



Cabinet

Minutes of a meeting held at County Hall, Colliton Park, Dorchester,
Dorset, DT1 1XJ on Wednesday, 27 June 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
Andrew Parry	Cabinet Member for Economic Growth, 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
Ray Bryan, County Councillor for Moors
Hilary Cox, As Chairman of the Council and County Councillor for Winterborne
Nick Ireland, County Councillor for Linden Lea

Officers Attending:

Nick Jarman (Interim Corporate Director for Children's Services), Debbie Ward (Chief Executive), Richard Bates (Chief Financial Officer), Grace Evans (Legal Services Manager), Mike Harries (Corporate Director), Fiona E King (Communications Officer), Peter Scarlett (Estate and Assets Manager) and Fiona King (Senior Democratic Services Officer).

For certain items, as appropriate:

- (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, 3 July 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, 18 July 2018.**

Apologies for Absence

68 Apologies for absence were received from Peter Wharf (Cabinet Member for Workforce), David Phillips (Director of Public Health, Bournemouth, Dorset and Poole) and Jonathan Mair (Service Director – Organisational Development). Grace Evans (Legal Service Manager) attended the meeting for Jonathan Mair.

Code of Conduct

69 There were no declarations by members of disclosable pecuniary interests under the Code of Conduct.

Minutes

70 The minutes of the meeting held on 23 May 2018 were confirmed and signed.

Public Participation

71 Public Speaking

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

There were no public statements received at the meeting in accordance with Standing Order 21(2).

Petitions

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

Cabinet Forward Plan

72 The Cabinet considered the draft Forward Plan, which identified key decisions to be taken by the Cabinet on or after the next meeting.

The Leader of the Council highlighted that a piece of work was underway to ensure that any items coming to future Cabinet meetings that would have an impact on the new Council in 2019 would go forward to the Shadow Executive Committee.

Medium Term Financial Plan (MTFP) Update

73 The Cabinet considered a report by the Cabinet Member for Communities and Resources which provided the first update of the new financial year, and the national and local issues impacting on the County Council's finances and covered matters that would need to be taken into account when developing the MTFP in readiness for the transition to the new unitary authority.

The report also summarised information for consideration by the Audit and Governance Committee on 29 June 2018 related to the 2017/18 outturn, balances at 31 March 2018, and the most recent 2018/19 forecast of outturn.

Cllr Ferrari highlighted the good job on the part of officers in achieving the £0.2m underspend for 2017/18. He also congratulated officers on the achievement of finalising the end of year accounts about a month earlier than in previous years which represented a good piece of work and asked that his thanks be passed on to all financial officers.

To date there was a £3.7m overspend forecasted, with the areas of pressure being in Adults and Children's Services. This was still a huge improvement on the previous year and everybody recognised the increased pressures across both of the services. This remained a risk as they were both demand led services but Cabinet members and officers were working hard to keep it under control. Cllr Ferrari highlighted recommendation 7 in the report and the use of capital available to make service improvements. He would therefore be seeking Cabinet approval to transfer £5m into a transformation fund.

Cllr Haynes supported the movement of money through to the transformation fund and felt this was vital in view of the considerable challenges moving forward. She took the opportunity to highlight that the pressure on the adults budget came predominantly from the market and that the Council was being charged more than other counties. Cllr Knox, as the Leader of the Council, felt it would be helpful to send out a communications brief to explain exactly what the challenges were.

Cllr Butler noted that Children's Services were working on the overspends and driving hard to try and bring the pressures down.

Cllr Turner asked that the last sentence from paragraph 7.8 of the report be added to the recommendation in order to be more transparent, which was agreed.

The Chief Financial Officer noted that the financial year was very difficult, but the work across the whole of the County Council needed to be recognised. Officers would be working again this year to close the budget and the expectation was that there would be a balanced budget by the end of the year.

Resolved

1. That the unaudited outturn position for 2017/18, specifically the financial performance in service Directorates be noted;
2. That the Directors' early estimates included in the forecast of outturn for the current year be noted;
3. That the latest savings expectations from the Forward Together programme and contribute ideas for short-term and longer-term savings be noted;
4. That the starting position for the current MTFP and budget round including the level and adequacy of balances on the general fund be noted;
5. That any other issues that Cabinet wished to be taken into account in the development of the MTFP and budget be brought forward;
6. That the proposals to increase the current ceiling on the flexible use of capital receipts be agreed;
7. That the transfer of an additional £2.5m into the LGR reserve to provide for future costs of transition be agreed in order to give headroom of £7m to apply from 2018/19. The Government has already acknowledged this nationally, through the extension of the period for flexible receipts usage to 2021-22; and
8. That the risks associated with and impacting upon the financial performance for the current and future financial years be understood.

Reason for Decision

To enable work to continue on refining and managing the County Council's budget plan for 2017/18 and the overall three-year MTFP period.

Quarterly Asset Management Report

- 74 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.

Cllr Ferrari highlighted some of the key issues in the report and noted the good progress being made across a number of areas.

Members of the Cabinet received a statement from Cllr Clare Sutton, County Councillor for Rodwell, in respect of the Quarterly Asset Management report. The statement is attached as an annexure to these minutes.

In respect of the statement, the Director for Children's Services highlighted the background to the transfers of youth centres into community ownership. The Youth Centre mentioned in the county councillor's statement was different and he went on to explain this difference.

The Cabinet Member for Safeguarding welcomed the work STEPs were providing for young people in Weymouth, and confirmed that the Council understood that it would take longer to transfer the asset because of the extra time required to negotiate with the Department for Education (DfE). As long as the Charity kept the Cabinet informed he was content for this to continue. He added that he felt that the asset transfers in connection with the youth service had been a successful move by the County Council.

In respect of St Andrews, Cllr Haynes was pleased to see that it was progressing but wanted to clarify that the County Council was not considering closing the day centre but would seek to re-provide the facility within a new care village in Bridport.

Cllr Parry, on behalf of Cllr Pauline Batstone, as the County Councillor for the Blackmore Vale asked for an addition to recommendation 7 in respect of the Thomas Hardy items to include 'museum or other suitable safe places', which was agreed.

Resolved

1. That the completion dates for the transfer of the listed Youth Centres to the respective community bodies be approved; and furthermore, that if any of these dates are not achieved, the County Council will either agree an immutable date for completion of the transfer, or withdraw from any further negotiations, after consultation with the portfolio holder for Community and Resources (para 3.2.8);
2. That Baileys, 131 Barrack Road Christchurch be declared surplus and that the listing authority for assets of community value be notified immediately thereafter of the intention to sell, allowing time for discussions with The Water Lily Project to progress during the moratorium period prior to any formal marketing process (para 3.3.5) be approved;
3. That Horizon West, Cromwell Road, Weymouth be declared surplus and disposed of on the open market on terms to be agreed by the Chief Financial Officer (para 3.4.2) be approved;
4. That the County Council enters into a contract with NHS Dorset on terms to be agreed by the Chief Financial Officer, to enable NHS Dorset to progress plans for constructing a new GP Surgery on part of the Wareham Middle School site (para 3.5.5) be approved;
5. That the transfer the land between no's 38 & 46 Salisbury Street, Shaftesbury to Shaftesbury Town Council for use as public open space and otherwise on terms to be agreed by the Chief Financial Officer (para 3.6.3) be approved.
6. That the final construction cost overspend of approximately £600,000 on the Bridport Waste Management Centre be funded from the County Council's existing capital contingency budget and that Cabinet notes that the final overspend will not be known until the final commuted maintenance sum is confirmed by Highways England (para 7.1.11) be approved;
7. That the transfer of an oil painting of a local townscape on a renewable five-year loan agreement, governed by Arts Council Museum Accreditation to be agreed between the County Council and the Blandford Museum be approved; and that the proposal to transfer a number of low value other pieces of visual art, mainly of Thomas Hardy, and local pottery to any local museum or other suitable safe places on a renewable five-year agreement and if not of interest to any museum, to the disposal of these items through a local auction sale (para 8.1.4) be approved;
8. That the overall revised estimates and cash flows for projects as summarised and detailed in appendices 1 and 2 (para 9.2) be noted;
9. That the use of delegated powers by the Director for Children's Services (para 3.9.3) be noted; and
10. That the emerging issues for each asset class be noted.

Reason for Decision

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

Special Educational Needs and Disability Improvement Plan - Progress Report

75 The Cabinet considered a report by the Cabinet Member for Economic Growth, Education, Learning and Skills which provided a progress report on the significant impact that the improvement plan had so far made in enabling a three year improvement drive within the Special Educational Needs and Disability (SEND) Services for children and young people.

Cllr Parry presented the report and noted that the budget was on track and would be successfully deployed over the 3 year period. He highlighted the progress of timescales in respect of Education and Health Care Plans (EHCPs)

Cllr Haynes appreciated that this report had come back to Cabinet as there had been serious concerns in the past.

Cllr Knox, as the Leader of the Council, highlighted the importance of keeping this on

the top of the list of priorities.

Following a question about a good communication programme in place with schools, the Director for Children's Service advised that there was a regular bulletin that went out to all parents. SEND was a difficult place for parents and carers and schools were very involved but the nature of circumstances sometimes were very difficult.

Resolved

1. That the significant progress that has been made in improving the service provided to children and young people and their carers with SEND be noted.
2. That the continued focus on service improvement over the next two year period be supported.

Reason for Decision

To build on the improvements that had been achieved in improving the Special Educational Needs and Disability Service for children and young people in Dorset.

Panels and Boards

76 The following minutes were received:-

Joint Public Health Board - 4 June 2018

77 Cllr Haynes highlighted Minute 26 and advised that a Task and Finish Group would be set up, proposals would then go forward to the Shadow Council. It would be important to look at how we would work with the other 2 authorities in the future to continue with the prevention work.

Noted

Joint Archives Advisory Board - 6 June 2018

78 The Chairman of the County Council highlighted that the need for additional storage space was still pressing, it was big project and a statutory duty. A temporary fix had been sourced but this area needed more work.

Noted

Questions from County Councillors

79 A question was received from Cllr Nick Ireland to the Cabinet Member for Economic Growth, Education, Learning and Skills in relation to schools in Weymouth. The question and answer are attached as an annexure to these minutes

Cllr Ireland asked a further question regarding budget cuts at Budmouth College and how they had impacted on the school. He felt that the funding was not on a level playing field. Cllr Parry, as the Cabinet Member for Economic Growth, Education, Learning and Skills, responded that the Council was on a journey of moving the school forward, officers from the council had met with staff and parents and he was sure that future visits would be planned. The Director for Children's Services added that the age weighted pupil unit (APWU) was identical to any other secondary school in Dorset. He emphasised the need to be clear to members that the powers that the Council had were very limited and had been used effectively. Budmouth College was a foundation school, and therefore an employer of its own staff and premises. The Local Authority had done everything it could within its powers but the quantum of funding for any other school could not be influenced by the County Council.

Cllr Ireland also made reference to the County Council insisting that Budmouth College paid their outstanding debts within 3 years. The Director advised as an automatic consequence of receiving an 'inadequate' judgement. Work was ongoing with the Regional Schools Commissioner (RSC) towards academy status. The Governors were employers of the staff, and the Interim Executive Board was there to

provide any assurance between the employer and employee.

Meeting Duration: 10.00 am - 10.50 am

**County Councillor Questions and Statements for the Cabinet
27 June 2018**

Councillor Statement

**Statement from Clare Sutton to the Cabinet Member for Community and Resources in
relation to the Quarterly Asset Management Report**

I applaud the Cabinet for working to expedite the transfer of leases to the relevant bodies, and appreciate that in some cases this has been quite a difficult process. However, as a Trustee of STEPS in Weymouth, which lies within my division, I would like to make a couple of additional points:

1. Unlike some of the other groups, the STEPS Charity has been fully functional (including in terms of our legal representation) throughout the period and our Trustees signed the final version of the Lease over two months ago. In our case, the delays to completion of the transfer have been mostly due to the fact that there are four bodies involved: the STEPS Charity, DCC, W&PBC (from whom DCC lease the land) and the DfE, because of the 'Myplace' capital grant.

From the outset, Trustees have been acutely aware of potential complexities in relation to the Myplace agreement with DfE and we have worked actively with DCC and our solicitor to resolve these. Indeed, we were assured by our solicitor that these had been resolved around 8 months ago. However, we now understand that the DfE (who hold a covenant on the title of the property) need some assurances relating to the original conditions of the grant before they grant permission for the transfer. In order to assist with that, the Charity's Principal Youth Worker has now written a summary document outlining how the Club will continue to meet the original aims/conditions of the Myplace agreement which the locum DCC solicitor who is handling the STEPS lease can send to DfE.

2. In light of the fact that STEPS the Charity is in robust health and, alongside numerous partners, is delivering an excellent range of services to local young people, and the only outstanding matter is the permission from DfE, I hope the Cabinet can reassure us that if the timetable for transferring the lease needs to be extended due to circumstances entirely outwith our control DCC will accommodate that.

Councillor Question

Question from Nick Ireland to the Cabinet Member for Economic Growth, Education, Learning and Skills in relation to Weymouth Schools

Question

Following the recent Ofsted inspections of Budmouth College and All Saints school from which both emerged as being rated 'inadequate' and in 'special measures', combined with the current rating of Atlantic Academy also as 'inadequate' and Wey Valley, after six years as an academy, still 'requiring improvement', will the Cabinet detail the specific measures that Dorset County Council, as the Local Education Authority, is taking at each school to address the drastic fall in standards and also what steps it is taking to rectify the borough wide failings in the funding for and provision of secondary school level education

Answer

Dorset County Council is extremely disappointed by the Ofsted results for schools in the Weymouth and Portland area. However, when considering the measures taken to address the background to this, it is important to recognise that Local Authorities (LA) no longer run schools. The title Local Education Authority was removed by the Children Act, 2004 and LAs now have substantially reduced powers and duties; namely:

- Planning School Places (but not establishing schools).
- Ensuring sufficiency.
- Ensuring all learners have a place.
- Ensuring that the needs of vulnerable learners are met.
- Residual powers relating to school standards.

2. Schools rather than the LA are responsible for their own performance and standards. The LA now has specific duties to children and families rather than schools themselves. Schools and academies are responsible for their performance and standards to Ofsted and in the first instance they are the responsibility of the headteacher and governors. Academies are completely autonomous, meaning that they have no obligation to seek LA support. At the same time funding for schools is determined by the Education & Skills Funding Agency; not the LA, which has no power or influence over how much Dorset schools receive.

3. As an LA the Council does, however, remain absolutely committed to improving standards in schools. Dorset has a small school improvement team which is tasked with supporting, advising and challenging maintained schools with the aim of improving standards. Many of the school improvement services have to be purchased by schools and academies and the size of the school improvement team is dependent upon the scale of buy back. Beyond this the LA has the statutory power to:

- Require underperforming schools to work with another school, college or other named partner for the purpose of school improvement.
- Appoint additional governors.
- Apply to the Secretary of State to replace the entire governing body with an Interim Executive Board (IEB).

- Take back the schools delegated budget.

4. As a very limited resource in relation to Dorset's 174 schools the school improvement team target maintained schools where there is the greatest need. Since academies have greater autonomy they must elect to buy in this support and the LA is not the only supplier available. In addition, the Regional Schools Commissioner (RSC) acts on behalf of the Secretary of State for Education and takes action in relation to underperforming schools.

5. As highlighted in the question, a series of recent Ofsted visits have drawn attention to concerns about a number of secondary schools in the Weymouth & Portland area (the primary schools are doing relatively well). Dorset County Council's Officers have supported the schools in the following ways:

- Helping to secure £60K worth of additional funding for Budmouth School specifically targeted at school improvement.
- Weekly support and challenge visits to the maintained schools to agree improvements (and support effective action planning).
- Commissioning and funding school-to-school and external support (e.g. support and challenge to improve leadership of All Saints provided/brokered by Queen Elizabeth's School, Wimborne).
- Working in partnership with the RSC.
- Appointing additional governors (at Budmouth).
- Organising robust monitoring and evaluation meetings with key stakeholders to review progress against school priorities and agree future actions.

6. In summary, Dorset County Council can advise and cajole but it cannot force schools or governors to act and there are no additional funding or resources available. The Council has, however, deployed its limited resources to best effect and has not been afraid recently to use its statutory powers where required. Whilst there is still much work to do the Council will ensure that governance at Budmouth and All Saints is appropriate to the task of turning these schools around. This may require robust action in conjunction with the RSC.

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From the Cabinet Member for Economic Growth, Education, Learning and Skills.

Leader, may I take this opportunity to inform the Cabinet of a significant change in Ofsted grading reported on-line yesterday by a Weymouth School. One in which members, especially those of us with an interest in all educational establishments in the area, may find relevant and worthy of note.

In recent times, there has understandably been considerable focus on negative comments relating to the ratings for particular schools in Weymouth & Portland. In turn it has been suggested to me, that this has cast an unfairly long shadow, across all levels of education in the Borough.

But the announcement by Holy Trinity Primary, that their Ofsted rating has been re-assessed from Requires Improvement in 2016, to “Good”, is to my mind, fantastic news and cause for special recognition.

So, I hope even the most ardent critic, must surely want to recognise and applaud Holy Trinity, hailing their Ofsted success as a fine trailblazing example for others to follow... and proof, if proof were needed, of what can be positively achieved locally, even under the most rigorous scrutiny by government inspectors.

I invite my Cabinet colleagues and Cllr Ireland, to join me in congratulating the Headteacher Mrs Daykin, the staff and Governors, on this significant accomplishment.

I am sure, we would all welcome similar good news from other schools in the Borough.

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