



Meeting: **Cabinet**

Date/Time: **Tuesday, 13 December 2016 at 2.00 pm**

Location: **Sparkenhoe Committee Room, County Hall, Glenfield**

Contact: **Mr. M. Hand (Tel. 0116 305 6038)**

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Membership

Mr. N. J. Rushton CC (Chairman)

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

Please note: this meeting will be filmed for live or subsequent broadcast via the Council's web site at <http://www.leics.gov.uk/webcast>
– Notices will be on display at the meeting explaining the arrangements.

AGENDA

The appendices for the reports nos. 5 - 11 have been circulated separately. These can be viewed on the County Council's website, at <http://ow.ly/dkzl306K732>. Copies can be obtained by contacting the committee officer.

<u>Item</u>	<u>Report by</u>
1. Minutes of the meeting held on 23 November 2016.	(Pages 3 - 12)
2. To advise of any other items which the Chairman has decided to take as urgent elsewhere on the agenda.	
3. Declarations of interest in respect of items on the agenda.	



4.	Medium Term Financial Strategy 2017/18 - 2020/21.	Director of Corporate Resources	(Pages 13 - 14)
5.	Highway Maintenance Policy and Strategy Review.	Director of Environment and Transport	(Pages 15 - 28)
6.	Appraisal of Options for the Treatment / Disposal of Residual Waste Post-2020.	Director of Environment and Transport	(Pages 29 - 36)
7.	Snibston Site and Country Park.	Director of Corporate Resources	(Pages 37 - 42)
8.	Healthwatch Leicestershire Review and Recommissioning.	Chief Executive	(Pages 43 - 48)
9.	NHS Sustainability and Transformation Plan.	Chief Executive	(Pages 49 - 56)
10.	Melton Local Plan - Pre Submission Draft Consultation Response.	Chief Executive	(Pages 57 - 64)
11.	Regulation of Investigatory Powers ACT 2000 (RIPA) - Revised Policy Statement.	Director of Law and Governance	(Pages 65 - 70)
12.	Items referred from Overview and Scrutiny.		
13.	Any other items which the Chairman has decided to take as urgent.		



Minutes of a meeting of the Cabinet held at County Hall, Glenfield on Wednesday, 23 November 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
Mr. I. D. Ould CC	

In attendance

Dr. R. K A. Feltham CC, Mr. S. J. Galton CC, Mr. R. Sharp CC, Mrs C. Radford CC, Mr. T. Richardson CC

492. Minutes of the previous meeting.

The minutes of the meeting held on 11 October 2016 were taken as read, confirmed and signed.

493. Urgent items.

There were no urgent items for consideration.

494. 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. No declarations were made.

495. Leicestershire County Council Annual Performance Report 2016.

The Cabinet considered a report of the Chief Executive concerning the Annual Performance Report for 2016 which set out progress with implementing agreed plans and strategies, the Council's achievements over the last 12 months, and comparative performance data. A copy of the report, marked '4', is filed with these minutes.

A draft minute of the Scrutiny Commission meeting held on 16 November 2016 was circulated separately and a copy is filed with these minutes.

Mr. Rhodes CC said that the Council could be proud to have performed so well in the face of severe funding reductions.

RESOLVED:

- (a) That the comments of the Scrutiny Commission be noted;

- (b) That the significant transformation activity and positive overall progress in delivering the Council's Strategic Priorities and mitigating the impact of national funding reductions, as set out in the Annual Report narrative, be noted;
- (c) That the positive improvement in 96 priority indicators and the service areas highlighted in the performance summary and data dashboards be noted and welcomed;
- (d) That it be noted that the unfair national funding system:-
 - (i) makes it increasingly difficult for the Council to deliver improvement across all priority areas; and
 - (ii) is creating an unequal basis for judging performance
 and that the Council will continue to press its strong case for a fair funding settlement;
- (e) That it be noted that low comparative national funding will make it increasingly difficult for the Council to deliver improvement across all current priorities and services and that a reduced set of priority outcomes will be developed for the future;
- (f) That the Chief Executive, following consultation with the Leader, be authorised to make any amendments to the draft Annual Performance Report prior to its submission to the County Council on 7 December 2016 for approval.

REASONS FOR DECISION:

It is best practice in performance management to undertake a review of overall progress on key performance areas at the end of the year and to benchmark performance against comparable authorities. It is also good practice to produce an annual performance report and ensure that it is scrutinised, transparent, and made publicly available.

The Council is poorly funded in comparison with other local authorities and this is likely to affect future performance.

The draft Report may be modified to reflect comments made by the Cabinet and the Scrutiny Commission as well as to include any final national comparative data which becomes available prior to its consideration by full Council.

496. Leicestershire Adult Social Care Accommodation Strategy for Older People 2016-2026 - Outcome of Consultation.

The Cabinet considered a report of the Director of Adults and Communities concerning the outcome of the consultation exercise on the Adult Social Care Accommodation Strategy for Older People 2016-2026 and seeking approval of the Strategy and for a number of actions arising from a review of Extra Care provision. A copy of the report, marked '5', is filed with these minutes.

The Director highlighted work to be taken in connection with Extra Care, including reviewing the approach to ensure value for money and achievement of specific

outcomes, ensuring that comprehensive assessments and robust allocation protocols were in place and, with partners, identifying locations and funding options.

Mr. Houseman CC was pleased that the feedback from consultation had been very positive and noted that there had been good partnership working with district councils.

RESOLVED:

- (a) That the results of the consultation on the Adult Social Care Accommodation Strategy for Older People, including the comments of the Adults and Communities Overview and Scrutiny Committee, be noted;
- (b) That the Adult Social Care Accommodation Strategy for Older People 2016-2026 including the associated Outline Delivery Plan, be approved;
- (c) That the proposed action arising from the Extra Care Annual Review 2016 highlighted at paragraph 21 (b) to (f) of the report be approved;
- (d) That the developments regarding both existing and potential future investment in Extra Care Schemes be noted.

REASONS FOR DECISION:

The Strategy and associated Delivery Plan will provide the Council with agreed priorities in relation to accommodation for older people over the next 10 years. Although adult social care does not directly provide accommodation, the Strategy has been developed to fulfil statutory duties relating to the Care Act, meet efficiency targets and provide a basis for planning, partnership working and commissioning, in accordance with the overarching Adult Social Care Strategy, to prevent, reduce, delay and meet a person's need for services.

The annual Extra Care Strategy Review identified further work that would be necessary to maximise the outcomes being achieved from extra care services and savings that could be realised. The views of residents and stakeholders have been taken into account in developing the model and there is support for the provision of further developments.

497. Progress Report on Implementation Plan for the Communities and Wellbeing Strategy - 2016-2020.

The Cabinet considered a report of the Director of Adults and Communities regarding the implementation of the Communities and Wellbeing Strategy 2016-20, with particular regard to the collections hub, market town and shopping centre libraries, and ongoing reviews. A copy of the report, marked '6', is filed with these minutes.

Mr. Blunt CC said that the Council was looking to keep costs down, ensure that its in-house libraries could continue operating (and preferably extend opening hours) and, hopefully, create a single hub for collections and records.

Mr. White CC added his thanks to staff who had been working on the remodelling of services with commitment and enthusiasm, despite the substantial budget reductions.

RESOLVED:

- (a) That the progress with the implementation of the Communities and Wellbeing Strategy 2016-20 be noted;
- (b) That the Director of Adults and Communities be authorised to develop a full SMART library implementation plan and 'roll-out' schedule across the County Council funded libraries, subject to the feedback on the initial pilot being satisfactory;
- (c) That a further progress report be submitted to the Cabinet in Autumn 2017.

(KEY DECISION)

REASONS FOR DECISION:

The implementation of the Communities and Wellbeing Strategy will enable the new model for service delivery to be implemented over the Medium Term Financial Strategy period whilst continuing to fulfil statutory duties and meet the budgetary requirements and efficiency targets.

498. Annual Report of the Director of Public Health 2016 - Overview of Health in Leicestershire and the Role of Workplace Health in Improving Health.

The Cabinet considered a report of the Director of Public Health concerning the publication of his Annual Report for 2016 - a statement on the health of Leicestershire's population and a key document in helping to shape commissioning decisions to improve people's health. A copy of the report, marked '7', is filed with these minutes.

Mr. White CC referred to the good work done by the 'Staying Healthy' district forums and via the Council's Shire Grants scheme and implementation of the Council's workplace wellbeing strategy.

RESOLVED:

- (a) That the Director of Public Health Annual Report 2016 be noted and its recommendations supported;
- (b) That it be noted that the Annual Report will be submitted to the County Council for consideration on 7 December 2016.

REASONS FOR DECISION:

The Director of Public Health's Annual Report is a statutory independent report on the health of the population of Leicestershire.

The purpose of a Director of Public Health is to improve the health and wellbeing of the people of Leicestershire. This is done by reporting publicly and independently on trends and gaps in the health and wellbeing of the population and by making recommendations for improvement to a wide range of organisations.

One of the roles of the Director of Public Health is to be an independent advocate for the health of their population. The Annual Reports are the main way by which Directors of Public Health make their conclusions known to the public.

499. Transforming and Integrating Practical Housing Support in Leicestershire.

The Cabinet considered a joint report of the Chief Executive and Director of Adults and Communities regarding the Lightbulb Programme Business Case for transforming practical housing support. The report sought approval to implement an integrated model of housing support and for the Leicestershire Equipment, Adaptations and Assistive Technology Strategy and associated Action Plan. A copy of the report, marked '8', is filed with these minutes.

The Chief Executive reported that Charnwood Borough Council had, since publication of the report, paid a contribution to the Better Care Fund for 2016/17 (referred to in paragraph 23 of the report).

Mr. White CC and Mr. Houseman CC were pleased to note that the funding issue had been resolved for 2016/17. They noted that Lightbulb was a transformative project which would greatly benefit the whole of Leicestershire if the County and District councils could work together well.

RESOLVED:

- (a) That the potential benefits of service transformation and integration set out in the Lightbulb Programme Business Case be noted;
- (b) That the Lightbulb Programme service model set out in the Business Case be agreed as the future mechanism for delivering the housing support offer across Leicestershire;
- (c) That the Leicestershire Equipment, Adaptations and Assistive Technology Strategy 2016-2020 and Action Plan be approved;
- (d) That the Director of Adults and Communities, in consultation with the Director of Public Health as Senior Responsible Officer for the Early Help and Prevention Review, be authorised to progress the practical actions set out in the Business Case to support implementation of the Lightbulb Programme service model across the County.

(KEY DECISION)

REASONS FOR DECISION:

The new integrated model for housing support will:

- Deliver savings to the health and care economy by maximising the part housing support can play in keeping people independent in their homes; preventing or reducing care home placements or demand on other social care services, avoiding unnecessary hospital admissions/readmissions or GP visits, and facilitating hospital discharge.
- Improve the customer journey; making services easier to access and navigate and ensuring the right solution is available at the right time with the right outcome.
- Provide efficient, cost effective service delivery, particularly in relation to the delivery of Disabled Facilities Grants.

The Lightbulb model will require a significant level of change and the Business Case outlines work required by all partners to implement new ways of working during 2017/18, including the ending of related contracts and realignment of investment to support the Lightbulb model.

500. Supporting Leicestershire Families.

The Cabinet considered a report of the Director of Children and Family Services which provided an overview of the progress of the Supporting Leicestershire Families Service in the context of the recently published National Evaluation report on the first Troubled Families Programme. A copy of the report, marked '9', is filed with these minutes.

Mr. Ould CC said that the project was proving a great success and thanked partner organisations for their continued support. Members commented that significant change had already been achieved and long-term benefits, over years and generations, were sought.

RESOLVED:

- (a) That the successful outcomes of the Supporting Leicestershire Families programme, including the increasingly positive cost-benefit analysis, be noted;
- (b) That it be noted that a number of partner organisations have agreed their funding contribution to the SLF programme until March 2019 but that confirmation of continued support from the East Leicestershire and Rutland and West Leicestershire Clinical Commissioning Groups is still awaited.

REASONS FOR DECISION:

A national evaluation of the Troubled Families Programme was published by the Government on 17th October 2016. The SLF programme, which differs from the national scheme in a number of respects, is evidencing good outcomes and wider benefits.

501. Response to Department for Education Consultation Document - Schools that work for Everyone.

The Cabinet considered a report of the Director of Children and Family Services concerning the proposed response to the Department for Education consultation entitled "Schools that work for everyone". A copy of the report, marked '10', is filed with these minutes.

RESOLVED:

- (a) That the content of the Department for Education consultation be noted, in particular the proposals relating to the greater involvement of Universities and Independent Schools in the state education sector, the potential for development of selective (grammar) schools, and relaxation of admissions for faith schools;
- (b) That the County Council's response to the consultation as set out in the Appendix to the report be approved;
- (c) That, following the Government's response to the consultation, the County Council should engage with Loughborough University as to the University's position.

REASONS FOR DECISION:

To respond to a key consultation on proposals that will have an impact on the running of schools and in particular the potential establishment of selective schools throughout England which could significantly change the educational landscape of Leicestershire.

502. Unaccompanied Asylum Seeking Children.

The Cabinet considered a report of the Director of Children and Family Services concerning Unaccompanied Asylum Seeking Children (UAS children) and on representations made by the Council to the Government regarding the financial costs incurred in meeting the needs of such children. A copy of the report, marked '11', is filed with these minutes.

Mr. Ould CC and Mr. White CC said that whilst the Council wished to help further, the Government was simply not providing enough resources and there was not enough capacity in any event. Leicestershire, along with other councils, had a shortage of foster carers and struggled to find placements for children already in its care.

RESOLVED:

- (a) That the increase in the number of UAS children being accommodated in Leicestershire be noted;
- (b) That it be noted that there exists a potential for additional young people previously housed in Calais having to be accommodated in Leicestershire if they have family connections in the County;
- (c) That the comments made by the Home Secretary and the Immigration Minister to review the current formula for funding young UAS children be noted, but the Cabinet re-affirms its previous decision to disengage from the voluntary National Transfer Scheme until the full costs of providing for such young people are met;
- (d) That the increasing difficulty being experienced in identifying appropriate placements for such young people and the Government's proposed Controlling Migration Fund to help meet related costs, the details of which have still to be assessed, be noted.

REASONS FOR DECISION:

The current estimated cost of supporting 70 UAS children in Leicestershire is £4.64 million, which at present levels requires the County Council to contribute £2.05 million of its own resources. There is a continuing commitment to support these children, who are the Council's direct statutory responsibility, but only to re-engage with the National Transfer Scheme when the full costs are met by the Government.

503. Syrian Vulnerable Persons Resettlement Scheme.

The Cabinet considered a report of the Chief Executive regarding the Syrian Vulnerable Persons Resettlement Scheme (SVPRS) and the resettlement of families in Leicestershire under the Scheme. A copy of the report, marked '12', is filed with these minutes.

Mr. Ould CC reported that the Regional Migration Board, of which he was a member, had looked at good practice elsewhere and he hoped that this could be replicated in Leicestershire.

RESOLVED:

- (a) That the arrangements put in place by the County Council and partners to support the placement to date of six families from Syria be noted;
- (b) That it be noted that there are ongoing discussions with the district councils to review the governance arrangements and to ensure that the allocation of the SVPRS funding for social care and education costs are in line with Government guidance.

REASONS FOR DECISION:

To ensure that the Cabinet is aware of the latest position regarding the Syrian Vulnerable Persons Resettlement Scheme, and to seek to ensure the Scheme is appropriately governed and properly deploys Government funding.

(Mr. White CC and Mrs Posnett CC left the meeting at this point and did not return).

504. Developer Contributions Towards County Council Services.

The Cabinet considered a report of the Chief Executive regarding work undertaken to ensure that the Council received sufficient developer (Section 106) contributions to meet demands being placed on services by developments across the County. A copy of the report, marked '13', is filed with these minutes.

Mr. Blunt CC commented that the process was not generally well understood but it was crucial that district councils, as local planning authorities, secured developer funding for infrastructure such as roads and schools.

RESOLVED:

That progress with regard to developer (Section 106) contributions continues to be monitored and a further report be submitted to the Cabinet in 6 months' time.

REASONS FOR DECISION:

It is important that the County Council does what it can to meet the demands on its services in increasingly difficult financial circumstances. Ensuring that developers make appropriate contributions to mitigate the consequences of their developments is essential if communities are not disadvantaged and the County Council is not put under excessive financial demands which it will not be able to meet. Local planning authorities should do all they can to ensure developments are sustainable and meet the reasonable obligations requested of them.

505. Place Marketing Organisation - Outline Business Plan.

The Cabinet considered a report of the Chief Executive concerning the outcome of the review of tourism support services across Leicester and Leicestershire and seeking approval for the proposed arrangements for the future, including an outline business plan

for the establishment of a local authority owned Place Marketing Organisation (PMO). A copy of the report, marked '14', is filed with these minutes.

RESOLVED:

- (a) That the comments of the Scrutiny Commission be noted;
- (b) That the County Council working with Leicester City Council jointly establishes a Place Marketing Organisation by way of a Teckal-compliant Company Limited by Guarantee to deliver Place Marketing, Inward Investment and Strategic Tourism across Leicester and Leicestershire;
- (c) That the 3-year Outline Business Plan (as appended to the report) be approved, noting the final Business Plan will be further refined and approved by the PMO Board of Directors once the Company is established;
- (d) That final governance arrangements, including proposed appointments to the Board of Directors, together with the Articles of Association and Members Agreement for the PMO be submitted to a future meeting of the Cabinet for approval.

(KEY DECISION)

REASONS FOR DECISION:

Officers from the County and City Councils have reviewed arrangements in comparable cities and counties and it is clear that many successfully promote their respective areas through a shared set of messages and communication channels. The proposed PMO would lead and co-ordinate this activity.

The outline business plan summarises proposals in relation to company set-up and functionality and will need to be further developed and refined prior to final approval by the PMO Board of Directors.

Further stakeholder engagement needs to take place prior to the final governance arrangements being proposed. The Articles of Association and Members' Agreement will set out the objects of the PMO Company and the relationship between the members of the company, i.e. the City and County Councils.

506. Land off Grange Road, Hugglescote - Objection to Traffic Regulation Order.

The Cabinet considered a report of the Director of Environment and Transport seeking approval for the implementation of a developer-funded Traffic Regulation Order, as required by the planning approval for Taylor Wimpey East Midlands, Land off Grange Road, Hugglescote. A copy of the report, marked '15', is filed with these minutes.

RESOLVED:

That the Traffic Regulation Order associated with the Land off Grange Road, Hugglescote development, as shown on drawing no.TM4362/2/2016 attached as Appendix A to the report, be approved for implementation.

REASONS FOR DECISION:

The Traffic Regulation Order is required to facilitate the construction of the agreed site access for a development off Grange Road. The new site access road will be constructed from the development to Grange Road through an existing lay-by which is being removed and replaced in part by a shared use footway/cycleway. The Order will manage highway safety along the proposed shared use footway/cycleway by extinguishing existing motor vehicle rights.

507. Items referred from Overview and Scrutiny.

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

2.00 - 3.40 pm
23 November 2016

CHAIRMAN

**CABINET – 13 DECEMBER 2016****MEDIUM TERM FINANCIAL STRATEGY 2017/18 TO 2020/21****REPORT OF THE DIRECTOR OF CORPORATE RESOURCES****Purpose of the Report**

1. The purpose of this report is to enable consideration to be given to the provisional Medium Term Financial Strategy for 2017/18 to 2020/21 (the MTFS) which incorporates the 2017/18 revenue budget and capital programme.
2. A supplementary report setting out the detailed proposals for the MTFS is currently being prepared and this will be circulated to members and published on the County Council's website as soon as it is available.

Recommendation

3. The Cabinet is asked to note this and the supplementary report and consider the Medium Term Financial Strategy for 2017/18 to 2020/21.

Reason for Recommendation

4. To enable the Medium Term Financial Strategy for 2017/18 to 2020/21 to be agreed for consultation and submission to the Scrutiny Commission and appropriate Overview and Scrutiny committees.

Timetable for Decisions (including Scrutiny)

5. Subject to agreement by the Cabinet the MTFS will be considered by the Scrutiny Commission and the Overview and Scrutiny Committees during January 2017.
6. The Cabinet will then consider comments of the Scrutiny bodies and responses from the wider consultation process at its meeting on 10 February 2017.
7. The County Council will meet on 22 February 2017 to approve the final MTFS.

Policy Framework and Previous Decisions

8. Consideration of the relevant corporate policies and plans will be given in the supplementary report.

Circulation under the Local Issues Alert Procedure

9. None. A copy of the supplementary report will be circulated to all members of the County Council.

Officers to Contact

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Background Papers

10. None.

Equality and Human Rights Implications

11. None arising from this report.

**CABINET – 13 DECEMBER 2016****HIGHWAY MAINTENANCE POLICY AND STRATEGY REVIEW****REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT****PART A****Purpose of the Report**

1. The purpose of this report is to advise the Cabinet of the results of the 'A-Roads to Zebras' consultation exercise undertaken to support the review of highway maintenance strategy and policy, and to present and seek approval to consult on the revised Highway Asset Management Policy and Strategy which has been developed in the light of the consultation responses and which will define the future direction and management of highway maintenance work within the County.

Recommendations

2. It is recommended that:
 - a) The outcome of the 'A-Roads to Zebras' consultation be noted;
 - b) The draft Highway Asset Management Policy (Appendix A) and Highway Asset Management Strategy (Appendix B) be approved for consultation;
 - c) A report on the outcome of the consultation exercise be submitted to the Cabinet in summer 2017;
 - d) 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.

Reasons for Recommendations

3. 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).
4. 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.
5. Developing a pilot scheme for a Highway Warden / Lengthsman scheme would 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.
 6. 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.

Timetable for Decisions (including Scrutiny)

7. This report will be considered by the Environment and Transport Overview and Scrutiny Committee on 12 December 2016 and its comments will be reported to the Cabinet.
8. Subject to the Cabinet's approval, consultation on the draft Highway Asset Management Policy and Strategy is expected to take place in early 2017.
9. The outcome of this further consultation exercise, and details of the changes that will be required to the supporting procedures and processes and the TAMP, will be reported to the Environment and Transport Overview and Scrutiny Committee and the Cabinet in summer 2017.

Policy Framework and Previous Decisions

10. The Council's current Highway Maintenance Policy and Strategy was approved by the Cabinet in October 2006 and subsequently amended in 2008, 2010 and 2011. It is based on the National Code of Practice for Highway Maintenance (Well Maintained Highways), which has now been superseded.
11. The current Street Lighting Policy and Strategy was also approved by the Cabinet in October 2006 and is based on the national code of practice (Well Lit Highways), which has now been superseded.
12. The new code of practice incorporates both of these documents into a single approach and it is therefore proposed to replace the Highway Maintenance and the

Street Lighting Policy and Strategy documents with new Highway Asset Management Policy and Strategy documents, each of which will cover all highway assets.

13. The first Leicestershire Transport Asset Management Plan (TAMP) was approved by the Cabinet on 23 November 2007 and subsequently updated in 2011. This also followed guidance that has now been superseded. It describes an analytical approach to highway maintenance, current service levels and management processes, providing limited direction to further developing asset management and supports the current Highway Maintenance Strategy and Policy. If the draft policy and strategy documents are approved, then they will provide the overarching direction for the future development of a replacement TAMP.
14. On 19 April 2016, the Cabinet approved a consultation on revisions to the policy and strategies, which are currently set out in the Transport Asset Management Plan, Highway Maintenance Strategy and Policy, and Street Lighting Strategy and Policy.

Resource Implications

15. The review of the County Council's maintenance policies and strategy as set out above supports the efficiency savings required from the MTFS and the corporate transformation process.
16. The development of the Highway Asset Management Policy and Strategy will underpin improvements in the effectiveness of highway maintenance delivery. It is also one of the key steps towards satisfying criteria required by the DfT to achieve the highest level of funding available through the Incentive Fund process.
17. If the County Council achieves the highest Incentive Fund level by November 2017 then it is likely to secure an additional £715,000 of capital maintenance money in 2018/19, £1.19 million in 2019/20 and £1.67 million in 2020/21.
18. To support the timely development of asset management principles and the progress towards securing the maximum Incentive Fund award, additional specialist asset management support has been procured through the Midlands Highway Alliance (MHA) Professional Services Contract at an estimated cost of £75,000. This work will be funded as part of the Council's transformation programme.
19. The proposal to work more closely with Parish Councils and community groups would provide opportunities to improve local service delivery by improving communication between the county and communities, involving local knowledge and resources and encouraging local ownership of solutions. However, it is unlikely to secure significant savings as the types of work that Highway Wardens or Lengthsmen would be likely to undertake would probably be low cost items (such as sign washing or cutting back vegetation). There may also be additional costs associated with this proposal, depending upon the level of officer support required.

Circulation under the Local Issues Alert Procedure

None.

Officers to Contact

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PART B

Background

National Guidance Promoting the Development of Highway Asset Management

20. Asset management practice has developed considerably since the introduction of the Council's Highway Maintenance Policy and Strategy and the development of its current TAMP. These documents are in need of revision, to ensure that they are aligned with current national guidance.
21. In 2011 the Audit Commission published 'Going The Distance', an analysis of highway authorities' future approach to the maintenance of local roads set against declining budgets. This highlighted the case for developing asset management and the need to balance short-term repair pressures with the objective of long-term sustainability of the asset and emphasised the point that pressure to tackle 'worst first' could detract from more cost-effective, preventative interventions.
22. In 2013 the Highways Maintenance Efficiency Programme (HMEP), commissioned by the DfT, published a 'Highway Infrastructure Asset Management Guidance' document, endorsed by the UK Roads Liaison Group, which recommended a formal approach to managing all highway and transport assets. This made a number of recommendations, including the fundamental requirement to adopt a highway asset management policy setting out the authority's strategic objectives regarding asset management, and to introduce a strategy that would support the delivery of those objectives.
23. HMEP has subsequently published various additional guidance documents and tools which promote the development of life-cycle planning for all key highway assets, a process which considers the relationship between future treatment options, asset condition and cost through the development of lifecycle models.
24. A new Code of Practice for highway maintenance was also published in October 2016 titled 'Well Managed Highway Infrastructure'. This sets out the principle of applying a locally appropriate risk-based approach to the inspection, prioritisation and treatment of the highway network. Such an approach will require an improved understanding of all key assets, including their importance to customers, levels of use, strategic importance, acceptable service levels, current condition, how they deteriorate, how they respond to treatments and the associated treatment costs.
25. The proposed Highway Asset Management Policy and Strategy documents (Appendices A and B to this report) have been developed to ensure that the Council follows an approach to asset management that is in accordance with the recommendations of the HMEP guidance document and the new Code of Practice for highway maintenance. These documents would replace the current Highway Maintenance Policy and Strategy and the Street Lighting Policy and Strategy documents.

26. To support the draft Highway Asset Management Policy and Strategy documents it will also be necessary to revise the TAMP and update current operational processes and procedures, in accordance with the guidance from HMEP and the new code of practice. The TAMP would be replaced with a new document, the Highway Infrastructure Asset Management Plan (HIAMP). This will develop the TAMP from its current largely aspirational base into a document that directs the operation of the policy and principles set out in the draft Policy and Strategy documents.
27. As the revised approach to asset management strategy and policy develop, the Local Transport Plan (LTP3) will also be reviewed and aspects of it may eventually be superseded when the final versions of the Highway Asset Management Strategy and Policy are adopted by the Council.

The Government's Incentive Fund

28. In 2014 the DfT published 'Gearing up for Efficient Highway Delivery and Funding', which set the scene for the introduction of the Government's Incentive Fund. This Fund is intended to incentivise and reward highway authorities that demonstrate a commitment to the ongoing development of an asset management approach to service delivery.
29. Incentive Fund allocations will be made annually for five years from 2016/17, based upon an assessment and a possible external audit of the authority's ongoing commitment to applying the recommendations of various aspects of HMEP guidance.
30. The assessment places highway authorities into one of three bands, depending upon the level of progress towards implementing the recommendations of HMEP. The Council is currently assessed to be at the intermediate level, band 2.
31. An increasing differential is applied annually to the amounts allocated across the bands. The likely grant due to Leicestershire, depending upon the assessed level, is shown in Table 1 below. With a strong commitment to developing its approach to asset management, it is realistic to expect the Authority to move to the highest level, band 3, by 2018/19, potentially securing a further £3.57 million over the final three years of the Fund.

Incentive Fund	2016/17	2017/18	2018/19	2019/20	2020/21
Band 3 share	£ 789,117	£ 1,183,675	£ 2,383,133	£ 2,383,133	£ 2,383,133
Band 2 share	£ 789,117	£ 1,065,308	£ 1,668,193	£ 1,191,567	£ 714,940
Band 1 share	£ 710,205	£ 710,205	£ 714,940	£ 238,313	Zero

Table 1. Likely value of Incentive Fund grant

32. The draft Highway Asset Management Policy and Strategy have been developed to ensure that the Council's approach to asset management incorporates the recommendations of HMEP guidance which contribute to the Incentive Fund assessment and therefore support the objective of reaching band 3.

33. It is a specific requirement of the Incentive Fund to ensure progress to band 3, that the Council has published and implemented a Highway Asset Management Policy and Strategy.

Highway Asset Management Support for the Medium Term Financial Strategy

34. By 2019/20, £4.4 million of ongoing savings are to be made by the Council through a revised approach to highways maintenance. These savings include efficiencies and service reductions to be delivered through a range of actions and initiatives including better packaging of planned works, such as minor patching, road marking and gully emptying, and more effective use of depots and vehicles.
35. In addition, reducing budgets will require a change to the treatment strategies applied to highway assets. For example, previous levels of major carriageway resurfacing will not be achievable and it will be necessary to sustain the network condition over longer periods through more extensive use of localised patching.
36. The development of asset management through the principles set out in the new draft Policy and Strategy will assist in minimising risk and ensure that revised treatment strategies continue to provide a safe, serviceable and sustainable network. This will be achieved by developing stronger evidence of the interactions between treatment options, the condition of the network and cost, coupled with the risk-based approach for developing priorities. They will also ensure that the Council can consider initiatives designed to deliver efficiencies with more confidence and can be more flexible in adapting to changes in future budgets.

The Initial Consultation – ‘A-Roads to Zebras’

37. The consultation exercise took place between 5th July and 25th September 2016, with a further week's extension agreed with some parish councils to accommodate their parish meeting dates. All consultees were provided with background information regarding the current service and the three specific proposals detailed below.
38. An online questionnaire on the County Council's website was promoted through a number of channels, including press releases, direct emails to key stakeholder groups and parish councils, messages on social media, articles in the Parish Newsletter and items on the Council's website and intranet. The questionnaire sought views on:
- Respondents' use of the network (mode and frequency)
 - Satisfaction with the current service and the condition of assets (to support the development of strategies and treatments that focus treatment where customers are least satisfied with the condition of the network)
 - The relative importance users place on different highway assets (to support the development of the risk-based approach)
 - A proposal to develop the risk-based approach to prioritising the response critical defects and the delivery of planned works
 - Proposed options to reduce or rationalise certain highway assets

- The proposal to consider developing opportunities for parish councils/ communities to become more directly involved in the delivery of some areas of local maintenance.

39. The questionnaire was presented in two formats. The first was made available to all users and is referred to in this document as the Public Consultation, the second format included additional questions specific to parish councils. This included some additional questions about the possibility of involving communities directly in service delivery and is referred to in this document as the Stakeholder Consultation.
40. The questionnaires were supplemented by stakeholder workshops, to explore the proposals in more detail. Four consultation workshops were held. Three were held with representatives from town and parish councils and primarily focused on the option to develop opportunities for communities to become more directly involved in the delivery of certain local highway maintenance services. The fourth was a general stakeholder workshop which, although promoted directly by e-mail and/or letter to a wide range of key stakeholders and to members of the Leicestershire Equalities Challenge Group, only attracted interest from four groups.
41. The online questionnaire received 454 user responses and a further 27 responses from parish councils. The three parish and town council workshops were attended by a total of 62 people and 1 person from a cycling user group attended the general stakeholder workshop. In total, representatives from 40 parish and town councils were engaged through these workshops.
42. Detailed analysis of the online responses is provided in Appendix C (for the Public Consultation) and Appendix D (for the Stakeholder Consultation). The key outcomes from the workshops are summarised in Appendix E.

Summary of Key Points

43. Key points arising from the consultation are summarised below. These have been taken into account when drafting the proposed Highway Asset Management Policy and Strategy documents and will also guide the development of the HIAMP and the operational process documents that will follow.

Importance of Assets and Satisfaction with their Current Condition

44. Users were asked:

- how important they considered the maintenance of various highway assets and specific service areas;
- how satisfied they were with the standard of maintenance that the County Council currently applies.

45. The assets and services that are considered most prominent in terms of importance are roads, pavements, winter gritting, roadside drains and gullies, traffic lights and road markings. Of these items users were most dissatisfied with the current condition of roads and roadside drains. The condition of street lights and pavements were the two assets responders were most satisfied with and these were amongst the items where maintenance was considered to be of a high priority.

46. For all of the items considered there is a higher level of satisfaction than dissatisfaction, which is consistent with the comparatively high level of user satisfaction also reported by the annual National Highways and Transport Network (NHT) customer satisfaction survey conducted by Ipsos Mori on behalf of the Council.
47. Although the standard of maintenance of grass verges was not categorised as being highly important, users did indicate the highest level of dissatisfaction with this service. However it is worth bearing in mind that changes have been made to the approach and frequency of urban grass cutting since 2015 and due to the timing of the consultation it is possible that some of the concerns reflect last season's performance.
48. The assets that are considered least important in terms of maintenance are shrub and flower beds, unsurfaced tracks and lanes, rural laybys and traffic calming features.
49. In terms of satisfaction with the repairs and maintenance undertaken by the County Council, the greatest levels of satisfaction applied to the delivery of winter gritting and the maintenance of street lights, while the lowest levels of satisfaction applied to the cutting back of overhanging vegetation, which may be accentuated by the coincidence of the consultation with the most vigorous period of vegetation growth.

Proposal 1 - To Refine the Approach to Prioritising Defects

50. This proposal aims to develop a rapid response to high risk defects, with a more durable, planned response to all others.
51. There was generally good support amongst respondents for the principle of prioritising the response to critical defects and planned maintenance based on a proper consideration of risk, rather than the current prescribed approach which, for example, delivers the same response to all defects that meet specific dimensions, regardless of the risk that they pose to users. Just over 50% of respondents agreed with the proposal whereas just under 30% disagreed. Some concerns were raised about this proposal, particularly that it would result in rural roads being given less attention, that delaying repairs to lower risk items would unreasonably increase risk and the cost of eventual repair, and that lower risk defects may be overlooked altogether. There were also concerns raised about whether the needs of cyclists and motorcyclists would be taken into consideration. A concern was raised through the workshops that the Council should take account of the ageing population and increasing mobility and sight issues and ensure that maintenance reduction does not have equalities impacts.
52. The proposed Strategy recognises these concerns and makes no distinction between rural and urban roads, basing risk on an assessment of the strategic importance, the frequency of use, the likelihood of further deterioration and the location and characteristics of the defect, including the likelihood that cyclists might be affected. Lower risk defects which could eventually present a significant hazard would be scheduled into programmes of durable and lower cost repair. Further engagement with a number of stakeholder groups is proposed, including those representing elderly and disabled people, to ensure that the policy and strategy take proper account of their needs.
53. Respondents were asked how important they considered it to prioritise routine maintenance and the response to defects across different categories of highway,

ranging from the public rights of way network to “high use” urban and rural roads. More than 90% of respondents indicated that it was important to prioritise maintenance on the high use roads, with no distinction between urban and rural. The next most important network categories were “average” use roads and town centre/shopping area pavements.

54. Respondents were asked how important it was for the Council to prioritise resources on various different categories of road and pavement. High-use rural roads were considered marginally higher in priority than high-use urban roads, followed by average use urban and rural roads and pavements in town centre shopping areas.

Proposal 2 - To Rationalise the Number of Items that the Authority Maintains Directly

55. This proposal aims to reduce maintenance, sharing the task with others or removing items.
56. There was a general acceptance of this proposal during the consultation, with many respondents highlighting the view that specific items of street furniture are surplus to requirements including multiple references to lighting, road signs, speed humps, bollards and fencing. Whilst these comments showed a broad acceptance of proposals, they were often caveated with conditions, for example “provided that safety is maintained”.
57. However, the stakeholder groups were less welcoming of this proposal, with only 27% in agreement and 50% disagreeing. The concerns focused on safety but it is also possible that this response reflects an anxiety amongst parish councils that they will be obliged to undertake the maintenance instead.
58. If this proposal is to proceed it will require an approach that carefully considers costs and safety on a case by case basis and where appropriate, involves local communities in the decision. The draft Policy and Strategy documents have been developed on this basis.
59. Respondents were asked whether they would support reduced coverage in certain service areas, subject to an assessment of risk. Rural grass cutting was the service area that received most support for reduction, with 38% of respondents saying that it could be reduced “to some extent”. There was very limited support for reducing the area of grass cutting in urban areas and very strong opposition to any reduction in the coverage of winter gritting.
60. When asked which features could receive a lower frequency of maintenance, shrub beds and traffic calming features and rural laybys were the items where most respondents felt most strongly that there was scope for reduction. It should be noted that traffic calming features appear in a number of responses as an asset that people would like to see reduced in number and in terms of maintenance. This probably reflects the fact that the main supporters of these features will be local residents who benefit directly from their presence, in contrast with the majority of road users who see no direct benefit.

61. Items that were considered most suitable for sharing or devolving were shrub and flower beds, urban grass cutting, dealing with overhanging vegetation, other environmental work and rural grass cutting.

Proposal 3 - To Develop Opportunities for Involving Communities Directly in Some Areas of Local Maintenance (including the option to develop a Parish Council Highway Warden/Lengthsman scheme)

62. Responses to this proposal were very mixed and amongst parish councils this was understandably the issue of most interest. There was moderate support for the proposal from the Public Consultation, with 48.8% of respondents in agreement and 35.9% disagreeing. Of the parish council respondents, 50% disagreed with the proposal with 32% indicating agreement. The concerns raised by parish councils related to their ability to generate the funding necessary to operate the service, anxiety about liability, and a lack of suitable skills and a general view that highway maintenance is a matter for the County Council.
63. There were strong views expressed at the workshops and through the online questionnaire, both for and against developing a flexible Highway Warden/Lengthsman type of scheme. Some parish councils were very interested and others completely opposed.
64. The benefits of this type of arrangement are not clear but are unlikely to result in any significant cost savings. However, this type of arrangement could result in improved local levels of service, improved response times and better identification of priorities based on local knowledge, stronger relationships between the parish council and the County Council and local ownership of some highway maintenance issues.
65. It is therefore proposed that further work is carried out to investigate how a draft scheme could operate with the view to undertaking an 18-month pilot arrangement with a small number of willing parish councils. This further work would need to establish what the staff inputs and benefits would be for both parish councils and the County Council in supporting this scheme and would have at a minimum, the objective of being cost neutral to the County Council.

The Proposed Consultation – Draft Highway Asset Management Policy and Draft Highway Asset Management Strategy

66. The initial consultation ("A" Roads to Zebras) has provided comprehensive customer feedback about the current satisfaction with maintenance standards, the priorities that apply to particular assets, opinions about the application of a risk based approach to dealing with critical defects, opinions about the options for rationalising particular highway assets as well as the challenges and level of support for the develop of further opportunities for community involvement.
67. The views of stakeholders have been taken into account in developing the draft policy and strategy documents and in due course will also provide the basis for further development of the detailed HIAMP and operational procedures

68. It is proposed that the resulting draft Highway Asset Management Policy and Strategy documents, attached as Appendices A and B, are made available on the Council's website for a further three-month period of consultation to allow the previous stakeholder groups, including parish councils and the general public to comment on the outcome.
69. The initial consultation did not generate sufficient engagement with particular groups (elderly and disabled people) to allow a full Equality and Human Rights Impact Assessment to be completed. It is therefore proposed to undertake additional consultation with these specific groups
70. The outcomes of these consultations would be submitted to the Cabinet with appropriate recommendations regarding final approval of the policy and strategy.

Equality and Human Rights Implications

71. These proposals are aimed at maintaining the highway network in the best overall condition appropriate to its use and taking account of customer expectations and the available budget. Maintenance of the network will benefit all users.
72. An initial EHRIA assessment has been completed but further work is required to take account of the impacts on particular protected groups, specifically around age and disability. More specific analysis of the recent consultation is required and further engagement with these specific groups is proposed before a full EHRIA assessment is completed. The intention will be to report this assessment to the Environment and Transport Overview Scrutiny and Committee and the Cabinet in summer 2017, along with the outcome of the proposed consultation on the draft Highway Asset Management Policy and Strategy documents.

Environmental Impact

73. A detailed environmental impact assessment has not been undertaken. However, the draft Asset Management Policy and Strategy sets out principles that will support more efficient maintenance of highway assets. In turn, this will support a number of environmental benefits including preserving natural resources as a consequence of extending the serviceable life of highway assets before renewal, reducing the impact of congestion on communities and reducing carbon emissions by supporting the expedient use of the network and by encouraging walking, cycling and bus travel.
74. The revision of the TAMP and specific operational policies and processes will provide an opportunity to consider the impact of highway maintenance strategy on climate change, carbon emissions, congestion, street-scene, flood and water management and recycling opportunities. An environmental impact assessment will be completed as part of the revision of the TAMP.

Partnership Working and Associated Issues

75. The proposal to develop a pilot scheme to explore options for working together with parish councils is consistent with the Communities Strategy which sets out how the

Council will work differently with communities and organisations to help deliver the most important services and protect the most vulnerable people and communities.

Legal Considerations

76. The draft Highway Asset Management Policy and Strategy support the Council's responsibilities as Highway Authority in meeting the requirements of the Highways Act 1980, particularly section 41 which defines a statutory duty to maintain the highway and section 58 which provides a defence against claims, provided that the authority can demonstrate that it is applying a standard of inspection and maintenance appropriate to the character of the route. Insurable risks identified in the proposals will be fully considered.

Background Papers

Leicestershire County Council Highway Maintenance Policy and Strategy document
<http://ow.ly/jsQY306JYaJ>

Leicestershire County Council Transport Asset Management Plan
http://website/tamp_2.pdf

Report to the Cabinet on 19 April 2016 – Highway Maintenance Strategy and Policy Review and Appendix
<http://ow.ly/9h2J306JYjb>
<http://ow.ly/SzqG306JYm3>

Report to the Cabinet on 11 October 2011 - Changes to Highway Maintenance Policy and Strategy
<http://ow.ly/iBej306JYrw>

Report to the Cabinet on 26 July 2011 - Street Lighting Policy
<http://ow.ly/Flls306JYuD>

Report to the Cabinet on 12 October 2010 - Changes to Highway Maintenance Policy and Strategy
<http://ow.ly/P9aw306JYxq>

Report to the Cabinet on 23 November 2007 - Leicestershire's first Transport Asset Management Plan
<http://ow.ly/pflg306JYAK>

Appendices

Appendix A - Draft Highway Asset Management Policy
 Appendix B - Draft Highway Asset Management Strategy
 Appendix C - Public Consultation Survey Results
 Appendix D - Stakeholder Consultation Survey Results
 Appendix E - Workshop Consultation Summary

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CABINET – 13 DECEMBER 2016

**APPRAISAL OF OPTIONS FOR THE TREATMENT / DISPOSAL OF
RESIDUAL WASTE POST-2020**

REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT

PART A

Purpose of the Report

1. The purpose of this report is to inform the Cabinet of the outcome of a soft market engagement process that has been undertaken with Leicester City Council in relation to commissioning options for the treatment / disposal of residual waste post-2020 and to seek approval of the preferred option.

Recommendations

2. It is recommended that:
 - a) The outcome of the options appraisal for the treatment / disposal of residual waste post-2020 be noted;
 - b) 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) 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.

Reason for Recommendations

3. 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.

Timetable for Decisions (including Scrutiny)

4. This report will be considered by the Environment and Transport Overview and Scrutiny Committee on 12 December 2016 and its comments will be reported to the Cabinet.
5. If the recommendations above are approved, a procurement exercise and/or modification of existing arrangements will be undertaken to ensure continuity of service for residual waste treatment and disposal from 1 April 2020. The outcomes of this process, including consideration of any waste transfer requirements, will be reported to the relevant Scrutiny body and the Cabinet in future as required.

Policy Framework and Previous Decisions

6. Market engagement activity was undertaken in line with the Council's outcomes-based approach to commissioning as set out in the Commissioning and Procurement Strategy approved by the Cabinet in February 2015.
7. This process supports the County Council's Transformation Programme objective to 'work the Leicestershire pound' in order to reduce costs thereby maximising funding available to the Council and other bodies.
8. The latest Leicestershire Municipal Waste Management Strategy was adopted by the County Council in 2012 and sets out how the Leicestershire Waste Partnership (consisting of the County Council and the seven Leicestershire district councils) intends to manage municipal waste up to 2020.
9. The County Council has a statutory duty as a Waste Disposal Authority (WDA) to arrange for the treatment and disposal of controlled waste collected in Leicestershire under the Environmental Protection Act 1990 (as amended)(the Act).

Resource Implications

10. The current (2016/17) budget for waste treatment and disposal is £16.4 million per annum. The current Medium Term Financial Strategy (MTFS) 2016/17-2019/20 approved by the County Council on 17 February 2016 does not identify any specific savings associated with this project. Subject to the outcomes of a procurement exercise and/or modification of existing arrangements as appropriate, any potential savings identified will be incorporated into future MTFS targets.
11. Waste disposal arrangements are normally commissioned on a medium to long term basis (seven to thirty years). Excluding inflation, the value of the waste disposal and treatment service being considered in this process could, therefore, be in the order of £114 million to £492 million.

12. The Director of Corporate Resources and the Director of Law and Governance have been consulted on this report.

Circulation under the Local Issues Alert Procedure

13. None.

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PART B

Background

14. The County Council has a statutory duty as a WDA to arrange for the treatment and disposal of controlled waste collected in Leicestershire under the Environmental Protection Act.
15. The County Council treated / disposed of circa 170,000 tonnes of residual municipal waste in 2015/16. This was made up of 127,000 tonnes of black bag waste collected from the kerbside, 11,000 tonnes of trade waste and 32,000 tonnes of bulky waste collected from the Recycling and Household Waste Sites and the kerbside. It is anticipated that by 2020 the amounts of such waste will increase and current forecasts suggest that this could rise by one percent per year over this period.
16. The County Council currently has a number of contracts for residual municipal waste treatment and disposal with different suppliers, to enable it to meet its duties under the Act. These contracts can be ceased from 31 March 2020 onwards if required.
17. In 2015, the County Council reconsidered its position on waste disposal and treatment and concluded that the Authority should consider 'partnering' with the public/private sector to secure future capacity and greater price certainty. This led to discussions with a number of neighbouring authorities and an agreement to conduct a soft market engagement exercise jointly with the City Council as outlined below.
18. The City Council is a unitary authority and as such is responsible for both the collection and disposal of municipal wastes in Leicester. The City Council treated/disposed of circa 90,000 tonnes of residual (i.e. non-recyclable) municipal waste in 2015/16.
19. The City Council has a twenty five year PFI contract for the collection, treatment and disposal of household waste. Services include kerbside recycling and residual waste collections and the operation of two Household Waste Recycling Centres. This contract is due to terminate in May 2028.

Legislative Framework

20. The Waste Framework Directive 2008 requires 50% of household waste to be reused / recycled by 2020. The European Union (EU) Circular Economy package proposes to increase the reuse and recycling target for municipal waste to 60% by 2025 and 65% by 2030. The County Council's current (2015/16) municipal waste recycling rate is 46.9%.
21. It is currently unclear what waste legislative requirements will be following the United Kingdom's withdrawal from the EU. Waste flow modelling will be undertaken, as required, as part of commissioning the future service.

Market Engagement

22. The County Council worked collaboratively with the City Council to undertake a joint soft market engagement exercise in order to determine the range of potential options available. The County Council acted as lead authority for the process which was undertaken by a project team of waste and procurement officers from both authorities.
23. A Prior Information Notice (PIN)/Request for Information was published in the Official Journal of the European Union on 29 July 2016, providing information about the Councils' existing waste arisings and services and seeking outline solutions from the supply market place to provide cost- effective residual waste management solutions for both authorities, and to assist in shaping future strategy.
24. The County Council owns land at Bardon, near Coalville, which is believed to be suitable for waste management use. The PIN indicated that this land could be made available as part of a potential future commissioning process to enable the possible benefits of this approach to be assessed.
25. There were eleven responses received from UK and wider European waste management companies by the deadline of 31 August 2016, including from existing County Council and City Council suppliers.
26. The project team met with each of the responding organisations between 12 September and 14 October 2016 to explore further the proposed solution(s).

Options Appraisal

27. Six options emerged from the soft market engagement exercise, as outlined below.
28. **Option 1: Build a new Energy from Waste (EfW) facility on a council owned site.**
This option would involve the construction of an EfW facility on a council owned site with capacity to accept all of the residual waste from both the County Council and the City Council. The optimal size of the facility was considered to be in the region of 300-400,000 tonnes per annum (tpa). Surplus capacity could be made available for third party waste and/or partnerships with other authorities.
29. **Option 2: Utilise a new build Energy from Waste facility at a third party site within the County**
This option would involve sending all of the County Council and City Council residual waste to a third party EfW facility. The waste supplier has secured planning permission for a 350,000 tpa EfW facility in Leicestershire.
30. **Option 3: Medium term merchanting arrangements (up to 2028 – 2031)**

This option would involve the County Council entering into medium term merchanting arrangements to utilise available waste treatment/disposal capacity within the marketplace.

31. Option 4: Build a new ‘alternative treatment’ facility on a council owned site

This option would involve using a council owned site to allow the County Council and City Council to utilise emerging waste treatment technologies which offer an alternative to traditional EfW solutions.

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

This option would involve the County Council and City Council entering into long term contractual arrangements to utilise spare capacity at existing facilities.

33. Option 6: Construct a ‘boutique’ facility

This option would involve the construction of a smaller scale waste facility sized to treat up to the available City Council and County Council residual waste only.

34. All options assume that City Council residual waste is not available until 2028 at the earliest following the completion of its PFI contract and that County Council residual waste is available from 2020.

35. Each option was assessed by the project team against the following criteria:

- a) Cost effectiveness
- b) Resilience
- c) Flexibility in capacity / service delivery
- d) Environmental impacts
- e) Social and public health value
- f) Opportunities for income generation
- g) Enable joint working with other authorities where advantageous
- h) Open to consider other waste management opportunities.

36. Operating costs provided by suppliers and utilised as part of the appraisal process were indicative as they are subject to optimising capacity and technology at the time of approaching the market. The price (i.e. gate fee per tonne) that is ultimately obtained will be influenced by a number of factors including finance options, the duration of the contract, and the certainty of the waste tonnage available.

37. Details of the advantages and disadvantages of each option when assessed by the project team are given in the Appendix to this report.

Conclusion

38. It is recommended that the County Council progresses Option 3, medium term merchanting arrangements up to 2028 – 2031, as the market engagement exercise suggested that there is sufficient capacity available within the market and that there may be opportunities for the County Council to secure financial savings.

39. This option also offers an opportunity for County Council and City Council contracts to cease at the same time. County Council and City Council residual waste could, therefore, become available to the market at the same time allowing for joint arrangements to be implemented in future, if considered beneficial by both parties. This may result in more cost effective residual waste treatment and disposal solutions being secured for both Councils due to economies of scale.
40. The medium term approach of Option 3 allows for the benchmarking of alternative, emerging technologies, which are presently being piloted both within the UK and Europe, and for the financial impact of the UK's withdrawal from the EU upon the waste industry to stabilise.
41. In addition, the proposed medium term approach will allow more clarity to develop in the national legislative framework following the UK's withdrawal from the EU.
42. To facilitate the proposed approach, it is recommended that the Director of Environment and Transport be authorised to seek to agree a Memorandum of Understanding with Leicester City Council to consider and, if appropriate, work towards a collaborative commissioning approach for joint residual waste treatment / disposal arrangements, following the expiry of Leicester City Council's waste PFI contract.

Appendix

Summary of Options Appraisal Assessment

Background Papers

Report to the Cabinet – 6 February 2015 - Commissioning and Procurement Strategy

<http://ow.ly/dtRk306liQA>

Report to the County Council – 23 May 2012 - Leicestershire Municipal Waste Management Strategy Update 2011

<http://ow.ly/YUVB306liFS>

Equality and Human Rights Implications

43. No equality or human rights implications are perceived at this stage.

Public Services (Social Value) Act 2012

44. The soft market assessment process sought to identify the maximum opportunities for social value in Leicester and Leicestershire within proposed solutions in terms of local economic development and growth, social, public health and environmental benefits. This included the provision of employment, training and volunteering opportunities to local people. A number of suggestions were identified and will be developed further in any subsequent procurement process.

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**CABINET - 13 DECEMBER 2016****SNIBSTON SITE AND COUNTRY PARK****REPORT OF THE DIRECTOR OF CORPORATE RESOURCES****PART A****Purpose of the Report**

1. The purpose of this report is to inform the Cabinet of the proposed future strategy for the development and ongoing use of the Snibston site and adjoining Country Park and to seek the Cabinet's approval for the masterplan for the site including the sale of part of the land for residential development.

Recommendations

2. It is recommended that:
 - (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 for residential development.

Reasons for Recommendations

3. To enable the masterplan to be agreed and the delivery of the proposals to be progressed.

Timetable for Decisions (including Scrutiny)

4. Subject to the Cabinet's approval, the necessary work for the sale of the land for delivery and the implementation of the masterplan will progress immediately.

Policy Framework and Previous Decisions

5. In February 2014, the County Council agreed the Medium Term Financial Strategy (MTFS) for 2014/15 to 2017/18, which included savings proposals in relation to Snibston. Following the Cabinet decision of January 2015 inter alia to cease services on part of the site and the dismissal of a subsequent Judicial Review, the Snibston Gallery and Museum was closed on the 31st July 2015. The site clearance was progressed immediately and completed in May 2016.

6. The County Council's strategic approach is to ensure that it makes best use of land and property assets that it continues to hold and to seek to reduce revenue property operating costs where possible and increase revenue income.
7. In July 2016 the Cabinet approved the County Council's Corporate Asset Management Plan 2016/17 which promotes the rationalisation of the Council's property assets, reducing property running costs, generating new property income streams, ensuring cost effective procurement of property and property services, and creating capital receipts to support capital programme or other beneficial investment proposals.

Resource Implications

8. The forecast total capital investment required to develop the site as detailed in the masterplan is £1.4million. The capital receipt assumed from the disposal of that part of the site proposed for residential development is expected to generate in the region of £1million. The additional funding required to implement the masterplan has been included in the capital programme within the draft Medium Term Financial Strategy and will be funded from discretionary capital resources.
9. The cost of operating the public offering of the Country Park and Heritage Area is expected to be in the region of £146,000 per annum. This is more than offset by the forecast income of £160,000 from the car park and visitor centre/café. The business case does not include revenue income or expenditure for the office accommodation, the Century Theatre, the Scheduled Ancient Monument or the Collections Store on the site as these budgets are managed and held centrally by the relevant services.

Circulation under the Local Issues Alert Procedure

10. A copy of this report has been sent to Dr. T. Eynon CC as the local member.

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PART B

Background

11. The freehold of the Snibston site is held by the County Council. Part of the site is leased to a Golf Range operator. There are a number of other minor interests in the site in respect of easements and licences.
12. Following closure of the Gallery and Museum in 2015 the Gallery (Block A) has been decommissioned and demolished whilst the Events Arena and Coach Park have been secured. The Century Theatre and the Country Park remain open/active.

Snibston Site

13. The full extent of the site is indicated by red edging on the attached plan (Appendix A), which also illustrates the extents of the covenant, the Scheduled Ancient Monument, and golf range. In developing the site strategy, the site has been zoned into the following three main areas.
 - Zone 1: Heritage Colliery Site
 - Zone 2: Country Park and Golf Range
 - Zone 3: Potential Development Sites – Former events arena, coach park and site of the former Gallery building.

Proposed Masterplan

14. The following proposals have been developed for the site (illustrated on the masterplan at Appendix B):

Area	Proposals
Zone 1 Colliery Heritage Area and Wheelwright's Workshop	Heritage Self-trail and interpretation displays • Enabling members of the public access to visit and view the Scheduled Ancient Monument.
Zone 2 Country Park	• Visitor Centre and Café • Mountain bike trails • BMX/ Pump Track • Multi-purpose all abilities trail • Adventure Play area • Exercise Area with outdoor fitness equipment • Picnic Area • Recreational play area

	• Golf Range
Zone 3 Residential Development	133 dwellings • 10, 1 bed apartments • 46, 2 bed houses • 61, 3 bed houses • 16, 4 bed houses
Car Park	150 parking spaces with 10% for disabled visitors • Parking to serve visitors to the Country Park, Century Theatre and Heritage Area.
Access Improvements	Re-establish the entrances to the Country Park, Century Theatre and Heritage Area from Ashby Road. Re-open the original gates from Ashby Road to provide foot and cycle access and potentially a new one-way access road into the Country Park and Theatre. Improve footpath connections to existing residential areas. Enhanced foot and cycle access from the south of the site and new residential development. Improved walking and cycling access and connections throughout the site.

Planning/Highway Constraints

15. The site does not have the benefit of a potential allocation within the draft North West Leicestershire Local Plan with only part of the site lying within the current limits of development. However, National Planning Policy Framework (NPPF) guidance 'encourages the effective use of land by re-using previously developed 'Brownfield Land' such as Snibston. The proposed development would require a planning application to be approved by North West Leicestershire District Council (NWLDC).
16. The site is intrinsically linked to the regeneration proposals that NWLDC is developing in Coalville. It offers an opportunity to provide an important heritage, recreation and culture destination for Coalville and surrounding settlements.

17. Following consultation with the Highway Authority, initial indications show that there is sufficient capacity within the highway network to service the development site for residential purposes via Chiswell Drive (as shown on Appendix B). The overall proposals are subject to further consideration by the Highway Authority.
18. The Colliery Heritage Area provides good opportunities for the Heritage proposals with its immediate physical presence on Ashby Road and the clear links to the town centre and its surrounding residential areas. It offers a potential gateway to the Heritage Area to draw the public into an improved useable public space for learning and recreation. The proposals aim to give an opportunity for the public to view the site with clear interpretations providing the history and significance of the buildings and infrastructure. The Scheduled Ancient Monument and its setting form an integral part of the masterplan proposal. A meeting has been arranged with Historic England to ensure the proposal is acceptable in keeping with its designation.
19. The National Coal Board (NCB) has a restrictive covenant over the majority of the site which limits its use to 'recreational purposes' only. The County Council is involved in ongoing negotiations with the Board concerning the release of the covenant on the proposed development areas of the site and negotiations have so far been positive with the NCB looking to take a commercial view on the proposals.
20. The existing colliery spoil that forms the events arena to the northwest boundary of the site may constrain the development. Following the completion of a ground investigation it has been recommended that remediation works would be required.

Conclusion

21. The masterplan proposal aims to integrate new housing development into the recreation opportunities provided by the Country Park and the heritage offer. From a strategic point of view the proposal to enhance the Country Park will also benefit committed housing developments adjacent to the site and the wider locality.

Background Papers

Report to the County Council on 19th February 2014 - "Medium Term Financial Strategy 2014/15 - 2017/18"

<http://ow.ly/Tu0r306lzd2>

Report to the Cabinet on 14th January 2015

<http://politics.leics.gov.uk/documents/s99975/5%20Snibston.pdf>

Report to the Cabinet on 18th July 2016 – Corporate Asset Management Plan

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=4604&Ver=4>

Equality and Human Rights Implications

22. There are no equality or human rights implications directly arising from this report. Subject to the Cabinet's approval of the masterplan an Impact Assessment will be progressed for the agreed proposal.

Appendices

Appendix A	Snibston Future Proposal Zone Key
Appendix B	Masterplan



CABINET – 13TH DECEMBER 2016

**HEALTHWATCH LEICESTERSHIRE REVIEW AND
RECOMMISSIONING**

REPORT OF THE CHIEF EXECUTIVE

PART A

Purpose of the Report

1. The purpose of this report is to detail the results of a recent review to support the recommissioning of a Healthwatch service for Leicestershire and seek approval for the proposed approach to procuring a new service. The copy of the review report is attached as Appendix A.

Recommendations

2. It is recommended that -
 - (a) The outcome of the review to support the recommissioning of a Healthwatch service for Leicestershire be noted;
 - (b) 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) 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.

Reason for Recommendations

3. 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.

Policy Framework and Previous Decisions

4. As part of the Health and Social Care Act 2012, a new 'Healthwatch' agency was introduced in each local health authority area within the country. There are three separate Healthwatch services for Leicester, Leicestershire and Rutland.
5. In October 2012 the Cabinet considered a report on the outcome of a consultation on proposals for Healthwatch Leicestershire and agreed to commence a procurement exercise. Healthwatch Leicestershire (HWL), currently delivered by Voluntary Action Leicestershire (VAL), was established in spring 2013.
6. The contract period was for 3 years with the potential for extension(s) of up to two years. A review of the HWA was carried out between July and October 2016.

Timetable for Decisions (including Scrutiny)

7. The current HWL contract was extended until 30th June 2017 to enable a review of the service prior to recommissioning. Subject to the agreement of the above recommendations, procurement of a new service will be progressed with a view to having a new contract in place by 1st July 2017, or to follow on from any further extension of the existing contract.
8. The Health and Wellbeing Board noted the outcome of the review to support the recommissioning of a Healthwatch service for Leicestershire at its meeting on 17th November 2016.

Resource Implications

9. The current cost of HWL is £187,391 per annum and it is proposed to recommission a service at the same level of resourcing.
10. Government funding for Healthwatch and associated contracts (Independent NHS Advocacy Services (ICAS) and Deprivation of Liberty Safeguards (DOLS) in hospitals) is provided via the Local Government Financial Settlement and the Local Reform and Communities Voices Grant (LRCVG).

11. The indicative allocations for this grant in 2016/17 are shown in the table below:

Service	Local Reform and Community Voices 2016/17 Funding (£)	Actual spend (£)
Deprivation of Liberty Safeguards in Hospitals	49,463	£283,375*
Healthwatch	135,723	187,391
Independent Complaints Advocacy Service	144,872	54,003
Total	330,058	524,769

*DOLS expenditure is supplemented by Departmental resources.

12. In addition to the above funding HWL is supported through the Local Government Finance Settlement. This amounted to £26,000 in 2012/13, since when local authority funding has been reduced by 31% up to 2016/17, and is expected to decrease by a cumulative 47% by 2019/20.
13. The Director of Corporate Resources and the Director of Law and Governance have been consulted on this report.

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PART B

Background

14. The key elements of a Healthwatch Leicestershire service are:
 - Listening to local people – engaging with the public and targeting seldom heard/hard to reach communities to understand what matters most.
 - Providing quality advice, signposting and information to inform patient choice.
 - Gathering intelligence to inform and influence key stakeholders to improve health and social care services.
 - Reviewing health and social care services from a lay perspective to observe the nature and quality of service improvements.
15. The current contract with VAL has been extended until the end of June 2017 to accommodate the review and recommissioning process. There is an option in the contract to extend this further if necessary, as far 31 March 2018, in order to align procurement with that for other local Healthwatch services.

The Review Report

16. The review of HWL was commissioned to inform the specification for a new Healthwatch service to be recommissioned taking account of the developing strategic context and national guidance and experience from implementation. It has considered the objectives, scope and focus of the existing contract, governance and organisational structure, resources and implementation and experience of commissioning and delivery in other areas. The review was carried out by Mair Health Ltd. on behalf of the County Council and has included secondary research focused on analysis of information relating to HWL and on information from Healthwatch England, the King's Fund and comparator health authority areas. Primary research has included interviews and surveys to seek views from the HWL Board, members and volunteers, Chairs of meetings attended by HWL, members of the Leicestershire Health and Wellbeing Board, stakeholders (health and care providers, commissioners, volunteers etc.) and other Healthwatch commissioners.
17. The review commenced in July 2016 and the review report was completed in October 2016 (attached as Appendix A). The report sets out the background to the development of Healthwatch nationally and locally, the methodology for carrying out the review (primary and secondary research as outlined above) and findings and recommendations relating to organisational form, contracting, procurement, monitoring performance, funding, income generation, governance, capacity and prioritisation and statutory functions.

Recommendations of the Review Report

18. The review report recommends that key requirements of a new HWL service model include:
- Independence – HWL may be a freestanding, hosted, or a commissioned function within a social enterprise, but it should be independent with control of its own finances, strategic direction and working practices.
 - Effective collaboration and partnership working with other local Healthwatch organisations to enhance the reach and impact of the service for Leicestershire. (This could be achieved through joint commissioning, sharing backroom functions and/or developing leads for discrete work projects.)
 - A clear and transparent process to prioritise and plan work enabled by partnership working, potentially including a joint Leicester, Leicestershire and Rutland Healthwatch advisory group.
 - Consideration being given to developing a consistent approach to activities with local Healthwatch organisations working to the same standards.
 - Involving the public and service users in service development and co-production.
 - Developing the volunteering function of HWL, to add capacity to services.
 - Developing a communication and engagement strategy to support joint working, including prioritisation of work with children and young people and seldom heard groups.
 - Marketing, to raise the profile of HWL so people know how they can engage and make a difference.

Progressing the Review Recommendations

19. It is proposed that the recommendations of the review report will be taken forward through discussions with Leicester and Rutland Healthwatch commissioners to explore opportunities for increased collaboration/joint working and through the procurement process.
20. It is proposed to seek to commission delivery of a Healthwatch service for Leicestershire for three years, with the option to extend for up to a further two years, by a freestanding social enterprise with a remit focused on delivery of healthwatch services, rather than by a social enterprise with a wider remit (the existing delivery model). It is considered that the freestanding HWL model will best deliver financial and strategic independence and accountability as it would be delivered by a completely independent company and Board which would have full responsibility for all aspects of strategic direction and operational management. This level of independence would reinforce the standing and authority of Healthwatch and help ensure it continues to attract trustees with appropriate skills, knowledge and experience. Recommendations relating to the service specification will be taken into account and incorporated as appropriate in the preparation of the revised specification.

21. Subject to the outcome of discussions with local commissioners it is considered that it will be likely to be necessary to extend the current contract further, potentially up to the end of March 2018 (when the Leicester City and Rutland contracts will be recommissioned or renewed) in order to align procurement timescales, and/or to enable market development to facilitate a competitive bidding process.

Equalities and Human Rights implications

22. HWL is committed to reducing inequalities in health and social care outcomes and this priority will be reflected in future commissioning. An Equalities and Human Rights Scoping Assessment of the service review has been carried out and is attached as Appendix B. The assessment concluded that implementation of the review is likely to have a positive equalities and human rights impact.

Appendices

Appendix A - A review to support the recommissioning of Healthwatch Leicestershire, October 2016, Mair Health Ltd.

Appendix B – Equalities and Human Rights Scoping Assessment, October 2016

Background Papers

Report to the Health and Wellbeing Board – 17th November 2016 – Healthwatch Leicestershire Review and Recommissioning
[Health and Wellbeing Board 17 November 2016](#)

Report to the Cabinet – 16 October 2012 – Healthwatch Leicestershire
<http://cexmodgov1/ieListDocuments.aspx?CId=135&MId=3395&Ver=4>



CABINET – 13 DECEMBER 2016

NHS SUSTAINABILITY AND TRANSFORMATION PLAN

REPORT OF THE CHIEF EXECUTIVE

PART A

Purpose of the Report

1. The purpose of this report is to inform the Cabinet that the draft NHS Sustainability and Transformation Plan (STP) for Leicester, Leicestershire and Rutland (LLR) has been published and to set out the governance arrangements for oversight and delivery of the STP.

Recommendations

2. It is recommended that -
 - (a) The publication of the Leicester, Leicestershire and Rutland Sustainability and Transformation Plan be noted;
 - (b) The governance arrangements for oversight and delivery of the Sustainability and Transformation Plan be noted;
 - (c) 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 Recommendation

3. 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.
4. 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. The County Council cannot be bound by decisions made by the System Leadership Team, In order to facilitate partnership working however, the Chief Executive will need to take operational decisions within the County Council to enable the STP to be delivered.

Timetable for Decisions (including Scrutiny)

5. Each statutory local NHS organisation approved the draft STP on 22 November 2016. Local authorities are not required formally to approve the STP.
6. The Health and Wellbeing Board will meet on 6 December to consider proposals in regard to its role in the governance and delivery arrangements of the STP (see para. 17). The Leicester, Leicestershire and Rutland Health Overview and Scrutiny Committee will meet on 14 December to consider the STP and to provide feedback on its content (see para. 23)
7. In terms of governance, Terms of Reference for the System Leadership Team will be submitted to Clinical Commissioning Groups (CCGs) in December. Following agreement of these terms of reference, CCG Boards will be asked to update their schemes of delegation.

Policy Framework and Previous Decisions

8. The STP is a national requirement as set out in the NHS shared planning guidance 2016/17 – 2020/21.

Resource Implications

9. The STP states that, without developing new ways of working, the impact of increased demand creates a financial gap of £399.3 million for health and social care over the five year timeframe of the Plan. Of this, healthcare accounts for £341.6 million of the gap, whilst the adult social care gap equals £57.7 million over the same timeframe.
10. The STP recognises that the LLR local authorities with social care responsibilities have a range of programmes to reduce costs, review commissioning of services, equipment services, applications of technology and an ambition to coordinate some services across the range of public health and social care services. For Leicestershire, these initiatives are identified through the Medium Term Financial Strategy process.

Circulation under the Local Issues Alert Procedure

11. None.

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PART B

Background

12. The STP is to show how local health services will evolve and become sustainable over the next five years to deliver the NHS Five Year Forward View vision of better patient care and improved NHS efficiency.
13. The draft LLR STP was published on 21 November and is available via <http://www.bettercareleicester.nhs.uk/>. The Plan is subject to stakeholder engagement until January 2017. Specific areas within the Plan will then be subject to formal public consultation during 2017, meaning final decisions on many of the proposals will not be taken until summer 2017.
14. The draft STP contains the following proposals:-
 - Investment in local services including £45.5 million on a new emergency department at Leicester Royal Infirmary;
 - An increase in services delivered in the community by specialised clinical teams;
 - Encouraging more people to live healthily and avoid illness;
 - Helping to address a LLR projected NHS funding gap of £399 million caused by a number of factors including an increase in demand for services, and the costs of new treatments;
 - A movement of hospital beds from the big hospitals to the community, in hospitals or at home, for those people whom it would benefit;
 - The reconfiguration of hospitals from three to two acute sites;
 - Future options for maternity services in Leicester, Leicester and Rutland, including the current standalone midwife led unit in Melton Mowbray;
 - Reconfiguration of community hospitals and their beds and community-based services.

Governance Arrangements

15. The governance arrangements for the STP are illustrated in the diagram attached as Appendix A. Key to these new arrangements is the System Leadership Team (SLT) which met for the first time in shadow form in November. This is a joint committee of the three LLR CCGs. The SLT also includes the chief executives or equivalent from the three LLR local authorities and the NHS statutory providers as 'non decision making members' to ensure that the considerations and decisions of the SLT are fully informed by views from across the health and social care system. The SLT has been established after legal advice was taken in the context of restrictions on CCGs and NHS provider trusts being in membership of the same decision making body.
16. The SLT will oversee all aspects of the development and delivery of the STP for the LLR footprint and provide collective leadership and problem solving to address barriers to implementation. Members of the SLT will meet together to discuss and agree the direction of the STP and of any specific areas of work required to meet the aims of the Plan. However, where an issue requires a

specific decision by a provider organisation or a local authority, the remit of the SLT will be to develop a shared recommendation, on which all members of the SLT agree, to be presented for consideration and approval by the relevant board, governing body or executive body.

Role of the Health and Wellbeing Board

17. It is recognised that additional governance arrangements for the STP are needed to deliver improved clarity and connection between the local place and the LLR tier with more visibility, shaping and recognition of the wider determinants of health in all aspects of strategic planning. It is proposed that the three LLR Health and Wellbeing Boards take on this role, which aligns with their existing responsibilities as set out in their Terms of Reference.
18. The Health and Wellbeing Boards will provide a 'confirm and challenge' function, ensuring that the STP is aligned with the priorities set out within both the Joint Health and Wellbeing Strategy and the Joint Strategic Needs Assessment. The Health and Wellbeing Board will also apply this confirm and challenge approach to the implementation of the STP, particularly with regard to the pace and readiness of the individual programmes of work within it.
19. It is proposed that each Health and Wellbeing Board would provide an open and transparent forum in which to:
 - (i) Take responsibility for ensuring that the STP priorities address the key place based health and care needs of each Health and Wellbeing Board area for adults and children;
 - (ii) Assure itself that Health and Wellbeing Board partners have adequate plans in place to deliver their required local contribution to implementing the STP;
 - (iii) Assure itself, where specific proposals exist for service reconfiguration within their geographic area, that the case for change in terms of clinical model and patient benefit is clear and processes for securing patient and public involvement are robust;
 - (iv) Take a lead role for one of the agreed STP new model of care transformation priorities. This would be on behalf of the whole of LLR, not just the specific Health and Wellbeing Board, and would involve more frequent review, testing and leadership for the implementation plans for that specific aspect of the STP;
 - (v) Agree any concerns or issues which the Health and Wellbeing Board wishes to escalate to the STP or refer to or inform the executive of the relevant NHS body or local authority.
20. This 'division of labour' is not intended to constitute a formal delegation of accountability or statutory responsibilities from one body to another, but rather ensure that there is consistent challenge being applied across the system in a way which avoids duplication and creates the time and space for more detailed consideration.

21. In terms of what this would practically mean, under these arrangements in addition to taking an overall interest in the whole of the STP, each Health and Wellbeing Board would have the following specific areas of focus:

	Leicester City	Leicestershire	Rutland
New models of care	Primary care	Integrated teams	Community rehabilitation
Service reconfiguration	UHL acute hospital sites	Community hospitals (excluding Rutland Memorial)	Rutland Memorial

22. There are four key areas that the proposed governance arrangements for the STP would not change or replace:
- Responsibility of each statutory NHS organisation to sign off of the STP and supporting financial plan.
 - Accountability arrangements for delivery of the STP by statutory NHS organisations which will remain through NHS England (for CCGs) and NHS Improvement (for University Hospitals of Leicester and Leicestershire Partnership NHS Trust).
 - The role of health scrutiny in respect of the STP which will remain separate and distinct through the local authority statutory Health Overview and Scrutiny arrangements, particularly in respect of formal service reconfiguration proposals, consultation and decision making arrangements.
 - Relevant responsibilities of each local authority executive body.

Role of the Health Overview and Scrutiny Committee

23. Where major or significant changes to health services are proposed, there is a statutory requirement for Health Overview and Scrutiny Committees to be consulted. This can be through a Joint Committee if the changes affect an area larger than one local authority. The Committee(s) remit is to ensure that adequate consultation has been undertaken and that the changes proposed are in the best interests of the local area and they will provide a formal response to the consultation addressing these points. Members will seek to work collaboratively with the NHS and seek to resolve any issues at a local level; however, if after this the Committee(s) still considers the changes not to be in the best interests for the local population they can refer the matter to the Secretary of State for Health (Leicestershire County and Rutland require their full Councils to agree to this).

Background Papers

Report to the Health and Wellbeing Board on 6 December, Sustainability and Transformation Plan – Role of the Health and Wellbeing Board
<http://ow.ly/5pzE306F0Zg>

Appendix

STP Governance Diagram

Equality and Human Rights Implications

24. There are no equality or human rights implications arising from this report. NHS policy-making, decisions and activities are required to be compliant with the public sector Equality duty.

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CABINET – 13 DECEMBER 2016

MELTON LOCAL PLAN – PRE SUBMISSION DRAFT

CONSULTATION RESPONSE

REPORT OF THE CHIEF EXECUTIVE

PART A

Purpose of the Report

1. The purpose of this report is to seek the approval of the Cabinet for a response to the Melton Local Plan Pre Submission Draft which has been produced by Melton Borough Council.

Recommendations

2. It is recommended that;
 - a) The detailed comments on the Melton Local Plan Pre Submission Draft as set out in the Appendix to this report, be submitted to Melton Borough Council as the views of the County Council;
 - b) 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 Recommendations

3. 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.

Timetable for Decisions (including Scrutiny)

4. Officers have prepared a response to the Pre Submission Draft which needs to be submitted to Melton Borough Council before the end of the consultation which ceases on 19 December 2016.
5. Consideration of the draft plan and representations by the Secretary of State through Examination is scheduled from February 2017. Melton Borough Council anticipates that the Local Plan will be adopted in 2018.

Policy Framework and Previous Decisions

6. In recommending a County Council response particular consideration has been given to the Local Plan's:
 - Consistency with the provisions of the County's Waste Development Documents and Mineral Development Documents;
 - Consistency with the County Council's Strategic Plan 2014 to 2018 and Enabling Growth Plan (March 2015);
 - Consistency with the Leicester and Leicestershire's Enterprise Partnership's (LLEP) Strategic Economic Plan (2014);
 - Impact on the County Council's ability to implement any service or infrastructure it provides,
 - Impact on the County Council's interests as land and property owner; and,
 - Impact on the County Council's role as Lead Local Flood Authority (LLFA) for Leicestershire.

National Context

7. The Government has made significant changes to how planning operates at a national and local level. The Localism Act and the National Planning Policy Framework (NPPF) have brought into operation a system which places greater emphasis on local decision-making, removes the regional tier and reduces the extent of national planning guidance.
8. The NPPF, published in March 2012, set out a streamlined approach to national planning policy to empower local authorities and local communities to make decisions about the sustainable development of their area through local and neighbourhood plans. National Planning Policy Guidance (NPPG) on a range of topics, assists in the interpretation and application of the NPPF. Local Plans must be positively prepared, justified, effective and consistent with the NPPF and NPPG, applying objectives of national policy to local circumstances and local priorities.

Regional Context

9. The Localism Act gave the Secretary of State power to revoke Regional Plans, and the East Midlands Regional Plan, published by the Secretary of State in March 2009 was revoked on 12 April 2013. The Localism Act introduced a Duty to Co-operate which applies to all local authorities and a number of other agencies. The Duty to Co-operate is the mechanism for agreeing strategic issues that go beyond individual local authority boundaries.
10. Work is underway on the preparation of a Strategic Growth Plan to 2050 for Leicester and Leicestershire; this will greatly assist joint working with the City Council, the Leicestershire districts and the LLEP on strategic planning matters. Between 5 August 2016 and 16 September 2016 consultation was undertaken on the Strategic Growth Statement, which forms the first stage of the Strategic Growth Plan. It is anticipated that consultation on the draft Strategic Growth Plan

will take place in Summer 2017, prior to publication of the final Strategic Growth Plan in early 2018.

11. The local planning authorities and the County Council work closely with the Leicester and Leicestershire Enterprise Partnership (LLEP) to ensure planning policies and proposals are aligned with sub-regional economic priorities set out in the Strategic Economic Plan (SEP).

Previous Decisions on the Melton Local Plan

12. On 3 April 2012 the Cabinet agreed comments on the Melton Local Development Framework Consultation: Melton Core Strategy Submission version which included key comments on the Melton SUE and broadband.
13. The Melton Core Strategy was withdrawn from Public Examination in April 2013, closely followed by a commitment to develop a New Local Plan swiftly and engaging as many people as possible in the process, mostly through the use of reference groups.

Resource Implications

14. There are no resource implications arising from this report.

Circulation under the Local Issues Alert Procedure

15. A copy of the report has been sent to County Councillors representing Electoral Divisions in Melton Borough:

Mrs. P. Posnett CC
 Mr. J. B. Rhodes CC
 Mr. J. T. Orson CC
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PART B

Melton Local Plan Pre Submission Draft - November 2016

16. The draft plan includes policies and proposals for Melton Borough for the plan period 2011 to 2036. In brief, the spatial strategy makes provision for at least 6,125 dwellings and 51 hectares of employment land. It distributes the majority of housing (approximately 65 per cent of the requirement, at least 3,980 dwellings and up to 31 hectares of employment land) and employment growth to Melton Mowbray, and the remaining 35 per cent (1822 dwellings) of the housing requirement is shared between the villages, through an allowance for 'windfall' development (small sites accounting for 15 per cent) and site allocations.
17. The spatial strategy also identifies specific housing targets for the villages identified as Service Centres and Rural Hubs based on their population but also informed by the availability of suitable sites. Allocations are identified along with 'reserve sites'. It is explained in the draft plan that these 'reserve sites' are selected to maintain supply should an allocation not come forward.
18. The draft plan identifies two new Sustainable Neighbourhoods, which will effectively form urban extensions to the north and south of Melton Mowbray. These will accommodate housing and employment growth identified for the town and will also deliver sections of the Melton Mowbray Distributor Road.
19. The Melton Mowbray North Sustainable Neighbourhood (NSN) will deliver 1,700 dwellings (1,500 dwellings within the plan period) and small scale economic development start-ups and a new primary school. The Melton Mowbray South Sustainable Neighbourhood (SSN) will deliver 2,000 dwellings (1,700 dwellings within the plan period) 20 hectares of employment land and a new primary school.
20. Proposals are also included for employment development in Melton Mowbray and an extension to the Asfordby Business Park.
21. As anticipated in the draft plan policies are also included on matters such as the delivery of an appropriate housing mix, affordable housing, gypsy and traveller accommodation, healthy and sustainable communities, a vibrant town centre, tourism, environment, landscape, heritage, open space and design.
22. Infrastructure and facilities to support the growth of communities are set out in the draft Infrastructure Development Plan.
23. A Memorandum of Understanding (MoU) was signed by all of the local authorities in the Leicester and Leicestershire Housing Market Area (L&L HMA) in late 2014 which confirmed that each local authority could meet its own Objectively Assessed Need (OAN) as identified in the Strategic Housing Market Assessment (SHMA) up to 2028, and that the local authorities would continue to work together to support the preparation of Local Plans post-2028.
24. All partners in Leicester and Leicestershire are currently working together on the preparation of a Housing Needs and Economic Development Needs Assessment

(HEDNA) which will form a key piece of evidence for the Strategic Growth Plan. A joint position statement has been prepared recently confirming the collaborative work which is ongoing to inform housing and employment provision to 2036. All partners are signatories to this joint position statement.

Context for Comments relating to County Council Landholdings

25. The comments include a consideration of the effects of the proposals on County Council landholdings and property assets in Melton Borough.

Key Comments

26. Key comments are summarised below, and detailed comments are included in the Appendix.

Education

27. Although the proposals set out in the draft plan are welcomed in the sense that they define the expected housing growth strategy within the Borough for the next 20 years it is insufficiently detailed for school place planning purposes. Officers continue to hold discussions to secure data for year on year housing trajectories to inform school place planning.

28. There are two fundamental issues from an educational perspective as follows:

- **Sequence of growth.** This is of particular importance in the Service Centres and Rural Hubs where a number of individual housing proposals might contribute to the expansion of local primary schools. If the delivery of these developments does not occur simultaneously then planning for the provision of additional school places can create significant capital funding risk.
- **Impact on secondary provision in the Melton Mowbray urban area.** The lack of clarity around the sequence and size of developments to the north and south of the town is a concern. More clarity will help the County Council determine the most appropriate solution for the provision of places.

In some locations there will be potential for phased development of additional provision to mitigate the financial risks, but this will not be the case for all schools.

29. The inclusion of a new primary school for each of the two Sustainable Neighbourhoods is welcomed.

30. There are three potential options for the provision of additional secondary spaces for Melton Mowbray. The best solution is considered to be a new secondary school to the south of Melton Mowbray.

31. If the Sustainable Neighbourhoods are timed sequentially it would help for a more strategic approach to be taken and for solutions to be arrived at and agreed with Melton Borough Council.

32. Elsewhere in the Borough development within the Service Centres and Rural Hubs will require S106 contributions. Many of these locations occupy constrained sites, and are located in conservation areas. Two examples are Long Clawson and Somerby. In such circumstances it would be appropriate for the County Council to seek from developers the full costs of expanding schools rather than a contribution based on the yield rates and cost multipliers. In such circumstances payment is required at an early stage, if this is not possible then the County Council may also seek an additional contribution to cover transport transitional costs for pupils to travel to nearby schools until such a time as the new school accommodation is available.
33. Secondary provision in the Borough will fall within the catchment area of the Melton town secondary schools or within the catchment area of the Bottesford Belvoir High school, which based on current forecast pupil numbers is capable of expansion to accommodate the additional pupils, so does not pose an issue.
34. In summary, with regards to the educational element of the Plan the current situation is that although the issues are not considered to be insurmountable they pose a significant financial risk to the County Council if solutions are not identified and tied into the requirements of the Local Plan. Officers are keen to provide guidance towards a solution/solutions.
35. There is a need to look at the forward funding of infrastructure before housing is delivered. Furthermore, transitional arrangements strongly relate to the Community Infrastructure Levy (CIL) which will need to align with the Infrastructure Delivery Plan alongside the Local Plan.
36. Melton Borough Council anticipates consulting on a charging schedule for CIL in early 2017. This will be the first proposed in Leicestershire and it will be crucial that the infrastructure required to support the draft Plan has been properly identified, costed and tested for viability to support the deliverability of the Plan.

Transport

37. In brief, the County Council understands and supports the emerging transport strategy including the need for a Melton Mowbray Distributor Road in order to deliver the planned growth in Melton over the next plan period. It has worked closely with Melton Borough Council on developing a robust evidence base that has identified the transport issues in the town, the impact of those issues on Melton's ability to accommodate future growth which has led to the conclusion that a key element of the strategy is the provision of additional highways infrastructure in particular a distributor road. The evidence has further demonstrated a route to the east of the town would have the greatest overall benefits.
38. At present, the Local Plan does not clearly set out the thoroughness of the work that has been undertaken to inform the development strategy and how it relates to the future growth of the town. It would be unfortunate if others had concerns over the deliverability of the plan and therefore consider it to be possibly unsound as a result of this. Therefore it would be helpful to strengthen the Plan to

demonstrate the robust evidential approach that has been undertaken in developing the plan and identifying associated transport infrastructure.

39. In summary, the County Highway Authority has no cause to question the soundness of the Local Plan in respect of the proposed proportion of housing growth to be accommodated in and around Melton Mowbray and the proportion elsewhere across the Borough. Nor does it with respect to the proposed levels of housing allocated to the various villages. Consideration of specific sites will be subject to normal considerations through the development management process including (for example) the provision of safe and satisfactory site access and any required highways and transport mitigating measures.

Strategic Assets

40. In brief, in relation to the County Council's role as landowner the key comments are:

- The Council supports the rationale for the distribution of housing (65 per cent Melton Town/ 35 per cent rural); however it notes the need for flexibility to ensure sustainable sites can be brought forward in lower tiers of the settlement hierarchy.
- The Council supports the proposed allocation of Melton Mowbray North Sustainable Neighbourhood which would include County Council owned land at Sysonby Farm. It notes that the site is capable of making a significant contribution to the infrastructure needs of the town. A flexible approach to master planning is requested to expedite delivery, and to note the scheme can deliver significantly higher numbers than the 1700 dwellings proposed in the plan period.

Waste Management

41. Any development around Melton Mowbray is likely to have a detrimental effect on the civic amenity infrastructure which already has an evidenced capacity shortfall. The Melton Mowbray civic amenity site provides an on demand service to which at peak times there has been an evidenced capacity deficiency. Furthermore, the Melton Mowbray civic amenity site has no effective means of increasing capacity beyond that already identified and allocated to existing planning obligations or historical planning applications. Appropriate mitigation measures, which may include land for and development of or contributions towards land for and development of a new civic amenity site and / or waste transfer station to off-set the increased demand placed on the waste infrastructure, need to be recognised in this plan.

Equality and Human Rights Implications

42. Through their policies, Local Plans have significant implications for disadvantaged people living in Leicestershire. By seeking to ensure economic growth is secured and an appropriate provision of affordable homes is made, the County Council can, through its representations, contribute to the needs of disadvantaged groups.

Background Papers

National Planning Policy Framework (NPPF) – March 2012

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60777/2116950.pdf

Leicestershire County Council Strategic Plan 2014 – 2018

http://www.leics.gov.uk/leics_strategic_plan.pdf

Report to the Cabinet – 16 March 2015 - Enabling Growth Plan -

[http://politics.leics.gov.uk/Published/C00000135/M00004360/AI00043150/\\$6EnablingGrowthPlan.docA.ps.pdf](http://politics.leics.gov.uk/Published/C00000135/M00004360/AI00043150/$6EnablingGrowthPlan.docA.ps.pdf)

Appendix

Melton Local Plan Pre Submission Draft - Leicestershire County Council response



CABINET - 13 DECEMBER 2016

**REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) -
REVISED POLICY STATEMENT**

REPORT OF THE DIRECTOR OF LAW AND GOVERNANCE

PART A

Purpose of the Report

1. The purpose of this report is to advise the Cabinet on 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 to recommend the adoption of a revised Policy Statement.

Recommendations

2. It is recommended that -
 - (a) 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) The County Council's Policy Statement on the use of RIPA powers (appended to this report) be approved;
 - (c) 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 Recommendations

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

Timetable for Decisions (including Scrutiny)

4. A revised Policy Statement will be implemented following approval by the Cabinet.

Policy Framework and Previous Decisions

5. Since October 2000 the County Council has had statutory responsibilities under RIPA to ensure there is appropriate oversight for the authorisation of its officers who are undertaking covert surveillance governed by the Act.

6. The RIPA Codes of Practice require elected members of a local authority to review the authority's use of RIPA and set the policy at least once a year. They should also consider internal reports on the use of RIPA to ensure that it is being applied consistently with the local authority's policy and that the policy remains fit for purpose. Elected members should not, however, be involved in making decisions on specific authorisations.
7. In November 2013 the Council's Corporate Governance Committee agreed changes to the Policy Statement to reflect legislative changes and the recommendations made following an inspection undertaken by the Office of Surveillance Commissioners. The Cabinet subsequently agreed the Policy Statement on 13 December 2013.
8. On 20 February 2015 the Corporate Governance Committee agreed that it would receive annual reports on the use of RIPA.
9. On 17 November 2015 the Council's Corporate Governance Committee agreed further changes to the Policy Statement to reflect legislative changes. The Cabinet subsequently agreed the Policy Statement on 12 January 2016.
10. On 25 November 2016 the Council's Corporate Governance Committee agreed to make recommendations to the Cabinet on the approval of a revised Policy Statement. The revisions reflect the recommendations made by the Office of Surveillance Commissioners following an inspection of the County Council on 10 August 2016.

Resources Implications

11. There are no resources implications arising from this report.

Circulation under the Local Issues Alert Procedure

12. None.

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PART B

Background

13. The Trading Standards Service is the primary user of RIPA within the County Council. The three activities primarily used by the County Council are "Directed Surveillance", the conduct and use of "Covert Human Intelligence Sources" (CHIS), and authorisations to acquire certain types of "communications data". These are the RIPA 'powers' referred to in this report.
14. **Directed surveillance** is the pre-planned covert surveillance of individuals, sometimes involving the use of hidden visual and audio equipment.
15. **CHIS** includes the use of County Council officers, who pretend to be acting as consumers to purchase goods and services, e.g. in person, by telephone or via the internet.
16. **Communications data** relates to information obtained from communication service providers, for example, subscriber details relating to an internet account, mobile phone or fixed line numbers, but does not include the contents of the communication itself.
17. Legislative changes in November 2012 implemented an additional layer of scrutiny. Local authority authorisations under RIPA would only take effect if an order approving the authorisation or notice has been granted by a Magistrates' Court.
18. Subsequent amendments to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 brought about further restrictions on the use of RIPA. A local authority can only grant an authorisation under RIPA for the use of directed surveillance where the local authority is investigating particular types of criminality. These are criminal offences and only those offences which on conviction are punishable by a maximum term of imprisonment of six months or more, or offences relating to the sale of alcohol or tobacco to children.
19. With effect from 1 October 2015 the Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015 created an offence to sell nicotine inhaling products to persons under the age of eighteen. The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2015 provides the necessary gateway to enable a local authority to apply for judicial approval to use covert surveillance when investigating the supply of this type of age restricted product.

The Process

20. An application by the Authority for a RIPA authorisation or notice is considered at a hearing in the Magistrates' Court. The hearing is conducted in private and heard by a Magistrate or District Judge who will read and consider the RIPA authorisation or notice applied for. Home Office guidance recommends the

County Council Monitoring Officer should designate certain officers for the purpose of presenting RIPA cases to the Magistrates' Court. Delegated powers agreed by the Cabinet enable the Director of Law and Governance to "authorise staff to prosecute, defend or appear in proceedings before Magistrates' Courts on behalf of the County Council". A pool of suitable officers within Regulatory Services are designated for this purpose. The existing delegated power will allow for further designations to be made by the Director of Law and Governance, should it become necessary and appropriate for officers from other service areas to be able to represent the County Council in RIPA hearings.

21. The Corporate Governance Committee continues to be the appropriate body to review the RIPA Policy Statement annually, with a view to reporting to the Cabinet on both the use of RIPA powers and whether the policy remains fit for purpose.
22. Procedures and all published Home Office guidance for local authorities are available to all employees via the County Council's intranet.

Use of RIPA

23. For the period from 1 October 2015 to 30 September 2016 the following authorisations were approved :
 - a) – 4 directed surveillance;
 - b) - 4 CHIS;
 - c) - 5 relating to the acquisition of communications data.
24. All RIPA authorisations granted within this period were associated with covert surveillance activities undertaken by the Trading Standards Service. These criminal investigations related to the supply of counterfeit or unsafe products; unfair trading practices conducted via the internet or on the doorstep and the sale of age restricted products to children.
25. All RIPA applications submitted between October 2015 and September 2016 were approved by a District Judge or a Magistrate sitting at Leicester Magistrates' Court. On each occasion an application was put before the Court, the County Council was able to demonstrate that appropriate consideration had be given to the necessity and proportionality of the surveillance to be undertaken and that it was being sought for a legitimate purpose.

Unlawful Sales of Butane, Knives and Fireworks

26. The Cabinet agreed at its meeting on 13 December 2013 to revise the Policy Statement to enable the Council to undertake covert investigatory techniques, in respect to the prevention and detection of illegal sales of the following age restricted products: butane, knives and fireworks, even though these products do not meet the criteria specified in the Protection of Freedoms Act 2012 and therefore do not attract the protections of RIPA, in respect to these covert investigatory techniques.

27. The Council has implemented a procedure to ensure that it continues to comply with its obligations under Article 8 of the European Convention on Human Rights, requiring its Trading Standards Service to adhere to the same authorisation procedures for RIPA authorisations and/or notices, except for the requirement to seek the approval of a Magistrates' Court.
28. For the period from 1 October 2015 to 30 September 2016 an authorisation was granted to undertake a series of covert test purchases relating to fireworks, butane and knives. No sales were made

Inspection of the County Council by the Office of Surveillance Commissioners (OSC) and Subsequent Changes to the Policy Statement

29. On 10 August 2016 the OSC conducted an inspection of the County Council. In his report, Assistant Surveillance Commissioner His Honour Sir David Clarke QC concluded:

“LCC has a generally sound RIPA structure, policy and procedures, and committed senior management. Mr Connors has long experience in RIPA matters and is well placed to guide the process in the more senior role he now occupies. The RIPAR electronic system is excellent in principle, but requires significant revision in relation to the CHIS authorisation process.”

30. The Commissioner's report is complimentary of the intranet RIPA application process (RIPAR), an online system designed and implemented by the Council's ICT Services. However, the OSC recommends revisions to ensure the paper copy of a CHIS application produced for the judicial process reflects all the relevant information recorded in RIPAR system, whilst at the same protecting the true identity of any confidential source.

The Commissioner made four principal recommendations

- a) the Policy Statement is revised to incorporate advice on the relevance of RIPA when dealing with information received from members of the public and the use made by investigators of the internet, in particular, the monitoring of 'open source' social network sites.
- b) the risk assessments undertaken for CHIS authorisations are prepared on an individual basis.
- c) CHIS authorisations are set out in such a way that the information is fully reproduced in the paper copy for the purposes of seeking the judicial approval.
- d) that the cancellation process incorporates additional directions by the authorising officer as set out in the current OSC 2016 guidance.

Recommendation a) relating to raising the awareness of RIPA amongst council employees when using open source material and information

volunteered by members of the public, was required to be added to the Policy Statement which has been amended accordingly . The remaining recommendations were operational based changes which have subsequently been implemented. The Commissioner has been advised accordingly.

Background Papers

Report to the Cabinet - 12 January 2016 - "The Regulation of Investigatory Powers Act 2000 Revised Policy Statement" and minutes of that meeting.

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=4598&Ver=4>

Report to the Corporate Governance Committee - 26 November 2016 - "Regulation of Investigatory Powers Act 2000 (RIPA) -" and minutes of that meeting.

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=434&MId=4476&Ver=4>

Equality and Human Rights Implications

None arising from this report.

Appendix

The Regulation of Investigatory Powers Act 2000 (RIPA) draft Policy Statement

<http://politics.leics.gov.uk/documents/s124409/RIPArevised%20policy.pdf>