



# Rutland County Council

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## **RECORD OF DECISION AT A MEETING OF THE CABINET**

**Tuesday, 15th August, 2017 at 9.30 am**

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**Decisions published on Thursday 17 August 2017**

**Decisions will be implemented on 25 August 2017 unless the Call-in Procedure as outlined in Procedure Rule 206 is invoked.**

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**PRESENT:** Mr T Mathias  
Mr A Walters  
Mr R Foster  
Mr D Wilby

**APOLOGIES:** Mr O Hemsley  
Mr R Clifton

**OFFICERS PRESENT:**

Mrs H Briggs	Chief Executive
Mr S Della Rocca	Assistant Director - Finance
Dr T O'Neill	Director for People and Deputy Chief Executive
Mr D Brown	Director for Places
Mr M Loran	Senior Environmental Services Manager
Mrs L Kingsley	Digital Rutland Projects Manager
Mrs G Curtis	Head of Learning and Skills
Miss S Bingham	Acting Corporate Support Coordinator

### **177 ANNOUNCEMENTS FROM THE CHAIRMAN AND/OR HEAD OF THE PAID SERVICE**

There were no announcements from the Chairman or Head of Paid Service.

### **178 DECLARATIONS OF INTEREST**

No declarations of interest were received.

### **179 RECORD OF DECISIONS**

The Record of Decisions made by the Cabinet on 18 July 2017, copies of which had been previously circulated were confirmed by Cabinet.

Mr Mathias asked for the Actions Log to be circulated to Cabinet members for their attention.

## 180 ITEMS RAISED BY SCRUTINY

The Chairman had not been formally notified of any items raised by Scrutiny.

## 181 QUARTER 1 PERFORMANCE MANAGEMENT REPORT

Report No. 141/2017 from the Chief Executive was received.

Mrs Briggs, Chief Executive, introduced the report, the purpose of which was to provide Cabinet with strategic oversight of the Council's performance for the first quarter of 2017/18 in delivering the Council's Corporate Plan Aims and Objectives. Members were accountable for the delivery of the Council's Corporate Plan and the monitoring information reported on progress and highlighted any key challenges.

During discussion the following points were raised:

- i. The report was based on the Corporate Plan, which was scheduled for review later in the year.
- ii. Mrs Briggs acknowledged Cabinet's concerns regarding the performance indicator for Affordable Homes delivered in Quarter 1.
- iii. Mrs Briggs confirmed that following the Places Mangers Meeting held on 14<sup>th</sup> August 2017 work was being undertaken to provide a coherent plan to provide a smoother delivery of affordable homes throughout all 4 quarters of the year;
- iv. Work would be carried out to investigate the use of Section 106 monies to support the delivery of affordable homes.
- v. Consistent presentation was required throughout the report when using colour to represent Rutland in tables.
- vi. Dr O'Neill confirmed that improvement was likely in the performance of the percentage of pupils reaching the expected standard in Reading, Writing and Maths at Key stage 1 and 2 in the next data release by the Department for Education in February 2018.
- vii. The new Corporate Plan would be in place until 2020, the year after the next Council Elections.
- viii. The information in the table at point 7.5, page 8 was to include a rolling 5 quarters of information to enable an effective comparison.
- ix. Mr Brown confirmed that a review of the Waste Management Strategy would take place in 2017/18, this would review communication and education to residents regarding what material can go into each refuse bin.
- x. Cabinet asked for the word 'increased' to be inserted into the last sentence on page 25 of the report concerning the Library and Childrens Centre. It would read 'Both elements of the project are on track in terms of time and increased budget, which are both being closely monitored to ensure this position is not at risk'.
- xi. Cabinet asked for additional clarification to be added to the report regarding the opening of the Childrens Centre to Children and Families in October 2017.

## DECISION

1. Cabinet **NOTED** the overall position in relation to performance for the first quarter of 2017/18 and the actions being taken to address areas of underperformance.

### Reasons for Decision

1. At the end of Quarter 1, 93% of indicators measured were on or above target. 7% of indicators were below target and main areas of concern had been highlighted in the report and the remedial action being undertaken to improve performance had been identified.
2. Overall performance based on activity in the first quarter of 2017/18 was satisfactory.

## **182 QUARTER 1 FINANCE UPDATE**

### **(KEY DECISION)**

Report No. 147/2017 from the Director for Resources was received.

Mr Della Rocca, Assistant Director - Finance, introduced the report, the purpose of which was to inform Cabinet and all Members of the full year forecast position as at Quarter 1 for 2017/18 and to highlight issues that may impact on the Medium Term Financial Plan to enable them to maintain sound financial management of the Council's operations.

During discussion the following points were raised:

- i. The report was significantly shorter than previous Quarter 1 reports as the intention was now to present a summary at Quarter 1, full and comprehensive reports would continue to be presented for Quarters 2 and 4.
- ii. The Council was on track to achieve its budget, however, it is experiencing, as are many other local authorities, financial pressures within the Fostering and Adoption teams and Children's Services. These pressures are being monitored.
- iii. Efforts are being made to manage pressures as far as possible but some are outside the control of the Council.
- iv. Current national media reporting referred to disinvestment in Children's Social Care and Early Help budgets. The Council had worked hard to protect these budgets with additional investment in the Children's Centre in Oakham. This would put the Council in a good position going forward.

### **DECISION**

1. Cabinet **NOTED** the 2017/18 revenue and capital outturn position as at Quarter 1.
2. Cabinet **APPROVED** the use of £150k from the Adult Social Care Contingency and £114k Social Care earmarked reserve as requested in para 2.2.2 of Report No. 147/2017.
3. Cabinet **NOTED** the increased in Non Ringfenced grants of £13k as detailed in para 2.2.2 of Report No. 147/2017.
4. Cabinet **NOTED** the Council had submitted a bid to the National Productivity Investment Fund for 2018/19 and 2019/20 to support the Town Centre Development (para 2.4.2).

### Reason for Decision

1. *The Council was required to make savings over the medium term, the Quarter 1 position was positive as, despite a number of significant variances, the forecast was broadly in line with budget.*

### **183 TECHNICAL REFORM OF COUNCIL TAX REVIEW**

Report No. 148/2017 from the Director for Resources was received.

Mr Della Rocca, Assistant Director - Finance, introduced the report, the purpose of which was to seek authority to undertake a public consultation exercise in order to ascertain people's views about making changes to the Council Tax empty home discounts and the Council Tax premium on empty homes that had been unoccupied for over two years.

During discussion the following points were raised:

- i. Mr Della Rocca informed Cabinet that Local Authorities were moving away from council tax discounts and that neighbouring Local Authorities were undertaking reviews and consultations this year.
- ii. Any changes that were made would be implemented in April 2018.
- iii. If a resident was to move into a care home as their primary residence, they would be exempt from council tax. If it was temporary respite care the full council tax charge would still apply.
- iv. Mr Della Rocca confirmed that the full range of options would be included within the consultation and any potential changes that the Council could make were being consulted upon.
- v. Any changes made could have a positive effect on the Medium Term Finance Plan (MTFP). If all discounts were removed then, based on 2016/17 figures, the predicted savings could be approximately £200,000; and
- vi. Changes to some discounts could influence behaviours, e.g. a reduction in discounts could lead to a reduction in empty homes.

### **DECISION**

1. Cabinet **APPROVED** that officers undertake a public consultation on the Council Tax discounts and premium for empty homes as described in Report No 148/2017 and detailed in Appendix A to Report No. 148/2017.

#### *Reason for Decision*

1. *The empty home discounts and the premium had not been reviewed since 2013, given the financial pressures that the Council was facing and its desire to reduce the number of empty homes in its area, it was reasonable to consult the public on what it could change.*

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Mrs Curtis joined the meeting at 10.03am

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### **184 CONVERSION OF EXTON AND GREETHAM CHURCH OF ENGLAND PRIMARY SCHOOL TO ACADEMY STATUS**

Report No. 153/2017 from the Director for People was received.

Mrs Curtis, Head of Learning and Skills, presented the report, the purpose of which was to provide information relating to the lease of land and buildings and the Commercial Transfer Agreement (CTA) as part of the Academy Conversion of Exton and Greetham Church of England Primary School; and to seek Cabinet approval of the recommendations set out in the report.

During discussion the following points were raised:

- i. Mrs Curtis clarified to Cabinet that the transfer of land was to be included as a recommendation. (Recommendation 4 below).
- ii. Mrs Curtis informed Cabinet that the Regional Schools Commissioner and OFSTED both monitor the grouping of academies or Multi Academy Trusts.
- iii. OFSTED were developing a framework for the inspection of Multi Academy Trusts.
- iv. Rutland County Council's Learning and Skills team would continue to support schools when required; and
- v. The anticipated date of conversion is 1<sup>st</sup> November 2017, with the running of the Academy starting from 1<sup>st</sup> September 2017. Academy status conversions officially commence on the 1<sup>st</sup> of a month.

## **DECISION**

1. Cabinet **AUTHORISED** the grant of a 125 year lease of the land and buildings occupied by Exton and Greetham Church of England Primary School to Rutland Learning Trust Limited.
2. Cabinet **AUTHORISED** the execution and completion of a Commercial Transfer Agreement (CTA) between the Council, Exton and Greetham Church of England Primary School and Rutland Learning Trust Limited.
3. Cabinet **DELEGATED** authority to the Director for Places to complete the agreement of the final terms of the lease of land and buildings and the CTA referred to in recommendations 1 and 2 of Report No. 153/2017.
4. Cabinet **AUTHORISED** the statutory transfer of the freehold of the land forming the built area of Exton and Greetham Church of England Primary School from Rutland County Council to Peterborough Dioceses Board of Finance.

### Reason for Decision

1. *The Academy Order from the Secretary of State had been received confirming that Exton and Greetham Church of England Primary School would convert to an academy. The DfE expected the Council to cooperate with the conversion process and if the recommendations were not approved there was a risk of the Secretary of State making transfer schemes binding on the Council.*

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Mr M Loran joined the meeting at 10.09 am

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## **185 REVIEW OF GREEN WASTE SERVICES**

### **(KEY DECISION)**

Report No. 150/2017 from the Director for Places (Environment, Planning and Transport) was received.

The Portfolio Holder, Mr Walters, introduced the report, the purpose of which was to request approval for the implementation of a charge for the kerbside collections of Green Waste, starting on 1<sup>st</sup> April 2018; to set the initial annual charge per bin of £35 for the financial year 2018/19; and to authorise the Director for Places (Environment, Planning and Transport), in conjunction with the Cabinet Member with portfolio for Environment, to draft and then to revise as necessary the terms and conditions associated with the implemented chargeable service for the kerbside collections of Green Waste.

During discussion the following points were raised:

- i. All neighbouring Local Authorities currently charged for the kerbside collections of Green Waste.
- ii. Public feedback to the Portfolio Holder had been minimal, with the feeling that this was an expected change to the current arrangements.
- iii. The Council were under no statutory obligation to collect green waste.
- iv. Cabinet welcomed the discount of 25% that would be offered to residents receiving Local Council Tax Support.
- v. Assisted bin collections would be maintained as current.
- vi. As part of the Waste Strategy Review taking place this year, the items that were currently recycled would be reviewed. Central Government were looking to standardise this, however, this was a long term goal.
- vii. The wording on page 28, point 4.2, sub-point 3 had been amended to reflect that 'the chargeable service will be optional'.
- viii. The impact on the overall recycling rate is likely to be a reduction from about 60% to around 55%; and
- ix. Provision of subsidised composting bins that the Council offers to residents was to be promoted more actively on the Councils website during the decision making and potential implementation period.

## **DECISION**

1. Cabinet **RECOMMENDED TO COUNCIL** the implementation of a charge for the kerbside collections of Green Waste, starting on 1<sup>st</sup> April 2018.
2. Cabinet **RECOMMENDED TO COUNCIL** an annual charge per bin, starting at £35 for the financial year 2018/19.
3. Cabinet **AUTHORISED** the Director for Places (Environment, Planning and Transport), in consultation with the Cabinet Member with portfolio for Environment, to revise as necessary the terms and conditions associated with the implemented chargeable service for the kerbside collections of Green Waste.

### Reasons for Decision

1. *The implementation of a charge for the kerbside collections of Green Waste was recommended as it was a reasonable charge that would protect a valued but non-statutory service.*
2. *An initial annual charge per bin of £35 was recommended as this would, based on the projected take up rate, give some flexibility for future adjustment whilst*

*balancing cost recovery only against an optimum positive impact on the Medium Term Financial Plan.*

3. *Authorising the relevant Director to revise as necessary the associated terms and conditions, was required in order to ensure that the scheme could be delivered and managed appropriately following any initial lessons learnt.*

## **186 EXCLUSION OF PUBLIC AND PRESS**

Cabinet considered whether the public and press should be excluded from the meeting in accordance with paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (information relating to the financial or business affairs of any particular person (including the authority holding that information and information relating to any consultations or negotiations, or contemplated consultations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under the authority)).

### **RESOLVED**

Cabinet **AGREED** to remain in public session unless detailed discussion was held on the exempt information at which point the meeting would move into exempt session.

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Mrs L Kingsley joined the meeting at 10.20 am

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## **187 DIGITAL RUTLAND PROJECT UPDATE**

### **(KEY DECISION)**

Report No. 140/2017 from the Chief Executive was received.

Mrs Briggs – Chief Executive, introduced the report, the purpose of which was to update Cabinet on the progress made to date on the Digital Rutland project; to make a recommendation for Phase 3 to maximise the fibre deployment and superfast broadband coverage; and to consider a request for revenue funding for the associated project management, consultancy and legal support.

During discussion the following points were raised:

- i. Governance arrangements for the project were in place and were working well. The Joint Project Board with BT Open Reach included the Portfolio Holder and the Chief Executive.
- ii. A high level of due diligence was undertaken to ensure delivery of what had been promised and to ensure value for money.
- iii. Broadband Delivery UK (BDUK) carry out extensive assurance reviews.
- iv. Mrs Briggs clarified that the intervention area was the state aid approved area where no current or planned commercial superfast broadband coverage had been notified to the Council in response to the Public Consultation which took place in April 2016; examples of areas that fall outside the intervention area in Rutland were Hambleton Peninsular and Lyddington.
- v. The intervention area has been regularly updated since the start of the project to take account of commercial plans and build out under the Digital Rutland project.

- vi. Rutland take up was higher than the national average. If the take up continued to increase the Council would be compensated in the future through a clawback process in the contract.
- vii. In response to a query on commercial suppliers Mrs Briggs distinguished between Internet Service providers and Infrastructure providers. If a commercial supplier operating outside the intervention area ceased trading, it was anticipated that the liability would pass to a new provider. There were no records that this had occurred. The main concerns for residents outside the intervention area appeared to be their expectations not being met by their Internet Service providers.
- viii. There were Government and Ofcom initiatives for the development of Wireless and 5G. A report would be provided regarding the development of these in the future; and
- ix. Phases 1 and 2 of the Digital Rutland Project had been a success, providing fibre into hard to reach areas that other Local Authorities were still to tackle. The Council had not publicised this success story as the subject can be complex and improvement cannot be made outside the intervention area. An extensive press campaign was planned if phase 3 of the project was approved.

## **DECISION**

1. Cabinet **NOTED** the update on Digital Rutland.
2. Cabinet **APPROVED** the capital funding requirement as outlined in Exempt Appendix B, Option C to Report No. 140/2017 to enable a further phase of deployment of superfast broadband coverage.
3. Cabinet **APPROVED** £25k of additional revenue budget to cover project management, consultancy and legal support to implement and monitor delivery.
4. Cabinet **DELEGATED AUTHORITY** to the Chief Executive in consultation with the Portfolio Holder to sign a Change Form to the existing contract to effect the further investment, subject to full project assurance, state aid approval and value for money assessments.

### Reasons for Decision

1. *The recommendations would provide the maximum coverage of superfast broadband in the Digital Rutland project intervention area.*
2. *To support the delivery of: the Council's strategic aims and objectives; the Council's Corporate plan; and Rutland's Economic Growth Strategy.*
3. *To support inclusive economic and well-being objectives.*
4. *To support more effective delivery of public services.*
5. *To exceed BDUK UK Superfast Broadband coverage objectives of 95%.*
6. *To enable the accelerated gainshare offer by BT to be taken up and to utilise pre-approved residual capital funding.*

## **188 ANY ITEMS OF URGENT BUSINESS**

No items of urgent business had previously been notified to the Chairman.

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**The Chairman declared the meeting closed at 10.45.**

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