



# Minutes

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| <b>Name of Meeting:</b>             | Executive   |
| <b>Date of Meeting:</b>             | 10 March 2009   |
| <b>Present:</b>                     | Councillors: M Russell (Chairman), R Drinkwater, D Reedman, J Scott, J Street and T Wootton |
| <b>Other Members In Attendance:</b> | Councillors: P Blaine, G Colling, T Rogers, P Swaisland and G Willey                        |

## 08-09ex90 APOLOGIES

Apologies for absence were submitted on behalf of Councillors Hollick and Stay

## 08-09ex91 MINUTES

The minutes of the meeting held on 27 January 2009 were confirmed and signed by the Chairman as a correct record.

## 08-09ex92 DISCLOSURE OF INTERESTS

No Member declared an interest in any items on the Agenda.

## 08-09ex93 COMMUNICATIONS

### Leaders Communications

The Leader of the Council reported that she had written to the Secretary of State for Communities and Local Government in line with the Executive's acceptance of Environment Services Overview & Scrutiny Committee's recommendation that she write to the Secretary of State, outlining the concerns of the Authority about the potential adverse long term effects of the significant growth in housing planned for Bedfordshire.

The letter stressed that any new housing planned for Bedfordshire needed to be accompanied by a similar growth in employment and infrastructure.

The Secretary of State's commitment was requested to not only review the quantity of housing required in the County but also to consider whether the balance of public investment in priming the local economy to support growth equally reflects the county's housing, infrastructure and employment needs.

Executive  
Date 10.00 am

The opportunity was also taken to highlight what the County Council had been doing to develop the county's economy. This included the County Council's work with local businesses to help support them during the current economic crisis through initiatives such as the faster processing of invoices to our suppliers and the provision additional business support grants through the local Business Link.

The letter also referred to the work that the County Council is doing to deliver appropriate infrastructure ahead of the construction of new housing, stressing that accelerating the delivery of this infrastructure would help support both the construction industry and the broader local economy during the current economic downturn. Particularly mentioned was the accelerated delivery of the A5 – M1 link road and junction 11a M1 junction would release significant land for much needed local employment growth.

The Secretary of State's reply was still awaited.

**08-09ex94 TO CONSIDER QUESTIONS (IF ANY) FROM**

There were no questions submitted by members of the public or Councillors.

**08-09ex95 TO RECEIVE PETITIONS (IF ANY) FROM MEMBERS OF THE PUBLIC (15 MINUTES)**

There were no petitions received from members of the public.

**08-09ex96 PROPOSED ACADEMY AT JOHN BUNYAN UPPER SCHOOL - PROPOSAL TO PUBLISH STATUTORY NOTICES**

The Executive considered a report from Councillor Rita Drinkwater, Cabinet Member for Education setting out an analysis of responses to the consultation on the future of John Bunyan Upper School and a summary of the main issues which were raised in those responses.

Members' were reminded that on 3 June 2008 (min 08-09ex18 refers) the Executive resolved to support the submission of an Expression of Interest for John Bunyan Upper School to become an academy. The Expression of Interest received ministerial support and as a result consultation was undertaken on the possible closure of John Bunyan Upper School and its reopening as an academy.

The consultation which ended on 9 February 2009 received widespread support for the establishment of an academy. There had been just six responses opposed to the proposals including one received well after the closing date. Three of these responses had been copied, as they had requested, to the members of the Executive.

In response to a question about the transfer of assets to the Academy Trust and what could happen to them Members' were informed that in reality, the land and buildings would only be leased to the Trust. The Trust would be required to manage them and be accountable for them. However, should the Trust cease to run the academy, the land, buildings and other assets which the Local Authority had provided would transfer back to the Local Authority at that time.

**RESOLVED:**

1. That the responses received to the consultation on the possible closure of John Bunyan Upper School and its reopening as an academy be noted.

2. That agreement be given to the publication of statutory notices for the closure of John Bunyan Upper School with effect from 31 August 2010.
3. That the opening of the Bedford Academy on the John Bunyan site with effect from 1 September 2010 be supported.

**08-09ex97 PROPOSED ACADEMY AT NORTHFIELDS UPPER SCHOOL - RESPONSE TO STATUTORY NOTICE**

The Executive considered a report from Councillor Rita Drinkwater, Cabinet Member for Education summarising the main issues which were raised in the three objections to the closure of Northfields Technology College and its replacement by an academy, to be known as All Saints' Academy.

Members' were reminded that on 3 June 2008 (min 08-09ex18 refers) the Executive supported the submission of an Expression of Interest for Northfields Technology College to become an academy. The Expression of Interest received ministerial support and as a result, a consultation was undertaken on the possible closure of Northfields Technology College and its replacement by an academy. As the proposal was generally supported in the responses to the consultation the Executive on 25 November 2008 (minute 08-09ex18 refers) agreed to the publication of statutory notices for the closure of the College on 31 August 2009.

In accordance with the Education and Inspections Act 2006, the Executive now needed to determine whether or not to implement the proposals which were made in the statutory notices.

Members' were advised that the three objections centred largely around the Church of England as a sponsor and the possible impact of the Church on the delivery of the curriculum. In respect of the curriculum the Church had indicated it would not be seeking to influence the wider curriculum on religious grounds.

In response to questions raised by a non Executive Member the Director of Children's Services explained that the local authority would work in partnership with the academy. Whilst the local authority would no longer have financial responsibility which would be under the control of the trustees, the authority would continue to have an interest in the performance of the school and as such would work with the sponsors if there was any need to address underperformance. It was noted that academies were subject to OFSTED inspections in the normal manner.

**RESOLVED:**

1. The Executive notes that three objections have been received to the published statutory proposal for the closure of Northfields Technology College.
2. That agreement be given to the closure of Northfields Technology College on 31 August 2009, conditional upon the signing of a funding agreement by 15 July 2009 for its replacement by an academy on 1 September 2009 because the proposal:
  - has widespread support from the local community
  - is believed to be the best way of raising standards of achievement at the school

- would provide the students with an improved quality and breadth of education within a sound ethical framework
- would improve levels of inclusion and provision for pupils with special educational needs
- would provide the opportunity to construct new buildings to a modern design and high standard.

## **08-09ex98 BEAR PROJECT - EVALUATION CRITERIA**

The Executive considered a joint report from Councillor Tom Wootton, Cabinet Member for Highways and Waste and Councillor Richard Stay, Cabinet Member for Finance. Councillor Wootton introduced the report which sought approval to proposed procurement criteria and weightings for evaluating the bids for the Bedfordshire Energy and Recycling BEaR project.

Since submitting the Outline Business Case (OBC) in October 2008 to the Department for Environment, Food and Rural Affairs (DEFRA) in a bid for a Private Finance Initiative (PFI) minute 08-09ex58 of the meeting held on 21 October 2008 refers the BEaR Project Team had focused on creating the extensive documentation to take the project through the procurement phase including the evaluation criteria to be used to deliver the contract.

The submitted report updated the Executive on the project, specifically setting out the evaluation criteria that in accordance with the Joint Working Agreement was a reserved matter for Executive approval, as well as requiring specific approval of the Shadow Executive of Central Bedfordshire Council, implementation Executive of Bedford Borough Council and Luton Borough Council. The full backing of each partnering authority was essential to enable the Project to progress into the procurement phase. Failure to agree the evaluation criteria and weightings to be used could cause significant delay leading to additional Landfill Allowance Trading Scheme (LATS) fines and potential loss of PFI funding aid.

It was noted that a series of seminars had been held for all members of the Partnership Authorities. These seminars gave an update on the project; outlined the purpose of the evaluation criteria; detailed how the evaluation criteria were derived; and explained the methodology for applying them when assessing bids. Individual briefings had also been offered to those members who wanted them.

In noting that the Partnership was going out to the market on a technology neutral basis members' questioned, in view of the fact that a long process had already been gone through to agree an energy from waste solution, why this was happening.

The Executive was advised that a technologically neutral procurement process was agreed by all the Partner authorities prior to the submission of the Outline Business Case last year. The intention was to encourage bidders to put forward different solutions to meet the project's requirements. It was noted that there had been testing of the criteria and this had shown there was no bias towards any particular technology. The evaluation framework had been designed to ensure that the Partnership selects most economically advantageous tender (MEAT) based on proven, deliverable technology.

The Chairman expressed concern that despite the hard work that the Council had done to identify a preferred site for a residual waste treatment facility the Partnership was neutral on sites and that whilst a site will be offered to bidders they will be invited to submit their own sites, if available. Following discussion on

this issue it was suggested that the contract documentation could be refined to specify that bidders must provide at least one bid for a solution located within Bedfordshire. It was noted that any proposed site will be assessed in terms of its location, suitability for the particular technology and the likely success of any planning application.

A non Executive member in attendance then spoke at length about member involvement in the development of the proposed procurement criteria and weightings and questioned how transparent the political process had been. The Chairman recognising the concerns of the member acknowledged the project was not the same scheme that the County Council wanted to take forward two years ago. The unitary situation meant that there needed to be joint agreement between all the authorities in Bedfordshire for the project to go forward. Members were advised that the proposed evaluation strategy had been designed to ensure it assesses bids on the basis of the Partnerships objectives and had been stress tested to ensure it meets their needs. Members were assured that there had been Executive representation on the Partnership Board from each of the Partner authorities. Members also had the opportunity to attend a number of seminars on the development of the Project. It was acknowledged it would have been useful to have received Environment Services Overview and Scrutiny Committee's comments on the proposals before this Executive meeting. It was noted that Environment Services Overview and Scrutiny Committee would be receiving an update on the project at its meeting on Tuesday 17 March.

**RESOLVED:**

1. That the contents of the report on the Bedfordshire Energy and Recycling (BEaR) Project including the Project update be noted.
2. That the proposed criteria, sub criteria and weightings to be used to evaluate bidders' submissions during the procurement for the long term residual waste treatment contract set out in the submitted report be agreed.
3. That the contract documents stipulate a minimum requirement for bidders to submit at least one bid which provides for a solution within the County of Bedfordshire, variant bids will be allowed.

**08-09ex99**

**DECEMBER QUARTER BUDGET MONITORING REPORT (UPDATED FOR JANUARY INFORMATION) AND 3RD QUARTER CLOSE 2008/09**

The Executive considered a report from Councillor Richard Stay, Cabinet Member for Finance presenting the projected outturn position for the financial year ending 31st March 2009 based on information to the end of December 2008, together with explanations of variations from budget.

Presenting the report the Director of Resources referred to the County Council's excellent budgetary control which had been established in recent years which had continued in 2008/09. This was evidenced by the robust financial position which was to be handed over to the two new authorities on 1 April 2009.

It was noted that the revenue was forecast to be underspent by £0.246m at outturn. However, since the report had been drafted an additional pay award of 0.30% above what had been budgeted for 2008 had been settled that may impact on the forecast underspend.

The Council's robustness and consistency to financial management had translated though to strong reserves; these had been strengthened in year and continued to be in line with the policy set out in the Council's Budget Strategy. The County's excellent record on efficiency was also maintained with performance forecast expected to exceed 3%.

Budgets would continue to be monitored robustly and actions would continue to be taken to address emerging and future pressures to ensure there was as little variation as possible from this. It was fully expected that Services would spend within the overall cash limit set by Council in February 2008 which would ensure sound financial positions for both Central Bedfordshire and Bedford Borough on 1st April 2009.

The report also reflected the contribution from Capital Financing Charges to fund service pressures as reported to the Corporate Management Board in October 2008 and approved by the Cabinet Member for Resources and Director of Corporate Resources in accordance with Financial Regulations.

Members' were advised that during the drafting of the report more up to date financial information had become available from the January monitoring and from future planned work. Changes in circumstances included increased costs of gritting and category 1 road maintenance due to the severe weather conditions, receipt of additional LABGI grant which had only just been announced by the Government following a review, and additional packages in Mental Health Service.

The third quarter closedown of the accounts had gone well with no issues or surprises. It was noted that the Audit Committee would be considering the Statement of Accounts at its meeting on 16 March before being presented to Council on 26 March.

#### **RESOLVED:**

1. The Executive notes the forecast outturn position as at 31st December 2008 (updated for January information) for Bedfordshire County Council and the robust financial management in place prior to the handover of services to the two new unitary authorities on 1 April 2009. The revenue and capital positions are under control, the efficiency target is being met, general reserves are being strengthened and treasury management continues to perform above target with secure investments.
2. That approval be given to the utilisation of £325k from Contingency for the Scolarest termination clause.
3. That the contribution from Capital Financing Charges to support service pressures as approved by the Cabinet Member for Resources and the Director of Corporate Resources be noted.
4. That approval be given to the proposed transfers to earmarked reserves as set out in Appendix D to the submitted report.
5. That agreement be given to the level of non earmarked reserves as set out in Appendix D to the submitted report.
6. That agreement be given to the level of provisions as set out in Appendix D to the submitted report.



7. That the school balances as shown at Appendix D to the submitted report be noted.
8. That agreement be given to the overall revenue under spend being transferred to BSF Reserve.

**08-09ex100 RECOMMENDATION FROM BEDFORDSHIRE HEALTH AND ADULT SOCIAL CARE OVERVIEW & SCRUTINY COMMITTEE - QUARTER 2 PERFORMANCE MONITORING REPORT.**

The Executive considered a recommendation from Bedfordshire Health & Adult Social Care Overview & Scrutiny Committee from its meeting on 23 January 2009 relating to matters arising from the Quarter 2 Performance Monitoring Report.

The Director of Community Services advised the Executive that it was difficult to establish how many hospital patients were not being admitted directly to residential care but to step-down beds first. He explained it was not necessarily bad to admit patients direct to residential care as their needs maybe best met by doing so. It was acknowledged that the target was ambitious which had been influenced by a higher demand because of the increasing number of older people in Bedfordshire. It was acknowledged that, whilst most of the targets had been met or exceeded, they should be set at an achievable level. It was noted that the new unitary authorities would be briefed on the targets. It was further noted that the new authorities would also have the opportunity to consider next year's targets before adopting them.

**RESOLVED:**

That the recommendations from Bedfordshire Health & Adult Social Care Overview & Scrutiny Committee from its meeting on 23 January 2009 be noted as they are no longer something for this Council to take forward.