



Rutland County Council

Catmose Oakham Rutland LE15 6HP

Telephone 01572 722577 Email: governance@rutland.gov.uk

Minutes of a **MEETING of the CABINET** held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on Thursday, 14th February 2023 at 10:00am

PRESENT: Councillor L Stephenson (Chair) Councillor R Powell (Vice-Chair)
Councillor S Harvey Councillor K Payne
Councillor D Wilby

OFFICERS PRESENT: Saverio Della Rocca Strategic Director for Resources
Dawn Godfrey Strategic Director of Children's Services
Penny Sharp Strategic Director for Places
John Morley Strategic Director for Adults and Health
Angela Wakefield Director of Legal & Governance,
(Monitoring Officer)
David Ebbage Governance Officer

1 APOLOGIES FOR ABSENCE

There were no apologies for absence.

2 ANNOUNCEMENTS FROM THE CHAIRMAN AND/OR HEAD OF THE PAID SERVICE

There were no announcements made.

3 DECLARATIONS OF INTEREST

Councillor S Harvey declared a non-pecuniary interest in Report No.04/2023 as she was a holder of a blue badge which was up for renewal.

Councillor S Harvey declared a non-pecuniary interest in Report No.34/2023 as she had an elderly family member who had brokerage care from the Council.

Councillor S Harvey declared a non-pecuniary interest in the Notice of Motion as her son used Catmose Sports Centre as part of a corporate membership through his employment.

Councillor R Powell declared a non-pecuniary interest in the Notice of Motion as she was a badminton player at the centre.

Councillor L Stephenson declared a non-pecuniary interest in Report No.04/2023 as she had a business which used an A-board

4 MINUTES

Consideration was given to the record of decisions made following the meeting of Cabinet on 12 January 2023.

RESOLVED

- a) That the record of decisions made at the meeting of the Cabinet held on 12 January 2023 be **APPROVED**.

5 ITEMS RAISED BY SCRUTINY

No items were received.

16a CATMOSE SPORTS LEISURE CONTRACT

The Leader proposed to move item 16a to the first item on the agenda due to the interest of the public who had attended the meeting in person. This was seconded and upon being put to the vote the motion was unanimously agreed.

A Notice of Motion had been received from Councillors L Stephenson, S Harvey, R Powell and K Payne under Procedure Rule 131, as set out in the agenda supplement.

Councillor Harvey explained to Members that the Council had been approached by a number of contractors who expressed interest in running Catmose Sports Centre at zero cost to the Council. It was agreed that the Council was happy for this opportunity to progress. Councillor S Harvey proposed the following amendments:

- a) That the procurement process be enabled to invite or not discount alternative bids that may come with some financial risk/contribution, so that these could be evaluated.
- b) That the Strategic Director for Places with the Portfolio Holder was delegated to agree terms for the extension based on open book approach and underwriting financial risk and to agree a position on dilapidations.
- c) That the Strategic Director for Places in consultation with the Portfolio Holder was delegated authority to explore business continuity arrangements for the duration of the contract extension.
- d) That the existing £300k provision set aside to exit the facility or fund extension to also cover any associated costs with procurement and negotiations.

The amendment was seconded and upon being put to the vote, with 3 votes for and 2 against, the motion was carried.

The substantive motion, as amended, was then put to the vote, with 3 votes for and 2 against, the substantive motion was carried.

RESOLVED

That Cabinet agreed to rescind its decision of 12th January 2023 and:

- a) **APPROVED** the extension of the Stevenage Leisure Limited contract for the operation of the Catmose Sports Centre for up to 24 months, to 31st March 2025, to enable the development and implementation of a new model for future provision and in particular to conduct a new tender exercise under which the Council could invite and/or not discount alternative bids that may come with some financial risk and/or contribution to allow such bids to be evaluated.
- b) **DELEGATED** authority to the Strategic Director for Places in consultation with the Portfolio Holder to agree terms for an extension to the contract with Stevenage Leisure Limited based on an open book approach and underwriting financial risk; and to agree a position on dilapidations.
- c) **DELEGATED** authority to the Strategic Director for Places in consultation with the Portfolio Holder to explore business continuity arrangements for the duration of the contract extension.
- d) **APPROVED** the use of the existing £300k provision set aside to exit the facility or fund the extension of the contract to also cover any costs associated with procurement and negotiations.

7 SEND CAPITAL FUNDING

Report No.30/2023 was introduced by Councillor David Wilby, Portfolio Holder for Education and Children's Services.

The report provided Members with Rutland's vision to support all children and young people with Special Educational Needs and or Disabilities (SEND) to lead healthy, independent, and safe lives, to be a County that promoted inclusion, maximised their opportunities to be independent and focused on their abilities not their disabilities and wherever possible, had their needs met locally.

The Department for Education (DfE) grant provided High Needs Provision Capital funding for 2022/24 which was designed to develop or improve facilities or purchase specialist equipment at good or outstanding provision for children with an Education Health and Care Plan in consultation with parents and carers and to meet local SEND needs. Added to the remaining Special Provision Capital Funding provided as a grant previously this meant there was a Capital fund of £1,00,390 for the Council to draw upon to fully fund improved facilities.

It was noted the Capital Grant had conditions and the Council would have to sign an assurance statement confirming the Council had used the Capital Grant for its intended purpose - to develop or improve facilities or purchase specialist equipment or provision for children with SEND.

The Leader was pleased to read a report where the cost was mentioned but the fundamental aim of what was doing best for children came through and she particularly welcomed the emphasis on children being able to be educated locally.

It was proposed by Councillor D Wilby that the recommendations of report No. 30/2023 be agreed, this was seconded and upon being put to the vote the motion was unanimously agreed.

RESOLVED

That Cabinet:

- a) **APPROVED** the allocation of £1,000,390 from Department for Education Capital Grant funding provided to Rutland County Council to resource Capital programmes and develop additional school facilities locally for children with Special Needs and Disabilities.
- b) **DELEGATED** authority to the Strategic Director for Children and Families and the Strategic Director for Resources to decide how the maximum allocation would be applied.
- c) **DELEGATED** authority to the Strategic Director for Children and Families in consultation with the Director of Legal & Governance, Monitoring Officer and the Portfolio Holder for Education and Children's Services, to enter into all necessary agreements to progress the programme.
- d) **NOTED** that the Capital Grant has conditions and that RCC would have to sign an assurance statement confirming RCC had used the Capital Grant for its intended purpose. Accordingly, any capital programmes would not create any ongoing revenue pressure from use of the Capital Grant and that the programme only support schemes that either reduce or avoid costs.
- e) **NOTED** the tight grant timelines, the Delivering Better Value Review context and the imperative for agile project working.
- f) **NOTED** the anticipated projects would likely increase sufficiency of SEND places in Early Years and Primary phase mainstream education and Secondary Phase Alternative provision.

8 HIGHWAYS CAPITAL PROGRAMME 2023/24

Report No.35/2023 was introduced by Councillor Rosemary Powell, Portfolio Holder for Planning, Highways and Transport.

The report sought approval from Cabinet of the Highway Capital Programme proposed for 2023/24. The programme also included the Integrated Transport, Capital Highway Maintenance Block, Integrated Transport and both the Capital Pothole and Incentive Funds allocation by the Department for Transport (DfT) received to the value of £2,843,000 for 2023/24 as shown in Appendix A to the report.

As the total funding was in excess of £1m, the report recommended to Cabinet recommend approval of the programme to Council in line with the Financial Procedure Rules in the Councils Constitution.

The Leader was pleased to see that the Council had secured the incentive funding which was reassuring evidence to how the Council maintained highways to such high levels.

It was proposed by Councillor R Powell that the recommendations of report No. 35/2023 be agreed, this was seconded and upon being put to the vote the motion was unanimously agreed.

RESOLVED

That Cabinet:

- a) **RECOMMENDED** to Council the approval of the spend from the Department for Transport (DfT) allocation for the Highway Capital Programme for the Capital Highway Maintenance Block, Integrated Transport, Capital Pothole and Incentive Funds received to the value of £2,843,000 for 2023/24 as per Appendix A.
- b) **RECOMMENDED** to Council to delegate authority to the Director of Places in consultation with the Portfolio Holder for Planning, Highways and Transport to agree any substitution of projects if the identified schemes cannot proceed.

9 HOME TO SCHOOL TRANSPORT CONTRACT AWARD

Report No.12/2023 was introduced by Councillor Rosemary Powell, Portfolio Holder for Planning, Highways and Transport.

The report set out the process and proposed award criteria for the procurement of home to school transport contracts, along with recommendations for approval and delegation of final award.

Rutland County Council provided a range of transport services including: home to school transport; transport for children with special educational needs; transport for children looked after; post-16 education transport; and public transport services in line with statute and Council policy.

It was asked by Members, with the financial deficit the Council would be running this year, that extra focus be taken to ensure to bring this in under budget. Councillor Powell assured Members that it was a key element of those contracts to be able to achieve that.

Members were aware of the complexity but essential operation to make sure all children made it to school, they wanted their appreciation and thanks to be passed on through the Strategic Director for Places to the wider team for the work that is put into the operation.

It was pointed out by the Portfolio Holder for Health, Wellbeing and Adult Care that the school transport contract included children who were housed outside of the county under our homelessness who could access transport to and from their designated school.

It was proposed by Councillor R Powell that the recommendations of report No. 35/2023 be agreed, this was seconded and upon being put to the vote the motion was unanimously agreed.

RESOLVED

That Cabinet:

- a) **APPROVED** the procurement model (section 4) and criteria for the award of home to school transport (appendix B) contracts for academic year 23/24.
- b) **DELEGATED** authority to the Strategic Director for Places in consultation with the Portfolio Holder for Planning, Highways & Transport to award the contracts resulting from this procurement.

10 FEES AND CHARGES 2023-24

Report No.04/2023 was introduced by Councillor Karen Payne, Portfolio Holder for Finance, Governance and Performance, Change and Transformation.

The report set out the proposals for fees and charges for services provided by the Council for the financial year 2023/24 and was to seek approval for discretionary fees and charges.

Fees and charges represented a significant source of finance for the Council. The Council received approximately £4.2 million from fees and charges each year. It was important that fees and charges were set at an appropriate level to maximise income to the Council and to recover cost.

Members welcomed the way the report was set out and how the differentiation between what the Council had discretion over and what were national fees was extremely helpful.

The Leader pointed out that life was costing more across the board and that was reflected within the report which was fair and measured.

It was proposed by Councillor K Payne that the recommendations of report No. 04/2023 be agreed, this was seconded and upon being put to the vote the motion was unanimously agreed.

RESOLVED

That Cabinet **RECOMMENDED** to Council:

- a) To approve the level of fees and charges for 23/24, set out in Appendices A, B and C.
- b) To approve new fees for:
 - a. Highways - temporary access vehicle crossing applications and permits on major developments (para 4.3.1)
 - b. Highways – new developments technical approval process (para 4.3.2)
 - c. Highways – roadside gullies mapping onto Kaarbon Tech (para 4.3.3)
 - d. Bulky Waste – including stopping free collections and £3 surcharge (para 4.5.2)
 - e. Recycling and Residual Waste bins for new build properties (para 4.5.5)
 - f. A new monitoring and management fee for the First Home Scheme para 4.8.1)

- c) To note that taxi and private hire vehicle licenses fees will be subject to change based on the outcome of forthcoming consultation through a public notice procedure and be brought back for approval following that consultation.
- d) To note that Appendix D includes fees set nationally (some are still to be confirmed).
- e) To note that fees and charges excluded from this report are listed at 2.3.

11 PERFORMANCE REPORT 2022-23

Report No.26/2023 was introduced by Councillor Karen Payne, Portfolio Holder for Finance, Governance and Performance, Change and Transformation.

The report provided Cabinet with a performance update which outlined progress year to date against the Corporate Strategy 2022-2027.

Councillor Payne highlighted some positives within the report, in particular, the improved staff vacancy rate and the five year housing supply which had increased to 4.6 years from 4.1 years. An additional calculation of Rutland's 5 year housing supply in December 2022 showed this had increased to a 6 year housing supply which would be reflected in future performance reports.

It was proposed by Councillor K Payne that the recommendations of report No. 26/2023 be agreed, this was seconded and upon being put to the vote the motion was unanimously agreed.

RESOLVED

That Cabinet:

- a) **NOTED** the contents of the performance report and the progress in delivering the strategic aims within the Corporate Strategy 2022-2027.

12 REVENUE AND CAPITAL BUDGET 2023/24

Report No.37/2023 was introduced by Councillor Karen Payne, Portfolio Holder for Finance, Governance and Performance, Change and Transformation.

The Council was required to set a balanced budget and agree the level of Council tax for 2023/24 in the context of its Medium Term Financial Plan. This report presented the final budget for approval.

Councillor Payne confirmed that there were no changes to the final settlement which was proposed in the draft budget as £46.549m.

It was explained to Members that the budget went to Scrutiny Committee in January, a concern was raised at that meeting for those who may need extra help during the cost of living crisis. Councillor Payne confirmed that extra funds had been set aside to cover that support and that Strategic Director for Resources would monitor the fund and if more money was needed towards this, the Portfolio Holder supported the drawing down of that provision.

Councillor Payne thanked the Strategic Director for Resources and his finance team on all the work that had gone into the budget.

Members thanked the Portfolio Holder for all the effort and time that had been put in to get this budget completed.

It was proposed by Councillor K Payne that the recommendations of report No. 37/2023 be agreed, this was seconded and upon being put to the vote the motion was unanimously agreed.

RESOLVED

That Cabinet **RECOMMENDED TO COUNCIL** that it:

- approves the General Fund Budget (Net Expenditure) for 2023/24 of £46.549m (section 9)
- approves budget reductions at service level (service savings, reversal of National Insurance rise and use of earmarked reserves) of £1.735m (Section 9.3) and corporate budget reductions of £1.889m as per section 9.3
- approves budget increases to meet service pressures of £5.401m arising from the inflation, cost of living and demand (Section 9.3) and a pay contingency of £743k
- approves the use of £589k of reserves to subsidise the main budget (Section 9) plus £900k set aside from general reserves to fund the Local Plan, Leisure and High Needs deficit (Section 7.1.4)
- approves the Council Tax resolution in Appendix 9 including an increase in Council Tax for Rutland County Council of 4.99% (2% for the Adult Social Care precept and 2.99% for main council tax) resulting in a Band D charge of £2,013.04 (Section 8)
- approves the award of up to an additional £25 discount on council tax bills for those individuals receiving local council tax support with an outstanding council tax liability to be funded from a Government grant (section 8.2.13).
- notes the outcome of consultation (section 13)
- approves changes to earmarked reserves as per Section 7.1.4
- approves additions/deletions to the capital programme as per Section 10
- notes the position on the Dedicated Schools Grant budget (Section 12)
- notes that additional revenue or capital expenditure may be incurred in 2023/24 funded through 2022/23 budget under spends to be carried forward via earmarked reserves. The use of reserves for budget carry forwards is not currently shown in the budget but will have no impact on the General Fund
- approves the estimated surplus of £38k on the Collection Fund as at 31 March 2023 (Section 8.3) of which £33k is the Rutland share.
- notes that the Director for Resources may ask for additional funds to support those in hardship as requested by Cabinet if required.

13 EXCLUSION OF THE PRESS AND PUBLIC

It was agreed by Cabinet to remain in public session for the discussion of Report No.10/2023, Report No.34/2023 and Report No.05/2023.

14 WRITE OFF IRRECOVERABLE DEBTS

Report No.10/2023 was introduced by Councillor Karen Payne, Portfolio Holder for Finance, Governance and Performance, Change and Transformation.

The report was to seek approval to write off debts, over the value of £2,500, where officers believed that there was little or no prospect of recovering them.

The Council had above average collection rates. The national average for all councils in England and Wales was 95.8% for 2021/22. The Councils collection rates were typically around 97.9% in year.

Members wanted to applaud the processes in place around collections, these processes had resulted in high performance levels for the Council.

It was proposed by Councillor R Powell that the recommendations of report No. 10/2023 be agreed, this was seconded and upon being put to the vote the motion was unanimously agreed.

RESOLVED

That Cabinet:

- a) **NOTED** the action taken to recover outstanding debts.
- b) **APPROVED** the write off of the debts shown in Exempt Appendix A.

15 DHSC FAIR COST OF CARE & ADULT SOCIAL CARE FEE SETTING FOR CARE HOMES AND HOME CARE

Report No.34/2023 was introduced by Councillor Samantha Harvey, Portfolio Holder for Health, Wellbeing and Adult Care

The report outlined the DHSC Fair Cost of Care and Market Sustainability exercise requirements and the outcomes from it. It sets out the considerations for calculating Adult Social Care fees for residential care and homecare for 2023/24 and asked for Cabinet approval for negotiation with care providers and delegation of final rates to the Strategic Director for Adult Services and Health.

Rutland had an average of 108 placements within local care homes distributed across a smaller share of the overall market, including the Council's block contract for 30 beds at banded rates. This breaks down by bed type to: 25% residential, 67% enhanced residential, and 8% nursing. These placements reflect a 37% share of the occupied beds, and 25% of the total beds available.

Self-funders made up on average between 63% of care home residents. This was considerably higher than the regional average of 35.6% and the England average of 34.9%.

It was confirmed by officers that the Council already had a block contract with one provider and that was done through the County Council rates. The Council had been out to market previously to ask about block booking or contracting beds, but the Council did not have any other providers willing to do that largely because there are so many self-funders within Rutland and that they do not need the Councils business.

It was proposed by Councillor S Harvey that the recommendations of report No. 34/2023 be agreed, this was seconded and upon being put to the vote the motion was unanimously agreed.

RESOLVED

That Cabinet:

- a) **NOTED** the outcomes of the Fair Cost of Care exercise.
- b) **APPROVED** negotiation of fees with providers as set out in Exempt Appendix A
- c) **DELEGATED** final approval of the fee rates to the Strategic Director for Adult Services and Health, in consultation with the Portfolio Holder for Health, Wellbeing and Adult Care.

16 PUBLIC BUS NETWORK REVIEW

Report No.05/2023 was introduced by Councillor Rosemary Powell, Deputy Leader and Portfolio Holder for Planning, Highways and Transport.

The report set out the variables in the delivery models and identified options for the future public bus network for consideration. The principles to be achieved by any future re-design were proposed in the exempt report at Appendix 1 and a long-list of options, at appendix 1A, included the various delivery models for Cabinet to consider in the review of the public bus network.

Councillor Powell highlighted to Members that the review would potentially achieve savings applicable to the 2023/24 budget and to make best use of the Levelling Up Funding the delivery of the BSIP objectives.

A presentation of the long-list of options was made to the Overview & Scrutiny panel on 13th December 2022. Feedback from the panel supported continuation of a public transport network for the county and the panel was keen to be involved as the review progressed.

The Leader welcomed the pro-active approach taken to rural public transport and the success of the LUF gave the Council an opportunity to pilot and explore models.

It was proposed by Councillor R Powell that the recommendations of report No. 05/2023 be agreed, this was seconded and upon being put to the vote the motion was unanimously agreed.

RESOLVED

That Cabinet:

- a) **NOTED** the longlist of options available for consideration for future public bus network re-design as set out in exempt Appendix 1, the objectives of the review and the evaluation criteria against which any future option on the network redesign would be assessed.

- b) **APPROVED** the development of a business case to consider the preferred delivery models as set out in section 4 and paragraph 5.14 of exempt Appendix 1 to identify the best option to deliver our public bus network for further consideration by Cabinet in Autumn 2023.

17 ANY ITEMS OF URGENT BUSINESS

There were no further items of urgent business for consideration.

18 DATE OF THE NEXT MEETING

Tuesday, 7th March 2023 at Rutland County Museum. Although, after this meeting this was confirmed to now be back in the Council Chamber.

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The Chairman declared the meeting closed at 10.57am

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