

Minutes of a meeting of the Cabinet held at County Hall, Glenfield on Tuesday, 10 April 2018.

PRESENT

Mr. J. B. Rhodes CC (in the Chair)

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

Mrs. P. Posnett CC  
Mrs H. L. Richardson CC  
Mr. R. J. Shepherd CC

Apologies

Mr. N. J. Rushton CC

In attendance

Dr. R. K. A. Feltham CC, Mr. T. Pendleton CC, Mr. D. Jennings CC, Mrs. R. Page CC, Mr. D. Slater CC, Mr. S. J. Galton CC.

123. Minutes of the previous meeting.

The minutes of the meeting held on 9 March 2018 were taken as read, confirmed and signed.

124. Urgent items.

There were no urgent items for consideration.

125. Declarations of interest.

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

No declarations were made.

126. Items referred from Overview and Scrutiny.

There were no items referred from Overview and Scrutiny.

127. Environment and Transport 2018/19 Highways Capital Programme and Highways and Transportation Work Programme.

The Cabinet considered a report of the Director of Environment and Transport which sought approval for the Environment and Transport 2018/19 Highways Capital Programme and Highways and Transportation Work Programme. A copy of the report, marked '5', is filed with these minutes.

The Cabinet noted comments of the Environment and Transport Overview and Scrutiny Committee and the contents of a revised Appendix A – Capital Programme 2018/19 – 2021/22, which had been circulated at the Scrutiny meeting. Copies of both papers are filed with these minutes.

The Director explained that the Work Programme was a live document and, since publication of the report, Appendix A had been updated to take account of fresh asset data and the Department's response to recent severe weather conditions. Members noted that whilst resources had been re-allocated, this had not affected the overall spending totals.

Mr. Pain thanked officers for the good work undertaken to produce the two Programmes which were now in line with the new national guidance and would support future bids for infrastructure funding.

Mr. Pain said a good and helpful discussion had been held by the Overview and Scrutiny Committee on the proposals and confirmed it would be further consulted on changes to the Council's Asset Management Plan and the new risk based approach to prioritising works.

#### RESOLVED:

- (a) That the Environment and Transport 2018/19 Highways Capital Programme and the Highways and Transportation Work Programme, attached as Appendices A and B to the report, be approved;
- (b) That the Director of Environment and Transport following consultation with the Cabinet Lead Member and the Director of Corporate Resources, be authorised to make such minor amendments to the 2018/19 Highways Capital Programme and Highways and Transportation Work Programme as are considered necessary.

#### (KEY DECISION)

#### REASONS FOR DECISION:

To approve the Environment and Transport Department's Highways Capital Programme and Highways and Transportation Work Programme for the 2018/19 financial year and to enable these to be published in April 2018.

Both programmes have been prepared on the basis of current information available and may need to be revised to respond to changing circumstances and to ensure optimal use of resources throughout the financial year.

#### 128. Exception to Contract Procedure Rules - Proposed Appointment of a Provider to Deliver a Supported Living Services

The Cabinet considered a report of the Director of Adults and Communities which requested an exception to the Council's Contract Procedure Rules in respect of six service users. A copy of the report, marked '6', is filed with these minutes.

Mr. Blunt confirmed his support for the proposed exception as this would allow services to continue to be provided without interruption for some very vulnerable individuals.

**RESOLVED:**

That an exception to the Council's Contract Procedure Rules be agreed to enable the Council to enter into a contract with Knighton Manor Limited to provide supported living services to six service users for a maximum period up to 31 March 2021, in line with the special circumstances outlined in the report.

**REASONS FOR DECISION:**

The County Council's Contract Procedure Rules (Part 4G of the Constitution) require that, where the estimated value of a contract exceeds £181,302, formal tenders must be invited.

Where an exception to the Contract Procedure Rules is required for contracts over £181,302, Rule 6(b)(ii) requires that Cabinet approval be obtained to the exception where this is justified on its merits.

It is considered necessary to retain the named provider to meet the needs of six service users for the reasons outlined in this report.

**129. Special Educational Needs and Disabilities Strategy 2017 to 2020.**

The Cabinet considered a report of the Director of Children and Family Services regarding an engagement exercise undertaken by the Children and Family Services Department with a view to developing a joint approach with partners to planning, commissioning and delivering special educational needs and disability services, and which sought approval for the implementation of a new Special Educational Needs and Disabilities Strategy 2017 to 2020. A copy of the report, marked '7', is filed with these minutes.

The Cabinet noted comments received from Mr. S. D. Sheahan CC, a copy of which is filed with these minutes.

Mr. Ould welcomed the development of a joint approach with partners and confirmed that whilst the Strategy addressed service and financial pressures, it had been driven by feedback from service users, in particular parents, who had been clear on what support they required.

Mrs. Posnett also supported the new Strategy and the recognition given to the needs of service users as identified by them and their parents.

In response to questions raised, the Director confirmed that the number of exclusions from special schools in Leicestershire were exceptionally low. The Authority had a good behavioural partnership arrangement with schools in the area which enabled pupils experiencing difficulties to be moved to another local school which better met their needs, thus avoiding the need for exclusions.

**RESOLVED:**

- (a) That the outcome of the engagement exercise be noted;

- (b) That the Special Educational Needs and Disabilities Strategy 2017 – 2020 attached as Appendix A to the report, be approved;
- (c) That the Director of Children and Family Services, following consultation with the Cabinet Lead Member, be authorised to make minor amendments to the Special Educational Needs and Disabilities Strategy 2017 - 2020 as he considers necessary to ensure this remains current and conforms to legislation and good practice.

(KEY DECISION)

REASONS FOR DECISION:

To approve the Special Educational Needs and Disabilities (SEND) Strategy 2017 -2020 which will provide the basis for planning, commissioning and delivering SEND services and support by the Council and its partners for children and young people living in Leicestershire over the next three years.

To ensure the Council continues to meet its statutory duties under the Children and Families Act 2014 and any future legislation or good practice that comes in to force.

#### 130. NHS Sustainability and Transformation Plan/Partnership

The Cabinet considered a joint report of the Chief Executive and the Director of Adults and Communities regarding the Councils relationship with the NHS in terms of the services already delivered in partnership and the ongoing transformation and integration of health and care in the local area. The report also set out the current position regarding the Council's role in the Sustainability and Transformation (ST) Plan/Partnership, (known as "Better Care Together"), across Leicester, Leicestershire and Rutland. A copy of the report, marked '8', is filed with these minutes.

The Chief Executive in presenting the report highlighted that ST Plans had been introduced by the Government as a means of reducing budget deficits and prioritising integration to reduce pressure on acute care services. However, these had so far proved unsuccessful, largely due to a lack of medium term financial planning by the NHS. He said it had become clear, following discussions with NHS partners, that at a local level the Council could not support the current ST Plan for Leicester, Leicestershire and Rutland due to concerns around governance, the role of local authorities, the NHS financial gap and the lack of detail on how this would be addressed.

The Director of Adults and Communities emphasised that the Council had always prioritised partnership working and had and would continue to invest in health and care integration. However, there were concerns that the ST process could frustrate progress made on health and care integration and he set out a number of examples that demonstrated this.

Mrs. Posnett supported the recommendations and said this was a complex situation dominated by the fact that the NHS did not function in the same way as local authorities and was not subject to the same pressures or the same level of accountability. She said NHS partners had difficulty understanding the Council's need for more robust governance arrangements and that without this the Authority could not support the ST Plan.

Mr. Ould said the difference in culture between local authorities and the NHS meant that a balance needed to be struck to enable matters to move forward and he agreed that the recommendations as detailed in the report did this.

Mr. Rhodes further commented on the difference in financial accountability of the Council and its members and officers compared to NHS managers, and confirmed his support for the recommendations.

#### RESOLVED:

- (a) That the County Council's position that the Sustainability and Transformation (ST) Plan be published as an NHS document, with the County Council as a consultee, be confirmed;
- (b) That the respective roles of the Cabinet, Scrutiny and the Health and Wellbeing Board (as set out in the Appendix to the report) be noted;
- (c) That the County Council continue to work in partnership with the NHS in the delivery of services, where those services are already delivered in partnership, and in the transformation and integration of health, public health and social care in the local area;
- (d) That the level of resource applied to the programme for the integration of health, public health and social care be kept under close review, in the context of the Council's Medium Term Financial Strategy, the Council's Strategic Plan, and the Leicestershire Better Care Fund Plan/pooled budget;
- (e) That the local NHS be advised that it remains the County Council's strong view that an external review of the governance arrangements for the Leicester, Leicestershire and Rutland ST Partnership be undertaken to provide:
  - (i) clarity of decision making and accountability;
  - (ii) a clear definition of the roles of the partners;
  - (iii) effective engagement with democratic processes; and
  - (iv) robust oversight of the delivery of the ST Plan and associated financial savings and changes in NHS expenditure;
- (f) That the County Council's position on accountable care systems/integrated care systems be considered further once the NHS provides more information on the direction of travel nationally and any emerging local response.

#### REASONS FOR DECISION:

The Chief Executive wrote to the local NHS in December 2017 to advise that the County Council, as a member of the Better Care Together Partnership, would not want its name or logo accompanying the publication of a further draft ST Plan in 2018. Specific concerns existed about the lack of detail in respect of proposals for NHS service changes and spending reductions to close the local funding gap (£400 million) and separately about the overall ST Plan and Partnership governance arrangements. The County Council requested an externally-led review of those arrangements.

The County Council has a significant role in the delivery of care and support to citizens through its social care and public health functions and a very good track record in

working alongside NHS partners to improve integrated care to date. It should therefore remain a high priority for the Council that the areas of core business that interface with the NHS, including delivering new models of care, continue to benefit from good operational and strategic leadership, backed by appropriate governance.

The County Council's MTFS and Strategic Plan have been refreshed for 2018/19 and programme resources and workplans for individual Council priorities are in the process of being finalised.

In September 2017 a joint letter was sent to the NHS locally from the Chairs at the time of the three LLR Health and Wellbeing Boards, setting out concerns that any proposal to develop an accountable care organisation (later called accountable care system or integrated care system) would make an already complex set of health system governance arrangements even less clear. It is, however, expected that the three local authorities will be engaged on any further proposals, in line with the changes in the governance arrangements for the ST Partnership as a whole.

131. Consultations on the Draft National Policy Statement for Geological Disposal Infrastructure and Working with Communities.

The Cabinet considered a report of the Chief Executive regarding the Council's proposed response to two consultation documents issued by the Department for Business, Energy and Industrial Strategy relating to the geological disposal of higher activity radioactive waste. A copy of the report, marked '9', is filed with these minutes.

The Cabinet noted the comments received from Mr. M. Hunt CC on behalf of the Labour group, a copy of which is filed with these minutes.

The Director confirmed that the consultations were not site specific and no proposals had been made which specifically related to Leicestershire.

Mrs. Richardson CC said this would be a sensitive issue for communities if a case ever arose and the Council's response to the consultation was therefore important to help ensure the Government's community engagement processes were robust.

RESOLVED:

That the responses to two consultation documents relating to the geological disposal of higher activity radioactive waste as set out in Appendices A and B to the report, be approved for submission to the Department for Business, Energy and Industrial Strategy.

REASONS FOR DECISION:

The long term disposal of higher activity radioactive waste is an important national issue and these two consultations offer an opportunity for the Council to comment on the Government's proposals for managing the process of selecting where the disposal will take place and the subsequent approval of the selected site or sites.

132. Developer Contributions towards County Council Services - Update.

The Cabinet considered a report of the Chief Executive which provided an update regarding concerns that the Council's reasonable expectations of receiving developer

contributions to meet demands placed on services created by developments across the County were being met. A copy of the report, marked '10', is filed with these minutes.

The Chief Executive said that since publication of the report, North West Leicestershire District Council had confirmed that the developer contribution requested by the County Council for education purposes in respect of the development at Breedon Nurseries, would be reduced by £44,201 and not £71,012 as first anticipated. This would result in funding of £53,622 being received, rather than £97,823 as requested.

Mr. Ould emphasised the need for district councils to support the County Council when it sought developer contributions and agreed this was an ongoing issue that should continue to be monitored.

**RESOLVED:**

That the update be noted and that progress on Developer Contributions continue to be monitored.

**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 development via developer contributions 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.

2.00 - 2.40 pm  
10 April 2018

CHAIRMAN