



# Rutland County Council

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

**Tuesday, 22nd May, 2018 at 10.00 am**

Decisions Published on **Thursday 24 May 2018**

Decisions will be implemented on 4 June 2018 unless the Call-in Procedure as outlined in Procedure Rule 206 is invoked.

**PRESENT:** Mr N Begy  
Mr R Foster  
Mr A Walters  
Mr D Wilby

**APOLOGIES:** Mr O Hemsley  
Mr G Brown

<b>OFFICERS</b>	Mr M Andrews	Deputy Director for People
<b>PRESENT:</b>	Mr S Della Rocca	Assistant Director – Finance
	Mr S Ingram	Strategic Director for Places
	Mrs D Mogg	Director for Resources
	Dr T O'Neill	Director for People and Deputy Chief Executive
	Mrs A Wylie	Head of Legal & Corporate Governance
	Ms B Caffrey	Head of Early Intervention, SEND and Inclusion Services
	Ms L Crookenden-Johnson	SEND Capital Programme Manager
	Mr D Pye	Senior Transport Manager, Places
	Ms R Wilshire	Head of Children's Social Care
	Mrs N Taylor	Governance Manager
	Mrs J Morley	Governance Officer

### **19 APOLOGIES FOR ABSENCE**

Apologies were received from Mr O Helmsley and Mr G Brown.

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

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

## 21 DECLARATIONS OF INTEREST

No declarations of interest were received.

## 22 RECORD OF DECISIONS

The record of decisions made by Cabinet on 17 April 2018, copies of which had been previously circulated, were confirmed by Cabinet.

## 23 ITEMS RAISED BY SCRUTINY

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

## 24 OUT OF HOURS CHILDREN'S SOCIAL CARE EMERGENCY DUTY SERVICE

Report No. 80/2018 was received from the Director for People.

Mr R Foster, Portfolio Holder for Children and Young People (Safeguarding) introduced the report which sought approval from Cabinet to enter a further agreement under the Local Authorities (Good and Services) Act 1970 with Leicestershire County Council for the provision of out of hours Children's Social Care Emergency Duty Team for Rutland.

### **DECISION:**

1. Cabinet **APPROVED** a Local Authority Services Agreement with Leicestershire County Council for the provision of the out of hours Children's Social Care Emergency Duty Team as set out in section 4 of Report No. 80/2018.

### *Reason for the decision*

1. *The provision of an Emergency Duty Team in Children's Social Care was necessary to meet the statutory duties held by local authorities.*
2. *The current provision was effective and could continue on the same arrangement and cost as it was currently provided.*

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Ms R Wilshire joined the meeting.

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## 25 FOSTERING RETENTION AND RECRUITMENT POLICY

Report No. 81/2018 from the Director for People was received.

Mr R Foster, Portfolio Holder for Children and Young People (Safeguarding) introduced the report the purpose of which was to set out the Fostering Recruitment and Retention Policy and to seek approval from Cabinet for the policy.

During discussions the following points were raised:

The County had highly skilled foster carers that it wanted to retain and hoped that this policy would do this and in addition lessen the use of independent fostering agencies (IFA)

### DECISION

1. Cabinet **APPROVED** the Fostering Retention and Recruitment Policy for the provision of retaining and future recruitment of carers for our children looked after.
2. Cabinet **APPROVED** the change in payment structure to foster carers for second and subsequent children as set out in the Fostering Retention and Recruitment Policy.

### *Reasons for the decision*

1. *The Fostering Retention and Recruitment Policy was intended to ensure Rutland's carers felt valued. They undertook a very important role for the Council and should be rewarded appropriately for doing so.*
2. *This Policy would enable more in-house carers to take sibling groups and improve the Council's in-house provision for this.*
3. *The Policy made better use of the skills, support, expertise and knowledge of carers to support other carers, work directly with families and offer a service which really held families at the centre of all we do.*
4. *Whilst there would be initial cost to bring current carers in line with the new policy, this would be met within the current placement budget.*

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Ms R Wilshire left the meeting and did not return.

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## 26 CONVERSION OF ACADEMIES

Report No. 82/2018 from the Director for People was received.

Mr D Wilby, Portfolio Holder for Education, introduced the report, the purpose of which was to seek delegated authority to progress with school conversions to academy status as set out in the recommendations of the report.

## **DECISION:**

1. Cabinet **APPROVED** the delegation of authority to the Director of People in consultation with the Portfolio Holder for Education to negotiate and sign a Commercial Transfer Agreement (CTA) with the school/sponsor in relation to assets, third party contracts, staffing and information transfer when schools convert to academy status.
2. Cabinet **APPROVED** the delegation of authority to the Strategic Director of Places in consultation with the Portfolio Holder for Education to determine the terms of the land transfer based on the model 125 year lease issued by the Department for Education (DfE), including the extent of the school premises and licenses for land outside of the lease arrangement.
3. Cabinet **APPROVED** the delegation of authority to the Strategic Director of Places in consultation with the Portfolio Holder for Education and/or Portfolio Holder for Property to complete any outstanding statutory transfers of land.

### *Reasons for the decision*

1. *Rutland schools were continuing to request conversion to Academies. The DfE expected the Council to cooperate with the conversion process and the recommendations represented the most efficient way of cooperating with the process.*

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Ms B Caffrey and Ms L Crookenden-Johnson joined the meeting.

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## **27 SEND CAPITAL PROGRAMME**

Report No. 86/2018 from the Director for People was received.

The Special Educational Needs and Disability (SEND) Capital Programme was initiated in November 2017 and provided Rutland with an opportunity to put in place additional local education places to improve outcomes for children and young people with SEND and assist them as they mature into independence. The first phase of this programme had been focussed on understanding the SEND population and determining how to focus the RCC resources earmarked for this programme. The Board had previously agreed to approach the project in two phases.

Mr David Wilby, Portfolio Holder for Lifelong Learning, introduced the report the purpose of which was to provide an update on Phase 1 of the SEND Capital Programme and to seek approval to progress Phase 2.

During discussion the following points were raised:

- i. During phase 1 of the programme a building at Uppingham Community college had been identified as a suitable site for providing a resources base. Phase 2 would look at ensuring that the building was fit for purpose.
- ii. The principal of Uppingham Community College has been investigating similar sites elsewhere in the Country to further his understanding of what was involved in this type of mainstream, school based provision.

#### **DECISION:**

1. Cabinet **APPROVED** the use of £200k of funding earmarked in RCC Cabinet in December 2016 combined with the £500k Department for Education (DfE) grant between 2018 and 2021 to increase education places to support children with SEND. The report identified the cohorts of children with SEND who were the priority for this investment.
2. Cabinet **APPROVED** the progression to Phase 2 of the SEND Capital programme, and following completion of Phase 2 the delegation of authority to the Director for People to award the Grant, in consultation with the Portfolio Holder for Lifelong Learning.

#### *Reasons for the decision.*

1. *RCC had a duty to provide sufficient suitable education places to enable children and young people to maintain their education in their community and to achieve their education outcomes and progress towards independence. The SEND Capital Programme in consultation with children, families and key partners anticipated that there was a need for local resourced provision places for children and young people aged 11-16 with SEND, and a need to enhance and increase the SEND provision in particular to meet the needs of those with Communication and Interaction needs (including Autism) with Education Health and Care plans (EHCPs).*

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Ms B Caffrey and Ms. L Crookenden- Johnson left the meeting and did not return.

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## **28 PROCUREMENT OF THE HOME IMPROVEMENT AGENCY SERVICE**

Report No. 79/2018 from the Director for People was received.

*Mr A Walters, Portfolio Holder for Safeguarding - Adults, Public Health, Health, Commissioning, and Community Safety including Road Safety introduced the report, the purpose of which was to feedback to Cabinet the most recent results of the trial Housing Improvement Agency (HIA) operated in partnership with Spire Homes and request approval to procure the service to provide holistic and preventative provision for Rutland residents in the future.*

## **DECISION:**

1. Cabinet **APPROVED** the continuation of the Housing Improvement Agency model in Rutland that has been trialled since November 2017.
2. Cabinet **AUTHORISED** the Director for People, in consultation with the Cabinet Member with portfolio for Safeguarding – Adults, Public Health, Health, Commissioning, Community Safety including Road Safety, to award the contract resulting from the procurement, in line with the Award Criteria as set out in Appendix B of Report No. 79/2018.

### *Reasons for the decision*

1. *The model of the service has been developed throughout the trial period and had demonstrated that it met Service Users' needs. It was recommended that the model continued to be used in the future and that it was procured via an open tender process.*
2. *It was believed that the model was best able to meet Rutland's needs, delivering an appropriate and effective service. It was recommended that the proposed model was procured via an open tender process. This would provide assurance of commissioning the most appropriate provider and of value for money.*
3. *In order for the procurement process to commence the award criteria needed to be approved by Cabinet. The criteria had been carefully considered to ensure that the provider successful in the process was capable of meeting the requirements and could deliver appropriate quality services in Rutland*

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Mr D Pye joined the meeting.

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## **29 CONTINUATION OF RUTLAND FLYER 1 BUS SERVICE**

Report No. 89/2018 from the Strategic Director for Places was received.

Mr N Begy, Deputy Leader and Portfolio Holder for Planning Policy and Planning Operational, Highways & Transportation, Communications introduced the report, the purpose of which was to seek Cabinet approval for additional funding of £220,448 required to secure a new operator for the Rutland Flyer 1 bus service.

During discussion the following points were raised:

- i. The Rutland Flyer 1 bus service was well used with approximately 127,000 movements a year and was a commercially viable route.
- ii. The tender process had resulted in only one response from Stagecoach, whose bid of £270,840 per annum was an increase of £220,448 per year on the existing Centrebus contract.
- iii. Centrebus had only very recently, and after the tender process had been completed, submitted an alternative bid to operate the service for an additional £39,000. This equated to an annual cost of £89,392 and a saving on the

- Stagecoach bid of £181,448 annually or £907,240 over the five year life of the contract.
- iv. The Strategic Director for Places already had delegated authority in order to award the contract but in light of the new information and the considerable sums involved it was prudent to consult with Cabinet on the options available.
  - v. The Head of Legal and Corporate Governance advised that external legal advice had been sought which provided that there were three options that could be considered in these circumstances. These were as follows;
    - The contract could be awarded to Stagecoach, as they were the only ones who had responded to the tender process.
    - The contract could be awarded to Centrebus outside of the procurement process but this would breach the Council's own rules on this process.
    - The procurement process could be re-run.
  - vi. It would not be appropriate to award the contract to Centrebus as they had not participated in the proper procurement process.
  - vii. Awarding the contract immediately to Stagecoach without consideration of the new information was contrary to the Local Authority duty to evidence value for money and could potentially give way to accusations that the Council had failed to safeguard public resources, particularly in light of the substantial figures involved.
  - viii. There was a significant difference between the value of the contract advertised and the costs identified through the tender process
  - ix. Re-running the procurement process would be considered a proportionate and responsible response for the Council, as holders of the public purse.
  - x. Any re-run of the process would need to be expedited as soon as possible in order to ensure the seamless continuation of the service.
  - xi. Having debated the issue, officers would consider the options in consultation with the Portfolio Holder and update Cabinet on the proposed course of action.
  - xii. Cabinet were clear that the seamless continuation of the service was of the utmost importance when considering the options.
  - xiii. The termination clause in the Contract gave each side a three month notice period without penalty.

#### **DECISION:**

1. Cabinet **APPROVED** the additional funding of £220,448 required to continue operating the Rutland Flyer 1 (RF1) bus service

#### *Reasons for the decision*

1. *The recommendation would ensure continuity of service for users of the RF1 bus service.*

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Mr D Pye left the meeting and did not return.

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### 30 LEGAL SERVICES FUNCTION

Report No. 88/2018 from the Director for Resources was received.

The Director for Resources introduced the report the purpose of which was to update Members on the Council's legal arrangements and in particular the shared service arrangement with Peterborough City Council and to request that members bring the delegated function of legal services provision back to Rutland County Council from Peterborough City Council.

#### **DECISION:**

1. Cabinet **APPROVED** the transfer of the legal services function from Peterborough City Council back to Rutland County Council.
2. Cabinet **APPROVED** the delegation of authority to the Head of Legal and Corporate Governance to assume responsibility for the management and delivery of Legal Services for Rutland.
3. Cabinet **APPROVED** the delegation of authority to the Head of Legal and Corporate Governance to vary the legal contract with Peterborough City Council.

#### *Reasons for the decision*

1. *In order to allow the Head of Legal and Corporate Governance to properly control and manage the legal services provision the function would need to be transferred back to Rutland County Council. Consequentially authority was required in order to deliver the service in the best interests of the Council.*

### 31 REVENUE AND CAPITAL OUTTURN 2017/18

Report no. 83/2018 from the Director for Resources was received.

The Assistant Director – Finance introduced the report, the purpose of which was to inform Cabinet of the provisional outturn figures (subject to audit) for the financial year 2017/18. In reporting the outturn, Cabinet was being asked to carry forward some budgets to 2018/19 and put aside some additional funding in earmarked reserves.

During discussion the following points were raised:

- i. The predicted overspend of £350k for Quarter 2 and Quarter 3 had been reduced by £100k.
- ii. If money had not been put aside for earmarked reserves this would have resulted in underspending for these quarters.

## **DECISION:**

1. Cabinet **NOTED** the provisional outturn on the revenue budget and updated capital programme.
2. Cabinet **APPROVED** the transfer of £1.025m from 17/18 underspends to earmarked reserves for future use, of which £60k related to the ring fenced budgets, £400k for business rates and £315k for social care.
3. Cabinet **APPROVED** the revenue budget carry forwards of £821k as outlined in Appendix A para 1.3.3 of Report No. 83/2018.
4. Cabinet **NOTED** that the MTFP in Appendix F reflected the outturn position but that assumptions were currently under review.

### *Reasons for the decision*

1. *As the Council was required to make savings over the medium term, the outturn position was positive compared to Quarter 3. The approval of budget carry forwards would allow the 2018/19 budget to be updated to reflect spending plans*

## **32 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 10.55 am.**

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