



DATE: 13 March 2018
MY REF: MIS/CCouncil
PLEASE ASK FOR: Mr. M. I. Seedat
DIRECT DIALLING: (0116) 305 2583
E-MAIL: mo.seedat@leics.gov.uk

Dear Sir/Madam

I summon you to the MEETING of the LEICESTERSHIRE COUNTY COUNCIL to be held at COUNTY HALL, GLENFIELD on WEDNESDAY, 21 MARCH 2018 at 2.00 p.m. for the transaction of the business set out in the agenda below.

Yours faithfully

Chief Executive

AGENDA

1. Chairman's Announcements.
2. To confirm the minutes of the meeting of the Council held on 21 February 2018. (Pages 3 - 16)
3. To receive declarations by members of interests in respect of items on this agenda.
4. To answer questions asked under Standing Order 7(1)(2) and (5).
5. To receive position statements under Standing Order 8.

To consider reports of the Cabinet, Scrutiny Commission, Scrutiny Committees and other bodies:

6. Report of the Cabinet:-
 - (a) Acceptance of Delegation from Rutland County Council - (Pages 17 - 18) Functions under the Care and Mental Health Acts.



7. Report of the Employment Committee.

(a) Pay Policy Statement.

(Pages 19 - 32)

**MINUTES OF THE MEETING OF THE LEICESTERSHIRE COUNTY COUNCIL
HELD AT COUNTY HALL, GLENFIELD ON WEDNESDAY, 21 FEBRUARY
2018**

PRESENT

Mrs. J. Richards CC (in the Chair)

Mr. P. Bedford CC, Mr. I. E. G. Bentley CC, Mr. D. C. Bill MBE CC, Mr. R. Blunt CC, Mr. G. A. Boulter CC, Mr. S. L. Bray CC, Mr. L. Breckon JP CC, Dr. P. Bremner CC, Ms. L. Broadley CC, Mr. M. H. Charlesworth CC, Mr. J. G. Coxon CC, Mr. B. Crooks CC, Dr. T. Eynon CC, Dr. R. K. A. Feltham CC, Mrs. H. J. Fryer CC, Mr. S. J. Galton CC, Mr. T. Gillard CC, Mrs. A. J. Hack CC, Mr. D. Harrison CC, Mr. Max Hunt CC, Mr. D. Jennings CC, Mr. J. Kaufman CC, Mr. W. Liquorish JP CC, Mr. J. Miah CC, Mr. J. Morgan CC, Mr. M. T. Mullaney CC, Ms. Betty Newton CC, Mr. L. J. P. O'Shea CC, Mr. J. T. Orson JP CC, Mr. P. C. Osborne CC, Mr. I. D. Ould CC, Mrs. R. Page CC, Mr. B. L. Pain CC, Mr. A. E. Pearson CC, Mr. T. J. Pendleton CC, Mr J. Poland CC, Mrs. P. Posnett CC, Mrs. C. M. Radford CC, Mr. J. B. Rhodes CC, Mr. T. J. Richardson CC, Mrs H. L. Richardson CC, Mr. N. J. Rushton CC, Mrs B. Seaton CC, Mr. S. D. Sheahan CC, Mr. R. J. Shepherd CC, Mr. D. Slater CC, Mrs D. Taylor CC, Mr. G. Welsh CC, Mrs. A. Wright CC and Mr. M. B. Wyatt CC

37. CHAIRMAN'S ANNOUNCEMENTS.

Mr Ernie White

The Chairman referred to the sad news of the death of a sitting member of the Council.

County Councillor Ernie White had died on 2 January 2018 aged 76. Mr White was first elected to the County Council in 1975 and was the longest serving councillor, having been re-elected to the Council 11 times. He represented the Stoney Stanton and Croft electoral division (formerly Stoney Stanton, Croft and Normanton).

Mr White was Chairman of the County Council during the civic year 1995 – 1996.

Before the Council moved to a Cabinet and Scrutiny system in 1999, Mr White served mainly on the Education Committee and a number of its subcommittees. He became a member of the Cabinet in 2003 and had covered various portfolios, including as Lead Member for Community Services. Latterly he was Cabinet Lead Member for Health, Wellbeing and Sport. He had been Chairman of the Health and Wellbeing Board since it was created, a role in which his expertise and commitment was locally and nationally recognised. He was also the County Council's mental health champion.

Mr White also served on Blaby District Council for 20 years, including as Leader, a position he held for 12 years.

He was an Appointed Public Representative of the Hinckley and Bosworth Primary Care Group. When that body attained Trust Status, he became Chairman of the Hinckley and Bosworth Primary Care Trust.

Those present joined the Chairman in standing in silent tribute to the memory of Mr Ernie White CC.

Visitors

The Chairman welcomed to the meeting all visitors and guests of members and anyone who was viewing the meeting via the webcast.

38. MINUTES.

It was moved by the Chairman, seconded by Mr O'Shea and carried:-

“That the minutes of the meeting of the Council held on 6 December 2017, copies of which have been circulated to members, be taken as read, confirmed and signed.”

39. DECLARATIONS OF INTEREST.

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

All members who were members of District and Parish Councils declared a personal interest in relation to the Medium Term Financial Strategy 2018/19 – 2021/22 (minute 41(a) refers).

Mr B L Pain CC also declared a personal interest in relation to passenger transport issues referred to in the Medium Term Financial Strategy 2018/19 – 2021/22 (minute 41(a) refers).

40. QUESTIONS ASKED UNDER STANDING ORDER 7(1)(2) AND (5).

(A) Question by MR HUNT

- “1. Now that the Government is looking for new radioactive waste disposal sites (or Geological Disposal Facilities) is it possible that the northern area of the county, the Widmerpool Gulf, will be considered?
2. What protection does our Minerals and Waste Local Plan offer to those concerned in our county should a site be identified within range?
3. Given that the Plan states that “as Leicestershire is not a source of low level radioactive nuclear waste and the emphasis for managing this waste is for it to be managed as close to its source as possible” does this also apply to the higher level nuclear waste that will shortly be under consideration?
4. Will Cabinet be considering the DEIS draft National Policy Statement for Geological Disposal Infrastructure which will govern the burial of nuclear waste and which is out for consultation?”

Reply by MR RUSHTON

- “1. The Government is undertaking consultations on the “National Policy Statement (NPS) for Geological Disposal Infrastructure - Implementing Geological Disposal” and also on “Working with Communities – Implementing Geological Disposal”.

The first (the NPS) sets out how a specific facility proposal will be assessed for consent once an application is made for a Development Consent Order which is to be dealt with by the Secretary of States under the Nationally Significant Infrastructure Projects (NSIP) process. In other words, they will not be dealt with by local planning authorities.

The second (Working With Communities) sets out a proposed policy on how communities should be involved in siting a geological disposal facility for higher level radioactive waste and how areas would be selected for consideration. The Government is proposing that before an area for geological disposal would be considered the local community would have to support the facility. Only then will the geological suitability of the proposed area be investigated.

2. A proposed geological disposal facility will be required to go through the Nationally Significant Infrastructure Project (NSIP) process. This process will be guided by the National Policy Statement (NPS) which you refer to and is being consulted on. The NSIP process is administered by the Planning Inspectorate and is outside the Local Plan process. The Minerals and Waste Local Plan policies would be relevant in respect of general policies for environmental and community protection but they could not make specific policy on geological disposal of radioactive waste. The County Council would be involved as a consultee in the NSIP process for a proposed facility either if it were proposed in Leicestershire or an adjoining area.
3. No areas will ‘shortly be under consideration’ as you suggest in your question 3. At this stage nowhere in the country is either ruled in or out as a potential location and the Government is commissioning work to assess which areas may be more or less geologically suitable to host a deep geological disposal facility.
4. The safe management of radioactive waste is an important and serious matter for the nation as a whole. The draft NPS is a technical document setting out what the Secretary of State and Planning Inspectorate should take into account when determining development consent applications including impacts and mitigation. The Working with Communities consultation is about defining communities, their engagement and the role of local authorities. The two consultations are inextricably linked and both request responses by 19th April 2018. The Cabinet will be considering an appropriate response.”

Mr Hunt asked the following supplementary question:

“Thank you very much Chairman. I refer to answer 3 on the second page which states that “nowhere in the country is either ruled in or out as a

potential location” for nuclear waste dumping and the Government is commissioning work to assess which areas might be suitable. Bearing in mind that Cumbria County Council has already rejected nuclear waste dumping and that this area of North Leicestershire has already been identified in the past for nuclear waste and there are now cash incentives for burial of nuclear waste, what role will the local people and particularly this Council have in determining such applications?”

Mr Rushton replied as follows:

“Thank you Max for your supplementary question. Unfortunately I won’t be able to provide you with a supplementary answer right now but I will write to you and let you know.”

(B) Question by MR BILL

“For some months I have been expressing concern about the impact of the proposal for a 780 acre freight depot on the Burbage, Stoney Stanton and Sopcote area.

Stoney Stanton SDA is a proposal to consider the use of 50 hectares of County Farm land in the Stoney Stanton and Sopcote areas for future development, which will of course be in addition to the freight depot proposal.

Will the Leader agree that the affected communities have the right to be engaged before work proceeds on the potential use of this land?”

Reply by MR RUSHTON

“The County Council is aware of developer interest in land in the Stoney Stanton and Sopcote area where the Council owns land. Mr Bill may want to raise his concerns about community involvement with the Local Planning Authority although an application for a depot of the scale indicated would be deemed a nationally significant infrastructure project and determined nationally, albeit with local consultation. I am grateful to the Leader of Blaby District Council for his advice on this matter”

(C) Question by MR BRAY

“Can the Leader give me an update on progress towards obtaining a new school crossing patrol outside St Peter’s School in Hinckley?”

Reply by MR PAIN

“The school crossing patrol site outside St Peter’s School still remains vacant. There are vacancy boards placed at the school, and the school have sent out several letters asking if anyone in the local community would be willing to come forward to fill the role.

The Council received an enquiry in September and another was received just last week. Application forms were sent out to those individuals and we are waiting for completed forms to be returned. If and when we do receive an application, this will be assessed, hopefully leading to an appointment.

In the meantime we will continue to actively advertise this vacancy.”

(D) Question by MR KAUFMAN

“Is the Leader aware of problems finding a local school place faced by families that move into Oadby mid-term?”

Does he agree that a review of the School Admissions Code is long overdue and support my call for the Government to commence with one?”

Reply by MR OULD

“I am aware that the success and popularity of the Oadby secondary schools means that there is significant demand for available places. In practice this means that all available places are taken up by applications submitted within timescales for year 7 or year 10 places. The challenge presented is for parents seeking places outside of this process i.e. after the closing date or for pupils in other year groups. These are known as mid-term applications and will often arise where families move into an area.

As academies, each of the three secondary schools is responsible for setting its own admission and catchment arrangements, nevertheless our officers have raised concerns with the Regional Schools Commissioner and met with schools to seek to encourage a review of their admission arrangements to ensure stronger partnership working so that Oadby residents have access to local school places.

It is worth emphasising that there are sufficient places across all of our secondary schools, to meet demand from Leicestershire families and this includes Oadby. However, in keeping with other successful schools elsewhere, there is a high demand for places from families in neighbouring authorities and those living outside the catchment area.

The national School Admissions Code was issued in December 2014. Importantly, the current Code prohibits Local Authorities from reserving school places to help manage mid-term applications, or discriminating against any applicant from another local authority area. If a place is available then it must be offered. The National Code aims to promote fair choice and access to schools. Whilst a review of the National Code may therefore bring some additional benefits for parents, it is highly unlikely that restrictions relating to the above reservation of places or applications from neighbouring areas will change.”

Mr Kaufman asked the following supplementary question:

“Thank you Chair. First of all can I thank Councillor Ould for a very comprehensive answer to my original question? Raising concerns with the Regional Commissioner is a good start to in getting things put right in Oadby. Is there more that we can do by lobbying our MPs and I wondered if he would join with me and ask the appropriate officers to do that so that we can hopefully get something done. I note in your question you say it’s unlikely but I would disagree with that. I think there is a possibility when it’s pointed out to Government so I wondered basically if I could have your support and

the support of the appropriate officers to lobby MPs.”

Mr Ould replied as follows:

“Thank you Madam Chair and thank you for your supplementary Jeffrey. On the 3rd July 2017, I personally wrote to the then Secretary of State for Education Justine Greening. I received a reply on the 27th July 2017 from the Schools Minister Nick Gibb. I am happy to share that reply with you but I think in view of what’s written in Nick Gibbs letter it would be a futile future exercise.”

(E) Question by MR BOULTER

“Can the Leader confirm whether the Council has loaned any money to Northamptonshire County Council, and if so:

1. How much was loaned and under what repayment terms?
2. Is the loan secured?
3. Are the risks associated with this loan being monitored on the risk register?”

Reply by MR RHODES

- “1. The Council loaned £5m to Northamptonshire County Council on 3rd January 2018. The loan will mature on 2nd January 2019.
2. The loan is not secured, which is normal for all Money Market transactions. It is our understanding that Local Authorities cannot offer assets as security against any borrowing.
3. Whilst Northamptonshire County Council’s financial position has been well publicised, and it is certainly in a very difficult financial situation, it is not considered that repayment of the loan (plus interest) is in particular jeopardy.

Whilst it is not impossible for a local authority to be declared bankrupt it is very unlikely that this would happen. Much of the considerable amount of external borrowing that Northamptonshire has is via the PWLB (which is, in effect, a government agency). The major financial loser from the government allowing Northamptonshire to be declared bankrupt is likely to be the government itself, and it is likely that every effort would be made to avoid this outcome. In addition there would be a major breakdown in confidence in UK public sector institutions with serious consequences for service delivery and the wider economy. In the event that Northamptonshire does cease to exist a much more likely outcome is a successor body that takes responsibility for both the assets and liabilities of Northamptonshire.

As a result the specific loan to Northamptonshire has not been placed on the risk register.”

(F) Question by MR WELSH

“A recent Freedom of Information request showed that in 2016/17 there were 94 teachers in Leicestershire on long term stress leave. This was a 47% increase on the year before, and a 237% increase compared to 2013/14.

1. Does the Leader agree that this is greatly concerning?
2. Is there anything this Council can do to help address this problem?”

Reply by MR OULD

- “1. It is a County Council priority to seek to reduce the level of sickness absence and therefore any increase in stress related absence would be concerning. However, the figures that we hold regarding such cases are significantly lower than those quoted in the question. The number of cases we have reported in maintained schools for the academic year 2016/17 is 23 employees.
2. The responsibility for the day to day management of employees in maintained schools lies with the Governing Body. In Academy schools the employer is the Academy Trust. Over the period in question a significant number of schools have converted to Academy status. The current number of maintained schools in Leicestershire is 105, and the number of schools that are academies is 176.

Locally, all maintained schools in the Local Authority are actively supported, by Strategic HR Services and Health and Safety, in managing stress related absence. This support includes:

- Support for head teachers in managing attendance casework.
- Guidance and support for Chairs of Governors in managing long term absence.
- Occupational health referrals
- Access to the counselling and wellbeing service.
- Stress audits, action plans and training for schools.
- Staff development in resilience and mindfulness.”

(G) Question by MR BILL

“On Wednesday, 14th February an incident occurred on the M6 which resulted in considerable congestion and delays across Hinckley. When any incident occurs on either the M6, M69 or A5 this is often the result and as it is such a regular occurrence it goes unreported. As is only too well known by everyone in the area, the congestion in Hinckley and Burbage grows worse by the day.

A new element has now been introduced into the situation by the proposal to build an A46 Expressway which will probably join the local network at Junction 2 of the M69, which is also the road between Hinckley and Sapcote. As we are all being invited to give our views on the proposal to build this new road, along with all the other proposals, can I please ask whether:-

- a) any computer modelling or any other estimate been calculated to enable us to assess what impact this new road will have on the local road network which is so obviously now close to capacity?
- b) If this information is not yet available will it be available before the deadline for comments on the Strategic Growth Plan on 5th April so that informed comment can be made?"

Reply by MR PAIN

- "a) As previously explained by officers to Mr. Bill the strategic context for the transport infrastructure associated with the proposed growth plan had been set out in the Midlands Connect Strategy.

The local Highway Authorities have been working to develop infrastructure proposals for Leicester and Leicestershire through documents such as the Prospectus for Growth, the detail of which has already been provided. Building on this and in support of the growth plan the Highway Authorities are working with the Strategic Planning Group to investigate further transport requirements and will share the outcomes of this when finalised.

The modelling being undertaken is at a high level and will indicate areas of focus for more detailed study.

- b) It is not expected this will be available as part of the consultation process. The consultation is about the principle of the plan not, as has been explained previously to Mr. Bill, specific impacts on individual links or roads".

(H) Question by MR BILL

"The proposal to convert the A5 between the M42 and M1 is clearly an integral part of the Strategic Growth Plan. A number of questions were raised in Parliament on 7th February to which the Minister replied that a good case had been made and that it will have to be considered in the light of all the other bids across the Country.

1. No mention has been made of the low railway bridge that crosses the A5 at Hinckley, which if not addressed, could be a major stumbling block to any improvements. Could this affect the bid?
2. What will the impact be on the Strategic Growth Plan if this bid is not accepted?"

Reply by MR PAIN

- "1. The Government are currently consulting on the second Road Investment Strategy (RIS2). At this stage the Government are considering general areas of focus for investment rather than specific schemes or local issues. Therefore a low railway bridge would not be considered at this stage of the process.
2. For clarity there is not a bid as such to the RIS process at this stage, but

rather high level consultation feedback.

The Strategic Growth Plan provides a long term planning framework looking to 2050. The Plan will be kept under review and updated as necessary in light of up to date evidence. Should it become apparent that a key piece of infrastructure (such as the A5 between the M42 and M1) needed to support housing and/or employment land provision cannot be funded and delivered then this evidence will be taken into account in updating the Plan. This might necessitate changes to the proposed strategic distribution of housing and /or employment provision. Such new evidence would also be taken into account when local plans are prepared and examined.”

41. TO CONSIDER A BUDGET REPORT OF THE CABINET AS FOLLOWS:-

(a) Medium Term Financial Strategy 2018/19 - 2021/22.

It was moved by Mr Rhodes and seconded by Mr Shepherd:-

- “(a) That subject to the items below, approval be given to the MTFS which incorporates the recommended revenue budget for 2018/19 totalling £361m as set out in Appendices A, B and E of this report and includes the growth and savings for that year as set out in Appendix C;
- (b) That approval be given to the projected provisional revenue budgets for 2019/20, 2020/21 and 2021/22, set out in Appendix B to the report, including the growth and savings for those years as set out in Appendix C, allowing the undertaking of preliminary work, including business case development, consultation and equality impact assessments, as may be necessary towards achieving the savings specified for those years including savings under development, set out in Appendix D;
- (c) That approval is given to the early achievement of savings that are included in the MTFS, as may be necessary, along with associated investment costs, subject to the Director of Finance agreeing to funding being available;
- (d) That the level of earmarked funds as set out in Appendix J be noted and the use of earmarked funds be approved;
- (e) That the amounts of the County Council's Council Tax for each band of dwelling and the precept payable by each billing authority for 2018/19 be as set out in Appendix K (including 3% for the adult social care precept);
- (f) That the Chief Executive be authorised to issue the necessary precepts to billing authorities in accordance with the budget requirement above and the tax base notified by the District Councils, and to take any other action which may be necessary to give effect to the precepts;
- (g) That approval be given to the 2018/19 to 2021/22 capital programme as set out in Appendix F;

- (h) That the Director of Finance following consultation with the Lead Member for Resources be authorised to approve new capital schemes including revenue costs associated with their delivery;
- (i) That it be noted that new capital schemes, referred to in (h), are shown as future developments in the capital programme, to be funded from funding available;
- (j) That the financial indicators required under the Prudential Code included in Appendix L, Annex 2 be noted and that the following limits be approved:

	2018/19 £m	2019/20 £m	2020/21 £m	2021/22 £m
Operational boundary for external debt				
i) Borrowing	264.6	264.1	263.6	263.1
ii) Other long term liabilities	1.3	1.2	1.1	1.0
TOTAL	265.9	265.3	264.7	264.1
Authorised limit for external debt				
i) Borrowing	274.6	274.1	273.6	273.1
ii) Other long term liabilities	1.3	1.2	1.1	1.0
TOTAL	275.9	275.3	274.7	274.1

- (k) That the Director of Finance be authorised to effect movement within the authorised limit for external debt between borrowing and other long term liabilities;
- (l) That the following borrowing limits be approved for the period 2018/19 to 2021/22:
- (i) Upper limit on fixed interest exposures 100%
 - (ii) Upper limit on variable rate exposures 50%
 - (iii) Maturity of borrowing:-

	<u>Upper Limit</u>	<u>Lower Limit</u>
	<u>%</u>	<u>%</u>
Under 12 months	30	0
12 months and within 24 months	30	0
24 months and within 5 years	50	0
5 years and within 10 years	70	0
10 years and above	100	25

- (m) That the Director of Finance be authorised to enter into such loans or undertake such arrangements as necessary to finance capital payments in 2018/19, subject to the prudential limits in Appendix L;
- (n) That the Treasury Management Strategy Statement and the Annual Investment Strategy for 2018/19, as set out in Appendix L, be approved including:

- (i) The Treasury Management Policy Statement, Appendix L; Annex 4
 - (ii) The Annual Statement of the Annual Minimum Revenue Provision as set out in Appendix L, Annex 1;
- (o) That approval is given to the Risk Management Policy and Strategy (Appendix H);
- (p) That the Capital Strategy (Appendix G) and Earmarked Funds Policy (Appendix I) to this report be approved;
- (q) That it be noted that the partners of the Leicester and Leicestershire Business Rate Pool have agreed to continue with the arrangements for 2018/19.”

An amendment was moved by Mr Mullaney and seconded by Mr Welsh:-

- (i) That paragraph (a) of the motion be amended to read as follows:-
- “(a) that subject to the items below, approval be given to the MTFS which incorporates the recommended revenue budget for 2018/19 totalling £361million as set out in Appendices A, B, E of the report and includes growth and savings for that year as set out in Appendix C thereto, as amended by paragraph (a) (i) and (ii) below;”
- (ii) That the following be added after paragraph (a) of the motion:-
- “(a) (i) that the list of growth and savings proposals as set out in Appendix C of the report be amended as follows:-

	2018/19 £000s	2019/20 £000s	2020/21 £000s	2021/22 £000s
Delete the following savings items				
CF6 – Early Help Review	0	1,500	1,500	1,500
ET5 – Implement review of Social Care and SEN Transport (Phase 2)	770	1,190	1,190	1,190
Total	770	2,690	2,690	2,690

- “(a) (ii) that the budget shortfall of £770,000 in 2018/19 rising to £2,690,000 for 2019/20 to be met from the funding set aside for future developments (paragraph 7 of the Cabinet report refers) resulting in increased shortfalls for 2020/21 and 2021/22 as follows:-

	2018/19 £000s	2019/20 £000s	2020/21 £000s	2021/22 £000s
Revised Shortfall	0	0	7,155	15,894”

The Chairman indicated that a named vote would be recorded, as required by Government Regulations.

The vote was recorded as follows:-

For the Amendment

Mr Bill, Mr Boulter, Mr Bray, Mrs Broadley, Mr Charlesworth, Mr Crooks, Dr Eynon, Mr Galton, Mrs Hack, Mr Hunt, Mr Kaufman, Mr Miah, Mr Mullaney, Ms Newton, Mr Sheahan, Mr Welsh, Mr Wyatt

Against the Amendment

Mr Bedford, Mr Bentley, Mr Blunt, Mr Breckon, Dr Bremner, Mr Coxon, Dr Feltham, Mrs Fryer, Mr Gillard, Mr Harrison, Mr Jennings, Mr Liquorish, Mr Morgan, Mr O'Shea, Mr Orson, Mr Osborne, Mr Ould, Mrs Page, Mr Pain, Mr Pearson, Mr Pendleton, Mr Poland, Mrs Posnett, Mrs Radford, Mr Rhodes, Mrs Richards, Mr Richardson, Mrs Richardson, Mr Rushton, Mrs Seaton, Mr Shepherd, Mr Slater, Mrs Taylor, Mrs Wright

The amendment was not carried, 17 members voting for the amendment and 34 against.

An amendment was moved by Mr Boulter and seconded by Mr Bray:-

“(i) That paragraph (a) of the motion be amended to read as follows:-

“(a) that subject to the items below, approval be given to the MTFS which incorporates the recommended revenue budget for 2018/19 totalling £361million as set out in Appendices A, B, E of the report and includes growth and savings for that year as set out in Appendix C thereto, as amended by paragraph (a) (i) below;”

(ii) That the following be added after paragraph (a) of the motion:-

“(a) (i) that the list of growth and savings proposals as set out in Appendix C of the report be amended as follows:-

	2018/19	2019/20	2020/21	2021/22
	£000s	£000s	£000s	£000s
Delete the following savings items				
ET4 – Revise Passenger Transport Policy	0	400	400	400
ET10 – Review of Parking Restrictions in town centres	0	600	600	600
Total	0	1,000	1,000	1,000

“(a) (ii) that the budget shortfall of £1million in 2019/20 to 2021/22 be met from the funding set aside for future developments (paragraph 7 of the Cabinet report refers) resulting in increased shortfalls for 2020/21 and 2021/22 as follows:-

	2018/19	2019/20	2020/21	2021/22
	£000s	£000s	£000s	£000s
Revised Shortfall	0	0	5,465	14,204”

The Chairman indicated that a named vote would be recorded, as required by Government Regulations.

The vote was recorded as follows:-

For the Amendment

Mr Bill, Mr Boulter, Mr Bray, Mrs Broadley, Mr Charlesworth, Mr Crooks, Dr Eynon, Mr Galton, Mrs Hack, Mr Hunt, Mr Kaufman, Mr Miah, Mr Mullaney, Ms Newton, Mr Sheahan, Mr Welsh, Mr Wyatt

Against the Amendment

Mr Bedford, Mr Bentley, Mr Blunt, Mr Breckon, Dr Bremner, Mr Coxon, Dr Feltham, Mrs Fryer, Mr Gillard, Mr Harrison, Mr Jennings, Mr Liquorish, Mr Morgan, Mr O’Shea, Mr Orson, Mr Osborne, Mr Ould, Mrs Page, Mr Pain, Mr Pearson, Mr Pendleton, Mr Poland, Mrs Posnett, Mrs Radford, Mr Rhodes, Mrs Richards, Mr Richardson, Mrs Richardson, Mr Rushton, Mrs Seaton, Mr Shepherd, Mr Slater, Mrs Taylor, Mrs Wright

The amendment was not carried, 17 members voting for the amendment and 34 against.

On the original motion being put, the Chairman indicated that a named vote would be recorded, as required by Government Regulations.

The vote was recorded as follows:-

For the Motion

Mr Bedford, Mr Bentley, Mr Blunt, Mr Breckon, Dr Bremner, Mr Coxon, Dr Feltham, Mrs Fryer, Mr Gillard, Mr Harrison, Mr Jennings, Mr Liquorish, Mr Morgan, Mr O’Shea, Mr Orson, Mr Osborne, Mr Ould, Mrs Page, Mr Pain, Mr Pearson, Mr Pendleton, Mr Poland, Mrs Posnett, Mrs Radford, Mr Rhodes, Mrs Richards, Mr Richardson, Mrs Richardson, Mr Rushton, Mrs Seaton, Mr Shepherd, Mr Slater, Mrs Taylor, Mrs Wright

Against the Motion

Mr Bill, Mr Boulter, Mr Bray, Mrs Broadley, Mr Charlesworth, Mr Crooks, Dr Eynon, Mr Galton, Mrs Hack, Mr Hunt, Mr Kaufman, Mr Miah, Mr Mullaney, Ms Newton, Mr Sheahan, Mr Welsh, Mr Wyatt

The motion was put and carried, 34 members voting for the motion and 17 members against.

2.00 pm – 4.37 pm
21 February 2018

CHAIRMAN

REPORT OF THE CABINET

A: ACCEPTANCE OF DELEGATION FROM RUTLAND COUNTY COUNCIL - FUNCTIONS UNDER THE CARE AND MENTAL HEALTH ACTS.

Introduction

1. This report concerns the decision of Rutland County Council to delegate certain functions under the Care and Mental Health Acts to the County Council. Under Article 11.04 a delegation from another authority requires the approval of the County Council.

Background

2. The County Council and Rutland Council have historically worked closely together in relation to services for people with mental health needs. In the past, joint arrangements have been put in place for the provision of social work and Approved Mental Health Act Professionals (AMHP).
3. The level of need, the range of services available and the key relationships with stakeholders are the same for both authorities. Specifically, the staff employed to cover these functions will work with the same health professionals in the Leicestershire Partnership NHS Trust (LPT) that they work with in the districts of Melton and Harborough, the health team that currently covers the Rutland area.
4. Both Councils have a statutory duty under the Care Act to undertake assessments of people with mental health problems aged 18-65 years, and to provide AMHPs to undertake assessments of people of all ages under the Mental Health Act. As a small local authority, it is prohibitively expensive for Rutland Council to have this specialist cover in place at all times during the working week. It is therefore proposed that the County Council undertake this work on their behalf.

Proposal

5. The following statutory functions are to be delegated to the County Council:
 - Assessments of need pursuant to Section 9 of the Care Act 2014 in respect of people aged between 18 and 64 years with mental health problems;
 - Making arrangements for suitable care to be put in place pursuant to Section 2 of the Care Act 2014 where such need has been identified;
 - Carrying out the statutory duties of an AMHP pursuant to Section 13 of the Mental Health Act 1983.
6. The delegation will be for an initial period of three years with the ability to extend the arrangement if both Councils agree.

7. Funding will be provided by Rutland Council and this will pay for two AMHP posts to be employed by the County Council. This will cover the cost of the work undertaken on behalf of Rutland Council and create additional flexibility within the Adults and Communities Department to conduct its work across Leicestershire.
8. Operationally, one post will cover Rutland Council's responsibilities under the Care Act holding a caseload of Rutland service users only. As with the County Council's social workers, this person will also take part in the duty rota for wider Mental Health Act assessments. The other post will be deployed to cover Mental Health Act work within the AMHP Team covering both Leicestershire and Rutland.

Decisions of the respective Cabinets

9. The proposed delegation was agreed by Rutland Council's Cabinet on 20 February 2018.
10. The Cabinet at its meeting on 9th March agreed to recommend the County Council to accept the delegation from Rutland Council to undertake its statutory functions under Part 1 of the Care Act 2014 and Section 13 of the Mental Health Act 1983. Subject to approval by the County Council the Cabinet also agreed to enter into an agreement with Rutland Council under S9EA of the Local Government Act 1972 and to authorise the Director of Adults and Communities to negotiate and agree the detailed terms of the Agreement for an initial period of three years and thereafter negotiate and agree the terms of future Agreements as are necessary for the duration of the delegation.

Resources Implications

11. There are no resource implications arising from the recommendations in this report. It is proposed that Rutland Council will fund the costs incurred by the County Council for employing two AMHPs at Grade 12.
12. The level of work to be undertaken under the delegation has been analysed and the two posts funded by Rutland Council will be sufficient to cover this and add capacity within the County Council's Adults and Communities Department to also undertake similar work across the County.

(Motion to be moved:-

That the County Council accepts the delegation of certain statutory functions under Part 1 of the Care Act 2014 and Section 13 of the Mental Health Act 1983 on the basis outlined in the report.)

9th March 2018

N. J. Rushton

REPORT OF THE EMPLOYMENT COMMITTEE

A. PAY POLICY STATEMENT 2018/19

Introduction

1. This report concerns the Council's proposed Pay Policy Statement 2018/19.

Background

2. Section 38 of the Localism Act 2011 requires local authorities in England and Wales to produce a Pay Policy Statement for each financial year, which must be approved by full Council.
3. This statement must set out the Council's policies in relation to:
 - a) The remuneration of its Chief Officers;
 - b) The remuneration of its lowest-paid employees; and
 - c) The relationship between the remuneration of its Chief Officers and the remuneration of its employees who are not Chief Officers.
4. For the purposes of this statement, remuneration includes basic salary, bonuses and other allowances or entitlements related to employment.
5. The Council is required to publish the Pay Policy Statement for 2018/19 on or before 1st April 2018.

Key Points

6. The proposed Pay Policy Statement which is attached as Appendix A to this report sets out:-
 - The Council's approach to job evaluation and grading of posts;
 - Additional payments that employees are eligible to receive, such as night enhancement, overtime;
 - The Council's pay multiple (the ratio between the highest paid employee and the median average salary of the Council's workforce, excluding schools but including ESPO) which is 7.85;
 - That there is no distinction between chief officers and other employees in relation to pension entitlements and severance payments.

Consideration by Employment Committee

7. The Policy was considered at the meeting of the Employment Committee on 1st February 2018 whose decision appears in the motion which appears below.

(Motion to be moved:

That the County Council's Pay Policy Statement 2018/19, as referred to in the report of the Employment Committee, be approved.)

1st February 2018

**Mr J B Rhodes
Chairman**

List of Appendices

Appendix A – Pay Policy Statement 2018/19



Pay Policy Statement 2018/19

Contents

Purpose	1
Scope	2
Definitions	2
Pay and Grading Structure	3
Remuneration on Appointment	4
Market Premia	4
Incremental Progression	4
Additional Payments	5
Other Allowances	5
Bonus Payments	6
Pension Benefits	6
Honoraria	7
Salary Protection	7
Severance Payments	7
Re-Engagement of Employees	8
Publication and Access to Information	8
Appendix A - Senior Management Remuneration 2016/2017	9
Appendix B - Pay and Grading Structure	11

Purpose

As a responsible employer Leicestershire County Council is committed to delivering a fair, equitable and transparent policy covering pay and other employee benefits which improves flexibility in delivering services and provides value for money.

Within the framework of its terms and conditions of employment, the Council aims to develop and maintain appropriate pay systems and benefit packages to attract and retain motivated, flexible people who take responsibility, work as a team, improve performance and acquire new skills.

This Pay Policy Statement sets out the Council's policies relating to the pay of its workforce for the period from 1st April 2018 to 31st March 2019, in particular the:

- Remuneration of chief officers;
- Remuneration of the lowest-paid employees;
- Relationship between the remuneration of chief officers and employees who are not chief officers.

The statement meets the Council's obligations under the Localism Act 2011 and will enable the elected members of the Council to make decisions on pay.

The Council's Pay Policy Statement will be agreed by Full Council before the beginning of each financial year and will then be published on the County Council's website ([Click here](#)). The statement may also be amended by Full Council during the course of the year if necessary.

Scope

This statement applies to all employees of Leicestershire County Council employed under the conditions of service of the following bodies:

- National Joint Council for Local Government Services;
- Joint Negotiating Committee for Chief Officers of Local Authorities;
- Joint Negotiating Committee for Local Authority Chief Executives;
- School Teachers' Pay and Conditions (for Centrally Employed Teachers);
- Soulbury Committee.

It is not applicable to employees based in schools and colleges with delegated budgets.

Definitions

For the purposes of this Pay Policy Statement the following definitions will apply:

Remuneration

This includes three elements:

- Basic salary;
- Pension;
- Any other allowances arising from employment.

Chief Officers

Under the Localism Act 2011 a Chief Officer is defined as:

- The head of the Council's paid service designated under section 4(1) of the Local Government and Housing Act 1989;
- Its monitoring officer designated under section 5(1) of that Act;
- A statutory chief officer mentioned in section 2(6) of that Act;
- A non-statutory chief officer mentioned in section 2(7) of that Act;
- A deputy chief officer mentioned in section 2(8) of that Act.

In Leicestershire County Council this definition would apply to the posts set out in [Appendix A](#).

Definition of a Day's Pay

The definition of a day's pay is the hours worked on the day multiplied by the employee's hourly rate of pay.

Lowest Paid Employees

Pay Policy Statement 2018/19
Version: 2018 - 3
Agreed at:
Date agreed:
Review date:

This refers to employees on Grade 2, Pay Point 3. This definition has been adopted as it is the lowest level of remuneration attached to a post within the Council. The lowest pay point value with effect from 1 April 2018 will be at least £7.83, which is the National Living Wage rate at that date.

Pay and Grading Structure

The grading of all posts in the Council, except Centrally Employed Teachers, is determined using the nationally recognised Hay Job Evaluation Scheme. This is in order to ensure that all posts are graded and therefore rewarded financially through a fair and non-discriminatory process, that there is consistency in treatment between posts and that the Council complies with equal pay legislation. The scheme is an analytical one that takes into consideration three key elements of a post:

- Know How - the levels of knowledge, skill and experience (gained through work experience, education and training) which are required to perform the job successfully;
- Problem Solving - the complexity of thinking required to perform the job when applying Know How;
- Accountability - the impact the job has on the organisation and the constraints that the job holder has on acting independently.

Part of the guidance from Hay when introducing the scheme was that there should be a 33.3% differential between the Chief Executive and the highest paid Chief Officer.

Basic pay is paid in accordance with the evaluated grade of the post. Each grade comprises a range of pay points. A copy of the Council's pay and grading structure is attached at [Appendix B](#). The introduction of the National Living Wage with effect from 1 April 2016 will impact on the value of the Council's lowest pay grades and work is ongoing to address this.

Annual pay awards for all employees except Centrally Employed Teachers and those employed on Soulbury Committee conditions will be agreed by Employment Committee having regard to any agreement reached by the relevant national negotiating bodies. The current pay award for all employees up to and including Grade 17 follows the national award made by the National Joint Council for Local Government Employees and covers the period up to 31 March 2018. A pay award covering the same period has been agreed for employees on Joint Negotiating Committee (JNC) terms and conditions for Chief Officers, and JNC terms and conditions for Chief Executives. No national pay awards beyond the end of March 2018 have yet been agreed.

Annual pay awards for centrally employed teachers and those on Soulbury Committee conditions will be in accordance with those agreed by the respective national bodies.

Details of the national pay scales for Centrally Employed Teachers are available on the [Department for Education's website](#).

Employees in post when a pay award is due but who subsequently leave the Council before it is implemented are entitled to receive the difference in pay. To claim backdating from their date of leaving they must contact the Employee Service Centre, 0300 3030222, or email escservicedesk@emss.org.uk.

Details of senior management remuneration are published annually on the Council's website as part of this Pay Policy Statement ([Click here](#)) and in the [Council's Statement of Accounts](#). A copy of the information for 2016/2017 contained in the Pay Policy Statement is attached at [Appendix A](#).

The 'pay multiple' - the ratio between the highest paid full-time equivalent (FTE) salary (Grade 22) and the median average salary of the Council's workforce - is 7.85 (excluding schools).

Remuneration on Appointment

All employees are usually appointed to the minimum pay point applicable to the grade of the post. If the employee is already being paid above the minimum pay point, managers have discretion in some circumstances to appoint to a higher pay point, subject to the maximum of the grade.

Where it is necessary for a newly appointed employee to relocate in order to take up a post, the Council may make a contribution towards the reimbursement of relocation expenses in line with the Relocation Policy.

Employment Committee are given the opportunity to consider salary packages over £100,000 before new posts are established and advertised.

Market Premia

There is provision for the award of market premia where a job has been evaluated under the Hay Job Evaluation Scheme and the resulting salary is proven to be out of step with the market rate for the job. The award of market premia is subject to the agreement of the Chief Executive in consultation with the Chairman or Vice Chairman of the Employment Committee. If approved, market premia are awarded for a two year period. Details of the scheme can be found in the Council's Market Premia Policy and Procedure.

Incremental Progression

Centrally Employed Teachers

A locally agreed Pay Policy for Centrally Employed Teachers is in place from April 2014.

Soulbury Employees

Employees covered by the Soulbury Agreement are eligible to receive annual increments on 1st September each year until they reach the maximum for the grade of their job.

Other Employees

Subject to one year's satisfactory service in the grade, employees are eligible to receive annual increments on 1st April each year until they reach the maximum pay point for the grade of their job. Where circumstances warrant, accelerated increments may be granted by a Chief Officer.

Career Graded Posts

Employees subject to career grade schemes will progress in line with the arrangements for that post.

Additional Payments

Employees are eligible to receive a flat-rate enhancement for working at night.

Employees are eligible to receive enhancements for working on public holidays.

Employees in posts graded 1-9 who work additional hours are eligible to receive payment at plain time rate for hours worked; employees in Grades 10-14 who work additional hours are not eligible to be paid, but may receive time off in lieu (other than in exceptional circumstances, as set out in the Council's Smarter Working Policy); and for employees in Grades 15 and above, there is no entitlement to pay or time off in lieu for working additional hours. Details of these provisions are set out in the Council's Pay Arrangements Policy.

Employees required to "sleep in" on the premises receive an allowance as agreed by the National Joint Council for Local Government Services.

Employees required to participate in a standby rota due to the nature of their job will receive an allowance based on that agreed by the National Joint Council for Local Government Services as part of the annual pay award.

Other Allowances

All senior officers on grade 18 and above receive allowances as detailed in the Conditions of Service of the Joint Negotiating Committee for Chief Officers of Local Authorities and the Joint Negotiating Committee for Local Authority Chief Executives. However, where these conditions are silent, or do not cover an allowance or process, the Chief Executive and senior officers receive the same as those employees covered by the National Joint Council for Local Government Services.

A copy of the School Teachers' Pay and Conditions document can be found on the [Department for Education's website](#). Copies of the conditions of service for all other

employees covered by this statement can be requested from the [Local Government Employers](#).

Professional Fees

The Council reimburses annual registration or comparable fees to employees who are unable to practise their professions unless such fees are paid. Professional fees are also paid to employees who are being sponsored to undertake training leading to a professional qualification. However, once the qualification has been gained, the individual will become responsible for paying their own professional fees.

The Council pays the annual subscription for Chief Officers to Societies of Chief Officers and similar organisations.

Car Allowances

All posts, including Chief Officers, within Leicestershire County Council may claim mileage paid at HRMC rates for business travel. The Council operates a lease car scheme which is open to employees who undertake business travel.

First Aid Allowances

Employees who are classified as a 'designated first-aider' are eligible to receive an allowance.

All designated first-aiders (but not appointed persons) will receive an allowance of 1% of the salary for pay point 7, pro rata to hours worked. The allowance will not be used in calculating any enhancements.

Bonus Payments

The Council does not pay any group of employees a bonus.

Pension Benefits

Centrally Employed Teachers

All Centrally Employed Teachers are eligible to join the Teachers' Pension Scheme. Employees within Leicestershire Youth Service and Leicestershire Adult Learning Service may also join if their role gives eligibility to join the scheme. The scheme is a statutory scheme with contributions from employees and employers. Details of the scheme can be found on the [Teachers' Pension Scheme website](#).

Other Employees

All employees under the age of 75 are eligible to join the Local Government Pension Scheme. The scheme is a statutory scheme with contributions from employees and employers. Details of the scheme can be found on www.leics.gov.uk/pensions.

The scheme allows for the exercise of discretion on the enhancement of retirement benefits. The Council will consider each case on its merits, but has determined that its usual policy is not to enhance benefits for any of its employees.

The scheme provides for flexible retirement. To be eligible to request flexible retirement, the Council requires that an employee must either reduce their working hours by a minimum of 40% and/or be appointed to a post on a lower grade. In applying this provision no distinction is made between employees.

Under the Local Government Pension Scheme, employees who return to work after drawing their pension will not have their pension abated (i.e. reduced or suspended) except where they have been previously awarded “added years”.

The Council does not award “added years” to employees and has not done so since 2006.

Honoraria

Subject to certain conditions, employees (excluding Centrally Employed Teachers) who are temporarily required to undertake some or all of the duties of a higher graded post are eligible to be paid an honorarium. Details of the scheme can be found in the Council’s Honorarium and Acting-Up Policy and Procedure.

Salary Protection

Details of the Council’s salary protection provisions that apply to employees who are redeployed into a new post as a result of organisational change can be found in the Council’s Organisational Change Policy and Procedure.

Details of the Council’s salary protection provisions that apply to employees whose post is downgraded as a result of a grading review can be found in the Council’s Job Evaluation Guidance.

The provisions relating to safeguarding (pay protection) set out in the School Teachers Pay and Conditions Document apply to centrally employed teachers. Other Council employees are eligible to receive salary protection for a period of up to one year if they are redeployed into a lower-graded post, with the amount of protection depending on the difference between the grades of their former job and new job.

Severance Payments

Early Retirement (Efficiency of Service)

The Local Government Pension Scheme allows employers certain discretionary powers but the Council’s usual policy is not to enhance pension benefits for any employee. Therefore, there are no provisions for employees to seek early retirement on the grounds of efficiency of the service.

Redundancy

The Council has a single redundancy scheme which applies to all employees. Redundancy payments are calculated in accordance with the Employment Rights Act 1996 and the 2006 Discretionary Compensation Regulations and are based on the employee's age, length of continuous local government service and salary. Details of the redundancy scheme can be found in the Council's Organisational Change Policy and Procedure.

The Council does not provide any further payment to employees leaving the Council's employment other than in respect of accrued annual leave.

Employees who have TUPE transferred into the Council on redundancy terms which are more favourable than those detailed above will retain these provisions as per TUPE legislation.

Full Council will be given the opportunity to vote on severance packages over £100,000 before they are approved. .

Re-Engagement of Employees

Employees who have been made redundant are eligible to apply for vacancies which may arise after they have left the Council's employment. Any such applications will be considered together with those from other candidates and the best person appointed to the post. Any necessary adjustments to pension would be made in accordance with the scheme regulations.

Employees who are offered another post with any organisation covered by the Modification Order Act prior to their redundancy leaving date and commence this post within 4 weeks of that date are not eligible to receive their redundancy payment.

Publication and Access to Information

This Pay Policy Statement will be published on the Council's website, together with the Council's pay and grading structure and information relating to senior management remuneration.

Appendix A - Senior Management Remuneration 2016/2017

The information below shows the total pay received by Senior Officers (as defined in the Localism Act) within the County Council for the financial year 2016/17. It does not include Head Teachers. The figures include taxable benefits i.e. lease car payments made for these positions during the year 2016/17.

All the jobs listed below have been ranked in terms of level of responsibility within a job evaluation framework applied to all County Council employees (excluding teaching staff). Rates of pay have then been determined with reference to market rates within similar local government authorities.

Post title	Total Pay
	£'000
Chief Executive's Department	
Chief Executive	194
	101
Director of Law and Governance	
Assistant Chief Executive	91
Head of Planning	66
Head of Regulatory Services	58
Public Health	
Director of Public Health	125
Corporate Resources	
Director (Section 151 duties transferred to Director of Finance , and reduced working hours)	91
Head of East Midlands Shared Services	84
Assistant Director – Corporate Services and Transformation	108
Director of Finance	107
Assistant Director - Customer Services and Operations	91
Children and Young People's Service	
Director (left in July 2016). An interim director has been appointed via an agency	39
Assistant Director Children's Social Care (left end July 2016)	30
Assistant Director Commissioning & Development	91

Assistant Director Education and Early Help (appointed January 2017)	17
Adults and Communities	
Director	121
Assistant Director Promoting Independence	91
Assistant Director Strategy & Commissioning	91
Assistant Director Personal Care & Support	91
Environment and Transportation	
Director	124
Assistant Director Highways & Transportation appointed October 2105	101
Assistant Director Environment	80
Eastern Shires Purchasing Organisation	
Director	135
Assistant Director (Finance)	79
Deputy Director and Chief Commercial Officer	88
Assistant Director (Operations)	82

Appendix B - Pay and Grading Structure

Effective from 1st April 2017

Grade	Pay Point	Annual Salary (£)	Grade	Pay Point	Annual Salary (£)
There is no Grade 1					
2	3	£15,014	13	40	£39,119
	4	£15,014		41	£40,408
3	5	£15,119		42	£41,764
	6	£15,244		43	£43,218
4	7	£15,394	14	44	£44,607
	8	£15,789		45	£46,088
	9	£15,807		46	£47,658
10	£16,026	47		£49,354	
5	11	£16,492	15	48	£50,955
	12	£16,888		49	£52,640
	13	£17,264		50	£54,403
6	14	£17,643	16	51	£56,236
	15	£18,049		52	£58,482
	16	£18,499		53	£60,867
	17	£19,026	54	£63,416	
7	18	£19,568	17	55	£66,240
	19	£20,139		56	£69,178
	20	£20,727		57	£72,259
	21	£21,333		58	£75,491
8	22	£21,964	18	59	£78,879
	23	£22,658		60	£81,279
	24	£23,399		61	£84,762
	25	£24,176		62	£88,380
9	26	£25,000	19	63	£92,168
	27	£25,878		64	£101,661
	28	£26,848		65	£104,260
	29	£27,885	66	£109,171	
10	30	£28,975	20	67	£114,460
	31	£30,157		68	£118,092
	32	£30,847		69	£121,901
	33	£31,604		70	£125,929
11	34	£32,421	21	71	£130,256
	35	£33,305		72	£128,047
	36	£34,337		73	£133,938
	37	£35,435	74	£140,099	
12	38	£36,604	75	£146,543	
	39	£37,874	22	76	£171,362
				77	£177,446
				78	£183,837
				79	£195,342

