

CABINET

MINUTES of a meeting of the Cabinet held on 26 January 2010 at County Hall, Lewes.

72. PRESENT - Councillor Jones (Chairman)
Councillors Bentley, Elkin, Glazier, Lock, Maynard,
Reid, Mrs Stroude and Tidy

The following members spoke on the items indicated:

Councillor Barnes	-	item 84
Councillor Birch	-	items 77 and 81
Councillor Fawthrop	-	item 77
Councillor Field	-	item 77
Councillor Lambert	-	item 81
Councillor Sparks	-	item 76
Councillor Whetstone	-	item 84

73 MINUTES

73.1 RESOLVED – to approve the minutes of the meeting held on 15 December 2010 as a correct record.

74 DECLARATIONS OF INTEREST

74.1 Councillor Barnes declared a personal non prejudicial interest in item 13 as a Board member of the Conservators of Ashdown Forest.

74.2 Councillor Birch declared a personal non prejudicial interest in item 6 as the spokesperson for the petitioners was a member of Hastings Borough Council.

74.3 Councillor Daniel declared a personal non prejudicial interest in items 5 and 6 as a Member of the Sussex Police Authority and as the spokesperson for the petitioners was a member of Hastings Borough Council.

74.4 Councillor Elkin declared a personal non prejudicial interest in item 6 as a Governor of the proposed Board of Governors for the proposed Eastbourne Academy.

74.5 Councillor Freebody declared a personal non prejudicial interest in item 7 as an employee of the Sussex Partnership Trust.

74.6 Councillor Jones declared a personal non prejudicial interest in item 5 as a member of the Sussex Police Authority.

74.7 Councillor Maynard declared a personal non prejudicial interest in item 10 as his partner was an employee of the Tomorrow's People Trust.

74.8 Councillor Ost declared a personal non prejudicial interest in item 11 as a member of the Bridie's Tan Steering Group.

74.9 Councillor Scott declared a personal non prejudicial interest in item 6 as a the spokesperson for the petitioners was a member of Hastings Borough Council

74.10 Councillor Tidy declared a personal non prejudicial interest in item 5 as a member of the Sussex Police Authority.

74.11 Councillor Webb declared a personal non prejudicial interest in item 6 as the spokesperson for the petitioners was a member of Hastings Borough Council.

74.12 Councillor Whetstone declared a personal non prejudicial interest in item 13 as a Board member of the Conservators of Ashdown Forest.

75 REPORTS

75.1 Copies of the reports referred to below are included in the minute book.

76 RECONCILING POLICY AND RESOURCES

76.1 The Cabinet considered a report by the Chief Executive and all Chief Officers including the Capital Programme 2010/11 to 2014/15 (Appendix 1 of the report), the Revenue Budget 2010/11 (Appendix 2 of the report), the draft three year portfolio plans (Appendix 3 of the report), the views of the Scrutiny Committees (Appendix 4 of the report) and a report on the outcome of consultation with Trade Unions and business ratepayers (Appendix 5 of the report). The Cabinet also considered a response from the East Sussex Seniors' Association on the reconciling policy and resources proposals for Adult Social Care.

76.2 On the motion of Councillor Reid (duly seconded) it was RESOLVED – to

(1) recommend the County Council to approve the draft capital programme in relation to schemes in progress or about to start and those to start in 2010/11 and 2011/12 and to note the schemes provisionally included in the Capital Programme in future years as set out in Annex D of Appendix 1;

(2) note the draft Prudential Indicators set out in Annex E of Appendix 1 for 2009/10 to 2012/13;

(3) note the financial update and supporting Annexes at Appendix 2, agree proposals for the use of flexibility as set out in Appendix A to these minutes, and to recommend the County Council to approve the revenue budget estimates for 2010/11 set out in Annex C of Appendix 2 after incorporating the changes set out in Appendix A;

(4) recommend the County Council to set a council tax increase of 2.7% for 2010/11 and to recommend the County Council to issue precepts accordingly to be paid by Borough and District Councils in accordance with the agreed schedule of instalments;

(5) approve the fees and charges set out in Annex F of Appendix 2;

(6) approve the draft portfolio plans at Appendix 3 as the basis for developing the Council Plan and authorise Chief Officers to finalise the portfolio plans, in consultation with the relevant Lead Member; and

(7) note the views of the Scrutiny Committees as set out in Appendix 4 and the views of the Trade Unions and business ratepayers as set out in Appendix 5.

Reason

76.3 To achieve the development of a sound medium term financial strategy.

77 HASTINGS ACADEMIES

77.1 The Cabinet considered a report by the Director of Children's Services together with a summary of responses received after the 13 January 2010 deadline.

77.2 The Director advised the Cabinet that the original assumption had been that there would be sufficient funding available for both of the proposed academies in Hastings to be new builds. The final funding position would not be known, however, until the funding agreement had been completed. The latest indication from Government together with the proposed funding from the County Council would provide a total of approximately £42m. This would be insufficient for a total new build for Academy West. This level of funding would provide for approximately 30% new build at Academy West with the remainder being substantially re-built and remodelled. Following a detailed feasibility study into a mix of new build and re-build the Director reported that both he and the sponsors were convinced that the resources available were sufficient for a total transformation of the site which would enable the educational vision to be delivered.

77.3 In accordance with Standing Orders, Ms Forward addressed the Cabinet on behalf of the petitioners regarding the proposed closure of Filsham Valley School.

77.4 On the motion of Councillor Glazier (duly seconded) it was RESOLVED – to

(1) agree to the closure, on 31 August 2011, of Hillcrest School, conditional upon the making of funding agreement under section 482(1) of the Education Act 1996 for the establishment of the proposed Academy East;

(2) agree to the closure, on 31 August 2011, of the Grove and Filsham Valley School, conditional upon the making of funding agreement under section 482(1) of the Education Act 1996 for the establishment of the proposed Academy West; and

(3) delegate authority to the Deputy Chief Executive and Director of Corporate Resources and the Director of Children's Services, in consultation with the Lead Member for Children's and Adults' Services (or in his absence the Lead Member for Learning and School Effectiveness), to approve and authorise the completion of the Funding Agreement, and all associated leases, agreements and documentation for the establishment of the academies.

Reason

77.5 Agreed to the closure of the predecessor schools and submission of proposals to establish the academies principally because the academy proposals:

- Represent a long term strategy for school improvement, building on the Hastings federation
- Provide the only available means of attracting substantial capital investment
- Bring significant external expertise and opportunity through the University of Brighton and BT
- Offer access to improved special educational needs facilities and multiagency family support

- Provide an effective solution to falling secondary school rolls in the town

No other proposals would offer these significant benefits.

78 CARE QUALITY COMMISSION'S ASSESSMENT OF ADULT SOCIAL CARE 2008-09

78.1 The Cabinet considered a report by the Director of Adult Social Care.

78.2 On the motion of Councillor Bentley (duly seconded) it was RESOLVED – to

(1) note that Adult Social Care had been awarded 'Performing Well' for the delivery of outcomes; and

(2) agree the action plan in place to improve service delivery.

Reason

78.3 To receive the Care Quality Commission annual performance assessment report for Adult Social Care for 2008/09 and the proposed action plan to ensure continuous improvement of services and support to vulnerable people in East Sussex.

79 ANNUAL AUDIT LETTER

79.1 The Cabinet considered a report by the Chief Executive and Deputy Chief Executive and Director of Corporate Resources

79.2 On the motion of Councillor Jones (duly seconded) it was RESOLVED – to approve the Annual Audit Letter for 2008/09.

Reason

79.3 To receive the Annual Audit Letter for 2008/09.

80 EXTERNAL AUDIT PLAN 2009/10

80.1 The Cabinet considered a report by the Chief Executive and Deputy Chief Executive and Director of Corporate Resources

80.2 On the motion of Councillor Reid (duly seconded) it was RESOLVED – to approve the External Audit Plan 2009/10

Reason

80.3 To approve the External Audit Plan for 2009/10

81 RECESSION: UPDATE ON IMPACTS AND ACTION

81.1 The Cabinet considered a report by the Director of Policy and Communications

81.2 On the motion of Councillor Jones (duly seconded) it was RESOLVED – to

(1) note the latest information on the impact of the recession in East Sussex and progress on the agreed action plan (appendix 1 of the report); and

(2) note the latest position with regard to the Recession Fund (as set out in appendix 2 of the report)

Reason

81.3 To note the update on the agreed action plan to mitigate the impact of the recession in East Sussex on businesses, individuals and communities.

82 DRAFT EAST SUSSEX TRAVELLER STRATEGY 2010-2013

82.1 The Cabinet considered a report by the Director of Policy and Communications.

82.2 On the motion of Councillor Tidy (duly seconded) it was RESOLVED – to

(1) approve the draft East Sussex Traveller Strategy 2010-13; and

(2) delegate the Lead Member for Community Services to approve, on behalf of the County Council, any changes to the Strategy arising from the consultation at the Elected Member Traveller group meeting.

Reason

82.3 To consider the draft East Sussex Traveller Strategy 2010-2013

83 BUDGET MONITORING 2009/10

83.1 The Cabinet considered a report by the Deputy Chief Executive and Director of Corporate Resources.

83.2 On the motion of Councillor Reid (duly seconded) it was RESOLVED – to note the latest monitoring position on the revenue and capital budgets.

Reason

83.3 Management action is being taken to address areas of concern.

84 CONSERVATORS OF ASHDOWN FOREST – BUDGET 2010/11

84.1 The Cabinet considered a report by the Deputy Chief Executive and Director of Corporate Resources.

84.2 On the motion of Councillor Reid it was RESOLVED – to

(1) approve the annual grant from the Trust Fund for 2010/11;

(2) recommend the County Council to approve the annual grant for 2010/11 from the Transport and Environment budget; and

(3) delegate final approval of the Conservators' budget for 2010/11 to the Deputy Chief Executive and Director of Corporate Resources in consultation with the Lead Member for Corporate Resources.

Reason

84.3 To consider the contribution from the Trust Fund and the County Council to the Conservators' budget for 2010/11.

85 TREASURY MANAGEMENT STRATEGY FOR 2010/11

85.1 The Cabinet considered a report by the Deputy Chief Executive and Director of Corporate Resources.

85.2 On the motion of Councillor Reid (duly seconded) it was RESOLVED – to recommend the County Council to:

(1) determine that for 2010/11 the Authorised Limit for borrowing should be £352m:

(2) adopt the prudential indicators as set out in the appendix to the report;

(3) approve the Minimum Reserve Provision Statement for 2010/11 as set out in paragraph 6 of the appendix to the report; and

(4) approve the treasury management strategy and policy statement for 2010/11 as set out in the appendix to the report and the new clauses of the CIPFA Code of Practice.

Reason

85.3 As required under the Local Government Act 2003 and Prudential Code for Capital Finance 2004, the County Council is required to determine its authorised borrowing limit, to adopt the treasury management prudential indicators and limits and agree its treasury management strategy and policy statement.

86 ITEMS TO REPORT TO THE COUNTY COUNCIL

86.1 The Cabinet agreed that items 5, 6, 8, 13 and 14 should be reported to the County Council.

[Note: The items being reported to the County Council refer to minute numbers 76, 77, 79, 84 and 85]

Proposed Use of Flexibility

<u>Key Themes</u>	<u>Amount £000</u>	<u>Description</u>
Pot Hole Repairs	1000	Additional one off capital resource to respond urgently to pot-hole damage from recent weather (70%) and rural drainage problems (30%) - financed by use of £100k of base flexibility to finance additional borrowing of £1m.
Baby P' risks	900	Risk provision to support increasing Looked After Children/child protection cost pressures in 2010/2011; of which £450k will be base/ongoing monies
Free Personal Care	750	One off risk provision to support the introduction of 'Free Personal Care' in 2010/11 (but only allocated if the scheme comes into place)
Recession	250	One off top up to the Recession Fund of at least £175k and up to for £75k for benefit take up advice
Management Capacity	250	One off capacity to support a variety of change agendas including shared services - but with an expectation that up to £50k is in support of web based initiatives
Future Risks	450	Retained as base flexibility for future risks but unallocated at this stage
	<u>3600</u>	
<u>Financed from:</u>		
Additional Borrowing	1000	
Remaining base Flexibility	1350	(Original of £1450k minus £100k to finance additional borrowing for pot hole repairs)
One off Flexibility	1250	
	<u>3600</u>	