

# Cabinet

Minutes of a meeting held at County Hall,  
Colliton Park, Dorchester on 6 March 2013.

## Present:

Angus Campbell (Chairman)

Hilary Cox (Vice-Chairman)

Andrew Cattaway, Toni Coombs, Peter Finney, Spencer Flower and Robert Gould.


John Wilson, Chairman of the County Council, attended under Standing Order 54(1).

Officers attending: Debbie Ward (Chief Executive), Miles Butler (Director for Environment), Harry Capron (Acting Director for Adult and Community Services), Paul Kent (Chief Financial Officer), Jackie Last (Acting Director for Children's Services), Elaine Taylor (Director for Corporate Resources), Paul Compton (Public Relations Officer) and Lee Gallagher (Democratic Services Manager).

## For certain items, as appropriate:

John Alexander (Policy and Performance Manager), Jackie Groves (Head of School Organisation), Helen Owens (Consultation and Research Group Manager), Richard Pascoe (Head of ICT and Business Transformation), Sally Pascoe (Business Improvement and Performance Manager) 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: **12 March 2013**.

(2) The symbol (  ) denotes that the item considered was a Key Decision and was included in the Forward Plan.)

## Apology for Absence

139. No apologies for absence were received.

## Code of Conduct

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

## Minutes

141.1 The minutes of the meeting held on 6 February 2013 were confirmed and signed, subject to the following amendments:

- Minute 42.2 – To amend the first sentence to read ‘...the Acting Director for Children's Services confirmed that she had asked for the information...’.
- Minute 46.2 – To replace ‘imposed’ in the final sentence with ‘projected’.

141.2 Members asked if it would be possible to reflect amendments to minutes in the actual minutes rather than make a record in the minutes of the following meeting as this was not user friendly for anyone researching decisions. The Director for Corporate Resources indicated that this would be reflected in a footnote in the electronically circulated

original version of the minutes. It was also suggested that 'draft' be inserted on all draft minutes until they were confirmed.

### **Matters Arising**

#### **Minute 72 – Approval of Contracts valued at £500,000 and above**

142. Following a decision made at the last meeting of the Cabinet, the Director for Corporate Resources informed members that two additional contracts needed to be included in the list of those above £500k, which related to the Print Strategy and Public Health which was a fast moving and statutory transfer of responsibilities to the County Council, the details of which were still being worked upon.

#### **Resolved**

143. That the categories, term and value of contracts for provision of goods and services as set out in the amended Appendix A to the Director's report be approved.

#### **Minute 40 – Lytchett Minster School - Update**

144. The Acting Director for Children's Services confirmed that following the last meeting the construction of the new temporary accommodation was progressing, although this had been slightly delayed by recent cold weather, but it was anticipated that it would open on 18 March 2013.

### **Cabinet Forward Plan**

145.1 The Cabinet considered the Cabinet Forward Plan, identifying key decisions to be taken by the Cabinet and items planned to be considered in a private part of the meeting. The current plan was published on 5 February 2013 and included items on the agenda for this meeting. It was noted that the next Forward Plan included items to be considered on or following the Cabinet meeting on 3 April 2013 and was published on 5 March 2013.

145.2 The Cabinet Member for Corporate Resources asked about the inclusion of additional items regarding the Queen Elizabeth's School for April 2013, and Durlston Castle Catering Arrangements in June 2013. It was confirmed that these items had subsequently been included in the plan.

#### **Noted**

### **Meeting Future Challenges – Progress Report**

146.1 The Cabinet considered a report by the Chief Executive which provided an update on the progress of the Meeting Future Challenges (MFC) programme. This included a summary of the programme for 2012/13, and progress on delivering the actions in order to realise savings.

146.2 The Chief Executive introduced the report and provided an overview of the current position. The Chief Financial Officer also clarified that arrangements were being made to change the Challenge Groups in phase two of the MFC programme. Two of the four groups would be retained to focus on 'How We Work' linked to Corporate Resources and 'Wider Dorset', and the other two groups would be replaced by three service directorate focused groups which would address service and budget targets for 2014/15 and 2015/16.

146.3 Members noted that this was an evolution of the Challenge Groups and it was appropriate to move forward in a pragmatic way.

#### **Noted**

### **Corporate Performance Monitoring Report, third Quarter 2012-13 and Draft 2013-14 Refresh of the Budget and Corporate Plan**

147.1 The Cabinet considered a report by the Chief Executive regarding the results of corporate performance monitoring for the third quarter of 2012-13. The report contained analyses of the Council's progress against its corporate aims and presented the Corporate Balanced Scorecard. Overall, performance indicators in the Budget and Corporate Plan had an average "amber" (0% - 5% off target) rating, having been "green" (on target) at the end of the first quarter. The percentage of indicators meeting their targets had fallen from 61% in quarter two to 56% in quarter three. However, the percentage of actions which were on course or complete had risen from 71% in quarter 2 to 73%.

147.2 The Policy and Performance Manager provided a detailed overview of the summary of outcomes and spend that were highlighted as "red" against each corporate aim, together with a summary of "red" performance indicators in the balanced scorecard. He also explained that the draft Budget and Corporate Plan for 2013/14, which now included Public Health, would be completed and then be submitted to the Cabinet in April 2013 and would be recommended to the County Council in May 2013 for approval.

147.3 In relation to the completion of Personal Development Reviews (PDRs), it was confirmed that new arrangements would be introduced from April 2013 following work by a cross directorate steering group, which would result in an enormous improvement to the current process.

147.4 Regarding the number of initial and core childcare assessments, the Cabinet Member for Children's Services provided assurance that all assessments were completed and that the performance related only to the timescales, which in some instances were taking slightly longer than the target of 7 or 10 days. She also asked that the content of the draft Budget and Corporate Plan be focused on the outcomes of the Council to provide an appropriate 'flavour' to the commentaries on each performance indicator, and asked if the outcomes from the recent Dorset Strategic Partnership Conference could be incorporated into the Plan. The comments were noted by officers.

147.5 The Cabinet Member for Highways and Transportation informed members that the performance of highway defects made safe within defined service levels had reduced by 0.4%, but this was in the light of an increase of reported defects from 2000 to 6000 due to recent weather conditions. Staff were commended on this remarkable achievement.

147.6 The Cabinet Member for Community Services clarified that although performance regarding household waste re-use, recycling or composting performance was red this was expected to dramatically improve in the next quarter due to the introduction of new schemes in Dorset.

### **Noted**

### **Asset Management and Capital Programme Update**

148.1 The Cabinet considered a joint report by the Chief Financial Officer and Director for Environment on the progress of the County Council's 'Asset Management Plan' specifically in relation to the reduction in the size of the property estate by 25% and the rationalisation of the remaining estate as two key strands of the Council's strategy to reduce the property maintenance backlog and to better manage the 'core' longer-term portfolio. Appendix 5 of the Director's report contained exempt information in accordance with paragraphs 1, 2 and 3, regarding to information relating to any individual; information likely to

reveal the identity of an individual; and the financial or business affairs of any particular person (including the authority holding that information).

148.2 Members discussed the current progress of the rationalisation of the County Council's property estate, noting that the target for the current year had been exceeded, but the 11.3% reduction still required more focus and energy to declare more surplus properties and to increase the amount of collaborative working with other public sector partners in order to achieve the overall target of 25%. The Chief Financial Officer informed members that a recent baseline property review had been undertaken to assess the needs of the Council and the next stage would be to work with directors to promote further reductions and reshape services.

148.3 Support was expressed for the use of the Council's general powers of competence to gift the freehold of the Portland Amateur Boxing Club building as a pivotal community asset, which had been operating year after year to address the disadvantaged area that it served. It was also noted that an asset lock condition was to be used to return the building to the Council if it was no longer used by the community.

148.4 In relation to the Swanage Free School, Cabinet Members acknowledged that the lease was not dependent on the disposal of land at Northbrook Road, only regarding early access. The Cabinet Member for Children's Services clarified that there was a slight variation to the previous decision regarding the land at Northbrook Road at no cost as there was a de minimis cost for legal fees and expenses of no more than £500. The additional cost was agreed and clarification was also given that Swanage Town Council had agreed to the previous resolution made by the Cabinet in December 2012.

148.5 Regarding commitment to construct a new teaching block at Lytchett Minster School, the Head of School Organisation clarified that a further technical review had not yet been considered by the Property Management Group and the Asset Management Group, so the proposal in the report would be subject to the review being undertaken. Members agreed to the revised proposal.

148.6 The Cabinet Member for Children's Services asked if the project to replace the Sandford St Martin CE First School on the existing site would be classed as a new build and therefore be free of VAT. The Head of School Organisation confirmed that the project would be a new build.

148.7 The Cabinet Member for Children's Services highlighted that the Modernising Schools Programme Board and the Asset Management Group would keep a close watch on the progress of Optimism Bias (OB) on projects, which was moving forward well, with the aim of using unused OB to fund the rebuild of the Bere Regis Primary School.

148.8 It was recognised that Dorset Property had recently won five awards in the North Dorset District Council Design Awards for design and construction projects throughout the District, which included three schools. The Cabinet expressed congratulations to the team.

### **Resolved**

149.1 That the use of the County Council's general powers of competence to offer the Christchurch History Society Limited a lease upon accommodation in Christchurch Library, upon terms to be agreed by the Director for Environment (para. 2.3.1 of the Director's report) be ratified.

149.2 That the use of the County Council's general powers of competence to gift the freehold of the Portland Amateur Boxing Club building with an asset lock to the Portland Amateur Boxing Club (para 2.3.2 of the report) be approved.

149.3 That the grant of a lease to the Swanage (Free) School on land at Swanage Middle School, the consideration for which will be the surrender of land held by Swanage Town Council at Northbrook Road and on other terms to be agreed by the Director for Environment and Acting Director for Children's Services in consultation with the portfolio members and at no cost to the County Council, as previously agreed on 5 December 2012 (para 2.3.3 of the report), except for legal fees and expenses not exceeding £500, be approved.

149.4 That the surrender of the County Council's overriding lease on four farms in the Purbeck area at nil consideration and otherwise upon terms to be agreed by the Director for Environment (para 2.3.4 of the report) be approved.

149.5 That large budget variations (> 5% or £250k) on Budmouth College Sixth Form, Sturminster Newton High School DT Block, Stoborough First, Swanage First, Corfe Castle First, Winfrith First and Wool First (the latter five all with no net effect on the overall Purbeck Schools Reorganisation budget) (para. 2.4.1 of the report) be approved.

149.6 That the 'large' increase (£491k) of The Purbeck School budget to £7.816M, with no net effect on the overall MSP element of the Purbeck Schools Reorganisation budget (para 2.4.2 of the report) be approved.

149.7 That the construction of The Purbeck School Phase 6 (refurbishment of the former Wareham Middle School) subject to the Contract Sum remaining within the approved budget in the context of the overall Purbeck School allocation, planning and building regulations approvals being secured and the satisfactory completion of contractual arrangements (para 2.4.3 of the report) be approved.

149.8 That the construction of The Lytchett Minster School new teaching block subject to the project costs being within the approved budget, planning and building regulations approvals being secured and the satisfactory completion of contractual arrangements (para 2.4.4 of the report), subject to a further technical review by the Property Management Group and the Asset Management Group, be approved.

149.9 That the construction of Sandford St Martin CE School subject to the project costs being within the approved budget, planning and building regulations approvals being secured and the satisfactory completion of contractual arrangements (para 2.4.5 of the report) be approved.

149.10 That the construction of Swanage St Mark's CE Primary subject to the project costs being within the approved budget, planning and building regulations approvals being secured and the satisfactory completion of contractual arrangements (para 2.4.6 of the report) be approved.

149.11 That the overall revised estimates and cashflows for projects as summarised in Section 7 and detailed in Appendix 2 of the report, be approved.

149.12 That the transfer to the County Council of the ownership of the B350 Bridge which crosses the old Somerset and Dorset railway line at Stourpaine (para 2.3.5 of the report) be noted.

149.13 That the Settlement of Compensation Claims under Part 1 of Land Compensation Act (1973) (para 2.3.6 of the report) be noted.

149.14 That the budget position on Lower Thurnwood Farm, Mappowder (para 2.4.7 of the report) be noted.

149.15 That the position on the application of Optimism Bias (para 2.4.8 of the report) be noted.

149.16 That the progress on the delivery of the Building Programme be noted.

149.17 That the progress on the delivery of Highways projects (Section 3 of the report) be noted.

149.18 That the progress of Dorset Waste Partnership projects (Section 4 of the report) and in particular Bridport Integrated Waste Management Facility (para 4.2.1 of the report), North Dorset Depot and Transfer Facilities (para 4.2.2 of the report), Grange Road Depot Christchurch (para 4.2.3 of the report) and a Joint Material Recycling Facility with Bournemouth Borough Council (para 4.2.4 of the report) be noted.

149.19 That the position on the progress of ICT projects (Section 5 of the report) be noted.

149.20 That the special report on Dorset Property's Asset Rationalisation Strategy (Section 6 and Appendix 4 of the report) be noted.

#### Reasons for Decisions

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

150.2 Aim 5 of the Corporate Plan (provide innovative and value for money services), included the pledge to make progress towards reducing the size of the Council's property estate by 25% by the end of 2014/15. In addition, work on collaborative asset management of the public sector asset base, to achieve best provision of accommodation in support of the delivery of public service delivery, was an important component of both the Meeting Future Challenges and Public Services Working Together programmes.

### **Department for Transport Consultation: Integrated Transport Block Funding**

151.1 The Cabinet considered a report by the Director for Environment on the Department for Transport (DfT) consultation on Integrated Transport Block Funding.

151.2 The Director for Environment explained that the consultation was published on 12 December 2012 and the deadline for responses was 6 March 2013, which would enable comments of the Cabinet to be incorporated. The consultation sought views on the calculation and distribution of the Integrated Transport Block Grant allocated by formula to local transport authorities by the DfT.

151.3 Cabinet members considered a draft response in support of the proposals noting that the benefit to Dorset of option three in the consultation document to change the formula so that it would be 'based on need' would provide the largest increase in grant for the LEP area overall. Bournemouth Council would see a funding reduction under each option and Poole Council would individually benefit most from option 2. Members asked that reference be made to the benefit to the LEP in the response.

#### Resolved

152. That the draft consultation response at Appendix 1 of the Director's report be approved for submission.

#### Reason for Decision

153. Improving delivery of the transport infrastructure of Dorset would help support Corporate Aim 4 – safeguard and enhance Dorset's unique environment and support its local economy.

### **The Future of the National Census of Population**

154.1 The Cabinet considered a report by the Director for Environment on the future use of Census data and the National Census of Population.

154.2 The Director for Environment informed members that the Office for National Statistics (ONS) had recently consulted with all local authorities on how they used Census data, which would be used as evidence to secure funding for any future Census. The risk and impact of not having a National Census had therefore been assessed and it was recommended that the information collected was essential to the Council in planning services. The Consultation and Research Group Manager also highlighted that there was a fine level of detail relied upon as an evidence base to focus on pockets of deprivation and isolation within the County, and that officers of other local authorities held a similar view to those expressed in the report and that the consultation would be considered by members of those authorities in due course.

154.3 The Cabinet Member for Environment indicated that the use of data was critical to planning services and it was important to retain the Census.

#### **Resolved**

155.1 That the response sent to ONS be noted.

155.2 That the Leader should write to relevant Ministers and ONS to express concern about the possible discontinuance of small area data.

155.3 That the Council work with other Authorities and organisations who are taking a similar view.

#### **Reason for Decisions**

156. To ensure that Government had a clear and strong message regarding the reliance local authorities had on Census data, which enabled them to plan and deliver essential services in line with the Corporate Plan.

#### **Chesil Beach Centre, Portland**

157.1 The Cabinet considered a report by the Director for Environment on the refurbishment and extension of the Chesil Beach Centre, as a crucial part of the network of interpretation facilities for the Jurassic Coast.

157.2 The Director for Environment introduced the report and explained that the building was completed in time for the Olympic and Paralympic Games and final fit out was currently being progressed, with a view to a formal opening in April. However, during the development of the project several key funders withdrew a total of £300,000 support and whilst the scheme was revised to recoup the sums required to complete the £1.1M project, it still required £30k. The Director confirmed that Weymouth and Portland Borough Council had expressed a wish to split the shortfall 50/50 with the County Council.

157.3 The Cabinet Member for Environment felt that it was unfortunate that the project had been set back, but the work done to recoup funding and reengineer the project was very positive.

#### **Resolved**

158.1 That a one-off and final contribution of £15,000 to allow the capital build to be completed as planned, be approved.

158.2 That this sum be taken from the Environment Annual Provisional Total budget.

158.3 That the delivery partnership be requested to fully recognise that the County Council is a supporter of the project, both within the facility and in relation to any public relations work undertaken.

#### **Reasons for Decisions**

159.1 The project had taken more than seven years to be realised. The building had been constructed on a very tight and value-for-money budget and staff from the borough and county councils, Dorset Wildlife Trust and volunteers had put in a great deal of time and effort to make it happen. The final contribution needed now was less than 1.5% of the total project cost, but reinforced Dorset County Council's role not only in this individual centre, but also in the provision of facilities for the whole World Heritage Site; part of our obligations to UNESCO to "*protect, conserve and present*" the Site.

159.2 The proposals contributed to Aim 1 of the Corporate Plan: "Help build strong communities for all" and specifically to priority 7 "Invest to encourage a vibrant community and voluntary sector".

159.3 The proposals also contributed to Aim 4 of the Corporate Plan: "Safeguard and enhance Dorset's unique environment and support our local economy", and contributed to both the quality of the environment in the Centre's role with respect to Chesil Beach and the Fleet lagoon, and also to the local economy.

### **Tender for Site Investigation and Materials Testing Services: Approval to award contract following tender assessment**

160.1 The Cabinet considered a report by the Director for Environment which sought approval for a contract award following identification of the preferred bidder for the 'Term Service Contract for Materials Testing, Site Investigation, Geotechnical and Geoenvironmental Services'. Appendix 1 of the Director's report contained exempt information in accordance with paragraph 3, relating to the financial or business affairs of any particular person (including the authority holding that information).

160.2 The Director for Environment introduced the report and explained that the existing contract for these services was due to end on the 31 March 2013, and that approval to tender for a replacement contract was provided by Cabinet 4 April 2012. The new contract would be for an initial period of four years with the option to extend for three one year extensions subject to annual review. The Cabinet Member for Highways and Transportation expressed his support for the use of materials testing services.

#### **Resolved**

161. That the contract be awarded to the preferred bidder identified in Appendix 1 to the Director's report.

#### **Reasons for Decision**

162.1 Best value solution for the County Council (through competitive tender exercise).

162.2 The replacement contract for these services will support the following Council aims:

- Corporate Plan Aim 4: Safeguard and Enhance Dorset's Unique Environment and Support Our Local Economy.
- Outcome EN 6 – Provide an efficient and safe road network.
- Corporate Plan Aim 5: Provide Innovative and Value for Money Services.
- Outcome VM7 – Transform how we work and purchase goods and services in a way that saves money and improves the quality of what we do.

### **Corporate Geographical Information Systems (GIS) Strategy 2013-17**

163.1 The Cabinet considered a report by the Director for Environment on the Corporate GIS Strategy.

163.2 The Director for Environment outlined the aim and objectives for the provision and use of GIS across Dorset County Council and its partners to deliver an improved GIS



service. The Consultation and Research Group Manager drew attention to the increased use of GIS and the increasing integration with services.

163.3 The Cabinet Member for Corporate Resources welcomed the report but expressed concern that the important strategy had not had the opportunity to be considered by members before being submitted to the Cabinet. He suggested that the strategy be deferred so that each Overview Committee and the Audit and Scrutiny Committee could influence this important central resource for services across the authority. Cabinet members agreed to the suggestion.

#### **Resolved**

164. That the Corporate GIS Strategy be deferred, subject to consideration by each Overview Committee and the Audit and Scrutiny Committee.

#### **Peer Challenge - Adult Social Care (Learning Disabilities - Commissioning)**

165.1 The Cabinet received an oral update from the Acting Director for Adult and Community Services and the Business Improvement and Performance Manager in relation to the forthcoming peer review to be undertaken between 11-14 March 2013. The review would look into learning disability commissioning to review best practice to support planning of future services.

165.2 It was noted that a report would be considered by the Adult and Community Services Overview Committee on 18 March 2013, and details would be provided regarding the outcomes of the review at the meeting. The actual result of the review would not be published until 3-4 weeks after it had been completed.

165.3 The Cabinet Member for Adult Social Care commended the preparation for the review and that collectively members and officers were looking forward to the review.

#### **Noted**

#### **Questions**

166. No questions were asked by members under Standing Order 20(2).

#### **Exempt Business**

#### **Exclusion of the Public**

##### **Resolved**

167. That in accordance with Section 100 A (4) of the Local Government Act 1972 to exclude the public from the meeting in relation to the business specified in minutes 168-170 because it was likely that if members of the public were present, there would be disclosure to them of exempt information as defined explained below of Part 1 of Schedule 12A to the Act and the public interest in withholding the information outweighed the public interest in disclosing the information to the public.

#### **Reprovision of Children's Residential Accommodation (Paragraphs 2, 3 and 4)**

168.1 The Cabinet considered an exempt report by the Acting Director for Children's Services regarding a provisional review of residential accommodation for children and young people in care. The report contained exempt information in accordance with paragraphs 2, 3 and 4, relating to information likely to reveal the identity of an individual; the financial or business affairs of any particular person (including the authority holding that information); and any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matter.

168.2 The Acting Director for Children's Services explained the opportunity for Children's Services to introduce flexibility to the way residential accommodation was provided for children and young people in Dorset, which would also help to address the current forecasted overspend on £2.2M on independent sector placement provision.

168.3 It was noted that the proposal in the report suggested action that was contrary to the asset management policy of the Council regarding the retention of capital receipts within Children's Services to develop services.

168.4 Cabinet Members expressed their support for the recommendations in the report, but highlighted that the self-financing nature of the re-development and re-provision of the service was an exception and would need to be supported by the Asset Management Group.

### **Resolved**

169.1 That a flexible approach to the review of current in-house provision for children in care in Dorset be agreed.

169.2 That the development of a business case which considers the use of capital receipts derived from the sale of existing residential units to support alternative provision be agreed.

169.3 That the disposal of buildings detailed within the Acting Director's report, if this is deemed to be an appropriate outcome of the review, on terms to be agreed by the Director for Environment in agreement with the Acting Director for Children's Services, be agreed

169.4 That the purchase of alternative, more suitable accommodation, up to the amount of any capital receipt obtained from any disposal, and otherwise on terms to be agreed by the Director for Environment, in agreement with the Acting Director for Children's Services, be agreed.

### **Reason for Decisions**

170. The residential child care provision contributed to Aim 3 of the Corporate Plan 'Support and encourage Dorset's children to reach their potential and protect those who are most vulnerable'. Members also held a corporate parenting responsibility for all children in the care of the local authority.

### **Thank you to the Acting Director for Adult and Community Services**

171. The Chairman informed the Cabinet that this would be the last meeting before the new Director for Adult and Community Services started in post on 11 March 2013. The Acting Director was thanked for his hard work and filling the director role.

### **Farewell to the Director for Corporate Resources**

172. The Chairman announced that the Director for Corporate Resources would take early retirement at the end of March 2013 and thanked her for her tremendous support to the County Council. All members wished her well for the future.

172.2 The Director for Corporate Resources thanked the Cabinet members for their support to her and her staff and for their open and collective approach as a Cabinet.

Meeting Duration: 10.00am – 12.05pm