary increases.

5.2 **Question from Roy Church on behalf of John Martin**

What is the present cost of NCC's media monitoring and marketing team and how can NCC justify employing people to identify what the media reports about it, let alone to market it, when frontline services are being cut?

Reply by the Cabinet Member for Cultural Services, Customer Services and Communications

We are responsible for providing a wide variety of services to over 840,000 residents. Among other things, we have a duty to let people know about the services we provide and how they can get them, and the decisions we take and how to make their views known. We also use marketing for very specific purposes such as helping to recruit more foster carers for Norfolk, encourage young people to be more physically active or promote safer driving. By monitoring the impact of what we do we make sure we continue to target our resources where they have most impact. For this reason, Norfolk is one of the top ranking shire counties in the country.

Marketing responsibilities currently equate to one third of the time of a manager in the corporate team, and two full time marketing officers. In addition there is a part time (0.5 whole time equivalent) media monitoring officer.

The total cost of this service is £88,249. However, of this amount, the total cost to the Norfolk Council Tax Payer is just £18,666, because for these particular services, the team generates income from sale of services and advertising and uses government grant specific funding to cover the rest. This service is a critical part of the work the Council undertakes with, and on behalf of, Norfolk's Tax Payers and the denizens of Norfolk and is a demonstration of why Norfolk has such an efficient tax level as a result.

Second Question From Roy Church on behalf of John Martin

Was it appropriate in the present economic climate for NCC to have incurred costs of over £16k in 2008/2009 – albeit through Norse Group Ltd – in providing a chauffeur driven car for use by the NCC chairman, vice-chairman, leader and chief executive and was Norse Group Ltd employed in this respect as a deliberate attempt by NCC to conceal the cost of this provision?

Reply by the Chairman

This sum is relatively modest and must be set against the costs that would have been incurred anyway on car allowances, taxis and train fares if this facility was not used. There was no attempt to conceal the cost - this is a service Norse might naturally be expected to provide as it operates a large part of the County Council's transport provision.

5.3 Question from Michael de Whalley

The World Health Organisation has identified an excessive delay between scientific research and the policy-making that results in the formation of appropriate regulation/legislation. Incineration is a case in point, since current standards fail to include new knowledge on the dangers of the associated aerosol emission of a cocktail of ultra fine particles (UFPs; aka PM0.1s or nanoparticles) and that measuring flue emissions by mass is inappropriate. UFPs are considered the most toxic constituent of the residual fly ash and, being comparable in size to a virus, are most likely to be absorbed into the body and evade its defences. UFPs are generated in vast numbers by household waste incineration and are also the particles most likely to escape the incineration plant's flue gas filtering/scrubbing processes. The emission of UFPs is currently unmonitored and effectively unregulated. It is also disquieting to discover that some of the most knowledgeable academics in the world on this subject are also the most fervent opponents of modern incineration technology.

Please can you let me know what independent advice was sought over the public health implications of the proposed waste-to-energy facility at Saddlebow, have the effects of UFPs been fully considered in the light of

scientific developments and whether or not this information is available to the general public?"

Reply by the Cabinet Member for Waste and Environment

The Waste Incineration Directive sets exceptionally tight controls on emissions. It is not old legislation and is effective right across Europe. We are under the same regulatory regime as countries like Sweden, Denmark and Germany, where these sorts of plants commonly operate.

All facilities operating today use sophisticated filtration systems, scrubbing mechanisms and temperature control methods which ensure they meet and exceed the requirements of the Waste Incineration Directive.

We are able to cite the views of:

- The Health Protection Agency's statement that 'incinerators that are well run and regulated do not pose a significant threat to public health'.
- A Defra statement that it 'found no evidence for a link between the incidence of disease and the current generation of incinerators'.
- The Committee on Carcinogenicity of Chemicals in Food, Consumer Products and the Environment which concluded that any potential risk of cancer due to residency near to municipal waste incinerators is exceedingly low and probably not measurable by the most modern techniques.

All this is publicly available information, as is the fact that currently limits are imposed on all particulate matter below 10 micrometres, referred to as a PM10 limit. For particles smaller than this size modern Energy From Waste plants are not even a major source - that is a fact that others, like Defra, have proven. Power generation, road transport and even domestic sources are far, far larger sources.

The Environment Agency guidance now extends to particle sizes smaller than this, i.e. all those below 2.5 micrometres (PM2.5), which are now being commonly measured as a sub-set.

To provide reassurance the permitting process, overseen by the Environment Agency, involves consulting the public, local authority, Food Standards Agency and the Primary Care Trust. They will only issue a permit if they are satisfied that the plant will be designed, built, operated and maintained in such a way that the requirements of the Waste Incineration Directive are met and exceeded and human health and the environment are protected.

If they are not convinced, a plant would not be given a permit and would not be able to operate. Simply put, if new tighter standards were to be introduced any facility would have to beat them or be closed down.

Mr de Whalley noted that Professor Howard's statement of evidence submitted to Norfolk County Council provided a compelling case for the

potential health implications of exposing the population to incinerator emissions. Although he noted that it could be argued that the emissions might be diluted and dispersed over space and time, it was well documented that the chronic exposure to low-level doses of environmentally persistent, toxic substances could take years before harmful substances were detected. He understood that a precautionary principle should be applied where there were reasonable grounds for concern that potential hazards might affect the environment or human, animal or plant health and where at the same time the lack of scientific information precluded a detailed scientific evaluation.

He asked, as a supplementary question, what assurance could be given that medical and environmental risks would be investigated thoroughly before progressing with the waste to energy incinerator options and at what level of risk was the County Council prepared to apply the precautionary principle. In reply, the Cabinet Member for Waste and Environment confirmed that he had received a copy of Professor Howard's report but had had little time since receiving it to read its content. He confirmed therefore, that it would not be right to say more at this stage but would write to the questioner, responding to the supplementary question he had raised.

5.4 Question from Jennifer Parkhouse

Looking at the Waste Contract Framework, it would appear that contracts will last approx. four years and no longer than 2015. Will the resulting surplus of waste then be somehow incorporated into the PFI Contract which you plan to have on stream by then?

Reply by the Cabinet Member for Waste and Environment

The proposal is for contract periods of four years for the period from 2011 to 2015, with the ability for an extension of up to one year, which could take these contracts to 2016.

The waste PFI service to treat around 170,000 tonnes each year is expected to start in 2015, any treatment service for waste above 170,000 tonnes will have to be procured separately.

It is expected that in 2013 a separate procurement activity will start to secure any additional treatment services that are required for waste not covered by the Waste PFI contract.

Ms Parkhouse noted the considerable projected shortfall of landfill allowances for biodegradable municipal waste. She commented too on the Council's support of initiatives for the collection of food waste in both Norwich City and Broadland Councils. She asked if it would be the case that the recycling credits for waste collection would be removed across all these initiatives if the County Council got behind local authorities for its collection of kitchen waste. In addition, she commented that the Council seemed to be looking at incineration as the only way to deal with residual waste from a kitchen waste collection in 2015. She suggested the Council should be considering small anaerobic digestion plants on farms etc, rather than taking the single option approach it seemed to be.

In reply, the Cabinet Member for Waste and Environment commented that there are 230,000 tonnes of residual waste in the county, leaving behind 60,000 tonnes for alternative processing without going into landfill. The framework of waste contracts are for 4 years which will be re-procured before 2015. Payments to District Councils of £72/ tonne recycling credits for collecting kitchen waste should encourage everyone in Norfolk to consider food waste collections. He hoped this initiative would get more collected. He was confident in the next 2 years there would be a trend to collecting extra waste and so avoiding going to landfill. Recycling was still our priority.

6. Local Member Issues/Member Questions

6.1 Question from George Nobbs, Local Member for Crome Division

How does the Cabinet react to the recommendation on page 333, that it should now be possible for a member to serve not only on more than one Authority but also on more than one Cabinet?

Despite the impression put about in the press to the contrary, there is nothing in the recommendation that even hints that twin-hatted Executive members should not be perfectly acceptable and unremarkable.

If, as has been implied in press reports, twin-hatted Cabinet members would not exist in practice, that a person thus appointed to both would promptly resign one, then why not say so in the suggested constitutional amendment.

Indeed why change things at all. At present it is perfectly possible for the Leader to say that he or she wishes to, and will, appoint a person to this County Cabinet if and when they resign from another in order to be eligible.

Is this not another example of a small group of twin-hatted District Councillors not just queuing up for the County Council trough but jumping in with both feet and trampling on their neighbours to do so?

Reply by the Chairman

Let me be clear from the outset, whilst I am Leader, I do not envisage a District Cabinet Member serving in my Cabinet. However, the change suggested is to make a change to the Constitution to simply give the Leader the freedom to appoint a member of the Council to the Executive without them first stepping down from a similar position on another authority. The Constitution makes no other similar preconditions for membership of the Cabinet and therefore to include this provision specifically is anomalous. As the Working Group has stated, "Cabinet positions should be allocated on the basis of merit and ability to do the job".

This issue was debated fully at the Corporate Affairs Overview and Scrutiny Panel on 17th March 2010, the minutes of which state:

"Concerns were raised about whether anyone would have the ability to cover an Executive role for more than one local authority. Members were

assured that the aim of the recommendation at paragraph 3.1 of the Panel report was to enable the Leader of the County Council to appoint who he or she wanted to. In reality, if someone with a District Executive position agreed to join the County Council's Cabinet, the assumption was that from a practical point of view they would have to resign from their District Executive position."

As a supplementary question, Mr Nobbs asked why it could not be made clear that provided a District Council Executive Member resigned from their post, they could take on a Norfolk Cabinet Member position. In reply, the Chairman confirmed that he had been categorical in his reply. Having spent time with his District Council colleagues, he was very aware that the time commitments of District Council Executive Members were more than a full-time job. He noted that the report at agenda item 20 was for full Council's consideration and approval and it was for Cabinet to pass onto that body the recommendations of the Constitution Working Group. It was not for Cabinet to sit and discuss the role of the County Council.

6.2 Question from Richard Bearman, Local Member for Mancroft Division

Why is the information in the report on Item 26 supplied to Cabinet different to the information supplied to Planning, Transportation, Environment and Waste Overview and Scrutiny Panel and Norwich Highways Agency Joint Committee for comments? For example, the recommendation now includes underwriting the funding shortfall of £39.7M for the Northern Distributor Route (NDR) by prudential borrowing?

Reply by the Cabinet Member for Planning and Transportation

The report discussed at the Planning, Transportation, Environment and Waste (PTEW) Overview and Scrutiny Panel and Norwich Highways Agency Joint Committee related to the Norwich Area Transportation Strategy (NATS) Implementation Plan. The Cabinet report being considered today is consistent with what was discussed at these meetings. The Cabinet report includes an update of the PTEW Overview and Scrutiny Panel.

In addition to this, the Cabinet report also includes an update on the Northern Distributor Route (NDR) generally, and the recommendation about the funding shortfall relates to this. This issue was not discussed at the PTEW Overview and Scrutiny Panel or the Norwich Highways Agency Joint Committee.

We have regularly updated Cabinet about NDR (generally at 6 month intervals) and these reports have included information regarding the budget for the NDR. On this occasion, it was considered that, rather than providing a separate update report to Cabinet for NATS/NDR, it made sense to complete a wider report that included the NATS Implementation Plan and the NATS/NDR update. This latest report highlights the changes to the Regional Funding Allocation following the Department for Transport decision to only fund the NDR from Postwick to the A140 at the airport.

As a supplementary question, Mr Bearman asked if the Cabinet Member could say when the reasoning and consequential costings for the NDR would be presented to the PTEW Overview and Scrutiny Panel and other meetings. In reply, the Cabinet Member for Planning and Transportation confirmed that the report before Cabinet set out the latest information, quoting figures of £39.7million – the cost to Norfolk of its share of the NDR taking it to the A1067 (Fakenham Road). He added that the extra cost was a result of the Department of Transport's decision not to fund the scheme beyond the airport and this matter had been in the public domain for several months. The reason a report had been presented to Cabinet today was to obtain approval for matters relating to the Northern Distributor Route.

7. Overview and Scrutiny Panel Issues

The Cabinet Member for Fire and Community Protection advised members that there had been no reply to the Council to date in respect of flood sirens, following its submission to the Local Government Association.

The Cabinet Member for Cultural Services, Customer Services and Communications announced that the Tour of Britain, due to be held at the end of Summer 2010, would be completing one leg of its tour in Norfolk. The date of the Tour and route would be announced formally on 20 April, with live TV coverage anticipated. He also announced that the Millennium Library had, for the third year running, been confirmed as the most used library in the land.

The Cabinet Member for Planning and Transportation advised that, at the recent Planning, Transportation, Environment and Waste Overview and Scrutiny Panel, members had been supportive of the update and contents of the report on the Norwich Area Transportation Strategy (NATS) Implementation Plan and Northern Distributor Route Update. He added that reservations had been expressed about the speed of change for city centre traffic circulation and noted that options for amendment were being investigated.

The Cabinet Member for Children's Services advised that there had been an exceptional OFSTED report on Drake Infant School, Thetford. She congratulated staff, parents and children for this excellent achievement.

The Cabinet Member for Economic Development advised members of the good news for EPIC in that Frank Skinner would be including this venue in his upcoming tour dates. She also advised of discussions at her recent Overview and Scrutiny Panel regarding poor broadband speeds for Norfolk. She urged all members to press for change and to raise this issue as there was still a refusal by BT to recognise the need for an improved and upgraded service for its customers in Norfolk.

The Cabinet Member for Waste and Environment thanked members who had attended the recent special Overview and Scrutiny Panel meeting for the very productive discussions in relation to the waste PFI project. The meeting had discussed just this one item and it had been an in depth and productive exercise.

8. 2009-10 Finance Monitoring Report

The Cabinet received a report (Item 8), which provided the latest projected outturn for the 2009-10 Revenue Budget, the 2009-10 Capital Programme, General Balances forecast at 31 March 2010 and forecasts for the Council's Provisions and Reserves at 31 March 2010.

The Cabinet Member for Finance and Performance highlighted the key issues in the Cabinet report and in particular an increase in underspend. He also thanked all Directors for the achievement of £32 million budget savings this year. He noted further savings identified in Adult Social Services and further recovery of VAT, which had brought approx £500,000 back into the County Council dating back to the 1970s, would be of considerable positive benefit and had improved the projected overall underspending in 2009/10. He also queried savings achieved from the management of costs through new procurement opportunities within Closed Landfill sites, asking if the savings would be ongoing. In reply, the Head of Finance advised that the matter was still being reviewed but most of the savings identified were one-off with only a small element of ongoing saving.

The Chairman asked when the measurement of timely payment of invoices would be back on track. In reply, the Head of Finance advised that performance would be seen to improve through March and April 2010.

The Cabinet Member for Planning and Transportation advised that, as a result of prudence within the Highways Maintenance service, a further sum of £400,000 had been saved within the highways budget and used to support some of the extra work required as a result of the bad winter.

Decision

RESOLVED

The Cabinet agreed the latest 2009-10 monitoring information and approved the write off of one debt totalling £19,510.43 (as set out at Annex B to the Cabinet report).

Reasons for Decision

The debtor has been declared insolvent with no assets to pay unsecured creditors.

Alternative Options Considered

There were no alternative options for the Cabinet to consider.

9. Norwich City Unitary Council – Implementation Executive

The Cabinet received a report (Item 9), advising that the legislation necessary to create a new City of Norwich Unitary Council based on its

current boundaries was in place. The County Council had to appoint six members to the Implementation Executive.

Decision

RESOLVED -

The Cabinet:

1. agreed to the following appointments to the Norwich City Unitary Council Implementation Executive:
 - Three members from the Green Party
 - One member from the Liberal Democrat Party
 - One member from the Labour Party
 - One member from the Conservative Party
2. noted that the City Council was arranging for an independent panel to make recommendations to the Implementation Executive on appropriate allowances for members of the Implementation Executive.

Reasons for Decision

The Implementation Executive had 18 councillors – made up of 12 City Councillors and 6 County Councillors. County Councillors would be drawn from those who represent Norwich County Council divisions.

Alternative Options Considered

There were no alternative options presented.

10. Norfolk Fire and Rescue Authority Safety Plan 2011-2014

The Cabinet received a report (Item 10), which advised that the Norfolk Fire and Rescue Authority has a statutory duty to produce an Integrated Risk Management Plan (IRMP) covering at least a three year period. The IRMP must be regularly reviewed and revised, reflecting up to date risk information and evaluation of service delivery outcomes. Norfolk's IRMP is called the Norfolk Fire and Rescue Authority Safety Plan.

The Acting Chief Fire Officer confirmed that a full, current, safety plan already existed and a complete document would be produced later to encompass the 2011/14 time frame. However, priorities for community fire safety, community fire protection, and other areas of service delivery were continuing and would not fundamentally change once the new plan came into being. The seven recommendations which formed the basis of the report set out significant change proposals for the Service, and it was these changes to service delivery which had been examined in detail. The Service established priority areas through detailed re-examination, review and confirmation of data, and rather than produce a lengthy IRMP document at this juncture, it focused upon the recommendations for areas of change

which were the subject of the report. The Service would produce and make available appropriate information regarding ongoing objectives and the change proposals for the consultation process.

Mrs Colleen Walker, Local Member for Magdalen Division presented a petition to the Chairman on behalf of the Fire Brigades Union. She also addressed the Cabinet to ask why the Integrated Risk Management Plan was based on statistics when the Communities for Local Government requirement set out that fire cover should be based on risk. She further asked whether any areas in particular had yet been identified for reductions. In reply, the Acting Chief Fire Officer explained that in 2003/04 old fire cover standards were removed and new regulations brought in with risk factors being a vital component of a new Integrated Risk Management Plan. He confirmed that it was still essential that statistics were looked at, to know how best to put valuable resources to good use. He advised that external consultants had been engaged because of the significant amount of data to be reviewed and to ensure that analysis was competent and safe. He added that statistics were needed to enable risk to be fully investigated and recommendations prepared.

The Cabinet Member for Fire and Community Protection confirmed that this was a report which reviewed risk for the whole county. It was essential that service performance was looked at and changes made if there was a need to address the issue of risk. He noted that specialist consultants had been engaged to look at service performance, call outs etc, to inform on whether facilities were in the right place, to consider planned development from housing growth in the county and from other factors, such as the new Carrow Fire Station provision. He added that, having obtained the relevant statistics, officers had analysed the information and reported to a Cross Party Working Group who looked at all the options before making recommendations. The proposals before Cabinet were recommendations for consultation at this stage and the recent Fire and Community Protection Overview and Scrutiny Panel had supported this approach and also the recommendations being put forward for consultation. The recommendations were proposals for where changes could be made for 2011 onwards. He concluded by noting that the government had recently visited Norfolk to see for itself how to run a new fire control centre as Norfolk ran one of the best in the country – he was confident therefore that this Plan would meet the requirements for Norfolk going forward.

The Chairman referred to a briefing note which he had been sent by the Retained Firefighters Union which suggested that there had been no consultation on the proposals before members. In reply, the Acting Chief Fire Officer confirmed that every effort had been made to contact all interested groups on the proposals which came from the Working Group and this included stakeholders, staff and other representative bodies.

The Cabinet Member for Cultural Services, Customer Services and Communications asked why there was a proposal to move a fire station in King's Lynn. In reply, the Acting Chief Fire Officer confirmed that the fire service review undertaken had looked closely at all urban areas and, as a result, it was noted that King's Lynn's profile was changing with the ongoing

development of the town. The risk analysis of the area showed that it would be better to provide fire cover from two sites of service delivery and so a second base should be provided to the east of the town. In this way, two emergency response sites would provide for a more rapid reaction to incidents to the east and allowed fire crews to augment fire cover in this area. There was no proposal to close a station but rather to increase cover over a wider area.

The Cabinet Member for Planning and Transportation noted the interrelationship between the recommendations and commented that it would not be easy to pick and mix recommendations. In reply, the Acting Chief Fire Officer confirmed this point adding that this Plan looked at the whole county approach and at the integration of resources, therefore, a reduction in one area was augmented in another, taking into account the whole and not localised considerations.

The Chairman commented on planned growth for Wymondham and Dereham in years to come and asked what the potential was for increased fire service activity in this respect, given the recommendation to replace second pumping appliances from six 2-pump Retained Duty System stations with rural fire fighting appliances. In reply, the Acting Chief Fire Officer confirmed that current performance was based on 10 minute first and 15 minute second appliance arrivals at property fires, which was punitive compared with many other brigades. He confirmed that the proposal was to enhance the service and make more generic use of the second appliance whilst still achieving all targets. He added that this was a three year plan but he was confident that the fire service could still achieve its 80% response target.

The Cabinet Member for Economic Development sought an assurance that this consultation would run the full three month period and this was given by the Acting Chief Fire Officer.

The Cabinet Member for Adult Social Services queried recommendation 4 and reference to the need for capital funding approval. He asked what would happen if this was not forthcoming. In reply, the Acting Chief Fire Officer confirmed that he had in mind to offset the release of land owned by the fire service against the potential for a second fire station site in King's Lynn. He added that the best outcome would be to achieve a new station but he recognised that other alternatives needed to be considered including links to other emergency services. He believed, however, the service could still provide adequate cover without the additional site but this provision would enhance the service's fire support provision.

Decision (Key Decision)

RESOLVED

The Cabinet:

1. agreed to the following seven change proposals being taken forward, within the Integrated Risk Management Plan 2011/2014, for public

consultation by the Fire and Rescue Service's Service Executive Team:

- Withdraw the current response standard for 2nd appliance performance for 'Other - Life risk' incidents.
 - Withdraw the current standard for 2nd appliance performance for 'Fire - Other' incidents.
 - Adopt standards for Incident Command response as part of Norfolk Fire and Rescue Service's suite of Emergency Response Standards.
 - Enhance service provision to King's Lynn by establishing an additional service delivery point at King's Lynn East (this will be subject to capital funding approval).
 - Change provision to Great Yarmouth/Gorleston by redeploying wholetime staff and one appliance to Gorleston station and replacing current Retained Duty System crew.
 - Replace second pumping appliances from 6 x 2-pump Retained Duty System stations with rural fire fighting appliances.
 - Replace the current two appliance station at Bethel Street with a single appliance station at Carrow in 2011.
 - In all seven recommendations above, the alternative default option remains status quo.
2. The Cabinet noted that the Fire and Rescue Authority had a statutory duty to undertake a public consultation on any proposals that the Authority intended to implement and that a three month consultation period would run during Summer 2010.

Reasons for Decision

The report set out change proposals for the Fire and Rescue Service's Integrated Risk Management Plan 2011/14. The seven recommendations identified better ways of working and improvements in service delivery whilst also meeting some of the public sector budget pressures.

Alternative Options Considered

No alternative options were presented.

11. Second Fair Funding Consultation

The Cabinet received a report (Item 11), which highlighted the results of the second Fair Funding consultation regarding two specific issues, namely school balances and in relation to new legislation which required the local authority to co-ordinate all in year transfers.

Members supported the recommendations which enabled a flexible approach to school financing and welcomed the views of the Schools Forum, noting that government's concerns were misplaced.

Decision

RESOLVED -

The Cabinet:

1. endorsed the recommendations set out in the Cabinet report as set out below:
 - To not implement a proposal to decrease the level of contingency provisions treated as a legitimate balance for secondary schools from 5% to 3%
 - To not implement the proposal to remove unspent Standards Fund or Schools Standards Grant (Personalisation) monies from the list of funding that is treated as a legitimate balance and thus excluded from the year end balance reduction calculation.
 - To remove Learning and Skills Council funding from the list of unspent funding that is treated as an estimated balance and thus exclude it from the year end balance reduction calculation, to be effective from 1 April 2010.
 - That the cluster funds be added to the list of items excluded from the year end balance process.
 - To introduce a new clawback arrangement within Norfolk's Scheme for Financing Schools from schools which undertake unlawful in-year admissions with effect from September 2010.
 - To base the clawback on the full year AWPA for the pupil concerned based on the AWPA allocated on the previous Census return for the pupil and
2. agreed to seek the Schools Forum's approval to amend Norfolk's Scheme for Financing Schools, with effect from April 2010 and in the event that this approval was not forthcoming to seek the approval of the Secretary of State for Children, Schools and Families to the changes to Norfolk's scheme for Financing Schools.

Reasons for Decision

To achieve the revision of the arrangements of year end schools balances in accordance with the draft initial Government guidance it was essential to consider making the changes to Norfolk's Scheme for Financing Schools.

The implementation of the financial clawback arrangements for those schools that failed to follow the new statutory arrangements in respect of in year school admissions would increase the effectiveness of the arrangements.

Alternative Options Considered

The alternative option was to implement the changes as set out in the consultation paper.

12. Admission Arrangements for September 2011

The Cabinet received a report (Item 12) which summarised responses to the statutory annual admissions consultation and proposed admission arrangements for September 2011 and a co-ordination scheme for in-year admissions to operate from 1 September 2010. The report also recommended minor changes to admission arrangements at Community and Voluntary Controlled schools.

Decision (Key Decision)

RESOLVED–

Cabinet agreed to:

1. The in-year co-ordination scheme, to operate from 1 September 2010
2. The co-ordination scheme for all mainstream admissions from 1 September 2011
3. The changes to admission arrangements for Community and Voluntary Controlled schools to apply from 1 September 2011

Reasons for Decision

Whilst the level of response was again low the majority of responses support each of the proposals. A number of negative responses related to the changed legal framework but no responses challenged the proposed local co-ordination processes as detailed in the consultation.

The Norfolk Primary School Headteacher group SNAPP recently discussed the in-year co-ordination arrangements and supported the proposals.

The Norfolk Admission Forum agreed the co-ordination schemes prior to consultation and at their meeting on 5 March supported the recommendations.

Alternative Options Considered

The proposals could be left and the existing (2010) school admission arrangements could continue to apply for these schools. However, the proposed changes were raised in response to concerns experienced in the previous admission round. If the admission arrangements were not changed as proposed in the consultation the Local Authority could have the determined admission arrangements challenged by admission authorities or parents. Any challenge would be determined by the Department for Children, Schools and Families Schools Adjudicator. The proposed co-ordination schemes followed the guidelines set out in the 2010 School Admissions Code which set the statutory framework for admissions in England. However, if co-ordination schemes could not be agreed by the County Council the Secretary of State for Children Schools and Families would be required to impose a scheme.

13. Academies Proposals: Outcomes of Closure Consultations

The Cabinet received a report (Item 13), which presented the outcome of statutory consultation on the proposal to close The Park High School, King's Lynn, Costessey High School, Oriel Specialist Mathematics and Computing College in Gorleston and Charles Burrell and Rosemary Musker High Schools, Thetford to enable Academies to be established.

Mr Mike Brindle, Local Member for Thetford West Division, addressed the Cabinet to speak in support of the proposals for an Academy school in Thetford, to replace Charles Burrell and Rosemary Musker High Schools. He noted that his group's view in general was to oppose the creation of academies in principle; however, the proposals for Thetford were different as the sponsors were high performing educational organisations and the schools had no nearby neighbours who might otherwise be disadvantaged. He commented on the transformational nature of the proposals which could make the Academy a real leader in national terms.

He added that that the balance of opinion in favour of the proposals for Thetford had been relatively small, with parents and staff at Rosemary Musker House expressing their concerns about a range of issues including linking with what they felt was a less successful school. He felt there needed to be a way to bring these people onside and suggested that either the existing chair of governors or the current head teacher could have a role in encouraging more positive views of the Academy or have the chance to support the transition. He considered that, in this way, the path could be smoothed for the leadership of the Academy to unite the two school communities and build consensus. In reply, the Cabinet Member for Children's Services confirmed that she would look at Mr Brindle's suggestion.

Mrs Marion Chapman-Allen, Local Member for Thetford East Division submitted her comments via the Chairman who read out her statement as follows: "Over the past few weeks many people in the town have spoken to me to say how much they are looking forward to the opening of the new Academy in the autumn on the existing Charles Burrell and Rosemary Musker school sites. The really positive thing about what I am hearing is the enthusiasm that their children have after learning what the Academy is going to offer them in improved educational facilities and how much they are looking forward to this bright new future at school. Many of the people I have spoken to are also aware of the varied vocational opportunities that the proposed Forum will bring when their children leave school, and right in the heart of the town centre. This is a once in a lifetime opportunity for Thetford and its young people. Thetford is the gateway to Norfolk and the pupils of today and tomorrow deserve the very best that education can bring them. This will be one of the country's largest Academies with tens of millions of pounds invested and with the country's most talented educational entrepreneurs involved in its set-up and running. The future is looking extremely bright for Thetford."

Decision (Key Decision)

RESOLVED -

The Cabinet considered the responses to the consultations and agreed that:

1. statutory notices be published on 16 April 2010 proposing the closure of The Park High School, King's Lynn
2. statutory notices be published on 16 April 2010 proposing the closure of Costessey High School
3. statutory notices be published on 16 April 2010 proposing the closure of Oriel Specialist Mathematics and Computing College
4. statutory notices be published on 16 April 2010 proposing the closure of Charles Burrell and Rosemary Musker High Schools, Thetford.

Reasons for Decision

All the consultations for the closure of these schools to enable them to be replaced by Academies had indicated that parents and the local communities were in support of the proposal to close the schools so that Academies could be established. All these projects had sponsors who could bring significant skills and expertise to bear on the development of the Academies, raising standards of attainment and achievement. The cases for closure were strong in relation to the potential for raising standards, and supporting the Every Child Matters Outcomes.

Members should bear in mind that the statutory guidance on school closures stated that, where closure was proposed to enable Academies to be established, there should be a presumption in favour of approval. That approval, however, would need to be conditional on the Secretary of State making an agreement for a new Academy. Taking all of the available views into account, the Director of Children's Services strongly recommended the publishing of notices to close all five schools to enable them to be replaced by Academies.

Alternative Options Considered

Members could decide not to publish statutory notices. The implications of this would be:

- The loss of the opportunities to transform these low-performing schools with the support of sponsors who bring significant educational, managerial and community development expertise.
- The need to find other methods of bringing about significant and sustainable school improvement.

- Continuing challenge from DCSF and the Office of the School Adjudicator to identify structural changes that would address the issues facing the schools.
- The Council would not be able to take advantage of very significant resources that might not be available in the foreseeable future to make a significant beneficial impact on the lives of many Norfolk young people.

14. Organisational Review of 3-Year Junior Clusters: Outcomes of Consultations

The Cabinet received a report (Item 14) summarising the responses to the recent statutory consultations on school organisation in the 3-year junior school clusters in the Grimston, Mundesley, and South Wootton areas.

The Cabinet Member for Children's Services noted concerns highlighted in the Cabinet report in relation to potential traffic congestion from the expansion of South Wootton Junior School. She confirmed that further work would be undertaken to seek to minimise this impact without detracting from the intention to publish notices and proceed with the proposal as recommended. However, in relation to comments and concerns raised with regard to the Grimston cluster she proposed that further analysis be undertaken to investigate and respond to these issues expeditiously and, to ensure targets were met in respect of meeting statutory deadlines, she proposed that the decision to proceed be delegated to her, in consultation with the Director of Children's Services.

Decision (Key Decision)

RESOLVED -

The Cabinet noted the outcome of the consultations:

1. for the Grimston Cluster and determined that further analysis and consideration was needed before taking a decision to proceed with the publication of statutory notices for a new community school outside a competition (subject to Ministerial approval to publish without a competition) and that the final decision to proceed be taken expeditiously by the Cabinet Member for Children's Services, in consultation with the Director of Children's Services.
2. for the Mundesley Cluster and agreed that notices be published for the proposal
3. for the South Wootton Cluster and agreed that notices be published for the proposal.

Reasons for Decision

The conclusions for each proposal are set out in the Cabinet report.

Alternative Options Considered

The alternative options of the 3-year junior cluster reviews were set out in the relevant sections of the Cabinet report. If Members decided to retain the status quo, the implications of this would be:

- These ten schools would be the only schools in Norfolk that were not organised on the national curriculum Key Stages
- The potential for higher standards, more effective and sustainable schools with reduced revenue costs would be lost. We would still have some very small first schools which, although providing well at the moment, could be vulnerable in the future.

15. Future Provision for Environmental and Outdoor Learning Opportunities

The Cabinet received a report (Item 15), which set out proposals which would ensure appropriate provision of residential and other opportunities in Environmental and Outdoor Learning. It considered how the County Council could continue to provide high quality teaching and learning, support to schools and others, and ensure expertise was maintained to support the climate change, carbon management and sustainable living agenda.

Dr Strong, Local Member for Wells Division addressed the Cabinet to ask if there were plans to lease the Wells Field Study Centre and the Director of Children's Services confirmed that there were no firm plans. Discussions on possibilities for its future use were underway but there would be no action in advance of consultation.

Dr Strong went on to state her delight with the unanimous decision of the Children's Service Overview and Scrutiny Panel to recommend to Cabinet that consultation take place before mothballing. But she was concerned to address the word 'mothballing'. She believed it was already a stretching time and difficult for staff to complete Wells in time let alone consider Holt. With regard to Wells, she wanted to ensure the Centre was available for research and to pursue future planning and had hopes for the Centre to be maintained – allowing and encouraging University Groups to continue making use of the Centre – Groups which could bring in money but did not incur teaching costs to the County. She asked the Cabinet for assurance that – provided it agreed to consultation – the Council maintained rather than mothballed this centre, allowing and encouraging University Groups to use the Centre, perhaps linking with the YHA – while continuing to look forward. She asked the Cabinet not to make any final decision before research into the consultation had taken place and when a plan for the future of Wells could be put before the Panel and Cabinet.

In reply, the Director of Children's Services commented on the situation with regard to funding for the Wells Centre in that £250,000 had now been taken out of her budget for the new financial year and noting she had a duty to deliver that saving. She referred to the lengthy debate at the recent

Children's Services Overview and Scrutiny Panel and she advised of the practicalities to be addressed, arising from the decisions taken.

The Chairman added that there was full recognition of the work and input by Dr Strong in support of the Outdoor Learning Centres; however, it was right to look at alternative uses for Wells, not to lose the facility but to enable it to be used more effectively and be more financially stable. It was recognised that a resource was needed for children and that Wells was of importance to university groups. Nevertheless, its future needed to be reviewed and shaped by debate and through proper consultation. He added that he was keen to be updated on progress and so recommended that a report be presented to Cabinet in six months advising members of progress made and addressing the way forward.

Decision

RESOLVED -

Cabinet agreed that:

1. The Environmental and Outdoor Learning Team maximise in-school service provision in line with curriculum demands and council priorities.
2. The Council undertake an exploration of possible alternative uses of the Centres. This to include consultation with local communities and other stakeholders, prior to the mothballing of Wells.
3. The Council continue to directly provide residential opportunities in Environmental and Outdoor Learning focused on Holt Hall Field Studies Centre.
4. That a review of staffing requirements for the Environmental and Outdoor Learning Team be undertaken immediately.
5. That a report be presented to Cabinet in six month's time advising Cabinet of progress made and addressing the way forward.

Reasons for Decision

The provision of Environmental and Outdoor Learning opportunities for Norfolk's children and young people was a valuable contribution to their overall development. The recent primary and secondary curriculum development support the continued provision of such learning. The contribution of the Team to the wider Council sustainability agenda was recognised as valuable to the Council as well as its partners.

In order for the team to deliver against these trends and within current financial constraints the Team needed to focus residential work on Holt Hall given it provided a more financially viable model.

Both Wells and Holt Hall were valuable council assets and the proposed consultation of future alternative/additional use would ensure the Council made the most of any opportunities which the Centres might provide to address current and future priorities.

Alternative Options Considered

There were no viable alternative options for the Environmental and Outdoor Learning Team to deliver residential opportunities at both Centres.

Alternative options for the use of Wells Centre would be considered prior to the Field Studies provision closing in Summer 2010.

Alternative options for the use of Holt Hall would be considered over the next 2 years whilst it remained a Field Studies Centre.

16. Tuckswold Community Primary School: Statutory proposals to change the age range of the school to enable the establishment of a nursery class

The Cabinet received a report (Item 16) advising that on 25th January 2010 Cabinet agreed that the statutory process should be begun to change the age range of Tuckswold Primary School to enable a maintained nursery class to be established. A public consultation was carried out between 5th February and 26th March during which time no responses were received.

Decision

RESOLVED -

The Cabinet agreed:

1. To proceed to the next stage of the statutory process and publish the proposals in a public notice on 23rd April 2010
2. That, if no objections to the public notice were received, determination of the proposals be delegated to the Director of Children's Services.
3. If objections were received the matter be referred to the Schools Adjudicator, as required.

Reasons for Decision

There was currently no early years group provision in Tuckswold, an area of high social need. The Area Director and the Early Years team believe that the proposal to establish a nursery class within the school would provide children with the best possible start in their education, creating strong links with the school's foundation stage. The Headteacher and Governors fully supported the proposal.

Alternative Options Considered

The alternative option was not to proceed further with the statutory proposals and not create a nursery class at Tuckswood Primary School. This would however leave the Tuckswood community without any early years' group provision in an area of high social need.

17. Cringleford VA Primary School: Statutory Proposal for Enlargement on a new site

The Cabinet received a report (Item 17) which advised that the Governing Body of Cringleford Voluntary Aided Primary School were proposing to enlarge the school from 210 to 420 places and move to a new site within the Roundhouse Park housing development on the north side of the A11.

The Governors were entitled in law to propose a significant enlargement of their school and it was Cabinet's duty to determine the proposal within two months of the end of the representation period (26 April 2010). For this reason the decision was an urgent one, as there was not time to allow for a Cabinet Scrutiny Call-in of the proposals.

The Director for Children's Services referred to an email from Mr Neil Lloyd, sent to the Chief Executive asking for several matters of concern to be addressed by the Cabinet with regard to this proposal. The key points taken from the email asked why the Council was not taking into account the bigger picture in the context of alternative solutions and the impact on Cringleford, as a whole, that it should consider expansion on the existing site, and take into account planning considerations and traffic impact assessments. In reply, the Director of Children's Services stated that the proposal was sensible bearing in mind planned development for the area and that this was a local development being proposed by the governors of the school. She added that a wide range of issues had been clearly addressed in the Cabinet report, the current site was not large enough for expansion, given that some 1.9 hectares was needed, planning concerns were a matter for the planning authority and parking provision etc would be addressed at that time, as would issues of traffic impact. There was no requirement for a traffic impact analysis study to be undertaken at this time but one would be available by the end of April and any development plans would be conditional on resolution of transport issues.

The Senior Development Officer, Review and Organisation advised that, while there would be a significant number of families needing to travel to the new site in the short term, once the new development had been completed, the school would be accessible to children and families from the northern side of Newmarket Road, with good road and pedestrian access.

The Chairman commented that the opportunity to have a new school with 420 places should not be overlooked. It would pull communities together. He asked also what might happen if analysis later showed that mitigating factors could not be put in place to offset traffic or other issues. In reply, the Director of Children's Services confirmed that it would be difficult to make a

judgement at this stage but mitigation would be the best way forward and that was why this process was so helpful.

The Cabinet Member for Finance and Performance asked what consideration had been given to compulsory purchase of the field next to the existing school site. In reply, the Head of Planning and Buildings said that a Compulsory Purchase Order (CPO) relied on an alternative site being available and this was not the case, given the availability of the Roundhouse Park site. He also asked about the relatively higher level of cost in comparison with Little Plumstead Primary and Dussindale Primary, a school of similar size. In reply, the Director of Children's Services explained that since the Dussindale build, information had come forward to advise of a significant increase in new environmental build costs and also allowed for additional facilities for early years facilities. This figure was a broad based figure but nevertheless was a good reflection of the up to date costs.

The Cabinet Member for Planning and Transportation queried why housing developer contributions per dwelling, at paragraph 6.1 of the Cabinet report, were less for the second application than for the original 750 dwellings. In reply, the Head of Planning and Buildings said that these figures were set for the County Council in the draft Section 106 agreement. The Cabinet Member also asked whether the Community Infrastructure Levy (CIL) had been used as part of the developer cost requirements for school places. In reply, Director of Children's Services confirmed that investigation of the applicability would be undertaken.

Decision (Key Decision)

RESOLVED -

Cabinet agreed:

1. To conditionally approve the proposal subject to the signing of a section 106 agreement and the granting of planning permission by March 2011
2. To approve the basis of County Council funding and financial support, as set out in the Cabinet report.

Reasons for Decision

Cabinet's duty was to consider the proposal against the criteria for determination. The proposers, supported by the Diocesan Board of Education, sought to secure for future generations of children in that growing part of Norwich, a school fit-for-purpose for the 21st century, accessible to the whole community, rather than just the new part of it.

The present school enjoyed a strong reputation and was popular, performing well in terms of attainment and achievement. It sought to develop those qualities more extensively. There was a strong case for approving the proposal on this basis – that it would improve the quality of education locally and contribute to the cohesion of a growing and changing community.

Alternative Options Considered

There were three alternative options within the powers of Cabinet:

To reject the proposal: The proposal must be considered on its own merits in accordance with the Education and Inspections Act 2006 and the Schools Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 and the relevant statutory guidance, 'Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form: A Guide for Local Authorities and Governing Bodies'.

To modify the proposal: there was no reason to modify the implementation date, particularly as a condition is being proposed. There was no reason for any other modification to be made.

To accept without condition: this could not be recommended because the proposed site was not yet secure and must, along with a condition relating to planning consent, be a condition of approval applied at this stage.

The Cabinet did not have the option to refuse to fund the proposal since it was the County Council's duty to fund new school places, through whatever statutory proposal, including competition, they were introduced into the system. The benefit of the current proposal was that it reinvest capital from an old building, which would be increasingly expensive to maintain, into new facilities for all children in Cringleford. This opportunity would not be available under a 210-place new school option and it was to secure this advantage that the underwriting of capital receipts by the County Council was proposed.

The Cabinet was required to determine the proposal before April 26th. If it did not do so, the proposal would pass to the Office of the Schools' Adjudicator for decision, thus taking the decision out of local hands.

18. Norfolk Youth Offending Team Service Plan 2010/13

The Cabinet received a report (Item 18) which provided an account of Norfolk Youth Offending Team's (NYOT's) performance and achievement during 2009/10 (figures April 2009 – December 2009) and summarised the planning proposals for 2010/13. Overall NYOT had achieved many of its targets and continued to provide value for money although there were some areas that require improvement.

Decision (Key Decision)

RESOLVED TO RECOMMEND TO COUNCIL -

The approval of the Norfolk Youth Offending Team Service Plan 2010/13.

Reasons for Decision

As this was a legal requirement, Cabinet was asked to note the report, detailing performance and achievements for 2009/10 and approve the recommendation for planning proposals for 2010/13.

Alternative Options Considered

There were no other reasonably viable options, as this was required by legislation.

19. Trading Standards Service Plan 2010/11

The Cabinet received a report (Item 19), report presenting the Trading Standards Service Plan for 2010/2011.

Decision (Key Decision)

RESOLVED TO RECOMMEND TO COUNCIL -

The adoption of the Trading Standards Service Plan 2010/11.

Reasons for Decision

The report introduced the Trading Standards Service Plan 2010/11, which included the Food Law Enforcement Plan and the Enforcement of Age Restricted Sales Plan. The Trading Standards Service Plan described outcomes and activities to enable Norfolk County Council's Trading Standards Service to meet both national and local priorities.

The plan was constructed following a strategic assessment, feedback/research with consumers and business and in consultation with the Fire and Community Protection Overview and Scrutiny Review Panel.

Alternative Options Considered

No alternative options were provided as the service plan had been developed following a strategic assessment reflecting local and national priorities.

20. Scrutiny - Review of the Council's Constitution

The Cabinet received a report (Item 20) from the Corporate Affairs Overview and Scrutiny Committee advising that it had received the first report of the working group established to review the Council's Constitution. The working group's report set out the progress made to date in the review and included an initial set of proposals for changes to the Constitution.

In response to a request for clarification on what role the Cabinet played in considering this matter, the Chairman confirmed that rather than intervene, Cabinet commended this report to Council where a full discussion would rightly take place.

Decision

RESOLVED –

To forward the Working Group's proposed changes for Council consideration, namely:

1. that the Working Group's proposed changes to the Constitution, together with the Corporate Affairs Overview and Scrutiny Panel's additional proposals set out in section 2.1 of the Cabinet report, be approved
2. that the new structure of Overview and Scrutiny Panels as set out at section 4.3 of the Cabinet report be established with effect from the July 2010 round of Panel meetings.

Reasons for Decision

The changes to the Council Constitution recommended by the Overview and Scrutiny Panel were ones that require the approval of the full Council. Cabinet was entitled to make recommendations to Council on matters reserved to Council. Cabinet could therefore recommend that Council approve or reject some or all of the Panel's recommendations.

Alternative Options Considered

Cabinet could decline to express a view on the Panel's recommendations.

At This Point, the Meeting Took a 10 Minute Break and Reconvened at 12.40pm.

21. Delivering the Strategic Model of Care (Care Homes) Agenda

The Cabinet received a report (Item 21) advising that, at its meeting on 1st March 2010, Cabinet approved the proposal to establish a delivery partner in the form of a new care company within the NORSE Group of Companies. Councillors James Joyce, Andrew Boswell and George Nobbs subsequently called in this decision by Cabinet. The call in raised concerns that this was a major decision for the County Council and the principles of setting up a new care company within NORSE had not been exposed to pre scrutiny by the Adult Social Services Overview and Scrutiny Panel. The call in equally raised concerns at the prevention of any discussion of this topic at the Adult Social Services Overview and Scrutiny Panel on 2nd March in the immediate wake of the Cabinet decision. Having given consideration to the call in, Cabinet Scrutiny Committee recommended "That Cabinet reconsider the decision and delay reconsideration until the Adult Social Services Overview and Scrutiny Panel has looked at the proposal and made its views known".

The Chairman of the Cabinet Scrutiny Committee, Paul Morse, addressed the Cabinet to advise that the unanimous view of the meeting which had considered this report was that due process had not been followed re

member involvement and in particular, involvement by the relevant Overview and Scrutiny Panel.

The Cabinet Member for Adult Social Services responded to advise that it had never been the intention to avoid proper discussion of the issues, rather this was a procedural error and he had sought to remedy the situation by recommending an amendment at the Cabinet meeting which had received the report to ensure pre-scrutiny of the Business Plan. He totally agreed with the Cabinet Scrutiny Committee recommendation, but noting that nothing had been done to prevent scrutiny of the proposals.

Decision

RESOLVED -

That the Cabinet Scrutiny Committee's recommendation, that Cabinet reconsider its decision and delay reconsideration until the Adult Social Services Overview and Scrutiny Panel had looked at the proposal and made its views known, be accepted.

Reasons for Decision

Cabinet gave consideration to a Cabinet Scrutiny Committee Call-In, therefore their decision reflects Cabinet's considered view.

Alternative Options Considered

Cabinet could decide not to agree with the recommendations of Cabinet Scrutiny Committee.

22. Norfolk Legal – A Joint Legal Service for Norfolk Authorities

The Cabinet received a report (Item 22), advising that the Norfolk Legal Partnership, an informal partnership consisting of all the Norfolk local authorities and the Broads Authority, had agreed in 2007 to work towards the goal of a joint service model. At its meeting in September 2009 it was agreed to take forward a specific service model for legal services for Norfolk County Council (NCC), Norwich City Council (Norwich CC), GYBC (Great Yarmouth Borough Council), Broadland District Council (Broadland DC) and the Broads Authority, with the capacity for other authorities to join the service at a later date. The purpose of the project was to implement a joint legal services team, hosted by Norfolk County Council, which would result in cashable savings, significant procurement initiatives, improved service delivery to client authorities and opportunities to attract new public sector clients.

The Chairman asked who would oversee the governance arrangements for this new joint service. In reply, the Head of Law confirmed that Norfolk Legal Governance would be governed by a Management Board comprising a senior officer and portfolio holder from each stakeholder authority and the head of service would be Norfolk's head of legal services. Details of a stakeholder agreement were currently being concluded.

The Cabinet Member for Waste and Environment queried what processes would be in place to avoid conflicts of interest and would this involve using outsourced legal advice. In reply, the Head of Law confirmed that similar arrangements for the handling of legal advice had been ongoing at the County Council for a number of years, Norfolk already handled legal services for the Broads Authority, Broadland, Breckland etc, and the issues were familiar to all parties with specific provisions in contractual arrangements to deal with conflicts. Norfolk's legal service was also subject to Law Society requirements for handling conflicts and was Lexcel approved. There would always be third party discussions on the best way to deal with such issues and action taken appropriately, i.e. one party would be represented by third party counsel.

The Cabinet Member for Planning and Transportation asked about the nature of the informal partnership and was informed by the Head of Legal that working arrangements between the Norfolk authorities had been ongoing for a number of years between the Heads of Law and Monitoring Officers, Police and Broads Authority which had eventually led to discussions to put the partnership onto a more formal footing with set contractual agreements to the arrangement. A business plan had now been drawn up which set out the agreements of each stakeholder authority.

The Cabinet Member for Cultural Services, Customer Services and Communications suggested that a progress report come back to the Cabinet once the new partnership had been in operation for six months, to review its effectiveness and progress.

The Cabinet Member for Finance and Performance asked about pensions and future liabilities for the County Council. In reply, the Head of Legal advised that this service was no different to any other where staff transferred in. Any impact on the Council's pension contributions from an increase in staff accessing the pension scheme would be recouped through charges to clients both internally and externally to the County Council.

The Chairman confirmed that it would be the Corporate Affairs Overview and Scrutiny Panel and not Cabinet who scrutinised the operation of this new arrangement.

Decision

RESOLVED -

The Cabinet agreed:

1. the establishment of the joint legal service as part of NCC and that it will deliver the legal functions of Norfolk County Council, Great Yarmouth Borough Council, Norwich City Council, Broadland District Council and the Broads Authority and any other parties joining as stakeholder or contracting with it.

2. to authorise the Director of Corporate Resources to agree and enter into a stakeholder agreement reflecting the proposal set out in the Cabinet report with the other stakeholder authorities.
3. a progress report come back to the Corporate Affairs Overview and Scrutiny Panel, once the new partnership had been in operation for a period of six months, to review its effectiveness and progress.

Reasons for Decision

Developing a joint legal service for Norfolk would provide opportunities to:

- Deliver high quality, low cost legal services to local authorities and other public sector organisations within Norfolk and, in the longer term, more widely.
- Merge budgets to secure leverage with suppliers and volume discounts.
- Introduce an effective and fit for purpose staffing structure to maximise productivity of Norfolk Legal.
- Streamline workflows to avoid duplication of work.
- Reduce the use of external solicitors/barristers to achieve savings.
- Share specialist knowledge to generate cost savings and increase strength and depth of expertise.
- Create a unit which can be “employer of choice” for legal staff, aiding recruitment and retention.
- Develop a Norfolk Legal extranet-based knowledge bank to share know how and facilitate flexible working.

Alternative Options Considered

The alternative option was not to proceed.

23. Programme of Meetings 2011

The Cabinet deferred consideration of this report (item 23) to a future meeting.

Decision

RESOLVED -

That the report be deferred.

24. Proposal to set up a Joint Venture Company between Norfolk County Council, King’s Lynn and West Norfolk Borough Council and the Homes and Communities Agency

The Cabinet received a report (Item 24) advising that the aim of the Joint Venture was to construct and sell 223 housing units on the site in four phases. The proposed joint venture would enable a financially viable housing development on the Nar Ouse Regeneration Area site at this time of

market inactivity. Agreed financial contributions to the joint venture and an affordable funding and associated cash flow strategy would help to deliver the development programme.

The Cabinet Member for Economic Development stated that this project was integral to the development of this area. She noted that a similar report would be presented to the King's Lynn and West Norfolk District Council Cabinet meeting on 13 April.

The Chairman congratulated officers on this project. He noted that there were risks, especially in the current housing market climate, but the report highlighted that the risks would be mitigated and he was pleased to be able to step in where there had been market failure. He proposed that the approval to proceed be taken in consultation with the Cabinet Member for Economic Development.

Decision

RESOLVED -

The Cabinet:

1. Approved in principle the proposed joint venture partnership with King's Lynn and West Norfolk Borough Council and the Homes and Communities Agency.
2. Authorised the Director of Environment, Transport and Development, and the Head of Legal Services, in consultation with the Cabinet Member for Economic Development at Norfolk County Council, to finalise the legal agreement with the potential partners of the joint venture.
3. Approved the contribution of £1m in capital to the joint venture to help fund Phase 1 of the proposed development.

Reasons for Decision

The County Council had made a long-term strategic commitment to the Nar Ouse Regeneration Area (NORA), investing in the Nar Ouse Regeneration Route, infrastructure to support employment uses, a new primary school and has plans for an Academy on the site. The momentum of the wider NORA project was currently jeopardised by the downturn in the housing market.

The joint venture partnership would enable a financially viable housing development on the NORA site at this time of market inactivity. This should help restore confidence and after each phase of development, it would be possible to see if the next phase can be delivered in a more traditional way. The Council's contribution should be available for subsequent reinvestment elsewhere in King's Lynn and West Norfolk in 3 to 4 years time.

Alternative Options Considered

Members could have decided not to support the joint venture partnership, in which case King's Lynn and West Norfolk Borough Council would have great difficulty in taking the project forward and the opportunity to gain funding from the Homes and Communities Agency might be lost.

In addition, Norfolk County Council would lose the opportunity to be involved in a significant regeneration project and to support its strategic ambition to provide an inspirational place for people to live and thrive by building a vibrant, confident and cohesive community in the west of the County.

25. Norfolk County Council Planning Obligations Standards - Updated April 2010

The Cabinet received a report (Item 25) advising that the County Council's Planning Obligations Standards be updated. No increases were proposed to the education and library charges, although a small increase was recommended in respect to new fire hydrant provision. In addition, it was proposed that the County Council seek a monitoring charge to cover the costs associated with implementing any S106 Agreement (e.g. carrying building progress surveys, managing the S106 database and chasing up developers for late payments). The Standards were also amended to reflect recent introduction of the Community Infrastructure Levy (CIL) Regulations.

The Chairman noted that when the market picked up these standards would be much needed. The Cabinet Member for Planning and Transportation added that the authority should resist the temptation to water down its requirements by developers and to avoid the potential of facing the impact of weakened standards in years to come.

Decision

RESOLVED -

The Cabinet agreed that the revised Standards take immediate effect (from 6 April 2010) and be forwarded to the District Councils for information.

Reasons for Decision

While the number of proposed amendments to the Standards was limited, they were important in terms of reflecting recent changes in the Planning Regulations. In addition the proposed implementation of a Monitoring Charge could yield the County Council additional funds.

Alternative Options Considered

The report set out a number of proposed changes to the County Council's planning Obligations Standards. Not pursuing these could be contrary to Planning Regulations covering the Community Infrastructure Levy.

However, members might feel that pursuing a monitoring charge was inappropriate at the present time given the fragile nature of the economic recovery.

26. NATS Implementation Plan and NDR/Postwick Update

The Cabinet received a report (Item 26) seeking approval for a Norwich Area Transportation Strategy (NATS) Implementation Plan (the Plan). The Plan provided the transport elements of the Joint Core Strategy (JCS) and outlined schemes that were complementary to the Northern Distributor Road (NDR). The proposed Plan built on the significant success of NATS to date, which had reduced traffic entering the centre of Norwich and provided improved travel choices.

The Director of Environment, Transport and Development updated members on the discussions at the recent Overview and Scrutiny Panel and member concerns re pedestrianisation and speed and commented that the Cabinet report reflected on these. He also advised that the Greater Norwich Development Partnership Policy Group and the Norwich Highways Agency Joint Committee had both strongly endorsed the overall plan and agreed the proposed minor changes to NATS policies. Both had raised issues of detail which would now be pursued. He confirmed that the Plan would continue to evolve including taking on board member comments. With regard to environmental consultation and the strategic environmental assessment, seven responses had been received including relevant district authorities and all were satisfied with the improvements identified. There were no adverse effects on the proposed implementation plan. With regard to the NDR, he advised of the Department for Transport decision regarding Programme Entry.

The Cabinet Member for Planning and Transportation emphasised the funding issue for the NATS Implementation Plan and especially the Bus Rapid Transit. He confirmed that it was right to progress the two projects at the same time, NATS and NDR.

The Chairman asked if there was any commentary yet on the Postwick Hub and the Director advised that the Orders had been submitted but there had been no government feedback to date and probably would not be until after the government election date of 6 May 2010.

Decision (Key Decision)

RESOLVED -

The Cabinet agreed:

1. in the light of the consultation responses and analysis, the proposed Plan, it endorse changes to a small number of Norwich Area Transportation Strategy policies and that the Norwich Area Transportation Strategy area become consistent with the Norwich Policy Area.

2. the preparation of an application for planning permission for a Northern Distributor Road from Postwick to the A1067.
3. to underwrite the funding shortfall of £39.7M for the Northern Distributor Road by use of Prudential Borrowing.

Reasons for Decision

Public and business consultation had demonstrated strong support for the emerging Plan. Implementation would have to be phased with the availability of funding and progress on the Northern Distributor Road.

Alternative Options Considered

The assessment of the Plan tested a wide range of transport interventions. The Plan would identify the package of measures, which best met objectives and could be delivered within likely available resources.

27. Greater Norwich Development Partnership: Recommendations of Policy Group

The Cabinet received a report (Item 28) advising that the Policy Group had agreed to recommend to its constituent authorities a programme of further work to develop a Community Infrastructure Levy, and the establishment of a Design Review Panel.

The Cabinet Member for Finance and Performance spoke in support of the report, as a method of the County Council responding to the needs of businesses and residents, through careful management of the budget.

Decision (Key Decision)

RESOLVED -

The Cabinet endorsed the recommendations of the Greater Norwich Development Partnership Policy Group:

1. To confirm the development of a Community Infrastructure Levy or a tariff based approach to developer contributions so that certainty and progress on the proposed approach can be demonstrated at the examination into the Joint Core Strategy;
2. To agree that further work be undertaken:
 - To determine the scope of infrastructure to be covered by a Community Infrastructure Levy (or a tariff) and the elements that should be addressed through s.106
 - To determine the most effective mechanism for collaboration by Greater Norwich Development Partnership local authorities in developing charging schedules and coordinating decisions on spending priorities

- To develop a more detailed timetable and resource plan (for approval by Greater Norwich Development Partnership Directors) in particular to address the need for legal and development economics advice to develop a Community Infrastructure Levy
3. To consider a more detailed progress update at a meeting in May 2010 in advance of the Joint Core Strategy Examination.
 4. To approve the establishment of a Greater Norwich Design Review Panel.

Reasons for Decision

The recommendations of the Greater Norwich Development Partnership Policy Group meeting of March 25 should be endorsed.

Alternative Options Considered

Members could resolve not to endorse any or all of the recommendations of the Policy Group. As a consensus based Partnership, the recommendation would fall and would need to be reconsidered by all partners. As the recommendations have already been reached through a consensus across Cabinet/Executive representatives of all partner authorities, rejection was not recommended.

28. Post-Winter Damage to Highways

The Cabinet received a report (Item 29) which proposed that £1.2m be made available immediately and up to £2m (final amount depended upon the outturn of accounts for 2009/10) be made available from a small number of identified funding sources to support post winter damage to highways. This would not impact on the financial allocation to other current services in the 2010/11 budget.

The Director of Environment, Transport and Development updated members to confirm that the damage to Norfolk's roads could only be addressed by more substantive works being undertaken, to get them into a better condition. He confirmed that he had received notice of the County Council's allocation of government funding for damage to the highways from the bad winter conditions - £2.8 million. He commented that he was not clear when this money would be released.

The Cabinet Member for Planning and Transportation expressed his gratitude for the money from the Council and confirmed that the total needed to ensure all Norfolk's roads were fully treated before next winter was well in excess of £4 million.

Decision (Key Decision)

RESOLVED -

The Cabinet agreed that:

1. immediate funding of £1.174m be granted for post winter damage to highways, to be funded as set out in paragraphs 3.3 and 3.4 of the Cabinet report and to a further review of the position when the outturn of accounts for 2009/10 was known (as set out in paragraph 3.5 of the Cabinet report).
2. to delegate to the Director of Environment, Transport & Development, in discussion with the Cabinet Member for Planning and Transportation, detailed decisions on which roads to patch and surface dress.

Reasons for Decision

Highway condition was deteriorating as the purchasing power of available funding has reduced. The impact of two cold winters has accelerated the deterioration. Significant public and Member concern has been expressed about the extent of highway damage caused by the extreme winter weather. Extra funding of up to £2m would allow officers to address more of the urgent permanent repairs needed by allocating extra resources shared between patching and surface dressing.

Alternative Options Considered

Cabinet could decide it was unable to make further funding available which would reduce our scope to carry out road repairs and might lead to extra cost in the future.

29. Appointments to Committees etc (Standing Item)

There were no appointments to Committees.

At this point the Cabinet Member for Planning and Transportation left the meeting and did not return.

30. Waste Contract Framework

The Cabinet received a report (Item 27) which provided an update on the wider waste procurement strategy following proposals considered by Cabinet on 09 November 2009 and identified the current projected shortfall of landfill allowances for biodegradable municipal waste.

The Cabinet Member for Waste and Environment emphasised that the priority was still on efforts to encourage recycling. This was a great step forward and every effort should be taken to avoid the use of landfill.

Decision

RESOLVED -

The Cabinet

1. noted progress being made on the Waste Procurement Strategy, as agreed by Cabinet.
2. agreed the approach to the waste contract framework for waste treatment and disposal services, and approved the commencement of the procurement of a contract framework and the evaluation principles to be applied to proposals.

Reasons for Decision

Approximately £101,000 of additional financial support in 2010/11 was being made available by the County Council to Broadland and Norwich City Councils to help meet the costs of their kerbside kitchen waste collection services. This support was in addition to the significant financial support already being provided to support recycling in Norfolk through the recycling credit scheme.

A procurement of a waste contract framework was proposed to replace contracts that end in March 2011. This would:

- Procure services using the competitive dialogue process.
- Have a scope for waste treatment and disposal services.
- Have a contract length of four years with a one year extension option.
- Include an incentive mechanism for sharing the avoided costs of landfill tax and landfill gate fee where improved services during the contract period are delivered that divert biodegradable waste from landfill.

Alternative Options Considered

(a) Do nothing was not an option. The County Council had a statutory obligation as the Waste Disposal Authority for Norfolk. Eleven of the thirteen contracts for disposal expire in April 2011 and replacement services were required.

(b) Shorter contracts would not align well with the expected start date for the Waste Public Finance Initiative (PFI) service (expected to be 2015), may lead to higher gate fees being proposed as bidders had less certainty, and may also cause limitations to the extent or quality of proposals as bidders may not be able to justify investments that would improve services.

(c) Contracts longer than four years might compromise the start of the Waste PFI contract which was expected to provide a full service from 2015.

(d) No avoided costs sharing incentive could mean that if additional waste treatment facilities were delivered in the region the County Council might not

benefit from them through the life of the contract, i.e. contractors would have no strong reason to sub-contract to organisations capable of providing an improved service.

31. Waste PFI Contract – Shortlist Approval

The Cabinet received a report (Item 32) advising on the recommended shortlist of the following two applicants:

1. Cory Environmental Management Ltd / Wheelabrator Technologies Inc.
2. AmeyCespa (Amey UK plc / Cespa SA)

for the Waste PFI (Private Finance Initiative) contract.

The Project Director - Residual Waste Services updated Cabinet on the discussions at the Overview and Scrutiny Panel, held on 30 March, to confirm that, based on the evaluation of bids received the following applicants should be placed on a shortlist and invited to participate in dialogue:

1. Cory Environmental Management Ltd / Wheelabrator Technologies Inc.
2. AmeyCespa (Amey UK plc / Cespa SA).

32. Exclusion of the Public

The Project Director - Residual Waste Services presented the following reasoning for exclusion of the public and conclusion in respect of the public interest test:

The financial and bid issues are outlined in detail for members to consider. This information is considered to be exempt under paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (information relating to the financial or business affairs of any person (other than the authority)).

The public interest test in disclosing these issues is outweighed by the public interest test in non-disclosure. Disclosing sensitive business and financial information may impact on the authority attaining best value in future negotiations.

Decision

RESOLVED -

The Cabinet agreed that the public be excluded from the meeting under section 100A of the Local Government Act 1972 for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

SUMMARY OF MINUTES EXCLUDED FROM PUBLIC DEPOSIT

The Cabinet received and discussed background information considered to be exempt under Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

33. RETURN TO PUBLIC SESSION

Decision (Key Decision)

RESOLVED -

The Cabinet agreed that the following applicants be placed on a shortlist for the Waste PFI and invited to participate in dialogue:

1. Cory Environmental Management Ltd / Wheelabrator Technologies Inc.
2. AmeyCespa (Amey UK plc / Cespa SA).

Reasons for Decision

The officer recommendation, and recommendation of the Waste Project Board, was that based on the evaluation of bids received the following applicants should be placed on a shortlist and invited to participate in dialogue:

1. Cory Environmental Management Ltd / Wheelabrator Technologies Inc.
2. AmeyCespa (Amey UK plc / Cespa SA).

There was no need to invite more than two bidders. It was considered normal that only two bidders would be invited to participate in dialogue and subsequently be asked to submit their final tenders.

Alternative Options Considered

To not approve any shortlist would not be justified. The Authority had been fortunate to benefit from detailed solutions provided by strong organisations and the evaluation process has established a clear hierarchy. There were no grounds to not approve a shortlist and it would be equivalent to abandoning the procurement which would lead to the loss of the PFI credits and require an alternative long term strategy to be established.

To introduce another stage might add up to three months to the process, to allow for the development of supporting documents for a new stage and for the bidders' responses to those documents.

There were no grounds to delay approving the recommended shortlist. However to do so would have negative impact on the Authority's Landfill Allowances, i.e. it would delay service benefit, it would increase the risk of losing the PFI credits, and it could lead to applicants losing interest in the Waste PFI contract and have a negative impact on the credibility of the Authority's procurement processes.

There was no need to invite more than two bidders. It was considered normal that only two bidders would be invited to submit final tenders.

To invite more than two bidders would require the introduction of an additional stage to the procurement, thereby extending the amount of time involved in the procurement. This might add up to three months to the process, to allow for the development of supporting documents for a new stage and for the bidders' responses to those documents.

At this stage the award of PFI credits by the Treasury was not guaranteed and there was intensive competition for the available credits. There was a small risk that any significant delay to the procurement could lead to a reduction in the PFI credits available to support the project, i.e. they could be awarded to other projects that finish earlier.

Taking more than two bidders through dialogue would put a strain on available resources and increase the costs of advisors and possibly lead to the withdrawal of bidders.

There were no grounds to invite fewer than two bidders. To invite one bidder would lead to restricted competition and would increase the impact of that bidder withdrawing later in the process. It is also contrary to the declared intent of the process to proceed with two bidders and could invite a challenge.

[The meeting ended at 13:30 pm]

CHAIRMAN



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