

Minutes of a meeting of the Cabinet held at County Hall, Glenfield on Tuesday, 8 April 2008.

PRESENT

Mr. D. R. Parsons CC (in the Chair)

Mr. I. D. Ould CC
Mr. M. B. Page CC
Mrs. L. A. S. Pendleton CC
Prof. M. E. Preston CC

Mr. J. B. Rhodes CC
Mr. N. J. Rushton CC
Mr. D. A. Sprason CC
Mr. E. F. White CC

In Attendance

Mrs. R. Camamile CC, Mr J. T. Orson CC, Dr. M. O'Callaghan CC (for minute 628), Dr. R. K. A. Feltham CC (for minute 646), Mrs. M. L. Sherwin CC (for minute 630) Mr. P. A. Roffey CC (for minute 628) and Mr. R. M. Wilson CC.

624. Minutes.

The minutes of the meeting held on 3 March 2008 were taken as read, confirmed and signed.

625. Urgent Items.

The Chairman reported that he had agreed to allow the Cabinet to consider an urgent report of the Chief Executive concerning the decision of the Government to include Pennbury (Stoughton) in a shortlist of proposed 'eco-towns' for further consultation.

The report was considered under Minute 646 below.

626. Declarations of interest in respect of items on the agenda.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

Mr. I. D. Ould CC, Mr. D. R. Parsons CC, Mrs. L. A. S. Pendleton CC, Prof. M. E. Preston CC, Mr. J. B. Rhodes CC, Mr. N. J. Rushton CC, and Mr. E. F. White CC declared personal, non-prejudicial interests in the report of the Chief Executive on the Leicestershire Sustainable Community Strategy, Leicestershire Local Area Agreement 2 and Multi Area Agreement (the matter was considered under minute 631 below).

Mr. J. B. Rhodes CC declared a personal, non-prejudicial interest in the report of the Chief Executive on Melton Borough Council's Local Development Framework Core Strategy Preferred Options (the matter was considered under minute 635 below).

Mr. D. A. Sprason CC declared a personal, non-prejudicial interest in the report of the Chief Executive on the Hinckley Town Centre Partnership (the matter was considered under minute 636 below).

Prof. M. E. Preston CC and Mr. J. B. Rhodes CC declared personal, non-prejudicial interests in the report of the Director of Community Services on the Leicestershire Minerals and the Leicestershire and Leicester Waste Development Frameworks (the matter was considered under minute 638 below).

Prof. M. E. Preston CC, Mr. J. B. Rhodes CC and Mr. N. J. Rushton CC declared personal, non-prejudicial interests in the report of the Director of Highways, Transportation and Waste Management on the Procurement of Long Term Waste Treatment Facilities (the matter was considered under minute 643 below).

Mr. D. R. Parsons CC, Prof. M. E. Preston CC, Mr. N. J. Rushton CC, Mr. D. A. Sprason CC and Mr. E. F. White CC declared personal, non-prejudicial interests in the urgent report of the Chief Executive on the shortlisting of Pennbury as a proposed 'Eco-town' (the matter was considered under minute 646 below).

627. Variation in the Order of Business.

The Chairman sought and obtained the agreement of Members to vary the order of business from that set out in the agenda.

628. Reorganisation of Schools in Melton Mowbray and the Vale of Belvoir - Outcome of Consultations on Catchment areas.

The Cabinet considered a report of the Director of Children and Young People's Service concerning the results of the consultation on proposals to develop a single catchment area for the three secondary schools in Melton Mowbray. A copy of the report, marked 'N', is filed with these minutes.

Written comments on this issue had been received from Dr. M. O'Callaghan CC, Mr Simon Curley on behalf of the Governors of St. Francis RC Primary School, Melton Mowbray and Mr Justin Morgan, copies of which are filed with these minutes.

With the approval of the Chairman, Mr. J. T. Orson JP CC, one of the local members, spoke on this issue. He explained that people in his Division welcomed the additional investment and lifting of educational standards to improve skills in the area but were concerned to ensure that rural areas were not disadvantaged in terms of catchment areas and opportunities.

Dr. M. O'Callaghan CC, one of the local members and a governor at John Ferneley High School, also spoke on this issue and elaborated on the written comments he had submitted on this matter.

Mr P A Roffey CC, one of the local members, also spoke on this item. He welcomed the new agenda for secondary provision but had particular concerns regarding the impact these could have on St Francis Primary School. He was

concerned that too much emphasis was being placed on feeder schools and highlighted the problems that could arise as a result of St Francis not being a feeder school to any of the secondary schools in Melton Mowbray. He was concerned that roll numbers at St Francis could decline as a result of this issue.

The Chairman confirmed that he was aware of the issues regarding St Francis Primary School and that the points raised were currently being investigated. He undertook to report back to Cabinet Members with proposals. Mr I D Ould CC added that the Admissions Forum would be reconvened to discuss the matter.

RESOLVED:

- (a) That the responses received to the consultation on proposals to establish a single catchment area for the three secondary schools in Melton Mowbray be noted;
- (b) That approval be given to merge the existing catchment areas for King Edward VII, John Ferneley High School and The Long Field High School, to establish one common catchment area for the three schools, to take effect for pupil admissions for the Autumn term 2009 and onwards;
- (c) That pupil admissions to any of the three secondary schools referred to in (b) above continue to be guided by the current admissions policy (without amendment) for all Leicestershire maintained schools;
- (d) That the agreement of the Governing Body of The Long Field High School, as its own admission authority, to (b) and (c) above be noted.

(KEY DECISION)

REASON FOR DECISION:

1. The establishment of a common catchment area in Melton Mowbray to serve the three secondary schools provides the best opportunity to maximise choice, enabling access for pupils to both their nearest school and the others locally that offer specialisms.
2. Managing pupil admissions to the three secondary schools in Melton Mowbray, in accordance with the Local Authority's current admissions policy and criteria for the management of parental preferences, ensures continued equity with all other Leicestershire maintained schools.
3. Keeping the admissions policy for The Long Field High School aligned to that of the Local Authority also supports the fair and equitable treatment of all pupils.

629. Schools Admissions Policy.

The Cabinet considered a report of the Director of Children and Young People's Service on Leicestershire's revised admission policy and procedures for mainstream schools (community and voluntary controlled), for Autumn 2009

admissions onwards. A copy of the report marked, 'O', is filed with these minutes.

RESOLVED:

That the revised policy for admissions to mainstream community and voluntary controlled schools, as set out in Appendix A to the report, be approved.

(KEY DECISION)

REASON FOR DECISION:

The County Council is required to consult annually on its school admissions arrangements, with consultation ending on the last day of February and admission arrangements to be determined by 15 April each year.

630. Scrutiny Review Panel on the County Council's Environment Policies and Programmes - Leadership and the Environment.

The Cabinet considered a report of the Chief Executive and the Director of Community Services outlining the recommendations arising from the second block of work on 'Leadership and the Environment' undertaken by the Scrutiny Review Panel established to consider the County Council's environment policies and programmes. A copy of the report, marked 'B', is filed with these minutes. Members of the Cabinet noted the comments made by the Scrutiny Commission at its meeting on 2 April 2008, a copy of which is filed with these minutes.

With the approval of the Chairman, Mrs M L Sherwin CC, the Chairman of the Review Panel, presented the report to the Cabinet. She explained that this was the second of five blocks of work being undertaken on this issue and hoped that the Cabinet would take on board the Panel's views on the importance of further developing the principles of environmental leadership within the County Council.

The Chairman and members of the Panel were congratulated and thanked for the work undertaken to date on this important issue.

RESOLVED:

- (a) That the report of the Scrutiny Review Panel be welcomed;
- (b) That the Director of Community Services be requested to ensure that the findings of the review are acted upon.

(KEY DECISION)

REASON FOR DECISION:

The Panel has produced a report which identifies a number of recommendations as the appropriate way forward for the Authority to address environmental leadership priorities.

631. Sustainable Community Strategy and Local Area Agreement.

The Cabinet considered a report of the Chief Executive concerning the Leicestershire Sustainable Community Strategy, Leicestershire Local Area Agreement 2 and Multi Area Agreement for Leicester and Leicestershire. A copy of the report, marked C, is filed with these minutes.

The Cabinet also considered comments received from the Scrutiny Commission, Mr S J Galton CC, on behalf of the Liberal Democrat Group, Mr M J Hunt CC and Mr S D Sheahan CC, copies of which are filed with these minutes.

RESOLVED:

- (a) That the County Council be recommended to approve the Leicestershire Sustainable Community Strategy (SCS) and to note that changes to the Plan Framework to reflect the Council's new statutory responsibilities will be dealt with as part of the next annual review of the Constitution;
- (b) That the comments of the Scrutiny Commission be taken into account in the final Strategy;
- (c) That the Local Area Agreement 2 (LAA2) framework be approved;
- (d) That the progress in negotiating a Multi Area Agreement (MAA) for Leicester and Leicestershire be noted.

(KEY DECISION)

REASON FOR DECISION:

- 1. To enable the SCS to be considered and approved by the County Council at its meeting on 21st May 2008.
- 2. To enable formal approval to be given to the LAA2 framework that was submitted to GOEM on 14th March to meet the national deadline.
- 3. To inform Members of the latest position in the development of a MAA.

632. CPA Corporate Assessment - Final Report and Approval of Corporate Improvement Plan.

The Cabinet considered a report of the Chief Executive detailing the results of the corporate assessment of the Council by the Audit Commission and seeking approval to a CPA Corporate Improvement Plan. A copy of the report, marked 'D' is filed with these minutes.

Members of the Cabinet noted the comments made by the Scrutiny Commission at its meeting on 2 April 2008, a copy of which is filed with these minutes.

RESOLVED:

- (a) That the results and key messages arising from the Audit Commission corporate assessment of the Authority be noted;

- (b) That the Chief Executive be asked to convey thanks to all relevant members, staff and stakeholders who have contributed to the Council achieving such a positive inspection report;
- (c) That the Corporate Improvement Plan attached as Appendix 2 to the report be approved as the response to the improvement issues identified through the corporate assessment process.

(KEY DECISION)

REASON FOR DECISION:

The Council is committed to using external challenge as part of its performance management arrangements to ensure continuous improvement in the Council and its services. The Audit Commission corporate assessment report identifies many areas of excellent practice and achievement by the Authority, its staff and partners. The report and corporate assessment process identified just a small number of additional areas where the Authority can improve further. The Action Plan attached as Appendix 2 has been prepared as the Council's response to the issues arising from the corporate assessment process.

633. Joint Area Review Final Report and Action Plan.

The Cabinet considered a report of the Director of Children and Young People's Service concerning the results of the Joint Area Review (JAR) and seeking approval of the JAR action plan. A copy of the report, marked 'E', is filed with these minutes.

RESOLVED:

- (a) That the results and key messages arising from the Joint Area Review (JAR) be noted;
- (b) That the JAR action plan, as set out in Appendix 2 to the report, be approved.

REASON FOR DECISION:

The Council is committed to using external challenge as part of its performance management arrangements to ensure continuous improvement in the Council and its services. The Audit Commission corporate assessment report identifies many areas of excellent practice and achievement by the Authority, its staff and partners. The report and corporate assessment process identified just a small number of additional areas where the Authority can improve further. The Action Plan attached as Appendix 2, initially prepared to respond to the June 2007 Peer Review of the Council, has been amended to incorporate issues arising from the corporate assessment process and other recent developments.

634. Leicestershire 2020 Economic Strategy Consultation.

The Cabinet considered a report of the Chief Executive seeking approval of a response to the Draft Sub-Regional Economic Strategy. A copy of the report,

marked 'F', is filed with these minutes.

RESOLVED:

That the comments on the draft Sub-Regional Economic Strategy, as set out in Appendix 2 of the report, be submitted to the LeicesterShire Economic Partnership.

REASON FOR DECISION:

To ensure that the County Council makes an appropriate response to the Draft Sub-Regional Economic Strategy that will provide a framework for achieving sustainable economic growth in Leicestershire.

635. Melton Local Development Framework Core Strategy Preferred Options.

The Cabinet considered a report of the Chief Executive setting out a response to Melton Borough Council's Local Development Framework Core Strategy Preferred Options. A copy of the report, marked 'G', is filed with these minutes.

Written comments on this issue had been received from Dr. M O'Callaghan CC and Mr P A Roffey CC, copies of which are filed with these minutes.

The Chairman advised the Cabinet that he intended to meet with Government Ministers to reiterate the urgent need for a ring road for Melton Mowbray and undertook to report back to Cabinet Members on this issue.

RESOLVED:

That the comments as set out in paragraphs 19 to 24 of the report and Appendix 1 thereto be approved for submission to Melton Borough Council.

REASON FOR DECISION:

To ensure that the County Council makes an appropriate input at this key stage in the Local Development Framework process, so that issues of importance for the County Council are clearly expressed and influence the shape and content of the Local Development Framework (LDF).

636. Hinckley Town Centre Partnership - Forming a Limited Company.

The Cabinet considered a report of the Chief Executive seeking support for the Hinckley Town Centre Partnership (the Partnership) becoming a Limited Company and agreement for the nomination of a County Council Member to become a Director of the Company. A copy of the report, marked 'H', is filed with these minutes.

RESOLVED:

- (a) That the establishment of a Company to be called "The Hinckley Town Centre Company Limited" to take on the role currently undertaken by the Hinckley Town Centre Partnership be approved;

- (b) That the Chief Executive be authorised:
 - (i) to agree the Articles and Memorandum of the Company;
 - (ii) to appoint a Member to represent the Council on the Company in consultation with the Leader,
- (c) That the Member acting in the role of the County Council's nominated Director be indemnified by the County Council in carrying out his/her roles within the company.

REASON FOR DECISION:

To ensure that the County Council is a major partner in the Town Centre Company and is a key decision maker in the use of the funding secured by the Town Centre Company. This funding could be spent on County Council assets e.g. highways.

637. Policy on Determination of the Annual Minimum Revenue Provision.

The Cabinet considered a report of the Director of Corporate Resources concerning the setting aside of resources to finance the repayment of the principal element of debt used to finance capital expenditure in accordance with the new statutory requirements. A copy of the report, marked 'I', is filed with these minutes.

RESOLVED:

That the County Council be recommended to agree:

- (a) That for supported borrowing in 2007/8 and 2008/9 the current method of calculating Minimum Revenue Provision as set out in paragraph 10 (i) of the report continue to be used;
- (b) That for unsupported borrowing in 2007/8 the existing policy, which is the same as for supported borrowing, should continue;
- (c) That for unsupported borrowing in 2008/9, the method based on the life of the asset be adopted as set out in paragraph 11 of the report.

REASON FOR DECISION:

To enable the County Council to agree a policy for Minimum Revenue Provision (MRP) as required by new statutory regulations.

638. Minerals and Waste Development Frameworks Core Strategies.

The Cabinet considered a report of the Director of Community Services concerning the preparation of the Leicestershire Minerals and the Leicestershire and Leicester Waste Development Frameworks. A copy of the report, marked, 'J', is filed with these minutes. Members of the Cabinet noted some minor amendments to Appendices 1 and 2, copies of which are filed with these minutes.

(Mr I D Ould CC informed Members that a public meeting had been held in Cadeby in his Division in January 2006 and this had helped to resolve local anxieties about a planning application to extend the sand and gravel quarry in the area.)

RESOLVED:

- (a) That the draft Leicestershire Minerals Core Strategy and Development Control Policies and the draft Leicestershire and Leicester Waste Core Strategy and Development Control Policies documents be approved for submission to the Environment Overview and Scrutiny Committee;
- (b) That it be noted that further consideration will be given to this matter, including any comments made by the Environment Scrutiny and Overview Committee, at the meeting of the Cabinet on 6 May 2008.

(KEY DECISION)

REASON FOR DECISION:

In order to comply with the Planning and Compulsory Purchase Act 2004 (2004 Act), and The Town and Country Planning (Local Development) (England) Regulations 2004 (2004 Regulations), the County Council must prepare Minerals and Waste Development Frameworks for submission to the Secretary of State for independent examination before it can be adopted by the County Council. Circulating the documents to the Environment Scrutiny Committee will give that body the opportunity to make comments before the final documents for submission to the Secretary of State are considered by Cabinet on the 6 May and the County Council on 21 May. The Waste Core Strategy and Development Control Policies submission document will be submitted to Leicester City Council's Cabinet and Council in May.

639. Community Meals Service Review.

The Cabinet considered a report the Director of Adult Social Care and Health presenting the findings of the Community Meals Service Review and the resulting recommendations for the future direction of the service. A copy of the report, marked 'K', is filed with these minutes.

RESOLVED:

- (a) That the outcome of the review of the Community Meals Service be noted;
- (b) That it be agreed to take up the option to extend the existing Community Meals Contract for two further years until March 2010;
- (c) That approval be given to the exploration and trial of enhanced service options to ensure that the future direction of the service is integrated with health and wellbeing and personalisation of adult social care;
- (c) That further options be explored to make culturally appropriate Asian

meals available for the increasing numbers of people who require them.

(KEY DECISION)

REASON FOR DECISION:

To allow the Department time to explore and subsequently trial a number of enhanced service options. The evaluation of these options will ensure that any future meals service continues to be of the quality that meets the health and well-being of its customers, represents value for money for the Council and is flexible enough to respond to the changing social care environment of personalised social care support.

640. Response to 'Valuing People Now' Consultation.

The Cabinet considered a report of the Director of Adult Social Care and Health on the response of the Leicestershire Learning Disability Partnership Board to the national consultation, Valuing People Now: From Progress to Transformation. A copy of the report, marked 'L', is filed with these minutes.

It was considered that strong representations should be made to Government Ministers about the significant reduction in funding for the Learning Disability Development Fund in Leicestershire.

RESOLVED:

- (a) That the response by the Leicestershire Learning Disability Partnership Board to the Valuing People Now: From Progress to Transformation consultation as set out in the report be approved;
- (b) That approval be given to representations being made to the Secretary of State about the reduction in the Learning Disability Development Fund (LDDF).

REASON FOR DECISION:

1. Valuing People, published in 2001, has played an important part in improving the life chances of people with learning disabilities. Much progress has been made, but the Government also recognises that further improvements can be made, particularly in ensuring that people with learning disabilities can access mainstream services for health, housing, education and employment – the things that ensure equality of citizenship.
2. Valuing People Now: From Progress to Transformation, offers an opportunity to reinvigorate the agenda. The Leicestershire Learning Disability Partnership Board wants to play a part in shaping the future and to advise the Cabinet of the issues raised in its response to the consultation.
3. The significant reduction in LDDF funding in Leicestershire has undermined confidence in the Government's commitment to making

Valuing People happen.

641. Joint Strategic Needs Assessment.

The Cabinet considered a joint report of the Director of Adult Social Care and Health and Director of Public Health on the outcome of the work undertaken on Leicestershire's Joint Strategic Needs Assessment (JSNA). A copy of the report, marked 'M', is filed with these minutes.

The Chairman welcomed Dr. Judy Jones, Interim Director of Public Health, to her first meeting of the Cabinet. It was noted that this was a joint appointment between the County Council and the Leicestershire County and Rutland Primary Care Trust.

RESOLVED:

That subject to further consideration as necessary in the light of any comments of the Adult Social Care and Health Service Overview and Scrutiny Committee:-

- (a) The work completed to date on the Joint Strategic Needs Assessment (JSNA) be noted;
- (b) The outcome of stage 3 of the JSNA, and the key priorities and themes emerging from it, outlined in paragraphs 15 and 16 of the report, be approved;
- (c) Approval be given to the JSNA being refreshed in 2009.

(KEY DECISION)

REASON FOR DECISION:

1. The JSNA is a statutory function for the Council and the Primary Care Trust (PCT), and is a key component of the Council's shared understanding with its partners of local need in Leicestershire. It is therefore, important that the Cabinet is aware of the joint work undertaken with partner organisations to assess the health and wellbeing needs of local people.
2. The output from JSNA is significant in providing evidence that the Council's shared priorities with partners are well founded. It is therefore important to ensure that the priorities emerging from the JSNA are agreed by the Cabinet and are consistent with the joint priorities agreed by the Cabinet within the Sustainable Community Strategy (SCS) and the Local Area Agreement (LAA).
3. Health and wellbeing needs are complex and subject to change over time. In addition the process of assessing these needs is far from straightforward. This is the first JSNA and it has been conducted within very tight timescales that have not fitted neatly with the development of the SCS and the LAA. Refreshing the JSNA in 2009 will enable an updating of the evidence base, more sophisticated analysis of data and

more effective engagement with local stakeholders.

642. Policy on Children Missing Education.

The Cabinet considered a report of the Director of Children and Young People's Service concerning procedures in place to monitor Children Missing Education. A copy of the report, marked 'P', is filed with these minutes.

RESOLVED:

- (a) That the Children Missing Education Policy document, as set out in Appendix A to the report, be approved;
- (b) That it be agreed that membership of the proposed Children Missing Education Strategic Group should include a member of the County Council.

(KEY DECISION)

REASON FOR DECISION:

The [Statutory Guidance on Children not Receiving Education](#) (February 2007) clearly outlines a range of minimum standards that local authorities need to adopt to ensure that effective systems are in place to identify these children. One of these minimum standards is a written policy that has been agreed with partners.

643. Procurement of Long Term Waste Treatment Facilities.

The Cabinet considered a report of the Director of Highways, Transportation and Waste Management seeking approval for the submission of an Outline Business Case to the Department of Environment, Food and Rural Affairs for Private Finance Initiative credits to support the proposed procurement of long term waste management treatment facilities. A copy of the report, marked Q, is filed with these minutes.

Mr Rushton CC paid tribute to the hard work undertaken by Holly Field, Assistant Director, and other officers in the Waste Management team in progressing this issue. He re-iterated that no decision had yet been taken with regard to the site or technology to be used.

RESOLVED:

- (a) That approval be given to the approach of funding the procurement of new waste management infrastructure through the Private Finance Initiative (PFI) process and that in order to achieve this end, an Outline Business Case (OBC) be prepared and submitted to Defra by the end of April 2008;
- (b) That authority be delegated to the Director of Highways Transportation and Waste Management (in consultation with the Lead Member) to settle the final content of the OBC;

- (c) That approval be given to the affordability implications of the OBC and of entering into a PFI contract for the treatment of residual waste and to confirm a commitment to fund the affordability gap as set out in the report;
- (d) That approval be given to the submission of the OBC, in the knowledge that the duration of the procurement process and the prevailing economic conditions at contract close may affect the financial position set out in the report, and that any requirement for additional funding will be met by the County Council, possible scenarios being shown in the Price Sensitivity Analysis contained within paragraphs 98 – 106 of the report;
- (e) That it be noted that the submission of the OBC will be based on a reference project including a reference site and technology with no implication that these constitute the County Council's final preferred options at this stage;
- (f) That it be agreed that the procurement will proceed on an open output specification which is neutral in terms of technology and site;
- (g) That it be agreed that the procurement will proceed based on using HM Treasury's Standardisation of PFI Contracts version 4 (SoPC4) and that the risks allocated between the parties to the Contract will reflect the standard SoPC4 and Office of Government Commerce positions;
- (h) That it be agreed that the Director of Highways, Transportation and Waste Management, in consultation with the County Solicitor, be authorised to finalise the terms of the Statement of Understanding (SoU) to be concluded with each of the District/Borough Councils in support of the County Council's OBC and to execute any document needed to give effect to this decision;
- (i) That the intention to bring a further report to Cabinet in advance of commencing the procurement process regarding the project evaluation criteria be noted.

(KEY DECISION)

REASON FOR DECISION:

In order to satisfy the requirements of the national, regional and Leicestershire waste management strategies together with the European Landfill Directive, it is essential that new waste management facilities are delivered to provide an alternative to landfill disposal. Following approval of the Expression of Interest (EoI) for PFI credits submitted to Defra in September 2007, the County Council has been developing its OBC based on Defra contributing PFI credits of a minimum of 50% of the relevant capital investment value of the waste management facilities. Submission of an OBC forms the next stage in taking the procurement process forward.

644. Additional Highway Drainage Works to Alleviate the Risk of Flooding; Flood Risk

The Cabinet considered a joint report of the Director of Highways, Transportation and Waste Management and the Chief Executive concerning proposed studies and highway drainage works proposed to alleviate the risk of flooding to the County's highway network and wider issues relating to the risk of flooding. A copy of the report, marked 'R', is filed with these minutes.

Members of the Cabinet noted the comments made by Mr D W Houseman CC and Mr S D Sheahan CC on this issue, copies of which are filed with these minutes.

RESOLVED:

- (a) That the proposals outlined in paragraphs 18 – 21 of the report be approved, the costs to be met from the additional allocation of £500,000 (£250,000 in 2008/09 and £250,000 in 2009/10) to the highways and transport revenue budget approved by the County Council at its meeting on 20 February 2008;
- (b) That the information contained in the appendix to the report, about how the risks of flooding are managed and matters arising following the flooding emergencies elsewhere in the country in summer 2007, be noted and that a further report be submitted to the Cabinet on the Local Resilience Forum's review of the state of flood preparedness locally.

(KEY DECISION)

REASON FOR DECISION:

To enable the County Council to proceed with the studies and highway drainage works proposed to alleviate the risk of flooding to the County's highway network.

645. Items referred from Overview and Scrutiny.

There were no items referred from Overview and Scrutiny.

646. Urgent Item - Eco Towns - Shortlisting of Pennbury (Stoughton).

The Cabinet considered an urgent report of the Chief Executive on the decision of the Government to include Pennbury (Stoughton) in a shortlist of proposed 'eco-towns' for consultation. The matter was urgent because of the need to commence the work required to allow the County Council and its partners to respond to the Pennbury (Stoughton) proposal. The Government's consultation period on the proposal had already begun. A copy of the report is filed with these minutes.

Members of the Committee noted comments received from Mr. S. J. Galton CC on this issue, a copy of which is filed with these minutes.

With the approval of the Chairman, Dr. R. K. A. Feltham CC, one of the local

members, spoke on this matter. He expressed his immense dissatisfaction with the manner in which this issue had been dealt with by the Government and the lack of information that had been provided. He considered that the criteria used for selecting and rejecting sites should have been made available.

RESOLVED:

- (a) That the decision of Government to shortlist Pennbury (Stoughton) for further consultation as a potential 'eco-town' be noted, together with the potentially serious financial implications for the County Council in carrying out necessary assessments of the proposals;
- (b) That the offer of financial support from the Government be discussed with officials and the sharing of the costs of carrying out assessments also be discussed with other local authorities affected;
- (c) That the Chief Executive be authorised to take all necessary measures, including those referred to in the report, to enable the County Council to respond effectively to the current and future consultation (in the context of the Proposed Changes to the draft Regional Plan) and a possible planning application and that a report on expenditure involved be submitted to the next meeting of the Cabinet;
- (d) That, in view of the special circumstances involved, it be agreed that the matter be treated as an exception to the County Council's Contract Procedure Rules to enable contracts to be placed, if necessary, without the need to invite competitive tenders, subject to European directives

REASON FOR DECISION:

To enable the County Council to respond to the consultation.

647. Exclusion of the Public.

RESOLVED:

That under Section 100A of the Local Government Act 1972, the public be excluded for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs of Part 1 of Schedule 12A of the Act specified below, and, in all circumstances of the cases, the public interest in maintaining the exemption outweighs the public interest in disclosing the information:

<u>Item</u>	<u>Exempt under Paragraphs</u>
Request for Exception to Contract Procedure Rules – Bus Service 10/11.	3 and 10

648. Request for Exception to Contract Procedure Rules - Bus Service 10/11.

The Cabinet considered a report of the Director of Highways, Transportation and Waste Management seeking an exception to the County Council's

Contract Procedure Rules in order to award the contract for the operation of bus service 10/11 without following the usual tendering and procurement process. A copy of the report, marked 'S', is filed with these minutes. The report was not for publication by virtue of paragraphs 3 and 10 of Part 1 of Schedule 12A of the Local Government Act 1972.

RESOLVED:

That an exception to the County Council's Contract Procedure Rules be approved to authorise the Director of Highways, Transportation and Waste Management to award a contract to Woods Coaches in respect of the operation of bus service 10/11 (Inner Circle) for one year only, i.e. the period from 21 July 2008 to 17 July 2009 on the conditions set out in paragraph 18 of the report, this contractual arrangement to be subject to further review prior to the end of this period.

REASON FOR DECISION:

1. To maintain service provision for this transport route and to comply with the County Council's Contract Procedure Rules.
2. Leicester City Council is content for the County Council to procure these transport arrangements on its behalf.

2.30 pm – 4.30 pm
08 April 2008

CHAIRMAN