

Minutes of a meeting of the Cabinet held at County Hall, Glenfield on Tuesday, 1 April 2014.

PRESENT

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

Mr. R. Blunt CC	Mr. B. L. Pain CC
Mr. Dave Houseman MBE, CC	Mrs. P. Posnett CC
Mr. J. T. Orson JP CC	Mr. J. B. Rhodes CC
Mr. P. C. Osborne CC	Mr. E. F. White CC
Mr. I. D. Ould CC	

In attendance

Mrs. J. A. Dickinson CC, Dr. R. K. A. Feltham CC, Mr. G. A. Hart CC, Dr. S. Hill CC, Mr. Max Hunt CC, Mr. A. M. Kershaw CC, Mr. P. G. Lewis CC and Cllr. D. Slater

118. Minutes.

The minutes of the meeting held on 5 March 2014 were taken as read, confirmed and signed.

119. Urgent Items.

The Chairman announced that he would allow the Cabinet to consider one urgent item, a report of the Director of Environment and Transport concerning a request to undertake a further round of consultation on the Mainstream Home to School Transport Policy following a statement made by the Cabinet Lead Member for Highways and Transportation at the Scrutiny Commission meeting on 26th March 2014.

The matter was considered urgent in the light of the considerable public interest in this issue and the need for further consultation before a decision could be taken.

120. 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.

No declarations were made.

121. Change to the Order of Business.

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

122. Urgent Item - Approval for further Consultation on Mainstream Home to School Transport Policy.

The Cabinet considered an urgent report of the Director of Environment and Transport concerning revised proposals to undertake a further round of consultation on the mainstream Home to School Transport Policy. A copy of the urgent report, marked '2', is filed with these minutes.

The Cabinet noted comments which had been received from Mr. S. J. Galton CC and Dr. S. Hill CC, a copy of which, marked '2A', is filed with these minutes.

Mr. Osborne then made a statement to the Cabinet, a copy of which is filed with these minutes. He recognised, in light of concerns raised during consultation and prior to the Scrutiny Commission meeting of 26 March 2014, why he had been asked to consider the policy moving to nearest 'Leicestershire catchment school' rather than nearest Leicestershire school'. However he believed there were a number of implications as to why it would not be appropriate for the Cabinet to consult on such a proposal, including greater risk of challenge from parents and schools and that the admission catchment areas of academies was something the Council had no control over. A policy based on this would therefore not be 'future proofed.'

He therefore proposed that the Cabinet should consult on a policy which provided as follows:

- Transport to the nearest qualifying school with places available providing education appropriate to the age ability and aptitude of the child. For these purposes a school would not be deemed to be appropriate if it did not offer a transfer entry point that was compatible with the current school attended by the pupil; and/or
- Transport to the nearest qualifying Leicestershire school with available places;

but that for schools where there had been no change in the catchment area or age range that transport would continue to be provided to the nearest available catchment school in line with the policy adopted by the County Council in September 2012 i.e. using the frozen catchment areas as at 31st May 2012.

The Chairman thanked Mr. Osborne for the work he had undertaken in bringing this urgent matter to the Cabinet.

RESOLVED:

- a) That approval be given to a further round of consultation on a revised home to school transport proposal as follows:
- Transport to the nearest qualifying school with places available providing education appropriate to the age ability and aptitude of the child. For these purposes a school will not be deemed to be appropriate if it does not offer a transfer entry point that is compatible with the current school attended by the pupil; and/or
  - Transport to the nearest qualifying Leicestershire school with available places;

but that for schools where there has been no change in the catchment area or age range that transport continue to be provided to the nearest available catchment school in line with the policy adopted by the County Council in September 2012 i.e. using the frozen catchment areas as at 31<sup>st</sup> May 2012;

- b) That it be noted that consultation is likely to commence on this and complementary post-16 transport arrangements immediately after the Easter school break on Monday 28<sup>th</sup> April and run through to Sunday 15<sup>th</sup> June 2014, and that the results of this consultation and a revised Mainstream Home to School Transport Policy will be reported to the Cabinet meeting on Tuesday 15<sup>th</sup> July 2014.

(KEY DECISION)

REASONS FOR DECISION:

1. A consultation exercise on the earlier policy proposals closed on 12<sup>th</sup> March 2014. Just over 2,000 responses to the consultation were received along with a number of alternative policy suggestions;
2. It was clear from the consultation responses that there were concerns about appropriate transport being provided at age range transfers and that Leicestershire residents wanted the ability to express a preference for their traditional catchment school instead of the nearest school which could be in a neighbouring local authority.

123. Leicester and Leicestershire City Deal.

The Cabinet considered a report of the Chief Executive which provided an update on the signing of the Leicester and Leicestershire City Deal on 24 March 2014 and which sought approval for a contribution of £450,000 towards a package of funding of £7.4m to secure the development of an Advanced Innovation Technology Centre (ATIC) and associated infrastructure at Loughborough University Science and Enterprise Parks (LUSEP).

Reporting on this issue through a supplementary report, to that of the substantive item 4 on the agenda, had been necessary as the final contents of the City Deal were embargoed until 24 March after the publication of the papers for this meeting. A copy of the report and supplementary report, marked '4' are filed with these minutes.

The Cabinet noted comments which had been received from Dr. S. Hill CC, a copy of which is filed with these minutes.

The Leader commented that this was a good example of partnership working undertaken with Leicester City Council.

RESOLVED:

- a) That the signing of the City Deal, and its final contents, be noted.
- b) That £450,000 be provided from the County Council's Capital Programme as the Council's financial contribution towards a package that includes the provision of an Advanced Technology Innovation Centre and associated infrastructure at Loughborough University Science and Enterprise Parks; and

- c) That the Chief Executive, following consultation with the Leader of the County Council, be authorised to agree the terms under which the funding referred to in (b) above is to be provided.

REASONS FOR DECISION:

1. To ensure the Cabinet is aware of the latest position regarding the signing of the City Deal;
2. To enable the financing of the development of an ATIC and associated infrastructure at LUSEP; and
3. To ensure that the Council receives appropriate outcomes in return for its financial contribution.

124. Implications of the 2014 Budget on the Medium Term Financial Strategy.

The Cabinet considered a report of the Director of Corporate Resources which presented the potential implications of the Chancellor of the Exchequer's Budget and continuing austerity on the County Council's Medium Term Financial Strategy (MTFS) 2014/15 – 2017/18. A copy of the report, marked '5', is filed with these minutes.

RESOLVED:

- a) That the potential implications of the Chancellor's Budget statement for the County Council's Medium Term Financial Strategy and risks arising be noted;
- b) That it be noted with concern that projected austerity beyond 2017-18 requires the County Council to find an additional estimated £40m savings than those identified in the approved MTFS for 2014/15 – 2017/18;
- c) That it is regrettable that the Chancellor's Budget Statement did not contain any reference to the costs of the Care Bill and the Dilnot reforms to the Adult Social Care and that, if those costs are not fully funded by the Government, the £40m savings 'gap' will widen substantially;
- d) That these potentially serious consequences of the Chancellor's Budget Statement for the finances of the County Council and its services to the people of Leicestershire be drawn to the attention of Leicestershire MPs.

REASON FOR DECISION:

To enable the County Council to understand the implications of the wider financial position and some of the key risks ahead.

125. Better Care Fund Update.

The Cabinet considered a report of the Chief Executive which provided an update on the work in progress by the County Council, the two Clinical Commissioning Groups (CCGs) and the Health and Wellbeing Board to finalise the Better Care Fund Plan for

Leicestershire, for submission to the Department for Health by 4th April 2014. A copy of the report, marked '6', together a supplementary report which presented the final draft of the Better Care Fund Plan for Leicestershire and supporting papers, as outlined in paragraph 5 of the main report to Cabinet, is filed with these minutes.

The Cabinet noted comments received from Dr. T. Eynon CC, marked '6A', a copy of which is filed with these minutes.

Mr. White welcomed the continued work on integration between health and social care functions in Leicestershire and confirmed questions raised in Dr. Eynon's submission would be responded to in writing.

RESOLVED:

That the Better Care Fund Plan now submitted be supported and that the Health and Wellbeing Board be advised accordingly.

REASON FOR DECISION:

To ensure that the Cabinet is informed of developments in respect of the revised draft Better Care Fund Plan.

126. Strategic Review of Preventive Services in Leicestershire.

The Cabinet considered a report of the Director of Adults and Communities which updated on the recent strategic review of the Adults and Communities' preventative services and which requested permission to consult on future commissioning options. A copy of the report, marked '7', is filed with these minutes.

The Director brought to the Cabinet's attention a factual inaccuracy within the report, clarifying that in Table 1 on Page 42 of the agenda pack the £35,000 allocated to Timebanking had been incorrectly placed in the column 'Related projects in the Better Care Fund' whereas it should have been within the column '~~Related projects in the Better Care Fund~~ **Proposed Reinvestment**'.

RESOLVED:

- a) That initial findings of the strategic review of the Adults and Communities' preventative services be noted;
- b) That approval be given for the Director of Adults and Communities to commence consultation on the proposed secondary prevention offer and commissioning options, as out in paragraphs 76 to 84 of the report, prior to reporting the consultation outcomes and final commissioning options to the Cabinet in autumn 2014;
- c) That the Director of Adults and Communities be authorised to extend the current contractual arrangements for older person's housing related support, contained in Appendices A, B and C to the report, to no later than 30 September 2015 in order to align services with the prevention review.

(KEY DECISION)

REASONS FOR DECISION:

1. An extension to the contracts for voluntary sector and housing related support services up to a maximum of 30 September 2015 was approved by the Cabinet in June 2013. The extension of contractual arrangements for older person's housing related support for the same period will allow sufficient time for the prevention review to take place and to ensure alignment of services to an overarching, unified prevention offer.
2. Rule 31 of the County Council's Contract Procedure Rules (Part 4G of the Constitution) requires that, where contracts were originally approved by the Executive and contract extensions of more than three months are proposed, authority to extend must be gained from the Cabinet.

127. Strategic Review of Carer Support Services in Leicestershire.

The Cabinet considered a report of the Director of Adults and Communities which sought approval to commence a three month public consultation on the proposed commissioning options for the future of carer support services. A copy of the report, marked '8', is filed with these minutes.

RESOLVED:

- a) That the outcome of the strategic review of carer support services be noted;
- b) That approval be given for the Director of Adults and Communities to commence a three month consultation as outlined in paragraphs 34-42 of the report on the proposed commissioning options for the future carer support services in Leicestershire.

(KEY DECISION)

REASONS FOR DECISION:

1. A strategic review of carer support services in Leicestershire has been undertaken by the Strategic Planning and Commissioning Team. The review forms part of the wider review of a new approach to prevention services commissioned by the Department (as detailed in a report presented to Cabinet in June 2013).
2. The review considered the following types of carer support services which are currently commissioned by the Adults and Communities Department:
  - Home Based Carer Respite services;
  - Emergency Carer Respite service;
  - Specialist Advice, Information and Support services – including carers of Adults with Learning Disabilities Support Services;
  - GP Carer Health and Wellbeing service;
  - Carers Education Training Programme;
  - Carer Support Fund (CSF).

3. As part of the strategic review and service modelling process, engagement was undertaken with carers, existing providers, customers, stakeholders and departmental commissioning staff. Findings from the review process have informed the development of the proposed commissioning options.
4. The new commissioning options, proposed for a three month public consultation, for carer support services in Leicestershire have been developed to provide services that meet demand, offer equitable access (both demographically and geographically), have a focus on positive outcomes for carers and customers, give value for money and ensure that the Department complies with the new Care Bill.

128. Cost Effective Care Policy For Adult Social Care.

The Cabinet considered a report of the Director of Adults and Communities which sought approval to consult the public and other stakeholders on a draft Cost Effective Care policy for Adult Social Care in order to make required savings in line with the Medium Term Financial Strategy (MTFS) 2014/15–2017/18. A copy of the report, marked '9', is filed with these minutes.

RESOLVED:

- a) That the draft Cost Effective Care policy proposed for use by the Adults and Communities Department to calculate amounts payable to individuals in their personal budgets be noted;
- b) That a 12 week period of public consultation be undertaken on the draft Cost Effective Care policy as outlined in the report;
- c) That a further report summarising the outcome of the consultation and the associated review of the Resource Allocation System, be presented to the Cabinet in autumn 2014.

(KEY DECISION)

REASONS FOR DECISION:

1. It is necessary to consider the implementation of the draft Cost Effective Care policy in order to contribute towards the delivery of £500k savings set out in the MTFS 2014-2018. The relevant budget line is S33: *Limiting service user choice to the most cost effective option.*
2. Adult Social Care is experiencing an increase in demand for services as a result of demographic change. Faced with this increased level of demand and budget reductions, it is necessary to consider introducing a policy that establishes a reasonable cost approach so that the needs of as many eligible service users as possible can be met within the budget available. A number of other authorities are considering a similar approach, for example Worcestershire and Nottinghamshire County Councils and Birmingham City Council.
3. It is also important to have a draft Cost Effective Care policy in place in readiness for the implementation of the Care Bill from April 2015. It will be relevant for a number of provisions included in the Bill, notably the new national eligibility criteria

and the funding reforms. The new eligibility criteria may result in more people becoming eligible. The funding reforms, due to be implemented in April 2016, include the 'cap' on lifetime care costs funded by individuals and will result in a significant increase in people requiring an assessment.

129. Snibston Proposed Future Offer.

The Cabinet considered a report of the Director of Adults and Communities which reported on the proposed future offer at Snibston based around the mining heritage and colliery assets and which sought approval to progress with the necessary consultation process with the public and stakeholders on the proposed changes. A copy of the report, marked '10', is filed with these minutes.

The Cabinet noted comments received from Dr. T. Eynon CC, marked '10A', and comments from Dr S Hill CC and Mr. M. Wyatt CC, marked '10B', copies of which are filed with these minutes.

It was noted that the proposals would mean the closure of Snibston Discovery Museum in its current form, with a refocus of reduced resources around a future core of colliery buildings, the Century Theatre, railway tracks and country park.

The Leader noted the good work undertaken by staff and volunteers and Mr. Rhodes confirmed that, whilst the current museum offering could not be sustained due to financial pressures, alternative locations to display items, such as the fashion collection, would be explored.

RESOLVED:

- a) That the findings arising from the analysis of the current and proposed future offer for Snibston be noted;
- b) That agreement be given to commence with a consultation process on the proposed future offer as set out in paragraph 39 of the report, with a view to reporting its outcome to the Cabinet on 12 September 2014.

(KEY DECISION)

REASONS FOR DECISION:

To start consultation on the proposals set out in this report that will enable the County Council to make the revenue savings as set out in the Medium Term Financial Strategy (MTFS).

130. Loughborough Town Centre - Bus Trial Consultation

The Cabinet considered a report of the Director of Environment and Transport outlining the outcome of the Loughborough town centre bus trial consultation, the options and impacts of the three options consulted on and to make recommendations based on the results of the consultation. A copy of the report, marked '10', is filed with these minutes.

The Cabinet noted the following comments received from:



- The Environment and Transport Overview and Scrutiny Committee, together with representations received at that meeting, marked '11A';
- Statements by 'Loughborough BID' and 'Love Loughborough', marked '11B'; and
- Mr. D. C. Bill CC, marked '11C'.

With the agreement of the Chairman, the following persons addressed the Cabinet:

- i) Mr. Robert Sharp CC (speaking as a local member and also on behalf of local members Mr. Max Hunt CC, Mr. J. Miah CC and Ms. Betty Newton CC);

Mr Sharp outlined his support for Option C (prohibition of buses on Market Street and Swan Street and pedestrianisation of that area between 10.00 am – 4.00 pm), stating that he felt it was the best option for regeneration and public safety. He believed that the outstanding issue was engagement by the bus companies, suggesting that a period of one month be spent between them and the County Council to discuss whether the proposed bus routes could be improved upon and potential dis-benefits mitigated against;

- ii) Mr. P. G. Lewis CC (speaking as a local member);

Mr Lewis spoke in favour of option C, noting that a majority of residents, business leaders and councillors within Loughborough had listened to the professional advice from the County Council but remained in favour of that option too. He considered, following the work undertaken to complete Loughborough's Inner Relief Road, that this option was the solution that would make the town centre prosper;

- iii) Mr. S. Hampson CC (speaking as a local member);

Speaking in favour of option C, Mr Hampson questioned whether businesses would be able to survive long term without a pedestrianized town centre and noted the passionate support of residents' groups, support from Mary Portas (who had led an independent review into the future of UK high streets) and the Loughborough Echo in favour of that option.

- iv) Mr. A. M. Kershaw (speaking as Chairman of the Environment Overview and Scrutiny Committee);

Mr Kershaw spoke in favour of option C, noting that at the meeting of the Environment and Transport Overview Scrutiny Committee held on 20 March 2014, speakers for both option A and option C had presented their cases and following a detailed debate, the Committee had voted unanimously in favour of recommending to the Cabinet that it should pursue option C.

- v) Cllr. D. Slater (speaking as Leader of Charnwood Borough Council);

Cllr. Slater expressed Charnwood Borough Council's clear support for option C and that he wished to see the County Council support the outcome of the consultation which had been in favour of that option. Noting support from all levels of locally elected representatives, including that of Nicky Morgan MP, he asked that the town be able to develop along that of the 'Portas Principles'.

Mr. Osborne thanked all stakeholders for their submissions, both written and made in person at this meeting. He noted the Director of Environment and Transport's professional and balanced opinion that option C posed a significant risk in reducing the bus network serving the town centre and disadvantaging bus users, but that there was potential additional economic benefit arising from its pedestrianisation.

In considering the views received and assessment of risk, it was clear that local stakeholders were willing to accept the higher risks of option C. Noting that the County Council did not have the resources to subsidise the bus network should the commercial operators choose to reduce their bus capacity to the town centre in future, he proposed that a trial of option C be commenced.

#### RESOLVED:

- a) That the outcome of the consultation exercise attached as Appendix A to the report be noted;
- b) That it be noted that whilst the consensus amongst local elected representatives and local businesses, but excluding bus operators, is a preference for option C, the professional officer opinion to pursue option A is balanced given the degree of risk and relative benefits set out in the report;
- c) That the Cabinet, having weighed the issues set out in (b) above, approves a trial of option C;
- d) That the Director of Environment and Transport be authorised to make and amend, as appropriate, experimental Traffic Regulation Orders (TROs) in order to give effect to a trial for a period of up to 18 months from the end of the construction period in autumn 2014;
- e) That officers be requested to report to the Cabinet, any representations received during the first 6 months of the Order's operation, in order that consideration can be given to the final form of the permanent order for bus operations through Loughborough Town Centre;
- f) That it be understood that the trial and the outcome of the trial be contained within the existing scheme budget.

#### (KEY DECISION)

#### REASONS FOR DECISION:

1. An important aspect of the recently completed Loughborough Inner Relief Road scheme has been to consider whether buses should be allowed to travel through the Market Place once the town centre improvements are completed in autumn 2014, by way of public consultation.
2. The decision to proceed to a trial on the basis of one of the three options consulted upon was required in order to enable a trial to take place for a period of up to 18 months with effect from the end of the construction period in autumn 2014.
3. In light of the results of the consultation process and the potential additional level of economic benefits arising from the implementation of option C and provision of a

traffic free public space for six hours a day, together with the willingness of stakeholders to accept the risk that the prohibition of buses on Market Street and Swan Street would potentially disadvantage bus users, lead to a reduction in bus patronage and the severance of cross town services, a trial of Option C is considered the preferred option for a period of up to 18 months.

131. Local Transport Plan 3 (LTP3): Second Implementation Plan 2014-2017.

The Cabinet considered a report of the Director of Environment and Transport which advised the Cabinet of progress with the on-going development and delivery of the Leicestershire Local Transport Plan (LTP3), including an update on the work undertaken on the development of the second LTP3 implementation plan (2014 to 2017). A copy of the report, marked '12', is filed with these minutes.

The Cabinet considered comments of the Environment and Transport Overview and Scrutiny Committee, marked '12A', a copy of which is filed with these minutes.

RESOLVED:

- a) That the work undertaken to refine the LTP3 strategy as outlined in paragraphs 17 to 43 of the report be noted;
- b) That the work on the development of the second LTP3 implementation plan as outlined in paragraphs 44 to 54 be noted;
- c) That the second LTP3 implementation plan, attached as the Appendix to the report, be approved subject to (d) below;
- d) That the Director of Environment and Transport be authorised to make such minor adjustments as he considers necessary prior to the publication of the LTP3 in early April 2014.

(KEY DECISION)

REASON FOR DECISION:

To ensure that the County Council is able to publish its second LTP3 implementation plan by early April 2014.

132. Network Management Plan 2014 - 2026.

The Cabinet considered a report of the Director of Environment and Transport seeking approval of the Network Management Plan. A copy of the report, marked '12', is filed with these minutes.

The Cabinet noted comments of the Environment and Transport Overview and Scrutiny Committee, marked '13A', a copy of which is filed with these minutes.

RESOLVED:

- a) That the second Network Management Plan, attached as the Appendix to the report, be approved, subject to (b) below;
- b) That the Director of Environment and Transport be authorised to make such minor adjustments as he considers necessary, prior to the publication of the Plan in early April 2014.

(KEY DECISION)

REASONS FOR DECISION:

To ensure that the County Council is able to publish its Network Management Plan by early April 2014.

133. Youth Justice Strategic Plan 2014 - 2015.

The Cabinet considered a report of the Director of Children and Families which presented the Youth Justice Plan 2014/15 for its consideration. A copy of the report, marked '14', is filed with these minutes.

The Cabinet noted comments received from the Scrutiny Commission, a copy of which, marked '14A', is filed with these minutes.

RESOLVED:

- a) That subject to (b) below the draft Youth Justice Strategic Plan 2014/15 as appended to this report be submitted to the County Council meeting in July 2014 for approval;
- b) That the Director of Children and Family Services following consultation with the Cabinet Lead Member, be authorised to make any amendments to the draft Strategic Plan which might arise from its final consideration by the Youth Offending Service Management Board on 30 May 2014.

(KEY DECISION)

REASONS FOR DECISION:

The County Council has a statutory duty under Section 40 of the Crime and Disorder Act 1998 to produce an annual Youth Justice Plan.

134. Exception to the Contract Procedure Rules for the Operation of Park and Ride Local Bus Service Contracts - Urgent Action by the Chief Executive.

The Cabinet considered a report of the Director of Environment and Transport advising the Cabinet of urgent action taken by the Chief Executive, following consultation with the Leader of the Council, to approve an exception to the Contract Procedure Rules to enable contracts with Roberts Coaches for the operation of Park and Ride Local Bus Services to be extended for a period of 15 months from November 2014. A copy of the report, marked '15', is filed with these minutes.

Mr. Osborne wished to place on record his thanks to the Director and his team for all the work they had done and their diligence in producing this and the other reports presented to the Cabinet at this meeting.

RESOLVED:

That the urgent action taken by the Chief Executive, following consultation with the Leader, to extend the current contracts with Roberts Coaches for the provision of Park and Ride Local Bus Services until February 2016 be noted.

REASON FOR DECISION:

The County Council's Contract Procedure Rules (Rule 5 (b) (ii)), in cases of urgency, provide for the Chief Executive, in consultation with the Leader or Deputy Leader, to direct that an exception be made subject to this being reported to the next meeting of the Cabinet.

135. Items referred from Overview and Scrutiny.

There were no items referred from Overview and Scrutiny.

2.00 - 3.51 pm  
01 April 2014

CHAIRMAN