

MEETING OF THE LEICESTERSHIRE COUNTY COUNCIL

WEDNESDAY, 21 FEBRUARY 2018 AT 2.00 PM

ORDER PAPER

AGENDA ITEM NO. 1 – CHAIRMAN’S ANNOUNCEMENTS

The Chairman will make her announcements.

AGENDA ITEM NO. 2 – MINUTES (Pages 3 to 16)

MRS RICHARDS will move and MR O’SHEA will second:-

“That the minutes of the meeting of the Council held on 6 December 2017, revised copies of which have been circulated to members, be taken as read, confirmed and signed.”

AGENDA ITEM NO. 3 – DECLARATIONS OF INTEREST

The Chairman will invite members who wish to do so to make declarations of interest in respect of items on the agenda for this meeting.

AGENDA ITEM NO. 4

QUESTIONS ASKED UNDER STANDING ORDER 7(1) (2) &(5)

(A) Question by MR HUNT

- “1. Now that the Government is looking for new radioactive waste disposal sites (or Geological Disposal Facilities) is it possible that the northern area of the county, the Widmerpool Gulf, will be considered?
2. What protection does our Minerals and Waste Local Plan offer to those concerned in our county should a site be identified within range?
3. Given that the Plan states that “as Leicestershire is not a source of low level radioactive nuclear waste and the emphasis for managing this waste is for it to be managed as close to its source as possible” does this also apply to the higher level nuclear waste that will shortly be under consideration?
4. Will Cabinet be considering the DEIS draft National Policy Statement for Geological Disposal Infrastructure which will govern the burial of nuclear waste and which is out for consultation?”

Reply by MR RUSHTON

1. The Government is undertaking consultations on the “National Policy Statement (NPS) for Geological Disposal Infrastructure - Implementing Geological Disposal” and also on “Working with Communities – Implementing Geological Disposal”.

The first (the NPS) sets out how a specific facility proposal will be assessed for consent once an application is made for a Development Consent Order which is to be dealt with by the Secretary of States under the Nationally Significant Infrastructure Projects (NSIP) process. In other words, they will not be dealt with by local planning authorities.

The second (Working With Communities) sets out a proposed policy on how communities should be involved in siting a geological disposal facility for higher level radioactive waste and how areas would be selected for consideration. The Government is proposing that before an area for geological disposal would be considered the local community would have to support the facility. Only then will the geological suitability of the proposed area be investigated.

2. A proposed geological disposal facility will be required to go through the Nationally Significant Infrastructure Project (NSIP) process. This process will be guided by the National Policy Statement (NPS) which you refer to and is being consulted on. The NSIP process is administered by the Planning Inspectorate and is outside the Local Plan process. The Minerals and Waste Local Plan policies would be relevant in respect of general policies for environmental and community protection but they could not make specific policy on geological disposal of radioactive waste. The County Council would be involved as a consultee in the NSIP process for a proposed facility either if it were proposed in Leicestershire or an adjoining area.
3. No areas will 'shortly be under consideration' as you suggest in your question 3. At this stage nowhere in the country is either ruled in or out as a potential location and the Government is commissioning work to assess which areas may be more or less geologically suitable to host a deep geological disposal facility.
4. The safe management of radioactive waste is an important and serious matter for the nation as a whole. The draft NPS is a technical document setting out what the Secretary of State and Planning Inspectorate should take into account when determining development consent applications including impacts and mitigation. The Working with Communities consultation is about defining communities, their engagement and the role of local authorities. The two consultations are inextricably linked and both request responses by 19th April 2018. The Cabinet will be considering an appropriate response.

(B) Question by MR BILL

"For some months I have been expressing concern about the impact of the proposal for a 780 acre freight depot on the Burbage, Stoney Stanton and Sapcote area.

Stoney Stanton SDA is a proposal to consider the use of 50 hectares of County Farm land in the Stoney Stanton and Sapcote areas for future development, which will of course be in addition to the freight depot proposal.

Will the Leader agree that the affected communities have the right to be engaged before work proceeds on the potential use of this land?"

Reply by MR RUSHTON

“The County Council is aware of developer interest in land in the Stoney Stanton and Sapcote area where the Council owns land. Mr Bill may want to raise his concerns about community involvement with the Local Planning Authority although an application for a depot of the scale indicated would be deemed a nationally significant infrastructure project and determined nationally, albeit with local consultation. I am grateful to the Leader of Blaby District Council for his advice on this matter”

(C) Question by MR BRAY

“Can the Leader give me an update on progress towards obtaining a new school crossing patrol outside St Peter’s School in Hinckley?”

Reply by MR PAIN

“The school crossing patrol site outside St Peter’s School still remains vacant. There are vacancy boards placed at the school, and the school have sent out several letters asking if anyone in the local community would be willing to come forward to fill the role.

The Council received an enquiry in September and another was received just last week. Application forms were sent out to those individuals and we are waiting for completed forms to be returned. If and when we do receive an application, this will be assessed, hopefully leading to an appointment.

In the meantime we will continue to actively advertise this vacancy.”

(D) Question by MR KAUFMAN

“Is the Leader aware of problems finding a local school place faced by families that move into Oadby mid-term?”

Does he agree that a review of the School Admissions Code is long overdue and support my call for the Government to commence with one?”

Reply by MR OULD

“I am aware that the success and popularity of the Oadby secondary schools means that there is significant demand for available places. In practice this means that all available places are taken up by applications submitted within timescales for year 7 or year 10 places. The challenge presented is for parents seeking places outside of this process i.e. after the closing date or for pupils in other year groups. These are known as mid-term applications and will often arise where families move into an area.

As academies, each of the three secondary schools is responsible for setting its own admission and catchment arrangements, nevertheless our officers have raised concerns with the Regional Schools Commissioner and met with schools to seek to

encourage a review of their admission arrangements to ensure stronger partnership working so that Oadby residents have access to local school places.

It is worth emphasising that there are sufficient places across all of our secondary schools, to meet demand from Leicestershire families and this includes Oadby. However, in keeping with other successful schools elsewhere, there is a high demand for places from families in neighbouring authorities and those living outside the catchment area.

The national School Admissions Code was issued in December 2014. Importantly, the current Code prohibits Local Authorities from reserving school places to help manage mid-term applications, or discriminating against any applicant from another local authority area. If a place is available then it must be offered. The National Code aims to promote fair choice and access to schools. Whilst a review of the National Code may therefore bring some additional benefits for parents, it is highly unlikely that restrictions relating to the above reservation of places or applications from neighbouring areas will change.”

(E) Question by MR BOULTER

“Can the Leader confirm whether the Council has loaned any money to Northamptonshire County Council, and if so:

1. How much was loaned and under what repayment terms?
2. Is the loan secured?
3. Are the risks associated with this loan being monitored on the risk register?”

Reply by MR RHODES

- “1. The Council loaned £5m to Northamptonshire County Council on 3rd January 2018. The loan will mature on 2nd January 2019.
2. The loan is not secured, which is normal for all Money Market transactions. It is our understanding that Local Authorities cannot offer assets as security against any borrowing.
3. Whilst Northamptonshire County Council’s financial position has been well publicised, and it is certainly in a very difficult financial situation, it is not considered that repayment of the loan (plus interest) is in particular jeopardy.

Whilst it is not impossible for a local authority to be declared bankrupt it is very unlikely that this would happen. Much of the considerable amount of external borrowing that Northamptonshire has is via the PWLB (which is, in effect, a government agency). The major financial loser from the government allowing Northamptonshire to be declared bankrupt is likely to be the government itself, and it is likely that every effort would be made to avoid this outcome. In addition there would be a major breakdown in confidence in UK public sector institutions with serious consequences for service delivery and the wider economy. In the event that Northamptonshire does cease to exist a much

more likely outcome is a successor body that takes responsibility for both the assets and liabilities of Northamptonshire.

As a result the specific loan to Northamptonshire has not been placed on the risk register.”

(F) Question by MR WELSH

“A recent Freedom of Information request showed that in 2016/17 there were 94 teachers in Leicestershire on long term stress leave. This was a 47% increase on the year before, and a 237% increase compared to 2013/14.

1. Does the Leader agree that this is greatly concerning?
2. Is there anything this Council can do to help address this problem?”

Reply by MR OULD

- “1. It is a County Council priority to seek to reduce the level of sickness absence and therefore any increase in stress related absence would be concerning. However, the figures that we hold regarding such cases are significantly lower than those quoted in the question. The number of cases we have reported in maintained schools for the academic year 2016/17 is 23 employees.
2. The responsibility for the day to day management of employees in maintained schools lies with the Governing Body. In Academy schools the employer is the Academy Trust. Over the period in question a significant number of schools have converted to Academy status. The current number of maintained schools in Leicestershire is 105, and the number of schools that are academies is 176.

Locally, all maintained schools in the Local Authority are actively supported, by Strategic HR Services and Health and Safety, in managing stress related absence. This support includes:

- Support for head teachers in managing attendance casework.
- Guidance and support for Chairs of Governors in managing long term absence.
- Occupational health referrals
- Access to the counselling and wellbeing service.
- Stress audits, action plans and training for schools.
- Staff development in resilience and mindfulness.”

(G) Question by MR BILL

“On Wednesday, 14th February an incident occurred on the M6 which resulted in considerable congestion and delays across Hinckley. When any incident occurs on either the M6, M69 or A5 this is often the result and as it is such a regular occurrence it goes unreported. As is only too well known by everyone in the area, the congestion in Hinckley and Burbage grows worse by the day.

A new element has now been introduced into the situation by the proposal to build an A46 Expressway which will probably join the local network at Junction 2 of the M69, which is also the road between Hinckley and Sapcote. As we are all being invited to give our views on the proposal to build this new road, along with all the other proposals, can I please ask whether:-

- a) any computer modelling or any other estimate been calculated to enable us to assess what impact this new road will have on the local road network which is so obviously now close to capacity?
- b) If this information is not yet available will it be available before the deadline for comments on the Strategic Growth Plan on 5th April so that informed comment can be made?"

Reply by MR PAIN

- "a) As previously explained by officers to Mr. Bill the strategic context for the transport infrastructure associated with the proposed growth plan had been set out in the Midlands Connect Strategy.

The local Highway Authorities have been working to develop infrastructure proposals for Leicester and Leicestershire through documents such as the Prospectus for Growth, the detail of which has already been provided. Building on this and in support of the growth plan the Highway Authorities are working with the Strategic Planning Group to investigate further transport requirements and will share the outcomes of this when finalised.

The modelling being undertaken is at a high level and will indicate areas of focus for more detailed study.

- b) It is not expected this will be available as part of the consultation process. The consultation is about the principle of the plan not, as has been explained previously to Mr. Bill, specific impacts on individual links or roads".

(H) Question by MR BILL

"The proposal to convert the A5 between the M42 and M1 is clearly an integral part of the Strategic Growth Plan. A number of questions were raised in Parliament on 7th February to which the Minister replied that a good case had been made and that it will have to be considered in the light of all the other bids across the Country.

1. No mention has been made of the low railway bridge that crosses the A5 at Hinckley, which if not addressed, could be a major stumbling block to any improvements. Could this affect the bid?
2. What will the impact be on the Strategic Growth Plan if this bid is not accepted?"

Reply by MR PAIN

- "1. The Government are currently consulting on the second Road Investment Strategy (RIS2). At this stage the Government are

considering general areas of focus for investment rather than specific schemes or local issues. Therefore a low railway bridge would not be considered at this stage of the process.

2. For clarity there is not a bid as such to the RIS process at this stage, but rather high level consultation feedback.

The Strategic Growth Plan provides a long term planning framework looking to 2050. The Plan will be kept under review and updated as necessary in light of up to date evidence. Should it become apparent that a key piece of infrastructure (such as the A5 between the M42 and M1) needed to support housing and/or employment land provision cannot be funded and delivered then this evidence will be taken into account in updating the Plan. This might necessitate changes to the proposed strategic distribution of housing and /or employment provision. Such new evidence would also be taken into account when local plans are prepared and examined.

**TO CONSIDER REPORTS OF THE
CABINET, SCRUTINY COMMISSION, SCRUTINY COMMITTEES,
AND OTHER BODIES**

**AGENDA ITEM NO. 5
REPORT OF THE CABINET**

(Pages 17 to 206)

Principal Speakers:-
Mover of motion (Mr.J.B.Rhodes)
Leader of the Opposition (Mr S J Galton)

- (A) Medium Term Financial Strategy 2018/19 – 2021/22

MR RHODES will move and MR SHEPHERD will second:

- “(a) That subject to the items below, approval be given to the MTFFS which incorporates the recommended revenue budget for 2018/19 totalling £361m as set out in Appendices A, B and E of this report and includes the growth and savings for that year as set out in Appendix C;
- (b) That approval be given to the projected provisional revenue budgets for 2019/20, 2020/21 and 2021/22, set out in Appendix B to the report, including the growth and savings for those years as set out in Appendix C, allowing the undertaking of preliminary work, including business case development, consultation and equality impact assessments, as may be necessary towards achieving the savings specified for those years including savings under development, set out in Appendix D;
- (c) That approval is given to the early achievement of savings that are included in the MTFFS, as may be necessary, along with associated investment costs, subject to the Director of Finance agreeing to funding being available;

- (d) That the level of earmarked funds as set out in Appendix J be noted and the use of earmarked funds be approved;
- (e) That the amounts of the County Council's Council Tax for each band of dwelling and the precept payable by each billing authority for 2018/19 be as set out in Appendix K (including 3% for the adult social care precept);
- (f) That the Chief Executive be authorised to issue the necessary precepts to billing authorities in accordance with the budget requirement above and the tax base notified by the District Councils, and to take any other action which may be necessary to give effect to the precepts;
- (g) That approval be given to the 2018/19 to 2021/22 capital programme as set out in Appendix F;
- (h) That the Director of Finance following consultation with the Lead Member for Resources be authorised to approve new capital schemes including revenue costs associated with their delivery;
- (i) That it be noted that new capital schemes, referred to in (h), are shown as future developments in the capital programme, to be funded from funding available;
- (j) That the financial indicators required under the Prudential Code included in Appendix L, Annex 2 be noted and that the following limits be approved:

	2018/19 £m	2019/20 £m	2020/21 £m	2021/22 £m
Operational boundary for external debt				
i) Borrowing	264.6	264.1	263.6	263.1
ii) Other long term liabilities	1.3	1.2	1.1	1.0
TOTAL	265.9	265.3	264.7	264.1
Authorised limit for external debt				
i) Borrowing	274.6	274.1	273.6	273.1
ii) Other long term liabilities	1.3	1.2	1.1	1.0
TOTAL	275.9	275.3	274.7	274.1

- (k) That the Director of Finance be authorised to effect movement within the authorised limit for external debt between borrowing and other long term liabilities;
- (l) That the following borrowing limits be approved for the period 2018/19 to 2021/22:
- (i) Upper limit on fixed interest exposures 100%
 - (ii) Upper limit on variable rate exposures 50%
 - (iii) Maturity of borrowing:-

	<u>Upper Limit</u>	<u>Lower Limit</u>
	<u>%</u>	<u>%</u>
Under 12 months	30	0
12 months and within 24 months	30	0
24 months and within 5 years	50	0
5 years and within 10 years	70	0
10 years and above	100	25

- (m) That the Director of Finance be authorised to enter into such loans or undertake such arrangements as necessary to finance capital payments in 2018/19, subject to the prudential limits in Appendix L;
- (n) That the Treasury Management Strategy Statement and the Annual Investment Strategy for 2018/19, as set out in Appendix L, be approved including:
- (i) The Treasury Management Policy Statement, Appendix L; Annex 4
 - (ii) The Annual Statement of the Annual Minimum Revenue Provision as set out in Appendix L, Annex 1;
- (o) That approval is given to the Risk Management Policy and Strategy (Appendix H);
- (p) That the Capital Strategy (Appendix G) and Earmarked Funds Policy (Appendix I) to this report be approved;
- (q) That it be noted that the partners of the Leicester and Leicestershire Business Rate Pool have agreed to continue with the arrangements for 2018/19.”

An amendment will be moved by MR MULLANEY and seconded by MR WELSH:-

(i) That paragraph (a) of the motion be amended to read as follows:-

“(a) that subject to the items below, approval be given to the MTFS which incorporates the recommended revenue budget for 2018/19 totalling £361million as set out in Appendices A, B, E of the report and includes growth and savings for that year as set out in Appendix C thereto, as amended by paragraph (a) (i) and (ii) below;”

(ii) That the following be added after paragraph (a) of the motion:-

“(a) (i) that the list of growth and savings proposals as set out in Appendix C of the report be amended as follows:-

	2018/19 £000s	2019/20 £000s	2020/21 £000s	2021/22 £000s
Delete the following savings items				
CF6 – Early Help Review	0	1,500	1,500	1,500
ET5 – Implement review of Social Care and SEN Transport (Phase 2)	770	1,190	1,190	1,190
Total	770	2,690	2,690	2,690

“(a) (ii) that the budget shortfall of £770,000 in 2018/19 rising to £2,690,000 for 2019/20 to be met from the funding set aside for future developments (paragraph 7 of the Cabinet report refers) resulting in increased shortfalls for 2020/21 and 2021/22 as follows:-

	2018/19 £000s	2019/20 £000s	2020/21 £000s	2021/22 £000s
Revised Shortfall	0	0	7,155	15,894

An amendment will be moved by MR BOULTER will move and seconded by MR BRAY:-

i) That paragraph (a) of the motion be amended to read as follows:-

“(a) that subject to the items below, approval be given to the MTFs which incorporates the recommended revenue budget for 2018/19 totalling £361million as set out in Appendices A, B, E of the report and includes growth and savings for that year as set out in Appendix C thereto, as amended by paragraph (a) (i) below;”

ii) That the following be added after paragraph (a) of the motion:-

“(a) (i) that the list of growth and savings proposals as set out in Appendix C of the report be amended as follows:-

	2018/19 £000s	2019/20 £000s	2020/21 £000s	2021/22 £000s
Delete the following savings items				
ET4 – Revise Passenger Transport Policy	0	400	400	400
ET10 – Review of Parking Restrictions in town centres	0	600	600	600
Total	0	1,000	1,000	1,000

“(a) (ii) that the budget shortfall of £1million in 2019/20 to 2021/22 be met from the funding set aside for future developments (paragraph 7 of the Cabinet report refers) resulting in increased shortfalls for 2020/21 and 2021/22 as follows:-

	2018/19 £000s	2019/20 £000s	2020/21 £000s	2021/22 £000s
Revised Shortfall	0	0	5,465	14,204

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