

Minutes of a meeting of the Cabinet held at County Hall, Glenfield on Tuesday, 13 December 2016.

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

Apologies

Mr. I. D. Ould CC

In attendance

Mrs. R. Page CC, Mr. P. Lewis CC, Dr. R. K. A. Feltham CC, Mr. R. J. Shepherd CC, Mr. R. Sharp CC, Mr. S. J. Galton CC, Dr. T. Eynon CC

508. Minutes of the previous meeting.

The minutes of the meeting held on 23 November 2016 were taken as read, confirmed and signed.

509. Urgent items.

There were no urgent items for consideration.

510. 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. The following declarations were made with regard to item 10 on the agenda, 'Melton Local Plan – Pre Submission Draft Consultation Response':-

Mr. Rhodes CC - a personal interest which might lead to bias as a member and previous leader of Melton Borough Council.

Mrs. Posnett CC - a personal interest as the Leader of Melton Borough Council.

Mr. Orson CC – A disclosable pecuniary interest as a local land owner.

Mr. Rhodes CC, Mrs. Posnett CC and Mr. Orson CC each undertook to leave the meeting during consideration of this item.

511. Medium Term Financial Strategy 2017/18 - 2020/21.

The Cabinet considered a report of the Director of Corporate Resources regarding the proposed Medium Term Financial Strategy for 2017/18 to 2020/21 (MTFS). A copy of the report, marked '4', and a supplementary report which was circulated separately are filed with these minutes.

Members noted the comments received from Mr R. Sharp CC a copy of which is filed with these minutes.

The Director reported that since the supplementary report had been published the two Leicestershire Clinical Commissioning Groups had indicated that they intended to reduce their Better Care Fund contributions by £2 million. This was in addition to the £1 million funding shortfall which had already been identified.

Mr. Rhodes CC said that whilst it remained challenging for the Council to meet its overall budget requirements, the proposed Capital Programme of £172 million over the next four years was encouraging.

Mr. Houseman CC said that the Council had performed exceptionally well to be able to produce a balanced budget for 2017/18 whilst continuing to fund key services such as adult social care despite being the lowest funded county Council in the Country.

RESOLVED:

- (a) That the proposed Medium Term Financial Strategy, including the 2017/18 revenue budget and capital programme, be approved for consultation and referred for consideration to the Overview and Scrutiny Committees and the Scrutiny Commission;
- (b) That the Director of Finance, following consultation with the Cabinet Lead Member for Resources, be authorised to -
 - (i) agree a response to the draft Local Government Finance Settlement;
 - (ii) decide on the appropriate course of action for the Leicester and Leicestershire Business Rates Pool in 2017/18 subject to agreement by all member authorities;
- (c) That a further report be submitted to the Cabinet on 10 February 2017.

(KEY DECISION)

REASONS FOR DECISION:

To enable the County Council to meet its statutory requirements with respect to setting a budget and Council Tax precept for 2017/18 and to provide a basis for the planning of services over the next four years.

To ensure that the County Council's views on the Local Government Finance Settlement are made known to the Government.

Modelling of the Business Rates Pool with the Leicestershire district councils, Leicester City Council and the Leicester, Leicestershire and Rutland Combined Fire Authority is

being undertaken and a decision on whether to proceed will need to be taken 28 days after the release of the draft Local Government Finance Settlement.

512. Highway Maintenance Policy and Strategy Review.

The Cabinet considered a report of the Director of Environment and Transport which detailed the findings of a consultation exercise undertaken to support the review of the Council's Highway Maintenance Strategy and Policy and sought approval for a further consultation to help shape the future approach to highway asset management. A copy of the report, marked '5', is filed with these minutes.

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

Mr. Osborne CC thanked the Environment and Transport Overview and Scrutiny Committee for its positive comments. He added that the introduction of Highway Wardens or Lengthsmen in some parishes as part of a pilot scheme would demonstrate if a more local approach to managing low cost maintenance work, such as sign washing or cutting back vegetation, would provide a better service for communities.

RESOLVED:

- (a) That the outcome of the 'A-Roads to Zebras' consultation be noted;
- (b) That the draft Highway Asset Management Policy (Appendix A) and Highway Asset Management Strategy (Appendix B) be approved for consultation;
- (c) That a report on the outcome of the consultation exercise be submitted to the Cabinet in summer 2017;
- (d) That the Director of Environment and Transport be requested to develop a pilot scheme for a Highway Warden and/or Lengthsman arrangement as detailed in the report which is based on the assumption that future arrangements would be at least cost-neutral to the County Council.

(KEY DECISION)

REASONS FOR DECISION:

Updating the County Council's approach to managing and maintaining Leicestershire's highway assets will support the delivery of a service that is appropriate to the budget proposals set out in the 2016-2020 Medium Term Financial Strategy (MTFS).

Developing new Highway Asset Management Policy and Strategy documents will:

- ensure that the County Council's approach to highway maintenance is consistent with the current recommendations of the Highways Maintenance Efficiency Programme (HMEP) endorsed by the UK Roads Liaison Group;
- ensure consistency with the new national code of practice for highway maintenance, 'Well Managed Highways Infrastructure';
- ensure that the Council is in a better position to secure additional funds available through the Department for Transport's (DfT's) *Incentive Fund* award process, up to 2020/21;

- ensure that the County Council develops a more analytical and evidence-based approach to managing its highway assets; and
- establish the detailed direction and operational processes required to underpin delivery of the Highway Asset Management Policy and Strategy.

Developing a pilot scheme for a Highway Warden / Lengthsman scheme will allow the County Council to understand the benefits, operating costs and viability of implementing this type of arrangement and whether it could have a part in the future approach to highway maintenance in Leicestershire.

Engagement and consultation with stakeholders is an important part of the process for developing revised policies. This will also help to ensure that the Authority's Highway Asset Management Strategy and Highway Maintenance Street Lighting Policy take account of customer expectations and deliver the most appropriate service levels, consistent with the limitations of the budget and the need to build long-term resilience into the network.

513. Appraisal of Options for the Treatment / Disposal of Residual Waste Post-2020.

The Cabinet considered a report of the Director of Environment and Transport which detailed the outcome of a joint market engagement process with Leicester City Council to explore potential commissioning options for the treatment/disposal of residual waste post - 2020 and sought approval for a preferred option. A copy of the report, marked '6', is filed with these minutes.

Members noted the comments received from Mr. Max Hunt CC, a copy of which is filed with these minutes.

Mr. Pain CC said that the Council had arrived at a preferred option which would enable the authority to best utilise the available waste treatment/disposal capacity within the market place over the medium term.

RESOLVED:

- (a) That the outcome of the options appraisal for the treatment/disposal of residual waste post-2020 be noted;
- (b) That Option 3 as set out in the report be agreed, namely for the County Council to enter into medium term (up to 2028 – 2031) merchanting arrangements to utilise available waste treatment and disposal capacity within the marketplace;
- (c) That the Director of Environment and Transport be authorised to –
 - (i) Procure and/or modify existing arrangements as appropriate to secure capacity for residual waste treatment/disposal from 1 April 2020;
 - (ii) Engage with colleagues from the City Council to investigate the potential for joint commissioning arrangements following the expiry of Leicester City Council's waste Private Finance Initiative (PFI) contract in May 2028, including agreeing a Memorandum of Understanding with Leicester City Council if appropriate.

(KEY DECISION)

REASONS FOR DECISION:

Option 3 (medium term merchanting arrangements up to 2028 – 2031) offers the greatest flexibility for the County Council and may provide opportunities to secure financial savings and for a collaborative commissioning approach to be considered with Leicester City Council for joint waste treatment and disposal arrangements following the expiry of the City Council's PFI contract in 2028.

OTHER OPTIONS CONSIDERED:

Option 1: Build a new Energy from Waste (EfW) facility on a council owned site.

An EfW facility on a council owned site with capacity to accept all of the residual waste from both the County and the City Councils with surplus capacity potentially available for third party waste and/or partnerships with other authorities.

Option 2: Utilise a new build Energy from Waste facility at a third party site within the County

Sending all of the County and City Councils residual waste to a third party EfW facility. Planning permission had been secured for a 350,000 tpa EfW facility in Leicestershire.

Option 4: Build a new 'alternative treatment' facility on a council owned site

Using a council owned site to allow the County and City Councils to utilise emerging waste treatment technologies offering an alternative to traditional EfW solutions.

Option 5: Long - term merchanting arrangements (up to 2035+)

The County and City Councils would enter into long-term contractual arrangements to utilise spare capacity at existing facilities.

Option 6: Construct a 'boutique' facility

To construct a smaller scale waste facility sized to treat up to the available City Council and County Council residual waste only.

514. Snibston Site and Country Park.

The Cabinet considered a report of the Director of Corporate Resources concerning the proposed redevelopment of the Snibston Site and adjoining County Park in Coalville. A copy of the report, marked '7', is filed with these minutes.

Members noted the comments received from the local member Dr. T. Eynon CC, a copy of which is filed with these minutes.

Mr. Pain CC said that the proposed development of the Snibston Site and Country Park represented an exciting opportunity to evolve and regenerate the area for the benefit of the town.

Mr. Blunt CC welcomed the plans which included an improved public space near the Scheduled Ancient Monument and also the intention to reopen the original gates on Ashby Road and the footpath connection to the town centre along the disused railway line to Oliver's crossing. He said that both proposals would provide improved access to the site and better links to the town centre.

Mr. Rushton CC added that the Council would consult with local residents regarding the removal of the chicanes along Ashby Road, Coalville, which would also improve access to the site and the town centre.

RESOLVED:

- (a) That the proposals for the future use and development of the Snibston site as outlined in the report and appended masterplan be approved;
- (b) That the Director of Corporate Resources be authorised to dispose of that part of the land identified as Zone 3 on Appendix B, for residential development.

REASONS FOR DECISION:

To enable the proposals to be progressed.

515. Healthwatch Leicestershire Review and Recommissioning.

The Cabinet considered a report of the Chief Executive which detailed the recommendations of a recent review concerning the recommissioning of a Healthwatch service for Leicestershire. A copy of the report, marked '8', is filed with these minutes.

Members noted that comments had been received from the Chairman and Board members of Healthwatch Leicestershire and also Kevan Liles, Chief Executive of Voluntary Action Leicestershire (VAL), copies of which are filed with these minutes.

Mr. White CC said that whilst the current Healthwatch service hosted by VAL had performed well, a service which covered Leicester, Leicestershire and Rutland (LLR) would provide a more collaborative approach which would help avoid unnecessary duplication. The extension of the current contract would allow officers the opportunity to establish whether an LLR combined approach was feasible.

RESOLVED:

- (a) That the outcome of the review to support the recommissioning of a Healthwatch service for Leicestershire be noted;
- (b) That it be noted that the recommendations of the review report will be considered by Leicester and Rutland Healthwatch commissioners to explore opportunities for increased collaboration and joint working;
- (c) That the Chief Executive be authorised to -
 - (i) Procure a new provider of the Healthwatch Leicestershire service which will be a freestanding social enterprise;

- (ii) Extend the current contract with Voluntary Action Leicestershire as necessary, potentially up until 31 March 2018, if this is required for market development and/or in order to align procurement timescales with other local Healthwatch services.

REASONS FOR DECISION:

To support the continuing effective provision of a Healthwatch service for Leicestershire and develop improved partnership working with other local Healthwatch organisations so as to enhance the reach and impact of the service for the whole County.

516. NHS Sustainability and Transformation Plan.

The Cabinet considered a report of the Chief Executive which provided an update on the draft NHS Sustainability and Transformation Plan (STP) for Leicester, Leicestershire and Rutland which had been published for stakeholder engagement. The report also sought the Cabinet's approval of governance arrangements for its oversight and delivery. A copy of the report, marked '9', is filed with these minutes.

Mr White CC said that the report highlighted the important work of the Health and Wellbeing Board which enabled local authorities to comment on and shape the work of the NHS, and the Board would play a key role in the implementation and delivery of the STP. He added that many of the changes proposed within the draft STP were based on clinical priorities, clinical safety and clinical need and the NHS would therefore expect the Health and Wellbeing Board to take note of these issues when considering the deliverability of local services.

RESOLVED:

- (a) That the publication of the draft Leicester, Leicestershire and Rutland Sustainability and Transformation Plan be noted;
- (b) That the governance arrangements for oversight and delivery of the draft Sustainability and Transformation Plan be noted;
- (c) That the Chief Executive, following consultation with the Cabinet Lead Member for Health, be authorised to take such operational decisions as may be necessary to enable the delivery of the Sustainability and Transformation Plan.

REASONS FOR DECISION:

The STP when approved will have an impact on social care and public health services commissioned by the County Council. For this reason, the governance arrangements for oversight and delivery of the STP involve representatives of the County Council at a number of levels.

The Chief Executive will be a non-decision making member of the System Leadership Team, which will oversee all aspects of the development and delivery of the STP. In order to facilitate partnership working the Chief Executive will need to take operational decisions within the County Council to enable the STP to be delivered.

517. Melton Local Plan - Pre Submission Draft Consultation Response.

(Mr. Orson CC, Mr. Rhodes CC and Mrs Posnett CC, having each declared an interest in the matter, (minute 510 above refer), left the meeting during consideration of this item).

The Cabinet considered a report of the Chief Executive which proposed a County Council response to the consultation on the Melton Local Plan Pre Submission Draft which included policies and proposals for housing and further infrastructure in the Melton Borough for the period 2011 to 2036. A copy of the report, marked '10', is filed with these minutes.

The Chief Executive reported that following the publication of the report Melton Borough Council had provided some information about childcare provision, which would be included in a revised Pre Submission Draft and comments on this aspect would also be added to the County Council's response.

RESOLVED:

- (a) That the detailed comments on the Melton Local Plan Pre Submission Draft as set out in the Appendix to the report, be submitted to Melton Borough Council as the views of the County Council;
- (b) That the key comments set out in paragraphs 26 to 41 of the report be specifically drawn to the attention of Melton Borough Council.

REASONS FOR DECISION:

To ensure that the County Council provides appropriate input at this key stage in the Local Plan process, so that issues of importance for the County Council are clearly expressed and the Authority influences the shape and content of the Local Plan.

(Mr. Orson CC, Mr. Rhodes CC and Mrs. Posnett CC returned to the meeting).

518. Regulation of Investigatory Powers ACT 2000 (RIPA) - Revised Policy Statement.

The Cabinet considered a report of the Director of Law and Governance which detailed the Council's use of the Regulation of Investigatory Powers Act 2000 (RIPA) for the period from 1 October 2015 to 30 September 2016, and recommended the adoption of a revised Policy Statement following a recent inspection undertaken by the Office of Surveillance Commissioners. A copy of the report, marked '11', is filed with these minutes.

RESOLVED:

- (a) That the Council's use of the Regulation of Investigatory Powers Act 2000 for the period from 1 October 2015 to 30 September 2016 be noted;
- (b) That the County Council's Policy Statement on the use of RIPA powers (appended to the report) be approved;
- (c) That the Cabinet continues to receive annual reports from the Corporate Governance Committee on the use of RIPA powers and whether the Policy remains fit for purpose.

REASONS FOR DECISION:

The Policy Statement required updating to reflect current best practice and to implement the recommendations made following a recent inspection undertaken by the Office of Surveillance Commissioners.

519. Items referred from Overview and Scrutiny.

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

2.00 - 3.00 pm
13 December 2016

CHAIRMAN