

MEETING OF THE LEICESTERSHIRE COUNTY COUNCIL

WEDNESDAY, 17 FEBRUARY 2021 AT 2.00 PM

ORDER PAPER

MEETING PROTOCOL

Before we begin could I remind members of the rules for this on-line meeting. These are set out on the Order Paper.

- Switch off or keep your mobiles on silent.
- During the meeting keep your microphone muted until called to speak. If your microphone is left on please note that an officer will mute it remotely.
- I have a list of members who wish to speak on each item. I will read these out after the motion has been moved and seconded. If any member not on the list wishes to speak please use the raise hand function. Before finishing each item, I will check that all members who wish to speak have been able to do so.
- When called to speak unmute your microphone and please mute again when you finished speaking.
- If at any point the webcast fails we will have a short adjournment, please stay on line while the problem is resolved.
- In accordance with Standing Orders we will need a recorded vote on the MTFS. You will be asked to indicate if you are FOR or AGAINST – Keep your microphone muted until your name is called. Please speak clearly when asked.

AGENDA ITEM NO. 1 – CHAIRMAN'S ANNOUNCEMENTS

The Chairman will make her announcements.

AGENDA ITEM NO. 2 – MINUTES
(Pages 3 to 22)

MRS POSNETT will move and MR KAUFMAN will second:

“That the minutes of the meeting of the Council held on 2 December 2020, 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.

It will be assumed that all members who are members of District Councils will wish to declare a personal interest in relation to the Medium Term Financial Strategy 2021/22 to 2024/25.

The Chairman has been advised that the following members wish to declare a personal interest in the MTFs:-

- Mr Pain CC in relation to passenger transport issues as his family operate a taxi business.
- Mr Phillimore CC in relation to Special Educational Needs and Disabilities (SEND) issues due to his wife's employment.

AGENDA ITEM NO. 4
QUESTIONS ASKED UNDER STANDING ORDER 7(1) (2) & (5)

(A) Question by MR BRAY

“Could the Leader update me on progress regarding a school crossing patrol for St Peter’s School, Hinckley?”

Reply by MR PENDLETON

“The school crossing patrol (SCP) for St Peter’s School in Hinckley has been vacant since 14th July 2017. We have ever since sought to recruit a patrol to this site on London Road and have done our best to attract candidates. Because of the relatively short times of operation (45 minutes in the morning and 35 minutes in the afternoon) it is likely to appeal to someone with connections to the school and/or living in close proximity to the school.

Our service is reliant on members of the community coming forward to fill these paid school crossing patrol roles. Unfortunately, to date no applications for this location have been received.

As with all our vacant SCP sites we will be reviewing this location once children return following the latest lockdown. This will be to check the volume of traffic and number of pedestrians crossing – known as a PV² assessment. We will then revisit our recruitment programme dependent on the outcome of this review.”

(B) Question by MR BRAY

“Could the Leader update me on the highspeed broadband rollout in parts of Burbage which currently have poor speeds/coverage?”

Reply by MR PAIN

Superfast Leicestershire is a £33.5m partnership led by the County Council, together with Openreach, LLEP, Government and district councils. Since 2014, Leicestershire County Council has invested more than £20m to improve digital infrastructure through the Superfast Leicestershire Programme, resulting in more than 75,000 residential and business premises having gained access to superfast broadband across Phase 1 & 2 of the Programme, taking the broadband coverage across Leicester to 97%.

The Superfast Leicestershire Programme is committed to delivering further phases of high-speed broadband rollout, and the launch of Phase 3 of the Programme in August 2019 will see a further 2500 premises benefit from future proofed Gigabit capable full fibre connections across west Leicestershire, working with our delivery partner Openreach.

Specifically, as a result of the Programme's intervention to date, superfast broadband coverage within Burbage, and across the Hinckley & Bosworth district as a whole has reached 95%.

We do not want to see any area left behind and are committed to working towards 100% superfast coverage across Leicestershire, and to seek all possible solutions to support the residents of Burbage and across the Hinckley & Bosworth area.

The remaining premises in Burbage which have poor broadband speeds are currently in the delivery plan within the Phase 3 Contract, of which the Superfast Leicestershire Team are focussing their efforts on ensuring all the unserved premises are planned-in to receive full-fibre broadband infrastructure.

The good news is, so far 20 premises within the Burbage area have recently been upgraded to full-fibre, and can now order gigabit capable broadband services, via their internet service provider.

We are prioritising and focussing our efforts on finding solutions for all unserved properties, and I have asked officers to work closely with BDUK and Outside-in Programme to ensure Leicestershire is at the front of the queue to be considered for BDUK funding to rollout full-fibre broadband to the remaining unserved areas and premises across Leicestershire.

For information, **Appendix A** provides the current status of premises by post-code in the Burbage area planned in the Phase 3 delivery, including those that have recently been upgraded.

Appendix A

No. of Premises	Post-Codes	Outcome
20	LE10 3EN LE10 3ES LE10 3ER LE10 3DP	Fibre-to-the-Premises infrastructure built and gone LIVE as part of Contract 3 delivery - Dec 2020. These 20 premises can now order FTTP services.
275	LE10 2LG LE10 2LL LE10 2LN LE10 2NS LE10 2NW LE10 2NZ LE10 2PE LE10 2PF LE10 2PG	Originally modelled as FTTC as part of the original Contract. Once planning had mobilised, Openreach advised that FTTP would be a better solution with better speeds, and to flip the technology. These premises have now been submitted as part of a change request to Openreach to re-mode and cost, based on FTTP.

	LE10 2QJ LE10 2QP LE10 2RR	LCC awaiting the Impact assessments and costs, with firm intentions to sign-off subject to BDUK Assurance.
6	LE10 2LN LE10 3BQ	Business Premises to be descoped as they all have leased lines / Ethernet lines drawing speeds of over 100Mb.
13	LE10 3JA LE10 3AH LE10 2QP LE10 3BA LE10 2LL LE10 3AJ	Openreach have not modelled these in original contract, potential to review these once the feedback from the Change Request has been received, however no guarantees can be offered.

(C) Question by DR EYNON

“The Century Theatre has, thanks to the diligent work of artistic director Sam Girdham, a £250,000 award from the Arts Council’s Cultural Recovery Fund (CRF). The fund is to assist this Council’s refurbished heritage and new studio theatres, situated in Snibston Colliery Park, to re-open after the pandemic. The deadline for making claims against the grant is March 31st. This funding lifeline has the potential to reinvigorate the cultural offer in North West Leicestershire and it would be a pity to lose this opportunity.

What urgent steps are being taken to:

- ensure the timely allocation of spend,
- make a full claim against the grant and
- promote the wider benefits that this opportunity provides?”

Reply by MR RHODES

“I join Dr Eynon in welcoming the £250,000 award from the Arts Council’s Cultural Recovery Fund for the Century Theatre and the opportunities it provides to expand the cultural offer in Coalville.

Since the grant award, officers from across the County Council have been working together to develop specifications, plan the required works and develop a comprehensive programme of events. Some artists have been commissioned and the tenders are being issued for the electrical equipment and works.

The budget for the grant award has been agreed and funds allocated accordingly, part of the grant award is to support the theatre with its costs through the loss of income due to Covid 19. The tenders are being issued for the equipment and works and the funds will be committed by the deadline of 31st March 2021.

The Arts Council are allowing some carry forward of the grant due to the ongoing Covid-related restrictions and officers are working closely with them to ensure the grant is secure.

We are already promoting the wider benefits of the grant. Thanks to the Culture Recovery Fund grant, the Century Theatre is proud to have established a new

programme of creative classes for young people and the community. In partnership with the Arts Mark initiative and Trinity College, local schools and community groups can learn, explore and perform in the Century Theatre's main auditorium and studio space. The Academy brings in high quality professional artists to teach and nurture creativity for everyone. The new Facebook and Instagram pages will be a source of information not only about what we have to offer but also serve as a repository for the extensive material that will be created on site and from people's homes.

In the spring, the Century Theatre will be hosting a National Forest initiative, led by a local theatre company, to promote creativity in outdoor spaces and will take place at Snibston Country Park".

Supplementary Question by Dr Eynon:

"I thank the Lead Member for his response. Whilst I am pleased to see that we are making use of the wider benefits of the grant by establishing new programmes and partnerships, bringing in professional artists and using Facebook and Instagram as a repository for materials, I am concerned that none of these necessarily constitute public 'promotion' of these opportunities.

I would be grateful if the Lead Member could clarify:

- Is there a Marketing Plan and, if so, how will it be funded and delivered?
- Will the responsibility for the creation, responsiveness, reach and engagement of social media posts lie with the Comms Team or with Century Theatre staff?"

Reply by Mr Rhodes:

"We are currently updating the marketing plan to ensure that it fits within the whole plan for Snibston Colliery Park and is flexible enough to ensure that it can accommodate on line and face to face activity as lockdown restrictions ease over time.

It will be funded as part of the overall Leicestershire Traded Services (LTS) Marketing Budget and delivered jointly by appropriate officers from Comms and LTS, including the Century Theatre staff, working together.

Therefore, the responsibility will lie jointly across the whole LTS and Comms team, drawing together expertise, innovation and creativity from many individuals."

(D) Question by MR HUNT

1. Last year the authority compensated bus companies in full to the value of £5million for loss of concessionary fares. Will the same compensation apply in the budget 2021/2 and for how long will it apply?
2. Has the authority considered reducing this, possibly in consultation with the bus companies for reduced services during the pandemic?

3. What contributions to concessionary fares have been received by the County Council this year and previously, and under what form of allocation?
4. Does the authority believe we have been allocated fair compensation in the past?"

Reply by MR PENDLETON

- "1. Payment is made by the local authorities to operators to reimburse them where they have been carrying eligible concessionary travel pass holders for free.

The County Council was urged by the Department for Transport (DfT) to reimburse bus operators at pre-Covid levels (2019/20) during the pandemic despite significantly lower concession passengers. The County Council initially wrote to operators in March 2020 stating that they would maintain full payment until the end of June 2020. This was further extended until November.

An independent review of concessionary travel reimbursement and bus subsidy in the wake of the Covid-19 pandemic was commissioned by the County Council in November 2020. The review recommended that in consideration of the local bus market, concessionary reimbursement should continue at 100% of pre-Covid levels, in order to protect the local bus network. It was intended that the arrangement would remain in place until the DfT advised otherwise, with a further review taking place in May 2021 if the situation remained the same.

2. On 13th January 2021 the DfT wrote to Local Transport Authorities (LTAs) asking them to continue making concessionary reimbursement payments. However, they advised that LTAs could consider reducing concessionary fare reimbursement funding to the level of service that operators are providing.

Given this recent guidance by the DfT, the County Council is currently considering its position on this matter taking into account current service levels as well as the findings of the independent review referred to in Question 1.

3. There is no separate Government allocation for concessionary travel. The DfT specific grant for concessionary travel ceased in 2011/12 and transferred into Revenue Support Grant (RSG). Concessionary travel is now funded solely from the settlement (combination of council tax and business rates) and therefore not separately identifiable.
4. Given the funding arrangement (Question 3 above), there is no transparency in the funding allocation specifically for concessionary travel. Increased cost pressures from concessionary travel reimbursement compound already competing demands for finite funding and place further strain on County Council services.

It is well documented that the County Council does not believe Leicestershire is fairly funded under the current financial settlement arrangements.”

(E) Question by MRS HACK

“It is recognised that the progression of the 5G network is of critical importance to the ongoing progress to mobile connectivity, but there are increasing concerns being raised by local people about masts appearing without any consultation or prior knowledge. In addition, as many of these masts appear on public land, the lack of consultation for these infrastructure projects is what creates the most frustration. The mast that has appeared in my division has been placed on County Council Highways land, yet I have been informed by Highways colleagues that there was no formal notice raised with the County Council as the owner of the land. As there was no notice to County, there was obviously no consultation with me as the local member either.

Could the Leader please advise me:

1. What is the local agreement, if any, for the District Councils to notify Leicestershire County Council of planning permission requests around 5G masts?
2. What is the local agreement, if any, for the District Councils/or the applicant to notify Leicestershire County Council of planning permission for 5G masts that are going to be placed on land owned by the County given that many masts are appearing on land owned by Leicestershire Highways?
3. Apart from the planning process, what other constraints apply to the positioning of 5G and similar masts?
4. What sanctions are available where procedure, including consultation, is overlooked by the applicant?”

Reply by MR PENDLETON

- “1. There are no local agreements. National legislation is in place and followed as detailed. Most masts (and antennae) can be erected under ‘permitted development’ rules, which means that full planning permission is normally not required. Where they do need permission (typically because of the mast’s height), the County Council as highway authority will only be consulted by the district council as local planning authority if they consider there may be a potential highway safety issue (such as affecting a visibility splay or if sited on a narrow footpath). In most cases, equipment will not have any impact on highway safety, so the highway authority will not be consulted. Our understanding is that, under Government licencing rules, telecommunications operators have to inform the highway authority about telecoms installations in the highway as a statutory undertaker (notification, not consultation). This is the same as where other utility providers install equipment in the highway. More detail on specific cases may be available from local planning authorities.

2. Following on from the above, there are no specific agreements for land designated as public highway (which may not necessarily be owned by the County Council) as the telecom operator is usually required to follow a simple notification process. However, with respect to other County Council land, on 11th July 2000 the Cabinet considered a joint report from the Director of Property and Director of Education regarding the perceived health impact of cellular telephones. Cabinet agreed that the County Council should adopt a precautionary approach, as follows:
- (a) (i) that leases of telecommunications aerials and equipment on occupied buildings should be terminated wherever possible, where no penalties are likely to be incurred;
 - (ii) that no new installations be permitted on occupied buildings other than those alterations and additions allowed under the individual lease terms; and
 - (iii) that no new base installations be erected on sites remote from occupied buildings until advice has been received from the Government on appropriate safeguards.
 - (b) that Governing Bodies are advised of Council policy and are strongly advised to follow that policy; and
 - (c) that a Health & Safety circular is prepared for Governing Bodies and Headteachers containing the latest Government advice in relation to the use of mobile phones by children.
3. There is a code of practice relating to this in regard to highway installations – Code of Practice relating to Electronic Communications Code and the Electronic Communications Code (Conditions and Restrictions) Regulations 2003 and the Town and Country Planning (General Permitted Development) Order, Part 24 of Schedule 2 to the Town and Country (General Permitted Development) Order 1995 (GPDO).
4. The procedures that should be followed will vary depending on issues such as the siting of the equipment or the height of the mast. Therefore, the local planning authority will be best placed to advise on any relevant sanctions.

In some cases, it may be appropriate to use the complaints procedure of the company responsible for the installation.”

Supplementary question from Mrs Hack:

“The response indicates:

- a) that the District Council will consult County ‘if they consider there may be a potential highway safety issue’. Considering County deals with 7 District/Borough Authorities, is there an agreed threshold for a potential highways safety issue and is this consistent across Leicestershire?

- b) the telecoms provider is required to notify the highway authority. In the case referred to in my question it did not. The answer to question 4 states that sanctions are the responsibility of the planning authority, but if it's the duty of the communications provider to inform County, what is the process County follow where this does not happen?"

Reply by Mr Pendleton:

- "a) No, it will be a matter for each LPA to determine any need for consultation and consult relevant authorities based on their assessment
- b) Once the planning process is complete the telecom provider will need to apply for a permit to work in the highway. If excavation and works take place on the highway without a permit, the maximum fee we can charge them is £500, (reducing to £300 if paid within 29 days)."

Further supplementary question from Mrs Hack:

The last time this issue was reported to Cabinet was 11th July 2000. Does the Lead Member consider whether there need to be a review in light of more recent legislation on this issue?

Reply by Mr Pendleton:

"Given the issues raised through these questions both locally and more generally, I have asked officers to review the processes relating to telecommunications equipment and infrastructure in relation to highways. This will be reported to me so I can consider my position on this point."

**AGENDA ITEM NO. 5 – TO RECEIVE POSITION STATEMENTS
FROM MEMBERS OF THE CABINET**

(Note: Standing Order 8 provides as follows:-

- (a) A position statement may give rise to an informal discussion by the Council.
- (b) At the conclusion of the discussion a formal motion may be moved to the effect that a particular issue relevant to the statement be referred to the Cabinet, the Commission, a Board or a Committee for consideration. This shall be moved and seconded formally and put without discussion. No other motion or amendment may be moved.
- (c) The discussion of any position statement shall not exceed 20 minutes but the Chairman may permit an extension to this period.)

LEADER

The Leader will make his statement.

LEAD MEMBER FOR HEALTH

The Lead Member will make his statement.

CHAIRMAN OF THE SCRUTINY COMMISSION

The Chairman of the Scrutiny Commission will make his statement.

AGENDA ITEM NO. 6
REPORT OF THE CABINET

Principal Speakers:-
 Mover of motion (as appropriate)
 Leader of the Opposition (Mr S J Galton)

- (A) Medium Term Financial Strategy 2021/22 to 2024/25
 (Pages 23 to 286)

MR RHODES will move and MR SHEPHERD will second:

- (a) That subject to the items below, approval be given to the Medium Term Financial Strategy (MTFS) which incorporates the recommended revenue budget for 2021/22 totalling £399m 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 2022/23, 2023/24 and 2024/25, 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 and human rights 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 MTFS, as may be necessary, along with associated investment costs, subject to the Director of Corporate Resources agreeing to funding being available;
- (d) That the level of the general fund and earmarked funds as set out in Appendix K be noted and the use of those earmarked funds as indicated in that appendix 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 2021/22 be as set out in Appendix M (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 2021/22 to 2024/25 capital programme as set out in Appendix F;
- (h) That the Director of Corporate Resources following consultation with the Lead Member for Resources be authorised to approve new capital schemes, including revenue costs associated with their delivery, shown as future developments in the capital programme, to be funded from funding available;
- (i) That the financial indicators required under the Prudential Code included in Appendix N, Annex 2 be noted and that the following limits be approved:

	2021/22 £m	2022/23 £m	2023/24 £m	2024/25 £m
Operational boundary for external debt				
i) Borrowing	263	263	262	262
ii) Other long term liabilities	1	1	1	1
TOTAL	264	264	263	263
Authorised limit for external debt				
i) Borrowing	273	273	272	272
ii) Other long term liabilities	1	1	1	1
TOTAL	274	274	273	273

- (j) That the Director of Corporate Resources be authorised to effect movement within the authorised limit for external debt between borrowing and other long-term liabilities;
- (k) That the following borrowing limits be approved for the period 2021/22 to 2024/25:
- (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>
	%	%
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

- (iv) An upper limit for principal sums invested for periods longer than 364 days is 10% of the portfolio.
- (l) That the Director of Corporate Resources be authorised to enter into such loans or undertake such arrangements as necessary to finance capital payments in 2021/22, subject to the prudential limits in Appendix N;
- (m) That the Treasury Management Strategy Statement and the Annual Investment Strategy for 2021/22, as set out in Appendix N, be approved including:
 - (i) The Treasury Management Policy Statement, Appendix N; Annex 4;
 - (ii) The Annual Statement of the Annual Minimum Revenue Provision as set out in Appendix N, Annex 1;
- (n) That the Capital Strategy (Appendix G), Corporate Asset Investment Fund Strategy (Appendix H), Risk Management Policy and Strategy (Appendix I), Earmarked Funds Policy (Appendix J) and Insurance Policy (Appendix L) be approved;
- (o) That it be noted that the Leicester and Leicestershire Business Rate Pool will continue for 2021/22;
- (p) That the Director of Corporate Resources following consultation with the Lead Member for Resources be authorised to make any changes to the provisional MTFS which may be required as a result of changes arising between the Cabinet and County Council meetings, noting that any changes will be reported to the County Council on 17th February 2021;
- (q) That it be noted that following the enactment of the relevant legislation a report will be presented to the Council's Constitution Committee and thereafter to the County Council regarding the proposed addition to the County Council's Constitution (Part 2, Article 12.04) to confirm that the Director of Corporate Resources, as the Chief Financial Officer, is the Responsible Officer for the Leicestershire County Council Local Government Pension Scheme (LGPS);
- (r) That the Leicestershire School Funding Formula is unchanged and continues to reflect the National Funding Formula for 2021/22."