



Cabinet

Minutes of a meeting held at County Hall, Colliton Park, Dorchester,
Dorset, DT1 1XJ on Wednesday, 7 March 2018.

Present:

Rebecca Knox	Leader of the Council
Jill Haynes	Deputy Leader and Cabinet Member for Health and Care
Steve Butler	Cabinet Member for Safeguarding
Deborah Croney	Cabinet Member for Economy, Education, Learning and Skills
Tony Ferrari	Cabinet Member for Community and Resources
Daryl Turner	Cabinet Member for Natural and Built Environment

Members Attending:

Jon Andrews, County Councillor for Sherborne Town
Graham Carr-Jones, County Councillor for Stalbridge and the Beacon
Hilary Cox, as Chairman of the County Council
Katharine Garcia, County Councillor for Portland Tophill
Beryl Ezzard, County Councillor for Wareham
Nick Ireland, County Councillor for Linden Lea
Mary Penfold, County Councillor for Sherborne Rural
Bill Pipe, County Councillor for Lytchett Minster and Upton
Mark Roberts, County Councillor for Bridport
David Shortell, County Councillor for Moors
Kate Wheller, County Councillor for Portland Harbour

Officers Attending:

Nick Jarman (Interim Director for Children's Services), Richard Bates (Chief Financial Officer), Helen Coombes (Transformation Programme Lead for the Adult and Community Forward Together Programme), Grace Evans (Legal Services Manager), Mike Harries (Corporate Director for Environment and Economy) and Lee Gallagher (Democratic Services Manager).

For certain items, as appropriate:

Ken Buchan (Environmental Advice Team Leader), Ed Denham (School Admissions Manager), Adam Fitzgerald (Service Development Officer), Andy Frost (Community Safety and Drug Action Manager), Ben Lancaster (Senior Estate Surveyor) and Peter Scarlett (Estate and Assets Manager).

- (Notes:(1) In accordance with Rule 16(b) of the Overview and Scrutiny Procedure Rules the decisions set out in these minutes will come into force and may then be implemented on the expiry of five working days after the publication date.
Publication Date: **Tuesday, 13 March 2018.**
- (2) These minutes have been prepared by officers as a record of the meeting and of any decisions reached. They are to be considered and confirmed at the next meeting of the Cabinet to be held on **Wednesday, 4 April 2018.**

Apologies for Absence

22 Apologies for absence were received from Cllr Peter Wharf, Debbie Ward (Chief Executive) and Jonathan Mair (Head of Organisational Development and Monitoring Officer).

Code of Conduct

23 There were no declarations by members of disclosable pecuniary interests under the

Code of Conduct.

Minutes

24 The minutes of the meeting held on 31 January 2018 were confirmed and signed.

Public Participation

25 Public Speaking

There were no public questions received at the meeting in accordance with Standing Order 21(1).

There were three public statements received at the meeting in accordance with Standing Order 21(2). The statements are attached as an annexure to these minutes.

Petitions

There were no petitions received at the meeting in accordance with the County Council's Petition Scheme.

Cabinet Forward Plan

26 The Cabinet considered the draft Forward Plan, which identified key decisions to be taken by the Cabinet on or after the next meeting. An additional item on the Future of Outdoor Education was identified for the Cabinet meeting in May 2018.

Resolved

That the Forward Plan be updated.

The Relationship Between the Council, Schools and Academies

27 The Cabinet considered a report by the Cabinet Member for Economy, Education, Learning and Skills regarding a more clearly defined relationship between the Council and schools of all types and consultation with schools to establish their needs and wants in terms of a relationship with the Council, and to take account of the overall financial position, traded services, operational environment, collaboration, critical challenge and support, and the national context. The Council's priority would be to focus on advice, improvement, shared responsibility for the quality of education and opportunities for schools to influence the areas with which the Council should be involved. Recommendations 3, 4 and 5 in the report showed a starting point of the conversation and consultation with schools and wider educational network, and were not considered for decision at this meeting.

An important issue was raised in respect of the need to have a conversation with smaller primary schools to develop into larger academies or federated schools to take advantage of economies of scale, resilience and protecting their individual qualities.

Resolved

1. That the relationship with schools which best suits the Council, its objectives and the communities which it services and is affordable be agreed.
2. That delegated authority be granted to the Interim Director for Children's Services to conduct a consultation with schools, academies, free schools, etc. to establish their needs and wants in terms of a relationship with the Council.
3. That the rebalancing of the principle of sharing risk and responsibility between the Council and schools be accepted.

Reasons for Decisions

1. There was no recent memorandum of understanding or protocol concerning the relationship between the Council, schools, academies, free schools and learning centres.
2. For a variety of reasons (financial, OFSTED inspection, balance of risk and responsibility) this relationship needs to be clearly defined and observed.

School Transport Policies 2018-2019

28 The Cabinet considered a report by the Cabinet Member for Economy, Education, Learning and Skills regarding two outstanding school transport policy exceptions following Cabinet consideration of Admissions Arrangements and Transport Policies on 17 January 2018. The two exceptions related to raising the cost recovery figure for surplus seats from £640 to £770 and moving from a 5 miles criterion to a 3 miles criterion for eligibility for the 50% discount on the Post 16 cost recovery scheme.

Cllr Deborah Croney explained that there were three options available to the Cabinet to consider regarding the level of increase of surplus bus seats and it had been felt that the increase should not be as much as £130 per seat in a single year. Option C was advocated as the preferred cost model and a table of costs was provided at the meeting to setting out the option for the increase in costs from 2018 to 2021. The preferred Option C would introduce an increase of £35 per year until 2021, and charging arrangements had also been developed to enable monthly payments in addition to quarterly payments. In relation to the policy regarding the Post 16 cost recovery scheme, it was recognised that there were steps being taken to develop other policies to create savings, but the Cabinet acknowledged that reduction from 5 to 3 miles would create an additional cost to the Council of £70k.

Although the recommendations within the report were supported, the need to move to cost neutral arrangements over time was recognised as well as the obligation on the Council to provide the services. An additional request was also made to ask that where families had more than one sibling in Post 16 education who had surplus seats, that appropriate discount arrangements should be in place as the financial burden would be greater on these families. It was confirmed that this issue had already been raised outside of the meeting and would be taken forward.

Resolved

1. That the Home to School Transport Assistance Eligibility Policy for Children and Young People attending School 2018-2019 and the Dorset Post 16 Transport Support Policy for 2018-2019 be adopted, and that specific agreement be given to Option C for the rise in the surplus seat / cost recovery price. (Note: Any subsequent increase will be in line with the Confederation of Passengers Transport Index (CPTi) for the period.)
2. Approval of the adoption of 3 mile limit as one of the criteria for being eligible for a reduction of 50% for contribution towards Post 16 transport both mainstream and SEND.

Reason for Decision

To finalise the adoption of the School Transport policies for Dorset from September 2018 onwards.

Quarterly Asset Management Report

29 The Cabinet considered a report by the Cabinet Member for Community and Resources on the issues related to the various asset classes of Property, Highways, ICT, Fleet and Waste.

Two public statements were received at the meeting in accordance with Standing Order 21(2) regarding progress towards selling the Brakenbury Infant School, Portland. The statements are attached as an annexure to these minutes. A summary of the progress on the sale was provided by Cllr Tony Ferrari, who emphasised the merit and social impact of the proposal to sell to Portland Town Council. However, further work was required to arrive at a position where a decision could be taken to confirm the sale, whilst considering the capital priorities across the whole Council.

Cllr Kate Wheller, as the local member, highlighted that the school had been empty for five years and progressing the sale would avoid the cost of a vacant building as

well as savings that would be made by bringing a range of community services together which would free up other buildings of considerable value. The social impact, and associated advantages through the living and learning programme, would help to enable the community to work together. She also referred to multiple areas of deprivation in the area and challenges from birth through to death, including isolation and loneliness, which would be addressed through the wider community use of the site and create savings across many services. The impact on Portland Town Council's ability to secure additional grant funding was also highlighted as time delay in making a decision could jeopardise its ability to be successful. Cllr Wheller urged the Cabinet to indicate that it was minded to agree to the sale of the site.

Cllr Tony Ferrari confirmed that consideration was being given, and the 'door was open', but the whole financial picture needed to be considered before any decision could be taken.

Summaries of other asset related projects were provided, and particular attention was drawn to the need to progress the delay in transferring property to various youth groups. Cllr Beryl Ezzard expressed frustration in respect of her experience of the process to transfer property to the Purbeck Youth and Community Foundation and it was confirmed that the proposal in the report would lead to steps being taken to bring all transfers to a timely conclusion.

Resolved

1. That the use of the County Council's general powers of competence to permit it to grant a 125 year lease to the Delta Education Trust of as much land comprising the former Bovington Middle School site as is reasonably required for the provision of a school for children with Social Emotional and Mental Health needs and Autistic Spectrum Condition and otherwise on terms to be agreed by the Chief Financial Officer and the disposal of the residue of the site at its market value on terms to be agreed by the Chief Financial Officer (paragraph 3.1.4 of the Cabinet Member's report) be approved.
2. That the lease of the former Bere Regis Primary School site to the ESFA / Delta Education Trust on a short-term basis at a peppercorn rent and otherwise on terms to be agreed by the Chief Financial Officer (paragraph 3.2.4 of the report) be approved.
3. That a firm and final timetable be agreed with the occupants of the Bridport, Dorchester, Gillingham, Southill, Verwood and Wareham youth centre buildings and the STEPS youth centre in Weymouth for completion of each transaction, and unless a clear and rational reason exists as to why a transfer has not been completed within the agreed timescale, the offer from the County Council to gift the building to them will be withdrawn (paragraph 3.3.3 of the report).
4. That a proposal received from Portland Town Council to sell the Former Brackenbury Infant School site to it at an undervalue be noted, and that further discussions will take place to examine the proposal in more detail (paragraph 3.4.5 of the report).
5. That the overall revised estimates and cash flows for projects as summarised and detailed in Appendix 1 of the Cabinet member's report (paragraph 8.2 of the report) be approved.
6. That the emerging Highways issues (paragraph 4 of the report) be noted.

Reason for Decisions

A well-managed Council ensures that the best use is made of its assets in terms of optimising service benefit, minimising environmental impact and maximising financial return.

County Farms Estate Management Plan Update

30 The Cabinet considered a report by the Cabinet Member for Natural and Built Environment regarding a programme of rationalisation for the County Farms Estate in accordance with the County Farms Estate Management Plan 2016-21. A summary of

the performance, financial sustainability and contribution of County Farms to the economy of Dorset as well as communities, including vulnerable people, was provided. Regarding rationalisation of the estate, it was explained that a compromise was required by the council to generate capital funding to be reinvested into priority services, and as such additional non-core holdings has been identified for disposal, whilst maintaining a smaller core estate in accordance with the Management Plan 2016-21.

One public statement was received at the meeting in accordance with Standing Order 21(2). The statement is attached as an annexure to these minutes.

The meeting was attended by a number of local members of county farms within their electoral divisions. Cllr Cherry Brooks submitted written comments to the meeting to express her views in relation to problems with large intensive farming and the impact on smaller farms and other practical implications associated with farming. Cllr Mary Penfold drew attention to the need to consider very carefully the impact on rural areas of Dorset as County Farms contributed massively to the local economy and wider economy.

Jeremy Russell (Country Landowners and Business Association representative) and Greg Kellaway (Dorset County Farms Tenants representative), as members of the County Farms Liaison Panel, addressed the meeting to highlight the decrease in surplus income generated because of the rationalisation of the estate, to urge members not to dispose of the non-core holdings, promote the economic and community advantages of the estate, the long-term impact on employment, and the need to be proud of the estate. In response Cllr Daryl Turner confirmed the significance of the performance of the estate and that the Council was extremely proud of County Farms, but that there was a need to compromise given the financial pressures faced by the Council.

Cllr Hilary Cox, as the Chairman of the County Farms Liaison Panel, indicated that the estate had reduced by 5% since 2001 which now focused on a core farms estate that had received a lot of investment and generated a significant financial surplus year on year. She acknowledged that the non-core farms had been identified because of financial pressures to help achieve the Council's corporate aims. Although this further rationalisation would see a reduction in the size of the estate by 14%, those identified for disposal required significant capital investment of approximately £2m to bring them up to acceptable standards and make sustainable. Reluctantly Cllr Cox accepted the need to rationalise the estate, but emphasised that the remaining estate would continue to be an asset to be proud of. She also highlighted the need to retain the estate and to not disinvest in the future.

Views were expressed which recognised the difficult decision to further rationalise the estate to contribute to the wider pressures facing the Council, and it was noted that the same challenges and demands faced all services. It was hoped that through the disposal of the non-core assets, the future guardians of the estate invested in them and maintained them as ongoing farming assets.

Resolved

1. That the 6 off lying farms identified in Appendix 1 of the Cabinet member's report be re-classified as non-core with a view to their future disposal.
2. That the income target for the Estate be revised to reflect the loss of rental income associated with these disposals (c.£95,000 p.a.).

Reason for Decisions

To enable the delivery of the County Farms Management Plan 2016-21 and support corporate outcomes whilst improving the financial position of the County Council.

Supply of Housing to meet needs of people with Adult Social Care need

- 31 The Cabinet considered a report by the Cabinet Member for Health and Care regarding adult social care housing options for a range of reasons, including discharges from long-term hospital accommodation, moving on from home, or service users currently living in inappropriate accommodation. The current and future demand for accommodation was outlined by Cllr Jill Haynes, together with the innovative approach as one of the first councils in the Country to provide modular housing solutions. The approach would utilise the provider framework contract arrangements. In the short term, 30 units in Wareham and Bridport would be funded by capital released due to plans in Bridport for a proposed Care Village development (to be considered by the Cabinet on 4 April 2018).

Detailed planning for further modular housing provision through Joint Venture would be undertaken, and a detailed business case would be developed, for future sites across Dorset including consultation and partnership with district and borough councils.

In terms of eco-friendly and self-sufficient building, all members supported the need to make the modular units as environmentally sustainable as possible.

As local members, Cllrs Beryl Ezzard, Bill Pipe and Mark Roberts expressed support for the units in Wareham and Bridport. A question was asked about the potential timing and associated impacts of gaining planning permission through local councils to which it was clarified that the timetable was very ambitious and every effort would be made to progress the development as quickly as possible with planning colleagues in district and borough councils.

Resolved

1. That the reallocation of £1,500,000 of capital budget from the capital budget previously allocated to the Bridport Connect development to the Modular Housing project to fund the purchase of the 30 housing units be approved.
2. That a procurement exercise be carried out to purchase and install the initial 30 housing units.
3. That a procurement process be carried out to appoint a Registered Provider to provide a housing management service for the 30 housing units.
4. That the undertaking of detailed planning to understand the potential benefits of a modular housing Joint Venture, including potential market appetite, confirmation of numbers, and identification of sites (to be presented as a Detailed Business Case) be approved.

Reasons for Decisions

1. Reallocating capital to Modular Housing project would provide much needed housing capacity for vulnerable adults, which would enhance their experience and providing the Directorate with the ability to generate service cost savings. £4.2m of capital expenditure was allocated to the proposed Bridport Connect project, and this was no longer required because the reprovision of Day Service assets in Bridport would be provided as part of the wider Bridport Care Campus project through private investment. The previously proposed hub plans could not be delivered within the allocated capital budget envelope.
2. This procurement would ensure that the Council would satisfy Public Procurement requirements, and give a 'proof of concept' for modular housing demonstrating and confirming the levels of income generation achievable. It would also deliver units to satisfy urgent accommodation need over the next 6 months, and ensure the appointment of a high quality-customer led housing management service.
3. There was potential through a joint venture to deliver significant additional accommodation capacity, with a much lower investment and risk requirement. The potential ramifications of this approach should be explored in detail.

Approval for procurements over £500k

32 The Cabinet considered a report by the Cabinet Member for Community and Resources in respect of procurements across the Council during 2018/19 which were defined as key decisions with a financial consequence of £500k or more.

Resolved

That the procurements and awards of contracts set out in Appendix A of the report be approved.

Note: In giving this approval, the Cabinet is approving known / likely procurements set for implementation during 2018 (or as specifically noted otherwise) on terms to be agreed by the delegated officer or Lead Director for each arrangement. Procurements exceeding the key decision threshold which are not yet identified will be subject to separate approval and business justification during the year.

Reason for Decision

Cabinet was required to approve all key decisions with financial consequences of £500k or more. It is also good governance to provide Cabinet with a summary of all proposed procurements prior to them formally commencing. Planning procurements effectively ensures effective stakeholder engagement, efficient sourcing, compliance with regulations and contract procedure rules, and best value for money.

Recommendations from Committees

33 The Cabinet considered the following recommendations:

Application of the Local Transport Plan

33a **Resolved**

That the recommendation of the Economic Growth Overview and Scrutiny Committee held on 24 January 2018 be approved as set out below:

Recommendation 49 - Application of the Local Transport Plan

1. *That the LTP and Corporate Plan outcomes be approved as a method of prioritising the local transport projects to be delivered in Dorset.*
2. *That the transport project areas identified in the Service Director's report be approved.*

Reasons for Recommendations

The LTP priorities have been previously agreed and are fixed in the LTP 2011. The Corporate Plan 2017 outcomes have been added to ensure alignment with the County Council's aims and objectives, with reference to health, physical activity and economic growth. The types of projects being delivered meet these priorities and outcomes.

Domestic Abuse - Inquiry Day

33b **Resolved**

That the recommendation of the Safeguarding Overview and Scrutiny Committee held on 30 January 2018 be approved as set out below:

Recommendation 5 - Domestic Abuse - Inquiry Day

That the Cabinet be asked to support to commit to further targeted activity, with key partners to tackle domestic abuse and improve outcomes for vulnerable adults and children.

Reason for Recommendation

To monitor and comment on the work of Adult and Children's Services and their partner agencies, including the Community Safety Partnership to be satisfied that they were working together effectively to improve the safety of adults and children and to prevent and reduce incidents of violence and domestic abuse.

Modern Slavery Protocol and Guidance

33c The Cabinet recognised the importance of the protocol and guidance on modern slavery through a statutory duty to notify, which was being strengthened through partnership awareness building with the Community Safety Partnership, district and borough councils and Dorset Police. It was agreed that the information contained within the report would be circulated to all councillors of Dorset councils.

Resolved

1. That the protocol and guidance documents be circulated to councillors of Dorset councils.
2. That the recommendation of the Safeguarding Overview and Scrutiny Committee held on 30 January 2018 be approved as set out below:

Recommendation 6 – Modern Slavery Protocol and Guidance

That the Cabinet be asked to adopt the Modern Slavery Protocol and Guidance, with the inclusion that there were other agencies who needed to comply with the duty to notify.

Reason for Recommendation

To ensure that the County Council met its statutory duty to notify central government of any potential victims of modern slavery.

Panels and Boards

34 The following minutes of panels and boards were received:

Joint Archives Advisory Board - 25 January 2018

34a A summary of an unsuccessful bid to the Heritage Lottery Fund for grant funding to increase archive storage, together with steps to learn from the experience, was provided. An alternative plan was now being developed to provide additional storage as well as continuing to explore other grant funding opportunities and developing a more commercial service. A programme of ongoing digitisation would also continue to reduce the need to store items.

Noted

Executive Advisory Panel on Forward Together for Children's Services - 26 January 2018

34b The progress of the Executive Advisory Panel in considering high profile and complex issues was summarised, which included Home to School Transport and the 0-5 Community Offer.

Noted

Joint Public Health Board - 5 February 2018

34c An update on the work of the Joint Public Health Board was provided including the informal consideration of Prevention at Scale in an informal session after the meeting which would focus on early intervention and prevention, and the development of community locality Health and Wellbeing Boards.

Noted

Executive Advisory Panel on Pathways to Independence/Social Care - 20 February 2018

34d An update on the activity of the Executive Advisory Panel was provided, and attention was drawn to ongoing work in respect of adult social care self-funding and the provision of advice and guidance.

Noted

Questions from County Councillors

- 35 A question was received from Cllr Kate Wheller to the Leader of the Council and the Cabinet Member for Economy, Education, Learning and Skills in relation to effect of Brexit on Local Government. The question and answer are attached as an annexure to these minutes.

In addition to the answer provided, Cllr Deborah Croney explained that she was a member of the LGA People and Places Board which was the body which triggered the LGA's Call for Evidence regarding Brexit.

Cllr Kate Wheller asked a supplementary question to request that information be made widely available to all councillors of district and borough councils to be kept abreast of progress and the impact of Brexit on Dorset's economy.

Children's Services - Property Update Report

- 36 The Cabinet considered an exempt report by the Cabinet Member for Economic Growth, Education, Learning and Skills regarding work to review and reduce the use of properties occupied by Children's Services provision.

As the portfolio of property used by Children's Services evolved, consideration was given to changes of use, future service provision and disposals. The report brought together property related issues facing Children's Services and enabled consideration to be given to specific sites, together with reasons for changes to be made. Cllr Deborah Croney clarified that in respect of two proposals within the report (detailed at paragraphs 2.4 and 2.6) that were shown as being 'put forward for disposal', they were being 'declared surplus to Children's Services requirements'.

The process for the identification of properties being declared surplus to requirements was explained as a two-stage process which included separate evaluations of the social value of retaining a property as well as a market value evaluation, both of which would be considered when determining the future use of an asset. The process had been changed to speed up the process of asset management, which continued to be developed.

Resolved

1. That the ongoing work to review and reduce the use of properties occupied by Children's Services be noted and supported
2. That the recommendations detailed within the Cabinet Members' report be agreed, subject to the comments detailed in the minutes above in relation to paragraphs 2.4 and 2.6.

Reason for Decisions

There were a number of service reviews underway at present which should lead to a re-shaping of service delivery which may not require the use of certain properties which could then be declared surplus to Children's Services requirements.

Meeting Duration: 10.00 am - 12.00 pm