

Decision Digest

Edition 108

Monthly summary of the decisions taken at meetings of the Council, Cabinet, Overview & Scrutiny and other Panels for the period 1st to 29th October 2010.

FLOODING IN ST IVES

The Overview and Scrutiny Panel (Environmental Well-Being) has been updated with the ongoing problems being encountered by residents in St Audrey's Lane, Warren Road and Pig Lane in St Ives arising from the flooding of the foul sewerage system. The matter had first been raised in February 2008 when a petition signed by 26 people had been presented to a meeting of the Panel. Attention was also drawn by Councillor J W Davies to the problems being experienced by residents in West Street, St Ives as a result of unpleasant odours emanating from the sewers, together with his concerns about the capacity of the pumping station at Broadleas to deal with the impact of new developments in the area.

Having regard to the ongoing discussions with Anglian Water which had yet to produce a satisfactory conclusion to these issues, the Panel has agreed to establish a local drainage liaison group to offer local Members the opportunity to meet with Anglian Water and other relevant agencies to try and establish a way forward in tackling the problems. Councillor P M D Godfrey has been appointed as the lead member of this Group which will meet on an ad hoc basis.

As there may be similar problems experienced in other Wards within the District, it has also been agreed that concerns raised by other Members should be addressed to Councillor P M

D Godfrey in the first instance who will decide whether a local liaison group for that area may be an appropriate way of addressing the issues raised.

STUDY: CONSULTATION PROCESSES

The Overview and Scrutiny Panel (Social Well-Being) has begun planning its study on the Council's consultation processes. The Council's Consultation and Engagement Strategy and associated guidance has been received together with a list of consultations already undertaken by the Council.

Matters that were discussed included the role of pressure groups during consultations, public perceptions of consultation exercises and the need to publicise and communicate more effectively consultation expectations. Other matters that were discussed included the structure of questions posed within consultation documents, the role of Councillors in their decision making, effective use of the Neighbourhood Forums, the prescriptive nature of some consultations, the need to analyse data on a Ward specific basis and the format of District Wide. Comment was also made that rigorous assessments should be undertaken prior to commencement of a consultation and the need to ensure that they have been effectively reviewed.

HUNTINGDONSHIRE STRATEGIC PARTNERSHIP: CHILDREN AND

YOUNG PEOPLES THEMATIC GROUP

The Overview and Scrutiny Panel (Social Well-Being) has received details of the Children and Young Peoples Thematic Group of the Huntingdonshire Strategic Partnership (HSP), including its objectives, terms of reference, membership and current matters being considered. Members have further noted the Thematic Group's achievements to date and risks identified that might prevent its objectives from being achieved.

It was suggested that some priority should be accorded to reviewing the Council's role in shaping new residential developments, given that there is a perceived shortfall in the availability of facilities for some sectors of new and developing communities. Further background information has been requested for circulation to Panel Members and an invitation will be extended to the relevant Executive Member to attend a future meeting. Details of a Member-led review being undertaken by Cambridgeshire County Council's Children and Young Peoples Services Committee on integrating children and young people's services and social infrastructure provision into the County's new communities will be circulated to Panel Members for background purposes.

NHS CONSULTATION: PHARMACEUTICAL SERVICES IN CAMBRIDGESHIRE

Members of the Overview and Scrutiny Panel (Social Well-Being) have made a series of comments on a consultation being undertaken by NHS Cambridgeshire on pharmaceutical services in Cambridgeshire.

The Panel has queried the design of the consultation and its distribution and suggested that future NHS

consultations should elicit information on where respondents live in order to better understand local needs. The purpose of the consultation is to inform the Primary Care Trust's Pharmaceutical Needs Assessment which is required to be completed by 1st February 2011.

CAMBRIDGESHIRE ADULTS WELL-BEING AND HEALTH SCRUTINY COMMITTEE

An update on matters currently being considered by the Cambridgeshire Adults Well-Being and Health Scrutiny Committee has been received. This included the Government's proposals to reform the NHS as outlined within the "Equity and Excellence: Liberating the NHS" White Paper, adult support services, training on dementia for care home staff and membership of the neonatal intensive care joint committee.

LOCAL GOVERNMENT ACT 2000 – FORWARD PLAN

The Overview and Scrutiny Panel (Social Well-Being) has requested sight of the Cambridgeshire Local Investment Plan prior to its consideration by the Cabinet.

DEMOCRATIC STRUCTURE REVIEW – 12 MONTHS ON

The Cabinet has been acquainted with the findings of a review by the Democratic Structure Working Party on the impact of changes made to the Council's democratic structure since its implementation in September 2009. The findings revealed Member support for the changes introduced by the Council and the Cabinet has subsequently recommended to Council that no change should be made to its current democratic structure. The Cabinet has also agreed to retain the Working Party in its current format to consider and report, on an ad hoc

basis, on legislative and other changes that may have an impact upon the Council's democratic structure.

EXECUTIVE LEADER AND CABINET FORM OF EXECUTIVE

Having considered the implications for the Council of its decision to change its executive arrangements, the Cabinet has recommended that the Council should change its form of Executive with effect from 8th May 2011 to an Executive Leader and Cabinet model and to approve the consequential changes to the Constitution listed in the Annex to the report.

PERFORMANCE MANAGEMENT

The Cabinet has reconsidered a report by the Overview and Scrutiny Panels on their deliberations and proposals in response to the Council's performance against its priority objectives. The Council's expenditure on the employment of external consultants has been referred back to the Corporate Plan Working Group for further review to include the criteria used in the appointment of consultants and an assessment of the cost and value gained from using them. It was noted that contributions from opposition groups, all Members, employees, local businesses and the public currently are being sought in identifying financial savings for the Council and a review of the Council's priorities, aims and objectives is being undertaken. The review will impact upon consequent service provision and levels and is being considered in the context of budget preparations for 2011/12 and future years. The views of the Corporate Plan Working Group, the Overview and Scrutiny Panels and those expressed during the consultation exercises will be taken into account as part of the review process.

CAPITAL PROGRAMME MONITORING – 2010/11 BUDGET

The Cabinet has been acquainted with variations in the capital programme in the current year and has discussed cost variations and timing changes for 2011/12. Clarification has been received on the appropriate level of borrowing compared to revenue.

FINANCIAL MONITORING – REVENUE BUDGET 2010/11

The Cabinet has noted the expected revenue budget variations already identified in the current year. Whilst welcoming a forecast reduction of £966,000 in the overall budget, the Cabinet's attention has been drawn to a number of uncertainties surrounding the actual expenditure incurred by the Council in respect of concessionary fares.

LAND ADJOINING 4 KINGSBROOK, ST IVES

The Cabinet has approved the disposal of Council owned land at Kingsbrook, St Ives and has authorised the Director of Central Services, or in his absence, the Head of Law, Property and Governance, after consultation with the Executive Councillor for Leisure and Law, Property and Governance, to approve future land sale transactions up to the value of £50,000.

HUNTINGDON TOWN CENTRE RE-DEVELOPMENT

The Overview and Scrutiny Panel (Economic Well-Being) has considered a report on proposals to redevelop Huntingdon Town Centre. Members have been advised that the local economy is driven by the market towns through service, employment and retail provision. Although Huntingdon is regarded as the District's economic lynch pin, its retail footprint (CACI)

ranking has recently declined. It has been noted that retailers have raised particular concerns about low levels of trade occurring on Saturdays. Existing units in the town are too small to attract the higher quality retailers that residents require yet, owing to its location, there would be little difficulty in attracting this kind of retailer to Huntingdon.

The Panel has acknowledged that there is a need to protect and develop the local retail market, particularly as Huntingdonshire has significant exposure to the potential contraction of the public sector given that it provides approximately one-third of local employment. As well as protecting existing jobs, the proposals could create a significant number of new jobs. While Members have recognised that the required construction works will create employment, concerns have been raised that the works could have an adverse impact on trade levels. In this respect, the Panel has recommended that the Council should seek to influence the sequence of developments in order to minimise disruptions to trade.

Having examined at length the financing arrangements for the proposals, the Panel is of the view that a formal analysis of the risks involved should be undertaken and contingency plans then devised. Members are keen that the proposals should succeed and following extensive discussions, they have outlined a number of concerns about them as they stand and made suggestions to mitigate risks to the Council.

Details of the economic benefits arising from the proposed redevelopment have been noted by the Cabinet. Updates were delivered on a number of matters, including negotiations concerning land ownership, funding of the Huntingdon West Relief Road and the financial and

commercial risks arising from the proposals. Funding arrangements for the new link road have been discussed and the view expressed by Executive Members is that it would be preferable for the County Council to be party to meeting the funding gap pending the receipt of Section 106 monies.

The Cabinet has authorised the Director of Environmental & Community Services to negotiate and conclude development agreements with Sainsbury's, Churchmanor Estates and Cambridgeshire County Council, after consultation with the Executive Councillor for Resources and Policy, on the basis of heads of terms currently being considered and to agree funding arrangements for the Huntingdon West Relief Road until the future Section 106 receipts have been received. Additionally, the Cabinet has agreed to the release of Medium Term Plan funding for the construction of the multi-storey car park and the Huntingdon West Relief Road.

URBAN DESIGN FRAMEWORK: ST NEOTS EASTERN EXPANSION

The Development Management Panel has received a presentation on the content of the proposed Urban Design Framework for the successful development of land east of the railway line, St Neots. An exhibition on the development is currently on display in the Priory Centre, St Neots. The site comprises 227 hectares of Greenfield land with capacity for up to 4000 new dwellings, community facilities, schools, shops, recreation and open spaces' and employment land. The Panel have made a number of observations about the proposals which are to be conveyed to the Cabinet. Principally, these related to potential traffic congestion in Little Paxton and Priory Hill, the need for completion of the scheme for the dualling of the A428, the need for an additional secondary and community

facility and the importance of integration with the existing town centre. The Panel was also concerned that the proposed District centre should not have a detrimental effect upon the vibrancy and vitality of the town centre and that the overall size of the development be carefully managed.

In supporting the proposed design parameters and objectives of the Urban Design Framework, the Panel were mindful, firstly, that they would still have the opportunity to consider the Master Plan and detailed development applications in due course and secondly that the S106 contributions generated by the size of the development would ultimately deliver the infrastructure required to ensure its success.

TREE REPLACEMENT NOTICE

Under Section 207 of the Town and Country Planning Act 1990, the Head of Planning Services has been authorised to issue a Tree Replacement Notice to the owner of a property in Hemingford Grey to secure the planting of a scots pine in place of a cedar which had been felled under a previous Tree Preservation Order (TPO). The Notice is required to ensure compliance with the original TPO and to maintain the visual amenity of the area.

For the future, the Development Management Panel has authorised the Head of Planning Services, or in his absence, the Planning Service Manager (Policy) to serve such notices under Section 207 of the Act in appropriate circumstances.

APPEAL DECISIONS

As part of their regular review of the outcome of appeals against refusal of planning permission, the Development Management Panel has noted that the applicant in the case of an application

for development at RAF Upwood, Ramsey Road, Bury has applied for judicial review of the decision made by the Secretary of State for Communities and Local Government.

NEW HEADQUARTERS AND OTHER ACCOMMODATION CLOSE REPORT

The Overview and Scrutiny Panel (Economic Well-Being) has considered a report reviewing the new headquarters and other accommodation project, which identifies lessons learnt that would be transferable to the inception, development and delivery of future projects. The Panel has been advised that there are plans to sell Castle Hill House and the site originally proposed for "Building A" once the property market shows signs of recovery. Members have also noted that although there is no demand at present for the sub-letting of part of Pathfinder House, if this is necessary in future then this could easily be sub-divided.

ONE LEISURE FINANCIAL PERFORMANCE 2009/10

The financial performance of One Leisure for 2009/10 has been reviewed by the Overview and Scrutiny Panel (Economic Well-Being). There has been an improvement in the forecast financial position but the Council's forthcoming budgetary decisions could have an impact on the forecast. Efforts are made on an ongoing basis to reduce costs and staffing structures are constantly under review.

Members have indicated that the preparation of more detailed financial reports would be of value and could assist when considering future proposals and recommendations. In particular, it has been suggested that a distinction needs to be made between those areas of activity that compete with the private sector and others that

have a purely "social" benefit, such as swimming, which are subsidised by the Council. The Panel has noted that each centre has a five year business plan for both "social" and financial aspects of their operations, which are constantly updated. There is also an overall business plan for One Leisure. Members have requested further information differentiating between the "social" services provided by One Leisure from those services that compete with the private sector. This is to include key business indicators, reference to the business plan, the calculation of re-charges and a breakdown of the staff structure at the leisure centres. The Panel has also requested an annual report on the performance of One Leisure.

LEISURE CENTRES' HOSPITALITY, PERFORMANCE AND FUTURE PLANS

The Overview and Scrutiny Panel (Economic Well-Being) has received a report on the financial performance of the Hospitality Section of One Leisure. Overall trends in hospitality have improved in recent years and in 2010/11 a profit of £45,000 is projected. However, the bars continue to make a loss. Members have emphasised that both the bars and Impressions are competing with the private sector and as such should be run as businesses with clear business plans. The Panel has questioned whether the leisure centres should have bars given that one of their objectives is to improve the health of the local population. In response, Members have been advised that there is a continued demand for alcohol and confectionary at the leisure centres, though there is a growing demand for healthier options. However, the centres endeavour to meet both needs. Members believe that an assessment of the degree to which the bars attract customers to the leisure centres will assist their discussions

when they receive further detailed reports on the overall performance of One Leisure.

OVERVIEW AND SCRUTINY PANEL (ECONOMIC WELL-BEING) - PROGRESS

In the context of their study on the impact of the Licensing Act, the Overview and Scrutiny Panel (Economic Well-Being) has accepted the Alcohol Harm Reduction Co-ordinator's offer to attend a future meeting to discuss the Alcohol Harm Reduction Strategy.

WORK PLAN STUDIES

The Overview and Scrutiny Panel (Economic Well-Being) has requested a report on the implications for Huntingdonshire of the abolishment of the East of England Development Agency and its replacement by Local Enterprise Partnerships. Members have also suggested that the implications for the local economy of the Government's decision not to proceed with improvements to the A14 should be considered at a future Panel meeting.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

The Licensing and Protection Panel has recommended to the Council to adopt an amendment to schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. The amendment, if adopted, will allow the Council to regulate lap dancing clubs and similar types of activity as "sexual entertainment venues".

The Council has already adopted the relevant parts of the Act that requires the licensing of sex shops and sex cinemas in the District. Although there are currently no sexual entertainment

venues in Huntingdonshire, failure to adopt the amendment would result in an inability to regulate any new venture that may be established.

ENVIRONMENTAL PROTECTION ACT 1990

The Licensing and Protection Panel has been updated on progress with pollution control issues associated with an area of land within the District.

Declaration of the land as contaminated has so far been unnecessary and it is hoped that such action can be obviated by future developments.

EQUALITY ACT 2010 – TAXIS AND PRIVATE HIRE VEHICLES

The Licensing and Protection Panel has been advised of the implications for the licensing of taxis and private hire vehicles necessitated by the Equality Act 2010. The Act embodies many of the taxi and private hire provisions previously contained in the Disability Discrimination Act 1995 but also includes some important changes that came into effect on 1st October 2010.

Such changes include a duty to assist passengers in wheelchairs at no additional charge, the carriage of guide dogs and assistance dogs and the issue of exemption certificates to drivers exempt from such tasks on medical grounds.

Due to the Council's previous decision to delimit taxi numbers for applicants with wheelchair accessible vehicles, a further requirement lifting the control of numbers of such vehicles will not affect the Council.

LICENSES, REGISTRATIONS AND PERMITS 2010

The Licensing and Protection Panel has noted a report listing the current

number of licences, registrations and permits administered by the Licensing Section and the number of new applications that have been processed during the period 1st October and 30th September 2010.

The Panel has also been apprised of the inspections and investigations that have taken place and the measures taken against two public houses that were causing problems for their local communities.

LICENSING ACT 2003 – STATEMENT OF LICENSING POLICY

Following a consultation a revised statement of licensing policy has been endorsed by the Licensing Committee pending its submission to Cabinet and approval by Council in December.

The revised statement has been modelled on the existing document which came into effect on 7th January 2008 for a period of three years. It has been amended to have regard to updated guidance issued by the Secretary of State and legislative changes that have taken place in the intervening period. These changes include a mandatory code of practice for retailers, the provision for elected members to become interested parties for the purpose of making representations and applying for reviews and re-classification of lap dancing clubs so that they require a sex establishment licence and new mandatory conditions relating to the supply of alcohol.

RE-BALANCING THE LICENSING ACT 2003

Details of a consultation paper on proposals to re-balance the Licensing Act and the legislative changes that are likely to result as a consequence, have been considered by the Licensing Committee.

The coalition government is of the view that the problems of irresponsible sales and drinking habits have not been resolved by the changes introduced by the Licensing Act and that there is insufficient flexibility in the system for licenses to be reviewed or for discretion on the part of the licensing authorities. The changes are expected to give a greater opportunity for local communities to ask for a review of the minority of premises where alcohol consumption, crime and disorder or public nuisance is cause for concern.

A response to the consultation has been endorsed by the Chairman and the Vice-Chairman of the Committee.

SECRET GARDEN PARTY

The Licensing Committee has received a report on the outcome of the Secret Garden Party festival held in Abbots Ripton between 22nd and 26th July 2010.

The festival, for which organisers were granted a licence in perpetuity in January, attracted 26,000 people with licensable activities taking place throughout the event period. There is now no formal opportunity for the licence conditions to be revisited unless an application for review is made by one of the responsible authorities or an interested person, or a change to the licence conditions is applied for by the licence holder. Officers from the Democratic and Central Services and Environmental and Community Health Divisions were on site for most of the event's duration to ensure that licence conditions were adhered to.

Pre and post event meetings have been held with the event organisers and other relevant organisations. A significant Police presence at the event was funded by the organisers but the popularity of the festival is thought to

have attracted a small minority who target such events by way of thefts and illegal entry. Although a large number of people required medical care, both Hinchingbrooke Hospital staff and event paramedics were satisfied with the arrangements made on site to care for those in need of assistance. The issues identified at the post event safety advisory group meeting will be addressed by the organisers in association with the Licensing Section and other responsible authorities in advance of the 2011 event.

Although no letters of complaint have been received from local residents, some concerns were expressed by parish councils which are currently subject to investigation.

The event, which is well known on the festival calendar, continues to be well managed and is enjoyed by both local people and visitors to the District.