

Minutes of a meeting of the Cabinet held at County Hall, Glenfield on Tuesday 15 July 2014.

PRESENT

Mr. J. B. Rhodes CC (in the Chair)

Mr. R. Blunt CC

Mr. B. L. Pain CC

Mr. Dave Houseman MBE, CC

Mrs. P. Posnett CC

Mr. P. C. Osborne CC

Mr. E. F. White CC

Mr. I. D. Ould CC

In attendance

Mr. G. A. Hart CC, Mrs R. Page CC (Cabinet Support Members), Mr. R. Shepherd CC, Mr. S. J. Galton CC, Mr. D. A. Sprason CC.

Apologies

Apologies for absence were reported on behalf of Mr. N. J. Rushton CC, Mr. J. T. Orson JP, CC, and subsequently from Mrs R. Camamile CC (minute 181 below refers).

167. Minutes of the previous meeting.

The minutes of the meeting held on 17 June 2014 were taken as read, confirmed and signed.

168. Urgent items.

There were no urgent items for consideration.

169. Declarations of interest.

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

Mr. B. L. Pain CC declared a personal interest in item no. 5 on the agenda (Mainstream Home to School Transport Policy) as the Director of a taxi firm and undertook to leave the meeting whilst that item was considered.

Mr. J. B. Rhodes CC and Mrs P. Posnett CC each declared a personal interest in item no. 18 on the agenda (King Edward VII Sports and Leisure Centre, Melton Mowbray) as the Leader and Deputy Leader respectively of Melton Borough Council. They undertook to leave the meeting whilst that item was considered.

170. Change to 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.

171. Mainstream Home to School Transport Policy.

(Mr. B. L. Pain CC, having declared a personal interest in the matter, left the meeting whilst this item was considered).

The Cabinet considered a joint report of the Director of Environment and Transport, Director of Children and Families, and County Solicitor regarding the implementation of a new Mainstream Home to School Transport Policy. A copy of the report marked '5' is filed with these minutes. An extract from the minutes of the Scrutiny Commission meeting on 11 July and comments from the Liberal Democrat Group were circulated separately and copies are also filed with these minutes.

Mr. Osborne CC said that it was complex issue, not always easily understood. With regard to the comments submitted by the Liberal Democrat Group, he said that a new transport policy was required because of the Coalition Government's decision to create more Academy schools. Mr. Osborne said that a number of changes had been made following the two consultation exercises to try to accommodate concerns, and he was pleased that it acknowledged that the proposals represented the best possible outcome given the circumstances. He welcomed the support of the Scrutiny Commission and said that the new policy would provide clarity for parents and give equal treatment to all schools and academies in the County.

Mr. Ould CC said he was pleased that it had been possible to amend the draft policy to refer to the 'nearest appropriate *Leicestershire* school'. He said that a number of misleading comments had been made and he wished to clarify that -

- The first wave of schools which had converted to academies had received additional funds from the Education Funding Agency to facilitate this, creating disparities and enabling some to fund their own transport. This extra funding would not be repeated.
- It had never been County Council policy to encourage schools to convert to academies. The DfE had provided information for schools wishing to do so and the Council advised/assisted only if asked by head teachers to help.
- Uncoordinated age-range changes were a consequence of the Coalition Government's education policy which left it to market forces to determine the viability of schools/academies. The County Council had no control over this; academies were not required to consult with the local authority.

RESOLVED:

- (a) That the comments of the Scrutiny Commission be noted;
- (b) That the responses to the two public consultations on proposed changes to the mainstream Home to School Transport Policy and the associated Equality and Human Rights Impact Assessment be noted;
- (c) That the proposals set out in the revised consultation exercise (attached as Appendix E to the report) be approved, namely:
 - for pupils of compulsory school age, i.e. those aged between 5 and 16 years, to provide free transport where the distance between the pupil's home address and the nearest appropriate school (or educational placement) with available spaces exceeds the statutory walking distances of 2 miles for primary age

children and 3 miles for secondary age children (a school will not be seen as appropriate if it does not offer a transfer entry point that is compatible with the current school attended by the pupil),

and in addition

- to provide an alternative offer of free transport to the nearest appropriate Leicestershire school over the statutory walking distances with places available (a school will not be seen as appropriate if it does not offer a transfer entry point that is compatible with the current school attended by the pupil),

but

- where there have been no changes to admission catchment areas or age ranges for admission since May 2012 to continue to offer free transport to the catchment area schools in those areas,

and that the County Council's mainstream Home to School Transport Policy be amended accordingly;

- (d) That the proposed annual contribution (charge) for transport assistance for Post-16 Transport be approved;
- (e) That the transitional arrangements suggested in the consultation exercise and detailed in paragraphs 57 to 58 of the report be approved, i.e. that existing transport arrangements are honoured for students part-way through their education until they leave and that the new policy applies to new pupils or those transferring from a primary to a secondary school or between high and upper secondary schools from September 2015.

(KEY DECISION)

REASON FOR DECISION:

The first consultation exercise was held between January and March 2014 and resulted in a considerable negative response from both the public and schools (88% disagreed) to the proposals to move to a 'nearest school only' policy. The key concerns raised in the initial consultation were:

- the educational impact of transfer at aged 10+ (year 6) from some primary schools and the potential educational impact of transfer at 14 (year 9) to an 11-16 or 11-19 school;
- the desire to retain existing school links and the expectation that as a taxpayer in Leicestershire the County Council should provide transport to a Leicestershire school.

In considering the first consultation outcomes, the Cabinet on 1st April 2014, resolved to consult further on a wider range of options between April and June 2014.

The consultations arose from the need to address potential future budget pressures and the impact of schools moving to academy status and/or changing their age ranges or admission catchment areas and together with the EHRIA inform the recommendations to the Cabinet.

(Mr. Pain CC then returned to the meeting).

172. Better Care Together - Leicester, Leicestershire and Rutland Five Year Health and Social Care Strategic Plan 2014 - 2019.

The Cabinet considered a report of the Director of Adults and Communities regarding progress with the development of the Leicester, Leicestershire and Rutland Five Year Health and Social Care Strategic Plan 2014-19 and to advise on the further work that would take place before approval of the final Plan. A copy of the report marked '6' is filed with these minutes.

The Chairman welcomed Mr. Geoff Rowbotham (Better Care Together Programme Director) to the meeting.

Mr. White CC said that he was encouraged by the good engagement with all partners on the development of the Plan, in a way that had not previously taken place. The challenged state of the local health economy meant that no single agency would be able to address the problems.

RESOLVED:

- (a) That the Leicester, Leicestershire and Rutland Five Year Health and Social Care Strategic Plan 2014-19 be supported;
- (b) That the further work which will be undertaken to develop the Plan during the discussion and review period as set out in the report be noted;
- (c) That a further report be submitted to the Cabinet in September regarding the proposed final Plan.

REASON FOR DECISION:

Better Care Together is the biggest ever review of health and social care in Leicester, Leicestershire and Rutland. The County Council is a key member of the partnership of NHS organisations and local authorities across the area. All governing bodies of the partners are being asked to consider and approve the Plan.

173. Development of a Section 75 Pooled Budget Agreement with NHS East Leicestershire and Rutland and NHS West Leicestershire Clinical Commissioning Groups for the Better Care Fund.

The Cabinet considered a report of the Chief Executive and Director of Corporate Resources requesting approval for the County Council to enter into a joint-commissioning agreement under Section 75 of the National Health Service Act 2006 with NHS East Leicestershire and Rutland and NHS West Leicestershire Clinical Commissioning Groups (CCGs), which would involve the Council undertaking the management of a pooled budget on behalf of the CCGs. A copy of the report marked '7' is filed with these minutes.

The Director of Corporate Resources said that since publication of the report the Departments of Health, and Communities and Local Government had announced changes in the way that Better Care Funds were to be used, necessitating the revision and resubmission of all BCF Plans, hence the additional recommendations to the Cabinet to enable this to be done.

Mr. Houseman CC expressed his concern about the potential implications of the changes for preventative care, noting that the BCF Plan aimed to generate savings for the wider health and social care economy.

Mr. White CC commented again on good relationships between partner organisations in Leicestershire which had enabled agreement on joint priorities.

RESOLVED:

- (a) That the Chief Executive, in consultation with the Director of Corporate Resources and the County Solicitor, be authorised to negotiate and complete a joint-commissioning agreement under Section 75 of the National Health Service Act 2006 with NHS East Leicestershire and Rutland and NHS West Leicestershire Clinical Commissioning Groups along with any other legal agreements necessary for the joint administration of the Better Care Fund (BCF), including setting up a pooled fund to be managed by the County Council;
- (b) That the following be noted with concern -
 - The implications for the BCF Plan of the announcement by the Departments of Health, and Communities and Local Government on 5 July, notably the reduced local flexibility in the use of the BCF and consequences of this for Adult Social Care funding,
 - The requirement for all local areas to submit revised BCF Plans to the Department of Health (DoH) by the end of this month, July, though possibly later,
 - That guidance and a timetable for resubmission of the BCF Plan from the Department of Health was expected within the next fortnight,
- (c) That it be noted that the Integration Executive (consisting of partner organisations' Chief Officers, responsible for oversight of the Integration Programme) would lead on further work to refine the BCF Plan and would meet on 29 July to consider a revised BCF Plan, and accordingly
- (d) That the Chief Executive, following consultation with the Leader of the County Council, be authorised to agree a revised BCF Plan for submission to the Department of Health subject to confirmation of the national timetable.

REASON FOR DECISION:

The Department of Health has made it a condition that the operation of the Better Care Fund is subject to a section 75 agreement where joint governance arrangements between the County Council and CCGs will apply.

The recent announcement by the Departments of Health, and Communities and Local Government regarding use of the BCF means that it has become necessary to revise the BCF Plan within a short timescale.

174. Developing Extra Care Housing in Leicestershire.

The Cabinet considered a joint report of the Chief Executive and Director of Adults and Communities regarding an opportunity to develop additional extra care housing in Charnwood Borough. A copy of the report marked '8' is filed with these minutes.

Mr. Houseman CC said that he was very pleased that the possibility had arisen to develop more extra care housing, and Mr. Rhodes CC commented on the continued use of New Homes Bonus funding for this by the County Council, in contrast to many other local authorities.

RESOLVED:

- (a) That subject to (b) below approval be given to support the development of a new extra care housing scheme in Charnwood Borough by East Midlands Housing and Regeneration Limited with the allocation of up to £1.560m as a capital contribution towards the cost of the scheme, including £260,000 of the County Council's New Homes Bonus (NHB) funding for 2014/2015;
- (b) That the Director of Adults and Communities and Chief Executive, following consultation with the Director of Corporate Resources and County Solicitor be authorised to:
 - (i) make a final decision on whether to commit funding to the scheme referred to in (a) above;
 - (ii) conclude any necessary agreements to give effect to this decision in respect of capital funding, including the acquisition of any nomination rights that the County Council will acquire in the new accommodation;
- (c) That an exception to the Council's Contract Procedure Rules be granted to allow for any contracts referred in (b) above to be entered into without undertaking a procurement exercise;
- (d) That funding from the 2014/15 NHB revenue budget be transferred to an earmarked fund specifically held to support extra care projects;
- (e) That a further report be submitted to the Cabinet at its meeting in October 2014 setting out further detailed proposals for 2014/2015 NHB investment.

REASON FOR DECISION:

The Leicestershire Extra Care Housing Strategy 2010-2015 makes a commitment to increase the number of extra care housing schemes in the County.

The scheme would help ensure that the County Council makes the best and most appropriate use of the NHB received from Government for 2014/15. However, failure to achieve the required the Homes and Communities Agency funding or other significant changes to the proposal would result in the Council needing to review its support, including any agreed financial contribution.

Granting an exception to the Contract Procedure Rules will allow for contracts to be entered into without undertaking a procurement exercise, as the contracting parties will all be in place.

175. Broadband - Superfast Extension Programme.

The Cabinet considered a report of the Chief Executive seeking approval for the implementation and funding of a Superfast Extension Programme, the approach to procuring extended Broadband provision, and to request additional funding from local

authority partners to extend the reach of the Programme. A copy of the report marked '9' is filed with these minutes. Comments from the Liberal Democrat Group were circulated separately and a copy is also filed with these minutes.

The Chief Executive said that since publication of the report the Government had announced the Local Growth Fund allocations for 2015/16, which included funding for the Leicester and Leicestershire Accelerated Broadband project. The request for funding to be underwritten had therefore been amended to £1.325m. It was also proposed to hold further discussions with parish councils and commercial providers to identify solutions to enable broadband provision to the remainder, the "final 6%", in the County.

Mrs Posnett CC said that it was important to continue to allocate funding to improve broadband provision, and Mr. Pain CC applauded the continued priority given to the project and engagement with local communities to identify solutions.

RESOLVED:

- (a) That the development of a broadband Superfast Extension Programme for Leicestershire, including the allocation of £2m from earmarked reserves as a capital contribution towards the cost of the Programme, be approved;
- (b) That the securing of £675,000 funding for 2015/16 from the Local Growth Fund as part of the recently announced Growth Deal be noted, and that approval be given to underwrite a further £1.325m indicatively allocated in the Growth Deal for 2016/17 should that funding not be secured;
- (c) That further investment be requested from district councils as set out in paragraphs 28 to 33 of the report;
- (d) That a hybrid procurement approach be pursued involving a call-off from the national framework contract being initiated utilising a majority of the funding available, with the remaining investment held back to enable exploration of alternative and innovative solutions to extending Broadband to the "final 6%" in Leicestershire;
- (e) That approval be given to the County Council acting as the lead Local Body for the Superfast Extension Programme;
- (f) That it be noted that the Superfast Extension Programme will include Leicester, and that revised or new Collaboration Agreement with the City Council be entered into accordingly;
- (g) That the Chief Executive, following consultation with the Leader of the County Council and the County Solicitor, be authorised to take all actions and/or decisions he considers necessary to give effect to any matter relating to the Superfast Extension Programme;
- (h) That officers continue to facilitate discussions with parish councils and commercial providers to identify solutions which will enable superfast broadband provision to the 'final 6%' in Leicestershire;
- (i) That officers prepare an improved deployment map and other communications materials regarding planned fibre broadband provision across the County.

(KEY DECISION)

REASON FOR DECISION:

- a) To further extend Superfast Broadband provision in rural Leicestershire in line with County Council priorities;
- b) To safeguard delivery of the whole programme by enabling procurement to be initiated at a sufficiently early stage;
- c) To maximise the potential roll out of Superfast Broadband to rural communities and businesses, and to achieve fair and equitable contributions from key partners;
- d) To enable the most effective procurement of Broadband provision taking account of delivery challenges and timescale constraints;
- e) *and* f) To enable efficient and effective liaison between local partners and Broadband Delivery UK (BDUK), continuing the current arrangement in place for the Superfast Leicestershire programme;
- g) To facilitate the timely and effective procurement and delivery of the Programme.
- h) *and* i) To engage with local communities to help identify means for providing superfast broadband in the remaining areas of the County.

176. Provision and Refocusing of Grants to Community Groups - Shire Participatory Community Grants Scheme.

The Cabinet considered a report of the Chief Executive regarding the implementation of a new SHIRE Participatory Community Grants programme in line with the agreed refocusing of grants to community groups, which was agreed by the Cabinet on 5 March 2014. A copy of the report marked '10' is filed with these minutes.

RESOLVED:

- (a) That a new SHIRE Participatory Community Grants scheme complementing the SHIRE Community Solutions Grant be implemented at the earliest opportunity;
- (b) That the SHIRE Participatory Community Grants scheme be implemented on a countywide basis, with funding made available on the basis of themes and involving an allocation process that will take place twice a year, in line with the proposals outlined in paragraphs 22 to 37 of the report;
- (c) That the independent Panel that is currently being established to oversee the SHIRE Community Solutions Grants also oversees the SHIRE Participatory Community Grants.

(KEY DECISION)

REASON FOR DECISION:

To achieve the savings agreed in the County Council's Medium Term Financial Strategy for a £430,000 service reduction in 2014/15 with regard to the provision and refocusing of grants to individuals and community groups.

The scheme will build on the strengths of the previous Community Forum Budgets, whilst ensuring it is fit for purpose in the light of the new focus for community grants provision. Adding the oversight of the Participatory Community Grants scheme to the independent Panel for the SHIRE Community Solutions Grant will create a strategic Panel to oversee the entirety of the Shire Community Grants programme.

177. The Carbon Reduction Strategy for Leicestershire 2014 - 2020 and Implementation Plan 2014 - 2017.

The Cabinet considered a report of the Director of Environment and Transport seeking approval of the Carbon Reduction Strategy for Leicestershire 2014-2020 and Implementation Plan for 2014-2017. A copy of the report marked '11' is filed with these minutes.

Mrs Posnett commended the Strategy, which would complement the County Council's Environment Strategy.

RESOLVED:

- (a) That the comments of the Environment and Transport Overview and Scrutiny Committee as set out in Appendix 3 to the report be noted;
- (b) That the Carbon Reduction Strategy for Leicestershire 2014-2020 and the associated Implementation Plan for 2014-2017, attached to the report as Appendix 1 and Appendix 2 respectively, be approved;
- (c) That the Director of Environment and Transport, following consultation with the Cabinet Lead Member, be authorised to make minor amendments to the Implementation Plan in future as circumstances change, provided that they are consistent with the overall Carbon Reduction Strategy.

REASON FOR DECISION:

To put in place a programme to support the reduction of carbon emissions from the County which forms a key component of the County Council's Environment Strategy 2011-21. Authorising the Director of Environment and Transport to make minor amendments to the Implementation Plan as necessary following consultation with the Cabinet Lead Member will ensure that it is kept up-to-date and relevant.

178. Property Energy Strategy.

The Cabinet considered a report of the Director of Corporate Resources regarding the proposed Property Energy Strategy which set out the proposals for the procurement, planning, and management of energy for the County Council's property resources. A copy of the report marked '12' is filed with these minutes. An extract from the minutes of the Scrutiny Commission meeting on 11 July and comments from the Liberal Democrat Group were circulated separately and copies are also filed with these minutes.

Mr. Pain CC said that the review of the Council's property energy use had been extremely useful, and showed that there was much to be done to improve performance.

RESOLVED:

- (a) That the comments of the Scrutiny Commission be noted;
- (b) That the Property Energy Strategy Master Report (2014) as appended to the report be approved as the County Council's Property Energy Strategy;
- (c) That the recommendations set out in Part 4 and Part 6 of the appended Report be agreed as the basis for delivering the necessary improvements identified in the Council's Property Energy Strategy.

REASON FOR DECISION:

The development of a Property Energy Strategy is considered essential in order to better plan and manage the energy and carbon emissions performance of the Council's property assets, to secure the Medium Term Financial Strategy annual savings of at least £395,000 on property energy expenditure by 2016/17, and to help achieve the Council's Environment Strategy target of reducing its CO₂ emissions by 34% by 2020 (from a 2008/09 baseline year).

179. Coalville, Cropston Drive and Abbots Oak Drive Proposed Walking and Cycling Improvement Scheme.

The Cabinet considered a report of the Director of Environment and Transport seeking approval for the implementation of the Coalville, Cropston Drive and Abbots Oak Drive proposed walking and cycling improvement scheme. A copy of the report marked '13' is filed with these minutes.

Mr. Osborne CC noted that there had been only two objections to the scheme which had otherwise attracted wide support. It was part of a larger project to enable development and address traffic issues in the area.

Mr. White CC said that the scheme would encourage healthier lifestyles as well as improving access. He was disappointed that having referred the matter to the Cabinet the local member had not attended, or even submitted a statement to explain why he would not support the proposals.

RESOLVED:

That the Coalville, Cropston Drive and Abbots Oak Drive, walking and cycling scheme as set out in Part B of the report and the associated appendices be approved for implementation.

REASON FOR DECISION:

The scheme forms part of the wider walking and cycling network being delivered in Coalville, and is a named scheme in the Local Transport Plan 3 (LTP3) Implementation Plan 2014-2017.

180. Zouch Bridge Replacement - Compulsory Purchase Order for Land Required for Replacement Bridge.

The Cabinet considered a report of the Director of Environment and Transport seeking approval to pursue a Compulsory Purchase Order (CPO) for land required for the replacement of Zouch Bridge over the River Soar, between Hathern Parish and Normanton upon Soar Parish. A copy of the report marked '14' is filed with these minutes.

RESOLVED:

- (a) That a Compulsory Purchase Order (CPO) be made for the land required for the replacement Zouch bridge and that the Order should be made principally pursuant to Sections 239 and 241 of the Highways Act 1980;
- (b) That in the event of negotiations with the landowners proving unsuccessful, approval be given to proceeding with a CPO to acquire the land needed for the construction of the replacement Zouch bridge;
- (c) The Director of Corporate Resources, in consultation with the County Solicitor, be authorised to determine the detailed terms of the CPO and agree any necessary compensation and/or accommodation works that are in his opinion necessary to implement the scheme;
- (d) That the County Solicitor, following consultation with the Cabinet Lead Member for Highways and Transportation, be authorised to take any other action in his opinion necessary to progress the Order.

REASON FOR DECISION:

The existing bridge continues to deteriorate and, in the medium term, is likely to require a weight restriction and, ultimately, closure. This could have an impact on the effectiveness of the County Council's road network, increase journey times/costs and affect the delivery of its strategic transport objectives in this area. The CPO, if required, will help enable the scheme to progress as planned.

The preferred location for the replacement bridge is a location slightly to the south of the existing bridge, as this removes the need for the substantial traffic diversions, which would be necessary if the replacement bridge were to be constructed on the same line as the current structure.

181. Report of the Scrutiny Review Panel on the Referral Pathway for Older People with Anxiety or Depression.

The Cabinet considered a report of the Chief Executive presenting the key findings and recommendations of the Scrutiny Review Panel investigation into the referral pathway for older people with anxiety or depression. A copy of the report marked '4' is filed with these minutes.

The Chairman reported apologies from Mrs R. Camamile CC, Chairman of the Scrutiny Review Panel who had been unable to attend the Cabinet meeting.

Mr. White CC thanked the Panel for its work and an excellent report which he commended to partners and practitioners. He said that most users had reported a high level of satisfaction with services but there was always scope to improve. Mrs Posnett CC agreed and noted the importance of the services for both sufferers and their families.

RESOLVED:

- (a) That the report and recommendations of the Scrutiny Review Panel be accepted;
- (b) That the Chief Executive be requested to ensure that the recommendations of the Review Panel are acted upon.

(KEY DECISION)

REASON FOR DECISION:

The Panel has made a number of recommendations to help improve outcomes for older people with anxiety or depression. Some of these recommendations are made to the Health Service and therefore the report is also being submitted to the governing bodies of the County Clinical Commissioning Groups.

182. Items referred from Overview and Scrutiny.

There were no items referred from the Overview and Scrutiny Committees.

183. 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 the paragraphs 3, 5, 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.

184. King Edward VII Sports and Leisure Centre, Melton Mowbray.

(Mr. J. B. Rhodes CC and Mrs P. Posnett CC, having each declared a personal interest in the matter, left the meeting whilst this item was considered).

Mr. I. D. Ould CC - in the Chair

The Cabinet considered an exempt report of the Director of Corporate Resources setting out proposals to terminate existing provider and operator agreements affecting the Fitness Suite at King Edward VII Sports and Leisure Centre in Melton Mowbray which had transferred to the Council in 2011 on the closure of the former King Edward VII School. A copy of the report marked '18' is filed with these minutes. The report was not for publication by virtue of paragraphs 3, 5, and 10 of Schedule 12A of the Local Government Act 1972.

The Chief Executive and Members expressed their appreciation for the work done by Mrs Carter, Strategic Property Manager, on the matter.

RESOLVED:

That the proposed terms for terminating the existing provider and operator agreements affecting the Fitness Suite at the King Edward VII Sports and Leisure Centre, Melton Mowbray as set out in paragraph 17 of the report be agreed.

(KEY DECISION)

REASON FOR DECISION:

To take the opportunity that has arisen from a potential breach of contract with the Competition Line to buy out a financially onerous legal agreement.

11.00 am - 12.20 pm
15 July 2014

CHAIRMAN