

Minutes of a meeting of the Cabinet held at County Hall, Glenfield on Friday, 7 February 2020.

PRESENT

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

Mr. R. Blunt CC

Mr. B. L. Pain CC

Mr. L. Breckon JP CC

Mrs H. L. Richardson CC

Mr. I. D. Ould OBE CC

Mr. R. J. Shepherd CC

In attendance.

Mrs D. Taylor CC, Dr. T. Eynon CC, Mr. S. J. Galton CC, Mrs R. Page CC

Apologies

Mr. T. J. Pendleton CC and Mr. J. B. Rhodes CC

366. Minutes of the previous meeting.

The minutes of the meeting held on 17 December 2019 were taken as read, confirmed and signed.

367. Urgent items.

There were no urgent items for consideration.

368. Declarations of interest.

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

Mr. B. L. Pain CC declared a personal interest in agenda item 6 (Provisional Medium Term Financial Strategy 2020/21-2023/24) with regard to passenger transport issues as relatives owned a local taxi company.

369. Leicestershire's Policy on Admissions to Mainstream Schools: Determination of Admission Arrangements.

The Cabinet considered a report of the Director of Children and Family Services regarding the outcome of the consultation on the revised Leicestershire School Admissions Policy (along with the Oversubscription Criteria and the three co-ordinated admission schemes), and changes to primary school catchment areas in Whetstone, Countesthorpe, and Ashby de la Zouch. A copy of the report, marked 'Agenda item 4', is filed with these minutes.

Mr. Ould CC said that he was satisfied that the changes would ensure that the admissions policies were coherent, fair, and would be applied consistently.

RESOLVED:

- (a) That the outcome of the public consultation on the revised Leicestershire School Admissions Policy and changes to primary school catchment areas in Whetstone, Countesthorpe, and Ashby de la Zouch be noted;
- (b) That the Leicestershire School Admissions Policy for entry from September 2021, the revised Leicestershire Oversubscription Criteria, and the three co-ordinated admission schemes, as detailed in Appendix A to the report, be approved;
- (c) That the changes to the school catchment areas in Whetstone, Countesthorpe and Ashby de la Zouch, as detailed in Appendix B to the report, be approved.

(KEY DECISION)

REASONS FOR DECISION:

The School Standards and Framework Act 1988 places an obligation on the County Council to determine the admission arrangements for community and voluntary controlled schools in Leicestershire. As the admitting authority the Council is required to determine the admission arrangements for schools in Leicestershire from September 2021 by 28 February 2020.

The School Admissions Policy required updating, for example, to align with the approach taken by other admitting authorities and to remove obsolete wording.

The revised primary school catchment areas in Whetstone, Countesthorpe, and Ashby will better align schools to new communities as result of recent housing development. The changes will help improve diversity and choice for parents. They will also ensure schools do not become overburdened and keep the number of applications likely to be refused low.

370. International Holocaust Remembrance Alliance Definition of Antisemitism.

The Cabinet considered a report of the Director of Children and Family Services and the Chief Executive concerning the adoption of the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism. A copy of the report, marked 'Agenda item 5', is filed with these minutes.

Mrs Richardson CC said that hate crime of any sort was unacceptable. Adoption of the definition would help the Council in tackling antisemitism and reassuring the community that it was taken very seriously.

RESOLVED:

- (a) That the IHRA working definition of antisemitism be adopted by Leicestershire County Council;
- (b) That the Secretary of State for Housing, Communities and Local Government be advised that the Council has adopted the definition.

REASONS FOR DECISION:

Adoption of the IHRA definition will support the Council to deliver the requirements of the Equality Act 2010. The Secretary of State for Housing Communities and Local Government has requested that all Councils in England consider adopting this definition.

371. Provisional Medium Term Financial Strategy 2020/21 to 2023/24.

The Cabinet considered a report of the Director of Corporate Resources regarding the Council's proposed 2020/21 to 2023/24 Medium Term Financial Strategy (MTFS), following consideration of the draft MTFS by the Cabinet in December 2019 and the Overview and Scrutiny bodies in January and receipt of the Local Government Finance Settlement. A copy of the report, marked 'Agenda item 6', is filed with these minutes.

The Director reminded members that the final Settlement was still awaited but was not expected to change substantially from the provisional version.

The Leader and Mr. Shepherd CC commended Mr. Rhodes' commitment as the Cabinet Lead Member for finance and resources and thanked the Overview and Scrutiny bodies for their input. They noted that the Council still faced huge financial challenges and the many uncertainties, detailed in the report, were making it difficult to plan for the next four years.

RESOLVED:

- (i) That the comments of the Overview and Scrutiny Committees and the Scrutiny Commission set out in Appendix O to the report be noted;
- (ii) That the following be recommended to the County Council:
  - (a) That subject to the items below, approval be given to the Medium Term Financial Strategy which incorporates the recommended revenue budget for 2020/21 totalling £390m as set out in Appendices A, B and D of the 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 2021/22, 2022/23, and 2023/24, 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 and human rights impact assessments, as may be necessary towards achieving the savings specified for those years including savings under development;
  - (c) That approval be 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 Corporate Resources agreeing to funding being available;
  - (d) That the level of earmarked funds as set out in Appendix J be noted and the use of those earmarked funds as indicated in that appendix 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 2020/21 as set out in Appendix L (including 2% for the adult social care precept) be approved;

- (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 2020/21 to 2023/24 capital programme as set out in Appendix E;
- (h) That the Director of Corporate Resources following consultation with the Lead Member for Resources be authorised to approve new capital schemes, including revenue costs associated with their delivery, shown as future developments in the capital programme, to be funded from funding available;
- (i) That the financial indicators required under the Prudential Code included in Appendix M, Annex 2 be noted and that the following limits be approved:

	2020/21 £m	2021/22 £m	2022/23 £m	2023/24 £m
Operational boundary for external debt				
i) Borrowing	264	264	263	263
ii) Other long term liabilities	1	1	1	1
<b>TOTAL</b>	<b>265</b>	<b>265</b>	<b>264</b>	<b>264</b>
Authorised limit for external debt				
i) Borrowing	274	274	273	273
ii) Other long term liabilities	1	1	1	1
<b>TOTAL</b>	<b>275</b>	<b>275</b>	<b>274</b>	<b>274</b>

- (j) That the Director of Corporate Resources be authorised to effect movement within the authorised limit for external debt between borrowing and other long-term liabilities;
- (k) That the following borrowing limits be approved for the period 2020/21 to 2023/24:
- (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>
	%	%
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

- (l) That the Director of Corporate Resources be authorised to enter into such loans or undertake such arrangements as necessary to finance capital payments in 2020/21, subject to the prudential limits in Appendix M;
- (m) That the Treasury Management Strategy Statement and the Annual Investment Strategy for 2020/21, as set out in Appendix M, be approved including:

- (i) the Treasury Management Policy Statement; Appendix M, Annex 4;
  - (ii) the Annual Statement of the Annual Minimum Revenue Provision as set out in Appendix M, Annex 1;
- (n) That the Capital Strategy (Appendix F), Corporate Asset Investment Fund Strategy (Appendix G), Risk Management Policy and Strategy (Appendix H), Earmarked Funds Policy (Appendix I), and Insurance Policy (Appendix K) be approved;
- (o) That it be noted that the Leicester and Leicestershire Business Rate Pool will continue for 2020/21;
- (iii) That the Director of Corporate Resources following consultation with the Cabinet Lead Member for Resources be authorised to make any changes to the provisional MTFs which may be required as a result of issues arising between the Cabinet and County Council meetings, noting that any changes will be reported to the County Council on 19 February;
- (iv) That it be noted that following the enactment of the relevant legislation a report will be presented to the Council's Constitution Committee and thereafter to the County Council regarding the proposed addition to the County Council's Constitution (Part 2, Article 12.04) to confirm that the Director of Corporate Resources, as the Chief Financial Officer, is the Responsible Officer for the Leicestershire County Council Local Government Pension Scheme;
- (v) That the Leicestershire School Funding Formula be amended to reflect two additional funding factors - sparsity and pupil mobility - for 2020/21.

(KEY DECISION)

REASONS FOR DECISION:

To enable the County Council to meet its statutory requirements with respect to setting a budget and Council Tax precept for 2020/21, to allow efficient financial administration during 2020/21 and to provide a basis for the planning of services over the next four years.

The amendment to the Leicestershire School Funding Formula, consultation on which took place in autumn 2019, will ensure that it fully reflects the National Funding Formula.

### 372. Commissioning and Procurement of Home Care Service Post-November 2020.

The Cabinet considered a report of the Director of Adults and Communities concerning the procurement of Home Care services in Leicestershire after November 2020. A copy of the report, marked 'Agenda item 7', is filed with these minutes.

Members noted the comments of the Adults and Communities Overview and Scrutiny Committee, a copy of which is filed with these minutes.

Mr. Blunt CC said that the Council had learnt from its experience in commissioning the current service and a number of changes were now proposed which better reflected realities for service providers. It was a very complex piece of work and still subject to further consideration by the Clinical Commissioning Groups.

RESOLVED:

- (a) That the proposals for the new Home Care service, to be commissioned jointly with the West Leicestershire and East Leicestershire and Rutland Clinical Commissioning Groups (CCGs), be approved;
- (b) That, in the event of the CCGs' Governing Bodies not agreeing to the procurement proposals for the new Home Care service, the Director of Adults and Communities, following consultation with the Lead Member for Adult Social Care, be authorised to agree any changes to the proposals that do not fundamentally affect the procurement of the new Home Care service;
- (c) That, in the event that the CCGs' Governing Bodies request changes that would fundamentally affect the procurement proposals, the Director of Adults and Communities, following consultation with the Lead Member for Adult Social Care, be authorised to determine if the Council should proceed alone to procure the new Home Care service or whether a further report will be submitted to the Cabinet.

(KEY DECISION)

REASONS FOR DECISION:

To enable the procurement process to commence. The current framework agreement will expire no later than November 2020 and a new service will be required to provide home care in Leicestershire.

The proposals for the new service aim to address some issues with the current service and thus incentivise providers to pick up packages of care in a timelier way across the County, including the more rural and remote areas.

Both the current and proposed frameworks are jointly commissioned services with the West Leicestershire and East Leicestershire and Rutland CCGs, with the County Council acting as lead commissioner on their behalf. A financial reconciliation process to claim back their contributions forms/will form a part of the Section 75 Agreement between the parties involved.

The next scheduled meetings of the CCGs' Governing Bodies fall after the Cabinet meeting and whilst representatives have and are currently involved in defining and designing the new service, it is possible that their governing bodies may not agree with all of the proposals presented and request changes to be made. These changes could be significant or relatively minor and the recommendations set out above take both of these scenarios into account.

Any delay to the commencement of the procurement process could result in the Council being unable to begin implementation of the new contracts before the existing contracts expire, resulting in an extension to current contractual arrangements being required.

373. Fair Outcomes Policy for Adult Social Care.

The Cabinet considered a report of the Director of Adults and Communities regarding the Fair Outcomes Policy which set out the Council's approach to providing adult social care services. A copy of the report, marked 'Agenda item 8', is filed with these minutes.

RESOLVED:

That the Fair Outcomes Policy for Adult Social Care 2020 be approved.

REASONS FOR DECISION:

To ensure that the Council's policy is current and legally compliant. The Fair Outcomes Policy updates the Cost Effective Care Policy 2015, outlining the County Council's approach to sourcing the best possible solution for an adult social care service user, and ensuring that a person's wellbeing is considered alongside the cost of the proposed care and support.

374. Leicester and Leicestershire Strategic Transport Priorities 2020 to 2050.

The Cabinet considered a report of the Director of Environment and Transport concerning the development of and proposed consultation on the draft Leicester and Leicestershire Strategic Transport Priorities (LLSTP) document which had been prepared in partnership with Leicester City Council. A copy of the report, marked 'Agenda item 9', is filed with these minutes.

Members noted comments from Mr. Max Hunt CC, Labour Spokesperson on the Environment and Transport Overview and Scrutiny Committee, a copy of which is filed with these minutes. The Chairman noted that these comments would feed into the consultation exercise and asked the Director to reply directly to Mr. Hunt on specific points as appropriate.

Mr. Pain CC said that the LLSTP sought to provide a high-level approach; other specific plans and strategies would set out detailed proposals for individual schemes.

RESOLVED:

- (a) That the draft Leicestershire Strategic Transport Priorities 2020-2050 document be approved for consultation;
- (b) That it be noted that a further report will be submitted to the Cabinet in Summer 2020 presenting the outcome of the consultation and seeking approval for the final version of the LLSTP.

REASONS FOR DECISION:

The development of the LLSTP establishes the narrative for the key long-term transport priorities for the future development and prosperity of Leicester and Leicestershire. It highlights where the two transport authorities will work together to deliver common transport aims and objectives, including those in support of the Leicester and Leicestershire Strategic Growth Plan. This will support the delivery of growth in ways that seek to improve connectivity, reduce congestion and minimise environmental impacts.

Engagement and consultation with stakeholders are an important part of the process for developing new policies. This helps to ensure that the Authority's policies take account of customer expectations and delivers the most appropriate service levels, consistent with the budget available.

375. Barwell Sustainable Urban Extension Planning Application.

The Cabinet considered a report of the Chief Executive, Director of Corporate Resources, and Director of Law and Governance regarding matters relating to the planning application for the Barwell Sustainable Urban Extension (SUE) and completion of the related Section 106 agreement. A copy of the report, marked 'Agenda item 10', is filed with these minutes.

Members noted comments from Mr. D.C. Bill MBE, CC, a copy of which is filed with these minutes.

The Leader said that it was essential that the necessary funding was provided for infrastructure and noted that the development would help ensure that Hinckley and Bosworth Borough Council met its five-year housing land supply commitment.

RESOLVED:

- (a) That the progress made since the Cabinet meeting on 17 December 2019 be noted, including:
  - (i) Hinckley and Bosworth Borough Council's Major Projects update to its Planning Committee on 7 January 2020,
  - (ii) Discussions that took place with Hinckley and Bosworth Borough Council's officers on 14 January 2020,
  - (iii) That the updated County Council Consultation responses that have been provided to Hinckley and Bosworth Borough Council by County Council services, and
  - (iv) That it is intended to meet with the developer on 10 February 2020;
- (b) That it be noted the final package of planning obligations towards County Council infrastructure to be included in the Section 106 agreement will be approved by the Director of Law and Governance following consultation with the Cabinet Lead Members for Environment and Transport and Children and Family Services.

REASONS FOR DECISION:

On 17 December 2019 the Cabinet requested that a further report be submitted in February with an update on the outcome of discussions with Hinckley and Bosworth Borough Council.

The S106 agreement is expected to be finalised later in the year once the transport assessment has been updated and revised terms for the agreement have been negotiated with the developer.

Completion of a S106 agreement following the negotiation of its content is a power that is delegated to the Director of Law and Governance. In light of the circumstances relating to the Barwell SUE S106 agreement, the Director will consult with the Cabinet Lead Members identified above before the revised agreement is finalised.



376. Items referred from Overview and Scrutiny.

There were no items referred from Overview and Scrutiny.

11.00 - 11.38 am  
7 February 2020

CHAIRMAN