



# Rutland County Council

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

**Tuesday, 20th February, 2018 at 10.00 am**

**Decisions Published on Thursday 22 February 2018**

**Decisions will be implemented on Friday 2 March 2018 unless the Call-in Procedure as outlined in Procedure Rule 206 is invoked.**

**PRESENT:** Mr O Hemsley  
Mr N Begy  
Mr G Brown  
Mr R Foster  
Mr A Walters  
Mr D Wilby

### **OFFICERS**

|                 |                  |                              |
|-----------------|------------------|------------------------------|
| <b>PRESENT:</b> | Mr M Andrews     | Deputy Director for People   |
|                 | Mrs H Briggs     | Chief Executive              |
|                 | Mrs D Brown      | Director for Places          |
|                 | Mr S Della Rocca | Assistant Director – Finance |
|                 | Mrs D Mogg       | Director for Resources       |
|                 | Mrs N Taylor     | Governance Manager           |

### **613 APOLOGIES FOR ABSENCE**

No apologies were received.

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

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

### **615 DECLARATIONS OF INTEREST**

Mr Walters declared a personal interest in item 15 of the agenda and indicated that he would leave the meeting during debate and decision on this item.

### **616 RECORD OF DECISIONS**

The record of decisions made by Cabinet on 30 January 2018, copies of which had been previously circulated, were confirmed by Cabinet.

### **617 ITEMS RAISED BY SCRUTINY**

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

## 618 REVENUE AND CAPITAL BUDGET 2018/19 AND MEDIUM TERM FINANCIAL PLAN

Report No.43/2018 from the Director for Resources was received.

Mr O Hemsley, Leader of the Council, introduced the report, the purpose of which was to set a balanced budget and agree the level of Council tax for 2018/19. The report presented the final budget for Cabinet to recommend to Council for approval.

During discussion the following points were raised:

- i. There had been less than 40 responses to the public consultation. It was clear from the responses that further work was required in order to engage residents and increase understanding of the Council's financial position;
- ii. The lack of understanding identified was a national issue, but the Council was working towards improving the way in which financial information was presented, so that it was in a more accessible and understandable format. The Assistant Director (Finance), Mr Della Rocca, confirmed that a consultant had been employed in order to develop a communications strategy to increase dissemination of information on the financial position of the Council and how it compared to other authorities including; how the Council spends its money; the funding position; savings and changes to Council Tax.

### DECISION

Cabinet **RECOMMENDED** to Council that it:

- 1) **APPROVES** the Revenue Budget for 2018/19 detailed in Appendix 1, section 3;
- 2) **APPROVES** that the minimum level of general reserves remains at £2m ;
- 3) **APPROVES** a Council Tax increase of 4.99% including a 2% social care precept;
- 4) **NOTES** the capital programme as detailed in Section 4 of Appendix 1;
- 5) **NOTES** that additional revenue may be incurred in 2018/19 funded through 2017/18 underspends to be carried forward via earmarked reserves;
- 6) **APPROVES** a collection fund deficit of £80,000 for clawback of which £70,000 is the Rutland share.

#### *Reasons for the decision*

1. *The Council is required to set a balanced budget and agree the level of Council tax for 2018/19.*
2. *The budget is affordable within the context of the MTFP and will allow the Council to meet service aims and objectives for the coming year.*

## 619 QUARTER 3 FINANCIAL MANAGEMENT REPORT

### (KEY DECISION)

Report No. 32/2018 was received from the Director for Resources.

Mr O Hemsley, Leader of the Council, introduced the report, the purpose of which was to inform Cabinet and all members of the full year forecast position as at Quarter 3 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.

## DECISION

Cabinet:

- 1) **NOTED** the 2017/18 revenue and capital outturn position as at Quarter 3.
- 2) **APPROVED** the use of £8k from the Highways earmarked reserve for use on sustainable drainage works as detailed in Appendix B (Report No. 32/2018).
- 3) **NOTED** the increase in Non Ringfenced grants of £26k as detailed in para 2.2.2 (Report No. 32/2018).

### Reason for the decision

*As the Council is required to make savings over the medium term, the Quarter 3 position is positive as, despite a number of significant variances, the forecast is broadly in line with budget.*

## 620 QUARTER 3 PERFORMANCE MANAGEMENT REPORT

Report No. 12/2018 was received from the Chief Executive.

Mr O Hemsley, Leader of the Council, introduced the report, the purpose of which was to provide Cabinet with strategic oversight of the Council's performance for the third quarter of 2017/18 in delivering our Corporate Plan Aims and Objectives. Members were accountable for the delivery of the Council's Corporate Plan and this monitoring information reported on progress and highlighted any key challenges.

During discussion the following points were raised:

- i. Performance regarding delivery of affordable housing had been disappointing;
- ii. The Chief Executive confirmed that since the report had been published 15 out of the 23 affordable homes forecast had been completed and a further 6 were due to be delivered by the end of February. The Council were focused on making affordable housing a priority and bigger projects coming forward would make a significant contribution in this area in the future;
- iii. Mr Begy raised concerns regarding Key Stage 1 and 2 achievement against national averages. This had also been raised by Councillor Gale Waller at Scrutiny and responses would be provided to Mr Begy.

## DECISION

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

### Reason for the decision

1. *At the end of Quarter 3, 91% of indicators measured were on or above target. 9% of indicators were below target and main areas of concern have been highlighted in this report and the remedial action being undertaken to improve performance had been identified.*
2. *Overall performance based on activity in the third quarter of 2017/18 was satisfactory.*

## 621 DELEGATION OF MENTAL HEALTH SERVICE

### (KEY DECISION)

Report No. 40/2018 from the Director for People was received.

Mr A Walters, Portfolio Holder for Safeguarding Adults, Public Health, Health Commissioning, Community Safety and Road Safety, introduced the report, the purpose of which was to set out the rationale for Rutland's Adult Social care to delegate the function of the "social care" duty of Mental Health service provision to Leicestershire County Council as permitted under the Care Act 2014 and how this would mitigate risk and promote a better outcome for service users.

During discussion the following points were raised:

- i. Mr M Andrews, Deputy Director for People, clarified that the delegation of adult mental health provision would increase resilience, provide value for money and ensure the service continues to be sustainable;
- ii. The costs associated with the approved mental health practitioner (AMHP) were high, but to run this service in Rutland would cost significantly more. This was a statutory service and consisted of specialist professional support for service users with complex and demanding mental health needs;
- iii. Provision of the AMHP service by another authority had been look at, but was not considered viable at that time. Costs for commissioning this service would continue to be monitored and reviewed;
- iv. This service related to "in hours" provision, "out of hours" provision would continue to be provided as part of emergency duty arrangements with Leicester City;
- v. Success of the service was measured in relation to timely assessments and positive outcomes for service users;
- vi. Commissioned services were subject to regular audit processes to ensure provision of services were maintained at a high standard.

### DECISION

- 1) Cabinet **APPROVED** the delegation of Adult Mental Health Social Care function to Leicestershire County Council.
- 2) Cabinet **APPROVED** the continuation of the current in hours Approved Mental Health Practitioner (AMHP) service currently provided by Leicestershire County Council.

#### Reason for the decision

*To approve continued support for the ongoing provision of the in hours AMPH service and the addition of the delegation of function of the Care Act provision to the existing partnership for 3 years with an option to extend the contract for an additional 2 years by agreement of the portfolio holder.*

## 622 EDUCATION FRAMEWORK 2017-2020

Report No. 38/2018 from the Director for People was received.

Mr D Wilby, Portfolio Holder for Lifelong Learning, Early Years, Special Educational Needs & Disabilities and Inclusion, introduced the report, the purpose of which was to approve the Education Framework 2017-20 which sets out the strategic context in which the Learning and Skills Service operates and identifies planned activity to ensure all statutory educational duties for Early Years provision, primary and secondary schools and post-16 settings are met. Clarification of the overarching strategic direction for education within Rutland over the next three years, would enable the intention to be shared with, and embraced by, all relevant education stakeholders and success achieved.

During discussion the following points were raised:

- i. The document was still in draft, but the final version would be presented to Council;
- ii. The timescales in appendix A, indicated that some actions had already been implemented and so the decision to approve the plan appeared to be retrospective. Clarification would be added in the introduction, that some of the actions were statutory duties and so were continuous and ongoing;
- iii. There was sufficient provision and resilience in respect of childcare sufficiency. The additional 15 hours childcare provision introduced by government had put significant strain on some providers;
- iv. The Strategic School Improvement Fund Eligibility Criteria 2017 (Appendix C) were a statutory duty and the criteria were set nationally.

## **DECISION**

- 1) Cabinet **RECOMMENDED TO COUNCIL** to adopt the Education Framework 2017-20 as the key driver for sustained education improvement across Rutland education settings.

### Reasons for decision

- i. *It is recognised that areas with better education outcomes develop a higher skill base, higher productivity, greater economic returns and become more attractive to both highly skilled people and investment, building a capacity to improve even further.*
- ii. *The Education Framework 2017-20 contributes to the aims set out within Rutland County Council Corporate Plan 2017-20 and to the achievement of key theme 2 (Fair Society) of Rutland's Children, Young People & Families Plan 2016-2019. It also reflects the duty for all local authorities to promote educational excellence for all children and young people, being ambitious in setting high expectations for achievement and well-being and in swiftly tackling underperformance.*
- iii. *The Framework sets out an approach which builds on the positive partnership between the Local Authority and Rutland schools and early education providers, and provides a platform for further success through the development of a collective responsibility for sustained education improvement which will be achieved through shared responsibility and collective purpose.*

## **623 TRANSFORMING CARE CAPITAL GRANT**

### **(KEY DECISION)**

Report No. 42/2018 from the Director for People was received.

Mr A Walters, Portfolio Holder for Safeguarding Adults, Public Health, Health Commissioning, Community Safety and Road Safety, introduced the report, the purpose of which was to seek approval to commit up to £394,000 Capital Grant allocated to Rutland County Council (RCC) from NHS England for the purpose of enabling young people and adults with a learning disability and/or autism with behaviours described as challenging to live satisfying and valued lives, and to be treated with dignity and respect.

During discussion the following points were raised:

- i. NHS England had required the Council to provide evidence that a delegation was in place in order to proceed with purchase of properties before the grant could be released;
- ii. Mr M Andrews, Deputy Director for People, clarified that since the publication of the report NHS England had provided the terms and conditions. Legal officers had reviewed the terms and conditions and there were some issues regarding the grant conditions and agreed programme;
- iii. The Council were proposing to purchase flats under a 125 year leasehold in order to obtain a large enough property to be viable;
- iv. Cabinet agreed that recommendation 2 should be amended to provide for consultation with the Portfolio Holder for Finance in addition to the Portfolio for Adult Social Care and Health
- v. Purchase of properties would be subject to the project board being satisfied with agreed terms in consultation with Portfolio Holder for Adult Social Care and Finance.

## **DECISION**

- 1) Cabinet **AUTHORISED** the Head of Property Services in consultation with the Director for People and the Portfolio Holder for Adult Social Care and Health to pay a reservation fee of £1000 for two flats in advance of receiving a grant from the NHS England.
- 2) Cabinet **AUTHORISED** the Head of Property Services in Consultation with the Director for People, the Portfolio Holder for Adult Social Care and Health and the Portfolio Holder for Finance to acquire two flats on the Larkfleet Development and undertake all necessary works to ensure the units meet the needs of the tenants up to a total cost of £394,000 subject to the receipt of a Grant from NHS England.

### Reasons for the decision

*To satisfy NHS England's requirement that evidence be provided of the authority to use the grant to purchase the property, before the grant would be allocated.*

## **624 HIGHWAYS CAPITAL PROGRAMME**

### **(KEY DECISION)**

Report No. 16/2018 from the Director for Places (Environment, Planning and Transport) was received.

Mr N Begy, Portfolio Holder for Planning Policy & planning Operations, Highways & Transportation and Communications, introduced the report the purpose of which was to consider the allocation of the highway maintenance capital funding for 2018/19 and the indicative allocations for 2019/20 and 2020/21.

During discussion the following points were raised:

- i. Recommendation 3 requested approval to increase the limit on the works package allowance for surface dressing in order to simplify processes by allowing several instructions to be placed as one order, rather than placing several separate orders as was necessary at present;
- ii. The £600k allocation for Oakham town Centre had been carried forward to 2020/21 programme subject to further consultation and consideration of any scheme;
- iii. The resurfacing of Manor Lane, Barleythorpe, would be done using recycled materials in order to ensure that costs were minimised. The finished appearance would be similar to regular resurfacing;
- iv. The Department for Transport publish best practice guidelines on repairing potholes which is followed at Rutland and any new developments in this area were kept under consideration;
- v. The time taken to repair potholes was dependent upon the risk. Timescales were set out in the Highway Maintenance Policy approved by Cabinet in 2017.

## **DECISION**

Cabinet:

- 1) **APPROVED** the highway capital programme for 2018/2019 (attached as Appendix A of Report No. 16/2018);
- 2) **NOTED** the indicative programmes for 2019/20 and 2020/21 (attached as Appendices B and C of Report No. 16/2018); and
- 3) **APPROVED** the increase on works package allowance under the highways term maintenance contract to £500k for surface dressing works.

### Reason for the decision

*It is recommended that the capital highway maintenance programme in Appendix A be approved to help deliver the Council's strategic aims of "sustainable growth" and to fulfil the Council's statutory duties with regard to highway maintenance and road safety as efficiently as possible.*

## **625 TRANSPORT CONTRACT AWARD CRITERIA**

### **(KEY DECISION)**

Report No. 33/2018 from the Director for Places (Environment, Planning and Transport) was received.

Mr D Brown, Director for Places (Environment, Planning and Transport), introduced the report, the purpose of which was to set out the process and proposed award criteria for the procurement of transport contracts, along with recommendations for approval and delegation of final award.

During discussion the following points were raised:

- i. Contracts are awarded based on lowest cost, subject to satisfaction of relevant criteria. Those criteria were dependent on the contract and so would be agreed in consultation with the relevant portfolio on each occasion;
- ii. There could be some improvement in communications with users to ensure that any changes to services are advised in advance.

## **DECISION**

Cabinet:

- 1) **APPROVED** the award criteria for transport contracts as set out in paragraph 3.3 of Report No. 33/2018.
- 2) **DELEGATED** authority to the Director for Places (Environment Transport and Planning), in consultation with the Cabinet Member with portfolio for Transport, to set the any necessary qualifying criteria for transport contracts.
- 3) **DELEGATED** authority to the Director for Places (Environment Transport and Planning), in consultation with the Cabinet Member with portfolio for Transport, to award transport contracts following the approved procurement process set out in points 1 and 2 above.

### Reasons for the decision

1. *In order for the procurement process to commence the award criteria needs to be approved by Cabinet. The criteria have been carefully considered to ensure that providers successful in the process are capable of meeting the requirements and can deliver appropriate quality services in Rutland.*
2. *It is recommended that once the award criteria are approved, approval of the award of contracts is delegated to the Director for Places (Environment, Transport and Planning) in consultation with the Portfolio Holder. Decisions will only be taken in line with Cabinet approved criteria.*

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Mr A Walters left the meeting.

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## **626 EXCLUSION OF THE PRESS AND PUBLIC**

### **RESOLVED**

That the public and press be excluded from the meeting in accordance with paragraph 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972 (information relating to any individual and information which is likely to reveal the identity of an individual).

## **627 PRIORITISED PROGRAMME FOR SPENDING OF COMMUTED SUMS FOR AFFORDABLE HOUSING**

### **(KEY DECISION)**

Report No.18/2018 from the Chief Executive was received.



Mr O Hemsley, Leader of the Council, introduced the report, the purpose of which was to develop a prioritised programme for spending commuted sums for affordable housing that have been collected through Planning Obligations.

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After debate on this item the Cabinet **APPROVED** that the meeting returned to public session.

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## **DECISION**

That Cabinet:

- 1) **APPROVED** the priorities in section 3 of Report No. 18/2018.
- 2) **APPROVED** an affordable housing commuted sum expenditure project of £420,000 for inclusion in the capital programme.
- 3) **AUTHORISED** the Chief Executive to allocate funding, prior to a bidding process for external grant applications, from within the £420,000 budget for an extension of a Council-owned property to create a five- or six-bedroomed house in consultation with the Portfolio Holder for Rutland One Public Estate & Growth, Tourism & Economic Development, Resources (other than Finance and Communications), subject to feasibility.
- 4) **AUTHORISED** the Chief Executive and/or the Director of Places to undertake a bidding process for grant applications from housing associations and from within the Council, setting out in a separate document for bidders the priorities in section 3 and the details of the scoring matrix to be used by the Council.
- 5) **AUTHORISED** the Chief Executive and/or the Director of Places to hold informal discussions with the bidders if appropriate.
- 6) **REQUESTED** that the Chief Executive and/or the Director of Places bring a further report to Cabinet on the outcome of the bidding process and recommending a way forward, including proposed budget recommendations.

### Reasons for the decision

*The proposals in the report would enable affordable housing commuted sums to be spent to meet a range of local housing need and to achieve value for money.*

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Mr A Walters returned to the meeting

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## **628 ANY ITEMS OF URGENT BUSINESS**

The Chief Executive, Mrs H Briggs, had previously notified the Chairman of an item of urgent business.

Mrs Briggs reminded Cabinet that they had approved the project to bid for One Public Estate Funding in April 2017 and that subsequently Rutland had been awarded £170K of funding. The grant funding was not ring-fenced as such, but was very strictly regulated and must be allocated to the St George's Barracks Projects. Mrs Briggs had been required to accept the grant conditions on behalf of the authority in order to claim the £170K grant funding and was looking for Cabinet to endorse the acceptance of those conditions.

## **DECISION**

Cabinet **ENDORSED** the acceptance of the conditions for the One Public Estate Grant Funding by the Chief Executive in order for the funding to be released.

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**The Chairman declared the meeting closed at 11.12 am.**

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