

Cabinet

Minutes of a meeting held at County Hall,
Colliton Park, Dorchester on 17 July 2013.

Present:

Spencer Flower (Chairman)
Robert Gould (Vice-Chairman)
Toni Coombs, Hilary Cox, Peter Finney, Jill Haynes and Rebecca Knox.

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

Members attending


Mike Byatt, County Council Member for Weymouth Town (Minutes 346-347 and 375-377)
Fred Drane, County Council Member for Lytchett (Minutes 375-377)
Peter Richardson, County Council Member for St Leonards and St Ives (Minutes 375-377)
William Trite, County Council Member for Swanage (Minutes 375-377)
David Walsh, County Council Member for Gillingham (Minutes 375-377)
Peter Wharf, County Council Member for Egdon Heath (Minutes 344-345 and 375-377)

Officers Attending: Debbie Ward (Chief Executive), Dave Ayre (Head of Countryside and Business Development), Catherine Driscoll (Director for Adult and Community Services), Paul Kent (Director for Corporate Resources), Jackie Last (Acting Director for Children's Services), Jonathan Mair (Monitoring Officer), David Phillips (Director of Public Health), Jonathan Slater (Public Relations Officer) and Lee Gallagher (Democratic Services Manager).

For certain items, as appropriate:

Richard Bates (Head of Accountancy Support), David Coates (Dorset Passenger Transport Group Manager), Paul Leivers (Head of Community Services), Jim McManus (Chief Accountant), Andrew Martin (Head of Dorset Highways Operations) and Richard Pascoe (Head of ICT and Business Transformation).

(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: **23 July 2013**.

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

(3) 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 **18 September 2013**.)

Apologies for Absence

319. Apologies for absence were received from Miles Butler (Director for Environment).

Code of Conduct

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

Minutes

321. The minutes of the meeting held on 17 June 2013 were confirmed, subject to minute 291.3 being amended to read 'That tenders be invited at nil cost to the County Council for the conversion of the ground floor at Pheonix House...'. It was noted that the minutes would be signed by the Chairman at the next meeting.

Matters ArisingMinute 282.3 – Minutes

322.1 Following previous concerns raised about dealing with draft minutes the Cabinet Member for Education and Communications confirmed that she had met with the Head of Legal and Democratic Services to agree a revised process for amending minutes of previous meetings.

Minute 306 - Councillors' Pensions

322.2 The Director for Corporate Resources confirmed that the County Council's response to the consultation on the Local Government Pension Scheme for councillors was submitted on 4 July 2013.

Cabinet Forward Plan

323.1 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 18 June 2013 and included items on the agenda for this meeting.

323.2 The Leader of the Council indicated that a report on Local Supported Bus Services would need to be included in the Plan for 2 October 2013. It was also noted that due to a low number of items scheduled for the Cabinet meeting on 4 September, the items would be considered on the reserve date of 18 September 2013.

323.3 It was noted that the next Forward Plan included items to be considered on or following the Cabinet meeting on 18 September 2013 and would be published on 20 August.

Resolved

324. That the Forward Plan be noted, subject to the amendments outlined in the minute above.

Panels and Joint Committees

325.1 The minutes of the Dorset Health and Well-being Board meeting held on 12 June 2013, which included one recommendation, were submitted for consideration.

325.2 The Director of Public Health clarified that dementia had been added to the Health and Well-being Strategy following concerns expressed at an earlier stage. The Cabinet Member for Community and Public Health supported the addition to the strategy.

Resolved

326.1 That the minutes be received.

326.2 That the following recommendation from the Dorset Health and Well-being Board be agreed:-

Appointment to Local Nature Partnership

17. *That the Dorset County Council's Cabinet approve the appointment of Dr Jon Orrell to the Local Nature Partnership, to represent Dorset Health and Well-being Board.*

Meeting Future Challenges – Progress Report

327.1 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 2013/14, and progress on delivering the actions in order to realise savings.

327.2 The Chief Executive introduced the report, provided an overview of the current position, and drew attention to the challenges facing the Council throughout 2013/14 and through the MFC Challenge Groups.

327.3 The Cabinet Member for Education and Communications asked that the overarching savings target regarding training be monitored due to sensitivities in relation to a large amount of statutory training required for many staff.

327.4 The Cabinet Member for Corporate Resources drew attention to the work of the challenge groups, noting the need for regular updates to the Cabinet on progress, but asked for the reporting to be refreshed. The Director for Corporate Resources highlighted that single page summaries of the challenge groups would now be included within the progress reports.

Noted**Medium Term Financial Plan Update**

328.1 The Cabinet considered a report by the Director for Corporate Resources on the national and local issues which impacted on the County Council's finances that would need to be taken into account when developing the next three-year financial plan and the future viable financial base.

328.2 The Director for Corporate Resources explained the content of the report in detail and explained that there was still uncertainty over some parts of the specific plans for 2013/14 as the results of the Government's spending review of 2013, published on 26 June 2013, were still being analysed. However, the information provided so far was equivalent to a further 10% reduction in local government spending. Some specific financial projections were incorporated in the report, but the budget model would not be updated until Autumn 2013.

328.3 Members noted that the overspend on service budgets in 2012/13 was £1.2M, which was well below projections earlier in the year. Greater underspends on centrally controlled budgets resulted in an overall underspend of £3.7M against the revenue budget; which fed through to an increase of £0.6M in general balances to £16.3M. It was explained that as a result of the underspend proposals had been made to not carry forward overspends in Adult and Community Services, and Special Educational Needs and Children Out of School (SEN/COOS) Transport.

328.4 Specific mention was made of the planned Government offers of future Council Tax Freeze Grants for 2014/15 and 2015/16, whilst noting that the Council's Medium Term Financial Strategy had made assumptions of 2% Council Tax increases in each year, which would require £13.5M savings in 2014/15 and £13.1M in 2015/16. Concern was expressed in relation to continued uptake of the grants and the financial impact at the end of the period of austerity. It was noted that if the grants were taken up the collective impact since 2010 would be in the region of £7M of additional savings, including £1.8M each year over the next two financial years.

328.5 In relation to SEN/COOS Transport, it was requested that work be undertaken as a priority to avoid future overspends within this area. Cabinet Members expressed specific concerns in relation to not carrying forward the previous overspend, but they did not want to see the budget overspending again next year. Officers explained that there had been difficulties in information and data management for the service across the Children's Services and Environment Directorates but that retendering of provision was underway and the two directors would address this service as a priority. The Cabinet asked that tangible evidence be provided to give a clear approach for the future.

328.6 The Cabinet Member for Children's Safeguarding and Families expressed concern that the unringfenced funding in the Adoption Reform Grant would be held in contingency as this could be raised as a risk in the forthcoming thematic review in Children's Services in October 2013. The Acting Director for Children's Services explained that an assessment regarding the consequences of no access to the funding had been undertaken to identify the inherent risk.

328.7 The Cabinet recognised the proactive need for the establishment of a Business Transformation Reserve to deliver transformational change through effective investment in projects to achieve savings and to drive change. The Cabinet Member for Corporate Resources confirmed that the current financial climate would continue for the foreseeable future and that the Reserve would be crucial to transformation.

Resolved

329.1 That the overall deficit on Adult and Community Services at the end of 2012/13 (£0.9M) be not carried forward by the Directorate into 2013/14.

329.2 That the overspend on SEN/COOS Transport at the end of 2012/13 (£0.8M) not be carried forward by the Directorate into 2013/14, subject to appropriate service development as outlined in minute 328.5.

329.3 That the £391.3k requests for use of balances carried forward be approved and transferred to the appropriate Directorate Budgets.

329.4 That the sum of £617k, received as unringfenced Adoption Reform Grant, be retained in the contingency budget for the time being.

329.5 That a sum of £2M be used as a Business Transformation Reserve, from General Balances, to help fund future projects.

Reason for Decisions

330. To enable work to continue on refining and managing the County Council's budget plan for 2014/15 to 2016/17 and beyond.

The Future of the Arts Service and DepARTure Arts Education Development Agency

331.1 The Cabinet considered a report by the Director for Adult and Community Services regarding the future of the Arts Service and DepARTure Arts Education Development Agency on the future delivery of the Arts Development Service and the transfer of the Little Keep building in Dorchester from the County Council's ownership to the arts organisations that currently occupied the building. This report was considered by the Adult and Community Services Overview Committee on 24 June 2013 and the Children's Services Overview Committee on 2 July 2013 and the recommendations from both Committees were included within the report.

331.2 The Head of Community Services introduced the report and explained that following consideration of the report by the Overview Committees the business case together with the risk assessment had been finalised. The view was that a continued level of grant support to the Community Interest Company (CIC) would attract further investment into the Arts from external organisations such as Arts Council England and would mitigate future

cost pressures for the County Council. An overview was provided in relation to the innovative opportunities for investment and the future staffing arrangements that would transfer under TUPE regulations. As part of his introduction he clarified that minute 85.6 of the Adult and Community Services Committee referred to DepARTure Arts in respect of self funding.

331.3 It was further clarified that in accordance with Asset Management Group procedures an assessment had been made of the sustainability of the CIC and whether it was appropriate to consider the transfer of the building. The conclusions from this consideration was that the County Council should commit the sum required to put the Little Keep building into a good state of repair either through a direct payment to the CIC, or by undertaking the works at Little Keep itself depending upon which option was the most tax-efficient and whether match funding could be obtained (capped at £300,000), which would be repaid by the CIC by way of an amortisation rent during the term of its lease.

331.4 Members fully supported this pragmatic way forward, although attention was drawn to the need for further detail in the business plan and financial projections to support the principle of a four year rolling funding programme of the Arts Service and DepARTure Arts Education Development Agency. Ideally, this would show an increase in external funding that would allow the County Council's contribution to be reduced over time. It was recognised that the some members of the Children's Services Overview Committee had raised similar concerns.

Resolved

332.1 That the proposed restructure of the arts development service and DepARTure Arts Education Development Agency as a Community Interest Company with rolling four year funding be approved in principle.

332.2 That the sum required to put the Little Keep building into a good order of repair be approved and that the costs of this (capped at £300,000) be repaid by the Community Interest Company by way of an amortisation rent during the term of its lease.

Reason for Decisions

333. Arts development contributed to achieving all the County Council's aims which were to:

- Help to build strong communities for all;
- Protect and enrich the health and well-being of Dorset's most vulnerable adults;
- Support and encourage Dorset's children and young people to reach their full potential and protect those who were most vulnerable;
- Safeguard and enhance Dorset's unique environment and support our local economy; and
- Provide innovative and value for money services.

Recommendations from the Roads and Rights of Way Committee

334. The Cabinet considered the following recommendations from the meeting of the Roads and Rights of Way Committee held on 6 June 2013:

Recommendation 57 – Proposed Waiting Restrictions – Castle Road, Sherborne

Resolved

335. That the Cabinet agree that the Order for the waiting restriction proposals in Castle Road, Sherborne be introduced as advertised.

Reasons for Decision

336.1 For avoiding danger to persons or other traffic using the roads, or any other road, and for preventing the likelihood of any such danger arising.

336.2 For facilitating the passage on the road, or any other road, of any class of traffic (including foot passengers) or of vehicles.

Recommendation 60 – Proposed Waiting Restrictions – Various Roads, Wimborne

Resolved

337.1 That having considered the objections received, the Order for the proposed waiting restrictions in Wimborne to be introduced as advertised apart from the following amendments, be approved:

- The proposed restrictions on the west side of Byron Road outside nos. 1 to 7 be omitted.
- The existing restrictions on the north side of Leigh Road outside nos.73 to 99 remain as No Waiting 8am to 6pm.

Reasons for Decision

338.1 For avoiding danger to persons or other traffic using the roads, or any other road, and for preventing the likelihood of any such danger arising.

338.2 For facilitating the passage on the road, or any other road, of any class of traffic (including foot passengers) or of vehicles.

338.3 For preserving or improving the amenities of the area through which the road runs, thereby linking to the corporate aim to 'safeguard and enhance Dorset's unique environment and support our local economy'.

Recommendation from the Planning Committee

339. The Cabinet considered the following recommendation from the meeting of the Planning Committee held on 14 June 2013:

Recommendation 49 – Dorset LEP Planning Charter

Resolved

340. That the Dorset LEP Planning Charter be adopted.

Reason for Decision

341. Implementation of the Charter would improve the operation of the planning system in Dorset and help deliver Corporate Aim 4 – Safeguard and enhance Dorset's unique environment and support our local economy.

Recommendations from the Audit and Scrutiny Committee

342. The Cabinet considered the following recommendations from the meeting of the Audit and Scrutiny Committee held on 11 June 2013:

Recommendation 121 - Corporate Resources and Chief Executive's Revenue Budget Monitoring 2012/13

Resolved

343. That the resolution of the Medium Term Financial Plan at minutes 328-330 above be noted, which incorporated the recommendation of the Committee.

Recommendation 126 - Review of the County Council's Response to the Fire at Lytchett Minster School

344.1 The County Council Member for Egdon Heath addressed the meeting as a member of the Audit and Scrutiny Committee and highlighted concerns regarding the decision whether to install sprinklers or not at the new block at the school. It was noted that it was the school's responsibility to provide the sprinklers if they decided to do so, but that they had been unwilling. He also suggested an amendment to the wording of minute 124.2

of the Committee to reflect the unwillingness of the school to fund the sprinklers, rather than being unable.

344.2 The Cabinet Member for Education and Communications confirmed that a letter from the Head of Legal and Democratic Services had been sent to the school on 16 July 2013 to outline a clear guide regarding the impact on insurance premium and excess if sprinklers were not included in the block. It was hoped that this would help to clarify the position of the school.

Resolved

345.1 That the Cabinet receive a further urgent report on the status of the decision regarding the installation, or otherwise, of sprinklers at Lytchett Minster School, including a legal interpretation of the County Council's obligation (or otherwise) to provide sprinklers in the context of a Foundation School.

345.2 That the implications for Dorset Schools of the present national and local sprinkler policies, and the need for one coherent policy for Dorset County Council, be reviewed and reported to a future meeting of the Cabinet.

Recommendation 131 - Supporting Local Businesses

346. The County Council Member for Weymouth Town highlighted the advantages from engagement and learning opportunities from the private sector. He suggested that the Environment Overview Committee be asked to form a Policy Development Panel on Private Sector Business Development. The Cabinet supported the suggestion.

Resolved

347.1 That ways of promoting economic development, in particular with district and borough councils, be explored.

347.2 That the Environment Overview Committee be asked to form a Policy Development Panel on Private Sector Business Development.

Reason for Recommendation

348. Aim 4 in the Council's Budget and Corporate Plan included support for the development of the local economy, including maximising the legacy from the 2012 Olympic and Paralympic Games.

Recommendations from the Environment Overview Committee

349. The Cabinet considered the following recommendations from the meeting of the Environment Overview Committee held on 21 June 2013:

Recommendation 94 - Revenue Budget Monitoring 2012-13 including MFC Update

Resolved

350. That the resolution of the Medium Term Financial Plan at minutes 328-330 above be noted, which incorporated the recommendation of the Committee.

Recommendation 97 - Rural Community Broadband Fund

Resolved

351. That the submission of two Expressions of Interest to Defra for the RCBF be supported in respect of:-

- i) Upper Marshwood Vale and Char Valley Broadband
- ii) Dorset Farms and Country Estates Framework

Reason for Decision

352. Effective delivery of the Superfast Dorset Programme, together with additional resources from Defra through the rural Community Broadband Fund would support the County Council's aims to:

- help build strong communities for all.
- safeguard and enhance Dorset's unique environment and support our local economy.
- provide innovative value for money services.

Recommendations from the Adult and Community Services Overview Committee

353. The Cabinet considered the following recommendations from the meeting of the Adult and Community Services Committee held on 24 June 2013:

Recommendation 83 – Draft Housing and Support Strategy 2013 – 18

Resolved

354. That the revised draft Housing and Support Commissioning Strategy 2013 – 2018 be adopted.

Reasons for Decision

355.1 This Strategy would support the County Council's aim to protect and enrich the health and well-being of Dorset's most vulnerable adults.

355.2 It would provide the County Council with a clear strategic framework through which it could deliver housing-related support services.

Recommendation 92 – Revenue Budget Monitoring 2012/13 including MFC update

Resolved

356. That the resolution of the Medium Term Financial Plan at minutes 328-330 above be noted, which incorporated the recommendation of the Committee.

Recommendation from the Public Health Overview Committee

357. The Cabinet considered the following recommendation from the meeting of the Public Health Overview Committee held on 27 June 2013:

Recommendation 11 – Draft Public Health Business Plan

Resolved

358. That the Public Health Overview Committee's support for the draft Business Plan be noted.

Reason for Decision

359. To protect and enrich the health and wellbeing of Dorset's Population and to provide innovative and value for money services.

Recommendations from the Children's Services Overview Committee

360. The Cabinet considered the following recommendations from the meeting of the Children's Services Overview Committee held on 2 July 2013:

Recommendation 70 - The Dorset Learning Partnership

Resolved

361. That the document containing a proposal to establish a new Dorset Learning Partnership between the local authority and schools be approved.

Reason for Decision

362. To continue and build upon positive partnership arrangements between the local authority and schools in order to secure whole-system improvement and positive learning outcomes for children and young people.

Recommendation 77 - Corporate Parenting - Strengthening the role of Elected Members**Resolved**

363. That creation of a Governing Body for the Virtual School and a revised framework for the conduct of Regulation 33 visits be agreed.

Reason for Decision

364. Increased scrutiny of the Virtual School and the Residential Units would improve understanding of areas of under-performance, enable a quicker response to meet these shortfalls and support the gathering of accurate information to suggest ways to improve outcomes for children in care in Dorset.

Recommendation 87 - Revenue Budget Monitoring 2012/13 including MFC Update**Resolved**

365. That the resolution of the Medium Term Financial Plan at minutes 328-330 above be noted, which incorporated the recommendation of the Committee.

Recommendation 90 - Statement of Purpose of the Fostering Service**Resolved**

367. That the updated Statement of Purpose for the Fostering Service be approved.

Reason for Decision

368. The Fostering Services Regulations 2011 Reg. 4(a) and the associated Statutory Guidance (Volume 4 Chapter 4), required the Fostering Service Provider to review and update the Statement of Purpose at least annually.

Recommendation 93 - Statement of Purpose - Maumbury House**Resolved**

369. That the revised Statement of Purpose for Maumbury House Children's Home be approved.

Reason for Decision

370. There was a statutory requirement for each Children's Home to have a Statement of Purpose which was approved by Cabinet on an annual basis, or when the Statement of Purpose was amended.

Appointment of Representative to the Dorset Healthcare University NHS Foundation Trust

371.1 At the Cabinet meeting held on 5 June 2013, it was agreed that Peter Finney would be appointed to the Dorset Healthcare University NHS Foundation Trust. It was noted that since the appointment Peter Finney was unable to fulfil this role and had therefore resigned from this appointment.

371.2 The Cabinet Member for Education and Communications nominated Michael Bevan due to his interest in Mental Health issues and his previous roles in the Trust regarding Child and Adolescent Mental Health Services (CAMHS).

Resolved

372. That Michael Bevan be appointed to serve on the Dorset Healthcare University Foundation Trust until 2017.

Questions

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

Exempt Business**Exclusion of the Public****Resolved**

374. 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 375-377 because it was likely that if members of the public were present, there would be disclosure to them of exempt information as defined in paragraph 3 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.

Supported Local Bus Services

375.1 The Cabinet considered an exempt report by the Director for Environment. The 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).

375.2 The Head of Dorset Highways Operations explained that following a report considered by the Cabinet at its meeting held on 26 June 2013 regarding the requirement to make a reduction in the budget for supporting bus services in 2013/14, further consultation had been undertaken with County Council members through workshops on the impact of the proposed changes on their electoral divisions. As a result, the report outlined all of the comments received. A summary of further comments from members was also tabled at the meeting. Further suggestions were also made at the meeting regarding the use of buses returning from specific roles such as school transport.

375.3 County Council Member for Egdon Heath raised concern that he was aware that information regarding the proposed changes to local bus services had been shared with members of the public before being officially shared with Town and Parish Councils through any further consultation, and urged members to carry out further consultation. The County Council Members for Gillingham and Swanage supported the need to undertake consultation with Town and Parish Councils.

375.4 The Chairman clarified that although there had been an earlier fact finding consultation with Towns and Parish Councils, a further consultation was due to be undertaken to ascertain local views regarding the proposed changes and it was envisaged that a final public report would be presented to the Cabinet on 2 October 2013. He clarified that he would write individually to each Town and Parish Council to engage with them and ask for views on the options available, together with an explanation of the options and matters affecting the localities of each Council, the reasoning for the proposals and the financial implications.

375.5 The County Council Member for Lytchett highlighted the concerns that he had expressed through the further consultation with local members, including suggestions regarding less frequent services in some areas within his electoral division. The Cabinet Member for Education and Communication explained that the enhancement of an existing cycle path in the division could alleviate the need for a dedicated bus service for children travelling to school, which was a good example of sustainable alternatives to existing bus routes.

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375.6 The County Council Member for St Leonards and St Ives appreciated the further consultation undertaken with local members which was valuable, but indicated that more than a single day workshop would have been more helpful. He also supported the need to consult Town and Parish Councils.

375.7 The Cabinet supported the need for community transport schemes to be used across the County to promote the best use of bus services and passenger usage. In relation to guidance included within the report regarding schemes, the Cabinet Member for Environment signalled that this was a good start but more work would be needed to refine the guidance. It was also noted that a suggested funding pot for new schemes would be welcomed to provide investment into community led schemes.

375.8 A detailed summary of the financial aspects and changes within each of the options for future service delivery was considered following a request at the previous meeting. The Chairman asked that further detail be included in the report on 2 October regarding the criteria and reasoning for the financial assumptions of per passenger for urban and rural services.

375.9 The Chairman of the County Council, as the Chairman of the Standards and Governance Committee, drew attention to the important need for exempt business to remain exempt. He indicated that this matter could be a matter that may be dealt with under the Code of Conduct, and that it would be investigated.

Resolved

376.1 That the views of members and MPs on local bus service support be noted.

376.2 That the information on support criteria and setting up community transport schemes be noted.

376.3 That the need for the establishment of a strategy for developing Community Transport be noted.

376.4 That the arrangement for Bus Services Operators Grant for tendered services would be administered by the Local Authorities from January 2014, and ring-fenced arrangements until April 2014, be noted.

376.5 That the early implementation of a small number of the contracts in question be approved for operational reasons.

376.6 That consultation with Town and Parish Councils be undertaken and a final report for decision be submitted to the Cabinet on 2 October 2013.

Reason for Decisions

377. To ensure that there was a sustainable supported bus network that would meet most users' needs and was within the available budget.

Meeting Duration: 10.00am – 11.50am