

Minutes of a meeting of the Cabinet held at County Hall, Glenfield on Tuesday, 16 October 2018.

PRESENT

Mr. N. J. Rushton CC (in the Chair)

Mr. R. Blunt CC

Mr. I. D. Ould CC

Mr. B. L. Pain CC

Mrs. P. Posnett MBE CC

Mr. J. B. Rhodes CC

Mrs H. L. Richardson CC

Mr. R. J. Shepherd CC

In attendance

Mr. L. Breckon CC, Mrs. C. Radford CC, Mrs. D. Taylor CC, Mr. S. J. Galton CC, Dr. T. Eynon CC.

201. Minutes of the previous meeting.

The minutes of the meeting held on 14 September 2018 were taken as read, confirmed and signed.

202. Urgent Items.

There were no urgent items for consideration.

203. Declarations of interest.

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

Mr. Rushton CC, Mr. Blunt CC, Mr. Rhodes CC, Mrs Posnett CC, Mrs Richardson CC, Mr Pain CC and Mr. Shepherd CC each declared a personal interest in agenda item 4 'The Development of a Unitary Structure for Local Government in Leicestershire' as members of district councils.

Mr. Pain CC declared a personal interest with regard to agenda item 10, 'Passenger Transport Policy and Strategy' as relatives owned a local taxi company.

Mr. Blunt CC declared a disclosable pecuniary interest with regard to agenda item 11, 'HS2 Phase 2b', as an owner of land affected by HS2 and he undertook to leave the meeting during consideration of this item.

204. The Development of a Unitary Structure for Local Government in Leicestershire.

The Cabinet considered a report of the Chief Executive which outlined proposals for a unitary structure for local government in Leicestershire and provided an update on the development of a Strategic Alliance for the East Midlands. A copy of the report, marked '4', is filed with these minutes.

Regarding a Strategic Alliance for the East Midlands, the Chief Executive advised that further consideration would need to be set alongside the recent Government announcement about establishing a development corporation around the proposed HS2 hub at Toton and the eventual geography of the corporation.

Mr. Rushton CC welcomed the opportunity to engage more widely throughout autumn to spring with all stakeholders, particularly district councils, MPs, business leaders and parish councils on the two options set out in the report and encouraged them to suggest alternatives. These would be considered by the cross-party working group, which would meet for the first time on 19 October 2018.

RESOLVED:

- a) That the outline proposals for the development of a unitary structure for local government in Leicestershire be approved for stakeholder engagement;
- b) That the Terms of Reference for the Working Party established by the County Council on 26 September be approved;
- c) That the present position in respect of a Strategic Alliance for the East Midlands be noted.

(KEY DECISION)

REASON FOR DECISION:

To enable consideration to be given to the next steps in the development of a unitary structure for local government in Leicestershire.

205. Leicester, Leicestershire and Rutland Living Well with Dementia Strategy 2019-2022.

The Cabinet considered a report of the Director of Adults and Communities concerning the outcome of the consultation on the draft Leicester, Leicestershire and Rutland Living Well with Dementia Strategy for 2019-2022 and seeking approval of the revised Strategy and associated delivery plan. A copy of the report, marked '5', is filed with these minutes.

Mr. Blunt CC welcomed the Strategy, which sought to improve the quality of specialist care for people with dementia.

RESOLVED:

- a) That the outcome of the consultation on the draft Leicester, Leicestershire and Rutland Living Well with Dementia Strategy 2019-2022, be noted;
- b) That the Leicester, Leicestershire and Rutland Living Well with Dementia Strategy 2019-2022 and associated delivery plan, be approved.

REASONS FOR DECISION:

Overall, the results of the public consultation exercise supported the implementation of the Strategy. Minor changes have been made to the document to reflect the feedback.

A requirement of the Strategy was that each statutory organisation builds on the high-level Leicester, Leicestershire and Rutland action plan contained within the Strategy by developing their own specific delivery plans. The County Council's delivery plan has been drafted to reflect the consultation results and key responsibilities of the County Council.

206. Review of Long Term Residential and Nursing Care Fees.

The Cabinet considered a report of the Director of Adults and Communities seeking approval to consult on proposed changes to the way in which the Council agreed prices for residential care and residential nursing care. A copy of the report, marked '6', is filed with these minutes.

The Director explained that fees were reviewed annually but a fundamental review of the pricing structure had not been undertaken since 2011.

Mr. Blunt CC welcomed the review of the fee structure which was crucial to ensuring that the care system worked effectively.

RESOLVED:

- a) That the Director of Adults and Communities be authorised to consult on the proposed changes to the way in which the Council agrees prices for residential care and residential nursing care, as detailed in paragraphs 19 to 27 of the report;
- b) A further report be submitted to the Cabinet in June 2019 regarding the outcome of the consultation and the proposed way forward.

(KEY DECISION)

REASONS FOR DECISION:

The Care Act 2014 places statutory duties on councils to establish a usual price for the care home placements they fund. This price needs to give due regard to ensuring that there are sufficient care and support services in the local market to meet the needs of all people who require care and support. It also places a duty on councils to give due regard to ensuring provider sustainability and viability to enable them to meet their employer duties and responsibilities and provide the agreed quality of care.

The Adults and Communities Department undertakes an annual fee review process with the residential and nursing care market, but it has not fundamentally reviewed its pricing structure since 2011. It is recognised that there have been significant changes to the way care and support is delivered since this time and that the demographic of people being permanently placed in residential care by the Council is now different.

A fundamental review of the Council's fee structure and fee levels will help ensure it remains fit for purpose and supports a sustainable care market across the County.

207. Capital Investment into Adult Social Care Accommodation-based Support Services.

The Cabinet considered a report of the Director of Adults and Communities regarding the development of a capital investment plan for adult social care accommodation-based support services and seeking approval to publish a Prior Information Notice. A copy of the report, marked '7', is filed with these minutes.

RESOLVED:

- a) That the development of a capital investment plan for adult social care accommodation-based support services, including its aims and objectives as detailed in paragraph 13 of the report, be noted;
- b) That the publication of the Public Information Notice (PIN) to initiate engagement with the adult social care and investment market be approved;
- c) That a further report be submitted to the Cabinet in late spring 2019 outlining the outcome of the PIN engagement exercise and presenting for approval the capital investment plan and strategic business case for future capital investment in adult social care accommodation.

REASON FOR DECISION:

The revenue costs of supporting those with social care needs are increasing and are likely to continue to increase annually for the foreseeable future. Accommodation based care is generally dependent on costs associated with the provision of accommodation which itself is influenced by investment models within the private social care and investment markets. By engaging with the market the Council will seek to validate its assumptions on accommodation costs and develop a strategic business case that will set out potential revenue cost savings and income generation through the use of capital investment.

208. Leicester, Leicestershire and Rutland Carers Strategy 2018 - 2021.

The Cabinet considered a joint report of the Director of Adults and Communities, the Director of Children and Family Services and the Director of Public Health regarding the outcome of the consultation on the Leicester, Leicestershire and Rutland Carers' Strategy 2018-21 and seeking approval of the revised Strategy and County Council Implementation Plan. A copy of the report, marked '8', is filed with these minutes.

RESOLVED:

- a) That the outcome of the consultation on the draft joint Leicester, Leicestershire and Rutland Carers' Strategy 2018–2021, be noted;
- b) That the joint Leicester, Leicestershire and Rutland Carers' Strategy 2018–2021, attached at Appendix A to the report, be approved;
- c) That the Implementation Plan for the Strategy (attached at Appendix C to the report), to be delivered by the County Council, be approved.

(KEY DECISION)

REASONS FOR DECISION:

The landscape for social care, both nationally and locally, is changing. It is imperative that unpaid carers are supported to continue in their caring role and to maintain their own health and wellbeing. The new Leicester, Leicestershire and Rutland Carers' Strategy, which has been the subject of substantial work by partners over the last 18 months, will help to facilitate this.

Subject to approval of the Strategy by other commissioning partner organisations, it is intended that the Strategy and County Council Implementation Plan will be put into effect in Autumn 2018.

209. Development of Integrated Lifestyle Services for Leicestershire - Outcome of Consultation.

The Cabinet considered a report of the Director of Public Health regarding the outcome of the consultation on the remodelling of lifestyle services and seeking approval for their redesign. A copy of the report, marked '9', is filed with these minutes.

Mrs Posnett CC welcomed the report, stating that the proposed model would result in improved services, and help enable the Council to remove health inequalities. Integration and coordination of lifestyle services would improve their effectiveness, especially for those people who accessed more than one service.

RESOLVED:

- a) That the results of the public consultation on the delivery of integrated lifestyle services be noted;
- b) That the proposed model for the new integrated approach to lifestyle services and remodelled weight management service, set out at paragraph 30 of the report, be approved;
- c) That the Director of Public Health, following consultation with the Cabinet Lead Member for Health and Wellbeing, be authorised to implement the new integrated approach to lifestyle services and remodelled weight management service.

(KEY DECISION)

REASONS FOR DECISION:

The County Council has a statutory responsibility to take appropriate steps to improve the health of the people who live in Leicestershire, including the provision of health improvement information and advice, and behaviour change support services.

Multiple unhealthy behaviours that contribute to ill health such as poor diet, smoking etc. often cluster in the same populations. An integrated approach will enable services currently offered separately to be more co-ordinated and therefore more effective. Developing services to utilise newer, and potentially wider-reaching, digital and telephone-based methods will also complement the Council's existing stop smoking and First Contact Plus services that have successfully adopted these approaches.

210. Draft Passenger Transport Policy and Strategy.

The Cabinet considered a report of the Director of Environment and Transport regarding the outcome of the consultation on the Passenger Transport Policy and Strategy (PTPS) and seeking approval to adopt the PTPS as the basis for future management of passenger transport services. A copy of the report, marked '10', is filed with these minutes.

Members noted the comments of the Environment and Transport Overview and Scrutiny Committee, a copy of which is filed with these minutes.

Mr. Pain CC thanked everyone who had responded to the consultation which had informed the final Strategy, and noted that the Environment and Transport Overview and Scrutiny Committee would receive an annual report on the performance of passenger transport services financially supported by the Council.

RESOLVED:

- a) That the comments of the Environment and Transport Overview and Scrutiny Committee be noted;
- b) That the results of the consultation on the draft Passenger Transport Policy and Strategy (PTPS) be noted;
- c) That the response to the consultation, as set out in paragraphs 49 to 55 and appendices to the report, be agreed;
- d) That the draft PTPS, attached as Appendices A and B to the report, be approved;
- e) That the reallocation of £145,000 from the current passenger transport budget be approved for assisting in the delivery of the PTPS, including the development of local solutions and building public understanding of and confidence in Demand Responsive Transport;
- f) That a PTPS Operational Handbook be developed (as set out in paragraphs 56 to 58 of the report) to ensure a clear, consistent and effective approach to the day-to-day operational delivery of the PTPS;
- g) That the Director of Environment and Transport, following consultation with the Cabinet Lead Member for Environment and Transport, be authorised to make such minor amendments to the PTPS and associated Operational Handbook as necessary to ensure that they remain current and conform to legislation (provided that such changes have no material effects on the PTPS).

(KEY DECISION)

REASONS FOR DECISION:

The PTPS will ensure that the Council meets its statutory duties, delivers value-for-money passenger transport services and supports the 2018/19 to 2021/22 Medium Term Financial Strategy.

The new PTPS will provide a robust and transparent framework for determining decisions on the provision of passenger transport services. This will also help to mitigate the risk to the Council from changing circumstances in the commercial market.

211. HS2 Phase 2b.

(Mr. Blunt CC, having declared a disclosable pecuniary interest in the matter, left the meeting whilst this item was considered).

The Cabinet considered a report of the Director of Environment and Transport regarding HS2 Phase 2b mitigation measures. A copy of the report, marked '11', is filed with these minutes.

Members noted the comments of the Environment and Transport Overview and Scrutiny Committee, and from Mr. S. D. Sheahan CC and Mr. Max Hunt CC, copies of which are filed with these minutes.

The Cabinet noted that the investment was vital to maximise benefits for residents and businesses, as well as minimise the dis-benefits during the construction phase and in the long term. Officers would be working collaboratively with East Midlands Councils.

Mr. Pain CC said that £400,000 per annum was required for the work as explained in the report (not, as he had suggested previously, in total). Whilst this was a substantial sum, it was vital to get the best possible outcome for Leicestershire. Mr Pain also thanked Mrs. C. Radford CC for representing the Council at numerous meetings/events relating to HS2.

RESOLVED:

- a) That the comments of the Environment and Transport Overview and Scrutiny Committee be noted and its suggested amendment is reflected in (e) below;
- b) That the County Council continues to work collaboratively with East Midlands Councils regarding HS2 and issues of common interest, as set out in paragraphs 28 to 35 of the report;
- c) That the discussion and feedback received from Warwickshire and Buckinghamshire County Councils regarding their experiences of managing Phase 1 of HS2 be noted;
- d) That Option 3, a full proactive approach to engagement with HS2 Ltd, be approved, noting the resources implications;
- e) That the Director of Environment and Transport, following consultation with the Cabinet Lead Member for Environment and Transport and subject to engagement with the relevant local members, be authorised to respond on behalf of the Council to requests and consultations from HS2 Ltd;
- f) That the County Council's response to the Secretary of State regarding a proposed route change near Measham, as set out in Appendix B to the report, be noted.

(KEY DECISION)

REASON FOR DECISION:

In order to ensure that the County Council has the necessary resources and decision making processes in place to seek to achieve maximum benefits for Leicestershire from HS2 Phase 2b and to minimise impacts of the rail line during construction and longer term operation.

OTHER OPTIONS CONSIDERED:

The following 3 options were considered:

1. No change to current approach – the Council would continue to engage with HS2 Ltd, but no work would be carried out on environmental impacts, and there would be no involvement with the Parliamentary Select Committee process.

2. Basic engagement – the Council would engage sufficiently in the planning and legal process, primarily on a reactive basis, to ensure that Phase 2b is built and will operate with the minimum level of disruption.
3. Full, proactive approach – the Council to raise matters with HS2 Ltd and seek to maximise the amount/level of mitigation from HS2 Ltd as well as fulfilling a leadership role.

(Mr. Blunt then returned to the meeting).

212. Traffic Regulation Order - Churchill Close, Oadby - No Waiting at any Time Restrictions.

The Cabinet considered a report of the Director of Environment and Transport regarding the implementation of a Traffic Regulation Order (TRO) “No Waiting at Any Time” restriction on Churchill Close, Oadby. A copy of the report marked ‘12’ is filed with these minutes.

The Director clarified that there were 27 (not 35) garages on the site owned by Oadby and Wigston Borough Council; half of which had since been brought back into use.

RESOLVED:

That the Traffic Regulation Order proposed “waiting restrictions” associated with Churchill Close, Oadby, as shown on drawing no. TM4422/T1/1/1 attached as Appendix A to the report, be approved for implementation.

REASONS FOR DECISION:

TROs are usually determined by the Director of Environment and Transport but in this case the local Members did not support the proposal so it was referred to the Cabinet.

Churchill Close is a “no through road” and is relatively narrow. When vehicles are parked on both sides of Churchill Close it is difficult for the emergency services to gain access. There are also issues for vehicles using the road in both directions due to lack of passing spaces. The restrictions will create a safe access for the emergency services into and out of Churchill Close and also provide passing places for vehicles in the vicinity and prevent potential blocking of the highway.

The garages on Churchill Close owned by Oadby and Wigston Borough Council used to provide residential off-street parking for up to 27 (not 35) vehicles. The garages had been taken out of use for a period of time by Oadby and Wigston Borough Council, however have recently been brought back into use with half of the available spaces currently leased by residents.

213. Review of Leicestershire County Council's Planning Obligations Policy - Consultation Draft.

The Cabinet considered a report of the Chief Executive regarding the review of the Planning Obligations Policy. A copy of the report marked ‘13’ is filed with these minutes.

RESOLVED:

- a) That the revised draft Leicestershire Planning Obligations Policy document attached as an Appendix to the report be approved for consultation;

- b) That a further report be submitted to the Cabinet in February 2019 regarding the outcome of the consultation exercise and presenting the final revised Planning Obligations Policy for approval.

(KEY DECISION)

REASONS FOR DECISION:

It is essential that the effects of new developments approved by the Leicestershire local planning authorities and the County Council in its Local Planning Authority role are mitigated through the provision of appropriate and necessary infrastructure, services and community facilities funded via developer contributions secured by way of s106 planning obligations.

The County Council adopted its current Planning Obligations Policy in December 2014. It is necessary to keep the Policy under review in the light of changes in planning policy, good practice, the law, and market conditions and the proposed revisions reflect the changes that have taken place over the past four years.

214. Developer Contributions towards County Council Services.

The Cabinet considered a report of the Chief Executive which provided an update regarding concerns that the Council's reasonable expectations of receiving developer contributions to meet demands placed on services created by developments across the County were being met. A copy of the report, marked '14', is filed with these minutes.

RESOLVED:

That the update be noted and that progress with regard to securing Developer Contributions continues to be monitored.

REASONS FOR DECISION:

It is important that the County Council does what it can to meet the demands on its services in increasingly difficult financial circumstances. Ensuring that developers make appropriate contributions to mitigate the consequences of their developments via Developer Contributions is essential if communities are not disadvantaged and the County Council is not put under excessive financial demands which it will not be able to meet.

Local planning authorities should do all they can to ensure developments are sustainable and meet the reasonable obligations requested of them.

215. Response to Government Consultation on Permitted Development for Shale Gas Exploration and Inclusion of Shale Gas Production Projects in the Nationally Significant Infrastructure Project Regime.

The Cabinet considered a report of the Chief Executive which sought approval of the draft responses to the Ministry of Housing, Communities and Local Government and the Department for Business, Energy and Industrial Strategy consultations on shale gas exploration and production. A copy of the report, marked '15', is filed with these minutes.

RESOLVED:

That the responses set out in Appendices A and B to the report be approved for submission to the Ministry of Housing, Communities and Local Government and the Department for Business, Energy and Industrial Strategy respectively as the views of the County Council.

REASONS FOR DECISION:

The Government considers that onshore shale gas production has the potential to play a major role in securing energy supplies and creating economic benefits for the UK, and in May 2018 Written Ministerial Statements announced measures to facilitate timely decisions on shale gas planning applications and support Mineral Planning Authorities. These two consultations offered an opportunity for the County Council to comment on the Government's proposals for

- a. changing the process for making decisions on shale gas developments, including granting planning permission through a permitted development right to some non-hydraulic fracturing shale gas exploration development; and
- b. taking decisions on applications for shale gas production away from the County Council and placing them with the Secretary of State for the Department of Business, Energy and Industrial Strategy through the National Infrastructure Planning regime.

216. Social Value Policy Statement.

The Cabinet considered a report of the Chief Executive and Director of Corporate Resources which sought approval for the County Council's Social Value Policy Statement. A copy of the report, marked '16', is filed with these minutes.

Mrs Richardson CC commended the Policy Statement, which would help the Council to get maximum value from contracts, bringing in resources from suppliers and providers to benefit communities. It was not just about money, but wider benefits such as health and wellbeing.

RESOLVED:

- a) That the Social Value Policy Statement appended to the report be approved;
- b) That the Chief Executive, in consultation with the Director of Corporate Resources, be authorised to review and amend the Social Value Policy Statement annually to ensure that it remains fit for purpose and in line with legislation and good practice.

REASON FOR DECISION:

Under the Public Services (Social Value) Act 2012, the Council must consider wider social, economic and environmental benefits when awarding contracts for services valued above the current EU financial threshold for public procurement. This Policy Statement proposes an approach which goes beyond this statutory requirement in order to secure wider community benefits for the people of Leicestershire.

217. Items referred from Overview and Scrutiny.

There were no items referred from Overview and Scrutiny.

218. Exclusion of the Press and 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 3 and 10 of Part 1 of Schedule 12A of the Act and that, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information –

Sale of Land at Market Harborough - Report to the Cabinet as Trustee of the Nicholson Memorial Trust.

219. Sale of Land at Market Harborough - Report to the Cabinet as Trustee of the Nicholson Memorial Trust.

The Cabinet considered a joint exempt report of the Director of Corporate Resources and the Director of Law and Governance seeking the agreement of the Cabinet sitting as the Trustee of the Nicholson Memorial Fund to the sale of land at the rear of 32 Leicester Road, Market Harborough. A copy of the report, marked '20', is filed with these minutes. The report was not for publication by virtue of paragraphs 3 and 10 of Schedule 12A of the Local Government Act 1972.

RESOLVED:

- a) That the Cabinet in its role as Trustee of the Nicholson Memorial Fund agrees to the sale of the land to the rear of 32 Leicester Road, Market Harborough;
- b) That it be noted that the proposed sale price outlined in the report is subject to the potential purchaser obtaining planning permission, and that the Fund's selling agent has indicated that the agreed price is a fair reflection of the full value;
- c) That the Director of Corporate Resources, in consultation with the Director of Law and Governance, be authorised to proceed with the sale of land referred to in (a) above, subject to obtaining confirmation from the original valuer (Professional House Surveys Ltd), in the event of planning permission being granted, that the agreed sale price remains a fair reflection of the full value to ensure compliance with the Charities Act 2011.

REASON FOR DECISION:

To secure a capital receipt for the Nicholson Memorial Fund.

2.00 - 3.19 pm
16 October 2018

CHAIRMAN