

## **MINUTES OF A MEETING OF THE CABINET HELD AT COUNTY HALL, CHELMSFORD, AT 10.00AM ON 22 JANUARY 2013**

Present:

<b>Councillors</b>	<b>Cabinet Member responsibility</b>
P J Martin	Leader of the Council (Chairman)
D M Finch	Deputy Leader, Cabinet Member for Finance and Transformation Programme (Vice Chairman)
J Aldridge	Adults Social Care
K Bentley	Economic Growth, Waste and Recycling
S C Castle	Education and the 2012 Games
R Gooding	Children's Services
D J Louis	Highways and Transportation
J R Lucas	Customer Services, Environment and Culture
A Naylor	Health and Wellbeing

Councillors M Mackrory and Mrs T Higgins were present as Opposition Observers.

Councillors W J C Dick, R C Howard, M C M Lager and C Riley also attended.

### **1. Apologies for Absence**

An apology for absence was received from Councillor J Jowers, Cabinet Member for Communities and Planning.

### **2. Minutes**

The minutes of the meeting held on 7 December 2012 were agreed as a correct record and signed by the Chairman.

### **3. Declarations of Interest**

No declarations of interest were made.

### **4. Variation in the Order of Business**

Upon the recommendation of the Chairman, it was agreed to vary the order of the agenda to allow item 5 (Financial Overview as at the Third Quarter) to be considered as the following item of business.

### **5. Financial Overview as at the Third Quarter**

The Cabinet considered report FP/987/12/12 by the Deputy Leader and Cabinet Member for Finance and Transformation Programme which provided an updated assessment of the financial position of the Council in 2012/13, based upon the position at the third quarter stage. In presenting the report, the Cabinet Member

commented that the situation was pleasing, with a projected underspend of some £25m (revenue) and £26m (capital) or slightly greater at year-end.

Cabinet Members provided the following information in response to questions from Councillor Mackrory:

- The underspend of £1.132m in Special Educational Needs referred to on page 4 of the report arose from a retained (unused) reserve in respect of home-to-school transport.
- The sum of £1m arising from under spends elsewhere in the Highways and Transportation portfolio was being appropriated to fund urgent Highways and Transportation Capital maintenance (in particular footways).

### **Resolved:**

- 1) That the current revenue outturn forecast, which is a projected under spend for the year of **£25.059m** as detailed in Appendix A (ii) to report FP/987/12/12, be noted. Within this projection the Emergency Contingency of **£8m** is currently assumed fully spent, whilst no usage has as yet been proposed or agreed. If this remains the position at year-end, the underspend will therefore be **£33.059m**
- 2) That a projected under spend of **£28.306m** against the approved capital payments guideline, after proposed adjustments, also be noted.
- 3) That approval be given to appropriate:
  - a. **£408,000** to the Waste Reserve from Health and Well Being Portfolio.
  - b. **£55,000** to the Transformation Reserve from Deputy Leader Recharged Support Services (Human Resources) Portfolio.
  - c. **£354,000** to the Transformation Reserve from Leader Portfolio.
  - d. **£421,000** to the General Balance from Deputy Leader Recharged Support Services (Information Services).
  - e. **£899,000** to the A130 PFI Reserve from Highways and Transportation Portfolio.
  - f. **£1.360m** to the Future Capital Funding Reserve from Highways and Transportation Portfolio.
  - g. **£200,000** to the Transformation Reserve from Highways and Transportation Portfolio.
  - h. **£320,000** to the Transformation Reserve from Economic Growth and Waste and Recycling Portfolio.
  - i. **£500,000** to the General Balance from Deputy Leader Recharged Support Services (Asset Management) Portfolio.
  - j. **£602,000** from the Redundancy Reserve to Deputy Leader Recharged Support Services (Information Services).
  - k. **£104,000** to the General Balance from Customer Services, Environment and Culture Portfolio.
  - l. **£90,000** to the General Balance from Deputy Leader Recharged Support Services (Information Services).

m. **£97,007** from the Insurance Reserve to the Future Capital Funding Reserve within the Other Operating Costs portfolio.

- 4) That approval be given to create a net nil budget within the Adult Social Care Portfolio in respect of Assessment and Care Management NE projects as shown on page 5 of report FP/987/12/12, to be funded by **£666,000** from North East Essex PCT.
- 5) That within the Capital Programme approval be given for slippage of **£19.188m**, budget additions of **£9.874m**, budget reductions of **£16.123m** and advanced works of **£1.198m**. These are in addition to the budget changes approved in the 2012/13 Half Year Cabinet Report.
- 6) That the net revenue under spend of £25m, after proposed actions, be transferred to the general balance, in order to fund the 2013/14 revenue budget. The budget has been drafted on the basis that £25m of this funding is made available on a one-off basis from this source.

## 6. Provisional Budget Report 2013/14

The Cabinet considered report FP/959/11/12 by the Deputy Leader and Cabinet Member for Finance and Transformation Programme which presented information which enabled it to consider and make relevant recommendations to Full Council on the Revenue Budget and Council Tax precept for 2013/14 and the Capital Programme to 2016/17 and to consider the medium term resource strategy for the period to 2016/17 in the light of the best information available regarding funding.

In presenting the report, the Cabinet Member thanked Margaret Lee, Executive Director for Finance and her team (in particular Anna Casbolt and Liz Slingsby) for their work in producing the budget, commenting that changes in local government financing coupled with delays in the receipt of funding information had caused additional challenges. This thanks, together with thanks for the Chief Executive, other officers and all Cabinet Members, was echoed by the Leader of the Council and other Cabinet Members.

The following issues were referred to during consideration of the report:

- The Cabinet Member for Education, Lifelong Learning and the 2012 Games drew attention to the high percentage of funding now delivered direct to schools (rather than through the Local Authority) and to the increasing numbers of academies in Essex;
- The Cabinet Member for Economic Growth, Waste and Recycling highlighted the budget's emphasis on economic growth, together with the third consecutive annual freeze in the level of Council Tax;
- The Cabinet Member for Children's Services referred to the decrease in the numbers of children in care and the work being undertaken to prevent children being taken into care unnecessarily, leading to better outcomes for the children concerned as well as to budgetary savings.

Councillor Mackrory thanked Cabinet Members and officers for the pre-budget briefings he had received. In response to his question, the Deputy Leader and

Cabinet Member for Finance and Transformation Programme advised that he was awaiting clarification on issues surrounding the Council Tax Freeze Grant, although he acknowledged that the outcome may have a considerable impact.

**Resolved:**

- 1) That, having considered the short and longer resource issues facing the Authority, particularly in the period 2016/17, based upon the information available, the following be recommended to Full Council:
  - a. The budget requirement being £903.6m.
  - b. The Council Tax requirement being £510.0m.
  - c. The net cost of services being £967.3m.
  - d. The revenue Budget for 2013/14, as set out in sections 4 and 5 of report FP/959/11/12.
  - e. That the new Council Tax Freeze grant be accepted for 2013/14, thereby implying that there will be no increase in the Band D Council Tax for 2013/14, which will therefore remain at £1,086.75. Council Tax for other bands is set out in the report at paragraph 4.7 of report FP/959/11/12.
  - f. The reserves and balances as set out in section 4.12 of report FP/959/11/12.
  - g. The capital programme for the period from 2013/14 – 2016/17, as set out in section 7 of report FP/959/11/12, noting the funding sources and implications for the medium term resource strategy
  - h. That the Executive Director for Finance, in consultation with the Deputy Leader and Cabinet Member for Finance and Transformation Programme, be authorised to make adjustments to the phasing of payments between years, should that be necessary in order to address any slippage arising in 2012/13 as the capital programme is finalised and to report any impact on the Prudential Indicators at the next available quarterly review.
  - i. The 2013/14 Prudential Indicators, Treasury Management Strategy and Minimum Revenue Provision policy as set out in section 8 of report FP/959/11/12.
  - j. The Pay Policy statement for 2013/14 as set out in section 9 of report FP/959/11/12.
  - k. That the Executive Director for Finance (Section 151 Officer) statement on the robustness of the estimates and reserves included in the budget be noted (as set out in para 4.15 of report FP/959/11/12).
- 2) That the provisional Dedicated Schools Grant (DSG) figures set out in para 4.11 of report FP/959/11/12 be noted.
- 3) That the findings of the Equality Impact Assessment (EIA) carried out and included at section 16 of report FP/959/11/12 be noted.
- 4) That a schedule be presented to Full Council setting out the Council Tax for each category of dwelling and the precepts on each of the Council Tax billing authorities for 2013/14, together with the final tax base.

- 5) That authority be delegated to the Deputy Leader and Cabinet Member for Finance and Transformation Programme, in consultation with the Executive Director for Finance, to make any necessary adjustments to the figures to be submitted to Full Council upon receipt of the final tax base and forecast business rates receipts for 2013/14 to be notified to the authority by the respective billing authorities (due by 31 January) and the final capital grant in respect of Education from the Department for Education (DfE) due in mid-January.

## **7. Health and Wellbeing Board Terms of Reference**

The Cabinet considered report FP/966/11/12 by the Leader of the Council which sought agreement to submit the Terms of Reference and Procedure Rules for the Essex Health and Wellbeing Board to Council for approval.

The Health and Wellbeing Board in Essex will be a committee of the County Council and will be a partnership which promotes democratic accountability in health and wellbeing locally. It will therefore lead on the formation of the County's Health and Wellbeing Strategy and the vision for public health in Essex, support joint commissioning between partners and the joining up of resources and will encourage integrated health and social care service delivery to the people of Essex.

A Health and Wellbeing Board has a *duty* to encourage integrated working: it must;

- for the purpose of advancing the health and wellbeing of the people in its area, encourage persons who arrange for the provision of any health or social care services in that area to work in an integrated manner;
- in particular, provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 (arrangements between NHS bodies and local authorities) in connection with the provision of such services.

### **Resolved:**

That the draft Essex Health and Wellbeing Board Terms of Reference and Procedure Rules as set out in the annex to report FP/966/11/12 be submitted to full Council for approval.

## **8. Corporate Plan Progress Report - Quarter 3**

The Cabinet received report FP/970/12/12 by the Deputy Leader and Cabinet Member for Finance and Transformation Programme which provided an updated assessment of the progress made in delivering the Council's Corporate Plan Priorities in 2012/13. The report set out for the third quarter stage (up to November 2012) progress against the measures of success and specified aspirations.

In introducing the report, the Deputy Leader and Cabinet Member for Finance and Transformation Programme together with other Cabinet Members drew attention to the main areas of success identified. The Cabinet Member for Education, Lifelong Learning and the 2012 Games also commented on work in progress in conjunction with the Children's Services portfolio to address issues surrounding performance at the Foundation stage.

Cabinet Members responded as follows to questions by Councillor Mrs Higgins and Mackrory:

- the process to select a partner supplier for Broadband was currently in progress and that the aim was to ensure that the best possible technology was made available (Cabinet Member for Economic Development, Waste and Recycling);
- further details would be provided outside the meeting regarding the numbers of Children in Care who are adopted each year (Cabinet Member for Children's Services);
- Work was already in progress to address the backlog in the numbers of carers assessments, which had arisen due to an increase in applications for these assessments (Cabinet Member for Adults Social Care).

Arising from general consideration of the report, the Cabinet paid tribute and expressed their thanks to the schools which had opened during the recent severe weather and to the teams of gritters who had worked hard to ensure that roads remained open. The importance of these in supporting businesses and maintaining economic productivity throughout the County was acknowledged.

**Resolved:**

That the current performance outlined in the 2012/13 Corporate Plan Progress Report (FP/970/12/12) be noted.

**9. Award of Lease for Marsh Farm Visitor Attraction**

The Cabinet received report FP/965/11/12 by the Cabinet Member for Customer Services, Environment and Culture which sought agreement to issue a commercial lease for Marsh Farm Visitor Attraction to the preferred tenant, Partyman Company Limited.

In response to a question by Councillor Mackrory, the Cabinet Member undertook to provide further information outside the meeting regarding the outcome of considerations relating to staff tied accommodation.

**Resolved:**

That a commercial lease of Marsh Farm Visitor Attraction be awarded to the preferred tenant (Partyman Company Limited) on terms and conditions to be agreed by the Director, Essex Property and Facilities, in consultation with the Deputy Leader and Cabinet Member for Finance and Transformation Programme.

## **10. Delivery of an Assessment and Award Function within a Localised Social Fund Scheme**

The Cabinet considered report FP/988/12/12 by the Deputy Leader and Cabinet Member for Finance and Transformation Programme which set out the requirement to develop a localised social fund scheme and sought agreement to the proposal for delivering an assessment and award function as part of a localised social fund scheme.

The Cabinet Member acknowledged the concerns raised by Councillor Mrs Higgins on behalf of those who would not be able to access the service by telephone or internet or for whom the cost of the journey to Southend to receive emergency support would exceed the value of the support to be provided. He undertook to ensure that these issues were addressed.

### **Resolved:**

- 1) That the proposal described in report FP/988/12/12 for delivering an assessment and award function on behalf of the County Council as part of a localised social fund scheme be agreed.
- 2) That authority be delegated to Southend on Sea Borough Council to exercise the assessment and award function on behalf of the County Council.
- 3) That authority be delegated to the Executive Director for Environment, Sustainability and Highways to finalise the arrangements which will underpin the implementation of the scheme including an appropriate delegation agreement and other documentation.
- 4) That the delegation of functions be reviewed periodically to ensure it is delivering high quality services and meeting the County Council's requirements.

## **11. Decisions taken by or in consultation with Cabinet Members**

The Cabinet received report FP/961/11/12 by the Secretary to the Cabinet listing the decisions taken by or in consultation with Cabinet Members since the last meeting.

The meeting closed at 10.45 am.

**Councillor Peter Martin**  
**Chairman**  
**19 February 2013**