

# Public Document Pack

The Executive

Exec/1

Thursday, 8 December 2022

## THE EXECUTIVE

8 December 2022

5.40 - 7.47 pm

**Present:** Councillors A. Smith (Chair), Collis (Vice-Chair), Bird, Davey, Gilderdale, Healy, Moore and Thornburrow

Also present (virtually) Councillor Bennett

### Officers Present:

Chief Executive: Robert Pollock

Director of Neighbourhoods and Communities: Jane Wilson

Director of Enterprise and Sustainable Development: Fiona Bryant

Assistant Chief Executive: Andrew Limb

Head of Finance: Caroline Ryba

Recreation Services Manager: Ian Ross

Committee Manager: Sarah Steed

Also present (virtually): Head of Community Services: Debbie Kaye

### Other Councillors present:

Councillors Bick, Hauk, Payne and Porrer

## FOR THE INFORMATION OF THE COUNCIL

### 22/11/Exec Apologies

No apologies were received.

### 22/12/Exec Declarations of Interest

Name	Item	Interest
Councillors Bick, Davey, Moore and Thornburrow	22/15/Exec	Personal: Had direct debit payment set up for swimming pools.
Councillor Bick	22/15/Exec	Personal: Used the Jesus Green Lido.

### 22/13/Exec Minutes

The minutes of the meeting held on 7 February 2022 were approved as a correct record and signed by the Chair.

## 22/14/Exec Public Questions

The following public questions were asked:

### Question 1

At the Full Council Meeting on October 20th, Cambridge City Council made the following commitments towards local provision for Gypsy, Roma and Traveller communities:

1. "working with partners to explore options for permanent and negotiated stopping places and transit site provision"
2. "establishing a joint member political advisory group in relation to transit and permanent sites"
3. "recruiting for a Gypsy Roma Traveller community worker"
4. "a Gypsy Roma Traveller heritage project"

Does the 2023 draft budget include funding for these projects?

The Executive Councillor for Equalities, Anti-Poverty and Wellbeing responded:

Work with regards to items 1 and 2 was already underway and was included within existing budgets. Recruitment for a Gypsy Roma Traveller Community Worker would take place shortly and fell within existing budgets. Some funding had already been used to scope the Gypsy Roma Traveller Heritage Project and the Council had also applied for funding from Heritage Lottery.

The member of the public asked for clarification of the amount of money allocated for items 1-4 listed above.

The Director of Neighbourhoods and Communities said that items 1 and 2 fell within existing budgets and council officers were undertaking this work. Further details regarding the budget allocated for the Gypsy Roma Traveller Community Worker post and the Gypsy Roma Traveller heritage project would be provided after the meeting.

### Question 2

On the 30 November 2022, the Government legal department confirmed that it would not be applying for permission to appeal the momentous High Court of Appeal decision in the case of Lisa Smith vs The Secretary of State for

Levelling Up, Housing and Communities regarding the Planning Policy for Traveller Sites (PPTS) 2015 definition of Gypsy/Travellers. This will have major implications for Planning Decisions, Gypsy and Traveller Accommodation Needs Assessments (GTANAs), site waiting lists, etc. The definition excluded those who had stopped travelling permanently due to age\*, ill health or disability, thereby depriving Romani Gypsies and Irish Travellers of their protected status under the Equality Act (2010) for planning purposes. [The full Judgement can be seen at: <https://www.bailii.org/ew/cases/EWCA/Civ/2022/1391.html>.]

This is of particular significance since the City Council has rejected the current GTANA conducted by RRR Consultancy and must therefore conduct a new one to be used in the preparation of the current developing Cambridge Local Plan. However, as a result of the successful Appeal by Lisa Smith against the Government, all GTANAs carried out by LAs based on the PPTS 2015 definition will have to be re-visited. This has additional relevance in your discussions of the 2022–23 budget.

**Question:** How does the Council intend to deliver on its promise to provide permanent sites, transit sites and negotiated stopping places (as dictated by the GTANA) for ALL Gypsies and Travellers requiring accommodation in the City now that the discriminatory exclusion no longer applies?

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\* either old age or for children's educational needs

#### Notes

[1] The Court of Appeal allowed all 4 grounds:

- (i) The policy definition was discriminatory and the burden was therefore on the Secretary of State to justify that discrimination;
- (ii) Race discrimination was at the heart of the case because the defining feature was not being nomadic but 'the act of living in caravans';
- (iii) The Judge had "concentrated too much on the legitimate aim of PPTS 2015 as a whole rather than focusing on the legitimacy or otherwise of the relevant exclusion itself"
- (iv) The Judge erred in respect of whether the definition was proportionate, when the relevant consideration was not if the system as a whole was capable of being operated fairly but how the planning system operates in practice.

The Executive Councillor for Equalities, Anti-Poverty and Wellbeing responded:

The Council were looking to commission a new Gypsy Traveller Accommodation Needs Assessment (GTANA) in partnership with other sub

regional authorities and confirmed that any changes to the legal definition of Gypsy and Traveller would be used in that assessment.

The member of the public responded that they felt the GTANA brief/specification would need to be changed as a result of the legal case referred to and the subsequent change in definition of Gypsy and Travellers as this included those who were settled and those who travelled. They asked whether the work would still be able to be completed within existing budgets.

The Executive Councillor for Equalities, Anti-Poverty and Wellbeing responded that any new GTANA would take into account the legal position and this would also be factored into how the work would be undertaken.

### Question 3

I am writing as a Cambridge resident and Public Art practitioner as I believe there are strategic decisions being made about the future of Public Art commissioning in the city.

I am alarmed to see that there is a consideration to make a £30k saving and remove specialist Public Art officer support from the management of the Councils Public Art Policy despite the fact there are £700k of funds that need overseeing and millions more to be procured from future developments in the city- how will this public money be protected without specialist officer support?

Having successfully written and delivered Public Art strategy approved by the Public Art Panel, and as a practitioner with experience in delivering over £250k worth of public art contracts in the city in recent years, I find this a deeply worrying situation. I have worked on Public Art Developer funded projects which not only have a high quality sculptural, architectural or landscape design outcome to improve the quality of our street scene and environment, but these projects have also helped engage the most disenfranchised of our residents; helped people develop skills, meet new people and discover new areas of their neighbourhood; helped build pride in the local community and helped celebrate significant local events and moments in the history. At a time of a cost of living crisis these type of projects bring money from the private sector and significantly help support the well being of our communities.

Multi layered projects such as these will not be able to be delivered without specialist officer support. Any involvement of outside consultants as an alternative will cost the council and public purse MORE.

We are an international city on a global stage with local responsibilities. Cambridge has been building a reputation for its approach to Public Art and

the community benefit it has engendered. Projects do not always have permanent architectural outcomes, but we have been leading the way with many examples of projects that have involved local residents and have helped build community or supported the process of change in our rapidly changing city. We have been creating best practice across a number of different Public Art commission models. These projects take careful curation and project management to support. The interrelationship of the Planning function with other council departments, both Public Open Space Project Delivery and the Arts, needs to be enhanced, not reduced, to get maximum financial and community benefit from working in partnership with Developers and to bring better financial return to our residents.

It needs a specialist officer role to facilitate and advocate the work of the artist and community benefit when working with the Developers, who are often unclear and wary as to how to work with artists and how the Public Art procurement process works.

To invest in this role will ensure best value for money and ensure real benefit for Cambridge residents and visitors. To ignore the importance of this role allows the future potential of over 20 million of Public Art funds to be spent on one dimensional projects with possibly little benefit to local residents. There is currently over £700k of funds that need to be managed and overseen, how will this be managed going forward?

It is of limited benefit to the residents of Cambridge City to have Public Art procured in the way proposed. Without creative brief setting, cross artform collaboration and dynamic and supportive project management on behalf of the local authority, the opportunity to negotiate projects in partnership with Developers that have community benefit is greatly reduced. Planning officers have great experience, but they are not specialist in the engagement and support of artists and how to manage a project which engages and involves local people in a sustained and developmental way.

Cambridge City Council has a track record of a great number of excellent projects that show that the best Public Art projects are delivered on a number of levels bridging the gap between Developer, Planner, and all the key community stakeholders , resident ambassadors and the local community. For this to be maintained, and improved, going forward, pleased can you tell me

1. Who will oversee the existing £700k budget pot that is already set aside for public art projects and ensure community benefit from those funds, and how will the potential future funds from developers be secured without specialist officer support?

2. How will Developers be supported to find and procure high quality artists to work with as part of their planning condition to create Public Art work?
3. Who in the Planning department will be responsible for innovative brief setting to ensure community benefit, the involvement of high quality artists and the avoidance of formulaic solutions that are driven purely by the landscape architecture?
4. Who will project manage the delivery of projects and how will Developers be encouraged to engage the public in this process?
5. How will the Council manage the procurement of Artists and project management across the different Council departments to ensure the inclusion of Public Art as part of Council infrastructure projects?
6. How is this process of change to be reviewed managed and in which timeframe a decision about the Public Art post is to be made? Where is the independent review of Public Art that has been carried out over the last two years? Has or will this been considered as part of this decision making process?
7. Has it been considered to allow the Public Art officer to charge for services in line with other council services, planning and conservation in particular, in order to help generate revenue and make the post more viable?

The Executive Councillor for Open Spaces, Food Justice and Community Development responded:

A proposal to review the Public Art service was previously approved by the Council in 2020/21 BSR item (ref. S4542). This review was started and then put on hold as a result of covid and the need to develop a strategy to inform the development and delivery of public art through the planning process. With the adoption of the Manifesto for Public Art strategy earlier this year and the scale of the Council's savings requirements next, it was felt appropriate to re-consider the proposal in this year's BSR.

The consultation on the budget would look to see whether the way in which the Public Art service was currently being delivered was the best way to deliver the commitments and Manifesto. The review was at an early stage and it would be premature to try and second guess the outcome.

The City Council oversaw the allocation and spend of the remaining S106 monies, this would continue and be informed by the adopted Manifesto.

Developers would continue to be supported by the Shared Planning Service on a range of urban design principles, including the items you mention with our Manifesto for Public Art as a reference point, aided by Supplementary Planning Documents.

Project delivery is managed holistically within Streets and Open Spaces with a range of officers with skills and competencies to engage the public. For example, our most recent procurement for Play is Everywhere managed by the wider Streets and Open Spaces team with input from the Public Art Officer where needed.

The Public Art review was intended to give clarity and purpose to the function of public art.

The Public Art Officer has had a requirement to charge for services since 2014/15 and then with a specific income target in 2020/21. It has not been possible to recover these costs therefore the Streets and Open Spaces Service has had to manage this revenue shortfall.

There was a strong business need to review the service and once this was completed, would be resourced accordingly.

#### Question 4

There were some impacts of savings proposed which fell outside of the transformation process. Transformation was meant to be a timetabled and planned approach to 'do things differently'. There were proposals in this paper that would put staff at risk of redundancy where there had been no wider review made that could create opportunities for suitable alternative employment. Some of the proposals had been made in haste. These would have significant impacts on the staff involved. Asked how accorded with the Council's Transformation programme?

The Executive Councillor for Finance, Resources and Transformation responded:

The proposals made fell outside of the transformation programme and could be argued to be day to day decisions of the council. This was part of a consultation process and noted that it would be helpful to understand what the specific posts there were concerns about were.

The member of the public referred to budget proposal S5143. Asked what the £70,000 saving related to as £70,000 exceeded the cost of an officer. Noted that there was no vacant post as there was an officer seconded to a role in

Housing and the Enforcement Team were not paying this person's wages. Asked why a similar role in Enforcement was recruited to in September?

The Executive Councillor for Environment, Climate Change and Biodiversity responded:

Referred to the 'correction to the draft BSR document' which amended budget proposal S5143 to read (£48,000) rather than (£70,000).

The post was not vacant as the post holder was on a 12-month secondment to the Housing Department which would end in March 2023. When the secondment finished the post holder had the right to return to the Public Realm Enforcement Officer role. If the post did not become vacant in financial year 2023/24 then the team would be reduced from 7 to 6 people using the Council's Organisational Change policy with a 30-day consultation period. Recruitment to the post during the period that the post holder was on secondment had been unsuccessful.

In response to the member of the public's supplementary question asking if there could be a delay with the budget proposal to avoid a redundancy. The Executive Councillor for Environment, Climate Change and Biodiversity advised that if the current post holder returned to the Public Realm Enforcement Officer role then staff would go through an organisational change review to reduce the number of staff from 7 to 6.

## **22/15/Exec Approval of draft Budget 2023/24 for public consultation**

The Head of Finance introduced the report which set out the General Fund draft budget for 2023/24 for public consultation and which included a recommendation to increase swimming pool prices on 1 January 2023 to mitigate increased utility costs.

The Head of Finance outlined the new budget process which had been developed following an independent review of existing processes.

Members were asked to note the following corrections published in advance of the meeting:

- i. the figure contained within budget proposal S5106 'Environmental Services – review of service delivery p60 of the agenda' from (£30,000) to (£52,000)
- ii. the figure contained within budget proposal S5143 'Environmental Services – reduction in staffing p62 of the agenda' from (£70,000) to (£48,000)



- iii. the reallocation of budget proposal S5143 on p48 of the agenda to the Environment, Climate Change and Biodiversity Executive Councillor portfolio on p46 of the agenda.

The Executive Councillor for Finance Resources and Transformation outlined the context in which the draft Budget had been drafted and welcomed the new budget process which included a public consultation on the Executive's draft budget proposals.

Each Executive Councillor briefly introduced their budget proposals and Opposition Councillors were invited to ask questions.

In response to Opposition Councillor's questions, the Executive and Senior Officers made the following comments:

- i. With reference to budget proposal 'URP 5031 – Continuation of previous 2-year bid for Community Safety staffing to manage increased anti-social behaviour (ASB) and deliver contextual safeguarding (Youth Liaison post).' ASB within the city was increasing, new and previous trends had been discussed at a recent Community Safety Partnership meeting. It was noted that the Police and the City Council were receiving different information in relation to ASB, and the Executive Councillor for Recovery, Employment and Community Safety wanted to understand why. Undertook to provide a link to Opposition Councillors for the ASB trend information referred to.
- ii. Noted that budget proposal 'B5032 - Anti-Poverty Strategy responsive budget' should sit under the portfolio for the Executive Councillor for Equalities, Anti-poverty and Wellbeing and budget proposal 'URP5009 - Region of Learning' should sit under the portfolio for the Executive Councillor for Recovery, Employment and Community Safety.
- iii. With reference to budget proposal 'S5110 - Remove remaining subsidy for last 3 bus routes' it was noted that the City Council was not the transport authority and conversations were taking place with the Greater Cambridge Partnership (GCP), the Cambridgeshire and Peterborough Combined Authority (CPCA) and bus companies to put pressure on those organisations to put services back on in Cambridge.
- iv. Welcomed comments on whether budget proposal 'URP5012 - Increase in Members' allowances' should be included within the Draft Budget. Confirmed that any item within the Draft Budget could be commented on as part of the public consultation. Agreed that budget proposal 'URP5012

- Increase in Members' allowances' would be added into Appendix C: Summary of proposals for consultation.
- v. Commented with reference to budget proposal 'URP5035 - Increasing cost of running city council elections' that there could be reduced costs with 'all out' elections.
  - vi. There were a significant number of ICT budget proposals within the Finance, Resources and Transformation portfolio; the works necessitating the capital bids needed to be undertaken. Questions had been raised about the transparency of shared ICT services which the Executive Councillor for Finance, Resources and Transformation would investigate.
  - vii. Advised that the funding for budget proposal 'X5129 - Permanent Resource for support of refugees and asylum seekers' came from several funding sources but mainly Central Government.
  - viii. In relation to budget Proposal 'S5139 – Streets and Open Spaces Operations – recruitment freeze' that it was better to delete vacant posts and there would be limited impact on service delivery as the posts were currently vacant.
  - ix. Advised for budget proposal 'S5118 – closing some public conveniences' that the proposals included full and partial closure of specified toilets. Usage data was clearer for toilets where people had to pay to use the facilities, estimates of usage were provided otherwise. The Executive had to make some difficult decisions and unfortunately public conveniences were subject to a high rate of vandalism which increased costs. It was important to maintain high standards for the toilets which were proposed to be kept open.
  - x. Budget proposal 'B5065 – Shared Waste Services Budgeted Contribution' was a fair financial split with South Cambridgeshire District Council for delivery of the shared waste service but this was something which could be reviewed as the service progressed.
  - xi. Several options for budget proposal CAP5041 – Decarbonisation works – Abbey Pool, Parkside Pool, Cherry Hinton Village Centre' were being considered including ground source and air source heat pumps.
  - xii. If the regeneration works for budget proposal 'CAP5030 – Kings Hedges (Recreation Ground / play area) did not go ahead then the nearest play area would be the Meadows once construction works were completed and Nuns Area recreation ground.
  - xiii. Noted that budget proposal 'S5143 – Environmental Services – reduction in staffing' should have been included within the portfolio for the Executive Councillor for Environment, Climate and Biodiversity. The

figure within the budget proposal should be £48,000 and not £70,000.

There had been difficulty recruiting a 7<sup>th</sup> person to this team which led to a revised working arrangement consisting of 3 teams of 2 people working together which delivered additional benefits.

- xiv. With reference to budget proposal 'S5102 – Cancel Big Weekend City Event' the Council was looking into how events could be delivered differently, and the consultation responses would be taken into consideration. The Council hired in equipment for the Big Weekend event and had a dedicated officer who worked with businesses regarding sponsorship. Unfortunately following covid fewer businesses were able to offer sponsorship for city events.
- xv. Considerable thought had been given as to whether to increase swimming fees and it was noted that prices had not been increased for 30 months. Swimming prices were not site specific; a generic fee was charged. The increased fees would apply to Parkside, Abbey and Jesus Green pools. The increase in fees would not apply to the Kings Hedges leaner pool as this facility was run differently. Concession prices would continue to be protected.
- xvi. Suggested that the savings target identified within the budget setting report would be achieved and noted that financial reserves could only be used once. The timescales for the transformation project did not fall within this budget setting report. A senior management restructure was underway and savings from this was anticipated to be seen within the next 6 months.

The Executive approved:

- i. the draft budget for public consultation (Appendix A)
- ii. the form and content of the consultation (Appendix B), subject to the inclusion of 'URP5012 – Increase in Members' allowances' into Appendix C: Summary of proposals for consultation
- iii. the increase of swimming prices as set out in Appendix D and the resulting in-year increase in income budget

The meeting ended at 7.47 pm

**CHAIR**

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