

Minutes of a meeting of the Cabinet held at County Hall, Glenfield on Friday, 24 May 2019.

PRESENT

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

Mr. R. Blunt CC
Mr. L. Breckon JP CC
Mr. I. D. Ould OBE CC
Mr. B. L. Pain CC

Mr. J. B. Rhodes CC
Mrs H. L. Richardson CC
Mr. R. J. Shepherd CC

In attendance

Mrs. C. M. Radford CC, Mr. T. J. Pendleton CC, Mrs. D. Taylor CC, Mr. P. Bedford CC, Mr. S. J. Galton CC, Mrs. R. Page CC

267. Chairman's Announcements.

The Chairman thanked Mrs. Pam Posnett CC for her work for the Cabinet over a number of years, and welcomed Mr. Lee Breckon CC to the Cabinet as the Lead Member for Health.

The Chairman announced that the Prime Minister, Theresa May, had formally resigned, and acknowledged the service that she had given to the Country.

268. Minutes of the previous meeting.

The minutes of the meeting held on 29 March 2019 were taken as read, confirmed and signed.

269. Urgent Items.

There were no urgent items for consideration.

270. Declarations of interest.

Mr. Rushton CC, Mrs. Richardson CC, Mr. Shepherd CC, Mr. Breckon CC, Mr. Blunt CC each declared a personal interest in agenda item 8 (Supporting Growth in Leicestershire) as members of district councils.

271. Special Educational Needs and Disabilities Provision - Results of Consultation on the Development of New Provisions (High Needs Block Development Plan).

The Cabinet considered a report of the Director of Children and Family Services concerning the outcome of the public consultation on the development of local Special Educational Needs and Disabilities provision as part of the High Needs Block Development Plan and the outcome of the publication of the Statutory Notice for the development of new provisions in maintained schools. The report also sought agreement for the Director to determine the Statutory Notice, and to agree a shortlist of potential

academy trusts to be recommended to the Regional Schools Commissioner. A copy of the report, marked "Agenda Item 4" is filed with these minutes.

Mr. Ould highlighted the urgent need to increase SEND provision across the County. He was pleased at the extent of parental support for the proposals, noting the benefits for children of being educated in their local community.

Mr. Rhodes added that he hoped the cost of the additional statutory provision would be met by the Department for Education.

RESOLVED:

- (a) That the online and written responses to the consultation, and feedback given through public meetings, in particular the high level of support received for the development of new Special Educational Needs and Disabilities provisions, be noted;
- (b) That the Director of Children and Family Services be requested to take the views of the Children and Families Overview and Scrutiny Committee (due to meet on 4 June) into account in developing the provision;
- (c) That the fact that there have been no objections made to the Statutory Notice (published on 4 April 2019) setting out proposals for the development of new SEND provision in maintained schools be noted;
- (d) That the Director of Children and Family Services, following consultation with the Cabinet Lead Member for Children, Families and Safer Communities, be authorised to agree a shortlist of potential academy trusts to be recommended to the Department for Education (Regional Schools Commissioner) for a decision on a preferred Trust to operate the new 80-place Communication and Interaction school to open in Barwell in September 2020.

(KEY DECISION)

REASONS FOR DECISION:

The public consultation exercise closed on 31 March and has received a very positive response. Consideration of the responses received is helping to further guide the development of the new SEND provisions and provide assurance for the Council that the actions proposed are appropriate. The Children and Families Overview and Scrutiny Committee will receive a report on the proposals on 4 June 2019.

Seeking expressions of interest from suitable academy proposers (sponsors) to operate the new Communication and Interaction school in Barwell, is in keeping with the requirements placed upon the Council by section 6A (the Free School Presumption) of the Education and Inspections Act 2006, as introduced by the Education Act 2011.

Authorising the Director to decide on the shortlist of potential academy sponsors to be recommended to the Regional Schools Commissioner, will enable an early decision to be taken, to ensure that the process for the new school remains on schedule for September 2020 opening.

272. Supporting Children in Care and Care Leavers in Leicestershire.

The Cabinet considered a report of the Director of Children and Family Services concerning the new arrangements for supporting care leavers in Leicestershire. A copy of the report, marked "Agenda Item 5" is filed with these minutes.

Mr. Ould said that it was important for the Council, as Corporate Parent, to support care leavers to become independent, as any parent would do. He had attended the launch event of 'The Promise' and supported the work that had been developed. He expressed concern however, that legislation had greatly extended local authorities' responsibilities without appropriate levels of Government funding in place.

RESOLVED:

- a) That the approach to supporting Care Leavers as outlined in the report be agreed, noting in particular:
 - *The Promise*, setting out the Council's commitment,
 - *The Care Leavers Offer*, of support available,
 - *The Care Leavers Covenant*, from the private, public and voluntary sectors in Leicestershire, and
 - *The draft Care Leavers Protocol (housing)*, to help address accommodation related needs;
- b) That the ongoing development of closer working relationships with partners including district councils, local businesses, and the voluntary and community sector to improve outcomes for Care Leavers be welcomed;
- c) That the agreement reached with district councils for Care Leavers to be eligible for 100% Council Tax Support up to the age of 25 be welcomed.

REASONS FOR DECISION:

The County Council is the 'corporate parent' for children and young people in care and seeks to do all it can to ensure that they, and every young person leaving its care, has the same support and opportunities available to others.

Legislation and guidance emphasise that corporate parenting is a role that needs to be shared not only across the whole of the Council but with other partners in the local authority area, such as district councils (which have responsibilities as the Housing Authorities), the NHS, schools and colleges, and other agencies. Working in partnership with the public, private, and voluntary and community sector will help ensure positive and aspirational outcomes for care leavers in Leicestershire.

It is recognised that young people leaving care frequently face more challenges living independently for the first time. To help mitigate the financial problems for care leavers, all local authorities in Leicestershire have therefore agreed, with effect from 1 April 2019, to waive the requirement for Care Leavers to pay Council Tax until after the age of 25.

273. New Multi-Agency Children's Safeguarding Arrangements.

The Cabinet considered a report of the Director of Children and Family Services concerning the proposals for the new multi-agency safeguarding arrangements for children. A copy of the report, marked "Agenda Item 6" is filed with these minutes.

Mr. Ould commended the proposals and said that he would take a keen interest in their development.

RESOLVED:

That the approach to the new multi-agency safeguarding partnership arrangements for children to be known as Leicestershire and Rutland Safeguarding Children Partnership be approved.

REASONS FOR DECISION:

It is a requirement for all local authority areas to have in place by the end of September 2019, multi-agency partnership arrangements to safeguard and promote the welfare of all children. It is also a requirement to publish these arrangements by 29 June 2019.

274. Agreement with Leicester City Council to Delegate Certain Functions under the Care and Mental Health Acts Outside of Office Hours.

The Cabinet considered a report of the Director of Adults and Communities which sought approval to delegate certain statutory functions under the Mental Health Act 1983 and the Care Act 2014 to Leicester City Council. A copy of the report, marked "Agenda Item 7" is filed with these minutes.

Mr. Blunt said the proposals outlined a sensible and cost-effective approach to the delivery of the out-of-hours service by the Emergency Duty Team.

RESOLVED:

- a) That, in accordance with Section 9EA of the Local Government Act 2000 and The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 and all other enabling powers, the statutory functions of the County Council in respect of
 - i. enquiries pursuant to Section 42 of the Care Act 2014 in respect of safeguarding adults from abuse, and
 - ii. carrying out the statutory duties of Approved Mental Health Act Professionals pursuant to Section 13 of the Mental Health Act 1983

be delegated to Leicester City Council during the following hours:

- i. Monday to Thursday before 08:30 and after 17:00
- ii. Fridays before 08:30 and after 16:30
- iii. Saturdays, Sundays, and public and bank holidays;

- b) That the Director of Adults and Communities in consultation with the Director of Law and Governance be authorised to enter into an agreement with Leicester City Council under Section 9EA of the Local Government Act 2000 to ensure the effective operation of the delegated functions.

REASONS FOR DECISION:

The County Council has a statutory duty for safeguarding adults under Section 42 of the Care Act and to provide Approved Mental Health Act Professionals to undertake assessments for people of all ages under the Mental Health Act. As the number of issues that arise outside of normal office hours is relatively low it is sensible and cost-effective for Leicester City Council to carry out this function on the County Council's behalf.

A new agreement is required to accurately reflect the functions the City Council would be providing on the County Council's behalf.

275. Supporting Growth in Leicestershire.

The Cabinet considered a joint report of the Director of Corporate Resources and the Chief Executive concerning the significant housing and business growth planned across Leicestershire, the infrastructure required to support this and seeking support for the steps being taken to address these challenges at a local and national level. A copy of the report, marked "Agenda Item 8" is filed with these minutes.

Members noted the comments of Mr. D. C. Bill MBE CC, submitted on behalf of the Liberal Democrat Group, a copy of which is filed with these minutes.

Mr. Rushton said that a co-ordinated approach was essential to deal with the predicted growth and to meet the needs of an ageing population and increasing demand at a time of very significant financial challenge for the Council. He emphasised the need to plan ahead for Leicestershire's future, to ensure that infrastructure such as roads, green spaces, and community facilities were in place at the right time.

Mr. Rhodes noted that significant funding was needed to support forecasted expansion and growth. Whilst the Council had had considerable success in bidding for Government funding this could not be guaranteed and the level of developer contributions was uncertain. He hoped that Council Tax income generated via housing development could be earmarked to support growth.

RESOLVED:

- (a) That the significant forecasted population growth across Leicestershire, the consequential economic and housing growth planned to support this, and the financial risks faced by the County Council as the major infrastructure provider in the area, be noted;
- (b) That the Council continues to press Government to ensure that the infrastructure required to make a success of its growth agenda is adequately and fairly funded;
- (c) That in light of issues arising from the funding of the Melton Mowbray Distributor Road and the Melton North and South Sustainable Neighbourhoods, including funding through developer contributions, the need for a cost-sharing agreement with district councils to enable the County Council to forward fund the significant

infrastructure costs through the use of additional tax revenues be supported;

- (d) That the report be drawn to the attention of the Strategic Planning Group with the intention for sharing with the Member Advisory Planning Group for Leicester and Leicestershire (which has overseen the production of the Strategic Growth Plan);
- (e) That the intention to establish a Growth Unit within the Chief Executive's Department to strengthen the Council's internal co-ordination and management of growth projects together with the demands placed on available capacity within Environment and Transport and Children and Family Services departments to ensure timely response to growth matters, be noted.

REASONS FOR DECISION:

The financial risks faced by the County Council in delivering the infrastructure necessary to support growth in the County are significant. The introduction of cost/risk sharing arrangements with district councils, maximising developer contributions and increased income, will help to better manage these risks and share these in a way that is proportionate and fair.

The Government's approach to the allocation of growth income e.g. council tax, business rates, new homes bonus, grant funding etc., is having a detrimental effect on those authorities responsible for delivering growth related infrastructure. The Council's ability to support and finance local growth needs is likely to be affected unless there is a change in approach at a national level.

The establishment of a central Growth Unit will ensure that public services are effectively planned over the short, medium and long term across Leicestershire and that risks associated with the Council's financial contribution to large scale growth and infrastructure projects remain tightly managed.

Ensuring that developers make appropriate contributions to mitigate the consequences of their developments via developer contributions is essential if communities are not disadvantaged and to avoid the Council being put under excessive financial demands which it will not be able to meet.

276. Medium Term Financial Strategy 2020/21 - 2023/24 Proposals for Consultation.

The Cabinet considered a report of the Director of Corporate Resources seeking approval for the proposed approach to a widespread public, stakeholder and staff consultation on the County Council's future financial priorities. A copy of the report, marked "Agenda Item 9" is filed with these minutes.

Mr. Rushton highlighted that the Council had made huge changes in the way it worked in recent years and it was important that as many people as possible be consulted on the next MTFs. He added that the Council's declaration of a climate change emergency would affect the delivery of its services.

Mr. Rhodes said that he would be working with Directors over the coming months to draw up budgets and added that it was important that the Council's financial position and priorities were shared with the public, as there were still considerable savings to be made.

RESOLVED:

- (a) That the significant financial challenge faced by the County Council, be noted;
- (b) That the plan for a comprehensive public, stakeholder, and staff consultation on the Medium Term Financial Strategy as set out in the appendix to the report, be approved.

(KEY DECISION)

REASONS FOR DECISION:

To ensure that stakeholders' views are incorporated into the Council's future financial plans.

To enable the development of the 2020/21 to 2023/24 Medium Term Financial Strategy for consideration by the Council in February 2020.

277. Annual Treasury Management Report 2018 - 19.

The Cabinet considered a report of the Director of Corporate Resources concerning the action taken and the performance achieved in respect of the treasury management activities of the Council in 2018/19. A copy of the report, marked "Agenda Item 10" is filed with these minutes.

Mr. Rhodes commended the Corporate Governance Committee who had worked with officers to maintain control of the finances.

RESOLVED:

That the report be noted.

REASONS FOR DECISION:

The Authority's full adoption of the CIPFA Code of Practice for treasury management requires an annual report on Treasury Management activity and performance to be considered by both the Cabinet and the Corporate Governance Committee before the end of September each year.

278. 2018/19 Provisional Revenue and Capital Outturn.

The Cabinet considered a report of the Director of Corporate Resources concerning the provisional revenue and capital outturn for 2018/19 and seeking approval for additional commitments set out in the report. A copy of the report, marked "Agenda Item 11" is filed with these minutes.

Members noted that the Council's Carbon Reduction Commitment also had benefits for its budget, for example, a significant fall in CO₂ tonnages resulting from the installation of LED street lighting.

Mr. Rhodes commended officers' efforts to keep expenditure under control.

RESOLVED:

- (a) That the 2018/19 provisional revenue and capital outturn be noted;
- (b) That the additional commitments, as set out in paragraphs 51 and 52 of the report, be approved;
- (c) That the prudential indicators for 2018/19 as shown in Appendix E to the report, be noted.

(KEY DECISION)

REASONS FOR DECISION:

To note the provisional revenue and capital outturn for 2018/19, and to set aside funding for additional commitments.

279. Zouch Bridge Replacement.

The Cabinet considered a report of the Director of Environment and Transport concerning the necessary replacement of Zouch Bridge and seeking approval for the provision of the required funds to build the new bridge. A copy of the report, marked "Agenda Item 12" is filed with these minutes.

The Director assured members that a regular inspection programme was in place of all 300 bridges and structures maintained by the Council (none of which currently required major work on the scale required for Zouch Bridge).

Mr. Pain noted that the A6006 was a key route for the local economy and a new bridge on land to the south would keep disruption to a minimum.

RESOLVED:

- a) That Option A, to replace the existing Zouch Bridge with a new bridge on land to the south, be approved;
- b) That additional funding of £5.548m required to construct a new bridge, over and above the £3.1m already allocated in the Medium Term Financial Strategy, be identified through Environment and Transport Department reserves and the Department's existing capital programme;
- c) That it be noted that continued monitoring of the Bridge will be undertaken to ensure safety.

(KEY DECISION)

REASONS FOR DECISION:

Continued monitoring of, and repairs to, Zouch Bridge combined with reactive weight restrictions (weight limits, lane closures and/or road closure) where necessary may suffice to keep it open for the next few years, but the Bridge is nearing the end of its useful life and needs to be replaced.

Replacement of the Bridge with a new structure to the south will avoid serious adverse impact on Leicestershire's road network, minimising disruption to traffic and business, and doing this at the earliest opportunity should enable the project to be completed before reactive weight restrictions are required.

To ensure that any safety risks associated with the ageing bridge are identified and addressed.

OTHER OPTIONS CONSIDERED:

The following 3 options were considered:

Option A – replacing the existing bridge with a new bridge to the south;

Option B – continuing with reactive maintenance to the concrete; monitoring the bridge and carrying out repairs as required;

Option C – imposing weight restrictions, by way of limiting vehicle weights, closing lanes, or closing the road, as necessary.

280. Enforcement Programme for Underage Sales of Tobacco Products, Nicotine Products and Aerosol Paint Products 2019 - 2020.

The Cabinet considered a report by the Chief Executive seeking approval of the proposed enforcement programmes for underage sales of tobacco and nicotine products for 2019/20. A copy of the report, marked "Agenda Item 13" is filed with these minutes.

Members were informed that Leicestershire Police led the enforcement programme for the sale of knives; the Council worked in partnership with them.

RESOLVED:

That the 2019/2020 Enforcement Programmes for Underage Sales of Tobacco and Nicotine Products and Aerosol Paint Products set out in Appendices A and B to the report, be approved.

REASONS FOR DECISION:

To enable the County Council to meet its statutory obligation under Section 5(1) of the Children and Young Persons (Protection from Tobacco) Act 1991 (as amended) and Section 54A of the Anti-Social Behaviour Act 2003.

281. Regulation of Investigatory Powers Act 2000 and the Investigatory Powers Act 2016 - Review of Policy Statement.

The Cabinet considered a report of the Director of Law and Governance regarding the Council's use of the Regulation of Investigatory Powers Act 2000 from 1 October 2017 to 1 May 2019 and seeking approval for the revised Policy Statement. A copy of the report, marked "Agenda Item 14" is filed with these minutes.

RESOLVED:

- a) That the County Council's use of the Regulation of Investigatory Powers Act 2000 (RIPA) for the period from 1 October 2017 to 1 May 2019 be noted.
- b) That the revised Covert Surveillance and the Acquisition of Communications Data Policy Statement attached, set out in the Appendix to the report, be approved.

REASONS FOR DECISION:

The Codes of Practice made under RIPA require elected members of a local authority to review the Authority's use of RIPA and set the Policy at least once a year. Changes in legislation affecting the acquisition of communications data by local authorities are to be introduced imminently and have resulted in the need to update the Council's current Policy Statement.

282. Items referred from Overview and Scrutiny.

There were no items referred from Overview and Scrutiny.

11.00 am - 12.13 pm
24 May 2019

CHAIRMAN