

Minutes



To: All Members of the Cabinet,
Chief Executive, Chief Officers

From: Legal, Democratic & Statutory Services
Ask for: Deborah Jeffery
Ext: 25563

CABINET 22 JANUARY 2018

ATTENDANCE

MEMBERS OF THE CABINET

D A Ashley, T L F Douris, T C Heritage, T W Hone, R M Roberts, R Sangster, J D Williams
(Leader of the Council), C B Wyatt-Lowe

Other Members in Attendance

J Billing, C Woodward

Upon consideration of the agenda for the Cabinet meeting on 22 January 2018 as circulated, copy annexed, conclusions were reached and are recorded below:

Note: Interests declared by Members of the Cabinet in relation to the matters on which conclusions were reached at this meeting are recorded at item 4 below.

PART I ('OPEN') BUSINESS

1. MINUTES

- 1.1 The Minutes of the Cabinet meeting held on 18 December 2017 were confirmed as a correct record and signed by the Chairman.

2. QUESTIONS FROM MEMBERS OF THE COUNCIL TO EXECUTIVE MEMBERS

- 2.1 There were no questions from Members of the Council to Executive Members.

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3. PUBLIC PETITIONS

3.1 There were no public petitions.

4. INTEGRATED PLAN 2018/19 - 2021/22

Disclosable Interests

4.1 It was noted that all Members who had a disclosable pecuniary interest arising from an allowance from the County Council, another local authority in Hertfordshire, or a body to whom they had been appointed by the County Council, had received a dispensation to allow them to participate in debate and vote on the Integrated Plan.

4.2 All Members had been granted a dispensation to participate in debate and vote in any business of the County Council relating to setting the council tax or precept when they would otherwise be prevented from doing so in consequence of having a beneficial interest in land which is within the administrative area of Hertfordshire or a licence (alone or jointly) to occupy such land.

4.3 D A Ashley has declared a Disclosable Pecuniary Interest in item 4 as he receives an allowance from the Lee Valley Regional Park Authority; the dispensation referred to in the first paragraph above applies to this interest.

4.4 The following Member has declared Declarable Interests under the County Council's Code of Conduct for Members:-

4.5 D A Ashley – as he is Chairman of Hitchin Educational Foundation, a charity which derives part of its income from leasing a property to the County Council; and a board member of Groundwork which derives part of its income from the County Council.

4(i) PUBLIC ENGAGEMENT ON THE 2018/19 – 2021/22 INTEGRATED PLAN

[Forward Plan Ref: A062/17]

Decision

4.6 Cabinet noted the results of the public engagement activity undertaken and took this into account when considering the proposed Integrated Plan for 2018/19 – 2021/22.

Reasons for the decision

4.7 The County Council has a good track record of consulting and engaging with

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residents using a wide variety of methods. Ongoing dialogue concerning the financial issues the Council faces continues to be promoted through channels such as Herts Horizons, the Council website, and through stakeholder and user groups.

- 4.8 Specific service-related proposals which affect the integrated plan are each subject to their own individual consultations, the outcomes of which are reported to Cabinet separately at the appropriate time.
- 4.9 Alongside this consultation activity, the County Council has engaged widely with service users and partners to help shape its future spending and service plans.
- 4.10 Cabinet noted the results of the public engagement activity undertaken; Cabinet Panels will be invited to consider these results when reviewing the Integrated Plan proposals at their forthcoming meetings.

Any alternative options considered and rejected

None.

- 4(ii). **INTEGRATED PLAN 2018/19 - 2021/22 (incorporating the Strategic Direction and Financial Consequences and the Treasury Management Strategy)**
[Forward Plan Ref: A061/17]

Decision

- 4.11 Cabinet:
 - (i) agreed the proposed Integrated Plan, including the revenue budget and capital programmes for 2018/19 – 2021/22 be presented for review by Service Cabinet Panels, Overview & Scrutiny Committee, and Resources and Performance Cabinet Panel, prior to the next Cabinet meeting on 19 February 2018.
 - (ii) approved the release of schools budget data/information to the Department for Education (DfE), and delegated authority to the Director of Resources to make any consequential amendments arising from current uncertainties.

Reasons for the decision

- 4.12 As set out Above.
- 4.13 The report considered by Cabinet introduces the Integrated Plan (IP) which brings together the financial impact of service plans and the available funding to resource these, over the next four years. These plans have been set in the context of the difficult challenges that the council faces, including the

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increasing demand for services from the growing and ageing population in Hertfordshire and increasing complexity of needs of existing service users, for example within social care related services; and further reductions in grant funding expected over the IP period.

- 4.14 Cabinet approved the plans, proposals and options to address pressures and savings requirements for 2018/19 -2021/22 for review by service Cabinet Panels, Overview and Scrutiny Committee, and Resources, Property and the Economy Cabinet Panel; the views and recommendations of these meetings will be considered by Cabinet at its meeting on 19 February 2018.
- 4.15 Cabinet has also approved the proposed schools revenue budget for 2018/19, which the Council is required to approve for release to meet the statutory deadline of the Department for Education. Cabinet also noted that the Director of Resources may make any minor consequential amendments arising from current uncertainties.

Any alternative options considered and rejected

None.

5. HARPENDEN SECONDARY SCHOOL – AUTHORITY TO ENTER INTO THE DEVELOPMENT AGREEMENT AND LEASE
[Forward Plan Ref: A084/17]

- 5.1 The report refers to a plan of the site, attached at Appendix A. The red and blue edging on the plan shows the area of land on which the school will be built and its associated playing fields laid out.

Decision

- 5.2 Cabinet agreed that:
- i. the County Council enters into a Development Agreement for a new Secondary School in Harpenden with the Secretary of State for Education and the Secretary of State for Housing, Communities and Local Government;
 - ii. the County Council enters into a lease of the new Secondary School in Harpenden with the Secretary of State for Housing, Communities and Local Government; and
 - iii. the Director of Resources, in consultation with the Leader of the Council (as Executive Member for Resources, Property & the Economy portfolio), be authorised to finalise the Development Agreement and Lease referred to in i and ii above and to arrange the appropriate execution of the documents by the Chief Legal Officer.

Reasons for the decision

- 5.3 Cabinet previously approved the acquisition of freehold land at Harpenden as a site for a new secondary school in September 2013, with the site being acquired on 25 August 2017. The planning applications and the suite of legal documentation required to deliver the development on the County Council's land are in the final stages. Upon review of the previous Cabinet approvals it has been identified that there is no explicit authorisation to enter into the Development Agreement and Lease.
- 5.4 The Development Agreement will permit the construction of the school, once planning permission is secured. The lease allows the Harpenden Secondary Education Trust to occupy the buildings once the project is complete.
- 5.5 In reaching its decision, Cabinet considered the above, together with the terms of the Development Agreement and lease and the financial, legal and risk management implications.

Any alternative options considered and rejected

None.

6. CROXLEY GREEN SECONDARY SCHOOL – AUTHORITY TO ENTER INTO THE DEVELOPMENT AGREEMENT AND OCCUPATION LEASE
[Forward Plan Ref: A085/17]

Decision

- 6.1 Cabinet agreed that:
 - i. the County Council enters into a Development Agreement for a new Secondary School in Croxley Green with the Secretary of State for Education and the Secretary of State for Housing, Communities and Local Government;
 - ii. the County Council enters into a Lease of the new Secondary School in Croxley Green with the Secretary of State for Housing, Communities and Local Government; and
 - iii. the Director of Resources, in consultation with the Leader of the Council (as responsible for the Resources, Property & the Economy portfolio) be authorised to finalise the Development Agreement and Lease referred to in i and ii above and to arrange the appropriate execution of the documents by the Chief Legal Officer.

Reasons for the decision

- 6.2 Cabinet previously approved the acquisition of leasehold land at Croxley Green in September 2013 and the conditional land purchase contract completed in

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April 2017. The planning applications and the suite of legal documentation required to deliver the development on the County Council's land are in the final stages. Upon review of the previous Cabinet approvals it has been identified that there is no explicit authorisation to enter into the Development Agreement and Lease.

The Development Agreement will permit the construction of the school, once planning permission is secured. The lease allows the Danes Educational Trust to occupy the buildings once the project is complete.

- 6.3 In reaching its decision, Cabinet considered the above, together with the terms of the Development Agreement and lease; and the financial, legal and risk management implications.

Any alternative options considered and rejected

None.

7. HERTFORDSHIRE SKILLS STRATEGY TO 2020
[Forward Plan Ref: A060/17]

Decision

- 7.1 Cabinet agreed the Hertfordshire Skills Strategy, attached at Appendix A to the Report.

Reasons for the decision

- 7.2 This is an updated version of the Skills Strategy for Hertfordshire, which aims to increase and develop the county's workforce to ensure it can support a strong economy within which businesses can thrive, whilst enabling all residents of Hertfordshire to fulfil their own individual potential and share in Hertfordshire's prosperity. Partner organisations across Hertfordshire such as the District and Borough Councils and training providers will be encouraged to refer to this strategy and reflect it in their individual planning, knowing that we will be working towards the same strategic outcomes.
- 7.3 In reaching its decision, Cabinet considered the above, together with the financial implications; equality implications; and the recommendations of the Resources, Property and the Economy Cabinet Panel.

8. CHANGES TO CHARGING ARRANGEMENTS FOR COMMUNITY BASED ADULT SOCIAL CARE
[Forward Plan Ref: A068/17]

Decision

- 8.1 Cabinet agreed the following changes to the Council's policy charges for non-residential (community based) adult social care services be made, to take

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effect from 15 April 2018:

- i) to include the Higher Rate of Attendance Allowance and Disability Living Allowance ONLY where people receive care to meet night time needs, when determining how much they can afford to pay towards their cost of care;
- ii) for people receiving 'double-handed care', to charge based on the cost of both care workers providing the service, rather than only one as at present – to their maximum assessed contribution;
- iii) to change the charging base for people in flexi-care accommodation:
 - For people in the 'low needs' band to three hours per week
 - For people in the 'medium needs' band to 8.5 hours per week
 - For people in the 'high needs' band to fifteen hours per week
- iv) to charge a weekly fee of £3.25 for users of telecare services provided by Serco who do not receive any other social care services;
- v) To charge £2 per journey or £4 per day for transportation to and from day care;

8.2 The revised charging policy (which incorporates the changes referred to in 8.1) annexed as Appendix B to the report be adopted and the Director of Adult Care Services in consultation with the Executive Member for Adult Care and Health being authorised to make any minor amendments necessary to give effect to Cabinet's decisions and to ensure consistency throughout the document.

8.3 Having noted the feedback provided within the consultation, to review the arrangements for Disability Related Expenditure (DRE) to ensure that there is clarity and consistency in relation to the allowances made for this expenditure, the Director of Adult Care Services be requested:

- (i) to contact the people who, based on current information held about their financial situation, are estimated to be required to pay significantly more through the changes to the policy, to explain the changes, ensure they understand the personal implications and offer them a financial reassessment;
- (ii) to undertake on-going monitoring for people cancelling their care services because of increases in the amounts they are asked to contribute, and provide an update to the Adult Care & Health Cabinet Panel in due course.

Reasons for the decision

8.4 The Council last reviewed its policy for charging for non-residential (community

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based) adult social care services in 2010. Since then the national charging framework has been updated by The Care Act 2014, The Care and Support (Charging and Assessment of Resources) Regulations 2014 and The Care and Support Statutory Guidance. In addition, a number of anomalies have been identified by officers in respect of how charging is applied; it is therefore timely to revisit the Council's arrangements. There is also sustained pressure on funding for Adult Social Care.

8.5 The Council wishes to continue to provide a wide range of services to as many people as possible and to collect a fair contribution towards them. A review of the Council's current charging policy was conducted by officers and a number of possible amendments were identified. A formal consultation exercise was undertaken over a twelve week period from October to December 2017. Every service user who has had a financial assessment and currently receives a non-residential care service from Adult Social Care was contacted in order to seek their views.

8.6 In reaching its decision, Cabinet considered the above, together with the responses received to the consultations, attached at Appendix A to the Report; the financial implications; the equalities implications; the fact that the financial assessment process which forms part of the Care Act Guidance ensures that an individual will only be asked to pay a contribution if they can afford to do so; the supplementary report on final responses received during the consultation, attached at Appendix D to the Report; and the recommendations of the Adult Care and Health Cabinet Panel.

KATHRYN PETTITT
CHIEF LEGAL OFFICER

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