



# Rutland County Council

Catmose Oakham Rutland LE15 6HP.  
Telephone 01572 722577 Facsimile 01572 75307

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

**Tuesday, 18th February, 2020 at 10.00 am**

---oOo---

**Decisions published on 19<sup>th</sup> February 2020**

**Decisions will be implemented on 27<sup>th</sup> February 2020 unless the Call-in Procedure as outlined in Procedure Rule 206 is invoked.**

---oOo---

<b>PRESENT:</b>	Mr O Hemsley	Mr G Brown
	Mrs L Stephenson	Mr A Walters
	Mr D Wilby	

<b>IN ATTENDANCE</b>	Miss G Waller	Councillor
<b>OFFICERS PRESENT:</b>	Mrs H Briggs Mr J Morley Mrs H Bremner Mr S Della Rocca Ms D Godfrey Mrs P Sharp Mr P Horsfield Mrs E Powley	Chief Executive Deputy Director for People Head of communications Strategic Director for Resources Deputy Director Children's Services Deputy Director for Places Monitoring Officer Governance Officer

### **550 APOLOGIES FOR ABSENCE**

There were none.

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

There were no announcements.

### **552 DECLARATIONS OF INTEREST**

Councillor Walters declared a disclosable pecuniary interest in Item 12 – Pupil Place Planning as he was the interim Chair of Governors at Casterton College.

## **553 RECORD OF DECISIONS**

The record of the decisions of the previous Cabinet meeting held on the 21<sup>st</sup> January 2020 were agreed and signed by the Chair.

## **554 ITEMS RAISED BY SCRUTINY**

Councillor Waller reported that the Growth, Infrastructure and Resources Scrutiny Committee had made various comments:

- Direction of travel information should be included in the performance management data e.g. the position at the same time for the last 5 years if possible so that trends can be tracked.
- Are the targets stretching enough? The suggestion was that these are reviewed. The St George's Business Zone project still carries a number of uncertainties yet was graded green which seems unrealistic. For e.g. we do not yet have LEP money to develop the employment zones nor have we applied for any. Committee suggested an 'Amber' rating was more appropriate.

### **Recommendations:**

That Cabinet consider these issues as part of future performance work

## **555 PROGRESS UPDATE ON ST GEORGE'S BARRACK**

The Chief Executive elaborated on the report and updated Cabinet on the progress made to date. It was noted that there was ongoing discussions with the Ministry of Defence (MOD) and Homes England. It was explained that the Local Plan had been discussed and approved at a special Council meeting on the 10<sup>th</sup> February 2020.

### **RESOLVED:**

That the progress update be noted in respect of the St George's Project.

## **556 REVENUE AND CAPITAL BUDGET 2020-2021**

Councillor G Brown submitted a report and elaborated thereon noting that the Council is required to set a balanced budget and agree the level of Council Tax for 2020/2021. It was reported that there were no proposed changes since the draft budget that would impact the overall position although updates had been included since the Draft Budget which were contained within the report. Councillor G Brown explained that two new schemes had been added to the Capital programme; a) Schools Capacity and Feasibility Study and b) Integrated Transport Block.

The number of responses to the budget consultation had been positive and had almost trebled. It was however noted that proportionally the number of respondents was still low. Responding to questions asked, Councillor G Brown explained that there had been a lot of work carried out to engage and encourage members of the public to get involved in the budget consultation, but additional work would need to be done, in conjunction with Communications, to try and increase the number of respondents.

### **RESOLVED:**

That Cabinet recommend to Council to:

- a) approve the Revenue Budget for 2020/21 detailed in Appendix 1, section 3
- b) approve that the minimum level of general reserves remains at £2m
- c) approve a Council Tax increase of 3.99% (of which 2% is for expenditure on adult social care)
- d) note the capital programme as detailed in Section 4 of Appendix 1
- e) note that additional revenue may be incurred in 2019/20 funded through 2019/20 underspends to be carried forward via earmarked reserves
- f) approve a surplus of £126k on the Collection Fund as at 31 March 2020 of which £108k is the Rutland share
- g) note the responses to consultation (section 3)
- h) note the updates since the draft budget was approved (section 2.2)

Reason for the decision:

*The Council is required to set a balanced budget and agree the level of Council tax for 2020/21.*

### **557 QUARTER 3 - FINANCE MANAGEMENT REPORT**

Councillor G Brown, as the relevant Cabinet Member elaborated on his report and informed Cabinet of the full year forecast position as at Quarter 3, noting that the revenue position was that the Council was forecasting a deficit of £112K compared to a budgeted deficit of £157K. It was noted that the Directorate forecast had been increased by £229K, largely due to increase in demand led services. The Election Staffing budget carry forward of £61k was no longer required although the Chief executive informed Cabinet that there had recently been a number of resignations across the Parish and Town Councils which could impact on the election budget.

Councillor G Brown highlighted areas showing budgets where existing forecasted predicted an overspend by more than £25K.

In response to questions asked by Cabinet Members, it was explained that there had been an increase in the number of Independent Fostering Agencies (IFA) used, which had increased costs, but this was attributed to a number of factors including the resignation of foster carers and the complex care needs by some children which was not compatible with the care on offer from foster families.

#### **RESOLVED:**

1. That the 2019/20 estimated revenue and capital outturn positions as at Quarter 3 be noted
2. That the changes to the revised budget detailed in Appendix A of the report be noted.

### Reason for the decision

*The Q3 position has changed significantly since Q2, but this movement represents less than 1% of the Net Cost of Services. The position was being closely monitored.*

## **558 QUARTER 3 - PERFORMANCE MANAGEMENT REPORT**

Councillor Hemsley, as Leader of the Council, submitted his report and explained that the report was to note the overall position in relation to performance during 2019/2020 and the actions being taken to address areas of underperformance.

Councillor Hemsley explained that the overall performance of the authority was good with 89% of indicators on or above target.

In response to questions asked, it was explained that the target of 70% of calls being answered within 60 seconds had not been reached but that Customer Services had been asked to prioritise dealing with calls thoroughly at the expense of speed. There had also been some capacity and resources issues within the team which had impacted performance. It was explained that the customer services team were continuing customers to use the website and to direct them to the correct portals.

### **RESOLVED:**

That the overall position in relation to performance so far during 2019/20 and the actions being taken to address areas of underperformance be noted.

## **559 PROCUREMENT OF PUBLIC BUS SERVICES**

Councillor Stephenson, as the relevant Cabinet Member, submitted a report and noted that the RF2 service's 5 year contract was due to expire on the 4<sup>th</sup> September 2019 but an 11 month extension had been negotiated to allow for continuity of service for passengers owing to a delay in the adoption of the Passenger Transport Strategy.

### **RESOLVED:**

1. That the procurement model and criteria for the award of the Rutland Flyer 2 (RF2) bus service contract be approved
2. That authority be delegated to the Strategic Director for Places, in consultation with the Cabinet Member with portfolio for Culture & Leisure, Highways & Transportation and Road Safety, to award the contract resulting from this procurement.

### Reason 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 power to award the contract is delegated to the Strategic Director for Places in consultation with the Portfolio Holder for Culture & Leisure,*

*Highways & Transportation and Road Safety. This will speed up the process and decisions will be made in line with criteria in this report.*

## **560 DELEGATION OF DEPRIVATION OF LIBERTY FUNCTION AND CONTRACT**

Councillor Walters submitted his report as the relevant Cabinet Member and explained that the current provision of the function, including delegation of specific elements of that function lay with Leicestershire County Council. It was noted that the Local authorities act as the 'Supervisory Body' and have a statutory duty to ensure that the criteria to deprive a person lacking capacity to make decision for themselves was met. The current delegation agreement with Leicestershire County Council is due to expire in March 2020 but that and as such, an extension had been sought. Updated information from the delegations approved by Cabinet to the Cabinet Member and Director would be reported back.

### **RESOLVED:**

- a) That the delegation of specific elements of the Deprivation of Liberty Safeguards function to Leicestershire County Council as set out in Section 3.1 of this report be approved
- b) That the continuation and extension of the delegation agreement with Leicestershire County Council to undertake those elements of the function on Rutland's behalf be approved;
- c) That the decision on future provision of the new Liberty Protection Safeguards legislation to be delegated to the Strategic Director of People, in consultation with the Portfolio Holder for Safeguarding Adults, once the implications of that legislation are known.

### Reason for the decision:

*The continuation of the current delegation of specific elements of the DoLS is requested in order to ensure that Rutland can meet the statutory requirements, whilst maintaining overall responsibility for authorising each DoLS made. Whilst the delegation continues, then it is appropriate to maintain a contract with Leicestershire County Council to manage this.*

*The impact and requirements of the new Liberty Protection Safeguards not known. It is likely that the changes and, in particular, sharing the responsibility with health partners, may make the service viable to be provided in house, or will at the very least require changes to the contact with Leicestershire in order to ensure changes are met through their service provision. Delegation to the Strategic Director for People will enable measures to be put in place quickly to ensure Rutland continues to meet statutory requirements.*

## **561 PUPIL PLACE PLANNING**

Having declared a disclosable pecuniary interest in Item 12 – Councillor Walters left the room.

Councillor Wilby as the relevant Cabinet Member elaborated on his report and updated Cabinet on the current assessment for primary and secondary pupil place planning. It was explained that there was a significant pressure at secondary level both now and the future with all 3 secondary schools being at or exceeding capacity.

In order to address the identified pressures at secondary school level, the Council had commissioned a secondary school expansion feasibility study to be delivered in two phases. It is anticipated that this would allow for an accurate understanding of the most appropriate site for potential expansion to meet needs.

Councillor G Brown noted that property services would fully support the work and that there had already been dialogue with various school principals.

**RESOLVED:**

1. That the update on pupil place planning for Rutland be noted.
2. That the actions taken to address pupil place planning for Rutland be endorsed.

**Reason for the decision:**

*Cabinet need to note the update on pupil place planning and endorse the actions taken to address pupil place planning for Rutland.*

Councillor Walter re-entered the room.

**562 PROCUREMENT OF HOME TO SCHOOL TRANSPORT SERVICES - AWARD OF CONTRACT**

Councillor Stephenson the relevant Cabinet Member elaborated on her report which set out the process and proposed award criteria for the procurement of home to school transport contracts. It was reported that alongside provision through the Council's in-house commissioned transport fleet, external organisations had provided some of the transport.

In response to questions asked by Cabinet, it was explained that there had historically been joined up working with other bordering Local Authorities and noted that the Council's current suppliers were from other authorities and it was explained that this was in part due to a lack of suitable bus depot and bus facilities in the County.

Councillor Wilby requested that pressure be put on the drivers of the school buses to drive extremely carefully as they had 'precious cargo' on board.

Councillor G Brown stated that he pleased to see that the new contract would be in place for the new school year.

**RESOLVED:**

1. Cabinet approved the procurement model (section 4) and criteria for the award of home to school transport (section 5 and appendix C) contracts for academic year 20/21.
2. Cabinet delegated authority to the Strategic Director for Places in consultation with the Portfolio Holder for Culture & Leisure, Highways & Transportation and Road Safety to award the contracts resulting from this procurement.

Reason for the decision:

*All potential alternative options to deliver these statutory services have been considered, and the recommendation below to tender and award contracts represents the best option to enable us to deliver statutory services.*

*Therefore in order for the procurement process to commence the award criteria (appendix C) 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 necessary requirements and can deliver appropriate quality services in Rutland. It is recommended that power to award the contract is delegated to the Strategic Director for Places in consultation with the Portfolio Holder for Culture & Leisure, Highways & Transportation and Road Safety. This will speed up the process and decisions will be made in line with criteria in this report.*

## **563 ENVIRONMENTAL SERVICES PROCUREMENT**

Councillor G Brown, as the relevant Cabinet Member, submitted a report and noted that the current contract for the treatment of residual waste would expire on the 31<sup>st</sup> March 2020 and a 1 year extension was required to align it with the expiry of other key contracts. The contract value had an estimated total contract value of £92.30m and would cover a 20 year period. Importance was stressed on the need to get the correct contract in place and every effort would be made to ensure this.

**RESOLVED:**

1. That the Pre-procurement Business Case for a range of environmental services contracts (attached at appendix A of the report) be noted.
2. That the current contract for the treatment of residual waste will require a 1 year extension to align the expiry date to 31/03/2022, along with the other current key contracts be noted.
3. That the £80k budget earmarked to fund external consultancy advice in 2020/21, may need to be subject to an early draw down in Q4 of 2019/20. This advice being to shape detailed proposals for the procurement be noted.
4. That this procurement would be subject to a soft market testing exercise.
5. That a new draft waste management and streetscene strategy would be subject to a public consultation.

## **564 WRITE OFF OF IRRECOVERABLE DEBTS**

Councillor G Brown elaborated on his report which sought Cabinet's approval to write off debts, over the value of £2,500 where officers believed there was little or no prospect of recovering them. It was explained that the Section 151 Officer had delegated authority to write off debts up to £2,500 but that anything above this would require Cabinet approval. It was noted that Cabinet was being asked to write off debts of £82,021.98 which was believed to be unrecoverable. It was reported that Rutland County Council had above average collection rates and it was forecasted that that the collection rate for 2019/20 was 98.7%.

Councillor Stephenson commented that she had been impressed with the sensitivity shown by Officers when dealing with people who had fallen into debt and commended their approach.

The Leader echoed the comments made by Councillor Stephenson and stated that Council were extremely good in their handling of customers who were faced with the prospect of debt.

**RESOLVED:**

1. That the action taken to recover outstanding debts be noted
2. That the write off of the debts shown in the private document at Appendix A of the report be approved.

**Reason for the decision:**

*There is no prospect of collecting the debts detailed in Appendix A (of the report) and it was therefore considered prudent to write off the debts.*

**565 ANY ITEMS OF URGENT BUSINESS**

There were no items of urgent business.

---oOo---

**The Chairman declared the meeting closed at 9.59am.**

---oOo---