

Minutes of a meeting of the Cabinet held at County Hall, Glenfield on Friday, 24 November 2017.

PRESENT

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

Mr. R. Blunt CC
Mr. I. D. Ould CC
Mr. B. L. Pain CC

Mrs. P. Posnett CC
Mr. J. B. Rhodes CC
Mr. R. J. Shepherd CC

Apologies

Mr. E. F. White CC

In attendance

Webcast.

A webcast of the meeting can be viewed at <http://ow.ly/VdOU30gCm2k>

55. Minutes of the previous meeting.

The minutes of the meeting held on 10 October were taken as read, confirmed and signed.

56. Urgent items.

There were no urgent items for consideration.

57. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

Mr. B. Pain CC declared a personal interest in agenda item 10 (Harborough Local Plan 2011 to 2031 Proposed Submission Consultation Response) as a Harborough District Council member.

58. Removal (Closure) of Residential Facilities at Maplewell Hall Special School.

The Cabinet considered a report of the Director of Children and Family Services which detailed the results of the first stage of the consultation on the proposed removal of the residential facilities at the Maplewell Hall Special School with effect from September 2018 and sought approval to publish a Statutory Proposal and Notice as the next step in the process. A copy of the report, marked '4', is filed with these minutes.

The Cabinet noted comments from the local member, Mrs Taylor CC, Mr Osborne CC and Mr Welsh CC along with representations from several members of the public. Copies of each are filed with these minutes.

With the agreement of the Leader, Mrs Taylor CC and Mr Osborne CC addressed the Cabinet.

The Chairman invited Mrs Taylor CC to speak.

In addressing the Cabinet, Mrs Taylor stated that whilst she understood the County Council had limited budgets and was required to make difficult decisions, it was important for the Authority to support vulnerable children to become independent, as this would reduce demand in later life for Adult Social Care services.

Mrs Taylor CC expressed concern about the lack of detail in the report concerning the additional transport and other costs that would be incurred as a result of the potential closure of the residential facilities and how much of the £293,000 of Council funding allocated to the school was spent on the overnight provision as opposed to its after school activities.

Mrs Taylor CC felt that there had been limited discussion between the County Council and the School about the residential provision and stressed that more work was needed to explore whether the facility could be maintained, possibly with reduced funding.

Mrs Taylor CC highlighted that the school had been rated 'outstanding' by OFSTED in September 2016 and she believed the removal of the residential facility would have a negative effect on those children who currently had access to the provision.

Mrs Taylor CC did not support the proposals to close the residential facility at Maplewell Hall School.

The Chairman invited Mr Osborne CC to speak

Mr Osborne CC stated that as an ex-Chairman and Governor of Maplewell Hall School he disagreed with the proposed closure of the residential facility. He highlighted that the County Council had received considerable response to the consultation and an unprecedented number had signed a petition against the proposals. He added that the County Council should be supporting these children and urged the Cabinet to withdraw its proposal to close the facility.

In presenting the report the Director of Children and Family Services highlighted that the County Council's High Needs Block (HNB) was facing a significant overspend in the current financial year despite additional funding having already been allocated following a £2 million overspend in the previous year. He explained that it was important that the Authority fairly allocated HNB funding based on assessed need as identified in student's Education, Health and Care Plans (EHCP).

The Director confirmed that all children at Maplewell Hall School have a EHCP, but no plans have identified the need for residential educational provision.

In response to concerns about the additional transport costs arising from a potential closure of the overnight provision, the Director confirmed that such additional costs would

be minimal, based on the expectation that new arrangements would have to be funded for 69 children who currently have used the residential facility.

Mr Ould CC said that the proposal to close the residential provision at Maplewell Hall School was not an easy decision to make but the Council was required to make tough choices in order to address its increasing overspend within the HNB budget. He added that he was confident that the school, like many other special schools in the County, would still be able to continue to promote its student's advancement and personal achievement through its after school activities.

Mr Ould CC reminded members that the Cabinet was not being asked to take a decision to close the school's residential facility at this point, but to begin a formal consultation period on the proposed closure. He added that the County Council would debate the issue at its meeting in December.

Mr Rhodes CC said that the benefit of the residential provision at Maplewell Hall School was not in question, however the Authority had to think very carefully how it allocated its dwindling resources in a time of reduced budgets and in a budget area which is overspent.

RESOLVED:

- a) That the online and written responses received to the first stage of consultation including an e-petition and a paper petition with a total of 11,592 signatures, 31% from Leicestershire, 18% from Leicester and 51% from outside, be noted;
- b) That approval be given to proceed with the proposal to remove (close) the residential facilities at Maplewell Hall School with effect from September 2018;
- c) That it be noted that the removal of the residential provision, if progressed, is not expected to have an adverse impact on the afterschool activities provided by Maplewell Hall School and that, subject to the outcome of further audit work, officers will work with the school to ensure the continuance of the afterschool activities;
- d) That the publication of a Statutory Notice in early January 2018 supported by a statutory proposal as the next step to progress the removal (closure) of the residential provision be approved, and it be noted that this will be followed by a four-week 'representation period', during which further comment on the proposals can be made;
- e) That the use of the Council's High Needs Block budget and the increasing pressures on it be noted;
- f) That a further report be submitted to the Cabinet on 9th March 2018, after the representation period, to enable a final decision to be taken on the implementation or otherwise, of the closure of the residential facilities;
- g) That in light of the petition having over 10,000 signatures, the decision of the Cabinet be reported to the Council on 6th December to enable the Council to debate the issue.

(KEY DECISION)

REASONS FOR DECISION

1. There had been a significant response to the consultation. The over-riding majority of the reasons put forward by respondents to keep the residential facilities open were not considered to relate directly to an educational need. For example, many referred to use of the facilities as respite care provision.
2. The removal of the residential funding would not have an adverse impact on the afterschool activities that precede overnight stays for pupils, as these are operated separately by the school.
3. There are no pupils placed at Maplewell Hall who are assessed as having a need for educational residential provision stated in their Education Health and Care Plans (EHCP).
4. No other school in the County catering for pupils with special educational needs including those educating children with profound and multiple difficulties has been provided with funding which is being used for a residential element.
5. The Council's High Needs Block (HNB) budget is provided solely for the purpose of providing education for pupils with special educational needs and disabilities (SEND). Therefore this budget should not be used to fund children's social care needs including respite care or short breaks.
6. There is significant pressure on the HNB budget. The closure of the residential facilities would allow savings to be made and funding to be directed to other areas of increased demand and greater priority as appropriate, recognising the range of pupils with SEND across the County.
7. The closure of the residential facilities in September 2018 will allow for appropriate support to be put in place (where assessed to be required) for families/pupils affected by the change.
8. The publication of the Statutory Notice is in keeping with Council's legal obligations as set out in the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.
9. The Council's Constitution provides that petitions with over 10,000 signatures are debated by full Council. The decision on the removal of the residential facility is a matter for the Council's Executive - the Cabinet - which must take the final decision.

59. Revised Leicestershire Youth Justice Plan 2016 - 2019.

The Cabinet considered a report of the Director of Children and Family Services which presented the revised Leicestershire Youth Justice Strategic Plan for 2016-2019 for approval. A copy of the report, marked '5', is filed with these minutes.

RESOLVED:

That the County Council be recommended to;

- a) Agree the updated Leicestershire Youth Justice Strategic Plan 2016 – 2019 as set out in the Appendix to the report;
- b) Authorise the Director of Children and Family Services to make minor amendments to the Youth Justice Strategic Plan 2016-2019 as are considered necessary to ensure it remains current and conforms to the requirements of the Youth Justice Board.

(KEY DECISION)

REASONS FOR DECISION:

The County Council has a statutory duty under Section 40 of the Crime and Disorder Act 1998 to produce an annual Youth Justice Plan. Following guidance issued by the Youth Justice Board (YJB) in 2015, subsequent plans will cover a three year period. Since that time the YJB have advised that the 3 year Youth Justice Plans need to be updated each year prior to re-submission to them.

Following its approval, the YJB requested that the Youth Offending Service (YOS) review the Plan after its first year of implementation and if necessary, update it to reflect changes in priorities and budget position.

60. Annual Delivery Report and Performance Compendium 2017.

The Cabinet considered a report of the Chief Executive concerning the Annual Delivery Report and Performance Compendium for 2017 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 '6', is filed with these minutes.

Members noted the comments of the Scrutiny Commission, a copy of which 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 overall progress during 2016/17 in delivering on the Council's Strategic Priorities, securing transformation and mitigating the impact of national funding reductions, as set out in the draft Annual Delivery Report, be noted;
- b) That the current comparative funding and performance position and latest service data set out in the draft Performance Compendium be noted;
- c) That it be noted that the national funding system is:-
 - i. causing serious financial challenges for the Council, with major implications for the provision of services to the people of Leicestershire;
 - ii. placing increasing pressure on the delivery and quality of services which require enhanced performance monitoring, contract and risk management;

and that the Council continues to press its case for a fairer funding settlement;

- d) That the Chief Executive, following consultation with the Leader, be authorised to make any amendments to the draft Annual Delivery Report and draft Performance Compendium prior to its submission to the County Council on 6th December 2017 for approval and to produce a summary document for publication on the County Council's website.

REASONS FOR DECISION:

It is best practice in performance management, implicit in the LGA Sector-Led approach to local authority performance and part of the Council's Internal Governance Framework, to undertake a review of overall progress 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 will affect future delivery and performance levels.

The draft Report and Compendium 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.

61. Leicestershire County Council's Strategic Plan 2018-2022.

The Cabinet considered a report of the Chief Executive which set out the results of the consultation on the County Council's revised Strategic Plan 2018 – 2022 and presented the amended Plan for submission to the County Council for approval in December 2017. A copy of the report, marked '7', is filed with these minutes.

Members noted the comments of the Scrutiny Commission, a copy of which is filed with these minutes.

Mr Rushton CC said that the Strategic Plan would drive the Council's agenda and inform the Medium Term Financial Strategy (MTFS) to enable departments to focus on delivering the strategic priorities.

RESOLVED:

- a) That the outcome of consultation on the revised Strategic Plan be noted;
- b) That the draft Strategic Plan 2018 – 22 attached as Appendix A to the report be approved for submission to the County Council at its meeting on 6th December 2017.

(KEY DECISION)

REASON FOR DECISION:

To enable the revised Strategic Plan to be considered by the Council at its meeting on 6 December 2017. The Plan sets out an approach which will put outcomes for people first,

support integration across the Council's services and make better use of the total resources available to the Council.

62. Leicester and Leicestershire Strategic Growth Plan Consultation Draft.

The Cabinet considered a report of the Chief Executive which sought approval for the commencement of a consultation exercise on the draft Strategic Growth Plan for Leicester and Leicestershire which had been developed by the County Council, Leicester City Council, the seven district councils and the Leicester and Leicestershire Enterprise Partnership. A copy of the report marked '8' is filed with these minutes.

The Cabinet noted comments from Mr Galton CC, a copy of which are filed with these minutes.

In presenting the report the Chief Executive explained that there had been some minor revisions made to the consultation draft Strategic Growth Plan following the publication of the Cabinet papers, including changes to several figures on Table 4 (page 211 of the Cabinet appendix pack) on 'Notional Housing Need and Supply 2031-50'. He added that the revised Plan would be published on the County Council's website following the meeting.

Mr Rushton CC welcomed the development of the Strategic Growth Plan which highlighted the good collaborative work being undertaken by the various authorities within Leicester and Leicestershire.

RESOLVED:

- a) That the collaborative work undertaken to develop the draft Strategic Growth Plan for Leicester and Leicestershire, including its endorsement by the Members' Advisory Group (MAG), be noted and welcomed;
- b) That the proposed consultation and engagement exercise on the draft Strategic Growth Plan and the timetable for that consultation as set out in the report be approved;
- c) That further reports be submitted to the Cabinet in 2018 advising on the Leicestershire County Council consultation response which will be forwarded to the MAG and seeking approval for the final version of the Strategic Growth Plan.

(KEY DECISION)

REASONS FOR DECISION:

To recognise the ongoing co-operation and collective work between the local authorities and the LLEP that has taken place over the past year to enable the preparation of the draft Strategic Growth Plan (and, prior to that, to produce the Strategic Growth Statement). This has included the Members' Advisory Group, comprised of representatives from each partner authority, which has commended the draft SGP for consultation.

To enable all residents and other stakeholders to comment on the proposals contained within the draft SGP, before the final document is submitted for approval.

63. Leicester and Leicestershire Authorities: Joint Statement of Co-operation.

The Cabinet considered a report of the Chief Executive seeking approval of a revised Joint Statement of Co-operation Relating to Objectively Assessed Need for Housing which confirmed the commitment of partner organisations (the seven district councils of Leicestershire, Leicester City Council, Leicestershire County Council, and the Leicester and Leicestershire Enterprise Partnership) to collaborative working. A copy of the report, marked '9', is filed with these minutes.

RESOLVED:

That the revised Joint Statement of Co-operation relating to Objectively Assessed Need for Housing (November 2017) as appended to the report, be approved.

REASON FOR DECISION:

To ensure that all partners demonstrate commitment to providing for their objectively assessed housing needs and, if they are unable to be accommodated within the local authority area within which they arise, that a collaborative approach is taken to resolving the provision of unmet housing need.

64. Harborough Local Plan 2011 to 2031 Proposed Submission Consultation Response

The Cabinet considered a report of the Chief Executive which sought the Cabinet's approval for the County Council's response to the Harborough Local Plan 2011 to 2031 proposed submission prepared by the district council. A copy of the report marked '10' is filed with these minutes.

The Cabinet noted comments from local members Mr Galton CC, Dr Hill CC and Dr Bremner CC. Copies of each are filed with these minutes.

RESOLVED:

- a) That the detailed comments on the Harborough Local Plan Proposed Submission document as set out in the appendix to the report be submitted to Harborough District Council as the views of the County Council;
- b) That the key comments set out in paragraphs 22 to 42 of the report be specifically drawn to the attention of Harborough District Council.

REASON FOR DECISION:

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

65. Integrated Sexual Health Services - Outcome of Consultation and Re-Procurement.

The Cabinet considered a report of the Director of Public Health seeking approval for a new proposed model for integrated sexual health services to be commissioned across Leicester, Leicestershire and Rutland. A copy of the report, marked '11', is filed with these minutes.

Mrs Posnett CC said that the new arrangements would ensure all service users would be able to benefit from a modern and accessible service. She added that teenage pregnancy rates in the County had seen a recent decline and she was confident this would continue under the new model.

RESOLVED:

- a) That the outcome of the public consultation on the proposed new model for integrated sexual health services across Leicester, Leicestershire and Rutland be noted;
- b) That the final model for integrated sexual health services detailed in paragraph 28 of the report so far as it relates to Leicestershire, be approved;
- c) That the Director of Public Health following consultation with the Director of Law and Governance, be authorised to enter into any contractual arrangements necessary to bring into effect the provision of an integrated sexual health service across Leicestershire, Leicester and Rutland with effect from 1st January 2019.

(KEY DECISION)

REASONS FOR DECISION

Upper tier local authorities have a statutory responsibility to provide a comprehensive open access sexual health service. The current integrated service contract commissioned by the County Council and Leicester City and Rutland Councils ends on 31st December 2018.

The revised delivery model will offer a more consistent and targeted approach to meet the needs of each local authority population under one integrated service.

The continued joint procurement of services will enable the Council and its partners to achieve efficiency savings whilst continuing to co-ordinate services and improve outcomes and ensure high quality and sustainable service provision.

The consultation exercise showed good support for the new model and enabled concerns to be addressed.

66. Annual Report of the Director of Public Health - 'Leicestershire Health - New Insights Into Our Population'.

The Cabinet considered a report of the Director of Public Health concerning the publication of his Annual Report for 2017 which provided a broad overview of health in Leicestershire. A copy of the report, marked '12', is filed with these minutes.

RESOLVED:

- a) That the Director of Public Health's Annual Report 2017 be noted and its recommendations supported;
- b) That it be noted that the Annual Report will be submitted for consideration by County Council on 6th December 2017.

REASON FOR DECISION:

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

To enable the County Council to consider the Report, which will help inform future commissioning decisions.

67. Modern Slavery and Human Trafficking Statement

The Cabinet considered a report of the Director of Corporate Resources which sought the Cabinet's approval to publish a statement detailing the Council's approach to ensure modern slavery is not taking place in its business or supply chain. A copy of the report, marked '13', is filed with these minutes.

Mr Rhodes CC welcomed the statement which illustrated the Authorities commitment to preventing slavery and human trafficking and showed it had the necessary measures in place to ensure that it did not happen within organisations and the companies it contracted with.

RESOLVED:

- a) That the Modern Slavery and Human Trafficking Statement attached as an appendix to the report be approved;
- b) That it be noted that the Statement will be reviewed and updated at the end of each financial year and published on the Council's website.

REASON FOR DECISION:

The Modern Slavery Act 2015 places a requirement on commercial organisations (with a global turnover above £36m and which carries out business in any part of the UK) to prepare and publish an annual statement setting out the steps they have taken, during that financial year, to ensure that slavery and human trafficking are not taking place anywhere in their supply chains and in any part of their own business. Whilst the Council is excluded from this requirement as it is not a commercial organisation, ethically it is felt that in promoting the Council's stance on serious and organised crime such a statement should be published on a voluntary basis.

68. Items referred from Overview and Scrutiny.

There were no items referred from Overview and Scrutiny.

69. Exclusion of the press and public.

RESOLVED:

That under Section 100A of the Local Government Act 1972, the public be excluded for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the paragraphs 3 and 10 of Part 1 of Schedule 12A of the Act specified below and that, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

- Purchase of a Share in a Teckal Waste Management Company

70. Purchase of a Share in a Teckal Waste Management Company.

The Cabinet considered an exempt report of the Director of Environment and Transport which sought the Cabinet's approval to purchase a share in the Coventry and Solihull Waste Disposal Company Limited (CSWDC) and enter into a new waste disposal arrangement with CSWDC. A copy of the report, marked '17', is filed with these minutes. The report was not for publication by virtue of paragraphs 3 and 10 of Schedule 12(A) of the Local Government Act 1972

RESOLVED:

- a) That the purchase of a single 'C' class share in the Coventry and Solihull Waste Disposal Company Limited (CSWDC) be approved, noting that such sale will need to be approved by the CSWDC Board Shareholders Panel and by the existing shareholders;
- b) That the Director of Environment and Transport be authorised:-
 - i. to make any and all decisions in respect of the County Council's shareholding in CSWDC; and
 - ii. to attend and participate in the CSWDC Shareholder Panel on behalf of the County Council or to appoint a nominee to attend and participate on the Director's behalf;
- c) That the award of a Service Level Agreement (SLA) to CSWDC on the terms set out in paragraphs 51 to 61 of the report be approved subject to any amendments made by the Director of Environment and Transport following consultation with the Director of Law and Governance;
- d) That the Director of Environment and Transport be authorised:-
 - i. subject to recommendation (a) above and following consultation with the Director of Law and Governance, to make the necessary arrangements to complete the share purchase and enable the County Council to become registered as a shareholder of CSWDC; and
 - ii. following consultation with the Director of Law and Governance, to agree the detailed terms of the SLA;
- e) The appointment of the Director of Environment and Transport to the CSWDC Remuneration Committee be approved.

(KEY DECISION)

REASON FOR DECISION:

As the County Council's Constitution does not allow the Cabinet to delegate authority to an individual elected Member, the Director of Environment and Transport or their nominee will be the representative on the Shareholders Panel and will have the power to

take shareholder decisions on behalf of the County Council. It is intended that the relevant Cabinet Lead member or their nominee will attend.

The share purchase option would allow the existing 2017 Medium Term Financial Strategy (MTFS) saving (ET23 - Future Residual Waste Strategy) to be brought forward.

The purchase of a share in the CSWDC will offer the potential for the Council to further increase the diversion of waste from landfill, reduce costs, and generate more savings in the future.

The proposal aligns with the approach agreed by the Cabinet at its meeting on 13 December 2016 for managing residual waste including enabling the option of future joint working with appropriate partners.

The CSWDC Remuneration Committee comprises the Chair of the Board of Directors and a senior officer from each Shareholder.

In attendance

Apologies

2.00 - 3.30 pm
24 November 2017

CHAIRMAN